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by **Brian Threadgold** in **Kansas BEAD Volume 2** id. 44595191

Public comment

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Are you filing a comment on behalf of an organization?

Please indicate which sections of volume 2 you are responding to: Requirement 11: Labor Standards and Protections

Please provide your response to Requirement 11: Labor Standards and Protections On behalf of the 6,226 active members of the International Brotherhood of Electrical Workers (IBEW) in the state of Kansas, I write to respectfully submit the IBEW's comments on the state's plan to implement the federal Broadband Equity, Access and Deployment (BEAD) program.

As you know, BEAD represents the critical buildout of the telecommunications network called for in the Bipartisan Infrastructure Law and its \$65 billion investment in expanding high-speed internet access and adoption.

Nationally, the IBEW represents approximately 39,000 permanent employees working for telecommunications companies as well as thousands of construction workers who perform contract work for internet service providers. Historically playing a significant role in the

telecommunications industry, the IBEW is one of the largest labor unions representing workers for incumbent local exchange carrier providers, the largest building trade in the telecommunications sector, and as a labor representative for workers manufacturing and assembling telecommunications equipment. IBEW's reach extends to every corner of the United States, representing workers in multiple other industries such as railroad, utility, broadcasting and government.

Comments on Labor Standards

With such a widespread available workforce, the IBEW has the membership depth to complete the state of Kansas buildout, indeed addressing one of the biggest challenges states report in accomplishing the goals of BEAD: the shortage of trained and skilled workers. According to the Initial Proposal, Volume 2, the state is only considering the subgrantee's fair labor practices history as 10% percent of its score. The IBEW believes this should have a much higher priority. Specifically, the IBEW submits that to be eligible, subgrantees must demonstrate consistent past compliance with federal labor and employment laws and written disclosure of any violations.

The Initial Proposal, Volume 2, stipulates that the state will not mandate any of the following labor protections:

- Using a directly employed workforce, as opposed to a subcontracted workforce
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls
- Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project)
- Use of local hire provisions
- Commitments to union neutrality
- Use of labor peace agreements
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded)
- Taking steps to prevent the misclassification of workers.

The IBEW firmly believes that the state should mandate these labor standards for grantees and subgrantees that receive BEAD funds.

The IBEW believes that the state should favor grantees and subgrantees that will employ unionized residents of Kansas and be wary of grantees and subgrantees that plan to subcontract a significant portion of the BEAD work, particularly if they will subcontract it to an out-of-state, nonunion company.

Background from other IBEW BEAD priorities

Requirements of the BEAD Program include documented, certified

consultation and coordination with labor unions, labor law compliance and a highly skilled workforce. The use of prevailing wages is strongly suggested, along with a workforce trained via registered apprenticeship programs. The IBEW and its construction-employer partners are the largest private sector trainer of electrical workers in the United States, jointly operating nearly 300 construction training centers in the United States. This partnership invests \$200 million annually on training, at no cost to participants or taxpayers.

The BEAD Program also encourages the use of labor peace agreements. As the Bipartisan Infrastructure Law makes clear that it is in the public interest for broadband infrastructure to be built expeditiously and in a way that ensures reliability and resilience, labor peace agreements protect employers against labor disputes to ensure that projects are completed on-time and on-budget.

The IBEW is the largest utility sector labor union in the United States, representing approximately 250,000 workers directly employed by public utility districts, investor owned and municipal utilities or utility cooperatives. IBEW members in this sector have a high level of familiarity and expertise with middle-mile broadband infrastructure, which is often utilized by electrical utilities to provide communications systems to monitor and support the reliable delivery of electricity and other critical utility services.

The IBEW has made great strides in recruiting historically underrepresented populations. The union's success in membership inclusion and diversity is borne out in a comprehensive nationwide 2022 survey that found that the number of Black and Hispanic members has doubled over the past five years. A quarter of all Black IBEW members are female and 1 in 3 active male apprentices identify as minority.

IBEW members look forward to working with Kansas to create good-paying jobs through the once-in-a-generation investment closing the digital divide. Please contact Telecommunications International Representative Kevin Curran via phone at 202-728-6160 or by email at kevin_curran@ibew.org. Together, we can ensure that all citizens of Kansas have access to affordable, reliable high-speed broadband and a network worthy of the 21st century.

By submitting the Public Comment Form (the "Form") and any supporting evidence, you attest that all information furnished is true and accurate to the best of your knowledge and that any attachments are free of malware or viruses. You also

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acknowledge that falsifying any information could result in legal action against you and will bar you from submitting public comments to this web site in the future.

You authorize the Kansas Office of Broadband Development, Kansas Department of Commerce (KOBD) to contact you if further information is needed. You expressly acknowledge and consent to some personal information, including your name, address, phone, e-mail, organization you represent, and comments, being posted for public view on the Kansas Department of Commerce web site at

www.kansascommerce.gov.

The KOBD will use its best efforts to redact any personal identifiable information outside of the above that is not considered in the public domain. By typing your name and date and by submitting the Form, you acknowledge, authorize, and consent to this Public Comment Privacy & Acknowledgments.
