

WOOD COUNTY DELEGATE/CONTRACTORS GROUP KILL BILL Health Care Legislation Fails 2005 Session

THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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After unanimously passing two House committees, health care legislation promoted by the ACT Foundation was stopped by House leadership.

Del. J. D. Beane, D-Wood, chairman of the House Government Organization Committee, used his power to kill the bill even after he voted for it and passed it out of his committee.

"He pretended to support the bill then killed it," said Steve White, ACT Director. "I guess he thought we wouldn't find out, but we did."

White confronted Beane about the double-dealing.

Beane's response was "The contractors supported me and you guys didn't."

The contractors he referred to are the Contractors Association of West Virginia (CAWV).

That group opposed the

An anti-union contractor group has finally disbanded their apprenticeship program after the ACT Foundation revealed a pattern of corrupt fiscal practices and a dismal training track record.

The West Virginia Chapter of the Associated Builders and Contractors training program was officially de-registered on March 30.

According to the Federal Bureau of Apprenticeship and Training the program no longer



THE PARKERSBURG-MARIETTA Building Trades used their electronic sign to tell the public about Del. J.D. Beane and how he killed H.B. 2809. Electronic signs at Millwrights Local 1755 and the Mid-Atlantic Regional Council of Carpenter headquarters in Parkersburg also ran a similar message.

health care bill claiming it was too complicated and they didn't understand how construction companies would be able to get insurance.

"You buy insurance just like

everyone else," said Gary Tillis, Business Manager of the WV Laborers District Council.

Tillis, a former member of the House of Delegates, also confronted House leadership about

the bill trying to get it reconsidered. But to no avail.

The bill would have required bidders on tax funded construction projects costing

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NEW STUDY DOCUMENTS MARYLAND ABC FAILURE

WV ABC Dismantles Apprenticeship Program

exists.

But by most accounts the program existed in name only for the

an apprentice in the ten year period studied. The program had never taken in a minority candi-

ship and Training Program.

"It's a huge responsibility when you have someone's future in your hands.

Unfortunately quality assessment is not a high priority for the Agencies whose responsibility it is to monitor these programs."

Last year ACT uncovered a series of fiscal violations connected with state grants. The ABC was banned from receiving any further grants and asked to repay some of the money.

An investigation was requested of the Federal Department of Labor.

The results of the investiga-

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last 15 years.

A report by West Virginia University a few years ago revealed the program had never graduated

date and had very few women.

"It's about time," said Dave Mullins, Training Director for the Operating Engineers Apprentice-

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DAVE MULLINS, TRAINING
DIRECTOR, OPERATING ENGINEERS**

Governor Signs Helmets-to-Hardhats Resolution

Gov. Joe Manchin signed a resolution to pledge West Virginia's support for the national Helmets to Hardhats program on April 6.

Helmets to Hardhats was established by the Building Trades to help connect National Guard, Reserve and military members leaving active-duty with training opportunities in the construction industry.

On hand at the ceremony was retired Marine Corps Major General Matthew P. Caulfield, Executive Director of the program.

Also at the event were two apprentices who recently left active military duty.

Carl "Brad" Lindsey is an apprentice with the Mid-Atlantic Regional Council of Carpenters.

Prior to becoming an apprentice last Fall Lindsey served in Iraq with the National Guard. Before that he served in the Marines.

"I would recommend that any

veteran look into apprenticeship programs," said Lindsey.

James S. Booda is an apprentice with Plumbers and Pipefitters Local 625, Charleston. Booda also served in the Marines.

Roy Smith, Secretary-Treasurer of the West Virginia State Building Trades, held a press conference at the Governors Capitol office to bring attention to the resolution and the program.

"Helmets to Hardhats is set up to allow local apprenticeship programs, at their own discretion, to accept men and women leaving the services into apprenticeship programs and provide them with credit for their military training and experience if appropriate," said Smith.

Linking those who are leaving military service to the civilian employment opportunities is a plus for the industry.

"Military veterans, Guardsmen and Reservists are excellent applicants for the construction apprenticeship programs," said Jeff Perry, Business Manager



SIGNING THE HELMETS to Hardhats Resolution (seated from left) is Maj. Gen. Caulfield, Roy, Smith, Gov. Joe Manchin, and Maj. Gen Allen E. Tackett, the Adjutant General for the West Virginia National Guard. Looking on (from left) is Odie Parkins, Training Coordinator for MARCC, Jeff Perry, Carl "Brad" Lindsey and James Booda.

for Plumbers and Pipefitters Local 625. "They're drug free, dependable, and trained to follow orders."

