

# Government Affairs: Update on Federal actions affecting landscape contractors

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With all the talk in Washington about health care bills and the Russia investigation, it's easy to lose sight of more mundane but nonetheless important issues directly affecting the landscape contracting industry. Here is an update on what is happening with two important issues.

## Federal Overtime Rule

The new federal overtime rule, that would have doubled the mandatory salary at which employees must be paid overtime, was stopped when a Texas Federal judge issued a temporary

injunction halting implementation of the rule nine days before it was due to go into effect Dec. 1.

While the Obama Administration appealed the ruling, the Trump Administration was to respond by June 30 to the federal judge with their position on the rule. As of this writing, DOL has not indicated that they have responded.

At his confirmation hearing in March, Secretary of Labor Alexander Acosta said the salary threshold for overtime exemption should be raised from the current \$23,660 to “somewhere around \$33,000.”<sup>[3]</sup>

A recent development indicates that the federal Department of labor (DOL) may be planning to modify or reissue the overtime rule, perhaps to raise the overtime exemption threshold to something in the range proposed by Secretary Acosta, rather than litigate it. On June 27, the DOL requested approval from the Office of Management and Budget (OMB) to issue a request for information<sup>[4]</sup> to gather public input on the overtime rule. It’s unlikely that DOL would issue a request for information if it intended to simply litigate the rule.

This RFI should be coming out this summer after it passes OMB muster. I’ll be monitoring this and will post a notice here when the RFI is issued so that you can respond and make your voice heard.

## H-2B Visas

In late April, Congress passed an appropriations bill to fund the federal government through the federal fiscal year, which ends Sept. 30. Contained in that bill was language that provided the Secretary of Homeland Security the authority to double the number of H-2B visas available, from 66,000 to 129,000, if the secretary found that there was “need.”

Although there has not yet been a decision from DHS to increase cap on the number of H-2B visas for this fiscal year, staff at the DHS continue to indicate to AmericanHort that such a decision is coming. This is consistent with statements made by DHS Secretary John Kelly at his appropriations hearing<sup>[5]</sup>.

But with less than three months to go before the authority to raise the H-2B visa cap expires, the attention of H-2B advocacy groups is shifting to working on a more permanent solution to the guest worker problem.

The National Association of Landscape Professionals (NALP) is meeting in Washington, D.C., July 16-18 for its annual legislative conference and lobbying effort<sup>[6]</sup>. H-2B visas will be at the top of NALP's list of issues. Click the link above for more information and to register.

Likewise, AmericanHort has scheduled its legislative conference in Washington, D.C., for Sept. 12-13. For more information and to register, click here<sup>[7]</sup>.

A bill containing returning worker provisions and other H-2B reforms was introduced in March by a bipartisan group of senators. The "Save Our Small and Seasonal Businesses Act of 2017" (S. 792) would make long-sought-after reforms in the H-2B program. Lobbying Congress to pass this bill will be a major focus of both legislative meetings this summer.

Call your Senators and ask them to support S. 792 and plan to attend one or both of the industry legislative conferences this summer!

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#### Links

1. <http://landscapemanagement.net/wp-content/uploads/2016/11/CapitolBuilding.jpg>
2. <http://landscapemanagement.net/wp-content/uploads/2016/11/CapitolBuilding.jpg>
3. <http://landscapemanagement.net/government-affairs-the-federal-overtime-rule-is-not-dead-yet/>
4. <https://www.dol.gov/newsroom/releases/opa/opa20170627>
5. <http://landscapemanagement.net/government-affairs-will-trump-increase-h-2b-visas/>
6. <https://www.landscapeprofessionals.org/nalp/nalp/advocacy/legislative-day-on-the-hill.aspx>
7. <http://americanhort.org/impact>

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