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OCT 05 2026

IDOL - CHICAGO OFFICE

STATE OF ILLINOIS
DEPARTMENT OF LABOR

IN THE MATTER OF:

PIPING INDUSTRY COUNCIL OF
ROCKFORD AREA INCORPORATED
AND MILLER ENGINEERING CO.,

Objectors,

v.

JANE FLANAGAN, Director of the
Illinois Department of Labor, and the
ILLINOIS DEPARTMENT OF LABOR,

Respondents.

IDOL FILE NO. 2027-H-CC08-2364

NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on October 5, 2026, the attached *Objectors' Request for Review of the Order Granting Respondents' Motion to Dismiss and Denying Request for Extension of Time* was filed with Jane Flanagan, Director of the Illinois Department of Labor, by personal service and email, a copy of which is attached hereto.

Date: October 5, 2026

Respectfully submitted,

Piping Industry Council of Rockford Area
Incorporated and Miller Engineering Co.

By: /s/ Christina K. Wernick
One of Objectors' Attorneys

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IN THE MATTER OF:

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JANE FLANAGAN, Director of the
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Respondents.

IDOL FILE NO. 2027-H-CC08-2364

**OBJECTORS' REQUEST FOR REVIEW OF THE ORDER
GRANTING RESPONDENTS' MOTION TO DISMISS AND DENYING
REQUEST FOR EXTENSION OF TIME**

NOW COME Objectors, Piping Industry Council of Rockford Area Incorporated and Miller Engineering Co. ("Objectors"), by and through their attorneys, and pursuant to 56 Ill. Adm. Code § 120.301(i), and respectfully submit to Jane Flanagan, Director of the Illinois Department of Labor, this Request for Review of the Order entered on September 18, 2026, by Administrative Law Judge Dawn Harden (the "Order"), granting Respondents' Motion to Dismiss Objectors' Objection and Request for Hearing, denying Objectors' Request for Extension of Time to File Objections, and closing this matter. This Request is timely filed within fifteen (15) calendar days of the Order. In support, Objectors state the following grounds for review.

I. PROCEDURAL BACKGROUND

1. On July 15, 2026, the Department published the prevailing wage schedules pursuant to Section 9 of the Prevailing Wage Act ("PWA" or "Act"), 820 ILCS 130/9 ("Section 9").

Excluding the date of publication, the thirtieth day following publication was Friday, August 14, 2026. *See* 56 Ill. Adm. Code § 120.130(b).

2. On August 14, 2026, the thirtieth day, Objectors placed their written Objection and Request for Hearing (“Objection”) in the United States Mail prior to 5:00 p.m. (*see* Objectors’ Combined Response in Opposition to Respondents’ Motion to Dismiss and Reply in Support of Objectors’ Motion for Extension of Time to File, attached here to as **Exhibit A**) and transmitted it to the Department by email at 9:07 p.m. (*Id.*)

3. At 10:20 p.m. the same day, August 14, 2026, Objectors filed a Request for Extension of Time to File Objections (“Request for Extension”), *Instantly*, under 56 Ill. Adm. Code § 120.130(b) to the Illinois Department of Labor (the “Department”) and its Director, Jane Flanagan (“Director”), explaining that unforeseen time-sensitive professional obligations and administrative staffing disruptions prevented physical delivery to the Department’s Chicago office before 5:00 p.m. that day. (*Id.*)

4. On Monday, August 17, 2026, the next business day, the Department received the mailed Objection, and Objectors also delivered the Objection by hand delivery. (*Id.*)

5. On August 20, 2026, the Department issued an Order setting the matter for hearing on September 25, 2026, before Administrative Law Judge Dawn Harden (“ALJ”). The Order further set the matter for a pre-hearing conference with the ALJ on September 4, 2026 (“Pre-Hearing Conference”).

6. On September 1, 2026, the LIUNA Great Plains Laborers District Council filed a Petition to Intervene. The Laborers' International Union Of North America ("LIUNA") Local 1 and the Construction and International Union of Operating Engineers. Local 150, AFL-CIO filed their respective Petitions to Intervene on September 2, 2026. The United Association of

Journeyman and Apprentices of The Plumbing and Pipefitting Industry of the United States and Canada, Local Union 23. U.A., filed their Petition on September 8, 2026.

7. On September 3, 2026, Respondents filed a Motion to Dismiss Objectors' Objection and Request for Hearing and Deny its Request for Extension of Time ("Motion to Dismiss"), arguing the Objection was neither timely filed nor properly served on August 14, 2026, and that the Department lacks subject matter jurisdiction to hear the Objection, as a result.

8. On September 4, 2026, the Parties and all Petitioning Intervenors appeared before the ALJ for the scheduled Pre-Hearing Conference. Objectors' orally moved to stay or continue briefing on the Motion to Dismiss while the parties explored the possibility of settlement. The ALJ denied the Objectors' request after Respondents insisted that the ALJ lacked subject matter jurisdiction and could not stay the proceedings. The ALJ subsequently entered a Briefing Order on Respondents' Motion to Dismiss and to Deny Objectors' Motion for Extension of Time. (*see* ALJ's September 4, 2026 Order, attached with the ALJ's September 18, 2026 Order as **Exhibit A-1**).

9. Following briefing, and without oral argument, the ALJ entered an Order on September 18, 2026, dismissing the Objection as untimely under Section 9 and 56 Ill. Adm. Code § 120.130, denying Objectors' Request for Extension, declaring all pending Petitions to Intervene moot, vacating any merits hearing, and closing the matter. (**Exhibit A-1**).

II. SUMMARY

The Dismissal Order cannot be reconciled with the plain language of Section 9 of the PWA, controlling Illinois case law, or the Department's own practice, and it should be reversed on these four independent grounds.

First, the ALJ erred in treating Section 9's 30-day filing period as a jurisdictional bar; under *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325 (2002), statutory time limits are not jurisdictional absent a clear legislative directive, and Section 9 contains none.

Second, the ALJ erred in applying the Department's procedural rules to shorten the Section 9's statutory time limit (i.e. "[a]t any time within 30 days" of publication) and an agency cannot use its rules to restrict a statute's operation.

Third, and alternatively, the ALJ erred in denying Objectors' Request for Extension, which was filed on the due date itself under 56 Ill. Adm. Code § 120.130(b), by applying the wrong standard to Objectors' unforeseeable last-day circumstances.

Fourth, the dismissal conflicts with the Department's handling of a nearly identical objection in State File No. 2027-H-CC08-2367, wherein the ALJ permitted the Department and Director to agree to stay briefing and continue proceedings rather than determine whether dismissal was first required.

Because Objectors completed and dispatched their Objection on the thirtieth day and the Department received it on the next business day, the Director should grant this Request for Review, deem the Objection timely, and remand for a hearing on the merits.

III. SPECIFIC GROUNDS FOR REVIEW

A. The ALJ Erred In Treating The Section 9 Filing Period As A Jurisdictional Bar Rather Than A Claim-Processing Requirement

In granting Respondents' Motion to Dismiss, the ALJ impermissibly converted the Department's procedural timing rule into a forfeiture of the Objectors' statutory rights under Section 9 of the PWA, and therefore the dismissal should be reversed as a result.

The PWA does not condition the Department's obligation to set a date for a Section 9 hearing on any subsequent procedural compliance by the Objector; rather, the duty to hold the hearing arises automatically from the timely filing of the written objection.

Illinois courts distinguish between statutory limits that define a tribunal's adjudicatory authority and procedural claim-processing rules that govern how and when parties must act. *See, e.g., Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334-35, 770 N.E.2d 177 (2002) (distinguishing subject matter jurisdiction from statutory prerequisites and procedural requirements). Accordingly, the PWA's 30-day objection window is the event which vests jurisdictional authority in the Department to conduct a contested case hearing and ultimately issue a final determination.

In fact, in *Belleville Toyota*, the Illinois Supreme Court observed that *Fredman Brothers Furniture Co. v. Department of Revenue*, 109 Ill. 2d 202 (1985), as relied upon by Respondents in their Motion to Dismiss, is frequently incorrectly cited as authority for the proposition that a limitations period in a statutory cause of action is jurisdictional. *Belleville Toyota*, 199 Ill. 2d at 339. The Court, quite specifically, stated that the holding in *Fredman Brothers* "is not a rule of general applicability to all statutory causes of action. Rather, the rule is limited by the constitutional context in which it first arose." *Id.* at 340.

Thus, statutory time limitations, such as Section 9's 30-day objection window, are not elevated to a jurisdictional bar absent a clear legislative directive to do so. Here, Section 9 contains no language limiting the Department's authority or declaring void an objection due to an after-hours receipt or filing-method issue under tit. 56, § 120.130 of the Illinois Administrative Code (the "Admin. Code") – it merely establishes a two-step jurisdictional sequence.

First, the Department ascertains and publishes the prevailing wage schedule on its website on or before July 15 each year. 820 ILCS 130/9. Next, any affected party may object *at any time* within 30 days of that publication by filing a written notice with the Department stating the specific grounds of the objection. *Id.* (emphasis added). Upon the filing of a timely written objection (*i.e.*, *at any time* within 30 days of the Department's posting of the prevailing wage schedule), the Department is statutorily obligated to set a date for hearing, given written notice to the objectors at least ten (10) days before the hearing, and hold the hearing within forty-five (45) days after the objection is filed. *Id.*

The Department published the prevailing wage schedule on its website on July 15, 2026. The Objectors sent, and the Department received, a written Objection and Request for Hearing on August 14, 2026 – the thirtieth day following publication of the prevailing wage schedule. Accordingly, the Department received the Objection within the unambiguous requirements of the statutory framework of Section 9 of the PWA. Subsequently, the Department issued a Notice of Hearing on August 21, 2026, setting the matter for a hearing on September 25, 2026. Accordingly, each of the steps in the jurisdictional sequence were met.

The ALJ had authority to manage the contested-case process under Section 9 of the PWA and should have exercised that authority to accept the Objection and allow it to proceed to hearing as timely filed under the plain language of the Act. Respondents have identified no prejudice. Because the filing requirement is not jurisdictional, these circumstances bear directly on whether the requirement can and should be enforced to extinguish Objectors' statutory right to be heard. The Director should grant this request for review, deem the Objection timely, and schedule a formal hearing on the Objection.

B. The ALJ Erred In Applying The Department's Procedural Rules To Shorten Section 9's Filing Period

Section 9 affords affected persons the opportunity to object, in writing, “[a]t any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule...” 820 ILCS 130/9. Here, Objectors completed and dispatched their written Objection by mail and email on the thirtieth day following publication of the prevailing wage schedule, August 30, 2026.

