

# THE ACT REPORT

VOLUME 21 NUMBER 12  
DECEMBER 2012



A PUBLICATION OF  
THE AFFILIATED  
CONSTRUCTION  
TRADES

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

Charleston - (304) 345-7570  
Toll Free - (800) 930-9675  
www.actvw.org



## Inside

The Real ABC	Pg. 2
Ball of the Year	Pg. 2
Union Trades	Pg. 3
Operators #132	Pg. 3
Brainstorming	Pg. 4
Credit Union	Pg. 4

## No-Bid, Low-Wage, Corner-Cutting Contract

# HEARING HELD ON KING COAL

ACT was back in court in November on the King Coal Highway case.

Kanawha Circuit Court Judge James Stucky finally had a hearing on the case that was first brought before him in 2004.

ACT has been fighting the no-bid highway contract given to coal company Nice-wonder Contracting to build a 12 mile portion in Mingo County called the Red Jacket section.

The project is almost complete but the case had been bounced around circuit court, federal court and the West Virginia Supreme Court.

In addition to paying millions of dollars in taxpayer funds to assist the company to move overburden and get at valuable coal reserves DOH removed requirements that construction workers be paid the prevailing wage rates

while building the road.

DOH also relaxed construction quality standards, allowed the location of the road to be moved to better

suit the coal company and helped the company avoid the requirement for mining and environmental permits.

Judge Stucky was asked

to decide the case rather than send it to trial since the facts are not in dispute.

Federal Judge John Copen-  
*Continued on p. 4*



*LARGE CRACKS IN the new Red Jacket section of the King Coal Highway appear to have been patched at least once but are reappearing. The cracks are at the intersection of a cut and major fill. DOH relaxed specifications for compaction, slope and other standard methods of highway construction, a fact which ACT has pointed to during the case.*

## LABOR BOARD REFUSES TO ISSUE CB&I UNFAIR LABOR CHARGE

The National Labor Relations Board has refused to issue a complaint against Dominion's contractor for unfair labor practice charges.

The Mid-Atlantic Regional Council of Carpenters complained to Region Six of the Board after around 50 members applied for work in mid-March at Dominion's \$500 million natural gas project in Marshall County.

Another group applied in May and after no one was hired from either group the Carpenters filed an Unfair

Labor Practice charge saying Dominion's contractor CB&I discriminated against workers because of their union affiliation.

The investigation had been stalled for months because CB&I had refused to turn over payroll documents.

The Board issued a subpoena which CB&I tried to block by going over the Region to the Board's DC headquarter.

However the Board denied CB&I's appeal and order them to comply with the document request.

Dominion has repeatedly

stated in the press that their contractor was using a large number of local workers to build the facility. But when faced with the applications of local union workers they apparently changed their hiring practice to avoid union workers.

In a December 3 letter to Mike Jenkins, Senior Organizer for the Carpenters, Region Six Board Director Robert Chester wrote, "Although it appears the discriminatees were qualified, the Employer filled almost all of the carpentry needs using CBI employees from other locations,

former CBI employees or referrals it received from management and employees."

"Before we had our group applications CB&I was hiring off the street, but after we came it looks like they changed their hiring practice," said Jenkins.

A similar charge has been made by Boilermakers Local 667 representatives and is still pending before the Board.

The Carpenters have until December 17 to decide if they will appeal the decision to the General Council of the National Labor Relations Board in Washington, DC.

STUDY EXPOSES ANTI-UNION CONTRACTOR GROUP

# THE REAL ABC - BUILDING THE LOW ROAD IN THE CONSTRUCTION INDUSTRY

The Associated Builders and Contractors is an anti-union trade association that claims to represent the majority of the construction industry.

Yet a recent study titled "An Analysis of Associated Builders and Contractors" proves their majority claim and many others to be false and misleading.

The study was written by Professor Thomas Kriger of the National Labor College and published in May this year.

The group typically claims "75 chapters representing 23,000 merit shop construction and construction related firms, with nearly two million employees."

However many of their members are not construction companies but instead material suppliers or corporations providing services like legal and insurance.

In West Virginia his report details that of the 83 listed members of the West Virginia Chapter of the ABC only 34 or 41% are contractors or subcontractors.

Those 34 construction

vestment.

In West Virginia the ABC disbanded their apprenticeship program not long after a 2002 report by WVU's Institute for Labor Studies highlighting the Chapters poor performance graduating apprentices and recruiting women and minorities.

While Kriger found the ABC lacked in contractor membership and apprentice-

ship performance he did find they were very active in a wide range of conservative political issues.

Kriger concluded "ABC is unique among construction industry trade associations in that its national agenda is ideological and anti-union, rather than focused on construction related issues."

