

# 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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# Contractors, Labor Meet on Comp

**C**ontractor and labor leaders assembled in Charleston, March 8<sup>th</sup> to hear John Lewis, a national expert on collectively bargained workers compensation programs.

Lewis told of the opportunities now available to both contractors and workers to participate in a better workers compensation system aimed at improved services, and reduced costs.

Legislation recently passed in a special session will privatize the workers compensation system.

ACT was able to include a provision that allows companies, who are signed to collective bargaining agreements, to participate in group workers compensation programs.

Similar to existing group health care and pension programs, workers compensation has been successfully operated by joint labor management groups in other parts of the country.

Lewis brought first hand experience in a variety of pro-



*NATIONAL EXPERT John Lewis talks to a packed room of contractor and labor representatives about ways to improve the workers compensation system.*

grams to the meeting.

His focus was on providing immediate support for injured workers to make sure they had access to quality care. Improved oversight cuts down on the time it takes a worker to return to the job and reduces disputes.

In addition, the program can allow contractors to benefit from safety and drug testing programs through premium reductions. Currently the system forces union contractors to subsidize lower

wage nonunion contractors.

In West Virginia workers compensation will be seeing dramatic changes in the next few years.

By 2008 the market will be open for all private insurance companies and the state will be completely out of the compensation business.

This turn of events provides both challenges and opportunities for building trades members and contractors.

How those challenges are met

may affect the competitive position of union contractors for years to come.

“If we can focus on safety, provide better medical care to injured members, and save union contractors’ money, we’re more competitive,” said Steve Pigg, business manager for Asbestos Workers Local 80.

“The opportunity is there, we just need to figure out how to take advantage of it.”

## WORKERS WITH ASBESTOS CLAIMS UNDER ATTACK

# Legislative Session Stalls on Health Care

**A**s the ACT Report goes to press the legislature is a little more than half way through its 60 day session.

ACT’s bill to require health care on public construction projects, H.B. 2809, has been stalled in a committee under fire from the Contractors Association of West Virginia (CAWV).

During a sub-committee meeting in early March the bill

was modified to increase the contract size to \$500,000 for a health care plan to be required.

But Delegates John Pino, D-Fayette and Eustace Frederick, D-Mercer both repeatedly called on a CAWV representative to speak against the bill.

As a result the bill did not get voted out of the sub-committee which only meets once a week.

On a positive note the Hospital Association of WV has joined in support of the bill.

“The Hospitals recognize that

health care costs are rising in large part because too many people don’t have insurance,” said Steve White, ACT director.

“Public works jobs already provide payment for insurance, our bill won’t cost tax payers a dime.”

If the bill can get approval from the sub-committee it still would need to be voted on by the full Health and Human Resources Committee before going to the Government Organization Committee, the full House and then the

Senate.

Soon to be introduced will be a modified version of the Plumbers and Sprinkler Fitters licensing bill put together last year.

The bill had been held back due to some clarification regarding water line utility installation which has now been resolved.

ACT has been supporting efforts to push new election reform measures, but results are

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ELECTRONIC BIDDING USED

# Target Calls Local Building Trades Workers

**T**arget understands where the best deals can be found.

That's why Target had their general contractor ask the North Central WV Building Trades Council for a list of contractors to bid their new store in Morgantown last year.

Major retailers in the past have had a bad habit of importing contractors and workers to build new stores.

The general contractor for the 126,000 square foot retail store was Elford Inc. from Columbus, Ohio.

The Trades Council was first contacted last February.

According to Natalie Stone, executive director of the Council, all sub-contractors needed to be pre-certified before they were allowed to bid the project.

The first round of bids started in May.

Elford used an electronic bidding, or e-bid, method. Which is very different from the traditional bidding process.

Instead of contractors submitting their bid by a certain time, pre-certified bidders were assigned a pre-qualification number.

With that number contractors went on-line to submit their bids, while at the same time seeing what other contractors were bidding.

"It is similar to eBay's online auctions," said Stone. "As the time limit runs out you can see what the current low bid is and decide if you want to submit a lower bid."

