



The Aftermath of the Elections

ABC Virginia Webinar

November 10, 2016

Get Into Politics or Get Out of Business®



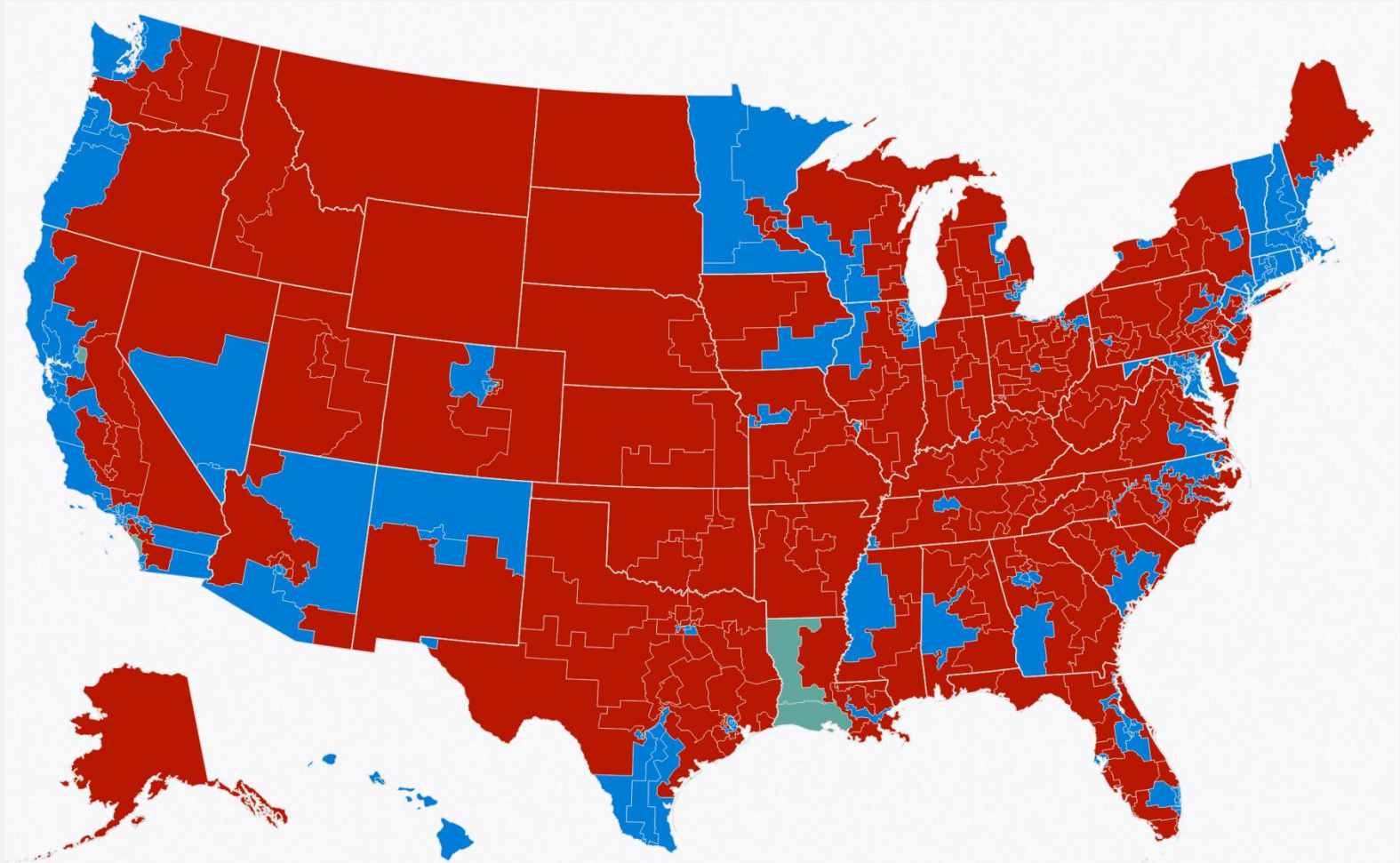
Overview

- U.S. House, Senate and White House Results
- State Results: GOP Domination Continues
- Virginia Election Notes
- Impact of Elections on ABC Members



U.S. House Map

(239 GOP, 193 DEM, 3 TBD)

