

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

IN THE MATTER OF:)
)
INTERNATIONAL ASSOCIATION OF BRIDGE,) NO. 2024-H-RP07-2343
STRUCTURAL, ORNAMENTAL & REINFORCING)
IRONWORKERS, LOCAL UNION NO. 380)
)
Objector(s))
)
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
Respondent.)

ORDER

IDOL File No.: 2024-H-RP07-2343 coming on September 15, 2023, to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01 – 12 (“the Act” or “PWA”), and in accordance with the procedures stated in the Department of Labor’s Rules at 56 Ill Admin Code 120.100, *et seq.*, and the Objector’s Motion to Enter the Consent Decree, all parties having been duly advised, and agree, the undersigned issues this order:

IT IS HEREBY ORDERED THAT:

1. The Objector’s Motion to enter the Consent Decree is GRANTED.
2. The matter is closed/dismissed before the undersigned.
3. The hearing date of September 21, 2023, is stricken.

Entered: September 15, 2023

/s/ John A. O’Meara
John A. O’Meara
Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St. Ste-C-1300
Chicago, Illinois 60601
312 793-1805

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

IN THE MATTER OF:)	
)	
INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL & REINFORCING IRONWORKERS, LOCAL UNION NO. 380)	STATE FILE NO. 2024-H-RP07-2343
)	
Objector(s))	
)	
v.)	
)	
JANE R. FLANAGAN, DIRECTOR of the ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
Respondent.)	

CONSENT DECREE

Objectors, International Association of Bridge, Structural, Ornamental & Reinforcing Ironworkers, Local Union No. 380, Respondents Jane R. Flanagan, Director of the Illinois Department of Labor, Intervenors Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 AFL-CIO (“Local 150”) and Local 150, and the Midwest Region of Laborers resolve the above-captioned matter pursuant to 56 Ill. Admin. Code 120.540 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 Sections 4 and 9 of the IPWA, Petitioners timely filed written objections to the prevailing wage rates effective July 15, 2023 pertaining to a new classification for Ironworker on Heavy/Highway projects in the counties of eastern portion of Macon, Vermillion, southern portion of Ford, Piatt, Champaign, eastern portion of McLean, Douglas, Moultrie, eastern portion of Dewitt, southern portion of Iroquois and the eastern portion of Shelby, establishing a prevailing wage for an Ironworker – Fence Erector in Cumberland, Effingham, the eastern portion of Livingston, and eastern portion of Macon Counties, Illinois, and establishing a prevailing wage for Ironworker for the eastern portion of Shelby and southern portion of Iroquois Counties.
3. 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 9 hearing on Petitioner's objections on IDOL's official website.

4. It is determined that in the counties of eastern portion of Macon, Vermilion, southern portion of Ford, Piatt, Champaign, eastern portion of McLean, Douglas, Moultrie, eastern portion of Dewitt, southern portion of Iroquois, and the eastern portion of Shelby the prevailing wage classifications and rate determinations published (posted) by the Department shall include a new classification. The Department shall recognize: Ironworker on Heavy/Highway type trade work, consistent with classifications established under the applicable collective bargaining agreement – which is the area-wide collective bargaining agreement by and between the Associated General Contractors of Illinois and the Local Union 380 of the International Association of Bridge, Structural, Ornamental Iron Workers, Machinery Movers and Riggers covering Heavy/Highway work.
5. It is determined that in the Counties where there is an “ALL” Ironworkers category it shall be removed and replaced with the new Heavy Highway Rate and a Building rate already established and in conformance with the Collective Bargaining Agreement between the Central Illinois Builders Association and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 380.
6. For enforcement purposes, in the counties of eastern portion of Macon, Vermilion, southern portion of Ford, Piatt, Champaign, eastern portion of McLean, Douglas, Moultrie, eastern portion of Dewitt, southern portion of Iroquois, and the eastern portion of Shelby, the Ironworker classification on Heavy/Highway type trade work published (posted) by the Department:
 - a. shall include work done by ironworkers that has traditionally been covered exclusively within the classification of Ironworker – Highway.
 - b. shall not include work done by heavy equipment that has traditionally been covered exclusively within the classification of Operating Engineer – Highway.
 - c. shall not be construed to encroach upon work that has historically been within the classification of Operating Engineer.
 - d. shall not include work done by Laborers that has traditionally been covered with the classification of Laborer – Highway.
 - e. shall not be construed to encroach upon work that has historically been within the classification of Laborer.
7. The prevailing wage and fringe benefit rates applicable to the Ironworker on Heavy/Highway work shall be those rates as set forth in the area-wide collective bargaining agreement by and between The Associated General Contractors of Illinois and the Local Union 380 of the International Association of Bridge, Structural, Ornamental Iron Workers, Machinery Movers and Riggers. Rates for the counties of eastern portion of

