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**VOLUME 55 NO. 11  
NOVEMBER 2021**



## **WHAT'S INSIDE THIS MONTH:**

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- ABC Responds to Biden Administration Federal Contractor Minimum Wage Increase.
- Only 16 States and D.C. Added Construction Jobs Since Pandemic Began as Build Back Better Bill Threatens to Undermine Sector's Recovery.
- Dodge Momentum Index Jumps in October.
- IRS Provides Tax Inflation Adjustments for Tax Year 2022.
- Board Sets Dues and Advertising Rates for 2022.

## **A THANKSGIVING MESSAGE**

Thanksgiving marks the start of the Holiday Season and the end of another year coping with the COVID-19 virus. We continue to adjust to the impact of the pandemic in our personal and professional lives. The first ten months of this year has brought us hope with the development and availability of three vaccines to help combat the effects of the virus. But the pandemic is far from over. The polarization of our society over the wearing of masks to help curb the virus and to help our healthcare workers has been replaced by negative debates over mandates for the vaccine. The continued negativity and polarization coming out of Washington is still disheartening one year later. It is sad to say that this is my third Thanksgiving message that has noted the concerns about our politicians in Washington.

Hopefully, this Thanksgiving will help bring some sense of duty and responsibility back to our representatives in Washington, but I am not very optimistic. It is way past time for the politicians in Washington to do what is best for America and

not for their political affiliation.

As we approach the Holiday Season, we need to reflect on where we are as a society and ask God for guidance as we navigate our future. There are so many positives of living in a country where we can still have an impact on the direction that we want to see our country move. We pray that our representatives in Washington will have the wisdom to lead and the support of the American people to do so.

As Cindy and I reflect on our year, we as a family have much to be thankful for. God has continued to bless us with good friends and good health throughout the pandemic. Our daughter, Mary, continues her work with Woodmen Life Insurance Company. Our middle daughter, Sarah, and her family have relocated to a small town (3,500 residents) in west central Nebraska, Gothenburg. Our youngest daughter, Anna, the accountant, continues to work for Conagra Brands in their enterprise risk management department in the Omaha office.

As we reflect upon our many blessings, it is also important to reflect upon those among us who are less fortunate in health and prosperity. We extend our sympathies and prayers to those families that have lost a loved one this past year.

This past year, Cindy and I informed the MICA Board that we would be stepping down as Executive Secretary for MICA effective at the conclusion of the 2022 June Convention. The decision was relatively easy, but the realization that as we move closer each month to June 2022, we are experiencing our MICA activities for the last time is not easy. We just conducted our "last" fall business meeting in October. This is my "last" Thanksgiving message. But we continue to cherish our time with you. You are truly a unique association of business professionals. You come from diverse backgrounds, but you all reflect true Christian values in your personal and professional lives. Our association is truly blessed to have such strong members. Cindy, our daughters, and I are most grateful to be a part of MICA and to have MICA a part of us. You have made and continue to make MICA a blessing to our family.

We wish all of you a special Thanksgiving Blessing. We pray that your God will continue to care for you and your family through the uncertain times ahead.



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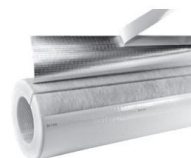
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## PRESIDENT'S MESSAGE

TO: THE MICA MEMBERSHIP

Hello MICA Members,

As Thanksgiving approaches, we routinely hear everyone talk about what they “are thankful for”. This annual practice of discussing and showing appreciation for the things in our lives is a great tradition, but we should really be thinking of these great things more than one week each year. Gratitude is defined as; “the quality of being thankful; readiness to show appreciation for and to return kindness.”

Gratitude is a great reinforcing emotion of this year’s theme of “Here & Now”. Gratitude is about focusing on what is good in our lives and being thankful for the things we have. Taking that time each day (not just at Thanksgiving) to appreciate those things: a house to live in, food on the table, clean water, friends, access to technology – and our MICA Family!

Practicing gratitude helps to build on the foundation of being present and focusing on what we have right in front of us, rather than thinking and worrying about the past/future. This doesn’t have to take time from your day, or be a burden in your schedule. Take a minute during your commute, while waiting for the coffee to brew, or while brushing your teeth to just think for a minute about the good in your life, the amazing things around us, and those in our lives that make us better. I thank the Lord every day for my family, friends, dogs and health.

