



# International Union of Operating Engineers Local 542

## 2022 Questionnaire for Pennsylvania State Senate & State House Candidates

Date Completed \_\_\_\_\_

Name of Candidate: \_\_\_\_\_

Party Affiliation \_\_\_\_\_ District # \_\_\_\_\_

Official Campaign Committee Name: \_\_\_\_\_

Campaign Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Website: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Candidate's Signature:** \_\_\_\_\_

*(Candidate, please also initial each of the following pages at the bottom.)*

Please return the completed questionnaire (including any attachments) to:

**IUOE Local 542  
Political Director  
1375 Virginia Drive  
Ft. Washington, PA 19034**

***Confidential - for internal use only***

## **Prevailing Wage**

The Davis-Bacon Act mandates payment of local prevailing wages on projects funded by the federal government that have federal funding that exceeds \$2,000, which includes federal, state, and local public works projects. The Pennsylvania State Prevailing Wage law requires that all workers on state-funded construction projects that exceed \$25,000 be paid the State Prevailing Wage.

These Prevailing Wage laws prevent competition for federal construction contracts from artificially depressing local labor standards. The prevailing wage is not a “union” wage. The Davis-Bacon prevailing wage is based upon surveys of wages and benefits actually paid to various job classifications of construction workers in the community, without regard to union membership.

Studies show that subverting prevailing wage laws often leads to shoddy construction and substantial cost overruns. Productivity is so much greater among high-wage, high-skill workers that projects using them often cost less than those projects using low-wage, low-skill workers. This is largely due to lengthy delays while subpar work is repaired or redone. In fact, data from the Census of Construction shows that the added value per worker in states with prevailing wage laws is 13% to 15% higher than in states without prevailing wage laws.

Further, the overwhelming majority of peer-reviewed research conducted over the last 15 years forms the consensus view that construction costs are not affected by prevailing wages. For example, 80% of peer-reviewed studies find that the wage policy does not affect the cost of building public schools. In two studies, which examine costs of over 4,000 schools built in the United States, researchers fail to find any statistically significant cost difference between schools built in states with and without prevailing wage laws.

***If elected, will you support the Pennsylvania Prevailing Wage law and oppose any efforts to raise the funding requirement or otherwise negatively impact the law?***

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

***If No, why not?*** \_\_\_\_\_

\_\_\_\_\_

## **Project Labor Agreements**

A project labor agreement (PLA) is a pre-hire collective bargaining agreement that establishes the terms and conditions of employment on one or more construction projects and are open to all contractors.

Timely construction of projects requires substantial numbers of workers from many crafts possessing skills and qualifications vital to its completion. PLAs ensure a level playing field for both union and non-union contractors, which guarantees a steady flow of highly trained construction labor. PLAs provide better trained workers, so the job is done right the first time, which is more cost effective.

The positive impact of a trained workforce extends beyond the integrity of the project and has positive implications for the safety culture on site. PLAs provide a safer work environment, which reduces lost time, insurance premiums, and property damage. PLAs also provide for drug testing and background checks.

PLAs can also be used to meet various social needs. Today, many building trades councils across the country are structuring PLAs to include what are known as "Community Workforce Agreements," or CWAs, to build ladders of opportunity into the skilled construction trades for local residents, women, and veterans. PLAs with Community Standards, and contractors who agree to work under these agreements, acknowledge that economic development of the local region, development of local workers for construction careers, as well as the timely completion of projects without delay, with skilled workers and agreed-upon procedures, is of benefit to contractors and owners, as well as the public.

