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SEP 03 2026

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

IDOL - CHICAGO OFFICE

IN THE MATTER OF:)
)
NORTHEASTERN ILLINOIS CHAPTER)
OF THE NATIONAL ELECTRICAL)
CONTRACTORS ASSOCIATION (NEIL-)
NECA), MCWILLIAMS ELECTRIC CO.,)
ELECTRIC, INC., REMCO ELECTRICAL CORP.)
INC., AND HOMESTEAD ELECTRICAL)
CONSTRUCTION, LLC)
) STATE FILE NO.: 2027-H-CC08-2366
)
OBJECTOR(S)) John O'Meara Hearing Officer
)
v.)
)
JANE R. FLANAGAN, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, AND)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

IBEW LOCALS 117, 150 AND 701's PETITION TO INTERVENE

Petitioners, Jesse Lenart, a member of the International Brotherhood of Electrical Workers, Local Union No. 117, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 117; Steve Smart, a member of the International Brotherhood of Electrical Workers, Local Union No. 150, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 150; and Frank Gravina, a member of the International Brotherhood of Electrical Workers, Local Union No. 701 and the International Brotherhood of Electrical Workers, Local Union No. 701 ("Petitioners), by and through their attorneys, submit this Petition to Intervene in all proceedings conducted in the above captioned matter, and in support of state as follows:

1. Jesse Lenart, IBEW 117; Steve Smart, IBEW 150 and Frank Gravina, IBEW 701 each negotiates and enforces collective bargaining agreements on behalf of the Petitioners.

2. Petitioners are labor organizations, affiliates of the International Brotherhood of Electrical Workers representing individuals performing work as Electricians on prevailing wage projects throughout McHenry and the 9 northern most townships in Kane County Illinois from their principal places of business. IBEW Local 117, 765 Munshaw Lane, Crystal Lake, Illinois 60014; IBEW Local 150, 31290 N. U.S. Hwy. 45, Unit B, Libertyville, Illinois 60048; IBEW Local 701, 28600 Bella Vista Parkway, Suite 1000, Warrenville, Illinois 60555.

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

4. On August 14, 2026, Objector, Northeastern Illinois Chapter of the National Electrical Contractors Association (NEIL-NECA) submitted its Written Objections and Requests for Hearing Under Sections 4 and 9 ("Objections") with the Illinois Department of Labor ("IDOL") to the July 15, 2026 prevailing wage determinations pursuant to Sections 4 and 9 of the Act (820 ILCS 130/4 and 130/9).

5. In the Objections, NEIL-NECA stated that it has entered into various collective bargaining agreements with the following International Brotherhood of Electrical Workers (IBEW) chartered Locals 117, 150, and 701 concerning electrical and telecommunication work in DuPage, Kane, Kendall, Lake and McHenry, Illinois, copies of said agreement are exhibits to the NEIL-NECA Objections.

6. In its Objections, Objectors seek to establish the separate classification of Apprentice in the above counties, and claims that the Department should create the new prevailing wage rate for said Apprentice classification in said areas “based upon the collective bargaining agreements between the Unions and NEIL-NECA and contrary to the July 1, 2026 Prevailing Wage Act Amendment (HB 2488) do not pay apprentice fringe benefits at 100% of the journeyman fringe benefit package.

b. In the history of the Federal Davis-Bacon Act, 40 U.S.C. 3141-3148 since March 3, 1931, and the Illinois Act effective June 26, 1941, there has never been or needed a certified apprentice classification because bona fide apprentices are an exception to payment of the journeyman prevailing rate nor is there a pre-apprentice rate.

c. Neither the Illinois Act nor the Davis Bacon Act has any apprentice ratios in the application provisions, but incorporates by reference the apprenticeship registration requirements of state and federal law under the Department of Labor, Bureau of Apprenticeship Training which includes ratio requirements.

7. In its Objections, the Objectors “requests that an investigatory hearing be ordered and held in accordance with Section[s] 4 and 9 of the Act to create an Apprentice classification in Cook, DuPage, Grundy, Kane, Kendall, Lake and McHenry Counties.

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

9. Pursuant to Section 9 of the Act, “any interested objectors may . . . introduce such evidence as is material to the issue.” 820 ILCS 130/9.

10. Petitioners are parties to collective bargaining agreement(s) with contractors in their jurisdictions where its members perform work that could conflict with the scope of work of a proposed “Apprentice” classification and is already covered under the existing Electrician classification. Petitioners’ members and their employer signatory contractors currently perform work on public projects in those counties pursuant to their collective bargaining agreements as Objectors acknowledge. This apprentice work is performed under existing prevailing wage classification for Electricians established by the IDOL since the passage of the Act in 1941 without the need or objection over the past 85 years (95 years for Davis-Bacon).

