

THE IMPACT OF ELECTIONS ON LABOR LAW, UNIONS, AND THEIR MEMBERS

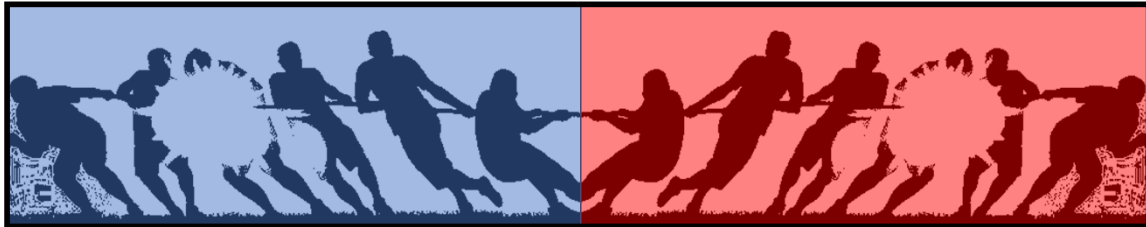
Current State of Unions in America and the Impact of Elections on Unions.



2024 EDITION



JAMES M. HEINZMAN



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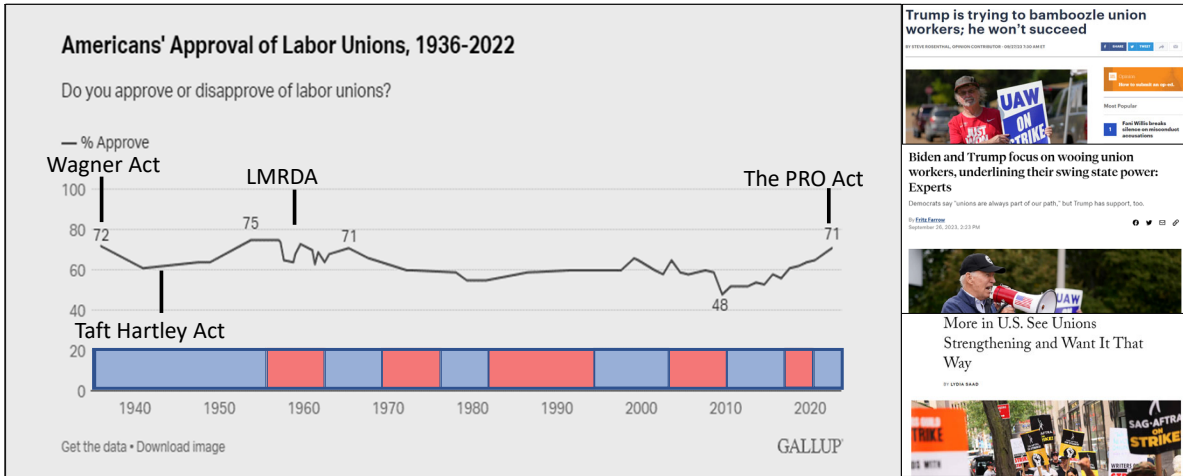
Agenda

- History of public opinion of Labor Unions and significant laws impacting Unions in the United States
- Recent Union organizing efforts/successes
- About the Department of Labor – Structure and responsibilities
- About the NLRB – Structure and responsibilities
- Historical impact of Presidential Appointments on Labor Unions
 - Secretary of Labor
 - Office of Labor Management Standards (OLMS)
 - Occupational Safety & Health Administration (OSHA)
 - National Labor Relations Board (NLRB)

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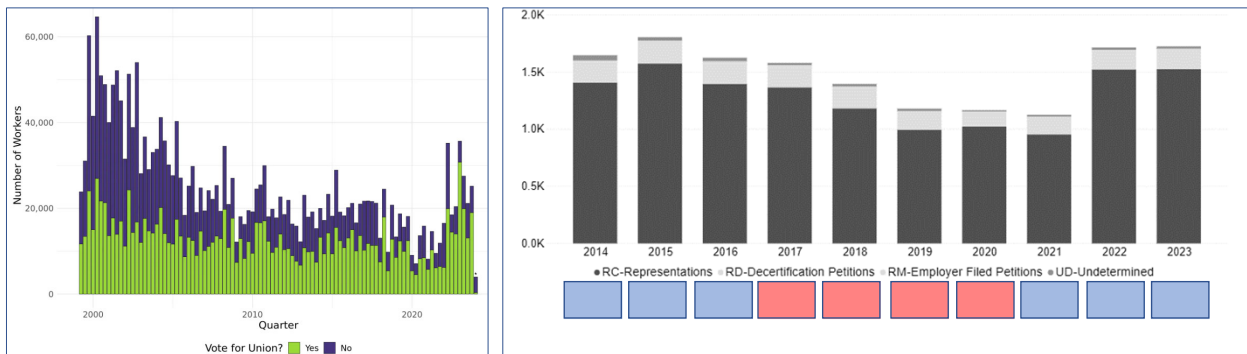
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Public Opinion of Labor Unions