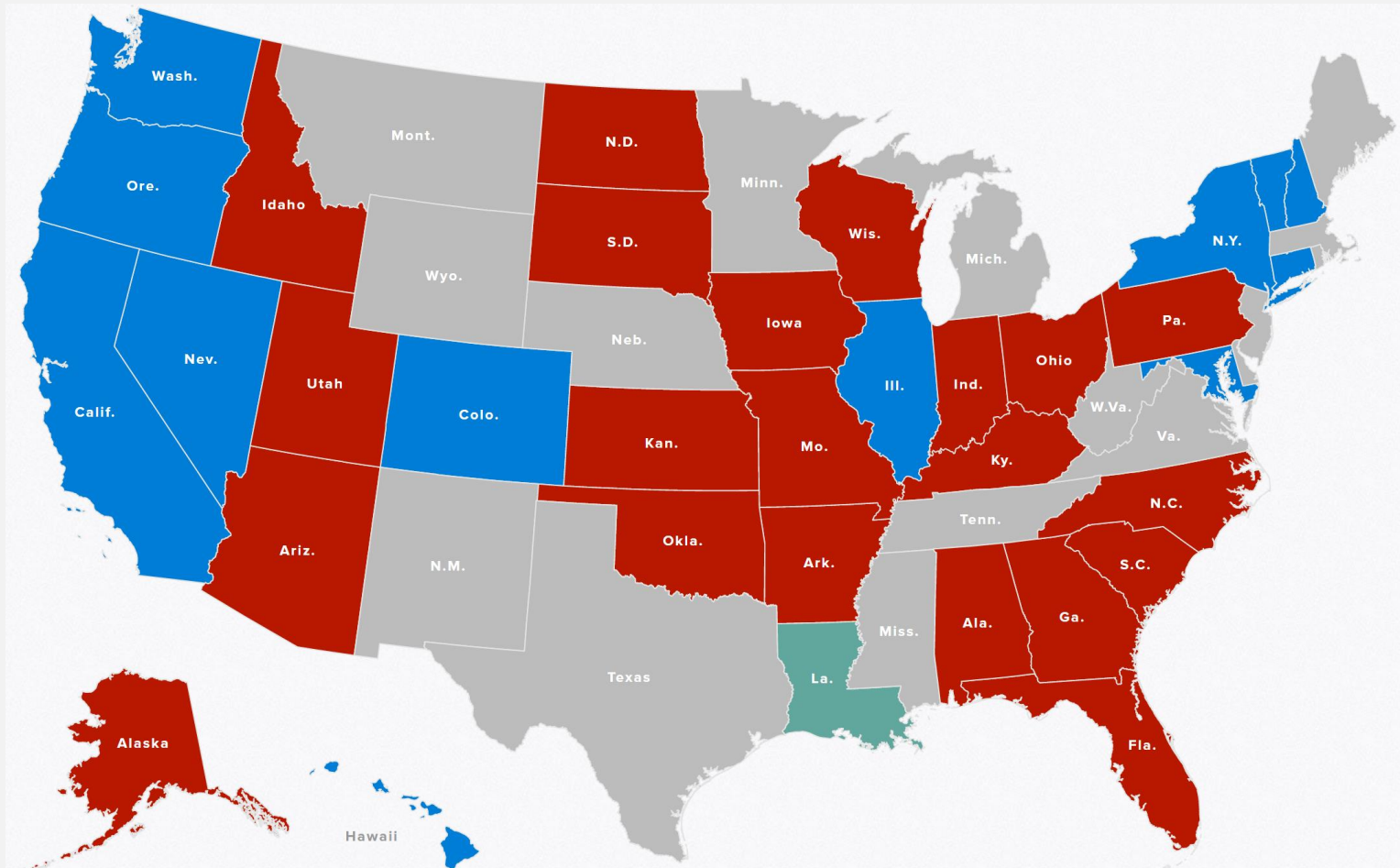


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U.S. Senate Map

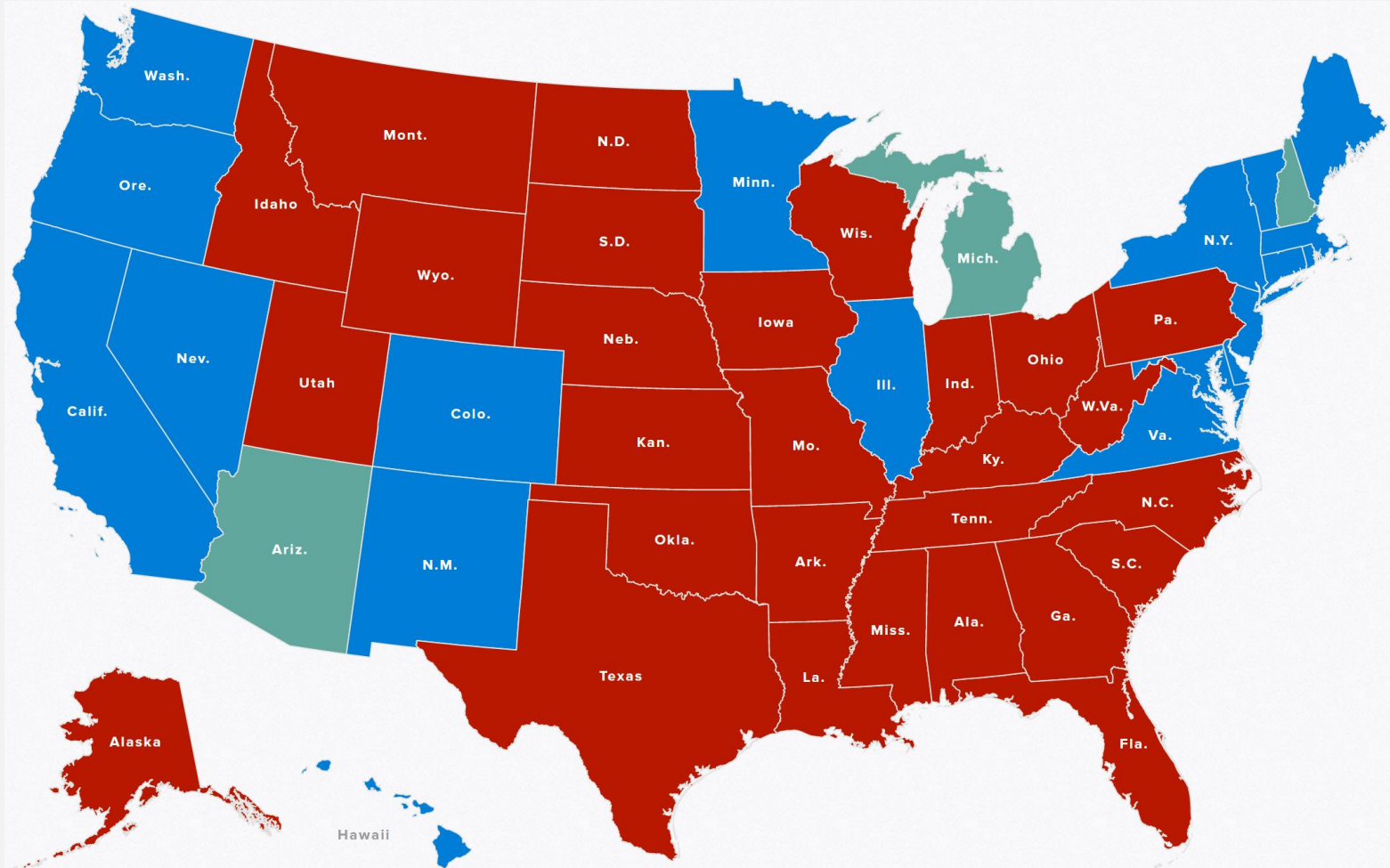
(51 GOP, 48 DEM, 1 TBD)



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White House

Trump 306 Clinton 232



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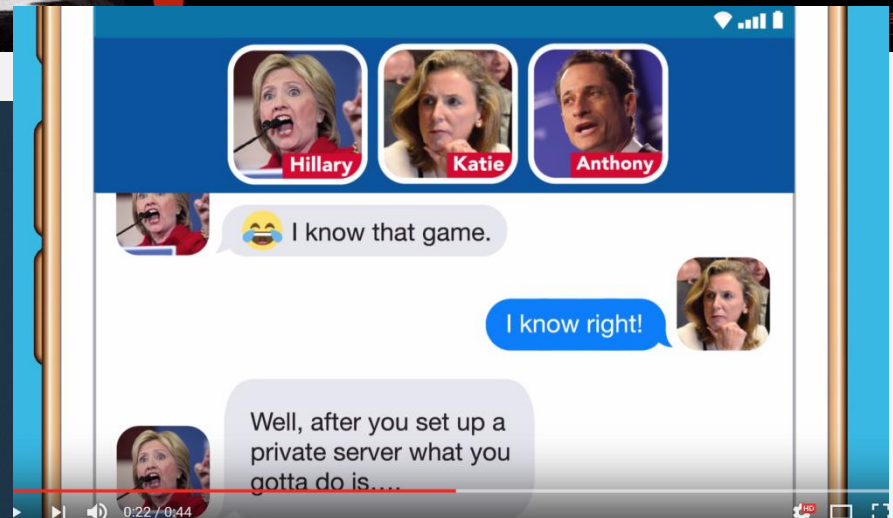
ABC Travel Teams