In concluding that the Objection was not timely filed, the ALJ pointed to procedural defects related to the method of filing, finding the same did not comport with Title 56, § 120/ of the Admin. Code. However, those rules appear in the Department’s rules of procedure in administrative hearings, not the PWA itself, which is the mechanism establishing the statutory right to object and request a hearing. In fact, the Admin. Code itself specifically states that it applies to administrative hearings concerning contested cases conducted under the Department’s jurisdiction (*i.e.*, a Section 9 Objection), “*unless the application of this Part would cause delay or otherwise affect the rights of the parties.*” 56 Ill. Admin. Code § 120.100 (emphasis added).

It is well settled that an administrative agency cannot extend or restrict a statute’s operation through its rulemaking powers or regulations by adopting a rule that conflicts with its enabling statute. *See Carroll v. Raoul*, 2020 IL App (3d) 180550, P22 (2020); *Hadley v. Illinois Department of Corrections*, 224 Ill. 2d 365, 385 (2007); *Illinois Dept. of Revenue v. Illinois Civil Serv. Comm’n*, 357 Ill. App. 3d 352, 364 (1st Dist. 2005); *Schalz v. McHenry County Sheriff’s Dep’t Merit Com.*, 135 Ill. App. 3d 657, 659 (1985); *Popejoy v. Zagel*, 115 Ill. App. 3d 9, 11 (4th Dist. 1983); *Montgomery Ward Life Insurance Co. v. Department of Local Government Affairs*, 89 Ill. App. 3d 292, 302 (1980). If an agency promulgates rules that are beyond the scope of the legislative grant of authority or that conflict with the statute, the rules are invalid. *Illinois Dept. of Revenue*, 357 Ill. App. 3d 352, 364 (1st Dist. 2005) citing *R. L. Polk & Co. v. Ryan*, 296 Ill. App. 3d 132, 141 (1998).

By imposing a 5:00 p.m. receipt cutoff on the thirtieth day and treating the date of mailing as service rather than filing, the ALJ's application of Title 56, § 120.130(a) and (d) impermissibly curtailed the period within which the General Assembly granted Objectors to file their objection. The Department cannot use procedural rulemaking to narrow that right by limiting the statute's open-ended "at any time" language to filings received before 5:00 p.m. on the thirtieth day following publication of the prevailing wage schedule.

Accordingly, the Director should grant this request for review, deem the Objection timely, and schedule a formal hearing on the Objection.

C. The ALJ Erred In Denying Objectors' Request for Extension of Time

Alternatively, should the procedural rules set forth in the Admin. Code control, the ALJ erred in failing to adequately consider Objectors' Request for Extension of Time.

The Illinois appellate court has held that mandatory time limitations for filing, such as that promulgated by Section 9 of the PWA, are not jurisdictional in the subject matter sense and are therefore subject to estoppel and waiver. *Louise v. Illinois Dept. of Labor*, 90 Ill. App. 3d 410, 412-13 (1st Dist. 1980), citing *Springfield-Sangamon Cnty. Reg'l Plan Comm'n v. Fair Employment Practices Comm'n*, 71 Ill. 2d 61 (1978); *Railway Express Agency v. Indus. Com.*, 415 Ill. 294 (1953); *Murphy v. Indus. Com.*, 408 Ill. 612 (1951).

In fact, the Admin. Code expressly contemplates extension requests "filed within three days after the due date," where grounded upon circumstances not reasonably foreseeable in advance. 56 Ill. Admin. Code § 120.130(b). Objectors' Request for Extension was submitted on the due date itself, along with the Objection itself, and the Objection was physically received on August 17, 2026, well within the three-day window. The ALJ, nonetheless, faulted Objectors for

not filing before 5:00 p.m. on August 30, 2026, effectively reading the three-day post-deadline provision out of the rule.

After expressing doubt the request for extension of time even merited consideration, the ALJ found Objectors failed to set forth circumstances which were not reasonably foreseeable in advance. In doing so, the ALJ applied the wrong standard. The rule asks whether the circumstances were “not reasonably foreseeable in advance,” not whether a party could have filed earlier in the period.

The time-sensitive professional obligations and staffing disruptions that arose on August 14, 2026, were, by their very nature, unforeseeable. Requiring Objectors to have anticipated them merely because the filing period encompassed thirty days would mean no last-day emergency could ever qualify for an extension. Nor should the email transmission method defeat the request for extension of time, as Title 56, § 120.130(c) permits the ALJ to accept email filings when ordered, and the ALJ had discretion to do so here.

Accordingly, the Director should grant this request for review, grant the Motion for Extension of Time, deem the Objection timely, and schedule a formal hearing on the Objection.

D. The ALJ Erred In Dismissing This Objection Based On The Department’s Inconsistent Position In State File No. 2027-H-CC08-2367

According to public records, Stuart Dean Company filed a Section 9 Objection to the Department’s published prevailing wage schedule on August 14, 2026, which was assigned State File No. 2027-H-CC08-2367 (the “Stuart Dean Objection”). According to the Notice of Filing attached thereto, the Stuart Dean Objection was filed via electronic mail and messenger on August 14, 2026, but was not “received” by the Department until August 17, 2026. (**Exhibit B**). Objector Stuart Dean did not file any motion for extension of time to file its Objection.

Similar to the instant matter, on August 21, 2026, the Department issued a Notice scheduling a hearing on September 28, 2026, and also scheduled a pre-hearing conference before Administrative Law Judge Raymond Cyrus on September 8, 2026 (*Id.*)

On September 3, 2026, the Respondents Department and Director Flanagan filed a Motion to Dismiss Objector's Objection and Request for Hearing as untimely on the same grounds as the Respondents argued in the instant matter. (**Exhibit C**) In fact, the text of Respondents' Motion to Dismiss the Stuart Dean Objection is ostensibly the same as that set forth in Respondents' Motion to Dismiss the instant Objection.

Despite the fact that the defects in the method and manner of service and the Department's receipt date of both the Stuart Dean Objection and the instant Objection are nearly identical, the Department and Director Flanagan took a position that is fundamentally opposite to their position regarding the instant Objection. Specifically, the Department and Director Flanagan agreed to stay briefing on their Motion to Dismiss and to continue the proceedings pending settlement discussions.

Public records on the Department's website reflect neither an order resetting the scheduled pre-hearing conference on September 8, 2026, nor whether a pre-hearing conference actually occurred on that date. The records do reflect, however, that a pre-hearing conference occurred on September 28, 2026, during which the Department and Director Flanagan jointly agreed to continue the matter for another 30 days, to October 26, 2026. (**Exhibit D**)

This establishes that, despite a late filing and improper method of service, Administrative Law Judge Cyrus, the Department, and Director Flanagan recognized the Department retained jurisdiction over the proceeding and consented to participation. Under nearly identical circumstances regarding the instant Objection, the Department and Director Flanagan insist these same procedural defects deprived the Department of jurisdiction. The inconsistency in the

Department and Director's handling of the instant Objection suggest error necessitating a review of the Department's position and the ALJ's dismissal order.

Accordingly, and consistent with the proceedings in State File No. 2027-H-CC08-2367, the Director should grant this request for review, deem the Objection timely, and schedule a formal hearing on the Objection.

IV. RELIEF REQUESTED

WHEREFORE, Objectors Plumbing Contractors Association of Greater Chicago and Terry Plumbing respectfully request that the Director: (a) grant this Request for Review; (b) reverse the September 18, 2026 Order; (c) find the Objection timely filed or, alternatively, grant Objectors' Request for Extension of Time; (d) reinstate the Objection and Request for Hearing, vacate the finding that the pending Petitions to Intervene are moot, and remand to the Administrative Law Judge for a hearing on the merits; and (e) grant such other relief as the Director deems just under the circumstances.

October 5, 2026

Respectfully submitted,

Piping Industry Council of Rockford Area
Incorporated and Miller Engineering Co.

By: */s/ Christina K. Wernick*
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Request for Review was filed with the Director, Illinois Department of Labor, 115 S. LaSalle Street, 37th Floor, Chicago, Illinois 60603, via personal service as designated below along with a courtesy copy via email to DOL.hearings@illinois.gov, and was served contemporaneously by email upon all parties of record, including counsel for the Respondents and counsel for each Petitioning Intervenor, at the addresses listed below:

By Personal Service to:

Jane R. Flanagan, Director of the
Illinois Department of Labor
Attn: Hearings Division
115 S. LaSalle Street, 37th Floor
Chicago, IL 60603

And courtesy email to: [DOL.Hearings @illinois.gov](mailto:DOL.Hearings@illinois.gov)

RESPONDENTS:

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Illinois Department of Labor
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PETITIONING INTERVENORS:

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trvanrromidwestlaborers.org

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/s/ Christina K. Wernick
Objectors' Counsel

STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601

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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 ("MIDWEST LABORERS")

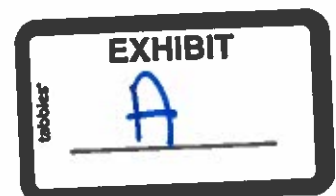
MARTIN FLANAGAN, LABORERS'
INTERNATIONAL UNION OF NORTH
AMERICA ("LIUNA") LOCAL 1 AND THE
CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY AND ITS
SUBSIDIARY AND AFFILIATE
LOCAL UNIONS ("THE CHICAGO
LABORERS' DISTRICT COUNCIL")

JOHN AHLGRIM, INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150 ("OPERATORS"),

PIPE FITTERS ASSOCIATION, LOCAL
UNION 597, U.A. ("LOCAL 597")

PETITIONING INTERVENORS.

IDOL FILE NO. 2027-H-CC08-2364



NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on September 11, 2026, the attached *Objectors' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File* was filed with the Illinois Department of Labor by email, a copy of which is attached hereto.

September 11, 2026

Piping Industry Council of Rockford Area
Incorporated and Miller Engineering Co.

By: /s/ Christina K. Wernick
One of Their Attorneys

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STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:

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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 ("MIDWEST LABORERS")

MARTIN FLANAGAN, LABORERS'
INTERNATIONAL UNION OF NORTH
AMERICA ("LIUNA") LOCAL 1 AND THE
CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY AND ITS
SUBSIDIARY AND AFFILIATE
LOCAL UNIONS ("THE CHICAGO
LABORERS' DISTRICT COUNCIL")

DONALD FINN, INTERNATIONAL
JOHN AHLGRIM, INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150 ("OPERATORS"),

PIPE FITTERS ASSOCIATION, LOCAL
UNION 597, U.A. ("LOCAL 597")

PETITIONING INTERVENORS.

