

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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CRAFTS PROTEST OUT-OF-STATE LABOR

ROOFING COMPANY BRAGS ABOUT IMPORTING MEXICAN WORKERS

Local Building Trades workers protested the use of out-of-state labor on a Raleigh County School project.

The event took place on June 2 at the Stratton Elementary School near Beckley.

The site is where Frye Roofing of Bluefield was awarded a roof replacement job last month.

While Frye has a WV headquarters most of their workers come from North Carolina and – according to the company owner – perhaps from as far away as Mexico.

ACT's Wayne Rebich attended the Board of Education meeting when the award was made urging Board members to compare Frye's record to the contractor qualification standards established

by the State School Building Authority.

Frye recently entered into a repayment plan with the West Virginia Division of Labor

owing more than \$113,000 in back wages.

Rebich also noted Frye had two recent Raleigh County projects that went way past

schedule, taking almost a year to complete what was suppose to be 90 day projects.

Payroll records revealed
Continued on p. 4



PROTESTING THE USE of out-of-state workers are members of the Roofers, Carpenters, Sheetmetal Workers, Electricians and Ironworkers.

INCENTIVES FOR HIRING WORKERS

EMPLOYER TAX CREDIT AVAILABLE

Two new tax benefits are now available to employers hiring workers who were previously unemployed or only working part time.

These provisions are part of the Hiring Incentives to Restore Employment (HIRE) Act which became law in March.

Employers who hire unemployed workers after Feb. 3, 2010 and before Jan. 1, 2011 can get a 6.2-percent payroll tax incentive.

In effect employers will be exempt from paying their share of Social Security taxes on wages paid to these work-

ers.

This reduced tax withholding will have no effect on the employee's future Social Security benefits.

The employer and employee's shares of Medicare taxes would still apply to these wages.

In addition, for each worker retained for at least a year, businesses may claim an additional general business tax credit, up to \$1,000 per worker, when they file their 2011 income tax returns.

New hires filling existing positions qualify only if the workers they are replacing left voluntarily or for cause. Family members and other

relatives do not qualify. The two tax benefits are especially helpful to employers who are adding positions to their payrolls.

If an employer lays an employee off because of lack of work and later, when work picks up, hires a new employee, the payroll tax exemption applies as long as the new hire is a qualified employee.

In addition, the new law requires that the employer get a statement from each eligible new hire certifying that he or she was unemployed during the 60 days before beginning work or, alternatively, worked less than a total of 40 hours for someone else dur-

ing the 60-day period.

An employer may apply the payroll tax exemption to wages paid to a rehired employee who is otherwise a qualified employee.

Employers claim the payroll tax benefit on the federal employment tax return they file, usually quarterly, with the IRS.

Eligible employers will be able to claim the new tax incentive on their revised employment tax form for the second quarter of 2010. Revised forms and further details on these two new tax provisions will be posted on IRS.gov during the next few weeks.

\$80 MILLION CASINO PROJECT**ILLEGAL WORKERS CAUGHT AT GREENBRIER**

White Sulphur Springs police caught seven illegal workers who had been employed to help build a new casino at the Greenbrier Resort.

According to May 12 news

reports it was the second time this year the police had caught illegal workers who were building the new casino at The Greenbrier.

The arrests were made outside of The Greenbrier because the resort is off limits to local police.

A routine traffic stop is what led to the arrest, when the workers, who are from Honduras and Mexico, were unable to produce work visas or drivers licenses.

They were working for I.M. Clifford & Associates, a drywall sub-contractor from Ocean City, Maryland.

Clancy & Theys Construction, from Virginia is the General Contractor.

The workers told police they were making \$13 per hour.

In February six illegal workers were arrested after police responded to a disturbance at a local motel. The

six were working for a landscaping contractor at The Greenbrier.

The \$80 million Greenbrier Casino project is being built mostly with nonunion workers under the new ownership of Jim Justice, the former Bluestone Coal executive who bought the hotel last year.

