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

# Wrecking Licensing was #1 2021 Legislative Focus

Republican legislative leaders focused their attention on occupational licensing this session and delivered devastating attacks on both contractors and many trades.

HB2006 changed contractor licensing by eliminating the requirement for a license for residential projects under \$5,000 and commercial projects under \$25,000. Current law requires a license for any project worth \$2,500 or more.

In addition, the requirement for painting and landscape contractors to have any contractor licenses has been eliminated. That means the Florida based contractors who have been caught not paying taxes and performing poorly no longer need a license on multi-million-dollar bridge painting contracts.

"I am sure the new law makes the cheaters happy, but it makes me mad, and I know it makes local painting contractors mad, both union and nonunion," said Brian Stanley, Business Manager of Painters DC 53.

Authority to oversee contractor licensing was taken away from the WV DOL and now rests with the vol-

unteer Contractor Licensing Board.

HB2008 was a direct attack on trades licensing. The crane operator certification in place for more than 20 years has been eliminated.

Training and qualifications for electricians, HVAC, plumbers, and sprinkler fitters are reduced. The fire damper installer license is repealed.

"Lowering safety on the job is the worst thing you can do but that is exactly what the Legislature did, and it is shameful," said Chuck Parker, Business Manager for Operating Engineers Local 132.

For electricians, a person can now get a master's license after only two years of experience, and a journeyman license with only one year. An apprentice license will no longer be offered because a person assisting an electrician needs no license at all.

The law also requires West Virginia to accept any other state license even if the qualifications are lower than West Virginia's or the other state refuses to accept a WV license.

"We have seen out-of-state and out-of-country workers take local jobs and at times the license helps

catch those who are here illegally," said John Epperly, Business Manager for IBEW Local 466, Charleston.

"It's incredible legislative leaders not only ignore the documented problems with people trying to illegally get licenses they have now made it easier for out-of-state contractors

to import workers to take our jobs."

Requirements for a plumber's license were also lowered significantly. To get a master's license a person only needs to hold a journeyman license for a year. And no experience at all is needed for a person to get a

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## House Vote Will Impact Your License and EVEN WORSE – YOUR JOB!

The West Virginia House of Delegates is expected to pass laws this week that will severely hurt anyone currently licensed as an **electrician**, **plumber**, **HVAC technician** or a **crane operator**. It will allow unqualified and untrained workers to take your job. Learn how your license will be impacted:

ELECTRICIAN	PLUMBER	HVAC TECHNICIAN	CRANE OPERATOR
<b>H.B. 2008</b> – Eliminates electrician apprentice license altogether. Lowers experience for journeymen to only 1 year. Makes it easier for imported and illegal workers to take WV jobs.  <b>H.B. 2007</b> – Gives an out-of-state worker a West Virginia license if they show they've worked for two years in the industry. No training is required, whatsoever.	<b>H.B. 2008</b> – No experience required to become a journeyman, just pass a written test.  <b>H.B. 2007</b> – Gives an out-of-state worker a West Virginia license if they show they've worked for two years in the industry. No training is required, whatsoever.	<b>H.B. 2008</b> – Makes an HVAC technician fully licensed with only one year's experience. Eliminates fire damper license altogether.  <b>H.B. 2007</b> – Gives an out-of-state worker a West Virginia license if they show they've worked for two years in the industry. No training is required, whatsoever.	<b>H.B. 2008</b> – Eliminates the WV Crane Operators Certification. This will leave weaker federal OSHA standards in place with little enforcement. Unqualified and imported workers can take your job!

**DON'T END UP IN THE UNEMPLOYMENT LINE**

**LICENSESWORKWV.COM**

TELL YOUR HOUSE MEMBER(S) TO VOTE AGAINST THESE BILLS!

**House of Delegates Contact Info:**  
<http://www.wvlegislature.gov/house/roster.cfm>

**State Senate Contact Info:**  
<https://www.wvlegislature.gov/senate1/roster.cfm>

**Call Your Member(s) of the House of Delegates Now.**  
 Moore Capito  
 moore.capito@wvhouse.gov  
 (304) 340-3252

This post card was one of many sent by the WV State Building Trades and ACT to license holders about legislation changing licensing laws.

