

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

<b>IN THE MATTER OF:</b>	)	
	)	
<b>INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL &amp; REINFORCING IRONWORKERS, LOCAL UNION NO. 380</b>	)	<b>STATE FILE NO. 2024-H-RP07-2343</b>
	)	
<b>OBJECTOR(S),</b>	)	
	)	
	)	
<b>v.</b>	)	
	)	
<b>JANE R. FLANAGAN, DIRECTOR of the ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR,</b>	)	
	)	
<b>RESPONDENTS.</b>	)	

**ORDER**

IDOL File No.: 2024-H-RP07-2343 coming on August 7, 2023 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 Operating Engineers, Local 150, AFL-CIO Petition to Intervene, and LIUNA Great Plains Laborers’ District Council and the Downstate Illinois Laborers’ District Councils and affiliate local unions (LIUNA) Petition to Intervene, the 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**

Local 150 and LIUNA seek status as intervenors in 2024 H-RP07-2343 because should the changes proposed by the objector go into effect, some Local 150 and LIUNA's members will be adversely affected. Petitioners argue that some members of Local 150 and LIUNA may be encompassed by the proposed changes classifying them to a lower rate of pay.

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

## **FINDINGS**

It is found that Local 150 and LIUNA 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 Local 150 and LIUNA are necessary parties with the necessary information to enable the undersigned the ability to properly hold a full and fair hearing. Thus, Local 150 and LIUNA have successfully proven under the regulation that they may be both adversely affected and are necessary parties to this dispute. **Local 150 and LIUNA Great Plains Laborers' District Counsel and the Downstate Illinois Laborers' District Council and their subsidiary and affiliate local unions are allowed to intervene in this matter.**

## **IT IS HEREBY ORDERED:**

1. **Local 150's and LIUNA Great Plains Laborers' District Counsel and the Downstate Illinois Laborers' District Council and their subsidiary and affiliate local unions Petition to intervene are granted.** Intervenors take the case as it is found and are not allowed to introduce new issues as provided under 56 Ill. Admin. Code 120.320©.
2. The parties and intervenors agree to accept service of pleadings via email.

3. General discovery (e.g. depositions, interrogatories, or request for production or admit) is not allowed pursuant to 56 Ill. Admin. Code 120.410a.
4. **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 AUGUST 9, 2023**.
5. **Subpoenas for the attendance and testimony of witnesses shall be filed on or before AUGUST 9, 2023**. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.
6. **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 AUGUST 22, 2023.**
7. **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 AUGUST 22, 2023.** 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.
8. All parties/intervenors shall have a duty to seasonably supplement all disclosures.
9. 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.
10. **This matter is scheduled for telephonic hearing on AUGUST 24 & 25, 2023 at 9:00 a.m.**

DATE: August 7, 2023

*/s/ John A. O'Meara*

John A. O'Meara  
Administrative Law Judge  
Illinois Department of Labor  
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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 I-109 of the Code of Civil Procedure, I Karen Lewis, 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. 2024-H-RP07-2343 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 555 West Monroe, Chicago, Illinois, 60661, or U.S. Regular Mail or email on the 7th day of August, 2023 prior to 4:30 p.m.

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/s/Karen Lewis  
Office Specialist, Illinois Department of Labor