

**STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601**

MID-AMERICA CARPENTERS)
REGIONAL COUNCIL,)
)
PETITIONER(S),)
)
v.)
)
JANE R. FLANAGAN, ACTING DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENT(S),)
And)
)
ALAN GOLDEN, MEMBER AND BUSINESS)
MANAGER for the INTERNATIONAL)
BROTHERHOOD OF ELECTRICAL WORKERS,)
LOCAL 364 AND LOCAL 364,)
)
STANLEY SIMRAYH, MEMBER of the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150,)
)
GLEN JONES, MEMBER of the LABORERS)
INTERNATIONAL UNION OF NORTH)
AMERICAN LOCAL 32 AND LIUNA GREAT)
PLAINS LABORERS' DISTRICT COUNCIL,)
)
INTERVENOR(S).)

STATE FILE NO. 2022-H-RP01-2337

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Petitions to Intervene filed by Int'l Brotherhood of Electrical Workers, Local 365 ("IBEW, Local 365"), International Brotherhood of Teamsters, Local 176 ("IBEW, Local 176"), International Union of Operating Engineers, Local 150 ("IUOE, Local 150") and the Laborers International Union of North America, Local 32 and LIUNA Great Plains Laborers' District Council, ("LIUNA"); and, pursuant to 56 Illinois Administrative Code 120.400 all parties having been duly advised on the premises issues this order;

FINDINGS

56 Ill. Adm. Code 120.320 provides:

- 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.

POTENTIAL INTERVENORS

LIUNA, IUOE, Local 150, IBEW, Local 365 and IBEW, Local 176 have filed timely Petitions to Intervene under the administrative regulation. The Petitioner and Respondents do not object to the intervention of LIUNA, IUOE Local 150 and IBEW Local 365. Petitioner does, however, object to the Petition to Intervene filed by IBEW Local 176 based upon the fact that its members will not be adversely affected.

It is found that LIUNA, IUOE, Local 150, and IBEW Local 365 have successfully demonstrated that its members may be adversely affected by the establishment of differing rates and classifications at issue in this objection. Any change in rates and/or classifications may adversely affect its membership.

It is additionally found that LIUNA, IUOE, Local 150, and IBEW Local 365 are necessary parties with information to enable the undersigned the ability to properly hold a full and fair hearing. Therefore, it is found that LIUNA, IUOE, Local 150, and IBEW Local 365 are necessary to this proceeding.

As to IBEW, Local 176, Respondent does not object to intervention. However, Petitioner does object to the intervention of IBEW, Local 176. The Petitioner filed an objection to clarify a classification and possible rate to be established for specific solar work performed in DeKalb County, Illinois. All those granted intervenor status represent employees who perform work on public works construction contracts in DeKalb County, Illinois. IBEW, Local 176 represents 10 central Illinois Counties, including LaSalle County. Petitioner's objection requests clarification of the prevailing wage rate established for 'Carpenter, BLD' as to work related to erection and installation of racking systems and the affixing of solar panels and modules to the racking systems erection for work performed in DeKalb County, Illinois in its entirety, as well as a small portion of Ogle County, Illinois. The record does not demonstrate that IBEW, Local 176 represents members in the affected counties.

IBEW, Local 176 was provided ample opportunity to make a record regarding whether it meets the standard in 56 Ill. Adm. Code 120.320 to intervene in this matter. IBEW, Local 176 fails to establish that its membership would be adversely affected by any outcome in setting/clarifying or establishing a new rate in DeKalb County, Illinois regarding the

subject at hand because IBEW, Local 176 admits it does not represent members subject to a collective bargaining agreement in DeKalb County, Illinois. Further, it failed to demonstrate that members performed work in DeKalb County, Illinois.

It is found the IBEW, Local 176 is not a necessary party and its membership will not be adversely affected by any rulings made in this matter.

IT IS HEREBY ORDERED:

1. The **Petitions to Intervene filed by IBEW, Local 364, IUOE Local 150 and LIUNA** are **granted**.
2. The **Petition to Intervene** filed by **IBEW, Local 176** is **denied**. **IBEW, Local 176** is **not granted intervenor status**.
3. The caption is hereby amended as above.
4. **Respondent** is to file an answer the objection to be filed on or before **April 1, 2022**. Respondent attorney shall also file an appearance on or before **April 1, 2022**.
5. The undersigned will accept Motions filed via email at DOL.hearings@illinois.gov
6. **Subpoenas to third parties** shall be requested through the ALJ via Motion and draft subpoena on or before **April 8, 2022**. Parties and intervenors are responsible for service of the subpoenas.
7. Any **subpoenas for documents or witnesses** are to be requested through the undersigned with a Motion and Draft Subpoena on or before **April 29, 2022**.
8. Any and all motions and replies to motions shall be filed with all deliberate speed, Should you wish to file a reply to any Motion, please notify the ALJ at DOL.hearings@illinois.gov of your need to reply, such that a ruling can consider all positions. No oral argument will be heard on a motion unless the undersigned directs otherwise. 56 Il. Adm. Code 120.301.
9. Any and all **documents** anticipated to be used at hearing are to be **exchanged** on or before **May 20, 2022**. You remain under a continuous duty to update opposing party and intervenors with newly discovered information to be used at hearing.
10. **Witness lists** shall be filed with the undersigned and all parties and intervenors stating names, addresses, occupations and association with the case on or before, **May 27, 2022**.
11. This matter is set for **final telephonic status** on **June 1, 2022 at 1:30 p.m.** the undersigned will provide an electronic link to join the audio conference via phone or electronic link on the designated date and time to all party attorneys and potential intervenor attorneys. The electronic link will be provided only to the attorneys identified in the certificate of service below. This, however, does not preclude co-counsel from participation in the audio conference.

12. Should an attorney fail to receive a timely electronic link, the Department may be contacted at DOL.hearings@illinois.gov
13. This **hearing** is set for **June 6, 7 and 8 at 9:00 a.m.** Whether this hearing will be held in person at the Department's Chicago Offices or via video conference will be determined closer to the time of hearing.

DATE: March 17, 2022

By: /s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge
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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 Blanca Rodriguez, 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. 2022-H-RP01-2337 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. I mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 18th day of March, 2022 prior to 4:30 p.m.

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/s/ Blanca Rodríguez _____
Illinois Department of Labor