

CERTIFICATE OF SERVICE

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

DECISION AND ORDER, CONSENT DECREE AND ORDER

prior to 4:30 p.m. on 9/22, 2011, to the following addresses shown below

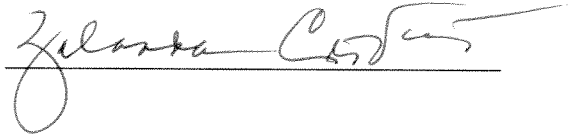
via U.S. Mail:

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

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

Via messenger:

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

A handwritten signature in black ink, appearing to read "Katherine Anthony", is written over a horizontal line. The signature is cursive and extends to the right of the line.

**STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
1 W. OLD STATE CAPITOL PLAZA, 3rd FLOOR
SPRINGFIELD, IL 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)
)
LABORERS' INTERNATIONAL UNION OF)
NORTH AMERICA GREAT PLAINS)
LABORERS' DISTRICT COUNCIL,)
)
Intervenor.)

STATE FILE NO. 12-H-TW07-0003

DECISION AND ORDER

This matter arises under the Illinois Prevailing wage Act (“IPWA”), 820 ILCS 130/0.01, *et seq.* and the regulations found at 56 Ill. Admin Code 120.100, *et seq.* The action concerns written and specific objections filed by Petitioners to the Illinois Department of Labor’s June, 2011 determination of prevailing wages for the Operating Engineers Building and Highway and Highway classifications and descriptions in the following counties: Rock Island, Mercer, West half of Henry and West portion of Whiteside.

The parties negotiated a settlement of the objections and submitted an executed Consent Decree. Pursuant to 56 Ill. Admin Code 120.540, the parties request review of the Consent Decree and an Order disposing of the proceeding.

Having reviewed the Consent Decree, I find that the Consent Decree is appropriate. Accordingly, IT IS HEREBY ORDERED that the stipulations, agreements, terms and conditions contained therein, which are attached hereto, are ACCEPTED and shall have the same force and effect as if they were individually and specifically set forth in the body of this Order.

Dated this 22nd day of September, 2011.



Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of labor
160 North LaSalle Street, C-1300
Chicago, IL 60601

Dated: 9-22-11

**STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
1 W. OLD STATE CAPITOL PLAZA, 3rd FLOOR
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INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL #150,)
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JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT OF)
LABOR,)
Respondent,)
and)
LABORERS’ INTERNATIONAL UNION OF)
NORTH AMERICA GREAT PLAINS)
LABORERS’ DISTRICT COUNCIL,)
Intervenor.)

STATE FILE NO. 12-H-TW07-0003

CONSENT DECREE

Joseph Costigan, Director of Labor and the Illinois Department of Labor (“Respondents”), Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 and the International Union of Operating Engineers, Local 150 (collectively “Petitioner(s)”), and the Laborers’ International Union of North America Great Plains Laborers’ District Council and their affiliated local unions from the counties of Rock Island, Mercer, West Half of Henry, and West portion of Whiteside (“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 2011 prevailing wage rates pertaining to the Operating Engineer building and heavy and highway classifications or descriptions, published by the Illinois Department of Labor (“IDOL”) on its website for various counties mentioned herein.
3. Pursuant to Section 9 of the IPWA, Petitioners also timely filed a written request to establish new prevailing wage building classifications of: Leadman – Mechanic or Equipment Greaser; Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard); Track Excavator with Bucket (6 cubic yard and over); Crane (Friction or Hydraulic, regardless of size or attachments); and Tow or Push Boat.
4. Pursuant to Section 9 of the IPWA, Petitioners also filed a timely written request to establish new prevailing wage heavy and highway classifications of Leadman – Mechanic or Equipment Greaser; Track Excavator with Bucket (4 cubic yard and up to but not including 6 cubic yard); Track Excavator with Bucket (6 cubic yard and over); Truck mounted Concrete Conveyor or Pumps Extending to 90 ft. or more; Crane (Friction or Hydraulic, regardless of size or attachments); and Tow or Push Boat.
5. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioner’s objections, issued a Notice of Hearing to petitioner dated July 18, 2011, 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.
6. For the following counties: Rock Island, Mercer, West half of Henry and West portion of Whiteside, as of October 1, 2011, the IDOL shall list the Operating Engineer classification descriptions for **Building** as follows:

Class 1

Shovel; Concrete Spreader; Dipper Dredge Operator; Dipper Dredge Crane man; Dual Purpose Truck (Boom, Winch, etc.); Mechanic-Welder; Pile Driver; Boom Tractor or Side Boom; Trenching Machine (40 H.P. and over); Building Hoist (1, 2 or 3 drums); Cleaning and Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Concrete Paver; Slip Form Paver; Caisson Augering Machines; Mucking Machine; Asphalt Heater-Planer Unit; Laser Screed; Pug Mill; Concrete Conveyor or Pump; Mechanical loaded Log Chippers or similar machines; Group Equipment Greaser; Off-Road Haul Units; Pipe Bending; Automatic Curbing Machines; Blastholer; Self-Propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine and Float; Asphalt Paver Screed Operator; Forklift (6,000 lb. cap. or over or working heights 28 ft. and above); Chip Spreader; Straddle Carrier; 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 (excluding walk-behinds); Concrete Wheel Saw (Large self-propelled – excluding walk-behinds); 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 (excluding hose work), and similar equipment; Loader (Track, Rubber Tire, or Articulated); Milling Machine (excluding walk-behinds); Road Widener-Shoulder Spreader; Scraper (Self-Propelled); Self-Propelled Roller or Tire Roller (on asphalt or Blacktop); Sheep Foot or Pad Foot Compactor (excluding walk-behinds); Steel Track-Type Tractor (Dozer, Push Cat, etc.); Transfer or Shuttle Buggy (excluding motorized wheel barrows and Georgia buggies).

