



SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION

December 19, 2022

Appropriations Committee  
United States House of Representatives  
Washington, DC 20515

Appropriations Committee  
United States Senate  
Washington, DC 20510

Dear Committee Members:

The Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) is supported by more than 3,500 construction firms specializing in industrial, commercial, residential, architectural and specialty sheet metal and air conditioning construction in public and private markets throughout the United States. **On behalf of SMACNA, I want to join other business organizations to express support for the Department of Labor's requested funding levels for FY23 Appropriations for the Department of Labor Office of the Solicitor (SOL) to the requested amount of \$178,183,000 and \$312,678,000 for Wage and Hour Division (WHD).**

The 117<sup>th</sup> Congress has passed several historic and complex bills that were enacted into law greatly expanding the duties and revised regulatory oversight responsibilities of the DOL Solicitor and the Wage and Hour Division. These include the *Infrastructure Investment and Jobs Act* and *CHIPS and Science Act* that authorized roughly over \$1.7 trillion in federal investment in our nation's infrastructure and domestic manufacturing capabilities. Now is the time for the Federal Government to provide the enhanced oversight and enforcement resources to ensure responsible contractors and their highly skilled workforce and registered apprentices can work on these complex projects protected from irresponsible contractors who purposefully evade Fair Labor Standards Act (FLSA) classifications and evade prevailing wage laws. **SMACNA believes it is critical that Congress provide adequate funding to the Office of the Solicitor to ensure the agency has the resources to enforce the existing statutes and regulations to their best capabilities.** As the House Committee Reported stated, "The SOL is encouraged to increase staffing levels to assist in the development of investigations, negotiations, and litigations to ensure workers get the relief they deserve."<sup>1</sup>

**As you know, the Wage and Hour Division employs fewer investigators in 2022 than it did 75 years ago**, all the while the country's workforce has dramatically grown as have the numbers of complex Federal and Federally assisted projects. The Committee Report also cited their deep concern that workers are being classified improperly as independent contractors and strongly urges the WHD to use the full extent of their authority to enforce laws and related actions to combat this improper misclassification. **SMACNA members employ the highest skilled workforce and as quality-driven contractors we strongly recommend fully funding both agencies sworn to protect both workers and responsible contractors.**

Sincerely,

Stanley E. Kolbe, Jr.  
Executive Director, Government and Political Affairs  
SMACNA



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