

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

IN THE MATTER OF:	)	
	)	
ILLINOIS CHAPTER, NATIONAL	)	
ELECTRICAL CONTRACTORS,	)	STATE FILE NO. 2027-H-CC08-2366
ASSOCIATION, INC., MCWILLIAMS	)	
ELECTRIC, CO., ELECTRIC INC.,	)	
REMCO ELECTRIC CORP, INC.	)	
HOMESTEAD ELECTRICAL	)	
CONSTRUCTION, LLC.	)	
	)	
	)	
	)	
OBJECTORS,	)	
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR	)	
of the ILLINOIS DEPARTMENT OF	)	
LABOR, THE ILLINOIS	)	
DEPARTMENT OF LABOR,	)	
	)	
RESPONDENTS.	)	

ORDER

IDOL File No.: 2027-H-CC08-2366 coming on September 28, 2026, to be heard for Respondent's Motion to Dismiss, Objector's Motion for Extension of Time, and related matters, 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, this Administrative Law Judge issues this Order:

FINDINGS OF FACT:

1. On July 15, 2026, the Illinois Department of Labor published the prevailing wage schedule on its official website for each county in the State under Sections 4 and 9 of the Illinois Prevailing Wage Act, 820 ILCS 130.

2. The Act provides that any person affected by the publication of the prevailing rates may file an objection to the publication within 30 days after the publication. See 820 ILCS 130/9.
3. The thirtieth day in 2026 was August 14, 2026.
4. On August 14, 2026, at approximately 9:08 p.m. Objector emailed an Objection to the Department. (Objector's Response Exh A-1)
5. On August 14, 2026, at approximately 10:20 p.m. Objector also emailed a request to file its objection *instanter*. (See Objector's Response Exh B)
6. On August 17, 2026, Objector hand delivered the subject objection to the Department. (Exh. A-2).
7. Objector also hand delivered a Request for an Extension to File Objections on August 17, 2026.
8. The Request for an Extension was based on Objector counsel's "unexpected combination of time sensitive professional obligations and administrative disruptions that materially affect(ed) the ability to complete physical delivery" of the Objections by 5:00 pm. Friday August 14, 2026.
9. On September 3, 2026, the Respondent filed the subject Motion to Dismiss based on the failure to properly file the Objections in a timely manner.
10. The matter was briefed.
11. In its response to the Motion to Dismiss/Extend, Objector argued in part that "Objector attempted to transmit its Objection and request for hearing via hand delivery on August 14, 2026, at or just before 5:00 deadline, but security at the State of Illinois Building indicated the filing location was closed and refused to accept service on behalf of the Department. No mention of who attempted to file the Objection was stated.
12. No affidavit accompanied the Response,
13. Respondent argued this Court lacks jurisdiction to adjudicate the matter because the objection was filed after the prescribed period.

RELEVANT LAW

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.

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

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

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).

56 Ill. Admin. Code § 120.130(d) 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)."

CONCLUSIONS

The written objections filed in this case were filed untimely. Under the Act and accompanying regulations, the objections were due at the Department of Labor no later than 5:00 p.m. on Friday August 14, 2026. The objections were delivered on August 17, 2026. The argument that the objector attempted to deliver the objections on August 14th at or near 5:00 p.m. is unsupported by an affidavit. Moreover, if the

state police did not allow a visitor into the building it was because the Department was closed. The Department closes at 5:00 pm. Further, that argument is inconsistent with the email that arrived later that night which stated the rationale for not filing was unexpected combination of time sensitive professional obligations and administrative disruptions. Unfortunately for the Objector, this Court lacks jurisdiction to hear the case. See Goral v. Dart 2020 IL 125085. Therefore, the Motion to Dismiss is granted.

The Motion for an Extension to file instanter must also be denied for the exact same reason. Under the plain reading of §120.130(b) 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. In other words, the request for an extension must be filed by the same time the original filing must be filed. Here, the request for the extension was filed on August 17th. Also, the email requests are impermissible means of filing except when ordered by the Court. Therefore, the request for an extension must be denied¹.

IT IS HEREBY ORDERED THAT:

1. Respondents' Motion is GRANTED; and
2. The Objectors' Request for Extension of Time to File Objections Instanter is DENIED; and consequently,
3. The Petitions to Intervene referenced herein are deemed moot.
4. Objectors request to strike the Adoption filed by potential intervenors is denied as moot.
5. This matter is closed.

DATE: September 29, 2026

By: /s/ John O'Meara

John O'Meara
Administrative Law Judge
Illinois Department of Labor
115 South LaSalle Street, 37th Floor
Chicago, IL 60603
V: 312-793-1805
Dol.hearings@illinois.gov

¹ At hearing, objector orally requested the Reply be stricken or objector be allowed to file a sur reply because Respondent cited new case law/made an additional argument. The requests were denied as any argument would not cure the underlying defect in the filing.

NOTICE:

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

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

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-CC08-2366** 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, prior to 4:30 p.m.

Via Email:

OBJECTORS

Northeastern Illinois Chapter of the National Electrical Contractors Association (NEIL-NECA), McWilliams Electric Co., Inc., and Homestead Electrical Construction, LLC
c/o Christina K. Wernick, Esq.
Megan Wilkes Esq.
Laner Muchin, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654
Email: cwernick@lanerlaw.com
Mwilkes@lanerlaw.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 Imburgia, Esq.
Staff Attorney
115 S. LaSalle Street, 37th FL
Chicago, IL 60601
Sean.Imburgia@illinois.gov

INTERVENORS

Midwest Region Laborers & LiUNA
Timothy Ryan
1 N. Old State Capital Plaza, ste 525
Springfield, IL 62701
Tryan@midwestlaborers.org

International Union Operating Engineers 150
c/o Melissa Binetti Esq.
Marc Poulos Esq.
Kara Principe Esq.
Joseph Sweeney Esq.
Indiana, Illinois Iowa Foundation
for Fair Contracting
6170 Joliet Road, Ste 200
Countryside, IL 60525
Mbinetti@iiffc.org
Mpoulos@iiffc.com
kprincipe@iiffc.com
jsweeney@iiffc.com

Jesse Lenart, as a Member of the International
Brotherhood of Electrical Workers Local 117,
AFL-CIO, and the International Brotherhood of
Electrical Workers Local 117
c/o John Toomey Esq.
Arnold & Kadjan, LLP
35 E. Wacker Drive, Ste 600
Chicago, IL 60601
JToomey100@hotmail.com

Martin Flanagan and the Construction and
General Laborers' District Council of
Chicago and Vicinity
c/o George Rapidis Esq.
James Connolly Esq.
Joanna Barrera
Mary Colleen Kilbride
Jeremy Esparza
Chicago Laborers' District Council
Labor-Management Cooperation Committee
999 McClintock Dr., Suite 301
Burr Ridge, IL 60527
Phone:(630)207-8703
GRapidis@LDCLMCC.com
JC2@LIUNAFOUR.COM
JBarrera@LIUNACHicago.org
CKilbride@LIUNACHicago.org
Jesparza@LaborerLocalOne.com

Donald Finn and the International
Brotherhood of Electrical Workers,
Local Union No. 134.
c/o Matthew Cleveland Esq.
IBEW, Local No. 134
2722 S. Dr. Martin Luther King Jr. Drive
Chicago, Illinois 60616
Mcleveland@local134.org

International Brotherhood of
Electrical Workers, Local NO. 461
c/o Ashley Shul Esq.
McGann, Ketterman & Rioux
111 E. Wacker Dr., Suite 2300
Chicago, IL 60601
astead@mklaborlaw.com
(312)- 251-9700

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