

CERTIFICATE OF SERVICE

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

CONSENT DECREE AND ORDER

prior to 4:30 p.m. on 9/13, 2013, to the following addresses shown below
via regular U.S. Mail, and placed on the Illinois Department of Labor's official website at
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

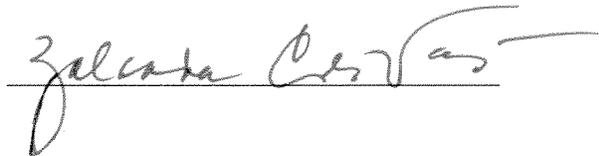
Britt W. Sowle
Cavanagh & O'Hara, LLP
1609 North Illinois St.
Swansea, IL 62226

Jeff Naville
Laborers' Midwest Region
#1 N. Old State Capitdol Plaza, Ste. 525
Springfield, IL 62701

Ed Hogan/Nicholas Hudalla
Hogan & Marren, Ltd.
321 N. Clark St., Ste. 1301
Chicago, IL 60654

Via messenger:

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



STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
900 S. SPRING STREET.
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,)
)
 Petitioners,)
)
v.)
)
JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT)
OF LABOR,)
)
 Respondent,)
)
and)
)
MARTIN FLANAGAN, as a member of the)
LABORERS INTERNATIONAL UNION)
OF NORTH AMERICA, CONSTRUCTION)
& GENERAL LABORERS' DISTRICT)
COUNCIL OF CHICAGO and VICINITY,)
and the LABORERS' DISTRICT COUNCIL)
LABOR MANAGEMENT COOPERATION)
COMMITTEE)
)
 Intervenors.)

STATE FILE NO.: 2014-H-TW07-0031

Consent Decree

Joseph Costigan, Director of Labor and the Illinois Department of Labor (“Respondent”), Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 and the International Union of Operating Engineers, Local 150 (“Petitioners”), and Martin Flanagan, as a member of the Laborers International Union of North America, the Construction & General Laborers’ District Council of Chicago and Vicinity and the Laborers’ District Council Labor Management Cooperation Committee (Intervenor), hereby resolve the above-referenced 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.

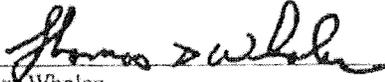
2. Pursuant to Sections 4 and 9 of the IPWA, Petitioners timely filed written and specific objections to the June 2013 prevailing wage rates published by the Illinois Department of Labor (“IDOL”) on its website for various counties mentioned herein, and requested a hearing to establish new classification for survey crew members.
3. Pursuant to Sections 4 and 9 of the IPWA, Intervenor timely filed its written petition to intervene.
4. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioners objections and request for a hearing, issued a Notice of Hearing to Petitioner dated July 29, 2013, 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 IDOL’s official website.
5. On or about August 22, 2013, Petitioner Motioned, *Instantly*, the filing of a First Amended Petition and tendered copies to all parties.
6. On or about August 22, 2013, Chief Administrative Law Judge Manley bifurcated the proceedings by splitting the petition into two parts: part one of the petition, presented here, affects only the following counties: Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy and McHenry. Part two of the petition affects all remaining Illinois Counties, and is detailed in a separate Consent Decree.
7. On or about August 22, 2013, Chief Administrative Judge Manley granted Petitioner’s First Amended Petition as it relates to part one of the petition.
8. For the following Illinois counties: Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy and McHenry, the parties agree that IDOL shall add **Survey Worker** and **Survey Foreman** as new classifications for Highway Construction, described as follows:

Survey Worker	Operates survey equipment including data collectors, G.P.S. and robotic instruments, as well as conventional levels and transits	Counties Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Will	Base \$37.00	Pensn \$9.93	H/W \$12.97	Vac \$0.00	Trng \$0.50
	Operates	Counties	Base	Pensn	H/W	Vac	Trng

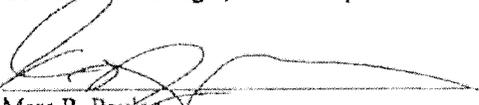
Survey Foreman	survey equipment, oversees survey crew operations, coordinates work with engineer to complete job on time	Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Will	\$37.75	\$9.93	\$12.97	\$0.00	\$0.50
All classifications for all Counties contained within this table shall have the following additional benefits: M-F>8 = 1.5; OSA=1.5; OSH=2.0							

