

# MARBA MATTERS

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

### Mid-America Carpenters Regional Council Arbitrations

MARBA received one arbitration demand in the month of November regarding an alleged violation of Article 5.2 and 5.3 concerning payment after a layoff/termination.

### Laborers Joint Grievance Committee

The Laborers JGC did not meet in November. Since the next regularly scheduled JGC would be held on December 31, 2024, it will need to be rescheduled provided there are any grievances set to go forward. If there are any grievances to be heard they will be held at the Laborers District Council office in Burr Ridge beginning at 9:00 a.m.

### Operating Engineers Joint Grievance Committee

The Operators JGC met on November 6, 2024, at the Operators office in Countryside to hear two (2) grievances. The first grievance concerned an allegation that a contractor allowed multiple non-bargaining unit members to operate pieces of equipment covered under the parties CBA. This contractor has been grieved several times in the past year to 18 months and has failed to attend any of the hearings. As a result of their failure to attend the hearings the JGC, according to the JGC rules, may consider the Union's testimony and evidence when rendering a decision. In this case, as well as the other grievances filed against this contractor, the JGC upheld the grievance. The second grievance involved an allegation that a contractor laid a member off but then allowed another member to operate the laid off member's assigned piece of equipment prior to the expiration of the idle time contained in the CBA. The grievance was denied. The next regularly scheduled JGC is set for January 15, 2025, at the Operators office in Countryside. The Union will advise the JGC members of the number of grievances to be heard a later date.

### Teamsters Joint Grievance Committee

The Teamsters JGC did not meet in November. The next regularly scheduled JGC hearing(s) are set for Thursday, December 26, 2024. Due to the timing of the Christmas and New Year holiday the JGC hearing may need to be rescheduled provided there are any grievances to be heard.

## COLLECTIVE BARGAINING/LABOR ISSUES

### 2025 Bargaining Rights Packets

MARBA will be distributing the 2025 Bargaining Rights packets to its member Associations in the coming months (either late December or early January). MARBA will have negotiations with Local 701 Mechanics

and Local 130 Tech Engineers in 2025. The bargaining rights packet will contain information relating to these two contracts only. If there are any questions about these two agreements, please contact the MARBA office.

### **MIAF Contribution Obligation**

MARBA would again like to remind all signatory contractors that contained within each of the MARBA collective bargaining agreements is language concerning MARBA Industry Advancement Funds (MIAF) contributions. The rate for these contributions differs from agreement to agreement. MARBA previously distributed a memorandum to its member associations regarding the MIAF contribution rate and contractors' obligations to remit MIAF contributions. That memorandum can be found on the last page of this month's MARBA Matters.

## **INDUSTRY NEWS**

### **President-Elect Trump Nominates Oregon House Representative to Head Department of Labor**

In what can only be characterized as a shock, President-Elect Trump has nominated Representative Lori Chavez-DeRemer (R-OR) to serve as the Secretary of the Department of Labor. What makes this such a surprising pick is that Rep. Chavez-DeRemer was one of only three (3) Republicans who co-sponsored the Protecting the Right to Organize Act (PRO Act) which many have called the most worker/union friendly piece of legislation ever introduced.

Her nomination to lead the Department is being hailed by many unions as a "smart" pick. AFL-CIO President Liz Shuler welcomed the pick but cautioned that Chavez-DeRemer may not be permitted to act on many pro-union initiatives under a Trump Administration. The Teamsters International President Sean O'Brien has been one of Chavez-DeRemer's biggest supporters and has been advocating for her to lead the Department since the presidential election. Chavez-DeRemer's father was a Teamster member.

While there is skepticism on the Republican side of her nomination several Republicans have indicated they have no qualms about her nomination. It remains to be seen whether she will be confirmed to lead the Department, but if she is, it is unlikely the PRO Act will be passed into law. To date, Chavez-DeRemer has not indicated what her goals for leading the Department would be.

### **Quantum Computing Project Takes Next Step**

The mega quantum computing project at the site of the former South Works Steel Mill took a big step forward earlier this month when the City's Plan Commission unanimously approved Related Midwest's application for a Planned Development designation. The application will now head to the full Zoning and Planning Commission for consideration. If the project passes out of the Planning Commission stage it will then head to the full City Council for approval.

The Illinois Quantum and Microelectronics Park would cover a wide swath of land on the south side of the city. It is estimated that 20,000 construction jobs would be created over the next six years should the project be approved. In addition to the construction jobs, approximately 150 permanent jobs would be created covering such fields as quantum physics, optical engineering, and software development.

