

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

IN THE MATTER OF:	)	
	)	
ILLINOIS CHAPTER, NATIONAL ELECTRICAL	)	
CONTRACTORS, ASSOCIATION, INC.,	)	STATE FILE NO.:
WEBER ELECTRIC, INC., WILCOX ELECTRIC &	)	2027-H-CC08-2368
SERVICE, INC., F.W. ELECTRIC, INC., GLESCO	)	
ELECTRIC, INC., REMCO ELECTRICAL CORP.,	)	
CAM ELECTRIC AND ENGINEERING	)	
SERVICES, P.C., PALS ELECTRIC, INC. AND	)	
PYRAMID ELECTRICAL CONTRACTORS, INC.,	)	
	)	
OBJECTORS	)	John O'Meara Hearing Officer
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR OF THE	)	
ILLINOIS DEPARTMENT OF LABOR, AND	)	
THE ILLINOIS DEPARTMENT OF LABOR,	)	
	)	
RESPONDENTS.	)	

**IBEW LOCAL 197'S RESPONSE TO OBJECTOR'S
OPPOSITION TO INTERVENTION**

Now Comes the Intervenor, IBEW Local 197, specifically named in Objector's Amended Section 820 ILCS 130/4 and 130/9 Hearing Request, and pursuant to the September 9, 2026 Scheduling Order files its Response To Objector's Opposition to Intervene and Supporting Intervention under the criteria set forth in 56 Ill. Adm. Code 120.320(a))(1).

TIMELY WRITTEN APPLICATION

The August 21, 2026 Notice of Webex Pre-hearing Conference to be conducted September 8, 2026 and accompanying Order stated:

- 4) Any Petitions to Intervene shall be filed by September 2, 2026.

Local 197 made a timely written Application and Appearance to the Illinois Department of Labor with accompanying proof of service to Objector and Respondents on Monday, August 31, 2026 at 11:42 a.m. in advance of the filing date (Exhibit 1).

DOL Hearings at 11:43 a.m. replied (Exhibit 2):

“This confirms receipt of this message. IDOL will respond within 24 – 48 hours”.

With no DOL Hearings Response 48 hours later, the original August 31, 2026 Intervention Motion, Appearance and Notice of Filing were hand delivered to the IDOL at 9:10 a.m. on September 3, 2026 at 115 S. LaSalle Street, Suite 3700, Chicago, Illinois.

56 Ill. Adm. Code 120.320(a)(1) allows the ALJ to exercise discretion under Subsection (a). The “official” file stamped copy bears the Original August 31, 2026 Proof of Service. Objector is not prejudiced. In fact it had 48 hours advance notice. Motion to Intervene was filed in advance of the Initial Pre-Hearing Conference.

In Paragraph 120.320(a)(2)(C) that discretion allows later intervention and bars issues “that might more properly have been raised at an earlier stage of the proceeding”. That is not the case at bar. We are at the earliest stage of the proceeding.

Again such determinations are at the ALJ’s discretion. Here there is no hardship or surprise to the Objector, particularly as Local 197 is named in his pleading.

Finally, many intervention order setting deadlines are determined at the initial pre-hearing conference or shortly thereafter, rather than before and typically read:

1. All Petitions to Intervene shall comply with 56 Ill. Adm. Code 120.320.
2. Failure to file a timely petition to intervene in accordance with 56 Ill. Adm. Code 120.320 will result in the petition being considered in contravention of this Order and may result in a subsequent denial.

Exhibit 3 See James Coyne v. Jane Flanagan, 2026-H-RP08-2356 (9/18/25, Harden).

or Similarly

Any and all petitions shall be filed by 5:00 p.m. on September 25, 2023.

“Any Petition to Intervene filed after that date and time will be deemed untimely and will unduly delay or prejudice the adjudication of rights of the original parties 56 Il. Adm. Code 120.320(2).”
(emphasis in original)

Exhibit 4 See Ironworkers District Council v. Flanagan, 2024 H-RP07-2344
(8/7/23 Lieberman)

No such hard and fast language, time bar or wording is contained in the August 21, 2026 Pre-Hearing Order herein that would bar the Local 197 Petition filed on August 31, 2026 and hand delivered September 3, 2026.

