

MARBA MATTERS

GRIEVANCES AND ARBITRATIONS¹

Chicago Regional Council of Carpenters Arbitrations

MARBA received one arbitration request this month regarding the placement of a job steward.

Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in October. The next meeting is scheduled for November 30, 2021, at the Laborers Burr Ridge office provided there are any grievances scheduled to go forward.

Operating Engineers Joint Grievance Committee

The Operating Engineers Joint Grievance Committee met on October 6, 2021, for its regularly scheduled meeting and it met again on October 15, 2021, to hear an expedited grievance. The October 6, 2021, session had nine (9) grievances scheduled to be heard. However, prior to the hearings taking place one (1) was continued, one (1) was withdrawn, and one (1) was paid leaving six (6) grievances to be heard.

The first two (2) grievances were filed against the same contractor regarding a violation of the subcontracting provision of the agreement with respect to transportation of equipment. The Union alleged the Employer's subcontractor was a non-signatory. The Employer countered that they were using a Union subcontractor. The JGC voted to uphold both grievances and issued an award in favor of the Union.

The next two (2) grievances were filed against the same contractor and involved the Employer's use of a non-signatory/non-union subcontractor. The Union alleged this violated the subcontracting provision of the agreement as well as the hiring hall provisions of the agreement. The Employer contended they timely terminated their agreement with the Union and were under no obligation to subcontract the work out to a contractor that used bargaining unit members to perform the work. After hearing the testimony and receiving the evidence, the JGC voted to uphold the grievance and issued an award in favor of the Union.

The next two (2) grievances, filed against two (2) separate companies, alleged a violation of the Successor Employer language of the agreement. In both cases the Union alleged the Employer simply changed the name of a company but continued to utilize the same facilities, equipment, and bargaining unit members as the "old" company. In both cases, the Employers failed to attend the hearing. As such, the JGC voted to uphold the grievances based on the Union's presentation of its cases.

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The expedited grievance hearing that took place on October 15, 2021, was filed against the contractor that previously had two grievances filed against it for using a non-signatory/non-union subcontractor (heard on October 6, 2021). The grievance alleged the Union was denied access to the jobsite. The Employer did not deny the Union was denied access, rather, it countered it was no longer signatory to the agreement and thus was under no obligation to allow the Union on the jobsite. After hearing the testimony and reviewing the evidence, the JGC voted to uphold the grievance and issued an award in favor of the Union.

The next regularly scheduled meeting of the Joint Grievance Committee is set for December 2, 2021, beginning at 8:30 a.m. to be held at the offices of Local 150 in Countryside. There are currently four (4) grievances scheduled to be heard.

Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in October. The next regularly scheduled meeting is scheduled for November 25, 2021, at the Teamsters office in Burr Ridge. However, due to the Thanksgiving holiday the hearing would need to be rescheduled provided there are any grievances scheduled to go forward.

COLLECTIVE BARGAINING/LABOR ISSUES

Washington Carpenters Settle

As was reported in the September MARBA Matters, the Washington Carpenters were on strike in the Seattle area. Since the last MARBA Matters, however, the parties have settled their agreement and the Carpenters are now back to work. The settlement, which passed 54% to 46%, was the fifth tentative agreement the Carpenters and the AGC of Washington had reached. The previous four were rejected by the union membership. The settlement calls for total wage package increases of \$10.02 over three years (\$3.34 per year). The last tentative agreement which preceded the strike offered total wage package increases of \$13.25 over four years (\$3.31 per year). One of the major sticking points in the negotiations was the subject of parking reimbursement. The new settlement calls for an increase from \$1.00 per hour to \$1.50 per hour for parking in the Seattle area.

INDUSTRY NEWS

Chicago Regional Council of Carpenters Now Known As Mid-America Carpenters Regional Council

Earlier this month the St. Louis-Kansas City Regional Council of Carpenters was assigned to the Chicago Regional Council of Carpenters by UBC General President Douglas McCarron. The assignment of the SKCRC to the CRCC increased the total membership of the CRCC to over 50,000 members. After the merger, the CRCC was renamed the Mid-America Carpenters Regional Council. More information regarding the merger can be found by clicking [here](#).

Cal OSHA Director Approved to Head Federal OSHA

The Occupational Safety and Health Administration has been operating without a Senate confirmed Director since 2017 when David Michels left in January of that year. However, on Monday, October 25, 2021, the Senate confirmed Doug Parker, formerly of CalOSHA, to be the Assistant Secretary of Labor by a vote of 50-41. Parker returns to the Labor Department where he previously served as the Department's Mine Safety and Health Administration under President Obama. President Trump previously nominated Scott Mungo to helm OSHA in October 2017. However, Mungo eventually withdrew his nomination in May 2019 after the Senate never brought his nomination forward for a vote. OSHA will be issuing an Emergency Temporary Standard regarding mandatory COVID-19 vaccines within the coming weeks (possibly days). While leading CalOSHA, Parker and the agency issued an ETS.

