

**STATE OF ILLINOIS
DEPARTMENT OF LABOR**

IN THE MATTER OF:	)	
	)	
ILLINOIS CHAPTER, NATIONAL	)	
ELECTRICAL CONTRACTORS	)	STATE FILE NO. 2027-H-CC08-
ASSOCIATION, INC., WEBER	)	2368
ELECTRIC, INC., WILCOX ELECTRIC &	)	
SERVICE, INC., F.W. ELECTRIC, INC.,	)	Proceedings under 820 ILCS 130/4
GLESCO ELECTRIC, INC., REMCO	)	and 130/9
ELECTRICAL CORP., CAMP ELECTRIC	)	
AND ENGINEERING SERVICES, P.C.,	)	Hon. John O'Meara
PALS ELECTRIC, INC., and PYRAMID	)	Administrative Law Judge
ELECTRICAL CONTRACTORS, INC.,	)	
	)	
Objectors,	)	
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR of the	)	
ILLINOIS DEPARTMENT OF LABOR,	)	
and	)	
THE ILLINOIS DEPARTMENT OF	)	
LABOR,	)	
	)	
Respondents.	)	

Objector's Opposition to Intervention

The Illinois Chapter, National Electrical Contractors Association, Inc., Weber Electric, Inc., Wilcox Electric & Service, Inc., F.W. Electric, Inc., Glesco Electric, Inc., REMCO Electrical Corp., Camp Electric and Engineering Services, P.C., PALS Electric, Inc., and Pyramid Electrical Contractors, Inc. (collectively "Objectors") oppose intervention by stating:

Synopsis

This case is limited to the issue presented by the Objectors – whether Electrician Apprentices and Electronic System Tech Apprentices are appropriate classifications under the Illinois Prevailing Wage Act. This is a singular case, and

the Objectors oppose intervention of any labor organization that has filed to intervene for three reasons.

First, many petitions to intervene were not timely filed because they were submitted via email which is not an acceptable form of filing, 56 Ill. Admin. Code 120.130, and overnight mail which is not filed until received by the Department.

Second, many of the labor organizations do not represent employees performing work in the role of Electrician Apprentice or Electronic System Tech Apprentice or in the counties at issue in this proceeding. These labor organizations have no interest in the issue at hand.

Third, the IBEW Locals who represent the Electrician Apprentices or Electronic System Tech Apprentices will have their interests, which are limited by law to ensuring that their CBA classifications are recognized as the prevailing wage rate, adequately protected by the Objectors, who are signatories to those same collective bargaining agreements.

Legal Standard

Upon timely application, the ALJ has discretion to permit intervention subject to the necessity for conducting an orderly and expeditious hearing, 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. The ALJ shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties. 56 Ill. Admin. Code 120.320. An intervenor shall have all the rights of an original party subject to the order of the ALJ, except that the ALJ may, in his or her order allowing intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, that the party shall

not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require. 56 Ill. Admin. Code 120.320.

Analysis

Objectors have collective bargaining agreements with International Brotherhood of Electrical Workers Locals 146, 193, 197, 309, 538, 601, 649, and 702 that the Department purportedly utilized to set the prevailing wage rates in the counties in which these collective bargaining agreements apply. However, the IDOL did not publish the Electrician Apprentice or Electrical System Tech Apprentice classifications contained in those CBAs. This proceeding is limited to these two classifications in the specified counties.

I. The Untimely IBEW Putative Intervenors should be denied intervention because they attempted to file by email, which is not permitted, and by overnight mail, which is not filed until received.

The deadline to file a petition to intervene was September 2, 2026. Order dated August 21, 2026.

On September 2, 2026, IBEW Locals 16, 34, 146, 193, 309, 538, 601, 649, 702, and 725 submitted petitions to intervene via email and claim to have sent the petitions “to ALJ O’Meara via Overnight Mail.” Notice of Filing dated September 2, 2026 by Luke Klein on behalf of IBEW Locals 16, 34, 146, 193, 309, 538, 601, 649, 702 and 725. Each of these petitions were file-stamped September 8, 2026. Likewise, IBEW Local 197 filed its Petition to Intervene on September 3, 2026.