IDOL FILE NO. 2027-H-CC08-2364

**OBJECTORS' COMBINED RESPONSE IN OPPOSITION
TO RESPONDENTS' MOTION TO DISMISS AND REPLY IN SUPPORT OF
OBJECTORS' MOTION FOR EXTENSION OF TIME TO FILE**

NOW COME Objectors, Piping Industry Council of Rockford Area Incorporated and Miller Engineering Co. (collectively, "Objectors"), by and through their attorneys, Laner Muchin, Ltd., and submit this Combined Response in Opposition to Respondents Director Jane R. Flanagan and the Illinois Department of Labor (collectively, "Respondents") Motion to Dismiss the Objection and Request for Hearing and Reply In Support of Objectors' Request for Extension of Time.

The instant circumstances justify granting the requested extension and allowing Objectors to be heard on their Objection because: (1) Objectors filed within the timeframe required by the governing statute; (2) The agency maintains jurisdiction over the Objection under the unambiguous terms of the Illinois Prevailing Wage Act; (3) The Department's administrative rules permit the agency to provide the extension requested by Objectors and Respondents identify no concrete prejudice from a brief extension. In support, Objectors state as follows:

I. PROCEDURAL BACKGROUND

In accordance with Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/9 (the "PWA"), the Illinois Department of Labor published the prevailing wage schedule on July 15, 2026. Excluding that date, the thirtieth day following that date was Friday, August 14, 2026. *See* 56 Ill. Admin. Code §120.130(b).

Objectors transmitted their Objection and Request for Hearing ("Objection") by U.S. Mail on August 14, 2026, prior to 5pm (**Exhibit A-1**); by email on August 14, 2026, at 9:07 p.m. (**Exhibit A-2**); and by Hand Delivery on August 17, 2026 (**Exhibit A-3**). Objectors also filed a Request for Extension of Time to File Objections *Instante*r ("Request for Extension"), under 56 Ill. Admin. Code §120.130(b), on August 14, 2026, at 10:20 p.m. (**Exhibit B**).

On August 20, 2026, the Department issued a Notice and Amended Notice setting the matter for hearing on September 25, 2026, before Administrative Law Judge Dawn Harden (“ALJ”). The Amended Notice further set a pre-hearing conference with the ALJ on September 4, 2026 (the “Pre-Hearing Conference”).

On September 1, 2026, the Midwest Laborers filed a Petition to Intervene. The Chicago Laborers and Operators filed their respective Petitions to Intervene on September 2, 2026.

On September 3, 2026, Respondents filed a Motion to Dismiss Objectors’ Objection and Request for Hearing and Deny its Request for Extension of Time, arguing the Objection was neither timely filed nor properly served on August 14, 2026, and that the Department lacks subject matter jurisdiction to hear the objection, as a result.

On September 4, 2026, the Parties and all potential Intervenors appeared before the ALJ for the Pre-Hearing Conference. The ALJ denied Objectors’ oral motion to stay and entered a Briefing Order on Respondents’ Combined Motion to Dismiss and to Deny Objectors’ Motion for Extension of Time.

II. ARGUMENT

A. Objectors Filed Their Objection Within The Time Authorized By Section 9 of the Prevailing Wage Act.

To prevail on their Motion to Dismiss, Respondents must establish more than Objectors’ technical failure to conform with the Department’s filing requirements. They must demonstrate that the Department’s filing specifications as to time and manner of service create a limitation on the agency’s authority to hear the Objection under Section 9 of the PWA. Respondents have not done so because they cannot do so.

Because an administrative agency is bound by the specific statute that brought it into existence, the determination as to whether an agency may hear a filing depends on the authority

granted to it by specific text of the governing statute. *See Austin Gardens, LLC v. City of Chi. Dep't of Admin. Hearings*, 2018 IL App (1st) 163120, ¶ 1, 420 Ill. Dec. 282, 283, 96 N.E.3d 367, 368 (“Since an administrative agency is a creature of statute, its jurisdiction or authority must be found within the provisions of the statute by which it acts.”); *See also Mercury Sightseeing Boats, Inc. v. Cty. of Cook*, 2019 IL App (1st) 180439, ¶ 69, 436 Ill. Dec. 376, 389, 142 N.E.3d 777, 790 (“The statute or ordinance governing that administrative proceeding represents and defines the taxpayer's sole right to relief.”). The question, therefore, is whether the PWA itself deprives the agency of authority to hear Objectors’ Objection, not whether a separate procedural regulation, which governs the manner of filing, deprives the agency of authority to hear the Objection.

Respondents' reliance on *Weatherly v. Human Rights Commission*, 338 Ill. App. 3d 433 (2003), and *Goral v. Dart*, 2020 IL 125085, is misplaced. Neither case construed Section 9 of the PWA, and neither held that procedural filing requirements contained in agency regulations automatically become jurisdictional limitations on an agency's authority. Rather, each arose under a different statutory framework governing a different administrative body. Because an agency’s authority depends on the statute under which it acts, the jurisdictional inquiry here must be resolved under the singular text of the PWA.

Section 9 of the PWA provides:

“At 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)(emphasis added)

The PWA grants affected persons the right to object “at any time within 30 days” after publication of the prevailing wage schedule. Respondents acknowledge that Objectors sent, and the Department received, a written Objection and Request for Hearing on August 14, 2026 – the

date Respondents identify as the thirtieth day following the publication of the prevailing wage rates. Thus, by Respondents' own admission, Objectors provided written notice to the Department within the period expressly authorized by Section 9. (*i.e.*, at any time on August 14, 2026).

Respondents identify no language in Section 9 stating that an objection filed on the thirtieth day becomes jurisdictionally defective if received after 5:00 p.m., if transmitted electronically, or if the Objector otherwise fails to satisfy a procedural requirement set forth in the Department's administrative rules.

Instead, Respondents rely upon 56 Ill. Admin. Code § 120.130(a) and (c), provisions contained in the Department's procedural rules governing administrative hearings. But Respondents identify no provision of the PWA incorporating those regulations as jurisdictional prerequisites.

At most, Respondents have alleged a violation of a procedural claim-processing rule governing the manner in which filings are received. That is not the same as establishing a jurisdictional defect which would prevent this agency from processing the Objection. Nothing in Section 9 provides that an otherwise timely objection is rendered void, or that the agency loses authority to act, because of an alleged filing-method or after-hours receipt issue under Part 120.130 of the Illinois Administrative Code ("Administrative Code" or "Part 120").

In short, Section 9 grants affected parties the right to file written objections within thirty days of publication of a prevailing wage schedule. Respondents concede that Objectors submitted their written Objection on the thirtieth day. Because Respondents identify no language in the PWA making compliance with Part 120 a jurisdictional prerequisite, they have failed to establish that either the Objectors Objection is untimely under the PWA or that the Department lacks subject matter jurisdiction to hear the Objection. Accordingly, the Motion to Dismiss should be denied.

B. The Department's Rules Expressly Authorize the Relief Requested

Even if the Department concludes that Objectors did not strictly comply with every procedural requirement of Part 120, dismissal is not warranted because the Department's own rules provide a mechanism for relief.

The statutory terms of the PWA and regulatory provisions of the Department's Administrative Code operate together without conflict. Section 9 of the PWA establishes the statutory period for objections, while Part 120 governs the Department's administration of its contested-case process, including requests for extensions of time. This reading is consistent with the Department's prior recognition that an Administrative Law Judge may consider relief from a procedural filing defect under §120.130(b). *Mid-America Carpenters Regional Council v. Jane R. Flanagan, et al.*, State File No. 2022-H-RP01-2337 (Order dated April 20, 2022, Chief ALJ Claudia D. Manley).

Section 120.130(b) expressly authorizes extensions and contemplates requests filed shortly after a due date: "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). Reading subsections (a) and (c) as an absolute jurisdictional bar would deprive subsection (b) of practical effect precisely when relief from a deadline is needed. A tribunal that lacks subject matter jurisdiction cannot restore it by granting an extension. The extension provision therefore confirms that Part 120's filing requirements are procedural rules governing case administration, not limits on the Department's adjudicatory authority.

Respondents' construction also would impermissibly permit a procedural regulation to narrow the statutory right granted by Section 9 of the PWA. Section 9 allows an affected party to object "at any time within 30 days." In the absence of statutory language imposing a 5:00 p.m.

cutoff, the Department cannot convert an after-hours receipt issue into a jurisdictional forfeiture through its rule making process.

C. Good Cause Exists to Grant the Requested Extension, and Respondents Identify No Prejudice

Even assuming arguendo that a procedural defect occurred, good cause supports granting Objectors' Request for Extension of Time. Objectors did not disregard the deadline. They transmitted their Objection on August 14, 2026, the date Respondents identify as the final day permitted by Section 9, used multiple methods of delivery, and promptly sought relief. Their conduct reflects diligence, not neglect.

Respondents identify no prejudice from allowing the Objection to proceed. They do not contend that evidence has been lost, witnesses have become unavailable, or their ability to defend the prevailing wage determination has been impaired. The Department and the ALJ remain able to manage the schedule and ensure an orderly adjudication, as demonstrated by the Pre-Hearing Conference on September 4, 2026.

By contrast, denial of the extension could permanently deprive Objectors of the opportunity to challenge the prevailing wage schedule and to be granted the relief that they seek, despite their timely effort to invoke the Department's review process.¹ That result would impose the harshest possible consequence for an alleged procedural defect that caused no demonstrated prejudice. The equities therefore favor granting the requested extension.

D. The ALJ Should Accept the Filing and Permit the Matter to Proceed

¹ Objectors sought, and were granted, conditional intervention in a factually similar objection and request for hearing in File No. 2027-H-CC08-2369 (Electrical Contractors' Association of City of Chicago and McWilliams Electric Company, pending before Administrative Law Judge O'Meara). Respondents objected to the relief sought by Objectors in that case. Should Respondents' objection be upheld, Objectors will have no administrative avenue in which to seek the relief they request if Respondent's Motion to Dismiss is granted.

Objectors timely invoked the Department's review process under the plain language of Section 9. Respondents have identified no provision of the PWA depriving the Department of jurisdiction to consider the Objection. Even if a procedural defect exists, §120.130(b) of the Illinois Administrative Code authorizes relief, and the circumstances favor allowing the matter to be heard on a complete record.

III. CONCLUSION

Objectors provided written notice of their Objection within the thirty-day period established by Section 9 of the PWA, the governing statute. Respondents have identified no statutory language making compliance with Part 120, which merely establishes the manner and timing of service, a jurisdictional prerequisite to the agency's authority to hear the Objection. Moreover, the Department's own rules expressly authorize extensions of time, and the circumstances presented warrant that Objectors' Request for Extension be granted.