Stone also pointed out that materials were sometimes not included in the bid package.

Because of their national purchasing power Target looks at pricing for materials and decides if they want to supply their own.



*"LINED UP in front of the new Target store in Morgantown are some of the local union building trades workers who built the 126,000 square foot project."*

The project was recently completed on-time and within budget using local union trades.

"Unfortunately the site prep was not part of the package and

had been done nonunion before the project started," said Stone. "But all the trades got their work once we started to work with the general contractor.

"We really appreciate Target's commitment to use local workers and we certainly encourage local workers to shop at this Target store."

## North Central WV Digital Plan Room

**T**he first digital plan room in the state has started in Fairmont, WV.

Created by the Construction Employers Association of North Central WV the on-line plan room is a new service available to union contractors and associated industries within West Virginia and surrounding areas of Ohio, Pennsylvania and Kentucky.

The completely digital plan room provides access to on-line project drawings, specifications, addenda, bidders lists and apparent low bidders. All information is updated daily and

posted to the web site.

"Through our web site we are able to make this information available 24 hours a day, seven days a week," said Bob Worcester, executive director of the association.

Large and small format reproductions are available and will be shipped on request.

A free two-week trial period is being offered for those interested in the service.

Complete detailed information is available by visiting their web site at [www.ceawv.com](http://www.ceawv.com) or by calling 304/367-1290 between 8:00 a.m. and 5:00 p.m., Monday thru Friday.



*Governor Joe Manchin attends the March meeting of the West Virginia State Building Trades Executive Board to discuss legislative and other issues. "We appreciate the Governor's willingness to work with construction workers," said Bill Dean, President of the Upper Ohio Valley Building Trades. "Meetings like this help us all focus on the same goal of good jobs with benefits for local workers."*

# Drug Free Construction Workplace Promoted

**T**hanks to actions by the ACT Foundation union general contractors may soon be able to see a reduction on their workers compensation premiums.

ACT was able to include, in legislation passed last year, language to allow a discount for companies who have drug testing programs.

In April the state Workers Compensation Commission will start a pilot program to test the relationship between work site drug tests and safety.

Included in the test group will be any general contractor that chose to meet the requirements.

Those requirements closely follow the tough standards already used by many joint Labor-Management programs in the

unionized sector of the construction industry.

Also included in the test group will be Nursing Facilities and Oil and Gas Production.

"We have always insisted that safety is key to solving any long term problems in our workers compensation system," said Roy Smith, Secretary-Treasurer of the WV State Building Trades.

"We believe the Comp system should reward safety."

Patterned after a program already in effect in Ohio the West Virginia initiative will offer a five percent discount in workers compensation premiums for those who apply and meet the standards.

Those standards will be tough, according to Jim Cerra, Executive Director of the Kanawha Valley Builders and also with the Labor Education and Development (LEAD) program.

Governor Manchin has proposed two legal major reforms. One is to change the rules about who pays for an injury when more than one party is found at fault.

'Joint and several liability' laws make sure an injured person gets their claimed paid, even if some of the at fault parties don't have funds.

The Manchin proposal would require those that are 25 percent or less at fault to only pay their share, leaving the injured person short if the other companies filed bankruptcy.

Industry wants an even higher



*INSTRUCTING A GROUP during an OSHA ten hour class is Chuck Ranson, apprenticeship coordinator for Plumbers and Pipe Fitters Local 625, Charleston. The students are a mixture of journeymen from all the crafts. Classes are scheduled by LEAD every month, two consecutive evenings on a voluntary basis.*

Cerra participated in the drafting of the pilot program and brought years of safety experi-

threshold of 50 percent.

Also on the Governors agenda is the elimination of what are called 'third party bad faith' law suits.

This legal action is used when

ence to the table.

"We've learned what a good program must have," said Cerra.

premiums costs and promise to refund millions to insurance policy holders if the suits are outlawed.

However, lawyers argue insurance companies would have

no motivation to pay claims and without access to the courts consumers would be defenseless.

