



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*

King Coal Victory At Last

ACT has won another major legal victory in the King Coal Highway case.

Kanawha County Circuit Court Judge Robert Stucky issued a ruling on February 26 in favor of each point made by ACT attorney Vince Trivelli.

Judge Stucky agreed the 13 mile road construction project should have been competitively bid as required by state law.

“This Court ... hereby Declares that the Agreement entered into between Defendant WVDOH and Nicewonder Contracting, Inc. fails to comply with the laws of this State ...,” wrote Stucky.

In addition he agreed there was no legal basis to avoid paying the state prevailing wage rates to workers.

The ruling comes some eight and a half years after ACT first filed the

case in 2004.

What was called the Red Jacket

section of the highway in Mingo County combined road building and

mining. ACT never objected to that

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This section of the King Coal Highway in Mingo County has a large dip that may be caused by the lower standards put into the no-bid contract that favored coal operator Nicewonder Construction.

60 Day Legislative Session at Halfway Mark

The 60 day legislative session is at its halfway mark and as usual is becoming more intense as the end approaches.

The session began with Governor Earl Ray Tomblin giving Building Trades members recognition during his State-of-the-State address for leading the effort to create an alcohol and drug free workplace.

Building Trades representatives are now working on passage of two bills which are still alive but have run into opposition.

A bill to require OSHA 10 hour construction safety training for workers on public funded projects has passed the House Energy, Industry and Labor Committee but is opposed by a number of Delegates as

well as the Contractors Association of West Virginia.

They claim it is too costly even though the cost is as little as five dollars per person.

ACT ran an ad in two newspapers to bring attention to a number of the votes against the bill.

The bill must next go before the House Government Organization Committee and then to the full House, and if it passes onto the Senate.

“We have a long way to go but we will not give up on worker safety,” said Dave Efaw, Secretary Treasurer of the WV State Building Trades.

A bill to reduce the practice of bid-shopping of subcontractors passed

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Members of Plumbers and Pipefitters Local 625, Charleston and Insulators Local 80, Winfield participate in a Labor Caucus with State Senators which takes place once a week. The caucus gives labor lobbyists a chance to speak to legislators about issues.

Bowling Event Raises More Than \$50,000 for Cabell Huntington Children's Hospital

Members of the Tri-State Building Trades Council have raised more than \$50,000 for the Children's Hospital being built at Cabell Huntington Hospital.

Their latest effort was a bowling tournament held on Sunday, February 15th at Colonial Lanes in Huntington, WV.

There were 19 teams of four people each making a total of 76 participants.

The winning team came from Boilermakers Local #105, Waverly, Ohio and included Ryan Kilgour, Alex Kilgour, Jamie Hayes, and Joe Coleman.

They also won a 50/50 drawing and donated \$327 back to the Children's Hospital.

Peter Bostic representing Greenbrier Hotel employees with UNITE/HERE had the highest individual score at 625 for three games.

"This was our third bowling event to raise money for the Children's

Hospital and the amount we have raised is close to \$50,000," said Steve Burton, Business Manager of the Tri-State Building and Construction Trades Council.

According to Burton when other contributions from affiliated local unions are added in Tri-State has raised more than \$100,000 for the project.

The tournament was organized by Tri-State and Neighborgall Construction.

Colonial Lanes also contributed a prize for participants. ■



19 teams of four participate in a February 15 bowling tournament to raise money for Cabell Huntington's Children's Hospital.

Legislative Session

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the House Judiciary Committee and now must go before the House Finance Committee.

It would create a 24 hour deadline once bids are opened to submit a list of subcontractors for any public project.

"After the low bid is in taxpayer gets no benefit from lower sub prices, but contractors can pocket thousands

and lower a projects quality if they are allowed to work a price down endlessly," said Steve Burton, President of the WV State Building Trades and a long-time board member of the State School Building Authority.

The SBA has had a two hour requirement for sub listing which have

proven to work well for many years.

As predicted there have been a number of bills proposed to attack working families. Numerous anti-union 'Right-to-Work' proposals would force union members to pay for services enjoyed by free-rider nonunion workers.

A variety of bills aimed at lowering construction workers wages on public projects by weakening or eliminating the prevailing wage laws have also been introduced.

"These bills are not getting any traction now," said Efav. "But we must watch them closely to make sure they do not advance."

The session ends on April 13. ■

"...we will not give up on worker safety,"

Dave Efav

*Secretary-Treasurer
WV State Building Trades*

Valentine's Day Rally in Support of Nurses



Trades members show their support for area workers on Valentine's Day. Employees voted for union representation at Bluefield Medical Center last August, by more than 62 percent. A win was also recorded at Greenbrier Valley Medical Center in Lewisburg. Both facilities are owned by Community Health Systems which refuses to meet with National Nurses United representatives to negotiate a contract.

Imported Labor Working on New Branch Carpenters and Laborers Handbill Pioneer Federal Credit Union in Charleston

Members of the Carpenters and Laborers in the Charleston area distributed handbills to alert Pioneer Federal Credit Union members about imported workers building a new branch bank.

The million dollar project is going up in the Teays Valley area of Putnam County but the handbills went out at Pioneers office in Charleston.