# \$20.7 Million in Wage Theft Charged in PA

On April 8 Pennsylvania Attorney General Josh Shapiro announced that road contractor Glenn O. Hawbaker, Inc. (GOH) had been charged with four counts of theft relating to the Pennsylvania Prevailing Wage Act and the federal Davis-Bacon Act.

The nonunion company, headquartered in State College, PA also

has offices in New York and Ohio as well as a WV contractor's license.

According to an April 8, 2021 affidavit from Supervisory Narcotics Agent Thomas J. Moore, II, "GOH concocted a grossly exaggerated health and welfare hourly credit by including inflated health insurance costs and nonqualifying ex-

pense in its health and welfare credit calculation."

"While GOH boasted that it provided great employee benefits and used that supposed "fact" as a recruiting tool, in actuality, GOH was stealing its prevailing wage workers' pension and health and welfare money," Moore stated in the affidavit.

"Between 2015 and 2018, GOH stole just under \$20.7 million of prevailing wage workers' fringe benefit money."

One method used to cheat workers was to claim they paid the initial medical charge for services rather than the actual paid amount.

Many health care providers pro-

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# Pinnacle is First Wind Re-Powering Project

Existing wind turbines will be replaced by updated more efficient towers and turbines at the Pinnacle Wind Farm in Mineral County.

Called a repowering project, the Pinnacle site will be the first in the state to see wind turbines replaced and upgraded.

Clearway Energy Group, based in California, is the owner and developer of the Pinnacle site.

They also own the Black Rock Wind project currently under construction in Grant and Mineral Counties.

Construction for both projects is being led by a joint venture between Reed & Reed, Inc. and Bechtel Infrastructure and Power Corporation.

In late March Clearway announced they had closed \$128 million in debt financing deal to facilitate the repowering activity.

The University of Maryland and the Maryland Department of Gener-

al Services will buy the power under a long-term power purchase agreement.

According to a company press release Clearway is already the largest taxpayer in Mineral County, generating approximately \$500,000 in local property taxes. Repowering Pinnacle will increase Clearway's tax payments by up to \$200,000 in the first year of operations. Pinnacle will also pay \$3.7 million in West Virginia business & occupancy taxes over the project's operating life.

Once complete, the Pinnacle site will have a total of 23 turbines supplied by Siemens Gamesa Renewable Energy. Pinnacle is expected to achieve repowering commercial operations in late 2021.

US Windforce, the original developer of the Pinnacle site, signed an agreement in 2011 with the Trades to use local union workers to build the project. Edison Mission Energy

bought the development and hired White Construction as the GC to

build the 23 turbines at a reported cost of \$180 million. ■



*These turbines, blades and towers at the Pinnacle Wind Farm will be replaced in what is called a repower project. The project should take place this year and has committed to use local union construction workers.*

## Iron Workers 787 Accepting Apprentices

The Iron Workers Local 787 Joint Apprenticeship Committee will be accepting applications for the Iron Workers Apprenticeship Program during regular business hours, Monday thru Friday (except holidays), from 8:00 am to 12:00 pm and 1:00 pm to 4:30 pm.

The apprenticeship program usually takes three years to complete. Apprentices earn-while-they-learn with on-the-job training and attend unpaid classroom sessions.

Upon completion an apprentice will have learned all aspects of the trade including structural steel placement, welding, reinforcing rods, ornamental and more.

You must fill the application out in person at the Iron Workers 787, 303 Erickson Blvd., Parkersburg, WV.

Bring copies of related documents described below.

The following are the minimum requirements. Lack of any one of these will automatically disqualify the applicant.

- Must be at least 18 years old (Proof required).

- Must be capable of doing work of the Iron Worker trade.
- Must be a High School Graduate or have equivalent certificate (GED/TASC).
- Must have a valid Driver's License.
- Must score a passing grade on the TABE test given by Workforce.
- Must live in the jurisdictional area of Iron Workers Local 787 for at least one (1) year previous to applying.