11. If Objectors’ petition is successful, some of this work performed by the Intervenor members may be encompassed by the Objectors request for the separate “Apprentice” rate classification, particularly fringe benefit contributions.

12. As set forth above, IBEW Locals 117, 150 and 701 as well as their IBEW apprentices will suffer adverse effects, IBEW Locals 117, 150 and 701 are necessary parties under the clear intent of the Illinois Prevailing Wage Act and there is also a common question of law and fact that must be resolved prior to ruling on the NEIL-NECA Objections. 820 ILCS 130/4(m).

13. Permitting IBEW Locals 117, 150 and 701 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

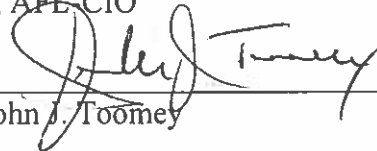
WHEREFORE, IBEW Locals 117, 150 and 701, respectfully requests the Administrative Law Judge to enter an Order granting their Petition to Intervene and for such other relief deemed appropriate and just.

JESSE LENART, as a Member and Business
Manager of IBEW Local 117 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 117, AFL-CIO

STEVE SMART, as a Member and Business
Manager of IBEW Local 150 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 150, AFL-CIO

FRANK GRAVINA, as a Member and Business
Manager of IBEW Local 701 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 701, AFL-CIO

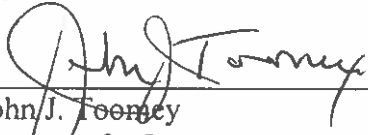
By:


John J. Toomey

John J. Toomey
Arnold and Kadjan, LLP
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FRANK GRAVINA, as a Member and Business
Manager/Financial Secretary of IBEW Local
701 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 701, AFL-CIO

By:


John J. Toomey
Attorney for Intervenor

Date: August 31, 2026

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(312) 236-0415
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) STATE FILE NO.:
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OBJECTOR(S)

v.

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

RESPONDENTS.)

NOTICE OF FILING

TO: See Attached Service List

Please take notice that on August 31, 2026 the attached:

1. IBEW Local 117 Petition to Intervene and Appearance
2. IBEW Local 150 Petition to Intervene and Appearance
3. IBEW Local 701 Petition to Intervene and Appearance

were filed with the Illinois Department of Labor via email, of copies of which are attached hereto.

Date: August 31, 2026

JESSE LENART, as a Member and Business
Manager/Financial Secretary of IBEW Local
117 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 117, AFL-CIO

STEVE SMART, as a Member and Business
Manager/Financial Secretary of IBEW Local
150 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 150, AFL-CIO

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	)	
RESPONDENTS.	)	

CERTIFICATE OF SERVICE

I, John J. Toomey, an attorney, hereby certify that I served copies of the foregoing:

1. IBEW Local 117 Petition to Intervene and Appearance
2. IBEW Local 150 Petition to Intervene and Appearance
3. IBEW Local 701 Petition to Intervene and Appearance

on August 31, 2026 to the addresses listed below at their respective addresses via electronic mail:

Honorable John A. O'Meara
Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601
DOL.Hearings@illinois.gov

Jane Flanagan, Director
Illinois Department of Labor
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Chicago, Illinois 60601

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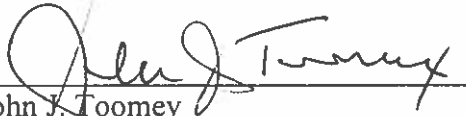
Christina K. Wernick
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cwernick@lanerlaw.com

JESSE LENART, as a Member and Business
Manager/Financial Secretary of IBEW Local
117 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 117, AFL-CIO

STEVE SMART, as a Member and Business
Manager/Financial Secretary of IBEW Local
150 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 150, AFL-CIO

FRANK GRAVINA, as a Member and Business
Manager/Financial Secretary of IBEW Local
701 and the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL UNION
NO. 701, AFL-CIO

By:


John J. Toomey
One of Their Attorneys

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Arnold and Kadjan, LLP
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Chicago, Illinois 60601
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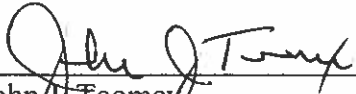
APPEARANCE

John J. Toomey will appear on behalf of 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. John J. Toomey is a member in good standing of the Illinois State Bar, ARDC No. 003122527. Please send all future correspondence to Mr. Toomey at the following business location:

John Toomey
ARNOLD AND KADJAN, LLP
IBEW Local 117
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

We agree to accept service in this matter by electronic mail at the email address set forth above. I further affirm and certify that all information provided and the statements made herein are true, correct, and complete.

By:


John J. Toomey
Attorney for Intervenor

Date: August 31, 2026