



AGC

CENTRAL ILLINOIS BUILDERS
THE CONSTRUCTION ASSOCIATION

JANUARY 2023

TO: CIB ACTIVE AND ASSOCIATE MEMBERS
NON-MEMBER COMPANIES ASSIGNED BARGAINING RIGHTS TO CIB

FROM: Roger D. Huebner, Executive Vice President
Central Illinois Builders of AGC

RE: ASSIGNMENT OF BARGAINING RIGHTS TO CIB/TERMINATION OF LABOR AGREEMENTS

Following is an outline of the process that should be used by companies wishing to terminate labor agreements, which expire in 2023. In addition, CIB encourages you to assign your bargaining rights and submit any ideas your company wants CIB to negotiate in discussions. One agreement expires in 2023: Bricklayers Local No. 8.

When terminating any labor agreement for which the Central Illinois Builders of AGC holds your bargaining authority, either through letter of assent or signatory status, you must first withdraw from the multi-employer bargaining group by withdrawing your bargaining rights. This must be done in writing prior to the commencement of formal negotiations. After withdrawing from the bargaining unit, you must separately send termination notice to the union within the appropriate, specific designated timeframe provided within the currently enforceable contract. Necessary contact information for various local unions is available on CIB's website – www.cibagc.org. Click on the Labor tab and then Union Directory.

It is important that you be aware that withdrawal of bargaining authority from CIB/AGC does not relieve the employer of the obligation to serve proper notice of termination of a labor agreement to the appropriate union. Therefore, CIB recommends reassignment of bargaining rights to the Association. Any firm intending to terminate a Section 9(a) labor agreement after withdrawing bargaining authority from the Association and giving timely termination notice to the union retains the additional obligation to bargain with the appropriate union concerning the continuation of that agreement. Contractors intending to terminate a Section 8(f) agreement have no obligation to negotiate a successor agreement. During the entire termination process, the Association can provide companies with advice, but not represent

them directly, as you will have withdrawn your rights from the Association and authority to bargain with the Union.

Firms initiating the termination procedures described above are reminded that all obligations under existing Agreements will continue until the Agreements terminate. Contractors are advised that potential withdrawal liabilities relative to the Employee Retirement Income Security Act (ERISA) Regulations governing Pension Trust Funds may exist when terminating an Agreement. Additionally, members considering terminating an Agreement(s) should consult legal counsel prior to initiating the termination process.

Below are the expiration dates of various agreements set to expire in 2023 and the “window period” during which the union must be notified of a company’s intent to terminate the Agreement:

Bricklayers Local No. 8

This agreement shall remain in full force and effect through April 30, 2023 and shall continue in force from year to year thereafter, except upon written notice given by either party at least sixty (60) days prior to April 30, 2023 or any year thereafter, either party may notify the other of its desire to amend, modify or terminate this agreement.

Individual EMPLOYERS signatory hereto who are not members of said Association agree to be bound by any amendments, extensions, or changes in this Agreement agreed to between the UNION and the ASSOCIATION further agree to be bound by the terms and conditions of all subsequent contracts between the UNION and ASSOCIATION unless notified in the appropriate number of days listed above to the expiration of this or any subsequent agreement said non-member EMPLOYER notifies the Union in writing that it revokes such authorization.

Attached is a sample “termination letter,” applicable to the appropriate agreements to be terminated along with a list of addresses to which these notices must be sent. Also, included in this mailing is an assignment of bargaining rights form for 2023. Please return this form to the CIB office indicating which agreements you wish to assign bargaining rights. Members questioning whether or not they are currently signed to a specific labor agreement through CIB/AGC should contact the CIB Office.

While termination of any labor agreement remains the responsibility of each individual employer, questions concerning any aspect of the termination procedure mentioned herein should be directed to the Roger Huebner at rhuebner@cibagc.org or (217) 744-2100.

SAMPLE REVOCATION OF BARGAINING RIGHTS

Central Illinois Builders of AGC
300 West Edwards
Suite 300
Springfield, IL 62704

Attn: Roger D. Huebner, Executive Vice President

Dear Mr. Huebner:

The ***(company name)*** intends to lawfully terminate its collective bargaining relationship with ***(name of Union)*** and wishes to inform the Central Illinois Builders of AGC that the ***(company)*** does hereby revoke the authorization and power, either by letter of assent or otherwise, of Central Illinois Builders of AGC to represent this company in relation in the ***(name of appropriate Union Agreement)***. This revocation is effective immediately and prior to commencement of negotiations for a successor agreement. Thus, this company will not be bound thereafter by any negotiations, re-negotiations, amendment or renewal of any of the above referenced Master Labor Agreements entered into by Central Illinois Builders of AGC.

Very truly yours,

(Name of Company)
(Name), (Title)

SAMPLE TERMINATION LETTER

USE COMPANY NAME AND LETTERHEAD IN WHICH CENTRAL ILLINOIS BUILDERS OF AGC'S
AUTHORIZATION IS HELD

SEND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

(Address of appropriate union(s))

Gentlemen:

We have revoked the authority of the Central Illinois Builders of AGC to represent this Company in any and all collective bargaining or labor relations matters with your organization. By copy of this letter to Central Illinois Builders of AGC, this will confirm the above referenced revocation. Accordingly, you are hereby notified that this company will not be bound by the Master Labor Agreement between the Central Illinois Builders of AGC and your organization after (expiration date of Agreement), nor will this Company be bound thereafter by any negotiations, renegotiations, amendment, extension or renewal of said Master Labor Agreement.

We do believe that this Company is not party to an Independent agreement binding this Company to the obligation of any collective bargaining agreement with your organization. However, out of an abundance of caution, this letter constitutes notice that this Company desires to terminate any such independent collective bargaining agreement.

This notice is in compliance with Sections 8(d) of the National Labor Relations Act, as amended, as well as the termination provisions of the Agreement.

****ADD THIS PARAGRAPH FOR SECTION 9(a) AGREEMENTS. HINT: ADD THE PARAGRAPH IF YOU DO NOT KNOW EXACTLY WHAT YOU HAVE SIGNED.**

We hereby offer to meet with your official representatives at any mutually agreeable time, at which we may discuss specific proposals regarding a new agreement with your organization.

Very truly yours,

(Name of Company)

(Name of Individual), (Title)

cc: CIB/AGC

Federal Mediation & Conciliation Service
Illinois Department of Labor

UNION ADDRESS

Bricklayers Local 8 (Champaign, Effingham, Jacksonville, Springfield)

Matt Braun, President

7 North High Street, Suite 401

Belleville, IL 62221

Phone: 618-234-5341

Fax: 618-234-3646

Email: mbraun@bac8il.com