



# PCCA Mid-Year Government and Industry Relations Roundtable

Waldorf Astoria Monarch Beach

Dana Point, California

August 8<sup>th</sup>, 2023

# Government Affairs Overview

## Jaime Steve and Zack Perconti

PCCA Government Affairs

Government Affairs Solutions, LLC

[Jsteve@pccaweb.org](mailto:Jsteve@pccaweb.org)

[Zperconti@pccaweb.org](mailto:Zperconti@pccaweb.org)



- ▶ Panel Presentations and Discussion
- ▶ Labor and Regulatory Updates
- ▶ Government Funding - High Odds of Government Shutdown - Sept. 30<sup>th</sup> Deadline
  - ▶ Automatic 1% cuts to ALL federal discretionary spending if no budget by Jan. 1, 2024
- ▶ Quick Updates
  - ▶ Build America Buy America Act (BABA) - awaiting final guidance from Office of Management and Budget (OMB)
  - ▶ Pipeline and Hazardous Material Safety Administration (PHMSA) Reauthorization - soft deadline of Sept. 30<sup>th</sup>, drafts expected post-August recess
  - ▶ Permitting Reform conversations ongoing - need for both electric transmission and pipeline projects

# Project-Labor Agreements (PLAs)

- ▶ Biden Administration continuing push to require PLAs on direct federal contracts or strongly recommend/give preference for PLAs on federally-assisted projects
- ▶ PCCA continuing to support Fair & Open Competition Act (FOCA), which PROHIBITS Government-Mandated Project-Labor Agreements (GMPLAs)
  - ▶ Reintroduced February 27<sup>th</sup> in House and Senate
  - ▶ House bill, H.R. 1209, introduced by Rep. James Comer (R-KY-01), 101 current co-sponsors - ADVANCED to full House by House Oversight Committee mostly along party lines
  - ▶ Senate bill, S. 537, introduced by Sen. Todd Young (R-IN), 26 current co-sponsors

# OSHA Injury/Illness Reporting Rule

- ▶ Proposes to restore provisions of the Obama-era Improve Tracking of Workplace Injuries and Illnesses Final Rule
- ▶ Would restore the requirement for employers to electronically submit to OSHA information from the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments that meet certain size and industry criteria - certain information to be made available to the general public
  - ▶ Raises serious concerns about employee and employer confidentiality and privacy
- ▶ Information would be made public without key context - ease of misinformation campaigns against employers
- ▶ [PCCA Statement](#) expressing opposition - rule to go into effect Jan. 1, 2024

# NLRB Independent Contractor Ruling

- ▶ June 2023 *The Atlanta Opera, Inc.*, - NLRB overrules 2019 ruling on Independent Contractor standard, returning to 2014 Obama-era standard
  - ▶ Ruled that makeup artists, wig artists, and hairstylists working for Atlanta Opera, who had filed petition seeking union representation, are employees under Section 2(3) of the National Labor Relations Act and not independent contractors
  - ▶ Abandons “entrepreneurial opportunity” test and returns to multi-factor analysis - likely to lead to more workers being found as improperly classified to be independent contractors
  - ▶ Decision is in line with others under the Biden Administration and the Biden-appointed aggressively pro-Union NLRB General Counsel

