

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

IN THE MATTER OF:)	
)	
STANELY SIMRAYH, as a MEMBER OF THE)	
INTERNATIONAL UNION OF OPERATING)	
ENGINEERS LOCAL 150, AFL-CIO and the)	
INTERNATIONAL UNION OF OPERATING)	
ENGINEERS, LOCAL 150, AFL-CIO)	
)	
Petitioners,)	STATE FILE NO. 2023-H-RP08-2339
)	
v.)	Administrative Law Judge
)	Raymond C. Cyrus
JANE FLANAGAN, ACTING DIRECTOR OF)	
THE ILLINOIS DEPARTMENT OF LABOR, and)	
And THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
Respondents.)	

CONSENT DECREE

Respondents, Jane Flanagan, Acting Director of the Illinois Department Labor and the Illinois Department of Labor (“IDOL” or “Department”), Petitioners Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150, AFL-CIO and the International Union of Operating Engineers, Local 150, AFL-CIO hereby resolve the above-referenced matter pursuant to 56 Ill Admin Code 120.540 by entering into this Consent Decree. The parties agree as follows:

1. This matter arises under the Illinois Prevailing Wage Act (“IPWA”), as amended, 820 ILCS 130/0.01, *et seq.*
2. Pursuant to its annual rate determination, the Department published rates for Operating Engineers on July 15, 2022.
3. Pursuant to Sections 4 and 9 of the IPWA, Petitioners timely filed written and specific objections to the prevailing wage rates effective July 15, 2022, pertaining to Operating Engineers classifications or descriptions, published by the IDOL on its website for various counties identified herein.
4. Pursuant to Sections 4 and 9 of the IPWA, the Department scheduled a hearing on Petitioner’s objections, issued a Notice of Hearing to Petitioners and provided notice of the hearing to the public by posting the date, time, location and other pertinent

information regarding the Section 4 and 9 hearing on Petitioner's objections on IDOL's official website.

5. It is determined that in the counties of Rock Island, Mercer, the west half of Henry, and the west portion of Whiteside that includes all territory from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south, the prevailing wage classifications and rate determinations published (posted) by the Department shall include two new classifications. The Department shall recognize two new Operating Engineer classifications for **Building Construction** consistent with classifications established under the applicable collective bargaining agreement by and between International Union of Operating Engineers Local No. 150 and Quad City Builders Association ("QCBA Collective Bargaining Agreement"):
 - a. Class 8 - Truck Mounted Concrete Conveyor or Pumps Extending to 90' or more.
 - b. Class 9 - Crawler Crane.
6. It is determined that in the counties of Rock Island, Mercer, the west half of Henry, and the west portion of Whiteside that includes all territory from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south, the prevailing wage classifications and rate determinations published (posted) by the Department shall include a new classification. The Department shall recognize one new Operating Engineer classification for **Highway Construction** consistent with classifications established under the applicable collective bargaining agreement by and between International Union of Operating Engineers, Local No. 150 and Associated Contractors of the Quad Cities ("ACQC Collective Bargaining Agreement"):
 - a. Class 9 – Crawler Crane.
7. The prevailing wage and fringe benefit rates applicable to the Operating Engineer Building Construction Class 8 – Truck Mounted Concrete Conveyor or Pump Extending to 90' or more and Class 9 – Crawler Crane classifications shall be those rates as set forth in the QCBA Collective Bargaining Agreement. Such rates for the counties of Rock Island, Mercer, the west half of Henry, and the west portion of Whiteside that includes all territory from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south, as of the effective date of this Consent Decree, are the following:

Operating Engineer (Bld.) Class 8	
Base Wage	\$38.00
Foreman rate	\$40.50
Overtime (OT) M-F	1.5x Base
OT Sat	1.5
OT Sun	2.0
OT Holiday	2.0
Health & Welfare	\$19.80
Retirement	\$13.20
Vacation	\$2.00
Apprenticeship	\$1.90

Operating Engineer (Bld.) Class 9	
Base Wage	\$39.50
Foreman rate	\$40.50
Overtime (OT) M-F	1.5x Base
OT Sat	1.5
OT Sun	2.0
OT Holiday	2.0
Health & Welfare	\$19.80
Retirement	\$13.20
Vacation	\$2.00
Apprenticeship	\$1.90

8. The prevailing wage and fringe benefit rates applicable to the Operating Engineer for Highway Construction Class 9 – Crawler Crane classification shall be those rates as set forth in the ACQC Collective Bargaining Agreement. Such rates for the counties of Rock Island, Mercer, the west half of Henry, and the portion of Whiteside that includes all territory in the west portion of Whiteside County from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south shall be the following:

Operating Engineer (Hwy.) Class 9	
Base Wage	\$39.50
Foreman rate	\$40.50
Overtime (OT) M-F	1.5x Base
OT Sat	1.5
OT Sun	2.0
OT Holiday	2.0
Health & Welfare	\$19.80
Retirement	\$13.20
Vacation	\$2.00
Apprenticeship	\$1.90

9. The rate determination shall be published by the Department and become effective upon publication, through the next subsequent rate determination by the Department. Subsequent rate determination periods shall be subject to Section 4(a) and Section 9 rate ascertainment and determinations.
10. The determinations set forth in this Consent Decree shall be implemented and enforced by the Department effective upon entry of the Order approving this Consent Decree.
11. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.
12. 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 Decree or the Decision and Order entered in accordance herewith.

13. The parties agree that the Consent Decree may be executed in one or more counterparts, all of which shall be considered to be one and the same document binding on all parties hereto, notwithstanding that all parties are not signatories to the same counterpart.

Dated this 5th day of October, 2022

s/Nicholas Bedenk
Nicholas Bedenk
Attorney for the Illinois Department of Labor

/s/Kara Principe
Kara Principe
Attorney for Petitioners
Stanley Simrayh, as a member of the International
Union of Operating Engineers, Local 150
and the International Union of Operating Engineers,
Local 150, AFL-CIO

/s/ Raymond C. Cyrus
Raymond C. Cyrus
Administrative Law Judge

STATE OF ILLINOIS)
)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, the Department of Labor, affirms, certifies or on oath states, service notice of the attached Order or Decision in IDOL File No.: 2023-H-RP08-2339 upon all parties in IDOL File No: 2023-H-RP08-2339, or their agents appointed to receive service of process, by email to the stated email addresses on October 11, 2022 prior to 4:30 p.m.

Kara M. Principe, Esq.
Indiana, Illinois, Iowa Foundation for Fair Contracting

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Illinois Department of Labor

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