- 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

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Advocacy Buys



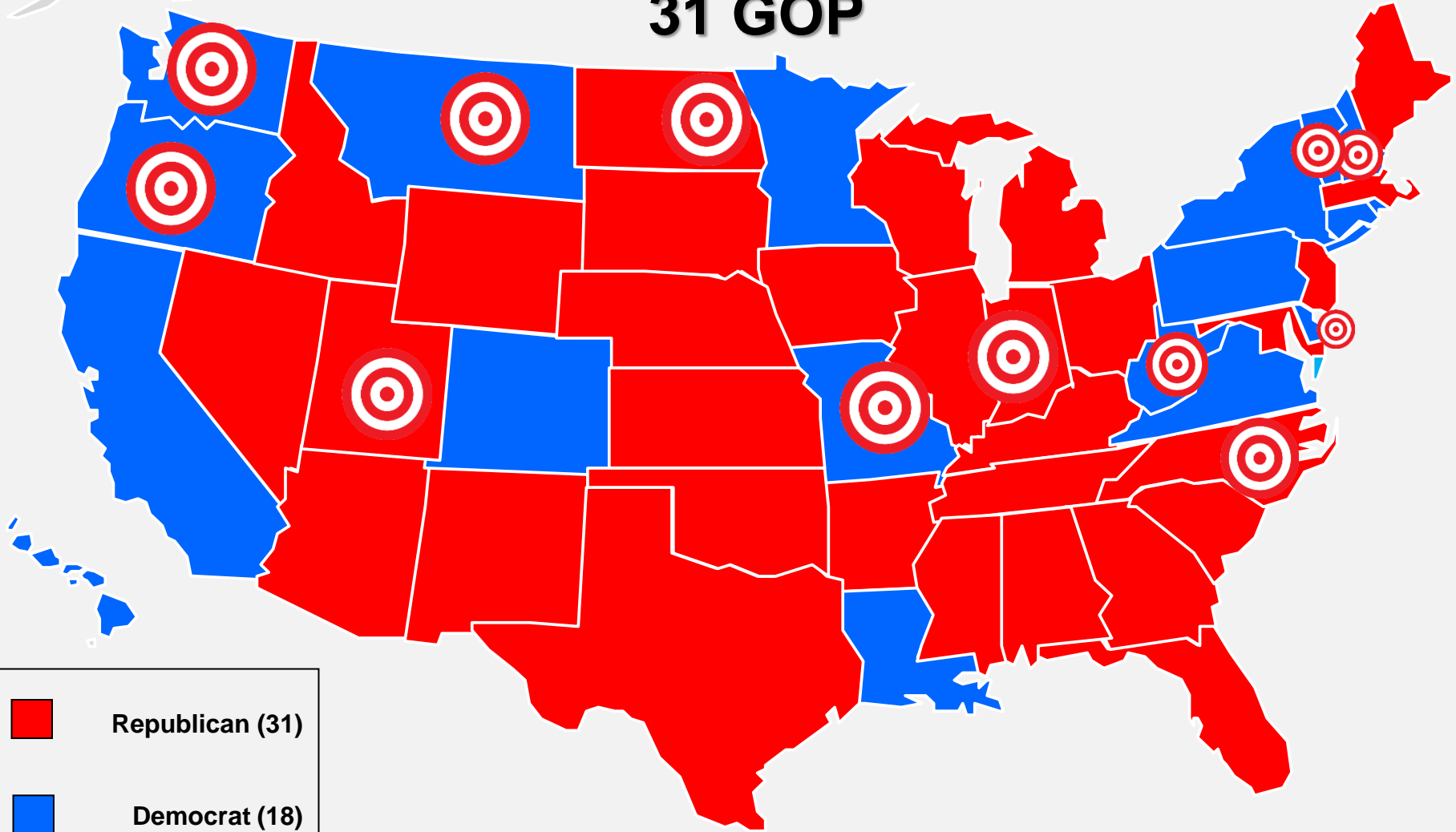


Overview

- Governors
- Legislatures
- States on Key ABC issues

2016 Governors

31 GOP



Republican (31)



Democrat (18)



Independent (1)

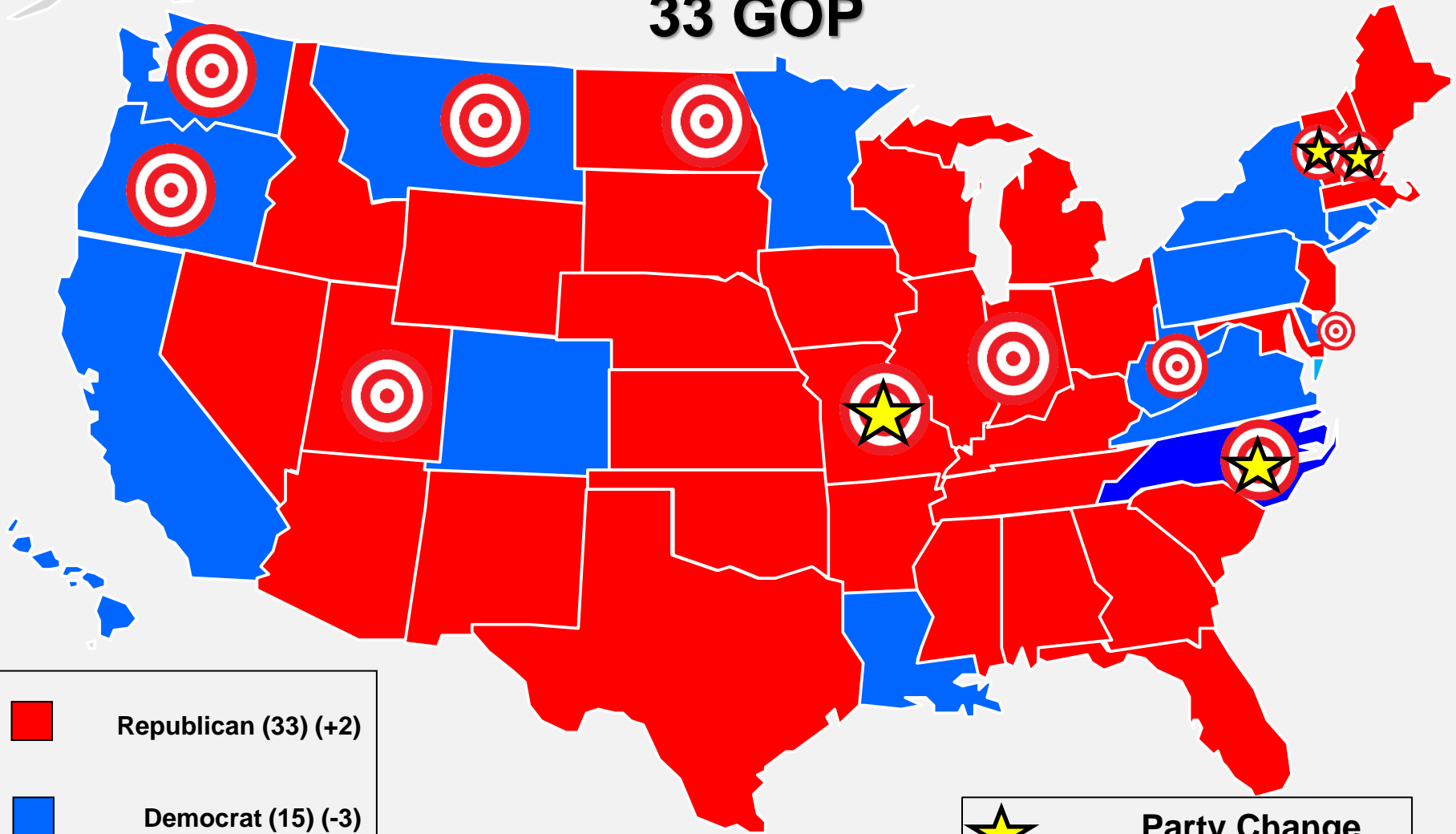


Election

Updated 11/9/16

2017 Governors

33 GOP



Republican (33) (+2)



Democrat (15) (-3)



Independent (1) (0)



