

# MARBA MATTERS

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

### Chicago Regional Council of Carpenters Arbitrations

MARBA received no arbitration requests this month.

### Laborers Joint Grievance Committee

The Laborers JGC met on April 26, 2022, at the Laborers office in Burr Ridge to hear one (1) grievance. The grievance involved an allegation that a contractor did not pay the proper wages to one of its employees. The Union presented its case first which included pay stubs, old checks, and a spreadsheet with dates of the incorrect payments. The grievant also testified they were not paid properly. The Employer did not dispute there were some back wages owed but rather they disputed the overall total amount being sought by the Union.

After receiving the evidence and hearing the testimony of the parties, the JGC issued a decision in favor of the grievant and awarded him back wages and liquidated damages (per the collective bargaining agreement). The next JGC is scheduled to be held on May 31, 2022, at Laborers Burr Ridge office, provided there are any cases set to go forward.

### Operating Engineers Joint Grievance Committee

The Operating Engineers JGC did not meet in April. The next regularly scheduled Local 150 JGC is scheduled to be held on June 1, 2022, at 8:30 a.m. at Local 150 in Countryside, IL. There is currently one (1) grievance on the docket.

### Teamsters Joint Grievance Committee

The Teamsters JGC did not meet in April. The next JGC hearing is currently scheduled for May 28, 2022, at the Teamsters office in Burr Ridge. There is currently one (1) grievance on the docket.

## COLLECTIVE BARGAINING/LABOR ISSUES

### Save the Date – MARBA To Host Collective Bargaining Seminar

MARBA will be hosting a collective bargaining seminar on Wednesday, June 15, 2022, at Gibson's in Oakbrook. Sign-In/Registration will take place from 11-12 with the presentation starting at 12:00 p.m. It will run approximately 1.5 hours with time for Q&A. The seminar will focus on the nuts and bolts of collective bargaining and will also include a segment about the role MARBA plays in the collective bargaining process. It will be geared to those with little to no experience in multi-employer collective bargaining.

Rick Samson from Ogletree Deakins will be presenting along with Aaron Janik, MARBA Executive Director. There is no cost to attend but space is limited. Currently, we are limiting registration to those contractors' signatory to MARBA collective bargaining agreements. If additional space is available, we will open it up to contractor's signatory to non-MARBA collective bargaining agreements. You may register by clicking [here](#). Please include the name of those attending and their email/cell phone numbers.

### **Check Your Inbox for Negotiation Update Emails**

The yearly negotiation update emails are in full swing. These are sent every Friday during the months of April and May (and into June as necessary). You may find the most current Negotiation Update document on the MARBA website by clicking [here](#).

### **Wage Allocations Arriving**

With June 1, 2022, fast approaching many of the trades are sending out wage allocation sheets. These sheets will contain the breakdown of the June 1, 2022, allocations. Upon receipt the MARBA staff reviews the information contained therein and posts it to the MARBA website. You may find the allocations for this year (and previous years) by clicking [here](#).

## **INDUSTRY NEWS**

### **Industry Coalition Prevails at Illinois Supreme Court**

An industry coalition made up of many Chicago area trade associations prevailed against Cook County in a case that involved the Lockbox Amendment to the Illinois Constitution. The case was filed back in 2018 after Cook County inappropriately diverted transportation related taxes and fees from transportation related projects. This inappropriate diversion went against the "Lockbox Amendment" which was passed in 2016 by Illinois voters (close to 79% of voters supported the amendment). The amount of misappropriated money totaled upwards of \$250 million dollars a year.

Initially, a Cook County Circuit Court Judge ruled that the industry coalition did not have standing to bring a lawsuit against the County and that the complaint did not state a violation of the Amendment. Subsequent to that ruling the industry coalition appealed to the Appellate Court

which ruled the coalition did have standing to pursue a claim against the County, but the complaint did not state a violation of the Amendment. Thus, the Appellate Court ruled in favor of the County, upholding the Circuit Court’s decision in part. Undeterred, the coalition appealed to the Illinois Supreme Court. After a lengthy court battle the Illinois Supreme Court ruled that the County was wrong to divert the transportation related taxes and fees away from transportation projects.

The lead Plaintiff in the litigation, the Illinois Road and Transportation Builders Association (IRTBA) issued a press release after the decision was issued. That press release can be found [here](#). The Illinois Supreme Court decision can be found [here](#).

**Illinois Legislature Amends the Illinois Wage Payment and Collection Act**

In the last legislative session, the Illinois General Assembly amended the Illinois Wage Payment and Collection Act to now require a prime contractor to be liable for a sub-contractor’s failure for payment of wages and benefits. There are exceptions for contractor’s signatory to a collective bargaining agreement. The bill is headed to Governor Pritzker’s desk for his signature. The bill, House Bill 5412 can be found [here](#). A companion bill, House Bill 4600, can be found [here](#).

