

statute of limitations and a prior dismissal, if allowed, sets a dangerous doubly dangerous precedent on both statute of limitations and permissive intervention.

STATEMENT OF FACTS

EL-NECA filed an untimely Objection to IBEW Local 176's certified prevailing rates published July 15, 2026 in Case No. 2027-H-CC08-2370 involving the electrician classification in the following ten Illinois counties, Will, Grundy, Kankakee, LaSalle, Bureau, Putnam, Stark, Henry, Ford and Iroquois.

The Respondent, Illinois Department of Labor, Moved to Dismiss the Objection and Motion to Extend Time to File Objection as untimely filed, Intervenor Local 176 moved to Adopt Respondent's Motion and Reply Brief.

A dismissal in Case No. 2027-H-CC08-2370 ends all Objection to electrician prevailing wages and classifications in those 10 counties. The published July 15, 2026 prevailing rate determinations for the classification of electrician stands in the above 10 counties and cannot be challenged by Objector's intervention, piggy backing on a timely action filed by another Objector in 72 downstate counties in this action, 2027-H-CC08-2368.

Similarly, the Northeastern Chapter of NECA and Homestead Electrical Construction, LLC filed an untimely Objection in Case No. 2027-H-CC08-2366 affecting IBEW Locals 117, 150, 701 and 461 certified prevailing rates for the classification of electrician and telecommunication technicians in DuPage, Kane, Kendall, Lake, McHenry, Cook and DeKalb counties, Illinois.

Respondent Illinois Department of Labor moved to dismiss the Objection and Motion to Extend Time as untimely. Intervenor 117, 150 and 701 adopted Respondent's pleadings supporting dismissal.

A dismissal in 2027-H-CC08-2366 again ends all objections to the published prevailing rate for electrician and telecommunication classifications, wage and benefit rates in the above seven counties. Those rates and classifications would stand as published July 15, 2026 and cannot be challenged or questioned via intervention in another action.

Petitioners are trying to use another Objector party's timely downstate filing in 2027-H-CC08-2368 to sneak back into court and litigate an issue they lost due to an untimely filing. Granting intervention would weaponize the rules to erode a mandatory statutory limitation deadline. It is a basis to deny permissive intervention and avoid delaying this case. They seek to accomplish indirectly what they could not do directly.

**DISMISSAL OF THE PRIOR ACTIONS
WILL END INTERVENTION IN 2027-H-CC08-2368**

It is an improper use of 56 Ill. Adm. Code 120.320 intervention to sanction an end run around a statute of limitations which is clearly set forth in the Prevailing Wage Act, 820 ILCS 130/9. This is an improper use of a Petition to Intervene and should be denied. It is the Petitioning Intervenors burden to establish how they will be affected under 120.320(a)(1). Once dismissed in their own action, they (A) cannot be adversely affected; (B) they are not necessary parties; and (C) no longer share a claim or question of law as their rate is as published July 15, 2026.

Both NECA Chapters in 2027-H-CC08-2366 and 2027-H-CC08-2370 had the opportunity to within 30 days of the Department of Labor posting on July 15, 2026 to file their own Objections and Request for Section 9 hearings, but failed to do so within the statutory time frame. The law commands two NECA Chapter cases be dismissed as untimely. Granting permission to intervene would permit challenges far too stale to be brought in their own right and sanction an end run around statutes of limitations and other procedural barriers that would preclude the movant from attacking the prior judgment directly. Daniels v. United States,

532 U.S. 374, 383 (2001) quoted in Cathy and Scott Jones v. Joseph Beyer, Director of the Illinois Department of Labor, 2018-H-PK07-1914 (11/22/17, Manley) denying Midwest Laborers intervention for an improper purpose and AGCI intervenor status for an improperly filed petition, Petitioner is trying to accomplish indirectly what it could not do directly, assail the published prevailing electrician rates in 17 counties.

Prevailing wage disputes are strictly county by county data driven inquiries. The Petitioning Intervenors are upstate associations with zero members, zero contractors and zero economic footprint in the 72 downstate counties in Case No. 2027-H-CC08-2368. They have no skin in the game under the petition, i.e. “no direct and substantial interest” in counties where they do not work or have a physical presence. The prevailing wage rate and classification matters have been closed in their 17 counties. Intervention must be denied as they seek to relitigate a new apprentice classification and rates after dismissal as an improper back door to circumvent fixed statutory deadlines. Any question of law that might or could have been raised in the untimely proceeding is closed as are their intervention in another Objector’s case. They no longer share any interest.

Prevailing wage hearings under Section 9 are strictly evidentiary and factual inquiries regarding local county data. The Petitioner has no local data to offer in the downstate case. The two NECA Petitioner Intervenors would only inject non local irrelevant political or macro-policy arguments into a case that must be decided solely on regional statutory data, the denied Objectors-Petitioner Intervenors do not possess regarding downstate electrician Locals.

