



GRIEVANCES AND ARBITRATIONSⁱ

Mid-America Carpenters Regional Council Arbitrations

MARBA received no arbitration demands in the month of November.

Laborers Joint Grievance Committee

The Laborers JGC did not meet in November. The next JGC is scheduled for December 30, 2025, at the Laborers District Council office in Burr Ridge beginning at 9:00 a.m. provided there are any grievances to be heard. However, due to the timing of the holidays this grievance hearing, if needed, would most likely be scheduled for the early part of 2026.

Operating Engineers Joint Grievance Committee

The Operators JGC met on November 5, 2025, beginning at 8:30 a.m. at the Operators offices in Countryside to hear four (4) grievances. The first grievance involved an alleged improper termination/layoff. The Union, on behalf of its member, claimed the member needed time off for some medical care. The Employer claimed the member took time off without permission (i.e. voluntarily quit) and as such they informed the member they were not able to come back to work (the member attempted to comeback to work a short time later). However, the Employer subsequently brought the member back to work. Thus, the dispute centered on the time the member was off before being brought back (about 2 weeks), and what, if any, pay the member would be entitled to. After receiving the evidence and hearing the testimony the JGC voted to uphold the grievance and awarded the member two weeks' worth of pay and fringe benefits. The second and third grievances were filed against the same company. Both grievances alleged the company subcontracted work out to a non-signatory firm. The value of the grievance allowed the Union to submit the matter directly to arbitration, bypassing the JGC hearing the case. After consideration the Union decided to demand arbitration and the JGC did not hear the two cases. The last grievance alleged the Employer employed non-bargaining unit members to operate bargaining unit equipment. The Employer failed to appear and the JGC issued an award in favor of the Union based on the evidence and testimony provided by the Union. The next Joint Grievance Committee hearing will be held on January 14, 2026, at 8:30 a.m. in Countryside. The Union will advise the JGC of the number of grievances to be held at a later date.

Teamsters Joint Grievance Committee

The Teamsters JGC did not meet in November. As the JGC has a standing meeting date of the last Thursday of the month, the December hearing will need to be rescheduled due to the last

Thursday of December falling on Christmas. There are two grievances that will need to be heard at the next JGC meeting. The hearing will be held at the MARBA offices beginning at 9 a.m., most likely on the last Thursday of January.

COLLECTIVE BARGAINING/LABOR ISSUES

2026 Bargaining Right Assignment Packets Will Be Distributed Soon

MARBA has agreements with the Laborers District Council and Cement Masons (Local 502 and Local 11) expiring on May 31, 2026. The 2026 Bargaining Rights Packets will be distributed to the MARBA Associations in the month of December. Contractors should be on the lookout for those packets as they contain detailed information as to how the bargaining process works and what contractors need to do to maintain their signatory status through their Association and MARBA. If there are questions about the bargaining rights assignment process, please do not hesitate to contact the MARBA office or email Aaron Janik, Executive Director, at ajanik@marba.org.

INDUSTRY NEWS

Illinois Legislature Passes Omnibus Bill During Veto Session, Signed by Gov. Pritzker

The Illinois Legislature passed an omnibus bill during its veto session. A notable provision in the omnibus bill was the delayed implementation of the Illinois Prevailing Wage Act amendment that was passed over the summer and took effect June 30, 2025. That amendment required apprentices on Illinois prevailing wage projects to receive full journeyman fringe benefit payments even if a collective bargaining agreement allowed for apprentices to receive a reduced fringe benefit contribution (mainly pension and health & welfare contributions). The omnibus bill was signed by Governor Pritzker on November 21, 2025, and the implementation date for the Prevailing Wage Amendment will now be July 1, 2026.

STATE OF THE ECONOMY

Economic Indicators*

Unemployment Rate	September 4.4% (August 4.3%), Illinois 4.4% (38 th – August Data)
Labor Participation Rate	September 62.4%, August 62.3%, July 62.2%, June 62.3%
CPI All Urban Consumers	September 2025 over September 2024 = 3.01% Half 2025 = 2.59
CPI Chicago All Items	September 2025 over September 2024 = 2.87% Half 2025 = 3.62%

CPI Midwest All Items	September 2025 over September 2024 = 3.09% Half 2025 = 2.84%
Union Membership	2024 = 9.9% (Private Sector 5.9%), 2023 = 10.0% (Private Sector 6.0%), 2022 = 10.1% (Private Sector 6.0%)
Union Construction Workers	11.2% (2024), 11.4% (2023), 11.7% (2022), 12.6% (2021)
30 Year Fixed Mortgage	As of 11-26-25 6.23% down 0.58% over the prior year. Annual Average 6.90% (24), 6.61% (23), 5.34% (22), 2.96% (21)
15 Year Fixed Mortgage	As of 10-30-25 5.51% down 0.59% over the prior year. Annual Average 5.98% (24) 5.93% (23), 4.58% (22), 2.27% (21)
Brent Crude Oil Price	\$62.40 per barrel (as November 28, 2025) \$145.61 per barrel all time high July 2008 \$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	3.7% below revised July rate 11.1% below August 2024 rate
Privately Owned New Housing Starts	8.5% above revised July rate (+/-10.7%) 0.5% below June rate (+/-9.9%)
GDP	Q2 2025 (3 rd) +3.8% Q2 2025 (2 nd) +3.3% Q2 2025 (Adv) +3.0% Q1 2025 -0.6%
DJIA	47,716.42 as of November 28, 2025 (1:00 p.m.) 47,546.62 as of October 27, 2025 (2:30 p.m.) 46,409.45 as of September 30, 2025 (4:00 p.m.)