I hope you all have a wonderful Thanksgiving. Try to be present at the family gathering by putting the phone/computer away for the day and give your full attention to those in your company. Here are a few photos from our family enjoying the outdoors this fall; chasing deer, ducks and pheasants!

Sincerely,

Rudy Nigl  
MICA President



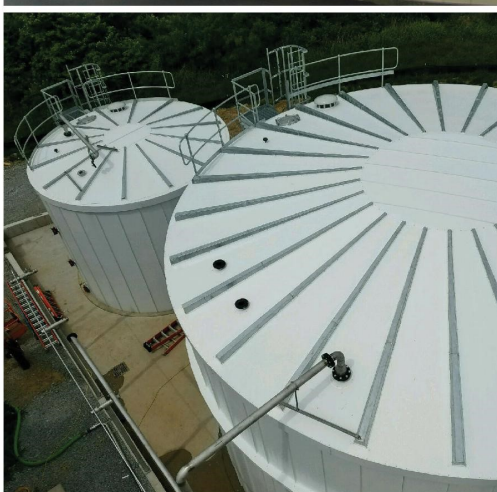


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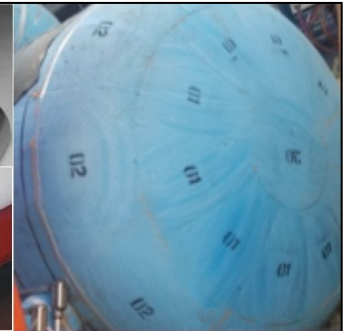
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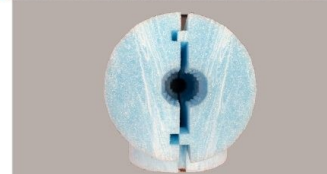
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## **SUMMARY OF EVENTS SURROUNDING THE BIDEN ADMINISTRATION ETS MANDATORY VACCINATION RULE**

*As most of you are aware, our legal counsel, Gary Auman, has been updating us on the events of the ETS Mandatory Vaccination rule, since it was released on November 5, 2021. Below is a summary of the events that Gary has been monitoring this month. We are summarizing the events from the latest (now) to the earliest (November 5, 2021).*

### **Gary's latest update:**

As an FYI, the Biden Administration filed an emergency motion in the Fifth Circuit at 2:28 am today (November 24th) for the Court to lift its stay of the ETS Mandatory Vaccination rule.

On another note, the Petitioners filed a motion to have the challenge to the ETS, which now will be decided by the Sixth Circuit heard by that court en banc. The normal procedure would be for the court to appoint a three judge panel from its sitting judges to hear the challenge. Either party to the case could then request an en banc review if they were dissatisfied with the decision of the three judge panel.

Finally, a consolidated response to the petitions filed to overturn the ETS is due to be filed in the Sixth Circuit by November 30<sup>th</sup>.

We will continue to monitor developments.  
Gary

## **Status of OSHA's ETS for COVID-19; November 15, 2021:**

Summary of Recent Critical Events:

- ♦ Enforcement of the OSHA Emergency Temporary Standard on Covid-19 is delayed pending full judicial review.
- ♦ On Friday November 12, 2012, the Fifth Circuit Court of Appeals affirmed its initial "stay" which continues unless lifted.
- ♦ A lottery will determine which Circuit Court of Appeals will actually conduct the judicial review of the ETS.
- ♦ That court may lift or continue the stay pending the litigation. That litigation could completely strike down the ETS.
- ♦ Due to so much uncertainty, the attorneys at Auman, Mahan, and Furry have decided to postpone our webinar that had been scheduled for Thursday, November 18, 2021. We will reschedule the webinar as soon as there is something more to report.

## **OSHA's ETS on Covid-19: Detail and Explanation of Recent Events:**

On November 5, 2021, OSHA issued an emergency temporary standard (ETS) mandating vaccination and/or test-

(Continued on page 9)



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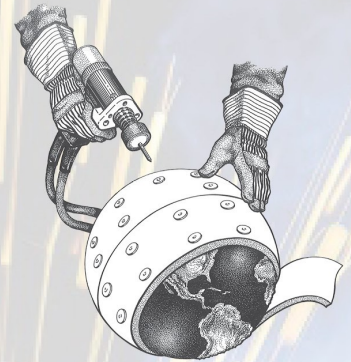
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ing of all employees employed by employers with 100 or more employees. Many states, business, industry groups, and religious organizations filed challenges in several Federal Circuit Courts of Appeals to block the new ETS. In addition, several labor unions have sued alleging that the ETS does not go far enough to protect workers from COVID-19.

