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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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AGREEMENT TO USE LOCAL UNION CONSTRUCTION WORKERS IN PLACE

Court OK's \$285 Million Hospital Project

After years of legal wrangling, the West Virginia Supreme Court has finally given the go-ahead for construction of the United Hospital Center (UHC) along I-79 in Bridgeport.

The project will be built using 100% local union labor and a commitment to use as many local union sub-contractors as feasible.

The Court voted 4-1 in favor of the West Virginia Health

Care Authority (WVHCA) whose approval of the project was challenged by Fairmont General Hospital.

"We're happy and excited to see the arrival of a state-of-the-art medical facility that will benefit the whole community," said Darwin Snyder, President of the North Central West Virginia Building Trades. "It's been a long time and a lot of effort."

Initially approved by the WVHCA in 2003, the \$285 million project was put on hold in 2004 when Fairmont General Hospital claimed UHC's replace-

ment hospital would be more than five miles from its original location.

Until 2002 WVHCA rules imposed a five-mile radius limitation on replacement hospitals. That limit is currently 15 miles.

Marion County Circuit Judge Fred Fox ruled in favor of Fairmont General citing the five-mile limit was in effect when United applied for a certificate of need to build the new hospital.

The Supreme Court disagreed late last month and cited several reasons why the five-mile restriction violated state laws and ran

counter to current health care policies.

Construction is expected to begin immediately and last three years. Approximately 600 local construction workers are expected to build the hospital.

"We welcome this modern facility and the jobs it brings for our members," Snyder said. "Using local union workers not only is good for UHC, but it's good for the local economy."

Lawyers for ACT and the North Central Building Trades filed a 'Friend of the Court'

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New Workers Comp Program Started

Members of the Kanawha Valley Builders Association met on December 1 to kick off their new LEAD Workers Compensation Program.

Their message was clear - start now to control your business costs by making sure injuries don't happen. And, if they do, make sure workers are given the best care as quickly as possible. Look for ways to get injured workers back to work and improve communications to avoid disputes.

The new program will work with labor representatives to promote safety and a better system of working with injured workers.

The effort grew out of a joint labor-management study committee which has been looking at the changes in West Virginia's workers compensation laws.

Members of the study committee have met numerous times and developed a plan of action aimed at improving the workers compensation system for both workers and employers statewide.

The plan has been put into the form of a "Memorandum of Understanding" and both labor and management representatives are now being asked to sign on.

Key to the initiative is a focus on accident prevention and on making sure injured workers get the best care possible.

The memorandum outlines expectations for employers, employees and the new BrickStreet Insurance Company.

Employers must implement

safety and drug testing programs as well as conduct safety reviews.

Employees are asked to cooperate with the safety and drug-free programs as well.

Employers and employees are asked to work with a team consisting of a nurse advocate, a program representative and a trouble shooter to avoid disputes and make sure all are communicating.

The nurse advocate will be made available to an injured worker to answer questions, help

set up medical appointments, and be a medical resource.

The program representative will work with the nurse and patient to make sure employees are on a path to recovery. They will help employers focus on lowering their premium costs.

The trouble shooter will help workers and employers avoid disputes.

"If we can avoid legal battles everyone wins," said Steve

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MIKE IDLEMAN, MSI Risk Management, fields contractors questions about comp changes.

Coal Must Pay Tax - \$500 Million At Stake

The coal industry lost their Supreme Court challenge of the state coal severance tax law in a decision filed December 2.

The challenge could have cost the state \$500 million in tax revenue already collected, and about \$50 million per year in future revenues, which coal companies claim is illegal.

In question are a number of severance taxes which are applied to each ton of coal mined in the state.

The coal companies objected

to paying tax on the coal they export. They claimed any tax on exports violates the U.S. Constitution because only the federal government can tax exports.

The state argued the tax had nothing to do with exports and was simply a tax on the privilege of taking coal out of the ground.

The ACT Foundation filed a brief agreeing with the state's argument.

The coal companies argument was faulty, ACT argued, because

the state tax was applied to coal as it was mined and before it ever became an export product.

Furthermore, lost revenue

"WEST VIRGINIA IS RICH IN RESOURCES, AND THE CITIZENS SHOULD GET SOME BENEFIT..."
STEVE BURTON, PRESIDENT, WV STATE BUILDING TRADES

would be a financial hardship for the state and affect many important tax funded infrastructure projects.

The coal companies argued that because the severance tax

was based on the value of the coal after it had been cleaned and processed that it was a sales tax. But the court pointed out

the tax had been applied at the point of sale only as a convenience to the coal companies. It is not a sales tax.

When the severance tax was enacted coal companies had complained about having to pay for the tax before they had sold their product. To help them the tax was calculated at the time of sale.

"They want it both ways," said Steve Burton, President of the State Building Trades.

