

STATE OF ILLINOIS
DEPARTMENT OF LABOR

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IDOL - CHICAGO OFFICE

IN THE MATTER OF:)

ELECTRICAL CONTRACTORS'
ASSOCIATION OF CITY OF CHICAGO)
AND MCWILLIAMS ELECTRIC)
COMPANY)

State File No. 2027-H-CC08-2369

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 *Eastern Illinois Chapter of the National Electrical Contractors Association 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

Eastern Illinois Chapter of the National Electrical
Contractors Association

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

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ILLINOIS DEPARTMENT OF LABOR)

Respondents.)

APPEARANCES

The undersigned attorneys hereby enter the following appearances on behalf of Eastern Illinois Chapter of the National Electrical Contractors Association 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. I further affirm and certify that all information provided and the statements made herein are true, correct, and complete.

Eastern Illinois Chapter of the National
Electrical Contractors Association

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

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

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

**EASTERN ILLINOIS CHAPTER OF THE NATIONAL ELECTRICAL CONTRACTORS
ASSOCIATION PETITION TO INTERVENE**

Now comes the Eastern Illinois Chapter of the National Electrical Contractors Association ("EIL NECA") ("Intervenor"), by and through its attorneys, Laner Muchin, Ltd., and submits this petition to intervene in all proceedings conducted in the above-captioned matter. In support of this petition, Intervenor states 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 Electrical Contractors' Association of City of Chicago ("ECA") and McWilliams Electric Company ("McWilliams") (collectively "ECA Objectors").

2. The ECA 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. EIL NECA 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 EIL NECA's collective bargaining agreement with IBEW Local 176 ("EIL NECA CBA"), including in Zone 1 (Will/Grundy Counties); Zone 2 (Kankakee/ LaSalle Counties); and Zone 3 (Bureau/Putnam/ Stark/Henry/Ford/ Iroquois Counties).

4. EIL NECA's member contractors are engaged in construction work and employ workers under the established classification of Electrician on prevailing wage jobsites in Illinois. These workers are covered by the terms of the EIL NECA CBA and the member contractors are contractually obligated to pay their employees who are performing work covered by the EIL NECA CBA the wages and fringe benefits described in the EIL NECA CBA.

5. EIL NECA separately filed Written Objections and a Request for Hearing under Sections 4 and 9 of the Act (Case No. 2027-H-CC08-2370, pending before ALJ John O'Meara) ("EIL NECA Objection"). In the EIL NECA Objection, Intervenor alleges that the Department certified and published journeyman Electrician trade title wage and fringe benefit rates derived from the EIL NECA CBA, but failed to certify and publish the graduated apprentice Electrician wage and fringe benefit rates established by that same agreement.

6. EIL NECA further requests in the EIL NECA Objection that the Department amend the applicable prevailing wage schedules to include the apprentice Electrician wage and fringe benefit rates established by the EIL NECA CBA or, alternatively, establish and publish separate Electrician Apprentice classifications using the graduated wage and fringe benefit structure set forth in the EIL NECA CBA and corresponding rate sheet(s).

7. The Department issued an Order dated August 21, 2026 setting a Webex pre-hearing conference for September 3, 2026 at 9:00 a.m., subsequently continued to September 9, 2026 at 9:00

a.m., and 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. EIL NECA is so situated that it 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. Intervenor has good reason to believe that Respondents will move to dismiss EIL NECA'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 Intervenor's objection.

11. Because of the Department's anticipated motion to dismiss in the EIL NECA 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 EIL NECA and its contractor members.

12. Intervention is independently warranted under 56 Ill. Admin. Code § 120.320(a)(1)(C) because Intervenor's claims and the ECA 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. The ECA Objectors have expressly preserved federal labor-law and ERISA preemption arguments concerning any application of the Act that would override collectively bargained apprentice compensation provisions. EIL NECA possesses a direct and substantial interest in those same legal questions because the Department's treatment of apprentice rates under the EIL NECA CBA is governed by the same statutory framework.

14. Although the ECA objections concern different counties than the Intervenor's objections, they concern the same trade title (i.e. Electrician) and 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 geographic coverage evidence may differ, but the governing statutory questions overlap directly.

15. The participation of EIL NECA will assist in developing a complete record concerning the operation of collectively bargained apprentice classifications, wage structures, and fringe benefit obligations under the Act. Intervenor's participation will not unduly broaden the proceeding because Intervenor seeks to address the common issues of law identified above and any related factual matters necessary to protect its interests.

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

WHEREFORE, for the reasons set forth above, Eastern Illinois Chapter of the National Electrical Contractors Association respectfully requests that the Administrative Law Judge enter an order:

- a. Granting EIL NECA leave to intervene as a party in this proceeding;
- b. Permitting EIL NECA 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 EIL NECA; and
- d. Granting such other and further relief as is just and appropriate.

Dated: September 2, 2026

Respectfully submitted,
Eastern Illinois Chapter of the National Electrical
Contractors Association

By:



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CERTIFICATE OF SERVICE

I certify that on September 2, 2026, I caused to be served the foregoing *Eastern Illinois Chapter of the National Electrical Contractors Association Petition to Intervene* and *Attorney Appearances* in State File No. 2027-H-CC08-2369 via hand delivery and email, as indicated below:

Objectors' Counsel: Brian Stolzenbach, Esq., Caitlin Manganelli, Esq., Seyfarth Shaw LLP, 233 S. Wacker Drive, Suite 8000, Chicago, Illinois, 60606; Email: Bstolzenbach@seyfarth.com; cmanganelli@seyfarth.com

Respondents' Counsel: Stephanie Barton, Esq. Deputy General Counsel, Illinois Department of Labor 524 S 2nd Street, Suite 400 Springfield, Illinois, 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, Illinois, 60603; Email: Dol.hearings@illinois.gov

/s/ Christina K. Wernick

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