Accordingly, Objectors Piping Industry Council of Rockford Area Incorporated and Miller Engineering Co. respectfully request that the Administrative Law Judge: (1) deny Respondents' Motion to Dismiss; (2) grant Objectors' Request for Extension of Time to File Objection; (3) accept Objectors' Objection and Request for Hearing; (4) establish an appropriate schedule for further proceedings; and (5) grant such other and further relief as is just and proper.

Dated: September 11, 2026

Respectfully submitted,

Piping Industry Council of Rockford Area
Incorporated and Miller Engineering Co.

By: *Christina K. Wernick*
One of Their Attorneys

Christina K. Wernick
Megan Moore Wilkes
Laner Muchin, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654
Telephone: (312) 467-9800
Email: cwernick@lanerlaw.com
mwilkes@lanerlaw.com

EXHIBIT

A-1

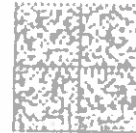
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LANER MUEHLIN

Law Offices

515 North State Street, Suite 2400 Chicago, Illinois 60654-4688

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, IL 60601

From: Christina K. Wernick
Sent: Friday, August 14, 2026 9:07 PM
To: Jane.Flanagan@illinois.gov
Cc: DOL.Hearings@illinois.gov; DOL.PWD@Illinois.gov; Megan Moore Wilkes
Subject: PICRA - Objection Petition
Attachments: PICRA Petition.zip

Christina Wernick



515 North State St. Suite 2400, Chicago, IL 60654

**STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601**

RECEIVED

AUG 17 2026

IDOL - CHICAGO OFFICE

IN THE MATTER OF:)

PIPING INDUSTRY COUNCIL OF)
 ROCKFORD AREA INCORPORATED and)
 MILLER ENGINEERING COMPANY)

Petitioners,)

State File No. _____

- and -)

JANE R. FLANAGAN, Director of the)
 Illinois Department of Labor, and the)
 ILLINOIS DEPARTMENT OF LABOR,)

Respondents.)

**WRITTEN OBJECTIONS AND REQUEST FOR HEARING
UNDER SECTIONS 4 AND 9 OF THE ILLINOIS PREVAILING WAGE ACT**

Now comes Piping Industry Council of Rockford Area Incorporated and Miller Engineering Company (collectively "Petitioners"), by and through their attorneys, Laner Muchin, Ltd., and submit these written objections to the prevailing wage schedules published by the Illinois Department of Labor ("Department" or "IDOL") on or about July 15, 2026. Petitioners request a hearing pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act ("Act"), 820 ILCS 130/4 and 130/9, to require certification and publication of the apprentice rates established by the Labor Agreement between the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local Union 23, Rockford, Illinois and the Piping Industry Council of Rockford Area Incorporated, or, in the alternative, to establish separate apprentice classifications in each county covered by the same collective bargaining agreement for the Plumber Trade Title.



Request for Extension of Time to File Objections Instantly

From Christina K. Wernick <cwernick@lanerlaw.com>

Date Fri 8/14/2026 10:19 PM

To DOL.Hearings@illinois.gov <dol.hearings@illinois.gov>

Cc jane.flanagan@illinois.gov <jane.flanagan@illinois.gov>; Megan Moore Wilkes <mwilkes@lanerlaw.com>;
David A. Moore <dmoore@lanerlaw.com>

1 attachment (160 KB)

Request for Extension .pdf;

Dear Sir or Madam,

Attached please find a request for a 1 business day extension of time to file objections on behalf of the following Petitioners:

Plumbers Local Union 130, U.A. & Terry Plumbing Company
Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago (SMACNA),
Westside Mechanical Group, Inc. & Admiral Heating & Ventilating, Inc.
Mechanical Contractors Association of Chicago & Illinois & Dahme Mechanical Industries, Inc.
Eastern Illinois Chapter of the National Electrical Contractors Association (NECA-EIL)
Northeastern Illinois Chapter of the National Electrical Contractors Association (NECA), McWilliams
Electric Co., Inc. & Homestead Electrical Construction, LLC
Piping Industry Council of Rockford Area Incorporated & Miller Engineering Company
Mechanical Contractors Association, Eastern Iowa/Western Illinois

While we believe that the objections linked in the attached letter may have otherwise been filed timely, out of an abundance of caution, we are requesting an extension to provide for their hand delivery on Monday, August 17, 2026. Please note, the objections at issue have already been sent via email and U.S. Mail today.

Please do not hesitate to contact me should you have any questions.

Sincerely,
Christina Wernick



Christina K. Wernick | Partner

Laner Muchin, Ltd.

t: (312) 467-9800

m: (312) 307-3705

cwernick@lanerlaw.com

www.lanerlaw.com

515 North State St. Suite 2400, Chicago, IL 60654



Laner Muchin, Ltd.
515 N. State Street, Suite 2400
Chicago, IL 60654
312.467.9800
www.lanerlaw.com

August 14, 2026

DOL.Hearings@Illinois.gov
Hearing Division
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601

Re: Request for Extension of Time to File Objections Instanter

Petitioners: Plumbers Local Union 130, U.A. & Terry Plumbing Company; Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago (SMACNA), Westside Mechanical Group, Inc. & Admiral Heating & Ventilating, Inc.; Mechanical Contractors Association of Chicago, Illinois & Dahme Mechanical Industries, Inc.; Eastern Illinois Chapter of the National Electrical Contractors Association (NECA-EIL); Northeastern Illinois Chapter of the National Electrical Contractors Association (NECA), McWilliams Electric Co., Inc. & Homestead Electrical Construction, LLC; Piping Industry Council of Rockford Area Incorporated & Miller Engineering Company; Mechanical Contractors Association, Eastern Iowa/Western Illinois

To Whom It May Concern:

On behalf of Petitioners, I respectfully request an extension of time under 56 Ill. Adm. Code § 120.130(b) regarding their objections to the Illinois Department of Labor's 2026 prevailing wage rates and/or requests to establish new prevailing wage classifications, available here: SHARED IDOL PETITIONS FILED. The objections respond to the Department's July 15, 2026 publication of the 2026 prevailing wage rates, which required written objections to be filed by August 14, 2026.

The Petitions were prepared and finalized on August 14, 2026, the applicable filing deadline, and were transmitted by email and placed in the mail that same day. Due to unforeseen circumstances immediately before the deadline, however, the Petitions were not physically delivered to the Department's Chicago office by 5:00 p.m. Although the objections may still be timely under 56 Ill. Adm. Code § 120.130, Petitioners request, out of an abundance of caution, an extension through Monday, August 17, 2026, or the next business day.

Specifically, counsel faced an unexpected combination of time-sensitive professional obligations and administrative staffing disruptions that materially affected the ability to complete physical delivery before close of business. These circumstances were not reasonably foreseeable. Despite them, counsel diligently transmitted the Petitions electronically and by U.S. Mail on the due date in a good-faith effort to comply with the applicable filing requirements.



Page 2

Section 120.130(b) permits extension requests filed within three days after the due date when based on circumstances not reasonably foreseeable in advance. Petitioners respectfully submit that this standard is satisfied here. No interested party will be prejudiced by the requested relief because the Petitions were completed and transmitted on the due date; the issue concerns only physical delivery by the 5:00 p.m. deadline.

Accordingly, Petitioners respectfully request that the Department grant this extension request, if necessary, and accept the shared Petitions as timely filed, or alternatively permit their filing instantaneously no later than Monday, August 17, 2026.

Thank you for your consideration. Please contact me if you need any additional information.

Respectfully submitted,

A handwritten signature in black ink that reads "Christina K. Wernick". The signature is written in a cursive, flowing style.

Christina K. Wernick
Laner Muchin, Ltd.

cc:

Jane R. Flanagan, Director – Illinois Department of Labor
(Jane.Flanagan@illinois.gov)

**STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601**

IN THE MATTER OF:

PIPING INDUSTRY COUNCIL OF
ROCKFORD AREA INCORPORATED
AND MILLER ENGINEERING CO.,

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 ("MIDWEST LABORERS")

MARTIN FLANAGAN, LABORERS'
INTERNATIONAL UNION OF NORTH
AMERICA ("LIUNA") LOCAL 1 AND THE
CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY AND ITS
SUBSIDIARY AND AFFILIATE
LOCAL UNIONS ("THE CHICAGO
LABORERS' DISTRICT COUNCIL")

JOHN AHLGRIM, INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150 ("OPERATORS"),

PIPE FITTERS ASSOCIATION, LOCAL
UNION 597, U.A. ("LOCAL 597")

PETITIONING INTERVENORS.

IDOL FILE NO. 2027-H-CC08-2364

CERTIFICATE OF SERVICE

I certify that on September 11, 2026, I served the foregoing *Objectors' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File* in State File No. 2027-H-CC08-2364 via email addressed to each party or party's agent at the respective email address shown below:

Via Email:

RESPONDENTS

Illinois Department of Labor and Jane Flanagan, Director
c/o Stephanie Barton, Esq.
Deputy General Counsel
524 S 2nd Street Ste 400
Springfield, IL 62701
Stephanie.Barton@illinois.gov

Illinois Department of Labor
c/o Sean Imburgia, Esq.
Staff Attorney
115 S South LaSalle Street. Floor 37
Chicago, IL 60601
Sean.imburgia@illinois.gov

PETITIONING INTERVENORS

Martin Flanagan, Laborers' International Union of North America ("LIUNA") Local 1 and the Construction and General Laborers' District Council of Chicago and Vicinity and its Subsidiary and Affiliate Local Unions ("THE CHICAGO LABORERS' DISTRICT COUNCIL")
c/o James Connolly Jr.
Construction & General Laborers' District Council of Chicago and Vicinity
999 McClintock Dr., Suite 300
Burr Ridge, IL 60527
JC2@LIUNAFour.com
CKilbride@LIUNACHicago.org

John Ahlgrim, International Union of Operating Engineers, Local 150,
c/o Joseph P. Sweeney Esq.
Melissa Binetti, Esq.
Indiana, IL, Iowa Foundation for Fair Contracting
6170 Joliet Rd., Ste 200

Countryside, IL 60525

jsweeney@iiffc.org

MBinetti@iiffc.org

LIUNA Great Plains Laborers District Council and its
Subsidiary and Affiliate Local Union ("LABORERS")

c/o Timothy J. Ryan, Esq.

Midwest Region Laborers'

#1 N Old State Capitol Plaza, Ste. 525

Springfield, IL 62701

tryan@midwestlaborers.org

Pipe Fitters Association, Local Union 597, U.A. ("LOCAL 597")

c/o Karl E. Masters, Esq.