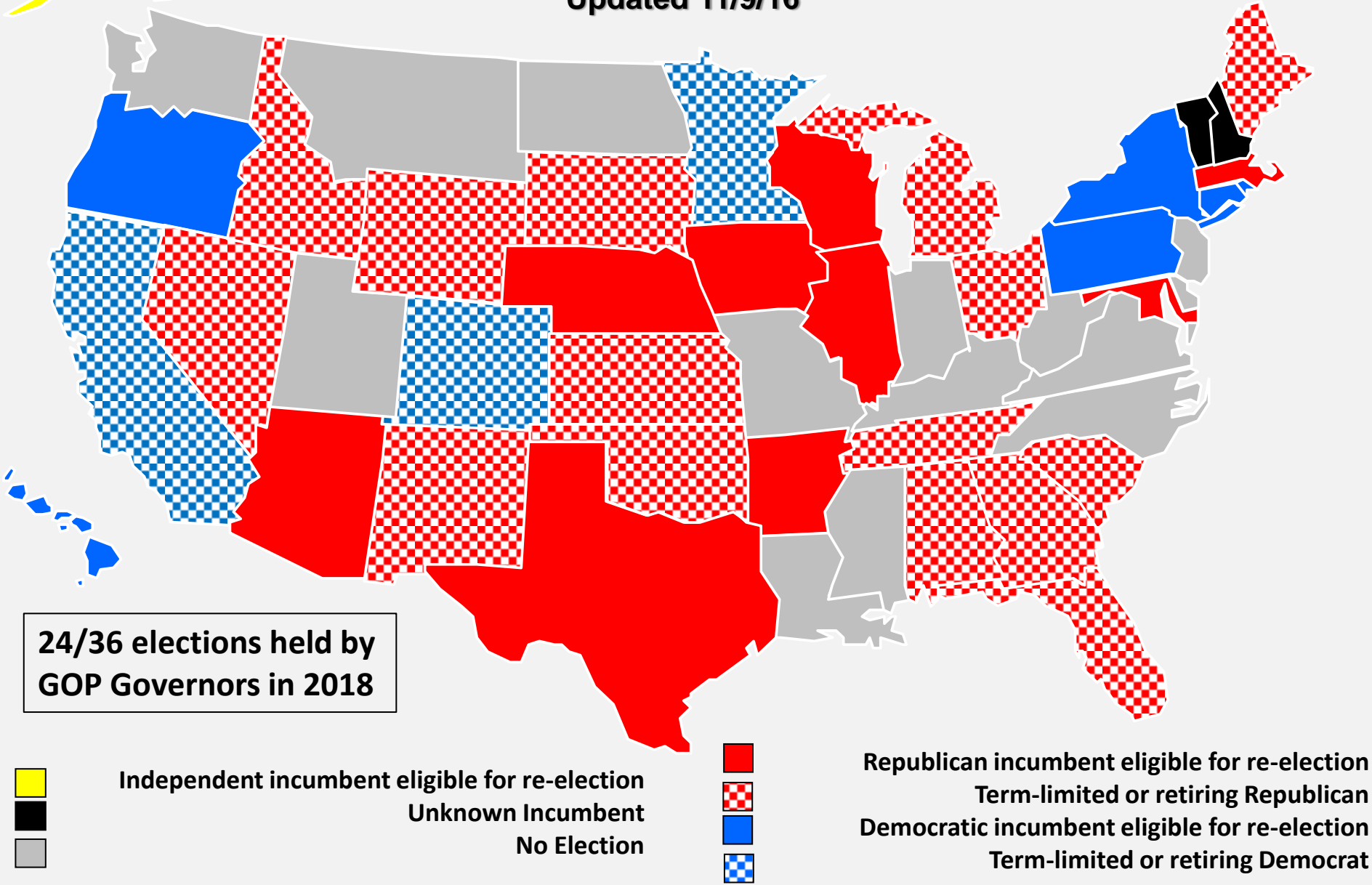
Party Change



Election

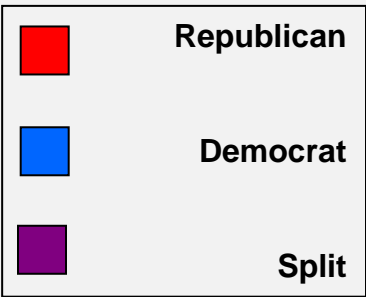
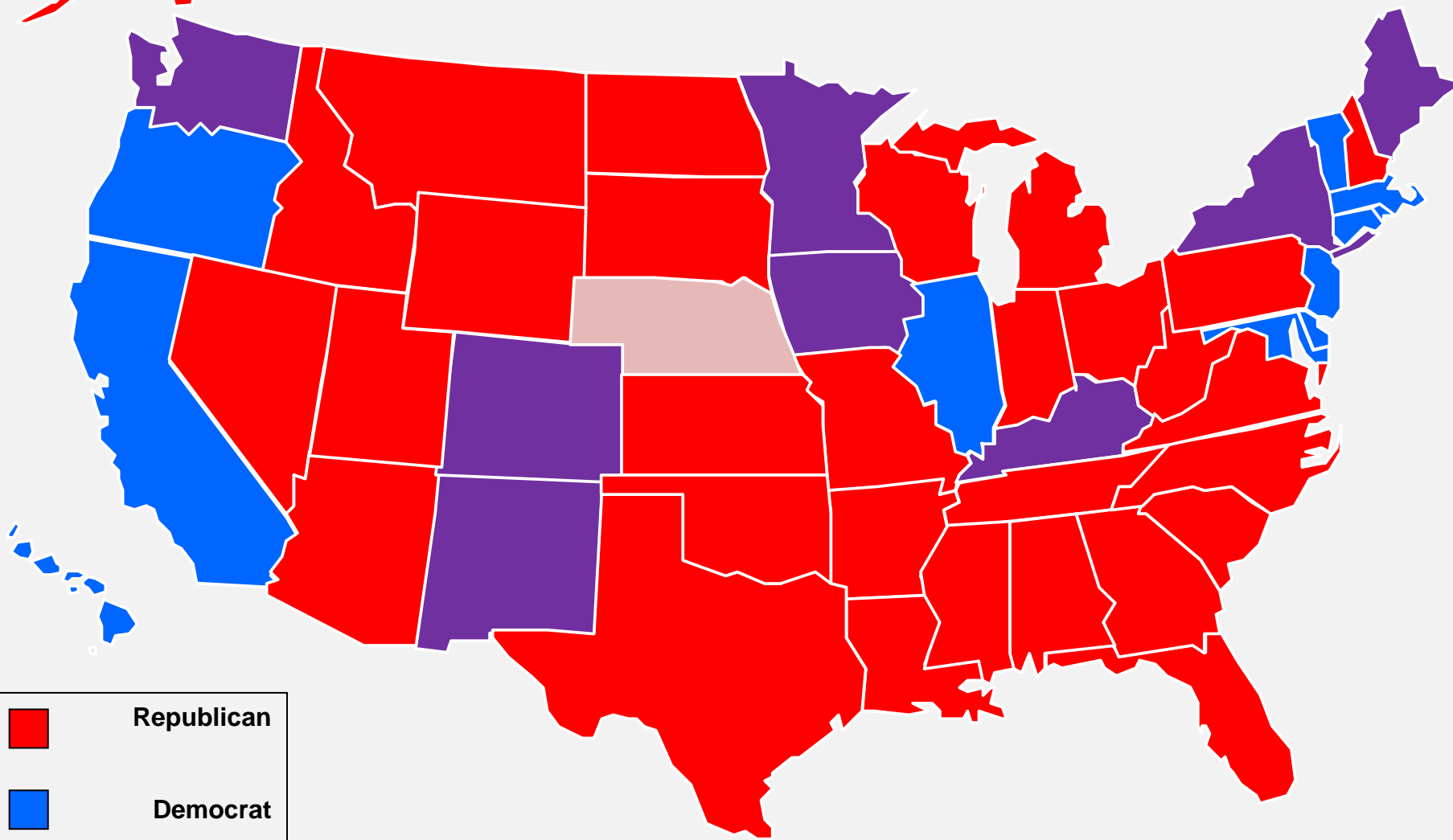
2018 Governors Races

