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

RTW Postponed Until 2017

Judge Jennifer Bailey recently heard arguments from both sides asking her to make a ruling on the case Labor has filed against the new Right-to-Work (RTW) law.

The hearing took place in Charleston on Friday, December 2 at the Kanawha County Court.

Attorneys for Labor primarily argued the law violates the state constitution in a variety of ways.

Requiring union members to pay for services received by nonunion workers is an unconstitutional 'takings' that is the core of the RTW law.

RTW supporters represented by the Attorney General's office argued workers don't have to form a union, they choose to do so and if they don't like RTW they can become a members only association.

Doing so would mean workers give up almost all of their rights under the National Labor Relations Act.

"As a membership organization rather than a union we would be going back to the early 1930's with no way to enforce a contract," said Dave Efaw, Secretary-Treasurer of the WV

State Building Trades.

Both sides will file motions and a ruling is not expected until next year.

It is expected whatever ruling Judge Bailey makes will be appealed

to the WV Supreme Court.

In the meantime the law is still not in effect due to a temporary injunction ordered by Judge Bailey in August. ■



Attorney and WVU professor Bob Bastrass makes an argument against the new RTW law before Judge Jennifer Bailey at the Kanawha County Circuit Court on December 2. Co-council Vince Trivelli is also present.

Florida Bridge Painter Must Pay \$34,300 Company Fined for WV Jobs Act Violation

International Rigging Group LLC (IRG) from Tarpon Springs, Florida has been notified in early December by the WV Division of Labor they have violated the WV Jobs Act and are being fined for \$34,300 dollars.

The fines are based on the company's 343 violations of local hiring requirements.

On April 28 of 2016 IRG won a \$987,180 bid to repaint the Yeager Bridge, owned by the WV Parkways Authority.

IRG underbid a company from Ohio that uses local workers by only \$7,270.

Brian Stanley with Painters District Council 53 was monitoring the

project and noticed almost every worker was from out of the area.

"We had unemployed and fully trained local bridge painters trying to get hired on this job but they could not," said Stanley.

The West Virginia Jobs Act requires 75 percent of a contractor's workforce to come from the local area.

Local area is defined as all WV Counties and any county from an-

other state that is within 50 miles of the WV border.

A contractor can set the skill level they want and simply has to ask WorkForce to get qualified applicants before they bring in workers from outside the area.

Violating the Jobs Act brings a \$100 per day, per person fine.

The project was already under scrutiny because earlier this year one of the officers of

"We had unemployed and fully trained local bridge painters trying to get hired..."

Brian Stanley,

Painters District Council 53

IRG pled guilty to fraud for bridge painting work done under a different company name, VHP Enterprises.

Nomiki Vavlas and Michael Vavlas of Tarpon Springs, Florida, pled guilty to committing fraud against the United States on Wednesday, August 31 according to a release from U.S. Attorney William J. Ihlenfeld, II.

The case revolves around a Braxton County bridge painting contract from 2011.

Nomiki Vavlas is listed as corporate Secretary and Treasurer of V.H.P. Enterprises, Inc, and listed at the same address in Tarpon Springs as IRG.

Cont. on p. 3>>

Responsible Bidder Definition Adopted \$41 Million Wood County School Projects

Voters in Wood County approved a \$41 million school bond on the ballot in November.

The funds, approved by 59 percent of the voters, will be used for new facilities construction, renovations and improvements over the next three years.

Projects include a new Williamstown-area elementary school, expansion of Williamstown High School to include sixth-grade students, and roof replacements for nearly two dozen facilities throughout the county.

Not only will the projects create quality learning space for many students, there will be much needed construction job opportunities for local workers and contractors.

To ensure the projects are built

with the quality taxpayers deserve the Wood County Board of Education approved updates to rules governing contract bids to help define the term responsible contractor.

According to news reports the changes were prompted by some recent school building contracts where contractors were found to have brought in out-of-state and out-of-country workers.

The new guidelines require potential contractors to document a successful track record including:

- * Show three public projects they completed within the past five years and which were finished within 75 percent of the original bid estimate.
- * Certify its safety record and

maintain a substance abuse policy.

