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Winter 2014

**As above, so below: Four critical actions  
leaders can take now to build a  
culture of accountability in 2014**

**Reform that's worked:  
Electricity consumer  
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**IMA MEMBER PROFILE:**

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# Winter 2014



## As above, so below: 16 Four critical actions leaders can take now to build a culture of accountability in 2014

Here, we explain why “as above, so below” is a universal phenomenon — and provide tips on how to create a culture of accountability from the top down.

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### Mission Statement

The object for which the Illinois Manufacturers' Association was formed is to strengthen the economic, social, environmental and governmental conditions for manufacturing and allied enterprises in the state of Illinois, resulting in an enlarged business base and increased employment.

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Andrew Faville

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# Mr. President: Give us a couple good years!



Instead of pushing a \$10 minimum wage as something to help America's middle class, (by the way, it won't), why not push a plan to fill the vacant jobs that go wanting every day in American manufacturing facilities?

As a state senator, he came by the IMA often in Springfield to play poker. He would win or lose his \$50-\$75, then bid his adieu saying he needed to go home and call his wife. He was pleasant and fit in with the others.

I played golf with him once; he wasn't very good, but then again, neither am I. The Senior Tour wasn't quaking in fear.

As a legislator, our staff lobbied him often on legal issues and found him to be receptive to our view on certain tort reform questions. That open-minded demeanor resulted in our Board of Directors hosting a fundraiser for him when he ran against Rep. Bobby Rush — a race he lost by a large margin.

But things are different for Mr. Obama as president. Like other business leaders, I've been critical of many of his policies. Gone is the man we knew in Springfield. His push for the Employee Free Choice Act, cap-and-trade policies and his takeover of our health care system all comprise the wrong approach to growing jobs in this country.

To be fair, we all acknowledge that the country was on the verge of financial collapse when he took office. He inherited two wars that are/were very unpopular.

But five years into his administration, a pattern and practice has set in. Every year, he gives a State of Union address providing a list of priorities and proposals followed by a week of campaign-style stops around the country urging Congress to act — political show biz at it's best.

Then . . . nothing.

Several months of anger and wrangling with the Congress ensues and we start the cycle all over again. So — humbly — I ask President Obama for the following:

Mr. President, can we have just a couple of good years with you doing what you are supposed to do? Have we not had enough of the rhetoric and campaign-style jaunts around the country berating the Congress for standing in the way? Oh, they get their share of blame, but Congress represents the country. We are seriously divided and we don't need the President widening that division.

Instead of another speech saying how you are working for the middle class and making our nation less dependent on foreign oil by pushing wind and solar, why don't you try to pass something that will accomplish that? Anything!

Your statement during the State of the Union that you are not standing still was priceless. You bravely and sternly looked into the camera and said how you would act on minimum wage and raise it to \$10/hour on new federal contractors. Wow, that's going to change everything.

Please Mr. President, strap your backside to your cushy Oval Office chair and start figuring out how to make something happen. Hark back to your eighth grade civics class on how a bill becomes law. I know that's a little below Harvard standards, but it still works if open-minded people, as our Founding Fathers envisioned, sit down, introduce a bill, pass it from one house to the other and then go to conference committee and work out the differences. Do you think your Affordable Care Act might have been improved if that process would have been followed?

Far be it for me to suggest that you're not doing your job, but reports say that you rarely meet with legislators, even members of your own party. Why not? The legislative branch is co-equal — not above or below — co-equal.

Those seismic events scientists recently picked up were Alexander Hamilton and James Madison spinning in their graves when you said you couldn't wait for Congress any longer. Really?

Instead of pushing a \$10 minimum wage as something to help America's middle class, (by the way, it won't), why not push a plan to fill the vacant jobs that go wanting every day in American manufacturing facilities? An average manufacturing job in America paid \$77,500 annually in 2012. About 600,000 of those jobs are vacant because of lack of a trained labor force. Are the programs there to train our workers?

In your recent State of the Union address, you charged your Vice-President to examine the 47 different job-training programs. Well, here are some suggestions to incorporate into your efforts:

- Expedite reauthorization and fully fund the Carl Perkins Act so that career and technological education is on equal footing with college preparatory curricula. Review, align and, where appro-

see **BAISE** page 8



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## The true state of our state



Illinois needs to create a job-friendly climate with stability and predictability so that businesses feel comfortable investing their capital.

Political junkies like me found ourselves enthralled during the last week in January as President Barack Obama and Illinois Governor Patrick Quinn gave their respective State of the Union and State of the State addresses to televised audiences on consecutive days. With eyes focused on the recent recession, both of these Illinoisans talked about the economic struggles and challenges that faced our citizens during the past five years. Both President Obama and Governor Quinn believe that America is making a comeback. I agree that we are moving in the right direction.

While I truly believe that better days are ahead, I have to question why Illinois is lagging far behind the rest of the country in both major economic development surveys and actual statistics. Illinois' unemployment rate at the end of 2013 was 8.6 percent, nearly two full percentage points higher than the national average and third highest nationally. During that time, the nation's total workforce grew by 1.4 million workers while Illinois' employment number decreased by 72,000 people.

Even more telling is a 2012 report from the Institute of Government & Public Affairs, a public policy research organization at the University of Illinois, that noted our growth in the 2000s was an anemic 3.3 percent. They attribute this fact in large part to net migration and the fact that Illinois witnessed an out-migration of 228,000 people during the decade, costing the state significant revenue. More than half of these people left the state for job-related reasons.

Which brings me back to the question of why Illinois continues to lag behind our neighboring states and what steps can we take so that once again we are at the top of the list for businesses looking to grow and invest their capital. After all, Illinois has a number of advantages: our central location, world-class airport and transportation system, abundant natural resources, an educated workforce, and a great system of colleges and universities.

Manufacturers and other business leaders already know the answer to the question and have been screaming from the mountaintop for years. Illinois needs to create a job-friendly climate with stability and predictability so that businesses feel comfortable investing their capital. The Illinois Manufacturers' Association is again leading this effort during the spring legislative session with a pro-job, pro-growth legislative strategy. This includes a number of key tenets:

- 1. Reform the Tax Code:** Illinois' corporate and individual tax rates vaulted to some of the highest levels in the nation following passage of the temporary income tax in 2011. It's time to cut taxes for both corporations and the vast majority of manufacturers and small businesses that pay taxes under the individual rate. Rather than picking winners and losers, Illinois' tax policy should incent growth for all businesses particularly key sectors like manufacturing. With the temporary tax increase scheduled to sunset in December, now is the time to make necessary reforms.
- 2. Balance the state's budget:** In the past decade, Illinois' general fund spending has grown from \$23.1 billion to \$35.4 billion, a whopping 53 percent increase in spending. Despite the massive income tax increase in 2011, Illinois continues to have a mountain of debt totaling nearly \$6 billion. It's time for elected leaders to make the tough spending decisions because businesses do not want to invest in a state perched on the edge of fiscal calamity.
- 3. Enhance education and workforce development:** Nearly half of the manufacturing workforce — 300,000 workers — is expected to retire in the next 10-15 years. We need a pipeline of qualified workers to take their place in addition to thousands of new employees. The IMA's Education Foundation is leading the STEM effort and implementing stackable skill credentials in our colleges. Illinois needs to partner in these key job training and education programs.
- 4. Unlock our energy resources:** Illinois needs to take an "all of the above" approach for energy production to ensure efficient and low-cost energy. Our state is fortunate to have nuclear, natural gas, oil, coal, wind and solar. Using new hydraulic fracturing technology to unlock natural gas and oil reserves in the New Albany Shale has the potential to be a game changer.
- 5. Workers' Compensation reforms:** While the 2011 reform effort has resulted in some significant savings for employers, additional action is needed, including establishment of a primary cause standard, changes in indemnity rates and additional fraud detection.

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# Illinois' Compassionate Use of Medical Cannabis Pilot Program Act

In August, 2013, Illinois Governor Pat Quinn signed HB 1 into law, making Illinois the twenty-first jurisdiction to permit the limited and regulated use of marijuana for medical purposes. The law, known as the Compassionate Use of Medical Cannabis Pilot Program Act, went into effect on January 1, 2014 and poses some significant questions for Illinois employers in the area of drug testing and applications of their drug policies. Unfortunately, the law contains several confusing or seemingly contradictory provisions regarding the rights and responsibilities of employers and their employees who are qualified patients using medical marijuana.

Generally speaking, the law establishes a four year trial program for persons suffering from certain “debilitating medical conditions” to receive prescriptions from licensed doctors to use marijuana. The debilitating medical conditions include, but are not limited to, cancer, glaucoma, HIV/AIDS, hepatitis C, muscular dystrophy, Crohn’s disease, severe fibromyalgia, Rheumatoid arthritis, Multiple Sclerosis, Parkinson’s disease, and a host of other specifically enumerated diseases, illnesses and conditions. Such patients can receive up to 2.5 ounces of marijuana every 14 days from a registered dispensing organization once the prescription is approved by the Illinois Department of Public Health.

While the law raises obvious questions regarding the application and enforcement of federal laws that continue to treat the sale and possession of marijuana as a crime, Illinois employers must take heed of certain provisions of the law that require them not to “discriminate” against employees or applicants who are qualified patients. The Illinois Department of Public Health is cur-

rently required to institute regulations within 120 days from the effective date of the law (i.e. by May, 2014) which may eventually help define, clarify and balance the rights of employees/patients to receive effective medical treatment with the interests of employers who wish to maintain a work-place that is not adversely impacted by the use of marijuana.

Some answers to areas of potential concern appear clear from the express provisions of the statute. For example, section 30(h) of the law provides that “[n]othing in this Act shall prevent a private business from restricting or prohibiting the medical use of cannabis on its property.” Thus an employer need not permit the use of medical marijuana at the workplace and may take action if an employee fails to adhere to such prohibitions. The law also does not permit the use of medical marijuana by a person who has a commercial driver’s license.

In addition, the Illinois law also explicitly provides that its application shall not be “construed to interfere with any federal restrictions on employment including but not limited to the United States Department of

Transportation regulation 49 CFR 40.151(e).” That regulation notes that federal law continues to prohibit safety-sensitive employees subject to drug testing under DOT regulations from using marijuana, regardless of whether the employee’s use is pursuant to a prescription in a state that has passed a medical marijuana statute. Likewise, the Illinois statute permits an employer to “discipline an employee for failing a drug test if failing to do so would put the employer in violation of federal law or cause it to lose a federal contract or funding.”

Finally, the statute does not create a cause of action against an employer for actions based on the employer’s good faith belief that a registered qualifying patient either: (1) “used or possessed cannabis while on the employer’s premises or during the hours of employment;” or (2) “was impaired while working in the employer’s premises during the hours of employment.” As to the impairment issue, the statute requires that an employee manifest specific, articulable symptoms while working that decrease or lessen the employee’s performance of the duties or tasks of

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## BAISE

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priate, eliminate the current 47 duplicative job-training programs now scattered among multiple federal and state agencies.

