

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; Dave Efaw, Secretary-Treasurer; Steve White, Director.

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\$77 MILLION OF SCHOOL CONSTRUCTION PROPOSED

TRADES - CONTRACTORS ENDORSE \$55 MILLION PUTNAM BOND VOTE

Members of the Charleston Building and Construction Trades Council and the Kanawha Valley Builders Association will support a \$55 million bond measure in Putnam County.

The election will be held on Saturday, August 29.

The decision came after a presentation made to a Labor-Management meeting held on May 27. Putnam County School Superintendent Chuck Hatfield along with School Board member Debbie Phillips made the presentation.

If the bond passes, the WV State School Building Authority (SBA) has agreed to give the county an additional \$22 million for new school construction bringing the total construction estimate to \$77 million.

The money would allow

the county to build a new Buffalo High School, Poca Middle School, Winfield Middle School and Confidence Elementary school as well as

renovate and add on to Poca Elementary School. In addition there will be a number of new auxiliary gymnasiums built.

The plan does not include any school consolidations, an issue that often causes controversy.

Continued on p. 3



PUTNAM COUNTY SCHOOL Superintendent Chuck Hatfield (standing) explains why school construction is needed and what school projects will result if a \$55 million Putnam school bond is approved by voters this August.

SPECIAL SESSION INCLUDES \$150 MILLION FOR CONSTRUCTION

Governor Joe Manchin called a Special Session of the legislature to address 13 bills, many of which were part of his agenda for the regular session which failed to pass.

Included in the Special Session was a bill to provide funding for numerous construction projects around the state.

Sen. Robert Plymale (D-Wayne) was the original sponsor who got the bill started during the regular session.

His idea was to create

funding for higher education projects, similar to a bill he created last year for community and technical college projects.

Plymale's bill failed in the regular session although it did pass the Senate.

House leaders wanted to wait for the budget bill before taking up any spending programs.

So the compromise was to deal with the proposal in the two week Special Session which began May 26.

The bill will allow a bond of around \$150 million that will fund construction proj-

ects across the state.

The bond will be paid for by \$10 million of video lottery proceeds each year.

That's the same amount that was pledged for a bond in 1996 that is about to be paid off, so the state budget remains unaffected.

According to Plymale the new bond could be sold as soon as this Fall but no later than February of next year.

"We wanted to be proactive with our construction plans and have our own sort of stimulus package for West Virginia," said Plymale.

Most of the money, 60 per-

cent, will go to higher education projects but the remainder of the funds will be used for state parks, the State Capitol Complex or other state facilities or tourism sites.

The Secretary of the Department of Administration, the Director of the Division of Natural Resources, the Director of the West Virginia Development Office and a representative of the Capitol Building Commission shall submit a proposed list of projects which will receive funds from the bond proceeds to the Governor on or before January 1, 2010.

ALCOHOL & DRUG FREE BILL PASSED AGAIN

With errors corrected revisions to the Alcohol and Drug Free Act were passed again by the West Virginia Legislature on May 29 during the extended session.

Citing errors to H.B. 2771 Governor Joe Manchin vetoed the bill on May 6.

But in his veto message he made his support for the measure clear.

"I encourage the Legislature to reconsider this measure and promptly return it for my approval," wrote Manchin.

The problem was in the title, or opening paragraph of the bill. The title is a summary of the bills contents and must show what amendments to the code are included.

"The session gets hectic and it's not uncommon for simple mistakes during the final days," said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

The bill had passed on April 11, the final day of the regular 60 day session.

The mistake will delay the implementation of the bill which, at 90 days from passage, is now August 25.

Last year ACT passed a

law to require contractors on all state projects to have an alcohol and drug free program. The changes made with H.B. 2771 extend the law to all counties, cities and other government entities.

Only construction projects valued more than \$100,000 are covered and a new report showing how a contractor has implemented the requirements has been added.

The bill continues to require a nine panel test, some legislators wanted to weaken the law to only use a five panel test.

In addition opposition tried to limit the law to projects

greater than \$1 million and companies with more than 50 employees.

