

MARBA MATTERS

GRIEVANCES AND ARBITRATIONSⁱ

Mid-America Regional Council of Carpenters Arbitrations

MARBA received three arbitration demands in May. One demand claimed an alleged violation of Article X (Stewards). The other two claimed alleged violations of Article IV (Wages).

Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in May. The next JGC is scheduled to be held on June 27, 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 May. The next regularly scheduled Local 150 JGC is scheduled to be held on June 7, 2023, at 8:30 a.m. at the offices of Local 150 in Countryside, IL. There are currently four (4) grievances on the docket.

Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee met on May 25, 2023, at the MARBA office to hear one grievance pertaining to termination. The Employer terminated the employee due to three documented instances of misconduct over a year time frame. The first instance was insubordination. The second instance was failing to secure a load causing damage to property. The third instance was receiving a ticket for driving in the left-hand lane for too long. The employee testified he regretted the instance of insubordination and was under stress due to a recent medical diagnosis. The employee further testified the strap he had used to secure the load broke due to no fault of his own. Finally, the employee testified that although he was ticketed for driving in the left-hand lane too long that should hardly warrant termination.

After hearing the testimony and receiving the evidence the JGC decided, by a majority vote, to reinstate the employee to his position with no loss in seniority and award him ten (10) days of back pay (80 hours of wage and fringe benefits).

The next regularly scheduled meeting is scheduled for June 29, 2023, at the MARBA offices in Des Plaines, provided there are any cases set to go forward.

COLLECTIVE BARGAINING/LABOR ISSUES

Negotiation Updates

Negotiation updates for the 2023 season are close to wrapping up. All of the trades in the Chicago and collar county region have reached tentative agreements with their respective associations. Some of those settlements are still pending ratification. Negotiations in Northwest Indiana and Wisconsin (Milwaukee area) are still ongoing.

Upon receipt of information concerning the terms of the settlements for any of the outstanding negotiations, the Negotiation Update document will be updated on the MARBA website. You can find that document by clicking [here](#) and then clicking on the Negotiation Update link.

INDUSTRY NEWS

Site Work Started on Illinois' Largest Solar Farm

A solar project that is expected to generate enough capacity to power 85,000 homes is underway in downstate Illinois. The 592 MW-Double Black Diamond, located in Morgan and Sangamon counties, will be the largest solar farm in the state. It is estimated that 435 craft workers will be employed on the job for roughly 14 months. There was no specific price given for the overall cost of the project but an official with the company building the farm indicated it would be approximately \$535 million.

According to a solar trade association, Illinois may see its installed solar capacity more than double over the next five years (2,036 MW to 5,396 MW). Many of the 1.6 million solar panels used in the project will be manufactured in the United States. Although the facility will be able to power up to 85,000 homes, the City of Chicago has already entered into an agreement with the company that owns the facility to purchase power to run parts of O'Hare, Midway, a water purification plant, and a public library.

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	April 2023 U.S. 3.4% (March 3.5%), Illinois 4.2% (46 th)
Labor Participation Rate	April – 62.6%, March – 62.6%, February - 62.5%
CPI All Urban Consumers	April 2023 over April 2022 = 4.93%

CPI Chicago All Items	April 2023 over April 2022 = 4.77%
CPI Midwest All Items	April 2023 over April 2022 = 4.95%
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) 12.7% (2020), 13.6% (2019)
30 Year Fixed Mortgage	As of 5-31-23 6.79%, up 0.22% over the prior week. Annual Average 5.34% (2022), 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	As of 5-31-23 6.18%, up 0.21% over the prior week. Annual Average 4.58% (2022), 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$ 71.85 per barrel (as of May 31, 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	1.5% below revised March rate 21.1% below April 2022 rate
Privately Owned New Housing Starts	2.2% above revised February rate (+/-11.9%) 22.3% below April 2022 rate (+/-8.7%)
GDP	Q1 2023 (2 nd) +1.3% Q1 2023 (Adv) +1.1% Q4 2022 (3 rd) +2.6
DJIA	32,908.73 as of May 31, 2023 (close) 34,029.11 as of April 28, 2023 (12:30 p.m.) 32,723.65 as of March 30, 2023 (12:30 p.m.)

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

NLRB Takes Aim at Non-Compete Agreements

On May 30, 2023, NLRB General Counsel, Jennifer Abruzzo, issued a memorandum to all Regional Directors, Officers in Charge, and Resident Officers, that the proffering and maintenance of non-

compete clauses in both employment contracts and severance agreements violate the NLRA. If you recall from last month’s MARBA Matters, this memo comes on the heels of a decision issued by the NLRB in which non-disparagement/confidentiality clauses were held to be unlawful if included in a severance agreement.

According to GC Abruzzo’s reasoning, a non-compete clause chills an employee’s rights to engage in Section 7 protected activity by seeking other employment opportunities (i.e. leaving one job because of poor working conditions for another job with better working conditions). The GC did include in her memorandum that some narrowly tailored non-compete clauses may be acceptable. However, the GC entered into an interagency memorandum of understanding with the Federal Trade Commission and Department of Justice Anti-Trust Division vowing to work together on the issue of non-compete. Thus, employers will need to ensure that even a narrowly tailored noncompete clause does not run afoul of the GC’s directive or the FTC and DOJ’s guidance on the matter. The NLRB’s website with a link to the GC’s memorandum can be found by clicking [here](#).

UPCOMING SEMINARS/EVENTS

CAGC CCSF SCHOLARSHIP GOLF OUTING

HIT THE LINKS WITH THE CAGC AS THEY SUPPORT THEIR SCHOLARSHIP FOUNDATION

DATE: THURSDAY, JUNE 22, 2023
 TIME: 11:00 A.M. TO 8:00 P.M.
 LOCATION: HARBORBSIDE GOLF COURSE
 11001 E. DOTY AVE.
 EAST CHICAGO, IL 60628
 COST: SINGLE GOLF \$300
 CONTACT: REGISTER BY CLICKING [HERE](#)

CALENDAR

JUNE 2	9:00 A.M.	PREVAILING WAGE SEMINAR (ONLINE)
JUNE 7	8:30 A.M.	OPERATING ENGINEERS JGC (COUNTRYSIDE)
JUNE 13	8:00 A.M.	LABOR RELATIONS COMMITTEE MEETING (ITASCA)
JUNE 15	12:00 P.M.	LERA EVENT (CHICAGO)
JUNE 22	7:00 A.M.	WILL COUNTY CED EYE OPENER BREAKFAST (JOLIET)
JUNE 27	9:00 A.M.	LABORERS JGC (BURR RIDGE)
JUNE 29	9:00 A.M.	TEAMSTERS JGC (MARBA)

¹ 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?

June 2 is National Rocky Road Day