***If elected, will you support the use of Project Labor Agreements for public construction projects?***

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

***If No, why not?*** \_\_\_\_\_  
\_\_\_\_\_

## **Responsible Contractor Ordinances**

Related to PLAs, Responsible Contractor Ordinances (or RCOs) cover project construction, renovation, operation, and maintenance. Under these Ordinances, done at the local level, projects must meet certain criteria, which can include:

- A bidding process that is competitive and includes responsible contractors, including signatory contractors;
- Selected contractors must demonstrate a history of providing fair wages and benefits, compliance with federal, state, and local laws including, but not limited to, wages, insurance benefits, occupational health and safety, and non-discrimination;
- Promotion of Project Labor Agreements;
- Recognition of employee training and safety and protection of workers' rights;
- Certain advanced notification to national and local building trade organizations of project and bidding opportunities and reasonable time to seek union labor for various functions; and
- The firm and sub-contractors must participate in a registered Class A Apprentice Program for each trade involved and must have graduated apprentices to journeymen within the last five (5) years in each trade involved (*proof must be available*).

Additionally, an RCO should contain enforcement mechanisms designed to ensure strict adherence to the policy provisions.

***If elected, will you support and encourage the passage of Responsible Contractor Ordinances in your local communities?***

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

***If No, why not?*** \_\_\_\_\_

\_\_\_\_\_

## **Infrastructure**

IUOE Local 542, together with North America's Building Trades Unions (NABTU), supports a broad based, aggressive investment strategy to meet our infrastructure needs and provide for sustained job opportunities for our members. We strongly believe that, for the United States to achieve its maximum economic potential in the 21st Century, the U.S. must have an infrastructure system that provides the foundation for a dynamic 21st Century economy.

This strategy calls for: greater investment in physical infrastructure; a modern permitting process to ensure timely project delivery; and the preservation and expansion of labor standards.

Specifically, NABTU and its affiliates call for:

- Addressing the funding mechanism of the Highway Trust Fund to achieve long-term stability, either through increasing the user fee or moving toward a Vehicle Miles Traveled based system
- Increasing funding for our nation's airport infrastructure through the Airport Improvement Program and other existing funding streams which provide critically needed funding for the planning and development of public-use airports across the United States
- Increased funding for water projects through existing programs by fully funding WRDA and WIFIA, as well as increasing funding for both the Safe Drinking Water and Clean Water State Revolving Funds
- Increased investment in public buildings by providing for energy retrofits of federally owned public buildings and grant programs for school construction
- Strengthening our energy infrastructure through increased investment in nuclear power and the creation of an Energy Infrastructure Finance and Innovation program modeled after TIFIA and WIFIA
- Increased investment in public infrastructure through innovative financing mechanisms such as Public-Private Partnerships and a National Infrastructure Bank
- Preserving Labor Standards that strengthen the construction workforce with the consistent application of Davis-Bacon and preserving the use of Project Labor Agreements in federal procurement.

***If elected, will you support legislation to address the infrastructure needs of Pennsylvania and local communities?***

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

***If No, why not?*** \_\_\_\_\_

\_\_\_\_\_

**Ending waste, fraud, and abuse – worker misclassification**

With the passage of the \$1.9 trillion bi-partisan COVID Relief Act and the \$1.2 trillion bi-partisan Infrastructure and Jobs Act by Congress, Pennsylvania stands to benefit from hundreds of billions of dollars in new federal spending to build, upgrade and repair the Commonwealth’s roads, bridges, ports, waterways and its information and energy grids.

To maximize the benefit of that federal funding, Pennsylvania needs to increase oversight of spending and enforcement of laws covering workers.

IUOE supports legislation that will stop the waste of those federal funds, address tax and insurance fraud and end the abuse of Pennsylvania workers through the misclassification of workers and violations of other labor laws.

