

THE ACT REPORT

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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.

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TRADES ATTEND DOMINION'S ANNUAL SHAREHOLDER MEETING

Members of the West Virginia State Building Trades and ACT had a presence both inside and out at Dominion Resource's Annual Corporate Shareholders Meeting.

The May 8 event was held in Pittsburgh.

Outside of the meeting members of Insulators Local 2 and ACT held signs about local hiring.

Protestors believe Dominion representatives called city police to force the demonstration across the street from the hotel where the meeting was held.

The group also distributed a flyer explaining how Dominion has hired a contractor from Texas to build the project, who in turn is importing their workforce and not giving local workers a chance.

Inside the meeting went, Mark Estlack and Scott

Brewer of the Mid-Atlantic Regional Council of Carpenters and ACT's Steve White. Each carried voting rights called proxies from Pension Funds that own shares in Dominion.

The proxies had been secured through the United Brotherhood of Carpenters and affiliated pension funds.

During the meeting White let Dominion CEO Tom Farrell II know that workers and

communities in West Virginia were unhappy with the contracting decisions at the Natrium facility.

White also challenged Farrell about Dominion-Hope
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RAIN DID NOT stop local workers from protesting at the Dominion shareholders meeting in Pittsburgh. They delivered the message that workers are upset with hiring practices at the Natrium gas processing facility. Dominion has hired CB&I from Texas who is importing their workforce.

SUPREME COURT TO RULE ON KING COAL HIGHWAY CASE - AGAIN

Once again ACT and the WV State Building Trades have asked the WV Supreme Court for a ruling in their case against contracting policies for the King Coal Highway.

Arguments were heard on April 25 aimed at directing Kanawha Circuit Court Judge James Stucky to move forward with the case.

According to ACT attorney Vince Trivelli, Judge Stucky is violating an earlier ruling

by the Supreme Court which gave ACT and the State Building Trades the standing to bring the legal action.

The case has been in the courts for many years and stems from the award of a no-bid road contract to Nicewonder Contracting back in 2004.

The U.S. Department of Transportation along with the West Virginia Division of Highways touted the venture as a public-private partnership and a model for future road building projects.

The idea was to allow a

mountain top mining company to avoid a mining permit and use the overburden from their job to create a road bed.

The theory went as follows - state gets a road at a low price and the mining company gets access to coal that may be too costly otherwise.

The problem is millions of public dollars were to be given to the coal company for their work on the road project without any bidding.

The construction standards used for all other highway projects were relaxed, per-

mits avoided and wage protections for workers dropped.

The list goes on and on. "It's easy to claim great savings when there are no bids and no standards," said Tom Plymale, Business Manager of Operating Engineers Local 132.

"Our experts have shown the savings are not there. By not protecting the public's money the State is hurt while the coal company benefits. That's simply not right."

The court is expected to rule on the issue soon.

KY PREVAILING WAGE LAW UPHELD BY COURT

The Kentucky Supreme Court, by a unanimous decision, has upheld the state's prevailing wage law which was attacked as being unconstitutional.

The decision issued in late March has been hailed as a major victory for construction workers, contractors and communities.

In 2001 employees of TECO Mechanical Contractor, Inc., complained to the Kentucky Labor Cabinet (comparable to the WV Division of Labor) that they were not paid the prevailing wage for work they performed.

The Labor Cabinet investigated and issued 10 notices of violation to TECO and

demanded \$150,781 in back pay for workers.

After further investigation and negotiation the amount was lowered to \$51,620 but TECO declined to pay.

As a result the Labor Cabinet notified prime contractors where the violations had occurred and demanded they pay back the wages owed by TECO.

When the prime contractors told TECO that their business relationship would be damaged if they were required to pay TECO's alleged wage violations TECO filed suit.

The case ultimately ended up at the Supreme Court some 11 years after the wage violations occurred.

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MARCELLUS PIPELINE PROTEST



Members of the WV Laborers District Council, Operating Engineers Local 132, and Local 798 Rig-Welders protest out-of-state contractors at a 10 mile pipeline project slated to cross Harrison and Doddridge Counties.

Pickets went up April 30 because two companies, BGI from Georgia and MBI from South Carolina have imported workers from as far away as Mississippi, Texas, and Oregon for the job.

BGI is a pipeline contractor and MBI is doing the clearing.

"There is no need to import when we have local contractors and workers who can do these jobs," said Larry Young, Organizer for the Operating Engineers.

According to Young the companies have brought in around 65 workers and he expects more. "The project has just started."

CARPENTER APPRENTICE APPLICATIONS

The West Virginia Carpenter Training Center is accepting applications for apprenticeship.

In order to apply, all applicants must meet the following minimum requirements and leave copies of the following documents.

- Be at least 18 years of age (copy of Birth Certificate)
- Provide a copy of your Diploma or GED
- Provide proof of residence in WV for at least three (3) months (copies of bills, statements, etc., showing WV street address with your name)
- Be able to physically per-

form the work of the trade

- Bring a copy of a WV photo I.D.
- Pay a \$25 (non-refundable) entrance exam fee. Cash or money order only.

