

# MARBA MATTERS

## GRIEVANCES AND ARBITRATIONS<sup>1</sup>

### Chicago Regional Council of Carpenters Arbitrations

MARBA received no arbitration requests this month.

### Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee met on February 22, 2022, at the Laborers Burr Ridge office. There were four (4) grievances scheduled to be heard although one was postponed the night before as the Employer was under the belief, they had settled the matter through a previously issued payment. The other three (3) grievances were all filed against the same contractor alleging a variety of contract violations including failing to pay wages and benefits and failing to adhere to the mandatory apprenticeship regulations. The Employer did not attend a pre-grievance hearing and it was decided during the course of the grievance hearing to continue the matters so the union and Employer could have settlement discussions. The next JGC is scheduled to be held on March 29, 2022, 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 February 9, 2022, beginning at 8:30 a.m. at the offices of Local 150 in Countryside to hear two (2) grievances. The first grievance involved an allegation that an Employer was using non-bargaining unit members to operate a skid steer (with broom attachment), skid steer, and a grinder. The Employer failed to appear before the JGC. As a result, the JGC heard just the Union's presentation and issued an award upholding the grievance. The second grievance involved an allegation that two (2) non-bargaining unit members were operating bargaining unit equipment. The Employer failed to appear before the JGC. As a result, the JGC heard just the Union's presentation and issued an award upholding the grievance. The next regularly scheduled Local 150 JGC is scheduled to be held on April 2, 2022, at 8:30 a.m. at the offices of Local 150 in Countryside, IL.

### Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in January. The next regularly scheduled meeting is scheduled for March 31, 2022, at the Teamsters office in Burr Ridge provided there are any grievances set to go forward.

## COLLECTIVE BARGAINING/LABOR ISSUES

### 2022 Contract Expirations

MARBA has compiled a list of contacts expiring in the Chicago area and Midwest throughout 2022 but primarily in the next few months. The list can be accessed by clicking [here](#). Later this spring, around the beginning of April, negotiation update emails will be sent out based on those expiring contracts. If you are aware of any other construction CBAs expiring in the Chicago area or greater Midwest region that are not on the list please contact [ajanik@marba.org](mailto:ajanik@marba.org) to have them put on the list.

## INDUSTRY NEWS

### Illinois Department of Labor Director Mike Kleinik Retires

Earlier this month, Illinois Department of Labor Director, Michael Kleinik, announced his retirement from the position. He was appointed by Governor Pritzker in January 2019 and confirmed by the Senate, unanimously, later that same year. Director Kleinik had a long career on the labor side before being appointed. He served as a Deputy Sherriff before being elected as Sherriff of Fayette County (two times). Prior to becoming Director of the IDOL, he served as its Chief of Staff and was also the manager of the Mediation and Conciliation Division. Director Kleinik also spent time as the Executive Director of the Laborer's District Council LMCC, a position he held until he retired from it in 2018. Governor Pritzker has named Jane Flanagan as Acting Director of the IDOL. Ms. Flanagan previously spent time in the Illinois Attorney General's office where she served as Labor Counsel and Assistant Attorney General. She also served as Deputy General Counsel and Deputy Chief Compliance Officer in Governor Pritzker's office.

### Illinois Senate Passes Design Build Bill

In a rare showing of bipartisanship, the Illinois Senate passed SB 2891 unanimously 51-0. Entitled the Innovations for Transportation Infrastructure Act, SB2891 allows the Illinois Department of Transportation and Illinois Tollway to use a design-build delivery method on highway construction projects. The Act would also allow IDOT and the Tollway the ability to use the construction manager-general contractor delivery method on up to projects a year. Under this method, the agency would enter into a contract with a single entity to serve as the construction manager and then agree upon a price to serve as a general contractor. The Act is now awaiting consideration from the Illinois House. The Act may be accessed by clicking [here](#).

## STATE OF THE ECONOMY

### Economic Indicators

Unemployment Rate                      January 2022 U.S. 4.0% (up 0.1%), Illinois 5.3% (40<sup>th</sup> – Dec)

Labor Participation Rate	January 2022 = 62.2%, December 2021 = 61.9%
CPI All Urban Consumers	January 2022 over January 2021 = 7.5% 2 <sup>nd</sup> Half 2021 versus 2 <sup>nd</sup> Half 2020 = 6.0%
CPI Chicago All Items	January 2022 over January 2021 = 6.8% Annual 2022 = 4.2%
CPI Midwest All Items	January 2022 over January 2021 = 7.9% Annual 2022 = 5.0%
Union Membership	2021 10.3% (Private Sector 6.1%), 2020 = 10.8% Rate of Unionized Construction Workers = 12.6% 12.7% (2020), 13.6% (2019), 13.8% (2018)
30 Year Fixed Mortgage	January 3.45%, up .35% (December 3.10%) Annual Average 2.96% (2021), 3.11% (2020)
15 Year Fixed Mortgage	January 2.66%, up .31% (December 2.35%) Annual Average 2.27% (2021), 2.61% (2020)
Brent Crude Oil Price	\$100.61 per barrel (as of February 28, 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	0.7% above revised December rate 0.8% above January 2021 rate
Privately Owned New Housing Starts	4.1 % below revised December rate (+/-13.7%) 0.8% above January 2021 rate (+/-12.5%)
GDP	Q4 2021 2 <sup>nd</sup> Est. +7.0% Q3 2021 (3 <sup>rd</sup> ) +2.3% Q2 2021 (3 <sup>rd</sup> ) +6.7% Q1 2021 (3 <sup>rd</sup> ) +6.3%
DJIA	33,669.53 as of February 28, 2022 (12:00 p.m.) 34,917.12 as of January 31, 2022 (12:00 p.m.)

