

# The Impact of the Trump Administration on Organized Labor and the Arts: What Can We Do About It?

by Harvey Mars, In-House Counsel Local 802 (New York City) and Counsel Local 16-248 (Newark/Paterson, NJ)

Following is a synopsis of a speech given by Attorney Harvey

Mars at the Eastern Conference held in May. If you would like to read the speech in its entirety please visit the website: https://internationalmusician.org/theimpact-of-the-trump-administration.

The labor movement and organized labor as a whole will survive the Trump Administration. The question is, what will be the impact  $\,$ upon organized labor and what can we do to better position labor's interests to achieve its primary goals?

## What Can We Expect?

Currently there are approximately 100 openings in the federal judiciary to which Trump can be expected to nominate conservative judges, who will not be subject to Senate filibuster. Our Congress has already exercised the nuclear option and rammed confirmation of Judge Neil Gorsuch. With this new conservative majority it is likely that statutorily required public sector agency fees will be declared unconstitutional.

With two seats vacant on the National Labor Relations Board, the Trump Administration will be able to place a conservative anti-union

imprimatur upon the board. Along those lines it is clear that the conservative Trump NLRB will erode many, if not all, of the dynamic Obama board rulings and revised administrative regulations that expanded the outer reaches of the National Labor Relations Act (NLRA).

There will also be a new Secretary of Labor spearheading the Department of Labor, who will undoubtedly serve the Republican regime's interests. The repeal of the Obama Administration's new overtime regulations, which raised the minimum salary threshold for employees to be considered exempt from overtime entitlement, seems inevitable.

## What Can We Do?

#### 1) Save the NEA

On March 16, when Trump released his proposed federal budget, he proposed the complete elimination of funding for the National Endowment for the Arts (NEA), National Endowment for the Humanities, and Corporation for Public Broadcasting. If his proposed budget is adopted by Congress, thousands of arts organizations, who rely upon funding grants from the NEA and NEH, will be destroyed.

First, we must realize that a proposed budget plan is not a final policy. We can

still influence the final result. Thus, sign a petition. Call your representatives. Let them know that the miniscule amount the government saves by eliminating the NEA is not worth the extreme cost to jobs and our cultural and artistic history. Finally, see your elected representatives in person or organize an event to gain publicity to support arts funding.

#### 2) Musicians Must be Treated as Employees

In order for us to receive the full benefit and protection of federal and state laws, musicians must be legally recognized and treated as employees, not as independent contractors. In New York, after a Herculean effort by advocates for performing artists that extended several years, in 1986, the definitional section of the New York State Workers Compensation Law and Unemployment Compensation Law was amended so that professional musicians and other persons engaged in the performing arts were now statutorily defined as employees. A similar effort to enact protective legislation should now be made in each state.

#### 3) Pursue State Legislation Beneficial to Musicians

While the Trump Administration can affect federal administrative and statutory policy, states are free to enact their own legislation that goes beyond the requirements of federal law. Thus, while the federal minimum wage has been frozen at \$7.25 since 2009, states have increased their minimum wage well beyond that amount. Organized labor has already been effective in securing statutory unemployment and workers compensation benefits for musicians. Why not attempt to secure minimum wages and working conditions for musicians as well? There are other fields that have legislated minimum standards, for instance, the home care industry. If the homecare industry can achieve this result, why can't performing artists? We can anticipate that, in the upcoming years, additional progressive state legislation will be proposed. These laws may one day serve as a model for federal law. Union members should be at the ready to support and even propose such legislation.

#### Conclusion

After the election, President Obama exclaimed that history does not always run linearly. Sometimes you just have to take one step back to move two steps forward. If we bear this in mind and keep our objectives at hand, the labor movement can not only weather this storm, but come out the other end of it stronger and more effective.

# is now more

**AFFORDABLE** with savings on theme parks, movies

and more!

fisit our website and check out the great Entertainment Discounts available exclusively to union families. Then take a break and enjoy more fun for less money!

- SAVE UP TO \$19 PER TICKET AT THEME PARKS across the country-from Six Flags and Universal Studios to Sea World and Busch
- DISCOUNTS UP TO 40% ON MOVIES at AMC, Regal, Loews, CineMark and other national chains
- PLUS SPECIAL DEALS for Broadway shows, museums, aquariums, zoos, movie rentals, sporting events and more



UnionPlus.org/Entertainment

