

STATE OF ILLINOIS
DEPARTMENT OF LABOR

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IN THE MATTER OF:

ILLINOIS CHAPTER, NATIONAL
ELECTRICAL CONTRACTORS
ASSOCIATION, INC., 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 No. 2027-H-CC08-2368

Objectors,

v.

JANE FLANAGAN, Director of the
Illinois Department of Labor, and the
ILLINOIS DEPARTMENT OF LABOR

Respondents.

NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on September 2, 2026, the attached *Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago, Westside Mechanical Group, Inc. and Admiral Heating & Ventilating, Inc. Petition to Intervene and Attorney Appearances* were filed with the Illinois Department of Labor by hand delivery and email, copies of which are attached hereto.

September 2, 2026

Sheet Metal and Air Conditioning Contractors' National
Association of Greater Chicago, Westside Mechanical
Group, Inc. and Admiral Heating & Ventilating, Inc.

By: /s/ Christina K. Wernick
One of Their Attorneys

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DEPARTMENT OF LABOR**

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ELECTRIC AND ENGINEERING SERVICES,	)	
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ELECTRICAL CONTRACTORS, INC.,	)	
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Objectors,	)	
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v.	)	
	)	
JANE FLANAGAN, Director of the	)	
Illinois Department of Labor, and the	)	
ILLINOIS DEPARTMENT OF LABOR	)	
	)	
Respondents.	)	

**SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL
ASSOCIATION OF GREATER CHICAGO, WESTSIDE MECHANICAL GROUP, INC.
AND ADMIRAL HEATING & VENTILATING, INC. PETITION TO INTERVENE**

Now comes Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago ("SMACNA"), Westside Mechanical Group, Inc. ("Westside"), and Admiral Heating & Ventilating, Inc. ("Admiral") (collectively "Intervenors"), by and through their attorneys, Laner Muchin, Ltd., and submit this petition to intervene in all proceedings conducted in the above-captioned matter. In support of this petition, Intervenors state as follows:

1. This proceeding concerns written objections to certain prevailing wage determinations published by the Illinois Department of Labor ("Department") on July 15, 2026 and a request for hearing under Sections 4 and 9 of the Illinois Prevailing Wage Act ("Act"), 820 ILCS 130/4 and 130/9, filed by the Illinois Chapter, National Electrical Contractors Association, Inc. ("NECA"); 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. (collectively “NECA Objectors”).

2. The NECA Objectors contend that their applicable collective bargaining agreement establishes separate apprentice classifications and graduated apprentice wage and fringe benefit rates, and they request that the Department revise the prevailing wage determination to recognize and apply those classifications and rates to the Electrician trade title in the county covered by the applicable collective bargaining agreement.

3. SMACNA is a multi-employer bargaining association representing contractor members that perform public works construction throughout the State of Illinois and the geographic jurisdiction covered by SMACNA’s collective bargaining agreement with Sheet Metal, Air, Rail and Transportation International Association Local 265 of DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Livingston, McHenry and Will Counties (“Local 265”) and International Association of Sheet Metal, Air, Rail and Transportation Local No. 73 of Chicago, Cook and Lake Counties, Illinois (“Local 73”) (collectively the “Unions”) (“SMACNA CBAs”).

4. Westside and Admiral are Illinois corporations, members of SMACNA, and are signatory to and bound by all or one of the SMACNA CBAs. Westside and Admiral perform construction work and employ Sheetmetal Workers on projects subject to the Act.

5. SMACNA, Westside, and Admiral separately filed Written Objections and a Request for Hearing under Sections 4 and 9 of the Act (Case No. 2027-H-CC08-2365, pending before ALJ Nichole Cain) (“SMACNA Objection”). In the SMACNA Objection, Intervenors allege that the Department certified and published journeyman Sheetmetal Workers wage and fringe benefit rates derived from the SMACNA CBAs but failed to certify and publish the graduated apprentice Sheetmetal Workers wage and fringe benefit rates established by those same agreements.

6. SMACNA, Westside, and Admiral further request in the SMACNA Objection that the Department amend the applicable prevailing wage schedules to include the apprentice Sheetmetal

Workers wage and fringe benefit rates established by the SMACNA CBAs or, alternatively, establish and publish separate Sheetmetal Workers Apprentice classifications using the graduated wage and fringe benefit structure set forth in the SMACNA CBAs and corresponding rate sheet(s).

7. The Department issued an Order dated August 21, 2026 setting a Webex pre-hearing conference for September 8, 2026 at 10:00 a.m., directing that any petitions to intervene be filed in this proceeding by September 2, 2026. This Petition is timely filed in accordance with that Order.

8. The Department's rules provide that, upon timely written application, the Administrative Law Judge may permit intervention 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. Admin. Code § 120.320(a)(1).

9. SMACNA, Westside, and Admiral are so situated that they may be adversely affected by a final order arising from this proceeding within the meaning of 56 Ill. Admin. Code § 120.320(a)(1)(A).

