

# THE S I O H

PASS OSHA REFORM

END UNION – ONLY  
PROJECT LABOR  
AGREEMENTS (PLAs)

STOP UNION SALTING  
ABUSE

PASS ASSOCIATION  
HEALTH PLANS (AHPS)

PROTECT THE RIGHTS  
OF EMPLOYEES

## PASS OSHA REFORM

ABC strongly supports measures, sponsored by Rep. Charlie Norwood (R-GA), which would bring much needed reform to the Occupational Safety and Health Administration (OSHA).

- ✓ **SUPPORT** the “Occupational Safety and Health Small Business Day in Court Act of 2005” (H.R. 739), which would extend the deadline for small businesses to respond to OSHA charges, providing small businesses with limited resources the time that they need to address the OSHA charges accordingly.
- ✓ **SUPPORT** the “Occupational Safety and Health Review Commission Efficiency Act” (H.R. 740), which ensures that the right to a speedy trial is guaranteed to small businesses by increasing the number of commissioners on the Review Commission from three to five, making the required two-commissioner quorum easier to reach.
- ✓ **SUPPORT** the “Occupational Safety and Health Independent Review of OSHA Citations Act” (H.R. 741), which restores the right of small businesses to appeal to an independent court if they feel OSHA made an unfair decision in their case.
- ✓ **SUPPORT** the “Occupational Safety and Health Small Employer Access to Justice Act” (H.R. 742), allows small employers to recover attorney’s fees if the employer successfully defends itself against an OSHA citation.

## END UNION – ONLY PROJECT LABOR AGREEMENTS (PLAs)

Imposing a union-only PLA on bid specifications limits the number of bidders to only union contractors or those who are willing to become signatory to a union. PLAs discriminate against the vast majority (over 80 percent) of the construction workforce that choose not to join a union, denying them an opportunity to work on projects being paid for by their own tax dollars. President Bush issued Executive Order 13202 prohibiting mandatory PLAs on federally funded and federally assisted construction projects.

- ✓ **SUPPORT/COSPONSOR** the “Government Neutrality in Contracting Act” (H.R. 1449), which has been introduced by Rep. John Sullivan (R-OK). This legislation would codify the language of the Bush Executive Order and would apply to all contracts awarded after the date of enactment of the law.
- ✓ **SUPPORT / COSPONSOR** the “Government Labor Neutrality Act of 2005” (H.R. 1248), which has been introduced by Rep. Sam Johnson (R-TX). This legislation would amend the National Labor Relations Act to prevent government agencies from requiring or prohibiting employers in the construction industry to enter into agreements with labor organizations.

## STOP UNION SALTING ABUSE

“Salting” abuse is the intentional placement of trained union professional organizers in a merit shop facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business. The objectives of the union agents are accomplished through

filing frivolous unfair labor practice complaints or discrimination charges against the employer.

- ✓ **SUPPORT/COSPONSOR** the “Truth in Employment Act of 2005” (H.R. 1816), sponsored by Representative Steve King (R-IA). This bill would remove from Section 8(a) of the National Labor Relations Act (NLRA) any requirement that an employer hire any person who is not a bona fide employee applicant, in that such person has sought employment with the primary purpose of furthering another employment or agency status.

## PASS ASSOCIATION HEALTH PLANS (AHPS)

ABC members and their employees need and deserve access to affordable, quality health benefits. AHPs would allow ABC members to band together across state lines to purchase health insurance as part of a larger group, thus ensuring greater bargaining power, economies of scale, and lower administrative costs. ABC operated a financially responsible AHP for its members and their employees for more than 40 years. Under this legislation, ABC would not be able to deny access to any applicants, regardless of their medical condition.

- This vital legislation passed the U.S. House of Representatives TWICE during the 108<sup>th</sup> Congress, and is strongly supported by the President.
- ✓ **SUPPORT / COSPONSOR** the “Small Business Health Fairness Act of 2005” (H.R.525), sponsored by Reps. Sam Johnson (R-TX), Nydia Velazquez (D-NY), John Boehner (R-OH) and Albert Wynn (D-MD). This legislation will allow small business employers to band together across state lines, increasing their purchasing power, improving access to coverage and reducing overall healthcare costs for their employees.

## PROTECT THE RIGHTS OF EMPLOYEES

Currently, the preferred method for determining whether or not 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, confidential election, free of fraud, peer pressure or coercion from union agents or their employers. Yet, union leadership now find secret ballot elections an impediment to unionization, preferring “card check” elections, where employees are forced to cast their vote in front of union organizers and fellow employees who support unionization. ABC strongly opposes any effort to overturn the established NLRB procedures that protect the right of employees to a fair union election through secret ballot voting.