In response to one of those challenges, the Fifth Circuit Court of Appeals issued a temporary stay of the emergency temporary standard on November 6, 2021. The Court issued the stay pending briefing and an expedited judicial review. On Friday November 12, 2021, the Court completed its review *and affirmed its initial stay*.

The Fifth Circuit Court of Appeals decision to affirm the stay was strongly worded and suggests that the stay could remain until the full judicial review is completed. The Court found that the petitioners demonstrated that they are likely to succeed on the merits of their challenge, that they will be irreparably injured without a stay, that the issuance of the stay would not substantially injure other parties interested in the proceeding, and that public interest lies in granting the stay.

Whenever multiple challenges are simultaneously filed in different Federal Circuit Courts of Appeals to the same administrative rule, a lottery is held to determine which of the Circuit Courts in which the challenges were filed will actually hear the case and render a decision on the merits. That means the challenge to the ETS may or may not stay in the Fifth Circuit Court of Appeals. The lottery is likely to occur on or about tomorrow, November 16, 2021. When the Court has been selected, it may decide to either lift the stay (in which case the ETS will go into effect on the existing schedule) or continue the stay pending a decision on the merits of the challenges.

We will continue to actively monitor this matter, keep you advised, and schedule a webinar in a timely fashion after the Circuit Court selected to decide the case determines how it will proceed with the challenges to the ETS.

### **GARY'S SAFETY CORNER**

In this issue, I am going to update you on two currently hot topics confronting employers as OSHA moves ahead with rulemaking under the Biden Administration – Heat Illness Prevention and COVID.

#### **COVID**

As I write this article on October 31<sup>st</sup>, I feel that many employers feel they are being tricked rather than treated on this Halloween. On or about September 9<sup>th</sup>, the President directed OSHA to promulgate an Emergency Temporary Standard (ETS) to mandate COVID vaccines for

every employer that employs 100 or more people. From what I have read, a draft of the ETS was delivered to the White House several weeks ago. It has rested there since then. What concerns me is the fact that OSHA and the Administration has this ETS under a cloak of secrecy. It appears that it is being protected more closely than our most sensitive defense measures. What is so secret about this ETS? What does the Administration not want you to know about? As I write this article, I cannot report on the status of this ETS, but I can tell you that a number of states (I have heard as many as 24) have indicated that they intend to challenge any mandatory vaccination standard in court. Several governors have stated that they will file for a temporary injunction to stop the enforcement of any mandatory vaccination standard issued by OSHA. Some governors have directed their state agencies to not comply with any federal vaccination mandate.

So at this point, all we can do is speculate and that is not something I like to do. All we know is what we have seen in the President's direction to OSHA and that is to develop an ETS that will require companies with one hundred or more employees to require all employees to be vaccinated or to weekly test each employee not vaccinated for COVID. The implication is that companies will have to pay for the testing as well as for the time an employee will have to be away from work to be tested. Beyond this, I feel we are in a wait and see mode. We will review and synopsise any ETS when it is issued and get an analysis out to our members as soon as possible. Until we see the ETS you need to comply with existing guidance, which we have discussed in previous articles and webinars.

#### **Heat Illness Prevention**

Just a few days after the President directed OSHA to promulgate a COVID ETS, he directed OSHA to develop a standard to cover heat illness prevention. It appears that this will follow usual standard development protocols. OSHA recently requested input from labor and management on such a standard. The date to submit comments is December 27<sup>th</sup>. OSHA may hold public hearings after it receives those comments or it might just take the information received and proceed to develop a draft standard. My feeling is that OSHA will use the NIOSH Criteria Document (which is about ten years old) as the starting point to develop the standard. We have to remember that Mr. Parker, who was just recently confirmed as the head of OSHA, comes to that job from his former position as head of Cal OSHA. Cal OSHA has a very broad and very strict heat illness prevention standard. While OSHA is notorious for the length of time it takes to promulgate a new standard, I do feel that the heat illness prevention standard will be on a fast track.

