

WE S S O I

PROTECT THE RIGHTS
OF EMPLOYEES/
DEFEAT EFCA

HEALTH CARE REFORM

END GOVERNMENT-
MANDATED PROJECT
LABOR AGREEMENTS
(PLAS)

ENERGY/CAP AND
TRADE

INCREASE ACCESS
TO CAPITAL

PROTECT THE RIGHTS OF EMPLOYEES/DEFEAT EFCA

Currently, the preferred method for determining whether employees want union representation is a secret ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free from fraud or coercion, in which employees cast their vote confidentially and without pressure from union organizers or their employers.

Union leadership now claims to find secret ballots an impediment to unionization, preferring a "card-check" system in which employees are forced to cast their votes in front of union organizers and fellow employees. As a result, Big Labor's friends in Congress have introduced the misnamed Employee Free Choice Act (H.R. 1490), which robs workers of their right to a secret ballot election.

The legislation also contains an unprecedented requirement that would mandate that the federal government impose contract terms on private employers through a process of mandatory, binding interest arbitration. The arbitration requirement not only disrupts the careful balance established by U.S. labor laws, but it also denies workers the ability to vote on their contract, creates disincentives to compromise and is likely unconstitutional.

ABC strongly opposes any effort to overturn established NLRB procedures that protect the rights of employees to fair union elections through secret ballot voting.

In addition, ABC believes there is no room for compromise on this legislation and calls on Congress to vote down all "compromise" versions of this egregious bill.

- ✓ **SUPPORT/COSPONSOR** the Secret Ballot Protection Act of 2009 (H.R. 1176) sponsored by Rep. John Kline (R-MN), which would ensure that employees have the right to make their decision regarding unionization utilizing a private, confidential secret ballot vote.
- ✗ **OPPOSE** the Employee Free Choice Act, which would rob millions of Americans of their right to a fair election in the workplace, as well as any compromise legislation.

HEALTH CARE REFORM

Providing quality health care benefits is a top priority for ABC and its member companies. The rapidly rising costs of health care and insurance premiums, limited access to insurance and care, and the need for medical malpractice liability reform are all serious concerns that must be addressed by Congress.

ABC strongly opposes the massive health care reform legislation Congress passed in March. ABC objects to any legislative proposal that would impose health care coverage mandates on employers or individuals. A mandated level of coverage will result in premium increases, making insurance more expensive for employers and employees. ABC also opposes the billions of dollars in new taxes imposed on employers and individuals by this legislation.

The unique nature of construction demands that benefits be portable to reflect the reality of the industry's workforce. Reforms affecting employers that voluntarily provide and pay for insurance as a benefit to employees should take into account the industry's fluctuating workforce. Such reforms must include expanded access, as well as affordable options that will accommodate the need for construction employees to move freely from jobsite to jobsite and across state lines for the duration of various projects. ABC believes health care is best administered on free market principles.

- ✓ **SUPPORT**
 - Extending ERISA preemption currently available for larger, self-insured corporate plans and Taft-Hartley union plans to bona fide trade and professional associations for all businesses through Association Health Plans.
 - Revising the "use it or lose it" provisions under Flexible Spending Accounts to allow workers to take better control of their health care costs.
 - Raising the self-employed health care deduction to 100 percent.
- ✗ **OPPOSE** any legislative proposals that impose mandates on employer-sponsored health insurance plans and increase taxes on individuals and employers.

END GOVERNMENT-MANDATED PROJECT LABOR AGREEMENTS (PLAS)

Government-mandated PLAs on construction contracts limit the number of bidders to union contractors or those that are willing to become signatory to a union agreement. PLAs discriminate against the vast majority (85.5 percent) of the construction workforce that chooses not to join a union, denying them an opportunity to work on federal projects being paid for by their own tax dollars. In February 2009, President Obama issued Executive Order 13502, encouraging anti-competitive PLAs on federal and federally funded construction projects exceeding \$25 million. On April 13, 2010, the Federal Acquisition Regulatory (FAR) Council issued a final rule implementing Executive Order 13502 into federal procurement regulations, effective May 12, 2010.

- ✓ **SUPPORT/COSPONSOR** the Government Neutrality in Contracting Act (H.R. 983) sponsored by Rep. John Sullivan (R-OK), which would prohibit mandatory PLAs on federal and federally funded construction projects.

ENERGY/CAP AND TRADE

ABC believes America needs a comprehensive national energy policy that reduces the country's dependence on foreign sources of energy by increasing domestic production while putting in place standards that will help conserve domestic natural resources and lessen the detrimental impact domestic energy production has on the environment.

- ✓ **SUPPORT**
 - Lessening America's dependence on foreign sources of energy by increasing domestic exploration and production of fossil fuels.
 - Allowing responsible oil and gas development offshore and in the Arctic National Wildlife Refuge.
 - The development of oil shale technology and the construction of new refineries along with new and sustainable energy sources.
 - Increasing construction of new nuclear power plants.
 - New construction and upgrades to power plants and transmission infrastructure (e.g., pipelines) built with open competition and without government-mandated project labor agreements.
 - Increasing the use of alternative/renewable fuels, such as wind, solar and geothermal energy, and vehicles powered by these sources.
 - Tax incentives for energy efficiency and conservation for both homeowners and businesses.
- ✗ **OPPOSE** any legislative proposals that aim to impose "cap and trade" provisions that will destroy American jobs while dramatically increasing the cost of energy for every person and business in the United States.

INCREASE ACCESS TO CAPITAL

Access to capital is a major concern within the construction industry, which has been severely impacted by the economic downturn. The national unemployment rate for the construction industry exceeds 20 percent, with a total job loss of 998,000 in 2009.

The freeze on lending for private sector construction projects must be addressed immediately. The long delay in lending or outright refusal by financial institutions to fund private sector projects has had an extremely detrimental impact on the construction industry. Many ABC members have viable, low risk projects/contracts that simply need funding in order for work to commence.

ABC members call on the Obama administration and members of Congress to increase the amount of capital available for new construction projects.

- ✓ **SUPPORT** unfreezing lending for private sector construction projects so ABC members with viable, low risk projects/contracts can commence work.
- ✗ **OPPOSE** actions by financial institutions attempting to cosmetically improve their balance sheets by unnecessarily restricting, reducing or "calling in" lines of credit to contractors, subcontractors and suppliers.



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In addition, ABC believes there is no room for compromise on this legislation and calls on Congress to vote down all "compromise" versions of this egregious bill.

- ✓ **SUPPORT/COSPONSOR** the Secret Ballot Protection Act of 2009 (S. 478) sponsored by Sen. Jim DeMint (R-SC), which would ensure that employees have the right to make their decision regarding unionization utilizing a private, confidential secret ballot vote.
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- ✓ **SUPPORT/COSPONSOR** the Government Neutrality in Contracting Act (S. 90) sponsored by Sen. David Vitter (R-LA), which would prohibit mandatory PLAs on federal and federally funded construction projects.

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