THE ILLINOIS MANUFACTURER

FOURTH QUARTER 2020

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FEATURE

MISSION STATEMENT

The Illinois Manufacturers' Association is the only statewide association dedicated exclusively to advocating, promoting and strengthening the manufacturing sector in Illinois. The IMA is the oldest and largest state manufacturing trade association in the United States, representing nearly 4,000 companies and facilities.

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CELEBRATE MANUFACTURING

MARK DENZLER, PRESIDENT & CEO

Let's face it – 2020 has been the toughest year in memory and most of us want to wake up from this bad dream known as the novel coronavirus. After a start to the year with record low unemployment and record high stock markets, the global pandemic came to our shores and turned the world upside down in a matter of months.

The past six months have not been easy for Illinois families and businesses. The Governor's executive order, issued in the name of public safety, resulted in the closure of numerous businesses and the loss of jobs and revenue. Today, many school buildings are closed and students are learning online, high school sports have been canceled or delayed, and too many businesses are permanently shuttered. Throw in the current political environment and it can seem at times like we're spinning out of control.

These are the times when we need to sit back and take a look at the remarkable and extraordinary things that are happening in our lives but often go unnoticed or unappreciated. So when I see what our state and nation's manufacturing sector have accomplished over the past several months, I'm truly blown away. There is no better time to celebrate and showcase our manufacturing sector that has reached unparalleled heights with their response to the pandemic, one of the worst health and economic crises in generations.

Dr. Jonas Salk, famed creator of the polio vaccine, once said that "hope lies in dreams, imagination, and in the courage of those who dare to make dreams into reality." I cannot think of a more apt description of our manufacturing sector that is answering our nation's call like they have done throughout our history. We need to recognize and celebrate these extraordinary acts.

Let's start with the innovative biopharmaceutical companies that are working around the clock to develop vaccines, treatments, and therapies. In the 1960s, the vaccine for mumps took four years – the fastest vaccine ever. Hundreds of potential vaccines are in development across the world and it can typically take 10 to 15 years to bring a product to market. In less than six months, companies like Pfizer, Johnson & Johnson, CSL Behring, Eli Lilly, Astellas, and Sanofi are already in stage 3 and 4 trials. Dr. Anthony S. Fauci noted "the historic event in the history of vaccinology" and that the United States has never moved faster to go from basic science to a large Phase 3 trial to test safety and effectiveness. Manufacturers are operating at warp speed.

Several months ago, there was a critical shortage of personal protective equipment. Many manufacturers had donated their stockpiles of masks and gowns to local hospitals and health care facilities to meet the demand. Manufacturers jumped into action and reconfigured their facilities to start making masks, gowns, face shields, and gloves. Companies like 3M and Honeywell utilized surge capacity or opened new facilities and ramped up production literally overnight.

When there was a fear about a food shortage, our nation's manufacturing sector responded by increasing production of nutritious and shelf-stable food to make sure that Americans had access. Others donated millions of pounds of food to schools, food banks, senior centers, and other not-for-profit organizations to make sure that people wouldn't go hungry.

October is Manufacturing Month and our celebration of the sector was different this year. Fewer in-person visits and more virtual tours. We hosted panels with the Illinois Department of Commerce on pandemic response and diversity & inclusion. The IMA joined Administration officials for the unveiling of the Governor's Manufacturing Day proclamation at an event hosted by member company Crafts Technology in Elk Grove Village.

Manufacturers are doing extraordinary things. The IMA created Manufacturing Strong tee shirts to recognize the pandemic response with proceeds benefiting the IMA Education Foundation (hint: they are a great gift for employees). We joined with our partners at BKD CPAs & Advisors to showcase "***Made in Illinois***" products with limited edition posters sent to every member and elected official to remind them of the diversity and beauty of today's manufacturing sector.

I know that times are tough – but so are manufacturers. Our state and nation will get through this pandemic with manufacturing innovation and ingenuity leading the way. You are extraordinary and we appreciate all that you do every single day to make the world a better place to live. ◆

Mark Denzler is President and Chief Executive Officer of the Illinois Manufacturers' Association. He may be reached at mdenzler@ima-net.org, or (217) 718-3726.

MADE IN ILLINOIS
2020

ILLINOIS MANUFACTURERS' ASSOCIATION

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ENERGY EFFICIENCY UPGRADES: REDUCING COSTS, MEETING STATE-MANDATED GOALS

CONSTELLATION

In light of the economic downturn experienced this year, many businesses across the country are looking to reduce energy costs. Energy efficiency upgrades are one way in which a business can both lower its energy bill and contribute to the positive momentum of carbon emissions reductions currently being experienced across the globe. However, implementing efficiency measures may be challenging when upfront capital, expertise, and resources are limited or unavailable.

So, given the constraints on financial and technical resources, how can an organization gain control of their energy usage and lower their energy cost?

Today, many businesses can avail themselves of a variety of options to overcome these limitations including design/build programs and on-bill funding programs. The on-bill funding option is suited for customers whose capital and timeframes are tight and when short-term results and simplicity are required.

On-bill funding allows the customer to fund the cost of energy efficiency upgrades and recoups the cost as a line item on a commodity (i.e., the power and/or gas) contract. This allows companies to more easily realize total energy cost savings and meet sustainability goals by reducing energy consumption over time using their current energy budget.

Many companies find on-bill funding as a means to achieve corporate compliance with regulatory requirements, meet established sustainability goals, improve electricity load profile, realize energy cost savings, increase asset valuation and reduce operation and maintenance (O&M) costs.

Through on-bill funding, companies can also replace aging equipment with Energy Star-rated equipment or improve their Energy Star rating which, in many markets, can help establish a competitive market advantage or meet the requirements of their stakeholders. For example, a law in Washington, D.C. requires commercial and multifamily buildings to meet or exceed the District's median Energy Star score for each property type or face alternative compliance penalties with reporting to begin in 2021.

The Benefits of On-Bill Funding

1. No upfront capital or financing is needed; this preserves the organization's capital budget.
2. The cost of the energy efficiency upgrades is included on the organization's electricity or gas commodity bill.
3. The energy service company may offer one-year warranty coverage on the entire installation — and even longer warranties may be available on some equipment. This warranty, combined with the longer life of the new assets, is expected to yield additional maintenance savings for many years.
4. The organization owns the energy efficiency equipment from the start of the contract and retains the full benefit of the energy efficiency measures at the end of the contract.

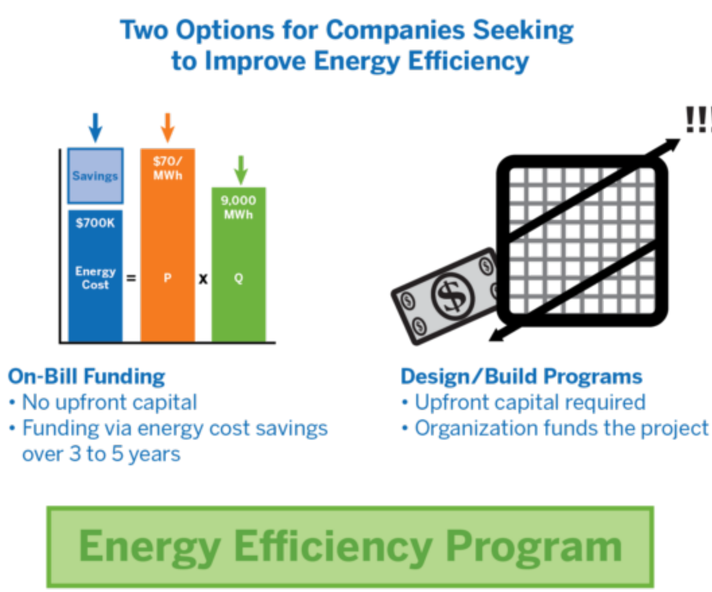
The energy efficiency measures that are typically employed in this approach include projects that provide rapid payback periods with relatively low capital investments. Some typical efficiency measures for on-bill funding include:

- LED lighting (e.g., sanitizing lighting may be a common installment in businesses that wish to take further precautions to prevent spread of communicable disease)
- Building automation controls
- Motor replacement with high efficiency motors and utilization of variable frequency drives
- HVAC and cooling (The Environmental Protection Agency recommends ventilation and filtration through ventilating, cooling and heating systems to reduce the spread of COVID-19.)

However, efficiency and renewable energy measures can also include higher capital cost projects and don't always require a positive cash flow. These may include:

- Boilers
- Chillers
- Solar
- Back-up /emergency generation
- Submetering and monitoring equipment

To optimize the benefits of energy efficiency initiatives, a holistic energy approach may be taken and accounts for a broad range of considerations. An integrated, strategic energy plan that incorporates demand-side and supply-side solutions including commodity procurement, energy efficiency and load response can maximize results. Working with an integrated energy supplier will allow companies to understand the options available and how the pieces of the 'energy puzzle' fit together. ◆



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EDUCATION REPORT

TIME TO TURN THE PAGE

JIM NELSON, VICE PRESIDENT OF EDUCATION & WORKFORCE POLICY

I have a habit of asking my adult children and my granddaughters on their birthdays what they've learned over the past year. I rather think that, though they roll their eyes at this intrusion into their deeper thoughts, being reflective about what one has learned during this brief period of existence we call life does help keep a keen focus into what's important, and what isn't.

So, it's with mixed emotions that I write this, my last column, with some reflections of what I've learned in a 44-year career – the last 13 years with the Illinois Manufacturers' Association and the final 10 years focusing on education and workforce policy. When you read this, I will have retired and begun my new full-time career as husband and grandfather.

First, I was shocked at how little I actually knew about how Illinois' education system is structured, and even more so at my lack of understanding existing school policy. Hopefully I've learned enough to contribute some ideas to put the system on a track that will lead to improved student outcomes, better alignment between secondary and post-secondary institutions, and a more knowledgeable and better prepared workforce.

Second was the realization that the majority of school districts and community colleges have a limited number of employers with whom they engage in meaningful dialogue, and this often leads ultimately to programmatic stagnation. If the "Skills Gap" is going to be kept as narrow as possible, relationships between educators and industry are going to have to be far deeper and more dynamic than they are today. Technology advances continuously, and education has to keep up. Employers wanting to help make sure local schools are up to date will need to engage in work-based learning opportunities through paid internships and Registered Apprenticeship. We just can't keep waiting and hoping for a different result.

Third, the number of entities wishing to do something, anything, to improve education in Illinois is staggering. Unfortunately, too many people at the table are often self-absorbed in pushing agendas that benefit their own organization rather than making meaningful systemic improvements to enhance student outcomes.

There are more observations (I could spend another column on post-secondary…), but these are the three that keep bubbling to the top when I reflect on my work for the past decade.

So, what's to be done?

First, state and local policy makers are going to have to determine whether or not our current multi-agency approach to education is producing the outcomes that students, employers and taxpayers expect for the massive outlay of tax dollars annually sent to schools. Is the 75-year old mantra, "College = Success" still meaningful today, or should there be a realization that while a four-year degree is always the goal, more emphasis should be placed on building occupational pathways that allow for multiple options for students to pursue leading to success and fulfillment.

