

MARBA MATTERS

GRIEVANCES AND ARBITRATIONSⁱ

Mid-America Carpenters Regional Council Arbitrations

MARBA received no arbitration demands in the month of September.

Laborers Joint Grievance Committee

The Laborers JGC met on September 24, 2024, at 9:00 a.m. at the Laborers offices to hear three (3) grievances. The three grievances were all filed against the same company but involved three (3) different locals. The first case involved an allegation that the company improperly terminated an employee. The employee was working in a different state when his personal vehicle was damaged on company property with company equipment by another company employee. The employee who had damaged the vehicle had been with the company for 24 years and recently held the title of General Superintendent (at the time of the accident he was considered a Superintendent). The employee whose vehicle was damaged was notified by text message from a third employee at the behest of the Superintendent. Upon returning to the Chicago office, the employee whose vehicle was damaged and the Superintendent worked out an arrangement whereby the Superintendent would pay to have the damage repaired out of his pocket rather than having the company's insurance pay for the damage (approximately \$2,500).

Several months later, the employee that was out of state when the damage to their vehicle occurred, felt slighted when they were left off a text message group with other company employees about ways in which company operations could be improved upon. That same employee also felt they were not working as much as they should. As a result, the employee went to HR with a complaint. HR investigated claims made by the grievant which included an interview with the grievant and ten other employees. During the investigation, it was discovered the accident had not been reported to anyone within the company (outside of the Superintendent who had caused the accident). The company had a policy that failing to report an accident was a terminable offense. As such, the employee whose car was damaged was terminated. After hearing the evidence and receiving the testimony the JGC reinstated the employee to their position within the company and awarded them backpay plus liquidated damages.

The second grievance involved another improper termination claim. The second grievant was interviewed by HR during its investigation into the first grievant's complaint. The second grievant indicated they use language that is generally considered to be inappropriate (whether at work or outside of work) and could potentially cause harm to the company. The grievant indicated they use this language as part of their everyday vernacular, and it is not used in a way to cause harm to anyone. The company terminated the grievant for violating company policy regarding discrimination/safe working practices. The JGC after hearing both parties' cases upheld the grievance and awarded the grievant two hours of pay. The JGC did not reinstate the grievant (which was the remedy requested included).

The third grievance involved the termination of the Superintendent who damaged the first grievant's vehicle. The grievant had been employed for 24 years with the company. At the time of their termination,

they held the job title of General Superintendent of Midwest Region. At the time of the incident, however, they held the title of Superintendent. The facts were not in dispute. The grievant backed into the first grievant's vehicle with a company truck and did not report the accident to anyone. The Superintendent claimed they had no one to report the accident to as all the individuals they would have reported the accident to had been terminated and there was no one to report to. The grievant also claimed that even if those individuals had not been terminated, the accident would have gone unreported to anyone as "what happens in the yard stays in the yard." The company terminated the grievant for failing to report the accident in violation of the Company's policy. After receiving the evidence and hearing the testimony of both the Grievant and the Company, the JGC was unable to reach a majority decision that resulted in a deadlock. As a result, the Union retains the right to proceed to arbitration.

The next JGC is set for October 29, 2024, at the Laborers District Council office in Burr Ridge beginning at 9:00 a.m., provided there are any grievances to go forward.

Operating Engineers Joint Grievance Committee

The Operating Engineers JGC did not meet in September. The next JGC is currently set for November 6, 2024, beginning at 8:30 a.m. at the Operating Engineers office in Countryside. The Union will notify the JGC representatives of the number of cases set to be heard a later date.

Teamsters Joint Grievance Committee

The Teamsters JGC did not meet in September. The next JGC is set for October 31, 2024, at the MARBA office, provided there are any grievances set to go forward.

COLLECTIVE BARGAINING/LABOR ISSUES

2025-2027 Expiring Contracts

MARBA has posted its list of expiring contracts for 2025, 2026, and 2027 on its website. You may access the list by clicking [here](#). Contracts that MARBA negotiates and administers are in bold. If there are agreements due to expire not listed, please contact Aaron Janik at ajanik@marba.org so the list may be updated.

MIAF Contribution Obligation

Contained within each of the MARBA collective bargaining agreements is language concerning MARBA Industry Advancement Funds contributions. The rate for these contributions differs from CBA to CBA. A memorandum sent to all MARBA Associations regarding the MIAF contribution rate and contractors' obligations to remit those MIAF contributions is on the last page of this edition of MARBA Matters.

