

# THE ACT REPORT

VOLUME 18 NUMBER 5  
MAY 2009



A PUBLICATION OF  
THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION

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

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## THREE DAY COMPETITION IN CHARLESTON

# WEST VIRGINIA PIPE TRADES APPRENTICESHIP CONTEST HELD

The West Virginia State Pipe Trades held its annual apprenticeship contest at the Charleston Civic Center from Tuesday, May 5, through Thursday, May 7.

Apprentices from West Virginia and Maryland competed in four major categories of welding, pipefitting, plumbing and HVAC with the winners continuing on to regional contests in Ohio.

Charleston Mayor Danny Jones opened the competition with a ceremony at 8 a.m. on Tuesday, May 5. Governor Joe Manchin addressed the group on Thursday morning.

The competition was for men and women who have spent the past five years in apprenticeship training programs sponsored by

Labor and Management. The apprentices in this competition

were the best of the best from five union locals in West Virginia,

Charleston, Huntington, *Continued on p. 3*



THESE CONTESTANTS AT the WV State Pipe Trades Apprenticeship Competition are at the soldering phase of the event. Each contestant goes through a series of hands-on and written tests.

## DEBT OF MORE THAN \$2 MILLION AT ISSUE

# COMPANY'S BID FOR PAINTING CONTRACT REJECTED BY STATE

**A**ctions by ACT helped stop a contractor from getting a state painting contract because of outstanding Workers Compensation and Unemployment debts.

In an April 14 letter from the West Virginia Purchasing Division the bid of IPI, Inc. for a state painting maintenance contract was tossed out. The letter, addressed to IPI's lawyer, stated "the bid of IPI, Inc. has been rejected from consideration of award."

The action came after repre-

sentatives of Painters District Council 53 and ACT protested the low bid sent in February 25.

At issue was an unpaid debt

IPI is Matthew Joey Taylor. In the 1990's Taylor was part owner of companies called North American, Inc. and North

debt of \$2,191,500.

The State had tried unsuccessfully to hold IPI responsible for North American's workers compensation debt in a case that went all the way to the WV Supreme Court of Appeals.

But the issue raised by ACT was not whether or not the company IPI was responsible for the debt but whether Matthew Joey Taylor was.

"We were looking at two different laws," said ACT Research Director Lesly Messina.

"A few years ago ACT helped pass a law denying state contracts to companies and in-

*Continued on p. 4*

*"CLEARLY, MR. TAYLOR COULD NOT  
BID ON A CONTRACT BECAUSE OF HIS  
DEBT TO THE WORKERS'  
COMPENSATION OLD FUND..."  
MARY JANE PICKENS, GENERAL  
COUNCIL, INSURANCE COMMISSION*

of more than \$2 million from a group of companies related to IPI.

According to Secretary of State records, the President of

American Construction, Inc.

Records from the state Insurance Commissioner show the companies owe a combined unpaid workers compensation

PROJECT LABOR AGREEMENT IN PLACE

# UNION TRADES AND CONTRACTORS HELP PASS SCHOOL BOND LEVY VOTE IN OHIO

**Union contractors and construction workers will build \$88 million of new schools in Monroe County, Ohio thanks in part to construction industry efforts helping to pass a bond.**

Voters approved a bond measure on May 5 which will bring in \$35 million over the next 28 years to fund new school construction.

Unofficial results show the levy received 3,761 votes in support and 2,619 in opposition.

The state of Ohio will chip in an additional \$53 million towards the six new schools to be built and renovation of one high school.

Monroe County is about halfway between the jurisdictions of the Upper Ohio Valley Building Trades and the Parkersburg-Marietta Building Trades Councils.

The Trades, together with their contractor associations partners, came together to support the bond in a big way.

"Everyone who lives and works in the Ohio Valley, especially the Parkersburg-Marietta area, would benefit by passing the bond," explained Tom Cerra, Co-Chairman of Project BEST.

