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

## No Jobs – No Budget Deal!

The 60 day 2017 legislative session produced no job creation measures and no state budget.

Instead Republican Legislative leaders focused on another round of attacks on working families, labor unions and the construction industry.

Governor Jim Justice will be forced to call the Legislature back for a Special Session, likely towards the end of April, to complete the budget process.

It is also expected he will again place his infrastructure plan, to create 48,000 new jobs, into the mix.

On the final night of the regular session Justice held a 10:00pm press conference saying he was very close to a budget deal with the state Senate.

However time ran out and the deal did not come together.

The House of Delegates appeared to remain deeply divided over the Governor's plan, in particular the

question of raising new revenue to solve the budget crisis and create jobs.

The Governor had extended the session by one day to try to get the  
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### Paycheck Deception, RTW Veto Override

## Key Labor Votes Fail by Single Vote, 51 - 49

Working families came up one vote shy on two critical votes held in the House of Delegates during the final days of the legislative session.

On the 59th day of the session Republican leaders put two major attacks on workers' rights to a final vote.

First was an issue called **Paycheck Deception SB239** which is aimed at making it hard for companies and government agencies to make payroll deductions.

If workers want union dues, or other deductions such as for credit unions, charitable contributions or some benefit programs, they must now fill out a form every year which must be signed by both the employee

and the employer.

This puts an extra burden on employers.

Under current law employers accept a signed form from an employee once and keep it until the employee makes a change.

Proponents of the law claim it is for the benefit of workers.

But Labor supporters don't buy it. "Make no mistake about it. This is nothing more than an attack on labor unions and their members," said Delegate **Phil Diserio (D-Brooke)**.

The attack has taken place in other states and usually is aimed at public sector unions.

The new West Virginia law makes no distinction between public or pri-

vate sector employers and unions.

Many feel the new law is uncon-

stitutional for the private sector be-

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Members of Operating Engineers Local 132 and Iron Worker Local 769 watch as members of the House Judiciary Committee debate the Paycheck Deception bill.

# Construction Industry Faced Many Attacks

Rather than work on infrastructure bills to create jobs in the construction industry the legislative session turned into a series of attacks on the industry.

Allowing construction and mining companies to skip-out on wage payments just got a lot easier.

Current law requires companies who have less than five years of activity in West Virginia for both construction (non-residential) and mining to post a wage bond making sure workers will get paid.

Senate Republicans quickly passed a law to repeal the wage bond law in its entirety.

However when the bill reached the Judiciary Committee in the House of Delegates a compromise was worked out to weaken but preserve the law.

The bill (SB224) was sent back to the Senate with this compromise but the Senate refused to agree.

In such cases a conference committee is established with three members of the House and three from the Senate to see if the difference can be worked out.

Republican control of both chambers means the committee is also controlled by republicans.

The committee met on the last day of the session and forced through further weakening of the bill.

The result is: a company with only \$100,000 in assets, even if they have no track record in the state, can avoid a wage bond.

Making public construction payrolls secret got very close to passage but failed.

The law SB412 would have made secret the certified payrolls that must be kept on many tax-funded projects.

The bill started out keeping all information secret and was amended to focus on wage information.

Proponents claimed the data is proprietary and a trade secret.

They further claimed that "unions" were using the data to somehow gain a competitive advantage.

In a long floor debate Delegate Scott Brewer (D-Mason) led the charge to defeat an amendment that would have reinstated the broad se-

crecy language which was removed in a prior committee meeting.

"This amendment is nothing more than an attempt to cover up the fact that repeal of the prevailing wage law has been a disaster for our communities producing no savings as promised but driving down wages as we predicted," said Brewer.

The debate about payrolls was really the only time the results of prevailing wage repeal were discussed by the legislature because the Republican Leadership blocked all other efforts.

In addition many newspapers from across the state took issue with the proposed law because it restricted public access to government records

and contracts.

"Open, transparent government is part of our democracy," said Delegate

Mike Caputo (D-Marion).

"This amendment hurts our newspapers and the taxpayers effort to get documents from tax funded projects.

Why would we want that?"

The amendment failed by a wide margin 67 to 31 and led to the ultimate withdrawal of the bill.

Early in the session lawmakers tried to eliminate portions of the contractor licensing law by exempting some electrical work from needing a license but that effort failed.

However in its place came a bill

HB2554 to remove

the Contractor Licensing Board from the oversight of the Division of Labor and to increase the amount of work a contractor can perform without a

license.

The effort was seen by many as an attempt to defund the DOL.

Currently DOL personnel perform many duties not only for contractor licensing purposes but for other related laws such as crane, plumbing, and HVAC licensing; wage bonds; and a number of wage and hour laws.

"One person out in the field can enforce a variety of laws, this means a much more cost effective agency," said Labor Commissioner Dave Mullins.

"And our administrative folks can handle a contractor license renewal along with the many occupational licenses at the same time, we are very efficient."

The bill passed the House of Delegates but failed to get out of committee in the Senate.

A bill to outlaw responsible contractor policies at any state, county or city level failed to appear on any House of Delegates Committee after passing the Senate.

However the Senate repeatedly tried unsuccessfully to insert the bill (SB399) into other bills on the last day of the session.

Responsible contractor policies

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Delegate Scott Brewer,

D-Mason



Members of Insulators Local 80 talk with Senator Ron Stollings (D-Boone) about the many legislative attacks facing workers and the construction industry.