"They asked for help when paying the tax now they are using that help to argue they should pay no tax at all."

The Supreme Court decision however was split, 3 - 2, with Justices Albright, Starcher and Davis making up the majority. Justices Benjamin and Maynard agreed with the coal industry.

A spokesperson for the coal companies said they expect to take this case to the U.S. Supreme Court of Appeals.

"West Virginia is rich in resources, and the citizens should get some benefit from that," said Burton. "Instead these coal companies want us to provide cheap coal to foreign countries like China and deprive us of any benefit."

Insulators Donate Toys

Members of Asbestos Workers Local 80, Winfield, donated approximately 100 toys to the Toys-for-Tots campaign sponsored by the U.S. Marine Corps.

The Marine Toys-for-Tots effort is a national program which started in 1947. This is the 14th year of operation in West Virginia.

Each year the program collects new toys to distribute to children from disadvantaged situations in local communities.

According to their web site the primary goal of Toys for Tots is "to deliver, through a shiny new toy at Christmas, a message of hope to needy youngsters that will motivate them to grow into responsible, productive, patriotic citizens and community

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WV Bricklayers Want Apprentices

Where to apply: Any employment security job service office in West Virginia. When to apply: The 3rd Friday of each month. Hours to apply: 8:00 to 12:00 noon and 1:00 to 4:00 pm

Bricklayers minimum qualifications for application to the Apprenticeship program require applicants be at least 18 years old, have a high school diploma or a GED and a valid driver's license.

Applicants must be a resident of West Virginia, or Allegany, Garrett or Washington Counties in Maryland. Applicants must be physically able to perform the work of the trade. A drug test will be required. All applicants

will be administered a standard written aptitude test by the WV Job Service.

In order to be accepted you must provide copies of your birth certificate, high school diploma or GED and a copy of your driver's license will be requested at a later date. Only copies will be accepted please do not bring originals.

The recruitment, selection, employment, and training of apprentices shall be without discrimination because of race, color, religion, national origin or sex.

The JATC will take affirmative action to provide equal opportunities in apprenticeship and training and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.



STEVE KELLER (right) and Steve Pigg of Local 80 drop off around 100 presents at WOWK Channel 13's Charleston office, one of the drop points for the Toys-for-Tots campaign.

Mon General Starts \$82 Million Expansion

Mon General has started work on their \$82 million expansion and renovation project in Morgantown.

In meetings held last month with the North Central WV Building Trades, hospital officials and the construction manager, Turner Construction, laid out their building plans and time tables.

The first part of the project, to create a new parking lot and some site utility work, will begin this month.

New parking must be put in place so the existing parking can be taken over for the site of the new project.

Bid packages for the remainder of the project will go out to contractors after the first of the year to be started next spring.

The project will include 182,000 square feet of new space, and 92,000 square feet of renovation.

New space includes more patient rooms, a cafeteria, and enclosure of a number of buildings under one roof.

The project also includes extensive renovations to the existing hospital and all together will take more than three years to complete.

Early on in the planning process the owners of Mon General, Mon Health Systems, worked with the North Central

WV Building Trades on securing manpower for the project. The resulting project agreement ensures the entire project will employ local union trades workers.

In addition the Hospital, Trades, and Construction Manager have committed to regular meetings aimed at insuring a successful project.

"We truly appreciate the approach Mon General has taken to include local workers in their building plans," said Natalie Stone, Executive Secretary of the North Central Trade Council.

"We are excited about this project and look forward being a part of it."



AN ARTIST RENDITION shows what some of the new construction will look like at the \$82 million Mon General project in Morgantown.

WV DOL Uses Sweep Tactic

The West Virginia Division of Labor (DOL) has begun using a tactic they call a "sweep" to help their enforcement efforts.

The sweep tactic uses a team of enforcement personnel to concentrate on a geographic area, rather than spreading people across the state.

The results can be seen in a three-day sweep in October in the Eastern Panhandle.

Of the 87 contractors who were investigated, 20 were given 'cease and desist' orders for not having valid state contractors' licenses, 27 were given wage bond 'cease and desist' orders.

"The amount of enforcement we can do according to law is really related to the amount of staff we have," explained DOL Commissioner Jim Lewis. The DOL is charged with enforcing numerous laws, such as minimum wage, contractor licensing, prevailing wage,

overtime, child labor, crane operator certification, wage bond, and more. Each law is checked by the compliance officers in the field.

One of those laws includes making sure employees have proper identification at the job site.

The DOL only reviewed 77 of the 87 contractors during the October sweep but found 242 violations.

Employers have up to 72 hours to produce proper identification or else face fines.

One unlicensed crane operator was also discovered.

The sweep method has been used in other parts of the state with similar success.

