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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.

Objector(s),

v.

JANE FLANAGAN, DIRECTOR of the
THE ILLINOIS DEPARTMENT OF LABOR, and
THE ILLINOIS DEPARTMENT OF LABOR.

Respondents.

State File No.: 2027-H-CC08-2363

CERTIFICATE OF SERVICE

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

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

Stephanie Barton, Esq.
Deputy General Counsel
Illinois Department of Labor
115 S. LaSalle Street, 37th FL
Chicago, IL 60601
Stephanie.Barton@illinois.gov

Sean Imburgian, Esq.
Staff Attorney
Illinois Department of Labor
115 S. LaSalle Street, 37th FL
Chicago, IL 60601
Sean.Imburgian@illinois.gov

Christina K. Wernick
Laner Muchin, Ltd.
515 North State Street
Suite 2400
Chicago, Illinois 60654
cwernick@lanerlaw.com

PLEASE TAKE NOTICE that on this 26th day of August, 2026, the undersigned provided the above-listed parties copies of the attached *Petition to Intervene* and Appearances electronically where noted.

/s George Rapidis
One of Their Attorneys

George Rapidis (GRapidis@LDCLMCC.com)
Chicago Laborers' District Council
Labor-Management Cooperation Committee
999 McClintock Dr., Suite 301
Burr Ridge, IL 60527
Phone: (630) 207-8703

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PETITION TO INTERVENE

Petitioners Martin Flanagan, a member of the 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"), submit this petition to intervene in all proceedings conducted in the above-captioned matter, and in support of state as follows:

1. Martin Flanagan (Flanagan") is a member of LIUNA Local 1 and negotiates and enforces collective bargaining agreements on behalf of the District Council.
2. The Chicago Laborers' District Council is a labor organization representing individuals performing work as laborers on prevailing wage projects throughout nine Illinois counties, including Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will.

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. Sometime prior to August 20, 2026, Objectors Mechanical Contractors Association of Chicago, Illinois and Dahme Mechanical Industries, Inc. (“the MCA”) 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. The Chicago Laborers’ District Council cannot tell on the face of the MCA’s Objections or the Administrative Law Judge’s orders on or about what date the Department received the MCA’s Objections.

6. In its Objections, the MCA seeks “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” (the “Affected Classifications”) in seventeen Illinois counties including Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will” (Objections Page 1, *see also* ¶¶ 5, 14, 20-21).

7. In its Objections, the MCA states “[T]he Department’s failure to certify and publish the apprentice wage and relevant fringe benefit rates contained in the Prevailing CBA results in the publication of an incomplete and inaccurate prevailing wage determination for Pipefitter in the Affected Counties” and therefore “object[s] to IDOL’s July 15, 2026, prevailing wage schedules

to the extent they omit the apprentice Pipefitter rates established by the Prevailing CBA” (Objections ¶ 12).

8. The Department has scheduled the hearing in this matter for September 25, 2026 at 9:30 a.m.

9. 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.”

10. Petitions to Intervene in this matter shall be filed by August 27, 2026.

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

12. Section 2 of the Act defines the terms “general prevailing rate of hourly wages”, “general prevailing rate of wages” or “prevailing rate of wages” as,

the hourly cash wages plus *full journeyman* annualized fringe benefits for training and apprenticeship programs registered with the Office of Apprenticeship within the U.S. Department of Labor's Employment and Training Administration with *full journeymen annualized fringe benefits for health and welfare, insurance, vacations and pensions* paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works. 820 ILCS 130/2 (emphasis added).

13. The Chicago Laborers’ District Council has long-standing collective bargaining agreements with contractors in Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will

Counties where its members perform work that could conflict with the scope of work of a pipefitter and is already covered under the existing Laborer (All) classification.

14. The Chicago Laborers' District Council has long-standing collective bargaining agreements with contractors in Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will Counties where the petition seeks to establish "Pipefitter Apprentice" rate classifications. Chicago Laborers' District Council members and their employer signatory contractors currently perform work on public projects in these counties pursuant to collective bargaining agreements. This work is performed under existing prevailing wage classification for Laborer (All) established by the IDOL based on these collective bargaining agreements.

15. It is unclear on the face of MCA's Objections how the proposed classifications for "Pipefitter Apprentice" being performed in Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will counties encompass scope(s) of work that differ from the Laborer (All) classification which already exists in those counties.

16. It is unclear on the face of the MCA's Objections whether its proposed classifications' scopes of "Pipefitter Apprentice" work are for Heavy/Highway, Building, or All.

17. If MCA's petition is successful, some of this work performed by the Chicago Laborers' District Council's members may be encompassed by the MCA's request for the "Pipefitter Apprentice" rate classification.

18. The Objectors are requesting that the Department establish a new prevailing wage classification for Pipefitter Apprentice where an existing prevailing wage classification covers the same scope of work and type of worker.

