

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

IN THE MATTER OF:)

SKILLED COMPUTER RESOURCES CORP.)
D/B/A COMM SQUAD)

OBJECTOR(S),)

STATE FILE NO. 2023-H-RP03-2342

INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL NO. 309)
AND CHRIS HANKINS)

INTERVENING PETITIONER(S),)

v.)

JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)

RESPONDENTS.)

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to **56 IAC 120.400** a telephonic pre-hearing conference shall be convened telephonically on **May 10, 2023 at 10:30 a.m.** The administrative law judge will initiate the conference call. Objector's attorney Timm W. Schowalter will be phoned at **314-719-3798**. Intervening Petitioners' attorney Christopher N. Grant will be phoned at **314-621-2626**. Respondent Attorney Nick Bedenk will be phoned at **708-723-6399**. Technology constraints require that a direct dial phone number be provided for the pre-hearing conference. If the number listed is not a direct dial number or you require additional phone lines to be added, you are to provide the phone numbers and/or the names and phone numbers of the additional participants to DOL.hearings@illinois.gov.
2. The pre-hearing conference shall be held to simplify the issues, determine necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation, determine stipulations, admission of fact and of contents and authenticity of the documents, limit the number of witnesses, determine propriety of the prior mutual exchange among the parties who have prepared testimony or exhibits, and decide other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.
3. Attorneys shall file appearances as soon as practicable.

DATE: April 27, 2023

By: /s/ Moshe M. Liberman
Moshe M. Liberman
Chief Administrative Law Judge
IDOL
160 N. LaSalle St. Ste. C-1300
Chicago IL 60601
V: 312-793-1805
P: 312-793-5257
Dol.hearings@illinois.gov

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, I Karen Lewis, a non-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. 2023-H-RP03-2342 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 order or on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and regular mail with postage prepaid at 555 W. Monroe, Chicago, Illinois on the 28th day of April, 2023 prior to 4:30 p.m.

Skilled Computer Resources, Corp. d/b/a Comm Squad
c/o Timm W. Schowalter, Esq.
Amundsen Davis
120 South Central Avenue, Suite 700
Saint Louis, MO 63105
tschowalter@amundsendavislaw.com

9489 0090 0027 6514 0494 18

International Brotherhood of Electrical Workers, Local No. 309
and Chris Hankins
c/o Christopher N. Grant, Esq.
Schuchat, Cook & Werner, Attorneys at Law
555 Washington Avenue, Suite 520
Saint Louis, MO 63101

9489 0090 0027 6514 0494 01

HAND DELIVERED:

Nicholas Bedenk
Associate General Counsel
Illinois Department of Labor
160 S. LaSalle St., Ste. C-1300
Chicago IL 60601
Nicholas.Bedenk@Illinois.gov

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/Karen Lewis
Office Specialist Illinois Department of Labor

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

IN THE MATTER OF:)
)
SKILLED COMPUTER RESOURCES CORP.)
D/B/A COMM SQUAD) STATE FILE NO. 2023-H-RP03-2342
)
OBJECTOR(S),) DATE OF NOTICE: April 28, 2023
)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL NO. 309) CERT. MAIL/RETURN RECEIPT:
AND CHRIS HANKINS) _____
)
INTERVENING PETITIONER(S),)
)
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)
)

NOTICE OF TELEPHONIC HEARING

PLEASE TAKE NOTICE that Jane R. Flanagan, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from Skilled Computer Resources Corp. d/b/a Comm Squad, [hereinafter, "Objector(s)"] written objections to the prevailing wage determinations effective March 1, 2023 by the Department on its website, and a request for hearing on those objections pursuant to Sections 4 and 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:	May 10, 2023
TIME:	11:00 a.m.
OBJECTOR ATTORNEY PHONE #:	Timm W. Schowalter 314-719-3798
INTERVENING PETITIONERS ATTORNEY PHONE #:	Christopher N. Grant 314-621-2626
RESPONDENT ATTORNEY PHONE #:	Nick Bedenk 708-723-6399

ADMINISTRATIVE LAW JUDGE:

**MOSHE LIBERMAN
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 Objector(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.

This hearing will be conducted **BY TELEPHONE** with the ALJ contacting you on the date and time stated above. If the phone number listed is incorrect, contact the hearings section at dol.hearings@illinois.gov as soon as possible with the corrected direct dial phone number. If additional individuals are to be contacted, the party is to provide the name and direct dial phone number of the additional individual to be included during the hearing to DOL.hearing@illinois.gov. If the phone number listed is not a direct dial phone number, please provide a **DIRECT DIAL NUMBER** to dol.hearings@illinois.gov as soon as possible. Technology constraints require you provide a **DIRECT DIAL PHONE NUMBER ONLY**. Also, technology constraints do not allow caller dial through or the ability to navigate automated operators. Non-direct dial numbers will result in the call not going through. **For those with caller identification, this call will originate from various locations throughout the country, including but not limited to San Francisco. SOME CALLS PLACED BY THE DEPARTMENT ARE BLOCKED, IF YOUR PHONE HAS PRIVACY MANAGER OR ANONYMOUS CALL BLOCKER, THE CALL MAY NOT GO THROUGH.** All calls placed by the Department are recorded.

