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

Sheet Metal Workers Win \$13,250 NLRB Settlement

In mid-2019 members of SMART Local 33 filed unfair labor practice charges against S&S Enterprises, better known by the DBA of Appalachian Heating, with the National Labor Relations Board (NLRB).

The union claimed the employer had “refused to hire an employee(s) because the employee(s) had joined or supported a labor organization.” Recently, the company settled with 14 workers from Local 33, prior to a hearing set by the NLRB, for a total of \$13,250.

In early 2019, workers from SMART Local 33 learned Appalachian Heating was hiring workers for HVAC installation positions. 14 skilled and qualified workers from Local 33 applied for positions with the company, but none were hired.

The workers subsequently filed charges against Appalachian Heating with Region Six of the NLRB on June 10, 2019, claiming they had been refused employment due to their status as union workers.

Furthermore, the charges went on to claim the company had refused to hire the workers to “discourage

union activities or membership” among their employees.

Upon receiving the charges, the NLRB conducted an investigation by interviewing the workers as well as representatives from Appalachian Heating. The NLRB removed five members from the charge when those members failed to provide in-

formation regarding their charges.

The investigation led to a ‘Complaint and Notice of Hearing,’ which means the NLRB found the allegations to have merit and would present a case to an administrative law judge.

A notice was sent by the NLRB on October 1, 2020, informing Appala-

chian Heating that a hearing was initially set for February 2021, though it was later postponed to June 2021.

However, the case never made it to an official hearing, as Appalachian Heating decided to settle with the workers of Local 33 for \$13,250.

According to representatives from **Cont. on p. 4>>**



Members of SMART Local 33 pose with their settlement checks from Appalachian Heating.

Road Contractor Agrees to Pay More Than \$20 Million to Victimized Workers

On August 3rd the Pennsylvania Attorney General’s office announced contractor Glenn O. Hawbaker, Inc. (GOH) agreed to pay \$20.6 million in stolen wages to over a thousand Pennsylvania workers after pleading

no contest to four felony counts of wage theft.

The restitution is historic, becoming the largest prevailing wage criminal case in U.S. history.

As a result of the pleas, GOH was

ordered to pay \$20,696,453 in restitution to 1,267 affected workers within 120 days. In addition, the company was sentenced to five years’ probation and required to appoint former acting U.S. Dept. of Labor Wage &

Hour Administrator, Alfred B. Robinson, as a Corporate Monitor.

While workers and industry experts have been coordinating with the PA Attorney General’s office for

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Carpenter Apprenticeship - WVU Degree Program Begins Second Half Enrollment

Earlier this month, Carpenter apprentices gathered at training facilities in Charleston, Parkersburg, and Bridgeport to complete paperwork for the Pathway Degree Program.

This is the start of the second half of the first year program. The total number of apprentices enrolled in the degree program to 92.

At the end of their apprenticeship in the program, they will become Journeymen Carpenters as well as receive an Associate's degree from WVU-Potomac State.

Last year West Virginia University entered into an agreement with the Carpenters to provide eligible apprentices with a pathway to receiving their degree at no cost to the appren-

tice.

"This is where skilled labor and higher education come together," said Everett Johnson, Training Director for the WV Carpenter Union Training Center. "There used to be a division where you either went to college or went into the trades. Now, we believe you can have the best of both worlds."

The program is a culmination of four years of planning and behind the scenes work.

From the approval of academ-

ic course curriculums to the creation of a custom academic calendar, the Carpenters and WVU have spent years coordinating to make the Pathway Degree program a reality.

"We've always believed our mem-

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Everett Johnson

*Training Director
WV Carpenter Union Training Center*

bers need to be well educated," said Johnson. "This program reinforces our commitment to education and will give these apprentices the skills they need to be successful and even transition into leadership roles as they progress through their careers."

Currently, the Pathway Degree Program is available to Carpenter apprentices, but other trades are looking to begin working and coordinating with West Virginia University to develop their own programs in the years to come. ■



Devin Dempsey (left), a first-year apprentice, is helped through the WVU Pathway Degree Program onboarding process by Cassie Weese (right), an Admissions Counselor from WVU-Potomac State.

PSC Approval of Mitchell Power Plant is a Positive Step but Future Still Uncertain

On August 4, the WV Public Service Commission (PSC) approved a request from Wheeling Power and Appalachian Power to implement and recover costs for environmental upgrades to keep Mitchell Power Plant federally compliant and operational beyond 2028.

However, the decision comes a month after Kentucky utility regulators rejected a similar request from Kentucky Power, who owns a 50% stake in Mitchell Power plant, causing uncertainty for the plant's future.