Updated 11/9/16



2016 State Legislative Control

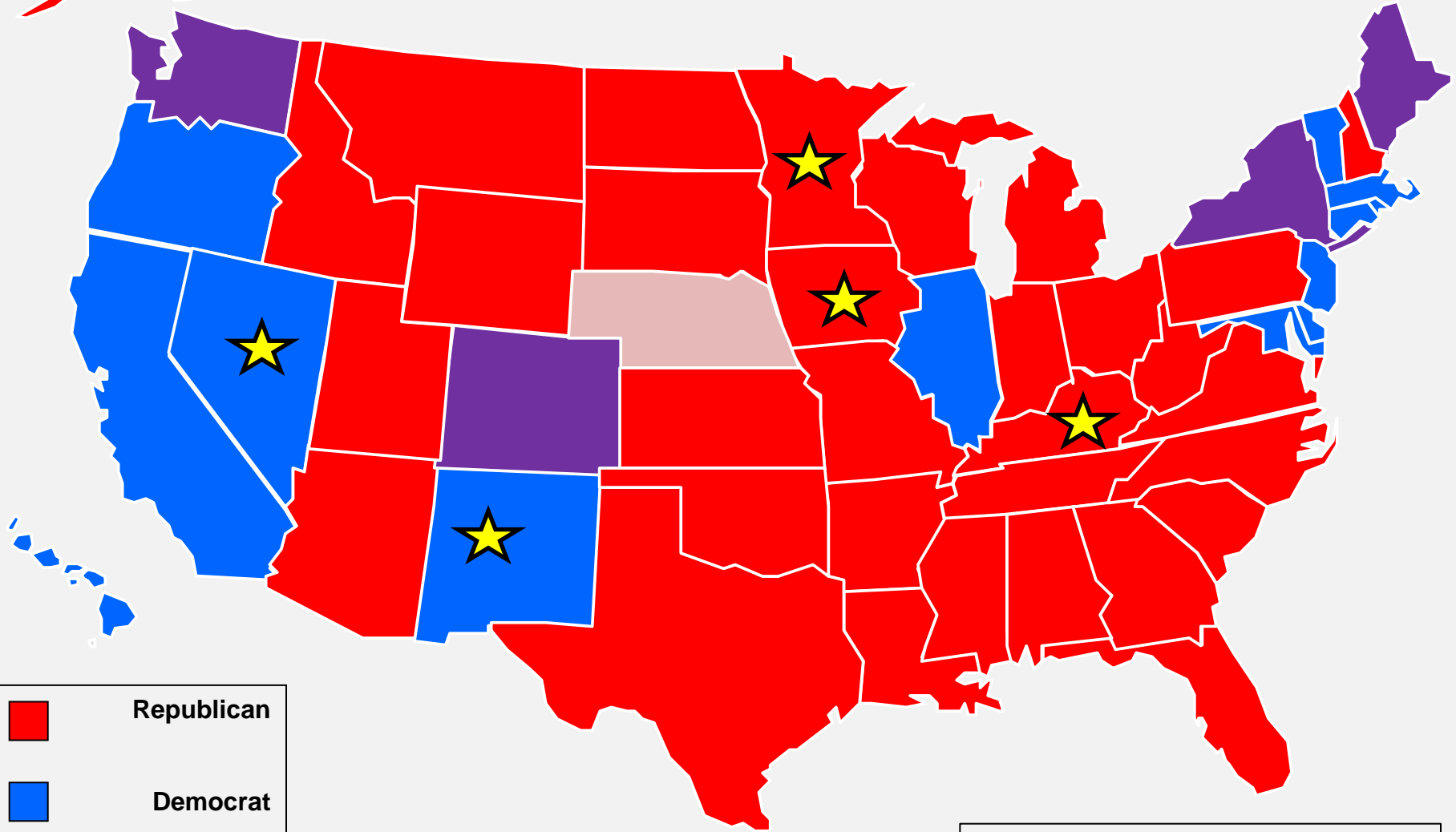
31 States with GOP-controlled Legislatures





Updated 11/9/16


2017 State Legislative Control

33 States with GOP-controlled Legislatures




 Republican

 Democrat

 Split

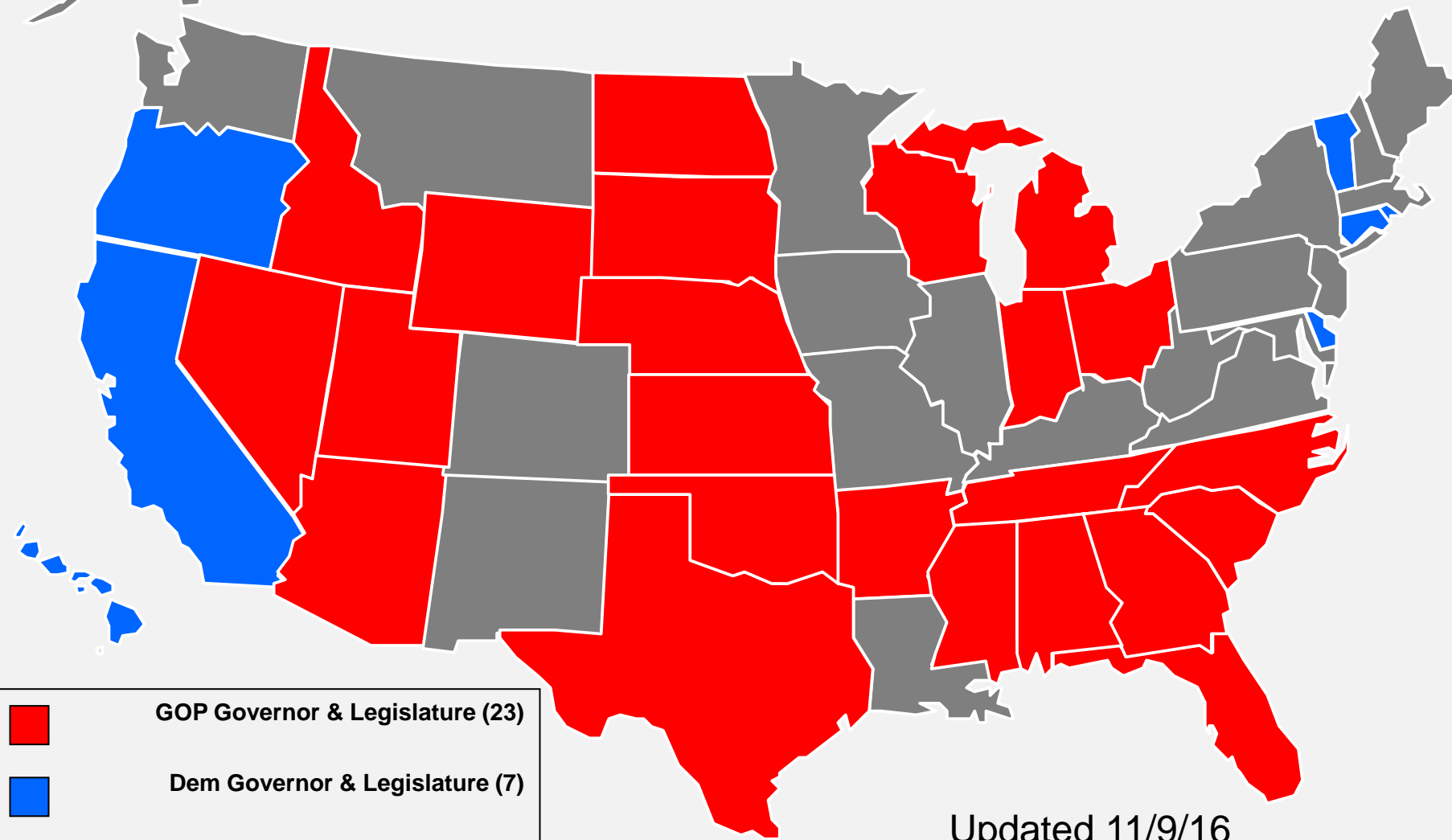
Updated 11/9/16

 Change

* Ties in DE and CT Senate

2016 Party Control Trifecta of Governor & State Legislatures

23 States with *GOP* Trifecta



GOP Governor & Legislature (23)

