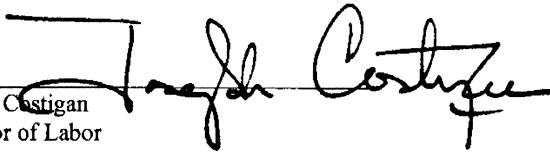


The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records or witnesses necessary to substantiate their position(s) at the hearing.

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

A handwritten signature in black ink, appearing to read "Joseph Costigan", written over a horizontal line.

Marc R. Poulos
Executive Director

Phone: 815.254.FFFC
Fax: 815.254.3525



"keeping it fair, for contractors and workers"

June 29, 2011

RECEIVED
JUL 05 2011

Illinois Department of Labor
CHICAGO OFFICE
HEARINGS SECTION

Mr. Joseph Costigan
Director of the Department of Labor
Illinois Department of Labor
160 N. LaSalle St., C-1300
Chicago, IL 60601

Re: Request for a Section 9 hearing to establish and reclassify various Prevailing Wage Classifications in Rock Island, Mercer, West half of Henry and West portion of Whiteside Counties

Dear Mr. Costigan:

I represent Stanley Simrayh, a member of the International Union of Operating Engineers, Local 150, AFL-CIO and International Union of Operating Engineers, Local 150, AFL-CIO ("Local 150"). Mr. Simrayh and Local 150 request a Section 9 hearing to establish and reclassify various prevailing wage classifications for Operating Engineer in the Counties of Rock Island, Mercer, West half of Henry and West portion of Whiteside. Local 150 members, including Mr. Simrayh, perform the work referenced herein and are capable of performing this work in the Counties stated herein and are therefore affected by the absence or misclassification of such classifications. For decades, Local 150 has had collective bargaining agreements that prevail in various counties for multiple classifications of work, as set forth below.

Quad Cities Building Agreement

(Rock Island, Mercer, West half of Henry, West portion of Whiteside)

Currently, the Local 150 Industrial, Commercial, Residential and Building Construction Agreement between Local 150 and the Quad City Builders Association prevails for Operating Engineer Classifications I-III in the following Counties: Rock Island, Mercer, West half of Henry, West portion of Whiteside. This contract was renegotiated effective June 1, 2010, resulting in discrepancies between the prevailing wages posted for these Counties and the collective bargaining agreement. Namely, various pieces of equipment have been removed, revised or added to the classification descriptions. A summary of proposed changes to the

EXHIBIT A

prevailing wage descriptions are attached as Exhibit 1. Additional language is **bold and underlined**, revised language equipment to be removed is ~~struck through~~.

In addition, Local 150 is requesting the following new classifications for each of the counties mentioned in accordance with the Agreement:

Class 4. Leadman – Mechanic or Equipment Greaser.

Class 5. Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard).

Class 6. Track Excavator with Bucket (6 cubic yard and over).

Class 7. Crane (Friction or Hydraulic, regardless of size or attachments); Tow or Push Boat.

2011 Building Base Wage rates:

Class	Base	Foreman
BLD 1	29.40	30.40
BLD 2	26.75	27.75
BLD 3	25.70	26.70
BLD 4 (new)	29.65	30.65
BLD 5 (new)	30.15	31.15
BLD 6 (new)	30.65	31.65
BLD 7 (new)	30.40	31.40

2011 Building Fringe Benefit Rates (all classifications)

H/W	Pension	Vacation	Training
\$13.95	\$6.60	\$1.50	\$0.80

Quad Cities Heavy and Highway Agreement

(Rock Island, Mercer, West half of Henry, West portion of Whiteside)

Currently, the Local 150 Heavy and Highway Agreement between Local 150 and the Quad City Builders Association prevails for Operating Engineer Classifications I-III in the following Counties: Rock Island, Mercer, West half of Henry, West portion of Whiteside. This contract was renegotiated effective June 1, 2010, resulting in discrepancies between the prevailing wages posted for those Counties and the collective bargaining agreement. Namely, various pieces of equipment have been removed, revised or added to the classification descriptions. A summary of proposed changes to the prevailing wage descriptions are attached as Exhibit 2. Additional language is **bold and underlined**, revised language equipment to be removed is ~~struck through~~.

In addition, Local 150 is requesting the following new classifications for each of the counties mentioned in accordance with the Agreement:

Class 4. Leadman – Mechanic or Equipment Greaser.

Class 5. Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard).

Class 6. Track Excavator with Bucket (6 cubic yard and over).

Class 7. Truck mounted Concrete Conveyor or Pumps Extending to 90 ft. or more.

