

1. The construction sector is projected to need 1.6 million new workers by 2022
2. Construction contractors pay the highest effective tax rate out of any sector
3. 86% of the U.S. private construction industry does not belong to a union

## Burdensome Regulations

### National Labor Relations Board (NLRB)

The NLRB has aggressively expanded its enforcement authority and issued dozens of precedent-reversing legal decisions impacting construction workplaces—including decisions on bannered, salting and other despicable union tactics. Most alarming is the NLRB's plans to finalize its controversial "ambush" elections rulemaking proposal which would shorten the amount of time between when a union files a representation petition and an election takes place to as few as 10 days. If fully implemented employers would be required to violate their own employees' privacy by handing over personal information including home addresses, email addresses and work locations, to union organizers.

- ✓ **SUPPORT** The Workforce Democracy and Fairness Act (H.R. 4320), and the Employee Privacy Protection Act (H.R. 4321), which preempt the NLRB's ambush elections rulemaking and restore balance to the workplace.
- ✓ Appropriations-based funding limitations on the NLRB's ambush elections rulemaking.

### U.S. Department of Labor (DOL)

DOL plans to finalize its controversial "persuader" rulemaking proposal, which works hand-in-glove with the NLRB's "ambush" elections proposal. Persuader will have a profound chilling effect on labor relations advice for employers and deprive employees of balanced information about union representation.

- ✓ **SUPPORT** Preservation of the long-held interpretation of the Labor-Management Reporting and Disclosure Act's Section 503(c) "advice exemption" provision, which protects employers' rights to freedom of speech, association and legal counsel.
- ✓ Appropriations-based funding limitations on DOL's development of the persuader rulemaking.

### Occupational Safety and Health Administration (OSHA)

OSHA has issued many new policies and proposals, including its unnecessary changes to workplace silica rules; new requirements to disclose confidential information and post safety records on the Internet; and its new policy of allowing third parties (including union organizers) to accompany inspectors onto nonunion worksites.

- ✓ **SUPPORT** Appropriations-based funding limitations on OSHA's regulatory and sub-regulatory agenda.

### Environmental Protection Agency (EPA)

Several costly and burdensome rulemakings are under consideration at the EPA, including those addressing lead dust, stormwater runoff and the definition of "navigable waters." These proposals lack transparency and meaningful public input, and impose drastic changes on businesses and their employees. Many of these proposals are based on prejudged science and exceed the agency's statutory authority under the Clean Air Act, Clean Water Act, and Toxic Substances Control Act.

- ✓ **SUPPORT** Appropriations-based funding limitations on EPA's regulatory agenda.

## Immigration

ABC supports immigration reform that secures our borders and facilitates a sustainable workforce for the American economy while ensuring national security and prosperity. In order to meet the economic demand, there must be a way for the industry to legally supplement its workforce when there are not a sufficient number of willing or able American workers.

- ✓ **SUPPORT** A temporary guest worker program that would allow non-U.S. citizens to apply for the right to work legally for multi-year renewable terms when a willing American worker is not available.
- ✗ **OPPOSE** Any program that has special limitations for the construction industry.
- ✗ Expanding "prevailing wage" requirements under the Davis-Bacon Act to any temporary guest worker program.
- ✗ "Cross-liability" provisions that force employers to be accountable for the workers of other employers.

## Workforce Development

The construction industry provides quality, prosperous jobs to American workers every year. To qualify for many of these jobs, workers need high-quality, flexible skilled training. Such training can lead to a lifetime career opportunity in a lucrative field.

Faced with an aging workforce and an insufficient pipeline of new workers, the construction industry is anticipating a critical shortage of skilled craft employees. According to the Bureau of Labor Statistics, the construction industry is expected to need about 1.6 million new workers by 2022.

- ✓ **SUPPORT** Legislation that ensures access to Workforce Investment Act funded programs by all employers and employees (regardless of union affiliation) and increases employer involvement in the process.
- ✓ Career and technical education (CTE) programs that give students with a course of study that combines hands-on craft training in a real-world environment with core academics and classroom learning.
- ✓ Craft training that results in an industry-recognized and nationally portable credential, which will result in a safe, skilled and reliable construction workforce for the 21st century.
- ✗ **OPPOSE** Inconsistent public policies that deny workers the right to train and work in the merit shop construction industry.

## Comprehensive Tax Reform

The construction industry historically has paid the highest effective tax rate of any sector, and now contractors face an even greater burden thanks to rising marginal rates, limits on deductions, and new Patient Protection and Affordable Care Act (PPACA) surtaxes. While the U.S. corporate tax rate remains the highest in the world, Main Street "pass-through" businesses in construction face a substantially higher combined federal rate than Fortune 500 companies.

Nearly three decades after the last fundamental restructuring of the code, it is time for Congress to pass comprehensive reform that will simplify the tax system while providing for fair and equitable treatment of all businesses.

- ✓ **SUPPORT** Comprehensive reform that lowers tax rates and simplifies the Internal Revenue Code while maintaining parity for small businesses and large corporations.
- ✓ Repeal of the Estate Tax ("death tax").
- ✓ Increasing and indexing the Completed Contract Method (CCM) threshold.
- ✓ Making worthy business tax credits and deductions ("extenders") permanent.
- ✗ **OPPOSE** Widening the gap between small business tax rates on pass-through entities and those for large corporations.

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## Health Care Reform

Providing quality health care benefits is a top priority for ABC and its member companies. ABC has long been opposed to PPACA and continues to call on Congress to advance common-sense health care solutions that will provide greater choice and affordability and allow private insurers to compete for business.

- ✓ **SUPPORT** The Forty Hours Is Full Time Act of 2013 (S.701), which would change the definition of "full time" in the Patient Protection and Affordable Care Act (PPACA) to 40 hours per week (from 30) and the number of hours counted toward a "full-time equivalent" employee to 174 hours per month.
- ✗ **OPPOSE** Forcing employers to offer government-prescribed health insurance. ABC members will no longer have the choice or flexibility to structure health care coverage options that meet the needs of their fluctuating workforce.

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