



Industry Legislation: Confronting Challenge and Creating Clarity

NSCA and its Board of Directors has a responsibility to you – our members – to continuously evaluate public policy and position statements.

So far, 2019 has brought us an unprecedented number of conflicting codes and standards that govern our sector of the industry. NSCA has also seen the highest level of regulatory, legislative, and licensure bills introduced at the state level as compared to recent years.

The list of concerns grows even longer due to the inherent complexity of systems integration and the emerging technologies that support it, such as Power over Ethernet (PoE) and Internet of Things (IoT). Network-connected devices have now entered our scope of work and services, ranging from PoE LED lighting and access control systems to surveillance cameras and wireless access points. With each of these challenges comes the opportunity to drive positive change.

NSCA: Your Voice

Serving as “Your Voice,” NSCA must clearly state our industry’s position and philosophy on these of regulatory, legislative, and licensure bills and seek membership approval to ensure that the vast majority of members agree to our impactful statements.

Developing and embracing NSCA’s core philosophies is done by consensus; it’s a responsibility that each member should take great pride in.

Carefully consider the following position statements as we move forward as one community and one industry:

Monitoring Legislation

Be it resolved that NSCA, on behalf of the membership, shall continue to monitor legislation that impacts our industry. We will invest in resources that identify and stop legislation and regulatory actions that are harmful to systems integration businesses. We will provide alternative model legislation when permitted to position you in the best possible business climate and enable you to provide technical solutions and services that meet client expectations.

Participation in Legislation

Be it resolved that NSCA, on behalf of the membership, shall insist upon participation in and oversight on any power limited, limited energy, low-voltage, or other form of individual or company licensure impacting systems integrators. This covers AV, life safety, communications, control, low-voltage lighting, building automation, telephony,

and all other system types as defined in the current version of CSI MasterFormat Divisions 27 and 28.

Defending the Work of the Integrator

Be it resolved that NSCA, on behalf of the membership, shall represent our industry by protecting and defending your ability to perform the necessary tasks and job functions in design, sales, installation, and service of all “connected devices” that impact the technology solutions within the scope of work defined in CSI MasterFormat Divisions 27 and 28 on new construction, renovation, and existing commercial property projects.

Resolving Code Conflicts

Be it resolved that NSCA, on behalf of its membership, will seek swift resolution to conflicting building codes and product safety listing language. It will also be involved directly and through appointees on code-making panels and oversight boards designated to interpret code priority and provide authorities having jurisdiction (AHJs) with accurate compliance information. As these risks and responsibilities shift to the integrator, it is essential to step up in a more authoritative role.

Challenging Permit Processes

Be it resolved that NSCA, on behalf of its membership, will challenge restrictive, expensive, and lengthy permit processes that create unnecessary obstacles, project delays, and missed deadlines.

Likewise, we will educate you on the risks involved with bidding projects without knowing the provisions and requirements in various jurisdictions.

Monitoring and Challenging Licensing Requirements

Be it resolved that NSCA, on behalf of its membership, will continue to monitor provincial and state licensing requirements, as well as challenge existing exemptions that prevent skilled technicians from performing work as defined in NEC Classes 2 and 3, Articles 720, 760, and 800.

NSCA will challenge efforts to lower voltage levels or wattage when used only in a regulatory capture effort or for the purposes of trade jurisdiction, and we will always mandate that our members honor licensure and laws when outside our defined scope.

Creating IP Transfer or Protection Best Practices

Be it resolved that NSCA, on behalf of its membership, will create best practices and checklists for managing business associate agreements (BAAs) that have become the new method for contracting services and defining the transfer of the use of software, the licensing of software, or the ownership of software.

NSCA will develop a statement of best practices for fair and legal protection of intellectual property ownership and the heightened level of obligations of the vendor agreements.