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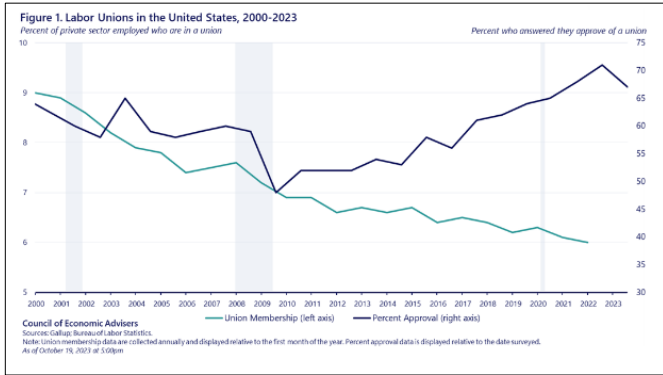
Recent Elections Analysis



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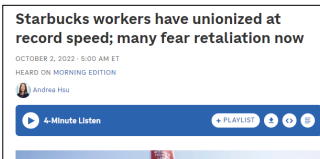
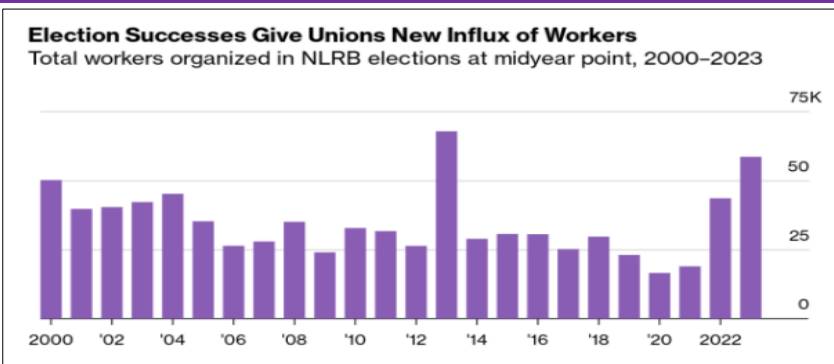
Public Opinion vs. Union Membership



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58,000 New Union Workers in 6 months!



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IATSE is a part of that success!

IATSE Charters New National Union for Freelance Production Department Workers

The union will start with an estimated 5,000 TV commercial production workers but is seeking to organize more members of the workforce throughout the broader entertainment industry.


BY CAROLYN GIARDINA, KATIE KILKENNY SEPTEMBER 8, 2023 11:59AM

WGA East & Editors Guild Win Joint Campaign To Organize Workers At Documentary Powerhouse Story Syndicate

By David Robb CO August 8, 2023 @ 10:16am


Solidarity at Goodspeed: Crew, Costume, Scenic, Hair, and Makeup Workers Vote Overwhelmingly to Unionize

November 1, 2023



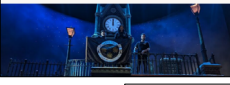
Count Us In: Netflix Production Accountants Win Union Recognition

November 1, 2023




Workers at Atlanta's Alliance Theatre Win Voluntary Recognition, First Union Contract

November 20, 2023




Southern New Hampshire University Arena Workers Voluntarily Recognized, Join IATSE

November 20, 2023




Atlanta Opera Hair/Makeup Artists Win NLRB Case, Set Historic Precedent for Workers' Rights

February 4, 2023



Growing Our Union Further - Animation, VFX and Gameworkers win a seat at the table

February 4, 2023



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Pending Legislation – The PRO Act (Protecting the Right to Organize)

- Broadens definition of “Employee”
- Permits unions to encourage secondary strikes
- Prohibits employers from bringing actions against unions for secondary strikes
- Allows CBA to mandate dues from all persons covered by CBA (even if they are not members) eliminating “Right to Work” States
- Protects workers who participate in strikes
- Codifies that employers mandating attendance at meetings that discourage unionism is an unfair labor practice
- Permits electronic voting for Union elections
- Passed the House vote in 2020 and 2021, still pending Senate passage

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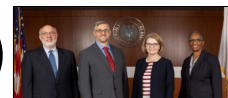
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Office of the Secretary of Labor

The Secretary of Labor is appointed by the President. As head of the United States Department of Labor, controls the department, and enforces and suggests laws involving unions, the workplace, and all other issues involving any form of business-person controversies.

