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SEP 03 2026

IDOL - CHICAGO OFFICE

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)
)
EASTERN ILLINOIS CHAPTER OF THE)
NATIONAL ELECTRICAL CONTRACTORS)
ASSOCIATION,)
) STATE FILE NO.: 2027-H-CC08-2370
)
PETITIONER-OBJECTOR) John O'Meara Hearing Officer
)
v.)
)
JANE R. FLANAGAN, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, AND)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

IBEW LOCAL 176's PETITION TO INTERVENE

Petitioner, Andy Rico, a member of the International Brotherhood of Electrical Workers, Local Union No. 176, AFL-CIO, and the International Brotherhood of Electrical Workers, Local Union No. 176; (Intervenors), by and through their attorneys, submit this Petition to Intervene in all proceedings conducted in the above captioned consolidated matters, and in support of state as follows:

1. Andy Rico, IBEW 176 negotiates and enforces collective bargaining agreements on behalf of the Intervenors.
2. Intervenor is a labor organization, affiliate of the International Brotherhood of Electrical Workers representing individuals performing work as Electricians on prevailing wage projects throughout the electrical industry in Zone 1 (Will/Grundy Counties); Zone 2 (Kankakee/LaSalle Counties); and Zone 3 (Bureau/Putnam/Stark/Henry/Ford/Iroquois Counties). from its principal place of business, 1100 N. E. Frontage Road, Joliet, Illinois 60431.

3. Pursuant to Section 3 of the Illinois Prevailing Wage Act (the “Act”), 820 ILCS 130/3, the general prevailing rate of hourly wages for work of a similar character shall be paid to all laborers, workers and mechanics engaged in the construction or demolition of public works.

4. On August 14, 2026, Objector, Eastern Illinois Chapter of the National Electrical Contractors Association (EIL-NECA) submitted its Written Objections and Requests for Hearing Under Sections 4 and 9 (“Objections”) with the Illinois Department of Labor (“IDOL”) to the July 15, 2026 prevailing wage determinations pursuant to Sections 4 and 9 of the Act (820 ILCS 130/4 and 130/9).

5. In the Objections, EIL-NECA stated that it has entered into various collective bargaining agreements with the International Brotherhood of Electrical Workers (IBEW) chartered Local 176 concerning electrical and telecommunication work as set forth in Section 4.08, Page 19, of the collective bargaining agreement, a copy of said agreement is an exhibit to the EIL-NECA Objections and is set forth in Paragraph 4 of the Objector’s Petition and Paragraph 2 above.

6. In its Objections, Objector seeks to establish the separate classification of Apprentice in the above counties, and claims that the Department should create the new prevailing wage rate for said Apprentice classification in said areas “based upon the collective bargaining agreements between the Unions and EIL-NECA and contrary to the July 1, 2026 Prevailing Wage Act Amendment (HB 2488) do not pay apprentice fringe benefits at 100% of the journeyman fringe benefit package.

b. In the history of the Federal Davis-Bacon Act, 40 U.S.C. 3141-3148 since March 3, 1931, and the Illinois Act effective June 26, 1941, there has never been or needed a certified

apprentice classification because bona fide apprentices are an exception to payment of the journeyman prevailing rate nor is there a pre-apprentice rate.

c. Neither the Illinois Act nor the Davis Bacon Act has any apprentice ratios in the application provisions, but incorporates by reference the apprenticeship registration requirements of state and federal law under the Department of Labor, Bureau of Apprenticeship Training which includes ratio requirements.

7. In its Objections, the Objector “requests that an investigatory hearing be ordered and held in accordance with Section[s] 4 and 9 of the Act to create an Apprentice classification in the aforesaid counties.

8. Section 120.320(a)(1) of Title 56 of the Illinois Administrative Code states that a party may intervene in a Section 9 hearing in the following circumstances: “(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.”

9. Pursuant to Section 9 of the Act, “any interested objectors may . . . introduce such evidence as is material to the issue.” 820 ILCS 130/9.

