

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

|                                   |   |   |
|-----------------------------------|---|---|
| IN THE MATTER OF:                 | ) |   |
|                                   | ) |   |
| MICHAEL MABUS, as member of the   | ) |   |
| GLAZIERS, LOCAL 27                | ) |   |
|                                   | ) |   |
|                                   | ) |   |
| PETITIONER(S),                    | ) | STATE FILE NO. 2019-H-PK08-2245           |
|                                   | ) |   |
| v.                                | ) | DATE OF NOTICE: <u>September 28, 2018</u> |
|                                   | ) |   |
| JOSEPH BEYER, DIRECTOR OF THE     | ) | CERT. MAIL/RETURN RECEIPT:                |
| ILLINOIS DEPARTMENT OF LABOR, and | ) |   |
| THE ILLINOIS DEPARTMENT OF LABOR, | ) | <u>7017 2620 0001 0467 5617</u>           |
|                                   | ) |   |
| RESPONDENTS.                      | ) |   |
|                                   | ) |   |

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Joseph Beyer, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from Michael Mabus, as member of the Glaziers, Local 27 [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2018, and a request for hearing on those objections pursuant to Section 9 of the Prevailing Wage Act [hereinafter, "IPWA" or "Act"], 820 ILCS 130/0.01 et seq.

Pursuant to the PWA, Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 et seq., and 56 Ill. Admin. Code 120.100 et seq., Respondents will convene a hearing on:

**DATE:** OCTOBER 9, 2018  
**TIME:** 1:00 P.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

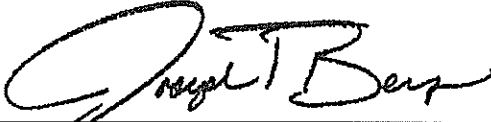
**CLAUDIA MANLEY**  
**ADMINISTRATIVE LAW JUDGE**  
**ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

The hearing involves the written objections and hearing request filed by Petitioner(s), attached hereto and made a part hereof (Exhibit A).

The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records or witnesses necessary to substantiate their position(s) at the hearing.

Pursuant to 56 Illinois Administrative Code 120.640, the administrative law judge shall issue a Decision and Order. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order of the administrative law judge shall automatically become the decision and order of the Director of Labor.

The proceedings are subject to judicial review in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq. The Director of Labor's determination on the objections is final and binding unless a party to this proceeding applies for and obtains judicial review of the final administrative decision in accordance with the provisions of the Administrative Review Law.

A handwritten signature in black ink, appearing to read "Joseph T. Beyer". The signature is written in a cursive style with a large initial "J" and "B".

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Joseph Beyer  
Director of Labor

STATE OF ILLINOIS- DEPARTMENT OF LABOR  
CONCILIATION/MEDIATION DIVISION  
160 N. LASALLE ST. STE. C-1300  
CHICAGO, IL 60601

IN THE MATTER OF: )  
)  
MICHAEL MABUS, as a member of the )  
GLAZIERS LOCAL 27 )  
)  
Petitioners, )  
)  
)  
v. )  
)  
JOSEPH BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
)  
Respondents. )

2019-H-PR08-2245

AUG 30 2018

**EXHIBIT A**

GLAZIERS LOCAL 27  
OBJECTION AND REQUEST FOR SECTION 9 HEARING

Petitioner, MICHAEL MABUS, as a member of GLAZIERS LOCAL 27 (known collectively as the "GLAZIERS LOCAL 27"), by and through their attorney, JOHN J. TOOMEY, of the law firm of ARNOLD AND KADJAN, LLP, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor ("Department") on its website on August 15, 2018, as required by Illinois HB 3044 signed into law on June 16, 2017, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9) for the classification of Glaziers for Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will counties. In support, GLAZIERS LOCAL 27 state further:

1. MICHAEL MABUS ("Mabus") is a member of the International Union of Painters and Allied Trades and its constituent, GLAZIERS LOCAL 27.
2. The IUPAT is a national labor organization consisting of the members of Local Painters, Glaziers and Sign Painter Unions.
3. GLAZIERS LOCAL 27 is an affiliate of the IUPAT which represents Glaziers in the 9 county area of Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties in Illinois.
4. Section 9 of the Illinois Prevailing Wage Act states: "The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS § 130/9.
5. Historically, and as part of the Section 9 Wage determination process, GLAZIERS LOCAL 27 submitted Prevailing Wage Certification Forms to the Department in June, 2018. These materials listed the wage rates and fringe benefits paid to the following Prevailing Wage Classifications: Glaziers in Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties in Illinois.
6. Historically, the Department abided by its statutory obligation to ascertain the prevailing rates in the month of June, and would then post the Prevailing Wage rates for each established classification consistent with the materials provided by GLAZIERS LOCAL 27 described above August 15 of each year effective back to the first date of June of the submission year as amended by HB 3044.

