

STATE OF ILLINOIS, DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 6016

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IN THE MATTER OF:

ILLINOIS CHAPTER, NATIONAL
ELECTRICAL CONTRACTORS
ASSOCIATION, WEBER ELECTRIC, INC.,
WILCOX ELECTRIC & SERVICE, INC., F.W.
ELECTRIC, INC., GLESCO ELECTRIC,
INC., REMCO ELECTRICAL CORP., CAMP
ELECTRIC AND ENGINEERING SERVICES,
P.C., PALS ELECTRIC, INC. and PYRAMID
ELECTRICAL CONTRACTORS, INC.,

STATE FILE: 2027-H-CC08-2368

OBJECTORS,

v.

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

RESPONDENTS.

PETITION TO INTERVENE

Petitioners Ryan McRoberts, a member and Business Manager of the International Brotherhood of Electrical Workers, Local Union No. 16, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 16, AFL-CIO ("Local 16"), by and through their undersigned attorneys, submits their Petition to Intervene in the above-captioned matter, and in support state as follows:

1. Ryan McRoberts is a member of Local 16. He is also the elected Business Manager.

2. Local 16 is a labor organization with its principal office in Evansville, Indiana serving as exclusive representative of individuals performing work as Electricians and as Electronic Systems Techs on prevailing wage projects throughout the Illinois county of Wabash.

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 on public works in the locality shall be paid to all laborers, workers and mechanics engaged in the construction or demolition of public works.

4. On or about August 14, 2026, the Illinois Chapter, National Electrical Contractors Association (“NECA”) alongside Pals Electric, Inc. (“Pals”) filed objections (“Objection”) with the Illinois Department of Labor (“Department”) to request the Department to ascertain and publish different prevailing rates for apprentices for the Electrician and Electronic System Tech and Telecommunications classifications pursuant to Sections 4 and 9 of the Act. The objections are State File No. 2027-H-CC08-2368.

5. 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.”

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

7. Local 16 has entered into collective bargaining agreements with employer associations, including NECA filing the objection at issue, that bargain on behalf of signatory contractors. Pals has a letter of assent to these agreements with Local 16. Members of Local 16,

as well as the contractors and subcontractors who employ them, currently perform work on public projects in this county pursuant to these collective bargaining agreements.

8. By way of background, for years the Illinois Department of Labor took the position that apprentices on public works jobs must be paid full journeyman fringes. It posted the requirement on a FAQ on its website and found violations by contractors for not paying full fringes to apprentices.

9. The recent amendments to the state Prevailing Wage law merely codify the Department's lawful position for clarity.

10. Also by way of background, for years the Department of Labor has, pursuant to the Act, published prevailing wage schedules for counties and portions thereof setting wage and benefit amounts for various classifications, such as electrician, pipefitter, and sheetmetal worker. Those schedules list journeyperson wage and benefit amounts. The schedules do not include any separate apprentice classifications at different wage and/or benefit amounts.

11. In its Objections, Pals claims that prevailing wage schedules should include apprentice classification with fringe benefit rates set forth in the CBAs.

12. It appears that Pals, by its Objection, seeks to avoid or negate the specific, express, and lawful requirement in the state Prevailing Wage law that apprentices be paid full journeyman annualized fringe benefits by requiring the Department to publish schedules with separate apprentice classifications with less than 100% fringe amounts.

13. If the Objection is successful, contractors, including Pals, could pay Local 16's apprentices less than full fringes on prevailing wage jobs, thereby reducing apprentice compensation.

14. Local 16 moves to intervene to protect its interests and members' interests.

15. Local 16 will be adversely affected by a final order in Pals' favor in this proceeding in that such an order would undercut wages and benefits due under the law to employees which Local 16 represents, and damage the livelihoods of those employees, and thereby undermine Local 16's status as their representative and its goal of obtaining for members higher compensation. The Objection also seeks to use the labor agreements to impose a lesser rate which the law may supersede.

16. Furthermore, because Pals' Objection specifically seeks to alter the prevailing wage in Local 16's jurisdiction based on the CBAs, Local 16 is a necessary party to this proceeding. Pals relies on collective bargaining agreements which Local 16 is party to.

17. Finally, as set forth above, there is a common question of law and fact that must be resolved prior to ruling on NECA's Objection. Local 16 intends to defend the requirement which NECA attacks – that apprentices receive full fringes. Further, there are common questions of fact, including the collective bargaining agreements which Local 16 is party to.

18. Local 16's motion is timely, by the September 2 deadline for motions.

19. Permitting Local 16 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, Local 16 respectfully requests the Administrative Law Judge enter an Order granting this Petition to Intervene and for such other relief deemed appropriate and just.

Respectfully submitted,

Ryan McRoberts, a member and Business Manager
of the International Brotherhood of Electrical
Workers, Local Union No. 16, AFL-CIO, and the
International Brotherhood of Electrical Workers,
Local Union No. 16, AFL-CIO

By: SCHUCHAT, COOK & WERNER

/s/ Luke A. Klein

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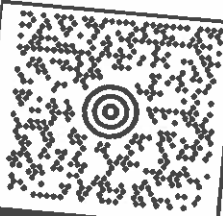
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