

ILLINOIS DEPARTMENT OF LABOR
JESSE WHITE STATE OF ILLINOIS BUILDING
115 S. LASALLE ST., 37TH FLOOR
CHICAGO, ILLINOIS 60603

IN THE MATTER OF:)
)
PIPING INDUSTRY COUNCIL OF)
ROCKFORD AREA INCORPORATED) STATE FILE NO. 2027-H-CC08-2364
AND MILLER ENGINEERING CO.,)
) DATE OF NOTICE: September 18, 2026
OBJECTORS,)
) ALJ: Dawn M. Harden
v.)
)
JANE R. FLANAGAN, DIRECTOR of the)
ILLINOIS DEPARTMENT OF LABOR,)
AND THE ILLINOIS DEPARTMENT OF)
LABOR,)
)
RESPONDENTS.)

ORDER GRANTING RESPONDENTS' MOTION TO DISMISS OBJECTORS'
OBJECTION AND REQUEST FOR HEARING AND
DENYING OBJECTORS' REQUEST FOR EXTENSION OF TIME

This matter comes before Administrative Law Judge Dawn M. Harden, on Respondents' September 3, 2026 Motion to Dismiss Objectors' Objection and Request for Hearing and Deny Its Request for Extension of Time ("Motion"). The undersigned, having reviewed the Motion, Objectors response, and Respondents reply to the response, find as follows:

I. PROCEDURAL BACKGROUND.

On July 15, 2026, the Illinois Department of Labor ("IDOL" or "Department") published the prevailing wage schedule on its official website for each county in the State as required by Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/9 ("PWA" or "Act"). On August 14, 2026, Objectors emailed Director Jane Flanagan Written Objections and Request for Hearing Under Sections 4 and 9 of the Illinois Prevailing Wage Act ("Objections"). On August 14, 2026, Objectors also emailed a Request for Extension of Time to File Objections Instantly ("Request for Extension") to the Department. On August 17, 2026, the Department received the Objectors Objections via hand delivery at the Chicago office.

On August 20, 2026, the Department issued a Notice of Webex Hearing setting the above captioned matter for hearing on September 25, 2026.¹ Additionally, on August 20, 2026, the undersigned issued an Order scheduling the matter for a pre-hearing conference on September 4, 2026.²

On September 3, 2026, Respondent filed the Motion at bar citing timeliness, jurisdictional, and compliance defects with the Objectors pleadings. On September 4, 2026, the undersigned convened the pre-hearing conference and issued an Order, which among other things, set a briefing schedule considering Respondents' Motion.

On September 11, 2026, pursuant to the undersigned's September 4, 2026 Order, Objectors filed a Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File. On September 15, 2026, in accordance with the undersigned's September 4, 2026 Order, Respondents filed a Reply in Support of Their Motion to Dismiss.

II. PARTIES' POSITIONS.

The Movant Respondents argue that the undersigned lacks subject matter jurisdiction to consider and act upon this case because the written objection and request for hearing at issue was not timely filed pursuant to the Act and its administrative regulatory counterpart. Respondents assert further that the Objectors improperly filed Request for Extension of Time failed to cure the statutory limitations deficiency and therefore must be denied.

Contrarily, Objectors contend that Respondents' Motion should be denied because notwithstanding the Department's regulations, its written objection and request for hearing was timely filed within the expressly authorized statutory timeframe, since it was submitted on the 30th day following publication of the prevailing wage rates. Alternatively, Objectors maintain that the circumstances presented and the Department's regulations warrant permitting its extension request, which if granted, would not prejudice the Respondents.

¹ Subsequently on August 31, 2026, the Department issued an Amended Notice of Webex Hearing to reflect the date stamp of August 21, 2026 on Objectors Written Objections and Request for Hearing, and confirm the date said filing was received by mail.

² On September 1, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney Tim Ryan, on behalf of the Laborers, submitted a Petition to Intervene in the above captioned matter. On September 1, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney Karl Masters, on behalf of Local 23, submitted a Petition for Leave to Intervene in the above captioned matter. On September 2, 2026, in accordance with the undersigned's August 20, 2026 Order, Attorney George Rapidis, on behalf of Martin Flanagan and the Chicago Laborers' District Council, submitted a Petition to Intervene in the above captioned matter. On September 2, 2026, Attorney Melissa Binetti, on behalf of John Ahlgrim and Local 150, submitted a Petition to Intervene in the above captioned matter. By the ALJ's September 4, 2026 Order, the four Intervention Petitions were held in abeyance pending the resolution of Respondents' Motion.

