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Inside

Workers Comp	Pg. 2
Appreciation	Pg. 2
Roofers	Pg. 3
Laborers Seek	Pg. 4
Union Trades	Pg. 4

LEGISLATIVE SESSION HALF WAY

The OSHA 10 Hour bill proposed by the Trades passed out of a House Industry and Labor sub-committee in early February.

The bill, H.B. 2545, would require workers on public works projects to have taken an OSHA 10 Hours safety class. The sub-committee amended the bill to exclude projects less than \$25,000.

The Contractors Association of WV opposes the bill. However a number of union contractors have lobbied in support of the measure.

“We are in full support,” said Ken Lake of Kokosing Construction. “Most large private construction owners already require the OSHA 10, its time for government to

catch up.”

Lake was among a dozen

Labor and Management representatives that have gone

to Charleston to support the

Continued on p. 3



DEL. DAN POLING (standing, top left) along with members of Painters Local 970 Charleston David Perry, Terry Boggs, Jerry Parson and Richard Ford attend a weekly Labor Caucus with House of Delegates members.

MARCELLUS SHALE LEGISLATION

Legislation regarding the Marcellus Shale gas discovery is the focus of the Trades in the current legislative session.

“Any Marcellus legislation should include provisions to require local workers,” said Steve White, ACT Director.

White is working to promote three legislative proposals for Marcellus bills.

The first suggestion is to require local hiring similar to the WV Jobs Act.

Currently for public projects over \$500,000 at least 75 percent of the construction workers must come from the “local labor market” area. The local labor market includes WV and any county from surrounding states within 50 miles of the state border.

Another suggestion is for contractors working on Marcellus Shale Projects to have

apprenticeship programs.

The third suggestion is to expand the Alcohol and Drug Free Act that applies to public construction projects to Marcellus projects.

Construction estimates of \$2 billion per year for drilling, pipeline and processing facilities make the Marcellus Shale development the biggest new potential job creator

for the region.

However the influx of out-of-state contractors and imported workers has alarmed many residents – especially

Continued on p. 4



WETZEL COUNTY SHERIFF James Hoskins (Standing at podium – left) speaks at a legislative hearing in the House Chambers. Hoskins explained the many issues he has regarding the Marcellus activity including the arrest of 13 illegal workers.

LABOR-MANAGEMENT GROUP INCLUDES 29 CONTRACTORS**WORKERS COMPENSATION EFFORT GROWS**

The WV Workers Compensation Consortium held its second annual meeting on January 26.

The Labor-Management effort is aimed at providing an alternative to typical workers compensation coverage for union contractors.

The group now insures 29 companies with more than a million dollars of annual premium.

When they started more than a year ago there were 13 contractors.

All of the original companies are still in the program, each one renewing after their first year.

The effort began in 2005 when the state workers compensation system ended and a transition to private insurance was underway.

Union contractors and workers began meeting to find common ground in an

area that had been contentious for years.

The group discovered that safer unionized workers were costing their employers more only because they earned a higher wage.

Union contractors were subsidizing their nonunion competitors by paying premiums based on wages.

In addition they learned the safety practices followed in the union sector resulted in much lower accident rates - when safety was made a priority.

The group also studied the claims process - following what medical attention a worker received if they were injured and the general red tape they encountered.

In July of 2009 the group established their own insurance program that focuses on a safe workplace, allows contractors to get the rewards from safe practices and en-

sures workers who do get injured get the treatment they need quickly.

The Consortium is a non-profit Labor-Management group that works to educate contractors and workers about the workers compensation process.

The contractors are in a Captive insurance group, similar to self-insurance, and they operate the insurance portion of the program.

The group has learned early reporting of all accidents is important.

Even if a worker thinks they will be OK after an incident it is important to let their supervisor know.

Eye and hand injuries were found to be occurring too frequently so training efforts were put in place as well as new eye protection and gloves.

ACT Research Director Lesly Messina took on the

role of troubleshooter - a person who is available to an injured worker or their family to assist with any questions or problems.

At the annual meeting the group reviewed accident reports and injury data aimed at finding ways to avoid accidents.

The claims paid out and expenses of the program prove the group is on the right track.

"The numbers continue to show we are better off in a union group than with just any old group," said Tom Reece of RC General Construction, the newly elected Chair of the group.

Reece replaced Bill Chambers who led the group for a number of years before they officially formed.

Chambers, a Charleston based CPA, is credited with getting the group focused and operational.

