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

## *Abuse of Subpoena Power*

# Republican Leadership Attacks Construction Wages and Benefits Again

On July 7 Republican leaders issued a press release making a big deal about issuing a subpoena, for records regarding prevailing wage, to WorkForce, the agency in charge of calculating new rates.

However the leaders already had

those records for weeks and apparently never bothered to read them.

While details are unclear, the attack on WorkForce is centered on an email sent by ACT.

Comments from both Senate President Bill Cole (R-Mercer) and

Speaker of the House Tim Armstead (R-Kanawha) suggest something improper occurred when ACT sent information about the Bureau of Labor Statistics (BLS) data which has become core to the Republican position on prevailing wage rates.

According to ACT's Steve White the damning information is simply a document from BLS itself.

"We sent WorkForce a few documents on March 27 soon after the legislative session ended," said White.

*Continued on p. 3>>*

## Upper Ohio Valley Area Workers Promote Local Jobs, Say "Build Here, Hire Here!"

About 150 people from the trades took to the streets in Bridgeport Ohio on June 18 to protest the invasion of out-of-area workers into the construction industry.

Even more showed up the following Thursdays in Steubenville, Ohio; Moundsville, WV; and most recently Powhatan Point, Ohio on July 9.

"We want the public to know that gas related jobs which local construction workers want, and are qualified for, are going to imported workers," said Tom Gray, President of the Upper Ohio Valley Building Trades.

"But we are being denied the opportunity even to put in an application in some cases."

One example is a Colerain, Ohio project in Belmont County. A contractor called Bluewater Constructors Inc., from Houston got the job to build a compressor station from

owner Spectra Energy Corp., also based in Houston.

Bluewater has imported around 70 people from outside the region to

build the project.

*Continued on p. 2>>*



On July 2 workers took to the streets in Steubenville as part of a larger effort to inform the public about lost jobs in the area. Weekly demonstrations in the Upper Ohio Valley area inform the public that jobs local workers need and are qualified for are going to imported workers.

# Prevailing Wage Law Suspended for Now

As of July 1 projects funded with state and local taxes no longer require prevailing wages be paid.

Contractors awarded projects now only must pay minimum wage and no benefits.

“The doors are open for out-of-area contractors to come and take our jobs and tax dollars with low wage imports,” said K.T. Carfagna, President of JD&E based in Wheeling. “It’s a sad day for our state.”

Prevailing wage rates will be back in effect once new calculations are made by WorkForce, the state agency newly assigned to the job.

During the last legislative session a compromise was reached that

called for a new method to calculate prevailing wage rates.

WorkForce along with experts from Marshall and WVU were to come up with the details.

But when the methodology was revealed in early June Republican leaders wanted to change the deal.

At issue is the use of a survey and the payment of benefits like health and pension, training and safety programs.

Republican leaders insist wage rates published by the Bureau of Labor Statistics, which mix residential rates and have no benefits, must be used. Of the 32 states that have a prevailing wage law, only one uses the

BLS data.

“They don’t want a survey but that is exactly what we talked about during the session,” said Steve White ACT Director.

White was also surprised to hear legislators complain about pension and health benefits being part of a prevailing wage calculation.

“We had very specific talks about benefits in the Senate and everyone agreed that pension and health benefits were to be included,” said White.

Governor Earl Ray Tomblin has defended the survey method and directed WorkForce to move forward with the survey.

Surveys went to contractors in

mid-July and the results are expected around the end of September.

At that time a new prevailing wage rate will be calculated based on seven regions of the state.

“We expect some dramatic cuts to wages in some areas but less in others,” said White.

“What bothers us the most in the new method is the use of a math average which will lower all wages even when we do the majority of projects.”

White explains that the Federal Davis-Bacon wage and previous West Virginia calculations were based on a ‘majority status’ meaning if 50 percent of workers were at a certain wage then that wage prevailed. ■

## Bricklayers Council Seeks Apprentices

The Bricklayers & Allied Craftworkers District Council of West Virginia Apprenticeship Program has a year round application process.

Those interested in applying can go to any WorkForce WV office (formerly Job Service) or the Western Maryland One Stop Job Center Monday through Friday.

Both agencies are open 8:00am to noon and 1:00pm to 4pm.

The program teaches brick and block laying, as well as all aspects of the trade.

It takes 6,000 hours of on-the job training plus related classroom training to complete the program.

Apprentices begin with an eight week training session at the Council’s statewide facility located in Ritchie County.

During the training session apprentices from out-of-the area are provided local housing.

For the remainder of their apprenticeship they attend monthly meetings closer to their home area.

The program provides opportunities for those who reside in any West Virginia County, or a county of another state that touches a West Virginia state line.

Applicants must be at least 18 years old and be physically able to perform the work of the trade.

All applicants will take a standard written aptitude test at WV WorkForce or the Western Maryland One Stop Job Center.

