

**STATE OF ILLINOIS
DEPARTMENT OF LABOR**

IN THE MATTER OF:	)	
	)	
ILLINOIS CHAPTER, NATIONAL	)	
ELECTRICAL CONTRACTORS	)	STATE FILE NO. 2027-H-CC08-
ASSOCIATION, INC., WEBER	)	2368
ELECTRIC, INC., WILCOX ELECTRIC &	)	
SERVICE, INC., F.W. ELECTRIC, INC.,	)	Proceedings under 820 ILCS 130/4
GLESCO ELECTRIC, INC., REMCO	)	and 130/9
ELECTRICAL CORP., CAMP ELECTRIC	)	
AND ENGINEERING SERVICES, P.C.,	)	Hon. John O'Meara
PALS ELECTRIC, INC., and PYRAMID	)	Administrative Law Judge
ELECTRICAL CONTRACTORS, INC.,	)	
	)	
Objectors,	)	
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR of the	)	
ILLINOIS DEPARTMENT OF LABOR,	)	
and	)	
THE ILLINOIS DEPARTMENT OF	)	
LABOR,	)	
	)	
Respondents.	)	

Objectors' Reply in Support of Their Opposition to Intervention

The union putative intervenors have not presented any valid reasons to be allowed to intervene. Those that did not submit a timely application are barred from doing so because the regulation grants the ALJ discretion to allow intervention only upon a “timely” application. Other unions do not represent members in the counties at issue, the classifications at issue, or both. The IBEW Locals that represent members performing work in the classifications and counties at issue were untimely and, in any event, have no independent interest justifying intervention – the Objectors seek only to enforce the CBAs that they have negotiated with those IBEW locals.

Argument

I. The LIUNA Great Plains District Council and Downstate Illinois Laborers' District Council (represented by Attorney Timothy Ryan) should be denied intervention.

The LIUNA Great Plains District Council and Downstate Illinois Laborers' District Council claim that they have an interest in this proceeding because their members serve as tenders to Electricians and Electronic System Techs or to Electrician Apprentices and Electronic System Tech Apprentices. The Laborers work remains the same – tend to the work performed by a different labor organization's members. Consequently, they do not meet the intervention standard because they would not be adversely affected, are not a necessary party, and they have no claims or defenses – let alone ones in common with the Objectors.

II. IBEW Local 197 (represented by Attorney John Toomey) should be denied intervention.

A. The regulations require a “timely” petition to intervene.

IDOL regulations provide that documents required to be filed with the Department must be addressed and mailed or delivered to the Department's Chicago office and received by the Department before the official closing time of the receiving office on the last day of the limit. 56 Ill. Admin. Code 120.130(a). Documents may not be filed by email. 56 Ill. Admin. Code 120.130(c). Documents filed by mail are treated as filed when *received* by the Department. 56 Ill. Admin. Code 120.130(d) (emphasis added).

On August 21, 2026, ALJ John O'Meara entered an order requiring that “[a]ny Petition to Intervene shall be filed by September 2, 2026.” Order dated August 21, 2026. Notably that Order did not permit email filing so each petition to intervene will be “filed” on the date it was received by the IDOL.

IBEW Local 197's petition to intervene was received by the IDOL on September 3, after the deadline set for doing so. IBEW Local 197 acknowledges its untimely filing but does not present any good cause for its failure to timely file.

Instead, it urges that its August 31, 2026 email to the IDOL should constitute proper notice of the intent to file a petition to intervene that shifts the burden to Objectors to show prejudice. But IBEW Local 197 offers no excuse for failing to comply with the IDOL regulations by delivering a copy to the IDOL by September 2, 2026.

The regulations permit an ALJ to allow intervention in his discretion “[u]pon *timely* written application.” 56 Ill. Admin. Code 120.320(a)(1) (emphasis added). Here, IBEW Local 197’s petition was indisputably untimely, so the regulation does not allow discretion to allow intervention.

B. The Objectors will adequately represent the IBEW Local 197’s interests.

The Objectors have negotiated the rates to be paid to IBEW Local 197’s members who are serving as Electrician Apprentices and Electronic System Tech Apprentices and reduced those rates in writing in collective bargaining agreements. The IDOL determined that those collective bargaining agreements set the prevailing wage in the counties in which IBEW Local 197 represents members performing work in those classifications. The Objectors seek apprenticeship classifications that apply the wage and fringe benefit rates they negotiated with IBEW Local 197. This request to apply the negotiated CBA demonstrates that IBEW Local 197 does not have any interest that would not be adequately represented by the Objectors. IBEW Local 197 will not be adversely affected by a ruling that its own CBA fringe rates should be paid for apprentices’ work, it is not a necessary party to such a proceeding, and it has no claims or defenses in this matter – much less ones that share a common legal or factual issue.

