

**STATE OF ILLINOIS - DEPARTMENT OF LABOR
160 NORTH LASALLE STREET SUITE C-1300
CHICAGO, ILLINOIS 60601**

**St. Clair & Madison Counties)
From Kinney Contractors, Inc.)**

OBJECTOR(S))

_____)
)
**Downstate Illinois Laborers' District)
Council including the Illinois)
Counties of St. Clair)
(LIUNA Locals 100, 459, 670, and 742))
and Madison)
(LIUNA Locals 44, 218, 338, 397, and 670))**

) IDOL FILE NO: 2025-H-RP08-2347

INTERVENER(S))

v.)

**Jane R. Flanagan, Director of the)
Illinois Department of Labor, and)
The Illinois Department of Labor)**

RESPONDENT(S))

ORDER

IDOL File No.: 2025-H-RP08-2347 coming on September 19, 2024 to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 ("the Act" or "PWA"), and in accordance with the procedures stated in the Department of Labor's Rules at 56 Ill Admin Code 120.100, et seq., on Downstate Illinois Laborers' District Council, including the Illinois Counties of St. Clair (LIUNA Locals 100, 459, 670, and 742) and Madison (LIUNA Locals 44, 218, 338, 397, and 670) ("Laborers") Petition to Intervene, and on the parties Joint Motion to Continue, all parties having been duly advised on the premises, issues this order sua sponte:

PETITION TO INTERVENE

- a) Permission to Intervene

1. Upon timely written application, the ALJ may, in his or her discretion, permit any party to intervene in a hearing proceeding, 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.
2. In exercising discretion under this subsection (a), the ALJ shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
 - b) Two copies of a petition for intervention shall be filed with the ALJ, and one copy shall be served on each party.
 - c) 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.

JOINT MOTION TO CONTINUE

1. On September 19, 2024, the parties submitted a joint motion to continue the September 27, 2024 telephone hearing.
2. In their Joint Motion for Continuation, the party states that they would like a short continuance to “focus their efforts on a potential consent decree.”

ARGUMENTS

LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 seeks status as an intervenor in 2025 H-RP08 2347 because should the changes proposed by the objector go into effect, some of local 841 and 965's members will be adversely affected. Petitioners argue that some members of Locals 100, 459, 670, and 742, and Locals 44, 218, 338, 397, and 670 may be encompassed by the proposed changes classifying them.

The Objector St. Clair & Madison Counties from Kinney Contractors, Inc., did not oppose LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 petition to intervene.

The Department does not take a position on the petition to intervene.

FINDINGS

It is found that local LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 has successfully demonstrated that its members may be adversely affected by the establishment of differing rates and classifications. Any change in the rates and or classifications may adversely affect its membership.

Additionally, it is found that the LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 are necessary parties with the necessary information to enable the undersigned the ability to properly hold a full and fair hearing. Thus, LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 have successfully proven pursuant to the Administrative Rules that they may be both adversely affected and are necessary parties to this dispute. LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 are allowed to intervene in this matter.

IT IS HEREBY ORDERED:

1. LIUNA Locals 100, 459, 670, and 742 and LIUNA Locals 44, 218, 338, 397, and 670 's Petition to intervene is **GRANTED**. Intervenors take the case as it is found and are not allowed to introduce new issues as provided under 56 Ill. Admin. Code 120.3200.
2. The parties and intervenor agree to accept service of pleadings via email.
3. The joint motion to Continue the Telephone Hearing scheduled for **September 27, 2024**, is **GRANTED**.
4. The Telephone Hearing scheduled for September 27, 2024 is **STRICKEN**.
5. This matter is **CONTINUED** for a telephonic status on all matters including but not limited to the status on settlement to **October 16, 2024, at 10:00 a.m.** The undersigned will initiate the conference call.

Entered: September 20, 2024

/s/ Michelle S. Bryant- Smith

Michelle S. Bryant-Smith

Administrative Law Judge

Illinois Department of Labor

160 North LaSalle St., Suite C-1300

Chicago, IL 60601

dol.hearings@illinois.gov