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	September 2021 U.S. 4.8% (down 0.4%), Illinois 6.8% (45 th)
Labor Participation Rate	September 2021 = 61.6%, August 2021= 61.7%
CPI All Urban Consumers	September 2021 versus September 2020 = 5.39% Half 2021 versus Half 2020 = 3.37%
CPI Chicago All Items	September 2021 versus September 2020 = 4.50% Half 2021 versus Half 2020 = 3.08%
CPI Midwest All Items	September 2021 versus September 2020 = 5.72% Half 2021 versus Half 2020 = 3.68%
Union Membership	2020 10.8% (Private Sector 6.3%), 2019 = 10.3% Rate of Unionized Construction Workers = 12.6% 3.6% (2019), 13.8% (2018), 14.0% (2017)
30 Year Fixed Mortgage	September 2.90%, up 0.06% (August 2.84%) Annual Average 3.11% (2020)
15 Year Fixed Mortgage	September 2.18%, up 0.03% (August 2.15%) Annual Average 2.61% (2020)
Brent Crude Oil Price	\$84.77 per barrel (as of October 26, 2021) \$145.61 per barrel all time high July 2008 \$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	7.7% below revised August rate (+/-0.9%) Unchanged August 2020 rate (+/-1.1%)

Privately Owned New Housing Starts	1.6 % above revised August rate (+/-11.4%) 7.4% above September 2020 rate (+/-13.0%)
GDP	Q3 2021 (1 st) +2.0% Q2 2021 (3 rd) +6.7% Q1 2021 (3 rd) +6.3%
DJIA	35,776.06 as of October 26, 2021 (12:00 p.m.) 33,843.92 as of September 30, 2021 (close)

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

NLRB General Counsel Issues New Advice Memorandums Regarding Remedies

The NLRB now has a Democratic majority with the appointment of two (2) new Board members replacing Republican board members whose terms expired. In addition to the new Board members the NLRB's General Counsel, Jennifer Abruzzo, was appointed by President Biden. Upon her appointment and confirmation by the Senate GC Abruzzo began issuing a series of General Counsel Memorandums (GC Memos) which sought to un-wind several of the Trump Administration's objectives. The GC Memos give both labor and management insight into priorities areas that the Board may look to undertake. The GC's first memo, used on August 12, 2021, addressed matters such as Employer handbook rules, what constitutes protected concerted activity, and remedial issues, among other matters.

Following the August 12, 2021, memorandum, the GC issued two follow up memorandums that dealt specifically with remedies (September 8, 2021, and September 15, 2021). Prior to the September 8, 2021, memorandum the Board indicated it was willing to consider a new make-whole remedy. A traditional make whole remedy issued by the Board would be in the form of an award of consequential damages (apparent from loss of pay and benefits). An example would be health care expenses incurred because of an unlawful termination. The September 8, 2021, memo encouraged the various regions to "explore new and alternative remedies". The memo also indicated a follow up memo would be forthcoming that addressed remedies.

True to form, on September 15, 2021, a follow up memo regarding remedies was issued by GC Abruzzo. This memo focused on remedies included in settlement agreements (both formal and informal). The GC indicated the Regions have more latitude with respect to remedies in relation to crafting a settlement agreement than they would in front of the Board. Examples of losses were provided by the GC in the memorandum. Some of those examples included interest fees on credit cards incurred by an unlawfully fired employee to cover living expenses, penalties incurred by an unlawfully fired employee from having to withdraw funds prematurely from a retirement account to cover living expense, and the loss of a home or car suffered by a unlawfully fired employee because they could not stay current on payments.

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The two memorandums go into greater detail regarding the types of losses and various remedies the Regions should consider seeking when seeking settlements. The [September 8, 2021](#) memo and [September 15, 2021](#) memo can be found by clicking on the dates.

UPCOMING SEMINARS/EVENTS

CAGC MEAT RAFFLE

JOIN CAGC FOR THE ANNUAL MEAT RAFFLE IN PERSON AT A SPACIOUS VENUE WITH INDOOR AND HEATED PATIO SEATING. PROCEEDS WILL BENEFIT HIRE360'S WORKFORCE DEVELOPMENT PROGRAM.

DATE: SUNDAY, NOVEMBER 21, 2021
TIME: 11:00 A.M. TO 4:00 P.M.
LOCATION: CHOP'D
2337 S. ILLINOIS RTE 59 SUITE #155
PLAINFIELD, IL UNITED STATES
COST: VARIES
CONTACT: EMILY STEINMETZ ESTEINMETZ@CHICAGOLANDAGC.ORG OR REGISTER [HERE](#)

CALENDAR

NOVEMBER 3	5:00 PM.	CBC HOLIDAY EVENT (NAVY PIER)
NOVEMBER 5	1:00 P.M.	LABOR LAW FOUNDATION SERIES (ONLINE)
NOVEMBER 9	12:00 P.M.	MARBA BOARD OF DIRECTORS MEETING (MARBA)
NOVEMBER 11	8:00 AM.	BAC PENSION (ONLINE)
NOVEMBER 11	6:00 P.M.	MWCC TURKEY NIGHT (ELMHURST)
NOVEMBER 15	6:00 P.M.	IIIFC INFRASTRUCTURE RENEWAL RECEPTION (COUNTRYSIDE)
NOVEMBER 15	6:00 P.M.	PCA ANNUAL MEETING (OAKBROOK)
NOVEMBER 19	1:00 P.M.	LABOR LAW FOUNDATION SERIES (ONLINE)
NOVEMBER 21	11:00 A.M.	CAGC MEAT RAFFLE (PLAINFIELD)
NOVEMBER 25	9:00 A.M.	TEAMSTERS JGC (BURR RIDGE)
NOVEMBER 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?

THE FIRST THANKSGIVING WAS CELEBRATED IN 1621 AND OCCURRED OVER THREE DAYS. THAT WILL MAKE THIS YEAR'S THANKSGIVING THE 400TH IN AMERICA. THE FIRST NATIONAL RECOGNITION OF THANKSGIVING WAS OCTOBER 3, 1863 AND CAME AFTER THE WOMAN WHO HAD COMPOSED MARY HAD A LITTLE LAMB UNDERTOOK A LETTER WRITING CAMPAIGN THAT LASTED 17 YEAR ASKING THAT IT BE CELEBRATED AS A NATIONAL HOLIDAY.

WHO WILL WIN THE WORLD SERIES???? ATLANTA UP 3-2!!!!

