



A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES

A Division of the WV State Building Trades, AFL-CIO | Steve Burton, *President* | Dafe Efaw, *Secretary-Treasurer* | Steve White, *Director*

Unity and Stability Promoted

Tri-State Building Trades Negotiates Five Year Multi-Craft Agreement

The Tri-State Building and Construction Trades Council has successfully negotiated a new five year contract for their multi-craft agreement.

Participating crafts will see their total wage and fringe benefit packages increase more than 10 percent, at two percent per year, over the life of the agreement.

The agreement runs from June 1, 2013 to May, 31 2018.

The Tri-State Building Trades has used a multi-craft agreement since 1974.

It covers commercial construction for the 33 county, three state area of Tri-State's jurisdiction.

Tri-State is based in Ashland, Ken-

tucky and also covers areas around Huntington, WV and Ironton and Portsmouth, OH.

The Bricklayers, Carpenters, Cement Masons, Iron Workers, Laborers, Millwrights, Painters, and Teamsters participate in all three states.

The Operating Engineers and Pipefitters in Ashland, Kentucky also participate.

The agreement brings advantages to both sides of the negotiations.

For workers it brings more bargaining power.

"Our workers have more power as a group of trades at the negotiating table than a single craft striking out on their own," said Steve Burton, Business Manager of the Tri-State

Building and Construction Trades Council.

For contractors the agreement provides stability and allows them to plan and bid accurately for the next five years.

"It's a win-win situation for both sides," said Jim Cerra, Executive Director of the Tri-State Contractors Association.

"This agreement gives our contractors confidence to bid work, there are 23 craft unions involved and having one contract provides stability and certainty."

The stability Cerra refers to is the many contract provisions that are in the agreement.

Standard language on holidays,

start and quit times, drug and alcohol testing, and hiring procedures are just some of the areas that help to create harmony on the job.

Disputes are resolved using the well-respected "Book of Decisions" record for jurisdictional issues.

Cerra credits the long standing positive relationship between labor and management in the Tri-State area for the early conclusion to the negotiations.

Burton agrees. "We have not had a strike to settle an agreement since 1978," said Burton. "We have accomplished what our predecessors set out to do in 1974 – to avoid work stoppages and to get fair agreements so we can put our members to work." ■

King Coal Highway Trial Finally Held

After waiting for more than eight years ACT and the WV State Building Trades finally got their day in court on the King Coal Highway.

Judge Robert Stucky of the Kanawha Circuit Court presided over the one day trial in Charleston on January 14.

The case stems from a 2004 contract between Nicewonder Construction (now owned by Alpha Natural Resources) and the West Virginia Division of Highways (DOH) to build a section of the King Coal Highway in Mingo County.

The state agreed to pay around \$100 million to the coal company to help them in their mountaintop removal mining project. Nicewonder

used overburden to build the road base for 13 miles of four-lane highway known as the Red Jacket section.

There have been numerous court proceedings about procedural issues since the case was filed in late 2004 but the January trial was the first time the facts of the case were heard.

And according to ACT attorney Vincent Trivelli most of the facts have already been agreed to.

"The state has admitted they did not bid the project," said Trivelli. "And they have admitted the prevailing wage rates were not paid to workers."

At the trial the state Department of Highways argued that bidding

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ACT Attorney Vince Trivelli appears before Kanawha Circuit Court Judge James Stucky during the eight year battle to get the no-bid, wrong-wage case heard.

Public Works Safety, Bidding 2013 Legislative Session Underway

The 2013 Legislative Session began on Wednesday February 13.

The 60 day session was delayed for a month as is required every four years when a governor is elected.

Issues the Trades will focus on include promoting better contracting practices where public dollars are used.

That means requiring some basic safety practices at public jobs similar to what industrial companies require.

“We want contractors who bid public projects to have a workforce that at least has taken the OSHA 10 hour construction safety classes,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

Currently the state has no safety requirements at all.

