

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

IN THE MATTER OF:	)	
	)	
INTERNATIONAL BROTHERHOOD OF	)	
ELECTRICAL WORKERS, LOCAL 364,	)	
	)	
PETITIONER(S),	)	STATE FILE NO. 2019-H-PK09-2291
	)	
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 5914</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 International Brotherhood of Electrical Workers, Local 364, [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:**

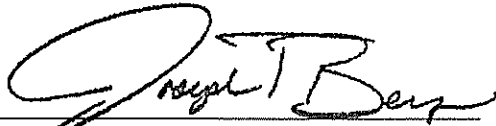
**CLAUDIA MANLEY**  
**CHIEF ADMINISTRATIVE LAW JUDGE**  
**ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

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.

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

Joseph Beyer  
Director of Labor



September 14, 2018

2019-H-PK09-2291

**Patrick N. Ryan**  
Admitted in IL and WI

Direct Dial 312-216-2573  
pryan@baumsigman.com

**Via Hand Delivery and Email:** Joe.Beyer@illinois.gov

Director Joe Beyer  
Illinois Dept. of Labor  
160 N. LaSalle Street  
13<sup>th</sup> Floor  
Chicago, IL 60601

## EXHIBIT A

RE: Article 9 Challenge to Department's Prevailing Wage Determination  
International Brotherhood of Electrical Workers, Local 364  
Our File No. 28233

Dear Director Beyer:

We are the attorneys for the International Brotherhood of Electrical Workers, Local 364 ("Local 364" or "Union"). This letter is sent pursuant to the Illinois Prevailing Wage Act, 820 ILCS 130/9, as the written notice required to challenge various Prevailing Wage Determination posted by the Illinois Department of Labor on August 15, 2018.

It appears that the Department has significantly changed its methodology for determining and posting the prevailing wage rates without advanced notice and the opportunity for comment by interested parties. The Department previously considered collective bargaining agreements covering a given County as a reliable indicator of the prevailing wage in that County. Under the new methodology, the Department fails to credit the surveys and supporting documents (i.e. the collective bargaining agreements and rate sheets) submitted by the Union for Counties and/or classifications in which any employer also completed a survey with rates that differ from those reported by the Union. The Department has offered no explanation for its change in methodology. The Department's failure to give any credit to the Union's survey and supporting document in such situations is arbitrary and capricious. This is particularly troubling where an employer reported a minimal number of days worked in the jurisdiction, in contrast to the numerous employers who are paying wages and benefits on public works projects consistent with the rates set forth in the applicable collective bargaining agreement.

The Union further objects to the Department accepting what employers reported without supporting documentation. Certified payrolls and other payroll records should have been obtained from employers to verify their reporting. The Union supported its survey responses with the collective bargaining agreements and applicable wage rate sheets. Every employer signed to a collective bargaining agreement with the Union is paying the contractual wages and benefits on all prevailing

**BAUM SIGMAN AUERBACH & NEUMAN, LTD.**

Attorneys and Counsellors



Director Joe Beyer  
September 14, 2018  
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wage projects. To the extent an employer claims to have paid less than those rates, they should be required to substantiate their claims before the Department credits such responses.

With the above in mind, the Union is specifically challenging and objects to the wage and fringe benefit rates highlighted on the attached spreadsheets for the "Electrician" and "Communication Tech" titles in the Counties of Boone, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whiteside and Winnebago. The spreadsheet states the rates posted by the Department, and highlights where the Union disputes the posted rates. It is the Union's position that the prevailing rates are those set forth in its applicable collective bargaining agreement (rate sheets effective June 1, 2018 also attached), which are the rates paid by all Local 364 signatory employers on public works project in these Counties since June 1, 2018.

In light of the above, unless the Department determines that it has improperly posted the prevailing wages referenced above and issues a prompt correction, the Union hereby requests that the Department set a date for hearing on its objections. At such hearing, the Union will present further evidence of the wages and benefits paid by its signatory employers on prevailing wage projects in these Counties during the relevant time frame.

If you have any questions or would like to discuss this matter further prior to any hearing, please feel free to contact me.

Very truly yours,

**BAUM SIGMAN AUERBACH & NEUMAN, LTD.**

Patrick N. Ryan

PNR/kp

Enclosures

cc: Alan Golden (via email, w/enclosures)  
Benno Weisberg (via e-mail, w/enclosures: [Benno.Weisberg@illinois.gov](mailto:Benno.Weisberg@illinois.gov))  
Paul Kersey (via e-mail, w/enclosures: [Paul.Kersey@illinois.gov](mailto:Paul.Kersey@illinois.gov))



Northern Illinois Chapter,  
 National Electrical Contractors Association  
 4864 Colt Road, Rockford, IL. 61109  
 Phone (815) 874-8400 Fax (815) 874-7701  
 www.nilneca.org