9. For all Illinois counties listed in paragraph 7 above, the IDOL shall set the prevailing wages for Survey Worker and Survey Foreman as outlined above and as subsequently determined by the Illinois Department of Labor.
10. For purposes of enforcement, the IDOL shall classify the position commonly referred to as Rod Man (performing general labor for a survey crew) under the classification of Laborer.
11. The parties agree that:
 - a. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing; and
 - b. The entire record of this hearing shall consist solely of the Notice of Hearing, this Consent Decree, and the subsequent Decision and Order.
 - c. The rates discussed herein shall be posted no later than October 1, 2013.
12. 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.

Dated this 12 day of September, 2013



Tom Whalen
Conciliation Manager, Illinois Department of Labor



Marc R. Powles
Attorney for Petitioners
Stanley Simrayli, as a member of the International
Union of Operating Engineers, Local 150
and the International Union of Operating Engineers,
Local 150



Ed Hogan
Attorney for Interveners
Martin Flanagan, as a member of the Laborers
International Union of North America, the
Construction & General Laborers' District
Council of Chicago and Vicinity and the
Laborers' District Council Labor Management
Cooperation Committee

STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
900 S. SPRING STREET.
SPRINGFIELD, ILLINOIS 62701

IN THE MATTER OF:)
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STANLEY SIMRAYH, as MEMBER OF)
THE INTERNATIONAL UNION OF)
OPERATING ENGINEERS, LOCAL #150)
and the INTERNATIONAL UNION OF)
OPERATING ENGINEERS, LOCAL #150,)
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Petitioners,)
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v.)
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JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT)
OF LABOR,)
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Respondent,)
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and)
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MARTIN FLANAGAN, as a member of the)
LABORERS INTERNATIONAL UNION)
OF NORTH AMERICA, CONSTRUCTION)
& GENERAL LABORERS' DISTRICT)
COUNCIL OF CHICAGO and VICINITY,)
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LABOR MANAGEMENT COOPERATION)
COMMITTEE)
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Intervenors.)

STATE FILE NO.: 2014-H-TW07-0031

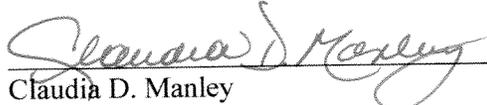
Order

This cause coming to be heard on an objection to the Illinois Department of Labor's prevailing wage determinations and request for hearing under Section 9 of the Prevailing Wage Act, 820, ILCS 130/01 *et seq.*, and due notice having been given:

IT IS HEREBY ORDERED, that upon review of the Consent Decree and the terms and conditions entered into between the parties the Consent Decree is accepted and resolves the dispute between the parties.

DATE: 9/12/13

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
F: 312-793-5257


Claudia D. Manley
Chief Administrative Law Judge

STATE OF ILLINOIS – DEPARTMENT OF LABOR
 CONCILIATION/MEDIATION DIVISION
 900 S. SPRING STREET.
 SPRINGFIELD, ILLINOIS 62701

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 and the INTERNATIONAL UNION OF)
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Petitioners,)

v.)

STATE FILE NO.: 2014-H-TW07-0031

JOSEPH COSTIGAN, DIRECTOR OF)
 LABOR and the ILLINOIS DEPARTMENT)
 OF LABOR,)

Respondent,)

and)

LABORERS' INTERNATIONAL UNION)
 OF NORTH AMERICA GREAT PLAINS)
 LABORERS' DISTRICT COUNCIL and)
 SOUTHWESTERN ILLINOIS LABORERS')
 DISTRICT COUNCIL and SOUTHERN)
 AND CENTRAL ILLINOIS LABORERS')
 DISTRICT COUNCIL and their affiliated)
 LOCAL UNIONS, OFFICERS and)
 BARGAINING UNIT MEMBERS, and)
 MIDWEST REGION LABORERS AND)
 EMPLOYERS COOPERATION AND)
 EDUCATION TRUST, and ILLINOIS)
 LABORERS and EMPLOYERS)
 COOPERATION AND EDUCATION)
 TRUST)

Intervenors.)