- ✗ **OPPOSE** the “Employee Free Choice Act” (H.R. 1696), which replaces secret ballot elections with “card check” elections. By supporting this ill-conceived legislation, Members of Congress are essentially robbing millions of American workers of their right to a fair election when determining whether or not employees want union representation.
- ✓ **SUPPORT** the “Secret Ballot Protection Act” (H.R. 874), sponsored by Rep. Charlie Norwood (R-GA), which would ensure that employees have the right to make their decision regarding unionization in private, confidential, secret ballot votes.

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# SENATE

PASS ASSOCIATION  
HEALTH PLANS (AHPS)

PERMANENTLY REPEAL  
THE DEATH TAX

MAKE NLRB  
APPOINTMENTS

STOP UNION SALTING  
ABUSE

PROTECT THE RIGHTS OF  
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## PASS ASSOCIATION HEALTH PLANS (AHPS)

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- This vital legislation passed the U.S. House of Representatives TWICE during the 108<sup>th</sup> Congress, and is strongly supported by the President.
- ✓ **SUPPORT/COSPONSOR** the "Small Business Health Fairness Act of 2005" (S.406), sponsored by Senator Olympia Snowe (R-ME), which will allow employers to band together across state lines, increasing their purchasing power, improving access to coverage and reducing overall healthcare costs for their employees.

## PERMANENTLY REPEAL THE DEATH TAX

ABC strongly supports permanent repeal of the Death Tax. Death tax repeal is pro-family, pro-business and pro-employee, and would help to ensure that businesses could survive for future generations. Eliminating the death tax is the best way to perpetuate family businesses and ensure that they do not need to be liquidated to pay yet another tax at death. This important piece of legislation was passed by the House of Representatives in April of 2005 with overwhelming bipartisan support, as it restores common sense to the tax code.

- More than 70% of all family businesses do not survive their second generation and 87% do not make it to a third generation.
- Death tax repeal also provides job security for employees. When a business is forced to close because it cannot afford to pay death taxes, valuable long-term employees lose their jobs.
- ✓ **SUPPORT/COSPONSOR** the "Death Tax Repeal Permanency Act of 2005" (S. 420), sponsored by Senators Jon Kyl (R-AZ) and Bill Nelson (D-FL), which would permanently repeal the death tax.

## MAKE NLRB APPOINTMENTS

ABC is calling on President George W. Bush to quickly nominate and the Senate to confirm a final member to the National Labor Relations Board (NLRB). Without swift action, the NLRB will continue to delay decisions on critical issues like job targeting, bannerings, and salting.

- Urge your Senators to pressure the White House to fill the open position on the National Labor Relations Board and the General Counsel position.
- Urge expeditious Senate confirmation of NLRB nominees so that a full Board may issue critical decisions on issues important to merit-shop construction industry.

## STOP UNION SALTING ABUSE

"Salting" abuse is the intentional placing of trained union professional organizers and agents in a merit shop facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business. The objectives of the union agents are accomplished through filing frivolous unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board (NLRB), the Occupational Safety and Health Administration (OSHA), and the Equal Employment Opportunity Commission (EEOC).

- ✓ **SUPPORT/COSPONSOR** the "Truth in Employment Act of 2005" (S.983), sponsored by Senator Jim DeMint (R-SC). This bill would remove from Section 8(a) of the National Labor Relations Act (NLRA) any requirement that an employer employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status. The bill further provides that it shall not affect the rights and responsibilities under the Act of any employee who is or was a bona fide employee applicant.

## PROTECT THE RIGHTS OF EMPLOYEES

Currently, the preferred method for determining whether or not 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 of fraud, where employees may cast their vote confidentially without peer pressure or coercion from union agents or their employers. Yet, union leadership now find secret ballot elections an impediment to unionization, preferring "card check" elections, where employees are forced to cast their vote in front of union organizers and fellow employees who support unionization. ABC strongly opposes any effort to overturn the established NLRB procedures that protect the right of employees to a fair union election through secret ballot voting.

- ✗ **OPPOSE** the "Employee Free Choice Act" (S.842), which replaces secret ballot elections with "card check" elections. By supporting this ill-conceived legislation, Members of Congress are essentially robbing millions of American workers of their right to a fair election when determining whether or not employees want union representation.



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