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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 Election Mixed Results

Election results for Labor endorsed candidates were mixed with some big wins, like Jim Justice for Governor and a number of bitter defeats.

Overall there are more state Senators who are seen as unfavorable to labor than before the election with the party-line count now being 22 Republicans and 12 Democrats.

Glenn Jeffries (D – Putnam) was

one of the successful building trades candidates waging a well-run campaign in the Putnam – Kanawha 8th Senate District. Jeffries is a member of the Carpenters and owner of a union construction company.

House Republicans held on to a 63 seat majority but there remain a few Republicans who are sympathetic to labor issues and a number of new faces that may change the dy-

namic a bit.

Phil Diserio (D – Brooke), a member of the IBEW, was elected in the 2nd House District. Diserio, beaten in 2014 when he ran for re-election, staged a strong comeback.

Newcomer Scott Brewer (D – Mason), a member of the Carpenters, was elected in the 13th House District which includes parts of Mason, Jackson and Putnam Counties. Brew-

er impressed many with his consistent door-to-door campaigning.

“We are expecting some continued tough times ahead at the Capitol,” said Bill Hutchinson, President of the WV State Building Trades.

“We thank the many labor candidates and members who volunteered in so many ways. They all by worked hard and gave much of themselves to help all working families.” ■

Lawsuit Claims Fraud, Danger, Drugs, Delay

Nonunion Westcon Gets Methanol Project

A nonunion contractor from North Dakota, Westcon Construction, has been selected to build a methanol plant in Institute, near Charleston.

The owner, U.S. Methanol took bids from a number of contractors including union and nonunion firms. The actual bids are not known but thought to range between \$30 and \$45 million, with the Westcon bid “more than \$5 million” below union competitors.

U.S. Methanol has bought a methanol plant in Brazil that will be disassembled, shipped, and then reassembled at the Institute site.

The project will use a union electrical subcontractor, and not all subcontractors are yet known, however the bulk of the project will likely be built by imported workers.

The news came as a blow to local construction workers who had hoped the project would provide much needed jobs. It also came as a surprise to those who know about Westcon’s track record in WV.

A legal fight between MarkWest Liberty Midstream Resources (MarkWest) and German owned Bilfinger Westcon (Westcon) about the con-

struction of a plant in Mobley, West Virginia tells the tale.

Westcon was hired in May 2015 to build a fifth section at the site.

The suit, filed in June of this year, alleges Westcon failed to complete three projects valued at approximately \$23 million on-time, and states “Westcon place[d] numerous lives in danger by intentionally concealing its dangerously defective welds.”

Westcon denies all of the allegations in this lawsuit.

According to the MarkWest complaint “Westcon has admitted to MarkWest that: (i) it has not completed the welding in its work scope and other work; (ii) the welding it did do was defective; (iii) it failed to properly test and inspect, and/or had erroneously tested and inspected certain welds on pressure vessels; (iv) it misrepresented welds as properly certified without considering the applicable ASME Boiler and Pressure Vessel Safety Code; and (v) the Project was in danger of catastrophic failure from Westcon’s actions and omissions.”

“Throughout its work on the project, Westcon misrepresented to MarkWest that the welding it was

performing on the project was complete, safe and fit for service and that it was properly tested and inspecting the welds on the project.

“However, contrary to Westcon’s representations to MarkWest, it is now known that Westcon rendered defective welding on the project and Westcon failed to properly test and inspect welds on the De-Ethanizer and De-Methanizer vessels in ac-

cordance with the applicable ASME Boiler and Pressure Vessel Safety Code.”

O’Donnell Consulting Engineers, Inc., of Bethel Park, PA wrote a letter to Westcon dated May 20, 2016 detailing welding defects found in the stainless steel Demethanizer and carbon steel Deethanizer vessels.

“O’Donnell Consulting Engi-

Cont. on p. 4>>



This toppled crane at MarkWest’s Mobley site in Wetzel County was mentioned in MarkWest lawsuit against Westcon. The suit alleges “a month after the crane incident, Westcon again disregarded MarkWest’s specific instructions ... and improperly utilized a mobile fork lift [which] led to a serious incident where equipment struck a valve on the operating gas line. ...”

\$615 Million Project Delayed PSC Staff Rejects Challenge to Moundsville

Moundsville Power LLC is close to fending off another attack aimed at stopping their \$615 million investment to build a gas-fired electric power project.

The Ohio Valley Jobs Alliance (OVJA), a group with unknown financial backing, asked for a special intervention in Moundsville's permit from the Public Service Commission (PSC).