In addition to the computing facilities, the developer has also proposed 40 single family homes and a host of commercial businesses supporting both the computing development and the surrounding communities. The computing facilities and related structures would be fully operational by 2027. The rest of the planned build-out work would occur over subsequent years. The project would be larger in scope than the 78, Lincoln Yards, the United Center project, and Michael Reese Hospital site put together.

### STATE OF THE ECONOMY

#### Economic Indicators

Unemployment Rate	October 2024 U.S. 4.1% (September U.S. 4.1%), Illinois 5.3% (48 <sup>th</sup> )
Labor Participation Rate	October 62.6%, September 62.7%, August 62.7%
CPI All Urban Consumers	October 2024 over October 2023 = 2.60% Half Year = 3.22%
CPI Chicago All Items	October 2024 over October 2023 = 3.525 Half Year = 3.14%
CPI Midwest All Items	October 2024 over October 2023 = 2.57% Half Year = 2.71%
Union Membership	2023 = 10.0% (Private Sector 6.0%), 2022 = 10.1% (Private Sector 6.0%), 2021 = 10.3% (Private Sector 6.1%)
Unionized Construction Workers	11.4% (2023), 11.7% (2022), 12.6% (2021), 12.7% (2020)
30 Year Fixed Mortgage	As of 11-27-24 6.81%, down 0.41% over the prior year. Annual Average 6.61% (2023), 5.34% (2022), 2.96% (2021)
15 Year Fixed Mortgage	As of 11-27-24 6.1%, down 0.46% over the prior year. Annual Average 5.93% (2023), 4.58% (2022), 2.27% (2021)
Brent Crude Oil Price	\$72.38 per barrel (as November 29, 2024, 1:00 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	0.6% below revised September rate 7.7% below October 2023 rate
Privately Owned New Housing Starts	3.1% below revised September rate (+/-11.6%) 4.0% below October 2023 rate (+/-9.0%)
GDP	Q3 2024 (2 <sup>nd</sup> ) +2.8% Q2 2024 +3.0%
DJIA	44,932.84 as of November 29, 2024 (1:00 p.m.)

42,362.40 as of October 29, 2024 (12:00 p.m.)  
42.195.08 as of September 30, 2024 (12:00 p.m.)

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

**NLRB Issues Decision Overturns Decades of Precedent Regarding Captive Audience Meetings**

In 1948 the NLRB issued a decision in the *Babcock & Wilcox Co.* case which held that employers could conduct meetings with their employees in which employers were allowed to express their views concerning a variety of topics including union organizing efforts. These meetings are often referred to as captive audience meetings because as the name suggests, employees were required to attend them. At these meetings employers were allowed to express their views provided there was no, “threat of reprisal or force or promise of benefit” (see *Babcock & Wilcox Co.* 77 NLRB 577 1948).

However, earlier this month, on November 13, 2024, the NLRB overturned the *Babcock* case and with it 76 years of Board precedent when it issued its decision in *Amazon.com Services LLC*. The Board, voting 3 to 1 with Member Marvin Kaplan dissenting, called the *Babcock* precedent, “flawed as a matter of statutory policy” and overturned its holding. The Board made clear that employers may still lawfully hold meetings with workers to express their views on unionization. However, employees must be provided with “reasonable advance notice of the subject of any such meeting and that attendance is voluntary with no adverse consequences for failure to attend.” Finally, under the new *Amazon* standard, employers are no longer able to keep attendance records of the meetings. The Board held the *Amazon* decision will be applied prospectively so as not to disturb the conduct of employers who had previously relied on the *Babcock* standard. A press release issued by the NLRB with a link to the *Amazon* decision can be found [here](#).

This will not be the last time the matter of captive audience meetings is discussed as several states, including Illinois, have passed their own laws concerning captive audience meetings. Many of those state laws are currently being challenged in court. The *Amazon* decision will cause those cases to be reevaluated by both those challenging the state laws and those defending them. Moreover, come January 20, 2025, the Trump administration will undoubtedly look to undo or unwind some of the decisions issued by the current Board. Depending on what happens with pending nominations for future Board members, that undoing/unwinding may happen quickly or could be over a year away.

