

# MARBA MATTERS

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

### Chicago Regional Council of Carpenters Arbitrations

MARBA received no arbitration demands this month.

### Laborers Joint Grievance Committee

The Laborers JGC did not meet in June. The next regularly scheduled JGC is to be held on July 26, 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 June. The next regularly scheduled JGC meeting is scheduled for August 3, 2022, at the Operators office in Countryside, provided there are any grievances set to go forward. There are currently zero (0) grievances on the docket.

### Teamsters Joint Grievance Committee

The Teamsters JGC met on June 23, 2022, at the Teamsters office in Burr Ridge to hear two (2) grievances. The two grievances were filed by one member against the same company. The first grievance alleged the Company was working drivers with less seniority than the Grievant in violation of the CBA. The Company conceded they did allow a less senior driver to work when the Grievant should have, but it was due to an unforeseen circumstance. As a result, based on the Company's admission, the JGC awarded the grievant one day's worth of wages and fringes that he should have received if the Company had adhered to the seniority list.

The second grievance alleged the Company violated the agreement by terminating the Grievant without just cause. The Company presented evidence that the Grievant had called off on two occasions five (5) minutes before his shift began (which caused an issue for Company operations on those two days), lost a key for a truck causing a significant delay in operations that day, and also drove one of the trucks several miles on a flat tire causing damage to the vehicle. After receiving the evidence and hearing the testimony presented by both parties, including the Grievant, the JGC denied the grievance and the termination was upheld. The next regularly scheduled grievance hearing is set for July 28, 2022, at the Teamsters office in Burr Ridge beginning at 9:00 a.m. provided there are any grievances set to go forward. There are currently no grievances on the docket.

**COLLECTIVE BARGAINING/LABOR ISSUES****MARBA Hosts Collective Bargaining Seminar**

On June 15<sup>th</sup>, over 25 industry professional and association executives attended a collective bargaining seminar at Gibson's in Oakbrook. The seminar, hosted by MARBA in conjunction with Ogletree Deakins, discussed the nuts and bolts of collective bargaining in the construction industry and the role MARBA plays in that process. Key terms were discussed, and various legal principles were shared. The attendees had the opportunity to ask questions of both Aaron Janik, Executive Director of MARBA, and Rick Samson, from Ogletree Deakins. Many thanks to those that attended the event and to Rick Samson for taking the time to assist in the presentation.

**2023-2024 Expiring Contracts**

MARBA maintains a list of contracts that are set to expire each year. Although there is still one CBA being negotiated here locally in the Chicago area (CAAPA/Local 150), the list for the 2023 and 2024 contracts that are expiring has been posted to the MARBA website and can be accessed by clicking [here](#). If you are aware of any contracts that are expiring in the next year or two that are not on the list, please contact Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org) with that information.

**INDUSTRY NEWS****Construction Industry Adds 36,000 Jobs in May, Wages Rise Fastest in 40 Years**

According to a recent press release issued by the AGC of America, the construction industry added 36,000 jobs in May. However, there still remains a record number of job openings available suggesting the industry could still stand to add thousands more to the employment ranks. The press release also noted that average earnings for production and non-supervisory personnel – hourly craft workers increased by 6.3% from May 2021 to May 2022. This represents the biggest increase in average earnings since December 1982. That being said, average earnings in the private sector in general increased by 6.5%. This would suggest that it is still difficult for employers to attract applicants to fill open positions in the construction industry.

The AGC of America, along with many other trade groups, are calling for increased access to training/apprenticeship programs at the high school level as well as allowing those that possess construction experience the ability to legally enter the country. The AGC press release can be found by clicking [here](#).

<b>STATE OF THE ECONOMY</b>
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Economic Indicators

Unemployment Rate	May 2022 U.S. 3.6% (April 3.6%) Illinois 4.6% (46 <sup>th</sup> )
Labor Participation Rate	May 2022 = 62.3%, April 2022 = 62.2%
CPI All Urban Consumers	May 2022 over May 2021 = 8.58%
CPI Chicago All Items	May 2022 over May 2021 = 8.02%
CPI Midwest All Items	May 2022 over May 2021 = 8.15%
Union Membership	2021 10.3% (Private Sector 6.1%), 2020 = 10.8% 2021 Rate of Unionized Construction Workers = 12.6% 12.7% (2020), 13.6% (2019), 13.8% (2018)
30 Year Fixed Mortgage	May 5.23%, up 0.25% (April 4.98%) Annual Average 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	May 4.44%, up 0.22% (April 4.22%) Annual Average 2.27% (2021), 2.61% (2020)
Brent Crude Oil	\$112.12 per barrel (as of June 29, 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	7.0% below revised April rate 0.2% above May 2021 rate
Privately Owned New Housing Starts	14.4% below revised April rate (+/-8.9%) 3.5% below May 2021 rate (+/-10.7%)
GDP	Q1 2022 (3 <sup>rd</sup> Reading) -1.6% Q4 2021 (3 <sup>rd</sup> Reading) +6.9% Q3 2021 (3 <sup>rd</sup> Reading) +2.3% Q2 2021 (3 <sup>rd</sup> Reading) +6.7% Q1 2021 (3 <sup>rd</sup> Reading) +6.3%
DJIA	31,025.30 as of June 29, 2022 (2:36 p.m.) 33,004.73 as of May 31, 2022, (10:43 a.m.)

