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

WV Supreme Court Ignores Voters

Session Starts With Rally

The 2016 legislative session started with 3,000 union members and supporters filling the Capitol on the first evening.

The huge crowd filled the floor in front of the House Chamber to show opposition to so-called Right-to-Work legislation and to oppose repeal of the prevailing wage law.

The demonstration took place on Wednesday, January 13 as legislators from both the House and Senate filed into the House Chamber to hear Governor Earl Ray Tomblin deliver his final State-of-the-State speech.

"We wanted the legislators to know our members are serious about preserving their rights," said WV AFL-CIO President Kenny Perdue.

Workers from all over the state attended, and building trades members were well represented.

"Our councils had busses from the northern panhandle, Morgantown and Parkersburg," said Bill

Hutchinson, President of the WV State Building Trades. "We also had members from Huntington, Beckley, of course Charleston and even from

the eastern panhandle."

Many workers had hoped the WV Supreme Court would have required the replacement of out-going Senator

Dan Hall to be a democrat. Hall was elected as a democrat but changed to a republican. However the court ignored the voters. ■



Approximately 3,000 union members and supports converged on the state capitol for the first day of the legislative session to show opposition to so-called Right-to-Work legislation and support for prevailing wage.

Prevailing Wage Repeal Close to Passage

Repeal of the state's prevailing wage law passed the full House on a 55 to 44 vote on Wednesday January 27, just two weeks into the 2016 legislative session.

The bill now is in the Senate. (Note: the ACT Report was written on Monday, February 1).

Action started on the repeal bill, HB 4005 in the House of Delegates. The House Government Organization Committee scheduled a public hearing on the bill just two days after the session started.

Almost all in attendance spoke against repeal including many con-

tractors, workers and religious leaders.

Only two spoke in favor of repeal, a representative from the anti-union contractors association called Associated Builders and Contractors, and a representative from the billionaire Koch brothers funded group American's for Prosperity.

The following week the bill was placed on the House Government Organization Committee agenda. ACT's Steve White was called upon for testimony by Delegate Mike Caputo (D-Marion) regarding the positive benefits of prevailing wage and

an explanation of legislation that had taken place last year.

White pointed out how none of the promised savings to taxpayers had ever materialized in other states or in West Virginia during the three month period the prevailing wage law was suspended.

White also pointed out that the new survey method was far superior to Bureau of Labor Statistics numbers. Republican leaders have been promoting.

More than 500 contractors had valid wage data with the new survey method compared to less than 200

that BLS uses.

BLS data includes residential contractors but does not use any fringe benefits data.

Nobody testified in support of the bill.

However facts appear to have very little to do with the legislative process and the bill passed out of the committee on another straight party line vote, 15-9.

When the bill reached the full House of Delegates Tim Miley (D-Harrison) tried to amend it by calling for a study of the impact and

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So-Called Right-to-Work, Verge of Passage

As the ACT Report goes to press the so-called Right-to-Work law has passed the Senate and is before the House of Delegates for a final vote.

During discussion on the bill SB 1 in the Senate Judiciary Committee Ken Hall, President of Teamsters Local 175 Charleston and General Secretary-Treasurer of the International Brotherhood of Teamsters was on hand to testify.

Hall explained the reality in Right-to-Work states, a very different picture than what RTW supporters promise. Hall repeatedly explained how unions are obligated to represent all workers in a bargaining unit and in RTW states many would get the benefits of union representation without paying any dues.

However in the end facts didn't seem to matter and the bill passed the committee on a straight party line vote.

Even though the bill is seen as major legislation it was sent to only one committee rather than two as had been the practice for many years.

A few days later the full Senate passed the bill by a single vote, 17-16, again along straight party lines.

The House Judiciary took up the bill on Friday, January 29 and passed it the same day however an amendment was made meaning the Senate will see the bill one more time.

The full House is expected to vote

on the bill on Thursday, February 4. It would then go back to the Senate to approve the amendment, then on to Governor Tomblin who is expected to veto it.

"This anti-worker legislation has been on a fast track and we simply have not found the votes to stop it," said Dave Efav, Secretary-Treasurer of the WV State Building Trades.