- * Certify that 75 percent of construction workers hired reside within a county located within 50 miles of Wood County.
- * Certify the contractor has not been penalized or debarred within the last five years for any payroll or labor violations, and that no license has been revoked nor any final judgments made against the contractor.

If any of the information provided is shown to be false, the contractor

would be barred from bidding on public projects for a minimum of five years.

"We applaud the Wood County School Board members for putting these common place definitions in place before these projects go out for bid," said Bill Hutchinson, Business Manager of the Parkersburg-Marietta Building Trades Council.

"We all know what low bid means but the law requires the lowest 'responsible' bid and without a definition of 'responsible' our taxpayers could be forced to award contracts to poor performers costing more money in the long run." ■

Iron Workers 301 to Take Apprentices

The Iron Workers Apprenticeship Training Program is accepting applications starting Monday, December 12.

To apply go to any WorkForce WV office or to their web site www.workforcewv.org and fill out the application.

Copies of certain documents are required including a birth certificate, social security card, valid driver's license and a high school diploma or equivalent.

You must also supply proof you have transportation and have lived in the area of Local 301 for at least the last year which includes the WV Counties of Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Mingo, Nicholas, Putnam, Raleigh, Webster, Wyoming and the southern half of Randolph.

Also included are the Virginia Counties of Buchanan, Dickerson, Russell, Tazewell, Wise and Washington; and Pike County Kentucky.

To be considered in the upcoming class you must submit your application no later than 4:00pm on Friday, January 20, 2017.

An agility assessment, drug screening and interview will be re-

quired of those who successfully complete the application.

Applicants must contact WorkForce to schedule testing after the initial application is complete.

Apprenticeship is a proven training program that includes paid on-the-job learning.

The program teaches in the classroom two nights a week as well as during a variety of paid on-the-job experiences.

The goal is to educate new workers how to safely, efficiently, and effectively perform all aspects of the Iron Worker trade.

Classes consist of a variety of applications including structural steel, ornamental, and reinforcing, as well as mathematics, welding and rigging.

The Apprenticeship is a three year program starting out at 60% of Journeyman wage scale with full benefits. Increases are given every six months until training is complete.

All applications will be received without regard to race, color, religion, national origin, or sex and will conform to ADA regulations.

For more information call 304-342-5343 or visit their web site at ironworkers301.com. ■

Tri-State Holds Annual Customer Appreciation



Brad Levi, General Manager of Marathon's Catlettsburg Refinery, speaks at the annual customer appreciation Christmas Breakfast sponsored by the Tri-State Building and Construction Trades Council.

Craft representatives, contractors and major users of construction services were in attendance at the Ashland, KY event held on Friday, December 9.

"We simply wanted to recognize and thank the owners and contractors that put our people to work," said Mark Johnson, Business Manager.

Other speakers included Huntington Mayor Steve Williams, Tom Householder from AEP, a representative from Congressman Bill Johnson (R-OH) and a representative from Cabell Huntington Hospital.

Company Refused IBEW 246 Members \$9,300 Paid Out For Unfair Labor Practice

Eight members of IBEW Local 246 Steubenville received more than \$9,300 in back pay after being discriminated against because of their union membership.

In July a company called Aerotek Inc., a staffing agency, posted online job openings on Craigslist and Indeed.

They wanted to hire electricians starting immediately for a 6 week job in Cadiz, Ohio.

Non union Vaughn Industries LLC wanted the electricians for a gas pipeline job.

A member of IBEW 246 called the company and was told by a recruiter he sounded like a good fit.

The member was asked to send a resume, which he did and then followed up with a phone call.

On the second call he was told he

couldn't be hired because he was a union member.

In a July 22nd email an Aerotek employee wrote "The client we are working with is Marathon and the reason we are unable to use you for the role is Marathon is requiring non-union candidates."

More members applied and were sent emails they could not be hired because of their union background.

In all, eight members applied and were rejected.

In early August Local 246 filed Unfair Labor Practice (ULP) charges with the National Labor Relations Board (NLRB).

Discriminating against a worker because of their membership in a union is illegal under the National Labor Relations Act.

After an investigation by the NLRB

a settlement was quickly reached because of the detailed documentation of the clear violation of law.

Soon after a settlement agreement was reached with payments of \$450 to \$1625 per person, which totaled to the exact amount paid to other workers hired for the job.

