



A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES

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

# Judge Approves \$240,626 King Coal Award for ACT

Kanawha Circuit Court Judge James Stucky has given approval for ACT to be paid back \$240,626 in legal fees and expenses relating to the King Coal Highway case.

The action took place following a hearing in Charleston on June 17.

In his July 8 written Order Judge Stucky said, "On February 26, 2013, the Court issued an Order Declaring that the Agreement entered into between Defendant WVDOH and

Nicewonder Contracting, Inc. failed to comply with the laws of this State."

"The Court further Ordered that the Defendant pay the reasonable attorney's fees and costs of the Plaintiff for prosecuting this matter."

At issue was a contract to build 12 miles of the King Coal Highway in Mingo County that was not put out for public bid and did not require federal Davis-Bacon or state prevailing wages rates be paid to construc-

tion workers. Also questioned were the construction standards used.

Nicewonder Contracting received more than \$100 million of state and federal highway funding for the project and was able to mine millions of tons of coal.

"Without ACT this case would never have made it to the finish line," said Tom Plymale, Business Manager for Operating Engineers Local 132.

"But together we were able to de-

fend bidding and wage laws that protect us all."

Earlier in the year Nicewonder and ACT had agreed to a settlement which then left the WVDOH as the remaining defendant.

At the June hearing WVDOH informed the Court they did not oppose ACT's motion for attorney fees and costs.

The legal fight was started in 2004. ■

## Steve Burton Retires from Tri-State Council

Steve Burton has retired as Business Manager of the Tri-State Building and Construction Trades Council.

Burton was first elected to the post in December of 1989 and was quickly put to the test by a proposed billion dollar pulp and paper mill in Mason County.

The mill developers, with help from then Governor Gaston Caperton, proposed to build the plant with nonunion labor and Burton led the fight to stop the project if local labor was not to be used.

Ultimately the mill was never built but not after repeated attempts were stopped by the Trades to allow changes to water standards aimed at allowing more dioxin in the Ohio River.

The Trades PR campaign called the effort "Cancer Creek" and brought public attention to the projects many problems.

The Affiliated Construction

Trades Foundation was created during that struggle and has remained one of the most powerful forces in West Virginia's labor movement today.

"Burton is a well-respected leader in the construction industry because of his many accomplishments, but I believe his enduring legacy will be the creation of the Affiliated Con-

struction Trades," said Steve White, ACT Director.

"His leadership created a modern organization capable of defending

**Continued on p. 4 >>**



Steve Burton addresses a retirement event held on the Marshall University campus in late June. Burton is leaving the position of Business Manager at Tri-State Building and Construction Trades Council based in Ashland, Kentucky after serving for 24 years.

## 33 Windmills Costing \$115 Million

# Beech Ridge Wind Turbine Project Gets Phase-Two Approval from PSC

The second phase of the Beech Ridge Wind project in Greenbrier County has been given the go ahead by the state Public Service Commission.

The approval means an additional 33 wind turbines with a combined power generation capacity of almost 55 megawatts can be built.

The construction project will cost approximately \$115 million.

The 49 page order, issued on June 19, includes the memorandum of understanding between the WV State Building Trades and project developer Beech Ridge Energy LLC, a subsidiary of Invenergy Wind Development North America.

"That's good news for local workers who need the construction jobs," said Mike Matthews, Business Manager for the Charleston Building and Construction Trades Council.

Matthews provided testimony during the hearings about the positive economic impact the project would have for local construction workers.

Hearing records show the company expects 150 workers to be em-

ployed for six to nine months during construction.

In addition ACT hired an economist to provide an economic impact report using a sophisticated computer model that determines the overall impact from local hiring.

The report showed an additional \$29 million in sales and 164 to 229 jobs for the local economy.

Planning for the Beech Ridge project first started in 2005 but ran into significant opposition from a few land owners and some environmental groups.

After clearing numerous court challenges, twice going all the way to the WV Supreme Court of Appeals, the original 124 turbine project began construction in 2009.

Union contractors included White Construction as general contractor for the turbines and Aldridge Electric for a 15 mile transmission line that stretched into Nicholas County.

However the project ran into further legal trouble when a Federal judge in Maryland forced the project to stop because of endangered bats.

Ultimately the project was scaled

back to 67 turbines able to produce 100 megawatts of electricity.

Construction of the first phase was completed by the end of 2010.

Phase two will be located adjacent to existing 67 turbines but in different locations than proposed in phase one.