Project BEST (Building Efficiency by Striving Together) represents the labor-management organization serving the construction industry in the Upper Ohio Valley area which communicates to customers of construction services that the most cost-effective, safety-conscious, quality construction project requires

building trades contractors employing building trades craftsmen and apprentices. The BEST program provided the public relations services of Beyond Marketing in Wheeling, WV, on behalf of the effort and is extremely pleased the voters of that area approved the school bond levy. Since Monroe County was just across the Ohio River, BEST and the rest of the region's union construction industry were very interested in seeing the school bond pass.

"But there was opposition from the anti-union ABC chapter out of Columbus," said Cerra. "We had to counter all the misinformation being put out against union contractors and union workers."

Promoting the school bond was an example of effective union-organization and strategic marketing communications, according to one of those involved in planning the promotion.

Project BEST and the Upper Ohio Valley Building Trades contacted the Parkersburg-Marietta Building Trades to offer assistance. The result was a carefully crafted media and outreach campaign that used testimonials and factual information explaining the benefits of quality schools and union construction.

"We had excellent resources when it came to testimonial evidence," explained Cerra, who worked with a local marketing firm from Wheeling to develop

the message.

The resulting media campaign cited a recently completed round of school construction in Marshall County, WV, that finished 300 days early and over a

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*"QUALITY EDUCATION IS THE KEY TO ECONOMIC DEVELOPMENT. GOOD WAGES ARE THE KEY TO SUPPORTING QUALITY SCHOOLS,"*  
*TOM GRAY, UPPER OHIO VALLEY BUILDING TRADES*

---

million dollars under budget.

"That kind of performance impressed the Ohio school officials, so getting the PLA part of the project worked," Cerra said. "The facts spoke for themselves."

Another key to the relationship with school officials was a

Project Labor Agreement to use union labor for the projects.

When it came to convincing the voting public that new schools and union construction was the way to go, Cerra is quick to credit Bill Hutchison, Business Manager for the Parkersburg-Marietta Building Trades, for mobilizing membership to get the word

out.

"They attended countless meetings, put up yard signs and helped get the vote out on Election Day," said Cerra. "They did the walking, not just the talking."

According to Hutchison local trades members manned phone banks and put up signs including

eight 4 x 8 yard signs made by the Laborers.

"We had a great team, and the marketing program BEST brought was a big help getting our message out in a clear way," said Hutchison.

With work being slow in the area Hutchison hopes to see dirt moving before the end of the year.

Tom Gray, who heads up the Upper Ohio Valley Building Trades, believes the benefits of the PLA and the school bond go beyond good jobs on one round of projects.

"Quality education is the key to economic development. Good wages are the key to supporting quality schools," said Gray.

"Ultimately, it's about families and their children. And we're happy to be involved."



RICHELE BROWN, (center) treasurer of "The Time Is NOW" a pro-school bond group receives a check from Troy Ferrell of IBEW Local 972 to help support the education campaign for the bond vote. Photo courtesy of Beyond Marketing, Wheeling.

# INSULATORS LOCAL 2 JOINS ACT/WV SBT

## **Insulators and Asbestos Workers Local 2 has joined ACT and the WV State Building Trades Council.**

Founded in 1904 the 440 member union based in southwestern Pennsylvania officially joined in the beginning of 2009.

According to John Conroy, Business Manager and Financial Secretary for Local 2, the decision to join ACT came after an evaluation by union officials.

The union did a cost/benefit analysis before committing members' money.

"It is my responsibility to be very diligent with our funds and how we direct our resources," said Conroy.

"With that being said, we have positive expectations this will be a benefit to our local union and especially to our mem-

bers who live in West Virginia."

Conroy added Local 2's primary interest is in legislation, especially in issues affecting Prevailing Wage laws and immigration enforcement.

With their main office in Clinton, Pennsylvania, International Association of Heat and Frost Insulators and Allied Workers Local 2 covers a 44 county area including 15 counties in West Virginia, three counties in Ohio and two counties in Maryland.

