

**STATE OF ILLINOIS, DEPARTMENT OF LABOR
160 NORTH LA SALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601-3150**

IN RE THE MATTER OF:)	
)	
MID-AMERICA CARPENTERS REGIONAL COUNSEL)	DATE OF NOTICE: September 10, 2024
)	
OBJECTOR(S))	STATE FILE: 2025-H-RP08-2350
)	
V.)	
)	
JANE R. FLANAGAN, DIRECTOR of THE ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR)	
)	
RESPONDENTS)	

ORDER

IDOL File No.: 2025-H-RP08-2350 coming on September 10, 2024 to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01 – 12 (“the Act” or “PWA”), and in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 – 10-70 and the procedures stated in the Department of Labor’s Rules at 56 Ill Admin Code 120.100, *et seq.*, and the International Brotherhood of Electrical Workers Local Union 134’s Petition to Intervene, and the Construction and General Laborers’ District Council of Chicago and Vicinity and its subsidiary and affiliate local union’s Petition to Intervene, and the Administrative District council of Illinois of the International Union of Bricklayers and Allied Craftworkers, the Administrative District Council No. 1 Illinois Ceramic Tile Layers/Tile Finishers Union Local 21 and 79’s Petition to Intervene, and the LIUNA Great Plains Laborers District Council’s Petition to Intervene, and the International Union of Operating Engineers, Local 150 and Local 841’s Petition to Intervene, and the Painters District Council No. 14 and the International United of Painters and Allied Trades Petition to Intervene, and the International Brotherhood of Electrical Workers Local 601, 701, 538, 461, 176, 150 and 117’s Petition to Intervene, Notice of Hearing issued thereunder, all parties having been duly advised on the premises:

IT IS HEREBY ORDERED THAT:

PETITIONS TO INTERVENE-56 II. Admin. Code Sec. 120.320

- 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.

ARGUMENTS

The International Brotherhood of Electrical Workers Local Union 134, and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local union, and the Administrative District Council of Illinois of the International Union of Bricklayers and Allied Craftworkers, the Administrative District Council No. 1 Illinois Ceramic Tile Layers/Tile Finishers Union Local 21 and 79, and the LIUNA Great Plains Laborers District Council, and the International Union of Operating Engineers, Local 150 and Local 841, and the Painters District Council No. 14 and the International United of Painters and Allied Trades, and the International Brotherhood of Electrical Workers Local 601, 701, 538, 461, 176, 150 and 117, seek status as intervenors in 2025-H-RP08-2350 because some members may be adversely affected by the creation of the "Floor Layer" classification sought by Objector. Petitioners argue that the classification is included in pre-existing classifications and some of the work performed by intervenors may be encompassed by Objector classification.

No objections to petitions to intervene were previously made, by parties present during the September 3, 2024 pre-hearing conference.

FINDINGS

It is found that intervenors have 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 International Brotherhood of Electrical Workers Local Union 134, and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local union, and the Administrative District council of Illinois of the International Union of Bricklayers and Allied Craftworkers, the Administrative District Council No. 1 Illinois Ceramic Tile Layers/Tile Finishers Union Local 21 and 79, and the LIUNA Great Plains Laborers District Council, and the International Union of Operating Engineers, Local 150 and Local 841, and the Painters District Council No. 14 and the International United of Painters and Allied Trades, and the International Brotherhood of Electrical Workers Local 601, 701, 538, 461, 176, 150 and 117, are necessary parties with the necessary information to enable the undersigned the ability to properly hold a full and fair hearing. Thus, Intervenor have successfully proven under the regulation that they may be adversely affected and are necessary parties to this dispute. **The International Brotherhood of Electrical Workers Local Union 134, and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local union, and the Administrative District council of Illinois of the International Union of Bricklayers and Allied Craftworkers, the Administrative District Council No. 1 Illinois Ceramic Tile Layers/Tile Finishers Union Local 21 and 79, and the LIUNA Great Plains Laborers District Council, and the International Union of Operating Engineers, Local 150 and Local 841, and the Painters District Council No. 14 and the International United of Painters and Allied Trades, and the International Brotherhood of Electrical Workers Local 601, 701, 538, 461, 176, 150 and 117, and their subsidiary and affiliate local unions are allowed to intervene in this matter.**