Secondly, state and local units of government need to grapple with the question of what percentage of total revenues are going to be spent on education. Already one of the top three expenditures in annual budgets, funding for education is barely keeping up with inflation and upgrades to curricula. This is another reason why the "Skills Gap" will always be with us – school districts simply cannot keep up with technological advancements. It's why text books are seemingly out of date within two or three years from publication. And while the IMA is not now, nor have we ever been, an entity that believes in "just throw money at it," we do acknowledge that if there is to be more funding sent to our schools, it should be aligned to measurable improvements and student outcomes.

Third, and proving that not all is doom and gloom, Illinois is making steady progress towards meeting several goals in education performance. For instance, a major goal for Illinois is that by 2025, 60 percent of all adults with have either a college degree or a meaningful industry recognized certificate. When we set that goal five years ago, Illinois was at just 48 percent. Today, we stand just over 53 percent; significantly better, but with much work left to be done. The other barometer I've kept an eye on is the percentage of students completing their high school diploma in four years. Today, that number stands at 86 percent for four-year completers and 88 percent for five-year completers. We still have to meet the challenge of the 12 percent who don't complete high school at all, and how to move them into meaningful career pathways.

So, that's it. Those are some of the highlights of what I've learned and some of the things that will continue to need addressing in the years ahead. While I'm heartened to know there are really smart people in the room at the table working on these and other questions, I'm prouder that the IMA's direct involvement in crafting better policy and producing better outcomes will continue.

Finally, I have to say thank you to a few people for this incredible journey. First, IMA's former president & CEO Greg Baise asked me to switch gears nearly ten years ago to focus on education and building programs of study to benefit manufacturing. We both knew the time and travel would be extensive, but Greg also knew there were few things more important than creating local pools of talent that manufacturers could rely.

And, then there's IMA's current president & CEO, Mark Denzler. I've appreciated Mark's confidence as the work of the Foundation continued to grow and mature. Hopefully, I've been able to add something to the success of the organization, especially as the impact of the Novel Coronavirus this year meant that all of us were shifting to different priorities and functions to help manufacturing keep the shelves stocked of equipment, PPE and food in particular. Mark's leadership during this time has been extraordinary, wide ranging and critical to Illinois' response to the pandemic. All I can say is, if you've never had the chance to meet Mark please do so – he's one of the smartest people I've ever met, and I know the Association is and will remain in good hands.

As they say, when one door closes, another opens. I'm looking forward to seeing what the next chapter of life holds for me and my bride, Linda. Regardless of what it is, I know I've had the benefit of being a part of the most amazing sector of the world economy, and that because of the constant ingenuity of manufacturers, there are very few challenges that will go unmet.

And that gives me great hope for the future. ◆

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WHAT TO EXPECT FROM AN ILLINOIS ENVIRONMENTAL ENFORCEMENT ACTION

LATHROP GPM LLP

As Illinois eases its Covid-19 restrictions and businesses adapt to the new normal, regulatory authorities have likewise adjusted their enforcement procedures to meet the current circumstances by incorporating measures such as remote record reviews for air permitting and virtual enforcement meetings. With all the health and safety challenges facing Illinois business, it is still critical that businesses take time to review environmental compliance during the pandemic, particularly given the temporary environmental compliance policies developed by regulatory authorities at the outset of the pandemic have had only limited practical value for the regulated community. Two of the primary policies applicable to Illinois businesses are the U.S. Environmental Protection Agency's (USEPA) COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program and the Illinois Environmental Protection Agency's Compliance Expectations Statement.

Issued in March 2020, the USEPA policy was designed to provide assurance to regulated entities by temporarily waiving penalties for noncompliance in limited circumstances where the pandemic inhibited access for sampling or monitoring, availability of laboratory testing, or other limitations on a facility's ability to comply environmental permits or regulations. On August 31st, the USEPA officially terminated its policy, and the temporary protections afforded thereunder.

Although regulated entities taking advantage of the USEPA policy are under no obligation to "catch up" with missed reporting or monitoring submittals, the policy only applies to USEPA enforcement. The limited protections afforded by this temporary policy serve as no barrier to enforcement by state authorities, citizen groups, or for criminal violations. Furthermore, USEPA's policy directed entities to self-report noncompliance through existing procedures pursuant to an applicable permit, regulation or statute. So, even regulated entities that availed themselves of the temporary reprieve under USEPA's policy may still find themselves confronting enforcement by states or citizen groups who may be aware of a business's conduct during the pandemic.

The Illinois Environmental Protection Agency (Illinois EPA) took a much narrower approach in its Compliance Expectations Statement. Illinois EPA reiterated that regulated entities are expected to take "every possible step to ensure ongoing compliance" but recognized a need to exercise enforcement discretion where state mandates prevented compliance. The Statement explained that advanced consultation with Illinois EPA prior to incurring a potential violation would be critical to Illinois EPA's decision whether to grant amnesty, but remained silent on the consequences for failing to notify in advance.

Contrary to their intent, these policies have left the regulated community with some uncertainty as to the consequences for potential noncompliance during the pandemic. But this uncertainty, and a business's related risk, can be minimized by understanding the environmental enforcement process. This process affords violators important opportunities to meet with regulatory authorities and resolve a matter without litigation. Missed opportunities during the enforcement process can quickly compound even minor compliance issues, since substantial penalties are authorized under Illinois law for noncompliance, including a $50,000 penalty for each violation and an additional $10,000 penalty each day it persists.

An Illinois manufacturer is most likely to encounter the Illinois EPA in the course of its environmental compliance activities. This article will therefore focus on the Illinois EPA enforcement process and offer recommendations in the event a Violation Notice (VN) is received.

Businesses would be well-advised to consult with legal counsel with experience in environmental enforcement actions and familiar with the compliance enforcement procedure. Counsel can advise whether the matter calls for technical expert support, assist in coordinating internal practices for communications, and help evaluate potential defenses. Moreover, the applicable law and regulations are subject to change as

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both legislators and regulators continue to evaluate and address changing COVID-19 related circumstances.

Overview: Environmental Regulatory Programs in Illinois

Responsibility for environmental permitting and compliance is shared among federal, state, and local governments who interact cooperatively to collectively manage environmental compliance. For example, the USEPA, a federal agency, has delegated responsibility to Illinois EPA, its Illinois state counterpart, to oversee the federal air permit program (such as Title V permits) and wastewater discharge permit program (NPDES permits) to regulated entities within the state. However, U.S. EPA still retains discretion to step in and enforce violations of these permits.

Further, enforcement authority over state regulatory programs is shared among various regulatory agencies, including the Illinois Department of Public Health (drinking water standards), the Illinois Department of Natural Resources (mining and natural resources); Office of the State Fire Marshal (underground storage tanks), and even the Illinois Emergency Management Agency (emergency release response and community right-to-know programs). Jurisdiction often overlaps among the regulatory agencies, which can result in multiple enforcement actions arising out of a single action.

Private citizens can also enforce environmental laws. Many federal and state environmental statutes, including Illinois' Environmental Protection Act (EPAct), authorize private citizens (often, environmental organizations) to file an action to enforce violations of environmental laws. Citizen suits have been spurred in large part due to the accessibility of data online. For example, Illinois EPA has posted each request by a regulated entity seeking temporary reprieve during the pandemic.

Environmental Enforcement Procedure

Illinois EPA's enforcement process for civil violations is outlined in Section 31(a) of the EPAct, which contains rigid procedures for notice and meeting opportunities applicable to both violators and Illinois EPA. Illinois EPA is obligated to follow Section 31(a) for most civil violation of Illinois environmental law, with one caveat- Illinois EPA may bypass the Section 31(a) process and immediately refer cases to the Attorney General under Section 43 of the IEPAct in situations of substantial danger to human health or the environment. In these circumstances, the Attorney General will generally seek a court order to halt the dangerous activity. Emergency situations, such as a large scale release of a contaminant or contamination in a public water system, often warrant Section 43 treatment.

Responding to a Violation Notice

Enforcement actions are initiated through several avenues. An action could result through a citizen complaint to a regulatory agency, a regulatory compliance inspection, agency audit of environmental monitoring reports or even self-disclosure by a regulated entity. Rarely will a VN arrive in the mail without warning. Compliance inspectors will often leave a preliminary report of its findings, and submittal of monitoring reports online may even trigger an alert.

Once Illinois EPA becomes aware of a violation, it must issue a VN within 180 days. The VN must provide sufficient facts about the underlying violations, and the specific violations alleged, but will also prescribe a list of actions that the violator should take to remedy the alleged violations.

The VN will request a written response within 45 days of receipt and offer the recipient an opportunity to meet with the Illinois EPA and explain the violation. Although the meeting is voluntary, promptly engaging the Illinois EPA offers a forum to explain mitigating factors, demonstrate a commitment to cooperation and make a case for why the matter should not result in enforcement.

Within the 45-day period, the VN recipient may also submit a written plan for corrective action through an informal settlement agreement to resolve a violation, known as a Compliance Commitment Agreement (CCA). The CCA sets forth actions and timelines for returning to compliance and correcting any environmental harm and will likely include some or all of Illinois EPA's proposed remedy outlined in the VN. Crafting a CCA is an important feature of the VN response and often the best vehicle to resolve a violation. No penalties can be assessed in connection with a CCA, although environmental compliance is expected to be promptly achieved.

According to Illinois EPA, since January 1, 2014, 95% of violation notices resulting in a CCA were resolved without the need for further enforcement. Illinois EPA is much more limited in its ability to unilaterally settle enforcement actions. Outside of the CCA, Illinois EPA cannot enter into a settlement agreement or compliance order without the consent of the Attorney General.

I received a VN, What Should I Do?

A recipient of a VN should take the following initial steps:

• Assemble a team of relevant personnel to investigate the root cause, determine whether immediate corrective action is warranted and identify any mitigating factors.

• Collect reports or documentation of any actions taken to address the alleged conduct.

• Depending on the technical complexity of the matter, consider retaining an appropriate consultant to help assess the claims.

• Be aware of internal communications to limit risks associated with communications that potentially may need to be disclosed in the course of litigation.

• Promptly reach out to the Illinois EPA contact listed on the VN to confirm receipt of the VN and request additional details regarding the nature of the alleged violation.

• If appropriate, prepare a proposed CCA with detailed steps to achieve compliance, the manner of compliance, and interim and completion dates.

