

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

IN THE MATTER OF:)
)
ILLINOIS CHAPTER, NATIONAL ELECTRICAL)
CONTRACTORS, ASSOCIATION, INC., WEBER)
ELECTRIC, INC., WILCOX ELECTRIC &)
SERVICE, INC., F.W. ELECTRIC, INC., GLESCO) State File No.: 2027-H-CC08-2368
ELECTRIC, INC., REMCO ELECTRICAL CORP.,)
CAMP ELECTRIC AND ENGINEERING)
SERVICES, P.C., PALS ELECTRIC, INC. and)
PYRAMID ELECTRICAL CONTRACTORS INC.,)
)
Objectors,)
)
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 September 22, 2026 the attached *Operator's Response in Opposition to Objectors' Opposition to Intervention* was filed with the Illinois Department of Labor by e-mail, a copy of which is attached hereto.

Date: September 22, 2026

Brian Gilham and the International Union of
Operating Engineers, Local 841, AFL-CIO, *et al.*

By: /s/ Kara M. Principe
One of Their Attorneys

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CERTIFICATE OF SERVICE

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**OPERATOR’S RESPONSE TO
OBJECTOR’S OPPOSITION TO INTERVENTION**

Petitioners Brian Gilham and the International Union of Operating Engineers (IUOE), Local 841, AFL-CIO (“Local 841”), by and through their attorneys, submit this response to Objectors’ Opposition to Intervention, and state as follows:

INTRODUCTION

Local 841’s Petition to Intervene should be granted because it meets the requirements set forth in 56 Ill. Adm. Code 120.320(a) that an ALJ shall consider when determining whether to permit intervention. As a preliminary matter, Local 841’s Petition to Intervene was timely filed on September 2, 2026 by personal delivery and electronic mail and Objectors do not contend otherwise.

Objectors' argument that Local 841 did not allege that its members perform work in counties involved in this proceeding and does not have an interest in the proceeding is inaccurate. And the argument that Local 841 does not represent employees in the Electrician Apprentice or Electronic System Technician Apprentice classifications at issue in the objections is not relevant to a determination of whether granting the Petition to Intervene is appropriate.

Section 120.320(a)(1) permits intervention when any one of three grounds exists: the party is so situated that it may be adversely affected by a final order arising from the hearing; it is a necessary party to the hearing or proceeding; or the party's claim and the main action have a question of law or fact in common. 56 Ill. Adm. Code 120.320(a)(1). Local 841 meets each of these requirements.

ARGUMENT

I. Local 841's Petition to Intervene states that its members perform work in counties at issue.

Objectors First Amended Written Objections and Request for Hearing challenge the Illinois Department of Labors wage schedule posted for various county and subcounty localities in Illinois (*See* First Amended Written Objections "Written Objections" at Appendix A). In particular, paragraph 10 of the First Amended Written Objections refers to Local Union 528 of the International Brotherhood of Electrical Workers collective bargaining agreement covering Vermilion County and certain townships in Iroquois County, and omissions on the prevailing wage schedule regarding those townships in Iroquois County. Written Objections at ¶ 10.

Citing paragraph 10 of the Operator's Petition to Intervene, Objectors argue that Local 841 "do[es] not specify" that its members perform work in any county involved in this proceeding (Opposition at 5). In fact, paragraph 2 of Local 841's Petition to Intervene specifically states that Local 841 "represent[s] individuals performing work as Operating Engineers on prevailing wage

projects throughout various Illinois counties, including Vermilion and Iroquois Counties.” Petition to Intervene at ¶ 2. And Paragraph 10 of the Petition states that Local 841 has collective bargaining agreements with signatory contractors whose members and employees perform Operating Engineer work on public works projects in counties within Local 841’s jurisdiction and refers to the work being performed under prevailing wage classifications “in the above-referenced counties,” namely Vermilion and Iroquois counties referenced in paragraph 2. Local 841 further notes that its jurisdiction covers other counties at issue in the matter, including Coles, Cumberland, and Effingham, to name a few. As such, Objectors argument that Local 841 did not allege that its members perform work in counties involved in this proceeding is inaccurate.

II. Local 841 meets the requirements set forth in the administrative rule to support granting its Petition to Intervene.

Section 120.320(a)(1) permits intervention, upon timely written application, when: “(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.” 56 Ill. Adm. Code 120.320(a)(1). The grounds are disjunctive. A proposed intervenor only needs to satisfy one. However, in this matter Local 841 satisfies all three.

a. Local 841 may be adversely affected by a final order arising from the hearing.

Local 841’s Petition to Intervene states how it could be adversely affect by a potential outcome arising from Objectors’ request: if the Department establishes separate lower apprentice rates for work otherwise encompassed by an existing classification, corresponding apprentice rate issues could be raised with respect to the scope of work covered under other classifications, including operating engineer classifications under which Local 841’s members perform work. Petition to Intervene at ¶ 11. The Petition further alleges that a determination could place signatory

contractors at a competitive disadvantage relative to contractors able to use a lower published apprentice rate, with resulting effects on the work opportunities of Local 841 members. *Id.*

Local 841's interest in this matter, in part, is to ensure new classifications are not created for work covered under existing classifications, in particular existing classifications covering work performed by operating engineers. Local 841 also seeks to ensure a determination is not made that will place signatory contractors at a competitive disadvantage on public works projects, thereby impacting work opportunities of Local 841 members. As such, Local 841's Petition states how it may be adversely affected by a final order arising from the hearing and is a necessary party to the hearing proceeding. 56 Ill. Adm. Code 120.320(a)(1)(A).

b. Local 841 is a necessary party to the hearing proceeding.

