

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

IN THE MATTER OF:)	
)	
ERIC PATRICK, as member of the)	
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 169,)	
)	
PETITIONER(S),)	STATE FILE NO. 2019-H-PK09-2284
)	
v.)	DATE OF NOTICE: <u>10/1/2018</u>
)	
JOSEPH BEYER, DIRECTOR OF THE)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and)	<u>7017 2620 0001 0467 6768</u>
THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
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 Eric Patrick, as member of the International Brotherhood of Electrical Workers, Local 169, [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 24, 2018
TIME: 1:00 P.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

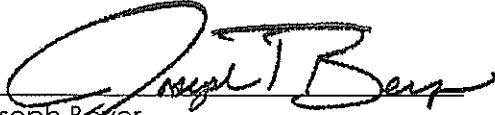
CLAUDIA MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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.



Joseph Beyer
Director of Labor

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

EXHIBIT A

IN THE MATTER OF:)
)
ERIC PATRICK, as a member of the)
INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS,)
LOCAL 169)
Petitioners,)
)
Vs.)
)
)
JOE BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

STATE FILE NO.

RECEIVED

SEP 12 2018

Illinois Department of Labor
CHICAGO OFFICE

2019-H-PK09-2284

OBJECTION AND REQUEST FOR SECTION 9 HEARING

Petitioners Eric Patrick, as a member of the International Brotherhood of Electrical Workers, Local 196 (known collectively as the "Union"), by and through their attorney, Nick Kasmer, of the law firm of McGann, Ketterman, & Rioux, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor ("Department") on its website in August of 2018 and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 JLCs § 130/9). In support, the Union states further;

1. Eric Patrick ("Patrick") is a member of the International Brotherhood of Electrical Workers ("IBEW") and the Union.
2. The IBEW is a national labor organization consisting of the members of Local Electrical Worker Unions.
3. The Union is a regional labor organization and an affiliate of the IBEW which represents IBEW members in 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, the Union submitted Prevailing Wage Certification Forms to the Department. These materials listed the rates and fringe benefits paid to the following Prevailing Wage Classifications: Electric Power Lineman (6433), Electric Power Groundman (6434), Electric Power Equipment Operator (8311), and Electric Power Truck Driver (8211) in various counties throughout Illinois.
6. In 2018, the Union obtained Prevailing Wage Certification Forms from the Department's official website and submitted the appropriate forms to the Department prior to the deadline for submission.
7. The Department published the 2018 prevailing wage rates in August of 2018 with an effective date of August 15, 2018.


8. The Department further posted on its website a detailed explanation of the methodology for determining the 2018 prevailing wage rates in August of 2018.
9. The Department also posted the full set of responses it received with regards to determining the 2018 prevailing wage rates in August of 2018.
10. The Union objects several prevailing wage rates certified by the Department for the classifications of Electric Power Lineman (6433), Electric Power Groundman (6434), Electric Power Equipment Operator (8311), and Electric Power Truck Driver (8211) in various Illinois Counties.
11. Exhibit A lists the specific numbers and issues that the Union disagrees by classification and by county. (Ex. A.)

WHEREFORE, for the reasons set forth above the Petitioners Eric Patrick, as a member of the International Brotherhood of Electrical Workers, Local 196, object to the Prevailing Wage determination posted on the Department's official website in August of 2018 and respectfully request a hearing on these objections pursuant to 820 ILCS § 130/9.

