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GOVERNMENT AFFAIRS UPDATE

Associated General Contractors (AGC) of Ohio's *Government Affairs Update* provides information about government related matters of interest to the commercial building industry and AGC's advocacy efforts. It is e-mailed to AGC of Ohio members and available online at www.agcoho.com/advocacy.html. Direct questions and comments to Andrea Ashley, VP of Government Relations: andrea@agcoho.com or (614) 486-6446. **NOTE: With state legislators on break and very limited legislative action expected prior to the November election, the *Government Affairs Update* will be e-mailed with less frequency until after the election.**

November 22, 2016

URGE OHIO LEGISLATORS AND GOVERNOR KASICH TO TAKE A DELIBERATIVE, INCLUSIVE APPROACH TO UNEMPLOYMENT COMPENSATION REFORM! [Take Action!](#)

Click [here](#) and fill out your contact information to reach out to your State Representative, Senator and Governor Kasich about the importance of a deliberative approach to unemployment compensation reform.

Background:

The Ohio Legislature is drafting new unemployment compensation "reform" legislation in the hopes of passing it during the two weeks remaining in the legislative session. AGC of Ohio and other construction employer associations, as well as organizations representing construction workers, are advocating the legislature take a deliberative, inclusive approach to unemployment compensation reform as opposed to rushing a bill during lame duck.

Last year, the construction industry's concerns were not seriously considered in House Bill 394, the initial unemployment compensation legislation. Now, some legislative leaders have begun drafting new legislation that they plan to introduce it in late November, and pass it by December 8 when the legislature is expected to go home for the year. This means there will only be a few days to vet the proposal and consider its impact. And based on the information available to date, it is our understanding the new proposal does not address the construction industry's concerns, nor does it achieve solvency.

Message:

Instead of rushing legislation, AGC of Ohio and others in the construction coalition recommend the legislature create a committee representative of all interested parties that could start meeting in January, use an outside actuary not tied to any special interests, and take the time to appropriately develop viable unemployment compensation reforms that ensure the long-term solvency of the system, with the goal of passing a bill before July 1st.

Action Needed:

[Click here](#) to urge legislators and Governor Kasich to take a deliberative, inclusive approach to unemployment compensation reform.

Questions:

Contact Andrea Ashley at AGC of Ohio (614) 486-6446 or andrea@agcoho.com.



REPUBLICANS ADD TO HOUSE AND SENATE MAJORITIES AT STATEHOUSE; LEADERSHIP TEAMS FOR NEXT GENERAL ASSEMBLY ELECTED

To the surprise of most political analysts and statehouse insiders, Ohio House and Senate Republicans added to their historically large majorities—each gaining one seat in its caucus. Come January, there will be 66 House Republicans, sixteen more votes than needed to pass a bill; and 24 Senate Republicans, with seven extra votes.

With swaths of voters in Appalachian regions voting for Republican Presidential candidate Donald Trump, Senate Democrats lost the 30th District to Republicans. Incumbent Senator Lou Gentile (D-Steubenville) was defeated by Frank Hoagland, a business owner and former Navy SEAL from Adena.

The House GOP added to its super-majority and gained the 94th District seat, which includes left-leaning Athens County. Republican Jay Edwards of Nelsonville, a realtor and former Ohio University football player bested his challenger to succeed Democratic Representative Debbie Phillips, who must leave the House due to term-limits. The extra seat allows the House to pass emergency measures without a Democratic vote.

Both Chambers' leadership teams for the next General Assembly were announced shortly after the election. They are:

Ohio House

- Speaker Cliff Rosenberger (R-Clarksville)
- Speaker Pro Tem Kirk Schuring (R-Canton)
- Majority Floor Leader Dorothy Pelanda (R-Marysville)
- Assistant Majority Floor Leader Sarah LaTourette (R-Bainbridge Twp.)
- Majority Whip Tom Patton (R-Strongsville)
- Assistant Majority Whip Rob McColley (R-Napoleon)
- Minority Leader Fred Strahorn (D-Dayton)
- Assistant Minority Leader Nicholas Celebrezze (D-Parma)
- Minority Whip Nickie Antonio (D-Lakewood)
- Assistant Minority Whip Emilia Sykes (D-Akron)

Ohio Senate

- President Larry Obhof (R-Medina)
- President Pro Tem Bob Peterson (R-Sabina)
- Majority Floor Leader Randy Gardner (R-Bowling Green)
- Majority Whip Gayle Manning (R-N. Ridgeville)
- Senate Minority Leader Joe Schiavoni (D-Boardman)
- Assistant Minority Leader Charleta B. Tavares (D-Columbus)
- Minority Whip Edna Brown (D-Toledo)
- Assistant Minority Whip Cecil Thomas (D-Cincinnati).

