

BEFORE STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF LABOR
160 N. LASALLE STREET, 13th FLOOR
CHICAGO, IL 60601

IN THE MATTER OF:)
)
STEVE MAGRUDER, as MEMBER OF THE)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL 176,)
)
PETITIONER(S),) STATE FILE NO. 2019-H-PK09-2300
)
v.)
)
JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)
ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing and pre-hearing conference and Stipulation of Dismissal issued there under; and, 56 Illinois Administrative Code 120.130, all parties having been duly advised in the premises issues this order;

FINDINGS:

The Illinois Prevailing Wage Act, 820 ILCS 130/9 provides the:

[D]epartment of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

Pursuant to 56 Ill. Adm. Code 120.100 and 56 Ill. Adm. Code 120.650 (a) and (b):

a. When the Director is required by law to be the sole, personal acting officer, the ALJ shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.

b. The ALJ shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party

of record shall be allowed 10 days in which to submit exceptions to the findings, opinions and recommendations of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.

IT IS HEREBY ORDERED:

1. The caption of this matter is amended as reflected above.
2. The Stipulation of Dismissal (attached herein) was allowed to be verbally amended instantler to include Stark County, Illinois at the time of the February 19, 2019 pre-hearing conference.
3. By agreement of the parties (attached herein), this matter is dismissed with prejudice. This agreement between the parties includes Stark County, Illinois.
4. The Act does not provide authority to the Administrative Law Judge to render the final decision under 820 ILCS 130/9. The agreed order provides this matter be *dismissed with prejudice* and has been signed accordingly. The matter is referred to the Director of Labor for Final Decision and Order.

IT IS HEREBY ORDERED:

DATE: February 22, 2019

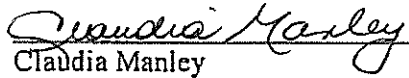
/s/ Claudia D. Manley

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
V: 312-793-1805
DOL.hearings@illinois.gov

**DISMISSAL IS SO ORDERED AS TO RESOLVED COUNTIES ABOVE;
JURISDICTION IS RETAINED AS TO THE UNRESOLVED COUNTIES AND
CLASSIFICATIONS:**



Claddia Manley
Chief Administrative Law Judge
Illinois Department of Labor

Date: 2-22-19

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Claudia Manley, an attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2019-H-PK09-2300 and a copy of the Certificate of Service via email addressed to each party or party's agent at the respective email address shown on the Certificate of Service, having caused each to served at 160 N. LaSalle St., Ste. C-1300 Chicago, Illinois on the 22nd day of February, 2019 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/

Petitioner(s) Attorney:

John Toomey, Esq.
jtoomey100@hotmail.com

Respondent Attorney:

c/o Benno Weisberg
benno.weisberg@illinois.gov

By Messenger:

Michael D. Kleinik
Acting Director of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Claudia D. Manley

Claudia D. Manley, Administrative Law Judge
Illinois Department of Labor