


IT IS HEREBY ORDERED that the Objection proceeding referenced herein and set for hearing on November 17 and 18, 2009 at 9:00 a.m. is dismissed.

BY 

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

DATE: 10/27/09

STATE OF ILLINOIS – DEPARTMENT OF LABOR

LAW DIVISION

160 N. LASALLE STREET, 13TH FLOOR

CHICAGO, IL 60601

In the Matter of:

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 520

Petitioner(s).

v.

CATHERNIE M. SHANNON, DIRECTOR OF
LABOR and the ILLINOIS DEPARTMENT OF
LABOR.

Respondent.

LABORERS' INTERNATIONAL UNION of
NORTH AMERICA, Locals 44, 100, 196, 218,
338, 397, 459, 581, 622, 670, 677, 742, 773,
1084, 1197, and SOUTHWEST ILLINOIS
LABORERS' DISTRICT COUNCIL and
SOUTHERN and CENTRAL ILLINOIS
LABORERS' DISTRICT COUNCIL

Intervenor(s).

STATE FILE NO. 10-H-TW07-0017

CONSENT DECREE

Catherine M. Shannon, the Director of Labor and the Illinois Department of Labor (“Respondent(s)”), the International Union of Operating Engineers, Local 520 (“Local 520”), and the Laborers’ International Union of North America, Locals 44, 100, 196, 218, 338, 397, 459, 581, 622, 670, 677, 742, 773, 1084, 1197, Southwest Illinois Laborers’ District Council, and Southern and Central Illinois Laborers’ District Council (collectively “Intervenor(s)”), 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 Section 9 of the IPWA, Petitioner timely filed written and specific objections to the June 2009 prevailing wage rates pertaining to the Operating Engineer building and highway classifications or descriptions, published by the Illinois Department of Labor (“IDOL”) on its website for the following counties: Bond, Calhoun, Clinton, Fayette, Greene, Jefferson, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery, Perry, Randolph, St. Clair, and Washington.
3. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioner’s objections, issued a Notice of Hearing to petitioner dated November 18, 2009, 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. For the counties listed above, as of November 1, 2009, the IDOL shall list the Operating Engineer classification descriptions for **Building** as follows:

GROUP I

Cranes, Dragline, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Operators, Concrete Plant Operators, Dredges, Asphalt Spreading Machines, All Locomotives, Cable Ways or Tower Machines, Hoists, Hydraulic Backhoes, Ditching Machines or Backfiller, Cherrypickers, Overhead Cranes, Roller - Steam or Gas, Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Boat Operators, Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork Lifts, Power Blade or Elevating Graders, Winch Cats, Boom or Winch Trucks or Boom Tractors, Pipe Wrapping or Painting Machines, Asphalt Plant Engineer, Journeyman Lubricating Engineer, Drills (other than Derrick Type), Mud Jacks, or Well Drilling Machines, Boring Machines or Track Jacks, Mixers, Conveyors (Two), Air Compressors (Two), Water Pumps regardless of size (Two), Welding Machines (Two), Siphons or Jets (Two), Winch Heads or Apparatuses (Two), Light Plants (Two), All Tractors regardless of size (straight tractor only), Fireman on Stationary Boilers, Automatic Elevators, Form Grading

Machines, Finishing Machines, Power Sub-Grader or Ribbon Machines, Longitudinal Floats, Distributor Operators on Trucks, Winch Heads or Apparatuses (One), Mobil Track air and heaters (two to five), Heavy Equipment Greaser, Relief Operator, Assistant Master Mechanic and Heavy Duty Mechanic, self-propelled concrete saws of all types and sizes with their attachments, gob-hoppers, excavators all sizes, the repair and greasing of all diesel hammers, the operation and set-up of bidwells, water blasters of all sizes and their clutches, hydraulic jacks where used for hoisting, operation of log skidders, iccolators used on and off of pipeline, condor cranes, bow boats, survey boats, bobcats and all their attachments, skid steer loaders and all their attachments, creter cranes, batch plants, operator (all sizes), self propelled roto mills, operation of conveyor systems of any size and any configuration, operation, repair and service of all vibratory hammers, all power pacs and their controls regardless of location, curtains or brush burning machines, stump cutter machines, Nail launchers when mounted on a machine or self-propelled, operation of con-cover machines, and all Operators (except those listed below).

GROUP II

Assistant Operators.

GROUP III

Air Compressors (One), Water Pumps, regardless of Size (One), Waterblasters (one), Welding Machine (One), Mixers (One Bag), Conveyor (One), Siphon or Jet (One), Light Plant (One), Heater (One), Immobile Track Air (One), and Self Propelled Walk-Behind Rollers.

GROUP IV

Asphalt Spreader Oilers, Fireman on Whirlies and Heavy Equipment Oilers, Truck Cranes, Dredges, Monigans, Large Cranes - (Over 65-ton rated capacity) Concrete Plant Oiler, Blacktop Plant Oiler, and Creter Crane Oiler (when required).

GROUP V

Oiler.

GROUP VI

Operators on equipment with Booms, including jibs, 100 feet and over, and less than 150 feet long.

GROUP VII

Operators on equipment with Booms, including jibs, 150 feet and over, and less than 200 feet long.

GROUP VIII

Operators on Equipment with Booms, including jibs, 200 feet and over; Tower Cranes; and Whirlie Cranes.

GROUP IX

Master Mechanic.

