

**STATE OF ILLINOIS – DEPARTMENT OF LABOR  
 CONCILIATION/MEDIATION DIVISION  
 900 S. SPRING STREET  
 SPRINGFIELD, ILLINOIS 62702**

**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-TW07-0031**  
**DATE OF NOTICE: July 29, 2013**  
**CERT. MAIL/RETURN RECEIPT:**  
 7012 2210 0001 8343 4411

**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 22, 2013**  
**TIME: 2:00 P.M.**  
**PLACE: ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

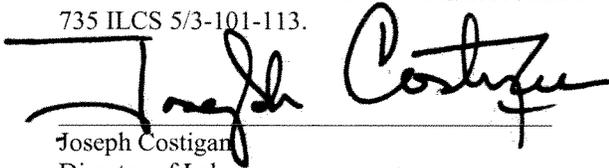
**ADMINISTRATIVE LAW JUDGE:**  
  
**CLAUDIA D. MANLEY**  
**CHIEF ADMINISTRATIVE LAW JUDGE**  
**ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

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 for all counties located within the State of Illinois and the prevailing rate of wages for the classification(s). Petitioner requests establishment, clarification or establishment of a new sub-classification for survey crew members to the existing classification of Operating Engineer (Highway): Rodman, Instrument Man and Foreman.

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.



Joseph Costigan  
Director of Labor



"keeping it fair, for contractors and workers"

July 23, 2013

**CERTIFIED MAIL RECEIPT #7007 3020 0001 2754 6518**

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

Re: Request for a Section 9 hearing to establish Prevailing Wage rates for  
Survey Crew members: Rodman, Instrument Man, Foreman

Dear Mr. Costigan:

I represent Stanley Simrayh a member of the International Union of Operating Engineers, Local 150, AFL-CIO ("Local 150"). The purpose of this request is to add the following new sub-classifications for survey crew members to the existing classification of Operating Engineer (Highway): *Rodman*, *Instrument Man* and *Foreman*. Local 150 members perform the work mentioned herein and are therefore affected by the absence of such classifications.

The Illinois Prevailing Wage Act covers construction work performed by laborers, workers and mechanics on public works projects (820 ILCS 130/2, 3). Survey crew members are directly employed by contractors or subcontractors on a public works job site and/or in anticipation of construction, and engaged in the transportation of materials and equipment to or from the site (820 ILCS 130/3). Further, survey crews are exposed to the same occupational hazards as other workers on a construction site, including prolonged exposure to natural elements during the workday, being struck by heavy equipment, vehicular traffic, etc. And like other workers, they use various types of tools and equipment in the field to accomplish tasks, and must meet similar physical demands of other construction workers, as summarized below.

## EXHIBIT A

Tools or Equipment Used by Field Surveyors

- Data collectors, G.P.S. and robotic instruments to measure direction and distance
- Levels and transits
- Sledge hammer
- Picks
- Digging bar (used to break up hard surfaces leverage to remove rocks and other objects)
- Brush hooks to clear brush

Physical Demands of Field Surveying

- Standing for all but a small fraction of the workday
- Walking and climbing over uneven grades and uphill
- Carrying and wearing heavy objects, including “GPS” equipment, staking staff, lathe rack, hub bag, sledge hammer, hand tape, safety goggle, gloves
- Bending and stooping
- Swinging a heavy sledge hammer
- Clearing brush
- Working in inclement weather

The III FFC proposes the following classifications and wage rates are added to Illinois prevailing wage rates statewide.

<b>Rodman</b>	Assists with staking, survey of horizontal and vertical control for assigned project and performs general labor for survey crew
<b>Instrument Man</b>	Operates survey equipment including data collectors, G.P.S. and robotic instruments, as well as conventional levels and transits.
<b>Foreman</b>	Operates survey equipment, oversees survey crew operations, coordinates work with engineer to complete job on time

	<b>Wage Rate</b>	<b>Fringe Benefits</b>
<b>Rod Man</b>	\$28.80	H&W: \$16.60 Pension: \$11.05 Vacation: \$1.90 Training: \$1.25
<b>Instrument Man</b>	\$35.55	
<b>Foreman</b>	\$39.10	

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June 23, 2013

Based on the above, 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 Rodman, Instrument Man, and Foreman statewide.

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 'Marc R. Poulos', with a long horizontal flourish extending to the right.

Marc R. Poulos

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 7/29, 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



Zelanda Costello

Subscribed and Sworn to this 29th day of July, 2013

Ann Harrison  
Notary Public