Formal Enforcement Referral

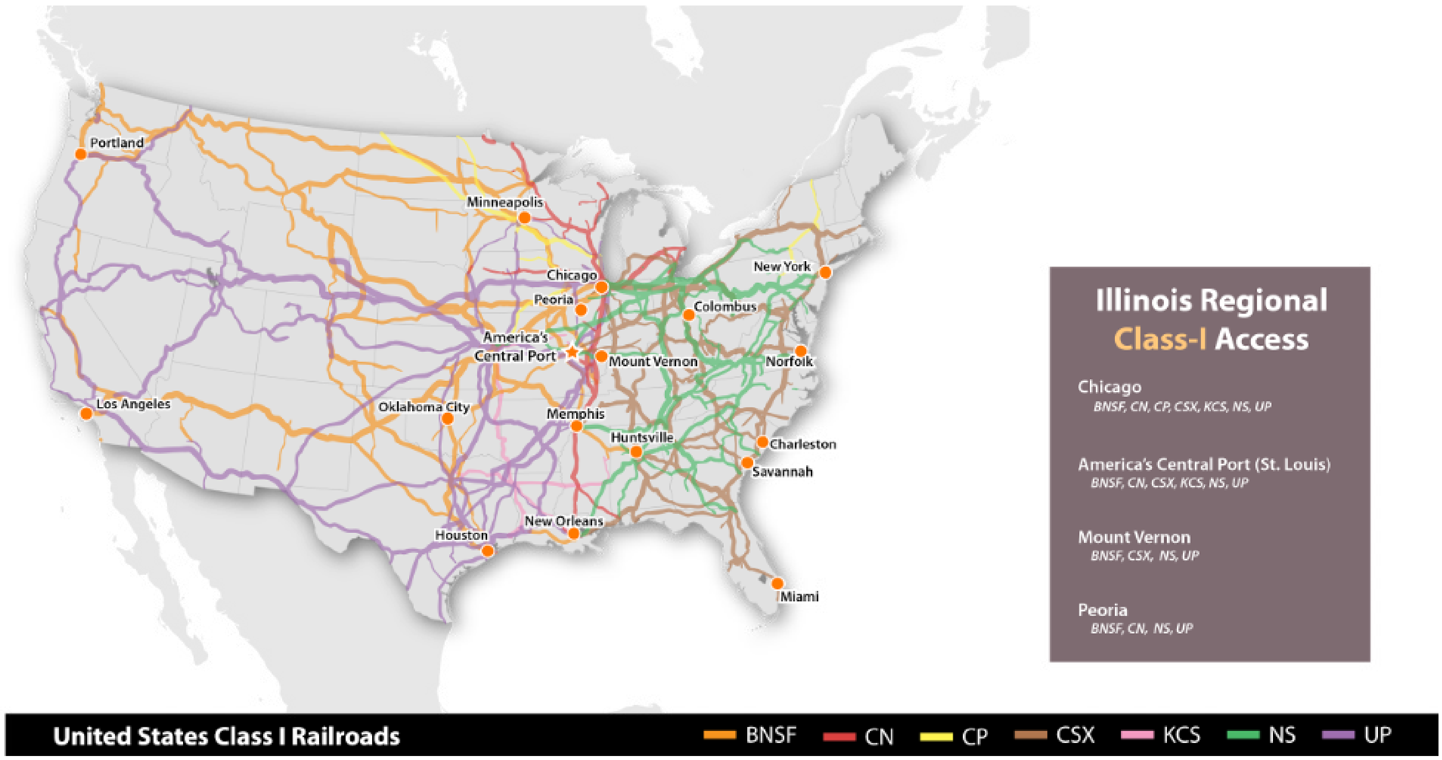
In circumstances where the proposed CCA is deemed inadequate or Illinois EPA finds the environmental harm is too severe, Illinois EPA may reject the CCA and escalate the matter for further enforcement. A Notice of Intent to Pursue Legal Action (NIPLA) is then issued, offering one last opportunity to confer with the Illinois EPA and reach a resolution. Be aware though that matters resolved at this stage generally require full compliance.

If no resolution is reached after the NIPLA meeting, the matter is then generally referred to the Attorney General's Office for litigation. After the Attorney General accepts the referral from the Illinois EPA, it will request a final settlement conference before filing a complaint. It becomes increasingly more likely that civil penalties or corrective action will be sought in court at this stage.

Regulated entities are still expected and obligated to take all steps necessary to achieve environmental compliance during the pandemic. But where noncompliance is unavoidable, it is easy to see how even routine violations could swell into excessive compliance costs and penalties in the absence of due care. Prompt attention in responding to Illinois EPA is imperative to efficiently managing an environmental enforcement action. Consider taking time to conduct a fulsome internal investigation of the underlying issue and, if needed retain an environmental consultant to assess the validity allegations if you do not have the in-house expertise. Experienced environmental counsel can further help navigate the enforcement process and manage communications with the Illinois EPA. ◆

ARE YOU ON THE RIGHT TRACK?

AMERICA'S CENTRAL TRANSPORT



Manufacturers want options. They want less touches and any efficiency they can get their hands on. Access to rail can provide those advantages.

If you manufacture anything that requires the transportation of bulk materials, there's a good chance rail logistics is included in your plans to scale your business. If not, it should be. The key cost-saving benefits come in the form of fuel efficiency for long haul deliveries, as well as economies of scale when needing to ship or receive large quantity orders. For example, if your manufacturing plant needed petrochemicals for the production of your goods, U.S. freight railroads, on average, move one ton of freight more than 470 miles per gallon of fuel. Freight trucks on the other hand can only move one ton of freight just over 134 miles per gallon of fuel, thus creating a 350 percent fuel-saving advantage for rail users. In addition, on average, one rail car filled with product is equivalent to three freight trucks. Market conditions contribute to the equation as well, but when shipping bulk products regionally or to and from international markets, rail plays a critical role in providing manufacturers with a cost-effective alternative.

However, for rail to be a relevant answer for your operation, it is essential to have access to Class-1 railroads that serve your buyer and/or supplier network.

Three Emerging Opportunities in Rail

1. Bulk Sourcing

If your business model requires a bulk supply of inputs in order to manufacture your product, rail can be an incredible asset to help you scale. The types of inputs typically more cost effective to ship in bulk supply by rail include plastic pellets, petroleum and chemical products, lumber and building materials, steel and other metallic alloys, minerals and aggregates, and agricultural inputs. Some example business models include:

- A manufacturer that uses dried distiller grains (DDGs) in the production of cattle feed, where one railcar can carry approximately 90 tons of DDGs.
- A building materials supplier that sources lumber and other materials in bulk for regional distribution needs, where one box car can hold approximately 204,000 lbs of lumber, and a centerbeam railcar can hold 223,000 lbs of dimensional product.
- A plastic manufacturer sourcing liquid petrochemicals or plastic pellets in the production of their final product, where one railcar can hold approximately 28,500 gallons of chemicals or 6,000 cubic feet of space for plastic pellets, depending on the type of railcar used.
- A steel processing manufacturer sourcing steel coils in the production of fabricated steel, where trucks are limited by highway weight restrictions and only allow one steel coil per truck, whereas rail gondola cars can hold up to 4 steel coils at a time.

*(Capacity approximations provided by Port Harbor Railroad, a Class-III shortline railroad providing switching services to BNSF, CN, CSX, KCS, NS, and UP at America's Central Port.)

2. Bulk Distribution

If your business produces a product that is shipped in bulk on a regular ongoing basis, rail can be an incredible advantage for your bottom line. The

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United States rail network comprises nearly 140,000 miles of rail, stretching from coast to coast, providing access to Canada and Mexico, and connecting major cities and buying centers across the United States. With every major coastal port having direct access to at least one Class-I railroad, rail users around the country gain the benefit of being able to transport their goods to these destinations at a more cost-effective rate, thus opening the door to more effectively target international markets. Some examples of manufacturing industries that would benefit from access to rail for bulk distribution include the chemical, petroleum products, plastic pellets, wood products, steel products, and animal feed industries.

3. Toll Manufacturing & Co-Packing

Consider all of the multinational companies that need partners to sub-contract aspects of their manufacturing process. For example, a toll chemical manufacturing company might receive a product from a customer that requires a bulk shipment of liquid petroleum, which then requires further treatment, blending, or additives. Once the required additions have been made, the product is then shipped back to the manufacturer that requested the service, or to other entities, such as a liquid terminal, that exist throughout the manufacturer's supply chain. In this instance, having direct access to rail can be an incredible asset to land multinational clients, as they know you can both receive and ship their product by rail when needed, thus providing them with a more cost-effective and scalable option.

These opportunities however only exist if you can find rail-served real estate. Now, if you hop on Loopnet, "rail-served" doesn't quite mean what you might think. You might have a main line adjacent to the site you are looking at, but that means you'll need to add your own spur, and keep in mind rail construction costs on average around $1.3 million per mile. You also need to convince the Class-I railroad that owns the line to serve your facility, which will cost additional time and capital.

The actionable opportunities in rail for small businesses are in locations with real estate options where rail spurs are already in place, and service is provided either directly by a Class-I carrier, or a short line operator.

Going back to the idea that smart business owners know the value in having options, the more Class-I railroads your facility has access to, the more competitive your business can be. Illinois has a unique advantage over the rest of the United States in that we have multiple locations served by rail, with access to more than one Class-I railroad. Chicago, home to various logistics parks and facilities with rail-served real estate, has access to all seven. In concert with Terminal Railroad, America's Central Port, a multimodal facility with warehousing and shovel ready sites located in Granite City, IL, just ten minutes from downtown St. Louis, has access to six, as do multiple sites and facilities in the surrounding Southwest Illinois region. Milano Railway Logistics Services out of Mount Vernon, IL has access to four, as does the Tazewell & Peoria Railroad (TZPR) located in Peoria, IL.

The access to suppliers, buyers, and international markets that these industrial corridors provide make for incredibly valuable and strategic locations for small manufacturers, providing a unique opportunity to locate manufacturing operations throughout the State of Illinois. ◆

HOW LEADERS CAN OPTIMIZE PRODUCTIVITY IN REMOTE WORKERS

TANDEM HR

COVID-19 catapulted many businesses into a digital and remote workplace within a matter of days. Some employees embraced remote work and found themselves as productive as they were in the workplace or even more so. Others struggled with the change as they found themselves ill-equipped for the sudden transition.

How can leaders support employees to optimize productivity? Here are 6 questions to ask yourself while trying to elevate remote work productivity:

Do They Have the Tools and Resources?

First and foremost, your employees need the appropriate tools to maximize productivity while working from home. Whether that means an extra monitor, a laptop, or an ergonomic keyboard, you need to consider your expectations and ensure employees have all the resources necessary for success at their disposal. Access to technology platforms like Microsoft Teams, Zoom, or Skype can help replace in-person meetings with video calls. And, don't forget the web camera. Other technology, such as cloud-based storage or Microsoft Share Point, may help your team members collaborate and easily store documents in a shared location. Regardless of the resource type, it is essential to solicit employee feedback on needs and remain open to fulfilling reasonable requests.

Can They Run Efficient Meetings?

Employees may take for granted that a video conferencing platform will take the place of any in-person meetings. It is critical to provide workers with your expectations and training on the tools provided. For example, do you have dress code expectations when employees meet with clients, vendors, or colleagues online? Do you expect employees to meet with clients or colleagues via video conferencing whenever possible, or are phone calls also acceptable?

Provide employees with best practices when it comes to their meeting equipment. Best practices should apply to the meeting platforms themselves (like how to log in, set up meetings, record them, adjust any settings), and equipment best practices (such as placing lighting in front of your face instead of behind you for better webcam picture).

Employees should not ignore other best meeting practices such as beginning meetings on time, briefly introducing first-time participants, or providing agendas in advance just because meetings are taking on a different form. Now is a great time to reiterate effective meeting tactics to make all meetings more efficient and productive.

Do They Have the Opportunity to Team Build?

