



A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES

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

## OSHA 10 Safety Bill Passes

After many failed attempts a bill to make sure workers on public funded construction projects have safety training finally passed West Virginia's legislature.

S.B. 376 completed the final step on the last day of the legislative session and will become effective on July 1 of this year.

The bill will require all construction workers on tax funded jobs valued at more than \$50,000 to have taken OSHA's 10 hour construction safety training.

In the first year of implementation a worker must have the training within 90 days of starting a project. After year one the time frame becomes 21 days.

There are exceptions for inspectors, those making deliveries and law enforcement.

"We've worked hard for many

years get this bill through," said Dave Efaw, Secretary-Treasurer of the

West Virginia State Building Trades. "People wanted us to give up – but we

came up with a saying 'we never give up' **Continued on p. 3>>**



Dave Efaw (left) talks with Labor Committee Chair Sen. Jack Yost (D-Brooke) on the floor of the state senate. Yost led OSHA10 effort in the Senate.

## HVAC/Fire Damper Certification Approved

Sheet Metal Workers Local 33 took the lead and together with Locals 24 and 100 passed comprehensive certification laws for both HVAC installers and fire damper installers.

The successful effort followed a yearlong study by the West Virginia Legislative auditor's office which concluded the public would benefit from certification because of the complex nature of the work.

However the effect of the new law will not be felt for more than a year because legislative rules must first be written and approved before final implementation of the law.

The law in effect has two parts. First it requires those who "install, maintain, alter, remodel or repair" HVAC systems to be certified.

There will be a period of time where certification will be granted based on experience, a minimum of 6,000 hours in the sheet metal industry which includes at least of 2,000 hours of HVAC experience.

Legislative rules will determine what documentation will be accepted to show work and training experience and will set out the testing process that will be available.

Eleven states and Washington, DC as well as a number of cities currently have licensure or certification laws.

West Virginia does require a contractor to have a license however this new law will require the person doing the work to be certified.

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Randy Gombos (at podium) with Sheet Metal Workers Local 33 takes questions about the HVAC/Fire Damper certification bill during a House Judiciary Committee meeting.

# Kentucky Trades Turn Back Wage Cut Bill

Before an overflow crowd, the Kentucky House of Representatives' Labor & Industry Committee soundly rejected House Bill 419, a measure that would have excluded all educational buildings and facilities from Kentucky's Prevailing Wage law.

The vote, held on Thursday March 6, was 14 – 1 against the measure.

Key to the defeat of the measure was testimony from Peter Philips, Professor of Economics at the University of Utah, which was described by one legislator as "powerful."

Philips, who received his Ph.D. from Stanford University, is one of the nation's leading experts on the construction labor market.

In preparation for his testimony before the committee, Philips undertook the largest, most comprehensive study ever conducted in Kentucky on the economic impacts of Kentucky's Prevailing Wage Law on construc-

tion costs.

Philips examined 391 school construction projects in Kentucky, Ohio and Michigan and concluded there is no cost savings from repealing Kentucky's Prevailing Wage law.

Philips concluded in his prepared testimony "proponents of prevailing wage repeals claim that such repeals will save taxpayers big bucks on school construction.

There is no credible, peer-reviewed, scientific study that supports this claim."

Phillips testified that labor costs are 20% to 21% of total costs on Kentucky public construction projects.

For critics who claim that repealing prevailing wages would result in a savings of 10% on total construction costs, Philips said, "That is simply not realistic.

They would have to cut current wages of all construction workers

on public projects – union and non-union alike - by 50% and then hope

worker productivity and all other cost variables remained the same." ■

## Labor History Class



Sam White, Associate Professor, Institute for Labor Studies and Research, WVU, talks about labor history with apprentices at Roofers Local 188 Wheeling. Other classes from WVU are available, contact White at 304-293-3109 or Samuel.White@mail.wvu.edu for information.

# WV AFL-CIO COPE Makes Endorsements

The West Virginia AFL-CIO Committee on Political Education held their final step in the endorsement process on Saturday March 1 in Charleston.

Each election cycle candidates receive questionnaires, are interviewed by Local Labor Councils or committees who send recommendations to State COPE.

A wide variety of Labor issues are reviewed including past voting records if they have been in office before and the candidates' ability to run a viable campaign.

It is a difficult task and many volunteer hours are spent to come up with the COPE endorsements.

