The Aftermath of the Elections
ABC Virginia Webinar

November 10, 2016
Overview

- U.S. House, Senate and White House Results
- State Results: GOP Domination Continues
- Virginia Election Notes
- Impact of Elections on ABC Members
Get Into Politics or Get Out of Business®
White House
Trump 306  Clinton 232

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ABC Travel Teams

- 8-10 ABCN GA staff and chapter staff
- Visited ABC Member companies w/ GOTV information
- Volunteered on campaigns in evening
- Won both FL and PA
Overview

- Governors
- Legislatures
- States on Key ABC issues
2017 Governors
33 GOP

Updated 11/9/16

Republican (33) (+2)

Democrat (15) (-3)

Independent (1) (0)
2018 Governors Races
Updated 11/9/16

24/36 elections held by GOP Governors in 2018

- Independent incumbent eligible for re-election
- Unknown Incumbent
- No Election
- Republican incumbent eligible for re-election
- Term-limited or retiring Republican
- Democratic incumbent eligible for re-election
- Term-limited or retiring Democrat
2016 State Legislative Control
31 States with GOP-controlled Legislatures

Updated 11/9/16
2017 State Legislative Control
33 States with GOP-controlled Legislatures

Updated 11/9/16

* Ties in DE and CT Senate
2016 Party Control Trifecta of Governor & State Legislatures
23 States with GOP Trifecta

Updated 11/9/16
2017 Party Control Trifecta of Governor & State Legislatures

25 States with GOP Trifecta
22 States Restrict Government-Mandated PLAs (GNICA)
As of November 2016

#NoPLAs/GNICA: Enacted bill or EO allowing all contractors and their employees to fairly compete for projects funded by their own tax dollars

Pro-PLA: Enacted bill or EO discouraging fair and open competition on taxpayer funded construction

2017 Target for GNICA Law/EO

Threat of government-mandated PLAs on all taxpayer-funded projects
WV is the most recent state to repeal its PW law (2016) and then IN (2015). NV repealed PW on some school construction (2015) and WI made reforms via budget (2015). TN eliminated PW in (2013) on all but vertical construction.
State GOP Domination Continues. In 2017:

- 33 GOP Governors (up from 31 in 2016)
- GOP controls 69* of 99 legislative chambers in the country (an all-time party high), including 33 states with full legislative (House and Senate) control (up from 31 in 2016)
- 25 states will have **GOP Trifecta** of Governor, Senate and House (up from 23 in 2016)
- GOP’s state success matters in U.S. House & depletes Dem. bench for higher office
- RTW, PW repeal/reform and GNICA/PLA reform will move
- States that recently embraced labor reform efforts suffered little electoral consequences (for the most part)

*Get Into Politics or Get Out of Business®*
• U.S. House races and Virginia
• Special Elections in Virginia State
• Ballot Initiative to Add Existing Right to Work Law to Virginia Constitution
• Questions? Email Julia at: jhammond@eckertseamans.com
Constitutional Amendment 1: Right to Work

2,555 of 2,560 precincts reporting (99.80%)

FAILED

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<tbody>
<tr>
<td>Yes</td>
<td>1,684,312</td>
<td>46.39%</td>
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<tr>
<td>No</td>
<td>1,946,620</td>
<td>53.61%</td>
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Click on a locality for details
WHAT IS TRUMP’S AGENDA?

- Knowns and unknowns
- The clear contrast with Obama/Clinton
- Trump’s clear opposition to illegal immigration, Obamacare and overregulation of environment and taxes
- Trump, the business community, and the unions
- Trump’s promise to repeal Obama executive orders and rollback excessive regulation
- The Indiana factor
- The transition team: GreatAgain.Gov

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IMPACT OF REPEALING EXECUTIVE ORDERS

- PLAs (EO 13502)
- Blacklisting, arbitration, and paycheck transparency (EO 13673)
- Non-retaliation for wage disclosures: EO 13665
- Trafficking in persons: EO 13627
- Minimum wage for Federal contractors: EO 13658
- Non-displacement of qualified workers: EO 13495
- Notification of rights under Federal labor laws: EO 13496
- Paid sick leave: EO 13706

All aimed at federal government contractors
IMPACT ON THE WAVE OF NEW RULES THIS YEAR

- The Blacklisting Rule (BLOCKED FOR NOW) (except for paycheck transparency effective 1/1/17)
- DOL Persuader Rule (BLOCKED FOR NOW)
- OSHA anti-drug testing rule effective Dec 1 (COURT ACTION PENDING)
- White Collar Overtime Rule Changes effective Dec 1 (COURT ACTION PENDING)
- OSHA public injury electronic reporting effective 2017
- OSHA Silica Standard effective 2017 (COURT ACTION PENDING)
- Paid sick leave for govt contractors effective January 2017
IMPACT ON THE RADICAL NLRB

- New appointments to retake control from pro-union majority
- A slow process to reverse eight years of bad decisions
- Joint Employer standard now favoring unions
- Quickie election rule now in effect
- Union access to corporate emails
- NLRB’s war on employee handbooks
- Micro units and other new election rules
- Independent contractor standard favoring unions
- Class arbitration issue pending in multiple circuits
- NLRB v. SW General (appointment power of the president) pending at Supreme Court

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IMPACT ON THE EEOC

• EEOC final rule on wellness programs – AARP suing to make the rule tougher on employers
• EEOC final rule on EEO-1 form
• Over-aggressive enforcement

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OTHER PLANNED OBAMA CHANGES PROBABLY STOPPED

• Apprenticeship - EEO proposed revisions
• More aggressive action from OFCCP
• Threatened expansion of PLAs
• NLRB promotion of union strikes
• Bonus: Clinton’s likely radical executive action agenda in a divided government is dead
ABC’s MERIT SHOP AGENDA

- ABC’s Role in the New Administration
- Is Trump’s Infrastructure Plan Feasible?
- Can Cut Deals With Congress?
- Prospects for passage of the Government Neutrality in Contracting Act (GNICA), restricting PLA mandates on fed and fed-assisted projects.
- Stay engaged at federal, state and local level

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ABC ACTION APP

One-click messaging to your member of congress

Instant notifications for grassroots and legislative alerts

Voting history on key ABC issues

Detailed contact information for your federal representatives

The ABC Action app for iPhone, iPad and Android. Download it on your device at abc.org/ABCaction
Questions?
Email Brubeck@abc.org
Twitter: @ABCGovAffairs

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