

MARBA MATTERS

GRIEVANCES AND ARBITRATIONSⁱ

Mid-America Regional Council of Carpenters Arbitrations

MARBA received one arbitration demand in June. The demand claimed an alleged violation of Article 4.4 (failure to provide copies of payroll checks) and Article 20.9 (failure to provide information concerning the project).

Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in June. The next JGC is scheduled to be held on July 25, 2023, at the Burr Ridge office of the Laborers, provided there are any cases set to go forward.

Operating Engineers Joint Grievance Committee

The Operating Engineers Joint Grievance Committee met on June 7, 2023, at 8:30 a.m. at the offices of Local 150 in Countryside, IL to hear four (4) grievances. The first grievance involved an allegation that the Employer improperly terminated a member. The Union presented evidence that the Employer had told the members their services were no longer needed. The Employer countered the member was causing an unsafe working environment. After hearing testimony and receiving the evidence, the JGC issued a decision in favor of the Union. The member was awarded 10 days of back pay. The second grievance was withdrawn prior to hearing.

The third and fourth cases were filed against the same Employer. The grievances alleged the Employer had non-bargaining unit employees operating equipment and that the Employer was running a successor company in an effort to avoid the CBA requirements. The Union presented its case first and the Employer did not appear in front of the JGC to offer a defense. As such, the JGC ruled in favor of the Union based on their presentation. The next JGC is scheduled for August 2, 2023, at the offices of Local 150. There are currently three (3) grievances on the docket.

Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in June. The next regularly scheduled meeting is set for July 27, 2023, at the MARBA offices in Des Plaines, provided there are any cases set to go forward.

COLLECTIVE BARGAINING/LABOR ISSUES

Negotiation Updates

MARBA is awaiting settlement information on one trade still negotiating in Northwest Indiana. The

negotiation update is always posted on the MARBA website, and you can find the most recent update by clicking [here](#). Also available on the MARBA website is a list of contracts that are due to expire in 2024 and 2025. The list is comprised of agreements currently known to be expiring in both years. The list will be updated as more information is received by MARBA. That list can also be found by clicking [here](#). If you are aware of any agreements expiring that are not listed, please contact Aaron Janik at ajanik@marba.org.

INDUSTRY NEWS

High Speed Broadband Money to be Distributed by Department of Commerce

The Department of Commerce recently announced it will be distributing \$42.5 billion dollars in money earmarked for increasing the number of households that have access to high-speed broadband internet. The money, part of the Infrastructure Investment and Jobs Act, will be divided among the states and District of Columbia. Texas will see the largest share of allocation (\$3.31 billion). It will be followed by California, Missouri, Michigan, and North Carolina. Illinois will receive \$1.05 billion. It is estimated that 8.5 million homes in the United States lack high speed internet access.

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	May 2023 U.S. 3.7% (April 3.4%), Illinois 4.1% (45 th)
Labor Participation Rate	May 62.6%, April – 62.6%, March – 62.6%
CPI All Urban Consumers	May 2023 over April 2022 = 4.04%
CPI Chicago All Items	May 2023 over April 2022 = 3.32%
CPI Midwest All Items	May 2023 over April 2022 = 3.66%
Union Membership	2022 = 10.1% (Private Sector 6.0%) 2021 = 10.3% (Private Sector 6.1%) 2020 = 10.8% (Private Sector 6.3%)
Rate of Unionized Construction Workers	11.7% (2022), 12.6% (2021) 12.7% (2020), 13.6% (2019)
30 Year Fixed Mortgage	As of 6-22-23 6.67%, down 0.02% over the prior week. Annual Average 5.34% (2022), 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	As of 6-22-23 6.03%, down 0.07% over the prior week. Annual Average 4.58% (2022), 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$ 72.52 per barrel (as of June 27, 2023) \$145.61 per barrel all time high July 2008

	\$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	5.2% above revised April rate 12.7% below May 2022 rate
Privately Owned New Housing Starts	21.7% above revised April rate (+/-14.8%) 5.7% above May 2022 rate (+/-10.8%)
GDP	Q1 2023 (3 rd) +2.0% Q1 2023 (2 nd) +1.3% Q1 2023 (Adv) +1.1%
DJIA	33,957.78 as of June 27, 2023 (2:00 p.m.) 32,908.73 as of May 31, 2023 (close) 34,029.11 as of April 28, 2023 (12:30 p.m.)