Labor helped pass legislation to allow the gaming facility, and had helped pass the local County measure required by the law.

However Justice would not live up to prior commitments that work for the gaming facility would be built by local

union workers.

“We tried to work with The Greenbrier and got bidders to the table, but fair contractors can not compete against companies that use illegal, low wage workers,” said Chad McCallister, Organizer for the Carpenters Union.

“We don’t blame the workers, we blame the companies.”

While a major concrete package went to a union contractor, the majority of the work including steel erection, electrical, interior systems and mechanical contracts all went to out-of-state, non-union firms.



White Sulphur Springs Police Department

for arresting undocumented workers brought here by an out-of-state contractor.

Your actions protect our local workers and communities from companies that import illegal workers and lower living standards for everyone.



A Division of the West Virginia State Building and Construction Trades Council, AFL-CIO

ACT PLACED THIS ad thanking the White Sulphur Springs police for enforcing the law and protecting the local area from businesses who use illegal labor to drive down local living standards.

LABOR HALL OF FAME AWARDS



THE SOUTHWESTERN DISTRICT Labor Council's annual Labor Hall of Fame event was held in Huntington on Saturday, June 5.

State Senator Bob Plymale, D-Wayne (center) was given an honorary award, Tim Millne with Laborers Local 543 (left) was Master of Ceremonies and Tom Plymale of Operating Engineers 132 (right) a cousin to Bob Plymale, was in attendance.

Charles Neighborgall of Neighborgall Construction was also given an honorary award.

Brent Gray, Business Manager of Electricians Local 317, was among a number of other guests inducted into the Labor Hall of Fame or given honorary awards. Gray has announced he is retiring this year.

PLUMBER & PIPEFITTER LOCAL 625 TAKES APPLICATIONS FOR APPRENTICESHIP

The Charleston Joint Apprenticeship and Training Committee of Plumbers and Pipefitters Local 625 will take apprenticeship applications until the end of the year.

The five year program teaches all aspects of the plumbing and pipefitting trade including, pipe fitting and welding, medical gas, CAD, instrument technician, blue print reading, plumbing, heating and cooling.

Apprentices are paid while

on-the-job and also go to school for a minimum of 144 hours per year.

Applications were open June 1 and will be taken though December 30 of this year.

Applications are reviewed once a year and applicants are notified by mail of their status.

Those interested should go to 3601 James Street in Charleston between the hours of 8am and noon or 1pm and 3:30pm, Monday through Friday.

A \$35 application fee will

be required.

To qualify an applicant must be at least 17 years old and 18 when actually in the program. They also must have a high school diploma or GED, a driver's license and be physically able to perform the work of the trade.

A copy of the applicant's

birth certificate, driver's license, high school transcripts, high school diploma or GED and if recently in the military a DD2-14 form will be requested at the time of application.

Applicants must pass an aptitude test administered by WV Workforce as well as a

drug test.

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

For more information contact Brett Matthews, Director of Training at 304-744-6188.

Annual Sporting Clay Event

Sunday, June 27 1:00pm

Registration and Lunch

Hunting Hills, Dillner, PA

Cost for the event:

\$40 per shooter

**Sponsored by the
North Central WV Building
Trades Council**

Interested in participating?

Please contact

Natalie Stone 304-626-3882 or

Ed Boone 304-292-8818

no later than June 21 to register.

LABOR-MANAGEMENT EVENT SUPPORTS LOCAL HOSPICE



HANDING A \$5,000 check to the HospiceCare Executive Director Larry Robertson (center) and Development Director Jim Wilkerson (right) is Mike Matthews, Business Manager of the Charleston Building and Construction Trades Council. HospiceCare, based in Charleston, serves 16 West Virginia counties with programs for patients and their loved ones whose lives have been affected by a terminal or life-limiting illness.