- Assure national alignment of instruction to nationally portable industry credentials that are third party validated by the International Standards Organization, or the U.S. counterpart, the American National Standards Institute. Expand creation and broad distribution of E-learning opportunities.

- Provide states with funding for capital investments to update equipment and software. Too many high

schools and community colleges are handicapped by equipment no longer used in manufacturing.

- Provide incentives to manufacturers who donate certified used equipment, new equipment and/or software updates to high schools and community colleges. This will help assure that instruction narrows the skills gap to no more than one past generation in equipment and software familiarization.

- Increase the number of students completing degrees in Advanced Manufacturing Technology by guaranteeing dual credit for courses completed in high school. High school students who are taught to industry credentials should be given full college credit regardless of who teaches the class at the secondary level.

- Enact an expanded tax credit for manufacturers who pay for training incumbent workers to industry credentials, or who encourage continuing education by implementing tuition reimbursement benefits for incumbent workers obtaining Bachelors and advanced engineering and logistics degrees.

Above all, Mr. President, please tone down the rhetoric. Look for some middle ground. You might be surprised by the response you might get from Congress and the country. ■



*P.S. Yes, Congress deserves a similar missive from me. . . don't worry, I'm just getting warmed up.*

## DENZLER

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I'm an optimist at heart — I rooted for the Cubs for nearly forty

years after all — and believe that Illinois can once again be the economic engine of the Midwest and the entire United States. Manufacturing is experiencing a renaissance, and Illinois can take advantage to grow our economy, but only if the Governor and law-

makers make the right decisions. Let's hope that they listen in 2014. ■



## MEDICAL MARIJUANA

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the employee's job position.

But what if the employee is not in a safety-sensitive position or the employee's failure of a drug test would not impact the employer's federal contract or funding? Those same parameters of the provisions allowing the employer to take action could arguably be read to mean that unless those conditions are met, the employer may not take action against an employee who fails a drug test.

In fact, Section 40 of the Illinois law prohibits an employer from penalizing a person "solely for his or her status as a registered qualifying patient" unless failing to do so would put the employer "in violation of federal law or . . . cause it to lose a monetary or licensing related benefit under federal law or rules." Read narrowly, this anti-discrimination provision may apply to the mere "status" of the employee as a registered qualifying patient and not to the result of the employee's drug test. On the other hand, the suggestion that discrimination against an employee based upon the detection

of THC in a drug test is on different legal footing than discrimination based upon the "status" of the patient as a registered qualifying patient may ultimately be viewed by a court as not giving effect to the intent and spirit of the statute.

Other provisions add to the grayness in this area. The statute does not prohibit "an employer from disciplining a registered qualifying patient for violating a workplace drug policy" or "from enforcing a policy concerning drug testing, zero-tolerance, or a drug-free workplace provided the policy is applied in a non-discriminatory manner." There are several conflicts that may arise under the myriad statutory provisions.

For example, an employer may have a zero-tolerance policy regarding employees working while under the influence of drugs. While one part of the law expressly states that the employer may non-discriminately enforce such a policy against a user of medical marijuana, another part only explicitly protects the employer who has good faith belief that the employee used marijuana at its premises or on the job, or "manifests specific articulable symptoms" of an inability to perform the employee's job duties. Theoretically, at least, an

employee may have used marijuana immediately prior to the hours of employment, but nonetheless does not meet the statutory definition of impairment, thus causing a potential statutory conflict for the employer. Or, an employee may fail a drug test yet neither implicate federal law nor have any impact on an employer's federal contract or funding, thus removing the statutory protection that would otherwise be afforded to the employer for taking action against the employee.

Hopefully, the future regulations to be promulgated by the Illinois Department of Public Health will clear the smoke giving rise to these potential contradictions. Until that time, a conservative approach for employers would be to enforce policies prohibiting the use of marijuana on their premises or during working hours, adhere to applicable federal laws and contractual duties and, in the case of drug policies and drug testing, treat medical marijuana users like any other user of a prescription medication. If the employer makes accommodations for users of other prescription drugs, then the same accommodations should be made for users of medical marijuana, so long as the employee/user is not impaired. ■



# Reform that's worked: Electricity consumer competitive choice

**B**usiness people in Illinois naturally are wary of calls for reform, concerned that the word might just be a euphemism for more taxes or regulations that discourage investment and job creation.

But there is one reform in Illinois that has proven itself over the past decade and a half: customer choice in electricity.

In late 1997 a nearly unanimous Illinois General Assembly passed the Illinois Electric Service Customer Choice and Rate Relief Act. That promising label has actually lived up to its name.

In 1998, prior to implementation of the new law, Illinois had the 13th highest average electricity rates in the United States and the highest in the Midwest. By 2013, the tables had turned. With almost all customers procuring supply in the competitive market and with all generating plants owned and operating separately from the utilities that deliver the energy, Illinois was among the 10 lowest priced states and the lowest among the industrial states of the Midwest.

Electricity competition in Illinois came about through a systematic process that carefully considered the facts and expert advice to construct a plan for change that has been stunningly successful. Legislators, utilities, the IMA and other business groups, and Governor Edgar all weighed in and arrived at a shared understanding of the problem and the need for a new direction.

Getting to a competitive electricity market was a long and tortuous road. Conditions in the 1970s — oil embargoes, natural gas price regulation by the Federal government that induced shortages, high inflation and interest rates, troubled nuclear plant construction programs, new environmental regulations — all converged to drive electricity rates

higher and higher through the 1980s. Residential consumers complained and business customers were sometimes lured to other states for lower rates.

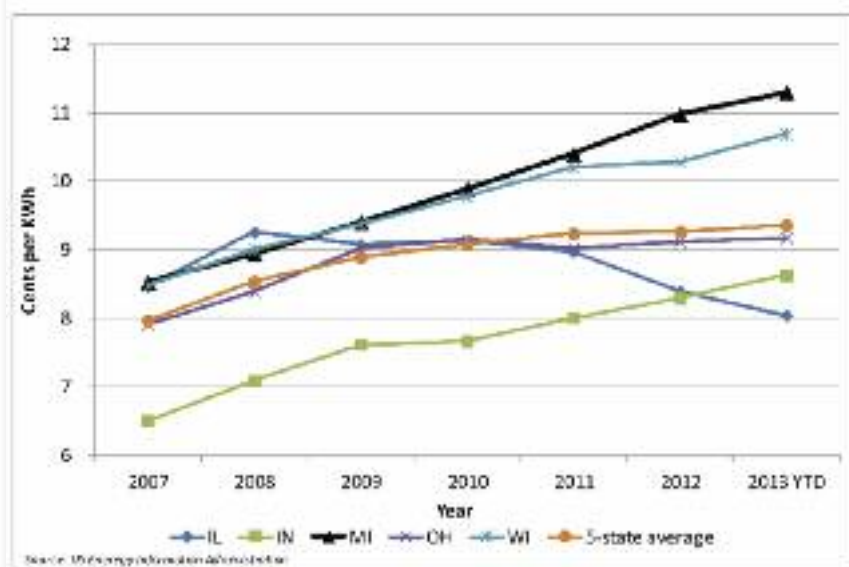
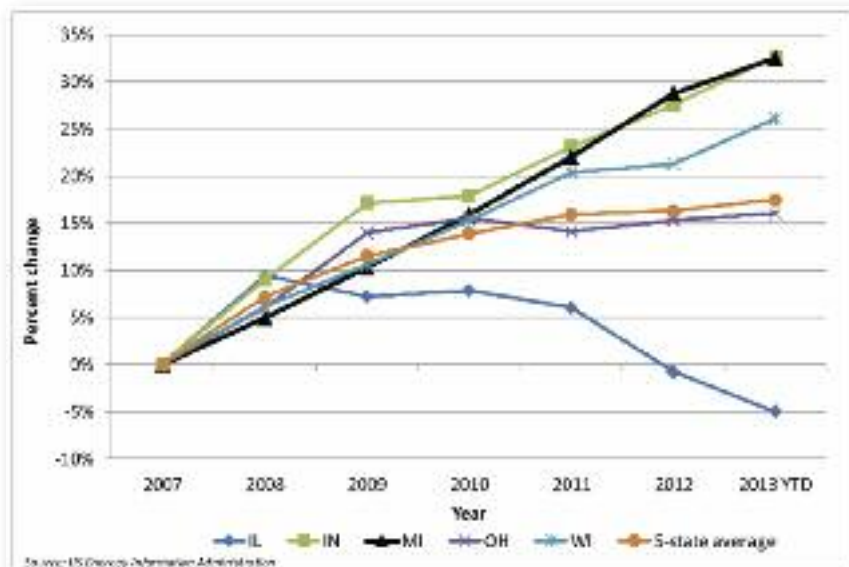
The utilities suffered as well. Punitive regulatory orders and adverse court decisions forced huge

investment write-downs. Electricity was a big political and media issue for two decades.

Traditional utility regulation, with its monopoly “one size fits all” framework, was proving incapable of adapting to rapidly changing con-

see **COMPETITIVE CHOICE** page 10

**Illinois electricity prices have decreased since 2007 — Now the lowest in the upper Midwest**



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## COMPETITIVE CHOICE

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ditions. At the same time, other classically regulated industries such as airlines, railroads, interstate trucking and telecommunications and natural gas pricing were being deregulated at the national level so that market forces and competitive innovation could play major roles.

In recent years, the competitive electricity market has been yielding dramatic gains for Illinois business and residential customers compared with other states in the Midwest that have stuck with traditional end-to-end monopoly utility regulation. Indiana has lost its long cherished status as having the lowest electricity prices in the Upper Midwest. Wisconsin, which in the 1980s posted billboards at the state line beckoning Illinois businesses to move there for cheaper electricity, now has average rates 33 percent higher than in Illinois.

In Michigan, where state law limits customer choice to a select 10 percent of total usage, rates have skyrocketed to the highest level in the region. In contrast, in Ohio, where the state has started to vigorously implement statewide competition, rates have plateaued rather than risen. One reason for all of this pricing disparity is that in a soft economy when electricity demand is weak, traditional monopoly regulation

holds the local utility harmless and raises rates in order to preserve their guaranteed revenue. In Illinois, however, competitive market prices have to respond to economic conditions.

Another reason for the disparity in price trends across the Midwestern states is that in the monopoly regulated states of Indiana, Michigan and Wisconsin, utilities dilute the electricity market

Electricity competition in Illinois came about through a systematic process that carefully considered the facts and expert advice to construct a plan for change that has been stunningly successful.

