

**STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601**

IN THE MATTER OF:

MECHANICAL CONTRACTORS
ASSOCIATION OF CHICAGO, ILLINOIS
AND DAHME MECHANICAL
INDUSTRIES, INC.

OBJECTORS,

V.

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

RESPONDENTS,

MARTIN FLANAGAN, LABORERS'
INTERNATIONAL UNION OF NORTH
AMERICA ("LIUNA") LOCAL 1 AND THE
CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY AND ITS
SUBSIDIARY AND AFFILIATE
LOCAL UNIONS ("THE CHICAGO
LABORERS' DISTRICT COUNCIL")

DONALD FINN, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION NO. 134,
AFL-CIO, AND THE INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION NO. 134,
AFL-CIO ("IBEW LOCAL 134")

JOHN AHLGRIM, INTERNATIONAL
UNION OF OPERATING ENGINEERS,
LOCAL 150, BRIAN GILHAM,
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 841, AFL-CIO, AND
THE INTERNATIONAL UNION OF

IDOL FILE NO. 2027-H-CC08-2363

OPERATING ENGINEERS LOCAL 841,	)
AFL-CIO AND TONY O'BRIEN, THE	)
INTERNATIONAL UNION OF	)
OPERATING ENGINEERS, LOCAL 649,	)
	)
LIUNA GREAT PLAINS LABORERS	)
DISTRICT COUNCIL AND ITS	)
SUBSIDIARY AND AFFILIATE	)
LOCAL UNION ("LABORERS")	)
	)
PIPE FITTERS ASSOCIATION, LOCAL	)
UNION 597, U.A. ("LOCAL 597")	)
	)
PETITIONING INTERVENORS.	)

NOTICE OF FILING

To: See Attached Certificate of Service

Please take notice that on September 11, 2026, the attached *Objectors' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File* was filed with the Illinois Department of Labor by email, a copy of which is attached hereto.

September 11, 2026

Mechanical Contractors Association of Chicago,
Illinois and Dahme Mechanical Industries, Inc.

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

Christina K. Wernick
Megan Moore Wilkes
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Chicago, Illinois 60654
Telephone: (312) 467-9800
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mwilkes@lanerlaw.com

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UNION 597, U.A. ("LOCAL 597")	)
	)
PETITIONING INTERVENORS.	)

**OBJECTORS' COMBINED RESPONSE IN OPPOSITION
TO RESPONDENTS' MOTION TO DISMISS AND REPLY IN SUPPORT OF
OBJECTORS' MOTION FOR EXTENSION OF TIME TO FILE**

NOW COME Objectors, Mechanical Contractors Association of Chicago, Illinois and Dahme Mechanical Industries, Inc. (collectively, "Objectors"), by and through their attorneys, Laner Muchin, Ltd., and submit this Combined Response in Opposition to Respondents Director Jane R. Flanagan and the Illinois Department of Labor (collectively, "Respondents") Motion to Dismiss the Objection and Request for Hearing and Reply In Support of Objectors' Request for Extension of Time.

The instant circumstances justify granting the requested extension and allowing Objectors to be heard on their Objection because: (1) Objectors filed within the timeframe required by the governing statute; (2) The agency maintains jurisdiction over the Objection under the unambiguous terms of the Illinois Prevailing Wage Act; (3) The Department's administrative rules permit the agency to provide the extension requested by Objectors and Respondents identify no concrete prejudice from a brief extension. In support, Objectors state as follows:

I. PROCEDURAL BACKGROUND

In accordance with Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/9 (the “PWA”), the Illinois Department of Labor published the prevailing wage schedule on July 15, 2026. Excluding that date, the thirtieth day following that date was Friday, August 14, 2026. *See* 56 Ill. Admin. Code §120.130(b).

