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United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

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TO: Vice Presidents, International and Special Representatives, and Business Managers
FROM: General President Mark McManus and the UA Political Engagement Committee
DATE: August 17, 2020
SUBJECT: UA Endorsement Comparison of Vice President Biden and President Trump

ON UNION RIGHTS

Vice President Biden

- Biden has stated time after time a strong belief that there is a war on organizing, collective bargaining, unions, and workers. Since he first became involved in serving government, Biden has stood with workers time and time again as a true ally.
- As President, Biden pledges to form a [“cabinet-level working group”](#) with representatives from labor unions that would, in the first 100 days of his administration, deliver a plan to “dramatically increase union density and address economic inequality.”
- As President, Biden will appoint a pro-labor Secretary of Labor, a pro-labor Secretary of Energy, and pro-labor individuals to boards and commissions such as PHSMA (Pipeline and Hazardous Materials Safety Administration) and FERC (Federal Energy Regulatory Commission), who will not bow to corporate interests or Wall Street.
- In addition, Biden will appoint labor-friendly judges to the federal bench, which will help prevent decisions like *Janus vs. AFSCME*, which allows employees to benefit from union representation [without paying their fair share](#).
- Biden has pledged to work with Congress to [write a stricter law on employee misclassification](#), the practice of classifying a worker as an independent contractor rather than as an employee in order to avoid payment of overtime and other workplace benefits.
- Biden would impose a [national ban on state right-to-work laws](#), which prevent unions from collecting "fair-share" fees from non-members to cover their share of the costs of collective bargaining.
- Biden supports the [Protecting the Right to Organize Act \(PRO Act\), H.R. 2474](#), which would make it easier for the UA and other unions to organize new contractors, strengthen the rights of workers, and enhance the National Labor Relations Board's power to punish employers who violate labor laws.
- Biden will ensure that [Davis-Bacon prevailing wage protections are the standard](#) – not last minute fights to have them included.





- Biden will ensure that Project Labor Agreements aren't just an Executive Order but rather always guaranteed to be used on federally funded projects.
- Biden will defend registered union apprenticeships from IRAPs. His plan includes a [\\$50 billion investment](#) to registered union apprenticeship programs.
- When given the choice of running mate, Trump chose one of the most anti-union governors in the country – Mike Pence. As governor, Pence made Indiana a Right to Work state decimating wages and repealed the state's prevailing wage laws. Joe Biden chose U.S Senator Kamala Harris, a staunch ally of labor her entire career and close friend to the UA in Washington, DC and California, as his running mate.

President Trump

- Current Trump Secretary of Labor, Eugene Scalia, has systematically dismantled union rights and protections at the DOL. Under the Trump Administration, the DOL has time and again sought to pass anti-union regulations and increase corporate influence. Instead of representing hard-working families, the Trump DOL only answers to the wealthy elite.
- During the first year of his presidency, Trump signed an [executive order establishing Industry-Recognized Apprenticeship Programs \(IRAPs\)](#) that allow third-party industry groups outside of construction to develop apprenticeship programs without having to meet existing federal Registered Apprenticeship standards.
- Trump has made it [easier to award federal contracts to companies that are repeat violators](#) of wage laws, sexual harassment laws, racial discrimination laws, or laws protecting workers' rights to unionize. Trump signed into a law a repeal of the Obama-Biden Administration's Fair Pay and Safe Workplaces Executive Order, which discouraged the government from granting federal contracts to companies with a history of stealing their employees' wages, violating workplace safety standards, or illegally discriminating in hiring or pay. The order required contractors to provide their employees with "necessary information each pay period to make sure they are getting paid what they are owed."
- Trump [rescinded an Executive Order originally issued by President Obama](#) which required federal contractors who won a bid to take over an existing contract to offer a "right of first refusal of employment" to workers who were employed under the original contract. The repeal of that Executive Order means that workers on federal contracts are now at a greater risk of losing their job because of circumstances beyond their control.
- Trump [blocked an Obama-Biden rule that strengthened an employer's duty to keep accurate logs of workplace injuries and illnesses.](#)
- Trump's Labor Department now allows [employers who violate minimum wage, overtime, and other wage laws](#) to avoid any penalty by volunteering to investigate themselves. The agency also announced that it will [stop pursuing monetary penalties in most cases of wage theft it investigates.](#)



