

THE ACT REPORT

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TRADES

ACT is a division of The West Virginia State Building and Construction Trades Council, AFL-CIO. Steve Burton, President; Dave Efaw, Secretary-Treasurer; Steve White, Director.

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STATE CONVENTION ACTION

OHIO STATE BUILDING TRADES TAKES VOTE TO CREATE ACT-OH

The Ohio State Building and Construction Trades Council took action at their annual convention to create ACT Ohio.

The vote took place on Wednesday, October 3 and will take effect at the start of 2013.

The new organization is patterned after the West Virginia Affiliated Construction Trades.

Delegates familiar with ACT in West Virginia spoke in favor of the action.

A number of local unions had been voluntarily contributing to the fund for the past year.

The recent action will increase the state building trades affiliate fee to create the ACT fund.

The amount starts at three cents per hour worked and increases to five cents at a later date.

Union workers in Ohio have faced tremendous challenges in recent years. The election of Republican Governor John Kasich together with republican majorities in the House and Senate resulted in an attack on col-

lective bargaining for public employees and attacks on prevailing wage and projects agreements important to construction workers.

"We need more tools to combat these attacks," said Council Secretary-Treasurer

Dennis Duffy. "We looked around at other states and saw our neighbor in West Virginia had a fighting organization with ACT."

Also at the convention Duffy was re-elected as Secretary-Treasurer.



"BILL HUTCHINSON, (left) Business Manager of the Parkersburg-Marietta Building Trades, was glad to see Ohio adopt the ACT concept. "It's worked well in West Virginia," said Hutchinson. "Ohio needs to do something and this is a good step."

UNION WORKERS COMP PROGRAM RECEIVES NATIONAL RECOGNITION

A major insurance industry publication, Risk & Insurance magazine, has recognized the West Virginia Workers Compensation Consortium for their fifth annual Risk Innovator Awards.

The award was for the construction sector and recognized the Consortium and its partner groups for their cooperative approach and positive results.

The WV Workers Compensation Consortium is a labor-management group focused on improving workers compensation practices.

More than 32 construction companies participate along with labor and insurance industry partners to work on accident prevention and good claims management.

The September 15 issue of the magazine quoted from an interview with Tom Reece, Chairman of the Consortium and President of RC Gen-

eral Contractors as crediting the program for lowering his company's premiums significantly.

But he also pointed to other factors that make the program a success, like getting a premium refund and fewer law suits.

"Getting recognition from a major publication like Risk & Insurance is a tremendous honor," said Reece.

"Our program works because we have good partners and we have figured out how

to avoid the penalty traditional insurance models impose on high wage employers."

The awards were announced at an event held on September 10 in Chicago.

The September 15 issue of the magazine had stories about the winners in various categories.

Special recognition went to ACT's Steve White and Union Labor Life Insurance CEO Ed Smith representing the Labor and Insurance partners of the group.

IRON WORKERS CHALLENGE TRACK RECORD OF PITTSBURGH STEEL ERECTION COMPANY

Results of a comprehensive investigation into the questionable record and history of American Erection LLC and related companies was brought to the attention of the West Virginia School Building Authority.

Chad Rink of the Iron Workers in Pittsburgh made the presentation at the SBA's September 17 meeting in Charleston because of the company's recent award on a school project in Preston County.

Rink explained the relationship between the owners of American Erection and a number of companies with significant problems.

The owner of American

Erection is listed as Celeste Wilhelm, and her husband Ed Wilhelm operated W&K Steel and W&K Erection, two companies with a troubled past.

Problems include bankruptcy filings, creditor debt, completion and timeliness issues and even a ban by the city of Pittsburgh for running a sweatshop.

American Erection operates out of the former W&K Steel address in Pittsburgh and they use many of the former W&K employees.

Ed Wilhelm has been involved in at least six bankruptcies since 2001 including May 2011 filings for both W&K Steel and W&K Erection.

"We want to bring these issues to the SBA so you will

be aware of the problems and protect the citizens of West Virginia," said Rink.

The members of the SBA, including Steve Burton of the Tri-State Building Trades,

asked the staff to review the documents provided by Rink and to monitor the situation.



CHAD RINK, District Council Representative for the Iron Workers District Council of Northern OH, Western PA & Northern WV speaks at the September 17 meeting of the WV School Building Authority about concerns over American Erection, a steel erection company working on schools in Preston County.

GAS CUSTOMERS URGED TO CONTACT PSC

Thousands of Hope Gas customers received a card in their newspaper recently.

The message was simple – ask the state Public Service Commission to stop letting Dominion Hope pass on their losses to customers.

ACT experts have uncovered the practice of hedging – locking in gas prices – that have led to millions in losses.

The losses are buried in complicated gas rates costing consumers millions.