Office of the Inspector General	Employment & Training Administration
Executive Secretary	Employee Benefit Security Administration
Centers for Faith and Opportunity Initiative	Office of Congressional & Intergovernmental Affairs
Office of the Ombudsman for the Energy Employee Employees Occupational Illness Programs	Mine Safety & Health Administration
Office of Public Engagement	Office of Public Affairs
Pension Benefit Guarantee Corporation	Office of the Chief Financial Officer
Office of Administrative Law Judges	Wage and Hour Division
Benefits Review Board	Veterans' Employment & Training Services
Employees' Compensation Appeals Board	Office of Disability Employment Policy
Administrative Review Board	Bureau of Labor Statistics
Office of the Solicitor	Bureau of International Labor Affairs
Office of the Assistant Secretary for Administration & Management	Office of Federal Contract Compliance Programs
Office of the Chief Information Officer	Office of Labor Management Standards
Office of the Assistant Secretary for Policy	Office of Workers' Compensation Programs
Occupational Safety & Health Administration	Women's Bureau

National Labor Relations Board (NLRB)



Quasi-judicial body deciding cases between employers, Unions, and their workers.

The Board:





- Composed of 5 positions with 5-year terms.
- One member term expires each year.
- Must have three members for a quorum.
- 3 positions currently filled by Biden, 1 filled by Trump, 1 vacancy.

General Counsel:

- Independent
- 4 year term
- Appointed by President
Currently Jen Abruzo
Formerly Peter Robb

The Smith Seat Term expires on August 27 of years ending in 6 and 1.	The Madden Seat Term expires on August 27 of years ending in 5 and 0.	The Carmody Seat Term expires on August 27 of years ending in 8 and 3.	The Murdock Seat Term expires on December 16 of years ending in 7 and 2.	The Gray Seat Term expires on December 16 of years ending in 9 and 4.	Party in Control of the Board	From	To
David M. Prouty	Kaplan	Wilcox		McFerran	Dem	09/11/2023	Present
David M. Prouty	Kaplan			McFerran	Dem	08/28/2023	09/10/2023
David M. Prouty	Kaplan	Wilcox		McFerran	Dem	12/17/2022	08/27/2023
David M. Prouty	Kaplan	Wilcox	Ring	McFerran	Dem	09/22/2021	12/16/2022
	Kaplan	Wilcox	Ring	McFerran	split	08/28/2021	09/21/2021
Emanuel	Kaplan	Gwynne A. Wilcox	Ring	McFerran	Rep	08/04/2021	08/27/2021
Emanuel	Kaplan		Ring	McFerran	Rep	01/20/2021	08/03/2021
Emanuel	Kaplan		Ring	McFerran	Rep	8/10/2020	01/20/2021
Emanuel	Kaplan		Ring		Rep	12/17/2019	8/9/2020
Emanuel	Kaplan		Ring	McFerran	Rep	8/28/2018	12/16/2019
William J. Emanuel	Kaplan	Pearce	John F. Ring	McFerran	Rep	4/16/2018	8/27/2018

Secretaries of Labor

Bush	Obama	Trump	Biden
Elaine Chao	Thomas Perez	Eugene Scalia	Julie Su
International Banker At Citicorp. Daughter of Foremost Group founder (shipping company). Spouse of Mitch McConnell.	Attorney, BA in international relations and political science.	Attorney with a “pro-business and anti-regulatory agenda”. Son of Supreme Court Justice Antonin Scalia.	Litigation Director for Advancing Justice.
Granted White House Fellowship during Reagan Administration.	Civil rights prosecutor for DOJ. MD Sec. of Labor. Chair of DNC. Targeted companies who engaged in workplace fraud and misclassified employees as independent contractors.	Served in GW Bush’s Labor Department, GH Bush’s Justice Department, and Ronald Reagan’s Education Department. Special assistant to Attorney Bill Barr.	Lead attorney for the El Monte Thai Garment Slavery Case.
Served in senior positions of the Department of Transportation Under Reagan and George H Bush. Later served as Secretary of Transportation under Trump.	Expansion of Fiduciary Rule. Application of minimum wage rates to home healthcare workers. Sponsored Persuader Rule.	Opposed regulations mandating workers protections. Represented UPS and Ford in cases against the Equal Employment Opportunity Commission.	Served as California Labor Commissioner and Secretary of CA Labor and Workforce Development Agency.
Oversaw controversial changes to the Fair Labor Standards Act classifying low level working supervisors “Executives” thereby eliminating overtime rights.	Currently Sr. Advisor to President Biden.	“Repeatedly hindered efforts of workers to secure benefits or defend their rights”. Wal-Mart v. Maryland.	Petitioned for rights of those who cooperate with the US Government leading to T-Visa for victims of human trafficking.
			

