

**STATE OF ILLINOIS – DEPARTMENT OF LABOR
 CONCILIATION/MEDIATION DIVISION
 1 W. OLD STATE CAPITOL PLAZA, 3RD FLOOR
 SPRINGFIELD, ILLINOIS 62701**

IN THE MATTER OF:)
)
WILLIAM G. LYNCH as PRESIDENT OF)
OLSSON ROOFING COMPANY, INC,)
OLSSON ROOFING COMPANY, INC., and)
CHICAGO ROOFING CONTRACTOR’S ASSN.,)
)
Petitioner(s),)
)
 v.)
)
JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT OF)
LABOR ,)
)
Respondent,)
)
And)
)
LOCAL #11, UNITED UNION OF ROOFERS)
WATERPROOFERS AND ALLIED WORKERS,)
And LABORERS’ INTERNATIONAL UNION)
OF NORTH AMERICAN GREAT PLAINS)
LABORERS’ DISTRICT COUNCIL and its)
AFFILIATED UNIONS, and the ILLINOIS)
STATE BRANCH OF OPERATING)
ENGINEERS,)
)
Intervener(s).)
)

STATE FILE NO. : 2012-H-TW07-0031

DECISION AND ORDER

This matter arises under the Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.* (the “Act”) and the regulations found at 56 Ill. Admin Code 120.100 *et seq.* This matter concerns Petitioners’ June 2011 request for a Section 9 investigatory hearing to establish new prevailing wage classifications, or amend existing classification descriptions, for the Roofer classification in the following Illinois counties: Jo Daviess, Stephenson, Winnebago, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, Lee, DuPage, Kendall, Will, Boone, Iroquois and Kankakee;

The parties and interveners have negotiated a settlement of this matter and have submitted to the undersigned 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 this matter;

Having reviewed the Consent Decree, the undersigned finds that it is appropriate.

IT IS HEREBY ORDERED:

- 1) The stipulations, agreements, terms and conditions contained therein, and attached hereto, are ACCEPTED and shall have the same force and effect as if individually and specifically set forth in the body of this Decision and Order;

- 2) Pursuant to 820 ILCS 130/9, the Department of Labor shall promptly file a certified copy of this Decision and Order and executed Consent Decree with the Illinois Secretary of State,
- 3) This matter is hereby dismissed.

ENTERED:

1-30-12

/s/ Claudia D. Manley
Claudia D. Manley
Administrative Law Judge

STATE OF ILLINOIS DEPARTMENT OF LABOR
 HEARING DIVISION
 160 N. LASALLE STREET, SUITE C-1300
 CHICAGO, IL 60601

In the Matter of:

WILLIAM G. LYNCH as PRESIDENT
 OF OLSSON ROOFING COMPANY, INC.,
 and OLSSON ROOFING COMPANY, INC., and
 CHICAGO ROOFING CONTRACTORS
 ASSOCIATION INC.,

)
)
)
)
) State File No. 012-H-TW07-0031
)

Petitioners,

v.

)
) Administrative Law Judge
) Claudia Manley
)

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

Respondent,

and

LOCAL #11, UNITED UNION OF ROOFERS,
 WATERPROOFERS AND ALLIED WORKERS,
 LABORERS INTERNATIONAL UNION OF NORTH
 AMERICA GREAT PLAINS LABORERS DISTRICT
 COUNCIL, AFFILIATED UNIONS and the ILLINOIS
 STATE BRANCH OF OPERATING ENGINEERS,

Intervener(s).

CONSENT DECREE

Petitioners WILLIAM G. LYNCH as PRESIDENT OF OLSSON ROOFING COMPANY, INC., OLSSON ROOFING COMPANY, INC., CHICAGO ROOFING CONTRACTORS ASSOCIATION INC., Respondents JOSEPH COSTIGAN, DIRECTOR OF LABOR, ILLINOIS DEPARTMENT OF LABOR, Interveners LOCAL #11, UNITED UNION OF ROOFERS, WATERPROOFERS AND ALLIED WORKERS, LABORERS INTERNATIONAL UNION OF NORTH AMERICA GREAT PLAINS LABORERS DISTRICT COUNCIL, AFFILIATED UNIONS and the ILLINOIS STATE BRANCH OF OPERATING ENGINEERS 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, Petitioners timely filed written objections to the June 2011 prevailing wage rates pertaining to the Roofer classifications or

descriptions, published by the Illinois Department of Labor (“IDOL”) on its website for various counties identified herein.