7. In 2018 GLAZIERS LOCAL 27 obtained Prevailing Wage Certification Forms from the Department's official website and submitted the appropriate forms on June 28, 2018 for Glaziers electronically as required by the Department of Labor with the Area Wide Bargaining Agreement and Special Bulletin of rates effective June 1, 2018 through May 31, 2019.

8. On August 15, 2018, the Department posted on its website the 2018 prevailing wage determinations to be effective September 1, 2018 for the Glaziers classification for Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties, Illinois. The rates should have been identical for all nine counties.

9. The Department historically has published the prevailing wage rates with an effective date of June 1 of that corresponding year. However, that effective date has been changed to September 1, 2018 by statute.

10. The information provided by GLAZIERS LOCAL 27 for the 2018 prevailing wage rates for Glaziers is applicable to the time period of June 1, 2018 through May 31, 2019.

11. The August 15, 2018 posted prevailing wage rate set by the Department adopts the previous rate that was in effect for 2017 and not the new rate to be effective September 1, 2018 for the following 6 counties: DuPage, Grundy, Kane, Kankakee, Kendall and Will and omitted any rate for foreman. These counties' rates should be identical to the Cook County 2018 published rate as corrected below.

12. The Department's August 15 published Cook County rates are correct except the Welfare figure should be \$14.17 not \$14.37 as certified.

13. The Department's August 15 published DuPage, Grundy, Kane, Kankakee, Kendall, and Will counties' rates are incorrectly encoded. The rates should be identical to that of Cook County as corrected below. Instead, in those counties the IDOL has substituted the 2017 Glaziers certified wage rates, but has omitted the foreman's rate entirely for each county.

14. The Department's published rate will result in the loss of wages for GLAZIERS LOCAL 27 members as certain collective bargaining agreements between GLAZIERS LOCAL 27 and various employers provide that GLAZIERS LOCAL 27 members will be paid for the period according to the submitted wage and benefit package which is a higher rate than certified by the Department to be effective September 1, 2018.

15. The rates as submitted to the Department of Labor by GLAZIERS LOCAL 27 compared to the certified rate as listed below for Cook County are:

| Cook      | Base Wage | Foreman Wage | MFOT | OSA        | OSH | H/W            | Pension | Vacation | Training   | Total          |
|-----------|-----------|--------------|------|------------|-----|----------------|---------|----------|------------|----------------|
| Certified | \$43.85   | \$45.35      | 1.5  | 2.0        | 2   | \$14.37        | \$21.11 |          | \$ .94     | \$80.27        |
| Submitted | \$43.85   | \$45.35      | 1.5  | 2.0        | 2   | <u>\$14.17</u> | \$21.11 |          | \$ .94     | <u>\$80.07</u> |
|           |           |              |      | Difference |     | -20¢           |         |          | Difference | -20¢           |

16. The rates for DuPage, Grundy, Kane, Kankakee, Kendall, and Will counties were submitted as appears above for Cook County. Those rates should have been certified August 15 as identical to the Cook County rates as corrected for Welfare at \$14.17 per hour.

17. The rates for Lake and McHenry counties are correct and are identical to the rates submitted by GLAZIERS LOCAL 27 on June 28, 2018. All 9 counties should appear at the rates as certified for Lake and McHenry.

WHEREFORE, for the reasons set forth above the Petitioner, MICHAEL MABUS, as a member of the GLAZIERS LOCAL 27, objects to the Prevailing Wage determination posted on the Department's official website on August 15, 2018 and respectfully request a hearing on these objections pursuant to 820 ILCS § 130/9 as these are the rates in effect since June 1, 2018 and are the rates effective on September 1, 2018 as certified for Lake and McHenry counties.