In Robinson v. Johnson, 343 Ill.App. 3d 1084 (1st Dist. 2003) the court ruled that:

“procedural deadlines governed by court rules can be extended for good cause, **statutory limitations periods are rigid** and cannot be bypassed using standard procedural motions for extensions of time.”

No statute of limitation is involved under the Rule.

A. Situated So That May Be Adversely Affected and A Necessary Party

Local 197 is specifically named in Movant/Objector’s Paragraph 1 of the September 2, 2026 First Amended Objections and again in Its Appendix A, Page 1, whose territorial jurisdiction is McLean and Woodford counties and Appendix B, Page 3, all of which is subject to objection over publication of apprentice wage.

The very subject of this proceeding is the IBEW Local 197 – Illinois Electrical Contractors Association, Inc., Bloomington Division collective bargaining agreement.

Management and Labor each have separate counsels and agendas. Frequently Management and Labor disagree. Objectors will not represent Local 197’s best interests, and promote its own.

As alleged in Paragraph 13 of the First Amended Objection, the objection is an attack on House Bill 2488 requiring apprentices to receive journeyman fringe benefits rates. The Department of Labor must follow the statute as written. Objector and Local 197's interests are opposite. Union Intervenors may be adversely affected by a Final Order arising from the hearing on this issue.

LOCAL 197 IS A NECESSARY PARTY

Local 197 is expressly named, its territorial jurisdiction outlined and signatory status with Objector, Illinois Chapter NECA are all admitted by Objector. Local 197 is an acknowledged necessary party to this proceeding who will be affected by its outcome.

Much more so than the various other NECA Chapters facing Respondent IDOL's Motions to Dismiss in their own actions 2027-H-CC08-2358 and 2027-H-CC08-2370¹ and objected to by Intervenor Local 197.

The Eastern Illinois Chapter and the Northeastern Illinois Chapters are disinterested trade associations, have no interest, as their own Objections face dismissal. That intervention in this action cannot be used as an instrument to circumvent the August 15, 2026 statute of limitations period.

Objector, Illinois Chapter's Relief Requested in its Amended Objection of September 2, 2026 endorses the outcome that on Objector's dismissal ends intervention:

- G. Consolidate this matter with other timely Section 4 or 9 objections presenting the same apprentice rate issue, while preserving every locality and classification identified in the Objection.

¹ Robinson v. Johnson, 343 Ill.App.3d 1084 (1st Dist. 2003) *infra*. and persuasive authority per S. Ct. Rule 23(c)(2); Judkins v. Holsted Management Corporation, 2014 Il. App. (1st) 132223-U a court may not judicially extend the statute of limitations beyond the time which has been established by the legislature, no matter how it happened that the complaint was filed late.

Objector Illinois Chapter recognizes that an untimely NECA petition cannot be consolidated, nor should it be an Intervenor, Robinson and Judkins supra. They no longer share the apprentice rate issue as the July 15, 2026 published rate would stand.

**LOCAL 197'S DEFENSES AND MAIN ACTION SHARE A
COMMON QUESTION OF LAW AND FACT**

Local 197 and all Intervening Electrician Locals share this common question of law and fact. Since enactment of the *Davis Bacon Act*, 40 U.S.C. 3141 March 3, 1931 (95 years) and the *Illinois Prevailing Wage Act*, 820 ILCS 130. approved and enacted June 26, 1941 (85 years) neither the State or Federal Department of Labor have independently calculated or certified its own stand alone apprentice rates. There is no need now to change this historic practice. Objectors pose no good reason to do so. Their purpose is to force confusion with House Bill 2488, and lobby for its repeal claiming the Department of Labor has certified a lesser fringe benefit rate than the journeyman benefit rate required by law (HB 2488) to be paid to apprentices.

Under the Illinois Prevailing Wage Act, an employer can only pay a reduced apprentice wage rate if the individual is actively enrolled in a bona fide apprenticeship program certified the United States Department of Labor, Bureau of Apprenticeship Training. The reduced hourly wage for an apprentice is dictated by the United States Department of Labor program. It is an exception to paying the full journeyman scale. The work the apprentice electrician performs is that of an electrician, using the same tools on the same projects.