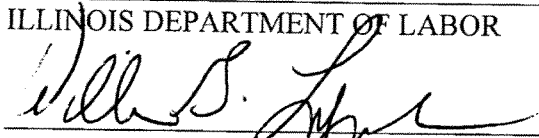
3. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioner’s objections, issued a Notice of Hearing to Petitioners and provided notice of the hearing to the public by posting the date, time, location, and other pertinent information regarding the Section 9 hearing on Petitioners’ objections on IDOL’s official website.
4. It is determined that in the counties of Jo Daviess, Stephenson, Winnebago, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, Lee, DuPage, Kendall, Will, Boone, Iroquois and Kankakee the prevailing practice among employers on public works, as defined by the IPWA, who employ persons within the classification of Roofer is as follows:

All time spent by a person within the Roofer classification performing work at the direction of the employer, which is wholly incidental to the work performed by that same person, on the same day, at the site of the public works/roof, but which is dedicated exclusively to the public works/roof, is paid at the same rate as the time spent by that person working at the site of the public works/roof. This practice does not prevail for persons who perform such incidental work, but who do not also perform work, on the same day, at the site of the public works/roof falling with the Roofer classification.
5. The determination set forth in paragraph 4 of this Consent Decree shall be implemented and enforced by the Department for all persons performing work on public works as described in paragraph 4 effective upon entry of the Order approving this Consent Decree.
6. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing solely and exclusively with respect to the determination and practice set forth in paragraph 4 and paragraph 5 of this Consent Decree.
7. The entire record of this hearing shall consist solely of the Notice of Hearing, this Consent Decree, and the subsequent Decision and Order.
8. 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.
9. The parties agree that this Consent Decree may be executed in one or more counterparts, all of which shall be considered to be one and the same document,

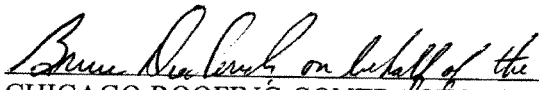
binding on all parties hereto, notwithstanding that all parties are not signatories to the same counterpart.

Dated this ____ day of January 2012

ILLINOIS DEPARTMENT OF LABOR



WILLIAM G. LYNCH as PRESIDENT
OF OLSSON ROOFING COMPANY, INC.,



CHICAGO ROOFING CONTRACTORS
ASSOCIATION INC.

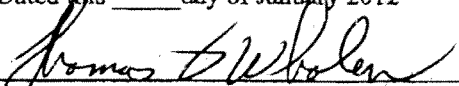
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LABORERS INTERNATIONAL UNION OF
NORTH AMERICA GREAT PLAINS
LABORERS DISTRICT COUNCIL,
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ILLINOIS STATE BRANCH OF
OPERATING ENGINEERS

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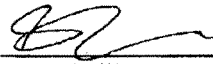
Dated this _____ day of January 2012



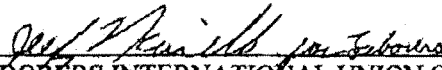
ILLINOIS DEPARTMENT OF LABOR

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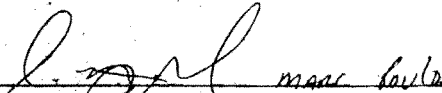
CHICAGO ROOFING CONTRACTORS
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LOCAL #11, UNITED UNION OF ROOFERS,
WATERPROOFERS AND ALLIED WORKERS



LABORERS INTERNATIONAL UNION OF
NORTH AMERICA GREAT PLAINS
LABORERS DISTRICT COUNCIL,
AFFILIATED UNIONS



ILLINOIS STATE BRANCH OF
OPERATING ENGINEERS

CERTIFICATE OF SERVICE

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

DECISION AND ORDER
CONSENT DECREE

prior to 4:30 p.m. on 1/30, 2012, to the following addresses shown below
via facsimile and U.S. Certified Mail, Return Receipt Requested:

Jeffrey A. Risch/Jon Hoag
SmithAmundsen
3815 East Main St., Ste. A-1
St. Charles, IL 60174-2488

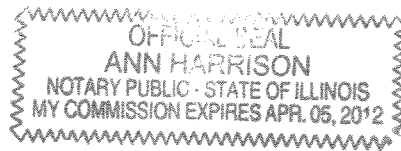
Robert S. Cervone/ Ronald Willis
Dowd, Bloch & Bennett
8 S. Michigan Ave., 19th Fl.
Chicago, IL 60603

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

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

Via messenger:

Valerie Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601



Zalaska Cervone

Subscribed and Sworn to this 30 day of January, 2012

Ann Harrison
Notary Public