



# Union-Affiliated Contractors



PLUMBING-HEATING-COOLING  
CONTRACTORS ASSOCIATION  
*Best People. Best Practices.*

## Constructive Collective Bargaining Seminar

*A Contractor Education Series for Effective & Mutually Beneficial Union CBA Negotiations*



*Monday  
January 30, 2023*

Doubletree Hotel  
10 Brickyard Drive  
Bloomington, IL 61701  
Phone: 309/664-6446



# WELCOME

## *A MESSAGE FROM OUR PHCC NATIONAL PRESIDENT & UAC CHAIR*

### **UAC Bargaining Seminar: Education, Planning & Preparation = Better CBA Settlements**

The value of a trade association is measured by its follow-through in delivering practical resources to its members. The PHCC was founded to serve and benefit all who belong. Our three “enhanced service groups” (*Construction Contractors Alliance/CCA*; *Quality Service Contractors/QSC*; and *Union Affiliated Contractors/UAC*) were furthermore formed and continue to evolve based on the premise that each “branch” deserves the added attention their distinct industry segment finds most useful. The UAC advocates for union contractors like you.

Under the direction of our Advisory Board (made up of dedicated member contractors and chapter execs), the UAC’s revitalized role as a Business Industry Group (BIG) has led us to determine that preparation for effective union contract negotiations is a priority for our signatory chapters. It’s among the most vital educational services the UAC can provide. If your aim is to build on your abilities at the bargaining table to reach the best settlements possible with your union colleagues, we urge chapters that engage in labor relations to send representatives to this seminar planned with you in mind – from substantial content to outstanding speakers, to a convenient Midwest location. The UAC is committed to offering perpetual and responsive bargaining guidance you can put to work for your chapter. We hope to see you in Bloomington!



**David Frame**

PHCC National President

Vice Chair: Union Affiliated Contractors (UAC)

*Bob Frame Plumbing Services – South Bend IN*



**Brian Rich**

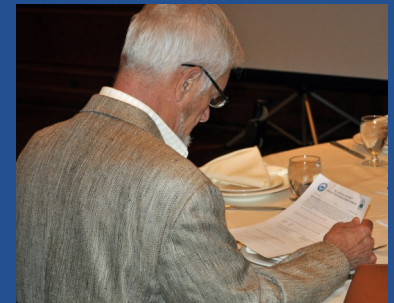
Chair – Union Affiliated Contractors (UAC)

Immediate Past President: IL PHCC Chapter

*GA Rich & Sons - Deer Creek IL*



## *PROGRAM SCHEDULE*



**7:30 – 8:15 a.m. - Registration Casual Breakfast & Coffee**

**8:15 – 8:30 a.m. - UAC Welcome, Introductions, Explanation of Seminar Series, and Acknowledgements**

*PHCC National President David Frame and UAC Chairman Brian Rich*

**8:30 to 9:30 a.m. - Basics of Bargaining: Refresher for Previous Association Negotiators and Introduction for Beginners**

*Presented by Richard Samson, Attorney/Shareholder - Ogletree Deakins*

This introductory session is designed to provide a general and fundamental “refresher” and overview of the collective bargaining process from start to finish for the contractors and execs who have prior experience serving as a CBA negotiation team member, but will also serve as an introduction to the “novice” who will be involved in collective bargaining for the first time. This class (and the entire day) will focus on construction and skilled trades union contract negotiations: step-by-step explanations of standard bargaining practices; common sequences of events (from the “intent to bargain” letter through ratification and ratification procedures); relevant terms and “lingo;” the responsibilities expected of the bargaining teams; what is a mandatory vs. a permissive subject of bargaining; and more.



# PROGRAM SCHEDULE

**9:45 to 11:00 a.m.**

**Doing Your Homework: Planning and Preparation by the Association for Bargaining**

*Presented by John Nesse, Managing Partner at The Law Firm of Management Guidance LLP*

Day one of contract negotiations is by no means “step one” in the process. Coming prepared to the first (and last) bargaining session is essential for the Association’s team to help improve the outcome for all. Be assured: the union has already done that – as *both* sides should. Among the topics explored as to how the Association’s committee can and should get ready for negotiations in advance: surveying the contractor members on desired (but realistic) changes to the CBA; assembling data involving the many factors relevant to our negotiations, including economic data, industry hours, benefit funding levels, the political and legislative climate, negotiation results from other trades, and finally, using this information to develop collective bargaining goals for your employer committee.