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Office of Labor Management Standards (OLMS)

Bush	Obama	Trump	Biden
Expanded LM-2 reporting (including breakout of items >\$5,000).		Proposed expansion of entities subject to LM reporting.	
Proposed Form T-1. Additional reporting for Union affiliates.	T-1 rescinded.	Proposed T-1.	T-1 rescinded.
Reinvigorate CAP audits (654 in 2008).	Low of 141 CAP audits in 2015.	Proposed budget for 400 CAP audits with 315 projected criminal investigations.	149 CAP audits performed in 2023.
Proposed expanded LM-2 reporting (9 new schedules detailing payroll, benefits, travel expenses).	Rescinded expanded LM-2 reporting.	Proposed expanded LM-2 reporting (9 new schedules detailing payroll, benefits, travel expenses).	Rescinded expanded LM-2 reporting.
Increased enforcement on LM-10 and LM-30 reporting (payments to Union Officers).	Expanded Persuader Reporting on LM-10 and LM-20.	Recission of Obama era Persuader Reporting rules.	Reinstatement of portions of Obama era Persuader Reporting rules.

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Occupational Safety & Health Administration - (OSHA)

Bush	Obama	Trump	Biden
Edwin G. Foulke, Jr. – Jackson Lewis attorney. Stated goal “To deliver creative and strategic solutions to employers”.	Dr. David Michaels – Professor of environmental and occupational health at George Washington University. Focused on protecting nuclear weapons workers.	Unfilled – Approximately one half of the senior positions at OSHA remained vacant throughout the COVID-19 crisis.	Douglas L. Parker – Formerly served on Obama’s Mine Safety & Health Administration and California’s Division of OSHA, Director of Worksafe, staff attorney for United Mine Workers of America.
Issued fewer standards than any previous administration in history. The only significant health standard issued was ordered by federal court.	Strengthened exposure standards for silica and beryllium. Increased protections for healthcare workers. Expanded protections for whistleblowers.	Reversal of Obama era policy allowing worker advocates to take part in workplace inspections.	Proposed reinstating Obama era policy allowing worker advocates (including Union reps) to be present at workplace inspections (Pending).
38,000 workplace inspections.	Increased penalties for OSHA non-compliance.	Historically low number of workplace inspectors & workplace inspections.	20% increase in inspectors from prior levels.
Reduced regulation and enforcement, encouraged a “voluntary compliance strategy”.	Updated reporting requirements for timely, on-line, reporting of workplace injuries and death for employers with 250 or more EEs.	Rolled back Obama era reporting requirements for timely, on-line reporting of workplace injuries. Encouraged self tracking.	Restored and expanded Obama era reporting requirements for workplace injuries (expanded to businesses with at least 100 EEs).

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National Labor Relations Board (NLRB)

