

# MARBA MATTERS

## GRIEVANCES AND ARBITRATIONS<sup>i</sup>

### Mid-America Regional Council of Carpenters Arbitrations

MARBA received zero demands for arbitration in July.

### Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in July. The next JGC is scheduled to be held on August 29, 2023, at the Burr Ridge office of the Laborers, provided there are any cases set to go forward.

### Operating Engineers Joint Grievance Committee

The Operating Engineers Joint Grievance Committee did not meet in July. The next regularly scheduled JGC was August 2, 2023, at the offices of Local 150. However, there were no grievances to be heard. As such, the next regularly scheduled JGC will be on October 4, 2023. At this point, there is one (1) grievance on the docket.

### Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in July. The next regularly scheduled meeting is set for August 31, 2023, provided there are any cases set to go forward.

## COLLECTIVE BARGAINING/LABOR ISSUES

### 2022-2026 Laborers Agreements Posted to MARBA Website

The five (5) collective bargaining agreements between MARBA and the Laborers District Council have been posted to the MARBA website. The delay in getting the five (5) agreements posted was a result of the parties consenting to retire the two (2) Fox Valley Laborers collective bargaining agreements. This process was undertaken after the conclusion of the 2021 negotiations, and it took several months of dialogue with both signatory contractors and the District Council. After those discussions, the parties underwent a lengthy editing process for the remaining five (5) agreements. Should you have any questions about the Laborers agreements, or the editing process, please contact Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org). Additionally, all MARBA collective bargaining agreements, including any interim Memorandum of Agreements, can be found by clicking [here](#).

### Final Negotiation Update Posted

The final Negotiation Update for 2023 has been posted to the MARBA website. Special thanks to all of

those that provided information to MARBA in compiling the information contained in the weekly update. The next Negotiation Update will begin in March/April 2024. In the meantime, a list of contracts expiring in 2024 (and 2025) is posted on the MARBA website. If you notice a contract expiring in either 2024 or 2025 not listed on the expiring contract list, please contact Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org).

**INDUSTRY NEWS**

**Governor Pritzker and IDOT Launch Historic Multi-Year Plan**

Earlier this month, Governor Pritzker and IDOT officials announced a six-year \$41 billion-dollar multiyear plan. The MYP is the largest in state history. The plan will cover roads and bridges, aviation, transit, freight/passenger railroads, waterways, as well as pedestrian and bicycle projects. District 1, which includes Cook, DuPage, Lake, Kane, McHenry, and Will Counties, will see approximately \$27 billion dollars (\$21B to State systems and \$6B to Local systems) over the 6-year plan. A fact sheet covering District 1 projects can be found by clicking [here](#).

**Construction Labor Shortage Reaches Highest Recorded Level of Open Positions**

The construction industry has approximately 650,000 jobs open that are not being filled. According to one report, the industry will need to hire 546,000 additional workers in addition to the normal amount in order to meet demand in 2023. In 2022, average monthly openings were at 390,000 (which was the highest level on record). With several federal and state programs launching new infrastructure programs, the industry is facing a crunch when it comes to staffing the number of projects on the horizon.

**STATE OF THE ECONOMY**

**Economic Indicators**

Unemployment Rate	June 2023 U.S. 3.6% (May 3.7%), Illinois 4.1% (45 <sup>th</sup> )
Labor Participation Rate	June 62.6%, May 62.6%, April – 62.6%, March – 62.6%
CPI All Urban Consumers	June 2023 over June 2022 = 2.97%
CPI Chicago All Items	June 2023 over June 2022 = 2.10%
CPI Midwest All Items	June 2023 over June 2022 = 2.40%
Union Membership	2022 = 10.1% (Private Sector 6.0%) 2021 = 10.3% (Private Sector 6.1%) 2020 = 10.8% (Private Sector 6.3%)
Rate of Unionized Construction Workers	11.7% (2022), 12.6% (2021)

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30 Year Fixed Mortgage	As of 7-13-23 6.96%, up 1.45% over the prior year. Annual Average 5.34% (2022), 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	As of 7-13-23 6.3%, up 1.63% over the prior year. Annual Average 4.58% (2022), 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$ 78.82 per barrel (as of July 13, 2023) \$145.61 per barrel all time high July 2008 \$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	% above/below revised May rate % above/below June 2022 rate
Privately Owned New Housing Starts	% above/below revised May rate (+/-%) % above/below June 2022 rate (+/-%)
GDP	Q1 2023 (3 <sup>rd</sup> ) +2.0% Q1 2023 (2 <sup>nd</sup> ) +1.3% Q1 2023 (Adv) +1.1% Q4 2022 (3 <sup>rd</sup> ) +2.6
DJIA	33,957.78 as of June 27, 2023 (2:00 p.m.) 32,908.73 as of May 31, 2023 (close) 34,029.11 as of April 28, 2023 (12:30 p.m.)