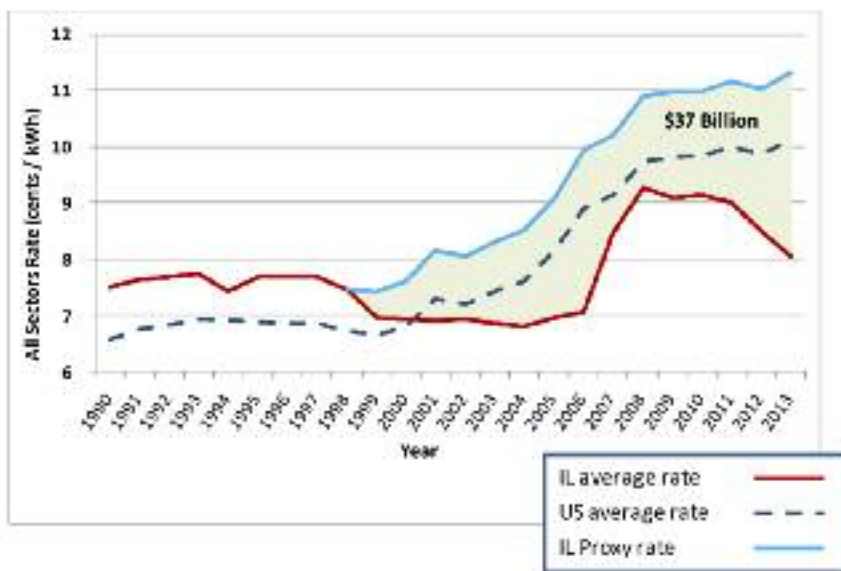
impact of low natural gas prices resulting from the shale gas revolution by continuing to collect rates based on the original regulated economics of installed generation assets rather than the current competitive economics of gas fired generation. In Illinois, neither utilities nor government stand between consumers and the benefits of an enormous new fuel supply.

The magnitude of the value to consumers of Illinois' status as a low cost energy state rather than a high cost state can be reasonably estimated. Power users in Illinois have paid \$37 billion less for electric service over the past decade and a half than they would have if Illinois rates had maintained the same ratio relationship to average U.S. electricity prices after the 1997 law as it had before restructuring.

But price is not the only aspect of the value of customer choice. Businesses can choose from an ever growing range of contract durations and pricing plans. Pricing options readily available in competitive markets include 'Fixed Price,' 'Index,' and 'Blended.' In a fixed price plan, customers lock-in a set rate for a defined period of time, whereas customers on an index pay a variable hourly 'index' price for their electricity. A blended pricing plan fixes the price for a percentage of energy usage while allowing the remainder to 'float' on the hourly index. In addition to mixing and matching fixed and variable pricing, customers can participate in demand response and get paid for reducing energy demand during peak periods. This optionality has given customers in these markets unprecedented flexibility to align their energy cost strategy with corporate goals, budgets and fiscal calendars.

The key is that customers, as a result of Illinois policy makers placing their faith in the free market rather than an obsolete regulatory model, can make their own energy decisions and chart their own course. ■

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# Making the case for credentials

**D**uring the height of the Great Recession four of every five manufacturers nationally reported moderate to severe problems in identifying job applicants who possessed the skills needed to work in manufacturing. While the nation has been slowly recovering from the downturn, and that percentage is shrinking, more than two-thirds of manufacturers report the problem remains stubbornly vexing.

Manufacturers often ask what Illinois' education system is doing to address the problem? Honestly, the answer is, quite a bit, but too often instruction is disjointed, unaligned and not at the content levels needed.

The majority of the state's community colleges, and a goodly number of high schools have been offering technical education classes in machining and welding for a number of years. A smaller number of schools are offering classes in logistics, quality assurance and a host of others. While a handful teach to industry recognized competency standards — nationally portable credentials — all too many have shunned credentials for a more locally focused Certificate of Completion named after their own institution. While that may work for local consumption, it limits the holder to that local geographic area.

While implementing the Manufacturers Education Initiative over the past two years, there has often been "push-back" against adopting industry recognized competency standards. Why, I'm often asked by educators, should we teach to those standards here at XYZ Community College when we've never been asked by a single local employer to do so?

My response is always the same. Employers aren't as familiar with credentials as they should be and their focus over the last five years has been more on keeping the

doors open than almost anything else. They also say that since our education system doesn't teach to national standards there is no point in asking for them.

Two wholly opposite responses to the same question — clearly a "Catch 22."

Colleges and high schools make a good point. What good is changing curricula, purchasing new equipment, updating software and making sure every student is held to the highest industry standards and work ethic if employers seem indifferent to those efforts? And, employers make an equally compelling point, why ask for something you can't get?

Industry driven and recognized credentials were all created by industry itself. For example, machin-

ists through their association, [the] National Institute for Metalworking Skills, (NIMS) developed credentials specific to machining and CNC machining. The American Welding Society did the same for welding shops and the Manufacturing Skills Standards Council, working with 350 manufacturers representing every vertical of manufacturing — both durable and non-durable subsectors — developed the foundational skills for all manufacturing in its Certified Production Technician certificate.

So, what's the short-term response to our colleges and high schools who say manufacturers don't seem to care about credentials? Simple . . . let's start asking for them. With some 450 credentials available in manufactur-

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## IMA MEMBER PROFILE:

# Bison Gear & Engineering



By Dan Naumovich

Bison's Bob McCrory (far right) runs the company's Hobbying Department. Bison hosts facility tours for high school and community college students.

Last year, Bison Gear and Engineering donated motors to two different area high schools, without any specific instructions as to what they might be used for. On its face, it might seem like a curious act of philanthropy, one of questionable value to the schools. But a deeper look at the story reveals that it's just another example of the company's commitment to education and workforce development.

Bison is located in St. Charles where they manufacture gearboxes and gear motors that serve a wide range of industries throughout the world. The company was founded in 1960 and was acquired by current chairman, Ron Bullock, and his father, Norman Bullock, in 1987. Bison produced over 500,000 units last year, including the two that were donated to those high schools.

Two teams of students — from Infinity Math & Science Academy and Glenbrook South High School — were given the motors, along with a stipend, and were challenged with creating and implementing a real-world application. Mike O'Donnell, Bison's Electrical Engineering Manager and technical

adviser for the project, worked with the students and in a few weeks they brought their application from concept to working prototype. The academy team created a machine to make flavored ice. The Glenbrook students designed a high-tech gum-ball machine.

"We implemented our Illinois Innovation and Technology Challenge as a way to reach students while they are still honing their interests and staking out their futures. It's a way to spark their imagination and to demonstrate how their studies in math, science and technology will pay dividends once they join the workforce, especially in the manufacturing industry," Ron Bullock said.

It's not news to anyone in manufacturing that retiring baby boomers are creating a huge demand for qualified replacement workers. In Illinois, it's estimated that approximately 30,000 production line workers will need to be replaced every year for the next fifteen years.

In 2009, when Bullock ended his tenure as the chairman of the Illinois Manufacturers' Association's (IMA) Board of Directors, he turned his focus to workforce development

so that this need could be more fully addressed. His passion and commitment to the effort led to his appointment to lead the IMA's Education Foundation.

A long-time advocate for education reform, Bullock was instrumental in the creation of the Manufacturer's Education Initiative, a comprehensive approach to preparing students and adults for careers in manufacturing. The initiative focuses on establishing standards so that education curricula are properly aligned with the skills and knowledge required of modern manufacturing workers. After just one year, 26 out of 48 of the state's community colleges have implemented the program, along with a dozen early-adopter high schools.

In addition to his work on behalf of the IMA, Bullock has also chaired the Manufacturing Institute, and is well-known throughout the country as an expert on improving career and technical education. While he advocates at an industry level, Bullock also puts his beliefs into action at the company he leads.

With its 259 employees, Bison is a relatively small organization in rela-



tion to its key competitors. One of the keys to its success in the industry is the company's commitment to staying ahead of the curve when it comes to developing and maintaining a skilled and productive workforce.

"There are many components required to make sure that you're attracting talent and staying on pace with the competition, if not ahead of it. And for a small corporation I do think we are ahead. Some of the things we do internally to promote teamwork, job performance and an individual's well-being are consistent with what larger corporations are doing," said Sylvia Wetzel, Chief Learning Officer at Bison.

Bison believes that it is important to be involved with educators in their community, in part so that they can achieve goals similar to those of the Manufacturer's Education Initiative.

"It's very important for us to partner with our local community colleges and have a seat on the workforce development boards. It helps us develop an understanding of what we need to attract the workforce for our industry," Wetzel said.

The partnerships are also beneficial to educators, who need to ensure that the deliverables they are offering are current with the ever-evolving standards in the manufacturing industry.

Developing the workforce of tomorrow is a critical task, but it is equally important to ensure that those prospective employees who are knocking on the door today are up to the challenge of working in an increasingly complex and high-tech environment.

As part of their evaluation during



Bob McCrory (center) discusses the processes used in gear making with a visiting student.

the hiring process, Bison administers on-site job skills assessment using ACT WorkKeys. The system was developed to assist businesses in measuring workplace competencies. Bison requires that all new employees achieve level four scores in all categories before being considered for employment.

"Having that assessment done on-site before hiring has really scaled-up the quality of individual that we place on the production floor," Wetzel said.

Once on board, production workers have the opportunity to better themselves by becoming a Certified Production Technician through the Manufacturing Skill Standards Council's training and assessment system. The system is a self-directed program that is accessed online and covers safety, quality, processes and production, and maintenance. Not only does Bison pay for the cost of the training, employees are rewarded with \$100 for each of the four modules that they complete, plus an additional \$100 if they become certified.

All of Bison's employees — the

engineers, executives and production workers — are encouraged to pursue continuous improvement through post-secondary education, and the company provides them plenty of support and incentive to do so.

Growth Education and Results (GEAR) is a learn-and-earn program that provides monetary support to employees seeking a degree. The company pays for tuition and fees up front, rather than through a reimbursement, so that employees incur no out-of-pocket expenses. While all employees are encouraged to attain at least an associate's degree, more advanced degrees are allowed when it fits into the employee's career path with Bison. Currently, 18 percent of their workforce is participating in GEAR.

While Bison is heavily committed to providing learning opportunities for their employees, they understand that both productivity and job satisfaction is also influenced directly by an individual's health and well-being.