And a question still remains – is Hope Gas parent corporation Dominion Resources profiting from the losses of their affiliate?

Hope Gas paid their sister company Virginia Power En-

ergy Marketing millions for the hedge deals, but VPPEM profits remain secret.

The back of the card says.

Dominion-Hope Gas has lost tens of millions of dollars due to "hedging" gas prices. Now they're asking me to cover those losses while gas prices are the lowest in a decade.

They gambled and lost — month after month while gas prices fell — and now I have to pay?

Will the PSC continue to let Dominion-Hope pass their gambling losses to rate payers even after they have lost more than \$22 million with their bad business decisions?

And is it right to allow Dominion-Hope to make deals with their sister company that may be

profiting from those losses?

I'm asking the PSC to put some controls in place to protect

my gas rates from climbing any further because of Dominion-Hope's gambling.

And Dominion-Hope must be told to pay the price for their bad decisions, not us customers.

Dominion-Hope Gas Gambles, Customers Pay the Price!

Tell the PSC to stop Dominion-Hope's gambling that cost its customers \$22 million.

Message from the WV State Building & Construction Trades

This informational card was sent to 51,000 people in the Fairmont, Clarksburg and Parkersburg area urging them to return it to the state Public Service Commission.

COPE ENDORSEMENTS FOR 2012 ELECTION

The Committee on Political Education, an arm of the WV AFL-CIO, has endorsed the following candidates because of their positions and track records on labor issues.

How you and your family vote is a personal decision but please give the labor endorsed your consideration.

Last day to register – Tuesday, October 16

Early voting starts Wednesday, October 24

Absentee ballots can be requested through Wednesday, October 31

Election Day – Tuesday, November 6

Contact your County Clerk for more information.

U.S. Senate
Joe Manchin

U. S. House of Representatives
David McKinley* -
1st District
Nick Joe Rahall -
3rd District

Governor
Earl Ray Tomblin

Supreme Court of Appeals
Tish Chafin
Robin Davis

Attorney General
Darrell McGraw

Secretary of State
Natalie Tennant

Auditor
Glen Gainer

State Treasurer
John Perdue

* Building Trades Endorsement

State Senate
1st **Jack Yost**
2nd **Jeff Kessler**

4th **Mike Bright**
5th **Bob Plymale**
6th **Mark Wills**
7th **Art Kirkendoll**
8th **Joshua Martin**
9th **Daniel Hall**
10th **Bill Laird**
12th **Doug Facemire**
13th **Roman Prezioso**
16th **Herb Snyder**

House of Delegates

1st **Ronnie Jones,**
Randy Swartzmiller
2nd **Phil Diserio**
3rd **Shawn Fluharty,**
Erikka Storch
4th **Michael Ferro,**
David Sidiropolis
5th **Dave Pethtel**
8th **Buddy Malone**
9th **Jim Marion**
10th **John Ellem,**
Dan Poling
12th **Jo Boggess Phillips**
13th **Helen Martin,**
Brady Paxton
14th **Jimmie Wood Jr**
16th **Sean Hornbuckle,**
Jim Morgan
17th **Doug Reynolds,**
Dale Stephens
18th **Billy Chafin II**
19th **Don Perdue,**
Rick Thompson
20th **Justin Marcum**
21st **Harry Keith White**
22nd **Jeff Eldridge,**
Josh Stowers
23rd **Larry Barker**
24th **Ted Tomblin**
25th **Linda Goode**
Phillips
26th **Clif Moore**
27th **Greg Ball,**
Ryan Flanigan,
Billy Morefield
28th **Al Martine,**
Jeffry Pritt
29th **Ricky Moye**
30th **Bill Wooton**
31st **Clyde McKnight Jr**
32nd **David Perry,**
John Pino,

Margaret Staggers
33rd **David Walker**
34th **Brent Boggs**
35th **Bonnie Brown,**
Bobbie Hatfield,
Doug Skaff Jr
36th **Nancy Guthrie,**
Mark Hunt,
Danny Wells
37th **Meshea Poore**
38th **Virginia (Ginny)**
Moles
41st **Adam Young**
42nd **Ray Canterbury,**

Glenn Singer
43rd **Denise Campbell**
45th **Bill Hamilton**
46th **Peggy Donaldson**
Smith
47th **Mary Poling**
48th **Ron Fragale,**
Richard Iaquina,
Tim Miley
49th **Michael Manypenny**
50th **Mike Caputo,**
Linda Longstreth,
Tim Manchin
51st **Anthony Barill,**

Barbara Fleischauer,
Nancy Jamison,
Charlene Marshall,
Billy Smerka
52nd **Larry Williams**
53rd **Stan Shaver**
56th **Jim Maybury**
57th **Ruth Rowan**
61st **Michael Jason**
Barrett
63rd **Donn E. Marshall**
65th **Tiffany Lawrence**
66th **John Reese Maxey**
67th **Stephen Skinner**

Ohio State Building Trades Council Endorsements

President – Barack Obama

U.S. Senate - Sherrod Brown

Amendment 2 – Vote Yes

AN IMPORTANT MESSAGE FROM OHIO STATE BUILDING & CONSTRUCTION TRADES COUNCIL

TAKE THE TIME TO LEARN MORE ABOUT WHERE EACH CANDIDATE FOR PRESIDENT STANDS ON THE ISSUES THAT ARE IMPORTANT TO YOU AND YOUR FAMILY.