While OSHA goes about the rule making process, you need to remember that it has been (in most part) success-

*(Continued on page 12)*





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### **FUTURE MICA MEETING DATES**

2022 Winter Meetings — January 20 — 23, 2022, Hyatt Regency The Scottsdale Resort at McCormick Ranch, Scottsdale, AZ.

65th Annual Spring Convention — June 19 — 22, 2022, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

Fall 2022 Annual Fall Business Meeting — October 13 & 14, 2022, Omaha Marriott Downtown, Omaha, NE.


2023 Winter Meetings — TBD

66th Annual Spring Convention — June 19 — 22, 2023, Cheyenne Mountain Resort, Colorado Springs, CO.

68th Annual Spring Convention — June 16 — 19, 2025, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

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(Continued from page 9)

fully enforcing heat illness prevention under the General Duty Clause. That Clause (Section 5(a)(1) of the OSH Act) requires all employers to provide their employees with a place of employment free of recognized hazards causing or likely to cause death or serious physical harm. Heat illness meets that criteria. In a decision in 2012, Judge Patrick Augustine of the Occupational Safety and Health Review Commission (OSHRC) listed five parts of the criteria document that he felt were feasible steps for employers to take to prevent heat illness. I am aware that this article is coming out as many of you enter a part of the year with cooler and colder temperatures, but those in the south may be confronted with heat illness issues year round.

As I reviewed applications for our safety recognition awards, I seldom see a heat illness prevention program that I am able to consider adequate to prevent heat illness or to meet the feasible steps discussed by Judge Augustine. The five steps begin with acclimatization and proceed through training. Remember your heat illness prevention program is based on the heat index, not on temperature alone. I strongly suggest that you have your site supervisors download the OSHA Heat App on their smart phones. This will provide them the heat index on their jobsite as well as reminders of actions they should take to prevent heat illness with that heat index.

Step one – acclimatization. You need to identify employees who are reporting to the high heat index environment for the first time or are returning to the high heat index environment after having been away from it for one or two weeks. You need to set a schedule for the gradual indoctrination of those employees to the heat index on the jobsite over a period of one to two weeks. I suggest that on this step as well as on other steps you might consult with your company doctor for guidance of the best approach for your employees.

Step two – Establish a work/rest regimen. This will vary depending on the heat index. For a low heat index, you might start with rest shorter rest periods with longer work periods between. As the heat index increases, you will need to increase the length and frequency of rest periods. Again, guidance can be obtained on the OSHA Heat App and/or from your company doctor.

Step three – Hydration. You need to be sure you have adequate cool water on the job site. There should be sufficient water to provide up to a quart of water for each employee each hour. You need to establish a hydration schedule at the start of the day and be prepared to modify it as the heat index increases. A "rule of thumb" here is a cup of water every 15-20 minutes in a moderate heat index. Again, consult the OSHA Heat App and/or your company doctor for advice and ideas.

(Continued on page 14)



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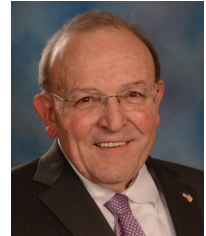
Step four – Cooling off areas. You should establish cooling off areas in close proximity to the job site. These should be available for use by employees during rest breaks, especially as the heat index climbs during the day. They should also be available to employees anytime they begin to feel the symptoms of any heat illness. An employee who needs to use a cooling off area should never be permitted to find their own way to the area. Ideally, the cooling off area should have an ambient temperature of 75 degrees Fahrenheit.

Step five – Training. You should (shall) train your employees on the different types of heat illnesses, the symptoms of each and how to recognize those symptoms in themselves and others. They should also be trained on the first aid steps to take whenever they see those symptoms in themselves or others. This training should also include such things as staying away from caffeinated beverages and energy drinks. You should also warn employees that anyone with underlying medical issues such as heart disease, diabetes, high blood pressure and/or a history of prior episodes of heat illness is more susceptible to heat illness than other employees. There are other matters that you can discuss with your employees such as appropriate clothing for a high heat index environment. As you can see, training employees on this topic cannot be accomplished in a five to ten minute toolbox talk.

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You need to document all training as well as the steps taken each day to protect your employees in a high heat index environment. Finally, this program has to be supervisor driven. You must ensure that supervisors know that this is not something they only tell their employees one time and then leave it up to each employee to comply or not. The site supervisor **MUST UNDERSTAND THAT HE/SHE** is 100% responsible to **ENSURE** that employees working for him/her fully comply with each part of each of the ten steps I have listed. Start now with developing and implementing your heat illness prevention program. When OSHA finally does finalize a heat illness prevention standard, you should see specific steps you will need to take to be in compliance. Until then, you need to follow the above steps to meet the requirements of the General Duty Clause.

