

## **Grievances and Arbitrations<sup>1</sup>**

### **Chicago Regional Council of Carpenters Arbitrations**

MARBA received no arbitration request this month.

### **Laborers Joint Grievance Committee**

The Laborers Joint Grievance Committee did not meet in July. The next regularly scheduled meeting is set for August 31, 2021.

### **Operating Engineers Joint Grievance Committee**

The Operating Engineers Joint Grievance Committee met on July 14, 2021, at the offices of Local 150, to hear five (5) grievances. The first grievance alleged a contractor failed to pay a member for working through lunch on a road project. The parties agreed to continue the hearing to resolve the matter. The next two grievances were filed against the same contractor but involved different dates and different violations. The first grievance alleged the contractor failed to pay the proper wages under the HHU agreement. The contractor countered they were not signatory to the HHU agreement. The second grievance alleged the contractor had non-bargaining unit members performing bargaining unit work. The contractor claimed the work in question was covered by another trade. After hearing the testimony and reviewing the evidence, the JGC was unable to reach a majority decision and they deadlocked the matter. The contractor failed to appear for the fourth grievance that was heard that day and the JGC ruled in favor of the Union based on the Union's presentation. The last grievance heard that day involved an allegation that a contractor had non-bargaining unit employees doing bargaining unit work. The contractor indicated they used two different trades on the equipment on different times on the project. As a result, the JGC ruled in favor of the Union. The next JGC Committee will be held in September on a date and time to be determined.

### **Teamsters Joint Grievance Committee**

The Teamsters Joint Grievance Committee did not meet in July. The next regularly scheduled meeting is set for August 26, 2021, at the Teamsters office in Burr Ridge. At this point, there are no grievances pending.

## **Collective Bargaining/Labor Issues**

### **2021 Prevailing Wage Rates Take Effect July 15, 2021**

The Illinois Department of Labor has posted its most recent update to the Prevailing Wage Rates on its website. While these rates typically follow the rates in the MARBA CBAs, contractors are reminded to check the prevailing wage rate website for any updates to the prevailing wage rates. You can access the Department's website by clicking [here](#).

## **Industry News**

### **PBGC Issues Interim Final Rule for Special Financial Assistance for Troubled Multiemployer Pension Plans**

In March 2021 President Biden signed the American Rescue Plan Act of 2021 ("ARP") into law. Pursuant to Sec. 9704 of that Act financially troubled multiemployer pension plans are eligible for special financial assistance (SFA). Approximately \$94 billion dollars will become available under the ARP to an estimated 200

pension plans covering almost 3 million participants. The Pension Benefit Guaranty Corporation is tasked with administering the special financial assistance. The PBGC, on July 12, 2021, issued an interim final rule that discusses the SFA and how the application process will be handled. The PBGC has produced several webinars and released other documents that discuss the SFA program. Those materials can be found by clicking [here](#). The text of the American Rescue Plan can be found [here](#).

### **Infrastructure Talks Nearing the Finish Line**

A group of bipartisan Senators are nearing completion of an infrastructure bill that will total over a trillion dollars. The bill which is still being drafted is expected to cover transit, rails, and waterways. Funding for the bill has not yet come into focus, but it is expected to include repurposed COVID funding. An increase in the federal gas tax is not expected to be included. The spending plan would be the largest federal investment in public transit ever and the largest federal investment in passenger rail since the creation of Amtrak. Additionally, the plan would represent the biggest investment in drinking and wastewater systems as well as the largest dedicated investment in the nations bridges since the construction of the interstate highway system.

