

STATE OF ILLINOIS
DEPARTMENT OF LABOR

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SEP 02 2026

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.

**PLUMBING CONTRACTORS ASSOCIATION OF GREATER CHICAGO AND TERRY
PLUMBING PETITION TO INTERVENE**

Now comes the Plumbing Contractors Association of Greater Chicago ("PCA") and Terry Plumbing (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. PCA 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 PCA's collective bargaining agreement with Plumbers Local Union 130 UA ("PCA CBA"), including in Bureau, Cook, DeKalb, DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, Livingston, Marshall, McHenry, Putnam, Will and Woodford Counties.

4. Terry Plumbing is an Illinois corporation, a member of PCA, and a signatory to and bound by the PCA CBA. Terry Plumbing performs construction work and employs plumbers on projects subject to the Act.

5. PCA and Terry Plumbing separately filed Written Objections and a Request for Hearing under Sections 4 and 9 of the Act (Case No. 2027-H-CC08-2361, pending before ALJ Michelle Bryant-Smith)("PCA Petition"). In the PCA Petition, Intervenors allege that the Department certified and published journeyman Plumber wage and fringe benefit rates derived from the PCA CBA, but failed to certify and publish the graduated apprentice Plumber wage and fringe benefit rates established by that same agreement.

6. PCA and Terry Plumbing further request in the PCA Petition that the Department amend the applicable prevailing wage schedules to include the apprentice Plumber wage and fringe benefit rates established by the PCA CBA or, alternatively, establish and publish separate Plumber Apprentice classifications using the graduated wage and fringe benefit structure set forth in the PCA 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. PCA and Terry Plumbing 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. Respondents have moved to dismiss PCA and Terry Plumbing'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.

11. Because the Department's motion to dismiss remains pending, 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 PCA, its contractor members, and Terry Plumbing.

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. PCA and Terry Plumbing possess a direct and substantial interest in those same legal questions because the Department's treatment of apprentice rates under the PCA CBA is governed by the same statutory framework.

14. Although the ECA objections concern the electrical trade and Intervenor's objections concern the plumbing 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 PCA and Terry Plumbing 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 Proposed 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, Plumbing Contractors Association of Greater Chicago and Terry Plumbing respectfully request that the Administrative Law Judge enter an order:

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

Dated: September 2, 2026

Respectfully submitted,
Plumbing Contractors Association of Greater Chicago
and Terry Plumbing

By:

Christina K. Wernick

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CERTIFICATE OF SERVICE

I certify that on September 2, 2026, I caused to be served the foregoing *Petition of Plumbing Contractors Association of Greater Chicago and Terry Plumbing For Leave 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

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NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on September 2, 2026, the attached *Plumbing Contractors Association of Greater Chicago* and *Terry Plumbing 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

Plumbing Contractors Association of Greater Chicago
and Terry Plumbing

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

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