"We survived a number of attempts to gut the bill," said Efaw.

"Illegal drug use in the construction industry is a huge problem and we want tax funded projects to be part of the solution not part of the problem."

MILLWRIGHT APPRENTICESHIP

Millwright Local #1755 Joint Apprenticeship & Training Committee is recruiting for a new class of Apprentices.

The five year/10,000 hour program has paid on-the-job training as well as classroom instruction. Included in the training are courses in mathematics, welding, a working knowledge of hand tools, power tools, bench & machine tools, training in engineering principles, optical instruments, safety and blueprint reading.

Charleston at 205A Tennessee Ave.

- Tuesday, June 23
9 am - 4:30 pm
- Tuesday, June 30
1 pm - 7:00 pm

Bridgeport at 609 Broadway

- Wednesday, June 24
9 am - 4:30 pm
- Wednesday, July 1
1 pm - 7:00 pm

Parkersburg at 4600 Camden Ave.

- Thursday, June 25
9 am - 4:30 pm
- Thursday, July 2
1 pm - 7:00 pm

Applications must be filled out at one of the above dates, times and locations ONLY and in person. A \$10 application fee is required.

Applicants must be at least

18 years of age, have a high school diploma or GED, satisfy the Committee they have sufficient education to take the related instruction, be physically able to perform the work of the trade and have proof of residency within the jurisdiction of Local #1755, which includes the following WV counties: Wetzell, Tyler, Pleasants, Wood, Wirt, Ritchie, Calhoun, Jackson, Roane, Monongalia, Preston, Taylor, Barbour, Harrison, Tucker, Lewis, Upshur, Gilmer, Webster, Marion, Doddridge, Mason, Putnam, Logan, Mingo, McDowell, Wyoming, Mercer, Summers, Monroe, Greenbrier, Raleigh, Fayette, Nicholas, Boone, Kanawha, Clay, Braxton, Pocahontas and Randolph; and in Ohio: Washington and Athens.

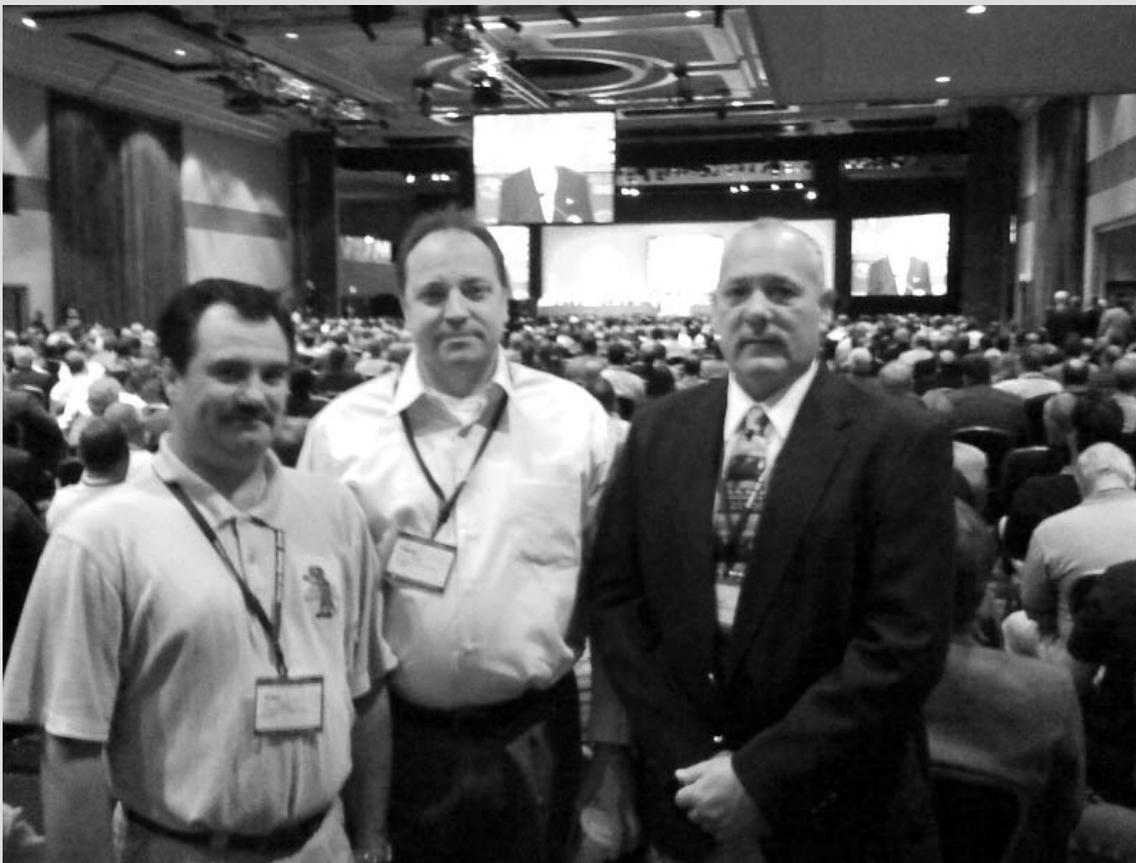
All applicants will be required to pass a qualifying math and mechanical aptitude test in order to be scheduled for an interview.