IT IS HEREBY ORDERED:

1. **The International Brotherhood of Electrical Workers Local Union 134, and the Construction and General Laborers' District Council of Chicago and Vicinity and its subsidiary and affiliate local union, and the Administrative District council of Illinois of the International Union of Bricklayers and Allied Craftworkers, the Administrative District Council No. 1 Illinois Ceramic Tile Layers/Tile Finishers Union Local 21 and 79, and the LIUNA Great Plains Laborers District Council, and the International Union of Operating Engineers, Local 150 and Local 841, and the Painters District Council No. 14 and the International United of Painters and Allied Trades, and the International Brotherhood of Electrical Workers Local 601, 701, 538, 461, 176, 150 and 117, and their subsidiary and affiliate local unions** Petitions to intervene are granted. Intervenor take the case as it is found and are not allowed to introduce new issues as provided under 56 Ill. Admin. Code 120.320 c).
2. All parties have consented in writing to continue the original hearing date scheduled for September 27, 2024.
3. The hearing date of September 27, 2024 at 9:00 a.m. is stricken.
4. The parties and intervenors agree to accept service of pleadings via email.
5. General discovery (e.g. depositions, interrogatories, or request for production or admit) is not allowed pursuant to 56 Ill. Admin. Code 120.410a.
6. The parties and intervenors shall file motions for third party subpoenas, along with a draft copy of a subpoena (the subpoena shall show on its face the name and address of the party)

at whose request the subpoena was issued with the undersigned **on or before September 23, 2024.**

7. Subpoenas for the attendance and testimony of witnesses shall be filed on or before **September 24, 2024.** The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.
8. Each party and intervenor shall provide all parties with a copy of any document that it may offer into evidence. The parties and intervenor shall exchange documents on or before 5:00 p.m. on **October 7, 2024.** Stipulations and objections to exhibits as well as Bates stamping of Exhibits is required.
9. Each party and intervenor shall provide all parties and the undersigned with a witness list containing the names/professional address/phone numbers for hearing of any witnesses who may be called to testify at hearing on or before 5:00 p.m. on **October 7, 2024.** The disclosure must provide subjects/topics on which the witness will testify. The disclosure must sufficiently give reasonable notice of the testimony. The purpose of this disclosure is to prevent unfair surprise at hearing with creating an undue burden on the parties before the hearing.
10. Parties shall submit a joint statement of the uncontested stipulated material facts and a summary statement of each party's position on or before 5:00 p.m. on **October 7, 2024.**
11. All parties/intervenors shall have a duty to seasonably supplement all disclosures.
12. Any disclosure dispute is to be addressed with the opposing party/intervenor prior to filing any motion. Evidence demonstrating said outreach will be required before a motion will be entertained regarding the same.
13. **This matter is scheduled for status on October 8, 2024 at 1:30 p.m. and telephonic hearing on October 11 & 18, 2024 at 9:00 a.m.**

DATE: September 10, 2024

Ms. Monica Silva

Monica Silva
Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste C-1300
Chicago, IL 60601
DOL.Hearings@Illinois.gov

STATE OF ILLINOIS)
)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I **Blanca Hinojosa**, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. **2025-H-RP08-2350** and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the order or on the Certificate of Service, having caused each envelope to be served by U.S. Mail with postage prepaid at 160 North LaSalle St., Ste. C-1300, Chicago, Illinois, 60601, on the day of **September 10, 2024**, 2023 prior to 4:30 p.m.

Mid-American Regional Council
Nicholas E. Kasmer
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HAND DELIVERED:

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/s/Blanca Hinojosa
Office Assoc/ Illinois Department of Labor