**JANIK’S J.D. – AN UPDATE ON LABOR/CONSTRUCTION LEGAL ISSUES**  
**AARON JANIK- EXECUTIVE DIRECTOR MARBA**

**Supreme Court Issues Ruling Setting Forth New Test for Religious Accommodations**

In late June, the Supreme Court issued a ruling in *Groff v. DeJoy*. The case involved a postal deliveryman that refused to work on Sundays citing a religious belief. When the plaintiff was initially hired his postal office did not make Sunday deliveries. Soon after his hiring, USPS contracted with Amazon to make deliveries thereby requiring Sunday work. The Plaintiff requested a transfer to a more rural location where there were no Sunday deliveries being made. His request was granted. Shortly after his transfer, Sunday deliveries started. The USPS had six other employees at his location cover Sunday deliveries (they also sought volunteers from other areas to cover the Sunday deliveries). As the situation progressed, the plaintiff began to receive discipline for failing to cover Sunday deliveries. He eventually resigned.

After his resignation, he sued the USPS alleging a Title VII discrimination claim. He argued the USPS could have granted his accommodation without “undue hardship” on the defendant’s business. The district court granted summary judgement for the USPS and the Third Circuit affirmed, ruling the defendant had met the *de minimis* standard for an undue hardship as laid out in a 1977 decision. The Supreme Court, unanimously, vacated the ruling of the Third Circuit and remanded the case back to the district court for proceedings consistent with their decision.

In vacating the Third Circuit’s decision, the Supreme Court stated it was “clarifying” the proper standard for making religious accommodations. The 1977 decision contained a footnote in which the Court used the phrase *de minimis*. Since that decision, Courts have often used a *de minimis* standard which has eroded the undue hardship standard. The Court held an undue hardship would be “substantial in the overall context of an employer’s business.” It further held that in order to show an undue hardship, an Employer “must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business.” While the Court stated this decision will “prompt little, if any change in the EEOC’s guidance” with respect to religious accommodations, it is likely there will be an influx of religious accommodations claims being brought as the interpretation of the standard has now been upended. The decision can be found by clicking [here](#).

**UPCOMING SEMINARS/EVENTS**

**UCA UTILITY ROUNDTABLE**

JOIN THE UCA TO STAY CURRENT ON INDUSTRY TRENDS IN THE RISK MANAGEMENT ARENA

DATE: WEDNESDAY AUGUST 23, 2023  
 TIME: 8:00 A.M. TO 9:30 A.M.  
 LOCATION: UCA OFFICES  
 1051 PERIMETER DRIVE SUITE 1075  
 SCHAUMBURG, IL 60173  
 COST: FREE  
 CONTACT: UCA STAFF 630-467-1919

**CALENDAR**

<b>AUGUST 1</b>	<b>11:00 A.M.</b>	<b>LECET SIP (BURR RIDGE)</b>
<b>AUGUST 2</b>	<b>8:30 A.M.</b>	<b>OPERATING ENGINEERS JGC (COUNTRYSIDE)</b>
<b>AUGUST 10</b>	<b>8:00 A.M.</b>	<b>BAC PENSION – H&amp;W FUND MEETINGS (ELMHURST)</b>
<b>AUGUST 16</b>	<b>10:00 A.M.</b>	<b>MIDWEST LABOR MEETING (CHICAGO)</b>
<b>AUGUST 21</b>	<b>8:00 A.M.</b>	<b>SWEENEY GOLF CLASSIC (ORLAND PARK)</b>
<b>AUGUST 29</b>	<b>9:00 A.M.</b>	<b>LABORERS JGC (BURR RIDGE)</b>
<b>AUGUST 31</b>	<b>9:00 A.M.</b>	<b>TEAMSTERS JGC (MARBA)</b>
<b>AUGUST 31</b>	<b>8:00 A.M.</b>	<b>LABORERS CHARITABLE GOLF OUTING (ORLAND PARK)</b>

<sup>1</sup> Information for MARBA Matters was obtained from the following sources: BNA Construction Labor Reports, Crain’s Chicago Business, Northwest Times of Indiana, Chicago Tribune, and Sun-Times, CDQ, and the BLS, as well as various websites and other publications.

*Did You Know?*

Video Killed the Radio Star: MTV was launched on August 1, 1981, at 12:01 a.m. The first music video was by The Buggles, appropriately entitled...Video Killed the Radio Star.



**NORTE DAME V. NAVY HIGHLIGHTS WEEK “0” OF THE COLLEGE FOOTBALL SEASON AUGUST 26**