# DOL Revisions to Davis-Bacon Rule

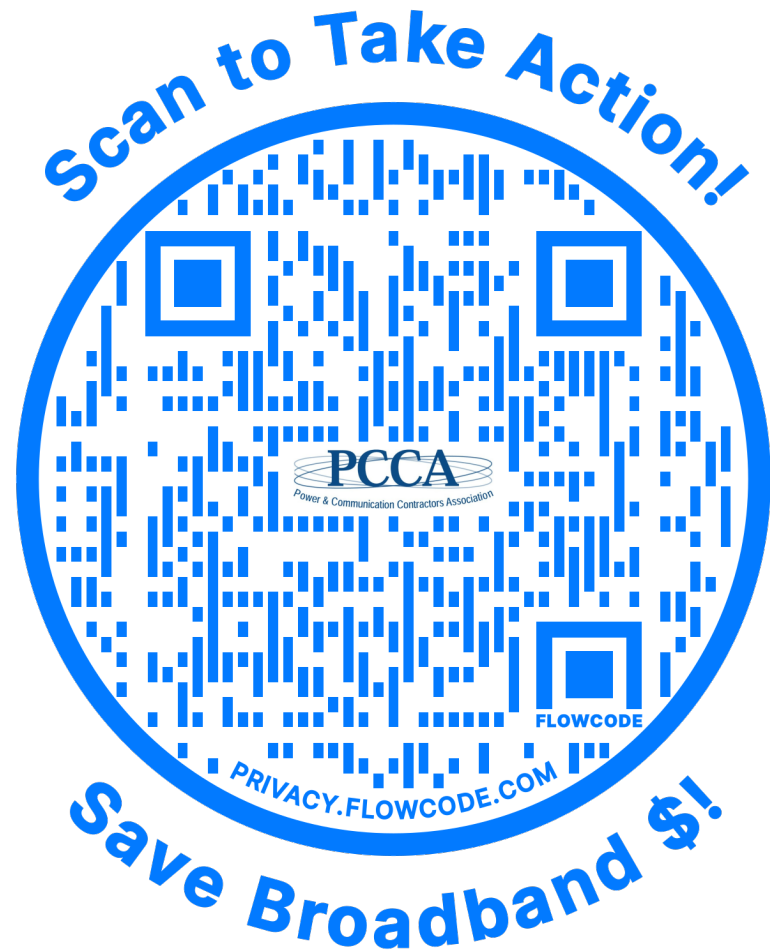
- ▶ Final Rule announced August 8<sup>th</sup>, 2023 - Changes Effective 60 Days after Publication in Federal Register:
  - ▶ Institutes the 30% rule to determine prevailing wage (if no majority wage rate, then wage rate paid to the greatest number of workers, provided it was paid to at least 30% of workers)
  - ▶ Revokes Reagan-era rule separating metropolitan and rural wage data
  - ▶ Expands DOL's debarment authority
  - ▶ Imposes DBRA obligations through "operation of law" regardless of contract language
  - ▶ Expands the term "site of work" to include material supply drivers and off-site construction
- ▶ Legal action expected through ABC/CDW and other industry groups

# Coalition for a Democratic Workplace (CDW) Update

- ▶ Joint Employer Riders included in House Labor HHS Appropriations bill - DOL/NLRB prohibited from using funds to alter joint employer standard
- ▶ Julie Su Confirmation Fight
  - ▶ White House looking to leave Acting Secretary Su in place as long as legally possible, following public opposition from industry
    - ▶ Sen. Joe Manchin (D-W. VA) publicly opposed, Sen. Kyrsten Sinema (I-Az.) unlikely to support
- ▶ NLRB - Gwynee Wilcox re-nomination advances out of HELP committee w/support from Sen. Murkowski (R-AK) - CDW sent in letter of opposition