INDUSTRY NEWS

MARBA to Sponsor Artificial Intelligence Seminar in October

MARBA is pleased to announce it will be sponsoring an Artificial Intelligence seminar next week on

Wednesday, October 9, 2024, at Rivers Casino in Des Plaines. It will begin at 8:00 a.m. and conclude at 11:30 a.m. The program, entitled "The Effects of AI on the Construction Industry" will give attendees insight into the acceleration of AI and how it affects leadership and business strategy. Keynote Speaker Jim Carroll has been quoted as saying, "the acceleration of AI is not just about the technology. It's about leadership. It's about business strategy. It's about strategic clarity. It's about the promise and the peril, the opportunity, and the challenge, the disruptive impact and the potential." Current registration is over 200 people. For more information about the program, please contact Aaron Janik at ajanik@marba.org.

Bureau of Labor Statistics Predicts 10 Year Gain for Construction Employment

According to a recent press release, the Bureau of Labor Statistics predicts that overall, the U.S. workforce will increase by 6.7 million jobs over the next decade. This will equate to 0.4% increase annually which is slower than the 1.3% increase in the previous decade (2013-2023). Meanwhile, the construction industry will see an increase in construction employment over the next 10 years. The release shows that the construction industry will see an increase of about 0.5% each year over the 10-year period. The 0.5% gain is better than the 0.1% gain expected over all industries. Driving the gain in the construction industry will be the growth of "green" industries. Wind turbine service technicians show the largest increase over that next decade at 60.1% followed by solar photovoltaic installers at 48.0%. While the numbers for both those job classifications seem high, it is only projected to equate to 20,000 new jobs over the next 10 years in total. The press release from the BLS can be found by clicking [here](#).

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	August 2024 U.S. 4.2% (July 2024 U.S. 4.3%), Illinois 5.3% (48 th tied)
Labor Participation Rate	August 62.7%, July 62.7%, June 62.6%, May 62.5%
CPI All Urban Consumers	August 2024 over August 2023 = 2.53% Half Year = 3.22%
CPI Chicago All Items	August 2024 over August 2023 = 3.75% Half Year = 3.14%
CPI Midwest All Items	August 2024 over August 2023 = 2.50% Half Year = 2.71%
Union Membership	2023 = 10.0% (Private Sector 6.0%) 2022 = 10.1% (Private Sector 6.0%) 2021 = 10.3% (Private Sector 6.1%)
Unionized Construction Workers	11.4% (2023), 11.7% (2022), 12.6% (2021), 12.7% (2020)
30 Year Fixed Mortgage	As of 9-26-24 6.08%, down 1.23% over the prior year. Annual Average 6.61% (2023), 5.34% (2022), 2.96% (2021)
15 Year Fixed Mortgage	As of 9-26-24 5.16%, down 1.56% over the prior year.

	Annual Average 5.93% (2023), 4.58% (2022), 2.27% (2021)
Brent Crude Oil Price	\$71.74 per barrel (as September 30, 2024, 12:00 p.m.) \$145.61 per barrel all time high July 2008 \$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	4.9% above revised July rate 6.5% below August 2023 rate
Privately Owned New Housing Starts	9.6% above revised July rate (+/-11.4%) 3.9% above August 2023 rate (+/-13.0%)
GDP	Q2 2024 (3 rd) +3.0% Q1 2024 (3 rd) +1.6%
DJIA	42,195.08 as of September 30, 2024 (12:00 p.m.) 40,614.97 as of August 16, 2024 (11:30 a.m.) 39,401.98 as of June 28, 2024 (9:55 a.m.)

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

Taft-Hartley Act May Be Invoked to Avert Strike

As most people know, the Taft-Hartley Act is one of the most preminent laws that deals with labor relations. Enacted in 1947 due to a series of strikes in the mid-1940's, the Act governs many areas of labor law, including, but not limited to, unfair labor practice standards, obligations for unions as it relates to dues and membership rights, and multiemployer fringe benefit funds (i.e. Pension, Health & Welfare, etc.). One area that the Taft-Hartley Act also covers is strikes.

This is important as the International Longshoremen Association and the U.S. Maritime Alliance are locked in a series of difficult negotiations that will likely lead to a strike. The CBA between the parties expires at midnight on September 30, 2024. It covers 45,000 members at various ports up and down the East Coast. One of the major sticking points in the negotiations, which have been at a standstill since June, is the use of automated cranes for loading and unloading cargo ships.

The Act allows the President to intervene in strikes that cause a "national emergency". According to some estimates, a strike involving the ILA and USMA could cost upwards of \$5 billion dollars a day. 46% of the U.S. agriculture flows through the potentially affected ports. As such, many groups are calling on President Biden to invoke the Act to avoid such a profound disruption.