**STATE OF THE ECONOMY**

**Economic Indicators**

Unemployment Rate	March 2022 U.S. 3.6% (down 0.2%), Illinois 4.7% (45 <sup>th</sup> – March)
Labor Participation Rate	March 2022 = 62.4%, February 2022 = 62.3%
CPI All Urban Consumers	March 2022 over March 2021 = 8.54%
CPI Chicago All Items	March 2022 over March 2021 = 7.80%
CPI Midwest All Items	March 2022 over March 2021 = 8.55%
Union Membership	2021 10.3% (Private Sector 6.1%), 2020 = 10.8% Rate of Unionized Construction Workers = 12.6% 12.7% (2020), 13.6% (2019), 13.8% (2018)
30 Year Fixed Mortgage	March 4.17%, up .41% (February 3.76%) Annual Average 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	March 3.39%, up .39% (February 3.00%) Annual Average 2.27% (2021), 2.61% (2020)
Brent Crude Oil	\$102.66 per barrel (as of April 25, 2022)

	\$145.61 per barrel all time high July 2008
	\$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	0.4% above revised February rate 6.7% above March 2021 rate
Privately Owned New Housing Starts	0.3% above revised February rate (+/-12.3%) 3.9% above March 2021 rate (+/-8.9%)
GDP	Q1 2022 (Adv) -1.4% Q4 2021 (3rd) +6.9% Q3 2021 (3 <sup>rd</sup> ) +2.3% Q2 2021 (3 <sup>rd</sup> ) +6.7% Q1 2021 (3 <sup>rd</sup> ) +6.3%
DJIA	33,794.51 as of April 25, 2022 (2:13 p.m.) 34,678.35 as of March 31, 2022 (close)

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

*Captive Audience Meetings on The Chopping Block?*

On April 7, 2022, Jennifer Abruzzo, General Counsel to the National Labor Relations Board, issued Memorandum GC-22-04 to its field offices in which she indicated she would be seeking to have the NLRB overturn 75 years of Board precedent regarding “captive audience” meetings. In fact, she called the 75 years of Board precedent “anomaly” in labor law. Captive audience meetings are ones in which employees are presented with the employer’s position regarding union representation. Generally, these meetings are held on company property and upper management, or a consulting firm, discuss the Employer’s position with the employees.

According to the General Counsel’s memo these meetings violate the NLRA because the employees are often “forced” to attend them with a fear of reprisal from management if they do not attend. Additionally, the GC memo indicated these meetings “restrain or coerce” those in attendance from exercising their rights under Section 7 of the Act in violation of Section 8(a)(1). Under the current Board precedent, which again has been in effect for 75 years, an employer does not violate the Act by requiring its employees to attend a meeting (or meetings) in which the employer discusses with its employees the pending Union representation. If successful in having this precedent overturned Employers will be placed in a difficult situation in which they may have to hold meetings that are no longer mandatory (i.e., volunteer) to provide an alternative perspective regarding Union representation. In the interim Employers will need to be cautious of how they proceed considering the GC’s memo. A copy of the GC’s memo can be found by clicking [here](#).

**UPCOMING SEMINARS/EVENTS**

**MARBA COLLECTIVE BARGAINING SEMINAR**

MARBA WILL PRESENT A SEMIANR IN CONJUNCTION WITH OGLETREE DEAKINS REGARDING THE COLLECTIVE BARGAINING PROCESS

DATE: WEDNESDAY, JUNE 15, 2022  
TIME: 11:00 A.M. REGISTRATION; PROGRAM 12:00 P.M. TO 2:00 P.M.  
LOCATION: GIBSON'S OAKBROOK  
COST: COMPLIMENTARY BUT REGISTRATION REQUIRED  
CONTACT: TO REGISTER CLICK [HERE](#)

**CAGC CLC PROFESSIONAL DEVELOPMENT**

JOIN THE CAGC'S CLC AS THEY PRESENT THE ART OF GIVING EFFECTIVE FEEDBACK

DATE: WEDNESDAY MAY 25, 2022  
TIME: 8:00 A.M. TO 11:00 A.M.  
LOCATION: LEWIS UNIVERSITY OAKBROOK CAMPUS 1111 W. 22<sup>ND</sup> ST 7<sup>TH</sup> FLOOR OAKBROOK, IL 60523  
COST: \$125 MBMERS/\$175 NON-MEMBERS  
CONTACT: STACEY KELLY AT [SKELLY@CHICAGOLANDAGC.ORG](mailto:SKELLY@CHICAGOLANDAGC.ORG) OR BY CLICKING [HERE](#).

**CALENDAR**

<b>MAY 11</b>	<b>11:00 A.M.</b>	<b>MIAF BOAD MEETING (MARBA)</b>
<b>MAY 11</b>	<b>12:00 P.M.</b>	<b>MARBA BOARD MEETING (MARBA)</b>
<b>MAY 12</b>	<b>8:00 A.M.</b>	<b>BAC FUNDS MEETING (ELMHURST)</b>
<b>MAY 13</b>	<b>10:30 A.M.</b>	<b>CEMENT MASONS LMCC (BELLWODD)</b>
<b>MAY 26</b>	<b>9:00 A.M.</b>	<b>TEAMSTERS JGC (BURR RIDGE)</b>
<b>MAY 31</b>	<b>9:00 A.M.</b>	<b>LABORERS JGC (BURR RIDGE)</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?**

MAY THE 4<sup>TH</sup> IS CELEBRATED AS STAR WARS DAY (MAY THE FORCE BE WITH YOU).  
ACCORDING TO THE CORNISH, IT IS CONSIDERED BACK LUCK TO BUY A BROOM IN MAY.  
ON MAY 24, 1607 THE FIRST PERMANENT SETTLEMENT IN AMERICA WAS ESTABLISHED (JAMESTOWN).



**STANLEY CUP PLAYOFFS START MONDAY MAY 2!**  
**THE MARBA OFFICE WILL BE CLOSED MONDAY MAY 31, 2022 IN OBSERVANCE OF MEMORIAL DAY.**  
**WE WILL REOPEN TUESDAY, JUNE 1, 2022.**