Keeping teams connected is vital to increase performance. This is also true in a traditional work environment but is especially challenging when everyone (or even a portion of your workforce) is remote.

Give your team members opportunity to lead your team huddles or meetings. Allow them to own and facilitate a meeting while you continue to share pertinent information. You may be amazed at how their creativity and leadership skills shine when given the opportunity.

While productive teams know how to get down to business, it is also important that you encourage teams to keep personal rapport. While you're waiting for everyone to join the meeting, ask employees how their day is going or what they did over the weekend. Schedule team building activities or spend social time together, like a lunch or happy hour. Although it will never be the same as face-to-face interaction, connectivity is crucial for keeping up colleague relationships. Reinforcing positive work relationships and teamwork will drive productivity.

Do They Feel Appreciated and Valued?

If your employee is doing something great – let them know! Reinforce positive behaviors with both private and public acknowledgment. Often, a little recognition goes a long way.

Other ways to show appreciation can include a mention in an all-company meeting, a shout out in an internal newsletter, or a small gift like a takeout gift card. Recognize dates important to your employees, such as birthdays or work anniversaries. Employees who know they are on top of mind and feel recognized for their contributions to the organization's success feel valued and increase productivity.

Are They Good at Balancing Work and Family Life?

Employees need to practice work-life balance in a time when they are not physically leaving their office. It's tempting to pop into the home office to shoot off an email or answer a colleague's question. Make sure your teams are drawing the line and taking the time to decompress and relax.

Employees with children remote learning may feel extra stress as they juggle their jobs and the role of assistant teacher. If possible, allow flexible work hours, so if an employee needs to assist a child with direction on a school assignment or getting connected to a Zoom call, they know they can work earlier in the day or a little later into the evening to make up any time. This flexibility will go a long way in showing employees that you understand their lives are in a unique state right now and care about their work-life balance.

What About Their Mental Health?

Employees are experiencing a whole new set of challenges because of the pandemic, and not just in the workplace. They may be supporting a family member with compromised health issues, dealing with a lack of childcare, assisting with the homeschooling, or generally missing social interaction with friends and family. These new situations can cause stress, anxiety, or depression.

Managers should check in with employees periodically to ensure they are not overwhelmed. Encourage your employees to adopt healthy habits, take a break when needed, and make appropriate time for their work and personal life. Demonstrate ways they can do this by taking a break during a long meeting to stretch or take a virtual team meeting walk.

Don't forget, your Employee Assistance Program (EAP) benefit is an excellent source of helpful resources and short-term counseling during this time. Do not hesitate to refer employees who may be struggling.

COVID-19 has taught business leaders that adaptability is critical to success. Businesses need to reassess their strategy and adapt to the changing times. Learn to be understanding as your employees adjust to a new way of working. Trust your team and listen to their needs. When employees feel appreciated and a part of something exciting, you will be amazed by their work ethic and productivity regardless of where they are working. ◆

This article was written by the human resource experts at Tandem HR. For more information visit www.TandemHR.com.

GROWING YOUR BUSINESS WITH WIND ENERGY

POWER UP ILLINOIS

If you have driven across Central Illinois lately, you have likely seen first-hand the presence of one of Illinois' top growing businesses – the wind energy industry. Illinois is now the 3rd fastest growing state in the country for new wind development. This growth presents two opportunities of which Illinois manufacturers should be aware. First, the opportunity for a new customer. And second, the opportunity to enhance your sustainability strategy through power purchase agreements.

The U.S. wind industry is heavily reliant upon domestic manufacturing supply chains. The size of necessary components like towers and turbine blades make long-haul shipment untenable, and thus, the American manufacturing sector has adapted and innovated quickly to become a wind energy supply powerhouse.

There are already over 50 wind energy related manufacturing facilities in the state. And with demand for wind energy components set to grow dramatically, combined with Illinois centrally located geography in the heart of the American wind corridor, the Illinois manufacturing sector is well positioned to continue seeing supply chain networks grow to support the sector.

Forecasting Needs and Future Growth

The top supply needs include wind turbine blades, composites, and resins, along with rotors, the towers themselves currently manufactured here in Clinton, IL, gears, and countless other components such as seals, wiring, connectors, and bolts & fasteners. As well as related services including cement, aggregates, transportation, and construction – including significant increases in area infrastructure and road spending that accompany wind farms.

To give you a sense of the size of the market, through 2019, the Illinois' wind energy sector has attracted a total of $10.9 billion in capital investment to the state. And capacity for wind is expected to grow here by 23 percent in the near term. Nationally, wind was the number one source of new power added to the grid last year with substantial growth expected to continue for the foreseeable future.

As your company seeks to expand its sales in the wind sector, we encourage you to look to Illinois existing leading wind manufacturers like Siemens and Arcosa, as well as industry resources like the IMA's Manufacturers Marketplace and the American Wind Energy Association to identify needs and opportunities.

Wind and Sustainability

As investor and consumer tastes continue to demonstrate demand for increased business focus on sustainability, many global companies are looking to wind energy to power their operations. In 2019, the Illinois wind energy sector avoided the emission of 7.2 million metric tons of carbon compared to alternative options, providing a major benefit to overall corporate sustainability for Illinois employers.

For major purchasers, arrangements called Power Purchase Agreements (PPA) help in establishing a lower carbon footprint for your operations, while providing long-term price predictability through acquisition of an energy supply that has no relationship to fossil fuel pricing. The technology, retail, and food & beverage sectors have been the top purchasers of wind power. Here in Illinois top employers like GM and McDonald's are major purchasers. And new investments in the state from technology companies like Facebook, Microsoft, and Amazon, have been accompanied with significant PPA announcements.

For smaller purchasers, increased incentives or mandates for renewable purchases are likely from state or federal policymakers, making access to renewables important for maintaining affordable electricity rates. Continued innovation in engineering and manufacturing design have seen the cost of wind energy generation decline 70 percent with wind and solar now the most affordable source of energy for the majority of Illinois counties.

Current and proposed electric transmission projects resulting from the wind sector are also noteworthy for companies looking to expand operations. These project could provide additional power capacity to currently underserved regions of the state, including many districts with state investment incentives for manufacturing operations.

The convergence of Illinois' geographic good fortune, robust manufacturing supply chain, and changing consumer trends, is providing Illinois manufacturers with significant opportunity to capture a new era of energy wealth from renewables. Whether its developing a new product line or customer connection, to enhancing your own energy and sustainability strategy, Illinois manufacturers have many options available to grow your business with wind. ◆

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BRUNSWICK CELEBRATES 175TH ANNIVERSARY

Brunswick Corporation has spent the last 175 years manufacturing everything from carriages to billiards, tires, front and back bars, piano cases and phonograph cabinets, classroom furniture, roller skates, hospital and medical equipment, and fitness equipment. Today, the manufacturer is the world's leader in recreational boats, marine engines, marine parts and accessories and the largest boat club in the world in Freedom Boat Club and is one of the longest continually publicly traded companies on the New York Stock Exchange. While 2020 is the corporation's 175th anniversary, this is the first year that the manufacturer has been 100% focused on the marine industry, designing and manufacturing advanced, award-winning product solutions and providing world-class services to optimize the on-water experience for their customers. Headquartered in Mettawa, Illinois, Brunswick was a charter member of the IMA in 1893 and has been a valued partner since day one.

"Over a span of 175 years there is no single event or formula that guarantees success but rather a set of principles and values that forms the foundation of our company," said Lee Gordon, Vice President of Global Communication & Public Relations. "These values include doing business with integrity, a strong focus on the customer, deep insight into market trends, a commitment to providing value for our customers and a talented, diverse and highly engaged workforce committed to winning."

The story of Brunswick began in 1845 when John Brunswick left his home in Switzerland's Rhine Valley and headed to America. A carriage-maker by trade and master woodworker, he opened a shop in Cincinnati and began making billiard tables. Three years later Brunswick opened a sales office in Chicago – an 8,000 square foot billiard parlor on Washington Street. By the end of the century, Brunswick had become one of the most successful businesses in Chicago.

After nearly 70 years of unchallenged success, Brunswick faced its first crisis when the 1912 Prohibition movement devastated the bar and bar-fixture business, which was nearly one-fourth of the company's revenues. Brunswick was challenged yet again during the Great Depression, when the company lost an average of $1 million a year during the early 1930s. 2020 has come with unprecedented challenges as well, but Brunswick has stayed committed to maintaining its position as a long-standing manufacturer and innovator.

> "2020 HAS BEEN A YEAR LIKE NONE OTHER IN OUR HISTORY. BUT WE ARE CONFIDENT IN OUR FUTURE AND HAVE THE RIGHT PEOPLE AND PRODUCTS TO CONTINUE TO GROW."

"The company has demonstrated tremendous resiliency and agility in the ability to reinvent itself countless times its rich history to rebound and lead out of a crisis and emerge a stronger company," Mr. Gordon said. "COVID-19 is another great example of a challenge that none of us could have prepared for but we have emerged a stronger company, better able to compete and win in a new and different marketplace."

Brunswick Corporation used to own Company steamboats that were used to haul lumber from Big Bay to Muskegon, Michigan. Now, the company is designing and manufacturing boats and marine equipment for customers around the world.

After 175 years, Brunswick has a lot to be proud of. Mr. Gordon takes the most pride in bringing joy to customers, providing fulfilling careers and growth opportunities for employees, and bringing value in the communities in which Brunswick operates.

Throughout the pandemic Brunswick has worked hard to ensure the health and safety of their employees and customers while keeping their manufacturing lines running. Brunswick's Boat group used its upholstery manufacturing capability to manufacture masks, ventilators, and other pieces needed by first responders and Brunswick employees in order to ensure that they did not take any masks out of the supply chain that were needed for first responders. The Group even donated 15,000 masks to first responders and hospitals in three different communities where the company has manufacturing facilities.

When asked how other manufacturers can persevere through unexpected obstacles such as the pandemic, Mr. Gordon said that manufacturers must be prepared for anything.

"First and foremost, your commitment to safety must be unwavering. The safety of your employees and customers is the top priority and ensuring a safe work environment is pivotal to the success of any manufacturer. Next is your supply chain. Even in pre-COVID, there were opportunities to re-think your supply chain. Now in a COVID world, there are challenges all over the world that are impacting suppliers everywhere. But those who prepare for the 'what if' will be better prepared to weather any storm."

While working through the present 'storm' at hand, Brunswick is also preparing for the future and continuing to predict the needs of its customers. Having recently unveiled its marine only strategy, the company is evolving and innovating so that it can provide new, never-before-seen options.

"Boating is very evolved with its technology capabilities and in some ways, more advanced than automotive. You don't have stop signs and brakes on the water so our technology has to be more advanced to create the same experience for the consumer," Mr. Gordon said. "Autonomy will play a role, but to what level is still undetermined. Connectivity will be key; a connected boat is not a novelty but rather an expectation of our consumers, and the ability to create a frictionless day on the water is the difference between a boater for life and a one-and-done boater. Electrification is another area that we are going to lead the charge in. Will we see electric propulsion in the future? It's here today but what does it look like tomorrow? And how do batteries evolve over time?"