YOUR UNION RECOMMENDS PRESIDENT BARACK OBAMA

PROJECT LABOR AGREEMENTS.

On Feb. 6, 2009, President Obama signed an executive order encouraging the use of project labor agreements (PLAs) on federally funded construction projects in excess of \$25 million. This executive order overturned a ban on federal PLAs instituted by President George W. Bush.

DAVIS-BACON PREVAILING WAGE REQUIREMENTS.

On Feb. 23, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (the "stimulus" bill) that included tens of billions of dollars for infrastructure construction and repair. This law included federal Davis-Bacon Act requirements for all construction investments included in the law.

STANDING UP FOR AMERICAN JOBS.

President Obama took a principled stand to reinvest in the American auto industry, saving thousands of jobs of building trades members who do the maintenance at American auto plants and millions more who depend on the auto industry.

(Sources: Chicago Tribune, 6/4/11; The Wall Street Journal, 11/17/10)



MITT ROMNEY: CEO OF BAIN CAPITAL

"If I become president of the United States, I will curb the practice we have in this country of giving union bosses an unfair advantage in contracting. One of the first things I'll do...actually on Day One...is I will end the government's favoritism towards unions in contracting and federal projects and end project labor agreements, and I will fight to repeal Davis-Bacon."

—Mitt Romney, speaking to the Associated Builders and Contractors (ABC) convention upon receiving the group's endorsement on Feb. 23, 2012

MITT ROMNEY IS CLEARLY THE WRONG CHOICE FOR AMERICA'S BUILDING TRADES UNIONS

For more information, contact OHIO AFL-CIO at 614-224-8271.



MAKE SURE
YOU VOTE ON
NOV. 6

NONUNION CONTRACTOR INDICTED BY FEDS

Cowgirl Up Inc, a site reclamation contractor, has been indicted by a federal grand jury for an alleged false billing scheme.

Also indicted was the company's field manager Spencer Charles Wooddell.

The company owner is listed as Tina Wooddell according to records kept by the U.S. Office of Surface Mining and Reclamation.

The company was low bidder on contracts to perform reclamation work at abandoned mines.

The indictment alleges Spencer Charles Wooddell submitted false invoices to

the West Virginia Division of Environmental Protection with charges for private work unrelated to a DEP maintenance contract.

Also alleged is the creation of false documents to cover up the charges and billing for work never performed.

Entitled 'United States of America v. Cowgirl Up Inc, Spencer Charles Wooddell' the 12 page, 10 count indictment went into detail about the allegations.

"It was an object of the scheme for defendants Spencer Charles Wooddell and Cowgirl Up to enrich themselves and others ... by unlawfully submitting fraudulent invoice," the indictment

stated.

Nine project sites were identified between 2007 and 2011 in the indictment which was filed on September 18.

An amount of more than \$120,000 listed as the illegal payment.

According to the indictment Cowgirl Up was low bidder on two maintenance contracts that had unit prices for various tasks.

Each contract had a maximum amount that could be spent on any one location.

In order to avoid the caps documents including invoices and false certified payrolls were created and manipulated to shift work from other reclamation sites, or private

unrelated projects.

According to press reports if convicted on all counts Wooddell faces up to 200 years in prison and a \$2.5 million fine.

Cowgirl Up Inc. could be fined \$5 million.

State records show the company, which was formed in 2004, has been paid more

than \$20 million since 2004 through DEP contracts.

The company is still allowed to bid public projects.

At an arraignment held before Judge Mary Stanly on October 3 both Wooddell and a representative for the company pled not guilty.

Wooddell was released on a \$10,000 bond.

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TRI-STATE TRADES TAILGATE



Around 500 local union construction workers and their families enjoyed a tailgate event sponsored by the Tri-State Building and Construction Trades Council at Marshall University.

The event was held prior to the football game between Marshall and Ohio University dubbed the "Battle for the bell" held on Saturday, September 15. The final score was Ohio 27 - Marshall 24.

According to Business Manager Steve Burton volunteers from Operating Engineers Local 132 worked the grill while others chipped in to make an enjoyable event for all.

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