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 JOSEPH COSTIGAN, DIRECTOR OF)
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 LABORERS' INTERNATIONAL UNION)
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 LABORERS' DISTRICT COUNCIL and)
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 DISTRICT COUNCIL and SOUTHERN)
 AND CENTRAL ILLINOIS LABORERS')
 DISTRICT COUNCIL and their affiliated)
 LOCAL UNIONS, OFFICERS and)
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 MIDWEST REGION LABORERS AND)
 EMPLOYERS COOPERATION AND)
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 LABORERS and EMPLOYERS)
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Consent Decree

Joseph Costigan, Director of Labor and the Illinois Department of Labor (“Respondent”), Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 and the International Union of Operating Engineers, Local 150 (“Petitioners”), and the Laborers’ International Union of North America Great Plains Laborers’ District Council, Southwestern Illinois Laborers’ District Council, Southern

and Central Illinois Laborers' District Council and their affiliated Local Unions, Officers and Bargaining Unit Members, and the Midwest Region Laborers and Employers Cooperation and Education Trust, and Illinois Laborers and Employers Cooperation and Education Trust, ("Midwest Region Laborers'") ("Intervenors"), hereby resolve the above-referenced 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 and specific objections to the June 2013 prevailing wage rates published by the Illinois Department of Labor ("IDOL") on its website for various counties mentioned herein, and requested a hearing to establish new classification for survey crew members.
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5. On or about August 22, 2013, Petitioner Motioned, *Instantly*, the filing of a First Amended Petition and tendered copies to all parties.
6. On or about August 22, 2013, Chief Administrative Law Judge Manley bifurcated the proceedings by splitting the petition into two parts: part one of the petition affects only the following counties: Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy and McHenry, and is detailed in a separate Consent Decree. Part two of the petition, presented here, affects all remaining Illinois Counties.
7. On or about September 6, 2013, Chief Administrative Judge Manley granted Petitioner's First Amended Petition as it relates to part two of the petition.
8. For Illinois counties statewide, excluding Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy and McHenry, the parties agree that IDOL shall add **Survey Worker** and **Survey Foreman** as new classifications for Highway Construction, described as follows:

Survey Worker	Operates survey equipment including data collectors, G.P.S. and robotic instruments, as well as conventional levels and transits	Counties Adams	Base \$24.22	Pensn \$12.19	H/W \$8.00	Vac \$0.00	Trng \$0.80
		Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, Williamson	\$25.85	\$10.95	\$5.85	\$0.00	\$0.80
		Bond	\$25.86	\$14.34	\$5.75	\$0.00	\$0.80
		Brown, Mason, Pike, Schuyler	\$24.96	\$11.45	\$8.00	\$0.00	\$0.80
		Bureau, LaSalle	\$29.48	\$9.58	\$8.24	\$0.00	\$0.80
		Calhoun, Greene, Jersey, Madison NW	\$30.36	\$9.84	\$5.75	\$0.00	\$0.80

	Carroll, Jo Davies, Lee, Ogle, Stephenson, Whiteside	\$36.83	\$12.84	\$8.24	\$0.00	\$0.80
	Cass, Christian, Logan, Menard, Morgan, Sangammon, Scott	\$28.47	\$10.76	\$6.30	\$0.00	\$0.80
	Champaign, Dewitt, Piatt, Vermilion	\$29.70	\$10.59	\$6.30	\$0.00	\$0.80
	Clark, Coles, Cumberland, Douglas, Edgar, Macon, Moultrie, Shelby	\$29.55	\$10.34	\$6.30	\$0.00	\$0.80
	Clinton	\$25.20	\$15.00	\$5.75	\$0.00	\$0.80
	DeKalb, Winnebago	\$35.65	\$13.95	\$8.24	\$0.00	\$0.80
	Ford, Iroquois, Kankakee	\$34.03	\$12.50	\$8.24	\$0.00	\$0.80
	Fulton, Tazewell SE	\$29.06	\$14.06	\$8.00	\$0.00	\$0.80
	Hancock, McDonough	\$24.74	\$12.25	\$8.00	\$0.00	\$0.80