IUOE Local 542 supports the legislative recommendations of the Pennsylvania Misclassification Task Force, as detailed on the following two (2) pages as **Misclassification Addendum.**

***If elected, would you support legislation based on the recommendations of the Pennsylvania Misclassification Task Force, as well as increased oversight and legislation to stop waste, tax and insurance fraud and abuse of Pennsylvania workers through job misclassification and violations of other labor laws?***

**Yes \_\_\_\_\_ No \_\_\_\_\_**

***If No, why not?*** \_\_\_\_\_  
\_\_\_\_\_

## **Misclassification Addendum**

### ***Recommendations of the Pennsylvania Misclassification Task Force Legislative Recommendations to the General Assembly***

- 1) The Joint Task Force recommends that the Pennsylvania General Assembly extend Act 72, the Construction Workplace Misclassification Act, beyond the construction trades to cover other industries in the Commonwealth.
- 2) The Joint Task Force recommends that the Pennsylvania General Assembly statutorily adopt the ABC test as a baseline standard for the commonwealth to clearly delineate the difference between “employee” and “independent contractor.”
- 3) The Joint Task Force recommends to the Pennsylvania General Assembly to expand the statewide clearance programs to “require” all state agencies to pull current licenses or not renew current licenses if a business is determined to have knowingly misclassified workers and has not paid the fines and fees associated with that violation or previous violations.
- 4) The Joint Task Force recommends that the General Assembly require appropriate state agencies to share FEIN and employment information under proper confidential safeguards on all state agency business applications so that compliance crossmatches can be done efficiently. The purpose of this would be to ensure compliance and provide education and assistance to first violators so that they can reach compliance or, if there is evidence of a knowing violation, to initiate an investigation.
- 5) The Joint Task Force recommends that Pennsylvania General Assembly enhance the penalties associated with worker misclassification violations under Act 72 by increasing the fines in tiers for first, second, and subsequent violations and by enhancing criminal penalties for knowing violations while maintaining summary offenses for negligent violations.
- 6) The Task Force should recommend that the Pennsylvania General Assembly provide Labor & Industry with the following:
  - a) resources to hire additional investigative and support staff, such as forensic accounting and computer support
  - b) subpoena authority to acquire records of employers as part of investigations into misclassification
- 7) The Task Force should recommend that the Pennsylvania General Assembly provide Labor & Industry with authority to issue administrative stop work orders against entities and/or individuals that have been found to have employed misclassified workers.
- 8) The Task Force should recommend that the Pennsylvania General Assembly provide Labor & Industry with statutory authority to debar companies or individuals for knowing violations or for multiple violations of Act 72.

- 9) The Joint Task Force recommends that the Pennsylvania General Assembly statutorily authorize that liability shall be imposed by law on general contractors any time their subcontractors are found to have misclassified workers on a project if the general contractor had clear evidence of a knowing misclassification violation.
- 10) The Joint Task Force recommends that the Pennsylvania General Assembly require labor brokers doing business in the Commonwealth to be registered and bonded, including but not limited to reporting requirements for workers' compensation, unemployment compensation, and federal and state taxes, to safeguard workers from being misclassified as independent contractors.
- 11) The Joint Task Force recommends the creation of an interagency working group to meeting quarterly to coordinate enforcement strategies involving state agencies, such as Labor & Industry and Revenue, along with the Attorney General's Office and County District Attorneys' Offices.
- 12) The Joint Task Force recommends that the Pennsylvania General Assembly allocate funds and expand posting requirements for a statewide effort of education and public outreach led by state agencies in conjunction with stakeholders to educate the public, workers, and business owners about the worker misclassification issue and the obligations under the law.
- 13) The Joint Task Force recommends that the Pennsylvania General Assembly authorize the Department of Revenue, the Bureau of Workers' Compensation, and the Bureau of Labor Law Compliance to share data, in addition to existing authority to share data with the Office of Unemployment Compensation Tax Services, for the purposes of investigating employee misclassification.
- 14) The Joint Task Force recommends for misclassification violations that the Pennsylvania General Assembly authorize the Department of Labor & Industry to recover investigative costs and attorney's fees from violators and authorize courts to assess investigative costs and attorney's fees incurred by the Office of Attorney General and District Attorneys' Offices against criminal violators who are found guilty or plead guilty or nolo contendere for knowing violations.
- 15) The Joint Task Force recommends that the Pennsylvania General Assembly authorize a private right of action for misclassified employees and impose a penalty to be paid directly to plaintiffs that successfully establish a claim of misclassification in addition to other rights to which they are entitled under the WPCL and modeled after N.J.S.A. § 34:1A-1.18



**Energy Infrastructure**

North America, including the United States and Canada, is currently in the middle of an energy revolution. With increased production of renewable energy and clean energy sources such as natural gas, the U.S. is slated to be a major producer of energy sources for years to come.