Johnson & Krol, LLC

141 W. Jackson Blvd., Suite 2055

Chicago, IL 60604

masters@johnsonkrol.com

Administrative Law Judge Harden:

Honorable Dawn Harden

Administrative Law Judge

Illinois Department of Labor

115 S. LaSalle Street, 37th Floor

Chicago, IL 60601

DOL.Hearings@Illinois.gov

/s/ Christina K. Wernick

One of Objectors' Attorneys

Christina K. Wernick

Megan Moore Wilkes

Laner Muchin, Ltd.

515 North State Street, Suite 2400

Chicago, Illinois 60654

Telephone: (312) 467-9800

Email: cwernick@lanerlaw.com

mwilkes@lanerlaw.com

ILLINOIS DEPARTMENT OF LABOR
JESSE WHITE STATE OF ILLINOIS BUILDING
115 S. LASALLE ST., 37TH FLOOR
CHICAGO, ILLINOIS 60603

IN THE MATTER OF:)
)
PIPING INDUSTRY COUNCIL OF)
ROCKFORD AREA INCORPORATED) STATE FILE NO. 2027-H-CC08-2364
AND MILLER ENGINEERING CO.,)
) DATE OF NOTICE: September 4, 2026
OBJECTORS,)
)
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR,)
AND THE ILLINOIS DEPARTMENT OF)
LABOR,)
)
RESPONDENTS.)

ORDER

Illinois Department of Labor ("IDOL") File No.: 2027-H-CC08-2364 coming on September 4, 2026, to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01 – 12 ("the Act" or "PWA"), and in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 – 10-70 and the procedures stated in the Department of Labor's Rules at 56 Ill. Admin. Code 120.100, *et seq.*, the Notice of Webex Hearing issued thereunder, and all parties being on notice during the pre-hearing conference, the undersigned issues this Order:

IT IS HEREBY ORDERED THAT:

1. In connection to Respondents' September 3, 2026 Motion to Dismiss Objectors' Objection and Request for Hearing and Deny its Request for Extension of Time ("Motion");
2. The Objectors' Request to Stay or Continue the briefing schedule, as asserted at pre-hearing, relevant to the Motion in this matter is Denied; and
3. Accordingly, the Objectors' Response, if any, to the Motion shall be filed **via email on or before Friday, September 11, 2026 at 5:00 p.m.**; and
4. The Respondents' Reply to the Objectors' Response, if any, shall be filed **via email on or before Tuesday, September 15, 2026 at 5:00 p.m.**
5. Thereafter, a decision based on the record shall be issued by the undersigned on the Motion, which will contain any necessary information for subsequent action(s).
6. Additionally, although interested participants filed Petitions to Intervene (4) by September 2, 2026 pursuant to the undersigned's August 20, 2026 Order;



7. Given the unresolved threshold concerns and Motion before the undersigned, the respective Petitions to Intervene in the above captioned matter are held in abeyance pending the resolution of the Motion.
8. All parties and interested participants have agreed and consent to electronic service in the above captioned matter.
9. **The hearing date of SEPTEMBER 25, 2026 @ 9:30 a.m. is hereby stricken, in accordance with the parties' notification via email to the undersigned, of the parties' written consent to waive the Act's 45-day hearing requirement.**

DATE: September 4, 2026

By: /s/ Dawn M. Harden
Dawn M. Harden
Administrative Law Judge
Illinois Department of Labor
115 South LaSalle Street, 37th Floor
Chicago, IL 60603
V: 312-793-1805
Dol.hearings@illinois.gov

ILLINOIS DEPARTMENT OF LABOR
JESSE WHITE STATE OF ILLINOIS BUILDING
115 S. LASALLE ST., 37TH FLOOR
CHICAGO, ILLINOIS 60603

IN THE MATTER OF:)
)
PIPING INDUSTRY COUNCIL OF)
ROCKFORD AREA INCORPORATED) STATE FILE NO. 2027-H-CC08-2364
AND MILLER ENGINEERING CO.,)
) DATE OF NOTICE: September 18, 2026
OBJECTORS,)
) ALJ: Dawn M. Harden
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR,)
AND THE ILLINOIS DEPARTMENT OF)
LABOR,)
)
RESPONDENTS.)

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

This matter comes before Administrative Law Judge Dawn M. Harden, on Respondents' 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 the Motion, Objectors response, and Respondents reply to the response, find as follows:

I. PROCEDURAL BACKGROUND.

On July 15, 2026, the Illinois Department of Labor ("IDOL" or "Department") published the prevailing wage schedule on its official website for each county in the State as required by Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/9 ("PWA" or "Act"). On August 14, 2026, Objectors emailed Director Jane Flanagan Written Objections and Request for Hearing Under Sections 4 and 9 of the Illinois Prevailing Wage Act ("Objections"). On August 14, 2026, Objectors also emailed a Request for Extension of Time to File Objections Instantly ("Request for Extension") to the Department. On August 17, 2026, the Department received the Objectors Objections via hand delivery at the Chicago office.

On August 20, 2026, the Department issued a Notice of Webex Hearing setting the above captioned matter for hearing on September 25, 2026.¹ Additionally, on August 20, 2026, the undersigned issued an Order scheduling the matter for a pre-hearing conference on September 4, 2026.²

On September 3, 2026, Respondent filed the Motion at bar citing timeliness, jurisdictional, and compliance defects with the Objectors pleadings. On September 4, 2026, the undersigned convened the pre-hearing conference and issued an Order, which among other things, set a briefing schedule considering Respondents' Motion.

On September 11, 2026, pursuant to the undersigned's September 4, 2026 Order, Objectors filed a Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File. On September 15, 2026, in accordance with the undersigned's September 4, 2026 Order, Respondents filed a Reply in Support of Their Motion to Dismiss.

II. PARTIES' POSITIONS.

The Movant Respondents argue that the undersigned lacks subject matter jurisdiction to consider and act upon this case because the written objection and request for hearing at issue was not timely filed pursuant to the Act and its administrative regulatory counterpart. Respondents assert further that the Objectors improperly filed Request for Extension of Time failed to cure the statutory limitations deficiency and therefore must be denied.

Contrarily, Objectors contend that Respondents' Motion should be denied because notwithstanding the Department's regulations, its written objection and request for hearing was timely filed within the expressly authorized statutory timeframe, since it was submitted on the 30th day following publication of the prevailing wage rates. Alternatively, Objectors maintain that the circumstances presented and the Department's regulations warrant permitting its extension request, which if granted, would not prejudice the Respondents.

¹ Subsequently on August 31, 2026, the Department issued an Amended Notice of Webex Hearing to reflect the date stamp of August 21, 2026 on Objectors Written Objections and Request for Hearing, and confirm the date said filing was received by mail.

² On September 1, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney Tim Ryan, on behalf of the Laborers, submitted a Petition to Intervene in the above captioned matter. On September 1, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney Karl Masters, on behalf of Local 23, submitted a Petition for Leave to Intervene in the above captioned matter. On September 2, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney George Rapidis, on behalf of Martin Flanagan and the Chicago Laborers' District Council, submitted a Petition to Intervene in the above captioned matter. On September 2, 2026, Attorney Melissa Binetti, on behalf of John Ahlgrim and Local 150, submitted a Petition to Intervene in the above captioned matter. By the ALJ's September 4, 2026 Order, the four Intervention Petitions were held in abeyance pending the resolution of Respondents' Motion.

III. FINDINGS OF FACT.

1. On July 15, 2026, pursuant to the Act, the Illinois Department of Labor published the requisite prevailing wage schedule on its official website.
2. Accordingly, August 14, 2026 was the 30-day statutory deadline for affected persons to object by filing a written notice with the Department stating the specified grounds of the objections.
3. On August 14, 2026, Objectors deposited its Written Objections and Request for Hearing in the U.S. Mail to the Department.
4. On August 14, 2026 at 9:07 p.m., Objectors electronically sent their Written Objections and Request for Hearing to the Department.
5. On August 14, 2026 at 10:19 p.m., Objectors electronically sent their Request for Extension of Time to File Objections to the Department. Therein, Objectors stated that unforeseen circumstances had occurred, specifically, "counsel faced an unexpected combination of time-sensitive professional obligations and administrative staffing disruptions that materially affected the ability to complete physical delivery before close of business."
6. On August 17, 2026, Objectors filed their Written Objections and Request for Hearing in person at the Department.
7. On August 21, 2026, Objectors Written Objections and Request for Hearing that was deposited in the U.S. Mail on August 14, 2026 was received at the Department's Chicago office.

IV. APPLICABLE LAW AND REGULATIONS.

The Act provides that "at 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.

Under 56 Ill. Admin. Code § 120.130(a), "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..”

Additionally, “in computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. 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).

Although, 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).

Moreover, the Administrative Code states that, “The date of *service* 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* shall be the day when the matter is received by the Department as provided by subsection (b).” 56 Ill. Admin. Code § 120.130(d).

V. CONCLUSIONS AND ORDER.

Written objections to the published prevailing wage schedule were due on August 14, 2026 no later than 5:00 p.m. at the Department's Chicago office. However, electronically filing written objections in this case was an invalid and unacceptable method of filing. Therefore, Objectors' Written Objections and Request for Hearing was considered filed on August 17, 2026, when said filing was tendered in person and received by the Department, which consequently constituted an untimely filing.

In terms of Objectors' Request for an Extension of Time, as mentioned above, email was not a permissible manner of filing. Furthermore, the record fails to reveal that Objectors filed a request for extension by 5:00 p.m. at the Chicago office on August 14, 2026, or that an extension request was filed at the Chicago office within 3 days following August 14, 2026, in conformity with the Department's regulations. And even if such a request had been filed at the Chicago office within 3 days after August 14, 2026, the request as set forth, failed to demonstrate circumstances not reasonably foreseeable in advance.

Given this rationale, and upon consideration of the record, the relevant law, the Department's regulations, and all parties agreeing and on notice during the pre-hearing conference that the undersigned would render an On-the-Record determination, the undersigned issues this Order:

IT IS HEREBY ORDERED THAT:

1. Respondents' Motion is GRANTED; and
2. The Objectors' Request for Extension of Time to File Objections Instantly is DENIED; and consequently,
3. The Petitions to Intervene referenced herein are deemed moot.