A physical examination and substance abuse test will also be required.

All applicants will be considered without regard to race, color, religion, national and ethnic origin or sex.

For more information call Training Director Bill Boso at 304-422-7637 or go to www.millwright1755.com.

BUILDING TRADES LEGISLATIVE CONFERENCE



MEMBERS OF ASBESTOS Workers Local 80 (from left) Troy Sturgeon, Mark Thomas and Greg Kincaid, attended the annual Building Trades Legislative Conference in Washington, DC in May. One of the key issues people were asked to talk to their legislators about was the Employee Free Choice Act, a proposed law that will allow workers to form a union without intimidation.

GRANDFATHER PERIOD ENDS FOR PLUMBER-SPRINKLER FITTER LICENSE ON JUNE 30

June 30 is the last day Plumbers or Sprinkler Fitters can get a license in West Virginia without taking a test.

Starting July 1 new applicants will all be required to take a written test to show their competency.

The new license law took effect at the first of this year but a 'grandfather' period was put in place to make it easier for existing workers to get a license.

By showing they have experience doing the work of

a plumber or sprinkler fitter current workers in the industry can avoid taking, and paying for a test.

Workers have had a year to apply for the grandfather provision.

"We wanted to make the transition easy for those who have been doing this work already," said Tim "Squirrel" Jividen, Organizer for the WV State Pipe Trades.

The licensing law was promoted by the Pipe Trades locals in the state to accomplish a number of goals.

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Most importantly licensing is one way to ensure people performing the work know what they are doing.

Many states and cities have

plumbers licensing, including some sort of license requirement in all bordering areas.

"Our workers need a license to work in other states but anyone could come to West Virginia as a plumber or sprinkler fitter without a license before we passed this law," said Jividen.

fore we passed this law," said Jividen.

"This will also protect local workers, companies and customers from unfair competition."

So far around 7,000 plumbers have been licensed by the state through the Division of Labor (DOL).

Sprinkler fitters are licensed through the state Fire Marshall's office which says approximately 300 licenses have been issued so far.

Sprinkler Fitter Local 669 Business Agent Dave Ford believes the process has gone smoothly for his members so far.

"The Fire Marshall's office has a quick turn around and we are already seeing good enforcement from them," said Ford.

Starting July 1 workers wanting a license to work as a plumber or sprinkler fitter will have to pass a test showing competency.

For the most part the test will be based on national building code standards.

For more information on how to obtain a plumber's license contact the DOL at 304-558-7890 or go to their web site <http://wvlabor.org>.

For the State Fire Marshall contact 304-558-2191 ext. 53219 or go to their website at <http://www.firemarshal.wv.gov>.

TRADES PROTEST CITY NATIONAL BANK CONTRACTOR



MEMBERS OF THE WV Laborers and Operating Engineers Local 132 protest the use of a sub-standard contractor working for City National Bank in Charleston. According to Laborers Local 1353 Business Manager Craig Harvey, local union contractors were not given a chance to bid the project. While protesting, those present noticed and documented numerous safety violations.