But that doesn't mean the Trades and others from the labor movement, as well as many supporters, have given up.

An extensive education effort has been launched including TV commercials and digital advertising to get the word out about how so-called Right-to-Work laws lower wages and increase jobsite accidents.

Many contractors are also involved in the effort.

Lane Ferguson, President of Nitro Construction based in Putnam County not only testified against RTW at a public hearing he was on hand in the House Judiciary Committee as a witness opposing the bill.

"We have worked in right-to-work states and the quality of the workforce is definitely not up to our standards," said Ferguson. "The proposed bill is telling my company how to negotiate our labor agreements, as a business person I am here to tell you we don't need it and don't want it." ■



Ken Hall, General Secretary-Treasurer of the International Brotherhood of Teamsters fields questions about so-called Right-to-Work in the Senate Judiciary Committee.



Nitro Construction President Lane Ferguson (standing at microphone) answers questions about RTW from House of Delegates members during a Judiciary Committee meeting. Ferguson strongly opposed the measure.

Parkersburg Iron Workers 787 JAC Take Apprenticeship Applications Wednesdays

Iron Workers Local 787 Joint Apprenticeship Committee (JAC) takes applications for their program each Wednesday (excluding holidays).

Those interested must fill out the application at 303 Erickson Boulevard, Parkersburg in person, during regular business hours; 8:00 am – noon and 1:00 pm – 4:30 pm.

Applicants must provide proof they are at least 18 years old, capable of performing work of the Iron Worker trade, be a High School Graduate or have an equivalent cer-

tificate, have a valid driver's license, and pass an aptitude test given by the Parkersburg Workforce office.

In addition an applicant must live within Local 787's area for at least one year prior to applying. Local 787's area in Ohio includes the counties of Athens, Meigs, Morgan, Noble, and Washington; in West Virginia Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt and Wood Counties.

If selected a candidate must pass a

substance abuse test.

The Iron Workers Joint Apprenticeship Training Program teaches in the classroom as well as on the job. Classes are held evenings and Saturdays, allowing on-the-job learning while getting paid.

The goal is to educate new workers how to safely and efficiently perform all aspects of the trade including structural, ornamental, and reinforcing iron work, as well as mathematics, welding, and rigging.

The Apprenticeship is a four year

program with starting wages set at 50% of Journeyman scale with full benefits. Increases are given every six months until training is complete.

Applications will be kept on file for a year. No applicant will be rejected because of race, color, religion, national origin or sex. Iron Workers Local 787 JAC will take affirmative action to provide equal opportunities in apprenticeship.

For more information contact Brad Winans, Apprenticeship Coordinator, at 304-485-6231. ■

Unfair Labor Practice by Westcon Settled

An unfair labor practice complaint against the German owned construction company Billfinger-Westcon has been settled.

The company has agreed to inform all employees of their rights under the National Labor Relations Act by mailing them a notice.

According to the complaint filed by Operating Engineers Local 132 in July of last year, Westcon's "Project Manager Adam Miller threatened physical harm to the person and family of Local 132's Business Agent."

Westcon was working at MarkWest's Mobley facility in Wetzel County adding on to their existing gas processing facility.

Operating Engineers Business Agent Eran Molz was checking out

the site where a number of contractors, both union and nonunion, were working.

project manager Miller.

Miller also allegedly called Molz to threaten him again and made a

The complaint was filed with Region Six of the National Labor Relations Board based in Pittsburgh.

"We resolved the first issue, and it just so happens the Westcon project manager is no longer on the job," said Chuck Parker, Business Manager of Operating Engineers Local 132.

Related to the incident Operating Engineers Local 132 filed an additional Unfair Labor Practice Charge against site owner MarkWest after the company directed a union subcontractor to fire a union steward for Operating Engineers Local 132.

On January 4 the NLRB issued a complaint and notice of hearing against MarkWest Liberty Midstream & Resources LLC, and set a hearing date of March 17. ■

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.
- WE WILL NOT do anything to prevent you from exercising the above rights.
- WE WILL NOT threaten union organizers with physical harm in the presence of employees in order to discourage them from engaging in union activities.
- WE WILL NOT in any like or related matter interfere with your rights under Section 7 of the Act.