Kentucky only approved part of the additional cost which would only allow the plant to operate until 2028.

The WV PSC's ruling included the approval of a surcharge for Wheeling Power to recover related construction costs that will result in an increase of about 38 cents on monthly bills for the average residential customer using 1,000 kilowatts a month starting Sept. 1.

Because the Mitchell plant is owned by both Wheeling Power and Kentucky Power, approval is required in both Kentucky and West Virginia to move forward on environmental upgrades that will keep the plant in operation.

Regulators from both states have acknowledged the difference in rul-

ings that have come down but also refuse to speculate on the outlook for the plant.

Similarly a decision is pending from Virginia regarding the same pollution control equipment for the John Amos and Mountaineer plants in the AEP system. Like Mitchell, the Amos and Mountaineer plants are only partially owned by West Virginia with Virginia being the largest co-owner.

If Virginia refuses to pay for their share of the pollution control, then each plant will face significant challenges to stay in operation beyond 2028.

According to Kentucky Power spokesperson, Cynthia Wise, a decision has not yet been made about how the company will proceed with different rulings from the two states.

"This decision will need to be a carefully coordinated effort with our Appalachian Power and Wheeling Power sister companies, keeping what's best for our customers and communities we serve top of mind," said Wiseman in news reports.

In addition, Wiseman noted Kentucky Power filed for a rehearing with the KY PSC, regarding accounting issues, and will wait on that before determining its next step. ■

Fire Dept. Claims to be Private Entity

The Bethlehem Volunteer Fire Department now claims they are a private entity not subject to state laws concerning public construction bids, safety, and drug free policies.

The position was revealed in response to a Freedom of Information request made by the Upper Ohio Valley Building Trades Council.

The Council had asked for a variety of documents required by state law for public construction bids including public bidding notices for the architect and contractor, verification the general contractor was not in default for any taxes, evidence the general contractor and subcontractors have drug free programs, a subcontractor list and payment and performance bonds.

The Bethlehem VFD has none of these.

“A search has been conducted of the Department’s files and no records that are responsive to your request have been identified,” wrote Bethlehem VFD attorney Ryan Weld in a July 30 response.

Earlier this year Salesville Builders from Ohio was the low bidder at \$1,210,367.

The project broke ground on May 1 and is almost complete.

The admission none of the documents were on hand means many protections for the public and work-

ers were not in place. This would include any safety training, drug testing, local hiring or performance bonds.

Weld goes on to state “The Department is a private corporation separate and distinct from the Village of Bethlehem, Ohio County or the State of West Virginia.”

Not only is the public status of the fire department in question even the name of the entity is in question.

On Facebook they refer to themselves as the Volunteer Fire Department. Signage at the groundbreaking for the project also carried that name.

However the letter responding to the FOIA used the name Bethlehem Fire Department, Inc. A check at the WV Secretary of States Office list them the same way and indicated it is a For-Profit corporation.

IRS documents show them as a nonprofit with significant government funding.

“The more we look into it, the murkier it gets,” said Eran Molz, President of the Upper Ohio Valley Building Trades Council.

“The bottom line is the fire department wants to be supported by the public and taxpayers when it comes to funding, but they ignore local contractors and workers when it comes to spending and that’s not a good way to do business,” said Molz. ■

Victimized Workers

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years, the ordeal came to a head on April 8 of this year, when PA Attorney General Josh Shapiro filed a complaint before a Magisterial Judge in Centre County, PA, announcing criminal charges against GOH.

Later that month on April 19, a ‘Notice of Suspension’ was sent to GOH by the PA Department of Transportation (PennDOT), explaining the company was “temporarily suspended from contracting with, bidding on or participating in

the award of contracts, for Commonwealth of Pennsylvania supervised or funded highway construction work.”

However, the suspension was subsequently overturned when GOH was granted an injunction claiming PennDOT had violated their rights by suspending them without a hearing. The injunction was granted on or about July 1, allowing GOH to continue unrestricted in conducting business until the hearing set for August 3.

UA Local 625 Holds Blood Drive

The UA Local 625 Plumbers & Pipefitters held a blood drive on August 9 in partnership with the American Red Cross, honoring Tyler Carroll, a 24-year-old Charleston native and Local 625 apprentice.

Carroll was assisting someone trapped inside their car on the interstate, after they had been in a wreck, when another vehicle struck him causing a near-fatal collision.

While he survived the accident, Carroll had multiple surgeries and required several blood transfusions.

