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

Bad Bill Dubbed Paycheck Deception Passes Senate

SB 335 passed the State Senate on Friday, February 9 and is in the House of Delegates for consideration. No Democrats voted for the measure which is being pushed by the Republican Leadership.

It will force workers and their employers to create more paperwork in order to continue current fund collection practices.

The same bill passed the House last year on a very close two-vote margin. Governor Jim Justice vetoed the measure.

It appears to be no coincidence the bill was quickly passed out of the Senate Judiciary Committee at the same time teachers and other public employees from four southern counties came to the Capitol to protest PEIA cuts and low wages.

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Delegate Scott Brewer (D-Mason) talks to a group of Laborers from Local 1353 about legislative issues. He urge members from the crafts to let legislators know they are watching what happens in Charleston.

Indiana Study Confirms Loss of PW Means No Savings, Big Wage and Benefit Decline

A study by the Midwest Economic Policy Institute released in January documents the negative effect prevailing wage repeal has had in the state of Indiana.

The Republican led Indiana legislature repealed prevailing wage, called the Common Construction Wage, on July 1, 2015.

According to authors Frank Manzo IV, MPP and Kevin Duncan, Ph.D. the repeal of Common Construction Wage has led to a host of negative im-

pacts on workers and the construction industry— including lower wages and more income inequality— while failing to deliver any meaningful cost savings or increased bid competition promised by those in favor of repeal.

Their report detailed 10 areas.

1. Repeal decreased the wages of blue-collar construction workers by 8.5 percent, on average.

2. Repeal decreased the wages of the lowest-paid construction workers by 15.1 percent, contributing to

greater wage inequality.

3. Repeal was statistically associated with a 4.5 percentage-point increase in the share of workers in construction occupations without a high school diploma or equivalent.

4. The share of construction workers who are military veterans fell by 1.2 percentage points post-repeal.

5. Worker productivity growth was 5.3 percentage-points slower in Indiana than in neighboring Midwest states following repeal.

6. Relative worker turnover increased by 1.2 percentage points in Indiana's heavy and highway construction sector following repeal.

7. Employment growth in public works construction was 1.5 percentage-points slower in Indiana than in neighboring Midwest states following repeal, and evidence suggests that repeal has resulted in more out-of-state workers employed on public projects in Indiana.

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“They Hate Your Guts”

WV Jobs Act - Local Hiring - Under Attack

Republican leaders in the State Senate are on the attack to weaken the local construction hiring law called the WV Jobs Act.

SB 474 would gut enforcement of the hiring law by making records from construction projects secret. The law targets certified payroll documents and makes them no longer a public document meaning the names, addresses, craft, hours worked, rates of pay, and deductions would all be secret.

“The Republican Leadership does not want you to know the repeal of prevailing wage is costing us hundreds of jobs...”

Steve White,

*Director
Affiliated Construction Trades*

The information has long been considered a public record for construction projects funded with tax dollars.

The West Virginia Press Association spoke in opposition to the measure during the Senate Workforce Committee. It was pointed out the current law is even more important with the road bond recently passing and the clear desire by citizens to make sure local workers get jobs where possible. Soon after making remarks that

called for open and transparent government the Press Association representative was attacked by Senator Randy Smith (R-Tucker).

Smith claimed the bill was about worker privacy. However the room was filled with construction workers who had the opposite opinion.

“We were ready to testify that local workers fully support public payrolls but Senator Smith shut down all public input,” said ACT Director Steve White.

Using a procedural rule Smith cut off discussion with a party line vote.

White explained not only would he have testified about the importance of having public records where public dollars are being spent, he also was prepared to give real examples of situations where payroll documents caught law breakers and captured money for the state and workers.

“Just take the Seminole Equipment case last year where local

painters caught the Florida bridge painting company not withholding state income tax,” said White. That’s hundreds of thousands of dollars the state would not have recovered had it not been for the access to records citizens currently have.”

Instead of privacy White believes the effort is aimed at secrecy.

“The Republican Leadership does not want you to know the repeal of prevailing wage is costing us hundreds of jobs, cutting wages and benefits, and hurting our local contractors,” said White. “Instead of addressing the problems they are just trying to cover them up.”

White credits Governor Jim Justice for improving the WV Jobs Act during last year’s special legislative session. Penalties were clarified and increased and some tax issues addressed.

Last year a similar bill was defeated in the House. ■



ACT’s Steve White gestures at a group of Republican Senators while explaining to visiting construction workers “They hate your guts”. The scene took place right after a bill to make payroll data secret and weaken the WV Jobs Act was voted out of the Senate Workforce Committee on a party line vote.

Indiana Study

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8. The average number of bidders on public projects in northern Indiana was 3.0 before repeal and 2.9 after repeal.

9. Common Construction Wage did not favor union contractors, as the union share of northern Indiana’s

construction market stayed the same or even increased following repeal.

10. Repeal had no statistical impact on the average cost per public school project in northern Indiana.

FULL REPORT: <https://midwest-epi.org/> ■

Bad Bill

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Republican leaders claim the law will protect worker’s wages but it is common knowledge the measure is simply aimed at hurting workers and their ability to form and support unions.

Current law requires all deductions to be approved by workers but this law forces that approval process to be annual and further requires employers to sign documents they currently do not.

