

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

IN THE MATTER OF:) STATE FILE NO. 2027-H-CC08-2365
)
SHEET METAL AND AIR) DATE OF NOTICE: September 29, 2026
CONDITIONING CONTRACTORS')
NATIONAL ASSOCIATION OF) ALJ: Nichole T. Cain
GREATER CHICAGO, WESTSIDE)
MECHANICAL GROUP, INC. AND)
ADMIRAL HEATING &)
VENTILATING, INC.)
)
OBJECTORS,)
)
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 Nichole T. Cain, 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' Combined Response in Opposition to Respondents' Motion to Dismiss and Reply in Support of Objectors' Motion for Extension of Time to File, Respondents' Reply in Support of Their Motion to Dismiss, and the record in this matter, and being otherwise fully advised, hereby enters the following Order:

FINDINGS OF FACT:

1. 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 Sections 4 and 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/4 and 9 ("PWA" or "Act").

2. On August 14, 2026 at approximately 9:09 p.m., Objectors emailed Director Jane Flanagan Written Objections and Request for Hearing Under Sections 4 and 9 of the Illinois Prevailing Wage Act (“Objections”).
3. On August 14, 2026 at approximately 10:19 p.m., Objectors also emailed a Request for Extension of Time to File Objections Instantly (“Request for Extension of Time”) to the Department. Therein, Objectors stated: “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.”
4. Objectors further 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.”
5. On August 17, 2026, the Department received the Objections via hand delivery at the Department’s Chicago office.
6. On August 20, 2026, the Department issued a Notice of Webex Hearing setting the above-captioned matter for hearing on September 25, 2026.
7. On August 20, 2026, the undersigned also issued an Order scheduling the matter for a Pre-Hearing Conference on September 4, 2026.
8. On September 3, 2026, Respondents filed the Motion at bar citing timeliness, jurisdictional, and compliance defects with the Objectors’ pleadings.
9. 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.
10. On September 11, 2026, 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.
11. On September 15, 2026, Respondents filed a Reply in Support of Their Motion to Dismiss.
12. On September 18, 2026, the undersigned convened a hearing on Respondents’ Motion.

RELEVANT LAW:

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.

Administrative hearings before the Department are governed by 56 Ill. Admin. Code Part 120. *See*, 56 Ill. Admin. Code § 120.100.

Section 120.130(a) provides that “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..” 56 Ill. Admin. Code § 120.130(a).

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).

Administrative rules properly adopted pursuant to statutory authority have the force and effect of law. *Granite City Division of National Steel Co. v. Illinois Pollution Control Board*, 155 Ill. 2d 149 (1993).

ARGUMENTS AND CONCLUSION:

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 further assert that the Objectors' improperly filed Request for Extension of Time failed to cure the statutory subject-matter filing defect and therefore must be denied.

Objectors contend that Respondents' Motion should be denied because notwithstanding the Department's regulations, their Objections were timely filed within the expressly authorized statutory timeframe, since they were submitted on the 30th day following publication of the prevailing wage rates. Objectors further contend that they attempted to effectuate hand delivery "at or just before the 5:00 p.m. deadline" on August 14, 2026. Alternatively, Objectors maintain that the circumstances presented and the Department's regulations warrant permitting its Request for Extension of Time, which if granted, would not prejudice the Respondents.

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. Electronically filed documents are permitted only when authorized by the ALJ. In this case, the record makes clear that the Objectors did not have permission from the undersigned or any Department ALJ to submit filings electronically on August 14, 2026. Therefore, the Objections submitted electronically on August 14, 2026 at 9:09 p.m. were not properly filed.

Further, the record demonstrates that Objectors failed to hand-deliver the Objections at the Chicago office of the Illinois Department of Labor by the 5:00 p.m. deadline on August 14, 2026. Objectors' assertion that they attempted to file the Objections "at or just before the 5:00 p.m. deadline" is unpersuasive. Accordingly, the Objectors' Written Objections and Request for Hearing are deemed filed on August 17, 2026, the date they were submitted in person and received by the Department, rendering the filing untimely.

In terms of Objectors' Request for an Extension of Time, as mentioned above, electronic transmission was not a permissible manner of filing. Furthermore, the record does not show that Objectors filed a request for extension of time by 5:00 p.m. at the Chicago office on August 14, 2026, nor does it indicate that such a request was filed within 3 days following August 14, 2026, in conformity with the Department's regulations.

Accordingly, the ALJ finds that Objectors did not timely file their Objections pursuant to Sections 4 and 9 of the Act and 56 Ill. Admin. Code § 120.130. The ALJ further finds that Objectors' Request for Extension of Time was not properly filed and thus does not provide a basis to excuse the untimely filing.

IT IS HEREBY ORDERED THAT:

1. The Objectors' Request for Extension of Time to File Objections Instantly is **DENIED**;
2. Respondents' Motion to Dismiss Objectors' Objection and Request for Hearing and Deny Its Request for Extension of Time is **GRANTED**;
3. All pending Petitions to Intervene are **MOOT**;
4. Any hearing presently scheduled on the merits of the Objections is **VACATED**; and
5. This matter is **CLOSED** before the Illinois Department of Labor Hearings Division.

DATE: September 29, 2026

By: /s/ Nichole T. Cain
Nichole T. Cain
Administrative Law Judge
Illinois Department of Labor
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Chicago, IL 60603
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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).