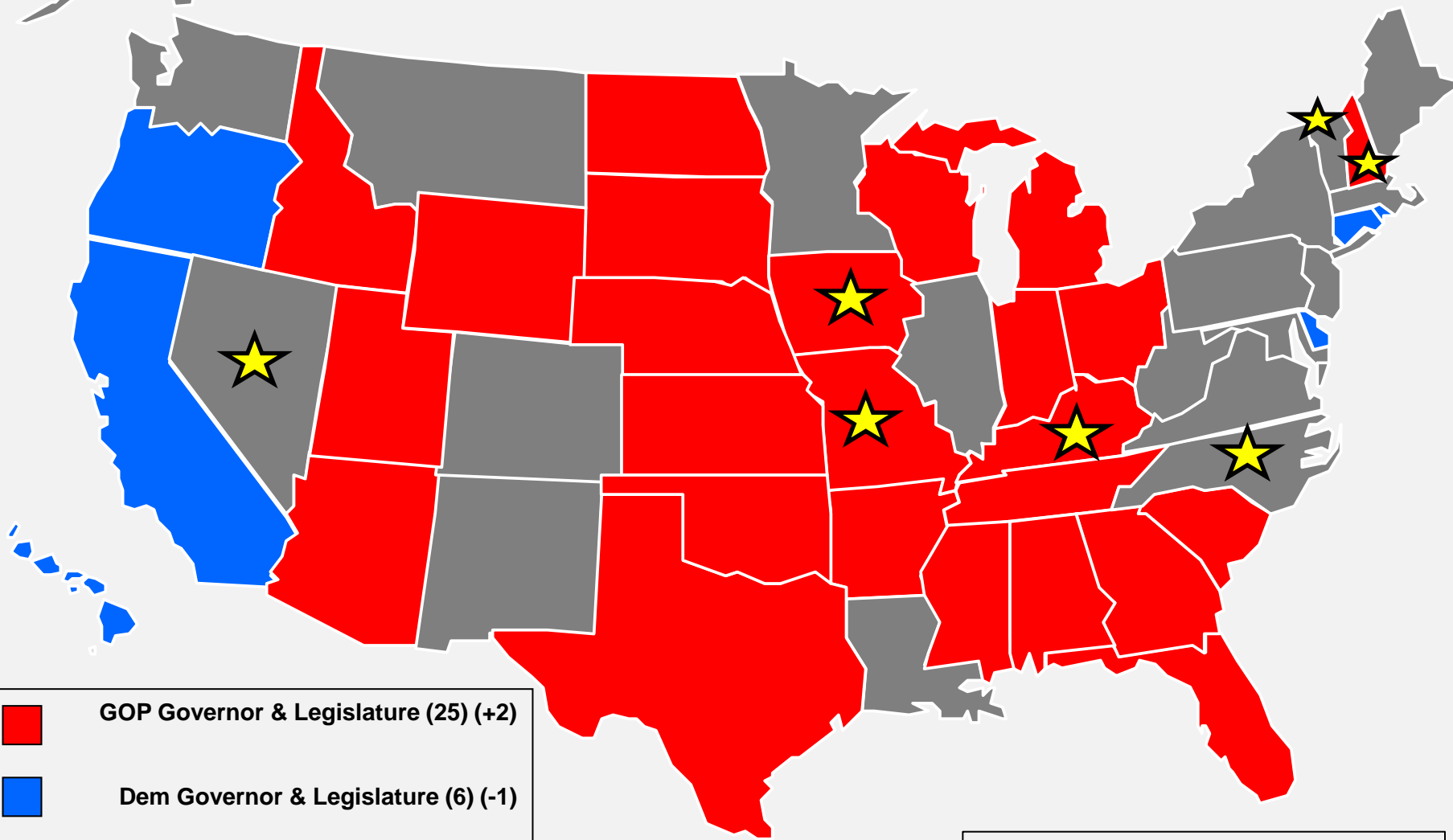
Dem Governor & Legislature (7)

Split Control (20)

