

**STATE OF ILLINOIS
DEPARTMENT OF LABOR**

IN THE MATTER OF:

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

Objectors,

v.

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

Respondents.

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) State File No. 2027-H-CC08-2369
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PETITION TO INTERVENE

Chicago Journeymen Plumbers Local 130, UA, ("Plumbers Local 130") by its attorneys, Gregorio, Stec, Klein & Hosé, petitions to intervene in all proceedings in the above-captioned matter and states:

1. Plumbers Local 130 is a labor organization representing individuals who perform work as Plumbers on prevailing wage projects in 17 Illinois counties: Bureau, Cook, DeKalb, DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, Livingston, Marshall, McHenry, Putnam, Will, and Woodford.

2. Section 3 of the Illinois Prevailing Wage Act (the "Act"), 820 ILCS 130/3, sets a floor. Not less than the general prevailing rate of hourly wages for work of a similar character must be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction or demolition of public works.

3. The Department published its Cook County prevailing wage schedule on July 15, 2026. That schedule carries the Electrician classification the objections challenge. It also carries

the Plumber classification.

4. The Department set the prevailing wage for the Plumber classification from the collective bargaining agreement to which Plumbers Local 130 is a party. Plumbers Local 130 negotiated that agreement and administers it.

5. On August 14, 2026, the Electrical Contractors' Association of the City of Chicago and McWilliams Electric Company filed written objections under Sections 4 and 9 of the Act, 820 ILCS 130/4, 130/9. They asked the Department for a hearing.

6. The Association and McWilliams ask the Department to revise the Cook County determination to apply the separate apprentice classifications, apprentice wage rates, and apprentice fringe benefit rates in their agreement with the International Brotherhood of Electrical Workers, Local Union No. 134.

7. The Association and McWilliams say the published Electrician rate does not conform to Sections 4 and 9 because it applies the journeyman wage rate and the journeyman fringe benefit rate to apprentices.

8. The Association and McWilliams also preserve two preemption positions. If the Department reads the Act to require the journeyman fringe benefit rate for apprentices, they say federal labor law preempts that reading under *Machinists v. Wisconsin Employment Relations Commission*, 427 U.S. 132 (1976), and Section 301 of the Labor Management Relations Act. They say the Employee Retirement Income Security Act preempts it as well. They have reserved both positions for briefing at the hearing.

9. On or about August 17, 2026, the Plumbing Contractors Association of Greater Chicago and Terry Plumbing filed objections resting on the same reading of Sections 4 and 9, docketed as State File No. 2027-H-CC08-2361. They ask the Department to establish an

Apprentice Plumber classification and to draw its rate from the reduced apprentice wages and contributions in Plumbers Local 130's agreement. Plumbers Local 130 has petitioned to intervene in that matter.

10. Plumbers Local 130 brings this petition by the September 2, 2026 deadline the Administrative Law Judge set on August 21, before the September 3 pre-hearing conference, and before the Department has taken any evidence.

11. Section 120.320(a)(1) of Title 56 of the Illinois Administrative Code allows the Administrative Law Judge, on timely written application, to 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." Local 130 meets ground (A) and ground (C). Either one alone would be enough.

12. Section 9 of the Act already contemplates that parties beyond the Department will put on evidence at these hearings. Under 820 ILCS 130/9, "any interested objectors may ... introduce such evidence as is material to the issue."

13. To the extent that Petitioners assert that Public Act 104-0017 is preempted by federal law, members of Plumbers Local 130 would be adversely affected by a final order.

14. At least this common question of law may exist in this Petition and the petition filed by the Plumbing Contractors' Association of Greater Chicago.

15. Intervention by Plumbers Local 130 will not delay this hearing or prejudice any party. Plumbers Local 130 seeks no continuance and raises no issue outside the scope of the objections. Chicago Journeymen Plumbers Local 130, UA, asks the Administrative Law Judge to enter an order granting this petition and allowing Local 130 to intervene in all proceedings in this matter.

Respectfully submitted,

CHICAGO JOURNEYMEN PLUMBERS
LOCAL 130, UA

By: /s/ Kyle R. Sullivan
One of its attorneys

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State File No. 2027-H-CC08-2369

APPEARANCE

Gregory W. Hosé, Andrew Pigott, and Kyle R. Sullivan of Gregorio, Stec, Klein & Hosé,
LLC, appear in this matter as attorneys for Chicago Journeymen Plumbers Local 130, UA.

Respectfully submitted,

CHICAGO JOURNEYMEN PLUMBERS
LOCAL 130, UA

By: /s/ Kyle R. Sullivan
One of its attorneys

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DEPARTMENT OF LABOR**

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THE ILLINOIS DEPARTMENT OF LABOR,	)	
	)	
Respondents.	)	

AMENDED CERTIFICATE OF SERVICE

I served the attached Petition to Intervene and Appearance on September 1, 2026, by certified mail and electronic mail on the following:

Honorable Moshe M. Liberman
Chief Administrative Law Judge
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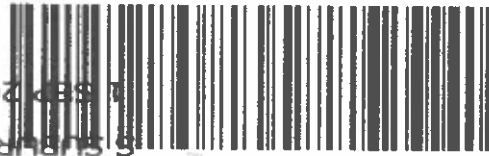
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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

Honorable Moshe M. Liberman
Chief Administrative Law Judge
Illinois Department of Labor
115 South LaSalle Street, 37th Floor
Chicago, IL 60603

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