To answer some of these questions and get a head start on the marine market, Brunswick is branching out. In 2019 the company purchased Freedom Boat Club, the largest social club in the world. With 240 locations in the United States, Canada, and France, the Freedom Boat Club offers customers the opportunity to go boating without having to own a boat.

"You may not want to own a boat but you love the water, and providing every opportunity to get on the water is what will keep growing our industry," Mr. Gordon said.

Over 175 years Brunswick has grown from a small midwestern manufacturer into a global company with a background in almost every industry. The IMA is proud to have Brunswick Corporation as a charter member, and to continue to boldly move forward into the future of manufacturing.

"2020 has been a year like none other in our history. But we are confident in our future and have the right people and products to continue to grow," Mr. Gordon said. "Coalitions like the IMA provide us an opportunity to unite behind causes, policies, principles and practices that foster the growth of manufacturers – the backbone of American industry." ◆

BUSINESS DEVELOPMENT

WHAT TO CONSIDER WHEN RESTARTING ERP PROJECTS DURING AND AFTER COVID-19

TAFT STETTINIUS & HOLLISTER LLP

Despite COVID-19 shutdowns, re-openings, and partial re-closings in some parts of the state, Illinois manufacturers of all sizes are grappling with serious management decisions. Many halted the implementation of planned installations or upgrades to an Enterprise Resource Planning (ERP) software system or deferred part of their project when the pandemic began. Now, they are trying to decide whether to proceed or wait until their business returns to something approaching "normal" – whatever that might be once the virus recedes.

It is a huge decision with managerial, financial, operational, and employee relations implications that ripple throughout an organization.

For large manufacturers headquartered in Illinois or those that have operations in the state, re-starting or proceeding with a digital transformation in the current environment might also attract the attention of shareholders, Wall Street, business reporters, and even the SEC.

For smaller companies with sales between $50 million and $100 million, one or two factories and a warehouse, a complex supply chain, and perhaps a few hundred employees, the effect of a wrong decision might be the difference between thriving and barely surviving.

Digital Reopening Strategy

A recent report from McKinsey & Co. suggests that a corporate reopening strategy needs to include shifting IT and technology to a restart mode. Among the key reasons is that accelerating digital transformations will ensure that they reflect the needs of customers, employees, and the entire supply chain.

McKinsey writes, "The IT infrastructure must be relevant, secure and able to meet emerging (and changing) expectations … Executives will need to draw up a business-led technology road map to accelerate their digital transformation with urgency."

This directly affects ERP software systems during and after COVID-19 and is why Illinois manufacturers should consider fast-tracking projects now.

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Every technology project must reduce a company's costs during and after COVID-19. Yet investments in the right ERP technology can contribute significantly to growth during the recession, which shows no signs of ending soon.

The key is ensuring that the project is relevant to an organization's digital ecosystem in whatever comes during and after the pandemic.

The place for manufacturers to begin is by reviewing their existing contract or, for a new project that halted when COVID-19 hit, reviewing one still waiting to be signed.

If the ERP contract is negotiated and drafted – or redrafted – properly, and performance of the vendor and integrator is monitored closely, once the system comes online it should help enable a manufacturer to restart successfully and cost-effectively.

Regardless of its size, there are five key points a company needs to keep in mind as it considers fast-tracking at least portions of a new or upgraded ERP software system.

1. Your business has likely changed. The "next normal" will require another major change as dramatic as the one when the lockdowns took effect. ERP users will continue to face a raft of unknowns that will not be clear for a while. The user's operation may be functioning in one location but not in another. Supply chains will continue to be disrupted. Access to markets may be restricted.

2. Recalibrate your ERP strategy. For most manufacturers with an ERP software system, what was a solid technology strategy in February may not be practical several months later. After the broad corporate strategy and direction is recalibrated, do the same with the ERP strategy, because it may need to be adjusted. This does not mean that an integration needs to be further delayed. Rather, it might be necessary to change the requirements that led to upgrading a legacy system or installing a new one. ERP vendors and integrators are much more likely to be willing to renegotiate the terms of a contract because they are even more vulnerable than many of their customers.

3. Build a new integration roadmap. A major reason so many ERP integrations end up in a lengthy court battle is that the user did not start with a clear idea of the implementation process and how milestones would be measured and monitored. Not doing this has always been an expensive mistake, but in the time of COVID-19, it can lead to disaster for the company, with an impact on not just operations but also the bottom line. Whether or not you used a consultant at the beginning of the project, retaining one now is critical to an ERP project at this point.

A PROBLEM THAT HAS PLAGUED MANY ERP PROJECTS IS A SLOW DECISION-MAKING PROCESS AND SEEING ERP AS A TECHNOLOGY SOLUTION RATHER THAN A MANAGEMENT TOOL. RIGHT NOW, SLOW DECISION-MAKING IS THE SAME AS NOT DECIDING.

4. Include a change management initiative. Everyone has been affected by the pandemic, whether by wearing masks and following stay-at-home orders or because their pay was reduced and their job redefined. Just as senior management needs to work closely with IT to monitor the progress of an ERP project shifting back into high-gear, they also need to ensure HR is ready to help create a workable change management program. Many employees are still in shock from the effect of the pandemic on their daily lives. Without an effective change management program, employees are likely to revert to form quickly, blocking any significant shift in how they do their jobs.

5. Management must control the change as they restart ERP projects. Despite the many unknowns over the several months, senior management can find ways to control effectively restarting ERP software system projects. Doing so requires understanding how the project will fit into Kimberling's "next normal" and what the system needs to deliver now, however the business has had to change.

Restart ERP With Caution

A problem that has plagued many ERP projects is a slow decision-making process and seeing ERP as a technology solution rather than a management tool.

Right now, slow decision-making is the same as not deciding. A plan-ahead team is needed to identify and work through potential obstacles.

One way to sidestep problems is to work with counsel to renegotiate contract provisions that need reconfiguring to today's reality. Vendors and integrators are in a vulnerable position, especially regarding specifics on deliverables. The responsibilities of the user, the vendor, and the integrators need to be very precise. Spell out what work will be subcontracted, and which party will be responsible for third-party performance.

For organizations just starting out on an ERP project, executives are contending with not just a transformation of the business, but also a type of contract they have not likely previously negotiated. Contracts for ERP software systems are nothing like the loan documents, sales agreements, leases, or employment offers that are typical of what businesses regularly review.

It is imperative to proceed with caution.

We have seen how large, sophisticated organizations with considerable resources can run into problems with their ERP projects, starting with the contracts they sign. Smaller manufacturers in Illinois need to be even more careful as they proceed with their efforts. ◆

WORKPLACE LITIGATION IN THE TIME OF COVID-19

BARNES & THORNBURG, LLP

As Illinois and other states around the country have reopened over the summer, and businesses have called their employees back to work, there has been a noticeable spike in COVID-19 related workplace lawsuits. This development is not surprising. These lawsuits span industries and run the gamut of employment law issues—from discrimination to wage and hour to whistleblower. Barnes & Thornburg LLP's Employment Law Group began tracking these in cases in late-March 2020, and by the end of the summer summarized and catalogued over 300 cases and counting on its COVID-19 Related Workplace Litigation Tracker. The purpose of the Tracker and the goal of this article is to highlight employment issues that have arisen related to COVID-19, so that businesses know the problem spots and can learn from the mistakes of others.

It should be noted that while a high number of COVID-19 related workplace complaints have been filed, neither the number nor this summary analysis should be viewed as confirmation that these claims have merit. The complaints filed vary greatly in quality, and it would not be surprising if many of the lawsuits did not make it past the initial pleading phase before either being dismissed by the court or settled for nuisance value. Time will tell.

Nevertheless, since Barnes & Thornburg began tracking COVID-19 related workplace litigation, several trends have emerged across a number of different categories of employment law claims, including: breach of contract; failure-to-pay claims; Family and Medical Leave Act (FMLA); discrimination, misclassification; WARN Act; whistleblower; workplace safety; and wrongful termination, retaliation and bias. Some trends (or lack of trends) have been surprising, like the limited number of WARN Act suits, while others have been expected, such as discrimination/retaliation claims.

The largest category of claims has been wrongful termination, retaliation and discrimination lawsuits filed by individual plaintiffs. Typically, these complaints allege that an employee was terminated because of COVID-19 business issues, but, in fact, was terminated because of a protected characteristic (e.g. age, race, gender, etc.). For example, complaints have been filed alleging that in situations where an employer reduces its workforce, an older worker is selected to be part of the reduction allegedly due to age. Another common fact pattern alleges claims for disability discrimination. In these cases, the employee often alleges that the employer failed to accommodate an employee's medical condition, which makes the employee more susceptible to COVID-19, by refusing to allow that employee to work from home after the workforce has been called back to the workplace. These individual lawsuits, especially the wrongful termination and retaliation suits, are a trend that is likely to continue as employees continue to come back to their physical place of work.

FMLA claims, and the related federal statutes passed in response to the COVID-19 pandemic, such as the Families First Coronavirus Relief Act (FFCRA), have also been abundant. Claims under the FMLA and FFCRA continued to grow throughout the summer and have become the second most common category of claims. The most common example of a FMLA/FFCRA claim that has been filed is when an employee is either terminated while on leave, or is told that his or her job has been filled by another when the employee attempts to return to work. All employers should be mindful of their obligations under these federal statutes, given the increase in volume of employees making use of leave to deal with the health of themselves and their families. The FMLA and FFCRA are highly technical statutes that can be a trap for the employee. In-

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deed, as more employees seek leave to cope with the virus, the greater the risk to employers.

Whistleblower claims have also been common. The whistleblower cases in the COVID-19 context typically arise when an employer is alleged to have failed to comply with a state or local order related to the virus, the employee complains about the lack of compliance, and an adverse employment action, such as termination, is taken against the employee. Early in the pandemic, this generally involved allegations that the employer was requiring "non-essential" employees to come into the workplace. However, as the stay-at-home orders were lifted, the lawsuits evolved and began alleging adverse employment action was taken for complaining about the employers' failure to adhere to COVID-19 health and safety recommendations from the government.

Another significant trend and category of workplace litigation involves allegations of an employer's "failure to pay" its employees under applicable wage and hour laws. These cases have been filed both as class actions and single-plaintiff claims. In the class context, plaintiffs typically allege that employers are not paying their employees for the time spent "donning and doffing" personal protective equipment (PPE), time spent procuring PPE, and time spent sanitizing PPE. Indeed, the Cook County Sheriff's Office was sued by a putative class of deputies for allegedly failing to pay them for time spent sanitizing themselves and their equipment before and after each shift. Wage and hour claims will likely become more common as employers (rightfully) take additional precautions for the health and welfare of their workforces. Employers that are implementing health precautions at their workplaces will want to be sure that these precautions conform to wage and hour rules and regulation.

Misclassification of workers as independent contractors is another category of wage and hour claim that we are tracking. Most often, these cases arise out of California, which enacted a heightened test for determining whether a worker is properly classified as an independent contractor in January 2020. Several class action complaints have been filed in California by "gig economy workers" alleging that, because they were improperly classified as independent contractors, the hiring entity failed to reimburse them for amounts expended on PPE or that the hiring entity failed to provide them with paid sick time accrued pursuant to state or local regulation. Indeed, over the summer a California state court entered a preliminary injunction, which quickly went up on appeal, requiring Uber and Lyft to reclassify their drivers as employees. Similar claims could be filed in Illinois.

