

THE ILLINOIS DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, IL 60601

IN THE MATTER OF:)
)
ASSOCIATED GENERAL CONTRACTORS OF)
ILLINOIS, ET SIMONDS CO., and UNITED)
CONTRACTORS MIDWEST,)
)
 PETITIONER(S),) STATE FILE NO. 2018-H-AS09-1979
)
v.)
)
 JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
 RESPONDENTS.)

ALJ: CLAUDIA D. MANLEY

ORDER


THIS CAUSE COMING on to be heard on an objection to the Illinois Department of Labor's prevailing wage determinations and request for hearing under Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to a Notice of Hearing, and, 56 Illinois Administrative Code 120.100 -670 all parties having been duly advised on the premises issues this order;

IT IS HEREBY ORDERED THAT:

Upon review of the Consent Decree, attached hereto and made a part hereof, and its terms and conditions entered into between the parties, the Consent Decree is accepted and resolves the dispute between the parties.

This matter is dismissed with prejudice

DATE: 7/20/18

/s/ Claudia D. Manley 
Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
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The Illinois Department of Labor
160 North LaSalle Street - Suite C-1300
Chicago, Illinois 60601

IN THE MATTER OF:)
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ASSOCIATED GENERAL)
CONTRACTORS OF ILLINOIS,)
ET SIMONDS CO., AND UNITED)
CONTRACTORS MIDWEST)
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PETITIONERS,) STATE FILE NO. 2018-H-AS09-1979
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v.) ALJ: CLAUDIA D. MANLEY
)
JOSEPH BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT)
OF LABOR, and THE ILLINOIS)
DEPARTMENT OF LABOR)
)
RESPONDENTS.)

Consent Decree

Joseph Beyer, Director of Labor and the Illinois Department of Labor (“collectively Respondents”) and Associated General Contractors of Illinois, ET Simonds Co., and United Contractors Midwest (“Petitioners”), hereby resolve the above-referenced matter pursuant to 56 Ill. Admin. Code 120.540 as follows:

1. This matter arises under the Illinois Prevailing Wage Act (“IPWA”), 820 ILCS 130/0.01, et seq.
2. Pursuant to Sections 4 and 9 of the IPWA, Petitioners timely filed written and specific objections to the prevailing wage determinations posted by the Illinois Department of Labor (“IDOL”) on its website on August 15, 2017, effective September 1, 2017, and requested a hearing to establish new classification for survey crew members.
3. Pursuant to Section 9 of the IPWA, Respondents scheduled a hearing on Petitioners’ objections and request for a hearing, issued a Notice of Hearing to Petitioners dated September 21, 2017, and provided notice of the hearing to the public by posting the date, time, location, and other pertinent information regarding the Section 9 hearing on IDOL’s official website.
4. On or about November 8, 2017, Petitioners filed a Motion for Leave to Amend Objections, and tendered copies to all parties.

5. On or about November 14, 2017, Chief Administrative Judge Manley granted Petitioners' Motion for Leave to Amend Objections, and accepted Petitioners' Amended Objections.

6. The parties agree that, beginning with the rate schedules IDOL publishes on or before August 15, 2018 based on its June 2018 ascertainment of prevailing wage rates, and on a going-forward basis, IDOL will make the following additions to the rate schedules for the following counties:

a. For the Iron Worker trade in Calhoun County, IDOL will add a Highway type. In the rate schedule for Calhoun County that IDOL publishes on or before August 15, 2018 will publish the following rates for the Iron Worker, Highway type:

\$33.11-\$34.86-\$10.30-\$15.59-\$0.00-\$0.70

b. For the Iron Worker trade in Effingham County, IDOL will add a Highway type. In the rate schedule for Effingham County that IDOL publishes on or before August 15, 2018 will publish the following rates for the Iron Worker, Highway type:

\$33.11-\$34.86-\$10.30-\$15.59-\$0.00-\$0.70

c. For the Cement Mason trade in Knox County, IDOL will add a Highway type. In the rate schedule for Knox County that IDOL publishes on or before August 15, 2018 will publish the following rates for the Cement Mason, Highway type:

\$29.75-\$31.25-\$6.30-\$13.95-\$0.00-\$0.60

d. For the Cement Mason trade in McLean County, IDOL will add a Highway type. In the rate schedule for McLean County that IDOL publishes on or before August 15, 2018 will publish the following rates for the Cement Mason, Highway type:

\$34.43-\$35.68-\$6.30-\$15.85-\$0.00-\$0.60

e. For the Cement Mason trade in Warren County, IDOL will add a Highway type. In the rate schedule for Warren County that IDOL publishes on or before August 15, 2018 will publish the following rates for the Cement Mason, Highway type:

\$29.75-\$31.25-\$6.30-\$13.95-\$0.00-\$0.60

7. The parties agree that:

a. The Decision and Order disposing of this proceeding shall have the same

force and effect as an Order made after a full hearing;

b. The changes discussed herein shall be posted no later than August 15, 2018.

8. The parties waive:

a. Further procedural steps before the Administrative Law Judge; and

b. Any right to challenge or contest the validity of this Consent.

Dated this 16th day of July, 2018.

15 (Benno Weisberg / mbr (by consent))
Benno Weisberg, General Counsel, Illinois Department of Labor

Matthew B. Robinson
Matthew B. Robinson, Attorney for Petitioners
Associated General Contractors of Illinois,
ET Simonds Co., and United Contractors Midwest

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Crystal Jackson, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Notice of Hearing upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Notice of Hearing in Case No. 2018-H-AS09-1979 and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and at 100 W. Randolph Street, Chicago, Illinois on the 23rd day of July, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

AGCI/ET Matt Robinson
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Via messenger:

Benno Weisberg
Illinois Department of Labor
General Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Crystal Jackson
Crystal Jackson, Office Specialist
Illinois Department of Labor