They argue the PSC should more thoroughly investigate Moundsville's air permit despite the fact that the PSC conditioned Moundsville's siting certificate on obtaining all required environmental permits.

Moundsville has asked the PSC to update their permit, similar to a revised air permit that is still being challenged by OVJA.

The air permit and PSC changes are both related to recent upgrades made to the substation where the power plant will connect.

The upgrade allows more electricity to flow through the substation than the original permit requested.

When Moundsville first applied for a permit, the George Washington substation owned by AEP was limited in the power it could accept.

Recent upgrades, made by AEP at the request of the power grid operator, now make the substation able to

accept more power.

Moundsville can now send up to 643 megawatts through the substation, up from the 549MW in their permit.

The increased power means a modest increase in air emissions, which has already been approved by the state Division of Environmental Protection (DEP).

OVJA is still trying to block the air permit by appealing the change.

The Air Quality Appeals Board rejected the OVJA appeal, but OVJA has filed a suit in Kanawha County Court to overturn the Board and DEP.

At the PSC, Moundsville has asked that the permit already in hand be updated to reflect the increased output and the new permit from the DEP rather than go through a more lengthy modification.

OVJA is trying to force the company to take a much longer

process at the PSC, based on similar arguments about the air permit they failed with at the DEP.

Staff for the PSC reviewed the proposed changes and recommended PSC Commissioners approve them in a memorandum dated November 3.

In the document titled Final Joint Staff Memorandum PSC staff writes "The proposed increase in generation will not 'materially affect the viewshed impacts, noise levels, emissions or other environmental impacts.' Therefore Staff recommends that an order be entered granting the re-

quested waiver."

In addition the memo states "Legal staff also recommends that the petition to specially intervene filed by the Ohio Valley Jobs Alliance be denied."

It is up to the PSC Commissioners to make a final decision, however the staff recommendation carries significant weight.

"We hope the PSC acts quickly and approves the changes so our members will be one step closer to going to work," said Kyle Brown, President of the Upper Ohio Valley Building Trades Council. ■



Dozens of Trades members attended a Marshall County Commission meeting in October to support the Moundsville Power project and to protest the group delaying the project called the Ohio Valley Jobs Coalition.

Crum School Project Has More Problems

Three letters rejecting portions of the already controversial Crum School project have recently come to light.

The letters were sent by the project architect ZMM to Swope Construction on September 30.

Each letter rejects a specific problem found on the job.

One letter rejected the Insulated Concrete Form (ICF) work because of voids found with the concrete walls. The letter requires Swope to "provide an engineered design by a professional engineer licensed in the state of West Virginia to repair the problem areas."

Subcontractor records show the ICF work was to be done by Greystar Construction Inc based in Roanoke, Virginia. Greystar was one of two contractors installing ICF walls at the Suncrest School in Morgantown earlier this year. An engineer's report from that project showed walls were installed significantly out of plumb.

A second letter rejected the installation of anchor bolts in a particular area.

The letter states "Anchor bolts need to be plumb and the nuts need to be square with the base plate."

A third letter rejected the finish on what was referred to as the ICF

feature wall. "The finish of this wall does not match the finish at the sample mockup panel."

In a related news article representatives of the State School Building Authority (SBA) said they expected more rejection letters. Mentioned was a roof curb for the HVAC units and an uneven concrete floor.

Video was shot of workers pouring the concrete floors in May and posted to YouTube. One of the workers said "I am from Honduras, everybody else from Mexico."

Shane Dillon, Business Manager for Laborers Local 543 was also on the video talking about the local ef-

fort made to pass the bond to pay for the school with increased property taxes.

"We thought the bond would lead to a quality job built by local workers, instead we have to pay for imported workers and quality issues and it makes me mad," said Dillon.

Although Swope reported to the SBA they would self-perform the concrete slab work they apparently used a subcontractor called Set In Stone Inc, from Roanoke, VA.