WE ARE LIVING THROUGH UNPRECEDENTED TIMES THAT ARE FRAUGHT WITH DIFFICULT DECISIONS. KNOWING, TO THE EXTENT POSSIBLE, THE POTENTIAL PITFALLS IN THIS COVID ERA CAN GO A LONG WAY TOWARD REDUCING RISK.

Workplace safety claims are another category of claims trending higher. For many employers, the worst-case scenario is the death of an employee who contracted COVID-19 at work. Unfortunately, there have been several cases alleging just that—the wrongful death of employees and their family members. These cases typically allege that the employer failed to take the proper and recommended health and safety precautions, and as a result, the employee fell ill with COVID-19. Within this workplace safety category, public nuisance is another claim that has been advanced. These cases are typically brought on behalf of a putative class, and similarly allege that the employer failed to take the appropriate safety precautions. Unlike other workplace safety claims, however, public nuisance claims allege that the entire community has been adversely affected by the employer's intransigence. In fact, some cases allege comparisons between the number of cases in one community versus the markedly higher number of cases in the community where the employer is located. The public nuisance cases are an interesting trend to watch, given the potential for liability in the millions of dollars.

A discussed above, the WARN Act, which requires most employers with 100 or more employees to provide 60 calendar-day advance notification of mass layoffs, is a notable category in which some cases have been filed, but not as many as might have been expected at the outset of the pandemic. This may be because COVID-19 related layoffs and furloughs have not become permanent or have not lasted longer than six months, as required by the Act. The longer businesses remain closed or the more challenges employers face reopening, the more likely former employees will pursue claims under the federal WARN Act or similar state laws.

Finally – a category that has not logged many claims – is the traditional breach of employment agreement. Most COVID-19 related breach of employment contract complaints allege that certain guarantees were made to the employee within the agreement, and that the employer failed to perform those guarantees due to the financial disruption cause by the pandemic. Typically, the plaintiffs in this category of cases were terminated before the expiration of their agreement (or not in compliance with the terms of their contract) and seek the remaining value of the employment agreement.

We are living through unprecedented times that are fraught with difficult decisions. Knowing, to the extent possible, the potential legal pit falls in this COVID era can go a long way toward reducing risk. It is usually good practice to adhere to state and local guidance and orders related to public health and safety. While doing so will not eliminate your business against legal actions, it can help significantly. Now more than ever it is critical for human resource professionals and managers to review and follow their employee policies and practices. The wave of COVID-19 related workplace litigation has likely not crested. Given the complexity and highly technical nature of these issues, when in doubt, reach out to your employment counsel for legal guidance. ◆

THE STATE OF COMMERCIAL & INDUSTRIAL POWER RELIABILITY

S&C ELECTRIC

The pace of technological innovation has driven industries across the world to exponentially increase output and productivity. This is certainly true for the manufacturing industry, as the Fourth Industrial Revolution has led to more processes becoming automated and more systems becoming digitized and interconnected. In parallel, industries are also trending toward electrification to achieve sustainability goals and to enhance operational and energy efficiencies.

But these advancements come with a caveat: They all grind to a halt without power. As more digital technology inevitably makes its way into industries' everyday operations, it cements the simple yet critical principle that reliable power is the bedrock of business.

The energy industry has also undergone its own surge of technological advancements, especially over the past decade. While commercial and industrial (C&I) businesses, including manufacturers, prioritize power reliability, this makes for a dynamic intersection of energy needs and energy options. As an Illinois-based manufacturer whose solutions improve power reliability, S&C Electric Company conducts research to understand the importance of power reliability from the C&I customers' perspective.

The Expectations and Realities of Power Reliability

More than half (51 percent) of survey respondents believe their organization is becoming more dependent on reliable energy, which underscores the criticality of power to C&I businesses. When asked to consider their organization's future energy needs, most respondents (55 percent) expect a steady or rapid improvement in power reliability within the next two or three years.

But the reality is that power reliability has been relatively stagnant for these C&I customers. Over the past three years, S&C's report shows, the frequency and duration of outages have remained essentially unchanged. Outages are a fairly regular occurrence. Some 21 percent of respondents experience outages monthly, and nearly half (9 percent) of those companies experience outages weekly. If power reliability continues to flatline while C&I businesses' expectations continue to rise, this trend will lead to a growing divide between C&I customers and their energy providers.

Business Impacts of Outages—Even Small Ones

These outages can have vast impacts on business, and the dollars are difficult to ignore. Of the respondents surveyed, 20 percent report that a typical outage costs them at least $100,000. Companies that experience outages on a regular basis can face costs in the millions of dollars annually, with the highest impact of more than $100 million yearly losses reported in the survey.

> AS DEPENDENCE ON RELIABLE POWER INCREASES, THE IMPACT OF LOSING POWER, EVEN MOMENTARILY, WILL ONLY INTENSIFY. IT BECOMES THAT MUCH MORE CRITICAL TO PRIORITIZE RELIABILITY IMPROVEMENTS NOW BEFORE OUTAGES HOLD BACK BUSINESSES AT THE CORE OF THE ECONOMY.

There are ripple effects from losing power that affect nearly everyone within the business. And when power is restored after an outage, it does not mean operations are restored immediately. Approximately one-third of C&I companies (32 percent) state it takes an hour or more for their organizations to resume normal operations after a typical outage. Depending on the industry, there can also be safety or security concerns, as well as equipment damage or inventory loss.

For this reason, all outages matter—even the small ones. Of the respondents surveyed, 65 percent replied that "power blinks" affected multiple systems or processes within their organization. This shows the length of an outage does not necessarily constitute how much impact it can have.

Moving Together Toward Better Reliability

Since we began conducting this survey, we have repeatedly heard the concerns and complications outages bring to C&I businesses. Outages are more than a matter of inconvenience—they are a potential threat to business success.

As dependence on reliable power increases, the impact of losing power, even momentarily, will only intensify. It becomes that much more critical to prioritize reliability improvements now before outages hold back businesses at the core of the economy.

Fortunately, technologies exist today that can address outages lasting from days to seconds. But the most important place to start is with the electrical grid itself; it is the backbone of a reliable power supply. Building a strong and intelligent grid will mitigate outages and enable businesses to keep pace with competitive, evolving marketplaces and satisfy rising customer expectations. C&I companies will continue to pay close attention to how the grid affects their businesses, and the grid will play a bigger and bigger role in where companies choose to locate and operate.

If we want to accelerate progress, the future of reliable energy requires an open dialogue between C&I companies and their energy providers. This conversation must start now and grow into a long-term collaboration focused on practical solutions. It must include dedicated engineering efforts to analyze and recommend optimal solutions based not only on existing technologies, but also on anticipating the needs of tomorrow. Through this collaboration, we can bring all the necessary stakeholders to the table and together build on the bedrock of reliable power, support the demands of today's businesses, and secure a future of thriving economic advancement. ◆

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SMART FINANCIAL DECISIONS TO KEEP BUSINESSES MOVING FORWARD

THE LEADERS BANK

A once-a-century pandemic and its resulting financial crisis may seem an inopportune moment for companies to position themselves for the future. But in fact, this break from business as usual may be the ideal time to take stock of your company's short and longer-term financial plans and goals. Meeting with your community banker can help you review everything from your business plan to cash flow to fresh potential sources of revenue. This collaboration could leave your company poised to emerge from the COVID-19 recession ready to soar to new heights in the post-pandemic business environment.

Speak with your community banker about all the following strategies.

Preserve Cash Flow

Cash remains your company's lifeblood. Preserving cash flow is more than ever central to its existence. Work with your banker to institute measures like ACH services, enabling customers to pay your company more conveniently and expeditiously.

These options can help keep the cash circulating during these slower times, positioning your company for robust revenue inflows in the improved business climate ahead.

Examine Your Debt

Your company won't fare well during the crisis and afterwards if its debt service is not sensibly addressed. Your enterprise may have the resources to eliminate debt right now, but that may not be the best approach. By contrast, your company could be short of available funds and need to work with creditors to agree on a longer payment timetable. Your bank can help your company achieve a cash flow balance, paying debts over time as business operations generate revenue.

Retain Your Customers

Customer relationships you've built over time are at the very heart of your success. They will be for years to come. Don't let a health and financial crisis like this jeopardize these hard-won relationships. Stay in close touch with customers. Hold video meetings in place of in-person get-togethers. View COVID-19 not as a threat to the rapport you've built with customers, but as a chance to fortify these crucial ties.

Review Your Business Plan

In light of this pandemic-sparked watershed moment, scrutinize your business plan to determine whether it remains relevant. Consider adding more immediate action steps to see your company through the COVID-19 crisis.

What steps will help you quickly move forward when normalcy is restored? Developing a plan within your business plan can help wring clarity out of a confusing period.

Seek Financing

Many companies have had their financial resources sapped by pandemic-related expenses. If your company is among them, and the government's Paycheck Protection Program has proven insufficient, decide whether you will need financing to recover or continue your business. A loan can offer a lifeline to get your company through the crisis. Whether you need to make up for lost cash flow, pay for overhead or make payroll, your community banker can provide insights needed to determine what type of financing to seek, and best steps to take beforehand to increase chances of approval.

Identify New Revenue Sources

As in any crisis, new opportunities have opened during the pandemic, and some firms have flourished at a time others have floundered. For instance, home improvement chains have prospered, as have software developers, home delivery services and Internet-enabled communication providers. Explore ways to prosper from a new normal evolving from the lockdowns and quarantines. Are there ways for your company to serve new markets emerging or profiting from the crisis?

Develop or Enhance Your Emergency Plan

Having addressed the steps above, fine tune your company's emergency preparedness plan. You've learned much during COVID-19 about what does and doesn't work in a company's crisis response.

Alter your emergency plan accordingly. Talk with your banker about emergency scenarios. Discuss how they may impact revenues, cash flow and ability to pay obligations. Develop a plan to address each possible peril before it materializes. When a strategy's in place for every potential threat, you're better prepared in event of future challenges.

A health and financial emergency can be a scary time for company owners and managers. However, history is replete with stories of companies that viewed a daunting time as a chance to rise, and leveraged the moment to become more successful organizations. With guidance from your bank, the COVID era could be your company's catalyst to move forward, growing sales, revenues and profits in the years ahead. ◆

About the Author: Bill Gleason is President at The Leaders Bank. To contact Leaders Bank, call (630) 572-5323 or visit www.leadersbank.com.

PFAS ARE HERE TO STAY

HEPLERBROOM LLC

In February 2019, the United States Environmental Protection Agency ("USEPA") issued its PFAS Action Plan, which outlined USEPA's strategy to limit exposure to per- and polyfluoroalkyl substances ("PFAS") in the environment. USEPA's PFAS Action Plan identified four 'next steps' for USEPA, including: (1) the development of drinking water standards and possible Maximum Contaminant Levels ("MCLs") for certain PFAS compounds, (2) possible listing of Perfluorooctanoic Acid ("PFOA") and Perfluorooctane Sulfonate ("PFOS") as hazardous substances under the federal Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), (3) development of interim groundwater cleanup guidelines for certain PFAS compounds, and (4) where appropriate, employing an enforcement strategy in conjunction with state and federal authorities.