COALITION FOR A  
**DEMOCRATIC WORKPLACE**



## Broadband Grant Tax Treatment Act

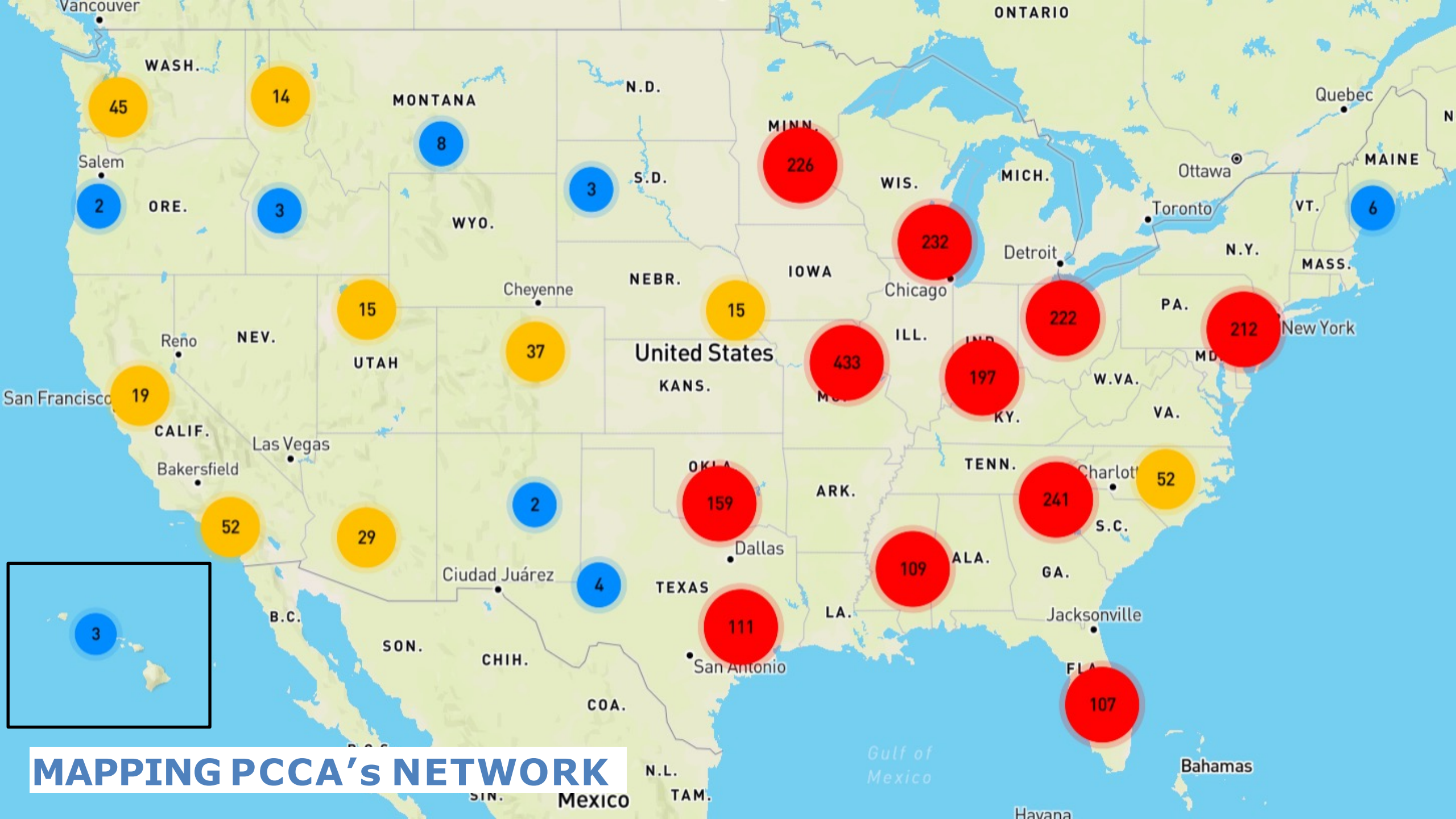
- ▶ Under 2017 Tax Cuts and Jobs Act, Broadband grants may be classified as income, requiring recipients to pay tax on the amount received
- ▶ Could result in a claw back of as much as 20%, or \$8.5B, of BEAD funding
- ▶ Broadband Grant Tax Treatment Act (S. 341 / H. R. 889) would exclude, for income tax purposes, certain broadband grants (BEAD/IIJA, ARPA, etc.) made for broadband deployment





# UPDATE ON GRASSROOTS ACTIVITIES





# MAPPING PCCA'S NETWORK

**GET INVOLVED  
WITH PCCA  
ADVOCACY!**

