

STATE OF ILLINOIS DEPARTMENT OF LABOR
LAW DIVISION – HEARINGS SECTION
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:

JAY ELDERS, PRESIDENT OF INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 318

STATE FILE NO. 2024-H-RP08-2345

OBJECTOR(S),

BRIAN REHBEIN, SECRETARY TREASURER OF
EGYPTIAN CONTRACTORS' ASSOCIATION &
FRANK KAZENSKE, DIRECTOR OF LABOR
RELATIONS OF THE ASSOCIATED GENERAL
CONTRACTORS OF ILLINOIS

INTERVENOR(S),

v.

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

RESPONDENTS.

ORDER

IDOL File No.: 2024-H-RP08-2345 coming 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.*, the Notice of Hearing issued and the parties' Joint Motion for entry of a Consent Decree, I issue this Order:

IT IS HEREBY ORDERED THAT:

1. The Joint Motion for entry of the Consent Decree is GRANTED. Parties waive any further procedural steps before me.
2. The matter is closed/dismissed before the undersigned.
3. The status date of September 8, 2023 and hearing date of September 14, 2023 are stricken.

Entered: September 7, 2023

Monica Silva

Monica Silva
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
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)

JAY ELDERS, PRESIDENT OF INTERNATIONAL)
UNION OF OPERATING ENGINEERS,)
LOCAL 318)

STATE FILE NO. 2024-H-RP08-2345

OBJECTOR(S),)

BRIAN REHBEIN, SECRETARY TREASURER OF)
EGYPTIAN CONTRACTORS ASSOCIATION &)
FRANK KAZENSKE, DIRECTOR OF LABOR)
RELATIONS OF THE ASSOCIATED GENERAL)
CONTRACTORS OF ILLINOIS)

PETITIONING INTERVENOR(S))

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

RESPONDENT(S).)

CONSENT DECREE

The Objector, INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 318, Petitioning Intervenors, EGYPTIAN CONTRACTORS ASSOCIATION AND THE ASSOCIATED GENERAL CONTRACTORS OF ILLINOIS, and Respondents, JANE R. FLANAGAN OF THE ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR resolve the above-captioned matter, pursuant to 56 IAC 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 the Department of Labor's authority to create classifications for Operating Engineers under the IPWA, which was done for work involving Local 318 on July 13, _____, 2023.
3. Pursuant to Sections 4 and 9 and the IPWA, Objector timely filed written objections to the prevailing wage rate classifications August 1, 2023, pertaining to the employee classifications for Operating Engineers as published by the Illinois Department of Labor ("IDOL" or "Department") on its website for various counties identified herein.
4. Pursuant to Section 4 and Section 9 of the IPWA, the Department scheduled a hearing on Objector's objections, issued a Notice of Hearing to Petitioning Intervenors, 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 Petitioning Intervenor's objections on IDOL's official website.

5. It is determined that in the counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White, and Williamson, the prevailing wage classifications that were published (posted) by the Department should be replaced and should include new classification definitions, as set out in this Consent Decree. The Department shall recognize the classifications on attached Exhibit A as found in the applicable Collective Bargaining Agreement.
6. For enforcement purposes, the counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White, and Williamson, the classifications of Operating Engineers shall be as newly published (posted) by the Department as shown on Exhibit A to this Consent Decree.
7. The determinations shall apply effective upon publication by the Department no later than September 7, 2023, and continuously thereafter as shown in the Collective Bargaining Agreement in place between the Objector and the Petitioning Intervenor.
8. 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.
9. The Decision and Order disposing of this proceeding shall have the same force and effect as if an Order was made from a full hearing.
10. 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: 7 day of September, 2023.



Illinois Department of Labor



International Union of Operating Engineers, Local 318



Egyptian Contractors Association



The Associated General Contractors of Illinois



Administrative Law Judge, Illinois Department of Labor

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-RP08-2345 and a copy of the Certificate of Service in an email addressed to each party or party's agent at the respective email address shown on the order or on the Certificate of Service, having caused each Order and Certificate of Service to be served by email on the 7th day of September, 2023 prior to 4:30 p.m.

EMAILED

Nick Bedenk Nicholas.Bedenk@illinois.gov

Jay Elders Jay@IUOElocal318.com

Brian Rehbein brehbein@etsimonds.com

Frank Kazenske fkazenske@agcil.org

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