Pioneer hired a general contractor who has imported at least two subcontractors from Ohio to do framing and interior work.

Craft representatives had gone to the credit union officials when the project was bid to warn them about the track record of imported workers but apparently their concerns fell on deaf ears.

According to Pioneer's web site the credit union was started by teachers. When the West Virginia chapter of the American Federation of Teachers found out what was going on they

rallied to support local worker.

AFT-WV president-elect Christine Campbell sent a postcard to local teachers alerting them to the problem. The message urged teachers to contact Pioneers CEO and voice support for local worker.

"We appreciate the strong support we got from local teachers," said Scott Brewer, Service Representative of Carpenters Local 1207 in Charleston. ■

Contact:

Dana Rawlings, Pioneer CEO

1320 Kanawha Blvd. East,

Charleston, WV 25301

Or call (304) 348-6648



Handbilling the Pioneer Federal Credit Union in Charleston are (from left) Jim Hailey and Craig Harvey of Laborers Local 1353. They want members of the credit union to know Pioneer has hired a contractor who is importing subcontractors and workers for jobs needed by local workers.

King Coal Victory

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concept.

But at the same time the coal company was promised millions of public dollars, and ultimately received well over \$100 million of state and federal funds for the project.

ACT argued the road was a public project and should have been put out for bid.

Building roads and mining coal was nothing new in West Virginia.

The state has 30 days to decide if they want to appeal the ruling to the WV Supreme Court of Appeals. However they have already lost two procedural rulings before that court.

"We are obviously very pleased with the ruling and credit our attorney Vince Trivelli for his hard work," said ACT Director Steve White.

"It took way too long to get our

day in court but we believe for future projects we have preserved one of the most important protections the public has when tax funds are spent – open competitive bidding."

The case had stalled in Federal court for many years where lawyers for the WV and US Departments of Transportation along with Nicewonder Contracting argued ACT did not have standing to object to the project, the project.

They also argued the project was supposedly a great savings to the public, and that state and federal law allowed the no-bid contract under special circumstances.

Eventually the case was dismissed from Federal court when Judge John Copenhaver ruled ACT did not have any legal standing to challenge the

no-bid contract.

"The effect of Judge Copenhaver's ruling seemed to be that only the contractor and the state agencies had a right to go to court, a bizarre ruling since they all were in the deal together," said White.

In state court ACT ended up winning the argument about standing before the WV Supreme Court which led to Judge Stucky scheduling a trial date in January and then making his ruling.

Whether or not workers on the project will be able to collect back wages, which some estimate will be

in the millions, remains to be determined.

Also still in question is the quality of the road. From the start, ACT expressed concerns about the lower standards used for constructing the project.

ACT believed the coal company was allowed to cut corners in a variety of ways that could lead to an inferior product.

The project is almost complete but a site inspection late last year by a professional engineer hired by ACT identified numerous problems with the road. ■

It's no April Fool's Joke

Union Trades to Open Huntington Branch

Union Trades Federal Credit Union will be opening a new branch office in Huntington on Monday, April 1.

The office will be located at 330 14th Street and will maintain the same hours as the Charleston branch, Monday through Friday 8:30am to 5:00pm with an extra half hour on Wednesday evenings till 5:30pm.

They will also be open the fourth Saturday of each month from 9:00am till noon.

Currently remodeling is being completed by union general contractor E.P. Leach and Sons as well as some local union subcontractors.

Union Trades is a membership organization that offers an alternative for your banking needs.

Any building trades member, whose local union is affiliated with the WV State Building Trades and ACT, is eligible to join.

Once a member joins, their immediate family members are also eligible to join. Each credit union member must open an account with at least \$25.

Union Trades offers a wide range

of services including checking and savings accounts, debit and credit cards, and loans for automobiles, recreational vehicles and personal loans.

An open house will be announced in the near future.

Contact reception@uniontradesfcu.com or call the Parkersburg or Charleston offices for more information. ■

Kentucky Trades Fight Anti-Worker Legislation

Legislators in Kentucky faced a crowd of Building Trades members last month in Frankfort.

According to Kentucky Building Trades State Director Larry Roberts the House Labor & Industry Committee meeting was discussing a number of anti-worker bills including attacks on prevailing wage law, project labor agreement and support for the deceptive 'Right-to-Work' legislation.

"Kentucky AFL-CIO President

Bill Londrigan provided testimony in opposition to HB 308, the Right to Work bill, and I provided testimony in opposition to the two prevailing wage bills, HB 311 and HB 312 and the Project Labor Agreement bill, HB 309," said Roberts.

"We were well represented in the crowd by a large contingent of Building and Construction Trades members from all areas of the state. It was standing room only with some members watching in an overflow room."



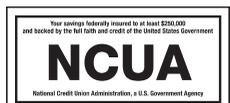
Kentucky Building Trades State Director Larry Roberts (front center) prepares to speak before a Kentucky House Committee about the importance of prevailing wage law and project labor agreements. Roberts led a contingent of union workers to counter legislators who want to weaken worker friendly laws by lowering wages and discouraging union contractors in Kentucky.

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