This notice was sent to all Westcon employees at their Mobley jobsite.

Molz went to the site office for Westcon and was threatened by the

point of telling Molz he knew where he and his family lived.

Prevailing Wage

Continued from Page 1

limiting the time of the repeal. The amendment was not allowed by the Speaker of the House Tim Armstead (R-Kanawha).

When the bill was up for final passage Del. Isaac Sponaugle (D-Pendleton) again tried to force an economic impact study be done and asked for a vote to force the Speaker to initiate one. That failed as well.

In the end the repeal bill passed the House 55-44 with all of the democrats and eight republicans voting against repeal.

The Senate quickly took up the bill, again with just one committee, on Monday February 1.

The bill passed out of the committee, with another straight party vote and will likely be voted on by the entire Senate on Friday February 5.

Governor Tomblin is expected to veto the bill but a veto override will only take a simple majority, in essence the same vote it takes to pass.

In West Virginia the only bill that requires a super majority to override is the budget. ■



Trades members pack the House galleries during the debate on passage of the prevailing wage repeal bill, HB 4005.

WEST VIRGINIA HOUSE OF DELEGATES			
Second Regular Session			
HB 4005	Repealing prevailing hourly rate of wages requirements		RCS# 17 1/27/2016 3:01 PM
PASSAGE			
YEAS: 55	NAYS: 44	NOT VOTING: 1	PASSED
YEAS: 55			
Ambler	Espinosa	Ireland	Smith, R.
Anderson	Evans, A.	Kessinger	Sobonya
Arvon	Evans, D.	Kurcaba	Stansbury
Atkinson	Faircloth	Lane	Statler
Azinger	Fast	McCuskey	Summers
Blair	Folk	McGeehan	Upton
Border	Foster	Miller	Walters
Butler	Frich	Moffatt	Waxman
Cadle	Gearheart	Nelson, E.	Weld
Cooper	Hamrick	Nelson, J.	Westfall
Cowles	Hill	O'Neal	White, B.
Deem	Householder	Overington	Zatezalo
Duke	Howell	Rowan	Speaker Armstead
Ellington	Ihle	Shott	
NAYS: 44			
Bates	Guthrie	Miley	Rohrbach
Blackwell	Hamilton	Moore	Romine
Boggs	Hanshaw	Morgan	Rowe
Byrd	Hartman	Moye	Shaffer
Campbell	Hicks	Perdue	Skinner
Canterbury	Hornbuckle	Perry	Smith, P.
Caputo	Kelly	Pethtel	Sponaugle
Eldridge	Longstreth	Phillips, R.	Storch
Ferro	Lynch	Pushkin	Trecost
Fleischauer	Manchin	Reynolds	Wagner
Fluharty	Marcum	Rodighiero	White, P.
NOT VOTING: 1			
Flanigan			

All 36 democrat members of the House along with eight republicans voted against repeal of prevailing wage, but came up short defeating the measure. Nay is the correct vote.

Members as well as Contractors Show

Members and contractors are making their voices and presence known over and over again during the turbulent legislative session. The problem is a little more than half the legislature is not listening. ■



Dave Efaw, Secretary-Treasurer of the WV State Building and Construction Trades Council testifies against the Right-to-Work bill during a public hearing held on January 28.



Many members of the trades showed up repeatedly to talk with legislators. This member was interviewed by Channel 13.



During committee hearings about bill important to the Trades, like this one at House Government Organizations, members filled the rooms over and over again.



Tom Samples, apprenticeship coordinator for Electricians Local 466 Charleston speaks against repeal of the prevailing wage law during a public hearing held in the House Chamber.

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Glenn Jeffries, President of Cornerstone Interiors, talks to the Senate Government Organization Committee on February 1 about why prevailing wage is important to contractors, workers and communities. Jeffries was joined by Mike Davis, Vice-President of G&G Builders, Keith Hughes with JD&E, Mike Clowser of the Contractors Association of WV and Steve White with ACT.

The room was filled with Trades members concerned about the negative impact repeal would make on the construction industry.

Only one person, an employee of the anti-union contractors association ABC, spoke in favor of repeal. The bill passed the committee on another straight party vote.

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