September 6, 2018

Respectfully submitted,

Eric Patrick, as a member of the International Brotherhood of Electrical Workers, Local 196

By: 

One of its attorneys

Nicholas E. Kasmer
McGarr, Ketterman, & Rioux
111 East Wacker Drive, Suite 2600
Chicago, IL 60601
(312) 251-9700
September 6, 2018

RECEIVED

SEP 12 2018

Illinois Department of Labor
CHICAGO OFFICE

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 12 day of September 2018:

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

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

By: _____

Nicholas E. Kasmer

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

IN THE MATTER OF:)
)
ERIC PATRICK, as a member of the) STATE FILE NO.
INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS,)
LOCAL 169)
Petitioners,)
)
Vs.)
)
)
JOE BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

NOTICE OF FILING


TO: Joe Beyer
Director of the Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, IL. 60601

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

PLEASE TAKE NOTICE that on this 12th day of September, 2018. The undersigned filed the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

Respectfully submitted,

Eric Patrick, as a member of the International
Brotherhood of Electrical Workers, Local 196

By: 
One of its attorneys

Nicholas E. Kasmer
McGann, Ketterman, & Rioux
111 East Wacker Drive, Suite 2600
Chicago, IL 60601
(312) 251-9700
September 6, 2017

EXHIBIT A

County	Trade Title	Region	Type	Base Wage	Foreman Wage	H/W	Pension	Training
Dekalb	ELECTRIC PWR GRNDMAN	All	ALL	32.86	57.95	5.75	10.2	0.58
DuPage	ELECTRIC PWR GRNDMAN	All	ALL	32.86	57.95	5.75	10.2	0.58
DuPage	ELECTRIC PWR LINEMAN	All	ALL	51.06	57.95	5.75	15.85	0.9
Kane	ELECTRIC PWR EQMT OP	All	ALL	42.59	57.95	5.75	13.21	0.75
Kane	ELECTRIC PWR LINEMAN	All	ALL	51.06	57.95	5.75	15.85	0.9
Boone	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
Boone	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
Boone	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
Boone	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
Carroll	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
Carroll	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
Carroll	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
Carroll	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
Dekalb	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
Dekalb	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
Dekalb	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
Dekalb	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
DuPage	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
DuPage	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
DuPage	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
DuPage	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
JoDavless	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
JoDavless	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
JoDavless	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
JoDavless	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
Kane	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
Kane	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
Kane	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
Kane	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6
Kendall	ELECTRIC PWR EQMT OP	All	HWY	42.59	57.95	5.75	13.21	0.75
Kendall	ELECTRIC PWR GRNDMAN	All	HWY	32.86	57.95	5.75	10.2	0.58
Kendall	ELECTRIC PWR LINEMAN	All	HWY	51.06	57.95	5.75	15.85	0.9
Kendall	ELECTRIC PWR TRK DRV	All	HWY	34.03	57.95	5.75	10.55	0.6

Lake	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Lake	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Lake	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
Lake	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
Lee	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Lee	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Lee	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
Lee	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
McHenry	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
McHenry	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
McHenry	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
McHenry	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
Ogle	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Ogle	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Ogle	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
Ogle	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
Stephenson	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Stephenson	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Stephenson	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
Stephenson	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
Whiteside	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Whiteside	ELECTRIC PWR EQMT OP	E	HWY	42.59	57.95	5.75	13.21	0.75
Whiteside	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Whiteside	ELECTRIC PWR LINEMAN	E	HWY	51.06	57.95	5.75	15.85	0.9
Whiteside	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6
Whiteside	ELECTRIC PWR TRK DRV	E	HWY	34.03	57.95	5.75	10.55	0.6
Winnabag	ELECTRIC PWR EQMT OP	ALL	HWY	42.59	57.95	5.75	13.21	0.75
Winnabag	ELECTRIC PWR GRNDMAN	ALL	HWY	32.86	57.95	5.75	10.2	0.58
Winnabag	ELECTRIC PWR LINEMAN	ALL	HWY	51.06	57.95	5.75	15.85	0.9
Winnabag	ELECTRIC PWR TRK DRV	ALL	HWY	34.03	57.95	5.75	10.55	0.6

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-PK09-2284 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 1st day of October, 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/

IBEW, local 169
c/o Nicholas Kasmer, Esq.
McGann, Ketterman & Rioux
111 E. Wacker Dr., Ste. 2600
Chicago, IL 60601
nkasmer@mkrlaborlaw.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 1 day of October, 2018

[Signature]
Notary Public