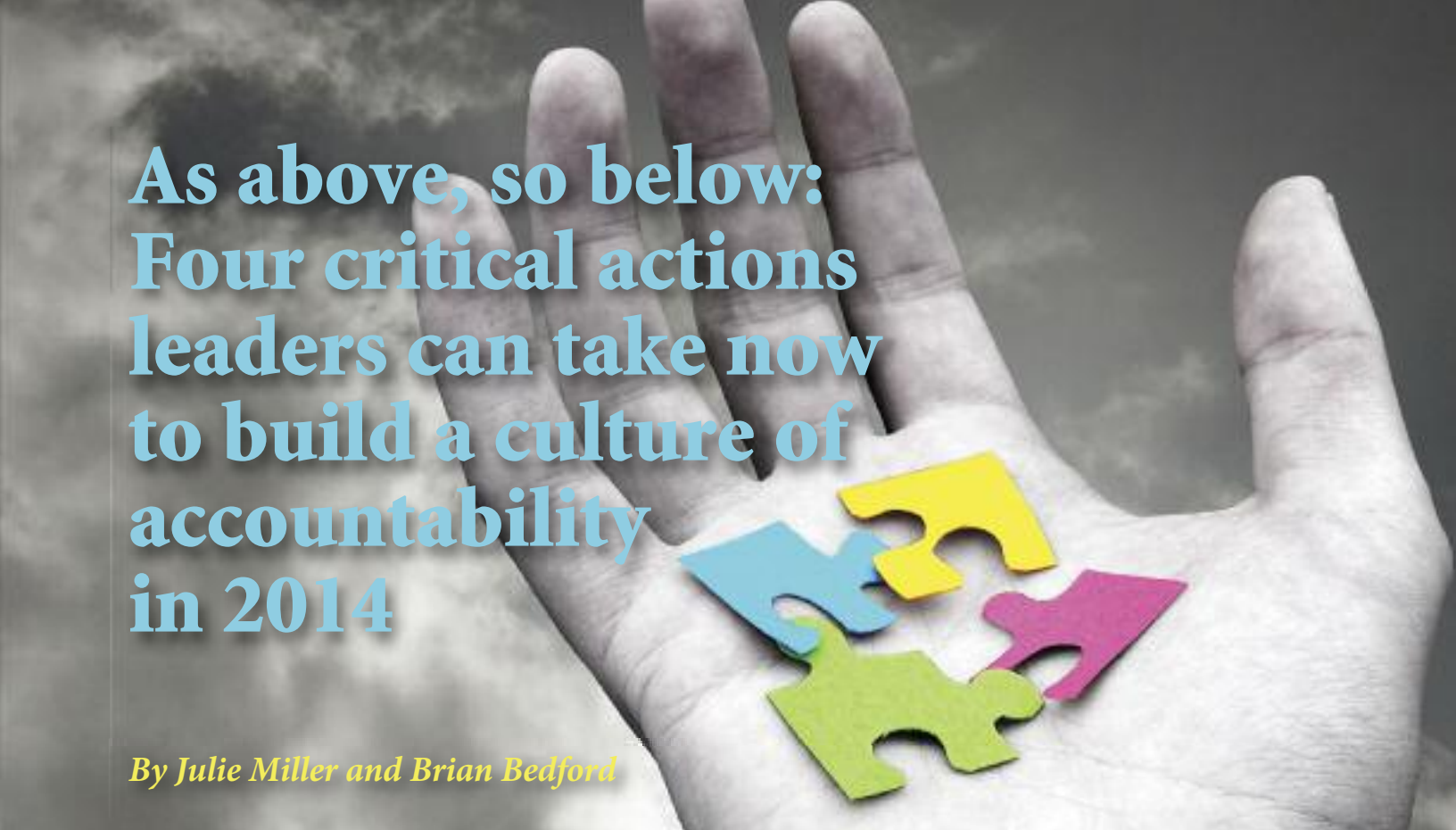
The company operates an on-site clinic in conjunction with Advocate

see **BISON** page 18



Bison employee John Wright (photo on left and below in blue shirt) shows students motor assemblies and finished gear sets in the Focus Factory at Bison.





# As above, so below: Four critical actions leaders can take now to build a culture of accountability in 2014

*By Julie Miller and Brian Bedford*

***If you can't figure out why your company can't seem to shake its negative culture, look in the mirror. Here, we explain why "as above, so below" is a universal phenomenon — and provide tips on how to create a culture of accountability from the top down.***

**A**lmost every leader has been there. One minute you're living the company values, and the next you're making an exception — for yourself. Perhaps you have an official policy of being super-responsive, but when an especially problematic client calls, you avoid him for a day or two. Or despite a stated commitment to respectful communication, you lose it and shout at Margaret in sales when she falls short of her quarterly goal once again. Or you have a no-excuses policy on deadlines, but when you personally miss one, you just finesse the client into giving an extension.

Sure, we all make mistakes. But if you're not holding yourself accountable to the values you say are important, don't be surprised when your bad behavior starts to trickle down — and ultimately impacts the company's bottom line.

Employees pay attention to what you do, not what you say. Your behavior makes clear what the real corporate values are. So when you or other higher-level leaders ignore the company's values, department

managers think they can behave that way too. Meanwhile, employees will think they can ignore important change initiatives because management gets to ignore them.

Soon you've got a company of employees who act however they want. High performers won't want to work in an environment like that. They'll leave. And what remains will be a company full of individuals promoting only their own self-interests. And as we've seen with companies like Lehman Brothers, Enron, and Bear Stearns, that will only end badly.

Company leaders should be aware of what they call the "as above, so below" phenomenon: the concept in which employees mirror the behaviors of the successful leaders they see above them. The rationale is simple: "If they get ahead by behaving that way, then that's what I'll do." That's great when leaders are acting with accountability but it becomes a big problem when leaders don't make accountability a priority.

Our new book, *Culture Without Accountability*—WTF: What's the

*Fix?*, explains what can happen when businesses, teams, families, and individuals shirk accountability. The book is full of real-life stories of what accountability looks like and what can go wrong in its absence. It offers a proven process for installing an accountability-based culture, a platform for success in business and in everyday life.

To be successful, a company's leaders must apply the relentless focus and commitment necessary to build the required culture and must serve as role models for the required behaviors. In the end, the establishment of a culture is all about how leaders behave and what behaviors they reward and discourage.

Read on to learn the four critical actions leaders must take in order to create a winning culture.

## **Hold yourself accountable**

One example is Sir Alex Ferguson, the long-time coach of Manchester United soccer club, who held everyone, including himself, accountable to the credo "The club is more important than any individual." No matter how skilled or



important they were, if a player didn't follow that rule, they were let go. Examples of his "no one is bigger than the club" ethic involved some of the biggest names in the club's history, including David Beckham, whose larger-than-life persona became a distraction.

SAF was quick to hold himself accountable to the same high standards. When United lost the Premier League title, by the narrowest of margins, at the end of the 2012 season, he blamed himself, not the players. And when the team exited from the Champions League (the competition he held in the highest regard of all) at an early stage in the same season, he blamed his own team selections and tactics.

You must hold yourself accountable to at least the same level of expectation you have for your employees. A rule applies to everyone or it applies to no one. As a leader you must be keenly aware that everyone is watching you, and everything starts at the top.

#### Spell out expectations to the letter

Without clear expectations, there's no way to hold someone accountable. You must make sure that each employee has a clear understanding of what is expected of them in the job he or she performs. That may mean going into detail that, on the surface, feels like overkill — but isn't. Telling employees "It's vital to me that I can always rely on you to do what you say you'll do. If you can't because circumstances have changed, let me know ASAP with a fix-it plan" sets a very clear expectation.

#### Know when to nourish your employees

Of his time at General Electric, Jack Welch once said, "My main job was developing talent. I was a gardener providing water and other nourishment to our 750 people. Of course, I had to pull out some weeds, too." It's clear that Welch knew the importance of holding people accountable. He had a standard for his employees, and anyone who didn't meet that standard would suffer the consequences. When mistakes are made, you can and should hold your people accountable. If you don't, they can't improve, and your

company can't improve.

Of course, holding people accountable isn't easy. You have to tell your employees the truth. You can't do this without having conversations with people about what they are doing well and where they need to improve. This is where the accountability process breaks down most often. To cultivate a culture of accountability, you have to know when and how to provide nourishment so that your people can improve just as Welch did at GE.

#### Hone the art of instant feedback

We talk a lot about feedback in our book, because it's so important. Most people don't like giving feedback, and they like getting it even less! But you can't hold people

"You have to tell your employees the truth.

You can't do this without having conversations with people about what they are doing well and where they need to improve. This is where the accountability process breaks down most often.

accountable without it. For feedback to be productive, it must be shared regularly and without delay.

If this practice becomes part of the culture, your people will come to expect it and not feel that it's anything unusual. Leaders should share impressions as soon as they see the behavior they would like to encourage or discourage. Make sure feedback is specific, focusing on the particular issue or behavior in question. If a leader will focus on what the person actually said or did — the facts and nothing but the facts — without labeling the employee or the action, the employee will be more likely to hear and heed the feedback.

You can also use the S.I.S. Feedback Model. It is a straightforward and objective process in which you first describe the situation, then explain what impact it had, and then suggest ways to stop (or continue) the behavior. The model teaches people to focus on the facts—what the person said or did—and the positive or negative consequence of those actions without resorting to name-calling or other inflammatory language, which will only add fuel to the fire.

In order to establish a culture of accountability, there can be no double standard. Leaders and employees must follow the same set of rules; otherwise the whole system breaks down. The good news is that when leaders commit to role modeling the right behaviors, their employees will follow. ■

#### About the authors

In 2001, drawing on their respective years of experience in senior global leadership at Motorola, Julie Miller and Brian Bedford joined forces to establish MillerBedford Executive Solutions. MillerBedford helps businesses and organizations improve strategy, culture, and leadership, while addressing issues that limit success. And their clients actually have fun in the process!

For more information, please visit [www.millerbedford.com](http://www.millerbedford.com).

#### About the book

*Culture Without Accountability* — *WTF: What's the Fix?* (Criffel Publishing, 2013, ISBN: 978-0-989-84692-9, \$13.99, [www.millerbedford.com](http://www.millerbedford.com)) is available from major online booksellers.



## BISON

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Health Care, the largest health care delivery system in Illinois. A nurse practitioner can provide employees treatment for such things as minor injuries and infections, while also providing preventative services such as physicals, cholesterol testing and flu shots. The services are covered under Bison's Health and Wellness Plan, adding to the convenience of receiving immediate care.

In addition to the clinic, the company also provides employees with a fully-equipped fitness center, as well as free consultations with health coaches who are brought on-site two times each week. It's an investment that has paid large dividends.

"These kinds of things within an organization really attract talent, but it also helps to keep costs down because individuals are taking ownership over their own health. And really, that's a part of learning as well," Wetzel said.

Through the company's BisonCares program, employees are

also given the opportunity to improve the lives of others, both in their local community, and throughout the world. Past efforts have included providing assistance to the victims of Hurricane Katrina, to supporting the area Toys for Tots program. The BisonCares program also provides scholarships to area students.

"It really all ties together — work-force development, job satisfaction, being a good neighbor in the community. We're in the business of manufacturing, but to operate at peak efficiency, we need to make sure that we're addressing all of these things as best we can. And I think it's important for the public to know what manufacturers are doing for the state and its people in this regard," Bullock said. ■

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School groups like the one pictured here tour Bison Gear & Engineering as part of the STEM project. Sylvia Wetzel (far right), Bison's Chief Learning Officer, was recently honored by The Manufacturing Institute for her hard work and dedication to the STEP Ahead program.

## CREDENTIALS

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ing, we can and should ask for credentials in every job posting we have. Moreover, every manufacturer can pick up the phone or send a letter to their community college and say, "Yes" to credentialing.

But we also have to mean it — so here are some tips:

- For the foreseeable future, every job posting should use the phrase, "(name of Credential) Desired. (We can't use the term "required" yet.)

- Partner with your local high schools and community college to sponsor quality internships for students. On the job programs are also available, and many reimburse employers for wages paid to participants . . . sometimes up to 90 percent!

- We can offer between-term externships for faculty to help make sure they're teaching the processes and techniques used in manufacturing today.

- We can also help assure quality of training programs by being involved in advisory boards that 1) Seek continuous improvement to curricula, and 2) Make tax-deductible

contributions of updated software and/or new and certified used equipment (consult your tax professional on the best choice for you).