Earlier this year on January 10 a

public hearing was held in Rainelle where a number of trade members attended to support the project.

During the hearing there was no opposition.

The project is expected to start construction before the end of the year. The general contractor has not yet been selected. ■



Union workers assemble a crane during the first phase of the Beech Ridge wind project in Greenbrier County. Only 67 turbines were erected out of the 122 planned. Soon another 33 turbines, at new locations, will be installed by local union construction workers.

# Apprenticeship Open for Bricklayers

**The Bricklayers & Allied Craftworkers District Council of West Virginia Apprenticeship Program has a year round application process.**

Those interested in applying can go to any WorkForce WV Job Service office on the Third Friday of each month.

The Western Maryland One Stop Job Center will also process applications Monday through Friday.

Both agencies are open 8:00am to noon and 1:00pm to 4pm.

The program teaches brick and block laying, as well as all aspects of the trade.

It takes 6,000 hours of on-the job training plus related classroom training to complete the program.

Apprentices begin with an eight week training session at the Council's statewide facility located in Ritchie County.

During the training session apprentices from out-of-the area are provided local housing.

For the remainder of their apprenticeship they attend monthly meetings closer to their home area.

The program provides opportunities for those who reside in any West Virginia County as well as the Counties of Allegheny, Garrett and Wash-

ington, MD.

Applicants must be at least 18 years old and be physically able to perform the work of the trade.

All applicants will take a standard written aptitude test at the WV Job Service or the Western Maryland One Stop Job Center.

In order to be accepted you must provide copies of your birth certificate, high school diploma or G.E.D.

A copy of your driver's license will be required at a later date.

Only copies will be accepted please do not bring originals.

A drug test will be required at a later date.

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

The Bricklayers Joint Apprenticeship and Training Committee will take affirmative action to provide equal opportunities in apprenticeship and training and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

For more information contact Apprenticeship Coordinator Brian Greynolds at 304-363-9250 or bricklayerwv@gmail.com. ■

## Iron Workers 549 Host Meeting

# Wheeling Trades Showcase Apprenticeship to Interim Education Committee

Members of the Upper Ohio Valley Building Trades Council got the opportunity to showcase craft apprenticeship training at a legislative interim meeting held in Wheeling on June 28.

The event was hosted by Iron Workers Local 549 where the interim committees for both the House of Delegates and the Senate held their monthly Education Committee meeting.

Contractor representatives from Chapman Construction, Kucera Plumbing and United Electric all spoke to the group about the need for highly skilled craft workers and the apprenticeship method of training.

According to Keith Hughes, Business Manager for Iron Workers 549 the event was a success.

"We heard many good questions about what apprenticeship is, how it works, how it is paid for," said Hughes. "So we spent a lot of time

going over the basics."

"And there was a lot of interest in where our vocational schools and community colleges can work more with apprenticeship," said Hughes.

The visit was arranged by Delegate Phill Diserio (D-Brooke) who is a member of Electricians Local 246. Diserio credits the Education Chair's from both the House and Senate, Del. Mary Poling (D-Barbour) and Sen. Bob Plymale (D-Wayne), on their willingness to learn more about apprenticeship.

"There is a lot of talk about how to meet the training challenges for Marcellus and manufacturing," said Diserio.

"We wanted legislators to know about the value apprenticeship programs bring for craft training."

"We already produce the highest skilled craft workers at no cost to taxpayers."

A number of crafts were on hand

to provide information on their training programs as well.

In all more than 75 people participated in the function. ■



Jeff Jackson, Vice President of Chapman Corporation talks to legislators, legislative staff and members of the Upper Ohio Valley Building Trades during an Interim Legislative meeting. Del. Dave Perry (D-Fayette) (seated at head table) chaired the meeting of the Joint Education Committee hosted by Iron Workers Local 549 at their union hall in Wheeling.

## Successful Labor-Management Program Forced to End

# Ullico Problem Means Workers Comp Woe

The very successful workers compensation program started by local contractors and labor groups is without an insurance carrier to write future policies.

The program remains very profitable and maintains an effective record for top quality claims management.

However without an insurance carrier there is no way for the program, called the Workers Compensation Consortium, to continue.

The root of the problem is totally unrelated to the West Virginia program.

Ullico Casualty Company, the main insurance partner, got into financial trouble with other parts of

their business and has filed for bankruptcy.

That left the West Virginia program scrambling for the last six months looking for a new insurance partner.

Unfortunately there were very few insurance companies who were interested.

One problem is the amount of premium in the program.