DATE: September 18, 2026

By: /s/ Dawn M. Harden
Dawn M. Harden
Administrative Law Judge
Illinois Department of Labor
115 South LaSalle 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
DEPARTMENT OF LABOR

In the Matter of:	)	
	)	
Stuart Dean Company	)	IDOL File No.: 2027-H-CC08-2367
	)	
Objector,	)	
	)	
v.	)	Date: September 28, 2026
	)	
Jane R. Flanagan	)	
Director of the Illinois	)	
Department of Labor and	)	
The Illinois Department of Labor	)	
	)	
Respondents	)	
and	)	
	)	
Ken Kazaitis, Painters District	)	
Council No. 14,	)	
International Union of Painters	)	
and Allied Trades and	)	
Painters District Council No. 14	)	
	)	
Respondent-Intervenors,	)	

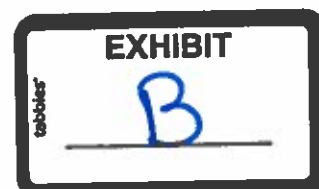
ORDER

IDOL File No.: 2027-H-CC08-2367 coming on September 28, 2026 to be heard for a status prehearing conference under the Prevailing Wage Act, 820 ILCS 130/0.01 – 12 (“the Act” or “PWA”), and in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 – 10-70 and the procedures stated in the Department of Labor’s Rules at 56 Ill Admin Code 120.100, *et seq.*, all parties being on notice.

The parties have engaged in discussions regarding the issues and have jointly agreed to a 30-day continuance. The undersigned, while granting the continuance, reminded the parties of the time-sensitive nature of the PWA and the underlying regulations.

It is Ordered:

1. By agreement of the parties, IDOL File No.: 2027-H-CC08-2367 is set for a status prehearing on October 26, 2026, at 2:00 p.m. on pending matters.



2. Prior to the October 26, 2026 prehearing, prehearing motions and responses may be submitted but will not be considered or ruled on, except for a withdrawal / settlement.
3. The parties may join via Webex using the following video link or dial-in phone number:

<https://illinois.webex.com/meet/raymond.cyrus>
Meeting Number: 806 590 306

Phone Number:
312-535-8110 Toll
415-655-0002 Toll
Access code: 806 590 306

Entered: /s/ Raymond Cyrus
Raymond Cyrus
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

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

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-CC08-2367** 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 29, 2026, prior to 4:30 p.m.

Via Email:

OBJECTORS

STUART DEAN COMPANY,
c/o John M. Riccione, Esq.
Brianna M. Skelly, Esq.
Elizabeth C. Wellhausen, Esq.
John M. Riccione, Esq.
Taft Stettinius & Hollister LLP
111 E. Wacker Drive, #2600
Chicago, Illinois 60601
jriccione@taftlaw.com
bskelly@taftlaw.com
ewellhausen@taftlaw.com

RESPONDENTS

Illinois Department of Labor and Jane Flanagan, Director
c/o Stephanie Barton, Esq.
Deputy General Counsel
524 S 2nd Street Ste 400
Springfield, IL 62701
Stephanie.Barton@illinois.gov

Illinois Department of Labor
Sean P. Imburgia, Esq.
Staff Attorney
Illinois Department of Labor
115 S. La Salle St Fl. 37
Chicago, IL 60603-3808
Sean.Imburgia@Illinois.gov

RESPONDENT – INTERVENOR

Ken Kazaitis, Painters District
Council No. 14, et al
John J. Toomey, Esq.
Arnold and Kadjan
35 E. Wacker Dr #600
Chicago, IL 60601-2106
jtoomey100@hotmail.com

/s/Davis Merced
Davis Merced, Office Specialist
Illinois Department of Labor

RECEIVED

SEP 03 2026

IDOL - CHICAGO OFFICE

STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th FLOOR
CHICAGO, ILLINOIS 60603

IN THE MATTER OF:

STUART DEAN COMPANY,

OBJECTOR(S),

STATE FILE NO. 2027-H-CC08-2367

v.

JANE R. FLANAGAN, DIRECTOR of the
ILLINOIS DEPARTMENT OF LABOR,
and THE ILLINOIS DEPARTMENT OF
LABOR

RESPONDENTS.

**RESPONDENTS' MOTION TO DISMISS OBJECTOR'S
OBJECTION AND REQUEST FOR HEARING**

Respondents, Jane R. Flanagan, Director, of the Illinois Department of Labor and The Illinois Department of Labor ("IDOL"), by their attorneys, Stephanie Barton and Sean Imburgia, bring forth this MOTION TO DISMISS the Objection and Request for Hearing filed by Stuart Dean Company ("Objector") pursuant to the Illinois Prevailing Wage Act ("PWA"), 820 ILCS 130/4 and 9 for lack of subject matter jurisdiction in that the cause of action was not filed within the required 30-day statutory time limit. In support, Respondents state as follows:

I. Section 9 of the PWA states in relevant part:

To effectuate the purpose and policy of this Act the Department of Labor shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State and shall publish the prevailing wage schedule ascertained on its official website no later than July 15 of each year.

820 ILCS 130/9.



2. On July 15, 2026, the Illinois Department of Labor posted and published on its official website¹ the prevailing rate of wages for each county in the State as required by Section 9 of the PWA. 820 ILCS 130/9. See Current Prevailing Rates.

3. Section 9 of the Act provides a statutory right not afforded in common law to any person affected by the prevailing wage schedule to file an objection at any time “within 30 days after the Department of Labor has published on its official web site” the prevailing wage schedule “by filing a written notice with the Department of Labor stating the specific grounds of the objection.” *Id.*

4. Consistent with the Statute, the Department of Labor also published on its website homepage the following Notice:

The Department of Labor must ascertain the prevailing rate of wages for each county in the State of Illinois during the month of June of each calendar year and publish the prevailing wage schedule on its official website no later than July 15th of each year. At any time within 30 days after the Department of Labor has published the prevailing wage schedule, any person affected may file an objection pursuant to Sections 4 or 9 of the Prevailing Wage Act and a hearing is conducted pursuant [sic] the Administrative Hearings Rules, 46 [sic] Ill. Adm Code 120.

See Section 4/9 cases here.

See Illinois Department of Labor website homepage.²

5. 56 Ill. Admin. Code § 120 is the Illinois Department of Labor Rules of Procedure in Administrative Hearings and applies “to all administrative hearings concerning contested cases conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except

¹ ILLINOIS DEPARTMENT OF LABOR, Current Prevailing Rates, <https://labor.illinois.gov/laws-rules/conmed/current-prevailing-rates.html> (pub. July 15, 2026). Courts may take judicial notice of the published websites as long as the parties are given an opportunity to be heard on the issue. See *Mauvais-Jarvis v. Wong*, 987 N.E.2d 864, 896, n. 9 (Ill. App. Ct. 2013) citing *Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632, 648 (7th Cir. 2011).

² ILLINOIS DEPARTMENT OF LABOR, <https://labor.illinois.gov>. See also ILLINOIS DEPARTMENT OF LABOR, Section 4 & 9 Hearings, <https://labor.illinois.gov/laws-rules/legal/hearings.html>.

for formal hearings conducted under the Wage Payment and Collection Act [820 ILCS 115].”

Section 120.100.

6. Regarding filing and service of appeal, Section 120.130(a) - (c) requires:

a) 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.

b) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday.

c) 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.

7. Not counting July 15, 2026 (as per Section 120.130(b) of the Administrative Code), the date the prevailing wage rates were published, 30 days thereafter is Friday, August 14, 2026.
56 Ill. Admin. Code § 120.130(b).

8. Pursuant to Section 120.130(a), when the Act requires a filing, such document must be *received by* the Department by 5:00 pm, and pleadings received after 5:00 p.m. will be considered filed on the following business day. 56 ILL. ADMIN. CODE § 120.130(a).

9. Pursuant to Section 120.130(c), filing occurs by certified or First-Class mail, by messenger service, private delivery service or personally at the Illinois Department of Labor's

Chicago Office; filing electronically by email or telefax will not be accepted. 56 Ill. Admin. Code § 120.130(c).

10. The Objection and Request for Hearing in this matter was not filed within the 30-day statutorily created time period (on or before August 14th at 5:00 p.m.) to invoke subject matter jurisdiction.

11. Illinois administrative bodies are not authorized to consider matters not timely filed pursuant to statutory time limits and lack subject matter jurisdiction. See *Weatherly v. Human Rights Comm'n*, 338 Ill. App.3d 433, 437, 788 N.E.2d 1175, 1178 (2003) (explaining when a charge has been untimely filed with the Illinois Human Rights Commission, the Commission lacks subject matter jurisdiction to consider it); *Goral v. Dart*, 2020 IL 125085, ¶ 41, 181 N.E.3d 736, 745-46 (2020).

12. The Illinois Supreme Court has expressed the legal significance when a statute creates substantive rights not available through common law, and how fixed filing periods are a condition to seek any such relief:

Statutes of limitation only fix the time within which the remedy for a particular wrong may be sought. [Citation.] They 'are procedural in nature [citations] and are not designed to alter substantive rights ***.' [Citation.]

On the other hand, 'statutes which create a substantive right unknown to the common law and in which time is made an inherent element of the right so created, are not statutes of limitation.' [Citation.] Such a time period 'is more than an ordinary statute of limitations' [citation]; it 'is a condition of the *** liability itself and not of the remedy, alone. *** It goes to the existence of the right itself.' [Citation.] Such a provision is a condition precedent to the plaintiff's right to seek a remedy. [Citations.] Such statutes set forth the requirements for bringing the right to seek a remedy into existence. They do not speak of commencing an action after the right to do so has accrued. They are jurisdictional, not mandatory."

Fredman Brothers Furniture Co. v. Department of Revenue, 109 Ill. 2d 202, 486 N.E.2d 893, 895 (1985).

13. Illinois Courts have recognized administrative tribunals as having limited jurisdiction for which it is solely created and can only assume such jurisdiction in conformity with the statute which empowers it. In *Klopfert v. Court of Claims*, the Court held, “when a special statute of limitations is applicable to a statutory right of action, the plaintiff bears the burden to plead and prove the action was brought within the time prescribed.” 286 Ill. App. 3d 499, 506, 676 N.E.2d 679, 684 (1997).

14. Objector has failed to plead in its Objection facts to support filing was timely and/or meet their burden of proof that subject matter jurisdiction of the Illinois Department of Labor is invoked to grant a right to a hearing.

15. The date stamp on the Written Objection and Request for Hearing states, “RECEIVED August 17, 2026 – IDOL-CHICAGO OFFICE.” (See Notice of Hearing).

16. As Objector’s written notice of Objection and Request for Hearing was not received by certified or First Class Mail, by messenger service, private delivery service or personally at the Department’s Chicago office before 5:00 p.m. on August 14, 2026, it was not timely filed pursuant to the statutorily created 30-day Objection time period and this court lacks subject matter jurisdiction pursuant to Section 9 of the PWA. 820 ILCS 130/9.

18. Illinois Courts recognize that a statutorily created subject matter jurisdiction is such a fundamental defect, it cannot be waived or extended, holding:

Subject matter jurisdiction is the power and authority of a tribunal to consider and act upon the case before it. It either exists or it does not. Just as subject matter jurisdiction cannot be conferred by consent or acquiescence of the parties, neither can it be conferred by estoppel.