III. Operating Engineers Local 841 (represented by the IIIFFC) should be denied intervention.

The Operating Engineers Local 841 acknowledges that its members would not be impacted directly by a ruling recognizing Electrician Apprentice and Electronic System Tech Apprentice classifications. But it urges intervention because

if those classifications are recognized there is a potential that in the future, apprentice classifications for Operating Engineers will be recognized. This slippery slope argument demonstrates that Local 841 does not have an interest in *this* proceeding. None of the prior proceedings cited by Local 841 support its position. In Case Number 2024-H-RP08-2354 there were no objections to intervention filed. In Case Number 2024-H-RP07-2343, the intervenor unions claim that their members would be performing work in the classification at issue (“Petitioners argue that some members of Local 150 and LIUNA may be encompassed by the proposed changes classifying them to a lower rate of pay”), and were permitted intervention apparently without any objection. In Case Number 2025-H-RP08-2350, the intervenor unions claimed that their members would be performing work in the classification at issue (“Petitioners argue that the classification is included in pre-existing classifications and some of the work performed by the intervenors may be encompassed by Objector classification”), and were permitted intervention without objection.

If a future proceeding seeks recognition of Operating Engineers apprentice classifications or if the IDOL publishes those classifications, Local 841 will have the opportunity to intervene or file an objection. But with respect to this proceeding, Operating Engineers Local 841 will not be adversely affected, it is not a necessary party, and does not have any claim or defense – let alone ones in common with the Objectors.

IV. IBEW Locals 16, 34, 146, 193, 309, 538, 601, 649, 702, and 725 (represented by Attorney Christopher Grant) should be denied intervention.

A. The ALJ’s September 9 order granting the IBEW Locals intervene was a clerical error.

The ALJ’s September 9, 2026 Order should be understood as a clerical error because the Objectors indicated their plan to object to all the union putative intervenors and, in fact, did so in reliance on the briefing schedule agreed upon by the parties. None of the prior proceedings cited by IBEW Locals support their

position. In those cases, there were no objections to intervention filed. Case No. 2027-H-CC08-2358 (Order dated Sept. 9, 2026); Case No. 2023-H-RP03-2342 (Order #2 dated May 12, 2023). The ALJ's inclusion of: (1) unions that do not represent members performing work covered by the classifications at issue, in the counties at issue, or both (Laborers); and (2) a union that has not petitioned to intervene (Operating Engineers Local 150), support that this was a clerical error.

B. The IBEW Locals filed untimely petitions to intervene.

IDOL regulations provide that documents required to be filed with the Department must be addressed and mailed or delivered to the Department's Chicago office and received by the Department before the official closing time of the receiving office on the last day of the limit. 56 Ill. Admin. Code 120.130(a). Documents may not be filed by email. 56 Ill. Admin. Code 120.130(c). Documents filed by mail are treated as filed when *received* by the Department. 56 Ill. Admin. Code 120.130(d) (emphasis added).

On August 21, 2026, ALJ John O'Meara entered an order requiring that "[a]ny Petition to Intervene shall be filed by September 2, 2026." Order dated August 21, 2026. Notably that Order did not permit email filing so each petition to intervene will be "filed" on the date it was received by the IDOL.

The IBEW Locals 16, 34, 146, 193, 309, 538, 601, 649, 702, and 725 emailed their petitions to intervene on September 2 and mailed them to the IDOL via UPS 2nd day air. The petitions were received by the IDOL after the September 2 deadline. IBEW Locals acknowledge their untimely filing but do not present any good cause for their failure to timely file. Instead, they urge that their September 2, 2026 email to the IDOL should constitute proper notice of the intent to file a petition to intervene that shifts the burden to Objectors to show prejudice. But IBEW Local 197 offers no excuse for failing to comply with the IDOL regulations by delivering a copy to the IDOL by September 2, 2026.

The regulations permit and ALJ to allow intervention in his discretion "[u]pon *timely* written application." 56 Ill. Admin. Code 120.320(a)(1). Here, IBEW

Locals' petitions were indisputably untimely, so the regulation does not allow discretion to allow intervention.

C. IBEW Locals 16, 24, and 725 do not represent members performing work in the classifications at issue in the counties at issue.

Denying intervention to IBEW Locals 16, 34, and 725 is also appropriate because they do not represent members in the counties at issue in this proceeding even if they have a different contract with Objectors that does not cover the counties at issue.

D. IBEW Locals 146, 193, 309, 538, 601, 649, and 702 will have their interests adequately represented by the Objectors who seek only to apply the terms of the collective bargaining agreements they negotiated and that the IDOL identified as setting the prevailing wage rate.