To prevent Employers from creating low-wage sub-categories (like pre-apprentices and uncertified helpers) to undercut labor markets, the state draws a hard line. You are either a fully certified apprentice or full journeyman.

The IDOL publishes Prevailing Wage Act FAQ, Item 7. What Do I Pay An Apprentice?:

“Only persons who are enrolled in a U.S. Department of Labor certified apprenticeship program may be paid an apprenticeship rate of pay. The rate of pay is determined by the U.S. Department of Labor apprenticeship program, but a contractor must pay the same fringe benefits as required for a tradesman. A contractor may not establish different subcategories of apprentices and pay a different rate. There are no rates for persons who may be called "pre-apprentice". The only exception to the prevailing rate is for USDOL Certified Apprentices.”

Local 197 supports the 86 year old status quo. The IDOL only publishes one set of general prevailing rates for a trade unless an enrolled bona fide apprentice. They must be paid 100% of the journeyman wage and fringe benefits regardless of their experience level, skillset or internal company title (helper or pre-apprentice).

“Apprentice Rate” is an allowable exemption, not a separate state certified rate requirement. A contractor only references an alternative rate if they choose to utilize this apprentice exemption to legally pay a discounted rate. The burden is on the contractor to prove the worker is a licensed recognized USDOL-BAT apprentice program.

This position establishes all of the 56 Ill. Adm. Code 120.330(a)(1) A-C criteria for intervention. It particularly illustrates why Intervenor Union’s position will not be adequately represented by the Objector on this question of law and fact.

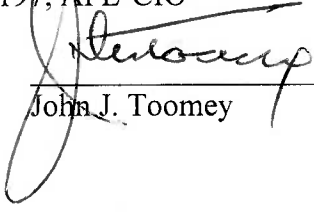
PRAYER FOR RELIEF

Intervenor, IBEW Local 197, prays:

1. That Objector’s Opposition to Intervention by Local 197 be denied.
2. In the exercise of ALJ discretion, the IBEW Local 197 Petition to Intervene be granted.
3. Pursuant to 56 Ill. Adm. 120.320(a)(2) the ALJ find that the criteria of 130.320(a)(1) A, B and C have been met for intervention.
4. Intervenor shall have all the rights of an original party to this proceeding.

MIKE RAIKES, as a Member and Business
Manager of IBEW Local 197 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 197, AFL-CIO

By:


John J. Toomey

9/21/26

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker
Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

EXHIBIT 1

2027-H-CC08-2368

From John Toomey <jtoomey100@hotmail.com>

Date Mon 8/31/2026 11:42 AM

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

Cc Stephanie.Barton@Illinois.gov <Stephanie.Barton@Illinois.gov>; Sean.Imburgia@Illinois.gov <Sean.Imburgia@Illinois.gov>; andym@martonelegal.com <andym@martonelegal.com>

Bcc Mike Raikes <mike@ibew197.org>

 3 attachments (312 KB)

#1 Appearance 083126.pdf; #2 Notice of Filing 083126.pdf; #3 Petition to Intervene 083126.pdf;

August 31, 2026

Honorable John A. O'Meara:

Attached please find:

IBEW 197 Appearance.

Petitioners' Notice of Filing and Certificate of Service.

Petitioners' Petition to Intervene.

in the above matter.

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker Drive
Suite 600
Chicago, IL 60601
(312) 236-0415
Extension: 631

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Date: August 31, 2026

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

CERTIFICATE OF SERVICE

I, John J. Toomey, an attorney, hereby certify that I served copies of the foregoing
IBEW Local 197 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
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601

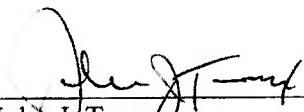
Stephanie Barton
Deputy General Counsel
Illinois Department of Labor
524 South 2nd Street, Suite 400
Springfield, Illinois 62701
Stephanie.Barton@Illinois.gov

Sean Imburgia
Staff Attorney
Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601
Sean.Imburgia@Illinois.gov

Andrew L. Martone
Martone Legal, LLC
600 Emerson Road, Suite 205
Creve Coeur, Missouri 63141
andym@martonelegal.com