### **U.S. DEPARTMENT OF LABOR ANNOUNCES FINAL RULE TO INCREASE MINIMUM WAGE FOR WORKERS ON FEDERAL CONTRACTS BEGINNING JANUARY 30, 2022**

**WASHINGTON** –The U.S. Department of Labor today announced a final rule that implements Executive Order 14026 to increase the hourly minimum wage for employees on federal contracts beginning Jan. 30, 2022. President Biden signed the order on April 27, 2021.

(Continued on page 17)





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(Continued from page 14)

The rule applies in all 50 states, the District of Columbia, and specified U.S. territories, and does the following:

- Increases the hourly minimum wage for workers performing work on or in connection with covered federal contracts to \$15 beginning Jan. 30, 2022.
- Continues to index the federal contract minimum wage in future years to inflation.
- Eliminates the tipped minimum wage for federal contract employees by 2024.
- Ensures a \$15 minimum wage for workers with disabilities performing work on or in connection with covered contracts.
- Restores minimum wage protections to outfitters and guides operating on federal lands.

“The workers helped by Executive Order 14026 and today’s final rule do essential work on our nation’s behalf. They build and repair the federal infrastructure, clean and maintain our national parks, monuments and other federal facilities, care for our veterans, and ensure federal workers and military service members are provided with safe and nutritious food,” said U.S. Secretary of Labor Marty Walsh. “Implementing this Executive Order improves the economic security of these workers and their families, many of whom are women and people of color.”

Executive Order 14026 applies to new contracts, and renewals and extensions of existing contracts, beginning Jan. 30, 2022.

“In addition to promoting efficiency in federal contracting, the implementation of Executive Order 14026 has other benefits,” said Wage and Hour Division Acting Administrator Jessica Looman. “The final rule adds value for taxpayers by boosting worker productivity and reducing employee turnover and absenteeism. It also allows federal contractors to retain top talent, and reduce recruiting and training costs.”

[Learn more about protections for federal contractors or more about the Wage and Hour Division.](#) You may also call toll-free 1-866-4US-WAGE to speak directly and confidentially to a trained Wage and Hour Division professional. The division protects workers regardless of immigration status, and can communicate with workers in more than 200 languages.

## **ABC RESPONDS TO BIDEN ADMINISTRATION FEDERAL CONTRACTOR MINIMUM WAGE INCREASE**

WASHINGTON, Nov. 22—Associated Builders and Contractors today released the following statement in response to the U.S. Department of Labor’s Wage and Hour Division’s final rule increasing the minimum wage on federal contracts from \$10.95 to \$15 per hour beginning in early 2022, superseding a scheduled increase to \$11.25 that will occur on Jan. 1.

“Most of ABC’s federal contractor members already pay the vast majority of their workers at wage rates higher than the \$15 per hour minimum established in this rule,” said Ben Brubeck, ABC vice president of regulatory, labor and state affairs. “However, ABC is concerned with the Biden administration’s decision to ignore Congress’s authority and not establish a market-driven approach to wage determination. This rulemaking will create unnecessary confusion and needlessly increase the compliance burden on ABC member contractors that build America’s infrastructure and perform other federal or federally assisted work.”

## **ONLY 16 STATES AND D.C. ADDED CONSTRUCTION JOBS SINCE PANDEMIC BEGAN AS BUILD BACK BETTER BILL THREATENS TO UNDERMINE SECTOR’S RECOVERY**

*Texas, Wyoming Have Worst Job Losses Since February 2020, While Utah, South Dakota Add the Most; South Carolina and New Hampshire Have Worst One-Month Losses, While Louisiana is the Top Gainer*

Only 16 states and the District of Columbia have added construction jobs since just before the start of the pandemic in February 2020, according to a new [analysis](#) of federal employment data released today by the Associated General Contractors of America. Association officials noted that prospects for the sector’s recovery will be diminished should the House-passed Build Back Better bill become law.

“Although activity picked up in most states in October, construction employment remains below pre-pandemic levels in two out of three states,” said Ken Simonson, the association’s chief economist. “The record number of job openings shows contractors are eager to hire more workers but can’t find enough qualified applicants.”

