

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

IN THE MATTER OF:)
)
MACHINERY MOVERS, RIGGER AND)
MACHINERY ERECTORS LOCAL UNION 136)
Aff'd. INTERNATIONAL ASSOCIATE OF)
BRIDGE, STRUCTURAL ORNAMENTAL) STATE FILE NO. 2011-H-TW06-1080
AND REINFORCING IRONWORKERS,)
A.F.L.-C.I.O.,) DATE OF NOTICE: JUNE 3, 2011
)
) CERT.MAIL/RETURN RECEIPT:
Petitioner(s),)
)
)
v.) 7002 2410 0002 2829 9792
)
JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT OF)
LABOR,)
)
Respondent.)

NOTICE OF HEARING

PLEASE TAKE NOTICE that pursuant to section(s) 4 and 9 and of the Illinois Prevailing Wage Act [hereinafter, "PWA" or "Act"], 820 ILCS 130/0.01-12, Joseph Costigan, Director of Labor and the Illinois Department of Labor [hereinafter, "Respondent"] has received written objections filed by, Machinery Movers, Rigger and Machinery Erectors Local Union 136 affiliated International Associate of Bridge, Structural, Ornamental and Reinforcing Ironworkers, A.F.L.-C.I.O.["Petitioners"] and will convene a hearing in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5-10-70 and the procedures stated in Respondent's rules at 56 Illinois Administrative Code 120.100 – 120.670.

DATE: JULY 13, 2011
TIME: 1:00 P.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

CLAUDIA D. MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

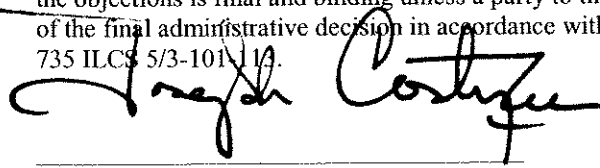
The hearing involves the written objections and hearing request (Exhibits A) filed by Petitioner(s) involving and effecting Respondent's determination of the classification(s) and/or reclassification(s) of craft(s), or type of laborer(s), worker(s) or mechanic(s), engaging in work on public works projects in the in the following counties: Cook, Kane, Lake, McHenry and Will counties located within the State of Illinois and the prevailing rate of wages for the classification(s) including, but not limited to: Boilermakers, Carpenters, Ironworkers, Laborers, Machinists, Millwrights, Operating Engineer, Ornamental Ironworkers,

Plumbers, Sheetmetal Workers, Steel Erectors, and Truck Drivers. The hearing request further seeks to create a new classification(s): Machinery Movers, Riggers and Machinery Erectors.

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 120.640, the Administrative Law Judge shall render a decision and issue an order on the objections pursuant to 820 ILCS 130/4 and 9, 56 Illinois Administrative Code 120.100 – 120.670. The decision will be the decision for and of the Director of Labor. 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.



Joseph Costigan
Director of Labor

GREGORIO & ASSOCIATES

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TWO NORTH LASALLE STREET
SUITE 1650
CHICAGO, ILLINOIS 60602



RECEIVED

JUN 1 2011

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May 27, 2011

OF COUNSEL
GEOFFREY L. GIFFORD
KEVIN W. O'CONNOR
ANTONE F. GREGORIO, LTD.

Via Regular and Certified Receipt Mail

Ms. Claudia Manley
Chief Administrative Law Judge
Illinois Dept. of Labor Office of Administrative Hearings
160 N. LaSalle St., C-1300
Chicago, IL 60601

Re: Request for Section 9 Hearing to Establish a New Prevailing Wage Classification for the Machinery Movers, Riggers and Machinery Erectors Local Union 136 Affiliated with the International Associate of Bridge, Structural, Ornamental and Reinforcing Ironworkers, A.F.L. -C.I.O.

Dear Ms. Manley:

Please be advised that I am one of the attorneys for the Machinery Movers, Riggers and Machinery Erectors Local Union 136. We are making a formal request for a Section 9 hearing to request and to establish a new prevailing wage for the craft jurisdiction of the Machinery Movers, Riggers and Machinery Erectors on public work projects.

Local 136 is requesting that a prevailing wage classification be set for the following work: The moving, securing, dismantling, assembly, and rigging of equipment and machinery into place and onto movable devices. Types of machines and equipment include but are not limited to moving of industrial ovens, show exhibits, kilns, printing presses, cooling towers, heating coils, boilers, voting machines, kilns, furnaces, ovens, and medical imaging equipment. Local 136 is requesting that the prevailing wage for this type of work be set in the counties of Cook, Kane, Lake, McHenry, and Will, Illinois.

There is currently no prevailing wage in the counties of Cook, Kane, Lake, McHenry and Will, Illinois that covers the craft jurisdiction of the Machinery Movers, Riggers and Machinery Erectors Local 136 and their affiliated contractors. Local 136 was established in 1913 and its members and affiliated contractors have performed prevailing wage work throughout the counties of Cook, Kane, Lake, McHenry and Will. The members of Local 136 and signatory contractors have recently performed prevailing wage work in the designated craft jurisdiction. Such projects included the placing of cooling towers on the State of Illinois Building, moving the

EXHIBIT A

printing shop in Chicago City Hall, moving and placing large exhibits at the Field Museum and the Museum of Science and Industry, and moving and placing boilers and heating coils in public schools throughout the requested geographic location.

A lack of a prevailing wage for this type of work is preventing contractors from accurately certifying their payroll because there is no prevailing wage for the trade and craft jurisdiction. As such, the Machinery Movers, Riggers and Machinery Erectors Local Union 136 is requesting a Section 9 hearing and that the Illinois Department of Labor establish a new prevailing wage classification for the craft jurisdiction mentioned above in the counties of Cook, Kane, Lake, McHenry and Will, Illinois. The Machinery Movers, Riggers and Machinery Erectors Local 136 are also requesting that the current rates used in their Collective Bargaining Agreements attached as Exhibit A be used as the prevailing wage for those counties.

Accordingly, on behalf of Local 136 and Local 136 membership, in accordance with Sections 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 classification.

Thank you for your cooperation and attention to this matter. Please feel free to contact me if you have any further questions.

Very truly yours,



Michael J. McGuire

MJM/anp

cc: Mr. Tom Whalen
Division Manager
IL Dept. of Labor Office of Administrative Hearings
900 S. Spring Street
Springfield, IL 62704

Mr. Robert Fulton
Business Manager at Local 136

Machinery Movers, Riggers & Machinery Erectors
Local Union 136

Trade Name	Type	Base	Foreman	M-F>8	OSH	H/W	Pension	Vac	Trng
Rigger	Street	35.44	37.94	1.5	2.0	8.69	12.78	0	.40



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 JUNE 3, 2011, to the following addresses shown below

via certified U.S. Mail:

Michael J. McGuire
Gregorio & Associates
2 N. LaSalle St., Ste. 1650
Chicago, IL 60602

Via messenger:

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

Zelinda Cost

Subscribed and sworn to before me this 3 day of JUNE, 2011.

Ann Harrison
Notary Public

My Commission Expires 4-5-2012