**11:15 a.m. to 12:15 p.m.**

**Understanding the Union’s Goals and Priorities in Contract Negotiations**

*Presented by Christina Wernick, Of Counsel (Attorney) - Laner-Muchin*

Our union colleagues, as you’d expect, typically come to the table well-prepared. After all, a principal duty of a labor union is to secure as favorable an economic package for its members as it can. That’s their job. Remember also that contractors in negotiations are *away from their jobs* while at the meetings, while the union representatives are *at their jobs* at the same meetings. As in any endeavor involving two equal counterparts, each side strives hard to “win.” Negotiations are no exception. Learn what labor unions traditionally do to prepare for negotiations, and how such strategies evolved to the present. Delve into the tactics, resources and research unions apply as they aim to achieve a satisfactory deal. A clearer grasp by the Association’s bargaining team of what the union is seeking (and why) while simultaneously balancing our own interests, challenges and limitations as employers can lead to mutually beneficial outcomes.

**12:15 to 1:15 p.m.                      Luncheon**

**1:15 to 2:15 p.m.**

**Beyond Bargaining Basics: A “Nuts & Bolts” Overview of Negotiations in a Multi-Employer Setting**

*Presented by Richard Samson, Ogletree-Deakins*

This session will cover a range of more complex areas of union contract negotiations in a multi-employer setting. Among the subjects examined: what is multi-employer bargaining; delegations of bargaining rights, contract types (8f vs. 9a); the bargaining process at an advanced level; deadlocked negotiations (impasse) and possible outcomes including strikes and lockouts (and preparing for same); minute taking at meetings; the make-up (who is serving) of the Association committee; traits of an effective chief spokesperson; and more. Audience questions, comments and feedback will be welcome.

**2:30 – 3:45 p.m.**

**Closing Session: Presenter Panel Discussion and Q&A**

*Speakers – Attorneys: John Nesse; Richard Samson; and Christina Wernick*

Our three presenters from the day’s sessions will take part in an audience Q&A and will also share answers to questions they all “wish that contractors would ask their attorneys before problems arise.” Blank note cards will also be distributed so audience questions can be asked anonymously (since no question is too obvious, silly, stupid, or should not be asked because it’s so “basic”). Although collective bargaining is the principal topic, no question will be out of bounds...whether it be on Trust Fund audits; lien rights; wage & benefit bonds; union vs. management rights; best practices; or whatever question is asked. Attendee input will be valued and welcome.

**4:00 to 5:00 p.m.                      Closing Reception and Adjournment**





## UAC Constructive Collective Bargaining Seminar

*A Contractor Education Series for Effective & Mutually Beneficial*

*Union CBA Negotiations*

### REGISTRATION INFORMATION

Name #1 \_\_\_\_\_ Badge Name \_\_\_\_\_

Name #2 \_\_\_\_\_ Badge Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Cell Phone # (\_\_\_\_) \_\_\_\_\_ E-mail address \_\_\_\_\_

Please select the appropriate registration option (s) from the choices below.

\_\_\_\_\_ PHCC Member \$50.00 \_\_\_\_\_ Non-Member \$250.00 TOTAL AMOUNT ENCLOSED \$ \_\_\_\_\_

Check Enclosed (please make payable to **Illinois PHCC** and mail to **IL PHCC 821 S. Grand Ave. West, Springfield, IL 62704**) or



Click here to register online <https://ilphcc.memberclicks.net/uac-cbs-jan-2023#!/> You can also scan the QR code to register online. Once you access the website you will need to enter your email address to login. Then fill out the online registration form. You will receive an email confirmation when the form is submitted.

**Reminder:** Please contact the **Doubletree Hotel** directly for sleeping room reservations at **309/664-6446**. Be sure to identify yourself as a Union Affiliated Contractors Seminar attendee to receive the special group rate of **\$130.00** single occupancy plus applicable tax. Make your reservation before **January 5, 2023** to ensure availability.

**Special Needs:** Please contact UAC directly with any special requests or needs you may have.

**Questions?** Please contact the Illinois PHCC with any questions by e-mail: [shelly@ilphcc.com](mailto:shelly@ilphcc.com) or call 217/522-7219

### UAC Advisory Committee



*Responsible for developing programs and services that meet the needs of PHCC's signatory contractors with an emphasis on content development and maintenance of the UAC online community.*



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*Best People. Best Practices.*

Brian Rich, Chairman, G. A. Rich & Sons, Inc. - Deer Creek, Illinois

David Frame, UAC Vice Chair and President: PHCC National Association, Bob Frame Plumbing Services, Inc. - South Bend, Indiana

Lori L. Abbott, Abbott Industries, Inc. - Bensenville, Illinois

William E. Boyle, W.E.B. Mechanical - Henderson, Nevada

Thomas Gent, Kane Mechanical, Inc. - Edwardsville, Illinois

S.J. Peters, PCA of Greater Chicago - Downers Grove, Illinois

Bev Potts, Illinois PHCC - Springfield, Illinois

David Radziej, PHCC of Minnesota - Arden Hills, Minnesota

Executive Committee Liaison; Mark Ingrao, C.E.O., PHCC National Association, Falls Church, Virginia

Staff Liaison; Kim Dresser, Sr. Director, Member Services and Customer Care, PHCC National Association

## SEMINAR SPEAKER BIOGRAPHIES



**Christina Wernick, Of Counsel (Attorney)  
Laner Muchin**

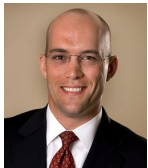


Christina joined Laner Muchin in 2021 and represents unionized employers in collective bargaining, grievance proceedings, arbitration and benefit contribution litigation.