May 1, 2018

TO: All Contractors Signatory to the **Inside Agreement** between  
 Northern Illinois Chapter, NECA and Local Union 364, IBEW

RE: Wage Package Effective June 1, 2018

Please be advised that effective June 1, 2018 through May 31, 2019, the wage and fringe benefit package items based on hours worked for the Journeyman Wiremen under the Inside Agreement will change as follows:

Base Wage	increase by \$1.50 to	\$47.00
Health & Welfare	increase by \$0.35 to	\$13.19
Local Pension	increase by \$0.61 to	\$17.97

Additionally, fringe benefits based on percentage amounts will change accordingly. The new Inside Agreement wage package effective June 1, 2018 through May 31, 2019 is as follows:

LU 364, IBEW INSIDE	Journeyman Wireman	Journeyman Wireman Welder	Apprentice 1st Period 40%	Apprentice 2nd Period 45%	Apprentice 3rd Period 55%	Apprentice 4th Period 65%	Apprentice 5th Period 75%	Apprentice 6th Period 90%
Base Wage	47.00	48.00	18.80	21.15	25.85	30.55	35.25	42.30
* Health & Welfare	13.19	13.19	13.19	13.19	13.19	13.19	13.19	13.19
* Local Pension	17.97	17.97	0.00	0.00	9.88	11.68	13.48	16.17
NEBF (3%)	1.41	1.44	0.56	0.63	0.78	0.92	1.06	1.27
JATC (2%)	0.94	0.96	0.38	0.42	0.52	0.61	0.71	0.85
LMCC	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
NLMCC	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Safety	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
Substance Testing	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04
AMF (1/2 of 1%)	0.24	0.24	0.09	0.11	0.13	0.15	0.18	0.21
NECA Service Charge (1/2 of 1%) NECA Members Only	0.24	0.24	0.09	0.11	0.13	0.15	0.18	0.21
<b>Totals:</b>	<b>81.22</b>	<b>82.27</b>	<b>33.34</b>	<b>35.84</b>	<b>50.71</b>	<b>57.48</b>	<b>64.28</b>	<b>74.43</b>

\* **Health & Welfare and Local Pension** – Contributions to the Health & Welfare and Local Pension Plans on overtime hours are calculated using the appropriate

(over)

overtime rate of either 1.5 or 2 times the straight-time contribution rate, the same rate as the overtime rate of either 1.5 or 2 times the straight time rate.

Foreman:	10% above Journeyman rate
General Foreman:	16% above Journeyman rate
Area General Foreman	25% above Journeyman rate

**DEDUCTIONS FROM PAY:**

Local Union Working Dues	- 5%
Vacation Account	- 0, 5% or 10% (employee's choice)

**NOTE:** The following increases will be allocated between Base Wage, Local Pension, Health & Welfare and NEBF for Journeyman Wiremen:

- Effective June 1, 2019 - \$2.50 per hour.

The agreement runs through May 31, 2020.



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May 11, 2018

TO: All Contractors Signatory to the **Voice-Data-Video Agreement**  
 between the Northern Illinois Chapter, NECA and Local Union 364, IBEW

RE: Increase in Wage Package effective June 1, 2018

Please be advised that effective June 1, 2018 through May 31, 2019 the wage and fringe benefit package for Technicians under the Voice-Data-Video Agreement will change as follows:

Base Wage - increase by \$1.25 to \$40.25  
 Health & Welfare - increase by \$0.35 to \$13.19  
 Local Pension - increase by \$0.49 to \$12.99

The new Voice-Data-Video wage package effective June 1, 2018 through May 31, 2019 is as follows:

LU 364, IBEW VDV	Technician	Apprentice	Apprentice	Apprentice	Apprentice	Apprentice	Apprentice	Apprentice	Apprentice
		1st Period 0-800 hours 40%	2nd Period 801-1600 hours 45%	3rd Period 1601-2500 hours 50%	4th Period 2501-3400 hours 55%	5th Period 3401-4300 hours 60%	6th Period 4301-5200 hours 65%	7th Period 5201-6100 hours 75%	8th Period 6101-7000 hours 85%
Base Wage	40.25	16.10	18.11	20.13	22.14	24.15	26.16	30.19	34.21
*Health & Welfare	13.19	13.19	13.19	13.19	13.19	13.19	13.19	13.19	13.19
*Local Pension	12.99	0.00	0.00	6.50 after 2000 hours	7.14	7.79	8.44	9.74	11.04
NEBF (3%)	1.21	0.48	0.54	0.60	0.66	0.72	0.78	0.91	1.03
JATC (2%)	0.81	0.32	0.36	0.40	0.44	0.48	0.52	0.60	0.68
JATC Certification	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
LMCC	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
NLMCC	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Safety	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
Substance Testing	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04
AMF (1/2 of 1%)	0.20	0.08	0.09	0.10	0.11	0.12	0.13	0.15	0.17
NECA Service Chg. (1/2 of 1%) NECA Members Only	0.20	0.08	0.09	0.10	0.11	0.12	0.13	0.15	0.17
<b>Total:</b>	<b>69.11</b>	<b>30.51</b>	<b>32.64</b>	<b>41.28</b>	<b>44.05</b>	<b>46.83</b>	<b>49.61</b>	<b>55.19</b>	<b>60.75</b>

