

STATE OF ILLINOIS, DEPARTMENT OF LABOR
HEARINGS DIVISION
160 N. LA SALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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,)
Petitioner,)
)
v.)
)
CATHERINE M, SHANNON, DIRECTOR)
OF LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondent.)
)

State File No.: 10-H-TW07-0018

ORDER


THIS MATTER COMING ON TO BE HEARD under The Prevailing Wage Act
820 ILCS 130/0.01-12 et seq

IT IS HEREBY ORDERED:

1. The **Consent Decree** entered into by the parties in the above
cited case is

GRANTED.

ENTERED: 6/27/09 in Chicago, Illinois, County of Cook by,


Margaret T. Foust
Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, Illinois 60601
(312) 793-1805

[It is noted the original Consent Decree arrived at the offices of the
Illinois Department of Labor missing a piece of the signature page,
however all the signatures were in place and readable. The envelope from
the Petitioners had been mauled by the USPS, with the missing piece of
paper dangling from the envelope.]

STATE OF ILLINOIS – DEPARTMENT OF LABOR

LAW DIVISION

160 N. LASALLE STREET, 13TH FLOOR

CHICAGO, IL 60601

In the Matter of:)

)

STANLEY SIMRAYH, as a MEMBER of the)

INTERNATIONAL UNION OF OPERATING)

ENGINEERS; LOCAL 150, and the)

INTERNATIONAL UNION OF OPERATING)

ENGINEERS, LOCAL 150)

)

Petitioners.)

)

STATE FILE NO. 10-H-TW07-0018

v.)

)

CATHERINE M. SHANNON, DIRECTOR OF)

LABOR and the ILLINOIS DEPARTMENT OF)

LABOR.)

)

Respondents.)

)

CONSENT DECREE

Catherine M. Shannon, the 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 (“Petitioners”), 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 Floating classifications or descriptions, published by the Illinois Department of Labor ("IDOL") on its website for the following counties: Cook, Lake, and Will.
3. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioners' objections, issued a Notice of Hearing to the parties dated October 13, 2009, and provided notice of the hearing to the public by posting the date, time, location, and other pertinent information relating to the Section 9 hearing on Petitioners' objections 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 **Floating** as follows:

Class 1

Craft Foreman; Diver/Wet Tender; and Engineer (hydraulic dredge).

Class 2

Crane/Backhoe Operator; 70 Ton or over Tug Operator; Mechanic/Welder; Assistant Engineer (Hydraulic Dredge); Leverman (Hydraulic Dredge); Diver Tender; Friction and Lattice Boom Cranes.

Class 3

Deck Equipment Operator, Machineryman; Maintenance of Crane (over 50 ton capacity); Tug/Launch Operator; Loader/Dozer and like equipment on Barge; and Deck Machinery, etc.

Class 4

Deck Equipment Operator, Machineryman/Fireman (4 Equipment Units or More); Off Road Trucks (2 ton capacity or more); Deck Hand, Tug Engineer, Crane Maintenance 50 Ton Capacity and Under or Backhoe Weighing 115,000 pounds or less; and Assistant Tug Operator.

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 1st day of October, 2009

Catherine M. Shannon

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

Dated this 1st day of October, 2009

Stanley Simayh

Stanley Simayh, as a member of the International
Union of Operating Engineers, Local 150 (Petitioner)

Dated this 1st day of October, 2009

James Sweeney

International Union of Operating Engineers, Local 150
(Petitioner) by James Sweeney, Business Agent

CERTIFICATE OF SERVICE

I hereby certify that I, YOLANDA CERVANTES a non-attorney served a copy of the :

ORDER

Prior to 5:00 p.m. on 10/27/09 via USPS mail requested

Marc J. Poulos
Indian-Illinois-Iowa
FFC
6170 Joliet Road
Suite 200
Countryside, IL 60525

And Via personal delivery:

Catherine M. Shannon
Director
Illinois Department of Labor
160 N. LaSalle Street C-1300
Chicago, IL 60601

Michael Haggerty
Chief Legal Counsel
Illinois Department of Labor
160 N. LaSalle C-1300
Chicago, IL 60601


Signed