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

Legislative Attacks Focus on Workers, Construction

The 2017 legislative session, while more than halfway through the 60 day term, lacks serious work on job creation or solving the state's budget problems.

However attacks on workers and the construction industry are plentiful.

A series of legislative initiatives that may further hurt the construction industry (in addition to the repeal of prevailing wage last year) are moving through the legislature.

Wage Bond

A bill SB224 to eliminate a de-

cadates old law requiring construction and mining companies to post a wage bond if they have less than five years' experience has passed the Senate.

The law was put in place in the 1980's when companies would routinely abandon payroll responsibilities leaving workers with no remedy for unpaid wages or benefits.

Right-to-Work-2

A new Right-to-Work bill SB330 will soon pass the House of Delegates after moving swiftly through the state Senate.

The bill aims to fix problems from

last year's RTW law that are the basis of a pending law suit.

Where construction was exempted from the bill last year the new law removes the exemption.

A number of legislators cried foul noting the legislature should wait for the courts to complete their action before weighing in.

Union Dues Restrictions

A bill SB239 to impose extra restrictions on how workers can pay for union dues from their own funds has passed the Senate and awaits action in the House.

At first the bill was explained as only relating to political activity but a careful reading showed it will impact regular union dues as well.

Currently workers must authorize any deductions; the bill makes a worker repeat it every year and use a special form.

However deductions for other purposes, like for-profit insurance companies, do not have to face this same burden.

A question remains on whether this legislation can override the fed-

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48,000 New Jobs Possible

Legislature Ignores Justice Job Creation

Governor Jim Justice has expressed frustration with the lack of attention to his proposal to create 48,000 new jobs and stimulate the state economy with much needed infrastructure projects.

Legislative leaders have all but ignored the Governor and have instead focused on repeating the same exercise of the past two years, numerous attacks on working families and unions while pretending to search

for 'hidden pockets of money' in the state budget rather than address the looming \$500 million projected deficit.

Justice laid out a plan at his State-of-the-State address, and then of-

fered alternatives to try to get legislative leaders to work on solutions to the state's ailing economy.

His plan includes \$2.8 billion for infrastructure which he believes will

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Governor Jim Justice talks to a crowd in Raleigh County about his plan to rebuild the states infrastructure and create thousands of jobs. The Governor is going around the state in an effort to get the legislature to focus on jobs.

Legislative Attacks

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eral law regulating private sector unions.

Unemployment

Legislation to eliminate the balance long in place for workers to receive unemployment during a labor dispute has passed the Senate, SB222.

Current law says workers only get unemployment during a work stoppage if the company continues to operate and make money.

This prevents companies from 'starving out' workers.

If a strike shuts a company down then workers do not currently get benefits.

The changes will allow a company to force a strike, or use replacement workers, and deny workers forced out to receive any unemployment benefits.

The exception is if workers are permanently replaced, but determining that could take months during which time workers will get nothing.

Contractor Licensing

A bill HB2554 that may have crippled the Division of Labor, by removing contractors licensing duties from the agency, has been modified.

The measure would have ended the efficient use of combining DOL and Licensing funds and tasks.

Currently DOL administers new and renewal licenses and enforcement for contractors licensing, HVAC, plumber and crane operator licensing along with many other related functions.

The bill would have ended this efficient relationship.

A compromise was reached to allow the licensing board the option of breaking away from DOL but not mandating it do so.

The bill also creates a new general contractor license that does not require a GC test if the company does not take on projects valued at more than \$7,500.

WV Jobs Act

Numerous bills to weaken the West Virginia Jobs Act or block governmental agencies from knowing how much construction workers are paid on public projects are advancing

in the Senate, SB412.

These initiatives appear to protect contractors who import low wage labor on tax funded projects.

A bill to discriminate against contractors who use apprentices and pay benefits is advancing in the Senate. SB399 would make it a crime for any public agency to even ask the question of a bidder regarding their workers qualifications – but only for apprenticeship.

Questions about college degrees or vocational training would not be outlawed.

Similarly it would be illegal to ask a contractor if they provided any benefits such as safety training (other than the OSHA 10), healthcare or retirement.

Subcontractors

Two bills aimed at destroying local subcontractors have been introduced, but it remains to be seen if they will be on a committee agenda.

One measure would end a general contractor's responsibility for their subcontractor's wages and benefits SB411.

Current law requires a GC to make good on any debt the sub creates on their project.

Releasing the GC of such an obligation would mean when a sub fails to pay, workers are left without any options, especially without a wage bond.

Fair GC's and subs fear being forced out of the market.

The other measure HB2897 would increase the threshold when public construction projects must be bid from the current \$25,000 level to \$50,000.

This would mean local county and city officials could bypass bidding and simply hand projects up to \$50,000 to anyone they want – including friends and family.

Cancer Creek

Cancer Creek legislation HB2506, first proposed more than 25 years ago and stopped by the Trades, is back.