- Open the doors of your plant to the community so that students, parents and guidance counselors can see, first hand, that manufacturing is a great career opportunity.

Manufacturers in Illinois have an opportunity to create a long-term pipeline of job applicants that meet the rigorous competency standards established by industry itself. The state's education community knows manufacturing needs competent human capital, and they're willing to help us fill the void using quality curricula. So in the final analysis, the next step is ours to take.

If you are not familiar with credentials, visit our Website ([dreamitdoitil.com](http://dreamitdoitil.com)) to learn more. The complete list of industry credentials can be found in the Resource section. If you still have questions, call the IMA and we'll put you in touch with the best resources of which we're aware.

The "table is set" . . . our schools are ready to help us. All we have to do is say, Yes! ■

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# Non-union employers beware: OSHA permits union representatives on inspections of non-union facilities

**O**n April 5, 2013, the Occupational Safety and Health Administration (OSHA) issued an interpretation letter which, for the first time, permits employees at a non-union facility to designate a union official as their “representative” during a workplace inspection by OSHA. This interpretation signals a significant departure from prior practice and provides union access to non-unionized workplaces as part of an OSHA investigation in certain cases. This article discusses the law giving rise to this interpretation, the significant departure from previous interpretations, and the effects on non-union employers. We will also provide practical guidance for employers in dealing with this new set of rules.

## The law

The purpose of Occupational Safety and Health Act (“the Act”) is to provide employees with a safe workplace. The Act covers most private sector employers and employees, in addition to some public sector employers and employees. The Act established OSHA as an administrative agency, which sets and enforces workplace safety and health standards. OSHA inspectors conduct inspections of workplaces, often without advance notice, in response to employee complaints, reported fatalities or multiple hospitalizations or on a programmed basis through site specific targeting programs.

OSHA prioritizes its inspections based on the gravity of the harm and the severity of reported incidents. Complaints of imminent danger or the reporting of a workplace fatality/catastrophe will take the highest priority. Employee complaints of health and safety concerns and

whistleblower/retaliation claims come next. While it is the lowest priority of OSHA, the programmed inspections are the most prevalent nationwide. OSHA’s programmed inspections are based on the Site-Specific Targeting (SST) program which focused on worksites with the highest number of injuries and illnesses.

However initiated, the Act provides that particular procedural requirements be met when an inspection is conducted. Section 8 of the Act provides that “a representative of the employer and a representative authorized by his employees shall be given the opportunity to accompany” the OSHA inspector or compliance safety and health officer (“CSHO”) during the inspection.<sup>1</sup> The regulations specify that the employee representative “shall be an employee(s) of the employer.”<sup>2</sup> It goes on to qualify this requirement as follows:

*If in the judgment of the Compliance Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer . . . is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Compliance Safety and Health Officer during the inspection.*<sup>3</sup>

It is precisely this qualification that opened the door for OSHA’s troubling new interpretation.

## OSHA’s interpretation letter

On December 18, 2012, a Health and Safety Specialist from the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (“United Steelworkers” or “USW”) wrote a let-

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ter to OSHA. The letter asked “whether workers at a workplace without a collective bargaining agreement may authorize a person who is affiliated with a union or a community organization to act as their representative under the [Act]” and “whether, under these circumstances, an individual who is filing an OSHA complaint on behalf of an employee could act as a ‘walkaround representative’ during an OSHA inspection.”<sup>4</sup> On February 21, 2013, OSHA answered “yes” to both questions.<sup>5</sup>

OSHA first considered whether workers at a non-union facility may designate a person who is affiliated with a union or with a community organization to act as their “personal representative” for purposes of the Act. OSHA concluded that the Act, its regulations, and OSHA’s Field Operations Manual (FOM)<sup>6</sup> “all recognize the role of an ‘employee representative,’ who may represent employees’ interests in enforcement-related matters.” According to OSHA, the FOM provides that the employee representative “may include any person acting in a bona fide representative capacity, including nonprofit groups or organizations.” OSHA then concluded a union representative may act as employees’ “personal representative” for purposes of the Act, even where a collective bargaining agreement is not in place.

OSHA next considered the second question: whether workers at a worksite without a collective bargaining agreement may designate a person affiliated with a union or a community organization to act on their behalf as a walkaround representative. The agency concluded that “a person affiliated with a union **without a collective bargaining agreement** with the employer in question can act on behalf of employees as walkaround representative so long as the individual has been authorized by the employees to serve as their representative.”

OSHA noted, however, that this right of employee authorization is qualified by the regulation implementing Section 8(e) of the Act, 29 C.F.R. § 1903.8, which allows the CSHO discretion with respect to who is permitted to participate in the

inspection. Under OSHA’s regulations, a non-employee representative is permitted only when, “in the judgment of the OSHA compliance officer, such a representative is ‘reasonably necessary to the conduct of an effective and thorough physical inspection.’”

The interpretation letter makes clear, however, that this standard is fairly easily met: “It is OSHA’s view that representatives are ‘reasonably necessary’ when they will make a positive contribution to a thorough and effective inspection.” The letter goes on to provide examples of the “numerous ways” in which a non-employee representative could make a “positive contribution.” The examples include a representative’s “experience evaluating similar working conditions at a different plant,” ability to speak another language in order to facilitate conversations with the CSHO during the inspection, and simply because some employees may feel uncomfortable speaking with a CSHO without the “trusted presence of a representative of their choosing.”

As a result, the interpretation letter appears to establish that a union representative needs to show very little in order to act as an authorized representative of non-unionized employees for purposes of the Act. This is substantially different from a company with a valid collective bargaining agreement in place with a union where presumably a majority of the employees voted in favor of the representative. OSHA concluded that a majority of workers is not necessary to make this designation. Indeed, according to the letter, one employee can choose the representative. Indeed, the letter appears to suggest small groups of employees could designate a union representative and it would be left to the discretion of the particular CSHO to decide whether to honor the request or not.

Make no mistake; this interpretation of the Act and its regulations marks a significant departure from past interpretations by OSHA. OSHA’s prior interpretations of Section 1903.8 provided that a union representative authorized by employees would be a fellow employee of the company. The OSHA Review Commission, which provides administrative trial and appellate review to decide contests of citations or penalties resulting from OSHA inspections, defines “authorized employee representative” as “a labor organization

that has a collective bargaining relationship with the cited employer and that represents affected employees.”<sup>7</sup> The Commission further provides that employees “who are not members of a collective bargaining unit may elect party status” before the Commission.<sup>8</sup>

In addition, OSHA’s FOM has a section regarding employee walkaround representatives entitled “Employees Represented by a Certified or Recognized Bargaining Agent.” It is in that subsection that OSHA references the language of 1903.8(c) that “[i]f in the judgment of the CSHO, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany CSHOs during the inspection.” OSHA’s own internal operations manual limits the application of that regulation to a union setting.<sup>9</sup>

Further, the FOM goes on to provide instruction as to appropriate procedure with respect to inspection representatives when there is “No Certified or Recognized Bargaining Agent.”<sup>10</sup> In such an instance, and where an employee representative has not otherwise been designated, the Manual provides that “CSHOs shall determine if other employees would suitably represent the interests of employees on the walkaround. If selection of such employee is impractical, CSHOs shall conduct interviews with a reasonable number of employees during the walkaround.”

In other words, the FOM only provides for a third-party union representative to accompany the CSHO when the union has been certified or recognized through procedures established by the National Labor Relations Board which requires a vote by a majority of the employees. Where the union has not been certified or recognized, OSHA establishes alternate procedures using only employees — not third-party representatives.

### What can an employer do?

Put simply, the recent change in interpretation allows for a minority of employees to designate a union official to represent them in a non-unionized workplace for purposes of the Act. As far as OSHA and the Act are concerned, discretion with respect to

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# Noel Canning: Is it much ado about nothing?

**Y**ou run a manufacturing business and have received an adverse decision by the National Labor Relations Board. However, the Supreme Court has granted certiorari in a case challenging the appointment of three of the NLRB members who participated in deciding your case. You are now on the edge of your seat wondering — what will happen if the Supreme Court determines that the three NLRB members that participated in adjudicating your case were unconstitutionally appointed?

On January 13, 2014, the U.S. Supreme Court heard oral arguments in *Noel Canning v. N.L.R.B.* to determine whether President Barack Obama's appointment of Sharon Block ("Block"), Terence F. Flynn ("Flynn") and Richard F. Griffin ("Griffin") to the National Labor Relations Board ("NLRB") pursuant to the Recess Appointments Clause of the Constitution was valid. The *Noel Canning* decision will certainly impact the future of the NLRB, and may call into question the validity of hundreds of rulings issued while the recess appointees served. Manufacturers must be cognizant of the potential impact that the Supreme Court's ruling may have on cases that have been decided in the past, or that may be decided in the future by the NLRB.

The NLRB is an independent federal agency responsible for administering the National Labor Relations Act and adjudicating charges that employers or unions engaged in unfair labor practices. In order to conduct business, the NLRB must act pursuant to a quorum, which means that it must have at least three validly appointed members. There are two ways that a member may be appointed to the NLRB: (1) the President may nominate a member and, with the advice and consent of

the Senate, the member shall be appointed; or (2) the President may appoint a member pursuant to the Recess Appointments Clause of the Constitution which authorizes the President to fill vacancies that occur during the recess of the Senate.

On January 4, 2012, President Obama acted pursuant to the Recess Appointment Clause and appointed Block, Flynn, and Griffin to the NLRB. These three members, in conjunction with Chairman Mark G. Pearce and Brian Hayes, conducted business as usual and issued decisions. In January, 2013, however, Noel Canning sought to challenge President Obama's recess appointments of the NLRB members. On January 25, 2013, the Court of Appeals for the D.C. Circuit ruled that President Obama did not have authority to appoint Block, Flynn and Griffin. This ruling caused a looming sense of uncertainty across various industries, including the manufacturing industry.

## Noel Canning

Noel Canning is a Washington state bottler and distributor of Pepsi Cola products, and was involved in a dispute with Teamsters Local 760 regarding a collective bargaining agreement. In March 2011, the NLRB issued a complaint against Noel Canning. In its complaint, the NLRB alleged that Noel Canning violated various provisions of the National Labor Relations Act, as amended (NLRA) when it committed unfair labor practices. Following the NLRB's issuance of the complaint, President Obama appointed Block, Flynn, and Griffin to the NLRB. Thereafter, after an administrative trial and an appeal to the NLRB, the NLRB issued a ruling in *Noel Canning*, and determined that Noel Canning did in fact violate the NLRA.

Noel Canning appealed the decision to the Court of Appeals for the D.C. Circuit, alleging that the NLRB  
*see NOEL CANNING page 24*



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## OSHA INSPECTIONS

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the presence of such a third-party representative on an employer's worksite is primarily afforded to the CSHO rather than the employer. While this situation should be concerning for non-unionized employers who would prefer to remain so, some practical solutions exist.