Objectors transmitted their Objection and Request for Hearing (“Objection”) by U.S. Mail on August 14, 2026, prior to 5pm (**Exhibit A-1**); by email on August 14, 2026, at 9:04 p.m. (**Exhibit A-2**); and by Hand Delivery on August 17, 2026 (**Exhibit A-3**). Objectors also filed a Request for Extension of Time to File Objections *Instante*r (“Request for Extension”), under 56 Ill. Admin. Code §120.130(b), on August 14, 2026, at 10:20 p.m. (**Exhibit B**).

On August 20, 2026, the Department issued a Notice and Amended Notice setting the matter for hearing on September 25, 2026, before Administrative Law Judge Monica Silva (“ALJ”). The Amended Order further set a pre-hearing conference with the ALJ on September 4, 2026 (the “Pre-hearing Conference”).

On August 25, 2026, the Midwest Laborers filed a Petition to Intervene. Subsequently, the Chicago Laborers and Operators filed their respective Petitions to Intervene. On August 27, 2026, IBEW Local 134 and Pipe Fitters Local 597 also filed Petitions to Intervene.

On September 3, 2026, Respondents filed a Motion to Dismiss Objectors’ Objection and Request for Hearing and Deny its Request for Extension of Time, arguing the Objection was neither timely filed nor properly served on August 14, 2026, and that the Department lacks subject matter jurisdiction to hear the objection, as a result.

On September 4, 2026, the Parties and all potential Intervenors appeared before the ALJ for the Pre-Hearing Conference. The ALJ denied Objectors’ oral motion to stay and entered a

Briefing Order on Respondents' Combined Motion to Dismiss and to Deny Objectors' Motion for Extension of Time.

II. ARGUMENT

A. Objectors Filed Their Objection Within The Time Authorized By Section 9 of the Prevailing Wage Act.

To prevail on their Motion to Dismiss, Respondents must establish more than Objectors' technical failure to conform with the Department's filing requirements. They must demonstrate that the Department's filing specifications as to time and manner of service create a limitation on the agency's authority to hear the Objection under Section 9 of the PWA. Respondents have not done so because they cannot do so.

Because an administrative agency is bound by the specific statute that brought it into existence, the determination as to whether an agency may hear a filing depends on the authority granted to it by specific text of the governing statute. *See Austin Gardens, LLC v. City of Chi. Dep't of Admin. Hearings*, 2018 IL App (1st) 163120, ¶ 1, 420 Ill. Dec. 282, 283, 96 N.E.3d 367, 368 ("Since an administrative agency is a creature of statute, its jurisdiction or authority must be found within the provisions of the statute by which it acts."); *See also Mercury Sightseeing Boats, Inc. v. Cty. of Cook*, 2019 IL App (1st) 180439, ¶ 69, 436 Ill. Dec. 376, 389, 142 N.E.3d 777, 790 ("The statute or ordinance governing that administrative proceeding represents and defines the taxpayer's sole right to relief."). The question, therefore, is whether the PWA itself deprives the agency of authority to hear Objectors' Objection, not whether a separate procedural regulation, which governs the manner of filing, deprives the agency of authority to hear the Objection.

Respondents' reliance on *Weatherly v. Human Rights Commission*, 338 Ill. App. 3d 433 (2003), and *Goral v. Dart*, 2020 IL 125085, is misplaced. Neither case construed Section 9 of the PWA, and neither held that procedural filing requirements contained in agency regulations

automatically become jurisdictional limitations on an agency's authority. Rather, each arose under a different statutory framework governing a different administrative body. Because an agency's authority depends on the statute under which it acts, the jurisdictional inquiry here must be resolved under the singular text of the PWA.

Section 9 of the PWA provides:

“At any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the Department of Labor stating the specified grounds of the objection.” (820 ILCS 130/9)(emphasis added)

The PWA grants affected persons the right to object “at any time within 30 days” after publication of the prevailing wage schedule. Respondents acknowledge that Objectors sent, and the Department received, a written Objection and Request for Hearing on August 14, 2026 – the date Respondents identify as the thirtieth day following the publication of the prevailing wage rates. Thus, by Respondents’ own admission, Objectors provided written notice to the Department within the period expressly authorized by Section 9. (*i.e.*, at any time on August 14, 2026).