Updated 11/9/16

2017 Party Control Trifecta of Governor & State Legislatures

25 States with *GOP* Trifecta




 **GOP Governor & Legislature (25) (+2)**

 **Dem Governor & Legislature (6) (-1)**

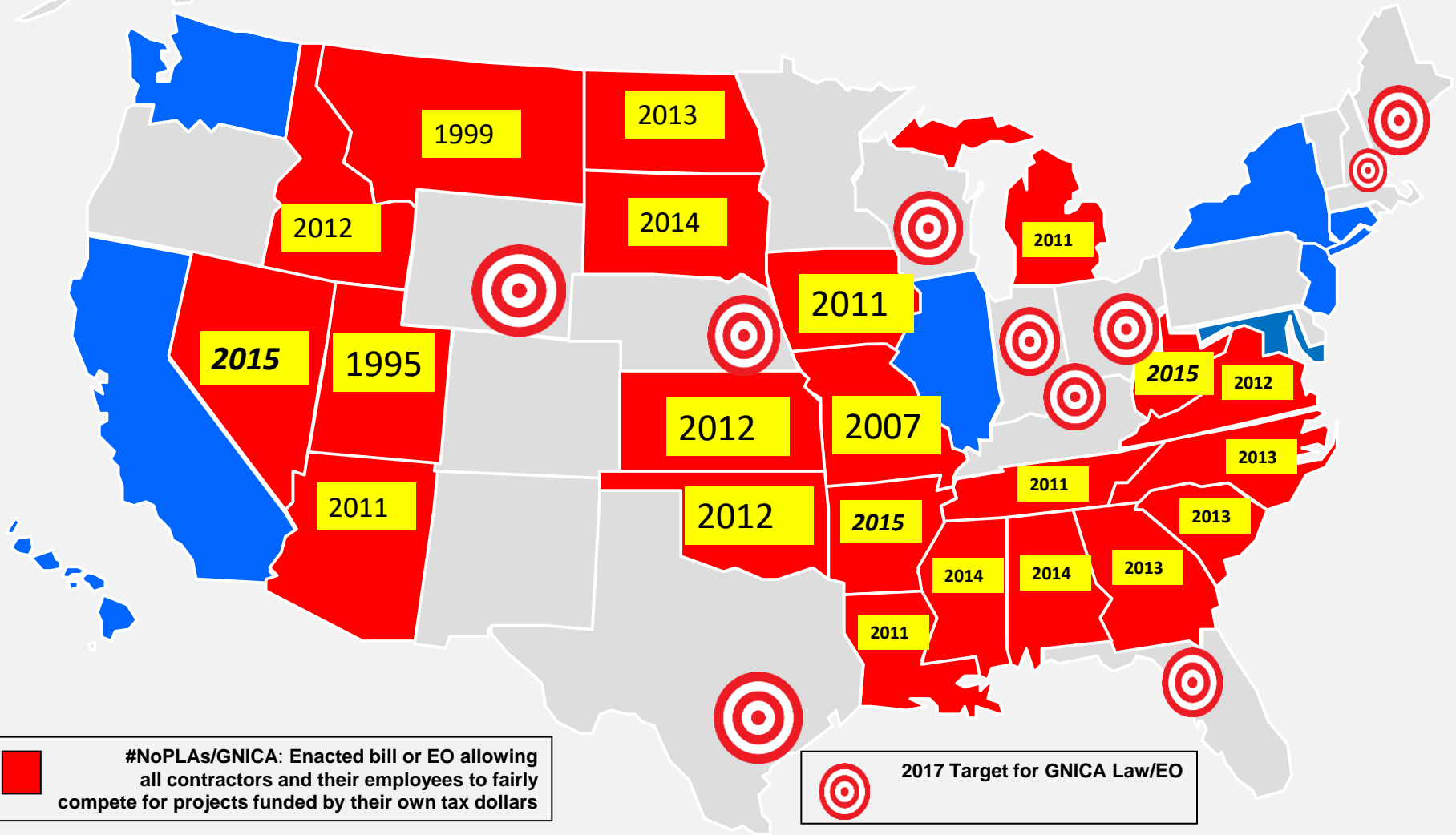
 **Split Control (19) (-1)**

Updated 11/9/16

 **Change**

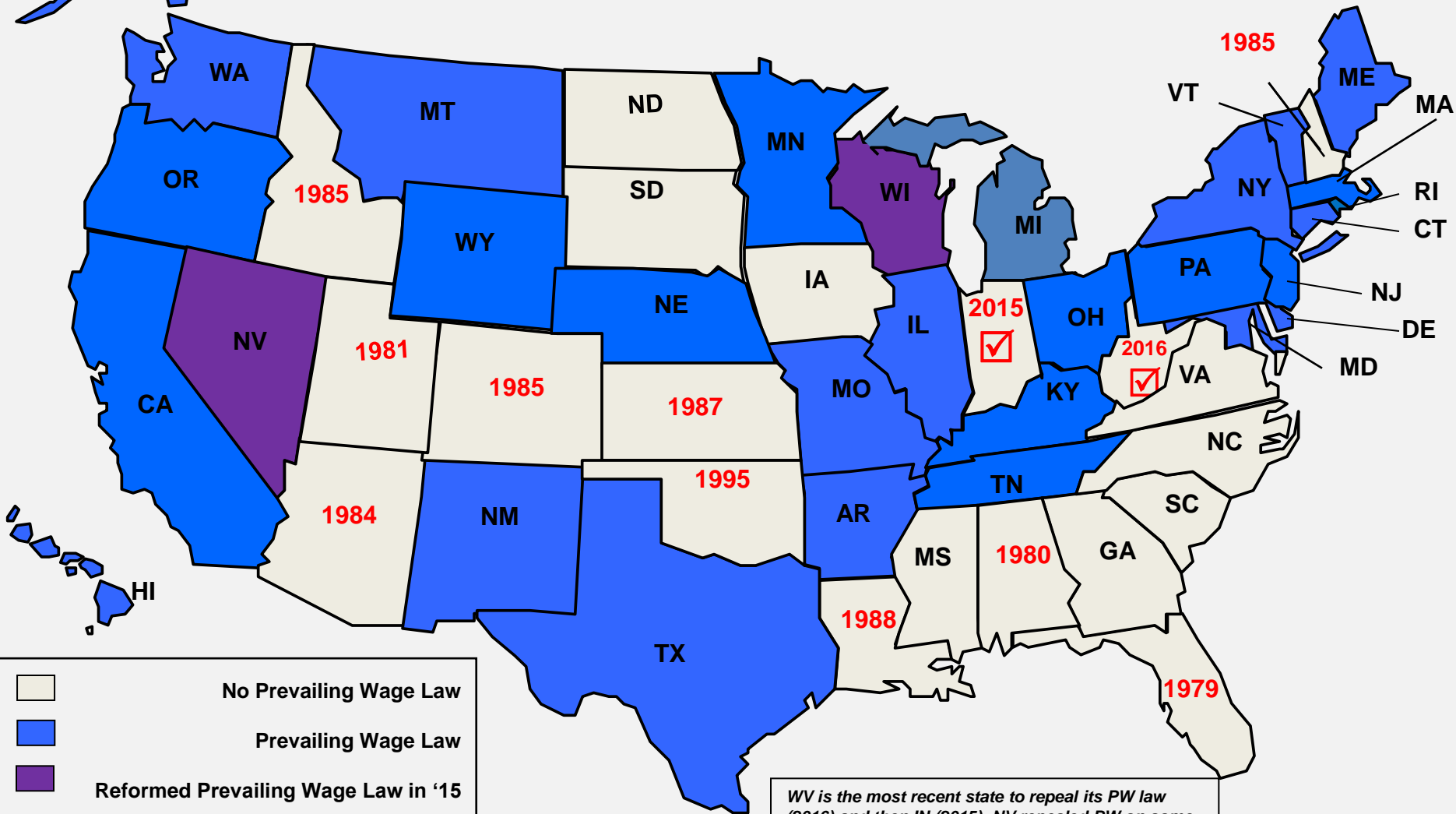
*** Ties in DE and CT Senate**

22 States Restrict Government-Mandated PLAs (GNICA) As of November 2016



State Prevailing Wage Laws

As of November 2016



No Prevailing Wage Law



Prevailing Wage Law



Reformed Prevailing Wage Law in '15

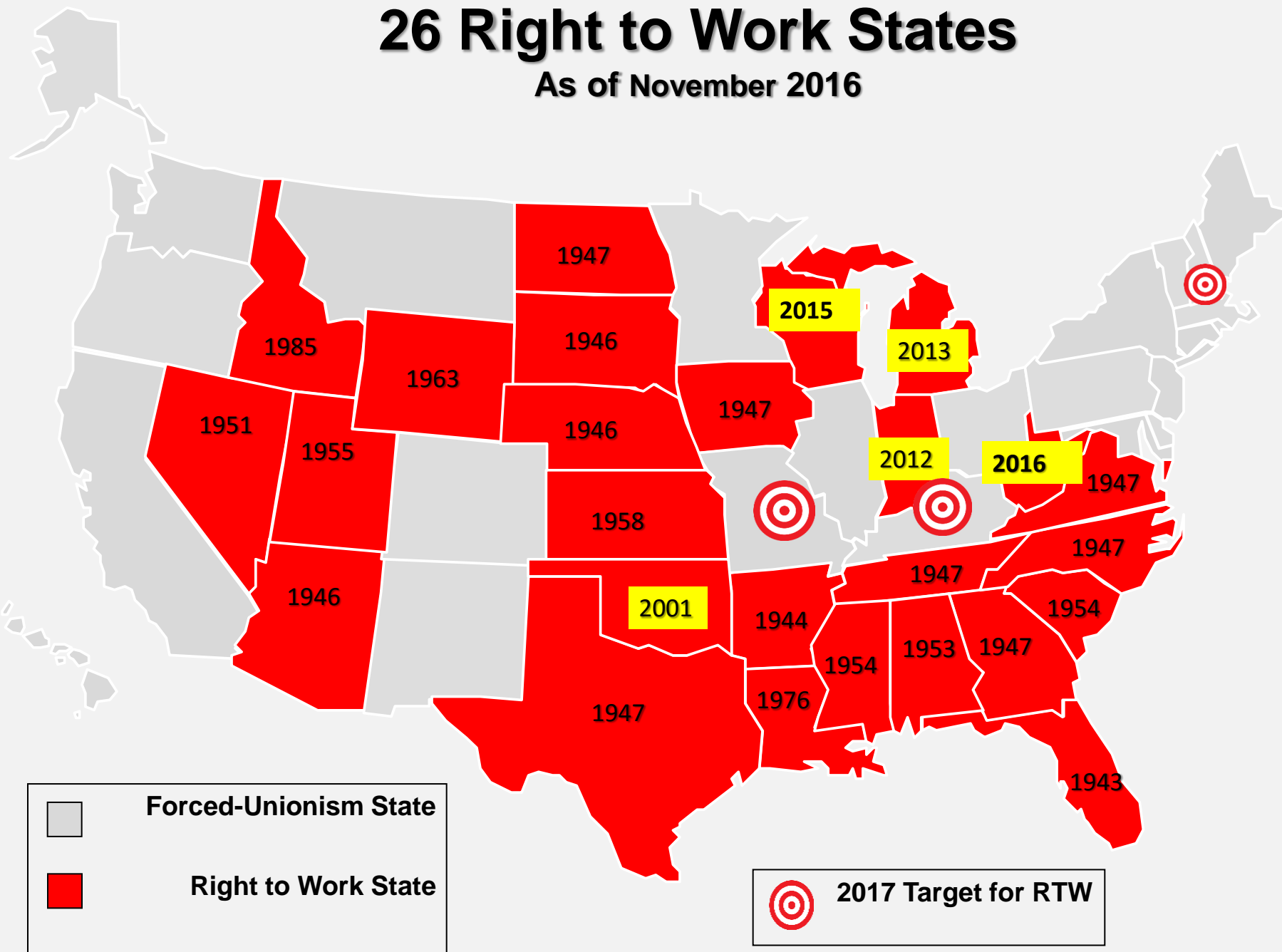


Prevailing Wage Law Repealed '15-'16

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.

26 Right to Work States

As of November 2016

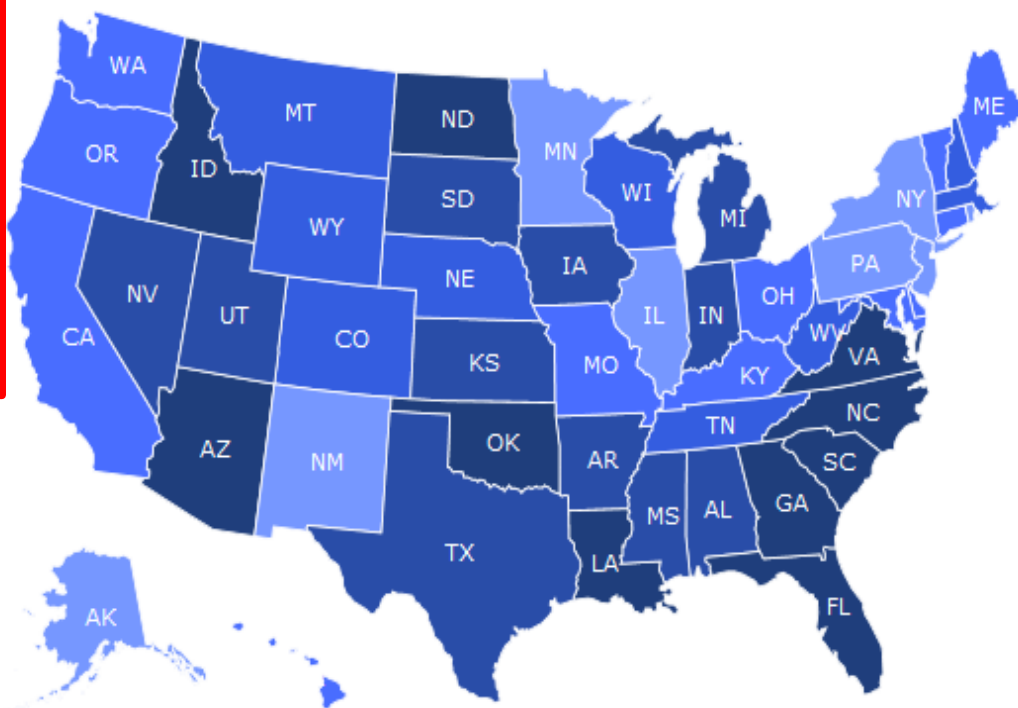


MeritShopScorecard.org

OVERALL RANKING



**New
Rankings
11/21/16**



VT
NH
MA
RI
CT
NJ
DE
MD
DC



RANK

1-10

11-21

22-30

