

# MARBA MATTERS

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

### Mid-America Regional Council of Carpenters Arbitrations

MARBA received one (1) demand for arbitration in August alleging a violation of Article IV (Wages).

### Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in August. The next JGC is scheduled to be held on September 26, 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 August. The next regularly scheduled JGC will be on October 4, 2023. At this point, there are two (2) grievances on the docket.

### Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee met on August 30, 2023, at the MARBA offices to hear two (2) grievances filed against the same contractor by two (2) Locals. The first grievance alleged a contractor was not paying the proper wages pursuant to the current CBA. The contractor argued a settlement agreement they had signed with the Union allowed them to “phase” in the negotiated wage increase due to the fact they were paying higher wages than what was contained in the MARBA CBA due to the fact they were signatory to a different CBA prior to assigning bargaining rights to a MARBA association. The JGC was unable to reach a majority decision and the matter was deadlocked. The Union retains the right to take the matter to arbitration.

The second grievance alleged a contractor did not operate their company trucks prior to subcontracting work out to a different trucking company. The contractor argued they were buying materials from a supplier and the supplier was delivering the materials, thus, there was no subcontracting involved. The trucks in question were concrete mixers. The JGC was unable to reach a majority decision and the matter was deadlocked. The Union retains the right to take the matter to arbitration. The next regularly scheduled meeting is set for September 28, 2023, provided there are any cases set to go forward.

## COLLECTIVE BARGAINING/LABOR ISSUES

### 2023-2027 Teamsters Negotiations Posted to MARBA Website

The Teamsters agreement covering June 1, 2023, through May 31, 2027, has been posted to the MARBA

website. The most significant change to the new agreement concerns subcontracting covered under Article 3. Contractors’ signatory to the Teamsters agreement are encouraged to review the agreement, particularly Article 3, to make sure they are in compliance with the various changes. Should you have any questions about the agreement, or the editing process, please contact Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org). Additionally, all MARBA collective bargaining agreements, including any Memorandum of Agreements, can be found by clicking [here](#).

**INDUSTRY NEWS**

**Davis Bacon Gets Extensive Rewrite**

The United States Department of Labor recently issued a new, final rule entitled, “Updating the Bacon-Davis and Related Acts (DBRA)”. DBRA had not received an extensive, substantive change in over 40 years. The rewrite comes on the heels of a Notice of Proposed Rulemaking issued by the DOL on March 18, 2022, in which the DOL sought comments on the various changes being proposed.

The changes include, but are not limited to, returning to the definition of prevailing wage used from 1935 to 1983, periodically updating prevailing wages to address out of date wage determinations, and providing the agency the ability to adopt state or local rates when certain criteria is met. AGC of America CEO Stephen E. Sandherr criticized the final rule stating, “the final rule appears to make it easier on the DOL itself to set prevailing wages with less of the data it already collects, or lack thereof.” DBRA requirements are applicable to tens of billions of dollars of federal and federally funded construction projects. The DOL is hosting two free webinars to cover the various changes to the DBRA. Registration is required and can be found by clicking [here](#).

**STATE OF THE ECONOMY**

**Economic Indicators**

Unemployment Rate	July 2023 U.S. 3.5% (June 3.6%), Illinois 4.0% (46 <sup>th</sup> )
Labor Participation Rate	July 62.6%, June 62.6%, May 62.6%
CPI All Urban Consumers	July 2023 over July 2023 = 3.18%
CPI Chicago All Items	July 2023 over July 2023 = 2.24%
CPI Midwest All Items	July 2023 over July 2023 = 2.93%
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 8-31-23 7.18%, up 1.52% over the prior year. Annual Average 5.34% (2022), 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	As of 8-31-23 6.55%, up 1.57% over the prior year. Annual Average 4.58% (2022), 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$85.85 per barrel (as of August 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	0.1% above revised June rate 13.0% below July 2022 rate
Privately Owned New Housing Starts	3.9% above revised June rate (+/-16.0%) 5.9% above July 2022 rate (+/-16.1%)
GDP	Q2 2023 (2 <sup>nd</sup> ) +2.1% Q1 2023 (3 <sup>rd</sup> ) +2.0%
DJIA	35,559.53 as of July 31, 2023 (close) 33,957.78 as of June 27, 2023 (2:00 p.m.) 32,908.73 as of May 31, 2023 (close)

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

**NLRB Continues Issuing Employee Friendly Decisions**

August saw the NLRB issue several employee friendly decisions continuing the current Board’s reversal of several Trump-era, employer friendly decisions. The first decision was issued on August 2, 2023, in the case of *Stericycle Inc. and Teamsters 628*. The decision returned to a case-by-case standard when evaluating employer policies. The ALJ in the case found the employer’s policies dealing with personal conduct, conflicts of interest, and confidentiality of harassment complaints violated section 8(a)(1) of the Act. The NLRB agreed with the ALJ and returned to the standard utilized under *Lutheran Heritage*. As a result of the *Stericycle* decision employers are advised to review the policies, especially as they relate to the issues cited above.

The Board also issued a decision regarding union elections/representation cases. The case, *Cemex Construction Materials Pacific, LLC and International Brotherhood of Teamsters*. The decision set forth a new standard for union elections. The new standard now requires an employer to file an RM petition within two weeks of receiving a demand from a Union seeking recognition. If the employer does not file an RM petition within the two weeks and the Union is able to show it had majority status, the employer’s refusal to recognize the Union will now be considered a *per se* violation of the Act. Both decisions can be found by clicking [here](#).

**UPCOMING SEMINARS/EVENTS**

**GLCA TAILGATE COOKOFF**

JOIN THE GLCA AS THEY WELCOME OVER 1,500 GUESTS TO THEIR 8<sup>TH</sup> ANNUAL TAILGATE COOKOFF. THERE WILL BE FACEPAINTING, BOUNCE HOUSES, LIVE MUSIC AND VARIOUS CATEGORIES OF FOOD TO BE JUDGED!!!

DATE: SEPTEMBER 9, 2023  
 TIME: 11:00 A.M. TO 6:00 P.M.  
 LOCATION: UCA OFFICES  
 1060 EAST PETERSON ROAD  
 GRAYSLAKE, IL 60030  
 COST: FREE FOR GLCA MEMBERS AND THEIR FAMILIES  
 CONTACT: UCA STAFF 847-623-2345

**CALENDAR**

SEPTEMBER 1	9:00 A.M.	CEMENT MASONS LMCC (BELLWOOD)
SEPTEMBER 7	10:00 A.M.	UCA LABOR COMMITTEE MEETING (ONLINE)
SEPTEMBER 11	12:00 P.M.	CARPENTERS CRAFT COMMITTEE (MARBA)
SEPTEMBER 12	11:00 A.M.	MIAF MEETING (MARBA)
SEPTEMBER 12	12:00 P.M.	MARBA BOARD MEETING (MARBA)
SEPTEMBER 15	9:00 A.M.	CAGWC TODD SADENO MEMORIAL GOLF OUTING (MORRIS)
SEPTEMBER 21	7:30 A.M.	MWCC ROUNDTABLE (DES PLAINES)
SEPTEMBER 26	9:00 A.M.	LABORERS JGC (BURR RIDGE)
SEPTEMBER 28	9:00 A.M.	TEAMSTERS JGC (MARBA)

<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?*

September 13 is celebrated as Kids Take Over the Kitchen Day.



LIONS KICKOFF VS. CHIEFS THURSDAY, SEPTEMBER 7.....GO LIONS!