5. For the counties listed above, as of November 1, 2009, the IDOL shall list the Operating Engineer classification descriptions for **Highway** as follows:

GROUP I

Cranes, Dragline, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Operators, Concrete Plant Operators, Dredges, Asphalt Spreading Machines, All Locomotives, Cable Ways or Tower Machines, Hoists, Hydraulic Backhoes, Ditching Machines or Backfiller, Cherrypickers, Overhead Cranes, Roller - Steam or Gas, Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Boat Operators, Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork Lifts, Power Blade or Elevating Graders, Winch Cats, Boom or Winch Trucks or Boom Tractors, Pipe Wrapping or Painting Machines, Asphalt Plant Engineer, Journeyman Lubricating Engineer, Drills (other than Derrick Type), Mud Jacks, Well Drilling Machines, Boring Machines, Track Jacks, Mixers, Conveyors (Two), Air Compressors (Two), Water Pumps regardless of size (Two), Welding Machines (Two), Siphons or Jets (Two), Winch Heads or Apparatuses (Two), Light Plants (Two), All Tractors regardless of size (straight tractor only), Fireman on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power Sub-Grader or Ribbon Machines, Longitudinal Floats, Distributor Operators on Trucks, Winch Heads or Apparatuses (One), Mobil Track air and heaters (two to five), Heavy Equipment Greaser, Relief Operator, Assistant Master Mechanic and Heavy Duty Mechanic, self-propelled concrete saws of all types and sizes with their attachments, gob-hoppers, excavators all sizes, the repair and greasing of all diesel hammers, the operation and set-up of bidwells, water blasters of all sizes and their clutches, hydraulic

jacks where used for hoisting, operation of log skidders, iceolators used on and off of pipeline, condor cranes, bow boats, survey boats, bobcats and all their attachments, skid steer loaders and all their attachments, creter cranes, batch plants operator (all sizes), self propelled roto mills, operation of conveyor systems of any size and any configuration, operation, repair and service of all vibratory hammers, all power pacs and their controls regardless of location, curtains or brush burning machines, stump cutter machines, Nail launchers when mounted on a machine or self-propelled, operation of con-cover machines, and all Operators (except those listed below).

GROUP II

Assistant Operators.

GROUP III

Air Compressors (One), Water Pumps, regardless of Size (One), Waterblasters (one), Welding Machine (One), Mixers (One Bag), Conveyor (One), Siphon or Jet (One), Light Plant (One), Heater (One), Immobile Track Air (One), and Self Propelled Walk-Behind Rollers.

GROUP IV

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GROUP V

Oiler.

GROUP VI

Operators on equipment with Booms, including jibs, 100 feet and over, and less than 150 feet long.

GROUP VII

Operators on equipment with Booms, including jibs, 150 feet and over, and less than 200 feet long.

GROUP VIII

Operators on Equipment with Booms, including jibs, 200 feet and over;
Tower Cranes; and Whirlie Cranes.

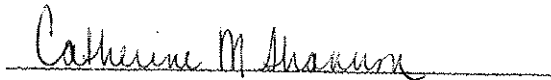
GROUP IX

Mechanic

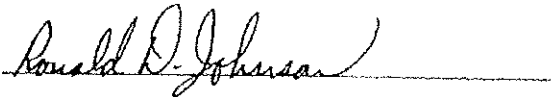
6. The parties agree that:
 - a. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing; and
 - b. The entire record of this hearing shall consist solely of the Notice of Hearing, this Consent Decree, and the subsequent Decision and Order.

7. 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 Decree or the Decision and Order entered in accordance herewith.

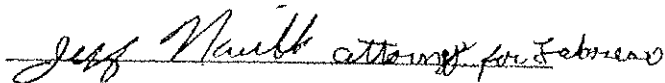
Dated this 13 day of October, 2009



Catherine M. Shannon, Director of Labor, and
the Illinois Department of Labor, (respondent(s))



International Union of Operating Engineers,
Local 520, (petitioner(s))

 attorney for ~~Fabreco~~

Laborers' International Union of North America, Locals 44,
100, 196, 218, 338, 397, 459, 581, 622, 670, 677, 742, 773,

Operators on Equipment with Booms, including jibs, 200 feet and over;
Tower Cranes; and Whirlie Cranes.

GROUP IX

Mechanic

6. 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.
7. 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 Decree or the Decision and Order entered in accordance herewith.

Dated this 13 day of October, 2009

Catherine M. Shannon, Director of Labor, and
the Illinois Department of Labor, (respondent(s))



International Union of Operating Engineers,
Local 520, (petitioner(s))

Laborers' International Union of North America, Locals 44,
100, 196, 218, 338, 397, 459, 581, 622, 670, 677, 742, 773,

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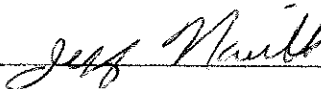
Dated this 13 day of October, 2009

Catherine M. Shammon, Director of Labor, and
the Illinois Department of Labor, (respondent(s))



Ronald D. Johnson

International Union of Operating Engineers,
Local 520, (petitioner(s))



Jeff Smith attorney for Laborers

Laborers' International Union of North America, Locals 44,
100, 196, 218, 338, 397, 459, 581, 622, 670, 677, 742, 773,

**1084, 1197, and Southwest Illinois Laborers' District Council,
and the Southern and Central Illinois Laborers' District Council,
(Intervenor(s))**

CERTIFICATE OF SERVICE

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

CONSENT DECREE AND ORDER

prior to 4:30 p.m. on 10/27, 2009 to the following addresses shown below

via U.S. Mail:

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

Jeff Naville
LIUNA
1 N. Old State Capitol Plaza, Ste. 525
Springfield, IL 62701

Via messenger:

Michael Haggerty
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