In order to be accepted you must provide copies of your birth certificate and high school diploma or equivalent.

A copy of your driver’s license will also be required.

Only copies will be accepted, please do not bring originals.

A drug test will be required at a later date.

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

The Bricklayers JATC will take affirmative action to provide equal opportunities in apprenticeship and training and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

For more information contact Apprenticeship Coordinator Brian Greynolds at 304-363-9250. ■

## Upper Ohio Valley

*Continued from Page 1*

In early June Belmont County Commissioner Matt Coffland talked to the company about the lack of local workers. They claimed no local workers had applied.

Rob Richards with the Laborers put in an application and the next day when more workers tried to apply they saw new signs posted: No trespassing – not hiring.

Richards never heard from his application either.

“We’ve seen license plates from Alabama, Florida, and Texas but very

few from West Virginia or Ohio,” said Richards.

Another example is Schwob Energy Service out of Dallas, Texas working at a Bethany site building a compressor station.

According to ACT’s Walter ‘Fuzz’ LaRue, of 10 cars observed entering the site in late-June, 6 were from Louisiana, one from Florida, one from Nevada and two from Ohio.

“These are jobs our members are qualified for and need, and they are right in our backyard,” said LaRue. ■



When one local worker applied for a job at Houston based Bluewater Constructors compression station project in Colerain, OH these signs appeared the next day.

# HVAC Certification Process Now Underway

On July 1 the WV Division of Labor started issuing HVAC certifications.

Legislation passed in 2014 will require all workers performing HVAC and fire damper installation work to be certified as of January 1, 2016.

Rules to finalize details were approved by the legislature earlier this year.

The WV Division of Labor is in charge of the HVAC certification and the WV Fire Marshalls office will handle the fire damper certification.

According to Acting-Commissioner of Labor John Junkins any certification received before January 1, 2016 will be valid through the end

of this year and for all of 2016.

"We want to get a jump on the process and avoid a crush at the end of the year so we are issuing certificates now that are good until the end of next year," said Junkins.

Initially there will be two ways to get certified, a show of experience or testing.

Before June 30, 2016 those who do not want to test and can show they have experience in the field can get certified without testing.

This is commonly referred to as 'Grandfathering.'

Those wanting the HVAC Technician certification must demonstrate they have at least 2,000 hours of ex-

perience in specific HVAC work and 6,000 hours of overall industry experience including HVAC or other sheet metal industry tasks.

After June 30, 2016 the only way to get certified will be to pass a test.

Testing is also available now, and while it is not required there are good reasons to take the testing route.

"Ultimately there may be reciprocal rules that allow a person certified by West Virginia to work in other parts of the country," said Mike Coleman, Business Manager for Sheet Metal Workers Local 33.

"Having a document showing you have passed the test may be needed in these instances."

Testing is handled by a professional testing company and will be available at five locations in the state.

A Technician in Training certificate is also available to those who do not have the required work experience.

Those with the Training certificate must work under the direct supervision of a person who has the Technician certificate.

The certification fee is \$75 per year for a Technician and \$50 for the Technician in Training.

However a Technician fee will be waived for those who hold a current WV Contractor License with the HVAC classification.

For more information go to the DOL web site wvlabor.com.

According to the State Fire Marshall's office certification for the fire damper installers will begin later this year and will be required as of January 1, 2016. ■

**"Ultimately there may be reciprocal rules..."**

**Mike Coleman**

*Business Manager,  
Sheet Metal Workers Local 33*

## Tri-State Trades Council Raises \$10,000 for DADs Day Diabetes Research



Dave Plymale mans the "back nine" cooking station during the Tommy Plymale Memorial Golf Tournament held in mid-June.

The newly renamed event – after former Operating Engineer Local 132 Business Manager Tommy Plymale who recently passed away after a short illness - is the annual fund raiser for the Building Trades research effort dubbed 'Dollar Against Diabetes.'

Held at the Sugarwood Golf Course in Lavalette, WV the event raised more than \$10,000.

"I have to thank all of the volunteers as well as the unions and contractors who donated many door prizes that make this a fun and special event," said Mark Johnson, Business Manager of the Tri-State Building and Construction Trades Council.

According to Johnson around 60 teams vied for the 44 entries available.

The winning team came from the Southwest WV Labor Council.

## Republican Leaders

*Continued from Page 1*

"The document most critical of BLS data came from the BLS itself. Their subpoena is an abuse of power."

During the recent legislative session Republicans had proposed using BLS wage data in place of current prevailing wage rates.

However the BLS data has many flaws and in some cases is less than half the wage package many workers currently get.

That is primarily because the BLS data does not include fringe benefits and uses residential wages.

White says the document sent to WorkForce was testimony given before a congressional committee by BLS Commissioner Erica L. Groshen in 2013.