According to ACT Representative Larry Young, the DOL conducts several sweeps each year in addition to routine investigations. A variety of triggers prompt the sweeps and have included employees calling in to report violations of their employers or calls from other interested parties, such

as ACT representatives, who frequently report violations.

Some are prompted simply from suspicions that often arise due to the location of a job-site.

Young said the Eastern Panhandle area is often targeted by contractors because it is the fastest-growing area in West Virginia and because it borders two other states, Maryland and Virginia.

"When you're at the edge of bordering states you get more people traveling. Some work in-state but live out of state and vice versa," explained Young.

There are only 13 DOL compliance officers statewide and at any one time there are 400 to 500 open cases. With so few officers to handle so many cases and with new cases added every day, the DOL will at times take about half of their officers and "sweep" a certain area for one week, according to Lewis.

"We are trying to make the most efficient use of the limited resources we have," said Lewis.

Workers Comp

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White, ACT Director. White will fill the Trouble Shooter position for the first few months of the program. MSI Risk Management Services will be the program representative and the Nurse Advocate position will soon be announced.

"The quicker we get an injured worker the right medical care the faster they can recover and return to work," said White.

All too often the workers compensation system has been a hostile place for injured workers.

Too often injured workers have been forced to hire lawyers to get benefits to which they were entitled.

Contractors have also been upset with the system. The premium payments are based on a percentage of payroll costs and union contractors are high paying companies. But union contractors are also safer than their nonunion counterparts and end up paying more, even though they cost the system less.

"The system was out of control, it penalized our safe con-

tractors and is tough on injured workers," said Jim Cerra, Executive Director of the Kanawha Valley Builders.

"We think this new approach will put our contractors in the best position possible when the insurance market is opened in 2008."

Earlier this year in a special legislative session called by Governor Manchin the legislature passed a bill to privatize the state workers compensation system.

The change will happen in phases over the next few years and be complete by July 1, 2008.

What was formerly the State Workers Compensation Division is now BrickStreet Mutual Insurance Company. Until 2008 BrickStreet will be the only insurance company offering workers compensation coverage.

After July 1, 2008 any registered insurance company will be able to sell workers compensation coverage.

How benefits are determined, the rate of benefits, and how disputes are handled still will be a state government function under the state Insurance Commission.

Heavy-Highway Industry Group Meets

A coalition of representatives from labor and management in the Heavy and Highway construction industry met earlier this month in Mineral Wells, Wood County.

The meeting is part of a regular get together aimed at improving the industry.

At issue for this session was apprenticeship and training programs and changes in the state workers compensation laws.

Representatives from apprenticeship and training pro-

grams from the Laborers, Carpenters, Operating Engineers and Iron Workers gave presentations on how their programs were structured and the training offered.

Contractors gave feedback on their needs for a skilled workforce.

Steve White of the ACT Foundation also gave a presentation on the new LEAD Workers Compensation Program which brings labor and management together to improve the system.

White was accompanied by Mike Idleman of MSI Risk Management who will be part of the new program.

"I know both issues discussed, training and safety, are keys to our success in this industry," said Gary Tillis, Business Manager of the WV Laborers District Council.

The Heavy-Highway Group has existed to focus on ways labor and management can work together, improve their market share and solve problems.



KELLY YOUNG, (standing center) of the Constructors' Labor Council of WV makes a point on behalf of contractors during the Heavy Highway meeting. Dave McComas (standing background) organized the meeting which is held a few times each year.

Hospital

CONTINUED FROM P. 1

brief earlier this year in support of the project. The brief asked the court to consider the impact Fox's ruling would have on West Virginia in terms of quality healthcare needs, employment opportunities, and the extra time and money it would require for UHC to submit a new application.

"The Affiliated Construction Trades Foundation has supported the construction of this replacement facility throughout its consideration by the HCA," lawyer Vince Trivelli wrote in the brief.

"It has done so not only be-

cause of the employment opportunities ... but, for the positive impact the investment in health care of the new facility will have on health care and the costs associated with health care for its members and the public."

UHC is building the facility to replace their existing hospital which has become extremely

costly to operate and has no room for expansion.

The new 11 story hospital will have 740,680 square feet and be located in Bridgeport. There will be 318 private inpatient rooms and 56 short stay rooms.

Centex Rodgers from Tennessee has been chosen as the construction manager.



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TOYS

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leaders."

According to Local 80 Business Manager Steve Pigg the idea for the local to get involved came from member Ed Mathis.

"Ed knew about the program and suggested we ask our members to participate," said Pigg.

A notice went out asking members to bring a toy to the Asbestos

Workers annual Christmas Dinner Dance event.

"We asked and the membership responded," said Pigg. "Some families even brought two presents, one for a boy and one for a girl."

Toys-for-Tots works with the state Department of Health and Human Resources to locate the children in need.

The toys are collected at different locations and brought to the Marine Corps office in Cross Lanes by Saturday December 17th to be distributed.