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

*President Biden Nominates Ketanji Brown Jackson for Supreme Court Seat*

Late last week President Biden nominated Ketanji Brown Jackson to replace the retiring Supreme Court Justice, Stephen Breyer (who she clerked for). Judge Jackson currently serves on the United States Court of Appeals for the D.C. Circuit having been nominated in March 2021 and confirmed for that position in June 2021 (53-44). Many consider the D.C. Court of Appeals to be one step below the Supreme Court. She previously served as a Federal Judge for the United States District Court for the District of Columbia. Prior to becoming a member of the judiciary, she was a member of the U.S. Sentencing Commission and

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also served as a federal public defender. If confirmed by the Senate she will become the first Supreme Court Justice to have served time as a public defender since Justice Thurgood Marshall. Judge Jackson also worked in private practice for a time after graduating from Harvard.

Two cases dealing directly with labor related issues have drawn closer scrutiny since Judge Jackson was nominated to the Supreme Court. The first case came during her time serving as a District Court judge. In that case Judge Jackson sided with the Union. According to the Wall Street Journal, the decision bent, “over backwards to excuse the [federal] unions from the requirement that they bring disputes to the Federal Labor Relations Authority before going to court.” However, that decision was later overturned by the D.C. Court of Appeals. The other case, issued in June 2021, is one of two cases in which she has decided on the merits since her time on the D.C. Court of Appeals. In that case, *AFL-CIO v. FLRA (No. 20-1396)*, Judge Jackson again sided with the Union rejecting a decision issued by the Federal Labor Relations Authority that found collective bargaining between the U.S government and federal labor unions is required for workplace changes that have a only “substantial impact” on conditions of employment as opposed to a de minimis impact. The decision has been heralded as a win for unions.

#### UPCOMING SEMINARS/EVENTS

##### CONSTRUCTION SAFETY COUNCIL SAFETY EXPO

THE CSC SAFETY EXPO IS BACK AND IN PERSON THIS YEAR HOSTED IN CONJUNCTION WITH ASSOCIATION OF SUBCONTRACTORS AND AFFILIATES OF CHICAGO (ASA)

DATE: MONDAY MARCH 7, 2022, AND TUESDAY MARCH 8, 2022  
TIME: 9:00 A.M. TO 4:00 P.M. AND EXHIBITORS RECEPTION 4:00 P.M. TO 6:00 P.M.  
LOCATION: DRURY LANE CONFERENCE CENTER OAKBROOK TERRACE  
COST: \$299 ALL ACCESS PASS  
CONTACT: REGISTER BY CLICKING [HERE](#)

##### WINTER CROCK POT COOK OFF

JOIN THE GLCA AS THEY AWARD PRIZES FOR BEST GUMBO, CHILI, SOUP, STEW AND CHOWDER! THIS EVENT BENEFITS THE GLCA SCHOLARSHIP FUND.

DATE: WEDNESDAY, MARCH 16, 2022  
TIME: 5:00 P.M. TO 8:00 P.M.  
LOCATION: THE BRAT STOP 12304 75<sup>TH</sup> ST. KENOSHA, WI 53142  
COST: \$20.00 FOR ENTRY (SPONSORSHIPS AVAILBLE)  
CONTACT: REGISTER BY CLICKING [HERE](#)

#### CALENDAR

<b>MARCH 8</b>	<b>12:00 P.M.</b>	<b>MARBA BOARD MEETING (ONLINE)</b>
<b>MARCH 11</b>	<b>8:00 A.M.</b>	<b>CISCO ANNUAL MEETING (SCHAUMBURG)</b>
<b>MARCH 15</b>	<b>8:00 A.M.</b>	<b>IRTBA LABOR MEETING (ITASCA)</b>
<b>MARCH 29</b>	<b>9:00 A.M.</b>	<b>LABORERS JGC (BURR RIDGE)</b>
<b>MARCH 31</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?

Daylight Savings Time begins on March 13<sup>th</sup>. Don’t forget to “spring forward”. Also, occurring on March 13<sup>th</sup>, National Earmuff Day.