The regulations provide that documents required to be filed with the Department must be addressed and mailed or delivered to the Department’s Chicago office and received by the Department before the official closing time of the receiving office on the last day of the limit. 56 Ill. Admin. Code 120.130(a). Documents may not be filed by email. 56 Ill. Admin. Code 120.130(c). Documents filed by mail are treated as filed when ***received*** by the Department. 56 Ill. Admin. Code 120.130(d) (emphasis added).

Petitions to intervene must be “upon timely written application.” 56 Ill. Admin. Code 120.320(a)(1) (emphasis added). Because the IBEW Locals 16, 34, 146, 193, 197, 309, 538, 601, 649, 702, and 725 (the “Untimely IBEW Putative Intervenor”) sent their petitions by overnight mail on September 2, 2026 and they were file-stamped after the deadline to file petitions for intervention, they are untimely.

Consequently, the Untimely IBEW Putative Intervenor’s petitions should be denied as untimely.

II. The Disinterested Union Putative Intervenor should be denied intervention because they do not have an interest in the issue presented by the Objectors.

Objectors oppose intervention of any other union because those unions do not represent individuals performing in the Electrician Apprentice or Electronic System Tech Apprentice classifications at issue in this proceeding. These Disinterested Intervenor include: (1) LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers’ District Council (represented by Attorney Timothy Ryan); (2) Brian Gilham and The International Union of Operating Engineers Local 841¹ (represented by Attorney Marc Poulus, et al.); and (3) Jim Fellows and Int’l Bhd. of Electrical Workers Local 725, Tim Sprout and Int’l Bhd. of Electrical Workers Local 34, Ryan McRoberts and Int’l Bhd. of Electrical Workers Local 16 (represented by Attorney Christopher Grant, et al.) (collectively the “Disinterested Union Putative Intervenor”).

A. LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers’ District Council (represented by Attorney Timothy Ryan).

The Laborers assert that their members perform “work” in the counties addressed by the Objectors and that granting of the Objectors’ objections would

¹ This is incorrectly noted as filed by Operating Engineers Local 150, which also filed a Notice of Appearance and Notice of Filing. However, only Operators Local 841 filed a Petition to Intervene. Objectors would object to Local 150 intervening if it had filed a petition for intervention for the same reasons as it objects to Local 841’s Petition to Intervene.

adversely affect their members. Petition to Intervene by LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers' District Council at ¶ 8. Notably lacking is any claim that the Laborers' members perform work within the Electrician Apprentice or Electric System Tech Apprentice classifications sought by Objectors. Absent such an allegation, the LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers' District Council have not pleaded a single fact supporting that they would be adversely affected or are a necessary party as required by 56 Ill. Admin. Code 120.320. Pleading only the legal standard without any supporting facts is not sufficient to establish a right to intervene.

Consequently, the Petition to Intervene by LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers' District Council must be denied for the failure to plead any facts supporting a legitimate ground to intervene.

B. Brian Gilham and The International Union of Operating Engineers Local 841 (represented by Indiana, Illinois, Iowa Foundation for Fair Contracting)

The Operators Local 841 and Brian Gilham assert that Local 841's members perform work on public works projects "within their respective jurisdictions" but do not specify that includes any of the counties involved in this proceeding. Petition to Intervene by Brian Gilham and The International Union of Operating Engineers Local 841 at ¶ 10.

Even assuming that they perform work in the counties at issue, Local 841 claims an adverse impact because establishing a "lower apprentice rate for work presently covered by existing Operating Engineers classifications could require corresponding apprentice rates to be addressed throughout the Local's jurisdiction and could place signatory contractors at a competitive disadvantage relative to non-signatory contractors able to utilize the lower rate. Petition to Intervene by Brian Gilham and The International Union of Operating Engineers Local 841 at ¶ 11.

This fear is unfounded because Objectors do not seek to change any "Operating Engineers" classifications. This matter is limited to Electrician

Apprentice or Electric System Tech Apprentice classifications, which Local 841 does not claim to represent. The regulations do not permit any expansion of this request at this stage of the proceeding. 56 Ill. Admin. Code 120.320(c).

Local 841 and Brian Gilham's Petition to Intervene should be denied because they do not claim to perform work covered by the Electrician Apprentice or Electric System Tech Apprentice classifications.