MIKE RAIKES, as a Member and Business
Manager/Financial Secretary of IBEW Local
197 and the INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL UNION NO. 197,
AFL-CIO

By:



John J. Toomey
One of Its Attorneys

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

IN THE MATTER OF:)
)
)
ILLINOIS CHAPTER, NATIONAL ELECTRICAL)
CONTRACTORS, ASSOCIATION, INC.,) STATE FILE NO.:
WEBER ELECTRIC, INC., WILCOX ELECTRIC &) 2027-H-CC08-2368
SERVICE, INC., F.W. ELECTRIC, INC., GLESCO)
ELECTRIC, INC., REMCO ELECTRICAL CORP.,)
CAM ELECTRIC AND ENGINEERING)
SERVICES, P.C., PALS ELECTRIC, INC. AND)
PYRAMID ELECTRICAL CONTRACTORS, INC.,)
)
OBJECTORS) John O'Meara Hearing Officer
)
v.)
)
)
JANE R. FLANAGAN, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, AND)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
)
RESPONDENTS.)

Petitioner, Mike Raikes, a member of the International Brotherhood of Electrical Workers, Local Union No. 197, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 197; (Intervenors), by and through their attorneys, submit this Petition to Intervene in all proceedings conducted in the above captioned consolidated matters, and in support of state as follows:

- 1

Townships), Dewitt (Waynesville, Wilson and Rutledge Townships) and McLean (Gridley, Chenoa, Yates, White Pak, Hudson, Money Creek, Lexington, Lawndale, Danvers, Dry Grove, Normal, Towanda, Blue Mound, Martin, Allin, Dale, Oldtown, Bloomington, Bloomington City, Dawson, Downs, Arrowsmith, Randolph. Mount Hope, Funks Grove, Empire and West Townships) Counties as set forth in Article 4.08, Page 14, of the collective bargaining agreement from its principal place of business, 2407 Beich Road, Suite A, Bloomington, Illinois 61705.

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, Objectors, Illinois Chapter of the National Electrical Contractors Association (IL-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, IL-NECA stated that it has entered into various collective bargaining agreements with the International Brotherhood of Electrical Workers (IBEW) chartered Local 197 concerning electrical and telecommunication work as set forth in Paragraph 2 above and the Objector’s Petition Exhibit A.

6. In its Objections, Objectors seeks 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 IL-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 “request 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 the aforesaid 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. Intervenor is a party to a collective bargaining agreement 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. Intervenor's 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's members may be encompassed by the Objectors request for the separate "Apprentice" rate classification, particularly fringe benefit contributions.

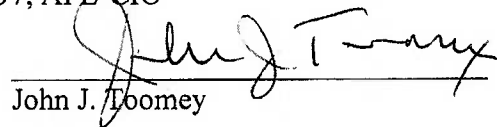
12. As set forth above, IBEW Local 197 as well as their IBEW apprentices will suffer adverse effects, IBEW Local 197 is a necessary party under the clear intent of the Illinois Prevailing Wage Act and there is also a common question of law and fact that must be resolved prior to ruling on the IL-NECA Objections. 820 ILCS 130/4(m).

13. Permitting IBEW Local 197 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, IBEW Local 197, respectfully requests the Administrative Law Judge to enter an Order granting this Petition to Intervene and for such other relief deemed appropriate and just.

MIKE RAIKES, as a Member and Business
Manager of IBEW Local 197 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 197, AFL-CIO

By:


John J. Doomey

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker
Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

EXHIBIT 2



Outlook

Automatic reply: 2027-H-CC08-2368

From DOL.Hearings <DOL.Hearings@illinois.gov>

Date Mon 8/31/2026 11:43 AM

To John Toomey <jtoomey100@hotmail.com>

Dear Party,

This confirms receipt of this message. IDOL will respond within 24-48 hours.

Thank you.

Hearings Division

Illinois Department of Labor

Jesse White State of Illinois Building

115 S. LaSalle St, Suite 3700

Chicago, IL 60603

Office: 312-793-1805 | Fax: 312-793-5257

DOL.hearings@illinois.gov | <https://www2.illinois.gov/idol>

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EXHIBIT 3

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

IN THE MATTER OF:

JAMES F. COYNE, as a member of
PLUMBERS LOCAL 130, U.A.