West Virginia became the fourth state in the nation to sign a formal resolution in support of the program.

Apprentice Applications Available

Both Millwrights Local 1755 and Electricians Local 466 are currently taking applications for apprentices.

Millwrights Local 1755 covers most of the state of West Virginia. Candidates must pick up their applications in person at one of the three sites set up during the week of April 18.

Call 304/422-1593 to find out the time, day and address for applying. Application locations will be in Parkersburg, Bridgeport, and Charleston.

All applicants will be required to pass a qualifying test and a

substance abuse test.

The five year program trains apprentices in all areas of millwright work including welding, optical instruments, engineering principles, safety, and mathematics.

For more information contact the Millwrights at 304/422-1593 during regular business hours.

The Charleston Joint Electrical Apprenticeship Committee is accepting applications for two types of apprenticeship opportunities.

On the third Thursday of each month between noon and 8 p.m. the program is taking applications for their Inside Journeyman

Wireman and Residential Wireman apprenticeship programs.

Applications are accepted at the Charleston JATC building, 810 Indiana Avenue.

Candidates must be at least 17 years old and meet a series of qualifications including a drivers license, high school or GED completion with proof of one (1) credit of Algebra or at least 4000 hours specific work experience. A \$20 application fee is also required and at a later date an aptitude test.

For more information contact the program administrator Linda Hamilton at 304/345-5166.

Sheet Metal Local Drops SBT & ACT

Sheet Metal Workers Local 33 has dropped out of the West Virginia State Building Trades and ACT Foundation.

Business Manager Reggie Hohenberger explained the decision in a February 18 letter citing severe financial difficulties which have forced budget cuts. Hohenberger stated he regretted the decision and also noted "Sheet Metal Workers' Local 33 believes ACT is a first class operation."

Local 33 is based in Cleveland and has district offices in Charleston, Parkersburg, Clarksburg and Wheeling.

"We have valued the participation of the Sheet Metal Workers and hope they can re-affiliate soon," commented Roy Smith, Secretary-Treasurer of

the State Building Trades.

According to the Charleston District Business Agent Jim Black efforts are already underway to provide a mechanism for each district to re-affiliate.

"We are in negotiations with our contractors and talking with the membership," said Black. "Both groups are aware of the positive impact of ACT and the State Building Trades."

While Local 33 is the largest of the Sheet Metal Locals with jurisdiction in West Virginia, there are two other locals with jurisdiction in the state.

The eastern panhandle falls in Local 100's area based in Cumberland. Local 24, based in Dayton Ohio, includes counties in the Huntington area.

Neither local currently participates with the State Building Trades or ACT.

Bill Killed

CONTINUED FROM P. 1

\$500,000 or more to certify that 75 percent of the workers on the job would have health care insurance.

Rising health care costs are a huge concern for all working families.

Public works projects include money for health care and other benefits as part of the prevailing wage.

As the bill moved through the committee process a number of changes were made to gain support among delegates.

The original threshold of \$25,000 for contracts was raised to \$500,000.

Changes also allowed any health care insurance plan licensed in West Virginia to qualify.

Furthermore, if a worker had coverage from another plan, such as through their spouse, they would meet the requirement.

To make things even easier, last year the legislature passed a bill to provide a discounted insurance plan to small employers.

WV ABC

CONTINUED FROM P. 1

tion, and the repayment demand are still unknown.

Similar ABC track records have been identified in other parts of the country.

A new study of construction apprenticeship in Maryland documents the failure of ABC programs and the success of Building Trades ones.

Between 1990 and 2003 union programs graduated 2,865 apprentices as compared to only 1,605 in nonunion programs.

Union programs had a significantly higher graduation rate than

But these changes did not satisfy the CAWV who called upon Beane to kill the bill.

Upset by Beane's action three electronic billboards in Parkersburg ran messages about his actions.

The CAWV also had a hand in killing the Plumbers and Sprinklerfitters licensing bill, S.B. 540.

More than half the states in the nation have some sort of plumbers or sprinklerfitters license, including every state surrounding WV.

The CAWV is made up of both union and nonunion contractors. Yet legislatively they always fight union efforts to improve the industry.

"This group is fighting all our attempts to pass legislation," said Bill Dean, President of the Upper Ohio Valley Building Trades.

"They fought the WV Jobs Act, crane operator certification, and contractors licensing,

nonunion programs, 44% to 28%.

