STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:	)	
	)	
STANLEY SIMRAYH, as a MEMBER OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL #750, AFL-CIO and the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL #750, AFL-CIO	)	
	)	STATE FILE NO. 15-H-JN08-08532
	)	
and	)	
	)	
ASSOCIATED GENERAL CONTRACTORS OF ILLINOIS ET AL.	)	
	)	
Petitioner(s)	)	
	)	
v.	)	
	)	
JOSEPH COSTIGAN, DIRECTOR OF LABOR and the ILLINOIS DEPARTMENT OF LABOR,	)	
	)	
Respondent(s)	)	
	)	
Martin Flanagan, as a member of the Laborers International Union of North America et al.	)	
	)	
Intervenor(s)	)	
	)	

ORDER

This matter coming before the undersigned on September 8, 2014 for consolidated pre-hearing conference on:

i) the Written Objections of Stanley Simrayh and the International Union of Operating Engineers, Local 150 ("Operating Engineers") to the Illinois Department of Labor's ("IDOL's") prevailing wage determinations for the classifications of "survey worker" and "survey foreman," *as published by IDOL on or about July 3, 2014*; and

ii) the Written Objections of the Associated General Contractors of Illinois and others ("ACGI") to IDOL's prevailing wage determinations for the classifications of "survey worker" and "survey foreman," *as published by IDOL on or about October 1, 2013*;

This matter also coming before the undersigned on September 8, 2014 for hearing on Petitions to Intervene in the Operating Engineers' Objection filed by:

i) ACGI and others;
ii) Martin Flanagan, as a member of the Laborers International Union of North America, and others ("Chicago and Vicinity Laborers");
iii) Technical Engineering Division Local Union 130, U.A.;
iv) affiliated downstate local unions of the Laborers International Union of North America and others ("Downstate Laborers"); and
v) the Underground Contractors Association of Illinois;

The undersigned having inquired of ACGI regarding its dual filings and the capacity ("Objector" versus "Intervenor") in which it seeks to participate in these consolidated proceedings; ACGI having asserted (in its filings and during the pre-hearing conference) that its status as "Objector" derives from the Settlement Agreement and Court Order in the matter of *ACGI et al. v. IDOL,* 13 CH 26840 (Cook County); oral objections having been made during the pre-hearing conference to ACGI participating as "Objector"; the undersigned having been provided with a copy of the Settlement Agreement and Court Order, dated July 8, 2014, during the pre-hearing conference; the Settlement Agreement providing, in pertinent part: *"Defendants will accept new written Objections pursuant to 820 ILCS 130/9 relating to the...Prevailing Wage Determinations [for "Survey Worker" and Survey Foreman"] originally posted by the Department on October 1, 2013... as being timely filed...Defendants agree that until Defendants issue administrative decisions on the Objections to the Determinations at Issue pursuant to the Section 9 hearing process, the Determinations at Issue will not be in force and affect [sic], will not be enforced, and will not be reposted"*;

ACGI having also moved to amend instanter its Petition to Intervene to include the Illinois Road & Transportation Builders Association among the represented entities; and oral objections having been made to such amendment;

IT IS HEREBY ORDERED:

1. All Petitions to Intervene, *as filed*, are allowed;
2. All objections, if any, to ACGI's motion to amend its Petition to Intervene (to include the Illinois Road & Transportation Builders Association) shall be filed **on or before September 18, 2014**;
3. All objections, if any, to ACGI participating as "Objector" (versus "Intervenor") in these consolidated proceedings shall be filed **on or before September 18, 2014**;
4. Witness lists, and any documents that the parties may seek to offer into evidence at hearing, shall be exchanged **on or before September 23, 2014**, in accordance with 56 Ill. Admin. Code 120.410;
5. This matter is continued to **September 22, 2014 at 10:00 a.m.** for further pre-hearing conference and ruling on any pending motions; and
6. This matter is continued to **October 14, 2014 at 9:30 a.m**. for hearing.

Entered: September 9, 2014 **Michael Haggerty, Administrative Law Judge**

CERTIFICATE OF SERVICE

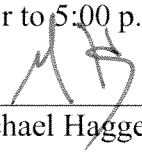
I hereby certify that I caused to be served a copy of the foregoing:

Order

to be served on the following individuals/entities at the e-mail addresses shown below;

to be placed on the Illinois Department of Labor's official website at http://www.illinois.gov/idol/Laws-Rules/legal/Pages/Hearings.aspx:

prior to 5:00 p.m. on September 9, 2014



Michael Haggerty

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