

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

ADMINISTRATIVE DISTRICT COUNCIL 1)
OF ILLINOISOF THE INTERNATIONAL)
UNION OF BRICKLAYERS & ALLIED)
CRAFTWORKERS, consisting of its) IDOL No.: 2026-H-RP08-2354
Illinois Bricklayers Local Unions 21, 56, and 74,)
)
OBJECTOR(S),)
)
v.)
)
JANE R. FLANAGAN, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, AND)
THE ILLINOIS DEPARTMENT OF LABOR)
)
RESPONDENT(S),)
)
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 (collectively, "the)
Chicago Laborers' District Council");)
)
GREAT PLAINS LABORERS DISTRICT)
COUNCIL, including LIUNA Local 32)
(DeKalb County, Illinois);)
)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150, AFL-CIO; and)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150, AFL-CIO)
(collectively, "IUOE Local 150"),)
)
MID-AMERICA CARPENTERS REGIONAL)
COUNCIL)
)
INTERVENER(S).)

ORDER

THIS MATTER came before the undersigned Administrative Law Judge on September 26, 2025, for hearing on the Petition to Intervene filed by Ironworkers Union Local 1 (“Ironworkers”) on September 8, 2025, pursuant to the Illinois Prevailing Wage Act, 820 ILCS 130/0.01–12 (“Act” or “PWA”), and in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 through 10-70, and the Department of Labor’s Rules, 56 Ill. Adm. Code §120.100 et seq.

PROCEDURAL HISTORY

1. On August 7, 2025, the Administrative District Council of Illinois of the International Union of Bricklayers & Allied Craftworkers (“Bricklayers”) filed objections in this matter.
2. A pre-hearing conference was scheduled on August 14, 2025.
3. By agreement of the parties, the August 14, 2025, pre-hearing conference was rescheduled to August 27, 2025.
4. Between August 7, 2025 and August 27, 2025, Petitions to Intervene were filed by the following labor organizations:
 - 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 (collectively, “the Chicago Laborers’ District Council”);
 - Great Plains Laborers District Council, including LIUNA Local 32 (“Great Plains Laborers”);
 - International Union of Operating Engineers, Local 150, AFL-CIO (Collectively, “IUOE Local 150”);
 - Mid America Carpenters Regional Council
5. On August 27, 2025, Petitions to Intervene were granted for the following labor organizations:
 - Great Plains Laborers;
 - IUOE Local 150; and
 - LIUNA Local 1 (“the Chicago Laborers’ District Council”).
6. Following these interventions, the parties became actively engaged in discussions and negotiations toward resolution and had submitted a consent decree for the Department’s consideration.
7. On September 5, 2025, intervention was granted to the Mid-America Carpenters Regional Council.

8. On September 5, 2025, an order was entered providing the following, [a]ny and all petitions to intervene shall be filed no later than 5:00 p.m. on September 5, 2025.
9. On September 8, 2025, the Ironworkers, represented by the same firm as the Mid-America Carpenters Regional's Council filed their Petition to Intervene.
10. On September 9, 2025, Interveners LIUNA Local 1 ("the Chicago Laborers' District Council") and Great Plains Laborers filed a Joint Response in Opposition to the Ironworkers' (Local 1) petition to intervene.
11. On September 9, 2025, the Objectors filed Its Response in Opposition to the Ironworkers' (Local 1) petition to intervene.
12. On September 17, 2025, the Administrative Law Judge amended the September 5, 2025, Order to extend the petition to intervene deadline to September 19, 2025, at 5:00 p.m., and a hearing on all petitions on September 24, 2025, at 11:00 a.m.

RELEVANT LAW

Pursuant to 56 Ill. Adm. Code §120.320(a), an Administrative Law Judge may, in his or her discretion, permit a party to intervene upon timely written application, subject to the necessity of conducting an orderly and expeditious hearing, where: (A) the party may be adversely affected by a final order; (B) the party is a necessary party to the proceeding; or (C) the party's claim or defense and the main action have a question of law or fact in common. In exercising discretion, the Judge must consider whether intervention will unduly delay or prejudice the adjudication of the rights of the original parties. Under subsection (c), an intervenor shall have all the rights of an original party, subject to any limitations imposed by the Judge to ensure justice and avoid undue delay.

ARGUMENT:

The Ironworkers contend that their Petition to Intervene was timely filed under the Amended September 5, 2025, order and that they may be adversely affected by the outcome of this proceeding if not admitted as a party. They argue that their interests are distinct and warrant participation in order to protect their members.

The Objectors, joined by the other intervenors, oppose the petition. They argue that the Ironworkers waited nearly 30 days after the objections were filed and after multiple pre-hearings to file their petition, despite being represented by counsel already actively engaged in the case. The Objectors further contend that the parties had already invested significant resources into negotiating a resolution and drafting a consent decree, and that admitting a new intervenor at this stage would cause undue delay and prejudice.

FINDINGS:

Having reviewed the record and considered the arguments, the undersigned finds that intervention is not warranted. While the petition was timely due the Amended September 5, 2025 Order, timeliness is only one factor under §120.320. The Ironworkers had notice of the proceedings and were represented by counsel actively involved since at least August 21, 2025, yet delayed filing until the original deadline to file petitions was posted. This unexplained delay weighs against intervention.

More significantly, the parties and existing intervenors have already held multiple pre-hearings, engaged in substantial settlement negotiations, and submitted a consent decree for consideration. Allowing intervention at this stage would risk unraveling those efforts and cause undue delay and prejudice to the original parties. In addition, the interests of the Ironworkers are substantially aligned with those of existing intervenors, particularly the Mid-American Carpenters, and their participation is not necessary for complete adjudication of the issues.

Accordingly, under 56 Ill. Adm. Code §120.320(a)(2), the prejudice and delay that would result from intervention outweigh any interest asserted by the Ironworkers.

IT IS HEREBY ORDERED:

1. The Petition to Intervene filed by **Ironworkers Union Local 1** is hereby **DENIED**.
2. This matter is **CONTINUED** for a telephonic status on all matters including but not limited to the status on settlement to **October 9, 2025, at 10:00 a.m.**
3. The parties will join the Status call by dialing in at **9:55 a.m.**, to:
 - **+1-312-535-8110 Toll**
 - **Access code: 28686072361**

Entered: September 26, 2025

/s/Michelle S. Bryant-Smith
Michelle S. Bryant-Smith
Administrative Law Judge
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160 N. LaSalle St., C-1300
Chicago, IL 60601
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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 Davis Merced, 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 Order in Case No. **2026-H-RP08-2354** and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at their respective address(es) having caused each envelope to be served by

☐ U.S. **regular** mail with postage prepaid being deposited in the U.S. mailbox at 555 W Monroe, Chicago, Illinois,

☐ **certified mail** return receipt requested and **regular mail** with postage prepaid at 555 W Monroe, Chicago, Illinois,

☒ via **email** addressed to each party or party's agent at the respective email address shown on the Certificate of Service,

on September 8, 2025, prior to 4:30 p.m.

Via Email:

OBJECTOR(S)

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