Denial of intervention to IBEW Locals 146, 193, 309, 538, 601, 649, and 702 is appropriate because the Objectors will adequately represent their interests. This is so because the Objectors seek apprenticeship classifications that apply the wage and fringe benefit rates negotiated with IBEW Locals 146, 193, 309, 538, 601, 649, and 702. This request to apply the negotiated CBA demonstrates that the IBEW Locals 146, 193, 309, 538, 601, 649, and 702 will not be adversely affected by a ruling that their own CBA rates should be paid to fringe benefit funds on behalf of apprentices, they are not a necessary party to such a proceeding, and they have no claims or defenses in this matter – much less ones that share a common legal or factual issue.

The IBEW Locals would like to intervene to take advantage of an ambiguous statutory amendment to get their fringe benefits funds higher contribution rates while providing the same benefits to the apprentices. As the apprentices already receive the same annualized fringe benefits as journeyworkers, this is really about getting fringe benefit funds higher rates than bargained for. This violates the IPWA

directive that the collective bargaining agreement sets the prevailing rate of wages.
820 ILCS 130/9.

Conclusion

None of the union putative intervenors should be allowed to intervene because they have not demonstrated timely applications, do not represent members in the counties at issue or in the Electrician Apprentice or Electronic System Tech Apprentice classifications at issue, or because the Objectors are only seeking to apply language negotiated by the unions with Objectors, so have no interest that will not be represented by the Objectors.

Respectfully submitted,

MARTONE LEGAL, LLC

By: /s/Andrew J. Martone

Andrew J. Martone

Matthew B. Robinson

600 Emerson Road, Suite 205

Creve Coeur, Missouri 63141

Telephone: (314) 862-0300

andym@martonelegal.com

mattr@martonelegal.com

Counsel for Objectors

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing Opposition to Intervention was served on September 25, 2026, via electronic mail to:

Hon. John A. O'Meara
Administrative Law Judge
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, IL 60603
DOL.Hearings@illinois.gov

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

Sean Imburgia, Esq.
Staff Attorney
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, IL 60603
Sean.Imburgia@illinois.gov

Counsel for Respondents

Timothy J. Ryan, Esq.
#1 N Old State Capitol Plaza, Ste. 525
Springfield, IL 62701
tryan@midwestlaborers.org

***Counsel for Great Plains Laborers
Dist. Council and Downstate IL
Laborers' District Council and
their subsidiary and affiliate local
unions***

Marc R. Poulos, Esq.
Melissa L. Binetti, Esq.
Kara M. Principe, Esq.
Joseph P. Sweeney, Esq.
Indiana, Illinois, Iowa Foundation for
Fair Contracting ("IIIFFC")
6170 Joliet Road, Suite 200
Countryside, IL 60525
mpoulos@iiiffc.org
mbinetti@iiiffc.org
kprincipe@iiiffc.org
jsweeney@iiiffc.org

Counsel for Brian Gilham and Int'l Union of Operating Engineers Local 841

Luke A. Klein, Esq.
Christopher N. Grant, Esq.
Shuchat, Cook & Werner
555 Washington Ave., Ste. 520
St. Louis, MO 63101
lak@scwattorney.com
cng@scwattorney.com

***Counsel for Jim Fellows, Steve
Hughart, Ryan Mouser, Brian
Anderson, Aaron Goodrum, Chris
Hankins, David Wells, Justin
Martin, Tim Sprout, Ryan
McRoberts and Int'l Bhd. of
Electrical Workers Locals 16, 34,
146, 193, 309, 538, 601, 649, 702,
and 725***

John J. Toomey, Esq.
Arnold and Kadjan, LLP
35 East Wacker Dr., Ste. 600
Chicago, IL 60601-2106
jtoomey100@hotmail.com

***Counsel for Int'l Bhd. of Electrical
Workers Local 197***

Christina K. Wernick, Esq.
Megan Moore Wilkes, Esq.
Laner Muchin, Ltd.
515 N State Street, Ste. 2400
Chicago, IL 60654
cwernick@lanerlaw.com
mwilkes@lanerlaw.com

***Counsel for NE IL Chapter of the
Nat'l Electrical Ass'n, Homestead
Electrical Construction, LLC,
Sheet Metal and Air Conditioning
Contractors' Nat'l Ass'n of Greater
Chicago, Westside Mechanical
Group, Inc., Admiral/Heating &
Ventilating, Inc., Eastern IL
Chapter of the Nat'l Electrical
Contractors Ass'n, Mechanical
Contractors Ass'n of Chicago IL,
Dahme Mechanical Industries,
Inc., Mechanical Contractors Ass'n
of Eastern Iowa/Western IL, Piping
Industry Council of Rockford Area
Incorporated, Miller Engineering
Co., Plumbing Contractors Ass'n of
Greater Chicago, and Terry
Plumbing***

/s/Andrew J. Martone