The Board is comprised of five (5) members. At present, there are three (3) members who hold “Democratic” seats (Chair McFerran, Member Prouty, and Member Wilcox), one (1) that holds a “Republican” seat (Member Kaplan), and one (1) open “Republican” seat. President Biden has nominated Chair McFerran for another 4-year term. He also nominated a management attorney from Chicago, Joshua Ditelberg, to fill the open “Republican” seat (vacated by Member Ring in late 2022). Depending on the outcome of those nominations prior to President-elect Trumps inauguration, the Board may stay under Democratic control until 2026 when Member Prouty’s term expires. Adding to the uncertainty over these types of decisions is the status of General Counsel Abruzzo. Shortly after taking office, President Biden fired General Counsel Peter Robb. GC Robb’s termination was historic. Industry insiders expect President-Elect Trump to take the same action upon taking office with respect to GC Abruzzo. If this is the case, a new General Counsel, which oversees prosecuting cases under the NLRA and overseeing field offices, will undoubtedly have a new agenda that will look markedly different than GC Abruzzo’s agenda.

**UPCOMING SEMINARS AND EVENTS**

**MANY ASSOCIATIONS HAVE ALREADY CONCLUDED THEIR SEMINARS AND EVENTS FOR THE YEAR. THE UPCOMING SEMINAR AND EVENTS WILL RETURN NEXT MONTH.**

DATE: TBD  
TIME: TBD  
LOCATION: TBD  
COST: TBD  
CONTACT: TBD

**CALENDAR**

<b>DECEMBER 12</b>	<b>5:00 P.M.</b>	<b>IRTBA ANNUAL MEETING &amp; HOLIDAY PARTY (ROSEMONT)</b>
<b>DECEMBER 19</b>	<b>12:00 P.M.</b>	<b>LABORERS HOLIDAY LUNCHEON (BURR RIDGE)</b>
<b>DECEMBER 26</b>	<b>9:00 A.M.</b>	<b>TEAMSTERS JGC (MARBA)</b>
<b>DECEMBER 31</b>	<b>9:00 A.M.</b>	<b>LABORERS 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?*

Irving Berlin's "White Christmas" is the best-selling single record of all time with over one hundred million sales. Jingle Bells was the first piece of music broadcast in space. It was broadcast as a prank by two astronauts on the Gemini 6A mission.



The MARBA Office will be closed on December 25 in observance of Christmas.



**MARBA OFFICERS**

**SETH GUDEMAN**  
*Chairman*

**SHANE HIGGINS**  
*Vice-Chairman*

**KATHLEEN KAPOVICH**  
*Vice-Chairman*

**WILLIAM VIGNOCCHI**  
*Treasurer*

**NORA DEGNAN**  
*Secretary*

**AARON JANIK**  
*Executive Director*

**MEMORANDUM**

**TO: ALL MARBA ASSOCIATIONS**

**FROM: AARON JANIK, MARBA EXECUTIVE DIRECTOR**

**DATE: OCTOBER 1, 2024**

**RE: MIAF CONTRIBUTIONS**

MARBA would like to remind all contractors signatory to the collective bargaining agreements MARBA negotiates and administers with the various trades of the obligation to remit industry advancement funds under those CBAs.

The rates for the MARBA Industry Advancement Fund (MIAF) should be remitted at the same time other fringe benefit contributions are made. The process for reporting MIAF contributions differs from trade to trade including the amount to be remitted.

The amounts to be remitted are to be made on a per hour worked basis and are as follows:

- Auto Mechanics -- \$0.03
- Bricklayers – \$0.13
- Carpenters (Cook, Lake, & DuPage) – \$0.09
- Carpenters (Kane, Kendall, & McHenry) – \$0.09
- Carpenters (Grundy) – \$0.10
- Carpenters (Will) – \$0.14
- Cement Masons Local 11 – Area 161 – \$0.13
- Cement Masons Local 11 – Area 362 – \$0.08
- Cement Masons Local 11 – Area 638 – \$0.08
- Cement Masons Local 502 – \$0.06
- Laborers – \$0.06
- Operating Engineers – \$1.73 (the MIAF contribution is part of the Construction Research Trust contribution) \*
- Teamsters Joint Council 25 (All Locals) – \$0.06
- Tech Engineers – \$0.04

Should you have any questions regarding the MIAF contributions or are unsure how these contributions are to be made please contact Aaron Janik, MARBA Executive Director or your MARBA Association.

Sincerely,

Aaron Janik  
Executive Director

\*Contributions for the Operating Engineers (CRF) are made on a per hour for each hour the Employee receives wages.