Respondents identify no language in Section 9 stating that an objection filed on the thirtieth day becomes jurisdictionally defective if received after 5:00 p.m., if transmitted electronically, or if the Objector otherwise fails to satisfy a procedural requirement set forth in the Department’s administrative rules.

Instead, Respondents rely upon 56 Ill. Admin. Code § 120.130(a) and (c), provisions contained in the Department’s procedural rules governing administrative hearings. But Respondents identify no provision of the PWA incorporating those regulations as jurisdictional prerequisites.

At most, Respondents have alleged a violation of a procedural claim-processing rule governing the manner in which filings are received. That is not the same as establishing a jurisdictional defect which would prevent this agency from processing the Objection. Nothing in Section 9 provides that an otherwise timely objection is rendered void, or that the agency loses authority to act, because of an alleged filing-method or after-hours receipt issue under Part 120.130 of the Illinois Administrative Code (“Administrative Code” or “Part 120”).

In short, Section 9 grants affected parties the right to file written objections within thirty days of publication of a prevailing wage schedule. Respondents concede that Objectors submitted their written Objection on the thirtieth day. Because Respondents identify no language in the PWA making compliance with Part 120 a jurisdictional prerequisite, they have failed to establish that either the Objectors Objection is untimely under the PWA or that the Department lacks subject matter jurisdiction to hear the Objection. Accordingly, the Motion to Dismiss should be denied.

B. The Department’s Rules Expressly Authorize the Relief Requested

Even if the Department concludes that Objectors did not strictly comply with every procedural requirement of Part 120, dismissal is not warranted because the Department’s own rules provide a mechanism for relief.

The statutory terms of the PWA and regulatory provisions of the Department’s Administrative Code operate together without conflict. Section 9 of the PWA establishes the statutory period for objections, while Part 120 governs the Department’s administration of its contested-case process, including requests for extensions of time. This reading is consistent with the Department’s prior recognition that an Administrative Law Judge may consider relief from a procedural filing defect under §120.130(b). *Mid-America Carpenters Regional Council v. Jane R. Flanagan, et al.*, State File No. 2022-H-RP01-2337 (Order dated April 20, 2022, Chief ALJ Claudia D. Manley).

Section 120.130(b) expressly authorizes extensions and contemplates requests filed shortly after a due date: “Requests for extensions of time filed within three days after the due date must be grounded upon circumstances not reasonably foreseeable in advance.” 56 Ill. Admin. Code § 120.130(b). Reading subsections (a) and (c) as an absolute jurisdictional bar would deprive subsection (b) of practical effect precisely when relief from a deadline is needed. A tribunal that lacks subject matter jurisdiction cannot restore it by granting an extension. The extension provision therefore confirms that Part 120’s filing requirements are procedural rules governing case administration, not limits on the Department’s adjudicatory authority.

Respondents’ construction also would impermissibly permit a procedural regulation to narrow the statutory right granted by Section 9 of the PWA. Section 9 allows an affected party to object “at any time within 30 days.” In the absence of statutory language imposing a 5:00 p.m. cutoff, the Department cannot convert an after-hours receipt issue into a jurisdictional forfeiture through its rule making process.

C. Good Cause Exists to Grant the Requested Extension, and Respondents Identify No Prejudice

Even assuming *arguendo* that a procedural defect occurred, good cause supports granting Objectors’ Request for Extension of Time. Objectors did not disregard the deadline. They transmitted their Objection on August 14, 2026, the date Respondents identify as the final day permitted by Section 9, used multiple methods of delivery, and promptly sought relief. Their conduct reflects diligence, not neglect.

