

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 *Northeastern Illinois Chapter of the National Electrical Contractors Association and Homestead Electrical Construction, LLC 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

Northeastern Illinois Chapter of the National Electrical
Contractors Association and Homestead Electrical
Construction, LLC

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

Christina K. Wernick
Megan Moore Wilkes
Laner Muchin, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654
Telephone: (312) 467-9800
Email: cwernick@lanerlaw.com
mwilkes@lanerlaw.com

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ILLINOIS DEPARTMENT OF LABOR)

Respondents.)

APPEARANCES

The undersigned attorneys hereby enter the following appearances on behalf of Northeastern Illinois Chapter of the National Electrical Contractors Association and Homestead Electrical Construction, LLC in the above-referenced matter.

Christina K. Wernick
Laner Muchin, Ltd.
515 N. State Street
Suite 2400
Chicago, Illinois 60654
(312) 307-3705
cwernick@lanerlaw.com

Megan M. Wilkes
Laner Muchin, Ltd.
515 N. State Street
Suite 2400
Chicago, Illinois 60654
(312) 494-5333
mwilkes@lanerlaw.com

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.

Northeastern Illinois Chapter of the National Electrical Contractors Association and
Homestead Electrical Construction, LLC

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

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

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

**NORTHEASTERN ILLINOIS CHAPTER OF THE NATIONAL ELECTRICAL
CONTRACTORS ASSOCIATION AND HOMESTEAD ELECTRICAL CONSTRUCTION,
LLC PETITION TO INTERVENE**

Now comes the Northeastern Illinois Chapter of the National Electrical Contractors Association ("NEIL NECA") and Homestead Electrical Construction, LLC ("Homestead") (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 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. NEIL 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 NEIL NECA's collective bargaining agreement with IBEW Local Union Nos. 701, 117, 150, and 461 ("NEIL NECA CBAs"), including in DuPage, Kane, Kendall, Lake, McHenry, Cook, and DeKalb Counties.

4. Homestead and McWilliams are Illinois corporations, members of NEIL NECA, and are signatories to and bound by the NEIL NECA CBAs. Homestead and McWilliams perform construction work and employ Electricians on projects subject to the Act.

5. NEIL NECA, McWilliams, and Homestead separately filed Written Objections and a Request for Hearing under Sections 4 and 9 of the Act (Case No. 2027-H-CC08-2366, pending before ALJ John O'Meara)("NEIL NECA Objection"). In the NEIL NECA Objection, Intervenor's allege that the Department certified and published journeyman Electrician wage and fringe benefit rates derived from the NEIL NECA CBAs, but failed to certify and publish the graduated apprentice Electrician wage and fringe benefit rates established by that same agreement. McWilliams does not seek to intervene in this matter as they are already a party to the instant proceeding.

6. NEIL NECA, McWilliams and Homestead further request in the NEIL NECA Objection that the Department amend the applicable prevailing wage schedules to include the apprentice Electrician wage and fringe benefit rates established by the NEIL NECA CBAs or, alternatively, establish and publish separate Electrician Apprentice classifications using the graduated wage and fringe benefit structure set forth in the NEIL NECA CBAs 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. NEIL NECA and Homestead 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 the NEIL NECA Objection 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 was filed on the same day as the Intervenors objection.

11. Because of the Department's anticipated Motion to Dismiss in the NEIL 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 NEIL NECA, its contractor members, and Homestead.

12. Intervention is independently warranted under 56 Ill. Admin. Code § 120.320(a)(1)(C) because Intervenors' 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. NEIL NECA and Homestead possess a direct and substantial interest in those same legal questions because the Department's treatment of apprentice rates under the NEIL NECA CBAs 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 NEIL NECA and Homestead 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'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 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, Northeastern Illinois Chapter of the National Electrical Contractors Association and Homestead Electrical Construction, LLC respectfully request that the Administrative Law Judge enter an order:

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

Dated: September 2, 2026

Respectfully submitted,
Northeastern Illinois Chapter of the National
Electrical Contractors Association and Homestead
Electrical Construction, LLC

By:



Christina K. Wernick
Megan Moore Wilkes
Laner Muchin, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654
Telephone: (312) 467-9800
Email: cwernick@lanerlaw.com
mwilkes@lanerlaw.com

CERTIFICATE OF SERVICE

I certify that on September 2, 2026, I caused to be served the foregoing *Northeastern Illinois Chapter of the National Electrical Contractors Association and Homestead Electrical Construction, LLC 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, 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

Christina K. Wernick
Megan Moore Wilkes
Laner Muchin, Ltd.
515 North State Street, Suite 2400
Chicago, Illinois 60654
Telephone: (312) 467-9800
Email: cwernick@lanerlaw.com
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