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.



Jane R. Flanagan
Director of Labor

**A AMUNDSEN
U.DAVIS**

Timm W. Schowalter
Direct: (314) 719-3798
Fax: (314) 719-3710
tschowalter@amundsenslaw.com

March 27, 2023

***Via FedEx- Overnight Delivery,
Electronic Mail to jalle.jalagcm@illbwis.gov
Aud Facsimile to (217) 782-0596***

Jane R. Flanagan, Director
Illinois Department of Labor
524 S. 2nd Street, Suite 400
Springfield, IL 62701

**RE: Skilled Computer Resources Corp., d/b/a Comm Squad's 820 ILCS § 130/9
Objections to the Illinois Department of Labor's March 1, 2023 Prevailing
Wage Schedule-and Demand for Section 9 Hearing**

Dear Director Flanagan:

Our firm represents Skilled Computer Resources Corp., d/b/a Comm Squad (an Illinois Corporation), (hereinafter "Petitioner"). This letter constitutes the Petitioner's written notice of their objections to the Illinois Department of Labor's March 1, 2023 Prevailing Wage Schedule and determinations made thereto with respect to the classification of Electrical Systems Technician.

More specifically, Petitioner disputes the Department's current Prevailing Wage Schedule of Electrical Systems Technician classification on the grounds that the Schedule sets forth an erroneous broad and overriding exclusion for life safety and fire alarm system work in the Electrical Systems Technician classification. This notice is submitted and filed pursuant to 820 ILCS §§ 130/4 and 130/9.

By way of background, Petitioner is a member of National Electrical Contractor Association & South-Central Illinois Telecommunications Council ("Association"). The Association represents various contractors that perform electrical and telecommunication traffic safety work on public works projects in and throughout Central and Southern Illinois. The Petitioner regularly transacts business and performs telecommunications work on public works projects throughout Central and Southern Illinois. The Association is party to a collective bargaining agreement (hereinafter referred to as the "CBA") with a coalition of IBEW Local Unions (Local Nos. 34, 146, 193, 197, 309, 538, 601, 649, and 702, hereinafter referred to as the "Local Unions"). The CBA contains the Local Unions' wage rate sheets that specifies the wages and benefits to be paid to individuals in the Installer Technician classification. It is this CBA and the wage rate sheets that, *inter alia*,

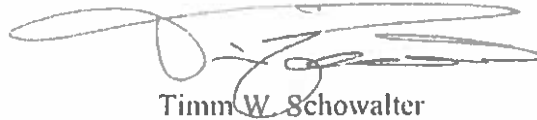
Jane R Flanagan
March 27, 2023
Page 3

Schedule for each of the Central and Southern Illinois counties ignores the clear language of the CBA and area standards and excludes all fire alarm installation work from the Electrical Systems Technician classification.

Because the Department's current Prevailing Wage Schedule improperly excludes all fire alarm installation work from Electrical Systems Technician classification - and because the Schedule fails to recognize the proper wage and fringe benefits that should be paid to an Electrical Systems Technician for fire alarm installation work, the Department's Schedule should be revised to comply with the CBA in all material respects.

Thank you for your attention to this matter. Please contact me to discuss any further questions you may have, and to schedule a date for the Section 9 Administrative Hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timm W. Schowalter". The signature is fluid and cursive, with a large loop at the end.

Timm W. Schowalter

TWS/ab

Attachment

cc: IDOL Hearings Department (via E-mail: DOL.Hearings@illinois.gov)
Mr. Mitch Cosgrove (via E-Mail: Mitch.Cosgrove@illinois.gov)

**South-Central Illinois Telecommunications Agreement By and Between
The Central Illinois Chapter, NECA and the Illinois Chapter, NECA
and
The South-Central Illinois Telecommunication Council (SCITC)
International Brotherhood of Electrical Workers**

Agreement by and between the Central Illinois Chapter and the Illinois Chapter of the National Electrical Contractors Association and Local Union Numbers #34, #146, #193, #197, #309, #538, #601, #649, and #702, IBEW.

It shall apply to all firms who sign a Letter of Assent to be bound by the terms of this Agreement and all approved addenda thereto.

Conditions relevant to a specific geographic area shall be negotiated and made part of this Agreement as Addenda. Addendum language shall take precedence, provided such Addendum has been approved, the same as this Agreement.

As used hereinafter in this Agreement, the term "Chapter" shall mean the aforementioned signatory NECA Chapters and the term "Union" shall mean the signatory IBEW Unions as listed above.