Macon, Vermilion, southern portion of Ford, Piatt, Champaign, eastern portion of McLean, Douglas, Moultrie, eastern portion of Dewitt, southern portion of Iroquois and eastern portion of Shelby, as of July 15, 2023, are the following:

Base Wage: \$38.54
Overtime M-F, Sat: 1.5x base rate
Overtime Sunday: 2 x base rate
Overtime Holiday: 2 x base rate
Foreman: \$40.54
General Foreman: \$41.04
Health & Welfare: \$12.14
Pension: \$15.75 / \$31.50 per overtime hour
Training: \$1.11

8. It is determined that in the eastern portion of Macon County the prevailing wage classifications and rate determinations published (posted) by the Department shall include a new classification. The Department shall recognize: Ironworker - Fence Erector type trade work, consistent with classifications established under the applicable collective bargaining agreement – which is the area-wide collective bargaining agreement by and between the Central Illinois Builders Association and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 380 covering Fence Erector.
9. For enforcement purposes, in the counties of the eastern portion of Macon, the Ironworker - Fence Erector classification published (posted) by the Department:
 - a. shall include work that has historically been performed by the Ironworker and been within the classification of Ironworker Fence Erector.
 - b. shall not include work done by heavy equipment that has traditionally been covered exclusively within the classification of Operating Engineer.
 - c. shall not be construed to encroach upon work that has historically been within the classification of Operating Engineer.
 - d. shall not include work done by Laborers that has traditionally been covered with the classification of Laborer.
 - e. shall not be construed to encroach upon work that has historically been within the classification of Laborer.
10. The prevailing wage and fringe benefit rates applicable to the Ironworker Fence Erector shall be those rates as set forth in the area-wide collective bargaining agreement by and between the Central Illinois Builders Association and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 380. Rates for the counties of the eastern portion of Macon, as of July 15, 2023, are the following:

Base Wage: \$36.08
Overtime M-F, Sat: 1.5x base rate
Overtime Sunday: 2x base rate
Overtime Holiday: 2x base rate
Foreman: \$38.08
General Foreman: \$38.58
Health & Welfare: \$12.14
Pension: \$15.75 / \$31.50 per overtime hour
Training: \$1.11

11. It is determined that in the eastern portion of Shelby and southern portion of Iroquois Counties, a new geographic jurisdiction and new wage rate shall be in effect consistent with the Central Illinois Builders Association and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 380 for building work. The geographic regions shall be divided as follows:

- a. Iroquois County shall be divided with its border being: Starting at the southernmost point of the jurisdictional line on the Vermillion Co. /Iroquois Co. Line at the Indiana /Illinois State line go north on 3200 E. to 100 N. Then the line continues west on 100 N to 2600 E, turning north on 2600 E. to 300 N. Then it will turn South on 2300 E. to 300 N. The line then turns west on 300 N. to 2000 E, at 2000 E it will turn north to 500 N then continuing west on 500 N to 1600 E. The line turns north on 1600 E to 600 N, traveling west on 600 N to 1300 E. It then turns north on 1000 E to 800 N. At 800 N turn west to 600 E. It then moves north on 600 E to 800 N. Travelling west on 800 N to 300 E. At 300 E go north to 1000 N. Then the line travels west on 1000 N to the intersection of the Ford Co. / Iroquois Co. Line.
- b. Shelby County shall be divided at the point where the Macon/Shelby with its border being: At the point where the Macon/ Shelby County line, Shelby County Road Number E 3000 North Rd intersects with N 1600 East Rd will be the farthest north point. The line then will travel south to E 2600 North Rd. At this point the line turns to the east until it reaches N 1700 East Rd. The line then goes south until 2100 North Rd. It will turn to the east to N 1900 East Rd. At that point it travels south, and turns into N 1880 East Rd and then N 1875 East Rd. Go west on E 1600 north Rd until 1870 East Rd. Going south from this point, the road will turn into N 1860 Rd continue south to E 1550 North Rd. Going west this road curves south and becomes N 1850 East Rd. Continue going southeast until the road turns into Broadway St, then travel south to the intersection of W Main St also known as IL RT 16. Going east from this point to N 2220 East Rd. Then the line goes south to E 1100 North Rd. The line travels east to N 2300 East Rd then south to E 900 North Rd. Going east from this point to N. 2325 Rand Rd. Then going south to E 700 North Rd. At that point to east, the road will curve to the south turning into E 675 North Rd. Continue Southeast to N 2375 East Rd until it intersects E 600 North Rd. Travelling East to N 2500 East Rd. At this point travel south to E 300 North Rd.

Then travel east to N 2600 East Rd. Travel south from that point to E 000 North Rd, the southern point on the Shelby Effingham County Line.

12. The prevailing wage and fringe benefit rates applicable to the Ironworker in the eastern portion of Shelby and southern portion of Iroquois Counties shall be those rates as set forth in the area-wide collective bargaining agreement by and between the area-wide collective bargaining agreement by and between the Central Illinois Builders Association and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 380. Rates for the eastern portion of Shelby and southern portion of Iroquois Counties, as of July 15, 2023, are the following:

Base Wage: \$36.08
Overtime M-F, Sat: 1.5x base rate
Overtime Sunday: 2x base rate
Overtime Holiday: 2x base rate
Foreman: \$38.08
General Foreman: \$38.58
Health & Welfare: \$12.14
Pension: \$15.75 / \$31.50 per overtime hour
Training: \$1.11

13. The rate determinations shall apply effective July 15, 2023, 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.
14. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.
15. 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.

Dated this 15th day of September, 2023.

/s/ Nicholas Bedenk
Illinois Department of Labor

/s/ Michael McGuire
International Association of Bridge Structural, Ornamental, and Reinforcing Ironworkers
Local Union No.380

/s/ Timothy Ryan
Midwest Region of Laborers

/s/ Kara Principe
International Union of Operating Engineers, Local 150

Entered by:

/s/ John A. O'Meara
Administrative Law Judge

Date: September 15, 2023

STATE OF ILLINOIS)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section I-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. 2024-H-RP07-2343 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 with postage prepaid at 555 West Monroe, Chicago, Illinois, 60661, or U.S. Regular Mail or email on the 18th day of September, 2023 prior to 4:30 p.m.

International Association of Bridge, Structural,
Ornamental & Reinforcing Ironworkers Local Union No. 380
Michael J. McGuire, Esq.
Marco, McGuire & Arreola, LLC
3447 North Lincoln Avenue
Chicago, IL 60657
mmcguire@mma.law

Kara M. Principe
Counsel
Indiana, Illinois, Iowa Foundation for Fair Contracting
6170 Joliet Road, Suite 200
Countryside, IL 60525
kprincipe@iiffc.org

Tim Ryan, JD
Midwest Laborers
1 N Old State Capitol Plaza, Ste. 525
Springfield, IL 62701
tryan@midwestlaborers.org

Nick Bedenk
Illinois Department of Labor
160 N. LaSalle St., FL-13
Chicago, IL 60601
Nicholas.Bedenk@Illinois.gov

/s/Karen Lewis
Office Specialist, Illinois Department of Labor