Klopfert, 286 Ill. App.3d at 507 citing *Volkmar v. State Farm Mutual Automobile Insurance Co.*, 104 Ill. App. 3d 149, 432 N.E.2d 1149, 60 Ill. Dec. 250 (1982) and *Paulik v. Village of Caseyville*, 100 Ill. App. 3d 573, 427 N.E.2d 213, 56 Ill. Dec. 133 (1981).

WHEREFORE, Respondents Jane R. Flanagan, Director, of the Illinois Department of Labor and the Illinois Department of Labor hereby request that the matter be DISMISSED based on lack of subject matter jurisdiction as the Objection and Request for Hearing was not timely filed pursuant to Section 9 of the Prevailing Wage Act.

Respectfully submitted,

By: /s/ Stephanie Barton
Attorney for Respondents
ARDC # 6279773
Illinois Department of Labor
524 S. 2nd St., Suite 400
Springfield, IL 62701
Phone: (217)782-6206

By: /s/ Sean Imburgia
Attorney for Respondents
ARDC #6336084
Illinois Department of Labor
115 S. LaSalle St., Fl. 37
Chicago, IL 60603
Phone: (708) 318-8768

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused the foregoing MOTION TO DISMISS to be served pursuant to Section 56 Ill. Admin. Code § 120.130 via personal service as designated below along with a courtesy copy via email all on September 3, 2026, prior to 4:00 p.m. as follows:

By Personal Service to:

Illinois Department of Labor
Attn: Hearings Division
115 S. La Salle St., 37th Floor
Chicago, IL 60603

And courtesy email copy to: (DOL.Hearings@illinois.gov) and ALJ Raymond Cyrus

By email to:

John M. Riccione, Brianna M. Skelly, Elizabeth C. Wellhausen
Taft Stettinius & Hollister LLP
111 E. Wacker Drive, #2600
Chicago, Illinois 60601

Email to: (jriccione@taftlaw.com)
 (bskelly@taftlaw.com)
 (ewellhausen@taftlaw.com)

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker, Suite 600
Chicago, IL 60601

Email to: (JToomey100@hotmail.com)

/s/ Rebecca Lustig
Rebecca Lustig
IDOL, Technical Advisor I

STATE OF ILLINOIS
DEPARTMENT OF LABOR

IN THE MATTER OF:	)
	) STATE FILE NO. 2027-H-CC08-2367
STUART DEAN COMPANY	)
	) DATE OF NOTICE: AUGUST 21, 2026
OBJECTORS,	)
	)
v.	)
	)
JANE R. FLANAGAN, DIRECTOR of the	)
ILLINOIS DEPARTMENT OF LABOR, and	)
THE ILLINOIS DEPARTMENT OF LABOR,	)
	)
RESPONDENTS.	)

NOTICE OF WEBEX HEARING

PLEASE TAKE NOTICE that Jane R. Flanagan, Director of the Illinois Department of Labor, and the Illinois Department of Labor ("Respondents") have received from **STUART DEAN COMPANY** ("Objectors") written objections to the prevailing wage determinations published by the Department on its website, and a request for hearing on those objections pursuant to Sections 4 and 9 of the Prevailing Wage Act [hereinafter, "PWA" or "Act"], 820 ILCS 130/0.01 et seq.

Pursuant to the PWA, Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 et seq., and 56 Ill. Admin. Code 120.100 et seq., Respondents will convene a hearing via Webex on:

DATE:	September 28, 2026
TIME:	9:00 a.m.
ADMINISTRATIVE LAW JUDGE:	Raymond Cyrus Administrative Law Judge Illinois Department of Labor
WEBEX INFORMATION:	https://illinois.webex.com/meet/raymond.cyrus Meeting Number: 806 590 306
	Phone Number: +1-312-535-8110 Toll +1-415-655-0002 Toll Access code: 806 590 306
OBJECTORS' ATTORNEY:	John M. Riccione, Esq. Briana M. Skelly, Esq. Elizabeth C. Wellhausen, Esq. Taft Stettinius & Hollister LLP
RESPONDENTS' ATTORNEY:	Stephanie Barton, Esq.



**Deputy General Counsel
Illinois Department of Labor**

**Sean Imburgia, Esq.
Staff Attorney
Illinois Department of Labor**

If you are unable to access Webex via the video link, you may join by calling the Webex phone numbers listed above.

The hearing involves the written objections and hearing request filed by Objector(s), attached hereto and made a part hereof (Exhibit A).

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 issue a Decision and Order. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order of the Administrative Law Judge shall automatically become the decision and order of the Director of Labor.

The proceedings are subject to judicial review in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq. 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.


Jane R. Flanagan
Director of Labor

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

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 Notice of Webex Hearing and Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Notice of Webex Hearing and Order in Case No. 2027-H-CC08-2367 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 August 21, 2026, prior to 4:30 p.m.

Via Email:

OBJECTORS

STUART DEAN COMPANY,
c/o John M. Riccione, Esq.
Brianna M. Skelly, Esq.
Elizabeth C. Wellhausen, Esq.
Taft Stettinius & Hollister LLP
111 E. Wacker Drive, #2600
Chicago, Illinois 60601
jriccione@taftlaw.com
bskelly@taftlaw.com
ewellhausen@taftlaw.com

RESPONDENTS

Illinois Department of Labor and Jane Flanagan, Director
c/o Stephanie Barton, Esq.
Deputy General Counsel
524 S 2nd Street Ste 400
Springfield, IL 62701
Stephanie.Barton@Illinois.gov

/s/Davis Merced
Davis Merced, Office Specialist
Illinois Department of Labor

STATE OF ILLINOIS
DEPARTMENT OF LABOR

IN THE MATTER OF:	)	
	)	STATE FILE NO. 2027-H-CC08-2367
STUART DEAN COMPANY	)	
	)	DATE OF NOTICE: AUGUST 21, 2026
OBJECTORS,	)	
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR of the	)	
ILLINOIS DEPARTMENT OF LABOR,	)	
THE ILLINOIS DEPARTMENT OF	)	
LABOR,	)	
	)	
RESPONDENTS.	)	

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to 56 Ill. Admin. Code § 120.400, a **Webex** pre-hearing conference shall be convened on **September 8, 2026 at 11:30 a.m.** The parties shall join via Webex using the following video link or dial-in phone number:

<https://illinois.webex.com/meet/raymond.cyrus>

Meeting Number: 806 590 306

Phone Number:

312-535-8110 Toll

415-655-0002 Toll

Access code: 806 590 306

2. The pre-hearing conference shall be held to consider: simplification of the issues; necessity or desirability of amending documents for purposes of clarification, simplification, or limitation; stipulations and admissions of fact and of contents and authenticity of documents; limiting the number of witnesses; propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and addressing such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion.
3. Attorneys shall, pursuant to 56 Ill. Admin. Code § 120.220, file their appearances as soon as practicable.
4. Any Petitions to Intervene shall be filed by **September 3, 2026**.

DATE: August 21, 2026

By: /s/ Raymond Cyrus
Administrative Law Judge
Illinois Department of Labor
115 South LaSalle Street, 37th Floor
Chicago, IL 60603
V: 312-793-1805
Dol.hearings@illinois.gov



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

RECEIVED

AUG 17 2026

IDOL - CHICAGO OFFICE

IN THE MATTER OF:

STUART DEAN COMPANY,

Petitioner,

vs.

JANE FLANAGAN, DIRECTOR OF THE
ILLINOIS DEPARTMENT OF LABOR, and
the ILLINOIS DEPARTMENT OF LABOR,

Respondents.

State File No. 2027-H-CC08-2367

**WRITTEN OBJECTION AND REQUEST FOR
HEARING UNDER SECTIONS 4 AND 9**

Stuart Dean Company (the "Petitioner"), by and through its undersigned counsel, submits this written objection to the prevailing wage schedule published by the Illinois Department of Labor ("Department") on July 15, 2026 and requests a hearing pursuant to Sections 4 and 9 of the Prevailing Wage Act (the "Act"), 820 ILCS 130/01 *et seq.*, to establish a prevailing wage rate for the trade classification of metal maintenance and refinishing workers in Cook County.

BACKGROUND

1. Petitioner is an employer that performs various metal maintenance and refinishing services for public and private enterprises in Cook County. For over 20 years, Petitioner has performed these services at Harold Washington Library and for over 6 years at Midway Airport, among other locations.

2. Petitioner is one of five companies who perform similar metal maintenance and refinishing work in the Chicagoland area, and for purposes of collective bargaining, they associate as members of the Chicago Metal Contractors Bargaining Association (the "Association").

3. The employees of the Association members perform "metal refinishing" and were originally represented in collective bargaining by Local Union 8A-28A, Metal Refinishers, Polishers, Painters, Sign & Display, Production and Novelty Workers Union, IUPAT, AFL-CIO ("Local 8A-28A"). Local 8A-28A originated as a separate labor organization around 1940-1948 in New York. As a result of mismanagement and criminal activity committed by the then president of Local 8A-28A, Hector Lopez, it was placed into receivership under the supervision of the United States District Court in the Eastern District of New York. Following Local 8A-28A's receivership, in approximately 2000, Local 8A-28A was assigned to be administered through Painters District Council #14 (the "Union") which then, and now, represent(ed) employees of several companies that comprise the Finishing Contractors Association of Chicago ("FCA"). The Association and FCA, however, have at all times been parties to different, independently bargained agreements with the Union. Specifically, the employees of the Association members are NOT painters, nor laborers as will be shown below.

4. As part of the Association, Petitioner has entered into Collective Bargaining Agreements ("CBA") with the Union. A true and correct copy of the February 1, 2023 to January 31, 2027 CBA between these parties is attached hereto as **Exhibit A**. This CBA covers:

Employees engaged in polishing, buffing, stripping, coloring, lacquering, spraying, cleaning and maintenance of ornamental and architectural metals, iron, bronze, brass, nickel, aluminum and stainless steel and in metal specialty work, various stone and stone finishes, stone specialty work and any other specialty work pertaining to the finishing and refinishing of metals, stones, woods, and any window washing/ cleaning done in

conjunction with this work, excluding clerical and office employees, guards and supervisors.

Ex. A at 1.

5. The minimum rates of pay for these metal maintenance workers for the years covered by the current CBA are listed in Article 25 of the CBA and are as follows:

Table: A

Illinois, Indiana, Wisconsin, and Michigan (Maintenance)					
	February 1*	February 1	February1	February 1	February 1
Classification	2022	2023	2024	2025	2026
General Foreman (Field Mgr./					
Working Union Supervisor)	\$37.05	\$38.30	\$39.45	\$40.60	\$41.75
FOREMAN	\$35.05	\$36.30	\$37.45	\$38.60	\$39.75
JOURNEYMAN	\$31.30	\$32.55	\$33.70	\$34.85	\$36.00
Assistant Journeyman	\$30.30	\$31.55	\$32.70	\$33.85	\$35.00
The classifications listed above shall receive no less than the per hour rate increases listed in Article 24A for each year of this Agreement.					
Apprentices shall receive raises effective on the date of their Anniversary, the rates shall be those listed in this table.					