At times the group cannot reach consensus, or Building Trades members differ with the other union representatives of the committee, but such times are rare.

When differences occur the WV State Building Trades has a process to review and revise the WV AFL-CIO suggestions. Look for updates in the next issue of the ACT Report or at your local union.

	<b>U.S. Senate</b> Natalie Tennant
	<b>U.S. Congress</b>
<b>1st</b>	(Under review by Trades)
<b>2nd</b>	Nick Casey
<b>3rd</b>	Nick Joe Rahall
	<b>State Senate</b>
<b>1st</b>	Rocky Fitzsimmons
<b>2nd</b>	Larry John Edgell
<b>3rd</b>	Robert "Robin" Wilson Jr.
<b>5th</b>	Mike Woelfel
<b>7th</b>	Ron Stollings
<b>8th</b>	Erik P. Wells
<b>9th</b>	Mike Green
<b>10th</b>	Ronald R. "Ron" Miller
<b>11th</b>	Gregory A. Tucker
<b>12th</b>	Mike Romano
<b>13th</b>	Bob Beach
<b>14th</b>	Stan Shaver
<b>15th</b>	Donald H. Cookman
<b>16th</b>	John Unger
<b>17th</b>	Doug Skaff Jr.
	<b>House of Delegates</b>
<b>1st</b>	Randy Swartzmiller, Ronnie D. Jones
<b>2nd</b>	Phil Diserio
<b>4th</b>	Mike Ferro
<b>5th</b>	Dave Pethtel
<b>8th</b>	Denzil "Buddy" Malone
<b>9th</b>	Jim Marion

<b>10th</b>	Dan Poling	
<b>12th</b>	Michael "Mike" Bright	<b>36th</b>
<b>13th</b>	Joshua Martin, Josh McGrath	Nancy Guthrie, Mark Hunt, Danny Wells
<b>14th</b>	Johnny Roach	<b>37th</b>
<b>16th</b>	Jim Morgan, Sean Hornbuckle	Brad Heflin
<b>17th</b>	Doug Reynolds, Dale Stephens	<b>41st</b>
<b>18th</b>	Joe Hutchinson	Adam R. Young
<b>19th</b>	Don Perdue, Ken Hicks	<b>42nd</b>
<b>20th</b>	Justin J. Marcum	Ray Canterbury, Coy Flowers
<b>21st</b>	Harry Keith White	<b>43rd</b>
<b>22nd</b>	Jeff Eldridge, Gary McCallister	Denise L. Campbell
<b>23rd</b>	Barry L. Brown	<b>44th</b>
<b>24th</b>	Teddy "Ted" Tomblin, David Graham	Dana L. Lynch
<b>25th</b>	Linda Goode Phillips	<b>45th</b>
<b>26th</b>	Clif Moore	Bill Hamilton
<b>27th</b>	Carol B. Bailey	<b>46th</b>
<b>28th</b>	James W. "Jim" McNeely	Peggy Donaldson Smith
<b>29th</b>	Ricky Moye	<b>47th</b>
<b>30th</b>	Mick Bates	"Tammy" Stemple
<b>31st</b>	Clyde D. McKnight Jr.	<b>48th</b>
<b>32nd</b>	Dave Perry, Margaret Anne Staggers, John Pino	Ron Fragale, Richard J. Iaquina, Tim Miley
<b>33rd</b>	David A. Walker	<b>49th</b>
<b>34th</b>	Brent Boggs	Mike Manypenny
<b>35th</b>	"Bobbie" Hatfield, Andrew D. Byrd, John D. Caudill IV,	<b>50th</b>
		Mike Caputo, Linda Longstreth, Tim Manchin
		<b>51st</b>
		Barbara E. Fleischauer, Charlene Marshall, Anthony "Tony" Barill, Nancy Jamison, Michael David Safcsak
		<b>52nd</b>
		Larry Williams
		<b>55th</b>
		Isaac Sponaugle
		<b>57th</b>
		Ruth Rowan
		<b>59th</b>
		Layne Diehl
		<b>61st</b>
		Jason Barrett
		<b>62nd</b>
		Kristin Loken
		<b>65th</b>
		Tiffany Lawrence
		<b>66th</b>
		Daniel P. Lutz Jr.
		<b>67th</b>
		Stephen Skinner ■

# Reponse to Charleston Chemical Spill Water Protection Act Includes Tank Preventative Maintenance Standards

A major focus of Legislators was the chemical spill in Charleston that contaminated water for the region.