“Even though we have agreed to certain payroll deductions with a contract, we now must ask workers and their employers to sign documents each year simply to form a paperwork burden,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

“If this were solely for political action funds we would not have a problem, but this is for many funds including drug testing, savings, vacation, apprenticeship and dues which are already agreed upon.”

The prospect of forcing employers to sign mountains of paperwork for upcoming big road and pipeline projects was never even discussed.

And the bill also looks like it would make it more difficult for labor groups to support ballot measures such as the recent road bond or any future school bond.

“We don’t spend money without approval from the members for these issues but tracking down every member, those who are out of town or working long shifts will just mean they lose their voice,” said Efaw.

Governor Justice wrote in his veto message last year “This bill creates a significant hardship on employers and employees for a convenient practice that has become commonplace in today’s society, authorizing payroll deductions.”

The Governor went on to note the law put “an unnecessary burden on businesses, and an inconvenience on employees...”. ■

Licensing Under Attack

Attempt to Cripple Contractor Licensing, Repeal HVAC License Law, Part of Plan to Destroy WV Division of Labor Effectiveness

Instead of a direct attack to eliminate the West Virginia Division of Labor Republican leaders are on a course to simply take away all funding leaving the agency incapable of protecting workers or citizens.

A number of measures remove or decrease significant funding to the agency including taking away the contractor licensing duties that have been in place for more than 27 years, abolishing the HVAC licensing and eliminating fees charged by the DOL Division called weights and measures which tests and certifies all sorts of scales and pumps protecting consumers.

Currently the WV Division of Labor performs many functions that are related to worksite visits. With one inspection a variety of state laws can be reviewed and enforced by an efficient system.

HB 4317 would move Contractor Licensing away from the DOL and will hurt the efficiency of both DOL and the Contractor Licensing Board. A representative of the Board testi-

fied they had no desire to be moved out of the DOL and the bill was voted down in the House Government Organization Committee. But two days later the bill was back before the committee and it passed.

It now must go through the House Judiciary Committee.

If passed the measure will make it will be more costly to both enforce licensing and perform other jobsite law enforcement such as for the WV Jobs Act, Unauthorized Worker law, child labor and individual licensees like plumbers and crane operators.

A bill to repeal the HVAC and Fire Damper Technician law has also been introduced in both the House and the Senate. As the ACT Report goes to print neither bill has been placed on an agenda.

The licensing of HVAC and Fire Damper installers was passed in 2014 after going through a process called the Sunrise Review. An application had to be submitted and a justification of the public benefit presented. The independent review found the

licensure of HVAC and Fire Damper workers would provide public safety and benefit.

It took a year to implement rules and prepare for testing and grandfathering which all took place in 2015. HVAC licensing is handled by the WV Division of Labor while Fire Damper Technician licensing goes through the WV Fire Marshall's office.

"This law received significant bipartisan support when it passed and when the rules were put in place, all within the last few year," said Steve Hancock, a representative for the Sheet Metal Workers.

"Workers and contractors have invested funds and time to meet these important standards and move

our state into the 21st century, and repeal would hurt the public and the industry."

The repeal is also seen as another way to cripple the Division of Labor.

"There is even a bill to give a \$350,000 tax break to thousands of out-of-state and foreign companies and prevent our DOL from supplying a simple upholstery tag required by the Federal Government," said Delegate Scott Brewer (D-Mason).

When taken together the contractor licensing, weights and measures, HVAC licensing and upholstery tag measure would almost eliminate all funding to the WV DOL. Currently DOL only gets funds from fees for services, meaning no funding from taxes that go to the state. ■



Members from Iron Workers Local Union 787 and Plumbers and Steamfitters 565, both based in Parkersburg, attend a meeting of the House Government Organization Committee that voted down the bill to move contractor licensing away from the Division of Labor. Two days later the bill was reconsidered and passed out of the committee.

Public Employees Make a Stand



Andy Walters (left) Secretary-Treasurer of the WV AFL-CIO and Josh Sword, President look on as Christine Campbell, President of the WV Federation of Teachers speaks to a gathering of union delegates during the WV AFL-CIO conference on January 24. The combination of PEIA cuts and stagnant wages have public employees mad, especially since another round of tax breaks for corporations and more attacks on Labor are on the Republican legislative agenda.

Apprenticeship Bill Stalled in Senate

A bill to improve cooperation between apprenticeship programs and community colleges was one vote from passage in the State Senate before being pulled from the agenda.

SB430 now sits stranded in the Senate Rules committee with no explanation of why it was prevented from passing.

The bill had already passed the Senate Finance Committee and had gone through two of the three readings before the full Senate before pas-

sage.

“The bill came after we asked why apprenticeship was not considered during the debate about funding free community colleges,” said Steve White, ACT Director.

According to White SB 430 was created to move the discussion away from the Governor’s bill for free tuition and have an independent way to encourage cooperation between community colleges and apprenticeship programs. A key provision was

to track results of craft training.

“We know our programs are successful and welcome a comparison between our results and any others,” said White. “At the same time we see needs that are not being met, and that is where the community colleges could help.”

White believes advanced programs on safety, starting and run-

ning a construction company and the industrial project management class recently developed with WVU Institute for Labor Studies are all examples where more work is needed.

“What we don’t want is to have our tax dollars go to training in the construction industry that our programs are not allowed to participate in,” said White. ■



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