Before being faced with a third party representative at the door, employers should consider taking proactive steps with respect to their employees and workplace safety to keep third parties from ever showing up in the first place. Creating a safety committee comprised of employees and members of management, for example, would provide opportunities for employees to engage in the process such that they might not find it necessary to bring in an outside party and instead represent themselves during an OSHA inspection. The company should then ask the committee to select an employee representative who will represent the employees during an OSHA inspection. The OSHA FOM specifically states the "Employee members of an

established safety committee may designate an employee representative for OSHA inspection purposes." With respect to employee complaint-driven inspections, at least, a safety committee may also have the added benefit of preventing such inspections in the first place. At the very least, designating an employee representative for OSHA issues might keep an outside representative at bay.

If a company has not planned ahead, and it is faced with the prospect of a union representative entering its premises, an employer may choose to refuse entry to the union representative but permit OSHA to complete its inspection. OSHA would then be forced to argue before a court that a search warrant is necessary to bring in a third party who does not have a collective bargaining relationship with the employer. Through counsel, the employer can object to the union representative and move to quash the warrant.

Employers may also require any party entering its worksite to comply with any and all safety procedures or obligations, including those relating to training or equipment. Further, issues pertaining to confidentiality and trade secrets should be addressed prior to inspections.

## Conclusion

OSHA's recent policy shift with respect to third-party representatives leaves non-union employers vulnerable to unwanted interaction with union representatives. Employers are encouraged to act proactively to work with their safety committee to make their own choice of representative. Due to the radical nature of this new interpretation, this may be challenged in court. In the meantime, practical solutions for avoiding unwanted guests exist and may prove useful should the need arise. ■

## Footnotes

1. 29 U.S.C. 657(e).
2. 29 C.F.R. § 1903.8(c).
3. *Id.*
4. *The February 21, 2013 Interpretation Letter is available at [www.osha.gov/pls/osha/web/owadisp.show\\_document?p\\_table=INTERPRETATION&p\\_id=28604](http://www.osha.gov/pls/osha/web/owadisp.show_document?p_table=INTERPRETATION&p_id=28604).*
5. *OSHA's February 21, 2013 letter was released to the public April 5, 2013.*
6. "OSHA's Field Operations Manual (FOM)," Effective Date April 22, 2011, available at: [www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-00-148.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-148.pdf) [www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-00-150.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-150.pdf)
7. 29 C.F.R. § 2200.1(g).
8. *Id.* at § 2200.22(c)
9. FOM, Chapter 3, § VII(A)(1).
10. *Id.* at § VII(A)(2).

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# It's time to re-evaluate workplace arbitration programs

## The nuts and bolts of arbitration

Arbitration is a dispute resolution process where a neutral third party (the arbitrator) presides over a hearing and then renders a binding decision. Arbitrators do not necessarily require elaborate procedures or apply evidentiary standards. Employers frequently turn to arbitration because, through arbitration, they arguably can resolve employment disputes more quickly and cost-effectively than taking lawsuits to trial in court. Now, employers also can use arbitration to avoid costly class and collective action claims.

Workplace claims, including employment discrimination claims of all kinds, are arbitrable. The Supreme Court continues to express a strong preference for the arbitration of employment disputes. The Court has supported "rigorous[] enforce[ment of] agreements to arbitrate" to give effect to the contractual rights and expectations of the parties.<sup>1</sup> Because arbitration is a matter of contract, courts typically enforce arbitration agreements according to their terms, including terms that specify with whom the parties will arbitrate their disputes and terms that set forth rules for conducting the arbitration.

In order to compel employees to participate in arbitration, employers must create agreements to arbitrate. Employers typically ask employees to sign arbitration agreements at the outset of their employment, but they also can implement arbitration programs post-hiring if they give employees adequate notice and an explanation of how the program will allow them to pursue claims. In that scenario, employees agree to the terms of arbitration programs by

continuing their employment after their employers implement arbitration programs.

## Arbitration policies that exclude class or collective actions

Employers now have a new reason to consider implementing arbitration programs. Once of questionable enforceability, employers who decide to implement arbitration policies now can include class or collective action waivers in their agreements. Such waivers provide that employees forego all rights to pursue claims in court or through arbitration as part of class or collective actions. In other words, class waivers require employees to address claims on an individual, non-representative basis.

The Supreme Court recently has made clear that class action waivers in arbitration agreements are enforceable under the Federal

Arbitration Act ("FAA").<sup>2</sup> Employers can rely on *American Express Co. v. Italian Colors Restaurant* and *AT&T Mobility v. Concepcion* to institute mandatory arbitration programs that require employees to bring claims on an individual basis. This is no small matter for workplace litigation as employers now can use appropriate, mandatory arbitration programs as mechanisms to try to avoid workplace class actions altogether.

If an employer requires employees to arbitrate disputes but fails to explicitly prohibit employees from doing so on a class basis, the employer may leave the issue for the arbitrator to decide.<sup>3</sup> Thus, if an employer elects to implement an arbitration program, it must carefully consider the language of its arbitration agreement.

see **ARBITRATION** page 25



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## NOEL CANNING

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did not have authority to act on February 8, 2012, when it issued its ruling. Noel Canning alleged that President Obama's appointments of Block, Flynn, and Griffin were unconstitutional because they were made during a period when the Senate was not in an intersession recess. An intersession recess is "the period between sessions of the Senate when the Senate is by definition not in session and therefore unavailable to receive and act upon nominations from the President." Thus, if the recess appointments were invalid, the NLRB did not act with the necessary quorum of three members when it issued the ruling in *Noel Canning*.

In response, the NLRB argued that the President's recess appointment power is not so limited as to prevent him from making recess appointments during an intrasession recess which is a "break in the Senate's business when it is otherwise in a continuing session." *Id.* at 499-500. Therefore, the NLRB argued that President Obama's appointment of the NLRB members was constitutionally valid, and the ruling issued by the NLRB should be upheld.

The D.C. Circuit ultimately sided with Noel Canning and held that the recess appointments were invalid. On June 24, 2013, the Supreme Court granted certiorari and was

scheduled to hear oral arguments beginning January 13, 2014.

### The impact of Noel Canning

If the Supreme Court adopts the reasoning set forth by Noel Canning, the inevitable outcome will be that the NLRB did not issue a constitutionally valid ruling in *Noel Canning*, or any other cases decided by the NLRB while the recess appointees served. The impact of invalidating the appointment of Block, Flynn and Griffin will be far-reaching, and will invalidate all of the decisions issued during the period that Block, Flynn and Griffin were on the board. More likely than not, though, the fully-constituted NLRB will take action similar to what happened after the Supreme Court's decision in *New Process Steel* in 2010, i.e., the current NLRB will simply reissue all of the invalidated decisions. However, this could serve to slow down the NLRB's agenda for 2014.

In the wake of the controversy surrounding *Noel Canning*, various efforts have already been undertaken to limit the NLRB's ability to conduct business. In January 2013, for example, the following bills were introduced:

- Senator John Barrasso (R-Wyoming) introduced the NLRB Freeze Act of 2013 in attempt to halt the NLRB's power to enforce rules, regulations and decisions issued while the purportedly invalid recess appointees served.
- Representative Mike Kelly (R-Pennsylvania) introduced the Advice and Consent Restoration Act in attempt to prohibit the purportedly invalid recess appointees from acting until a final decision is rendered with regard to the constitutionality of their appointment.

- Senator Mike Johanns (R-Nebraska) introduced the Restoring Constitutional Balance of Powers Act of 2013 in attempt to prohibit the use of Federal funds to undertake or enforce activities beginning on or after January 4, 2012, that require authorization by a quorum.

Although none of the aforementioned bills have been signed into law as of the date of this article, it is likely that advocates will campaign for the adoption of similar legislation if the Supreme Court invalidates the appointment of Block, Flynn, and Griffin.

It is important that manufacturers are aware that decisions issued while the purportedly invalid recess appointees served may be deemed invalid. Some of the high-profile rulings include issues related to employee access to employer premises, social media, confidentiality rules, at-will employment disclaimers, dues check-offs and employee discipline. As such, manufacturers must be cautious when relying on cases that were decided by the recess appointees because the precedential value of these cases will likely be called into question by courts across the U.S. Yet, as noted above, it may be much ado about nothing as the new NLRB may just reissue those decisions.

Accordingly, it is important that manufacturers stay abreast of the changes and latest outcomes resulting from the Supreme Court decision in *Noel Canning*. The ruling may impact past and future decisions issued by the NLRB, and may affect business decisions of manufacturers across the U.S. Manufacturers should contact their labor counsel to resolve any concerns they have. ■



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## ARBITRATION

Cont. from page 23

### The pros and cons of mandatory arbitration programs

Does the benefit of avoiding workplace class or collective actions outweigh the cost of a mandatory arbitration program? Employers who have implemented mandatory arbitration programs likely have done so because they want to avoid litigation, lengthy discovery processes and publicity. They probably like having some say in selecting a neutral arbitrator, whereas in court they easily could have their cases decided by a plaintiff-friendly jury. They probably also appreciate the cost savings. Effective arbitration programs typically reduce employers' litigation costs. For instance, one study estimated that it costs about \$200,000 to defend an employment case in court through trial whereas the average cost of an employment arbitration is \$20,000.<sup>4</sup>

On the other hand, arbitration has its downside. Arbitration decisions are typically final. The FAA allows a party to appeal an arbitrator's judgment under only limited, narrowly-defined circumstances. To the prevailing party, the finality of arbitration is appealing because the other party cannot drag out the case through the appeals process. However, to the losing party, the lack of appellate options might be difficult to stomach, especially if he or she disagrees with the arbitrator's ruling. Further, arbitration can prove less predictable than litigating in court. Unless the parties agree to specific procedures up front, arbitrators are not necessarily bound by any particular rules that might govern procedures such as scheduling and discovery.

When deciding whether to implement mandatory arbitration programs, employers should estimate how many employment-related lawsuits they anticipate in the upcoming year and how many claims employees might initiate through arbitration. If employers anticipate relatively high numbers of lawsuits, mandatory arbitration programs may prove more cost efficient. Employers also should consider whether they are willing to invest in creating programs with detailed rules that will provide an acceptable level of predictability.

### Constructing an arbitration program

When adopting an arbitration program, form is key. Employers that decide to implement arbitration policies should write arbitration clauses clearly and explain that their programs are mandatory alternatives to court. Arbitration agreements are controlled by state contract law, and therefore, employers likely will bear the burden of demonstrating a valid offer, acceptance whereby employees agreed to be bound by the arbitration policy, and supporting consideration. Typically, employers must include provisions agreeing to pay for the forum costs, including arbitrator fees; agreeing to a neutral selection of the arbitrator; permitting some pre-arbitration discovery, including depositions; allowing types of relief that are available in court; and requiring a written decision.

Employers also should ensure that their arbitration agreements are appropriately broad in scope. Employers should specify what types of disputes can be submitted to the arbitration program. If employers do not want to send all claims to arbitration, they may carve out certain types of disputes that may be brought in court. Employers who want to prevent employees from bringing class actions in arbitration must include express prohibitory language. The class action

waivers must be clear, conspicuous and include language prohibiting class or collective actions from being brought in arbitration.