If selected for the Apprenticeship Program the candidate must submit to and pass the Substance Abuse Test offered by the Parkersburg-Marietta Contractors and Trades Educational and Development Fund. The Iron Workers Local 787 JAC will pay the cost of the test.

The jurisdictional area covered by Local 787 is as follows:

OHIO: Athens, Meigs, Morgan, Noble, and Washington Counties.

WEST VIRGINIA: Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Jackson,

Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Ritchie, Roane, Summers, Upshur, Webster, Wirt, Wood, and Wyoming Counties, and the southern portion of Randolph County.

No Applicant will be rejected because of race, color, religion, national origin, or sex. Iron Workers Local 787 will take affirmative action to provide equal opportunities in apprenticeship.

For more information go to <https://ironworkers787.org/> ■

## \$20.7 Million

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vide deep discounts to insurance companies which was true for the GOH plan.

But GOH overstated the amount paid by more than \$50 million in a four-year period using the initial bill rather than the actual payment.

"GOH reported the hourly costs of its health and welfare benefits to be approximately between \$14 and \$19, depending on the year," said Moore. "...the actual cost of providing health and welfare benefits to employees ranged from \$4 to \$7 per hour."

Pension amounts were put into "one big pot and then used to fund all

employees', executives' and owners' pension accounts."

The announcement came after years of investigation which started with information provided by the Pennsylvania Foundation for Fair Contracting, a trades-based group in PA, and the International Union of Operating Engineers.

The alleged scheme went on for decades, but Hawbaker could be charged only for the last five years due to the statute of limitations.

Former Hawbaker workers who think they may have lost benefits are encouraged to call 814-746-3518. ■

## *Pro-Wage Theft, Blocking Asbestos/Silica Claims*

# 2021 Legislative Session Terrible for Construction Trades, Families, and Others

With a super majority at the state legislature Republican leaders wasted no time attacking workers on a variety of fronts.

Both contractor and craft licensing laws suffered serious setbacks with the passage of HB2006 and HB2008 (see separate story).

SB272 creates a new definition of an independent contractor which is the first of its kind in the nation. The law makes it easy for companies to call existing employees independent contractors and shift all tax and liability to the worker.

“Paying cash is nothing new and is just another form of wage theft,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades. “It had been illegal and if you got caught the penalties were severe. Now it’s easy to make employees contractors.”

According to Efaw it may be tempting for a worker to take cash rather than a wage until they realize they are responsible for making all social security and tax payments and they may not be eligible for workers compensation or unemployment.

HB2495 changes how asbestos and

silica claims are handled. It makes it harder for workers suffering from asbestosis or silicosis, or their widow and kids, to file a legal claim. At the beginning of a lawsuit, a worker must identify each and every location and manner they were exposed to asbestos or silica and the name of the product they were exposed to. If they can’t the new law makes it easier for their claim to be thrown out.

The only thing good to say about the 2021 legislative session is that a few terrible bills did not pass.

According to Efaw a bill to slash unemployment benefits from 26 weeks to 12 weeks was not only introduced but on a committee agenda.

“When a bill is placed on an agenda it is likely to pass,” said Efaw. “Luckily the unemployment cut never made it out of committee but we expect to see it next year.”

An attack on the WV Jobs Act came very close to passage but failed on a tie vote in the House Judiciary Committee.

The measure, SB370, which had already passed the Senate and the House Workforce Committee would

have made payrolls used to enforce the Jobs Act secret.

SB303 would have stopped cities and counties from having any local ordinance or law that promotes prevailing wage, a higher minimum wage, local hiring, apprenticeship, health or pension benefits and more. The bill passed the Senate but never made it out of the House Judiciary committee.

Undeterred the Senate inserted the bill in the last week into a different bill. Fortunately that move was

caught and challenged by Sen. Richard Lindsay (D-Kanawha) as being “not germane” to the original bill. Lindsay won the point and the bad language was removed a few hours before the session ended at midnight on Saturday.