The four year program teaches apprentices a 'dirt to doorknobs' approach to the trade.

Training covers everything from site layout, concrete forms, framing, scaffolding, blueprints, welding, interior systems, finish work, and more.

Everything you would need to know to be a productive carpenter.

What is great about an ap-

prenticeship program is it costs apprentices nothing.

If selected to enter the program the training is paid for.

Tax payer money is seldom used.

Governed by the U.S. Dept. of Labor, this program is the real deal.

You must apply in person at one of the following locations and times.

Carpenter Training Center - Parkersburg

110 Boyles Lane
Wednesday, May 16,
10am to 7pm

Wednesday, May 23,
10am to 7pm

Carpenter Training Center - So. Charleston

300 Riverside Drive
Thursday, May 17,
10am to 7pm

Thursday, May 24,
10am to 7pm

Carpenter Training Center - Bridgeport

609 Broadway Ave.
Friday, May 18,
10am to 7pm

Wednesday, May 30,
10am to 7pm

Carpenter Local 3 - Wheeling

56 19th Street
Tuesday, May 22,
10am to 7pm

Carpenter Local 1911 - Beckley

2308 South Fayette St.
Tuesday, May 29,

10am to 7pm

Applicants who meet the requirements listed above will take an entrance exam.

An alcohol and drug test will be required at a later date and throughout the program.

The WV Carpenter Training Center will not discriminate due to race, color, religion, national origin or sex and will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

For more information call 866-428-1891 or visit www.wvcarpenter.com.

FIVE OF SIX BUILDING TRADES CANDIDATES WIN

2012 WV PRIMARY ELECTION RESULTS

The 2012 Primary Election brought positive results for working families.

Building Trades members fared well with five of six candidates winning.

Facing little or no opposition were Phil Diserio (D-Brooke), Denzil 'Buddy' Malone (D-Pleasants) and Dan Poling (D-Wood).

Diserio is a member of the IBEW and was appointed to the House of Delegates last year to fill a vacancy.

Malone is a member of the Millwrights and is running against a longtime incumbent.

Poling is with Painter DC 53 and is seeking his fourth term in the House.

Each will each face stiff

opposition in the General Election.

Dave Walker (D-Clay) won his bid for the House of Delegates after defeating a serious challenger in the Primary.

He is expected to win easily in the General election this fall.

Wood ran in a newly created District for Mason County.

The IBEW member easily beat two other opponents and will also face a tough race in the fall.

Hughes lost in his bid for an open seat in Marshall County coming in third in the race for the top two seats.

Overall of the 102 candidates endorsed by the WV State Building Trades 92 won their primary contest.



HELPING WITH A "honk-and-wave" are (from left) Craig Harvey, Laborers Local 1353; Candidate Nancy Guthrie (D-Kanawha); Henry Neal, Laborers District Council; and Bert McDermitt with the IBEW.

Volunteer efforts by Trades members are key to electing worker friendly candidates.