There is no better time than now to evaluate your company's arbitration program or to consider implementing a new program. If you have questions regarding the cost and benefits of arbitration programs, how they might impact your company, or how to implement an effective program — please contact Jennifer A. Riley or Lily M. Strumwasser with your questions. (See bottom of page 23) ■

### Footnotes

1. *Shearson/Am. Express, Inc. v. McMahon*, 482 U.S. 220, 226 (1987).
2. *American Express Co. v. Italian Colors Restaurant*, No. 12-133, 133 S. Ct. 594 (2013); *AT&T Mobility v. Concepcion*, No. 09-CV-893, 131 S. Ct. 1740 (2011); see also *D.R. Horton, Inc. v. NLRB*, No. 12-CV-60031 (5th Cir. Dec. 3, 2013).
3. *Oxford Health Plans LLC v. Sutter*, No. 12-CV-135 (2013), *Elsevier, Inc. v. Crockett*, 734 F.3d 594.598 (6th Cir. 2013); but see *Lee, et al. v. JPMorgan Chase & Co., et al.*, No. 13-CV-511JLS, 2013 WL 6068601, at \*3 (C.D. Ca. 2013).
4. See *Estreicher, Saturns for Ricksbaums, Why Predispute Employment Arbitration Should Be Preserved*, *Currents – The Newsletter of Dispute Resolution Law and Practice*, at 16 (Dec. 2001 – Feb. 2002).

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Illinois Governor Pat Quinn hosted a reception at the Executive Mansion for Governor Eruviel Ávila Villegas, State of Mexico, as part of a celebration honoring 150 years of friendship and trade between Illinois and Mexico. The Illinois Manufacturers' Association and many of its member companies participated in a trade mission to Mexico last year organized by the Department of Commerce & Economic Opportunity and led by Gov. Quinn. Pictured (from left) is Gov. Quinn, Monica Mueller of Motorola Solutions, and Robin Brown from Ingreddion.



### AMT announces dates for Smartforce Student Summit at IMTS 2014

The Association For Manufacturing Technology has announced the Smartforce Student Summit will take place Monday, Sept. 8, through Friday, Sept. 13, during the week of the International Manufacturing Technology Show (IMTS) 2014 at McCormick Place in Chicago.

The Smartforce Student Summit will be a place where educators, administrators, students, and parents can experience an in-depth introduction to manufacturing. The summit will feature interactive displays from leading national education organizations, manufacturing technology providers, career and technical schools, community colleges, and engineering schools. Summit attendees will also have an opportunity to visit IMTS, North America's largest industrial trade show featuring the world's most innovative manufacturing technology, attracting more than 100,000 visitors to exhibition space totaling more than one million square feet.

"The importance of STEM education has been a hot topic because of the value it delivers for careers and for the overall economy. With manufacturing experiencing a massive shortage of skilled workers, we really want students to see first-hand the fantastic career opportunities available within the industry," said Greg Jones, AMT Vice President, Smartforce Development. "We've seen an increase in STEM programs and STEM academies around the country, and the Smartforce Student Summit at IMTS provides an ideal venue for students and educators to experience real-world examples that connect STEM education to rewarding career choices."

The Smartforce Student Summit will ramp up the student experience at IMTS by offering speakers, hands-on displays, and a chance for students to interact one-on-one with young manufacturing professionals.

Information about the Smartforce Student Summit at IMTS is available at [www.IMTS.com/student](http://www.IMTS.com/student).



### President of Manufacturing Institute Tours Bison Gear and Engineering Headquarters

Jennifer McNelly, President of the Manufacturing Institute and one of the primary architects of the NAM-Endorsed Skills Certification System, toured Bison Gear and Engineering's facility last fall to see how Bison utilizes lean manufacturing processes throughout their plant floor. Guided by Ron Bullock, Chairman of Bison and The Manufacturing Institute, and George Thomas, Executive VP at Bison, Ms. McNelly was able to see all of the areas where Bison is using manufacturing innovation to provide better quality products in a shorter lead time.

One of the main priorities of The Manufacturing Institute is the growth of individual U.S. manufacturing companies. Bison, which has been growing steadily over the past five years and throughout the company's 50+ year history, is a worthy example. The facility began converting

over to a lean manufacturing plant back in 2000. Today, all of Bison runs on lean manufacturing principals — from product development all the way to the assembly line.

Ms. McNelly concluded her tour by visiting Bison's on-site training centers, including the MSSC center, where Bison associates are encouraged to take advantage of the manufacturing skills training being offered.



### Senator Morrison Visits Jelly Belly



State Sen. Julie Morrison with Bill Kelley, Vice Chair of Jelly Belly Candy Company

State Senator Julie Morrison (D-Deerfield) visited IMA member Jelly Belly Candy Company. Jelly Belly has been producing sweet treats in Illinois for more than 100 years. Originally founded as Goelitz Confectionery, their first product was candy corn. Jelly Belly employs 120 people in their North Chicago facility. They produce a variety of candies ranging from jelly beans to mints and chocolate covered almonds.

During the tour Sen Morrison was able to see that in addition to their normal candy production, Jelly Belly Candy is making 1.25 million packages of candy to be donated to Misericordia. The organization provides continuing care for people with mental disabilities.





## Paychex launches new suite of payment processing services

IMA member Paychex, Inc., a leading provider of payroll, human resource, insurance, and benefits outsourcing solutions for America's small- and medium-sized businesses — in partnership with Elavon, a leading global payments provider — recently announced the introduction of Paychex Payment Processing Services, a full suite of payment processing solutions, including credit and debit card processing, mobile and online payment services, and point-of-sale (POS) solutions, designed to meet the evolving needs of today's small businesses.

"With the addition of payment processing services, we're adding a single-provider payments solution to fulfill a need that's critical to the success of many businesses," said Martin Mucci, Paychex president and CEO. "Through our partnership with Elavon, our suite of services takes pressure off the business owner by assisting with payment industry compliance requirements and providing them with the latest technology, while preparing them for the future."

For more information about Paychex Payment Processing Services, please visit [www.paychex.com/payment-processing](http://www.paychex.com/payment-processing).



## Jackson Lewis named 2014 "Law Firm of the Year" in Litigation-Labor & Employment by U.S. News — Best Lawyers

IMA member law firm Jackson Lewis LLP, one of the largest workplace law firms in the world representing management, is pleased to announce *U.S. News — Best Lawyers® 2014* "Best Law Firms" has named the firm "Law Firm of the Year" in Litigation — Labor & Employment. Jackson Lewis was also named a Tier 1 National "Best Law Firm" in three practice areas: Employment Law — Management; Labor Law — Management; and Litigation — Labor & Employment. The "Best Law Firms" rankings, among the most prestigious in the legal profession, are based on the

opinions of general counsel at major U.S. corporations as well as prominent legal practitioners.

"We are deeply honored by these designations," said firm Chairman Vincent A. Cino. "For the past 55 years, our firm has been dedicated to representing employers' interests in the workplace. To have our achievements recognized by our clients and industry peers means a great deal to us. We work hard every day to help our clients and will continue to do so."

Only one law firm in each of the 87 ranked national practice areas received the prestigious "Law Firm of the Year" distinction. Firms included in the 2014 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers.



## Tyson's brand campaign launches with start of 2014 Winter Olympic Games

"Tyson. Bringing Families Together.™" is the focus of a new Tyson Foods branding campaign launched with a television commercial that began airing during coverage of the 2014 Winter Olympic Games. In fact, it debuted during opening ceremonies on Friday, February 7, on NBC.

The commercial, combined with supporting digital and social media promotion, will highlight the role Tyson Foods' diverse menu of chicken, beef, pork and prepared foods plays in strengthening family relationships by showing some of the different settings when food helps bring people together.

"We're a growing business creating new products and entering new food categories and we believe the timing is right to promote the character and value of our brand," said Devin Cole, President of Sales & Marketing and Chief Commercial Officer. "Every Tyson Team Member is part of a family, so we're proud to offer great-tasting food that helps bring families closer. It's in our DNA."

The commercial ran more than 40 times during the Olympic Games, appearing on NBC, the NBC Sports Network, USA, MSNBC and CNBC.

The campaign is scheduled to run through 2014, with commercials airing on multiple networks and cable TV stations. The commercial can be viewed on YouTube. Tyson is an IMA member company.



## Illinois Power Holdings completes acquisition of Ameren Energy Resources

In December, Dynegy through its subsidiary, Illinois Power Holdings (IPH), completed its acquisition of New Ameren Energy Resources (AER), an Ameren subsidiary. The transaction includes AER and its subsidiaries Ameren Energy Generating Company, New AERG, and Ameren Energy Marketing Company. Dynegy now owns more than 8,000 megawatts (MW) of generating capacity in Illinois, and nearly 14,000 MW nationally.

"This transaction creates value for Dynegy and IPH's stakeholders — from employees to local communities to investors — as Dynegy, through its subsidiary IPH, brings a singular ability to operate these facilities in the most economic and environmentally compliant manner. The AER fleet and the Homefield Energy retail and marketing businesses are a natural fit with Dynegy's existing generation fleet," said Dynegy President and Chief Executive Officer Robert C. Flexon. "To date, we have identified synergies in excess of \$75 million and we will continue to seek ways to further benefit from the increased scale of the combined fleet."

Source: Dynegy Inc.



## With new intermodal container ramp, ADM opens doors to economic growth in Central Illinois

IMA member Archer Daniels Midland Company recently opened an intermodal container freight shipping and receiving facility that will enable businesses to tap into the company's deep transportation and logistics expertise and provide a platform for economic growth in Central Illinois.

The intermodal ramp, located on

250 acres of land at ADM's Decatur processing complex, offers direct access to three Class I railroads and close proximity to four interstate highways and a major U.S. highway. For importers and exporters, this unique interchange offers ready access to coastal and export markets. And for all customers, the location provides proximity to 95 million customers within a day's drive. The facility itself has two high-capacity cranes that can handle 50,000 containers per year, with room to grow to 150,000.

Intermodal containers can be loaded with virtually any type of product and are transported by truck, railcar and ship. Their flexibility and standard size have made them popular worldwide; there are an estimated 17 million intermodal containers in the world today, and the American Association of Railroads reports that between 2010 and 2012, U.S. intermodal container freight volumes increased nearly 10 percent.

"ADM's new intermodal facility will offer businesses of every type the ability to access markets anywhere, at any time, and do so quickly and cost-effectively," said Scott Fredericksen, president, ADM Transportation. "Our deep logistics experience, vast global transportation network and commitment to outstanding service can offer businesses in and around Central Illinois an unprecedented level of access and reach."

"ADM is one of the key reasons Illinois is the largest exporting state in the Midwest, and this new facility will help even more businesses get their goods to domestic and foreign markets more easily and cost effectively," Illinois Governor Pat Quinn said. "Expanding markets for Illinois products creates jobs here at home and drives our economy forward."

"We are optimistic that businesses in our region will join us to help drive the economic growth this facility is capable of catalyzing," Fredericksen added. "With strong support from our leaders in Springfield and Macon County,

we've been able to get this project off the drawing board and into operation quickly. We look forward to seeing it reach its full potential, and to helping Illinois achieve its goal of doubling exports by 2014."

