

# MARBA MATTERS

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

### Mid-America Carpenters Regional Council Arbitrations

MARBA received no arbitration demands in the month of December.

### Laborers Joint Grievance Committee

The Laborers JGC did not meet in January. The next meeting will be on February 25, 2025, at the Laborers District Council office in Burr Ridge beginning at 9:00 a.m.

### Operating Engineers Joint Grievance Committee

The Operators met on January 15, 2025, at the Operators office in Countryside to hear four (4) grievances. The first grievance alleged that a contractor was using a non-bargaining unit member (his son) to run multiple (3) pieces of equipment, and the son was not a member of the union. The Union presented evidence that the business agent had confirmed the employer had not made fringe benefit contributions on the son and the son did not hold a valid union card. The employer did not attend the hearing, and pursuant to the JGC rules, the JGC was authorized to consider just the evidence presented by the Union. As such, the JGC issued a decision in favor of the Union.

The second grievance involved an allegation that an employer was using non-bargaining unit members to run equipment. Like the first grievance, the Union presented evidence that the employer was signatory to the agreement but was not paying benefits on behalf of the individuals running the equipment and they did not possess union cards. The Employer did not attend the hearing and the JGC issued an award in favor of the Union based on the evidence it presented.

The third grievance involved an allegation that an Employer did not issue a proper final check (i.e. it was short a few hours). The Employer would not respond to requests by the Union to resolve the matter short of a grievance being filed. The employer did not attend the pre-grievance hearing or the JGC hearing but during the JGC hearing a call was placed to the Employer and they agreed to contact the Union to resolve the matter. As such, the matter was put on hold before a decision was issued by the Committee.

The last grievance involved an allegation that an Employer was improperly assigning operations of many pieces of equipment over a several month period to non-bargaining unit members. Prior to a hearing being held in front of the JGC, the Union demanded the case proceed directly to arbitration bypassing the JGC which is permissible under the CBA due to the high value of the alleged damages of the underlying grievance. The next round of JGC hearings will be held on March 5, 2025, at the Operators offices in Countryside, IL beginning at 8:30 a.m. The Union will advise the Committee members of the number of grievances to be heard at the next session at a later date.

*Teamsters Joint Grievance Committee*

The Teamsters JGC did not meet in January. The next meeting date is scheduled for February 27, 2025.

**COLLECTIVE BARGAINING/LABOR ISSUES**

**2025 Bargaining Rights Packets**

Bargaining rights packets for the upcoming 2025 negotiations have been distributed to the MARBA member Associations. MARBA will have negotiations with Local 701 Auto Mechanics and Local 130 Tech Engineers in 2025. The bargaining rights packet contains information related to these two CBAs only. If there are any questions about these two agreements or the bargaining rights packet, please contact your MARBA member Association or the MARBA office.

**Mid-America Carpenters Regional Council Pension Funds Announce Merger**

The Will County Carpenters Pension Fund and the Mid-America Carpenters Regional Council Pension Fund (also known as the Chicago Pension Fund) have announced the two funds will be merging, effective January 1, 2025. Contractors' signatory to the MARBA/Carpenters collective bargaining agreements should have received an information packet containing information regarding the merger. A flyer with some pertinent information concerning the merger can be found at the end of this edition of MARBA Matters. If there are any questions about the merger, please contact the MACRC Pension Fund office. Their contact information can be found by clicking [here](#).

**Contracts Expiring in 2025**

MARBA is in the process of updating its list of collective bargaining agreements expiring in and around the Chicago area later this year. The current list of contracts set to expire that MARBA is aware of, is posted on the MARBA website and can be accessed by clicking [here](#). If there are agreements set to expire in 2025 not on the list currently being maintained by MARBA, please contact Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org) to let him know.

**INDUSTRY NEWS**

**Save the Date – MARBA to Co-Host Encore Collective Bargaining Seminar**

MARBA is pleased to announce it will be Co-Hosting an encore presentation of its successful Collective Bargaining seminar on March 19, 2025, along with the Plumbing Contractors Association of Greater Chicago (PCA). The seminar will be held at the PCAs new offices in Oakbrook. Speakers will include Rick Samson from Ogletree Deakins, Christna Wernick, and Wes Covert both from Laner Muchin. A variety of topics will be covered as it pertains to collective bargaining including perspectives from the Union side and how to prepare for negotiations. Advance registration is required. A registration form will be posted on the MARBA website once available. In the interim if you are interested in receiving a registration form please email Aaron Janik at [ajanik@marba.org](mailto:ajanik@marba.org) to have one sent to you once it is ready.

<b>STATE OF THE ECONOMY</b>
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*Economic Indicators*

Unemployment Rate	December 4.1% (November U.S. 4.2%), Illinois 5.2% (47 <sup>th</sup> )
Labor Participation Rate	December 62.5%, November 62.5%, October 62.6%
CPI All Urban Consumers	December 2024 over December 2023 = 2.89% Half Year 1 = 3.22%, Half Year 2 = 2.68%
CPI Chicago All Items	December 2024 over December 2023= 3.88% Half Year = 3.14%, Half Year 2 = 2.68%, Annual = 3.46%
CPI Midwest All Items	December 2024 over December 2023= 3.04% Half Year = 2.71%, Half Year 2 = 2.68%, Annual = 2.69%
Union Membership	2024 = 9.9% (Private Sector 5.9%), 2023 = 10.0% (Private Sector 6.0%), 2022 = 10.1% (Private Sector 6.0%)
Unionized Construction Workers	11.2% (2024), 11.4% (2023), 11.7% (2022), 12.6% (2021)
30 Year Fixed Mortgage	As of 1-30-25 6.95%, up 0.32% over the prior year. Annual Average 6.90% (24), 6.61% (23), 5.34% (22), 2.96% (21)
15 Year Fixed Mortgage	As of 1-30-25 6.12% up 0.18% over the prior year. Annual Average 5.93% (2023), 4.58% (2022), 2.27% (2021)
Brent Crude Oil Price	\$76.26 per barrel (as January 30, 2025) \$145.61 per barrel all time high July 2008 \$2.23 per barrel all time low May 1970
Privately Owned New Housing Building Permits	.70% below revised November rate 3.1% below December 2023 rate
Privately Owned New Housing Starts	15.8% above revised November rate (+/-14.4%) 4.4% below December 2023 rate (+/-11.3%)
GDP	Q4 2024 (Adv) +2.4% Q3 202+3.1%
DJIA	44,538.40 as of January 31, 2025 (4:00 p.m.) 42,544.22 as of December 31, 2024 (4:30 p.m.) 44,932.84 as of November 29, 2024 (1:00 p.m.)

