

Installation of Solar Panels is NOT Exclusively Electrician Work under the Illinois Prevailing Wage Act – So Capitulates the Illinois Department of Labor

Labor & Employment Law Update

By Michael Hughes and Jeffrey Risch on December 30, 2025

In the Spring of 2025, the Illinois Department of Labor (“Department”) filed a lawsuit against a union contractor alleging violations of the Illinois Prevailing Wage Act (“IPWA”). The lawsuit stemmed from audits into the contractor’s installation of solar panels performed at public works projects (“Projects”).

The Department’s lawsuit alleged that work performed by the contractor on the Projects fell within the prevailing wage classification of Electrician, as opposed to the classification of Carpenter – the classification the contractor paid its employees, engaged apprentices, and reported wages on its certified payroll reports.

Despite being signatory to the Carpenters’ Union, the contractor was assessed monetary damages (back wages, penalties and interest) essentially because the Department unilaterally reclassified the work to that of Electrician. By reclassifying the work at issue, the Department made adverse monetary assessments against the contractor.

In response to the Department’s lawsuit, the contractor asserted that the work performed was properly classified, paid and reported as Carpenter work. The contractor further asserted that the Department acted beyond its statutory authority by reclassifying the work, and that its claims were preempted by federal law under the Supremacy Clause, the National Labor Relations Act, and the Labor Management Relations Act because the Department was assigning work exclusively to the Electricians’ Union.

On December 18, 2025, upon further reflection, the Department determined and agreed that the work the contractor performed on the Projects *could properly be classified under the Carpenter classification*. Specifically, in re-reviewing the work performed in the evolving field of solar energy within the construction industry,

the Department determined that certain solar-related tasks – such as constructing and installing supporting steel, brackets, I-Beams, and racking system components – *is not solely Electrical work*, and therefore such work properly may be classified as, and performed by, trades other than Electricians.

Additionally, the Department acknowledged and agreed that no current prevailing wage classification exists solely and specifically for the installation of racking in solar energy construction and where such work is performed by a trade recognized by the Department, the prevailing wage rates for that trade, including apprentice rates tied to that trade, can apply.

As the solar energy industry continues to evolve in Illinois, industry contractors (union and non-union) must become intimately familiar with the IPWA and the ever-changing legal landscape that comes with performing solar panel installation work on prevailing wage projects.

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