

MARBA MATTERS

GRIEVANCES AND ARBITRATIONSⁱ

Chicago Regional Council of Carpenters Arbitrations

MARBA received one arbitration demand this month under the Will County Carpenters agreement regarding an alleged violation of Article 2.5 (Stewards).

Laborers Joint Grievance Committee

The Laborers JGC did not meet in July. The next regularly scheduled JGC is to be held on August 30, 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 July. The next regularly scheduled JGC meeting was scheduled for August 3, 2022, at the Operators office in Countryside, however, there were no grievances set to go forward. The next meeting is set for October 5, 2022, at the Operators office in Countryside. There are currently zero (0) grievances on the docket.

Teamsters Joint Grievance Committee

The Teamsters JGC did not meet in July. The next regularly scheduled JGC meeting is set for August 25, 2022, 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 Resources Page

The last Negotiation Update and 2023-2024 Contracts Expiring can be found on the MARBA website under the Resource tab or by clicking [here](#). Also on the MARBA resource page, one can find wage package allocations (current and archived versions), a list of various Fund Trustees, and the most current grievance guides and procedural rules.

As it relates to the Negotiation Update/Contracts Expiring if you are aware of any agreements expiring in 2023 or 2024 not listed on the current list, please email ajanik@marba.org.

INDUSTRY NEWS

FHWA Doles Out \$7.3B in IIJA Funds

On July 29 the Department of Transportation through the Federal Highway Administration (FHWA) announced new guidance for funding nearly \$7.3 billion in money under the IIJA. The project entitled Promoting Resilient Operations for Transformative, Efficient and Cost-Saving Transportation (PROTECT) looks to bolster highways, transit, and port infrastructure especially in those areas where natural disasters have been particularly damaging. Over the next five years Illinois is projected to receive \$256 million dollars in PROTECT funding. The funds are based on a formula which typically calls for matching state funds but based on certain criteria, states can have those matching requirements lowered if they meet certain goals.

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	June 2022 U.S. 3.6% (May 3.6%) Illinois 4.5% (45 th)
Labor Participation Rate	June 2022 = 62.2%, May 2022 = 62.3%
CPI All Urban Consumers	June 2022 over June 2021 = 9.06%
CPI Chicago All Items	June 2022 over June 2021 = 9.42%
CPI Midwest All Items	June 2022 over June 2021 = 9.50%
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	June 5.52%, up 0.29% (May 5.23%) Annual Average 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	June 4.65%, up 0.21% (May 4.44%) Annual Average 2.27% (2021), 2.61% (2020)
Brent Crude Oil	\$103.97 per barrel (as of July 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	0.6% below revised May rate 1.4% above June 2021 rate

Privately Owned New Housing Starts	2.0% below revised May rate (+/-9.0%) 6.3% below June 2021 rate (+/-10.2%)
GDP	Q2 2022 (Adv) -0.9% Q1 2022 (3 rd Reading) -1.6%
DJIA	32,841.71 as of July 29, 2022 (4:00 p.m.) 31,025.30 as of June 29, 2022 (2:36 p.m.)

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

COVID-19 Does Not Excuse Lack of Signature for Certified Mail

One of the many changes that accompanied the COVID-19 pandemic was the interaction between the United States Postal Service employees and mail recipients. During the height of the pandemic many businesses were shuttered. For those that were not closed, social distancing requirements/guidelines were put in place. The USPS was one such entity that implemented social distancing guidelines. For those carriers that came into contact with the public, specifically as it related to certified mail, carriers were instructed to remain a “safe” distance away from the recipient. Further, they were instructed to ask the recipient for their first and last name, write that information on the “green card”, then have the recipient move away from the carrier while the mail was placed somewhere where the recipient could take possession of it. This change in the process of delivering certified mail, especially where businesses were shuttered, often resulted in the USPS carrier writing something to the effect of COVID-19 or “C-19” on the green card. These notations were supposed to indicate service of the intended parcel.