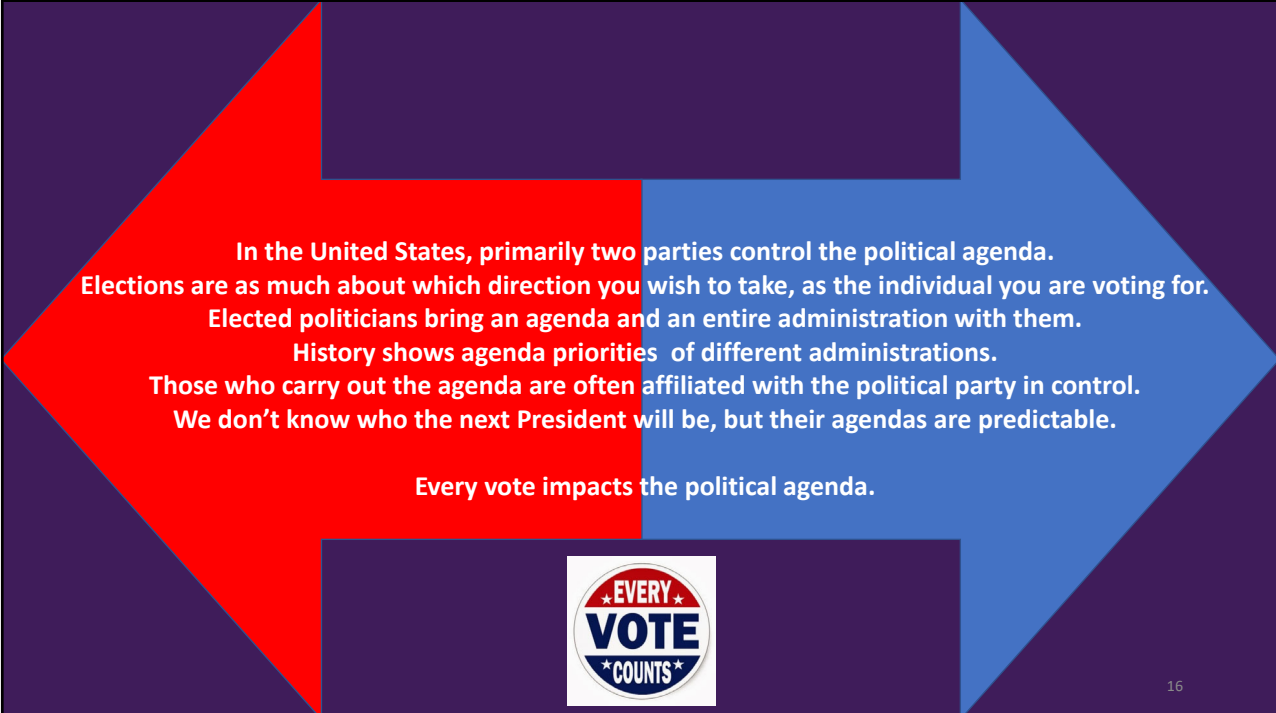
Bush	Obama	Trump	Biden
Limitation of Weingarten rights for non-union workers.	Expanding standard for determining “Employee”.	Reversed Obama era standard for determining “Employee”.	Reinstated Obama era standard for determining “Employee”.
Elimination of basic employment protections for potential “Salts”.	Support Union’s Rights to Micro-Unit Organizing.	Eliminated Obama era standard for Micro-Unit Organizing.	Reverted to Obama era standards for Micro-Unit Organizing.
Permit decertification prior to initial CBA.	Implementation of “Joint Employer” rules.	Retraction of “Joint Employer” rules.	Reinstatement and expansion of “Joint Employer” rules.
	Terms and conditions of CBA stay in place after contract expiration (including collection and remittance of dues).	Employers need not collect union dues after CBA expires. Employers may restrict employee’s email.	Reverse Trump era decision regarding withholding dues post contract expiration.
		No duty to bargain over “changes” if consistent with past practice.	Restriction of unilateral changes permitted under Trump era NLRB.
		Restrict “Union” discussions at employer’s workplace.	Employer must recognize and bargain with union that has demonstrated majority status.

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Pension Benefit Guarantee Corporation (PBGC)


Bush	Obama	Trump	Biden
Signed the Pension Protection Act of 2006 (PPA) establishing funding "Zones" and increasing funding requirements.	Signed the Multiemployer Pension Reform Act of 2014 extending PPA provisions, expanding "Zones" and allowing reductions in benefits in certain instances.	Proposed increase to PBGC Premiums by \$26 Billion 1100% while lowering assumed interest rates to 6%.	American Rescue Plan. Will provide \$74 to \$91 Billion to eligible multiemployer plans to pay retirement benefits without reductions for many years.
	Appointed attorney Henry C. Eickelberg, CPA as advisory Committee member. Was VP of Human Resources for General Dynamics.	Nominated Gordon Hartogensis as director of PBGC. Mitch McConnell's brother-in-law. He is (was) a trustee for his family's trust portfolio.	Appointed (Grisi, Jacobson, LoCicero, and Obed). Grisi – head of Pensions at Nokia, Jacobson – National Pension Fund Administrator, LoCicero – Actuary, Obed – managing director of investment consulting.

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In the United States, primarily two parties control the political agenda.
Elections are as much about which direction you wish to take, as the individual you are voting for.
Elected politicians bring an agenda and an entire administration with them.
History shows agenda priorities of different administrations.
Those who carry out the agenda are often affiliated with the political party in control.
We don't know who the next President will be, but their agendas are predictable.

Every vote impacts the political agenda.



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All Elections Have Consequences!



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