## **State of the Economy**

### **Economic Indicators**

Unemployment Rate	June 2021 U.S. 5.9%, Illinois 7.2% (44 <sup>th</sup> )
Labor Participation Rate	June 2021 = 61.6%, May 2021 = 61.6%
CPI All Urban Consumers	June 2021 versus June 2020 = 5.39%
CPI Chicago All Items	June 2021 versus June 2020 = 4.7%
CPI Midwest All Items	June 2021 versus June 2020 = 5.8%
Union Membership	2020 10.8% (Private Sector 6.3%), 2019 = 10.3%
Rate of Unionized Construction Workers	12.7% (2020), 13.6% (2019), 13.8% (2018), 14.0% (2017)
30 Year Fixed Mortgage	June 2.98%, up 0.02% (May 2.96%)
15 Year Fixed Mortgage	June 2.27%, down 0.01% (May 2.28%)
Brent Crude Oil Price	\$ 69.35 per barrel (as of July 19, 2021, 11:12 a.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	5.1% below revised May rate (+/-1.1%) 23.3% above June 2020 rate (+/-0.9%)
Privately Owned New Housing Starts	6.3% above revised May rate (+/-11.5%) 29.1% above June 2020 rate (+/-11.2%)
GDP	1 <sup>st</sup> Quarter 2021 (3 <sup>rd</sup> ) = 6.4% 4 <sup>th</sup> Quarter 2020 (3 <sup>rd</sup> ) = 4.3%
DJIA	33,852.09 as of July 19, 2021, 2021 (11:15 a.m.) 34,248.46 as of June 28, 2021 (1:00 p.m.)

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

**Scabby the Rat Prevails at the NLRB**

The Scabby the Rat case that has been working its way through the National Labor Relations Board for the past year has come to an end with the Board recently issuing a decision in favor of unions continued use of Scabby. The Board in a 3-1 decision, held the use of the giant inflatable rat (which has its origins in the Chicago area) is permissible. The case involved the IUOE, Local 150 which had a primary labor dispute with MacAllister Machinery, Inc. MacAllister leases equipment to Lippert, an RV component supplier. Local 150 had placed a large, 12-foot, inflatable rat, along with two banners manned by union representatives, at the entrance to an RV trade show being hosted by Thor Industries. Thor Industries is one Lippert's largest customers (\$800 million a year). The banners were directed at Lippert and MacAllister stating, "Shame on Lippert for Harboring Rat Contractors" and "OSHA Found Safety Violations Against MacAllister Machinery, Inc." The rat and banners were present from 9:30 a.m. to 5:00 p.m. for four days. Lippert filed a ULP against the Union alleging a violation of Section 8(b)(4)(i) and (ii) (B). An ALJ issued a decision in the case holding the Union did not violate the Act and the Board affirmed that decision, dismissing the case.

The dismissal came on the heels of the Acting General Counsel, Peter Sung Ohr, in February 2021, asking the Board to dismiss the case (as well as another inflatable case) previously brought by former General Counsel Peter Robb. Acting GC Ohr characterized the inflatable cases as a "waste" of agency resources. In addition to the Acting GC's position, the Board received over 30 briefs in the case, many in favor of the continued use of inflatables. Ultimately, the Board, in dismissing the case, found that the displaying of banners or an inflatable rat near the entrance of a neutral employer, without more, does not threaten, coerce, or restrain the neutral employer in violation of Section 8(b)(4)(ii)(B).

The decision can be found by clicking [here](#).

<b>Upcoming Seminars/Events</b>	<b>Calendar</b>		
<p><b><u>7<sup>th</sup> Annual Legislative Reception</u></b></p> <p>Join the UCA as they meet with several legislative leaders.</p> <p>Date: Thursday, August 26, 2021            Time: 6:00 p.m. to 8:00 p.m.            Location: Medinah Country Club            6N001 Medinah Rd.            Medinah, IL 60157            Cost: Various Sponsorship Levels Available            Contact: UCA Staff 630-467-1919 or click <a href="#">here</a></p>	August 6	10:30 a.m. MARBA Execs Meeting (MARBA)	
	August 12	8:00 a.m. BAC Funds Meeting (Elmhurst)	
	August 16	8:00 a.m. Sweeney Classic (Lemont)	
	August 20	8:00 a.m. GLCA Golf Outing (Lake Geneva)	
	August 26	9:00 a.m. Teamsters JGC (Burr Ridge)	
	August 31	9:00 a.m. Laborers JGC (Burr Ridge)	
	<p><b>Did You Know:</b> MTV debuted on August 1, 1981. The first video played was The Buggles song, "Video Killed the Radio Star".</p>		

<sup>i</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.

The MARBA office will be closed on September 6, 2021, in observance of Labor Day. It will reopen on September 7, 2021