

STATE OF ILLINOIS
DEPARTMENT OF LABOR

IN THE MATTER OF:

MECHANICAL CONTRACTORS
ASSOCIATION, EASTERN
IOWA/WESTERN ILLINOIS

OBJECTORS,

V.

JANE R. FLANAGAN
DIRECTOR OF THE ILLINOIS
DEPARTMENT OF LABOR AND
THE ILLINOIS DEPARTMENT OF LABOR

RESPONDENTS,

LIUNA GREAT PLAINS LABORERS
DISTRICT COUNCIL AND ITS
SUBSIDIARY AND AFFILIATE
LOCAL UNION ("LABORERS")

UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND
PIPEFITTING INDUSTRY OF THE
UNITED STATES AND CANADA,
LOCAL UNION 25, U.A.

JOHN AHLGRIM, INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150, AFL-CIO AND THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 150, AFL-CIO
("LOCAL 150") AND TONY O'BRIEN,
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 649, AFL-CIO AND
THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 649,
AFL-CIO ("LOCAL 649")

PETITIONING INTERVENORS

IDOL FILE NO. 2027-H-CC08-2362

ORDER GRANTING RESPONDENTS' MOTION TO DISMISS OBJECTORS'
OBJECTION AND REQUEST FOR HEARING AND
DENYING OBJECTORS' REQUEST FOR EXTENSION OF TIME

IDOL File No.: 2027-H-CC08-2362 comes before Administrative Law Judge Monica Silva, on Respondent's September 3, 2026, Motion to Dismiss Objectors' Objection and Request for Hearing and Deny Its Request for Extension of Time ("Motion"). The undersigned, having reviewed Respondents' Motion to Dismiss Objectors' Objection and Request for Hearing and Deny its Request for Extension of Time, Objectors' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File, and Respondents' Reply in Support of Their Motion to Dismiss, the record in this matter, and being otherwise fully advised, hereby enters the following Order:

FINDINGS OF FACT:

1. On July 15, 2026, the Illinois Department of Labor (hereinafter "IDOL") published, per the Illinois Prevailing Wage Act, 820 ILCS 130/9, the prevailing wage schedule on its official website for each county in the state.
2. On August 14, 2026, Objectors mailed their Objection and Request for Hearing to the Department by United States mail.
3. On August 14, 2026, at 9:04 p.m. Objectors, by electronic transmission sent in their Objection and Request for Hearing to the Department.
4. On Friday, August 14, 2026, at 10:20 p.m. Objectors, by electronic transmission sent the Department of Labor Hearings Division a Request for Extension of Time to File Objections Instantly, acknowledged that petitions were not physically delivered to the Department's Chicago office by 5:00 p.m. and requested the extension out of caution.
5. On August 17, 2026, the Department received the Objectors-mailed Objection via United States mail.
6. On September 3, 2026, Respondents filed a Motion to Dismiss Objectors' Objection and Request for Hearing and Deny its Request for Extension of Time.
7. On September 4, 2026, parties and petitioning intervenors waived the 45-day hearing requirement by written agreement and orally.

APPLICABLE LAW:

The Act provides that “[a]t any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the Department of Labor stating the specified grounds of the objection.” 820 ILCS 130/9.

Furthermore, Administrative hearings before the Department are governed by 56 Ill. Admin. Code Part 120. See 56 Ill. Admin. Code § 120.100.

“Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Department's Chicago office, 160 N. LaSalle, C-1300, Chicago, IL 60601. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. When the Act or this Part requires the filing of a motion, brief, exception or other paper in any proceeding, the document must be received by the Department or the officer or agent designated to receive that matter before the official closing time of the receiving office on the last day of the time limit, if any, for the filing or extension of time that may have been granted. Filings received after 5:00 p.m. will be considered filed on the following business day..” 56 Ill. Admin. Code § 120.130(a)

“A request for an extension of time to file a document shall be filed no later than 5:00 p.m. at the Chicago Office on the date on which the document is due. Requests for extensions of time filed within three days after the due date must be grounded upon circumstances not reasonably foreseeable in advance.” 56 Ill. Admin. Code § 120.130(b).

Documents may be filed with the Department by certified or First Class mail, by messenger service, private delivery service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or electronic mail (e-mail), will not be accepted, except when specifically requested or ordered by the ALJ. 56 Ill. Admin. Code § 120.130(c).