\* **Health & Welfare and Local Pension** – Contributions to the Health & Welfare and Local Pension Plans on overtime hours are calculated using the appropriate overtime rate

(over)

of either 1.5 or 2 times the straight-time contribution rate, the same rate as the overtime rate of either 1.5 or 2 times the straight time wage rate.

Foreman: 10% above Technician rate

**DEDUCTIONS FROM PAY:**

Local Union Working Dues: 5%

Vacation Account: 0, 5% or 10% (employee's choice)

**NOTE:** The following increases will be allocated between Base Wage, Local Pension, Health & Welfare and NEBF for Journeyman Wiremen:

- Effective June 1, 2019 – Package of Base Wage, Local Pension, Health & Welfare and NEBF will equal 85% of the same items of Inside package. The Inside wage package will increase by \$2.50 increase per hour.
- Effective June 1, 2020 - Package of Base Wage, Local Pension, Health & Welfare and NEBF will equal 85% of that of the Inside package. The Inside package for June 2020 has not yet been negotiated.

The VDV Agreement runs through May 31, 2021.



County	Trade Title	Region	Base Wage	OT M-F	OT Su	OT 5a	OT 5b	OT Hol	H/W	Pension	Vacation	Training	Other Fringe Benefit
Boone	ELECTRICIAN	All	47	1.5	2	1.5	2	2	13.19	Incorrect amount 17.97 Correct amount 19.38	0	0.94	1.88
													0
Carroll	ELECTRICIAN	E	47	1.5	2	1.5	2	2	13.19	19.38	0	0.94	0
DeKalb	ELECTRICIAN	All	45.5	1.5	2	1.5	2	2	13.19	Incorrect amount 18.73 Correct amount 19.38	0	0.91	0
													0
JoDavess	ELECTRICIAN	E	47	1.5	2	1.5	2	2	13.19	19.38	0	0.94	0
JoDavess	ELECTRICIAN	W	30.32	1.5	2	1.5	2	2	13.19	Incorrect amount 7.91 Correct amount 19.38	0	0.91	0
													0
Lee	ELECTRICIAN	All	45.5	1.5	2	1.5	2	2	13.19	Incorrect amount 17.22 Correct amount 19.38	0	0.94	79.51
													0
Ogle	ELECTRICIAN	All	45.5	1.5	2	1.5	2	2	13.19	Incorrect amount 18.73 Correct amount 19.38	0	0.91	0
													0
Stephenson	ELECTRICIAN	All	45.5	1.5	2	1.5	2	2	13.19	Incorrect amount 19.38 Correct amount 19.38	0	0.94	0
													0
Whiteside	ELECTRICIAN	E	45.5	1.5	2	1.5	2	2	13.19	Incorrect amount 18.73 Correct amount 19.38	0	0.91	0
													0
Winnebago	ELECTRICIAN	All	47	1.5	2	1.5	2	2	13.19	Incorrect amount 17.97 Correct amount 19.38	0	0.94	3.05
													0
Carroll	COMMUNICATION TECH	E	40.25	1.5	2	1.5	2	2	13.19	14.2	0	0.81	0
DeKalb	COMMUNICATION TECH	All	40.25	1.5	2	1.5	2	2	13.19	Incorrect amount 12.99 Correct amount 14.2	0	0.81	1.87
													0
JoDavess	COMMUNICATION TECH	All	40.25	1.5	2	1.5	2	2	13.19	14.2	0	0.81	0
Lee	COMMUNICATION TECH	All	40.25	1.5	2	1.5	2	2	13.19	14.2	0	0.81	0
Ogle	COMMUNICATION TECH	All	40.25	1.5	2	1.5	2	2	13.19	Incorrect amount 12.99 Correct amount 14.2	0	0.81	1.87
													0
Whiteside	COMMUNICATION TECH	E	40.25	1.5	2	1.5	2	2	13.19	14.2	0	0.81	0
Winnebago	COMMUNICATION TECH	All	40.25	1.5	2	1.5	2	2	13.19	Incorrect amount 12.99 Correct amount 14.2	0	0.81	2.88

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-PK09-2291 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 1<sup>st</sup> 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/](http://www.state.il.us/agency/idol/)

IBEW, Local 364  
c/o Patrick N. Ryan, Esq.  
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Via messenger:

Joseph Beyer  
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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

  
Notary Public