If the President were to invoke the Act, a Board of Inquiry (BOI) would be appointed by the President. The BOI would make a written report on the status of the negotiations/strike. Once the BOI's report is received by the President, they could instruct the Attorney General to seek an injunction enjoining the strike (or lockout). After an injunction is obtained, the Union members would return to work while an 80-day cooling off period would be invoked. During that time, the parties would resume negotiations. 60 days

after the injunction takes effect, the BOI would report to the President what the Employer’s last offer was and the position of both parties. At that point, the NLRB would step in and conduct a secret ballot election as to whether the Union membership would want to accept the offer or not. Five days after that election is conducted, the DOJ would report on the results. If the Union were to accept the offer, the strike would be over. If the membership rejects the offer, the parties continue negotiations. The Act has been invoked 37 times regarding strikes. The last time it was invoked was 2002 when President Bush used it during a West Coast strike, also involving longshoremens.

UPCOMING SEMINARS AND EVENTS

CAGC MEAT RAFFLE AND BEARS WATCH PARTY

JOIN THE CAGC FOR THEIR ANNUAL MEAT RAFFLE! THE BEARS TAKE ON THE WASHINGTON COMMANDERS!

DATE: SUNDAY OCTOBER 27, 2024
 TIME: 11:00 A.M. TO ????
 LOCATION: SADDLE UP SALOON
 4440 OGDEN AVE.
 AURORA, IL 60504
 COST: \$45 PER PERSON (INCLUDES BUFFET, RAFFLE TICKETS SOLD SEPARATELY)
 CONTACT: STACEY KELLY SKELLY@CHICAGOLANDAGC.ORG

CALENDAR

OCTOBER 3	12:00 P.M.	LERA CAPTIVE AUDIENCE MEETING (ONLINE)
OCTOBER 4	6:00 P.M.	CARPENTERS APPRENTICESHIP GRADUATION DINNER (LOMBARD)
OCTOBER 9	8:00 A.M.	AI IN CONSTRUCTION (DES PLAINES)
OCTOBER 10	10:00 A.M.	CEMENT MASONS LMCC (BELLWOOD)
OCTOBER 16	6:00 P.M.	OPERATORS PAC EVENT (COUNTRYSIDE)
OCTOBER 23	8:00 A.M.	LINCOLN WAY CAREER FAIR (NEW LENOX)
OCTOBER 23	12:00 P.M.	NLRB WEBINAR (ONLINE)
OCTOBER 27	11:00 A.M.	CAGC MEAT RAFFLE (AURORA)
OCTOBER 29	9:00 A.M.	LABORERS JGC (BURR RIDGE)
OCTOBER 29	6:00 P.M.	CCA ANNUAL DINNER (ELMHURST)
OCTOBER 31	9:00 AM.	AUTO MECHANICS TRAINING FUND MEETING (AURORA)
OCTOBER 31	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?

Shakespeare never mentions October in any of his works!

Which team will have a better season???





MARBA OFFICERS

SETH GUDEMAN
Chairman

SHANE HIGGINS
Vice-Chairman

KATHLEEN KAPOVICH
Vice-Chairman

WILLIAM VIGNOCCHI
Treasurer

NORA DEGNAN
Secretary

AARON JANIK
Executive Director

MEMORANDUM

TO: ALL MARBA ASSOCIATIONS

FROM: AARON JANIK, MARBA EXECUTIVE DIRECTOR

DATE: OCTOBER 1, 2024

RE: MIAF CONTRIBUTIONS

MARBA would like to remind all contractors signatory to the collective bargaining agreements MARBA negotiates and administers with the various trades of the obligation to remit industry advancement funds under those CBAs.

The rates for the MARBA Industry Advancement Fund (MIAF) should be remitted at the same time other fringe benefit contributions are made. The process for reporting MIAF contributions differs from trade to trade including the amount to be remitted.

The amounts to be remitted are to be made on a per hour worked basis and are as follows:

- Auto Mechanics -- \$0.03
- Bricklayers – \$0.13
- Carpenters (Cook, Lake, & DuPage) – \$0.09
- Carpenters (Kane, Kendall, & McHenry) – \$0.09
- Carpenters (Grundy) – \$0.10
- Carpenters (Will) – \$0.14
- Cement Masons Local 11 – Area 161 – \$0.13
- Cement Masons Local 11 – Area 362 – \$0.08
- Cement Masons Local 11 – Area 638 – \$0.08
- Cement Masons Local 502 – \$0.06
- Laborers – \$0.06
- Operating Engineers – \$1.73 (the MIAF contribution is part of the Construction Research Trust contribution) *
- Teamsters Joint Council 25 (All Locals) – \$0.06
- Tech Engineers – \$0.04

Should you have any questions regarding the MIAF contributions or are unsure how these contributions are to be made please contact Aaron Janik, MARBA Executive Director or your MARBA Association.

Sincerely,

Aaron Janik
Executive Director

*Contributions for the Operating Engineers (CRF) are made on a per hour for each hour the Employee receives wages.