19. The relief sought could adversely affect the Chicago Laborers' District Council, its members, and its signatory contractors. Establishing a lower apprentice rate for work presently covered by existing Laborers (All) classifications could require corresponding apprentice rates to be addressed throughout the Chicago Laborers' District Council jurisdictions and could place signatory contractors at a competitive disadvantage relative to non-signatory contractors able to utilize the lower rate. Reduced competitiveness of signatory contractors directly affects the work opportunities of the Locals' members. For these reasons, the Chicago Laborers' District Council is a necessary party to the hearing proceeding.

20. The objections also present a common question of law concerning whether the Department has authority under the Prevailing Wage Act, as amended by Public Act 104-0017 and Public Act 104-0434, to establish the classification and rate sought by the Objectors. The Chicago Laborers District Council contends that the Objectors are asking the Department to take action that is not authorized under the Act as amended.

21. Accordingly, the Chicago Laborers' District Council satisfies Section 120.320(a)(1)(C) because they may be adversely affected by a final order arising from the hearing, they are a necessary party to the hearing proceeding, and claims and defenses and the main action share a common question of law and fact concerning whether the Department has statutory authority to grant the relief requested.

22. Permitting the Chicago Laborers' District Council to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, the Chicago Laborers' District Council respectfully requests the Administrative Law Judge to enter an Order granting this Petition to Intervene.

Respectfully submitted,

MARTIN FLANAGAN, as a Member of the
Laborers International Union of North America,
Local 1, and the CONSTRUCTION AND
GENERAL LABORERS' DISTRICT COUNCIL
OF CHICAGO AND VICINITY,

By: /s/ George Rapidis
One of Their Attorneys

George Rapidis (GRapidis@LDCLMCC.com)
Chicago Laborers' District Council
Labor-Management Cooperation Committee
999 McClintock Dr., Suite 301
Burr Ridge, IL 60527
Phone: (630) 207-8703

James Connolly Jr. (JC2@LIUNAFour.com)
Construction & General Laborers'
District Council of Chicago and Vicinity
999 McClintock Dr., Suite 300
Burr Ridge, IL 60527
Phone: (773) 383-0310

Joanna Barrera (JBarrera@LIUNACHicago.org)
Construction & General Laborers'
District Council of Chicago and Vicinity
999 McClintock Dr., Suite 300
Burr Ridge, IL 60527
Phone: (630) 655-8289

Mary Colleen Kilbride (CKilbride@LIUNACHicago.org)
Construction & General Laborers'
District Council of Chicago and Vicinity
999 McClintock Dr., Suite 300
Burr Ridge, IL 60527
Phone: (630) 655-8289

Jeremy Esparza (JEsparza@LaborersLocalOne.com)
Laborers' International Union of North America, Local 1
8618 W Catalpa Ave., Suite 1101
Chicago, IL 60656
Phone: (872) 713-2553

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APPEARANCE

Joanna Barrera will appear on behalf of Martin Flanagan and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local unions, *et al.* Joanna Barrera is a member in good standing of the Illinois State Bar, ARDC No. 6332338. Please send all future correspondence to Ms. Barrera at the following business location:

Joanna Barrera (JBarrera@LIUNACHicago.org)
 Construction & General Laborers'
 District Council of Chicago and Vicinity
 999 McClintock Dr., Suite 300
 Burr Ridge, IL 60527
 Phone: (630) 655-8289

/s Joanna Barrera

Joanna Barrera
 Attorney for Intervenors

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APPEARANCE

Jeremy Esparza will appear on behalf of Martin Flanagan and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local unions, *et al.* Jeremy Esparza is a member in good standing of the Illinois State Bar, ARDC No. 6335842. Please send all future correspondence to Mr. Esparza at the following business location:

Jeremy Esparza (JEsparza@LaborersLocalOne.com)
Laborers' International Union of North America, Local 1
8618 W Catalpa Ave., Suite 1101
Chicago, IL 60656
Phone: (872) 713-2553

/s Jeremy Esparza
Jeremy Esparza
Attorney for Intervenors

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APPEARANCE

Mary Colleen Kilbride will appear on behalf of Martin Flanagan and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local unions, *et al.* Mary Colleen Kilbride is a member in good standing of the Illinois State Bar, ARDC No. 6327151. Please send all future correspondence to Ms. Kilbride at the following business location:

Mary Colleen Kilbride (CKilbride@liunachicago.org)
Construction & General Laborers'
District Council of Chicago and Vicinity
999 McClintock Dr., Suite 300
Burr Ridge, IL 60527
Phone: (630) 655-8289

/s Mary Colleen Kilbride
Mary Colleen Kilbride
Attorney for Intervenors

George Rapidis
Attorney for Intervenors

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APPEARANCE

James Connolly Jr. will appear on behalf of Martin Flanagan and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local unions, *et al.* James Connolly Jr. is a member in good standing of the Illinois State Bar, ARDC No. 6327859. Please send all future correspondence to Mr. Connolly at the following business location:

James Connolly Jr. (JC2@LIUNAFour.com)
Construction and General Laborers'
District Council of Chicago and Vicinity
999 McClintock Drive, Suite 300
Burr Ridge, IL 60527
Phone: (773) 383-0310

/s James Connolly Jr.
James Connolly Jr.
Attorney for Intervenors