92 OF 102 ENDORSED CANDIDATES WIN

| | | | | | | | | |
|--------------------------------------|------------------------------------|-----------------------------|------|---------------------------------|------|--------------------------|------|---------------------------|
| U.S. Senate | 5th | Bob Plymale ✓ | 13th | Helen Martin ✓, | 29th | Ricky Moye ✓ | 47th | Mary Poling ✓ |
| Joe Manchin ✓ | 6th | Mark Wills ✓ | | Brady Paxton ✓ | 30th | Bill Wooton ✓ | 48th | Ron Fragale ✓, |
| U.S. House of Representatives | 7th | Art Kirkendoll ✓ | 14th | Jimmie Wood Jr. ✓ | 31st | Clyde McKnight ✓ | | Richard Iaquina ✓, |
| David McKinley ✓ - 1st Dist. | 8th | Joshua Martin ✓ | 15th | Joe Bocook ✓ | 32nd | David Perry ✓, | | Tim Miley ✓, |
| Nick Joe Rahall ✓ - 3rd Dist. | 9th | Richard Browning | 16th | Jim Morgan ✓ | | Margaret Staggers ✓ | | Martin Shaffer |
| Governor | 10th | Bill Laird ✓ | 17th | Doug Reynolds ✓, | 33rd | David Walker ✓ | 49th | Michael Manypenny ✓ |
| Earl Ray Tomblin ✓ | 12th | Doug Facemire ✓ | 18th | Dale Stephens ✓ | 34th | Brent Boggs ✓ | 50th | Mike Caputo ✓, |
| Supreme Court of Appeals | 13th | Roman Prezioso ✓ | 19th | Portia Warner | 35th | Bonnie Brown ✓, | | Linda Longstreth ✓, |
| Tish Chafin ✓ | 16th | Herb Snyder ✓ | | Don Perdue ✓, | | Bobbie Hatfield ✓, | | Tim Manchin ✓ |
| Robin Davis ✓ | House of Delegate Districts | | | Richard Thompson ✓ | 36th | Doug Skaff Jr. ✓ | 51st | Anthony Barill ✓, |
| Attorney General | 1st | Marilyn Boyd, | 20th | Justin Marcum ✓ | | Nancy Guthrie ✓, | | Barbara Fleischauer ✓, |
| Darrell McGraw ✓ | | Randy Swartzmiller ✓ | 21st | Harry Keith White ✓ | | Mark Hunt ✓, | | Nancy Jamison ✓, |
| Secretary of State | 2nd | Phil Diserio ✓ | 22nd | Jeff Eldridge ✓, | | Danny Wells ✓ | | Charlene Marshall ✓, |
| Natalie Tennant ✓ | 3rd | Shawn Fluharty ✓, | | Josh Stowers ✓ | 37th | Meshea Poore ✓ | | Billy Smerka ✓ |
| Auditor | 4th | Erikka Storch ✓ | 23rd | Larry Barker ✓ | 38th | Virginia Moles ✓ | 52nd | Larry Williams ✓ |
| Glen Gainer ✓ | | Michael Ferro ✓, | 24th | Lidella Wilson Hrut- | 41st | Adam Young ✓ | 53rd | Stan Shaver ✓ |
| State Treasurer | 5th | Keith Hughes | | kay, Joe White | 42nd | Peter Bostie, | 56th | Jim Maybury ✓ |
| John Perdue ✓ | 8th | Dave Pethtel ✓ | 25th | Linda Goode Phillips ✓ | | Ray Canterbury ✓ | 57th | Ruth Rowan ✓ |
| State Senate Districts | 9th | Buddy Malone ✓ | 26th | Clif Moore ✓ | 43rd | Denise Campbell ✓ | 61st | Michael Jason Barrett ✓ |
| 1st Jack Yost ✓ | 10th | Jim Marion ✓ | 27th | Ryan Flanigan ✓, | 44th | Joe Talbott | 63rd | Donn E. Marshall ✓ |
| 2nd Jeff Kessler ✓ | | Dan Poling ✓, | | Pete Sternloff | 45th | Bill Hamilton ✓ | 65th | Tiffany Lawrence ✓ |
| 4th Mike Bright ✓ | 12th | John Ellem ✓ | 28th | Al Martine ✓, | 46th | Peggy Donaldson | 66th | John Reese Maxey ✓ |
| | | Jo Boggess Phillips ✓ | | Jeffrey Pritt ✓ | | Smith ✓ | 67th | Stephen Skinner ✓ |

ANNUAL WORKERS MEMORIAL DAY HELD

21 workers died on the job in West Virginia during 2011.

Workers, friends and family met on Saturday, April 28 in Charleston to remember

those who died and to renew efforts to focus on job-site safety.

The annual event is called Workers Memorial Day and is meant to bring attention to

the nearly 150 people who die every day from U.S. workplace injuries and illnesses.

During the event, held on the Capitol grounds, the names of each of the 21

workers who died on the job in West Virginia during the past year were read aloud followed by the ringing of a bell.

One problem cited by workplace safety experts is a lack of Occupational Safety and Health (OSHA) inspectors. At current rates, it would take OSHA personnel 130 years to inspect every work-

place. Nonetheless, some in Congress have argued for cutting the agency's budget, to reduce the deficit and ease regulations on businesses.

West Virginia AFL-CIO President Kenny Perdue sees that stance as misguided. "Having a safe workplace is not 'red tape' - it's good business," said Perdue.



PAT MARONEY, long-time friend of labor and a Charleston area attorney, addresses a gathering on the Capitol grounds for Workers Memorial Day. The annual event is sponsored by the AFL-CIO.

WAGE LAW

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TECO claimed the prevailing wage law violated due process because it authorized the Labor Cabinet to assess back wages and penalties without a hearing.

The Court rejected their claim saying there were many opportunities for TECO to get a hearing.

TECO also argued the law failed to specify how worker should be classified.

They said for example a worker who was told to pick up aluminum pop cans could be classified as a Sheet Metal Worker because the language in the Act is so broad.

Similarly the Court rejected that argument saying there

was enough guidance in the law which required workers to be paid wages based on "reasonable comparable construction in the locality where the work is to be performed."

The Kentucky State Building and Construction Trades Council had intervened at the circuit court level and expressed much appreciation and relief at the ruling.

Larry Roberts, State Director of the KSBCTC, responded to news of the court's ruling, "Kentucky's prevailing wage law has guaranteed that workers on publicly funded construction projects - union and nonunion alike - receive a fair and decent wage.

It is an important law that is clearly constitutional.

"We applaud the Kentucky

Court of Appeals for its wise and thoughtful decision."

DOMINION

CONTINUED FROM P. 1

gas hedging practices and the resulting rate hikes West Virginia customers were being asked to fund.

Dominion-Hope is asking rate payers to fund more than \$20 million in losses on gas purchases, but records revealed by ACT show the losses may well be profits to another Dominion subsidiary.

"Dominion says they are good corporate citizens, but we think the facts about their contracting policies and transactions between subsidiaries tell a different story," said White.

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