As Pennsylvania takes part in the changes and transitions happening in the energy infrastructure, much of the debate about the future of energy production and delivery revolves around the efficacy of fracking and the transmission of natural gas through pipelines.

Whether it is the pipelines carrying clean natural gas to market, the energy grid that delivers electricity to our homes, the nuclear facilities that generate our electricity, or the work done to generate energy efficiency savings, IUOE Local 542, along with other members of the North American Building Trades Unions (NABTU), are committed to working to create the safest, most environmentally responsible and most efficient energy delivery infrastructure needed to secure our energy future.

That infrastructure is vast and there is much that can be done to strengthen it to ensure our energy security.

IUOE Local 542 believes that meeting Pennsylvania’s energy needs while protecting both family-sustaining jobs and community environmental standards is achievable by working with all energy stakeholders to implement responsible public policies.

IUOE Local 542 is committed to an open dialogue with all energy stakeholders to achieve those responsible, balanced public policies.

***If elected, will you commit to an open dialogue with IUOE Local 542 to work towards responsible and balanced public policies with regards to energy production and transmission?***

**Yes \_\_\_\_\_ No \_\_\_\_\_**

***If No, why not?*** \_\_\_\_\_

\_\_\_\_\_

As part of our evaluation and assessment process, IUOE Local 542 members would like to know a little more about how you have designed and are running your campaign.

Please give us as many of these details as possible:

**Campaign Profile**

1. Campaign Staff

Manager \_\_\_\_\_

Finance Director \_\_\_\_\_

Field Director \_\_\_\_\_

2. Campaign Consultants

Media \_\_\_\_\_ Direct Mail \_\_\_\_\_

Pollster \_\_\_\_\_ Fundraiser \_\_\_\_\_

3. Anticipated Campaign Budget

General \_\_\_\_\_

Money Raised to Date \_\_\_\_\_

What is your planned allocation of resources between paid media and voter contact operations? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Voter Registration of District

Democrat \_\_\_\_\_ Republican \_\_\_\_\_

Independent \_\_\_\_\_ Other \_\_\_\_\_

5. Presidential Performance of District in 2020:

Biden (%) \_\_\_\_\_ Trump (%) \_\_\_\_\_

6. Party Performance (%) in 2020: Democratic \_\_\_\_\_ Republican \_\_\_\_\_

Other \_\_\_\_\_

7. What elected office(s) have you held, or do you currently hold? \_\_\_\_\_

\_\_\_\_\_

8. Please list all previous campaigns for elective office: \_\_\_\_\_

\_\_\_\_\_

9. What are the top three issues or themes for your campaign? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. What are (or you believe will be) your major sources of funding in your campaign?  
i.e., endorsements, elected officials, community leaders: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. What is your PA AFL-CIO voting record (if applicable) for 2020, 2018, 2016 and 2014?

2020: \_\_\_\_\_ 2018: \_\_\_\_\_ 2016: \_\_\_\_\_ 2014: \_\_\_\_\_

12. Is there anything else you would like us to know as we consider whether to support your campaign?

\_\_\_\_\_

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Please return the completed SIGNED questionnaire (including any attachments) as listed on page 1.

After we review the questionnaire, we will contact you to schedule a candidate interview.

Thank you for taking the time to share with us your ideas and critical campaign information.

**This questionnaire is for internal use only. Its contents will not be shared with any other candidates, political parties, or PA House or Senate Campaign Committees.**