

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

IN THE MATTER OF: )  
)  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS, LOCAL 702, )  
) STATE FILE NO. 2011-H-TW06-1125  
Petitioner )  
) DATE OF NOTICE: JUNE 29, 2011  
)  
) CERT. MAIL/RETURN RECEIPT:  
)  
)  
v. )  
)  
JOSEPH COSTIGAN, DIRECTOR OF ) 7002 2410 0002 2829 9723  
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, the International Brotherhood of Electrical Workers, Local 702 ["Petitioner"] 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 21, 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**

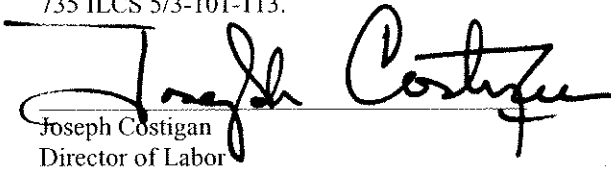
The hearing involves the written objections and hearing request (Exhibits A) filed by Petitioner(s) involving and effecting Respondent's determination of the classification(s) and/or reclassification(s) of craft(s), or type of laborer(s), worker(s) or mechanic(s), engaging in work on public works projects in the in the following counties: Alexander, Bond, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Pope, Pulaski, Randolph, Richland, Saline, Shelby, Union, Wabash, Washington, Wayne, White and Williamson counties located within the State of Illinois and the prevailing rate of wages for the classification(s) including, but not limited to: truck driver, laborer

electrician, and operating engineer. The hearing request further seeks to create the following classification(s): Power Tree Trimmer and Power Tree Trimmer Groundsman.

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

*A Century*  *Celebration*  
1911 - 2011  
100th Anniversary

June 9, 2011

**Via: Certified Mail/Return Receipt Requested**

Mr. Joseph Costigan  
Director of the Department of Labor  
Illinois Department of Labor  
Office of Administrative Hearings  
900 South Spring Street  
Springfield, IL. 62704

RECEIVED  
DEPARTMENT OF LABOR  
2011 JUN 15 PM 12:51

Re: Request for a Section 9 hearing to establish new Prevailing Wage classifications for the various Power Tree Trimmer classifications in the following Illinois Counties: Alexander, Bond, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Pope, Pulaski, Randolph, Richland, Saline, Shelby, Union, Wabash, Washington, Wayne, White and Williamson.

Dear Mr. Costigan:

My name is Josh Holmes. I am a Business Representative for IBEW, Local 702. I am sending this request for a Section 9 hearing for each of the above counties in regards to possible new prevailing wage classifications for Power Tree Trimmer and Power Tree Trimmer Groundman. These classifications are needed in the 37 counties because our outside tree contractors have done the majority of this work in the past and without these changes it leaves our contractors at a huge disadvantage if ever faced with non-signatory contractors bidding this work. If needed, I can provide proof of the man hours our contractors have worked under these classifications on all properties or jobs in the above 37 counties that should be prevailing wage jobs. We would like to establish these classifications in any county that is without the Power Tree Trimmer or Power Tree Trimmer Groundman classifications.

If you have any questions, please feel free to contact me at my office at 618-932-2102, cell phone, 618-521-8026 or email, [jholmes@ibew702.org](mailto:jholmes@ibew702.org).

Sincerely,

IBEW, Local Union 702

*Josh Holmes*

Josh Holmes  
Business Representative

JH:sw

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 6/29, 2011, to the following addresses shown below

via certified U.S. Mail:

Josh Holmes  
Business Representative  
IBEW, Local 702  
106 N. Monroe St.  
West Frankfort, IL 62896



Via messenger:

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

Zelaska C. Jones

Subscribed and sworn to before me this 29 day of June, 2011.

Ann Harrison

Notary Public

My Commission Expires 4-5-2012