Upholding the Code of Ethics

Be it resolved that NSCA, on behalf of its membership, will continue to uphold the code of ethics that governs the core principles and beliefs of the organization. We will educate the industry on the importance of connecting NSCA's governing ethics statements and these resolutions put forth.

NSCA 2019 Position Statements and Priorities

Be it resolved that NSCA, on behalf of its membership, has previously adopted the following priorities and position statements. They will continue to serve as the focal points of our 2019 government affairs strategy.

- *Cybersecurity Legislation:* NSCA supports the notion that industry experts should guide lawmakers and code officials on the appropriate measures and credentialing of industry professionals. NSCA also supports the regulation and licensing of this profession to establish a baseline for knowledge and integrity of those who provide these services. NSCA monitors legislation and serves as a strong voice with state and federal lawmakers as they evaluate the need to regulate how and when this type of technology can be deployed. We are active in reporting on proposed legislation and offering model legislation when requested to address issues such as privacy, data collection, cyber risks, inappropriate usage, or reckless use of applications or capabilities.
- *School Safety:* NSCA supports legislation that provides funding for school safety technology and encourages public and private schools to have a comprehensive safety plan in place. As the cofounder of the Partner Alliance for Safer Schools (PASS) K-12, we support the use of its industry-led guidelines as a technology roadmap.
- *Internet Usage:* NSCA advocates for unrestricted Internet usage and is generally opposed to government regulation on the determination of which systems are deemed more important than others. We do, however, understand that regulations may be needed to prioritize the bandwidth usage to allow the integrity and functionality of crucial business applications. We monitor and report on proposed changes and impending regulations that will impact the commercial and professional electronic systems integration industry.
- *Revenue Recognition and Taxation:* NSCA monitors and reports on issues such as revenue recognition for managed services and how changes in lease accounting may impact members. State and federal legislation for changes to the corporate or pass-through entity tax provisions will be monitored and reported on. NSCA monitors legislation on how labor is taxed, how capital expenditures and operating expenditures should be taxed, and how doing business in multiple states or countries should be treated for taxes. We are advocates for fair tax laws and ensuring a level playing field with adjacent technology industries.
- *Industry Workforce:* NSCA's industry workforce development program focuses on the Ignite workforce development initiative. Our goal is to make this industry known to students and highly skilled workers as early as possible in career planning. This will involve efforts with STEM programs and educational outreach efforts. We are active in proposing model legislation to provide funding for

- apprenticeships, internships, mentoring programs, veterans programs, and other workforce development programs, while promoting diversity and inclusion.
- *Professionalism and Training*: NSCA advocates for professionalism and training. We remain neutral on licensure for individuals and companies in the systems integration space unless licensing is unfair or requires training from or membership in an organization that doesn't represent the best interests of the business.
 - *Calls to Action*: NSCA monitors, reports on, and, at times, conducts calls to action when regulations or code changes may impact members. We call out lobbyists who represent special-interest groups that have persuaded lawmakers to put forth unnecessary restrictions under the heading of safety, job creation, and growth. Our role is to educate, inform, and report to the membership on areas of concern.
 - *Occupation Definition*: NSCA works to define the industry's occupations, along with the anticipated shortage of workers to fill these positions, which ties into our need to unify SOC titles. We maintain and reinforce the need for a unique U.S. Department of Labor Standard Occupational Classification (SOC) title. The O*NET code establishes those definitions. We meet with other leading industry associations to determine the best overall terminology, as well as the titles that best characterize the work you do.
 - *Labor Laws*: NSCA monitors and reports on labor laws that impact our members, such as the U.S. Department of Labor's overtime rule. We monitor and report on issues such as exempt and non-exempt classifications or mandated employee benefits. Whenever we see local, state, or federal legislation proposed on project labor requirements, hiring practices, forced labor provisions, and/or participation, we report these changes to our members.

NSCA will continue to monitor and report on the dozens of 2019 bills that will be proposed by legislators for vote this session. We will inform you about any changes that impact you.