Union electrical and plumbing programs graduated 56% and 42% of their apprentices as compared to the nonunion 32% rate for electricians and 13.5% of plumbers.

Union programs enrolled a higher percentage of African-Americans, Latinos and Women as compared to nonunion programs.

The study was done by the University of Maryland School of Public Policy.

Included in the study was data from the training program of the ABC Cumberland Valley Chapter.

but we eventually passed these important laws."

Other issues ACT has been supporting included a bill to regulate so called "527" groups. S.B. 245 would have stopped corporations from financing "issue ads" that target candidates

company refuses to pay, not to their client, but to the person who was injured by the client.

Insurance companies claim West Virginia's law is driving up premiums costs and promise to refund \$50 million to insurance policy holders now that the suits are outlawed.

However, lawyers argue insurance companies now have no motivation to pay claims and without access to the courts consumers are defenseless.

The Governors bill to change 'Joint and several liability' laws also passed.

Current law made sure an injured person gets their claim paid, even if some of the at fault parties didn't have funds.

The Manchin bill lets companies that are 30 percent or less at

fault only pay their portion, leaving the injured person short if the other companies filed bankruptcy.

Industry groups wanted an even higher threshold of 50 percent.

Carefully watched by ACT was a failed attempt by industry leaders to change the way asbestos and silicosis cases are handled.

Race tracks also failed to pass their "Table Gaming" bill that would have allowed casinos with live dealer table games in addition to slot machines at the four existing race tracks.

The bill would have required residents of each county where an existing facility is located to vote on table games issue.

ACT stayed neutral in the effort. Three of four tracks use union building trades workers for construction needs but the Charles Town Track in the eastern panhandle refuses to allow union contractors to even bid on their projects.

"THIS GROUP [CAWV] IS FIGHTING ALL OUR ATTEMPTS TO PASS LEGISLATION."
BILL DEAN, PRESIDENT, UPPER OHIO VALLEY BUILDING TRADES

shortly before an election. The bill passed the Senate but failed in the House.

Governor Manchin proposed, and passed, major legal and insurance changes.

On the Governors agenda was elimination of 'third party bad faith' law suits. This legal action is used when an insurance

Plasterers and Cement Masons Hold Annual Conference



SPEAKING TO A group of 45 plasterers and cement masons is Mark Smithson, Business Manager for Local 887, Charleston. The event was the Plasterers and Cement Masons annual Ohio-West Virginia conference held in Wheeling last month. Members from West Virginia's local 887 and 39, as well as those from locals in Ohio and International Officers were in attendance. Locals 39, Wheeling and 887 cover West Virginia and parts of Ohio and Maryland.

Local Trades Enforce Prevailing Wage Law

Last February LIBEW organizer Bert McDermitt noticed a legal advertisement in the newspaper.

The ad from the Raleigh County Commission wanted bidders for a 67,000 square foot Beckley Higher Education Facility.

What caught McDermitt's eye was wording stating "The Davis-Bacon Act does not apply to this project."

The Davis-Bacon Act is the federal version of the prevailing wage law requiring local wage rates be paid on public projects.

Prevailing wage laws make sure communities are not hurt by public spending and that local contractors and workers have a level playing field to compete for public construction projects.

McDermitt brought the ad to the attention of the Charleston Building Trades organizers meeting and to ACT representative Wayne Rebich.

Rebich did further research to

determine the project was to house a number of state university and community college offices.

He attended the next Raleigh County Commission meeting, held on March 1, to find out why an apparent public project would not be protected by the usual laws.

Rebich argued that even if the federal funding did not call for Davis-Bacon wages, the fact the project would be leased by state educational agencies and used for public office space showed the project was public.

He pointed out a similar set of facts had already gone to the State Supreme Court when ACT sued WVU and their WVU Foundation when they built a new administration building.

The court agreed the project should have followed state bidding and wage laws.

But project developer Tom Acker, head of the private development group Forward Southern West Virginia, insisted the project did not fall under state

laws.

At a March 7 pre-bid meeting union representatives made sure they attended and had a number of union contractors there as well.

The West Virginia Department of Labor also was in attendance to voice their concerns about the possible violations of state law.

Rebich was able to uncover that federal funding for the project was largely due to Senator Robert C. Byrd.

Rebich and other representatives contacted the Senator and asked for his assistance.

All of these effort finally paid off.

In a March 18 letter the lawyer for the Raleigh County Commission informed the architect that state prevailing wage rates were to be used on the project.

"Senator Byrd requested the project be bid under Davis-Bacon if possible," the letter stated.