USEPA's implementation of the 2019 Action Plan has moved forward, albeit slowly. Frustrated with the pace of PFAS regulation, the U.S. House of Representatives has attempted to accelerate some aspects of the Plan through federal legislation. Meanwhile, several states, including Illinois, have taken steps to address PFAS under their own statutory and regulatory authority.

Federal Actions

On February 26, 2020, USEPA issued its PFAS Action Plan: Program Update, which outlined the following actions taken by USEPA since the issuance of the original Action Plan:

- The issuance of a new validated test method, Method 33, for 29 PFAS constituents in drinking water;
- Commencement of the Safe Drinking Water Act (SDWA) rulemaking process through issuance of preliminary determinations to regulate PFOA and PFOS in drinking water in February 2020;
- Issuance of a final Significant New Use Rule restricting the manufacture, import and sale of long-chain PFAS in the United States under the Toxic Substances Control Act ("TSCA");
- Issuance of Interim Recommendations for Addressing Groundwater Contamination with PFOA and PFOS in December 2019, which recommended a screening level of 40 ppt and a preliminary remediation goal of 70 ppt for PFOA and PFOS to be utilized at federal cleanup sites;
- Issuance of an Advanced Notice of Proposed Rulemaking in November 2019 to add 286 chemicals and chemical categories to the Toxic Release Inventory ("TRI") list of toxic chemicals. (On June 21, 2020, USEPA issued its Final Rule which added 172 PFAS compounds to the TRI list of chemicals. The reporting threshold for the newly-added PFAS compounds is 100 pounds, and the first TRI reports including the PFAS compounds will be due by July 1, 2021.)

While USEPA has made some progress on the action items outlined in the 2019 PFAS Action Plan, completion of the remaining action items will take time, particularly those measures that require USEPA rulemaking. In the meantime, the U.S. Congress added PFAS-related provisions to the National Defense Authorization Act, which was passed in December 2019. These provisions included requirements for the Department of Defense to limit and monitor exposure of military personnel to PFAS, but also contained several mandates for USEPA and other federal agencies relating to monitoring and regulation of PFAS in U.S. drinking water systems; U.S. Geological Survey monitoring of lakes, streams, wells, wetlands and soils; and interim guidance for the destruction and disposal of PFAS-containing materials (including firefighting foam).

H.R. 535, which was passed by the U.S. House of Representatives in January, 2020, would have, among other things, designated certain PFAS as CERCLA hazardous substances and required remediation of releases of such PFAS, and USEPA would have been required to make a determination as to whether other PFAS should be designated as hazardous substances. H.B. 535 would have also required USEPA to promulgate national primary drinking water regulations for certain PFAS, and required that certain PFAS be added to the list of hazardous air pollutants. While H.B. 535 did not make it out of Senate committee, there is a strong likelihood that similar legislation will be introduced again in Congress.

Another federal initiative involving PFAS that could potentially impact transfers and/or cleanup of impacted property involves proposed revisions to the ASTM standard for Phase I Environmental Site Assessments. Updates to the ASTM E 1527-13 standard are expected to be finalized and published in 2021. One of the proposed updates to ASTM 1527 would identify PFAS as an "emerging contaminant," but clarify that "emerging contaminants" are not within the scope of the ASTM 1527 Standard. However, if federal legislation similar to H.B. 535 were to be adopted pri-

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or to issuance of a final ASTM 1527 Standard, any PFAS compounds designated as CERCLA hazardous substances would be included in the scope of the ASTM 1527 Standard. Uncertainty regarding the status of PFAS may limit the utility of Phase I environmental site assessments at former industrial properties, particularly for parties hoping to rely on the innocent purchaser or bona fide prospective purchaser exemptions from CERCLA liability.

State Actions

With some federal regulation of PFAS – including designation of certain PFAS as CERCLA hazardous substances and/or the development of MCLs for certain PFAS compounds – potentially years away from being completed, states have stepped up to fill the perceived gap in PFAS regulation. And while states are clearly monitoring other states' approaches to PFAS regulation, there has been little effort among states to coordinate such approaches. The result has been a national patchwork of PFAS statutes and regulations, with some state laws focusing on monitoring of public water systems, other state laws regulating PFAS in groundwater and/or landfill leachate, and still other state laws that prohibit the use of materials containing PFAS, including firefighting foam and food packaging. (The Interstate Technology Regulatory Council ("ITRC") website is an excellent national resource for PFAS-related information, including statewide screening levels and remediation standards for soil, groundwater and drinking water.

Illinois Actions

Efforts to pass legislation in Illinois aimed at PFAS have so far been unsuccessful. These efforts included H.B. 3982, which directed the Illinois Department of Public Health to establish MCLs for PFAS in public water systems; S.B. 3154 (the PFAS Reduction Act) which would have prohibited the manufacture, sale and distribution of Class B firefighting foam containing "intentionally added" PFAS; and H.B. 5529, which established a voluntary take-back program for local fire departments using and storing PFAS-containing firefighting foam. However, similar legislative proposals are likely to be introduced in the 2020-2021 legislative session.

The Illinois Environmental Protection Agency ("IEPA") has also taken several actions related to PFAS. In December 2019, IEPA issued proposed changes to 35 Ill. Adm. Code Part 620: Groundwater Quality, which included the addition of five PFAS compounds to the list of regulated chemicals under the Part 620 groundwater quality standards. IEPA held a Stakeholders Meeting in February 2020, and accepted public comments on the draft amendments to Part 620.

On September 14, 2020, IEPA issued a press release announcing its plan to begin testing for eighteen PFAS chemicals at all 1,749 community water supply systems in Illinois. IEPA expects the testing to be completed in 12-15 months, and the data collected will be published on-line and used in the development of state MCLs for PFAS. The press release also indicated that IEPA is preparing to file its rulemaking proposal with the Illinois Pollution Control Board on proposed groundwater quality standards for five PFAS compounds.

DUE TO THE UBIQUITOUS NATURE OF PFAS AND THE LOW CONCENTRATION THRESHOLDS THAT ARE BEING ADOPTED ON A FEDERAL AND STATEWIDE BASIS, ILLINOIS MANUFACTURERS WILL LIKELY HAVE TO FOCUS THEIR ATTENTION IN THE NEAR FUTURE ON THE POSSIBLE PRESENCE OF PFAS IN SOIL, GROUNDWATER, WASTEWATER, AND AIR EMISSIONS.

The press release provided information regarding the updated IEPA PFAS webpage, which includes links to the PFAS Interactive Dashboard and map for community water supply sampling and the proposed groundwater quality standards for PFAS compounds.

The actions being taken by IEPA do not address PFAS and air emissions, but on March 10, 2020, members of the Illinois Congressional delegation sent a letter to USEPA Region 5 asking USEPA to begin testing air emissions at hazardous waste incinerators and other industrial sources known to emit PFAS in Illinois.

PFAS Litigation

Meanwhile, across the county, litigation involving PFAS is expanding at a rapid pace. One of the closely-watched national cases is *Hardwick v. 3M Company*, a proposed class action filed in Ohio federal court in 2018 on behalf of an Ohio firefighter and similarly situated class members against nine PFAS manufacturers. The class action complaint seeks the establishment of an "independent panel of scientists, including but not limited to epidemiologists, toxicologists, medical doctors, and/or exposure-risk assessors" to evaluate the health effects of PFAS exposure.

South Carolina is the venue for multi-district litigation comprised of hundreds of cases involving the use of PFAS-containing aqueous film-forming foams ("AFFF"), and claims of personal injury and property damage resulting from groundwater contamination. The South Carolina MDL includes claims regarding the use of AFFF by military installations, states, municipal fire stations, and airport authorities, among others. PFAS multi-district litigation is also pending in Ohio and involves claims related to drinking water contamination discharged from a West Virginia manufacturing facility. Several states, including Michigan and Vermont, have filed their own lawsuits against PFAS manufacturers.

Due to the ubiquitous nature of PFAS and the low concentration thresholds that are being adopted on a federal and statewide basis, Illinois manufacturers will likely have to focus their attention in the near future on the possible presence of PFAS in soil, groundwater, wastewater, and air emissions. On the federal level, Illinois manufacturers should begin to consider the 2021 TRI reporting requirement and implications, and closely track any federal legislation or rulemaking that designates PFAS compounds as hazardous substances, drinking water contaminants, or hazardous air pollutants. On the state level, IEPA is moving forward with PFAS regulatory efforts addressing groundwater and drinking water, and efforts to regulate PFAS may be pushed along by the Illinois General Assembly. PFAS are here to stay – but Illinois manufacturers have the opportunity to prepare for future regulation of these compounds. ◆

ANOTHER SYMPTOM OF COVID-19: WORKER ACTIVISM AND UNION ORGANIZING

SmithAmundsen

While you have been busy adapting to the unique challenges of running a business during COVID-19 — reevaluating your operations under new and ever-changing federal guidance and state health department criteria and readjusting your business-continuity plans – a labor movement has been afoot.

As the pandemic has worn on and more "essential workers" have fallen ill with COVID-19, worker activist groups ("worker centers") and labor unions have come into view, front and center.

What is the Difference Between a Worker Center and a Labor Union?

Labor Unions: These are the traditional organizations that most of us are familiar with. They are usually industry-specific and legally recognized as the exclusive bargaining representative of a majority within a group of workers (a bargaining unit). Unions are required by federal law to bargain with the employer of the bargaining unit, regarding work terms and conditions, most of which are documented within a collective bargaining agreement (CBA). A CBA typically includes a "no strike" clause that prohibits the union from engaging in a strike or work stoppage during the effective period of the CBA. It also usually requires the union to raise its gripes through an agreed-upon grievance and arbitration process.

Worker Centers: These are typically grassroots, nonprofit organizations, with ties to a particular community through language, culture, or religion. These groups commonly identify their purpose as helping workers to "organize," become knowledgeable about their rights as workers, and obtain support for their exercise of those rights. Unlike traditional labor unions, these groups do not operate under strict federal reporting and financial disclosure requirements or the constraints of "no strike" clauses that are often part of a CBA between a union and employer.

The pandemic has given many labor unions a platform to revitalize and actively promote their purpose to the public and their members. Since mid-March, labor unions have been highly

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visible in the press. In May, the AFL-CIO (the largest federation of international labor unions in the U.S.) filed a lawsuit in federal court against the Occupational Safety and Health Administration (OSHA), seeking to compel the agency to issue an emergency temporary standard that would mandate certain safety actions by employers. At the end of July, the United Food and Commercial Workers International Union (UFCW) and other local unions sued the U.S. Department of Agriculture (USDA), claiming that the federal waivers that the agency granted to a food manufacturer to speed up operations were increasing the likelihood of coronavirus spread and putting workers in danger. The UFCW has even started its own contact-tracing programs for its 1.3 million members. More recently, we've also seen teachers' unions in a number of states sue to block officials from reopening schools over safety concerns. There is no question that labor unions are using the pandemic as an opportunity to reinvigorate the labor movement.