"ABC is a critic of prevailing wage (Davis-Bacon) laws

and project labor agreements (PLAs), yet ABC also supports repeal of the Obama health care law, endorses repeal of the estate tax, and supports capital gains tax reductions."

A complete report can be found at the web site "know-yourabc.com" set up by the Building and Construction Trades Department of the AFL-CIO.

---

## KRIGER'S STUDY SHOWS THE ABC ONLY REPRESENTS ONE PERCENT OF LICENSED OR REGISTERED CONSTRUCTION CONTRACTORS IN THE NATION.

---

Kriger's analysis starts with an examination of the actual membership of the ABC.

At times the group has claimed they represent as much as 80 percent of the construction industry.

Kriger's study shows the ABC only represents one percent of licensed or registered construction contractors in the nation.

He uses the groups published membership data as his primary source.

companies represent less than one percent of all licensed contractors in the state.

Another issue Kriger looked at was apprenticeship. Kriger compares ABC programs to those with labor and management oversight.

Kriger found the joint labor-management programs surpassed the ABC training programs on every measure including more apprentices, more crafts and programs, more graduates, more women and minorities, and more in-

## TRADES PARTICIPATE IN "BALL OF THE YEAR" CHARITY EVENT



Sheet Metal Worker Local 33 - North Central members Jim Jackson (left) and Chad Perdue were among the many volunteers that helped fashion 10 huge flower vases as decorations for Mon General Hospital's 50th 'Ball of the Year' event held on November 10.

According to Steve Perdue, Business Agent for Local 33 North Central, each vase stood 10 feet six inches tall and measured 68 inches in diameter.

The North Central WV Building Trades paid for the materials. The vases were auctioned off at the end of the event to help raise funds for an Endoscopic Bronchoscope that will aid in the detection of lung cancer.

Natalie Stone, the Executive Secretary of North Central said, "We've been donating since 2006. We look at it as a worthy cause, and couldn't think of a better event to sponsor. It gives back to the community, helps our members who utilize the hospital, and we couldn't be prouder to be a sponsor of the event."

### ACT Report Address Corrections Wanted

Call: 1-800-930-9675

Email: [stevewhite@actwv.org](mailto:stevewhite@actwv.org) or  
mail to: ACT

600 Leon Sullivan Way, Charleston, WV 25301

MEMBERSHIP OPEN TO ENTIRE WV STATE BUILDING TRADES

## UNION TRADES FEDERAL CREDIT UNION GETS OK TO EXPAND MEMBERSHIP

Federal regulators have given approval for Union Trades Federal Credit Union to accept as a new member any member of the West Virginia State Building Trades.

Union Trades is regulated and insured by the National Credit Union Administration (NCUA) and must follow strict rules when taking in new members.

Up until now each local union had to request membership separately; about half of the State Building Trades affiliates had done so.

"This simply makes it easier for building trades members and their families to join Union Trades," said Doug Peele, Manager of Union Trades FCU.

Effective immediately anyone who is a member of a union that is affiliated with the West Virginia State Building Trades is eligible to join.

Once the union mem-

ber opens membership with Union Trades FCU, their immediate family is then eligible to join as well.

Anyone interested in opening an account would need to take with them to the credit union their valid photo ID, proof of their current address, their Social Security card and proof of their union local affiliation.

There is also a required deposit of \$25.

A list of affiliated unions is posted on the ACT web site, [www.actwv.org](http://www.actwv.org) and on Union Trades site, [www.union-tradesfcu.com](http://www.union-tradesfcu.com)

Union Trades FCU was started in 1972 by members of the Plumbers and Fitters Local 565 in Parkersburg as the Plumbers & Steamfitters Federal Credit Union.

In 2001, the name changed to Union Trades Federal Credit Union and the field of membership was opened to include several Building & Construction Unions in the Mid-Ohio and Kanawha Val-

leys.

In 2006, the credit union was granted an open community charter, which allows it to serve anyone who lives, works, worships or attends school in Wood County, WV or Washington County, OH.

Growth has allowed the organization to provide a broad

range of financial services at reasonable rates.

With more than 3000 members their purpose is simple – to serve members needs and manage a secure financial organization guided by members interests and voices.

Their mission statement is simple: "The Union Trades

Federal Credit Union is a people helping people financial cooperative, serving our union brothers and their families by providing low loan rates and a competitive rate of return on deposits."

They currently are headquartered in Parkersburg with an office in Charleston.



THIS SIGN in front of the Union Trades Federal Credit Union's Parkersburg office advertises the best rates for working families. They also have an office in Charleston at the WV State Building Trades offices.