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

**Cook County Circuit Court Finds Prejudgment Interest Statute Amendment Unconstitutional**

A decision was issued on May 27, 2022, in the case of *Hyland et al., v. Advocate Health and Hospital Corp. et al.*, Case No: 2017-L-3541 by the Cook County Circuit Court. That decision found a 2021 amendment to the Interest on Judgment statute to be unconstitutional. The amendment allowed for interest to begin accruing at a rate of 6% from the date an action was commenced alleging damages for personal injury or wrongful death caused by negligence, willful, wanton and wanton misconduct, intentional conduct, or strict liability. The amendment was opposed by several business groups and in fact the first version of the amendment passed by the Legislature was actually vetoed by Governor Pritzker as it contained an interest rate of 9% (among other issues). The version subject to the legal challenge in the *Hyland* case was still opposed by business groups.

The Court found the second version of the amendment (the one which called for prejudgment interest at 6%) violated the Illinois constitution for two reasons. First the Court ruled the amendment violated the constitutional right to a trial by a jury. More specifically, the Court found the Legislature improperly vested authority to itself to award damages to a Plaintiff (i.e., the 6% interest). By taking away the right of the jury to award damages based on the facts of the case the amended statute violated the Constitution.

The second holding the Court made, with respect to the unconstitutionality of the amendment, was in regard to the prohibition in the Illinois Constitution of special legislation. Here, the Court ruled that the legislation favored a class of individuals, personal injury or wrongful death plaintiffs (and conversely created a separate class of defendants; personal injury or wrongful death), as opposed to all other tort parties. The Plaintiff in this case argued that personal injury or wrongful death plaintiffs often have their cases delayed by defense attorneys and insurance companies and that due to those delays, any award issued to a prevailing party is subsequently reduced by inflation. The Court, citing a 1997 Illinois Supreme Court decision, wrote, “the fact a problem exists does not permit the adoption of an arbitrary or unrelated means of addressing a problem.”

The case will most likely be appealed. However, due to some legal technicalities, the case is not considered a final judgment. As such, the Plaintiff in this case will have to take some additional steps if it chooses to seek an appeal. That being said, this is still an issue that many employer groups will want to keep an eye on.

**UPCOMING SEMINARS/EVENTS**

**CAGC CLC ROOFTOP SUMMER SOCIAL**

JOIN THE CAGC CLC GROUP AS THE MIX AND MINGLE ON THE JOY DISTRICT--ROOFTOP

DATE: THURSDAY, JULY 21, 2022  
 TIME: 6:00 P.M. TO 8:00 P.M.  
 LOCATION: JOY DISTRICT—ROOFTOP 112 HUBBARD STREET CHICAGO, IL 60654  
 COST: MEMBER \$65.00/NON-MEMBER \$89.00  
 CONTACT: TO REGISTER CLICK [HERE](#)

**MWCC GOLF OUTING**

JOIN OVER 100 MWCC PROFESSIONALS AS THEY HIT THE LINKS

DATE: THURSDAY, JULY 21, 2022  
 TIME: 7:30 A.M. REGISTRATION, 9:00 A.M. SHOTGUN START, 2:00 DINNER.  
 LOCATION: WHITE PINES GOLF CLUB 500 W JEFFERSON ST. BENSENVILLE, IL 60106  
 COST: VARIES  
 CONTACT: ANDREA HARNEY [OFFICE@MIDWESTWALLANDCEILINGCONTRACTORS.ORG](mailto:OFFICE@MIDWESTWALLANDCEILINGCONTRACTORS.ORG) OR CLICK [HERE](#).

**CALENDAR**

<b>JULY 8</b>	<b>8:00 A.M.</b>	<b>INFRASTRUCTURE COALITION MEETING (JOLIET)</b>
<b>JULY 12</b>	<b>12:00 P.M.</b>	<b>MARBA BOARD MEETING (MARBA)</b>
<b>JULY 12</b>	<b>8:00 A.M.</b>	<b>FMCS VIRTUAL CONFERENCE (ONLINE)</b>
<b>JULY 13</b>	<b>8:00 A.M.</b>	<b>FMCS VIRTUAL CONFERENCE (ONLINE)</b>
<b>JULY 21</b>	<b>8:00 A.M.</b>	<b>LABORERS CHARITABLE GOLF OUTING (LEMONT)</b>
<b>JULY 26</b>	<b>8:00 A.M.</b>	<b>LABORERS JGC (BURR RIDGE)</b>
<b>JULY 28</b>	<b>9:00 A.M.</b>	<b>TEAMSTERS CHARITABLE GOLF OUTING (ORLAND PARK)</b>
<b>JULY 28</b>	<b>9:00 A.M.</b>	<b>TEAMSTERS 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?**

AMERICANS TYPICALLY EAT 150 MILLION HOT DOGS ON JULY 4<sup>TH</sup>, ENOUGH TO STRETCH FROM L.A. TO D.C. 5 TIMES.  
 FAMOUS PEOPLE WITH JULY 4<sup>TH</sup> BIRTHDAYS INCLUDE: POST MALONE, LOUIS ARMSTRONG, BILL JANIK (HAPPY BDAY DAD)

THE MARBA OFFICE WILL BE CLOSED ON MONDAY JULY 4 IN OBSERVANCE OF THE HOLIDAY.  
 WE WILL REOPEN TUESDAY JULY 5.