31-42

43-51

BEST

WORST



Key Takeaways

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)

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Virginia

- 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

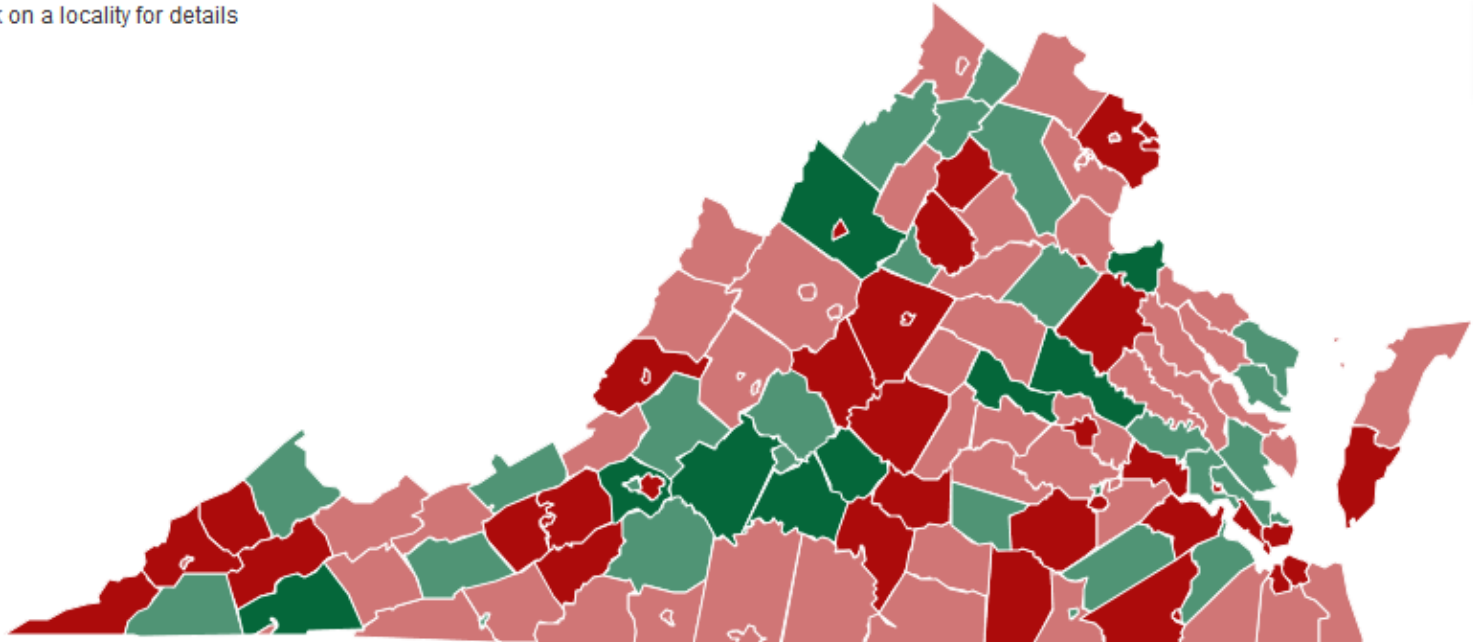
Constitutional Amendment 1: Right to Work

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

FAILED

Yes	1,684,312	46.39%
No 	1,946,620	53.61%

[Click on a locality for details](#)





IMPACT OF ELECTION ON ABC MEMBERS



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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



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



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



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

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



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Questions?

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