Class 8. Crane (Friction or Hydraulic, regardless of size or attachments); Tow or Push Boat.

2011 Heavy & Highway Base Wage rates:

Class	Base	Foreman
HWY 1	29.40	30.40
HWY 2	27.80	28.80
HWY 3	26.65	27.65
HWY 4 (new)	29.65	30.65
HWY 5 (new)	30.15	31.15
HWY 6 (new)	30.65	31.65
HWY 7 (new)	29.90	30.90
HWY 8 (new)	30.40	31.40

2011 Heavy and Highway Fringe Benefit Rates (all classifications)

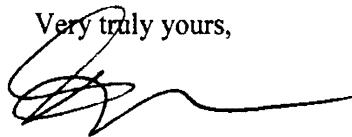
H/W	Pension	Vacation	Training
\$13.95	\$6.60	\$1.50	\$0.80

The classifications mentioned above are construction work as defined in sections 2 and 3 of the Illinois Prevailing Wage Act (hereinafter "IPWA") (820 ILCS 130/2), because the equipment listed and workers operating the equipment are directly employed by contractors and subcontractors in actual construction on the site of the building or construction job, and engaged in the transportation of materials and equipment to or from the site (820 ILCS 130/3).

Accordingly, on behalf of Mr. Simrayh, Local 150 and Local 150 members, 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 new prevailing wage classifications and/or a reclassification of classifications as discussed above.

Thank you for your attention to this matter. Please contact me with any questions.

Very truly yours,



Marc R. Poulos
Executive Director

cc: Katherine Anthony, Chief Legal Counsel, IDOL

OPERATING ENGINEERS - BUILDING

West half of Henry, Mercer, Rock Island and West portion of Whiteside.

Class 1. ~~An engineer on Crane; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable Way; Concrete Spreader (servicing two pavers); Asphalt Spreader; Asphalt Mixer; Plant Engineer; Dipper Dredge Operator; Dipper Dredge Crane man; Dual Purpose Truck (boom, **Boom, Winch, etc.** or winch); Leverman or Engineman (hydraulic dredge); Mechanic-Welder; Paving Mixer with tower attached; Pile Driver; Boom Tractor or **Side Boom**; Stationary, Portable, or Floating Mixing Plant; Trenching Machine (over 40 H.P. **and over**); Building Hoist (two **1, 2 or 3** drums); Hot Paint Wrapping Machine; Cleaning and Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Qualified Welder; Tow or Push Boat; Concrete Paver; Seaman Trav L Plant or similar machines; CMI Autograder or similar machine; Slip Form Paver; Caisson Augering Machines; Mucking Machine; Asphalt Heater-Planer Unit; Hydraulic Cranes; Mine Hoists; Laser Screed; Athey; Barber-Green; Euclid or Haiss Loader; Asphalt Pug Mill; Fireman and Drier; Concrete **Conveyor or Pump**; Concrete Spreader (servicing one paver); Bulldozer; Endloader; **Mechanical loaded** Log Chippers or similar machines; Elevating Grader; Group Equipment Greaser; LeTourneaupul and similar machines; Off Road Haul Units, DW-10; Hyster Winch and similar machines; Motor Patrol; Power Blade; Push Cat; Tractor Pulling elevating Grader or Power Blade; Tractor, Operating Scoop or Scraper; Tractor with Power Attachment; Roller on Asphalt or Blacktop; Single Drum Hoist; Jaeger Mix and Place Machine; Pipe Bending Machine; Flexaplane or similar machines; Automatic Curbing Machines; Automatic Cement and Gravel Batch Plants (one stop set up); Seaman Pulvi-Mixer or similar machines; Blastholer; Self-Propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine and Float; Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread); Asphalt Spreader **Paver** Screed Operator; Apseo spreader or similar machine; Slusher; Forklift (over 6,000 lb. cap. or working heights above 28 ft.); Concrete Conveyors; Chip Spreader; Underground Boring Machine; Straddle Carrier, Hydro Hammer; Hydraulic Pumps or Power Units Driven by any power source (except manually) used to hoist or lift machinery or material **Asphalt Paver; Asphalt Plant Operator; Boring Machine (Directional, Vertical, or Horizontal); Central Redi-Mix Plant Operator; Combination Backhoe Front End loader; Concrete Breaker or Hydro-Hammer; Concrete Wheel Saw (Large self-propelled); Crusher (Stone, Concrete, Asphalt, etc.); Curing-Tinning Machine; Excavator; Farm-type Tractor Operating Scoop or Scraper or with Power Attachment; Grader; Motor Grader; Motor Patrol; Auto Grader; Form Grader; Pull Grader; Sub Grader; Elevating Grader; Guard Rail Post Driver; Hoists; Hydraulic Dredge Leverman or Engineer; Hydro-Vac truck mounted or pull type, and similar equipment; Loader (Track, Rubber Tire, or Articulated); Milling Machine; Road Widener-Shoulder Spreader; Scraper (Self-Propelled); Self-Propelled Roller or Tire Roller (on asphalt or Blacktop); Sheep Foot or Pad Foot Compactor; Steel Track-Type Tractor (Dozer, Push Cat, etc.); Transfer or Shuttle Buggy.**~~