# Other 2017 Legislative Action

A bill to increase property taxes on wind power projects was passed out of the Senate but failed to advance in the House.

Nevertheless on the last day of the session SB16 was inserted by the Senate into a House bill about education.

The House was not thrilled with the change and forced the Senate to remove the language.

At stake were a number of proposed wind projects, one in Greenbrier County and one in Tucker and Grant Counties.

In addition wind energy representatives say there are three more proj-

ects in the early planning stage.

On average construction worker payrolls per project are in the \$15 million range.

A bill to restrict unemployment benefits when there is a work stoppage was passed.

The bill SB222 makes it harder for workers who are forced out to collect unemployment benefits. It also makes it easier for companies to starve out workers.

Current law would allow a worker to receive unemployment in a work stoppage if the company continues to operate and continue to receive prof-

its.

'Cancer Creek' legislation passes some 28 years after first being promoted.

The measure will allow up to eight times more cancer causing chemicals to be discharged into state waterways.

In 1989 it was proposed to help pave the way for a proposed pulp and

paper mill.

Trades representatives got involved dubbing the measure Cancer Creek and eventually stopped the plan.

Industry representatives promoting the current change repeatedly said it would help create jobs but when pressed they could not identify any. ■

## Key Labor Votes

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cause federal law already applies.

It is expected that Governor Jim Justice will veto the measure.

Another narrow loss came when a new version of the so-called Right-to-Work **bill SB330** was vetoed by the Governor and then came up for a veto override vote.

The first RTW bill, passed last year, excluded the construction industry and had confusing language.

This year the bill was explained as a technical clean-up, meaning the legislature had no intention of excluding the construction industry they simply made a mistake.

Both measures passed by a vote of

51 to 49 meaning a single vote difference would have defeated these bills.

"It was extremely frustrating to lose these important votes by such a slim margin," said Josh Sword, President of the WV AFL-CIO.

"We thank our friends who stuck with us, all 36 of the democratic members and 13 republicans and independents."

The loss means pending litigation is the last resort to stop the RTW law from going into effect.

The case, which challenges the constitutionality of the law, is pending in Kanawha County Circuit Court. ■



Members of the Keystone Mountain Lakes Regional Council of Carpenters were on hand when Governor Jim Justice held a press conference during the last week of the session urging legislators to focus on his jobs plan.

## No Jobs - No Budget

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budget deal together. But on Sunday there appeared to be no activity.

Governor Justice has travelled across the state promoting his jobs plan and building public support.

He has also repeatedly said just patching the budget for a year is the wrong approach. He wants to get the state's economy moving and change the direction of the economy.

A \$2.8 billion infrastructure plan would be funded by three major initiatives. First would be a bond to accelerate spending of anticipated federal funds. Next is a proposed

four and one-half cent increase in the gasoline tax along with an increase in vehicle registration fees. These funds would then be used for another bond that first must be approved by a vote of the public.

Last is the continuation and expansion of the WV Parkways Authority. This means keeping the existing toll roads and looking for new toll locations. In order to decrease the financial impact on West Virginians Governor Justice proposed an annual fee of eight dollars to have unlimited use of all toll roads. ■

## Ohio Valley Jobs Fair



More than 500 students and Wheeling area residents participate in the Ohio Valley Jobs Fair at WesBanco Arena on March 30. The event was sponsored by Project BEST and the Ohio Valley Building and Construction Trades.

# IBEW 466 Member Nationally Recognized

Tara Turley, a fourth year electrician apprentice with **IBEW Local 466 Charleston**, was named the 2016 American Council on Education's Student of the Year.

Turley received the award at an event held in Washington, DC on March 13. Turley, who is on track to top out in mid-2018, was chosen from a pool of applicants across the

country and will receive a \$1,000 scholarship to help her continue her education.

She is working on an Associate's Degree along with her apprenticeship training.

After getting laid-off from a call center where Turley had worked for 13 years, and going through some

hard times personally, Turley got accepted into the electrician apprenticeship program in 2013 and never looked back.

"The worst thing that ever happened to me became the best thing that ever happened," Turley said. "I would do it again, too. I wouldn't change it." ■



Tara Turley (center), a fourth year electrician apprentice with IBEW Local 466 Charleston, received the 2016 American Council on Education's Student of the Year at an event held in Washington DC on March 13. Turley was joined by Local 466 Training Coordinator Tom Samples (right) and Eunice Bellinger, President of **BridgeValley** (left). Photo credit: Tim Trumble for ACE.

## Construction

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simply try to better define the phrase "lowest responsible bidder" when it comes to awarding a public project contract.

It is easy to figure out who has the lowest bid but the term "responsible" lacks a clear definition in code.

Many county boards of education and county commissions have adopted an 18 point outline of factors to consider when evaluating whether a contractor is "responsible".

These factors include such things as a company's track record, if they have a pattern of wage or other violations, change orders, quality problems, legal problems, etc.

Further factors look at a contractor's workforce, their training, their participation in benefit programs and use of local labor.

SB399 would have made portions of these policies regarding wages, apprenticeship, or benefits illegal and voided any policy that had such language.

The bill also was seen as a reversal of a recent trend called "Home Rule" which lets cities have more latitude to set their own laws and regulations.

Many counties were also opposed including **Kanawha County** where Commissioner Kent Carper came to testify against the measure. ■

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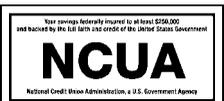
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