SCHOOLS

CONTINUED FROM P. 1

The SBA approved the \$22 million grant over two years under its "Needs Grant" at an April 20 meeting contingent on county bond passage.

If the bond measure does not pass the county will not get the SBA money. Instead the SBA money will go to another county's project.

The need for the Putnam projects is great.

According to Hatfield the main part of Poca Middle School was built in 1926 and at the Winfield Middle School sixth and seventh graders go to class in portable classrooms.

Problems with old schools that are hard and costly to maintain or upgrade for computer technology plague the system.

"We need to have 21st century schools if we want our kids to have a 21st century education," said Hatfield.

The projects would all follow the SBA responsible bidder policy that requires bidders to show their track record on apprenticeship, drug testing, timely performance, benefit payments and regulatory compliance.

In 2001 voters turned down a \$36 million school bond measure. The last school bond to pass the county was in 1976.

SUPREME COURT RULES AGAINST MASSEY

The U.S. Supreme Court of Appeals has ruled WV Supreme Court Judge Brent Benjamin should have removed himself from hearing a case involving Massey Coal Company.

The case was brought by Harman Mining Co. which had won a \$50 million verdict against Massey in 2002.

During the 2004 election for a seat on the WV Supreme Court, Massey CEO Don Blankenship bankrolled a group called "And for the sake of the kids" which led a viscous campaign against Benjamin's opponent Warren

McGraw.

With the help of more than \$3 million from Blankenship, Benjamin was able to win the election.

After Benjamin took office the Harmon case came before the court and, on numerous times, Benjamin refused to withdraw from the case, over objections from Harman.

Benjamin cast the key third vote in two 3 - 2 decisions in favor of Massey and reversing the \$50 million verdict.

Harmon took the case to the U.S. Supreme Court.

The 5 - 4 opinion released on June 7 was written by Justice Kennedy.

Kennedy said the court was not requiring judges to

step aside whenever they had received any contribution from a party to the case.

Instead, he said the need to step aside was triggered only when a very large contribution raises a concern about bias.

Kennedy noted the \$3 million Blankenship spent on the court election far exceeded the total spent by all other Benjamin supporters and Benjamin himself.

Harmon's lawyers didn't have to show actual bias existed, only that the appearance of bias was so great their client's right to due process was violated.

"It was reasonably foreseeable, when the campaign con-

tributions were made, that the pending case would be before the newly elected justice," wrote Kennedy.

"The \$50 million adverse jury verdict had been entered before the election, and the Supreme Court of Appeals was the next step..."

In 2006 Blankenship again tried to influence elections by funding a number of cam-

Court Judge Elliot "Spike" Maynard became a campaign issue for Maynard's failed re-election bid.

When pictures surfaced of the two on vacation together in the French Riviera questions arose about why Maynard had not withdrawn from the case as well.

Maynard eventually removed himself from cases

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LABOR HALL OF FAME EVENT



TIM MILLNE (left) with the Southwestern District Labor Council congratulates Roy Smith, former Secretary-Treasurer of the WV State Building Trades as he is inducted into the Labor Hall of Fame. Randall May, President of the Council and an Organizer for the Carpenters and Sherry McKinney from SEIU look on. The ceremony took place in Huntington on May 30. Smith along with Margaret Jarvis who worked for the WV AFL-CIO were given the Lafe C. Chafin Lifetime Achievement Award. Also at the event Pete Vaughan, member of Electricians Local 317 and Steve White, ACT Director and a member of Millwrights Local 1755 were inducted into the Labor Hall of Fame. Honorary Hall of Fame Inductees were Dr. Stephen Kopp, President of Marshall University and Senator Jay Rockefeller.

paings for WV House of Delegates.

However he lost every race except one.

In 2008 Blankenship's personal connection to Supreme

involving Massey.

The Harmon case will now go back to the WV Supreme Court to be heard again, this time without Justice Benjamin.

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