In WV the counties are Barbour, Brooke, Grant, Hancock, Harrison, Marion, Marshall, Mineral, Monongalia, Ohio, Preston, Taylor, Tucker,

Tyler, and Wetzel.

Local 80 based in Winfield WV, a long time member of ACT covers most of the remaining counties of WV.

Mike Loeffert, Business Agent

ACT's work in the legislative arena. "Many Local 2 members work and live in West Virginia, and they could see how they would benefit by supporting ACT and its work to pass labor friendly laws," said Loeffert.

In addition Local 2 officials expressed concern about subcontractors having to wait so long for their payments, which in turn makes it difficult for them to meet payroll and fringe benefit payment obligations.

"An aggressive 'Prompt Pay' mandate would require subcontractors be paid within a reasonable amount of time without the fear of retribution," explained

Conroy. "This type of legislation would help both labor and management and it is an issue that we can work together on with a common goal."

Insulators Local 2 has an apprentice training program that usually ranges from having 100 to 110 apprentices at a give time.

Clinton is about 25 miles west of Pittsburgh in Allegheny County where Local 2 also maintains an office and staff. Local 2 members get most of their work from industrial and commercial work.

The work of the Insulator/Asbestos Worker includes the insulation of both industrial and commercial mechanical systems (i.e. piping, boilers, duct work, storage tanks, and equipment) for the purpose of energy savings; burn protection; and to control system heat transfer and condensation.

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*"...WE HAVE POSITIVE EXPECTATIONS THIS WILL BE A BENEFIT TO OUR LOCAL UNION AND ESPECIALLY TO OUR MEMBERS WHO LIVE IN WEST VIRGINIA." JOHN CONROY, BUSINESS MANAGER AND FINANCIAL SECRETARY, INSULATORS LOCAL 2*

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for Local 2, said he learned of ACT through his involvement with the North Central WV Building Trades.

Loeffert got to know the building trades officials he worked with and also observed

## **CONTEST**

*CONTINUED FROM P. 1*

Morgantown, Parkersburg and Wheeling and two locals from Maryland in Baltimore and Cumberland.

According to event coordinator Brett Matthews, Training Coordinator for Plumbers and Pipefitters Local 625 Charleston, a number of area schools took the opportunity to send students interested in a career involving a skilled trade to attend.

TV, radio and newspapers covered the event and a number of local politicians stopped by for tours.

The competitions involved different skills with a variety of tasks such as rigging and signaling, knot tying, tube bending, welding, plumbing, and pipefitting.

Displays were also on hand including one of the UA mobile medical gas trainer – a tractor

trailer size training module - and a welding display by Lincoln Welding. The crane and operator used in the rigging portion of the contest were courtesy of Maxim Crane, and plumbing modules from Putnam Voc-Tech Center.

"There were excellent contestants who made for a very good competition," said Matthews. "And we really appreciate all those who helped with this event including sponsors, judges, suppliers and volunteers."

An awards banquet was held Thursday evening where the winners were announced.

The best overall pipefitter went to Jim Greenwood from Local 83 Wheeling.

For plumber the winner is Matthew Sims from Local 152 Morgantown. For welder Randy Cubic from Local 83 Wheeling got top honors and for HVAC technician first place went to

Michael Clinedinst from Local 486 Baltimore.

The winners will go on to compete in the regional compe-

tition located in Toledo, Ohio later this year.