Industry leaders are also pushing for changes to the way asbestos and silicosis cases are

handled claiming settlements are going to those without severe injury. Corporate lobbyists want to revamp the legal process for these claims.

Also under attack is the 'de-

"We were able to get more drugs added to the testing list with spe-

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liberate intent' law that allows an employee to sue in the case of an injury if the employer knew about a safety hazard and ignored it.

Currently workers compensation law prevents an employer from being sued except in such serious cases where the employer can be shown to disregard common safety practices.

Perhaps one of the biggest issues still to see much debate is allowing the four race tracks in the state to have table gaming facilities.

A bill has been introduced that would allow the residents of each county where an existing facility is located to vote on the table games issue.

A new Pennsylvania law to allow competing slot machines will cause future budget losses according to racing industry representatives.

## Legislative

*CONTINUED FROM P. 1*

slow. A bill to regulate so called "527" groups (S.B. 245/H.B. 2485) prohibits corporations from financing "issue ads" that target candidates shortly before an election and requires full disclosure from sponsors of ads and mailers that name a candidate.

The Clean Elections pilot project (S.B. 247/H.B. 2486) will allow a few volunteers to use an alternative way to finance their state House or Senate election campaign.

The pilot project is aimed at getting information on how voter-owned, publicly-financed elections would work in West Virginia like it has in Maine, Arizona and other states.

A variety of legal issues have dominated much of the session.

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an insurance 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

MORE THAN 1,000 ATTEND

# Jobs Fair Held For Greenbrier Co-Gen Project

**A** recent jobs fair was held in Greenbrier County to build support for the \$215 million Western Greenbrier Co-Generation project.

The event, held on Saturday, February 19<sup>th</sup>, at Greenbrier West High School drew more than 1,000 local people.

The purpose of the event was to identify potential local workers for the construction and operation of the 100 megawatt power plant. The plant is to be

built at Rainelle, WV.

The event was sponsored by the project developers, Western Greenbrier Co-Generation LLC and the West Virginia State Building Trades Council.

Booths were set up by the developers, local community colleges and a number of craft unions.

"The developers have committed to use local union building trades workers for the project," said Wayne Rebich, ACT representative.

"Local apprenticeship programs are interested in having

people from this community work on this project."

The project is still in the design phase.

Most recently the developers completed the formal conceptual design review process with the US Department of Energy.

The US DOE has committed \$107 million of the \$215 needed for the project as part of a federal grant program to support clean coal initiatives.

The project will use refuse coal, called gob, as a fuel source.

Developers are also looking

to innovative products to make from the ash produced.

Some of the next development steps include submission of an air permit, fixed price construction contracts and the final design review from the DOE in November.

Developers hope to start construction in the spring of 2006

with full commercial operation by 2009.

"While the project still has a ways to go we are supporting it in every way we can," said Dave Efaw, Business Manager for Electrical Workers Local 466.

"We had a lot of interest at the jobs fair and hope to see some top quality applicants."



*GETTING INFORMATION on the Western Greenbrier project was a crowd of more than 1,000 local residents. Apprenticeship programs from a variety of local building trades groups also had booths set up.*

## Drug Free

*CONTINUED FROM P. 3*

cific definitions and better documentation included in the program to help it succeed."

Drug testing is just one part of the overall effort to improve job-site safety.

Continuing education is another important component.

There are many names for the variety of building trades programs in West Virginia, such as LEAD, MOST or BEST.

Educational efforts cover a wide variety of topics such as personal protective equipment, fall protection, materials handling, excavation, lock-out/tag-out procedures, hazardous materials, confined space entry, fire protection and more.

If the pilot project proves successful then more types of companies could be added to the discount program.

"This program could be a Win-Win-Win situation for workers, contractors, and the workers' compensation system," said Steve Burton, Business Manager for the Tri-State Building and Construction Trades Council.

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**WOAY 4**  
Oak Hill  
Sundays @  
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**WCHS 8**  
Charleston,  
Huntington, Parkersburg,  
Beckley, Bluefield  
Sundays @ 11:00am

**WDTV 5**  
Clarksburg &  
Morgantown  
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Wellsburg  
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11:00pm

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