"Our effort has been suc-

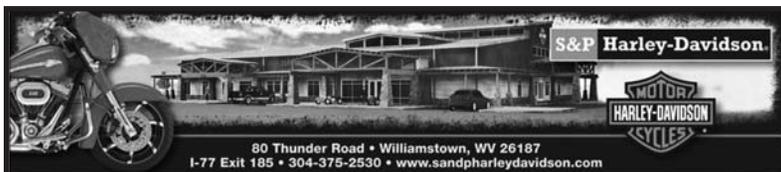
cessful thanks to the leadership of Bill Chambers," said Jim Cerra, Executive Director of the Kanawha Valley Builders Association.

The group functions with a 12 member board of directors, six from Management and six from Labor.

The insurance function is broken into three components. Union Labor Life Insurance writes the policy, figures the premiums and organizes the insurance payments.

Roundstone Insurance based in Cleveland operates the Captive Insurance part, working with Insurance Agents and others to market the program, collecting premiums, and making sure the process works.

Wells Fargo does the Claims Management, overseeing the injured worker and their treatment when an injury does occur.



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A Message from the
Parkersburg-Marrietta Building Trades Council



CONTRACTORS, LABOR REPRESENTATIVES and insurance industry professional review the year at the second annual meeting of the WV Workers Compensation Consortium.

GRANT MAKES EQUIPMENT PURCHASE POSSIBLE**ROOFERS LOCAL 242 HOLDS GREEN TRAINING**

Roofers Local 242 recently put together a state-of-the-art training program with new 'Green' technology.

Key to the effort was a new piece of equipment they received through a State "Green Construction" grant.

An \$11,425 rubberized asphalt mixer was purchased with the help of a grant received by Construction Works, an arm of the Building Trades.

According to Business Agent Joe Strain the Roofers training program would not have been able to purchase the equipment otherwise.

"We just lost a job at the FBI Center because the contract called for skills on Green Roofing that we just didn't have," said Strain.

The rubberized asphalt melter replaces an older style

asphalt mixer and is the starting point for the Green Roof process.

"You squeegee on the product rather than mop on asphalt," said Strain.

"Then you build up your layers from there before you add the actual vegetation to complete the roof."

The new application produces less smoke and fumes as well.

Their first 10-hour training program was held at their Mineral Wells training center starting on February 7.

More than 20 apprentices participated as well as three of the instructors.

Strain says he plans to have more training sessions for apprentices and journeymen alike.

"We are focusing on pride in our work, top skills and productivity," said Strain.

The training site in Mineral

Wells is another example of the Locals focus on skills.

The facility was completed last year and includes indoor classroom and hands-on training as well as an outside

area for hands-on projects.

Local 242 now has 44 apprentices.

Their program has 150 hours of classroom and hands on training each year and

takes approximately five years to complete.

The Green Construction funds came through federal funds secured by WorkForce WV in 2010.



MEMBERS OF ROOFERS Local 242 Parkersburg stand next to the new Rubberized Asphalt Mixer used for a Green Construction training class. The training took place at their Mineral Wells facility in early February.

LEGISLATIVECONTINUED FROM P. 1

safety measure.

Brian Hinkle with Chapman Martin Excavation also made the trip. "As a small business person I know watching costs are important, but I can show how safety pays off," said Hinkle.

Seven other states require the OSHA 10.

The bill was on the agenda for the February 9 meeting of the full committee but failed to be taken up due to time constraints.

As the ACT Report goes to press the bill is scheduled to be voted on in the House Industry and Labor Committee on February 16.

ACT and the State Building Trades are working on a bill to allow the Department of Highways to use design-build as a way to bid projects.

A pilot bill that allowed up to ten projects is due to expire and the Trades would like to see the method become permanent.

"We think design build saves money and means more projects," said Operating Engineers Training Coordinator Chuck Parker.

A bill to increase the apprenticeship tax credit has failed to be introduced due to technical problems but remains on the Trades agenda.

A bill to give the WV Division of Labor help in checking worker identification

was introduced by Del. Dave Walker (D-Clay).

The measure would allow the State Police to check various ID's given to the DOL when they are checking a job site.

Current law allows DOL to get a person's ID but they have no way to check if it is valid.

ACT was able to show how 25 of 31 roofers on an State School Building Authority funded job had social security numbers that were invalid.

However DOL has no way to check the Social Security numbers or any other ID's.

Passing bills is part of the Trades job, but preventing bad bills is equally important.

A measure to bring back

the "Cancer Creek" legislation is working its way back to the legislature.