Christina is an experienced negotiator and regularly assists clients with the resolution of grievance actions, collective bargaining agreements, project labor agreements, prevailing wage issues, jurisdictional disputes, key man agreements, and local wage and hour complaints. She has extensive experience advancing and defending claims in Federal and State Court, before Joint Grievance Boards and Arbitration Panels, and before the National Labor Relations Board.

Christina also counsels clients on a range of subjects including day-to-day labor-management issues, employee relations issues, and employee benefit contribution compliance. Christina conducts training for clients on a variety of labor and employment topics and performs independent employee-related corporate investigations.

Prior to joining Laner Muchin, Christina spent her career representing a prominent Chicagoland construction union and its multi-employer fringe benefit funds. In her role as in-house counsel, she advised on a range of matters specific to the construction industry.



**John Nesse, Managing Partner at The Law  
Firm of Management Guidance LLP**



John Nesse is managing partner at the law firm of Management Guidance LLP and represents employers in labor relations matters nationwide. His practice includes the negotiation and administration of collective bargaining agreements, grievance dispute resolution and arbitration, unfair labor practice proceedings, and counsel to contributing employers in matters related to Taft-Hartley multiemployer benefit plans. He provides general counsel to 501(c)(6) employer associations on operations and governance matters, especially where the group or its participating employers have an organized labor relationship.

John has led or advised in the negotiation of hundreds of collective bargaining agreements in numerous industries. He has particular experience working with multiemployer groups and serves as the lead negotiator for several large industry agreements covering thousands of employees. He has successfully negotiated first collective bargaining agreements, new agreements for employers who are potential successors under the National Labor Relations Act, mid-term concessions, and market recovery agreements.

John serves as an employer-appointed professional trustee on Taft-Hartley multiemployer benefit trust funds and advises employers and employer trustees on related issues. In addition to multiemployer plan issues, generally, Mr. Nesse has significant experience with the conversion of traditional defined benefit plans to variable benefit designs, modernizing health and welfare plan design, defined benefit pension plan withdrawal liability, and the interaction between collective bargaining agreements and related Taft-Hartley plans.

John also has significant experience with state and federal regulatory matters. He has represented employers at the state legislature and in administrative matters, including agency rulemaking at both the state and federal levels.

John has a strong academic interest in negotiations beyond his role as a practitioner. He is an adjunct professor at the University of St. Thomas – School of Law in Minneapolis where he teaches Negotiations to upper-level law and graduate business students. He regularly speaks to employer groups on collective bargaining negotiations. And he has served as a judge in the American Bar Association's law student negotiation competitions at the local and regional levels.



**Richard L. Samson, Shareholder  
Ogletree-Deakins**

**Ogletree  
Deakins**

Rick has represented management in all aspects of labor and employment law for over 30 years with a particular emphasis on traditional labor law. He has also litigated cases before federal and state courts as well as state and local agencies in employment discrimination and wrongful discharge actions. He routinely advises clients on a host of employment-related issues including employer investigations, claims of harassment, employment policies and social media.

In the traditional labor arena, his experience covers the gamut of issues arising under the National Labor Relations Act including matters affecting both unionized and non-union employers in litigation, trial work and day to day counseling. He is currently outside labor counsel to one of the nation's largest steel producers with over 12,000 represented employees, and also represents multi-employer bargaining associations in their negotiations with several construction craft unions for labor agreements covering several thousand employees. He has experience in a variety of industries including construction, ready mix supply, material supply (aggregate mining), steel, light and heavy manufacturing, retail, food distribution, theatrical production, casinos, meatpacking and assisted living. He regularly appears on behalf of employers before the National Labor Relations Board in the defense of unfair labor practice charges and in representation cases. Over the course of his career he has handled such matters throughout the country in the Labor Board's various regional offices including Chicago, Milwaukee, Peoria, Minneapolis, Indianapolis, Detroit, Kansas City, Cincinnati, Cleveland, St. Louis, Oakland, New Orleans and Philadelphia.

Rick has been an adjunct professor of law at IIT Chicago-Kent College of Law where he taught a course on the law of employment relationships and established a seminar class on employee privacy rights.