Not surprising this change resulted in litigation. A landlord in Ohio sued its tenant for failure to pay rent during the height of the pandemic. The jurisdiction in which the parties resided allowed for the clerk to effectuate service via U.S. Certified Mail. The Plaintiff requested the clerk serve the Defendant via certified U.S. mail, which it did. The Defendant did not answer the complaint, nor did they file an appearance. The Plaintiff moved for a default judgment at which time the Defendant answered the complaint. The same day the Defendant answered the complaint the court entered a default judgment in favor of the Plaintiff.

The Defendant appealed but on the grounds that the court did not have jurisdiction over the Defendant as they were never served. The appellate court ruled pursuant to the civil procedure rules of the jurisdiction in which the case arose the designation of “C19” or COVID-19 on the green card did not comply with a valid signature requirement. The appellate court ruled the mail carrier could not deliver the mail and accept the delivery of the mail at the same time. As a result, the appellate court reversed the default judgment against the Defendant for a lack of personal jurisdiction.

A key takeaway from this case is that for significant matters ensuring appropriate parties receive important documents, one should know the procedures of the entity being used to deliver the parcels. As the COVID-19 pandemic has altered operations for businesses and governmental agencies alike, the rules in place regarding issues like service may still be in a pre-pandemic state or could be completely different as in this case and thus not comply with legal requirements. The case is CUC Properties, Inc. v. SmartLink Ventures, Inc., Case No. C-210003 (based out of Ohio).

UPCOMING SEMINARS/EVENTS

CAGC CHICAGO DOGS BASEBALL BASH

JOIN THE CAGC IN THE PRIVATE BULLPEN AREA AT IMPACT FIELD AS THE DOGS BATTLE THE RAILROADERS

DATE: THURSDAY AUGUST 25, 2022
 TIME: 6:00 P.M. TO 10:00 P.M.
 LOCATION: IMPACT FIELD 9850 BALMORAL AVE. ROSEMONT, IL 60018
 COST: MEMBER \$65.00
 CONTACT: EMILY STEINMETZ ESTEINMETZ@CHICAGOLANDAGC.ORG TO REGISTER CLICK [HERE](#)

CAGC IT ALL STARTS WITH YOUR CONTRACT

JOIN MEMBERS OF THE CAGC SPECIALTY CONTRACTORS COMMITTEE AS THEY COVER DISPUTES, CLAIMS, & LESSONS LEARNED

DATE: SEPTEMBER 14, 2022
 TIME: 12:30 P.M. REGISTRATION, 1:00-5:00 P.M. PROGRAM, NETWORKING 5:00 P.M. – 6:30 P.M.
 LOCATION: MAGGIANO'S OAKBROOK 240 OAKBROOK CENTER OAKBROOK, IL 60523
 COST: \$79 MEMBERS, \$99 NON-MEMBERS, \$250 SPONSORSHIPS
 CONTACT: MIKE HAMPSON MHAMPSON@CHICAGOLANDAGC.ORG OR CLICK [HERE](#).

CALENDAR

AUGUST 9	10:30 A.M.	CEMENT MASON LMCC (BELLWOOD)
AUGUST 9	12:00 P.M.	WEBINAR (ONLINE)
AUGUST 11	8:00 A.M.	BAC PENSION – H&W MEETING (ELMHURST)
AUGUST 15	8:00 A.M.	SWEENEY GOLF OUTING (LEMONT)
AUGUST 18	4:30 P.M.	CAGC STEAK FRY (JOLIET)
AUGUST 25	9:00 A.M.	TEAMSTERS JGC (BURR RIDGE)
AUGUST 30	9:00 A.M.	LABORERS JGC (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?

ON AUGUST 24, 79 MOUNT VESUVIUS ERUPTED DESTROYING POMPEII. COLUMBUS SET SAIL FROM SPAIN ON AUGUST 3, 1492, AND "DISCOVERED" AMERICA IN OCTOBER 1492. THE EARL OF SANDWICH CREATED THE SANDWICH IN AUGUST 1762

NCAA FOOTBALL KICKS OFF AUGUST 27!