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

**NLRB Reshaping Begins to Take Place Under President Trump**

As expected, upon his inauguration, President Trump began reshaping government agencies including the NLRB. One of his first orders, as it related to the NLRB, was to fire General Counsel Jennifer Abruzzo. This move was not surprising given that former President Joe Biden fired NLRB General Counsel Peter Robb upon taking office back in 2021 (appointing Abruzzo to that position). However, in a move that was unprecedented, President Trump also fired NLRB Member Gwynne Wilcox despite her term not being set to expire until 2028 and the long-standing precedent of Board members enjoying protection from removal by Presidents due to language contained in the Act.

The removal of an NLRB Member is permissible under a limited set of circumstances. According to Section 3(a) of the Act, “[a]ny member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.” In removing Member Wilcox, President Trump cited a 2020 Supreme Court decision (*Seila Law LLC v. CFPB*). The plaintiff in the *Seila* case argued the restriction on the President’s authority to remove a single director of an executive branch agency for cause only was an unconstitutional restriction on the President’s authority. The director in question was the Director of the Consumer Financial Protection Bureau (CFPB). Congress, in establishing the CFPB under the Dodd-Frank Act Congress limited removal of the Director for “cause”. The Court allowed the CFPB to continue to function due to the fact the Dodd-Frank Act contained severability language in the statute meaning although the Supreme Court declared one area of the law unconstitutional the rest of the law could survive. President Trump’s citing of the *Seila* case would seem to be at odds with the Supreme Court’s 1935 decision in *Humphrey’s Executor v. United States*. The Court in that case ruled that the President could only remove members comprising multi-member boards (in that case the FTC) for cases of “inefficiency, neglect of duty, or malfeasance in office”. The removal protection language in the *Humphrey’s Executor* case is akin to the NLRB member removal language. Thus, it is a bit unclear if President Trump is intending for the Supreme Court to weigh in on the matter again, hoping to have *Humphrey’s Executor* overturned.

In his letter informing Member Wilcox of her removal, President Trump cited the fact that the NLRB is not balanced along partisan lines (at the time it was a 2-1 Democratic majority) and the NLRB exercises executive functions (language used in the *Seila* case). Thus, President Trump’s letter reasoned Board members are not entitled to the long-held statutory protections previously thought to protect NLRB members from removal. By removing Wilcox, President Trump has virtually put on hold all Board action as the current makeup (2 members) leaves the Board without a quorum. As such, no decisions can be issued and other pending cases currently before the Board are left in flux. Member Wilcox has indicated she intends to take all actions available to her under the law. It is not clear how long the Board will be without a quorum. President Trump has the appointment right for two seats (not including Wilcox’s seat). If he appoints a member to fill one, or both, of those seats, upon confirmation, the requisite number of Board members to establish a quorum will be present and Board business can be conducted. If Wilcox is reinstated, whether by President Trump (not likely) or a Court, Board business can be conducted. When either of these scenarios will be answered is anyone’s guess.

**UPCOMING SEMINARS AND EVENTS**

**JOIN THE CAGCS CLC YOUNG PROFESSIONALS FOR AN EVENING WITH INDUSTRY ICONS**

DATE: WEDNESDAY, FEBRUARY 12, 2025  
 TIME: 5:00 P.M. TO 8:00 P.M.  
 LOCATION: UNIVERSITY CLUB OF CHICAGO  
 76 E. MONROE ST.  
 CHICAGO, IL 60603  
 COST: MEMBERS \$75.00/NON-MEMBERS \$100.00  
 CONTACT: STACEY KELLY AT 773-444-0465 OR SEND [EMAIL](#)

**CALENDAR**

<b>FEBRUARY 6</b>	<b>10:30 A.M.</b>	<b>CEMENT MASONS LMCC (BELLWOOD)</b>
<b>FEBRUARY 13</b>	<b>8:00 A.M.</b>	<b>BRICKLAYERS FUNDS MEETING (ELMHURST)</b>
<b>FEBRUARY 19</b>	<b>10:30 A.M.</b>	<b>MARBA EXECUTIVES MEETING (MARBA)</b>
<b>FEBRUARY 25</b>	<b>9:00 A.M.</b>	<b>LABORERS JGC (BURR RIDGE)</b>
<b>FEBRUARY 27</b>	<b>9:00 A.M.</b>	<b>TEMASTERS JGC (MARBA)</b>
<b>FEBRUARY 28</b>	<b>7:30 A.M.</b>	<b>CONSTRUCTION INDUSTRY FORUM (MARBA)</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?*

113.7 million people plan to attend or host a Super Bowl party with another 17.6 million people planning to attend a bar/restaurant to watch the big game. Super Bowl Sunday is the second biggest day for food consumption in the U.S. trailing only Thanksgiving. 16.1 million people will miss work the day after the Super Bowl.



Will the Chiefs 3peat?????