

Grievances and Arbitrations¹

Chicago Regional Council of Carpenters Arbitrations

MARBA received no arbitration requests this month.

Laborers Joint Grievance Committee

The Laborers Joint Grievance Committee did not meet in February. The next meeting is scheduled for March 30, 2021, at the Laborers Burr Ridge office.

Operating Engineers Joint Grievance Committee

The Operating Engineers Joint Grievance Committee did not meet in February. The next meeting is scheduled for March 10, 2021, at the offices of Local 150 beginning at 8:30 a.m. There are currently fifteen (15) grievances on the docket.

Teamsters Joint Grievance Committee

The Teamsters Joint Grievance Committee did not meet in February. The next meeting is scheduled for March 25, 2021, at a location to be determined.

Collective Bargaining/Labor Issues

2021 Bargaining Right Assignments Due

If you have not yet done so, please make sure you have submitted your 2021 delegation of bargaining rights to your Association. As a reminder, collective bargaining agreements with the Auto Mechanics Local 701, Cement Masons Local 11 (Areas 162, 362, and 638) and Local 502, the Laborers District Council, and the Operating Engineers Local 150 (HHU and Bldg) expire May 31, 2021. If you have any questions about this process, please contact your association or the MARBA office.

2021 Expiring Contracts

MARBA has posted the list of expiring contracts on its website. You can find that information by clicking [here](#).

Industry News

American Rescue Plan Seeks to Address Multi-Employer Pension Plan Funding Crisis

President Biden's "American Rescue Plan" is set to face a vote in the House of Representatives later today. Late yesterday the Senate Parliamentarian ruled that the bill's provision related to increasing the federal minimum wage to \$15 per hour violated the budget reconciliation process and should not be included in the bill. While most of the talk surrounding the plan centered on the minimum wage increase and the \$1,400 "stimulus" checks (as well as other big ticket items) there has been little coverage of the Butch Lewis Emergency Pension Plan Relief Act of 2021 (EPPRA) which was passed out of the House Ways and Means Committee on a party line vote of 25-18 and included in the overall \$2 trillion dollar stimulus plan.

EPPRA would seek to address the multi-employer pension plan funding crisis. Under Section 9705 of the Act, plans that are currently in critical and declining status, as well as plans that face significant underfunding with more retirees than active participants, would be eligible for "special financial assistance". The SFA would take the form of cash payments made by the PBGC to the troubled plans. The amount of special financial assistance would be the amount needed to pay participants their full benefit amounts through 2051. Multiemployer pension plans would see their PBGC premiums increase to \$52 per participant beginning in 2031 (currently at \$31 per participant) and adjusted annually for inflation.

The House is expected to pass the entire stimulus package later today setting the stage for a Senate vote where all Democrats would need to vote in favor of it and Vice-President Harris would be required to break the 50-50 tie. A synopsis of the Special Financial Assistance portion of the EPPRA prepared by the Congressional Research Service can be found by clicking [here](#).

State of the Economy

Economic Indicators

Unemployment Rate	January 2021 U.S. 6.3%, Illinois 7.6% (41st) (Dec 20)
Labor Participation Rate	January 2021 = 61.4%, December 2020= 61.5%
CPI All Urban Consumers	January 2021 versus January 2020 = 1.4%
CPI Chicago All Items	January 2021 versus January 2020 = 0.67% Year 2020 versus Year 2019 = 1.10%
CPI Midwest All Items	January 2021 versus January 2020 = 1.19% Year 2020 versus Year 2019 = 0.95%
Union Membership	2020 10.8% (Private Sector 6.3%), 2019 = 10.3% Rate of Unionized Construction Workers = 12.6% 13.6% (2019), 13.8% (2018), 14.0% (2017)
30 Year Fixed Mortgage	January 2.74%, down 0.06% (December 2.68%) Annual Average 3.11%
15 Year Fixed Mortgage	January 2.20%, down 0.02% (December 2.22%) Annual Average 2.61%

Brent Crude Oil Price	\$ 62.17 per barrel (as of February 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	10.4% above revised December rate (+/-1.2%) 22.5% above January 2020 rate (+/-1.8%)
Annual Building Permits	1,452,000 permits in 2020 4.8% above 2019
Privately Owned New Housing Starts	6.0% below revised December rate (+/-16.4%) 2.3% below January 2020 rate (+/-13.9%)
Annual Housing Starts	1,380,300 starts in 2020 7.0% above 2019
GDP	4 th Quarter 4.1% (Second Estimate) 3 rd Quarter 33.4%
DJIA	31,402.01 as of February 26, 2021 (open) 30,331.02 as of January 29, 2021 (10:08 a.m.)