The term Employer shall mean an individual firm who has been recognized by an Assent to this Agreement.

BASIC PRINCIPLES

The Employer and the Union have a common and sympathetic interest in both the Sound and Communications and Electrical/Electronic Industries. Therefore, a working systems and harmonious relations are necessary to improve the relationship between the Employer, the Union and the Public. Progress in industry demands a mutuality of confidence between the Employer and the Union. All will benefit by continuous peace and by adjusting any differences by rational, common sense methods. Now, therefore, in consideration of the mutual promises and agreements herein contained, the parties hereto agree as follows:

SCOPE

The work covered by this Agreement shall include the installation, initial field programming*, testing, service, repair, and maintenance, of the following systems which utilize the transmission and/or transference of voice, data, sound, vision or digital for commercial, education, security and entertainment purposes for the following: TV monitoring and surveillance, background-foreground music, intercom and telephone interconnect, internet protocols intrinsic to the scope of work described in Section A below, [such as voice over internet protocol (VoIP)] inventory control systems, microwave transmission, multi-media, multiplex, radio page, school intercom and sound, burglar alarms and low voltage master clock systems. These systems include devices or components utilizing voltages up to 96 volts. Employees working under the terms of this agreement may install components or devices integral to the covered systems that plug in to standard electrical outlets.

* IBEW members should perform the initial programming of any system whenever members qualified/certified to do so are available.

1. Raceway systems are not covered under the terms of this Agreement with the following exceptions: Ladder-Rack, conduit stubs, wiremold, chases and/or nipples not to exceed fifteen (15) feet in length when used for the purposes of the above listed scope, may be installed on open wiring systems.
2. Energy management systems.
3. Life Safety Systems (all buildings having floors located more than 75 feet above the lowest floor level having building access) shall be excluded from this Agreement unless the parties in any area signatory to the Addendum mutually agree that the Sound and Communications portion only of a Life Safety Systems may be performed under this Agreement.
4. SCADA (Supervisory Control and Data Acquisitions) where not intrinsic to the above listed systems (in the scope).
5. Fire Alarm Systems and Nurse Call Systems, when installed in raceways (including wire and cable pulling), shall be performed at the equivalent current inside wage and fringe rate in those areas where the work is historically performed by Journeyman Wiremen when either of the following two (2) conditions apply:
 - a. The project involves new or major remodel Building Trades construction.
 - b. The conductors for the fire alarm or nurse call are installed in conduit.

In those areas where fire alarm systems have historically not been performed by Inside Journeymen Wiremen, such work may be performed under this Agreement.

ARTICLE I EFFECTIVE DATE- CHANGES -GRIEVANCES - DISPUTES

Section 1.01 - Effective Date - This Agreement shall take effect September 1, 2021, and shall remain in effect until August 31, 2025, unless otherwise specifically provided for herein. It shall continue in effect from year to year thereafter, from September first (1st) through August thirty-first (31st) each year, unless changed or terminated in the way later provided herein.

Section 1.02 - Changes -

- a. Either party or an Employer withdrawing representation from the Chapter or not represented by the Chapter, desiring to change or terminate this Agreement must provide written notification at least ninety (90) days prior to the expiration of the Agreement or any anniversary date occurring thereafter.
- b. Whenever notice is given for changes, the nature of the changes desired must be specified in the notice, or no later than the first negotiating meeting unless mutually agreed otherwise.
- c. The existing provisions of the Agreement, including this Article shall remain in full force and effect until a conclusion is reached in the matter of proposed changes.
- d. Unresolved issues or disputes arising out of the failure to negotiate a renewal or modification of this Agreement that remain on the 20th of the month preceding the next regular meeting of the Council on Industrial Relations for the Electrical Contracting

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, I Karen Lewis, 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 and Attachments in Case No. 2023-H-RP03-2342 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 Notice of Hearing or on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and regular mail with postage prepaid at 555 W. Monroe, Chicago, Illinois on the 28th day of April, 2023 prior to 4:30 p.m.

Skilled Computer Resources, Corp. d/b/a Comm Squad
c/o Timm W. Schowalter, Esq.
Amundsen Davis
120 South Central Avenue, Suite 700
Saint Louis, MO 63105
tschowalter@amundsendavislaw.com

International Brotherhood of Electrical Workers, Local No. 309
and Chris Hankins
c/o Christopher N. Grant, Esq.
Schuchat, Cook & Werner, Attorneys at Law
555 Washington Avenue, Suite 520
Saint Louis, MO 63101

HAND DELIVERED:

Nicholas Bedenk
Associate General Counsel
Illinois Department of Labor
160 S. LaSalle St., Ste. C-1300
Chicago IL 60601
Nicholas.Bedenk@Illinois.gov

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/Karen Lewis
Office Specialist Illinois Department of Labor