Aerotek will also have to post notices explaining their hiring pro-

cedure and their pledge not to violate the law in all prominent places around their office and send notices by mail to everyone employed by Aerotek since July 1, 2016.

"We are happy our members got a settlement but more important we are proud they stood up for their right to be union," said 246 Organizer Eric Nutter. ■

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Eric Nutter, Organizer

IBEW Local 246

Jobs Act

Continued from Page 1

Vavlas is also one of two partners listed for IRG on the WV Secretary of State's corporation database.

ACT attorney Vince Trivelli has contacted the U.S. attorney's office asking they consider debarment as

part of the sentencing.

Debarment would prohibit companies controlled by Vavlas from bidding on any federal, state or county contracts. ■

Operating Engineers #132 Apprenticeship

Operating Engineers Local 132 wants qualified candidates for their heavy duty equipment operator apprenticeship program.

The three year program trains in all aspects of operating heavy equipment including bulldozers, backhoes, cranes and excavators.

"We want members to be well versed in all types of equipment," said Allen Nelson, Training Director. "We

focus on safety and productivity."

Each year an apprentice spends five weeks at the training center located south of Parkersburg.

Most of the training takes place during the Winter.

Apprentices must get at least 1,000 hours of paid on-the-job training to advance each year.

Applications will be accepted at any WorkForce West Virginia Center

from January 9 through 20 between the hours of 9:00am and 3:00pm, Monday through Friday.

In order to qualify a person must be at least 18 years old, have a high school diploma or equivalent and have been a resident of West Virginia for at least one year.

An aptitude test will be given by the WorkForce Center.

A successful applicant will have a

valid WV driver's license, be physically able to perform the work of the trade and pass a drug test.

The recruitment, selection, employment and training of apprentices shall be without discrimination because of age, race, color, religion, national origin, or sex and will conform to ADA regulations.

For more information call (304) 273-4852. ■

Apprentices Pitch in to Help with Food Drive



Apprentices from Plumbers & Pipefitters Local 625 Charleston display a pile of food collected to help veterans in a recent food drive.

The group was joined by apprentices from the Laborers District Council of WV to collect food and funds for the veterans food drive in November.

LU 625 got 3440 food items that was sent to 52 veteran families through VFW Post 4768. The Labors got 340 cans and \$500 which was donated to a VFW Post in Mineral Wells area.

"Our apprentices really pitched in and did an amazing job of helping out those in our community who are in need," said Brett Matthews, Local 625's Director of Training.

\$5 Billion Atlantic Coast Pipeline Expo Held

The proposed \$5 billion Atlantic Coast Pipeline recently held two events in West Virginia to inform local companies and workers about job opportunities.

The event were held in Bridgeport and Elkins on December 6 & 7 to help connect subcontractors, vendors and workers to opportunities the project will create.

A contractor joint venture called Spring Ridge Constructors LLC was selected earlier this year to build the

pipeline portion of the ACP.

ACP is a 600-mile, 1.5-billion cubic feet per day natural gas transmission pipeline to bring Marcellus and Utica shale gas to Virginia and North Carolina.

Spring Ridge Constructors LLC, is a joint venture of pipeline construction companies Price Gregory International Inc.; US Pipeline Inc.; SMPC LLC; and Rockford Corp.

The project will be built with union workers under the National

Pipeline Agreement.

Pending approval by the US Federal Energy Regulatory Commission (FERC), the ACP would extend from Harrison County, WV southeast through Virginia with an extension to Chesapeake, Va., and then south through eastern North Carolina.

The project will also have large

compressor stations and metering stations which still have not been awarded.

ACP expects to receive a FERC certificate in late summer or fall 2017, with construction beginning shortly thereafter.

The project will take at least two years to complete. ■



Members of the public attend a construction Expo for the proposed Atlantic Coast Pipeline, a \$5 billion project starting in West Virginia and traveling to Virginia and North Carolina.

Apprenticeship Week Brings Focus, Praise



A proclamation from Governor Earl Ray Tomblin in support of apprenticeship is read at an event held at IBEW Local 317 in Huntington.

The gathering, held on Friday November 18 and featuring a tour of the facility and booths by other craft representatives, was part of national apprenticeship week.

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