

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, )  
 )  
 Petitioner )  
 v. )  
 )  
 JOSEPH COSTIGAN, DIRECTOR OF )  
 LABOR and the ILLINOIS DEPARTMENT OF )  
 LABOR, )  
 )  
 Respondent. )  
 )  
 And )  
 )  
 ILLINOIS STATE BRANCH OF OPERATING )  
 ENGINEERS, LABORERS' INTERNATIONAL )  
 UNION OF NORTH AMERICA SOUTHERN & )  
 CENTRAL ILLINOIS LABORERS' DISTRICT )  
 COUNCIL, SOUTHWESTERN ILLINOIS )  
 LABORERS' DISTRICT COUNCIL, )  
 )  
 Intervenor(s). )

STATE FILE NO. : 2011-H-TW06-1125  
 2011-H-TW06-1081


**ORDER**

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to the Consent Decree, Decision and Order all parties having been duly advised on the premises;

IT IS HEREBY ORDERED:

This matter is dismissed with prejudice.

DATE: 9-23-11

  
 Claudia D. Manley  
 Chief Administrative Law Judge

Claudia D. Manley  
 Chief Administrative Law Judge  
 Illinois Department of Labor  
 160 N. LaSalle St., Ste. C-1300  
 Chicago, IL 60601  
 V: 312-793-1805  
 F: 312-793-5257

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

IN THE MATTER OF: )

INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS, )  
LOCAL 702 )

Petitioner, )

v. )

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

Respondent, )

and )

ILLINOIS STATE BRANCH OF )  
OPERATING ENGINEERS, and )  
LABORERS' INTERNATIONAL )  
UNION OF NORTH AMERICA, )  
SOUTHERN & CENTRAL ILLINOIS )  
LABORERS' DISTRICT COUNCIL and )  
SOUTHWESTERN ILLINOIS )  
LABORERS' DISTRICT COUNCIL(S). )

Intervenors. )

State File No. 2011-H-TW06-1125  
2011-H-TW06-1081

**PARTIAL CONSENT DECREE**

Joseph Costigan, the Director of Labor, and the Illinois Department of Labor ("Respondent(s)"), Petitioner International Brotherhood of Electrical Workers, Local 702, ("Local 702") and Intervenors the Illinois State Branch of Operating Engineers ("IUOE") and Laborers' International Union of North America, Southern & Central Laborers and Southwestern Illinois Laborers' District Council(s) and their affiliated local unions from the counties of 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 ("Laborers") hereby resolve the above-referenced matter pursuant to 56 Ill Admin Code 120.540 as follows:

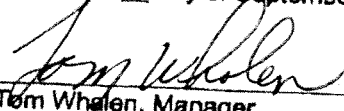
1. This matter arises under the Illinois Prevailing Wage Act ("IPWA"), as amended, 820 ILCS 130/0.01, *et seq.*
2. Pursuant to Sections 4 and 9 of the IPWA, Petitioner timely filed written and specific objections to the June, 2011 prevailing wage rates pertaining to the Electric Power Lineman, Electric Power Groundman and Electric Power Equipment Operator classifications or descriptions, published by the Illinois Department of Labor ("IDOL") on its website for the various counties mentioned herein. See State File No. 2011-H-TW06-1081. Pursuant to Section 9 of the IPWA, Petitioner also timely filed a written request to establish the new prevailing wage classifications of Line Clearance Trimmer and Line Clearance Trimmer Groundman. See State File No. 2011-H-TW06-1125. Chief Administrative Law Judge Manley ordered the cases consolidated pursuant to 56 Ill Admin Code 120.310.
3. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioner's objections, issued a Notice of Hearing to Petitioner dated June 29, 2011, 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 IDOL's official website. For the following counties: Alexander, Bond, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin,

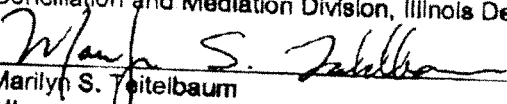
Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Pope, Pulaski, Randolph, Richland, Saline, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson, the parties agree that the work of performing all aspects of trimming, clearing and removal of trees and brush on right-of-ways for transmission and distribution power lines and associated structures and assisting in such functions falls under the existing prevailing wage classification of Laborer except any related work of operating heavy equipment is covered by the existing classification of operating engineers and the related work of truck driver is covered by the existing classifications of truck drivers.


4. The parties agree that:
  - a. This partial consent decree is solely for the purpose of clarifying the prevailing wage applicable to the work covered by Local 702 IBEW's pending Section 9 Petition, State File No. 2011-H-TW06-1125, in the counties covered and not for determining any jurisdictional issues that may arise between the IBEW, the Laborers and/or the Operating Engineers;
  - b. The Order disposing of State File No. 2011-H-TW06-1125 shall have the same force and effect as an Order made after a full hearing; and
  - c. The entire record of the hearing in State File No. 2011-H-TW06-1125 shall consist solely of the Notice of Hearing and this Partial Consent Decree and the subsequent Order.
  - d. The IDOL shall publish this Partial Consent Decree and Order on its website.

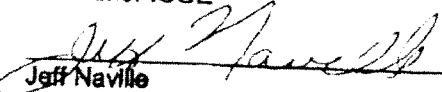
5. The parties waive:
- a. Further procedural steps before the Administrative Law Judge in State File No. 2011-H-TW08-1125; and
  - b. Any right to challenge or contest the validity of this Partial Consent Decree or the Order entered in accordance herewith in State File No. 2011-H-TW08-1125.

Dated this 22 day of September, 2011

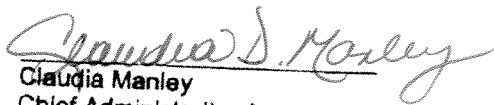
  
\_\_\_\_\_  
Tom Whalen, Manager,  
Conciliation and Mediation Division, Illinois Department of Labor

  
\_\_\_\_\_  
Marilyn S. Feitelbaum  
Attorney  
Petitioner International Brotherhood of Electrical Workers, Local 702

  
\_\_\_\_\_  
Marc R. Poulos  
Attorney  
Intervenor IUOE

  
\_\_\_\_\_  
Jeff Naville  
Attorney  
Intervenor Laborers' Midwest Region

So Ordered,

  
\_\_\_\_\_  
Claudia Manley  
Chief Administrative Law Judge  
Illinois Department of Labor  
160 North LaSalle Street, C-1300  
Chicago, Illinois 60601

Dated: 9-23-11

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CERTIFICATE OF SERVICE

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

ORDER

prior to 4:30 p.m. on 9/23, 2011, to the following addresses shown below

via U.S. Mail:

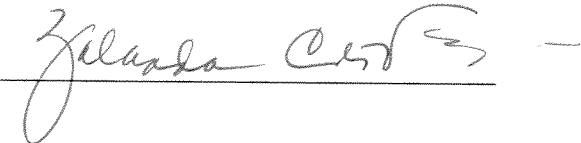
Marilyn S. Teitelbaum  
Schuchat, Cook & Werner  
The Shell Building  
1221 Locust St., Ste. 250  
St. Louis, MO 63103-2364

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

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

Via messenger:

Valerie A. Puccini  
Assistant Legal Counsel  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

  
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