**BASIS FOR DENIAL NO DIRECT OR SUBSTANTIAL
INTEREST OR QUESTION OF LAW**

The dismissed Objectors are employer associations with no members or operations in the downstate counties. Because of that, they fail the fundamental threshold requirements for standing or intervention under 56 Ill. Adm. Code 120.

Under IDOL procedural rule, 56 Ill. Adm. Code 120.320(a)(1), an intervenor must demonstrate a direct substantial and immediate economic or legal interest in the outcome of the specific proceeding, not a speculative future concern. Here the two NECA associations interest is purely academic or ideological which is insufficient for intervention. The wages and classifications in their 17 counties have been certified. They possess no legal interest as it does not apply to them.

The Petitioner Intervenor former Objector, NECA Associations are a disruptive outsider that will draw out the hearing with irrelevant policy arguments appeals directly contrary to the ALJ's mandate to keep hearings streamlined.

The new timely filed Objector, Illinois Chapter National Electrical Contractors Association, in the downstate Case No.: 2027-H-CC08-2368 is already ably pursuing the exact same arguments challenging the exact same classification, apprentice electrician and a claim to challenge HB 2488. The two untimely NECA Objector/Petitioner Intervenor's interests are already perfectly represented by the active Objector's counsel, Mr. Martone, without presenting any circumvention of statute of limitations issues. The intervention petitions are redundant and an attempt to bypass a prior untimely filing (dismissal). Allowing the Petition to Intervene would unduly delay the processing and prejudice the sister IBEW Locals whose rates are certified as of July 15, 2026.

STANDARDS FOR INTERVENTION

If the dismissed Objectors tries to intervene in the new Objector case the tribunal will evaluate the petition based on standard intervention rules of permissive intervention. Petitioner Intervenor possess no intervention as of right.

LACK OF INTEREST IN THE SUBJECT MATTER

To obtain ALJ approval, dismissed Objectors/Petitioning Intervenors burden is to prove a direct substantial economic or legal interest in the proceeding against the 13 downstate IBEW Locals 146, 193, 197, 309, 538, 601, 649, 702, 146, 193, 197, 309 and 538 with whom the Eastern and Northeastern Chapters have no relationship, bargain no contracts with them or in their geographic jurisdiction. The Locals' rates are county specific. The downstate case rates are legally distinct issues from the pending dismissal actions whose rates will be established.

Without proof that Petitioner Intervenors have a legitimate operational presence in the downstate counties, they lack status to intervene. Petitioners do not operate within the above IBEW Locals' specific geographic jurisdiction. Thus they lack standing to intervene.

To intervene the Petitioner usually must show that the new Objector in 2027-H-CC08-2368, the Illinois NECA Chapter, represented by seasoned IDOL litigator, Andrew Martone, will not adequately represent their interest, if any, after ruling on pending dismissals. If the new Objector is already vigorously pursuing the exact same relief, which Petitioner Objectors acknowledge, the intervention may be denied as redundant and an attempt to bypass their prior dismissals.

Petitioner-Intervenor cannot question the adequacy of his representation as a basis for intervention. Mr. Martone's resume boasts he is rated by Martindale-Hubbell as AV-Pre-eminent, its highest rating; a Super Lawyer and Best Lawyers in America in Labor and Employment. The Petitioner/dismissed party's interests are capably represented by the active Objector.

Because the prevailing rates and classifications in the dismissed Petitioner Intervenor's territorial jurisdiction and classifications are established, they lack any "direct and substantial interest" in the outcome of the downstate proceeding.

Allowing intervention would prejudice Locals 117, 150, 701 and 176 . Petitioners, if permitted, will argue against the existing published classifications and prevailing rates in their 17 counties which are no longer subject to challenge, if dismissed.

Petitioning Intervenors have no standing or legitimate legal interest in the prevailing rates of counties where they do not work and have no presence. Any legal issue they may claim is mooted by dismissals in their own cases if IDOL's Motion are granted among a variety of other unrelated trades seeking intervention in this electrician's challenge.

OPPOSITION TO INTERVENTION BY OTHER TRADE ASSOCIATIONS

If a fear of future persuasive precedent was enough to intervene, every regional trade association in Illinois could hijack every local hearing rendering county-by-county calculations unmanageable.

This is precisely what is sought to be accomplished by various trade associations seeking permissive intervention herein. Applying the same rules as in untimely NECA Chapters intervention, judicial notice can be taken that Intervenors Trade Associations have filed untimely Objections in the following cases and await decisions on IDOL's pending Motions to Dismiss.

Pursuant to Illinois Rule of Evidence 201, 725 ILCS 5/8-100 et. seq. and 5 ILCS 100/10-40(c), tribunals may take judicial notice of their own dockets, records and the established facts therein. City of East St. Louis v. Touchette, 14 Ill. 2nd 243, 249 (1958) and People v. Ernest, 141 Ill. 412 at 428 (1990).