As a remedy, Petitioner seeks that the certified prevailing rates published August 15, 2018 for the Glaziers classification be corrected to appear identical to the certified rates of Lake and McHenry counties and that the rates be corrected as follows :

1. **Cook County:** that the Welfare rate be certified at \$14.17 per hour, not \$14.37.
2. The 2018 certified rates in DuPage, Grundy, Kane, Kankakee, Kendall and Will counties, Illinois be certified as identical to the Lake and McHenry county rates.
3. DuPage, Grundy, Kane, Kankakee, Kendall and Will counties rate as published August 15 be rescinded as in error for using the 2017 certified Glaziers rates and omitting the foreman's rate entirely.

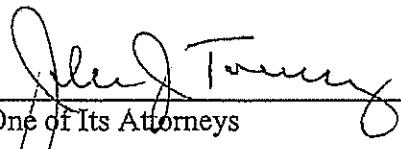
WHEREFORE, Petitioner, MICHAEL MABUS, as a member of the GLAZIERS LOCAL 27, prays the Illinois Department of Labor August 15, 2018 Prevailing Rate certifications be corrected.

August 29, 2018

Respectfully submitted,

MICHAEL MABUS, as a member of the  
GLAZIERS LOCAL 27,

By:

  
\_\_\_\_\_  
One of Its Attorneys

John J. Toomey  
ARNOLD AND KADJAN, LLP  
35 E. Wacker Drive, Suite 600  
Chicago, Illinois 60601  
(312) 236-0415

**CERTIFICATE OF SERVICE**

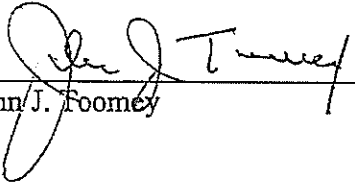
The Undersigned certifies that he caused copies of the foregoing Notice of Filing and Objections and Request for Section 9 Hearing to be served upon the following persons, via hand delivery, this 30th day of August, 2018.

Joseph Beyer  
Director of the Illinois Department of Labor  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

Illinois Department of Labor  
c/o Joseph Beyer, Director  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

and to the following by First Class U.S. Mail, postage prepaid to:

Illinois Department of Labor  
900 S. Spring Street  
Springfield, Illinois 62704

  
\_\_\_\_\_  
John J. Foomey



# **EXHIBIT 1**

HB3044 Enrolled

LRB100 10787 JLS 21018 b

1 AN ACT concerning employment.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Prevailing Wage Act is amended by changing  
5 Section 9 as follows:

6 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

7 Sec. 9. To effectuate the purpose and policy of this Act  
8 each public body shall, during the month of June of each  
9 calendar year, investigate and ascertain the prevailing rate of  
10 wages as defined in this Act and publicly post or keep  
11 available for inspection by any interested party in the main  
12 office of such public body its determination of such prevailing  
13 rate of wage and shall promptly file, no later than July 15 of  
14 each year, a certified copy thereof in the office of the  
15 Illinois Department of Labor.

16 The Department of Labor shall during the month of June of  
17 each calendar year, investigate and ascertain the prevailing  
18 rate of wages for each county in the State. If a public body  
19 does not investigate and ascertain the prevailing rate of wages  
20 during the month of June as required by the previous paragraph,  
21 then the prevailing rate of wages for that public body shall be  
22 the rate as determined by the Department under this paragraph  
23 for the county in which such public body is located. The

HB3044 Enrolled

- 2 -

LRB100 10787 JLS 21018 b

1 Department shall publish on its official website a prevailing  
2 wage schedule for each county in the State, no later than  
3 August 15 of each year, based on the prevailing rate of wages  
4 investigated and ascertained by the Department during the month  
5 of June. Nothing prohibits the Department from publishing  
6 prevailing wage rates more than once per year.

7 Where the Department of Labor ascertains the prevailing  
8

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I C.Y. 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. 2019-H-PK08-2245 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 28<sup>th</sup> day of September, 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/

Michael Mabus/Glaziers, Local 27  
c/o John Toomey, Esq.  
Arnold & Kadjan LLP  
35 E. Wacker Dr., Ste. 600  
Chicago, IL 60601  
itoomey100@hotmail.com

Via messenger:

Joseph Beyer  
Director of Labor  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

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

C.Y. Jackson

Subscribed and Sworn to this 26<sup>th</sup> day of Sept., 2018

Laura Kotelman  
Notary Public