OBJECTOR(S),

v.

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

RESPONDENTS.

IDOL FILE NO. 2026-H-RP08-2356

DATE OF NOTICE: September 18, 2025

ORDER

Illinois Department of Labor ("IDOL") File No.: 2026-H-RP08-2356 coming on September 18, 2025, 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 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. All petitions to intervene shall comply with 56 Ill. Admin. Code 120.320.
2. Failure to file a timely petition to intervene in accordance with 56 Ill. Admin. Code 120.320 will result in the petition being considered in contravention of this Order and may result in a subsequent denial.
3. **Any and all petitions to intervene shall be filed by 5:00 p.m. on SEPTEMBER 25, 2025.** Any petition to intervene filed after that date and time will be deemed untimely and will unduly delay or prejudice the adjudication of rights of the original parties 56 Ill. Admin. Code 120.320(2).
4. **The hearing date of SEPTEMBER 26, 2025 @ 9:00 a.m. is hereby stricken, in accordance with the parties' timely notification via email to the undersigned, as instructed at today's pre-hearing conference, of the parties' written consent to waive the Act's 45-day hearing requirement.**
5. Accordingly, this matter is set for a pre-hearing/telephonic **status conference on OCTOBER 23, 2025 @ 1:00 p.m.** at which time an update on all matters including settlement status will occur, any pending motions will be handled, and a briefing concerning issuance of third-party subpoenas, exchange of exhibits and any other relevant issues. The undersigned will initiate the call at the numbers previously

STATE OF ILLINOIS)
)
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 Order in Case No. **2026-H-RP08-2356** and a copy of the Certificate of Service 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 18, 2025, prior to 4:30 p.m.

Via Email:

OBJECTOR(S)

Gregory W. Hosé Esq.
Andrew S. Pigott Esq.
Kyle Sullivan Esq.
Gregorio, Stec, Klein, & Hosé
2 N. LaSalle St., Suite 1650 Chicago, IL 60602
ghose@gregoriolaw.com
apigott@gregoriolaw.com
ksullivan@gregoriolaw.com

RESPONDENTS

Sean Impurgia
Staff Attorney
Illinois Department of Labor
160 N. LaSalle St., Fl. 13
Chicago, IL 60601
Sean.Impurgia@Illinois.gov

/s/ Davis Merced

Davis Merced, Office Specialist
Illinois Department of Labor

Stephanie Barton Esq.
Deputy General Counsel
Illinois Department of Labor
524 S 2nd Street Ste 400
Springfield, IL 62701
Stephanie.Barton@Illinois.gov

Deborah Baker
General Counsel
Illinois Department of Labor
160 N LaSalle, Suite C-1300
Chicago, IL 60601
Deborah.J.Baker@Illinois.gov

EXHIBIT 4

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

IN THE MATTER OF:

IRONWORKERS DISTRICT COUNCIL OF
CHICAGO & VICINITY

STATE FILE NO. 2024-H-RP07-2344

OBJECTOR(S),

INDIANA, ILLINOIS, IOWA FOUNDATION
FOR FAIR CONTRACTING & INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150

INTERVENOR(S),

MARTIN FLANAGAN & THE CONSTRUCTION &
GENERAL LABORERS' DISTRICT COUNCIL OF
CHICAGO & VICINITY & ITS SUBSIDIARY & ITS
AFFILIATE LOCAL UNIONS, ET AL.

INTERVENING PETITIONER(S),

v.

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

RESPONDENTS.

ORDER

This matter coming on August 7, 2023, to be heard for initial pre-hearing conference, with Counsels for Objectors, Intervenors and Respondents present¹;

IT IS HEREBY ORDERED THAT:

1. Indiana, Illinois, & Iowa Foundation for Fair Contracting and International Union of Operating Engineers, Local 150's Petition to Intervene is granted.
2. **The hearing date of September 6, 2023 @ 10:00 a.m. shall stand.**
3. All petitions to intervene shall comply with 56 Il. Adm. Code 120.320.
4. Failure to file petition to intervene in accordance with 56 Il. Adm. Code 120.320 will result in the petition not being in compliance with this order and subsequent denial.