Because the Section 9 challenges occur within the same agency, the hearing officer has the authority to take notice of its own underlying records within the pending proceeding and closely related actions on the docket.

1. Plumbing Contractors of Greater Chicago and Terry Plumbing,
2027-H-CC08-2361, ALJ Michelle Bryant-Smith. September 18, 2026 hearing.

2. Piping Council of Rockford Area Incorporated and Miller Engineering Co., 2027-H-CC08-2364, ALJ Dawn Harden.
3. Mechanical Contractors Association of Chicago, Illinois and Dahme Mechanical, Industries, 2027-H-CC08-2363, ALJ Monica Silva. September 18, 2026 hearing.
4. Mechanical Contractors Association of Eastern Iowa/Western, Illinois, 2027-H-CC08-2367, ALJ Raymond Cyrus. September 28, 2026 hearing.
5. Sheet Metal and Air Conditioning Contractors untimely National Association, et al., 2027-H-CC08-2365, ALJ Nichole Cain. September 18, 2026 hearing.

Each Trade Association, Petitioner/Intervenor herein, is an Objector in their own cases facing Motions to Dismiss as untimely. The Sheet Metal, Plumbing and Mechanical cases are set for hearings on September 18, 2026.

If dismissed, all argument for intervention disappear as all issues that might or could be raised in their own Objections are resolved.

They too are trying to nullify or bypass the 30 day statutory window. A fear of a precedent does not grant Intervenor party status. A court cannot use a general procedural motion to extend time to revise or extend a strict statutory limitation period.

Apart from the attempted end run around the limitations period, a completely unrelated trade generally cannot successfully intervene in an electrician Objector's challenge. This is because there is no legitimate overlapping legal or factual interest in the specific classification being challenged in the electricians' case.

NO CROSS TRADE PARTICIPATION CAN OCCUR

An unrelated trade association might have standing if the challenge involved a jurisdictional scope of work or overlapping dispute where the electrician Objector argues certain work classified under a different rate should be characterized as electricians work. In such cases,

the other trade is now related and becomes a necessary party because its scope of work is directly threatened. That situation is not present at bar.

The legal application in a Section 9 hearing for granting intervention is narrow:

“a party’s claim or defense and the main action have a question of law or fact in common”

Section 9 proceedings do not set statewide precedents. The scope of a Section 9 hearing is strictly limited to fact finding regarding a specific classification in a specific county. The final order will only change the electrician rate in that locality. An unrelated trade association cannot show how its own legal standing is impacted by the outcome of the electrician’s specific case.

The various unrelated trade associations suffer no direct adverse legal affect. A purely academic interest in a “question of law” is typically deemed insufficient to grant full party stature.

If two different trade associations are fighting the same legal battle with the IDOL, the proper procedural mechanism is for the unrelated trade association to timely file its own distinct Section 9 Objection based on their own collective bargaining agreements.

Any decision on the various unrelated trade association intervention in the electricians case 2027-H-CC08-2368 should be held in abeyance pending outcome of the pending Motions to Dismiss. Dismissal of each of their Objection cases must result in the denial of the Petitions to Intervene in this proceeding.

CONCLUSION

Intervenor IBEW Locals 117, 150 and 701 as related to the Northeastern Illinois NECA Chapter, Objectors in the untimely action, 2027-H-CC08-2366.

IBEW Local 176 as related to the Eastern Illinois Chapter of NECA Objectors in 2027-H-CC08-2370 in the untimely action, pray the Petitions to Intervene herein be denied as Petitioners seek to circumvent the statute of limitations and attempt to litigate matters focused in their untimely Objections.

By virtue of a Dismissal, the July 15, 2026 published prevailing rates and electrician classifications stand and cannot be assailed or challenged in another proceeding covering a different geographical county jurisdiction.

There no longer remains any common questions of law as to Objector/Petitioner/Intervenor's rates and classifications that could have been argued in untimely cases.

Petitioner/Intervenor's lack standing for permissive intervention as they have no legitimate operational presence in the downstate counties and lack a direct and substantial interest in the downstate counties' electricians.

WHEREFORE, IBEW Locals, 117, 150, 176, 701 and 197 pray that the Petitioning Objector Intervenors' Request for Intervention be denied.

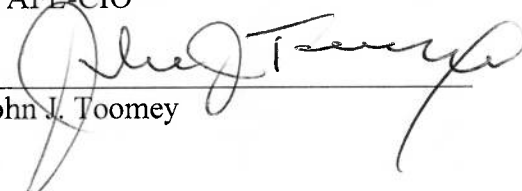
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused the foregoing Motion and Brief in
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served pursuant to Section 56 Ill. Admin. Code §120.130 via email all on September 15, 2026,
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