10. Intervenor is a party to a collective bargaining agreement with contractors in their jurisdictions where its members perform work that could conflict with the scope of work of a proposed “Apprentice” classification and is already covered under the existing Electrician classification. Intervenor’s members and their employer signatory contractors currently perform work on public projects in those counties pursuant to their collective bargaining agreements as Objectors acknowledge. This apprentice work is performed under existing prevailing wage

classification for Electricians established by the IDOL since the passage of the Act in 1941 without the need or objection over the past 85 years (95 years for Davis-Bacon).

11. If Objectors' petition is successful, some of this work performed by the Intervenor's members may be encompassed by the Objectors request for the separate "Apprentice" rate classification, particularly fringe benefit contributions.

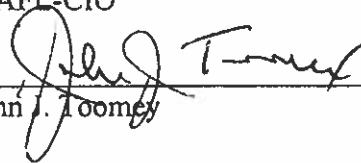
12. As set forth above, IBEW Local 176 as well as their IBEW apprentices will suffer adverse effects, IBEW Local 176 is a necessary party under the clear intent of the Illinois Prevailing Wage Act and there is also a common question of law and fact that must be resolved prior to ruling on the EIL-NECA Objections. 820 ILCS 130/4(m).

13. Permitting IBEW Local 176 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, IBEW Local 176, respectfully requests the Administrative Law Judge to enter an Order granting this Petition to Intervene and for such other relief deemed appropriate and just.

ANDY RICO, as a Member and Business
Manager of IBEW Local 176 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 176, AFL-CIO

By:


John J. Toomey

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IN THE MATTER OF:

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CONTRACTORS ASSOCIATION

OBJECTOR(S)

v.

JANE R. FLANAGAN, DIRECTOR OF THE
ILLINOIS DEPARTMENT OF LABOR, AND
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

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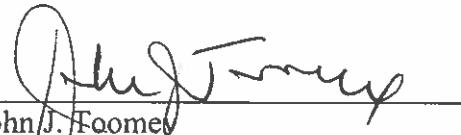
TO: See Attached Service List

Please take notice that on August 31, 2026 the attached *IBEW Local 176 Petition to Intervene and Appearance* were filed with the Illinois Department of Labor via email, copies of which are attached hereto.

Date: August 31, 2026

ANDRES RICO, as a Member and Business
Manager of IBEW Local 176 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 176, AFL-CIO

By:


John J. Toomey
One of Its Attorneys

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JToomey100@hotmail.com

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CERTIFICATE OF SERVICE

I, John J. Toomey, an attorney, hereby certify that I served copies of the foregoing IBEW Local 176 Petition to Intervene and Appearance on August 31, 2026 to the addresses listed below at their respective addresses via electronic mail:

Honorable John A. O'Meara
Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601
DOL.Hearings@illinois.gov

Jane Flanagan, Director
Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601

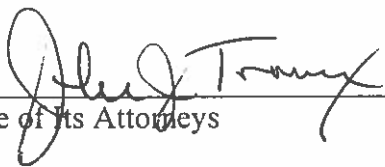
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ANDRES RICO, as a Member and Business
Manager of IBEW Local 176 and the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 176, AFL-CIO

By:


One of its Attorneys

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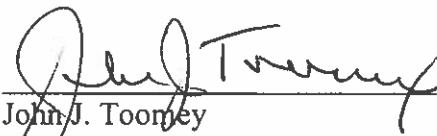
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RESPONDENTS.)

APPEARANCE

John J. Toomey will appear on behalf of Andres Rico, as a Member of the International Brotherhood of Electrical Workers Local 176, AFL-CIO, and the International Brotherhood of Electrical Workers Local 176. John J. Toomey is a member in good standing of the Illinois State Bar, ARDC No. 003122527. Please send all future correspondence to Mr. Toomey at the following business location:

John J. Toomey
ARNOLD AND KADJAN, LLP
IBEW Local 176
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

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

By: 
John J. Toomey
Attorney for Intervenor

Date: August 31, 2026