Local 841 represents workers who perform prevailing wage work under existing operating engineer classifications and has experience with the scope of work performed by journeypersons and apprentices covered under those classifications in counties at issue in this matter. Local 841 would present evidence concerning the scope of work performed under existing classification and questions of law and fact raised in making a determination of whether it is appropriate to separate work or classes of workers from an existing classification based on apprentice status.

The Objectors seek to exclude Local 841 because its members perform work under a different classification. But scope of work, and potential overlap between existing classifications (e.g., electrician, operator, laborer, etc.), is relevant to the issue the Department must decide when determining if it is appropriate to establish new apprentice classifications. Local 841's participation is therefore necessary to permit full consideration of whether the relief requested is consistent with work covered under existing prevailing wage classifications.

- c. The Written Objections and Operator's Petition to Intervene present a common question of law concerning the Department's authority to publish fringe benefit rates for apprentices that are less than journeyperson fringe benefit rates or, in the alternative, publish separate classifications for apprentices.**

Objectors ask the Department to certify and publish graduated apprentice rates drawn from collective bargaining agreements or, alternatively, to establish separate apprentice classifications where the Objectors contend those classifications should be recognized under the Prevailing Wage Act. Local 841 contests whether the Act authorizes the Department to grant that relief. Petition to Intervene ¶ 12. The issue of statutory authority raised by Local 841 presents a common question of law with the main action and satisfies Section 120.320(a)(1)(C).

That common question of law is not eliminated because the Objectors limit their requested relief to specific electrician classifications. The Department must still construe the provisions of the Prevailing Wage Act governing prevailing rates and classifications in deciding whether the requested apprentice rates or classifications or rates may be published. Local 841's position concerns that construction of the Act.

The Objectors' argument is also misplaced because the legal issue presented is not confined to the particular Electrician apprentice and Electric System Tech apprentice classifications identified in their objections. Objectors' request for relief includes publishing rates for apprentices that are lower than journeyman rates or, in the alternative, recognizing separate apprentice classifications where work may already fall under an existing prevailing wage classification. That construction concerns the administration of the Act statewide and may affect how the Department addresses apprentices beyond the particular counties and classifications named in this proceeding. Local 841's interest arises not only from the potential conflict with the scope of work under existing classifications, but from the broader legal effect of the statutory interpretation the Objectors ask the Department to adopt.

III. Local 841, and other IUOE Locals, have been granted Intervenor Status in Section 4 and 9 matters that did not identify operating engineers as a classification at issue in the objections and where the Local(s) did not represent workers in the specific classification at issue on the face of the objections.

Objectors argue that “[t]his matter is limited to Electrician Apprentice or Electric System Tech Apprentice classifications, which Local 841 does not claim to represent.” Objector’s Opposition at 6. Representation or other affiliation with a particular classification is not a prerequisite to intervention. The criteria include the potential that a party be adversely affected by a final order, the necessity of a party, or common questions of law or fact. 56 Ill. Adm. Code 120.320(a)(1).

The Department recognizes the importance of including intervenors in Section 4 and 9 requests for hearing. 820 ILCS 130/4, 9. With regard to unions representing operating engineers, IUOE Locals 841 and Local 150 were intervenors in Section 4 and 9 objections filed by a Carpenters union seeking to establish a prevailing wage rate for a new Floor Layer classification (IDOL Case No. 2025-H-RP08-2350); IUOE Locals 150, 965, 649, and 841 were intervenors in objections filed by an Ironworkers union seeking to establish an Ironworker (Hwy) classification and Fence Erector classification (IDOL Case No. 2024-H-RP07-2343); and most recently, IUOE Local 150’s petition to intervene was granted in a matter filed by a Bricklayers union seeking to add a Concrete Specialist classification (IDOL Case No. 2026-H-RP08-2354). While the Operator Locals did not represent workers in the specific trades at issue in those objections, the Operators’ petitions to intervene were granted because they satisfied at least one of the criteria set forth in the administrative rules.

A final consideration is whether intervention will unduly delay or prejudice adjudication of the original parties' rights. 56 Ill. Adm. Code 120.320(a)(2). In this matter, Objectors identify no delay or prejudice that would result from Local 841's participation.

CONCLUSION

For the foregoing reasons, Brian Gilham and the International Union of Operating Engineers, Local 841, AFL-CIO respectfully request that the Administrative Law Judge grant Local 841's Petition to Intervene and deny Objectors' Opposition to Intervention; and for such other relief as is deemed appropriate and just.

Respectfully submitted,

BRIAN GILHAM, as a member and President/Business Manager of the International Union of Operating Engineers, Local 841, AFL-CIO; and THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 841, AFL-CIO

By: /s/ Kara M. Principe
One of Their Attorneys

September 22, 2026

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