The funds came from the 16th Kanawha Valley Labor-Management Golf Scramble held on May 10.

Over 104 golf participants from both business and labor participated at the Little Creek Country Club in South Charleston.

Sponsors of the event are the Charleston Building Trades Council and the Kanawha Valley Builders Association.

"Local contractors and workers bring value to our communities not only with quality projects but because we care about our neighbors," said Jim Cerra, Executive Director of the Kanawha Valley Builders.

TRADES VOLUNTEER FOR SCHOOL PROJECT

Members of the Tri-State Building and Construction Trades Council volunteered their time and skills to help build a playground and fitness area at the Kellogg Elementary School in Wayne County.

The complex project, involving towers with slides, climbing walls and monkey bars, fitness stations, includ-

ing parallel bars, a climbing rope, and pushup bars was a huge undertaking.

The playground also has a basketball court, track and picnic tables that are handicap accessible.

From May 10 through Memorial Day as many as 100 workers pitched in to get the job done.

Melanie Shafer Adkins, a local newscaster and parent, coordinated the project and had nothing but praise for the

local volunteers.

"We couldn't have gotten the project done without the help of so many volunteers," said Adkins.

"Without the union reps we would have been in a real bind."

According to Adkins school volunteers hosted a variety of fund raisers starting in April of 2009 to get the \$170,000 needed to purchase the equipment and supplies.

Some funding also came

from the state with the help of Senator Bob Plymale, D-Wayne.

Steve Burton of the Tri-State Building Trades praised the many craft union members who came to the job, some for numerous days, to get the project done.

He noted members from Bricklayers Local 5, Carpenters Mid-Atlantic Regional

Council, Cement Masons 887, IBEW 317, Iron Workers 769, Laborers 543, Operating Engineers 132, Painters Council 53, and Sheetmetal Workers 24 all chipped in.

Neighborgall Construction donated the use of construction equipment.

"We dreamed big," said Adkins. "And with a lot of help we got it done."



VOLUNTEERS A. JAY BOOTH, IBEW 317 (left) and Roger Johnson, Carpenters 1207 guide a slide into place at the Kellogg Elementary School playground. The crane was on loan from Neighborgall Construction. Photo courtesy of the The Herald-Dispatch, Huntington, W.Va.

ROOFING

CONTINUED FROM P. 1

almost all of Frye's employees came from North Carolina.

In addition, the company lacked an apprenticeship program and showed no deductions for health or pension.

At the same Board of Education meeting Frye owner J.C. Robinson stated "We work Mexican workers and it's very simple - we do that

because we get the highest quality roofing available from these folks. We get the best Roofers that money can buy."

Robinson failed to mention the money they paid for roofers was below the required prevailing wage standards and that his company owed more than \$113,000.

At the protest Robinson's quote was made into a large poster for the public to see.

"People are really fired up

about local workers performing the work here at home," said Rebich. "We got a very good response from local citizens."

In addition to the twenty workers who showed up Rebich noted House of Delegates member Ricky Moyer (D-Raleigh) and candidate Mel Kessler (D-Raleigh) showed up to give support.

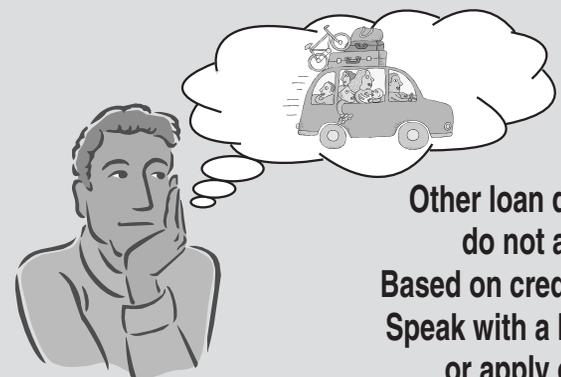
According to Rebich more than 250 fliers were distributed.

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