Companies with the worst track records are able to bid projects and can win awards with the lowest price.

A recent study in Washington State concluded occupational injuries and fatalities in the construction industry cost state residents \$762 million between 2008 and 2010.

Last year in West Virginia seven construction workers died on the job. Statistics are not available as to how many were on tax funded projects.

“Safety is good business because it is good for workers and saves taxpayers money by avoiding serious accidents on projects,” said Efaw.

But the fact remains construction can be a dangerous industry.

“And it makes sense that the state be proactive,” said Efaw.

“Just like industrial corporations – the state can make sure the basics in safety are covered.”

Another contracting policy the Trades will promote is an end to bid-shopping of sub-contractors on public projects.

During last year’s legislative ses-



Secretary of State Natalie Tennent leads a discussion about a proposed law to require voters to show an ID, some call it voter suppression. (From Right) WV AFL-CIO Secretary Treasurer Josh Sword and Kenny Perdue, President were in attendance.

sion a bill passed to prevent bid-shopping – but only for a one year trial period.

“Legislators need to know our members are their constituents...”

Dave Efaw

Secretary-Treasurer
WV State Building Trades

Without the law, once the low bid is established some companies get new sub-contractors to undercut the ones used to put the winning bid together.

This leads sub-contractors to undercutting

each other which may provide more profit to the prime contractor but adds no benefit to the owner since the price has already been established.

“We want to make the law permanent so when a contractor wins a bid using a subs price, the sub gets the job,” said Efaw.

This year the State Building Trades affiliates are making an effort to get more members to the capitol to learn the system and have their voices heard.

“Legislators need to know our members are their constituents and expect them to listen to their issues,” said Efaw.

Efaw urges members who can make the trip to Charleston to contact their local union representatives. ■

Highland Renovates with Local Union Labor



Members of the North Central WV Building Trades Council pose with Tom Reece (center holding hardhat) President of RC General Contractors at the new Highland Hospital in Clarksburg.

Last month RC started a \$34 million renovation project at the old United Hospital that Highland is converting into a mental health facility.

The project will be done with local union construction workers.

Must Apply in Person, Have Documents New Class for Millwright Local 1755 Joint Apprenticeship and Training Committee

Millwright Local #1755 Joint Apprenticeship and Training Committee is recruiting for a new class of Apprentices.

The five year/10,000 hour program has paid on-the-job training as well as classroom instruction.

Included in the training are courses in mathematics, welding, a working knowledge of hand tools, power

Applicants must be at least 18 years of age, have a high school diploma or GED, satisfy the Committee they have sufficient education to take the related instruction, be physically able to perform the work of the trade and have proof of residency (i.e. drivers license or utility bill) within the jurisdiction of Local #1755, which includes the following WV coun-

Raleigh, Fayette, Nicholas, Boone, Kanawha, Clay, Braxton, Pocahontas and Randolph; and in Ohio: Washington and Athens.

Applicants need to bring a copy of their birth certificate, school transcript, work history and (for those with Military Service) a DD214 and provide three references.

All applicants will be required to pass a qualifying math and mechanical aptitude test in order to be scheduled for an interview.

A physical examination and substance abuse test will also be required,

cost to be shared equally by the applicants and selection committee.

All applicants will be considered without regard to race, color, religion, national and ethnic origin or sex.

For more information check their web site www.millwright1755.com or call 304-422-1593. ■

Note: Postal regulations required the ACT Report to slightly modify its size. We took the opportunity to update the look.

Parkersburg at 4600 Camden Ave.

Tuesday, March 5 9 am – noon and 1:00 pm to 5:00 pm

Thursday, March 14 1 pm - 7:00 pm

Bridgeport at 609 Broadway

Wednesday, March 6 9 am – noon and 1:00 pm to 5:00 pm

Wednesday, March 13 1 pm - 7:00 pm

Charleston at 205A Tennessee Ave.