	Henderson, Henry, Knox, Warren	\$26.36	\$10.15	\$8.24	\$0.00	\$0.80
	Livingston, Marshall, Stark E	\$31.31	\$9.06	\$7.70	\$0.00	\$0.80
	Macoupin	\$29.94	\$10.26	\$5.75	\$0.00	\$0.80
	Madison SE, Saint Clair N	\$29.30	\$10.60	\$6.05	\$0.00	\$0.80
	Mclean	\$31.08	\$9.29	\$7.70	\$0.00	\$0.80
	Mercer, Rock Island	\$27.13	\$7.41	\$6.75	\$0.00	\$0.80
	Monroe	\$26.50	\$13.70	\$5.75	\$0.00	\$0.80
	Montgomery	\$25.45	\$14.75	\$5.75	\$0.00	\$0.80
	Peoria	\$28.90	\$14.86	\$7.70	\$0.00	\$0.80
	Putman	\$29.48	\$9.58	\$8.24	\$0.00	\$0.80
	Randolph, Saint Clair S, Washington	\$27.62	\$12.58	\$5.75	\$0.00	\$0.80
	Stark W	\$26.06	\$10.15	\$8.24	\$0.00	\$0.80
	Tazewell NW	\$28.60	\$14.86	\$7.70	\$0.00	\$0.80

Survey Foreman	Operates survey equipment, oversees survey crew operations, coordinates work with engineer to complete job on time	Counties	Frmn	Pensn	H/W	Vac	Trng
		Adams	\$25.22	\$12.19	\$8.00	\$0.00	\$0.80
		Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, Williamson	\$26.30	\$10.95	\$5.85	\$0.00	\$0.80
		Bond	\$26.36	\$14.34	\$5.75	\$0.00	\$0.80
		Brown, Mason, Pike, Schuyler	\$25.96	\$11.45	\$8.00	\$0.00	\$0.80
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	Ford, Iroquois, Kankakee	\$35.03	\$12.50	\$8.24	\$0.00	\$0.80
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	Macoupin	\$30.44	\$10.26	\$5.75	\$0.00	\$0.80
	Madison SE, Saint Clair N	\$29.80	\$10.60	\$6.05	\$0.00	\$0.80
	Mclean	\$31.63	\$9.29	\$7.70	\$0.00	\$0.80
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All classifications for all Counties contained within these tables shall have the following additional benefits: M-F>8 = 1.5; OSA=1.5; OSH=2.0

- For all Illinois counties, not otherwise excluded in paragraph 7 above, the IDOL shall set the prevailing wages for Survey Worker and Survey Foreman as outlined above.

10. For purposes of enforcement, the IDOL shall classify the position commonly referred to as Rod Man (performing general labor for a survey crew) under the classification of Laborer.

11. The parties agree that:

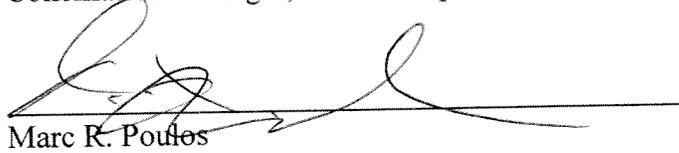
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- c. The rates discussed herein shall be posted no later than October 1, 2013.

12. The parties waive:

- a. Further procedural steps before the Administrative Law Judge; and
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Dated this 12 day of September, 2013

Tom Whalen
Conciliation Manager, Illinois Department of Labor



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Attorney for Petitioners
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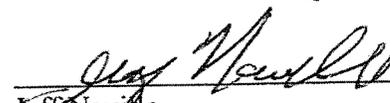
Jeff Naville
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Britt W. Sowle
Attorney for Intervenors
Midwest Region Laborers and Employers Cooperation
and Education Trust, and Illinois Laborers and Employers
Cooperation and Education Trust

Dated this 12 day of September, 2013

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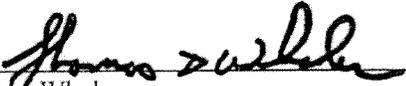


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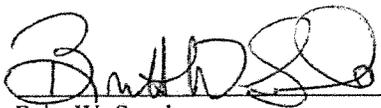


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