

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 120.650, the Director of Labor shall render a decision and issue an order on the objections pursuant to 820 ILCS 130/9, 56 Illinois Administrative Code 120.100 – 120.670. 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.


Catherine M. Shannon
Director of Labor



"keeping it fair, for contractors and workers"

June 30, 2009

Ms. Catherine Shannon
Director of the Department of Labor
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield, IL 62701

Re: Request for a Section 9 hearing to establish and reclassify various
Prevailing Wage classifications

Dear Ms. Shannon:

I am representing Stanley Simrayh a member of the International Union of Operating Engineers, Local 150 ("Local 150"). Local 150 members, including Mr. Simrayh, perform the work mentioned herein and are capable of performing this work in the Counties mentioned herein and are therefore affected by the absence or misclassification of such classifications.

For decades, the International union of Operating Engineers, Local 150, AFL-CIO ("Local 150") has had collective bargaining agreements that prevailed in various counties for multiple classifications or work including the Great Lakes Floating Agreement.

Currently, the Great Lakes Floating Agreement between International Union of Operating Engineers, Local Union Nos. 17, 18, 49, 66, 139, 150, 324, 463, 545 and 832 and various employers prevails for Operating Engineer classifications I – IV in the following counties: Cook, Lake and Will. However, there are discrepancies between the prevailing wages posted in those Counties and the collective bargaining agreement listed. Namely, the prevailing wage rate explanations for Class I - IV should read as follows: Class 1: Craft foreman (~~Master Mechanic~~), diver/wet tender, engineer (hydraulic dredge); Class 2: Crane/backhoe operator, **70 Ton or Over Tug Operator**, mechanic/welder, assistant engineer (hydraulic dredge), leverman (hydraulic dredge), and diver tender, **Friction, Lattice Boom Cranes**; Class 3: Deck equipment operator (machineryman), maintenance of crane (over 50 ton capacity) or backhoe (96,000 pounds or more), tug/launch operator, loader, dozer and like equipment on barge, ~~breakwater wall, slip/dock or seow, deck~~

machinery, etc; Class 4: Deck equipment operator machineryman/fireman), (4 equipment units or more), **Off Road Trucks, Deck Hand, Tug Engineer** and crane maintenance 50 ton capacity and under or backhoe weighing ~~96,000~~ 115,000 pounds or less, assistant tug operator.

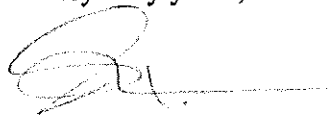
Therefore, Local 150 is requesting the following new classifications for each of the Counties listed in accordance with the Agreement mentioned-above. Namely, "70 Ton or over Tug Operator, Friction, Lattice Boom Cranes (\$32.35) – Class 2; Off Road Trucks, Deck Hand, Tug Engineer (\$23.95). The fringe benefits for each classification are the same for each and are currently as follows: Health and Welfare \$11.70 (includes health insurance \$10.70 and health annuity \$1.00); Pension \$8.05 (includes Pension contribution \$7.05 and retirement annuity \$1.00); Vacation Savings \$1.90, and; Training \$0.00 for the above mentioned agreement.

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 mentioned herein and workers operating the various pieces of equipment are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job, and engage 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 the Local 150 membership, 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 or a reclassification of classifications for the equipment mentioned herein.

Thank you for your attention to this matter. Please contact me if there are any further questions.

Very truly yours,



Marc R. Poulos

Cc: Michael Haggerty

N:\PW\IDOL Classifications\2009 Sec 9 Hearings\Floating Agreement classifications sec.9.ltr..doc

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 14, 2009, to the following addresses shown below

via certified U.S. Mail:

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

Via messenger:

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

Zelanda Geste

Subscribed and sworn to before me this 14 day of July, 2009.

Ann Harrison
Notary Public
My Commission Expires 04-05-2012