From February 2020—the month before the pandemic caused projects to be halted or canceled—to last month,

(Continued on page 20)



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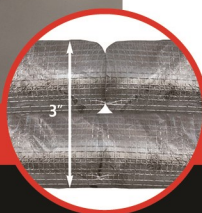
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*(Continued from page 17)*

construction employment decreased in 33 states, stalled in Hawaii, and increased in only 16 states and D.C. Texas shed the most construction jobs over the period (-46,400 jobs or -5.9 percent), followed by New York (-42,800 jobs, -10.5 percent) and California (-21,300 jobs, -2.3 percent). The largest percentage losses were in Wyoming (-14.0 percent, -3,200 jobs), New York, and Vermont (-9.8 percent, -1,500 jobs).

Utah added the most construction jobs since February 2020 (8,200 jobs, 7.2 percent), followed by North Carolina (7,700 jobs, 3.3 percent), Washington (4,900 jobs, 2.2 percent), and Idaho (4,900 jobs, 8.9 percent). The largest percentage gains were in South Dakota (10.5 percent, 2,500 jobs), Idaho, and Utah.

From September to October construction employment decreased in 14 states, increased in 34 states and D.C., and was unchanged in Alabama and Virginia. South Carolina lost the most construction jobs over the month (-1,900 jobs, -1.7 percent), followed by Missouri (-1,500 jobs, -1.2 percent). The largest percentage decline was in New Hampshire (-2.2 percent, -600 jobs), followed by Vermont (-2.1 percent, -300 jobs).

Louisiana added the largest number and percentage of construction jobs between September and October (8,200 jobs, 7.1 percent). California was second in construction job gains (7,500 jobs, 0.8%), while West Virginia had the second-highest percentage increase (2.3 percent, 700 jobs).

Association officials cautioned that the Build Back Better measure, which passed in the House earlier today, will undermine the construction sector's recovery. They noted that the measure's tax and labor provisions will stifle investments in construction activity and make it even harder for firms to find qualified workers to hire. They urged Senators to reject the massive new spending bill.

"The last thing Washington should be doing is making it even harder for firms to find projects to build or workers to hire," said Stephen E. Sandherr, the association's chief executive officer. "Yet the hyper-partisan Build Back Better bill will hobble employers with new mandates even as it stifles private sector demand with new taxes and regulations."





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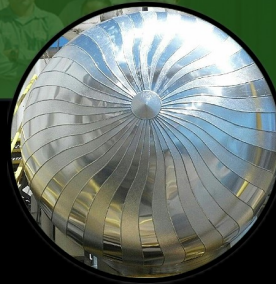
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## **DODGE MOMENTUM INDEX JUMPS IN OCTOBER**

*Index near 14-year high as numerous large projects enter planning*

**HAMILTON, New Jersey – November 5, 2021** – The Dodge Momentum Index increased 10% in October to 181.2 (2000=100), from the revised September reading of 164.6. The Momentum Index, issued by Dodge Construction Network, is a monthly measure of the initial report for nonresidential building projects in planning, which have been shown to lead construction spending for nonresidential buildings by a full year. In October, commercial planning rose 14% and institutional gained 3%.

The value of nonresidential building projects entering planning has staged a solid recovery this fall. It has lifted the Momentum Index to its highest level in nearly 14 years, following a near-moribund summer of activity. The commercial sector has shown strength, having reached its highest level since the inception of the Index. The October gain in the Momentum Index was driven by increased planning in warehouses, offices, and healthcare structures. Compared to a year earlier, the Momentum Index was 47% higher in October 2021. The commercial planning component was 59% higher, and institutional was 26% higher.

A total of 20 projects with a value of \$100 million or more entered planning in October. The leading commercial projects were a \$450 million Walmart Distribution Center in Lyman, SC, and a \$400 million Facebook data center in Los Lunas, NM. The leading institutional projects were the second and third phases of the California Northstate University Medical Center in Sacramento, valued at \$500 million for each phase.

The dollar value of projects in the planning stage is impressive and portends a healthy rise in nonresidential building construction starts on tap for 2022. However, that expectation must be balanced against rising material costs, shortages of key goods, and a lack of skilled labor that will work to keep growth rates modest next year.