Legislation to require inspections of above ground storage tanks was developed and passed after much debate and discussion.

Because of his knowledge about proper maintenance, Delegate Dan Poling (D-Wood) was able to add valuable protections in the bill for corrosion prevention.

The amendment requires companies with storage tanks to develop “a corrosion prevention and mitigation plan” that complies with recognized

industry standards.

“Inspection and identifying corrosion is fine,” said Poling. “But this language makes sure there is a plan for preventing corrosion rather than waiting for the inevitable to happen.”

The law will require owners of above ground tanks to have “a life-cycle maintenance schedule for the use of protective coatings and or other repair, rehabilitation, and maintenance methods used for the preservation of aboveground storage tanks.”

In addition the new law will require the workers who apply the coatings to be “Industry Trained and

Certified.”

Companies must use a worker who “is adequately trained to carry-out corrosion prevention and mitigation methods.”

To be considered adequately trained a worker must have documentation they completed appropriate on-the-job training and classroom instruction or have credentials from a recognized industry organization.

According to Poling the change makes the legislation more proactive, not just reactive, and saves money.

That’s because industry experts know properly performed maintenance, based on a pre-planned schedule for doing so, prevents corrosive damage and will be significantly cheaper over a life-cycle than replacement of expensive structural parts that are beyond repair due to corrosion. ■

## WV Laborers Offer Apprenticeship Opportunities

The West Virginia Construction Craft Laborers’ Joint Apprenticeship and Training Committee accept applications year round.

Those interested can apply at any WorkForce WV Employment Services Office on the third Friday of each month.

Applicants must be at least 18 years old, have a high school diploma or GED, a valid driver’s license and must be physically able to perform the work of the trade.

Applicants will be given a test administered by the WV Job Service office and if they pass may be interviewed.

A substance abuse test will be required at some point in the process.

Documents such as a copy of a birth certificate, a valid driver’s license, transcripts of grades and proof of a high school degree or GED will be requested at a later date.

The apprenticeship program consists of a combination of on-the-job training and hands-on classroom training.

The WV Laborers’ Training Center in Mineral Wells provides 408

hours of classroom and hands-on training free of charge including meals and lodging.

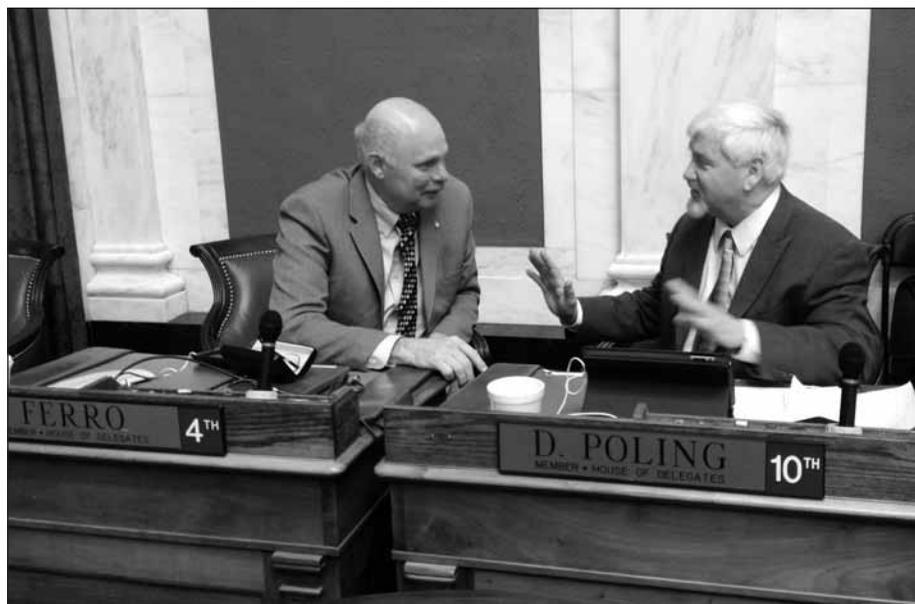
Apprentices will also learn on the job in their home areas while earning a paycheck, for a total of 4000 hours, approximately two years.

Upon completion of the program apprentices will have earned Journeyman status and receive a certificate from the U.S. Department of Labor.

