

IAAPA PUBLIC AFFAIRS UPDATE

Substantial Changes to Federal Employment and Safety Laws You Need to Know



As you work to exceed guest expectations during the remaining weeks of the summer travel season, IAAPA's public affairs team continues to advocate for your interests at the state and federal levels of government. The following is a summary of seven substantial changes to federal employment law that were proposed or passed during the summer that will impact your organization. We urge you to familiarize your team in order to take the necessary steps to comply. You will also find updates regarding the FAA Re-authorization Act and Visa Wait Time Reduction Act.

OSHA Heat Injury and Illness Prevention Rule Coming Soon

We remain actively involved in the Occupational Safety and Health Administration (OSHA) Heat Injury and Illness Prevention in Outdoor and Indoor Work Setting Advanced Notice of Proposed Rule-making given the impact this issue will have on the industry. OSHA will likely release this rule early next year. As previously reported, we submitted our formal position to OSHA explaining that positive industry safety statistics demonstrate industry's ability to self-regulate. That a "one size fits all" approach would negatively impact attractions operators who already have effective processes and procedures in place. The next step in the rule-making process is a series of small-business focused panels being organized by the Department of Labor (DOL). These panels will provide small businesses the opportunity to explain how the proposed rules will impact their business. We submitted the names of several small and mid-sized members from different parts of the country to participate. Special thanks to these members for their leadership! Watch your email for updates.

OSHA Expands Workplace Injuries and Illnesses Reporting Rule

Establishments with 20 or more employees are required to submit employee injury and illness information from Form 300A to the Occupational Safety and Health Administration (OSHA) annually. Last month, OSHA published a new rule requiring establishments with 100 or more employees in certain designated industries to electronically submit case-specific injury and illness information from Forms 300, 301, and 300A once a year. In other words, OSHA now requires employer summary data and individual employee injury and illness data on a much larger scale. Attractions operators are covered by this new rule. The size of the establishment

is determined based on how many employees the establishment had during the previous calendar year. Data must be submitted annually for the previous calendar year by March 2. If you have questions, we advise you to consult a labor lawyer.

Department of Labor Overtime Rule Coming Soon

The U.S. Department of Labor (DOL) projects it will issue its proposed overtime rule soon. The FLSA provides that covered employees be paid overtime pay at the rate of one and one-half times their regular rate of pay for all hours worked beyond 40 in a workweek unless an exemption applies. An exemption is available for executive, administrative, and professional employees. To qualify for these exemptions, employees must be paid on a “salary basis” of at least \$684 per week (\$35,568 annually), as well as meet certain duties tests. The current salary threshold was last increased on Jan. 1, 2020. With any salary increase in the DOL’s proposed rule, employers must raise the impacted employee’s salary to the new, higher minimum amount to retain the exemption or convert the employee from exempt to non-exempt (hourly) status and pay him/her overtime. We introduced several small and mid-sized IAAPA members to Small Business Administration (SBA) attorney advocates who write opinion letters to the DOL about the impact of such rules on small businesses. Special thanks to these members for their leadership! Watch your email for updates. If you have questions once this rule becomes final, we advise you to consult a labor lawyer.

J-1 BridgeUSA Resolution Introduced

IAAPA has long supported the State Department’s J-1 BridgeUSA programs. Participants in these programs fill vital workforce needs, strengthen America’s tourism industry and cultural diversity, and advance our important diplomatic efforts domestically and abroad. Earlier this summer, we worked with the Alliance for International Exchange and 450 other impacted organizations to support Representatives Blake Moore (R-UT) and Annie Kuster's (D-NH) resolution for the 118th Congress expressing congressional support for BridgeUSA programs.

Expanding Access to H-2B Workers

Like J-1, earlier this summer we worked with similarly impacted industries to advocate for increasing the number of H-2B visas. The program’s congressionally mandated cap of 66,000 visas is inadequate to meet the seasonal needs of small businesses. For FY 2023, the 33,000 first half cap was met on September 12, 2022, and the 33,000 second half cap was met on February 27, 2023. The supplemental visa cap for returning workers needed between April 1 and May 15 was reached on March 30. The House Appropriations Committee voted on a bill that contained a provision exempting returning H-2B workers from the annual H-2B visa cap next year. We will continue to advocate for this exemption to be included in the final Appropriations bill. Watch your email for updates.

New Law Protecting Nursing Mothers Passes

The Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act became effective on April 28, 2023. With limited exceptions, all employees who are nursing a child are entitled to reasonable time and a private location - other than a restroom - to express breast milk for up to one year after the child's birth. Employers with less than 50 employees have a possible undue hardship exemption. A nursing break under the act is unpaid unless the employee is not completely relieved of their duties during the break. Employees are protected from retaliation for exercising their rights under the act and may enforce a violation of the act through a private right of action (i.e., lawsuit). If you have questions, we advise you to consult a labor lawyer.

New Law Protecting Pregnant Workers Passes

Under the Pregnant Workers Fairness Act (PWFA), employers with 15 or more employees are required to provide reasonable accommodations for an employee's known limitations arising from pregnancy, childbirth, or related medical conditions unless it would be an undue hardship. Employers are prohibited from forcing employees to take paid or unpaid leave in lieu of a reasonable accommodation. Employees are protected from discrimination or retaliation for requesting an accommodation. If you have questions, we advise you to consult a labor lawyer.

U.S. House Passes Federal Aviation Administration Re-authorization Bill

We continue to raise awareness with members of Congress and the Federal Aviation Administration (FAA) about the safety and security risks associated with Unauthorized Unmanned Aircraft Systems (UAS) operating above fixed site amusement parks. To mitigate this growing problem, we continue to advocate for FAA implementation of Section 2209 (aka Applications for Designations). When Section 2209 is implemented, certain fixed-site amusement parks will have a process through which to petition the FAA to prohibit or restrict the operation of unauthorized UAS above or in close proximity to their property. We are making progress. The FAA re-authorization bill which recently passed the House contains provisions for the FAA to publish a notice of proposed rule-making on the Applications for Designation by March 2024 and to complete that rule-making within 16 months of publishing. The Senate still has to finalize its own version when Congress returns from its annual recess in September. Last, we continue to work with a committee comprised of key public/private stakeholders regarding UAS detection and mitigation. Watch your email for updates.

Visa Wait Time Reduction Act Reintroduced

Last week, the Visitor Visa Wait Time Reduction Act was reintroduced to address extremely long wait times for visitor non-immigrant visa appointments at the U.S. State Department (2 years in some cases). Tourism destinations across the United States have been impacted due to the downturn in international tourism caused by these delays. The bill requires the State Department to outline specific steps to address this problem at each diplomatic post where the wait time for a visitor visa appointment exceeds 100 days. It also temporarily reassigns staff from other State Department offices to diplomatic posts where the wait time for a non-immigrant visa appointment exceeds 300 days. Two weeks ago, IAAPA members who continue to be impacted by the reduction of international travelers from key markets such as Brazil, met with Senator Durbin (D-IL) and Senator Rubio (R-FL) to discuss the problem and appropriations language which would direct resources to ease the visa wait time problem. The bill was sent to the U.S. House Judiciary Committee. So far, there is no companion measure over in the U.S. Senate. Watch your email for updates.

Sincerely,



Keith Stephenson
Director of Public Affairs
IAAPA North America

4155 West Taft Vineland Rd, Orlando, FL 32837. Click here to [unsubscribe](#).