Respondents identify no prejudice from allowing the Objection to proceed. They do not contend that evidence has been lost, witnesses have become unavailable, or their ability to defend the prevailing wage determination has been impaired. The Department and the ALJ remain able to

manage the schedule and ensure an orderly adjudication, as demonstrated by the Pre-Hearing Conference on September 4, 2026.

By contrast, denial of the extension could permanently deprive Objectors of the opportunity to challenge the prevailing wage schedule and to be granted the relief that they seek, despite their timely effort to invoke the Department's review process.¹ That result would impose the harshest possible consequence for an alleged procedural defect that caused no demonstrated prejudice. The equities therefore favor granting the requested extension.

D. The ALJ Should Accept the Filing and Permit the Matter to Proceed

Objectors timely invoked the Department's review process under the plain language of Section 9. Respondents have identified no provision of the PWA depriving the Department of jurisdiction to consider the Objection. Even if a procedural defect exists, §120.130(b) of the Illinois Administrative Code authorizes relief, and the circumstances favor allowing the matter to be heard on a complete record.

III. CONCLUSION

Objectors provided written notice of their Objection within the thirty-day period established by Section 9 of the PWA, the governing statute. Respondents have identified no statutory language making compliance with Part 120, which merely establishes the manner and timing of service, a jurisdictional prerequisite to the agency's authority to hear the Objection. Moreover, the Department's own rules expressly authorize extensions of time, and the circumstances presented warrant that Objectors' Request for Extension be granted.

¹ Objectors sought, and were granted, conditional intervention in a factually similar objection and request for hearing in File No. 2027-H-CC08-2369 (Electrical Contractors' Association of City of Chicago and McWilliams Electric Company, pending before Administrative Law Judge O'Meara). Respondents objected to the relief sought by Objectors in that case. Should Respondents' objection be upheld, Objectors will have no administrative avenue in which to seek the relief they request if Respondent's Motion to Dismiss is granted.

Accordingly, Objectors Mechanical Contractors Association of Chicago, Illinois and Dahme Mechanical Industries, Inc. respectfully request that the Administrative Law Judge: (1) deny Respondents' Motion to Dismiss; (2) grant Objectors' Request for Extension of Time to File Objection; (3) accept Objectors' Objection and Request for Hearing; (4) establish an appropriate schedule for further proceedings; and (5) grant such other and further relief as is just and proper.

Dated: September 11, 2026

Respectfully submitted,

Mechanical Contractors Association of Chicago,
Illinois and Dahme Mechanical Industries, Inc.

By: 
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

EXHIBIT

A-1

exhibitsticker.com



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08/14/2026 ZIP 60654

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Law Offices

515 North State Street, Suite 2400 Chicago, Illinois 60654-4688

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
115 S. LaSalle Street. 37th Floor
Chicago, IL 60601

Megan Moore Wilkes

From: Christina K. Wernick
Sent: Friday, August 14, 2026 9:04 PM
To: Jane.Flanagan@illinois.gov
Cc: DOL.Hearings@illinois.gov; DOL.PWD@Illinois.gov; Megan Moore Wilkes
Subject: Mechanical Contractors Association of Chicago- Objection Petition
Attachments: MCA Chi Petition.zip

Director Flanagan,

Attached please find a Petition from the Mechanical Contractors Association of Chicago objecting to prevailing wage rates and seeking the establishment of a new prevailing wage classification.

Please feel free to contact me should you have any questions.

Sincerely,

Christina Wernick

Christina K. Wernick

Partner | She/Her/Hers

📞 312.467.9800 | 📠 312.307.3705 | cwernick@lanermuchin.com

LANER MUCHIN, LTD.

515 North State Street, Suite 2400, Chicago, IL 60654

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STATE OF ILLINOIS - DEPARTMENT OF LABOR
115 S. LASALLE STREET, 37th Floor
CHICAGO, ILLINOIS 60601

RECEIVED

AUG 17 2026

IDOL - CHICAGO OFFICE

IN THE MATTER OF:)
)
 MECHANICAL CONTRACTORS)
 ASSOCIATION OF CHICAGO, ILLINOIS)
 AND DAHME MECHANICAL)
 INDUSTRIES, INC.)