III. FINDINGS OF FACT.

1. On July 15, 2026, pursuant to the Act, the Illinois Department of Labor published the requisite prevailing wage schedule on its official website.
2. Accordingly, August 14, 2026 was the 30-day statutory deadline for affected persons to object by filing a written notice with the Department stating the specified grounds of the objections.
3. On August 14, 2026, Objectors deposited its Written Objections and Request for Hearing in the U.S. Mail to the Department.
4. On August 14, 2026 at 9:07 p.m., Objectors electronically sent their Written Objections and Request for Hearing to the Department.
5. On August 14, 2026 at 10:19 p.m., Objectors electronically sent their Request for Extension of Time to File Objections to the Department. Therein, Objectors stated that unforeseen circumstances had occurred, 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.”
6. On August 17, 2026, Objectors filed their Written Objections and Request for Hearing in person at the Department.
7. On August 21, 2026, Objectors Written Objections and Request for Hearing that was deposited in the U.S. Mail on August 14, 2026 was received at the Department’s Chicago office.

IV. APPLICABLE LAW AND REGULATIONS.

The Act provides that “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.

Under 56 Ill. Admin. Code § 120.130(a), “Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Department's Chicago office, 160 N. LaSalle, C-1300, Chicago IL 60601. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. When the Act or this Part requires the filing of a motion, brief, exception or other paper in any proceeding, the document must be received by the Department or the officer or agent designated to receive that matter before the official closing time of the receiving office on the last day of the time limit, if any, for the filing or extension

of time that may have been granted. Filings received after 5:00 p.m. will be considered filed on the following business day..”

Additionally, “in computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. A request for an extension of time to file a document shall be filed no later than 5:00 p.m. at the Chicago Office on the date on which the document is due. 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).

Although, documents may be filed with the Department by certified or First-Class mail, by messenger service, private delivery service, or personally at the Department's Chicago office, filing by electronic transmission, such as telefax machine or electronic mail (e-mail), will not be accepted, except when specifically requested or ordered by the ALJ. 56 Ill. Admin. Code § 120.130(c).

Moreover, the Administrative Code states that, “The date of *service* shall be the day when the matter served is deposited in the United States mail, or is deposited with a private delivery service that will provide a record showing the date the document was tendered to the delivery service, or is delivered in person. When service is made by facsimile transmission or e-mail, the date of service shall be the date on which transmission is sent. The date of *filing* shall be the day when the matter is received by the Department as provided by subsection (b).” 56 Ill. Admin. Code § 120.130(d).

V. CONCLUSIONS AND ORDER.

Written objections to the published prevailing wage schedule were due on August 14, 2026 no later than 5:00 p.m. at the Department's Chicago office. However, electronically filing written objections in this case was an invalid and unacceptable method of filing. Therefore, Objectors' Written Objections and Request for Hearing was considered filed on August 17, 2026, when said filing was tendered in person and received by the Department, which consequently constituted an untimely filing.

In terms of Objectors' Request for an Extension of Time, as mentioned above, email was not a permissible manner of filing. Furthermore, the record fails to reveal that Objectors filed a request for extension by 5:00 p.m. at the Chicago office on August 14, 2026, or that an extension request was filed at the Chicago office within 3 days following August 14, 2026, in conformity with the Department's regulations. And even if such a request had been filed at the Chicago office within 3 days after August 14, 2026, the request as set forth, failed to demonstrate circumstances not reasonably foreseeable in advance.

Given this rationale, and upon consideration of the record, the relevant law, the Department's regulations, and all parties agreeing and on notice during the pre-hearing conference that the undersigned would render an On-the-Record determination, the undersigned issues this Order:

IT IS HEREBY ORDERED THAT:

1. Respondents' Motion is GRANTED; and
2. The Objectors' Request for Extension of Time to File Objections Instantly is DENIED; and consequently,
3. The Petitions to Intervene referenced herein are deemed moot.

DATE: September 18, 2026

By: /s/ Dawn M. Harden
Dawn M. Harden
Administrative Law Judge
Illinois Department of Labor
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NOTICE:

If any motion in the nature of a motion to dismiss or for summary judgment is granted by the ALJ before filing his or her final decision in a matter scheduled for hearing, any party may obtain a review of the granting of the motion by filing a request with the Director stating the grounds for review and, immediately upon filing, shall serve a copy of the request on the other parties. Unless the request for review is filed within 15 days from the date of the order of dismissal or granting of summary judgment, the decision of the ALJ shall become final. 56 Ill. Admin. Code §120.301(i).