The effect would be to allow up to eight times more cancer causing chemicals into rivers and streams.

Proponents claim it will increase jobs but were unable when under oath to provide one example.

ACT's Steve White testified against the measure stating the Trades are big proponents of job creation but not low standards.

Instead, White suggested, an effort to support real jobs like the stalled \$615 million Moundsville Power project, would be time better spent by the legislature.

White also noted some of the Cancer Creek supporters were allied with those to prevent the Moundsville Power project getting started.

Wind Turbines

A bill to increase the tax rates on wind projects SB16 has passed one committee in the Senate and awaits action in the powerful Finance Committee.

If passed, a long standing compromise between the wind and coal industry will be tossed out and wind will see significant tax increases which may jeopardize upcoming construction projects in Greenbrier and Tucker Counties.

Both projects have already committed to use local union construction workers. ■



Members of Operating Engineers Local 132 are among many of the crafts that try to get legislative leaders to focus on rebuilding our infrastructure but instead must watch an endless attack on workers.

Justice Speaks to Crafts



Members from the Wheeling area representing Plumbers and Steamfitters Local 83 and Carpenters Local 432 talk with Governor Jim Justice at his Capitol office. They expressed support for his infrastructure plan and job creation. They also talked about the need to get projects like Moundsville Power moving which will create hundreds of local jobs but are being stalled by coal mining interests.

Coal Opposition Intervenes \$615 Million Harrison County Power Plant

An application to build a new \$615 million gas-fired electric power plant in Harrison County was filed at the state Public Service Commission on January 17.

ESC Harrison County Power, LLC based in Buffalo, New York applied for the siting permit to build a 630 Megawatt combined cycle facility along with 1.8 miles of transmission lines.

The North Central WV Building Trades and the project developer are working on an agreement that will make sure the project is built with local union labor.

The proposed plant will be in Clarksburg and will be supplied by a 5.5 mile gas line extension.

The project has already been approved by the electric grid operators, PJM Interconnection.

PJM is a regional transmission organization that coordinates the

movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

Now a long check list of studies and permits must be obtained for the project to become reality.

"Typically the PSC process can take up to a year to complete but all of the needed studies

and permits concerning possible im-

pacts on wildlife, historic and cultural sites, the environment, economic impact, and more are ongoing, so we hope to be able to reduce that timeframe and receive a permit in 2017," said John Black one of the ESC partners.

Ohio Valley Jobs Alliance, a group claiming to be concerned about coal related jobs, has intervened in the PSC process.

They have also intervened in environmental permits for a similar project called Moundsville Power.

The intervention has held up the Moundsville project for many months. While the delay has the potential to derail the West Virginia projects, the OVJA has been denied the right to slow down a competing project in Ohio, and numerous projects in Pennsylvania are also proceeding. ACT and the WV State Building Trades have also intervened at the PSC.

ACT has hired an economist who will study the positive economic impact the project will bring to the region when local construction workers are hired.

"We need the jobs this project will bring," commented North Central WV Building Trades Executive Director Natalie Stone.

"Just like when we supported Longview Power, we want to see our resources turned into electricity rather than leave the state." ■

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Natalie Stone,

North Central WV Building Trades

Veterans, Apprenticeship, PW Ignored

Calls to support veterans and displaced coal miners by informing them of apprenticeship opportunities has been ignored by legislative leaders even though it has bi-partisan support.

HB2625 and SB518 aim to increase awareness and information about all apprenticeship opportunities.

The measure would pool existing resources from a variety of state agencies, so no new addition funds are needed.

Representatives of the apprenticeship community would also participate with the goal of devising a plan for getting more information into the hands of veterans, displaced coal miners, and other populations.

Del. Scott Brewer (D-Mason) an expert in apprenticeship teamed up with Sen. Richard Ojeda (D-Logan) a proud veteran to craft the bill. They sought bi-partisan support from sponsors.

However one initial supporter,

Sen. Mike Azinger (R-Wood) had his name removed from the bill.

When asked why by local workers Azinger claimed the bill would cost too much, even though no funds are being sought.

"If Governor Justice is successful in his efforts to jump-start our economy and create jobs by investing in our infrastructure we will need measures like this to make sure the jobs created go to local workers," said Jeremy Jeffers, West Virginia Training Director for the Keystone-Mountain-Lakes Regional Council of Carpenters.

"Making sure veterans know about opportunities is the least we can do to thank them for their service," said Jeffers.

"And we know our coal miners have the work ethic to get any job done, so getting them the additional training to work construction is a no-brainer."

Efforts to restore the prevailing wage law have also fallen on deaf ears.

ACT has documented the lack of any savings to taxpayers from the repeal, proving the promised 25 percent savings has never materialized. But serious wage loss, tax loss and job loss has resulted.