Class 2

Asphalt Booster; Fireman and Pump Operator at Asphalt Plant; Mud Jack; Distributor; Self-propelled Roller (other than provided for in Class I); Pump Operator (more than one well-point pump); Trench Machine (under 40 H.P.); Forklift (less than 6,000 lb. cap. or working heights below 28 ft.); Gypsum Pump; Conveyor over 20 H.P.; Light Plant; Boiler (Engineer or Fireman); Mechanical Broom; Driver on Truck Crane or similar machines; Elevator (Permanent inside or Temporary outside); Farm-Type Tractor (without Power Attachment); Grout Pump (excluding hose work).

Class 3

Skid Loader; Oiler; Mechanic's Helper; Mechanical Heater (other than steam boiler); Small Outboard Motor Boat (Safety Boat and Life Boat); Engine Driven Welding Machine; Water Pumps; Air Compressor (400 c.f.m. or over); 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.

7. For the counties listed in paragraph 6 above, the IDOL shall list the prevailing wage and benefit rate for the Operating Engineer classification for **Building** as follows (see attached Exhibit A, Industrial, Commercial, Residential and Building Construction Agreement):

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 | 29.65 | 30.65 |

| | | |
|-------|-------|-------|
| BLD 5 | 30.15 | 31.15 |
| BLD 6 | 30.65 | 31.65 |
| BLD 7 | 30.40 | 31.40 |

Fringe Benefit Rates (all classifications)

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

8. For the following counties: Rock Island, Mercer, West half of Henry and West portion of Whiteside, as of October 1, 2011, the IDOL shall list the Operating Engineer classification descriptions for **Heavy and Highway** as follows:

Class 1

Shovel; Concrete Spreader; Dipper Dredge Operator; Dipper Dredge Crane man; Dual Purpose Truck (Boom, Winch, etc.); Mechanic-Welder; Pile Driver; Boom Tractor or Side Boom; Building Hoist (1, 2 or 3 drums); Cleaning and Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Concrete Paver; Slip Form Paver; Caisson Augering Machines; Mucking Machine; Asphalt Heater Planer Unit; Laser Screed; Pug Mill; Concrete Conveyor or Pump (excluding truck-mounted); Mechanical loaded Log Chippers or similar machines; Group Equipment Greaser; off-road haul units; Pipe Bending; Automatic Curbing Machines; Blastholer; Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine and Float; Asphalt Paver Screed Operator; Forklift (6,000 lb. cap. or over or working heights above 28 ft.); Chip Spreader; 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 (excluding walk-behinds); Concrete Wheel Saw (Large self-propelled – excluding walk-behinds); 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 (excluding walk-behinds); Road Widener-Shoulder Spreader; Scraper (self-propelled); Self-propelled Roller or Tire Roller (on asphalt or Blacktop); Sheep Foot or Pad Foot Compactor (excluding walk-behinds); Steel Track-Type Tractor (Dozer, Push Cat, etc.); Transfer or Shuttle Buggy (excluding motorized wheel barrows and Georgia buggies); Trenching Machine (40 H.P. and over).

Class 2

Asphalt Booster; Fireman and Pump Operator at Asphalt Plant; Mud Jack; Farm-Type Tractor without Power attachment; Distributor; Straddle Carrier; Self-propelled Roller or Compactor (other than provided for in Class I); Pump Operator (more than one well-point pump); Trench Machine (under 40 H.P.); Forklift (less than 6,000 lb. capacity or working heights below 28 ft.); Conveyor over 20 H.P.; Air Compressor (400 c.f.m. or

over); Light Plant; Boiler (Engineer or Fireman); Mechanical Broom; Driver on Truck Crane or similar machines; Elevator (Permanent inside or Temporary outside); Grout Pump (excluding hose work).

Class 3

Oiler; Mechanic's Helper; Mechanical Heater (other than steam boiler); Small Outboard Motor Boat (Safety Boat and Life Boat); Engine Driven Welding Machine; skid steer.

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.

9. For the counties listed in paragraph 6 above, the IDOL shall list the prevailing wage and benefit rate for the Operating Engineer classification for **Heavy and Highway** as follows (See attached Exhibit B, Heavy and Highway Agreement):

Base Wage Rate

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

Fringe Benefit Rates (all classifications)


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

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

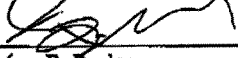
11. The parties waive:

- a. Further procedural steps before the Administrative Law Judge; and
- b. Any right to challenge or contest the validity of this Consent


Dated this 19 day of September, 2011



 Tom Whalen
 Manager, Conciliation & Mediation Division
 Illinois Department of Labor



 Marc R. Foulos
 Attorney
 International Union of Operating Engineers,
 Local 150



 Jeff Naville
 Attorney
 Intervenor Great Plains Laborers' District Council

STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
1 W. OLD STATE CAPITOL PLAZA, 3RD FLOOR
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ENGINEERS, LOCAL #150,)

Petitioner(s),)

v.)

STATE FILE NO.:12-H-TW07-0003

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

Respondent,)

And)

LABORERS' INTERNATIONAL UNION OF)
NORTH AMERICAN GREAT PLAINS)
LABORERS DISTRICT COUNCIL)
and its AFFILIATED LOCAL UNIONS.)

Intervener.)


ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to the Consent Decree, Decision and Order all parties having been duly advised on the premises;

IT IS HEREBY ORDERED:

This matter is dismissed with prejudice.

DATE: 9-22-11


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
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