- Trump has stacked the Supreme Court with anti-worker justices. In addition, the Trump Administration has consistently appointed and confirmed anti-worker nominees for positions that are designated to safeguard and enforce laws that protect workers.
- The Trump Administration has stacked the National Labor Relations Board (NLRB) with several anti-worker appointments, most notably William Emanuel, Marvin Kaplan, and John Ring as NLRB members. All three members regularly represented large employers prior to joining the Board. NLRB General Counsel Peter Robb also spent much of his career as a management-side labor and employment lawyer. The appointed NLRB members and General Counsel have systematically rolled back workers' rights. Trump also has allowed one of the traditionally Democratic seats on the Board to sit vacant since August 2018, violating a longstanding custom and ensuring employer domination of the agency.
- Under the leadership of Trump appointees, the NLRB has [limited the scope of workers' rights](#) to take collective action under the National Labor Relations Act (NLRA). For example, the Board [reversed Obama-era precedent](#) to rule that employees do not have a right to use their work email address to engage in protected activity. In a direct attack on workers' First Amendment rights, the NLRB General Counsel is [attempting to outlaw the display of "Scabby the Rat"](#) during labor protests.
- The Trump NLRB is interfering with the ability of unions and employers to voluntarily enter into bargaining agreements [by reinstating the discredited "Dana rule."](#) Under this rule, the union must provide an opportunity for workers to vote out the union after the employer provides voluntary recognition of the union.
- During the first three years of the Trump administration, OSHA workplace inspections have fallen below the previous two administrations. The decline in inspections puts the safety of workers at risk, especially those who work in dangerous jobs or industries.
- Under President Trump, the NLRB has sided with employers and ruled against unions on issues relating to the [implementation and enforcement of work rules](#). These decisions will make it more difficult for employees to discuss unionization in the workplace.
- While Trump's first Department of Labor Secretary, Alexander Acosta, was able to head off some attacks coming from within the Administration, President Trump replaced him with Eugene Scalia as Secretary, who has championed the effort to have IRAPs as part of the construction industry. Scalia built a career representing corporations, financial institutions, and other business organizations while fighting against worker protections like health and safety regulations, retirement security, and collective bargaining rights.
- The Trump NLRB is also working to [limit organizer access to worksites](#). In a reversal of long-standing policy, the Board ruled that union organizers can be barred from parts of an employer's property that are open to the public.
- Trump [delayed the enforcement of a rule](#) limiting workers in the construction industries' exposure to silica dust, which has been linked to lung cancer.



- The Trump Administration has [dramatically increased the size of the H-2B program](#), which employers are taking advantage of – including Trump himself – to hire non-union, non-American workers at lower pay and with lower safety standards. In 2019, the Trump Administration increased the H-2B annual limit by 30,000 visas, taking the total H-2B “cap” for 2019 to 96,000.
- Under President Trump, both the [NLRB](#) and [Department of Labor](#) completed rulemakings that limit the circumstances in which the agencies will find a business to be a “joint employer.” This helps employers avoid accountability for violations of wage and labor laws by using staffing agencies and other employment models.
- Similarly, the Trump NLRB has [made it easier to classify workers as independent contractors](#), which will result in employers denying more workers benefits and protections afforded to employees under the law. In the event an employer does misclassify an employee as an independent contractor, the Trump NLRB [will not hold the employer liable](#).
- The Trump NLRB also completed several rulemakings that undermine the process of holding workplace elections. These rules [needlessly delay the holding of the election](#) and [allow an election to proceed](#) when an employer has created a coercive and intimidating atmosphere. In addition, the Board is proposing to [eliminate the legal obligation of employers to provide the union with the personal contact information](#) of eligible voters.
- The NLRB under the Trump Administration is undermining the collective bargaining process by [expanding the ability of employers to take unilateral action](#) when a collective bargaining agreement is in place and [limiting the situations in which employers are required to bargain](#) over disciplinary decisions. The Board is also [signaling that it may eliminate the long-standing rule](#) that protects a union’s status as bargaining representative while a collective bargaining agreement is in effect (i.e., the “contract bar” rule).
- Dramatic cuts to the NLRB’s staff under the Trump administration are directly undermining the agency’s ability to investigate unfair labor practices committed by employers. President Trump also proposed cutting over 10% of the agency’s funding in his proposed 2020 budget. Recently-announced plans by the General Counsel to reorganize the agency’s busiest offices [are raising concerns from Members of Congress](#) that the changes will prevent the agency from effectively carrying out its responsibilities.
- President Trump has taken many executive actions to limit collective bargaining in the federal workforce. President Trump has allowed federal employees to [opt-out of paying union dues](#), [limited the amount of work time](#) federal employees can spend on union activities, [prevented federal employees from filing grievances](#) over certain merit-based actions, and [shortened the time frame](#) for federal-sector collective bargaining.

ON INFRASTRUCTURE

Vice President Biden

- As Vice President, Biden oversaw the execution of the [American Recovery and Reinvestment Act](#), which poured more than \$800 billion into infrastructure and stimulus spending, bringing the country back from the brink of depression and included strong labor protections and fair wages.