UPCOMING EVENT: AGC OF OHIO SAFETY MEETING

December 2, 9:30-noon, AGC office; [RSVP Attendance](#)

The next AGC of Ohio Safety Meeting is scheduled for Friday, December 2 from 9:30 a.m. to noon at the AGC office in Columbus. Contact Andrea Ashley at andrea@agcohio.com or (614) 486-6446 to RSVP or with any questions.

The agenda includes two guest speakers: Corey Crognale, partner, Ice Miller, will address the potential impact of new state and national safety and health regulations on employers. Jim Blazer, Southeast regional business development manager, Ohio BWC, will discuss various BWC employer initiatives, how the agency is handling medical marijuana, other states coverage, and other workers' comp matters of interest to contractors. The remainder of the meeting will be a working lunch to cover other regular agenda items, including OSHA enforcement around the state, AGC safety efforts, and a roundtable discussion on safety and health matters of interest.



ON THE NATIONAL FRONT... *Information courtesy of AGC of America*

POST-ELECTION COVERAGE:

WHAT HAPPENS WITH THE OBAMA ADMINISTRATION'S REGULATIONS AND EXECUTIVE ORDERS NOW?

[*The Regulatory Road Ahead, An AGC Road Map for Federal Regulations*](#)

To help construction contractors better understand the regulatory state of play during the presidential transition period, AGC has put forth a document entitled "[The Regulatory Road Ahead.](#)" A number of regulations go into effect before Inauguration Day. Some of them could be repealed in 2017. And, new regulations may yet come. The reality is that AGC contractors must remember to comply with the law and not rely on campaign promises. This document will help AGC members better understand the lay of the regulatory land from now to January 20 and beyond.

AGC URGES CONGRESS TO REPEAL OBAMA REGULATIONS

Existing Law Allows Congress to Roll Back Midnight Regulations

This week, [AGC strongly urged Congress](#) to repeal a host of unnecessary, costly and burdensome Obama administration regulations under the Congressional Review Act (CRA). The regulations that Congress could possibly roll back under the CRA include: implementing regulations for both [the Fair Pay and Safe Workplaces](#) Executive Order and the [Paid Sick Leave](#) Executive Order; the Occupational Safety and Health Administration's Electronic Injury and Illnesses [Recordkeeping Rule](#)—for which OSHA recently recalibrated its controversial drug testing position—and the Equal Employment Opportunity Commission's revised [EEO-1 Report](#), which would expand pay data reporting requirements.

The CRA enables Congress to overturn a federal agency rule, guidance or general policy statements—with simple majorities in both the House and Senate—issued within 60 legislative days. Based on past history, such agency actions potentially ripe for CRA repeal for the new Republican Congress and president would have to have been finalized sometime in May 2016. The regulations AGC put forth fit those and other parameters under the CRA. Although the new [overtime rule](#)—which doubles the overtime salary threshold for Fair Labor Standards Act exempt employees—falls within the May 2016 timeline, the CRA specifically excludes rules that address wages from congressional repeal consideration. It should also be noted that the CRA has only been effectively used once since its enactment in 1996.

The CRA is a more powerful and effective tool for, essentially, permanently eliminating these Executive Branch actions than President-elect Trump simply rescinding those executive orders and using the regulatory process to unwind the regulations. Under the CRA, a federal agency cannot reissue the rule that has been repealed unless Congress passes and the president signs into law provisions authorizing the disapproved rule. As a result, a new president and administration cannot merely issue a new rule later.

There are still many pending Obama regulations that may go final between now and Inauguration Day. AGC has been in close contact with Republican congressional leadership and committee leadership to inform them not only of the aforementioned regulations, but also about what is on deck for CRA repeal considerations.