Finally, “[t]he date of *service* (emphasis added) shall be the day when the matter served is deposited in the United States mail, or is deposited with a private delivery service that will provide a record showing the date the document was tendered to the delivery service, or is delivered in person. When service is made by facsimile transmission or e-mail, the date of service shall be the date on which transmission is sent. The date of *filing* (emphasis added) shall be the day when the matter is received by the Department as provided by subsection (b).” 56 Ill. Admin. Code § 120.130(d).

CONCLUSIONS:

All written objections to prevailing wage rates published on July 15, 2026, by the Department were due on Friday, August 14, 2026, no later than 5:00 p.m. Pursuant to Department rules, filings received after 5:00 p.m. are considered received the following business day. Objectors maintain that because they electronically transmitted objections, according to their interpretation of “any time” within 30 days of the Department’s posted rates, those objections were timely filed.

Objectors’ argument is not persuasive for several reasons. First, Administrative hearings before the Department are governed by 56 Ill. Admin. Code Part 120. The rules are clear that filings are to be “mailed or delivered”, that the office is open until 5:00 p.m. and that filings received after the 5:00 p.m. deadline are considered to have been filed the business day following receipt of the document. See 56 Ill. Admin. Code § 120.130. a) Here, no documents requiring judicial consideration were filed pursuant to the Department’s rules by or on August 14, 2026. Statutory reference to any time here is clearly a general provision while the specific provision of 5:00 p.m. is provided by the rules. The distinction is meant to provide clarity. In fact, when documents are not received timely pursuant to the specific 5:00 p.m. provision, there are triggering consequences. One such consequence is that the document is considered filed on the next business day.

Second, the rules indicate that electronic transmissions are unacceptable except when an ALJ specifically requests or orders filings by fax or e-mail. See 56 Ill. Admin. Code § 120.130. c) In this case, Objectors electronically transmitted documents which were neither requested nor ordered.

Third, requests for extension of time were to be filed “at the Chicago Office” August 14, 2026, no later than 5:00 p.m. See 56 Ill. Admin. Code § 120.130. b) Objectors sent their electronic transmission of a request for extension at 10:20 p.m., both using an unauthorized method of communication, and untimely. Assuming arguendo that their request for extension of time requires consideration, Objectors request made out of “caution” does not set forth any circumstances which were not reasonably foreseeable in advance.

Accordingly, Objectors failed to timely file their Objection and Request for Hearing pursuant to Section 9 of the PWA and 56 Ill. Admin. Code § 120.130.

IT IS ORDERED THAT:

1. Objectors’ Request for Extension of Time to File Objections is denied;
2. Respondents’ Motion to Dismiss Objectors’ Objection and Request for Hearing is granted;
3. Objectors’ Objection and Request for Hearing is dismissed;

4. All pending Petitions to Intervene are moot;
5. Any previously scheduled dates are vacated; and
6. This matter is closed before the Illinois Department of Labor Hearings Division.

DATE: September 29, 2026

/s/ Monica Silva

Monica Silva
Administrative Law Judge
Illinois Department of Labor
115 S. La Salle Street, 37th Floor
Chicago, IL 60603
V: 312-793-1805
DOL.Hearings@illinois.gov

NOTICE:

If any motion in the nature of a motion to dismiss or for summary judgment is granted by the ALJ before filing his or her final decision in a matter scheduled for hearing, any party may obtain a review of the granting of the motion by filing a request with the Director stating the grounds for review and, immediately upon filing, shall serve a copy of the request on the other parties. Unless the request for review is filed within 15 days from the date of the order of dismissal or granting of summary judgment, the decision of the ALJ shall become final. 56 Ill. Admin. Code §120.301(i).

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

AMENDED¹ CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I, Davis Merced, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. **2027-H-CC08-2362** in an envelope addressed to each party or party's agent at their respective address(es) having caused each envelope to be served by

☐ U.S. **regular** mail with postage prepaid being deposited in the U.S. mailbox at 555 W Monroe, Chicago, Illinois,

☐ **certified mail** return receipt requested and **regular mail** with postage prepaid at 555 W Monroe, Chicago, Illinois,

☒ via **email** addressed to each party or party's agent at the respective email address shown on the Certificate of Service,

On September 30, 2026, prior to 4:30 p.m.

Via Email:

OBJECTORS

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c/o Christina K. Wernick, Esq.
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PETITIONING INTERVENORS

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Council and Its Subsidiary and Affiliate
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¹ To reflect current Attorney Wernick's address.

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/s/Davis Merced
Davis Merced, Office Specialist
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