- Biden is calling for a sizable investment in our country's infrastructure and future: [\\$1.3 trillion over ten years](#) to equip the American middle class to compete and win in the global economy and to ensure that cities, towns, and rural areas all across our country share in that growth.
- Biden's [proposal](#) doubles the federal investments in clean drinking water and other water infrastructure, and focuses new funding on low-income rural, suburban, and urban areas that are struggling to replace pipes and treatment facilities – especially in communities at high risk of lead or other contamination.
- Biden's plan to build back our [nation's infrastructure](#), especially in the face of the [COVID-19 pandemic](#), places a heavy emphasis on robust investment in construction and the skilled trades – all using UA and other union labor. His plans for modernizing our schools, hospitals, residential buildings, and airports all rely on union labor, meaning UA members will win more work under a Biden Administration.
- Biden's [infrastructure plans](#) will also place a strong emphasis on new investments to inland waterways, locks, and dams, ensuring that America's freight infrastructure puts us in a position to build a more resilient national economy.
- Biden has called for strict enforcement of the Jones Act, a 100-year-old law requiring that goods shipped between American ports must be carried on U.S.-built, -owned, and -crewed ships. Trump has [numerous times put waivers to the Jones Act on the table for consideration](#) and has surrounded himself with top White House aides who continue to advise him to consider a repeal of this important law.

President Trump

- Trump promised a trillion-dollar infrastructure package. He has never brought such a plan to reality or to a vote, and his only proposal has been to, in fact, cut the share of federal money for roads and bridges. **He has failed on his promise.**
- Trump has focused on privatizing construction projects to benefit the wealthiest in our country, leaving communities across the country suffering and our nation falling behind.
- When sprinkler systems were required in all new buildings starting in 1999, Trump as a property developer [lobbied to try to prevent the mandate](#). ***Trump's Manhattan skyscraper, Trump Tower, does not even have sprinklers on its residential floors.*** Biden has always been a close friend and supporter of the fire protection industry and backing its workers.
- Trump is well known for many things, [including neglecting to pay wages](#) due for work done by the hardworking skilled craftsmen who built his development projects.

ON ENERGY

Vice President Biden

- Biden believes this country must fulfill our obligation to workers and the communities who powered our industrial revolution and subsequent decades of economic growth. Biden has stated that he strongly believes that they've earned our support for fueling our country's industrial revolution and decades of economic growth. He has vowed not to leave any workers or communities behind.



- Biden has vowed to [establish ARPA-C](#), a new cross-agency Advanced Research Projects Agency, which will invest in small modular nuclear reactors and invest in new innovative nuclear technology.
- Biden [will work to modernize and streamline the energy permitting process](#) which will help prevent activist groups from weaponizing the process itself to kill jobs and stop projects. By ensuring that permitting happens in a timely manner, any issues that arise can be corrected before a project becomes economically unfeasible. This will result in strict common-sense timelines that will insure certainty.
- Biden's support of modernizing and streamlining the permitting process will also help us hold green energy groups accountable for the non-union dominance in their industry, which will ensure strong labor protections and fair wages.
- Biden has vowed to [build on the future of nuclear energy](#). To address climate change, which affects our economy as well as national security, we must look at all low- and zero-carbon technologies (like nuclear and natural gas). Biden has promised support for a research agenda through ARPA-C to look at issues, ranging from cost to safety to waste disposal systems that remain an ongoing challenge with nuclear power today.
- Biden's campaign has proposed investing part of a new \$400 billion initiative in developing more nuclear power technology.
- During the primary race, Biden firmly opposed calls to shut down U.S. nuclear plants and freeze new construction of nuclear capacity.
- As Vice President, Biden [presided over a policy of stepped up loan guarantees to nuclear projects](#), including covering design and application costs for new nuclear projects.
- The Obama-Biden Administration [approved the permits for reactor units 3 and 4 at Plant Vogtle in Waynesboro, Georgia](#), the first U.S. nuclear power plants to be permitted in 34 years.
- In addition to his support for alternative energy sources like nuclear, Biden supports new investments in [hydropower and concentrated solar power \(CSP\)](#) that will put UA members to work.
- While environmentalists have pressured Biden to shut down hydraulic fracturing, he has strongly declared that ["fracking is not going to be on the chopping block."](#) Biden understands the importance of natural gas to the economy. While Biden was Vice President, the fracking industry helped dig our country out of the economic recession and put people to work.
- Biden's proposals on natural gas production have won him support from across the oil and gas industry groups. Biden's energy policy announcements in July included [promises to continue the practice of fracking for natural gas and to invest in carbon capture and sequestration technology](#).
- Biden announced these policies as part of a plan to allow natural gas to serve Americans for decades as the country transitions to clean energy sources. The Biden campaign has also made a point of including [advocates of responsible natural gas development in the development of its energy policies](#).