Public employees also saw a variety of attacks including HB2009 which makes it harder for workers and employers to pay dues. As introduced it would have also hurt private sector unions but was changed to only attack the public sector. ■

## Insulators Local 80 Apprenticeship

**PROGRAM NAME:** Heat & Frost Insulators Local 80 JATC

**WHERE TO APPLY:** Local 80, 4998 St Rt 34, Winfield, WV

**WHEN TO APPLY:** April 19th – May 28th, 2021

**HOURS TO APPLY:** Monday thru Friday: 8:30 – 4:00.

**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.

The recruitment, selection, employment, and training of apprentices shall be without discrimination because of race, color, religion, national origin, or sex.

For more info contact (304) 586-4780. ■



WV Legislative Photography, Photo by Will Price

Senators Mike Caputo (D-Marion) (standing) and Glenn Jeffries (D-Putnam) on the Senate floor discussing legislation are solid supporters of the trades in the Senate.

# Grand Open House held for \$1 Million Renovation to Millwright Training Facility

Millwrights Local 443 held a Grand Open House to celebrate new \$1 million renovations to the facility housing its Eastern Millwright Regional Council Apprenticeship Training Program.

The facility has been in operation since 1985 and has undergone many renovations in phases since its original opening. This most recent phase included \$1 million in renovations to office space, training classrooms, updated information technology equipment, and more funding to train millwright apprentices.

Representatives of the Millwrights

and Carpenters along with Trades, local elected officials and members of the public came from all over the tri-state region to attend the Grand Open House event. Also in attendance was Congressman David McKinley and Parkersburg Mayor Tom Joyce, who both spoke of the tremendous opportunity the facility provides to train millwrights in the area.

The apprenticeship program, located in Parkersburg, serves West Virginia, Pennsylvania, and Virginia, is one of the most unique training centers in the country.

The 14,500 square foot facility is

dedicated to training millwrights in safety, industrial installation & maintenance, combustion turbines, indicator & laser alignment, blueprint reading, welding, and much more.

“Right now, we have about 60 apprentices, but some years we have

up to 100 individuals come through this program,” said Jesse R. Stacey II, WV Representative to the Eastern Millwright Regional Council. “This facility will provide great training for many future Millwrights in the years to come.” ■

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Congressman David McKinley (R-1st) (at podium) speaks about the importance of apprenticeship training at the Millwrights Open House in Parkersburg. Millwright Local 443 Regional Manager Jesse Stacey, and Carpenters Eastern District Vice President Bill Waterkotte are set to follow.

## Barnwood Builders Show Highlighting Apprenticeship to Air April 25

A new show of Barnwood Builders filmed in WV at WVU's Jackson's Mill and the Carpenters Training Center at Bridgeport airs Sunday, April 25th at 9pm on the DIY Network.

The show features two Carpenter Apprentices and is called Building a Brighter Future.

## Wrecking Licensing

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journeyman license.

“Technically you can now get a masters and journeyman’s license without ever touching a piece of pipe,” said Bryan Raber, Business Manager of Plumbers and Pipefitters Local 152, Morgantown. “These changes not only hurt the craft they put the public at risk.”

HVAC technicians only need to show 2,000 hours of experience to be fully licensed for commercial work and no experience for residential.

The additional license needed to install fire dampers was eliminated.

“We believe the fire damper license was attacked because the bill sponsor has a personal connection to a firm doing this work,” said Jim Jackson, Business Agent for Sheet Metal Workers Local 33, Clarksburg.

A sprinkler fitter only needs to pass a test or show they have 2,000 hours of experience without a test.

There is no longer a license for those just starting out nor a way for them to legally be on the job.

“They just lowered the qualifications last year and now have done it again to the point where a license has little or no meaning,” said Ed Suiter, Business Agent with Sprinkler Fitters Local 669. “You cannot fully and safely learn this trade after only a year of work.”

While these two bills passed and will become effective mid-June the outcome could have been even worse, explains George Capel, Government Relations Director for the WV State Building Trades. “There were three bad licensing bills this session,” said Capel. “HB2007 passed the House but not the Senate.”

HB2007 was called universal licensing, it would have made it easier for those from out-of-state to obtain nearly any type of license in WV. ■