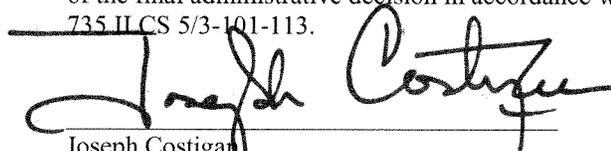




The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records or witnesses necessary to substantiate their position(s) at the hearing.

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

Marc R. Poulos  
Executive Director

Phone: 815.254.FFFC  
Fax: 815.254.3525



"keeping it fair, for contractors and workers"

RECEIVED

JUL 31 2014

Illinois Department of Labor  
CHICAGO OFFICE

July 30, 2014

Mr. Joseph Costigan  
Director of the Department of Labor  
Illinois Department of Labor  
900 S. Spring Street  
Springfield, IL 62704

Re: Request for a Section 9 hearing to establish Prevailing Wage rates for  
Survey Worker and Survey 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 submit written objections and request a hearing pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act (820 ILCS 130/4,9) concerning the prevailing wage rate for Survey Worker and Survey Foreman statewide.

In July 2013, Local 150 submitted a request for a hearing to establish prevailing wage rates for survey workers. In September 2013, Local 150, Intervenors and the Illinois Department of Labor (IDOL) entered into consent decrees adding a new classification for Survey Worker and Survey Foreman, and establishing prevailing wage rates. The consent decree provided that subsequent prevailing wage determinations would be made by IDOL.

Section 4 of the Illinois Prevailing Wage Act states: "The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS 130/9. It is the understanding of Local 150 that the rates ascertained by the Department in June are published in July. Per the Department's website, changes in July 1 rates were published on July 3, 2014 ([www.illinois.gov/idol](http://www.illinois.gov/idol)). The classification for Survey Worker in the

## EXHIBIT A

counties referenced herein are struck through and state "not in effect" on the July 2014 rates published on the Department's website. Local 150 members perform this work and are therefore affected by the absence of such classification.

It is the understanding of Local 150 that the Survey Worker rates are no longer in effect as the result of an order granted by the Circuit Court of Cook County staying enforcement in Associated General Contractors of Illinois, Diamond Construction Company, and Contractors Midwest, Inc. v. IDOL (No. 13 CH 26840), and a resulting settlement agreement between the parties to that litigation.

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.

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 Survey Worker and Survey Foreman.

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

Very truly yours,



Melissa L. Binetti

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 August 8, 2014, to the following addresses shown below

via certified U.S. Mail, and placed on the Illinois Department of Labor's official

website at <http://www.illinois.gov/idol/Laws-Rules/legal/Pages/Hearings.aspx>:

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

Via messenger:

Valerie A. Puccini  
Assistant General Counsel  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601



Subscribed and Sworn to this 8 day of August, 2014

  
Notary Public