State File No. _____

Petitioners,)

- and -)

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

Respondents.

WRITTEN OBJECTIONS AND REQUEST FOR HEARING
UNDER SECTIONS 4 AND 9 OF THE ILLINOIS PREVAILING WAGE ACT

Now comes Mechanical Contractors Association of Chicago, Illinois and Dahme Mechanical Industries, Inc. (collectively "Petitioners"), by and through their attorneys, Laner Muchin, Ltd., and submit these written objections to the prevailing wage schedules published by the Illinois Department of Labor ("Department" or "IDOL") on or about July 15, 2026. Petitioners request a hearing pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act ("Act"), 820 ILCS 130/4 and 130/9, to require certification and publication of the apprentice rates established by the Area Agreement between the Mechanical Contractors Association of Chicago, Illinois and Local Union 597, or, in the alternative, to establish separate apprentice classifications in each county covered by the same collective bargaining agreement for the Pipefitter Trade Title.



Request for Extension of Time to File Objections Instanter

From Christina K. Wernick <cwernick@lanerlaw.com>

Date Fri 8/14/2026 10:19 PM

To DOL.Hearings@illinois.gov <dol.hearings@illinois.gov>

Cc jane.flanagan@illinois.gov <jane.flanagan@illinois.gov>; Megan Moore Wilkes <mwilkes@lanerlaw.com>; David A. Moore <dmoore@lanerlaw.com>

 1 attachment (160 KB)

Request for Extension .pdf;

Dear Sir or Madam,

Attached please find a request for a 1 business day extension of time to file objections on behalf of the following Petitioners:

Plumbers Local Union 130, U.A. & Terry Plumbing Company
Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago (SMACNA),
Westside Mechanical Group, Inc. & Admiral Heating & Ventilating, Inc.
Mechanical Contractors Association of Chicago & Illinois & Dahme Mechanical Industries, Inc.
Eastern Illinois Chapter of the National Electrical Contractors Association (NECA-EIL)
Northeastern Illinois Chapter of the National Electrical Contractors Association (NECA), McWilliams
Electric Co., Inc. & Homestead Electrical Construction, LLC
Piping Industry Council of Rockford Area Incorporated & Miller Engineering Company
Mechanical Contractors Association, Eastern Iowa/Western Illinois

While we believe that the objections linked in the attached letter may have otherwise been filed timely, out of an abundance of caution, we are requesting an extension to provide for their hand delivery on Monday, August 17, 2026. Please note, the objections at issue have already been sent via email and U.S. Mail today.

Please do not hesitate to contact me should you have any questions.

Sincerely,
Christina Wernick



Christina K. Wernick | Partner

Laner Muchin, Ltd.

t: (312) 467-9800

m: (312) 307-3705

cwernick@lanerlaw.com

www.lanerlaw.com

515 North State St. Suite 2400, Chicago, IL 60654

August 14, 2026

DOL.Hearings@Illinois.gov

Hearing Division
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601

Re: Request for Extension of Time to File Objections Instanter

Petitioners: Plumbers Local Union 130, U.A. & Terry Plumbing Company; Sheet Metal and Air Conditioning Contractors' National Association of Greater Chicago (SMACNA), Westside Mechanical Group, Inc. & Admiral Heating & Ventilating, Inc.; Mechanical Contractors Association of Chicago, Illinois & Dahme Mechanical Industries, Inc.; Eastern Illinois Chapter of the National Electrical Contractors Association (NECA-EIL); Northeastern Illinois Chapter of the National Electrical Contractors Association (NECA), McWilliams Electric Co., Inc. & Homestead Electrical Construction, LLC; Piping Industry Council of Rockford Area Incorporated & Miller Engineering Company; Mechanical Contractors Association, Eastern Iowa/Western Illinois

To Whom It May Concern:

On behalf of Petitioners, I respectfully request an extension of time under 56 Ill. Adm. Code § 120.130(b) regarding their objections to the Illinois Department of Labor's 2026 prevailing wage rates and/or requests to establish new prevailing wage classifications, available here: [SHARED IDOL PETITIONS FILED](#). The objections respond to the Department's July 15, 2026 publication of the 2026 prevailing wage rates, which required written objections to be filed by August 14, 2026.