Class 2. ~~An engineer on Asphalt Booster; Fireman and Pump Operator at Asphalt Plant; Mud Jack; Concrete Finishing Machine; Form Grader with Roller on Earth; Mixers (3 bag to 16E);~~

~~Power Operated Bull Float; Tractor without Power attachment; Dope Pot (agitating motor); Dope Chop Machine; Distributor (back end); Portable Machine Fireman; Power Winch on Paving Work; Self-propelled Roller or Compactor (other than provided for above in Class I); Pump Operator (more than one well-point pump); Portable Crusher Operator; Trench Machine (under 40 H.P.); Power Subgrader (on forms) or similar machines; Forklift (6000 lb. or less cap. less than 6,000 lb. cap. or working heights below 28 ft.); Gypsum Pump; Conveyor over 20 H.P.; Fuller Kenyon Cement Pump or similar machines; Light Plant; Mixers (1 or 2 bag); Power Batching Machine (Cement Auger or Conveyor); Boiler (Engineer or Fireman); Mechanical Broom; Automatic Cement and Gravel Batch Plants (two or three stop set up); Small Rubber-tired Tractors (not including backhoes or endloaders); Self-propelled Curing Machine; Driver on Truck Crane or similar machines; **Articulated Off-Road Haul Unit; Elevator (Permanent inside or Temporary outside); Farm-Type Tractor (without Power Attachment); Grout Pump; Straddle Carrier.**~~

Class 3. ~~Engineer on a Skid Loader; Oiler; Deck Hand; Mechanic's Helper; Mechanical Heater (other than steam boiler); Belt Machine; Small Outboard Motor Boat (Safety Boat and Life Boat); Engine Driven Welding Machine; Small Tractors (used to unroll or roll wire mesh); Water Pumps-Operator (more than one well point pump); Air Compressor (400 c.f.m. or over); Compact Loader (Rubber Tire, Track, and Utility); Light Plant Permanent Automatic Elevators or Deck Engineers.~~

Class 4. Leadman – Mechanic or Equipment Greaser.

Class 5. Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard).

Class 6. Track Excavator with Bucket (6 cubic yard and over).

Class 7. Crane (Friction or Hydraulic, regardless of size or attachments); Tow or Push Boat.

OPERATING ENGINEERS- HEAVY AND HIGHWAY

West half of Henry, Mercer, Rock Island and West portion of Whiteside.