*GOVERNOR JOE MANCHIN (left) talks with Ed Boone (center) Business Manager of Plumbers & Pipefitters Local 152 Morgantown and Al Clinedinst, Training Coordinator for Plumbers and Steamfitters Local 486 Baltimore in front of the mobile medical gas trainer.*

30 WV WORKERS DIED ON THE JOB IN 2008**WORKERS MEMORIAL DAY HELD IN BECKLEY**

**Tuesday, April 28 was the 21<sup>st</sup> observance of Workers Memorial Day.**

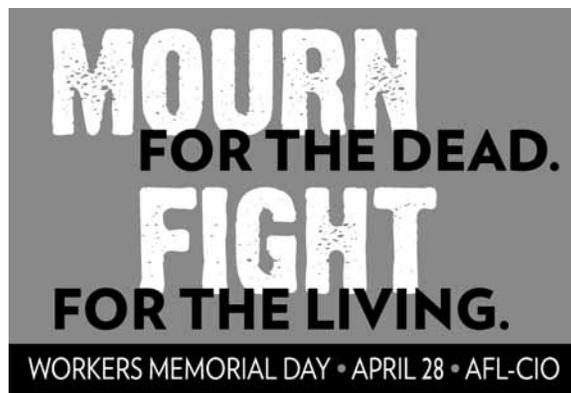
The annual event was held this year in Beckley at UMWA District 17 headquarters.

Approximately 50 people attended to express sympathy to the family and friends of those

workers who lost their lives in 2008.

During the service the names of 30 workers who died while on the job were read out loud.

The South Central Labor Council hosted the event which is sponsored by the WV AFL-



CIO.

Kenny Perdue and Larry Matheny, President and Secretary-Treasurer of the WV AFL-CIO, delivered a memorial address and remembrance.

Workers Memorial Day is a national event

meant to draw attention to workplace safety and the need for strong safety laws.

The first Workers Memorial Day was observed in 1989. April 28 was chosen because it is the anniversary of the Occupational Safety and Health Administration and the day of a similar remembrance in Canada.

BILL SENT TO EXTENDED SESSION**ALCOHOL & DRUG FREE LEGISLATION VETOED**

**Citing technical problems Governor Joe Manchin vetoed the Alcohol and Drug Free Act passed in the most recent legislative session.**

The bill will be brought back to the legislature in the extended session that starts May 26. It is expected to be corrected and passed again.

The problem is only considered technical and passage is considered very likely.

Each bill must have a Title, or summary of the code effected in each piece of legislation.

When the Title does not properly reflect the changes in the bill then a 'Title Flaw' is declared which makes the bill unconstitutional.

"Unfortunately in the hectic last days of a session mistakes do

happen" said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

"The good news is this should be easily corrected and passed in the extended session when the budget and similar bills are considered."

Bills that are vetoed come back to the legislature for review, they still have a chance to pass while the session is extended.

**PAINTING**CONTINUED FROM P. 1

dividuals who own those companies who are in default on state obligations, like workers compensation."

Messina tracked down liens against Taylor for more than \$62,000 from when he was an owner of North American.

ACT attorney Vince Trivelli put the pieces together in a letter to the Insurance Commission and the Purchasing Division who handled the contract for DOH.

Attorneys for IPI fought the challenge claiming the debt was still in dispute and there was no connection between the North American companies and IPI.

But in a sharply worded letter from Insurance Commission General Council Mary Jane Pickens the claims of IPI were rebuffed.

"...the portion of Mr. Taylor's debt attributable to his complete failure to file any report is not at all subject to the statute of limitations and the debt is considered collectible."

The letter went on to examine the claim that the company was owned by Taylor's wife and not Taylor himself, however Pickens wrote "Clearly, Mr. Taylor could not bid on a contract because of his debt to the workers' compensation old fund, and this code provision is intended to prevent him from using a shell

corporation to indirectly bid on the contract."

The contract should now go to Specialty Groups Inc., a union contractor from Bridgeport, which was the second place bidder.

In fact IPI underbid Specialty by only one cent on a number of unit price portions of the contract.

"Painters District Council 53 thanks ACT and the State Building Trades for assisting this Council in stopping companies and individuals who owe the state and hurt those employers who do pay into Workers Compensation and Unemployment," said Rick Hackney, Business Manager of Painters DC 53.

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