The Petitions were prepared and finalized on August 14, 2026, the applicable filing deadline, and were transmitted by email and placed in the mail that same day. Due to unforeseen circumstances immediately before the deadline, however, the Petitions were not physically delivered to the Department's Chicago office by 5:00 p.m. Although the objections may still be timely under 56 Ill. Adm. Code § 120.130, Petitioners request, out of an abundance of caution, an extension through Monday, August 17, 2026, or the next business day.

Specifically, counsel faced an unexpected combination of time-sensitive professional obligations and administrative staffing disruptions that materially affected the ability to complete physical delivery before close of business. These circumstances were not reasonably foreseeable. Despite them, counsel diligently transmitted the Petitions electronically and by U.S. Mail on the due date in a good-faith effort to comply with the applicable filing requirements.



Page 2

Section 120.130(b) permits extension requests filed within three days after the due date when based on circumstances not reasonably foreseeable in advance. Petitioners respectfully submit that this standard is satisfied here. No interested party will be prejudiced by the requested relief because the Petitions were completed and transmitted on the due date; the issue concerns only physical delivery by the 5:00 p.m. deadline.

Accordingly, Petitioners respectfully request that the Department grant this extension request, if necessary, and accept the shared Petitions as timely filed, or alternatively permit their filing instanter no later than Monday, August 17, 2026.

Thank you for your consideration. Please contact me if you need any additional information.

Respectfully submitted,

A handwritten signature in black ink that reads "Christina K. Wernick". The signature is written in a cursive, flowing style.

Christina K. Wernick
Laner Muchin, Ltd.

cc:

Jane R. Flanagan, Director – Illinois Department of Labor
(Jane.Flanagan@illinois.gov)

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UNION 597, U.A. ("LOCAL 597")	)
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PETITIONING INTERVENORS.	)

CERTIFICATE OF SERVICE

I certify that on September 8, 2026, I served the foregoing *Objectors' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File* in State File No. 2027-H-CC08-2363 via email addressed to each party or party's agent at the respective email address shown below:

Via Email:

RESPONDENTS

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Illinois Department of Labor
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PETITIONING INTERVENORS

Martin Flanagan, Laborers' International Union of North America ("LIUNA") Local 1 and the Construction and General Laborers' District Council of Chicago and Vicinity and its Subsidiary and Affiliate Local Unions ("THE CHICAGO LABORERS' DISTRICT COUNCIL")
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John Ahlgrim, International Union of Operating Engineers, Local 150, Brian Gilham, International Union of Operating Engineers, Local 841, AFL-CIO and the International Union of Operating Engineers Local 841, AFL-CIO and Tony O'Brien, the International Union of Operating Engineers, Local 649
c/o Joseph P. Sweeney Esq.
Melissa Binetti, Esq.
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MBinetti@iiiiffc.org

LIUNA Great Plains Laborers District Council and its Subsidiary and Affiliate Local Union ("LABORERS")
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tryan@midwestlaborers.org

Pipe Fitters Association, Local Union 597, U.A. ("LOCAL 597")
c/o Karl E. Masters, Esq.
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Chicago, IL 60604
masters@johnsonkrol.com

ADMINISTRATIVE LAW JUDGE SILVA:

Honorable Monica Silva
Administrative Law Judge
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, IL 60601
DOL.Hearings@Illinois.gov

/s/ Christina K. Wernick
One of Objectors' Attorneys

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