"Based on a recent opinion of the State Commissioner of Labor and the Attorney General,

the County Commission is of the opinion the construction phase of the Higher Education project may be based on state prevailing wage."

Rebich was quick to thank the Commissioners for their response to the situation.

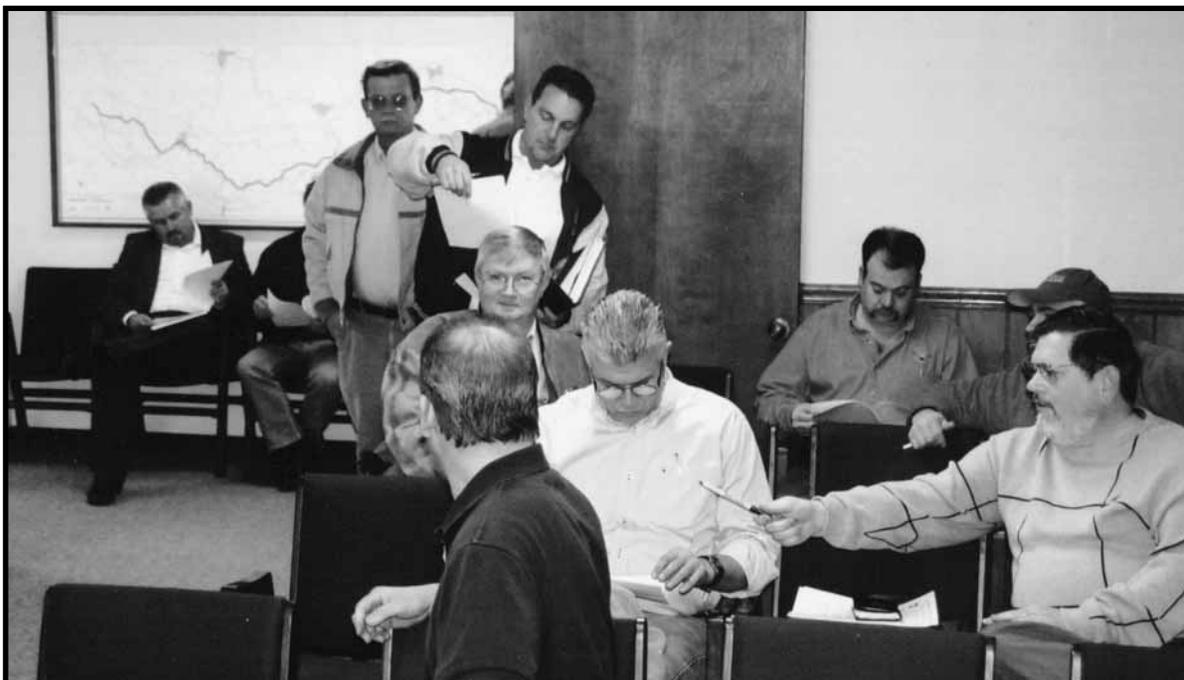
"Your hard work and quick action in finding a resolution to this situation is to be com-

mended," said Rebich at the following county commission meeting.

April 11 bids showed BBL/Carlton as the low bidder for phase-one of the project. However alternates may give the project to Swope Construction. As the ACT Report goes to press an award has not been made.

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ATTENDING MANDATORY THE PRE-BID meeting were organizers, business agents, contractors and others concerned about the Higher Education Center project in Beckley.

Union Trades
Federal Credit Union

April 18-22 is National Credit Union Youth Week

Want it?? Save it Get it!!

We will have contests and gifts for youth 17 and under. Free gift and chance to win prizes when you open a \$10 account or deposit \$10 into an existing account. Bring in your most recent report card and we will deposit \$1 into your account for each "A" (Max \$5). Guess the number of pennies in the penny jar and win it. Prizes Daily. Grand Prize - 2 Theme Park Tickets!!

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email: utfcuchas@charter.net

WOAY 4

Oak Hill

Sundays @

11:00am

WCHS 8

Charleston,

Huntington, Parkersburg,

Beckley, Bluefield

Sundays @ 11:00am

WDTV 5

Clarksburg &

Morgantown

Sundays @ 11:00 am

WEST VIRGINIA WORKS SHOW TIMES
SUNDAYS AT 11 AM

CABLE CHANNEL 9
Stuebenville, Follansbee &
Wellsburg
daily @ 11:00am &
11:00pm

CABLE CHANNEL 10
Wheeling, St.Clairsville &
Moundsville
daily @ 11:00am &
11:00pm