*Due to the government shutdown, data from the Bureau of Labor Statistics, Bureau of Economic Analysis, etc. is delayed.

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

Multiemployer Fund Ordered to Refund Overcharge of Withdrawal Liability Assessment

In a case decided earlier this year, the 7th Circuit (based in Chicago) ordered a multiemployer pension fund to refund two employers, with interest, an overcharge of a withdrawal liability assessment after the two employers withdrew from the Fund. This case highlights the

importance of having withdrawal liability calculations reviewed by professionals in the ERISA space in order to ensure that these types of situations are minimized.

The case involved two employers that had an obligation to make contributions to the Central States, Southeast and Southwest Areas Pension Fund (the “Fund”). In 2008, the Fund was certified by the fund actuary as being in critical status which required the implementation of a rehabilitation plan pursuant to ERISA (29 U.S.C. § 1085(a)(2) & (b)(2)). In 2019, despite the institution of the rehabilitation plan the Fund actuary certified the plan was in critical and declining status and it would become insolvent by 2025. At that point the two employers made the decision to withdraw from the fund, and they ceased making contributions to the plan.

The dispute arose when the Fund assessed withdrawal liability using the payment amounts set by the fund under the rehabilitation plan as of the date of the withdrawal (i.e. 2019). However, Congress passed the Multiemployer Pension Reform Act in 2014 which excludes certain contributions, post-2014, made pursuant to a funding improvement plan (FIP) or a rehabilitation plan. Since the two employers in this case were making payments under the rehabilitation plan the increased payments from 2014-2019 should have been excluded from the withdrawal liability calculation. The contribution amount in 2014 was \$328 per week increasing to \$424 per week in 2019.

It is important to note that each Employer proceeded to arbitration first, as is required under ERISA. Each employer appeared in front of a different arbitrator. One arbitrator found post-2014 contribution increases that only funded benefit increases (as opposed to improving the funding status) could be used for calculating withdrawal liability amounts. The second arbitrator found that entire portion of all the post-2014 contribution increases (i.e. the \$328 per week to \$424 per week increase) could be used for calculating withdrawal liability. The two calculations made by the arbitrators amounted to \$1.7 million dollars and \$2.7 million dollars respectively. The District Court vacated the arbitrator’s awards and issued a decision directing the Fund to repay the employers for their payment to the Fund, plus interest.

On appeal, the 7th Circuit affirmed the District Court decision, holding that, “despite ERISA’s labyrinthian structure” this case was rather straightforward. Since the post-2014 contribution increases did not fall into any of the exceptions (to allow their inclusion in the calculation), specifically an exception under 29 U.S.C. §1085(g)(3), the post-2014 contribution increases should have been excluded from the withdrawal liability calculation. As such, the District Court’s order was allowed to stand.

The case is Central States, Southeast and Southwest Areas Pension Fund v. Event Media Inc., No. 24-1739 (7th Cir. 2025).

UPCOMING SEMINARS AND EVENTS

MWCC HOLIDAY PARTY

CELEBRATE THE HOLIDAYS WITH THE MWCC AND ITS MEMBERSHIP AT THEIR ANNUAL MEETING

DATE: THURSDAY, DECEMBER 11, 2025
 TIME: 11:30 A.M. TO 3:00 P.M.
 LOCATION: GIBSONS'
 2105 SPRING ROAD
 OAKBROOK, IL 60523
 COST: \$50.00 FOR NON-MWCC MEMBERS
 CONTACT: EMAIL [ANDREA HARNEY](mailto:andrea.harney@mwcc.org) OR CLICK [HERE](#) TO REGISTER

CALENDAR

DECEMBER 2	6:00 P.M.	JOINT PAC LEGISLATIVE BANQUET (COUNTRYSIDE)
DECEMBER 4	7:30 A.M.	CONSTRUCTION INDUSTRY FORUM (MARBA)
DECEMBER 5	8:00 A.M.	WILL COUNTY CED (BOLINGBROOK)
DECEMBER 11	11:30 A.M.	MWCC ANNUAL MEETING AND HOLIDAY LUNCHEON (OAKBROOK)
DECEMBER 12	8:00 A.M.	FEDERAL RESERVE ECONOMIC SYMPOSIUM (CHICAGO)
DECEMBER 17	10:30 A.M.	CEMENT MASONS LMCC (BELLWOOD)
DECEMBER 18	11:00 A.M.	LABORERS HOLIDAY OPEN HOUSE (BURR RIDGE)

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?

Rudolph the Red Nosed Reindeer was initially designed as a marketing tool for Montgomery Ward in 1839.



The MARBA offices will be closed on December 25 and 26 in observance of the Christmas Holiday and on December 31 in observance of New Year's Eve.