

STATE OF ILLINOIS, DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60364

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IN THE MATTER OF:)
)
NATIONAL ELECTRICAL CONTRACTORS)
ASSOCIATION, NORTHERN ILLINOIS)
CHAPTER)
)
OBJECTORS,)
)
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR, THE)
ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)
)
)
STATE FILE: 2027-H-CC08-2358

PETITION TO INTERVENE

Petitioners Alan Golden, a member and Business Manager of the International Brotherhood of Electrical Workers, Local Union No. 364, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 364, AFL-CIO ("Local 364"), by and through their undersigned attorneys, submits their Petition to Intervene in the above-captioned matter, and in support state as follows:

1. Alan Golden is a member of Local 364. He is also the elected Business Manager.
2. Local 364 is a labor organization with its principal office in Rockford, Illinois serving as exclusive representative of individuals performing work as Electricians and as Communication Technicians on prevailing wage projects throughout various counties, including the counties of Winnebago, Stephenson, Boone, Ogle, Lee, DeKalb, Jo Daviess, Carroll and Whiteside.

3. Pursuant to Section 3 of the Illinois Prevailing Wage Act (the “Act”), 820 ILCS 130/3, the general prevailing rate of hourly wages for work of a similar character on public works in the locality shall be paid to all laborers, workers and mechanics engaged in the construction or demolition of public works.

4. On or about August 14, 2026, the National Electrical Contractors Association, Northern Illinois Chapter (“NECA”) filed an objection (“Objection”) with the Illinois Department of Labor (“Department”) to request the Department to ascertain and publish different prevailing rates for apprentices for the Electrician and Communications Technician classifications in the counties of Winnebago, Stephenson, Boone, Ogle, Lee, DeKalb, Jo Daviess, Carroll, and Whiteside, pursuant to Sections 4 and 9 of the Act. The objections are State File No. 2027-H-CC08-2358.

5. Section 120.320(a)(1) of Title 56 of the Illinois Administrative Code states that a party may intervene in a Section 9 hearing in the following circumstances: “(A) The party is so situated that he or she may be adversely affected by a final order arising from the hearing; (B) The party requesting intervention is a necessary party to the hearing proceeding; or (C) A party’s claim or defense and the main action have a question of law or fact in common.”

6. Pursuant to Section 9 of the Act, “any interested objectors may ... introduce such evidence as is material to the issue.”

7. Local 364 has entered into collective bargaining agreements with employer associations, including the NECA chapter filing the objection at issue, that bargain on behalf of signatory contractors in the counties of Winnebago, Stephenson, Boone, Ogle, Lee, DeKalb, Jo Daviess, Carroll and Whiteside where the NECA Objection seeks to establish new prevailing rates for apprentices for the Electrician and Communication Technicians classifications.

Members of Local 364, as well as the contractors and subcontractors who employ them, currently perform work on public projects in these counties pursuant to these collective bargaining agreements.

8. By way of background, for years the Illinois Department of Labor took the position that apprentices on public works jobs must be paid full journeyman fringes. It posted the requirement on a FAQ on its website and found violations by contractors for not paying full fringes to apprentices.

9. The recent amendments to the state Prevailing Wage law merely codify the Department's lawful position for clarity.

10. Also by way of background, for years the Department of Labor has, pursuant to the Act, published prevailing wage schedules for counties and portions thereof setting wage and benefit amounts for various classifications, such as electrician, pipefitter, and sheetmetal worker. Those schedules list journeyman wage and benefit amounts. The schedules do not include any separate apprentice classifications at different wage and/or benefit amounts.

11. In its Objections, NECA claims that there are classifications under applicable CBAs with wage and benefit rates above and below the current published classifications for Electrician and Communication Technicians.

12. NECA appears to claim that prevailing wage schedules should include apprentice classification with fringe benefit rates as set forth in the CBAs.

13. It appears that NECA, by its Objection, seeks to avoid or negate the specific, express, and lawful requirement in the state Prevailing Wage law that apprentices be paid full journeyman annualized fringe benefits by requiring the Department to publish schedules with separate apprentice classifications with less than 100% fringe amounts.

14. If the NECA Objection is successful, contractors could pay Local 364's apprentices less than full journey person fringes on prevailing wage jobs, thereby reducing apprentice compensation.

15. Local 364 moves to intervene to protect its interests and members' interests.

16. Local 364 will be adversely affected by a final order in NECA's favor in this proceeding in that such an order would undercut wages and benefits due under the law to employees which Local 364 represents, and damage the livelihoods of those employees, and thereby undermine Local 364's status as their representative and its goal of obtaining for members higher compensation. NECA's Objection also seeks to use the labor agreements to impose a lesser rate which the law may supersede.

17. Furthermore, because NECA's Objection specifically seeks to alter the prevailing wage in Local 364's jurisdiction based on the CBAs, Local 364 is a necessary party to this proceeding. NECA relies on collective bargaining agreements which Local 364 is party to.

18. Finally, as set forth above, there is a common question of law and fact that must be resolved prior to ruling on NECA's Objection. Local 364 intends to defend the requirement which NECA attacks – that apprentices receive full fringes. Further, there are common questions of fact, including the collective bargaining agreements which Local 364 is party to.

19. Local 364's motion is timely, by the September 3 deadline for motions.

20. Permitting Local 364 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, Local 364 respectfully requests the Administrative Law Judge enter an Order granting this Petition to Intervene and for such other relief deemed appropriate and just.

Respectfully submitted,

Alan Golden, a member and Business Manager of
the International Brotherhood of Electrical Workers,
Local Union No. 364, AFL-CIO, and the
International Brotherhood of Electrical Workers,
Local Union No. 364, AFL-CIO

By: SCHUCHAT, COOK & WERNER

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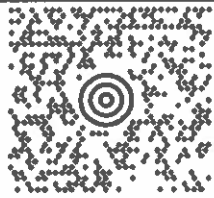
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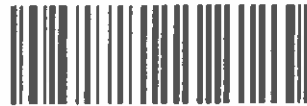
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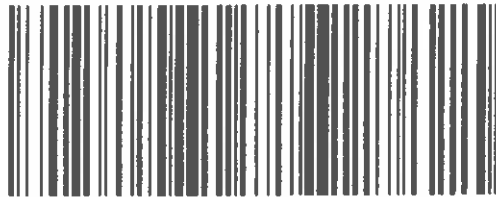
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