STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
1 W. OLD STATE CAPITOL PLAZA, 3rd FL.
SPRINGFIELD, ILLINOIS 62701

FILED
NOV 14 2014
Illinois Department of Labor
CHICAGO OFFICE

IN THE MATTER OF:	)	
	)	
TOM RIDGE, as a MEMBER OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 841, AFL-CIO and the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 841, AFL-CIO	)	
	)	
Petitioners,	)	STATE FILE NO. 15-H-JN07-0807
	)	
v.	)	
	)	
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 affiliated unions,	)	
	)	
Intervenors	)	

Order

This matter 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: 11-14-14

Claudia D. Manley
Chief Administrative Law Judge

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

STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
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	)	
Intervenors	)	

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, AFL-CIO and the International Union of Operating Engineers, Local 150, AFL-CIO ("Petitioners"), and the Laborers' International Union of North America Great Plains Laborers' District Council, and affiliated unions ("Great Plains Laborers"), 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 a new sub-classification of Certified Power Crane Operator for Operating Engineer in the following Illinois counties Ford; Iroquois; Champaign; Douglas; Edgar; Vermilion; Coles; Clark; Clay; Cumberland; Crawford; Effingham; Edwards; Jasper; Lawrence; Moultrie; Richland; Wabash; and Wayne.

3. 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 24, 2014, 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.

4. On or about August 1, 2014, the Great Plains Laborers timely filed a Petition to Intervene, which was granted by Chief Administrative Law Judge Manley by order dated August 15, 2014.

5. The Great Plains Laborers is the representative for the local unions of the Laborers' International Union of North America through the Illinois counties of Champaign; Douglas; Edgar; Vermilion; Coles; Clark; Clay; Cumberland; Crawford; Effingham; Edwards; Jasper; Lawrence; Moultrie; Richland; and Wabash.

6. For the counties listed in paragraph 2 above, the parties agree that IDOL shall revise the existing classification for Operating Engineer ALL 1, described as follows:

   Class 1. Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor Highlift, Tournadozer, Concrete Mixers with Skip, Tournamixer, Two Drum Machine, One Drum Hoist with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Engineer or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machine, including Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Span Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver-Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart- Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled

Pavement Breaker, Lull (or similar type Machine), Two Air Compressors, Compressors hooked in Manifold, Chip Spreader, Mud Cat, Sull-Air, Fork Lifts (except when used for landscaping work), Soil Stabilizer (Seaman Tiller, Bo Mag, Rago Gator, and similar types of equipment), Tube Float, Spray Machine, Curing Machine, Concrete or Asphalt Milling Machine, Snooper Truck-Operator, Backhoe, Farm Tractors (with attachments), 4 Point Lift System (Power Lift or similar type), Skid-Steer (Bob Cat or similar type), Wrecking Shears, Water Blaster.

7. The prevailing wage and fringe benefit rate for Operating Engineer ALL 1 shall not be changed.

8. For the counties listed in paragraph 2 above, the parties agree that IDOL shall add the following new classification for Operating Engineer ALL 3, described as follows,:

   Class 3. Power Cranes; Truck or Crawler Crane; Rough Terrain Crane (Cherry Picker); Tower Crane; Overhead Crane.

9. For the counties listed in paragraph 2 above, IDOL shall list the prevailing wage and fringe benefit rate for Operating Engineer ALL 3 as follows:

Base Wage Rate:	$38.75
Foreman	$ 0.00
H&W:	$ 7.60
Pension:	$ 9.10
Vacation:	$ 0.00
Training:	$ 0.85
Overtime M-F	1.5
Overtime Sat.	1.5
Overtime Sun./ Holidays	2.0

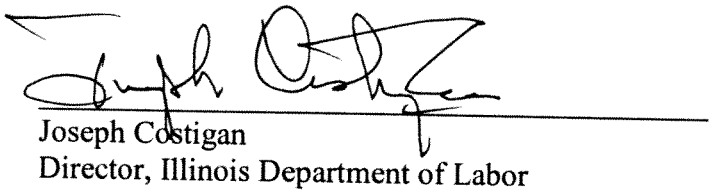
10. The parties agree that:

    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 January 1, 2015.

11. 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 November, 2014



Joseph Costigan
Director, Illinois Department of Labor

Marc R. Poulos
Attorney for Petitioners
Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 and the International Union of Operating Engineers, Local 150, AFL-CIO

Ellen Schanzle-Haskins
Attorney for Intervenors
Laborers' International Union of North America Great Plains Laborers' District Council, and affiliated unions

11. 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 ____ day of November, 2014

_____
Joseph Costigan
Director, Illinois Department of Labor

_____
Marc R. Poulos
Attorney for Petitioners
Stanley Simrayh, as a member of the International
Union of Operating Engineers, Local 150
and the International Union of Operating Engineers,
Local 150, AFL-CIO

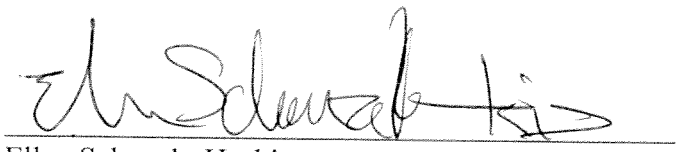
_____
Ellen Schanzle-Haskins
Attorney for Intervenors
Laborers' International Union of North America Great Plains
Laborers' District Council, and affiliated unions

11. 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 ____ day of November, 2014

_____
Joseph Costigan
Director, Illinois Department of Labor

_____
Marc R. Poulos
Attorney for Petitioners
Stanley Simrayh, as a member of the International
Union of Operating Engineers, Local 150
and the International Union of Operating Engineers,
Local 150, AFL-CIO


Ellen Schanzle-Haskins
Attorney for Intervenors
Laborers' International Union of North America Great Plains
Laborers' District Council, and affiliated unions

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 November 14, 2014, to the following addresses shown below via 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:

Melissa Binetti
Indiana Illinois and Iowa
Foundation for Fair Contracting
6170 Joliet Rd., Ste. 200
Countryside, IL 60525

Ellen Schanzle-Haskins
Brown Hay & Stephens
205 S. Fifth, Ste. 700
Springfield, IL 62705

Via messenger:

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

Ann Harrison