An economist predicted West Virginia would lose \$84 million per year in wages and taxes due to the repeal.

"With the budget problems we have now you would think an additional \$84 million might get someone's attention, but legislative leaders are more intent on their re-election and are focused on destroying any potential opposition," said Dave Efaw, Secretary-Treasurer of the WV State Building Trades. ■



Members of the Keystone-Mountain-Lakes Regional Council of Carpenters wait for a Wednesday meeting of the Labor Caucus at the House of Delegates. Among the messages Trades members are delivering to legislators are the advantages of apprenticeship.

Local 80 Announcement of Apprenticeship

PROGRAM NAME: Heat & Frost Insulators Local 80 JATC

WHERE TO APPLY: Any WorkForce WV office

WHEN TO APPLY: April 3rd – May 5th, 2017

HOURS TO APPLY: Monday thru Thursday: 8:30 – 5:00, Friday 9 – 5. Please check your local WorkForce WV Office for TABE testing times.

MINIMUM QUALIFICATIONS

AGE: At least 18 years of age

EDUCATION: High School Diploma or equivalent

PHYSICAL: Must be physically able to perform the work of the trade, a drug test will be required

DRIVERS LICENSE: Must have a valid Driver's License

APTITUDE: Meet testing requirements administered by WorkForce WV

RESIDENCY: Must reside in one of the following counties at least one year prior to applying

Ohio: Gallia, Meigs, Washington, Jackson, Pike, Lawrence or Scioto

Kentucky: Bath, Carter, Floyd, Knott, Letcher, Martin, Owsley,

Rowan, Boyd, Elliot, Greenup, Lawrence, Lewis, Menifee, Pike, Wolfe, Breathitt, Estill, Johnson, Lee, Magoffin, Morgan or Powell.

Virginia: Allegheny, Amherst, Appomattox, Augusta, Bath, Bedford, Bland Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Smyth, Tazewell, Washington or Wythe.

West Virginia: Boone, Calhoun, Fayette, Jackson, Lincoln, Mason, Monroe, Pleasants, Raleigh, Roane, Webster, Wyoming, Braxton, Clay, Gilmer, Nicholas, Pocahontas, Randolph, Summers, Wirt, Wayne, Cabell, Doddridge, Greenbrier, Lewis, McDowell, Mingo, Pendleton, Putnam, Ritchie, Kanawha, Logan, Mercer, Wood or Upshur.

DOCUMENTS: Certified Birth Certificate, Copy of High School Diploma or GED/TASC Certificate,

Copy of Valid Driver's License, Certified High School Transcript of

Grades, must be mailed c/o JATC, P.O. Box 806, Winfield, WV 25213 and received no later than May 27, 2017. DO NOT MAIL UNTIL AFTER YOU APPLY AND MEET TESTING REQUIREMENTS. IF YOU ARE A HIGH SCHOOL SENIOR GRADUATING IN THE SPRING OF 2017, THE HIGH

SCHOOL DIPLOMA MUST BE RECEIVED BY JUNE 30, 2017.

THE RECRUITMENT, SELECTION, EMPLOYMENT, AND TRAINING OF APPRENTICES SHALL BE WITHOUT DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, OR SEX. ■



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Justice Job Creation

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in turn create 48,000 jobs.

The plan has three major components; bonds paid for by future federal funds, renew the existing turnpike tolls plus authorize more, and new revenue from vehicle registration fees and gasoline purchases.

Justice also proposed an innovative way to minimize tolls on West Virginia vehicle owners – by providing them with an unlimited in-state pass for an added \$8 per year to vehicle registration fee.

This would mean a great reduction for those currently paying for the tolls and a cap on any increases or additional tolls.

Around three-quarters of toll payers are from out-of-state.

And where there are no tolls these same out-of-state drivers pay little or nothing towards the costs of the roads used.

Faced with legislative inaction Governor Justice has made a number of appearances around the state to talk directly to citizens about his plan.

Outside of the Governor's office at the capitol a computerized 'count-down clock' is displayed to focus on the number of days left in the legislative session.

The Governor also wants the legislature to work on his proposed budget.

"It's astounding, not one committee of the legislature has even brought up Governor Justice's plan, not the Labor or Workforce committees you think would be interested in jobs, nor Transportation or Finance," said Josh Sword, President of the WV AFL-CIO.

"We need to at least give the Governor's plan a chance." ■

WV AFL-CIO Perdue Retires, Sword Named



Retiring WV AFL-CIO President Kenny Perdue (lower left) sits with his wife Dusty while incoming President Josh Sword (at podium) and Secretary-Treasurer Joe Carter recognize Perdue's many years of service to the Labor Movement. The event took place during the WV AFL-CIO's legislative conference held in Charleston in February. Perdue, a member of Sheet Metal Workers Local 33, had served as Business Agent for Local 33 and as an Executive Board member and Secretary-Treasurer of the WV AFL-CIO.