During the recent election the video was used to criticize numerous candidates about the wrong direction taken at the legislature. ■

2016 Election Results for COPE Candidates

U.S. House of Representatives
 David McKinley (R) - 1st District ✓
 Mark Hunt (D) - 2nd District

Governor
 Jim Justice (D) ✓

Attorney General
 Doug Reynolds (D)

State Auditor
 Mary Ann Claytor (D)

Secretary of State
 Natalie Tennant (D)

State Treasurer
 John Perdue (D) ✓

Agriculture Commissioner
 Walt Hemlick (D)

State Senate

1st Jack Yost (D)
 2nd Lisa Zukoff (D)
 3rd **Bradley Vanzile** (D)
 3rd Greg Smith (D) Unexpired Term
 4th Brian Prim (D)
 5th Bob Plymale (D) ✓
 6th Rocky Seay (D)
 7th Richard Ojeda II (D) ✓
 8th **Glenn Jeffries** (D) ✓
 9th Mike Goode (D)
 10th Dave Perry (D)
 11th Denise Campbell (D)
 12th Doug Facemire (D) ✓
 13th Roman Prezioso (D) ✓
 14th Bob Williams (D)
 15th Brad Noll (D)
 16th Stephen Skinner (D)
 17th Corey Palumbo (D) ✓

House of Delegates

1st Ronnie Jones (D)
 2nd **Phil Diserio** (D) ✓
 3rd Shawn Fluharty (D) ✓
 Erikka Storch (R) ✓
 4th Mike Ferro (D) ✓
 Joe Canestraro (D) ✓
 5th Dave Pethtel (D) ✓
 7th **Mark Harper** (D)
 8th **David Bland** (D)
 9th Jim Marion (D)
 10th **Andy Daniel** (D)
 J. Morgan Leach (D)
 Bill Merriman (D)
 11th Jim Crowder (D)
 12th Missy Morris (D)
 13th **Scott Brewer** (D) ✓
 Rosalee Juba-Plumley (D)
 14th Samantha Fooce (D)
 15th Jeffrey Smith (D)
 16th Joe Akers (D)
 Sean Hornbuckle (D) ✓
 Matt Spurlock (D)

17th Chad Lovejoy (D) ✓
 Matthew Rohrbach (R) ✓
 18th Billy J. Chaffin II (D)
 19th Ken Hicks (D) ✓
 Robert Thompson (D) ✓
 20th Justin Marcum (D) ✓
 21st Phyllis White (D)
 22nd Jeff Eldridge (D) ✓
Gary McCallister (D)
 23rd Rodney Miller (D) ✓
 24th Ralph Rodighiero (D) ✓
 25th "Bucky" Blackwell (D)
 26th Ed Evans (D) ✓
 27th Carol Bailey (D)
 Sabrina Shrader (D)
 Lacy Watson (D)
 28th Bill O'Brien (D)
 Wayne Williams (D)
 29th Ricky Moye (D) ✓
 30th Mick Bates (D) ✓
 31st Kristen Ross (D)
 32nd Shirley Love (D) ✓
 John Pino (D)
 Margaret Staggers (D)
 33rd **David Walker** (D)
 34th Brent Boggs (D) ✓
 35th Ben Adams (D)
 Andrew Byrd (D) ✓
 Ben Sheridan (D)
 36th Nancy Guthrie (D)
 Andrew Robinson (D) ✓
 Larry Rowe (D) ✓
 37th Mike Pushkin (D) ✓
 38th Tom Tull (D)
 39th Wesley Holden (D)
 40th Melissa Riggs Huffman (D)
 41st Adam Young (D)
 42nd Stephen Baldwin Jr. (D) ✓
 Ray Canterbury (R)
 43rd Bill Hartman (D) ✓
 Phil Isner (D) ✓
 44th Dana Lynch (D) ✓
 45th Bill Hamilton (R) ✓
 46th Peggy D. Smith (D)
 47th Ken Auvil (D)
 48th Richard Iaquinta (D) ✓
 Derek McIntyre (D)
 Tim Miley (D) ✓
 Wayne Worth (D)
 49th Dave Gobel (D)
 50th Mike Caputo (D) ✓
 Linda Longstreth (D) ✓
 Tim Manchin (D)
 51st Barbara Fleischauer (D) ✓
 Evan Hansen (D)
 Nancy Jamison (D)
 Rodney Pyles (D) ✓

John Williams (D) ✓
 52nd Steven Shaffer (D)
 53rd Al Tomson (D)
 55th Isaac Sponaugle (D) ✓
 57th Beverly C. Keadle (D)
 59th Cat Webster (D)
 60th Gary "Peanut" Collis (D)

61st Jason Barrett (D) ✓
 62nd Christy Santana (D)
 63rd Kenny LeMaster Jr. (D)
 64th Barby Frankenberry (D)
 65th Sammi Brown (D)
 66th David Dingess (D)
 67th Rod Snyder (D) ■



Members of the Parkersburg Labor Council stage a protest at a Bill Cole for Governor rally in Mineral Wells in mid-October.



Members of the North Central WV Building Trades let passing motorists know about how important the election is at a "honk and wave" in Clarksburg.



