

STATE OF ILLINOIS – DEPARTMENT OF LABOR  
CONCILIATION/MEDIATION DIVISION  
1 W. OLD STATE CAPITOL PLAZA, 3<sup>RD</sup> FLOOR  
SPRINGFIELD, ILLINOIS 62701

IN THE MATTER OF: )  
)  
STANLEY SIMRAYH, as MEMBER OF THE )  
INTERNATIONAL UNION OF OPERATING )  
ENGINEERS, LOCAL #150 and the )  
INTERNATIONAL UNION OF OPERATING )  
ENGINEERS, LOCAL #150, )  
)  
Petitioner(s), )  
)  
v. )  
)  
JOSEPH COSTIGAN, DIRECTOR OF )  
LABOR and the ILLINOIS DEPARTMENT OF )  
LABOR, )  
)  
Respondent. )

STATE FILE NO. 2014-H-TW07-0013

DATE OF NOTICE: July 12, 2013

CERT. MAIL/RETURN RECEIPT:

7002 2410 0002 2830 9514

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that pursuant to section(s) 4 and 9 and of the Illinois Prevailing Wage Act [hereinafter, “PWA” or “Act”], 820 ILCS 130/0.01-12, Joseph Costigan, Director of Labor and the Illinois Department of Labor [hereinafter, “Respondent”] has received written objections and a request for hearing filed by, Stanley Simrayh as member of the International Union of Operating Engineers, Local #150 and the International Union of Operating Engineers, Local #150 [“Petitioners”] and will convene a hearing in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5-10-70 and the procedures stated in Respondent’s rules at 56 Illinois Administrative Code 120.100 – 120.670.

DATE: AUGUST 8, 2013  
TIME: 1:00 P.M.  
PLACE: ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

**CLAUDIA D. MANLEY  
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 (Exhibits A, attached hereto and made a part hereof) filed by Petitioner(s) involving and effecting Respondent’s determination of the classification(s) and/or reclassification(s) of craft(s), or type of laborer(s), worker(s) or mechanic(s), engaging in work on public works projects in the in the **all** counties **except** the following: Boone, Carroll, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake Lee, McHenry, Ogle, Will and Winnebago located within the State of Illinois and the prevailing rate of wages for the classification(s). Petitioner requests establishment or clarification regarding new classifications and reclassification of

laborer-building and highway and truck driver 1 and establishment of Material Tester/Inspector I and Material Tester/Inspector II.

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 render a decision and issue an order on the objections pursuant to 820 ILCS 130/4 and 9, 56 Illinois Administrative Code 120.100 – 120.670. The decision will be the decision for and of the Director of Labor. A certified copy of the final administrative decision shall be filed with the Secretary of State, and a copy served personal service or certified/registered mail on all parties to the proceeding.

The proceedings under this hearing are subject to judicial review in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 - 3-113. 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, 735 ILCS 5/3-101-113.

A handwritten signature in black ink, appearing to read "Joseph Costigan". The signature is written in a cursive style and is positioned above a horizontal line.

Joseph Costigan  
Director of Labor

Marc R. Poulos  
Executive Director

Phone: 815.254.FFFC  
Fax: 815.254.3525



"keeping it fair, for contractors and workers"

**RECEIVED**  
JUL - 8 2013  
Illinois Department of Labor  
CHICAGO OFFICE  
HEARINGS SECTION

July 3, 2013

Mr. Joseph Costigan  
Director of the Department of Labor  
Illinois Department of Labor  
900 S. Spring Street  
Springfield, IL 62701

## EXHIBIT A

Re: Request for a Section 9 hearing to establish Prevailing Wage rates for Material Tester/Inspector I and Material Tester/Inspector II

Dear Mr. Costigan:

I represent Stanley Simrayh a member of the International Union of Operating Engineers, Local 150, AFL-CIO ("Local 150"). Local 150 members, including Mr. Simrayh, perform the work mentioned herein and are capable of performing this work in the Counties mentioned herein and are therefore affected by the absence of such classifications.

Currently, Material Tester I & II classifications exist in the following 15 counties: Boone, Carroll, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, Lee, McHenry, Ogle, Will, and Winnebago. The purpose of this request is to add Material Tester/Inspector I and Material Tester/Inspector II classifications in the remaining counties as follows:

<b>Material Tester/Inspector I</b>	Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.
<b>Material Tester/Inspector II</b>	Field inspection of welds, structural steel, fireproofing, masonry, soil, façade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

	<b>Wage Rate</b>	<b>Fringe Benefits</b>
<b>Material Tester/Inspector I</b>	\$22.34	H&W: \$14.20 Pension: \$6.85 Training: \$1.10 Vacation:\$0.00
<b>Material Tester/Inspector II</b>	\$36.39	

The following are examples of public works projects where Material Testers/Inspectors I & II performed work throughout the State.

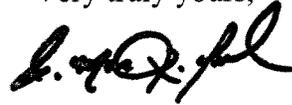
<b>County</b>	<b>Project Description</b>	<b>Public Body</b>	<b>Dates</b>
Bureau	Water Treatment Plant	City of Princeton	May – Sept. 2012
LaSalle	IVCC Phase I – Technology Center	Illinois Valley Community College Dist. No. 513	June – Sept. 2012
LaSalle	IVCC Phase II – East Campus Renovations	Illinois Valley Community College Dist. No. 513	January 2013
Stephenson	Lena Water Tower	Lena	Feb – March 2012
Livingston/Woodford	Minonk Wind Project	“High Impact Business”	Apr – Nov 2012
Stephenson	Sidewalk Replacement	Highland Community College	June 2012
Whiteside	Building Addition	Prophetstown H.S.	Apr – June 2012
Whiteside	Building Renovations	Challand Middle School and Sterling	May – July 2012
Whiteside	Football Field Renovations	Prophetstown, Lyndon, Tampico, CUSD #3	Apr – June 2012
Whiteside	Challand Middle School & Sterling H.S. Renovations	Sterling CUSD #5	May – June 2012
Whiteside	Sterling H.S. Football Field Renovations	Sterling CUSD #5	June 2012

Accordingly, on behalf of Mr. Simrayh, Local 150 and the Local 150 membership, in accordance with Section 4 and 9 of the IPWA (820 ILCS 130/4; 820 ILCS 130/9), I am requesting an investigatory hearing to establish Prevailing Wage rates for Material Tester/Inspector I and II statewide (excluding the 15 counties where the classifications already exist).

Page 3  
June 18, 2013

Thank you for your attention to this matter. Please contact me if there are any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. R. Poulos". The signature is fluid and cursive, with a large, stylized initial "M" and "P".

Marc R. Poulos  
Executive Director

cc: Stanley Simrayh, IUOE Local 150  
Ronald M. Willis, IDOL General Counsel

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing:

Notice of Hearing

prior to 4:30 p.m. on July 12, 2013, to the following addresses shown below  
via certified U.S. Mail, and placed on the Illinois Department of Labor's official  
website at [www.state.il.us/agency/idol/](http://www.state.il.us/agency/idol/):

Marc R. Poulos  
Indiana Illinois and Iowa  
Foundation for Fair Contracting  
6170 Joliet Rd., Ste. 200  
Countryside, IL 60525

Via messenger:

Ronald M. Willis  
General Counsel  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

Ann Harrison

Subscribed and Sworn to this 12 day of July, 2013

Jessie L. Casamajor  
Notary Public