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

Supreme Court Rules Union Conduct Deserves Closer Scrutiny

In early June, the Supreme Court ruled, in an 8-1 decision, that the National Labor Relations Act (NLRA) did not preempt an Employer’s state law tort claim alleging a Union intentionally destroyed company property during a work stoppage. The Employer is a concrete delivery company that employs Union members to deliver its perishable products. The Union and Employer were parties to a collective bargaining agreement which expired. After the expiration and on a day when the company was in the midst of mixing a large batch of concrete for delivery, the Union instructed its members to cease working (i.e., strike). The company instructed the employees to finish making deliveries in order to prevent the concrete from hardening and possibly damaging the trucks in which the concrete was being transported. The Union instructed its members to ignore the Employer’s directives. Sixteen drivers did just that and returned the trucks to the yard. Only due to some emergency maneuvers was the Employer able to prevent the concrete from hardening in the trucks. However, once removed from the trucks the concrete eventually hardened and was “wasted”.

The Employer sued in state court under a theory of conversion and trespass to chattels. The Union moved to dismiss the Employer’s claim on the grounds the NLRA preempted state law. The Court noted that a federal law preempts a state law where the two conflict and the NLRA preempts the state law when the two arguably conflict. The Union’s argument, which the Court rejected, presupposed their member’s conduct was protected under the law as it was arguably protected. The Court found that the NLRA does not “shield strikers who fail to take ‘reasonable precautions’ to protect their employer’s property from foreseeable, aggravated, and imminent danger due to the sudden cessation of work.” The Court held that the Union knows (as does its members) that concrete is highly perishable, and it would harden if left in the trucks. Despite having this knowledge, the Union coordinated with its members to stop working, thus leaving the concrete at risk of damaging the mixing trucks. The Union tried to argue that the NLRA should be read broadly thus allowing their preemption claim to survive. The Court held that the right to strike is

not absolute and the Union's conduct, in this case, is not protected by statute. The case has been returned to Washington state court for resolution. The case is *Northwest Glacier, Inc. v. International Brotherhood of Teamsters Local No. 174*. 598 U.S. ____ (2023). It can be accessed by clicking [here](#).

UPCOMING SEMINARS/EVENTS

CAGC ROOFTOP SUMMER SOCIAL

JOIN THE CAGC AS THEY TAKE IN THE BEAUTIFUL SUMMER CHICAGO SKYLINE AT VU ROOFTOP

DATE: THURSDAY, JULY 20, 2023
TIME: 5:30 P.M. TO 8:00 P.M.
LOCATION: VU ROOFTOP
133 E. CERMAK RD 22ND FLOOR
CHICAGO, IL 60616
COST: \$90 MEMBERS \$120 NON-MEMBERS
CONTACT: REGISTER BY CLICKING [HERE](#)

CALENDAR

JULY 11	12:00 P.M.	MARBA BOARD MEETING (MARBA)
JULY 18	10:30 A.M.	CEMENT MASONS LMCC (BELLWOOD)
JULY 25	9:00 A.M.	LABORERS JGC (BURR RIDGE)
JULY 27	9:00 A.M.	TEAMSTERS JGC (MARBA)
JULY 28	7:30 A.M.	CONSTRUCTION INDUSTRY FORUM (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?

Famous July 4th Birthdays include President Calvin Coolidge (151), rapper Post Malone (28), journalist Geraldo Rivera (80), and Bill Janik (79).



The MARBA office will be closed on July 4th in observance of the holiday.