



Notes
PCC Member Strategy Call
Wednesday, December 8, 2021
12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Nicole Steinberg (Pillsbury)

1. Welcome

- a. This is our last meeting of what has been a very productive year for the PCC.
- b. **Reminder:** the password to the “members only” portion of the website has been reset. Members who have submitted their dues have been emailed the new password. Please reach out to info@profcertcoalition.org with any questions.
- c. **Thank you for your continued support, participation, and engagement. Happy holidays from everyone at the PCC!**

2. Stakeholder Outreach

- a. During a slow period of legislative activity, we have had a number of conversations with stakeholder groups to update them on our latest policy positions and messaging and to gain intel on upcoming model bills.
- b. **ACLU of Connecticut**
 - i. The ACLU of Connecticut was one of the organizations supporting CT SB 1019, the Clean Slate bill that was enacted with a restriction on some private organizations denying membership on the basis of erased criminal conviction history. The PCC met with executive director David McGuire.
 - ii. He seemed unaware of the constitutional implications of CT SB 1019, which was surprising considering the public testimony the PCC submitted and the communications we had with the bill’s author and Connecticut legislative leadership.
 - iii. It was heartening to hear that the ACLU was not endorsing restrictions on private associations; we are cautiously optimistic about the potential of working with them to have the bill improved during the next legislative session.
 - iv. David also offered to put us in touch with the national ACLU, who we reached out to several months ago, but did not receive a response.
 - v. **Member question:** Have you seen this bill replicated elsewhere?
 1. **Answer:** We are working on developing model language to suggest, but the private association provision in CT SB 1019 does not seem like it was based on model language. The Connecticut Executive Director did not know where the provision came from and it has not shown up in other “Clean Slate” bills.
- c. **American Legislative Exchange Council/Institute for Justice**
 - i. We have had several productive conversations with ALEC and IJ over the years – two groups with influence mainly on Republican and Libertarian leaning legislators.
 - ii. Although there are some provisions in their model legislation that we will have to agree to disagree on, the PCC has provided them with valuable guidance on the implications of model language.

- iii. In our most recent conversation, we shared our most recent white papers and statements of principle, and they did updated us as well.
- iv. Interestingly, they were unaware of CT SB 1019.
- v. When we first began communicating with them, most of our focus was on their core occupational licensing reform bills. Now, based on our most recent conversation, collateral consequences and clean slate bills have risen to the forefront of their legislative agenda.
- vi. They consider some opposition to universal licensure as monopoly protection, instead of ensuring that state licensing requirements are consistent for in-state and out-of-state licensees.
- vii. There is a lot of room for further educating stakeholders that seeking to amend universal licensure bills is not about excluding competitors.

d. National Conference of State Legislatures

- i. The PCC is also engaging nonpartisan organizations that provide technical assistance or best practices to state legislators and regulators on issues that are important to the certification community.
- ii. We participated in a conference with the National Conference of State Legislatures (NCSL) three years ago and are looking for another opportunity to present to state legislators who are interested in our issues.

e. Council of State Governments

- i. The Council of State Governments (CSG) reached out to the PCC to discuss their licensure contact publication. We it as an opportunity to describe the PCC’s position on issues important to the certification community.

f. Women in Government

- i. Shortly before the pandemic, the PCC presented at an in-person conference of new female state legislators and their staff. We are exploring opportunities to provide a webinar through WiG on Clean Slate, Universal Licensure, and Occupational Reform bills. WiG is an organization that has a broad and non-partisan reach.

3. Federal Legislation

a. *REBUILD Skills Act* update

- i. We are hopeful that the *REBUILD Skills Act* will be introduced at the beginning of 2022. While some members of Congress introduce bills first and then modify them, Rep. Kilmer’s approach has been to gather comments and support in advance of introducing the bill – which creates a slower process before introduction but, we hope, increased odds of speedier passage. We are nearing the end of the process of garnering stakeholder input from the committees of jurisdiction, such as the House Ways and Means Committee, have received technical assistance from the Department of Labor (DOL), and continue to move forward in the process with Rep. Kilner’s support.
- ii. As a reminder, the *REBUILD Skills Act* would enable certifying organizations to provide career rebuilding scholarship funds up to \$3,000 to eligible individuals who have lost a job, been furloughed, or become underemployed during the COVID-19 pandemic, and to military members and their spouses. Certifying organizations would then, in return, receive credits to their payroll taxes. This would also establish a directory that lists out the whole ecosystem of legitimate certification programs and is available to anyone who wants information the available opportunities.

b. *Freedom to Invest in Tomorrow’s Workforce Act* update

- i. Rep. Spanberger has spoken directly to the chair of the House Ways and Means Committee,

and we are cautiously optimistic that the Committee will include the *Freedom to Invest in Tomorrow's Workforce Act* in its next legislative package.

- c. Bills to monitor and discussion of federal legislation engagement strategy: *Restoring Board Immunity Act* and *Freedom to Work Act*
 - i. The *Restoring Board Immunity* and *Freedom to Work Act* are federal bills that touch areas of concern to the certification community, but do not rise to the level of high priority.
 - ii. Although at the state level we would engage with these kinds of bills, at the federal level we're in a more delicate and higher stakes situation. We will be hoping for the sponsors of these bills to support the passage of the *Freedom to Invest in Tomorrow's Workforce Act* and the *REBUILD Skills Act*.
 - iii. Therefore, with bills we think are unlikely to pass or even move out of Committee in the current Congressional session, we are holding back from engaging and opting to monitor to make sure they are not amended to have a detrimental effect on the certification community. Both of these bills are sponsored only by Republican members of Congress, and we do not expect them to advance given the current composition of the House and Senate.
 - iv. The *Restoring Board Immunity Act*, instead of mandating a change to state licensure laws, holds out a "carrot" to states that enact plaintiff-friendly provisions that tip the scale against licensure laws. It also includes a safe harbor provision to exempt any licensure laws that rely on private certification.
 - v. The *Freedom to Work Act* is a low priority bill that calls for federal agencies to review state laws that impose licensing requirements and federal laws that cause states to adopt occupational licensing requirements, and to identify any changes that would make those requirements the least restrictive possible. Similarly, this is not a direct mandate to change state licensing laws.

4. State Legislation

- a. Activity (or lack thereof) in states remaining in session
 - i. This year there have thankfully been no surprises at the 11th hour!
 - ii. We continue to actively monitor activity – particularly in the few states that remain in session – but there are no bills that we need to activate on between now and the holidays.
- b. We will be monitoring prefiled legislation and the introduction of legislation in January.