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SECRETARY OF LABOR,  
Complainant,

v.

ILLINOIS POWER COMPANY  
Respondent.

and

I.B.E.W. LOCAL NO. 51,  
Authorized Employee  
Representative

Docket No. 98-1972

**ORDER**

BEFORE: ROGERS, Chairman and VISSCHER, Commissioner.

BY THE COMMISSION:

On Tuesday, August 3, 1999, Chief Administrative Law Judge Irving Sommer approved a stipulation and settlement agreement entered into between the Secretary of Labor and Illinois Power Co. The settlement agreement had been served on the authorized employee representative, the International Brotherhood of Electrical Workers, Local 51 (I.B.E.W.) on Thursday, July 22, 1999.

Under Commission Rule 100 (c), 29 C.F.R. § 2200.100(c), orders approving settlement agreements shall not be issued for 10 days after service or posting to allow consideration of any affected employee's or authorized employee representative's objections

to the reasonableness of the abatement date. Commission Rule 4(a), 29 C.F.R. §2200.4(a), directs that the computation of any period of time less than 11 days in length shall not include Saturdays, Sundays, or Federal Holidays. Additionally, under Commission Rule 4(b), 29 C.F.R. § 2200.4(b), where service is by mail, an additional three calendar days (including Saturdays, Sundays and Federal Holidays) are added to the beginning of the prescribed period.

Therefore, after counting the three days for mailing, the tenth day following service of the settlement agreement on the employee representative was Friday, August 6, 1999, three days after the judge approved the settlement agreement. On August 4, the I.B.E.W. timely filed its objections to the settlement agreement. Under these facts, the I.B.E.W. is entitled to have its objections considered. Accordingly, we vacate the judge's order approving the settlement agreement and remand the matter to the judge for consideration of the objections filed by the I.B.E.W.<sup>1</sup>

SO ORDERED.

/s/ \_\_\_\_\_  
Thomasina V. Rogers  
Chairman

/s/ \_\_\_\_\_  
Gary L. Visscher  
Commissioner

Date: September 21, 1999

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<sup>1</sup>Respondent has filed with the Commission a Motion for Summary Disposition. In the motion, respondent did not indicate whether it conferred with the authorized employee representative, a party in this case, as required by Commission Rule 409a), 29 C.F.R. §2200.40(a). *Schipper Constr., Inc.*, Docket No. 99-0253 (July 30, 1999). We refer this motion to the judge with instructions that, prior to considering the motion, he confirm that respondent complied with Commission Rule 40(a).