“Tyler is an outstanding apprentice and a great person,” said Craig Mosteller, Business Agent for Plumbers and Pipefitters Local 625. “What happened was tragic, especially since he was acting as a good Samaritan. So, we want to do all we can to help

Tyler and others who are in need. That’s why we held this blood drive today.”

The blood drive, held at Local 625’s Charleston Union Hall, had 36 donors in attendance who contributed vital pints of blood.

Recently, the American Red Cross has been desperate for new donors, as the COVID-19 pandemic put a halt to their donation efforts.

Because of the pandemic, new regulations have been put in place for donors. For example, individuals must bring their vaccination cards to show which type of vaccine they received prior to giving blood.

For more information on how to give blood in your area and eligibility requirements for donors, log on to www.redcross.org. ■



Red Cross workers tend to blood donors at UA Local 625 in Charleston WV.

During the hearing, GOH pleaded to four felony counts of stealing wages from its workers, confirming their use of money intended for prevailing wage workers’ retirement accounts instead went to all employees, including owners and executives.

GOH was also charged with stealing funds intended for prevailing wage workers’ health and welfare benefits and using them to subsidize

the cost of the self-funded health insurance plan that covers all employees. According to news reports the company disguised its scheme by artificially inflating its costs by millions of dollars each year and claiming credit for prohibited costs.

While this hearing concluded the case brought forth by the PA Attorney General’s office, a class-action suit was filed on May 6. ■

Ohio Valley Trades and Labor Assembly Hosts Dunk Tank for Charity Event

Last month, the Ohio Valley Trades and Labor Assembly hosted a Dunk Tank for Charity as a part of the Undo's Ohio Valley Italian Heritage Festival.

In attendance were members from IBEW Local Unions 141 & 246, Plumbers and Steamfitters Local Union 83, Ironworkers Local Union 549, Painters DC 53 Local 91/438, Carpenters Local 446 & 443, as well as other representatives from the Upper Ohio Valley Building Trades Council.

Participants in the dunk tank in-

cluded local workers, teachers, and House of Delegates representative Phil Diserio, who is also a retired member of IBEW 246. Participants were asked to choose their charity of choice, to which the funds from their time slot would be donated.

Over \$3,000 was raised during the event, with proceeds going to 10 different charities including: the Augusta Levy Learning Center, Easter Seals, the Shop w/ the Sheriff Cops & Kids Project, the YMCA, Undo's Upper Ohio Valley Italian Heritage Festival Scholarship Fund, The Road

Home Animal Project, Family Service "Upper Ohio Valley," Helping Heroes, the YWCA, and the North Wheeling Youth Center.

Dave Cantrell, a member of IBEW 141 and Treasurer for the Ohio Valley Trades and Labor Assembly ex-

plained the significance of this event to the local area.

"This is a way for labor to give back to the community," said Cantrell. "It's also good way for us to show people that we care and why they should hire local workers." ■



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Delegate Phil Diserio (D-Brooke) makes a splash, participating in the Ohio Valley Trades & Labor Assembly Dunk Tank for Charity event.

Sheet Metal Workers

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SMART, this is not the first time Local 33 has brought charges against Appalachian Heating.

In fact, Local 33 has won 14 times when bringing charges against the company in front of NLRB in the last few years.

Conversely, the company has brought charges against the union twelve times, and all have been dis-

missed except two which are still pending but expected to be dismissed as well.

Steve Hancock, organizer for SMART Local 33 explained it was good to see justice was served.

"Our workers deserve a fair chance," said Hancock. "Being a part of a union shouldn't exclude you from being considered for a job." ■

Affiliated Construction Trades

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Labor Day Weekend Events

CHARLESTON CELEBRATION & PICNIC

Saturday September 4, 2021

6:00pm Picnic, 7:05 Game

Appalachian Power Park (Charleston, WV)

FREE FOR UNION MEMBERS

Contact: Dena Fields (304) 344-3557 dfields@wvafclcio.org

WASHINGTON COUNTY LABOR DAY PARADE

Saturday September 4, 2021

10:00am Event start

Marietta, OH

PORTSMOUTH RIVER DAYS PARADE

Saturday September 4, 2021

10:00am Line-up, 11:00am Event start

Spartan Stadium (Portsmouth, OH)

CATLETTSBURG LABOR DAY PARADE

Monday September 6, 2021

9:00am Line-up, 10:00am Event start

PADEN CITY ANNUAL LABOR DAY PARADE

Monday September 6, 2021

12:00pm line-up (South End of town), 1:00pm Event start

Additional info: BB Smith (304) 545-7781 bbsmith@hotmail.com