* Prior Contract year's rates.

Classification	2022	2023	2024	2025	2026
Apprentice IV (36 mo. - 48 mo.) .65 for each year plus yr 1 - .70; yr 2 - .70; yr 3 - .72; yr 4 - .73	\$22.07	\$23.42	\$24.77	\$26.14	\$27.52
Apprentice III (24 mo. - 36 mo.) .65 for each year plus yr 1 - .67; yr 2 - .67; yr 3 - .68; yr 4 - .70	\$20.89	\$22.21	\$23.52	\$24.85	\$26.20
Apprentice II (12 mo. - 24 mo.) .65 for each year plus yr 1 - .63; yr 2 - .63; yr 3 - .65; yr 4 - .66	\$19.72	\$21.00	\$22.28	\$23.58	\$24.89
Apprentice I (91 days - 12 mos.) .65 for each year plus yr 1 - .59; yr 2 - .59; yr 3 - .61; yr 4 - .62	\$18.51	\$19.75	\$20.99	\$22.25	\$23.52
Apprentice I (90 days) .65 for each year plus yr 1 - .55; yr 2 - .55; yr 3 - .57; yr 4 - .58	\$17.27	\$18.47	\$19.67	\$20.89	\$22.12

6. As noted in the above chart, there are five main classifications for metal maintenance and refinishing workers: Apprentice (levels 1, 2, 3 and 4), assistant journeyman, journeyman, foreman, and general foreman/field manager. Petitioner maintains an equal ratio of Assistant Journeymen, Journeymen, and Foremen. True and correct copies of the job descriptions for these classifications are attached hereto as **Exhibit B** at 3–6. These job descriptions list the various activities individuals within these classifications perform including preparing surfaces for the refinishing process, cleaning, oxidizing, and polishing metals, removing scratches from various metals, setting up jobsites and scaffolding, and spraying various coatings and finishes.

7. Under the CBA, Petitioner has the right to “decide upon methods, equipment, and procedures to be used in the performance of all work covered by this Agreement.” Ex. A at 5. Petitioner also has the right to “plan, direct and control all its work,” and “direct and assign work to employees.” *Id.* at 4.

Metal Maintenance Training

8. Petitioner provides newly-hired individuals with a Metal Restoration & Maintenance Training Manual (the “Manual”). A true and correct copy of the Metal Restoration & Maintenance New Hire Training Manual is attached hereto as **Exhibit C**¹. This Manual contains five modules focusing on the company, its policies, training and safety protocols, job set up and break down, masking, surface protection, restoration and maintenance basics and techniques, the coating removal process, the cleaning process, washing and waxing, and polishing.

9. Petitioner also maintains a Corporate Health and Safety Plan specifically for metal, stone, wood, and glass restoration. A true and correct copy of this Plan is attached hereto as **Exhibit**

¹ Exhibits C, D, E, & F of this Written Objection and Request for Hearing under Sections 4 and 9 are Petitioner’s confidential materials. As such, each of these exhibits are designated as confidential for this filing, and Petitioner intends to file a motion to seal after this Written Objection is accepted by the Department.

D. This plan contains a site-specific fall protection plan for Petitioners' "employees and subcontractors performing metal, stone, wood, and glass restoration work on facades, roofs, and other elevated surfaces." *Id.* at 34. It also contains a partial inventory list of chemicals used in the metal restoration process. *Id.* at 138. Lastly, this Plan includes Draft Procedures for Petitioner's Safety Plan for Work Inside Elevators which notes that "[t]he elevator cab doors must be kept open at all times when stripping, refinishing, and spraying the returns and any metal inside the cab other than the doors" and otherwise describes safety protocols while conducting refinishing work in elevators. *Id.* at 172.

10. Petitioner also provides specific training documents for architectural metal restoration and maintenance work. A true and correct copy of the Architectural Metal Restoration and Maintenance training guide is attached hereto as **Exhibit E**. This document provides the fundamental principles for restoring and maintaining architectural metal surfaces (such as doors, frames, building facades, and light fixtures) including restoration techniques. Different metal surfaces change with time depending on a variety of factors including the type of metal, local climate, location, and exposure to direct sunlight. *Id.* at 1. The training manual then discusses the three most commonly used architectural metals—brass, aluminum, and stainless steel—including the preparation of the metal, the cleaning process, and the lacquer application.

11. While Petitioner provides its workers with the above-described training manuals, members of the National Association of Architectural Metal Manufacturers (NAAMM) along with the National Ornamental & Miscellaneous Metals Association (NOMMA) have developed a Metal Finishers Manual for Architectural and Metal Products. A true and correct copy of this manual is attached hereto as **Exhibit F**. This 116-page manual discusses the various finishes for aluminum,

copper alloys, stainless steel, carbon steel and iron including the care and maintenance of these finishes.

Scopes of Work

12. In Petitioner's work orders for various projects including the Harold Washington Library, the specific requirements, materials, specifications, and frequency of the work is described. True and correct copies of three of these work orders are combined and attached hereto as **Exhibit G**. In one of these work orders, the work to be performed includes the semiannual metal-cleaning and clear-coat maintenance of bronze exterior components of the Library. *Id.* at 10–13. The work includes cleaning and providing maintenance work for various windows, entrances, doors, and frames. Another work order notes that the various bronze items in the entrances and windows of the Library should be washed and waxed every 1-6 months. *Id.* at 1–9. The scope of services provided by Petitioner's metal maintenance workers is also described in Exhibit A to the Agreement with Service Contractor between Petitioner and CBRE Inc. for the Harold Washington Library. A true and correct copy of this scope of services is attached hereto as **Exhibit H**.

13. Because none of the existing classifications for prevailing wages in Cook County encompass this metal maintenance and refinishing work, and metal maintenance work is separate and unique from any of the existing classifications, as evidenced by the specific training, job duties, and scopes of work outlined above, a new classification is warranted.

ANALYSIS

14. The Illinois Prevailing Wage Act states that:

Not less than the general prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed, and not less than the general prevailing rate of hourly wages for legal holiday and overtime

work, shall be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction or demolition of public works.

820 ILS 130/3.

15. The Court in *Illinois Landscape Contractors Ass'n v. Department of Labor* noted that “[f]ew cases analyze the phrase ‘work of a similar character’ in detail, and no case interprets the phrase in the context of determining a new classification.” 372 Ill. App. 3d 912, 922 (2nd Dist. 2007). The court in that case opined that when determining the prevailing hourly wage for work of a similar character under the Prevailing Wage Act, the requisite skills, training, and knowledge may be considered. *Id.* at 923.

16. Here, the skills, training, and knowledge of metal maintenance workers are specifically tailored to the cleaning, refinishing and maintenance of various metals in building fixtures. As such, these workers need to know about the different types of metals, cleaning techniques, how to prepare the surfaces around the metal to protect them from the cleaning process, how to remove existing coatings, and what chemicals and cleaning supplies will not harm the metal surfaces. *See* Ex. C at 42–53.

17. As noted in *Illinois Landscape Contractors Ass'n*, there was crossover in the laborer and landscaper work which ultimately supported the court’s determination that the skills, training, and knowledge for these two categories of work were ‘of a similar character.’ *Id.* at 924.

18. The cleaning, waxing, and polishing process used as part of metal maintenance and refinishing is most similar to janitorial services. For example, in Article IV, Section 2(a) of the CBA between Building Owners and Managers Association of Chicago and Building Service Division, Service Employees International Union, janitorial employees are compensated for work involving “exterior metal refinishing.” A true and correct copy of this CBA is attached hereto as **Exhibit I.**

19. Janitors therefore perform some of the work performed by the metal maintenance workers, and either a similar rate to that of the janitors or the metal maintenance CBA rates is appropriate for a new classification of workers who perform metal maintenance work. At the very least, the rate of pay listed in the existing CBA between the Association and the Union should be applied to a new metal maintenance and refinishing classification.

20. Based on this written objection, Petitioner requests that the Department order an investigatory hearing in accordance with Sections 4 and 9 of the Illinois Prevailing Wage Act, 820 ILCS § 130/4, 9 to add Metal Refinishing and Maintenance to the list of Prevailing Wage Classifications for Cook County.

Date: August 14, 2026

Respectfully submitted,

By: /s/ John M. Riccione
One of Its Attorneys

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

IN THE MATTER OF:

STUART DEAN COMPANY,

Petitioner,

vs.

JANE FLANAGAN, DIRECTOR OF THE
ILLINOIS DEPARTMENT OF LABOR, and
the ILLINOIS DEPARTMENT OF LABOR,

Respondents.

State File No.

NOTICE OF FILING

To: Please see Certificate of Service

PLEASE TAKE NOTICE that on the 14th day of August, 2026 the undersigned filed the attached Written Objection and Request for Hearing Under Sections 4 and 9, a copy of which is hereby served upon you and has been sent via electronic mail and messenger.

Date: August 14, 2026

Respectfully submitted,

By: /s/ John M. Riccione

One of Its Attorneys

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CERTIFICATE OF SERVICE

I, an attorney, hereby certify that I caused to be served the foregoing above Written Objection and Request for Hearing Under Sections 4 and 9 on this 14th day of August, 2026 via messenger and electronic mail to the following:

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste C-1300
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Craig Colbrook
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Chicago, IL 60601
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/s/ John M. Riccione

RECEIVED

AUG 17 2026

IDOL - CHICAGO OFFICE

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160 N. LASALLE ST., STE. C-1300
CHICAGO, IL 60601

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Date: August 14, 2026

Respectfully submitted,

By: /s/ John M. Riccione
One of Its Attorneys

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RECEIVED

AUG 17 2026

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August 14, 2026

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VIA MESSENGER

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste C-1300
Chicago, IL 60601
Jane.Flanagan@illinois.gov

Dear Ms. Flanagan:

Please find enclosed two copies of Stuart Dean Company's Written Objection and Request for Hearing Under Sections 4 and 9 to the Prevailing Wage Schedule published by the Illinois Department of Labor on July 15, 2026.

Kindly return a file-stamped copy to my attention in the enclosed FedEx envelope. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Taft Stettinius & Hollister LLP

/s/ John M. Riccione

John M. Riccione

JMR:ETA
Enclosures
302523629v1

Attachments not
included.

Exhibits can found on
the Illinois

Department of Labor's
website.