## APPRENTICE CANDIDATES WANTED FOR OPERATING ENGINEERS LOCAL 132

Operating Engineers Local 132 wants qualified candidates for their heavy duty equipment operator apprenticeship program.

The three year program focuses on all aspects of operating heavy equipment including bulldozers, backhoes,

cranes, and excavators.

"We focus on safety and productivity," said Charles Parker, Training Director.

Each year an apprentice spends five weeks at the training center located south of Parkersburg, most of which is during the winter months.

Apprentices must also get at least 1,000 hours of paid on

the job training each year.

Applications will be accepted at any Workforce West Virginia Center starting January 7 through 18, between the hours of 9:00 am and 3:00 pm, Monday through Friday.

In order to qualify a person must be at least 18 years old, have a high school diploma or GED and have been a resi-

dent of West Virginia for at least one year.

In addition, a successful applicant will have a valid WV drivers license, and be physically able to perform the work of the trade.

An aptitude test will be given at the Workforce Center and a drug test may be required at a later date.

The recruitment, selection, employment and training of apprentices shall be without discrimination because of age, race, color, religion, national origin, or sex and will conform to ADA regulations.

For more information call Parker at (304) 273-4852 or visit [www.iuoe132.org/apprenticeship.htm](http://www.iuoe132.org/apprenticeship.htm).

# BRAINSTORMING ABOUT CRAFT TRAINING

Representatives from Community Colleges, Vocational and Technical Education and craft Apprenticeship met in early December to discuss ways to work cooperatively.

Each group shares an interest in providing opportunities to workers to become well

trained and highly productive.

The group discussed ways they could improve communications so that their students would know about opportunities in each area.

“We want to make sure the top vocational students know about our apprenticeship programs,” said Dave Efaw, Secretary-Treasurer for the WV

State Building Trades.

“And we also want those in the Community College system to understand we can take them to the next level if they are interested in a craft.”

Trades members who have completed apprenticeship programs can get college credit towards and Associated Degree. Community College leaders and the trades will be

looking at ways to encourage more members to get their degrees and to also ask trades members what type of classes they would like to see.

“We want to survey our members to see if they are interested in classes on safety, supervision or perhaps how to start and run a business,” said Efaw. “And we want to find out if different class

schedules or some on-line classes have any interest.”

Chancellor James Skidmore, WV Council for Community and Technical College Education and Dr. Donna Burge-Tetrick, Executive Director, Office of Career and Technical Instruction each brought representatives from community college and vocational education groups.



ROY SMITH, FORMER Secretary-Treasurer of the WV State Building Trades, leads a discussion among vocational education, community colleges and apprenticeship leaders. The group held a brainstorming session on December 3 to discuss ways they can work together.

## KING COAL

*CONTINUED FROM P. 1*

haver first ruled that bidding was not required since he considered the project unique under federal regulations, but he said federal Davis-Bacon wages rates should be paid.

However after the decision, Judge Copenhaver ruled ACT never had legal standing to bring the case to court.

He dismissed the federal charges but allowed the case to move to state court.

When ACT went to state court coal company lawyers

argued ACT didn't have any standing on the state level. Judge Stucky agreed.

But the West Virginia Supreme Court of Appeals ruled Judge Stucky was wrong and ordered him to hear the case.

It took another trip to the Supreme Court and another order directing Judge Stucky to hear the case before he finally held a hearing on November 8.

ACT attorney Vince Trivelli argued the issues of standing are over and the company has admitted they neither bid the project nor paid the pre-

vailing wage rate.

With the state law clear there is nothing left to do, argued Trivelli, but make a ruling based on the law.

Lawyers for Nicewonder argued that because the project was almost done the lawsuit was moot or meaningless.

The state Department of Highways argued they could avoid bidding and prevailing wage because a state law allowing overweight coal trucks on certain roads had a provision that allowed the state to enter into contracts

Affiliated Construction Trades  
600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570

Non-Profit Org.  
U.S. Postage  
**PAID**  
Permit # 1374  
Charleston, WV 25301

**Union Trades**  
Federal Credit Union



Welcoming all new members from  
WV State Building Trades!

**Transfer your AUTO LOANS from another lender to us and receive a**

**FREE \$50 GIFT CARD**

**Offer ends January 31, 2013**

**[www.uniontradesfcu.com](http://www.uniontradesfcu.com)**

1925 Murdoch Avenue  
Parkersburg, WV 26102  
(304) 485-1421 fax 485-1487  
toll free 1 888 524-1421

600 Leon Sullivan Way, Suite 101  
Charleston, WV 25301  
(304) 344-0194 fax 344-0195  
toll free 1 877 593-6093

reception@uniontradesfcu.com

with companies.

Judge Stucky directed the lawyers to send in suggested

orders by December 3.

He has yet to make a ruling.