## **DODGE MOMENTUM INDEX**

[2000=100, Seasonally Adjusted]

	Oct-21	Sep-21	% Change
Dodge Momentum Index	181.2	164.6	10.0%
Commercial Building	227.2	200.2	13.5%
Institutional Building	124.1	120.6	2.9%

Source: Dodge Data & Analytics



## **IRS PROVIDES TAX INFLATION ADJUSTMENTS FOR TAX YEAR 2022**

WASHINGTON — The Internal Revenue Service today announced the tax year 2022 annual inflation adjustments for more than 60 tax provisions, including the tax rate schedules and other tax changes. [Revenue Procedure 2021-45](#) provides details about these annual adjustments.

### **Highlights of changes in Revenue Procedure 2021-45:**

The tax year 2022 adjustments described below generally apply to tax returns filed in 2023.

- The tax items for tax year 2022 of greatest interest to most taxpayers include the following dollar amounts:
- The standard deduction for married couples filing jointly for tax year 2022 rises to \$25,900 up \$800 from the prior year. For single taxpayers and married individuals filing separately, the standard deduction rises to \$12,950 for 2022, up \$400, and for heads of households, the standard deduction will be \$19,400 for tax year 2022, up \$600.
- The personal exemption for tax year 2022 remains at 0, as it was for 2021, this elimination of the personal exemption was a provision in the Tax Cuts and Jobs Act.
- **Marginal Rates:** For tax year 2022, the top tax rate remains 37% for individual single taxpayers with incomes greater than \$539,900 (\$647,850 for married couples filing jointly).
- The other rates are:
- 35%, for incomes over \$215,950 (\$431,900 for married couples filing jointly);
- 32% for incomes over \$170,050 (\$340,100 for married couples filing jointly);
- 24% for incomes over \$89,075 (\$178,150 for married couples filing jointly);
- 22% for incomes over \$41,775 (\$83,550 for married couples filing jointly);
- 12% for incomes over \$10,275 (\$20,550 for married couples filing jointly).
- The lowest rate is 10% for incomes of single individuals with incomes of \$10,275 or less (\$20,550 for married couples filing jointly).
- For 2022, as in 2021, 2020, 2019 and 2018, there is no limitation on itemized deductions, as that limitation was eliminated by the Tax Cuts and Jobs Act.
- The Alternative Minimum Tax exemption amount for tax year 2022 is \$75,900 and begins to phase out at \$539,900 (\$118,100 for married couples filing jointly for whom the exemption begins to phase out at \$1,079,800). The 2021 exemption amount was \$73,600 and began to phase out at \$523,600 (\$114,600 for married couples filing jointly for whom the exemption began to phase out at \$1,047,200).
- The tax year 2022 maximum Earned Income Tax Credit amount is \$6,935 for qualifying taxpayers who have three or more qualifying children, up from \$6,728 for tax year 2021. The revenue procedure contains a table providing maximum EITC amount for other categories, income thresholds and phase-outs.
- For tax year 2022, the monthly limitation for the qualified transportation fringe benefit and the monthly limitation for qualified parking increases to \$280.
- For the taxable years beginning in 2022, the dollar limita-

(Continued on page 26)

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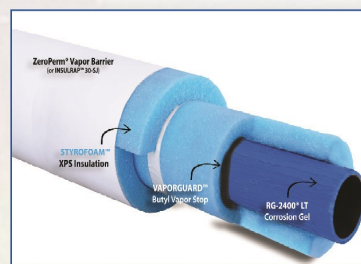
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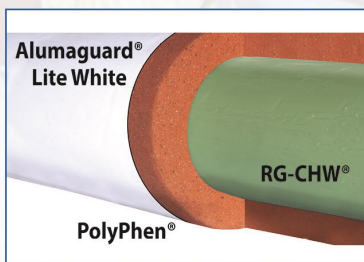
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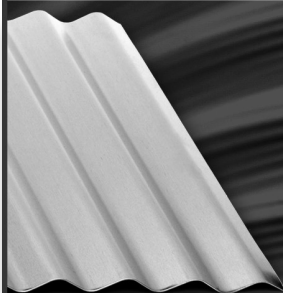
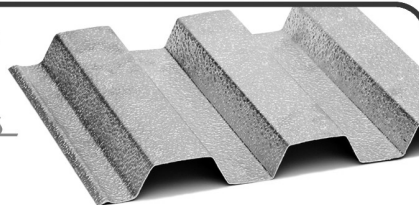