The pandemic has also spurred many non-union workers to take action. After all, non-union employees can walk off the job to protest safety concerns and still be protected under federal labor law (the National Labor Relations Act), which protects these concerted activities, regardless of whether the employees are represented by a union. There have been walkouts to protest unsafe work conditions in non-union workplaces such as Amazon warehouses in Staten Island, New York, and Amazon-owned Whole Foods grocery stores in Chicago and other locations; and McDonald's workers in Chicago have sued the corporation over safety concerns. What is important to note, however, is that much of this "non-union activity" has occurred with the support of worker centers – which are often supported by established labor unions. For example, the Service Employees International Union (SEIU) openly backed the McDonald's workers who fought in court for more safety protections. At the end of July, two business-backed groups filed a complaint with the U.S. Department of Labor, asserting that a worker center in Washington should be subject to the same reporting and disclosure requirements that unions are, because the worker center allegedly received $15.5 million in payments from various labor unions. So while some non-union workers may be more apt to seek assistance from worker centers than the traditional labor unions, make no mistake that these worker centers are a gateway to labor union organization of these workers.

At the very least, the recent uptick in worker activism signals that in certain industries, including manufacturing, employees who are not currently represented by a labor union are ripe for organizing by one. As businesses move forward and employee concerns increase regarding safety at work, wages, paid sick leave, child care, disability accommodations, and the status of laid off employees, worker activism is likely to continue percolating. Job insecurity, safety concerns, and benefits are the very matters that unions rely upon to organize workers.

If you have any employees (in particular, in production or maintenance) who are currently non-union, now is the time to assess your vulnerability to organization and consider your avoidance plan.

1. Identify who your supervisors are (as defined by the National Labor Relations Act) and get them trained on identifying and dealing with protected, concerted activity and union organizing. A true "supervisor" cannot be represented by a union and is not protected by the NLRA. They are also agents of your company—which means their actions can create liability for your company—so training is key. They need to know what they can and cannot do under the law.

2. Reevaluate your existing policies for clarity, perceived unfairness, and employee relations. What have employees raised concerns about over the last six months? The last year? A union will often focus employees on what they consider to be unfair policies.

3. Benchmark wages and benefits. What are the area wages and benefits in your specific industry? A union will often promise more money and better benefits. So, it is best to know now and be prepared with a response.

4. Identify employee relations problems now and deal with them before employees turn to a union. Get feedback from the group of employees who are vulnerable to union organization. Sometimes union avoidance is as simple as tweaking a supervisor's management style.

5. Train management on positive employee relations. Your supervisors need to know about the importance of providing regular feedback to employees and maintaining open communication with them.

6. Get a communications plan in place in the event that union organizing begins or has begun.

Merely being aware of a potential threat of union organizing or other protected, concerted activity at your workplace is not enough. Thorough assessment and planning are necessary now, so that if the need arises, responses can be timely, effective, and within the parameters of the law. ◆

MEMBERS IN THE NEWS

Horizon Therapeutics, AbbVie, and Mars, Inc. Listed in PEOPLE's 50 Companies That Care: Employers Who Have Gone Above & Beyond During the Pandemic

Partnering with Great Place to Work, PEOPLE identifies the top U.S. companies supporting their employees and their communities during COVID-19. The IMA is proud to see members Horizon Therapeutics, AbbVie, Inc., and Mars, Inc. on the list!

Horizon Therapeutics: For Horizon Therapeutics CEO Tim Walbert, supporting his employees and the global community with empathy and compassion is a decidedly personal pursuit. Walbert lives with several autoimmune diseases and is immunocompromised, so he intimately understands what's at stake in a global health crisis. In this spirit of empathy, Walbert has encouraged all employees at the Chicago-headquartered biopharmaceutical company to take an annual "Make it Personal Day" to undertake meaningful projects. Jose Suarez, Horizon territory manager in North Carolina, used his Make It Personal Day to help with the manufacturing and packaging of nearly 9,000 sterile medical face masks to support medical professionals. "Now is the time to band together and rise," says Suarez. "There is still strength in socially-distanced numbers."

AbbVie, Inc.: At AbbVie Inc., a global research and development-based biopharmaceutical company based in North Chicago, employees with relevant medical, pharmaceutical and public health experience have volunteered to help where there is a need during the pandemic crisis. AbbVie continues pay them with full salary and benefits during their service, and their jobs will be waiting for them when their service is complete. "AbbVie's extraordinary and swift support means that health workers on the frontlines of the COVID-19 pandemic in the U.S. will have more resources to save lives in the fight against this dangerous disease," said Nancy Aossey, president and CEO of the humanitarian nonprofit International Medical Corps. "I'd like to thank AbbVie for always standing with us."

Mars, Inc.: Due to the significant increase of pet adoptions during the pandemic, the pet food brand Royal Canin created an educational program called to help guide first-time foster parents of kittens and cats. The first 1,000 people who joined received free food for a month. "Our goal is to equip people with all of the tools and resources needed to have a successful experience, and hopefully turn many from fosters to forever homes," says Tony Wild, Director of Cat Acceleration at Royal Canin. Additionally, Mars made a commitment in April to donate $20 million to support people, pets and communities most affected by COVID-19, including a $5 million donation to support CARE's work in developing countries and a $1 million donation to Humane Society International to help homeless cats and dogs.

Illinois American Water Implements Green Technology Initiatives Across the State

ILLINOIS
AMERICAN WATER

Through many capital investments across the state, Illinois American Water is decreasing its environmental footprint. The vision, Clean Water for Life, is not just the company's vision, but also their priority to provide safe, reliable service to their customers. Across Illinois American Water, treatment plants have enabled the use of UV technology for water disinfection, transitioned to variable frequency drives (VFD), added solar power, incorporated water reuse, and partnered with farmers to prevent biosolids from entering landfills.

In Peoria the company included (UV) technology to enhance water quality. By integrating the UV technology, Illinois American Water has reduced chemical use, lowered energy use and conserved water. VFD's have been installed across the state to better control flow and pressures in the service areas.

Motion sensor lighting to continue efficient energy use is utilized on a daily basis across the state. Recycling programs were created at company facilities help reduce waste and protect the environment. Illinois American Water incorporates native and prairie plantings on company property whenever possible to reduce water use and mowing costs.

Illinois American Water is currently developing two additional solar fields in Champaign and Peoria, these fields which will convert light to reusable energy will be the largest of their kind within American Water's footprint, nationwide.

The Atkins Group Gifts Stone Creek Golf Club to Illinois Athletics

TAG

THE ATKINS GROUP

The University of Illinois Division of Intercollegiate Athletics has announced that The Atkins Group (TAG) has donated more than 300 acres of real estate in southeast Urbana, highlighted by Stone Creek Golf Club and its associated buildings and equipment, to the University of Illinois and the University of Illinois Foundation. The DIA will own and operate the golf club, which will remain closed for the 2020 season while undergoing improvements, as a championship-caliber public course and the home of the Fighting Illini Division I men's and women's golf programs. The total value of the gift exceeds $15 million. In recognition of TAG's generosity, the golf course will be renamed The Atkins Golf Club at the University of Illinois, pending Board of Trustees approval.

Stone Creek Golf Club is an 18-hole public golf course located on approximately 190 acres. TAG, owner of Stone Creek since its opening in 2000, closed the course in January of this year. In March of 2020, the DIA publicly announced plans to explore opportunities with TAG to continue its operation. Following the gift's closing, the DIA intends to hire a golf course management company and develop plans to reopen the restaurant and dining facilities, the pro shop and other banquet and hospitality spaces. The newly formulated Atkins Golf Club at the University of Illinois is expected to open for public play in the spring of 2021.

PepsiCo Makes Annual Commitment to Chicago's Together We Rise Fund

On October 8, 2020 Chicago Mayor Lori Lightfoot launched a new fund designed to help those suffering from the coronavirus pandemic with $25 million from the Chicago Community Trust, fueled by donations from corporations.

The Together We Rise fund will replace the Chicago Community COVID-19 Response Fund, which raised $35 million in the early weeks of the pandemic, officials said.

The fund will be used to help Black and Latino neighborhoods, which continue to see disproportionately higher rates of infections and deaths as compared with citywide rates and those in primarily white and affluent communities.

JP Morgan Chase and Pepsi Co. will serve as the fund's "anchor corporate supporters," officials said.

Pepsi vowed to contribute $500,000 per year for three years to help small businesses, provide food assistance and endow scholarships for students at the City Colleges of Chicago.

Watchfire Signs Wins Award for Fremont Street Canopy

watchfire

Watchfire Signs, a leading provider of exterior and interior LED signs, announced that its Fremont Street Experience Canopy project in Las Vegas was named the Specialty Construction Best Product 2020 Southwest by Engineering News-Record (ENR).

ENR, which reports on the $11.25 trillion global construction industry, said that 74 entries were vying for top awards in 19 categories. Winners will be celebrated November 10 at the Renaissance Phoenix Downtown Hotel.

The Fremont Street canopy is the largest single video screen in the world, with more than 130,000 sq. ft. of digital signage. Watchfire Signs was selected from among 15 digital screen manufacturers from around the world to reimagine and manufacture a completely rebuilt canopy with modern technology.

The $30 million project includes a screen that is seven times brighter than the original and four times sharper, making it vivid even during daylight hours, a first in the canopy's history.

Copresco Wins Four Major Awards in Graphic Arts Competition

Copresco®

Copresco has won four major Graphics Excellence Awards from the Great Lakes Graphics Association (GLGA).

"The awards program is the largest regional print competition in the United States," says GLGA Director Bill Gibson. "The winning entries acknowledge exceptional quality and craftsmanship in design, creation and full color printing."

Copresco was honored with Best of Division awards for a financial prospectus and a product brochure. Two Awards of Excellence were garnered for digital book printing. Certificates of Merit Awards were given for a client cookbook and the firm's Overnight Lite newsletter.

"These awards demonstrate the exceptional quality that Copresco brings to digital printing," says Copresco President Steve Johnson.

One of the firm's winning pieces was a full-color, full-bleed 7"×10" booklet for an international investment technology organization. "Just a few years ago, offset printing would have been the only choice for producing such a prestigious financial piece with a quantity of only 50. It was perfect for our short-run services," Johnson said. ◆

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KEYNOTE SPEAKER

MICHAEL G. VALE

Executive Vice President

3M Science. Applied to Life.™

Mike Vale leads 3M's Safety & Industrial Business Group which includes personal safety, adhesives and tapes, abrasives, closure and masking systems, electrical markets, automotive aftermarket, and roofing granulars. Mike led the 3M team's effort to produce and distribute personal protective equipment (PPE) during the global pandemic including N95 masks. Previous pandemics including H1N1 and Ebola led 3M to develop a "surge capacity" to meet rapid increases in demand which includes the production of 1 billion masks by the end of the year.

Constellation has the products and strategic relationships to proactively take control of your energy data. The Pear.ai platform can help you generate energy insights in a single place helping streamline and reduce operating costs for Utility Expense Management.

To learn more about the Pear.ai platform please contact Rich Cialabrini at **richard.cialabrini@constellation.com** or **847.738.2510**.

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