The areas of training provide a wide variety of skills to ensure highly productive workers will have successful careers. Topics include pipe-laying, mason tending, instrument reading, environmental remediation and much more.

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

For more information visit their web site [www.wvcccl.org](http://www.wvcccl.org) or to receive a free brochure send a self-addressed stamped envelope to: West Virginia Laborers’ Training Center, P.O. Box 6, Mineral Wells, WV 26150. ■



Del. Dan Poling (D-Wood) (right) talks with Del. Mike Ferro (D-Marshall) on the floor of the House Chamber. Poling led an effort to make sure a law on above-ground tank inspections included preventative maintenance provisions.

## OSHA 10 Bill

**Continued from Page 1**

up on safety’ and it worked.”

One obstacle that had to be overcome was a push to weaken the bill by allowing any 10 hour training not just the OSHA 10 construction class.

But according to Efaw legislators realized the OSHA 10 standard is well recognized and made the most sense.

Efaw credits many people for this year’s success. “We have to start with

the membership that worked hard to visit the capitol or send emails, make calls and let their legislators know the importance of the bill.”

“But we also need to thank our Labor Committee leaders in the House and Senate, Del. Dan Poling (D-Wood) and Sen. Jack Yost (D-Brooke) who made sure the bill was on their committee agendas and moving forward.” ■

# Trades Successful at Legislative Session

A member involvement effort by the Trades is paying off at the West Virginia legislature.

While the State Building Trades has a strong lobby team, legislators want to see voters before they make their minds up on bills.

Two years ago the Iron Workers began sending a delegation from each of their locals to the Capitol.

That effort helped pass a bill to limit a practice known as subcontractor bid-shopping.

Last year and even more so this year the State Building Trades started a program to encourage more members to become involved.

This year more than 200 building trades members came to the capitol and met with their Senators and Delegates.

And the effort paid off with passage of both the OSHA 10 training bill and the HVAC certification bill this year.

“We see the difference in how a

legislator responds when voters from their districts show up at the Capitol,” said Fuzz LaRue, ACT Representative and a part time member of the Trades lobby team.

“It also helps our members understand how important it is to be involved in the political process,” said LaRue.

“Our ability to make a living can depend on it.”

Members have traveled from all

parts of the state to attend and are met by Reverend Dennis Sparks, hired by the Trades to make sure members make the contacts in their limited time at the Capitol.

In addition members are able to sit in on key committee meetings to show legislators their interest in bills.

“It helps your bill to have a lot of folks in the room when the Senator’s or Delegates are discussing it,” said LaRue. ■



Members of Iron Workers Local 549 Wheeling pose with a group of Senators including Senate President Jeff Kessler (D-Marshall) (center left). The group was together at a weekly Labor Caucus held at the state capitol.

## HVAC/Fire Damper

**Continued from Page 1**

“This is very much like the plumbers license passed a few years ago,” said Randy Gombos with Sheet Metal Workers Local 33. “We want people to show they are able to do the work.”

The second part of the bill focused on the installation of fire, smoke and combination dampers.

A person must first be certified as an HVAC technician before they can add the Damper Technician to their certification.

Gombos credits Del. Phil Diserio (D-Brooke) and House and Senate Government Organization Chairs Del. Jim Morgan (D-Cabell) and Sen.

Herb Snyder (D-Jefferson) for making the bill a success.

The West Virginia Division of Labor will oversee the HVAC portion of the law and the West Virginia State Fire Marshall will be responsible for the damper certification.

However the new code allows the two agencies to work together where they can find ways to do so.

Ultimately the certification requirement will become mandatory on January 1, 2016.

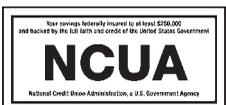
So there is a long lead time for people in the industry to prepare and for the rules and procedures to be worked out. ■

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### 42<sup>nd</sup> ANNUAL MEETING

March 29<sup>th</sup>, 2014

Senior Citizens Center on 914 Market St. Parkersburg, WV

**The business meeting will start at 4:00 P.M., followed by dinner and door prize give-aways.**

**You must be a member of the credit union and attend the business meeting in order to vote and win prizes.**

**RSVP by March 24<sup>th</sup>, 2014**

**Secure each meal with \$5.00**

(This money will be refunded to each attendee upon arrival)

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