Janik's J.D. – An Update on Labor/Construction Legal Issues
Aaron Janik – Executive Director MARBA

Protecting the Right To Organize Advanced Reintroduced; House and Senate to Take Up Bill Soon

The Protecting the Right to Organize (PRO) Act was passed in the House of Representatives on February 5, 2020, by a vote of 224-194 (mostly along party lines). It was just recently reintroduced in both the House and Senate and is being called one of the most “expansive” changes to the field of labor law since the introduction of the National Labor Relations Act (NLRA) in 1935. There are over fifty (50) changes that would occur should the bill make its way to President Biden's desk. At this point, however, it does not appear there are enough votes in the closely divided Senate for the Act to withstand a filibuster. That said, President Biden has indicated his support for the bill should it come across his desk.

Some of the more significant changes that would occur should the bill pass include the following.

- Removing the ban on secondary strikes and boycotts – this provision of the PRO Act would allow unions to picket any worksite in order to pressure companies to stop doing business with non-union firms. There would be no regard to dual gate systems.
- Increasing damages/penalties for unfair labor practice findings – The PRO Act would allow civil penalties to be assessed against a company from anywhere between \$50,000 to \$100,000 if a company had a previous finding of a ULP in the preceding five years. The civil penalties could be personally assessed against an officer or director of a company.
- Allows for picketing to occur for jurisdictional disputes – Current practice does not allow for a union to picket when work is claimed by more than one trade. Under the PRO Act the use of picketing during a jurisdictional dispute would be allowed. Moreover, the use of the NLRB jurisdictional dispute resolution process (i.e. a 10k hearing) would be removed from the NLRA.

- Banning right-to-work laws – states that have right to work laws often do not allow fair share language in their collective bargaining agreements. Under the PRO Act states would no longer be allowed to ban fair share language from CBAs.
- Codifying the joint employer standard – The PRO Act would codify the joint employer standard previously issued under the Obama Administration. Essentially, all companies that have some sort of control over an employee’s terms of employment would be considered an employer and required to bargain with the union.
- Creating a private right of action for employees to sue – The PRO Act would allow an employee who has their charge dismissed by the NRLB to sue their employer (or former employer) in federal court. Moreover, the remedies associated with the civil suits under the PRO Act exceed remedies available under other civil statutes.

Upcoming Seminars/Events	Calendar	
<p><u>CAGC Insurance Update with Gallagher</u></p> <p>Join the CAGC as they hear from industry experts with Gallagher on the issues facing the insurance industry as it relates to construction</p> <p>Date: Wednesday, March 10, 2021 Time: 10:30 a.m. to 11:00 a.m. Location: Online Cost: Complimentary Contact: Emily Steinmetz or click here</p>	<p>March 3 12:00 p.m. ISBA Webinar (online)</p> <p>March 5 12:00 p.m. ISBA Webinar (online)</p> <p>March 9 12:00 p.m. MARBA Board Meeting (online)</p> <p>March 10 8:30 a.m. Operating Engineers JGC (Local 150)</p> <p>March 25 9:00 a.m. Teamsters JGC (TBD)</p> <p>March 30 9:00 a.m. Laborers JGC (Burr Ridge)</p>	
<p>Did You Know: The odds of filling out a perfect March Madness bracket are 1 in 9.2 Quintillion!</p>		

ⁱ 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.

MARCH MADNESS 2021
 BEGINS MARCH 18
 WHO WILL CUT DOWN THE
 NETS?