In her testimony Commission Groshen stated BLS data is intended for other purposes and has great value but does not reflect benefits paid, does not identify the location of work, includes residential data, and she concludes "BLS has no role

in establishing prevailing wages or determining what data are appropriate for the purpose of prevailing wage determinations."

ACT also sent two reports from respected economists regarding the use of BLS data and laws from surrounding states.

In reviewing the thousands of pages of documents WorkForce sent to Cole and Armstead on June 27 more information on the BLS information has come to light.

According to one email BLS itself will not allow "using raw BLS data" outside of the BLS approved estimation software.

"It appears BLS will not permit their data to be used in a manner proposed by the Republican leadership," said White.

"Republican leaders should own up to their mistaken position on the BLS data instead of attacking hard working construction workers and contractors." ■

# Hall of Fame: "Labor Built this Country"

Five people were inducted into the Labor Hall of Fame by the Southwestern District Labor Council.

The 12th annual awards event was held in Huntington on Saturday, June 20.



Gary Tillis, Business Manager of the Appalachian Laborers District Council comments after being inducted into the Labor Hall of Fame in Huntington. From left Joyce Gibson, SEIU; Keynote Speaker Senate Minority Leader Jeff Kessler (D-Marshall); and Tim Millne.

The group has three types of awards. The first goes to those from Labor for overall achievement. Gary Tillis of the Laborers; Dr. Joseph Wyatt, AFT; and Ted Hapney with the UMWA were each inducted into the Labor Hall of Fame.

The group also recognizes those from outside of Labor who have helped working families with their career. This year Delegate Jim Morgan (D-Cabell) received the Dr. Stephen J. Kopp Honorary Award. The

honor was renamed after the former Marshall University President who died unexpectedly this year.

The highest award is for a lifetime of achievement to Labor.

Called the Lafe C. Chafin Award after a former local labor lawyer, the Council honored Larry Matheny, retired Secretary-Treasurer of the WV AFL-CIO.

According to Council President Tim Millne the theme of the banquet was "Labor Built This Country." ■

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## Ohio Stops PLA Ban

Just like in West Virginia the Trades in Ohio faced a proposed legislative ban of project labor agreements (PLAs) recently.

However after lengthy negotiations a compromise was reached that simply calls for a public hearing before a PLA can be used.

The proposed ban was placed into the House version of the state budget bill in April. As passed by the House, PLAs would have been prohibited on state projects, and local public projects utilizing PLAs would have had all state funding cut off.

When the bill reached the Senate

ACT-Ohio Director Matt Szollosi, working closely with his executive board, offered the compromise.

The Ohio Senate removed the harmful language and inserted a public notice/hearing requirement for state agencies wanting to use a PLA.

In effect if a state agency wants to utilize a PLA, then the agency has to post a public notice and hold a hearing before the bid specs are released.

According to Szollosi 18 Republican Senators ended up requesting the removal of the harmful language and supported the compromise.

"All the credit goes to our Execu-

tive Board, our district and regional councils and affiliates," said Szollosi.

"They have helped build relationships in the Senate."

With a Republican majority in both the House and Senate members of the Trades have been working hard to build relationships with republican legislators.

The compromise was reached during late night sessions held in the end of June.

Many private sector companies

require PLAs for their projects.

Making sure there is a supply of skilled construction labor is essential for the success of any major project.

"We convinced legislators it was smart business to have a PLA option," said Szollosi. "If the private sector values PLAs why would we take that option away from government?"

The West Virginia legislature was not receptive to such an argument and passed a PLA ban during the most recent session. ■

## UA 565 Taking Apprentice Applications

The Parkersburg Plumbers Joint Apprenticeship will be issuing application from Monday, July 20 through Friday, July 31.

Applications will be available from 9:00am till noon each day, but not on weekends.

Those interested should go to 593 Cedar Grove Road, Parkersburg (two block from WVU-P).

The five year program teaches all aspect of the plumbing and pipefit-

ting trade including, pipe fitting and welding, medical gas, CAD, instrument technician, blue print reading, plumbing, heating and cooling.

Apprentices are paid while on-the-job and also go to school for a minimum of 216 hours per year.

To qualify an applicant must be at least 18 years old, have a high school diploma or equivalent, a valid driver's license and be physically able to perform the work of the trade.

A copy of the applicant's birth certificate, driver's license, high school diploma or GED and if recently in the military a DD214 form will be requested at the time of application.

Completed applications together with all supporting documents must be submitted within the same time period of July 20 to July 31.

Applicants must reside in 565's area which includes Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt

and Wood County in WV; and Morgan County south of Route 78, Meigs, Monroe, and Washington in Ohio.

Applicants must pass an aptitude test administered by WV WorkForce as well as an alcohol and drug test.

The recruitment, selection, employment and training of apprentices shall be without discrimination because of race, color, religion, national origin or sex. For more information please contact 304-485-1565. ■