Class 1. ~~An engineer on Crane; Shovel; Clamshell; Concrete Spreader (servicing two pavers); Asphalt Spreader; Asphalt Mixer; Plant Engineer; Dipper Dredge Operator; Dipper Dredge Crane man; Dual Purpose Truck (boom or winch **Boom, Winch, etc.**); Leverman or Engineman (hydraulic dredge); Mechanic-**Welder**; Paving Mixer with tower attached; Pile Driver; Boom Tractor or **Side Boom**; Stationary, over 40 h.p.; Building Hoist (two **1, 2 or 3** drums); Hot Paint Wrapping Machine; Cleaning and Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Qualified **Welder**; Tow or Push Boat; Concrete Paver; Seaman Trav L Plant or similar machines; CMI Autograder or similar machines; Slip Form Paver; Caisson Augering Machines; Mucking Machine; Asphalt Heater Planer Unit; **Hydraulic Cranes**; Laser Screed; engineer on **Athey**; **Barber Green**; Euclid or Haiss Loader; Asphalt Pug Mill; Fireman and Drier; Concrete **Conveyor or Pump**; **Concrete Spreader (servicing one paver)**; **Bulldozer**; **Endloader**; **Mechanical loaded** Log Chippers or similar machines; **Elevating Grader**; Group Equipment Greaser, LeTourneaupul and similar machines; off road haul units; DW-10; Hyster Winch and similar machines; Motor Patrol, Power Blade, Push Cat, Tractor Pulling elevating Grader or Power Blade; Tractor Operating Scoop or Scraper; Tractor with Power Attachment; Roller on Asphalt or Blacktop; Single Drum Hoist; Jaeger Mix and Place Machine; Pipe Bending Machine; Flexaplane or similar machines; Automatic Curbing Machines; Automatic Cement and Gravel Batch Plants (one stop set up); Seaman Pulvi Mixer or similar machines; Blastholer; Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine and Float; Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread); Asphalt Spreader **Paver** Screed Operator; Apseo spreader or similar machine; Forklift (over 6,000 lb. cap. or, working at heights above 28 ft.); Concrete Conveyors; and Chip Spreader; **Asphalt Paver**; **Asphalt Plant Operator**; **Boring Machine (Directional, Vertical, or Horizontal)**; **Redi-Mix Plant Operator**; **Combination Backhoe Front End loader**; **Concrete Breaker or Hydro-Hammer**; **Concrete Wheel Saw (Large self-propelled)**; **Crusher (Stone, Concrete, Asphalt, etc.)**; **Curing-Tinning Machine**; **Excavator**; **Farm-Type Tractor Operating Scoop or Scraper with Power Attachment**; **Grader**; **Motor Grader**; **Motor Patrol**; **Auto Grader**; **Form Grader**; **Pull Grader**; **Sub Grader**; **Elevating Grader**; **Guard Rail Post Driver**; **Hoists**; **Hydraulic Dredge Leverman or Engineer**; **Hydro-Vac truck mounted or pull type, and similar equipment**; **Loader (Track, Rubber Tire, or Articulated)**; **Milling Machine**; **Road Widener-Shoulder Spreader**; **Scraper (self-propelled)**; **Self-propelled Roller or Tire Roller (on asphalt or Blacktop)**; **Sheep Foot or Pad Foot Compactor**; **Steel Track-Type Tractor (Dozer, Push Cat, etc.)**; **Transfer or Shuttle Buggy**; **Trenching Machine (40 H.P. and over)**.~~

Class 2. ~~An engineer on Asphalt Booster; Fireman and Pump Operator at Asphalt Plant; Mud Jack; Underground Boring Machine; Concrete Finishing Machine; Form Grader with Roller on Earth; Mixers (3 bag to 16E); Power Operated Bull Float; Farm-Type Tractor without Power attachment; Dope Pot (agitating motor); Dope Chop Machine; Distributor (back end); Straddle Carrier; Portable Machine Fireman; Hydro Hammer; Power Winch on Paving Work; Self-propelled Roller or Compactor (other than provided for above in Class I); Pump Operator (more than one well point pump); Portable Crusher Operator; Trench Machine (under 40 H.P.); Power Subgrader (on forms) or similar machines; Forklift (less than 6,000 lb. or less capacity or working heights below 28 ft.); Gypsum Pump; Conveyor over 20 H.P.; Fuller Kenyon Cement Pump or similar machines; Air Compressor (400 c.f.m. or over); Light Plant; Mixers (1 or 2 bag); Power Batching Machine (Cement Auger or Conveyor); Boiler (Engineer or Fireman); Water Pumps; Mechanical Broom; Automatic Cement and Gravel Batch Plants (two or three step set-up); Small Rubber tired Tractors (not including backhoes or endloaders); Self-propelled Curing Machine; Brush Chipper; Driver on Truck Crane or similar machines; Articulated Off-Road Haul Unit; Elevator (Permanent inside or Temporary outside); Grout Pump.~~

Class 3. Oiler; Deck Hand; Mechanic's Helper; Mechanical Heater (other than steam boiler); Belt Machine; Small Outboard Motor Boat (Safety Boat and Life Boat); Engine Driven Welding Machine; Small Tractors (used to unroll or roll wire mesh) Air Compressor (400 c.f.m. or over); Compact Loader (Rubber Tire, Track and Utility); Light Plant; Water Pump Operator (more than one well point pump).

Class 4. Leadman – Mechanic or Equipment Greaser.

Class 5. Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard).

Class 6. Track Excavator with Bucket (6 cubic yard and over).

Class 7. Truck mounted Concrete Conveyor or Pumps Extending to 90 ft. or more.

Class 8. Crane (Friction or Hydraulic, regardless of size or attachments); Tow or Push Boat.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing:

1: NOTICE OF HEARING

prior to 4:30 p.m. on July 18, 2011, to the following addresses shown below

via certified U.S. Mail:

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

Via messenger:

Katherine Anthony
Chief Legal Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

Zolanda Costas

Subscribed and sworn to before me this 18 day of July, 2011.

Ann Harrison
Notary Public
My Commission Expires 4-5-2012