C. Jim Fellows and Int'l Bhd. of Electrical Workers Local 725, Tim Sprout and Int'l Bhd. of Electrical Workers Local 34, Ryan McRoberts and Int'l Bhd. of Electrical Workers Local 16 (represented by Attorney Christopher Grant, et al.)

IBEW Locals 16, 34, and 725 (and their associated individual putative intervenors) should be denied intervention because they are untimely (see Section I, above) and because they do not represent members performing work in the counties involved in this proceeding.

Local 16 claims to represent members performing work in Wabash County. Petition to Intervene by Local 16 at 2. Wabash county is not at issue in this proceeding.

Local 34 lists the counties in which it represents members which includes two counties at issue in this proceeding. Petition to Intervene by Local 34 at ¶ 2. However, these two counties are split counties (Woodford and Marshall) and the portion of the counties involved in this proceeding are covered by IBEW Locals 197 and 601. First Amended Written Objections and Request for Hearing Pursuant to 820 ILCS 130/4 and 130/9 at Appx. A, p. 1.

Local 725 claims to represent members in six Illinois counties, none of which are at issue in this proceeding. Petition to Intervene by Local 725 at ¶ 2.

IBEW Locals 16, 34, and 725 (and their associated individual putative intervenors)'s Petitions to Intervene should be denied because they do not claim to perform work covered in the counties at issue in this proceeding.

III. The Local IBEW Putative Intervenor should be denied intervention because the Objectors will adequately represent their interests in having their CBAs set the prevailing wage rate.

Objectors oppose the intervention of the IBEW Locals with CBAs covering Electrician Apprentice or Electronic System Tech Apprentice classifications in the counties at issue because the Objectors will adequately protect their interests in ensuring that their CBAs set the prevailing wage rates.² These include: (A) Business Manager of IBEW Local 197 and The International Brotherhood of Electrical Workers Local Union No. 197, AFL-CIO (represented by John Toomey); and (B) Steve Hughart and Int'l Bhd. of Electrical Workers Local 702, Ryan Mouser and Int'l Bhd. of Electrical Workers Local 649, Brian Anderson and Int'l Bhd. of Electrical Workers Local 601, Aaron Goodrum and Int'l Bhd. of Electrical Workers Local 538, Chris Hankins and Int'l Bhd. of Electrical Workers Local 309, David Well and Int'l Bhd. of Electrical Workers Local 193, and Justin Martin and Int'l Bhd. of Electrical Workers Local 146) represented by Attorney Christopher Grant, et al.) (collectively the "Local IBEW Putative Intervenor")

The Local IBEW Putative Intervenor who do represent members performing work at issue in the counties at issue (IBEW Locals 146, 193, 197, 309, 538, 601, 649, and 702)³ should be denied intervention because the Objectors will protect their interest in having their CBAs enforced as the prevailing wage in the counties at issue. Here, the Objectors would require the IDOL to publish the Electrician Apprentice or Electric System Tech Apprentice classifications contained in the collective bargaining agreements covering the counties at issue. The Local IBEW Putative Intervenor have the same interests.

² The Illinois Prevailing Wage Act provides that when thirty percent or more of work in a classification is performed under a collective bargaining agreement, the rates of the collective bargaining agreement set the prevailing wage rate. 820 ILCS 130/4(a).

³ All of these IBEW Locals should be denied intervention because they filed untimely, see Section I, above.

Conclusion

The union putative intervenors should be denied as untimely (International Brotherhood of Electrical Workers Locals 16, 34, 146, 193, 197, 309, 538, 601, 649, 702, and 725), because they do not represent members performing covered work in covered counties (LIUNA Great Plains Laborers District Council and The Downstate Illinois Laborers' District Council; Brian Gilham and The International Union of Operating Engineers Local 841; and Jim Fellows and Int'l Bhd. of Electrical Workers Local 725, Tim Sprout and Int'l Bhd. of Electrical Workers Local 34, Ryan McRoberts and Int'l Bhd. of Electrical Workers Local 16), or because their interests will be adequately represented by Objectors who are seeking only to enforce their CBAs (IBEW Locals 146, 193, 197, 309, 538, 601, 649, and 702).

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing
Opposition to Intervention was served on September 15, 2026, via electronic mail to:

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