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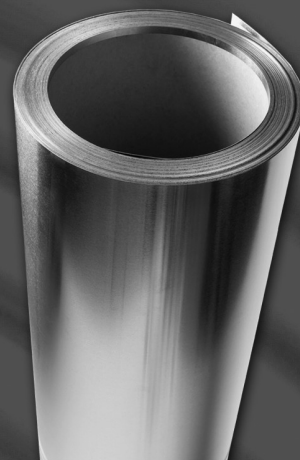
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(Continued from page 23)

- tion for employee salary reductions for contributions to health flexible spending arrangements increases to \$2,850. For cafeteria plans that permit the carryover of unused amounts, the maximum carryover amount is \$570, an increase of \$20 from taxable years beginning in 2021.
- For tax year 2022, participants who have self-only coverage in a Medical Savings Account, the plan must have an annual deductible that is not less than \$2,450, up \$50 from tax year 2021; but not more than \$3,700, an increase of \$100 from tax year 2021. For self-only coverage, the maximum out-of-pocket expense amount is \$4,950, up \$150 from 2021. For tax year 2022, for family coverage, the annual deductible is not less than \$4,950, up from \$4,800 in 2021; however, the deductible cannot be more than \$7,400, up \$250 from the limit for tax year 2021. For family coverage, the out-of-pocket expense limit is \$9,050 for tax year 2022, an increase of \$300 from tax year 2021.
  - The modified adjusted gross income amount used by joint filers to determine the reduction in the Lifetime Learning Credit provided in § 25A(d)(2) is not adjusted for inflation for taxable years beginning after December 31, 2020. The Lifetime Learning Credit is phased out for taxpayers with modified adjusted gross income in excess of \$80,000 (\$160,000 for joint returns).
  - For tax year 2022, the foreign earned income exclusion is \$112,000 up from \$108,700 for tax year 2021.
  - Estates of decedents who die during 2022 have a basic exclusion amount of \$12,060,000, up from a total of \$11,700,000 for estates of decedents who died in 2021.
  - The annual exclusion for gifts increases to \$16,000 for calendar year 2022, up from \$15,000 for calendar year 2021.

**BOARD SETS DUES AND ADVERTISING RATES FOR 2022**

At its October meeting, the Board of Directors of MICA approved MICA's operating budget for 2022. In its deliberations, the Board voted a modest \$25.00 increase in the annual membership dues for contractor and associate member firms. The Board is very cognizant of the current state of the economy and wants to keep MICA affordable to all current and prospective members. The Board felt that it was prudent to approve a modest increase in the dues structure as it begins to implement a strategic transition in the association's normal operations. Contractor member annual dues for 2022 are set at \$775.00. The annual dues for associate member firms is \$575.00. The 2022 membership renewal notices will be mailed out in December. We are anticipating 100% renewals and look forward to your continued participation in MICA in 2022.

Advertising in the MICA Messenger continues to be an excellent forum to reach the membership on a monthly basis. As such, advertising rates for 2022 remain the same as in 2021. The advertising renewal contracts and applications for advertising for those who are currently not advertising in the newsletter will be mailed to the associate member firms in December.

If you have not placed an ad in the newsletter or if you have advertised in the past, 2022 would be a great year to start advertising in the newsletter. Just call the MICA office, and we will get you started.



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are the ones  
you don't see

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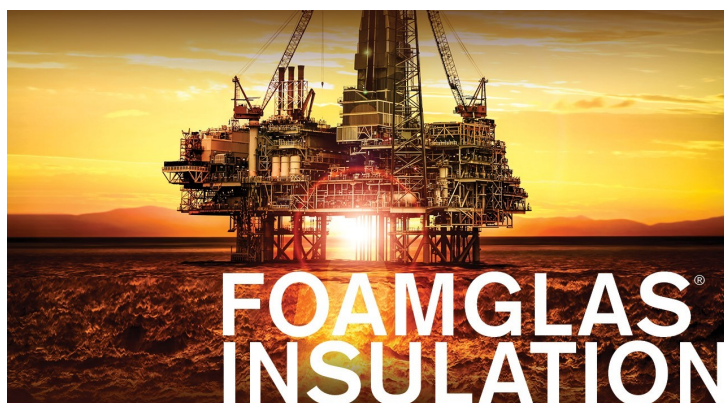
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Rob English | 314-983-9778  
Rob.English@owenscorning.com  
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