For more than a century, the people of Archer Daniels Midland Company have transformed crops into products that serve vital needs. Today, 30,000 ADM employees around the globe convert oilseeds, corn, wheat and cocoa into products for food, animal feed, industrial and energy uses. With more than 265 processing plants, 460 crop procurement facilities, and the world's premier crop transportation network, ADM helps connect the harvest to the home in more than 140 countries. For more information about ADM and its products, visit [www.adm.com](http://www.adm.com).



### ADM to establish global headquarters in Chicago

IMA member Archer Daniels Midland Company also announced late last year that it has selected Chicago as the location for its global headquarters and customer center.

"While we considered other global hubs, Chicago emerged as the best location to provide efficient access to global markets while maintaining our close connections with U.S. farmers, customers and operations," said ADM Chairman and CEO Patricia Woertz. "Chicago also provides an environment where we can attract and retain employees with diverse skills, and where their family members can find ample career opportunities."

"In keeping with our intention to establish our global center in a cost-effective manner, we expect to locate a small corporate team of about 50 to 75 employees in the new center," Woertz commented. In addition, Woertz noted that the company will now evaluate alternative sites for its new Information Technology and support center, where it expects to locate about 100 new IT jobs. The company said it

will continue to consider potential locations for the IT center in several states and expects to make a decision by mid-year 2014.

Woertz noted that one of the options the company considered was a comprehensive plan that would have established both a larger global headquarters and the information technology center in one location and included state government support and multiyear commitments to stakeholders. However, that plan could not be realized within ADM's timeframe. "We decided to move forward in the way that best meets our organizational objectives," Woertz said.

"We appreciate the interest and support expressed by many civic and governmental leaders as we have considered a variety of options for our new global center," Woertz said. "We look forward to finalizing the selection of a site in Chicago soon, and to accelerating the selection of a suitable location for our IT center."



### FONA honored for exemplary community service by National Association of Manufacturers

IMA member FONA International, creator and manufacturer of complete flavor solutions for many of the world's leading food, beverage, pharmaceutical and nutraceutical companies, was presented with the annual Sandy Trowbridge Award for Excellence in Community Service by the National Association of Manufacturers (NAM). NAM awarded FONA with a \$5,000 donation to FONA's community partner of choice, CASA Kane County. The Trowbridge Award honors a NAM member company that has shown exemplary leadership in serving its community or state and is an example of the giving spirit of our nation's manufacturers and businesses.

FONA donates an average of 19 percent post-tax profit each year to help its neighbors and build connections within the community through organizations such as the Northern Illinois Food Bank, DayOne

Network, Fox Valley Volunteer Hospice and Riverwoods Family Campus/Riverworks Life Skills Outreach. In addition, the company actively supports local schools, community groups and organizations through its Discover FONA community education program, which features tours, demonstrations, speakers and access to facility and staff.

"I'm so proud of our people for the work they do in our community," said FONA Founder, Chairman and CEO Joseph Slawek. "Generosity is at the core of who we are, and it is so fulfilling to see us living this principle with our neigh-

bors and really having an impact on the lives of people in need. Generosity never reduces profitability. It creates the environment of abundance necessary for profitability to exist."

"Manufacturers are anchors of their communities and FONA International's charity and service is a prime example of how manufacturers make a difference every day," said NAM President and CEO Jay Timmons.

The Trowbridge Award is named after the late Alexander B. "Sandy" Trowbridge, former secretary of Commerce who served as president

of the NAM from 1979 to 1989. Trowbridge was known for his leadership on behalf of manufacturing and for his strong commitment to community service.

Founded in 1987, FONA International creates and manufactures flavors for many of the largest food, beverage, nutraceutical and pharmaceutical companies in the world from its state-of-the-art, 33-acre campus in Geneva, Illinois. FONA International has established a reputation as the forward-thinking, independent solution provider in the very competitive flavor industry.



## 2013 Governor's Sustainability Awards – Illinois organizations honored for achievements in environmental protection

Twenty-seven Illinois companies and organizations were honored last fall for their significant achievements in protecting the environment, helping sustain the future, and improving the economy. The Governor's Sustainability Awards were presented by the Illinois Sustainable Technology Center (ISTC) during a ceremony in Peoria. ISTC is a unit of the Prairie Research Institute at the University of Illinois.

Since 1987, ISTC has presented Governors awards to organizations in Illinois that have demonstrated a commitment to environmental excellence through outstanding and innovative sustainability practices. Any Illinois public or private organization is eligible to apply for the award. Winners are selected through a rigorous process of review and examination by ISTC technical assistance experts. In 2013, 27 organizations received Governor's Awards and 14 received honorable mention awards.

"In working for a greener tomorrow, these businesses and organizations not only preserve our resources, protect our environment, reduce their costs and increase their competitiveness, they also help develop more sustainable technologies and become our greatest allies in the diffusion of new ideas and new attitudes about how business is done in Illinois," said ISTC Interim Director David Thomas.

The 2013 award winners include several IMA member companies.

### 2013 Governor's Sustainability Award Winners (IMA members)

AbbVie – North Chicago  
Caterpillar Inc., Technical Center – Mossville  
ComEd –  
Oakbrook Terrace  
McDonald's Corporation –  
Oak Brook  
United Airlines – Chicago

Information on the Governor's Sustainability Awards program, lists of previous winners, and information on technical assistance are available from the Illinois Sustainable Technology Center, 217-333-8940 or [www.istc.illinois.edu](http://www.istc.illinois.edu). The Prairie Research Institute at the University of Illinois at Urbana-Champaign provides objective, cutting-edge research and solutions to allow citizens and decision-makers to make choices that ensure sustainable economic development, enduring environmental quality, and cultural resource preservation for Illinois and beyond.



IMA member companies received the 2013 Governor's Sustainability Award at an event in Peoria last October. Top photo: Representatives of AbbVie, North Chicago. Bottom photo: Representatives of United Airlines, Chicago.



## New IMA members

**BOLEY TOOL & MACHINE  
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Disadvantaged Business Enterprise  
(DBE) Conference**

The Department of Transportation's Office of Business and Workforce Diversity (OBWD) will soon open up registration for the 2014 Today's Challenge, Tomorrow's Reward Conference (TCTR). The statewide event, hosted by OBWD, will be held at the Abraham Lincoln Hotel and Conference Center in Springfield. Last year, the event attracted over 365 participants with representation from agencies including Central Management Services, Small Business Administration, the U.S. Department of Transportation and the Department of Commerce and Economic Opportunity. This year, participants can expect one-on-one opportunities with prime contractors, workshops on topics specific to the Disadvantaged Business Enterprise (DBE) community and a networking event. For more information, contact Dana Goodrum at 217-524-7793.

**March 20, 2014**

**IMA Breakfast Briefing:  
OSHA Compliance & Inspections**  
Ditka's Restaurant, Oakbrook Terrace,  
8:00-10:30 am

**March 19-22, 2014**

**WIN AUTOMATION 2014 — Illinois Office  
of Trade & Investment Trade Mission  
Istanbul, Turkey — Trade Show Website:  
[www.win-fair.com/en/index.html](http://www.win-fair.com/en/index.html)**  
WIN – World of Industry Automation 2014 is the number one manufacturing platform of Turkey and the Eurasian region. It presents an ideal platform

for companies in the field of high-growth industrial automation, electricity-electronics, hydraulics and pneumatics, and material handling sectors to share innovative solutions and new technologies. Contact: Iwona Bochenska, 312-814-6029, [Iwona.Bochenska@illinois.gov](mailto:Iwona.Bochenska@illinois.gov)

**March 26-28, 2014**

**GLOBE 2014 CONFERENCE AND TRADE FAIR  
Vancouver, British Colombia, Canada — Trade  
Show Website: <http://2014.globeseries.com/>**

GLOBE 2014 is well recognized as the world's most influential and prestigious international environment industry event. GLOBE brings people together to discuss current trends and to showcase innovative technology solutions for the world's environmental problems. Illinois' participation will highlight the diversity and size of Illinois' environmental sector, products, and services. We will also use this opportunity to showcase Illinois and encourage Canadian businesses to choose Illinois for their U.S. expansion plans. Contact: Tom Hagle, 312-814-4959, [Tom.Hagle@illinois.gov](mailto:Tom.Hagle@illinois.gov)

**April 8-10, 2014**

**16TH CHINA INTERNATIONAL NUTRITION &  
HEALTH INDUSTRY EXPO — Beijing, China  
Trade Show Website: [www.jianbohui.com](http://www.jianbohui.com)**

China's healthcare and wellness industry has rapidly become a \$1 trillion industry. The China International Nutrition & Health Industry Expo (CIHIE) is the most important event for this industry in Asia. It is not only a platform for the health industry, but also a health industry summit of high-level executives. This trade mission will also include a stop in Shanghai for pre-arranged

meetings with key Chinese business leaders and government officials. Contact: Zhigang Ren, 312-814-2335, [Zhigang.Ren@illinois.gov](mailto:Zhigang.Ren@illinois.gov)

**April 23, 2014**

**IMA Breakfast Briefing:  
Risk Management**  
Ditka's Restaurant, Oakbrook Terrace,  
8:00-10:30 am

**May 7, 2014**

**IMA Business Day at the Capitol**  
Springfield, Illinois

**May 14-16, 2014**

**BIO TECH 2014 JAPAN — Tokyo, Japan  
Trade Show Website:  
[www.bio-t.jp/en/About/About/](http://www.bio-t.jp/en/About/About/)**  
Bio Tech 2014 Japan is Asia's largest Bio Forum & Expo. The program showcases cutting-edge advances in biotech research and development from around the world. We will showcase Illinois' prominent biotech community R & D environment to attract biotech and life science companies to invest in Illinois. It is an excellent venue for our delegation to gain international exposure and develop potential partnerships and business opportunities with related entities in this region. Contact: Terry LaRocca, 312-814-6035, [Terry.LaRocca@illinois.gov](mailto:Terry.LaRocca@illinois.gov)

Visit <http://www.ima-net.org/calendar-of-events> for information, pricing, registration, etc., related to all IMA events. For more information, contact Kimberly McNamara at [kmcnamara@ima-net.org](mailto:kmcnamara@ima-net.org), 800-875-4462, ext. 9371

**The Illinois Manufacturer is underwritten by Constellation — An Exelon Company**

A smiling man with dark hair, wearing a black t-shirt and a brown leather jacket, is positioned on the right side of the frame. The background consists of bold, diagonal stripes in red and blue. The text "DREAM IT. DO IT." is written in a large, white, sans-serif font, slanted to follow the angle of the stripes, spanning from the top left towards the center.

DREAM IT. DO IT.

ILLINOIS

Dream It. Do It. is the grassroots authority on influencing the perception of manufacturing careers by leveraging local, regional and statewide strategic partnerships to attract and recruit a qualified manufacturing workforce pipeline.

For more information contact the Illinois Manufacturers' Association at (217) 522-1240 or go to [www.dreamitdoitil.org](http://www.dreamitdoitil.org).





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