10. Intervenors have good reason to believe that Respondents will move to dismiss SMACNA, Westside, and Admiral's objections and request for hearing for lack of subject matter jurisdiction, contending that the filing was not received in an authorized manner within the statutory 30-day period and that the Department therefore lacks authority to consider the merits. This belief is based on Respondents filing of a Motion to Dismiss in Case No. 2027-H-CC08-2361, pending before ALJ Michelle Bryant-Smith. That case includes the Plumbing Contractors Association of Greater Chicago and Terry Plumbing, whose objections and request for hearing were filed on the same day as the Intervenors objection.

11. Because of the Department's anticipated motion to dismiss in the SMACNA Objection, this proceeding may be the only Department matter in which these substantially identical questions are adjudicated: namely, how apprentice classifications and rates established under

prevailing, area-wide collective bargaining agreements should be treated under Sections 4 and 9 of the Act. A final order resolving those issues will substantially affect the interests of SMACNA, its contractor members, Westside, and Admiral.

12. Intervention is independently warranted under 56 Ill. Admin. Code § 120.320(a)(1)(C) because Intervenors' claims and the NECA Objectors' main action share common questions of law. Both matters concern whether, when the Department relies upon a collective bargaining agreement to establish prevailing rates, Sections 4 and 9 of the Act require the Department also to recognize and apply the apprentice classifications, wage rates, and fringe benefit rates established by that same collective bargaining agreement. Both matters also concern whether the Department may omit apprentice-specific rates notwithstanding the explicit terms of the collective bargaining agreement used to establish the prevailing determination.

13. Both matters further require consideration of the meaning and effect of Public Act 104-0017 on collectively bargained apprentice wage and fringe benefit structures. SMACNA, Westside, and Admiral possess a direct and substantial interest in those same legal questions because the Department's treatment of apprentice rates under the SMACNA CBA is governed by the same statutory framework.

14. Although the NECA objections concern the electrical trade and Intervenors' objections concern the Sheetmetal Workers trade, the principal legal issues are materially identical. Both matters challenge the Department's treatment of apprentice classifications and rates contained in prevailing collective bargaining agreements upon which the Department otherwise relies to establish prevailing wage rates. The craft-specific evidence may differ, but the governing statutory questions overlap directly.

15. The participation of SMACNA, Westside, and Admiral will assist in developing a complete record concerning the operation of collectively bargained apprentice classifications, wage structures, and fringe benefit obligations under the Act. Intervenors' participation will not unduly

broaden the proceeding because Intervenor's seek to address the common issues of law identified above and any related factual matters necessary to protect their interests.

16. This Petition is filed within the deadline established by the Department. Intervenor's will participate in accordance with the schedule and procedures established by the Administrative Law Judge, and their intervention will not delay the pre-hearing conference or hearing.

WHEREFORE, for the reasons set forth above, Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago, Westside Mechanical Group, Inc., and Admiral Heating & Ventilating, Inc. respectfully request that the Administrative Law Judge enter an order:

- a. Granting SMACNA, Westside, and Admiral leave to intervene as parties in this proceeding;
- b. Permitting SMACNA, Westside, and Admiral to participate fully in the pre-hearing conference and hearing, file pleadings and briefs, submit evidence, and examine witnesses;
- c. Directing that all future notices, orders, filings, and communications be served on undersigned counsel for SMACNA, Westside, and Admiral; and
- d. Granting such other and further relief as is just and appropriate.

Dated: September 2, 2026

Respectfully submitted,

Sheet Metal and Air Conditioning Contractors'
National Association of Greater Chicago, Westside
Mechanical Group, Inc. and Admiral Heating &
Ventilating, Inc.

By:



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JANE FLANAGAN, Director of the)
Illinois Department of Labor, and the)
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Respondents.)

APPEARANCES

The undersigned attorneys hereby enter the following appearances on behalf of Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago, Westside Mechanical Group, Inc., and Admiral Heating & Ventilating, Inc. in the above-referenced matter.

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We agree to accept service in this matter by electronic mail at the e-mail addresses set forth above. We further affirm and certify that all information provided and the statements made herein are true, correct, and complete.

Sheet Metal and Air Conditioning Contractors'
National Association of Greater Chicago,
Westside Mechanical Group, Inc. and Admiral Heating
& Ventilating, Inc.

By: /s/ Christina K. Wernick
One of Their Attorneys

By: /s/ Megan Moore Wilkes
One of Their Attorneys

CERTIFICATE OF SERVICE

I certify that on September 2, 2026, I caused to be served the foregoing *Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago, Westside Mechanical Group, Inc., and Admiral Heating & Ventilating, Inc. Petition to Intervene and Attorney Appearances* in State File No. 2027-H-CC08-2368 via hand delivery and email, as indicated below:

Objectors' Counsel: Andrew Martone, Esq., Martone Legal, LLC, 600 Emerson Road, Suite 205, St. Louis, MO 63141; Email: andym@martonelegal.com

Respondents' Counsel: Stephanie Barton, Esq. Deputy General Counsel, Illinois Department of Labor 524 S 2nd Street, Suite 400 Springfield, IL 62701; Email: Stephanie.Barton@illinois.gov

Administrative Law Judge John O'Meara: Two (2) Copies via hand delivery: Illinois Department of Labor, 115 South LaSalle Street, 37th Floor, Chicago IL, 60603; Email: Dol.hearings@illinois.gov

/s/ Christina K. Wernick

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