Members of IBEW 466 and other labor groups prepare to go door-to-door in the Charleston area for Senate candidate Glenn Jeffries and House of Delegates Candidates Wes Holden and Melissa Huffman.



In the final days before the election Trades members hit the street before a Bill Cole for Governor function in downtown Wheeling.

Labor Candidates Outspent 3 to 1, or More

Estimates of state election spending by groups other than candidates may have hit new records with amounts in excess of \$20 million expected when totals are calculated for this election cycle.

While some of the expenditures are from in-state groups including labor, business and social groups, the vast majority comes from out-of-state groups.

In addition many of these out of state groups often do not disclose where their funds are coming from.

For example, a group calling itself 'Mountaineers Are Always Free PAC' spent more than \$6 million in the election for Attorney General in support of Patrick Morrissey and against Doug Reynolds.

State campaign reports say the funds came from the Republican Attorney Generals Association. But the same reports do not disclose who gave the funds to that group.

Labor invested heavily into a

group called West Virginia Family Values. However that group, which reported in detail the contributions and spending of around \$2.7 million, was outspent.

Groups with names such as Grow WV, Republican State Leadership Committee, West Virginia's Future, Moving WV Forward BICPAC, RGA Right Direction PAC, 60 Plus Association and others combined to outspend efforts for Labor candidates.

The total dollars spent may never be known because it appears that some groups simply do not file any reports, in apparent violation of state law, or file reports on the federal level that do not seem to comply with state reporting requirements.

One such group, the West Virginia Right to Work Committee, faces a challenge by Teamsters Local 175 for sending out electioneer communications without filing a report as required by state election law.

Corporation records show there

is no West Virginia Right to Work Committee, only a registered name. The real group is called the Mid-America Right to Know Committee.

The anti-union RTW group has ties to similar groups who have faced prosecution for election violations, most recently in Montana.

Some of the increased spending is an outgrowth of a US Supreme

Court decision called Citizens United which erased long held limits on campaign spending.

"As usual we were outspent probably 3 to 1 or more," said Josh Sword, Secretary-Treasurer of the WV AFL-CIO. "And that's only what was reported. Add in groups like the West Virginia Right to Work Committee and we were outspent even more." ■

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Westcon

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neers, Inc. has evaluated the weld defects found by radiographic examination in the circumference welds in a stainless steel and carbon steel vessel. In both cases, these defects fail to meet the acceptable criteria of the applicable ASME Boiler Pressure Safety Code, which is section VIII, Division 1. This means that the vessels cannot legally be operated."

Welds were not the only problems mentioned in the suit.

According to the suit "Westcon employed numerous employees that could not pass or refused to take drug tests during the course of the project, including its QA/QC director."

The suit also alleges "Westcon's Project Manager and Contractor Representative, A.C. Miller, was involved in the use and/or distribution of illegal drugs from the Westcon construction trailer located outside the project gate."

It was reported in the August ACT Report that Unfair Labor Practices charges had been filed with the

NLRB against Westcon and Miller for threatening Operating Engineer Local 132 Business Agent Eran Molz.

Miller was removed from the project after a crane overturned on-site injuring three, but problems persisted after he was gone.

The suit claims "on November 13, 2015, Westcon recklessly ignored computer warnings that a crane was overloaded."

"MarkWest was forced to formally bar Westcon from operating cranes and impose a policy requiring Westcon to only use certain specified equipment operators.

"Only after this crane incident did Westcon finally remove and replace the Contractor Representative and Project Manager Miller.

"However, a month after the crane incident, Westcon again disregarded MarkWest's specific instructions and directions and improperly utilized a mobile fork lift for lifting.

"This led to a serious incident where equipment struck a valve on

Energy Forum Held



Justin Gray, Business Manager of Laborers Local 1149, speaks at a forum on Energy and Manufacturing held in Wheeling on October 26.

The event was sponsored by the Consumer Energy Alliance (CEA) and was part of a series to gain consensus on bipartisan progress and a sensible, rational process on energy issues, including pipeline projects.

Also on the panel (left) moderator Michael Whatley, VP of CEA; Kyle Brown, President, Upper Ohio Valley BT Council; and Steve White, ACT.

an operating gas line, causing more property damage and resulting in an emergency shutdown of the Mobley Inlet Compression project for nearly 24 hours, substantial loss of plant throughput and a serious gas leak."

One phrase in the suit appears to sum up the problems. "Westcon was unprepared, disorganized and failed to supply enough properly skilled workers to carry out its scope of work under the Contracts." ■