

MARBA MATTERS

GRIEVANCES AND ARBITRATIONSⁱ

Mid-America Carpenters Regional Council Arbitrations

MARBA did not receive any arbitration demands in the month of November.

Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in November. The next JGC will be held on December 26, 2023, at the Burr Ridge offices of the Laborers provided there are any cases set to go forward.

Operating Engineers Joint Grievance Committee

The Operating Engineers Joint Grievance Committee did not meet in November. The next regularly scheduled JGC was to be held on December 6, 2023, at the Operating Engineers office in Countryside but it was postponed. The next regularly scheduled JGC hearing will now be on February 7, 2024.

Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in November. The next regularly scheduled JGC hearing will be December 28, 2023, provided there are any cases set to go forward.

COLLECTIVE BARGAINING/LABOR ISSUES

MARBA and Carpenters Reach Five Year Extension Agreement

MARBA and the Mid-America Carpenters Regional Council (MACRC) recently signed off on a five-year extension agreement covering the four (4) CBAs the parties have with each other. The extension will begin to take effect on June 1, 2024, and run through May 31, 2029. The terms of the extension agreement call for total economic increases of 4% each year. There were no work rule changes made to the existing agreements. MARBA has sent out paperwork to the MARBA Associations for contractors to review, fill out, and return to the MARBA office. If you have yet to receive the consent forms, please contact your MARBA Association and/or Aaron Janik at ajanik@marba.org.

MARBA's Collective Bargaining Seminar A Success

MARBA hosted a Collective Bargaining Seminar on November 15, 2023, at Maggiano's Oakbrook. Over 30 industry representatives attended. The Seminar covered everything from preparation prior to bargaining, bargaining in the multi-employer context, and reaching an agreement, among other topics. Feedback on

the seminar was very positive and MARBA plans to host other collective bargaining related seminars soon.

INDUSTRY NEWS

OSHA Releases Top 10 Most-Cited Safety Violations of 2023

The Occupational Safety and Health Administration recently released its top ten most-cited safety violations for the fiscal year 2023 (October 1, 2022, through September 30, 2023). Fall Protection-General Requirements came in at number one with 7,271 reported violations. This category was also number one in FY22. For the most part, the top list did not change from FY22 to FY23, with the exception of Respiratory Protection moving from 4th to 7th and Powered Industrial Trucks moving from 7th to 5th. A list of the top ten reported violations can be found on the Board of Certified Safety Professionals website by clicking [here](#).

City of Chicago Receives \$336 Million Dollar WIFIA Loan

The City of Chicago was recently granted a \$336 Million Dollar loan under the Water Infrastructure and Innovation Act (WIFIA) to replace 30,000 lead pipes in the city. The loan will come in installments over three years at \$112 million per year. The program is expected to create 2,700 jobs. Similarly, the City of Joliet is in the process of replacing its lead water service lines as it replaces its water main lines in advance of receiving its drinking water from Lake Michigan in 2030. Currently, the City of Joliet loses about 29% of its water due to leaky water mains. Regulations cap the percentage of water loss from Lake Michigan due to leaky pipes at 10%.

STATE OF THE ECONOMY

Economic Indicators

Unemployment Rate	October 2023 U.S. 3.9% (September 3.8%), Illinois 4.6% (47 th)
Labor Participation Rate	October 62.7%, September 62.8%, August 62.8
CPI All Urban Consumers	October 2023 over October 2022 = 3.24% Half Year 2023 = 4.88%
CPI Chicago All Items	October 2023 over October 2022 = 2.4% Half Year 2023 = 4.15%
CPI Midwest All Items	October 2023 over October 2022 = 2.9% Half Year 2023 = 4.55%
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 11-30-23 7.22%, up 0.45% over the prior year. Annual Average 5.34% (2022), 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	As of 11-30-23 6.56%, up 0.49% over the prior year. Annual Average 4.58% (2022), 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$80.23 per barrel (as of November 30, 2023, at 4:50 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	1.1% above revised September rate 4.4% below October 2022 rate
Privately Owned New Housing Starts	4.6% below revised September rate (+/-11.6%) 4.6% above October 2022 rate (+/-13.2%)
GDP	Q3 2023 (2 nd) +5.2% Q2 2023 (3 rd) +2.1%
DJIA	35,941.11 as of November 30, 2023 (4:00 p.m.) 33,142.13 as of October 23, 2023 (11:00 a.m.) 33,730.79 as of September 28, 2023 (12:00 p.m.)

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

5th Circuit Overrules NLRB Decision Regarding Tesla's Uniform Ban

In addition to recently conducting a nationwide strike, the United Auto Workers has actively been trying to unionize workers at Tesla. These efforts have been underway for years. During an organizing campaign that began in 2017 at a production factory in Fremont, California, the UAW passed out shirts to prospective members to wear to work. The shirts had a Union logo on them. Prior to prospective members wearing the Union shirts, all Tesla employees wore company issued clothing. Employees were required to wear the company issued clothing pursuant to a companywide policy. The policy was promulgated to reduce damage to Tesla vehicles being produced at the Fremont facility. Shortly after prospective UAW members began wearing shirts distributed by the Union, Tesla noticed many vehicle's paint jobs were "mutilated". As a result of the damage to the vehicles Tesla prohibited prospective members from wearing union shirts. The UAW filed an ULP. An ALJ ruled in favor of the Union and the NLRB upheld the ALJ decision finding that Tesla's uniform policy violated the NLRA, overturning a 2019 decision regarding uniform policies (*Wal-Mart* 368 N.L.R.B. 146). Tesla subsequently appealed the NLRB decision to the 5th Circuit.

On November 14, 2023, the 5th Circuit Court overruled the NLRB's decision finding that Tesla's neutral dress code policy contained a restriction on Union insignia rather than an outright prohibition of displaying union symbols. The 5th Circuit held that Tesla's Team Wear policy was lawful because it "advances a legitimate interest of the employer and neither discriminates against union communication nor affects

nonworking time.” The restriction of not being allowed to wear a Union shirt was not a prohibition on all Union support. Rather, the Team Wear policy only restricted certain union activity in a non-discriminatory manner while still allowing employees to exercise their Section 7 rights to display Union emblems/logos/insignia, through other channels (i.e., stickers on a shirt). As a result of granting Tesla’s petition for review, the 5th Circuit vacated the NLRB decision issued in the underlying ULP and reinstated the *Wal-Mart* decision. The 5th Circuit’s decision only applies to the 5th Circuit (Louisiana, Mississippi, and Texas). Although there may be other circuits that have a different decision the NLRB applies its own rulings unless the Supreme Court issues a ruling on the matter. The 5th Circuit’s decision can be found by clicking [here](#).

UPCOMING SEMINARS/EVENTS

NONE IN DECEMBER

CALENDAR

DECEMBER 7	12:00 P.M.	MWCC HOLIDAY PARTY (ROSEMONT)
DECEMBER 15	10:30 A.M.	MARBA EXECUTIVES MEETING (MARBA)
DECEMBER 21	12:00 P.M.	LABORERS DISTRICT COUNCIL HOLIDAY PARTY (BURR RIDGE)
DECEMBER 26	9:00 A.M.	LABORERS JGC (BURR RIDGE)
DECEMBER 28	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?

The Mariah Carey song, “All I Want for Christmas is You” took only 15 minutes to write.

THE 9U ILLNOIS JR. CELTICS ARE STATE CHAMPS!



#34 William Janik and his father with the State Championship Trophy!