Thursday, March 7 9 am – noon and 1:00 pm to 5:00 pm

Wednesday, March 12 1 pm - 7:00 pm

tools, bench & machine tools, training in engineering principles, optical instruments, safety and blueprint reading.

Applications must be filled out at one of the following dates, times and locations ONLY and in person.

A \$10 application fee is required.

ties: Wetzel, Tyler, Pleasants, Wood, Wirt, Ritchie, Calhoun, Jackson, Roane, Monongalia, Preston, Taylor, Barbour, Harrison, Tucker, Lewis, Upshur, Gilmer, Webster, Marion, Doddridge, Mason, Putnam, Logan, Mingo, McDowell, Wyoming, Mercer, Summers, Monroe, Greenbrier,

King Coal Trial

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laws did not have to be followed because bidding would have been “impossible” or “futile.”

ACT’s experts testified that in fact the project could have been bid and the State would have benefited from accepting bids from other contractors.

The State also argued that only projects which are bid require prevailing wage and since this project was never bid prevailing wage rates did not apply.

“Simply put, breaking one law (bidding) does not justify breaking another law (prevailing wage)” said Trivelli.

In addition the only state law the DOH could point to that would allow them to avoid state bidding and wage laws was one passed a few years ago to allow over-weight coal trucks on certain coal haul roads. However, they presented no facts at trial to support this assertion.

Nicewonder Construction did not participate in the trial perhaps because of recent discussions between Nicewonder attorneys and the trades about settling the case.

Judge Stucky is not expected to make a decision until both sides present their suggested versions of a final order on February 19. ■

Workers Compensation Consortium Meeting



The annual meeting of the WV Workers Compensation Consortium was held on January 23 in Charleston. The group of labor, contractor and insurance representatives continue to make progress in providing a quality union alternative for workers compensation insurance in West Virginia.

“We like the focus on safety,” said Gary Tillis, Business Manager for Laborers District Council of WV and a member of the Executive Board. “And if an accident does occur our members should be getting quality care quickly.”

Six labor and six management board members oversee entry standards and overall information sharing for the program. Union Labor Life Insurance Company along with RoundStone Management and Wells Fargo Disability Management provide other insurance services.

\$280 Million Expansion Planned \$12 Million Family Housing Project Underway for Ruby/WVU Children's Hospital

Ruby Memorial Hospital has begun construction of the new Rosenbaum Family House project in Morgantown that will ultimately lead to a huge expansion of their facilities.

The Family House is being moved from its current location attached to the hospital so that the major expansion project can take its place.

The Family House provides very low cost overnight accommodations at Ruby and WVU Children's Hospital to adult patients and their caregivers who live more than 50 miles from Morgantown.

The new Family House will cost approximately \$12 million and will

be larger than the current 21 bedrooms plus five apartments.

Since the Family House was first built in 1999 it has served over 7,000 families but must turn away more than 1,500 families each year because they lack space.

An average stay is 12 days.

MBM Contracting from Pittsburgh is the construction manager and they are building the project under a longstanding agreement the North Central WV Building Trades has with the hospital.

According to Natalie Stone, Executive Secretary of the North Central Trades, the Family House project

has just begun and the underground utilities are being moved.

Relocating the Rosenbaum House will make way for a \$280 million expansion of the hospital which will include a range of improvements including a ten story patient tower, expansion of the WVU Children's

Neonatal Intensive Care Unit, an expanded Emergency Department and additional parking.

"We are excited about the vision Ruby and WVU Hospitals have for serving our community with state of the art patient care and facilities," said Stone. ■

ACT Foundation
600 Leon Sullivan Way
Charleston, WV 25301
Charleston - (304) 345-7570
Toll Free - (800) 930-9675
www.actwv.org



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Once the new Family House is built the existing family house pictured here will be torn down to make way for a new \$280 million expansion of the Ruby/WVU Children's Hospital complex.

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(304) 344-0194 fax 344-0195
toll free 1 877 593-6093

reception@uniontradesfcu.com