The "Cancer Creek" bill first was introduced in 1991 to make way for a pulp mill in Mason County.

The project was to be built by an Alabama firm who planned to import their construction workforce.

The "Cancer Creek" bill rewrote water regulations to assume rivers always had higher flows than the current method.

ACT representatives were told the measure would be offered in this year's session at the urging of the WV DEP by a company that was having trouble meeting water quality standards. ACT is working to

stop the measure.

Both ACT and the WV AFL-CIO held legislative functions in late January and early February. These events were well attended by union representatives and legislators.

"We were able to get our message out to the rest of the labor community and our elected officials," said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

The session is somewhat different than past years due to the uncertainty created by the vacancy of a Governor and related issues with the Senate.

The 60 day session will end March 12.

WV CONSTRUCTION CRAFT LABORERS' OFFER APPRENTICESHIP OPPORTUNITIES

The West Virginia Construction Craft Laborers' Joint Apprenticeship and Training Committee accepts applications year round.

Anyone interested in applying can go to any Work-Force WV Employment Services Office on the third Friday of each month.

Applicants must be at least 18 years old, have a high school diploma or GED, a valid driver's license and must be physically able to perform the work of the trade.

Applicants will be given a

test administered by the WV Job Service office and if they pass may then be interviewed. A substance abuse test will be required at some point in the process.

Documents such as a copy of a birth certificate, a valid driver's license, transcripts of grades, and proof of a high school degree or GED will be requested at a later date.

The apprenticeship program consists of a combination of on-the-job training and classroom/hands-on training.

The WV Laborers' Training Center in Mineral Wells provides 408 hours of class-

room and hands on training free of charge including meals and lodging.

Apprentices will also learn on the job in their home areas while earning a paycheck, for a total of 4000 hours, approximately two years.

Upon completion of the program apprentices will have earned Journeyman status and receive a certificate from the U.S. Department of Labor.

The areas of training provide a wide variety of skills to ensure highly productive workers will have successful careers. Topics include

pipelaying, mason tending, instrument reading, environmental remediation and much more.

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

origin or sex.

For more information visit their web site www.wvcccl.org or to receive a free brochure send a self-addressed stamped envelope to: West Virginia Laborers' Training Center, P.O. Box 6, Mineral Wells, WV 26150.

MARCELLUS

CONTINUED FROM P. 1

the local skilled workers who need jobs.

Recently the head of Chesapeake Energy was reported in the Wheeling newspaper as saying his company could not find enough qualified local workers and went on to state that 30 percent of applicants in West Virginia could not pass a drug test.

His comments were challenged by Ed Boone of the WV Pipe Trades and Keith Hughes of Iron Workers Local 549 – both pointing out the many available skilled workers who are proven alcohol and drug free.

Wetzel County Sheriff James Hoskins testified at a public hearing about the many problems he has encountered due to the flurry of activity in his County.

One issue he raised was the influx of illegal workers on the Marcellus projects.

Hoskins said he has arrested 13 but believes there are many more.

A recent WVU study on the economic impact from the Marcellus Shale work stated as many as 7,600 jobs were created in 2009 in WV. However the study did not break out how many – if any – went to local residents.

Under consideration by the legislature are two types of Marcellus bills covering environmental and economic development issues.

The environmental focus includes raising permit fees from the current \$640 per well to \$10,000 or \$15,000 for wells using horizontal drilling.

The fees would be used to hire Oil & Gas Division inspectors within the DEP.

In 2007, the DEP issued 147 new permits for Marcellus wells. In 2008, the number jumped to 387, and then to 397 in 2009.

The bill also seeks to ad-

dress issues relating to the massive amounts of water used to fracture the shale and release the gas.

Wells may use 5 million gallons of water to 'frac' a well, of which around 20 percent, or one million gallons, comes back up. This backwash can be contaminated with material it encounters underground as well as by chemicals added to aid the fracking process.

The other legislative focus is on post-extraction economic activity.

After the gas is taken from the ground and processed it can either be shipped out of the state or used in-state for other industrial activity.

Much of the Marcellus gas in WV is rich in ethane, propane and butane.

These chemicals must be separated from the gas before it can be piped to homes and businesses, but they are valuable by-products.

The ethane could be used

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to fuel a "cracking unit" that would produce basic products for the chemical and plastic industry.

Building such a plant in WV would mean a \$1.4 bil-

lion investment and many jobs.

"We are working with legislators to promote our state at the best place for a cracking unit," said White.