- Unlike Trump, Biden is committed to fixing existing natural gas pipelines to [cut methane leaks](#).
- Under a Democratic U.S Senate and a Republican U.S House of Representatives, the Obama-Biden Administration signed into law an exemption for welding rigs from overburdensome Federal Motor Carrier Safety Administration (FMCSA) regulations helping the pipeline industry.
- Biden's energy proposal builds on Obama-Biden Administration policies like promoting advanced biofuels and accelerating the [use of carbon capture](#) which limits emissions from coal plants and other industrial facilities.
- The Obama-Biden [Administration approved several projects and fought and won five out of five procedural challenges](#) to Obama-era permits by environmental groups. This contrasts with the Trump Administration which has recklessly bucked the process, leading to successful legal challenges by environmental groups alleging the administration failed to apply the regulatory scrutiny required under the law.

President Trump

- While Trump has taken credit for numerous energy projects during his term, many of those projects were [in fact created and received permits during the Obama-Biden Administration](#). For example, of the seven liquefied natural gas projects in Louisiana listed in an Energy Information Administration's database, six received permits to export under the Obama-Biden administration with wait times under two years. The seventh project was already in the works for approval as President Obama and Vice President Biden were transitioning out of the White House at the end of 2016.
- As a candidate, Trump promised to fast-track approval of permits to allow completion of the Keystone XL pipeline, as well as other pipeline projects, but his administration has been thwarted by [its own fumbled policy missteps and overly risky procedural corner cutting](#). Rather than going through the steps required by existing clean water and habitat protection laws, the Trump Administration made a show of issuing flimsy permits that sidestep or even ignore legal requirements that would have offered a reliable safe harbor to these projects.
 - These risky short cuts may have looked promising along the way, ***but in the end, they have allowed opposing groups to tie up progress on pipeline projects in the courts at great cost to our members who would have worked on these projects.*** All told, the Trump Administration has been blocked on approval of three major pipelines due to procedural challenges.
- Trump claims to have "saved" Texas's oil industry. However, there is little evidence that the oil industry has stabilized. In Texas, the [industry has continued to shed jobs while production has declined](#).
- Despite President Trump's campaign promise to support coal communities, his administration has proposed significant cuts to programs that would hurt coal miners, their families, and their communities. During its final two years, the Obama-Biden Administration [developed and implemented the Partnerships for Opportunity and Workforce and Economic Revitalization \(POWER\) Initiative](#) to invest in struggling coal-dependent communities. Trump has proposed eliminating 7 of the 12 programs



from the POWER Initiative, including those that direct investment in small businesses, offer worker training and placement, and provide much-needed infrastructure investment.

- The Trump Administration has proposed to [repeal controls on methane leaks at oil and gas facilities](#). His Bureau of Land Management (BLM) also repealed the rule to reduce the wasteful release of natural gas during oil and gas production on federal and tribal lands. Both of these rules would require the repair of oil and gas leaks at production, processing, transportation, and storage facilities – putting UA members to work. In these repeals, EPA and BLM did not bother to calculate the loss of jobs that otherwise would have been required for leak repair.

ON RETIREMENT SECURITY AND BENEFITS

Vice President Biden

- Biden has stated a commitment to [fixing the multi-employer plans](#) which are in dire trouble and in need of an urgent solution. And, while senator, Biden voted against raising the Medicare eligibility age and fought against efforts to tax employer contributions for health insurance and pension plans.
- During the COVID-19 pandemic, Trump has failed to protect workers who have lost jobs through no fault of their own. As President, Biden will [first work to defeat COVID-19](#) and provide immediate relief to UA families and UA contractors. At the [heart of this plan](#) is an investment to modernize our nation's infrastructure.

President Trump

- Trump has done nothing to protect union pensions, even in the face of dire uncertainty.
- Trump's Fiscal Year 2019 budget proposal would have possibly saved the Pension Benefit Guaranty Corporation (PBGC), but at the cost of crippling the healthy plans, taxing people who received pensions, and forcing pension contributions to go up without increasing benefits.
- Trump effectively scrapped the fiduciary rule that required Wall Street firms to act in the best interests of workers and retirees in handling their 401(k)s. The Labor Department rule, conceived by the Obama-Biden Administration, was meant to ensure that advisers put their clients' financial interests ahead of their own when recommending retirement investments. By eliminating this rule, President Trump – who generally opposes financial regulations – has cost workers tens of thousands of dollars.
- Under President Trump, the Department of Labor is attempting to prevent pension plans from taking social responsibility into account [when making investment decisions](#). If this change goes into effect, it will be much harder for pension plans to consider “non-pecuniary” factors, such as labor law compliance or job creation, when making investment decisions.