At significantly less than \$5 million per year most insurance companies wouldn't bother.

"It's like trying to find a contractor to bid a small job," said Steve White, ACT Director.

"There is just not enough money there."

"And when we talk about labor and management working together these insurance folks don't really understand the value."

White also noted that many insurance companies shy away from construction because it is known to be a dangerous industry.

The companies who did look at the program wanted to charge higher prices, significantly more than the current program paid.

The idea for a self-insured approach started when the state decided to end the state run workers compensation system and let private insurance take over.

Soon after the law passed in 2005 labor and management groups in

the Charleston area started to meet to make sure they understood the changes.

"We quickly realized that high wage employers who believed in safety had been subsidizing their low wage counterparts," said Jim Cerra, Executive Director of the Kanawha Valley Builder Association.

In 2009 the group formed a partnership with insurance partners led by Ullico Casualty Company, an affiliate of the labor owned company Union Labor Life Insurance.

"Our program delivers great value to both the workers and the companies who participate," said Cerra. "It's a shame outside forces caused it to fail." ■

# Two Building Trades Council's Raise More than \$15,000 for Diabetes Research

Both Tri-State and Parkersburg-Marietta Building and Construction Trades Councils held events in June to raise funds for research aimed at curing diabetes.

Both events support a long standing tradition started by the Building and Construction Trades Department of the AFL-CIO known as Dol-

lars-Against-Diabetes or DAD's.

The Tri-State Building Trades held a mid-June golf outing at the Sugarwood Golf Club, south of Huntington, and raised \$11,900 for diabetes research. There were 160 participants representing contractors, labor and owners.

"We not only raise money for a

worthy cause, we also build fellowship between our labor, contractor and owner community," said Mark Johnson, Business Manager for the Tri-State Building Trades Council.

The Parkersburg-Marietta Trades held a sport clay shoot at Hilltop Sports, LLC, in Whipple, OH, and raised \$3,130.

Eight teams from the crafts, plus

several single shooters shot for a total of about 40 shooters at the Saturday, June 22 event.

"We appreciate Chuck Davis with Hilltop Sports for letting us use his facility," said Bill Hutchinson, Business Manager of the Parkersburg-Marietta Building Trades. "Also thanks to John Eddleblute for help cooking lunch." ■



Steve Burton (right) of the Tri-State Building Trades Council hands a first place trophy to Bud Turner of Prime Insulation for the best score at the Dollar-Against Diabetes fund raiser held in mid-June.

## Burton Retires

*Continued from Page 1*

the rights of construction workers and promoting their many contributions."

Burton was also instrumental in pioneering the LEAD alcohol and drug testing programs, Tri-State's multi-craft labor agreement, and was known for establishing a long-lasting positive working relationship with a number of industrial companies including American Electric Power.

At a retirement event held in Huntington on June 27, Tom Householder of AEP was one of the many guest speakers who praised Burton and his ability to work for the betterment of all parties.

"Steve is direct and straight forward and that's how I was brought up," said Householder. "We have

formed a lasting friendship."

"Over the years AEP has learned we can be innovative in the Tri-State area and then take our successes to other parts of the nation."

Burton began his career in the labor movement in 1969 working as a Laborer at Huntington's Local 543, then became an apprentice at Carpenters Local 302 and later became a member of Insulators Local 80.

He will continue to serve as President of the WV State Building and Construction Trades Council, a post he has held since 1999, until elections are held in September.

Mark Johnson, who served as Assistant Business Manager for Tri-State, was elected to replace Burton as Business Manager. ■

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## Public Hearings Set by Blue Ribbon Commission on Highways

Declining funding and rising costs mean fewer highway construction projects. To address the issue Governor Earl Ray Tomblin established the Blue Ribbon Commission on Highways.

A number of new funding options have been proposed and now public input is being sought through a series of public hearings.

The first three meetings were already held in Martinsburg, Logan and Huntington. Future meetings are scheduled as follows:

**Tues., July 30, Oglebay Resort, Wheeling, 4-7 p.m.**

**Thurs., Aug. 1, Mineral Wells, Comfort Inn 4-7 p.m.**

**Thurs., Aug. 8, Fairmont, Mollohan Research Ctr. 4-7 p.m.**

**Mon., Aug. 12, Princeton Days Inn, 10 a.m.-1 p.m.**

**Mon., Aug. 12, Beckley, Mountaineer Conference Center, 4-7 p.m.**

**Thurs., Aug. 15, Elkins Days Inn, 4-7 p.m.**