¹ Intervening Petitioners had filed an appearance prior to the pre-hearing, but this ALJ was unaware of their appearance filing at the time of the pre-hearing conference in this matter. Their petition will be considered at the next status on August 15, 2023 at 12:30 p.m.

5. **Any and all petitions to intervene shall be filed by 5:00 p.m. on AUGUST 11, 2023.** Any petition to intervene filed after that date and time will be deemed untimely and will unduly delay or prejudice the adjudication of rights of the original parties 56 Il. Adm. Code 120.320(2).
6. This matter is set for a telephonic **status conference on AUGUST 15, 2023 @ 12:30 p.m.** at which time an update on all matters will occur, any pending motions will be handled as well as discuss settlement, issuance of third-party subpoenas, exchange of exhibits and any other relevant issues. The undersigned will call the following parties' counsel:

Michael J. McGuire: 773-661-2361

Michael McNally: 708-373-2887

James Connolly Jr.: 312-550-9701

Nicholas Bedenk: 708-723-6399

If you have a different phone number for this conference, contact DOL.hearings@Illinois.gov on or before the close of business August 11, 2023.

DATE: August 7, 2023

/s/ Moshe M. Liberman
Moshe M. Liberman
Chief Administrative law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste C-1300
Chicago, IL 60601
312 793-1805

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused the foregoing IBEW Local 197's

Response to Objector's Opposition to Intervention to be served pursuant to Section 56 Ill. Adm.

Code §120.130 via email all on September 21, 2026, prior to 4:00 p.m. as follows:

By email
DOL.Hearings@illinois.gov
Honorable John A. O'Meara
Administrative Law Judge
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601

By email
Jane.Flanagan@Illinois.gov
Jane Flanagan, Director
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601

By email
Stephanie.Barton@Illinois.gov
Stephanie Barton
Deputy General Counsel
Illinois Department of Labor
524 South 2nd Street, Suite 400
Springfield, Illinois 62701

By email
Sean.Imburgia@Illinois.gov
Sean Imburgia
Staff Attorney
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601

By email
andym@martonelegal.com
Andrew L. Martone
Martone Legal, LLC
600 Emerson Road, Suite 205
Creve Coeur, Missouri 63141

By email
lak@scwattorney.com
Luke A. Klein
By email cng@scwattorney.com
Christopher N. Grant
555 Washington Avenue, Suite 520
St. Louis, Missouri 63101

By email
cwernick@lanerlaw.com
Christina K. Wernick
Laner Law, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654

By email
mwilkes@lanerlaw.com
Megan M. Wilkes
Laner Law, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654

By email tryan@midwestlaborers.org
Timothy J. Ryan
Midwest Region Laborers'
#1 N. Old State Capitol Plaza, Suite 525
Springfield, Illinois 62701

By email GRapidis@LDCLMCC.com
George Rapidis
Chicago Laborers' District Council
Labor-Management Cooperation Committee
999 McClintock Drive, Suite 301
Burr Ridge, Illinois 60527

By email JC2@LIUNAFour.com

James Connolly, Jr.

By email JBarrera@LIUNACHicago.org

Joanna Barrera

By email CKilbride@LIUNACHicago.org

Mary Colleen Kilbride

Chicago Laborers District Council

Labor-Management Cooperation Committee

999 McClintock Drive, Suite 300

Burr Ridge, Illinois 60527

By email JEsparza@LaborersLocalOne.com

Jeremy Esparza

Laborers International Union of North America

Local 1

8618 W. Catalpa Avenue

Suite 1101

Chicago, Illinois 60656

By email Mbinetti@iiiiffc.org

Melissa Binetti

By email Mpoulos@iiiiffc.org

Marc Poulos

By email kprincipe@iiiiffc.org

Kara Principe

By email jsweeney@iiiiffc.org

Joseph Sweeney

International Union Operating Engineers 150 841

Indiana, Illinois Iowa Foundation

for Fair Contracting

6170 Joliet Road, Suite 200

Countryside, Illinois 60525