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

# License for Sprinklerfitter Weakened, More Attacked

Craft licenses were in the cross-hairs of republican legislative leaders this session.

The end result was to lower standards for sprinklerfitters, called Fire Protection worker in law. Numerous attempts to weaken both the electricians' and plumbers' licenses failed, some on the very last day of the 60-day session.

All attacks on licenses started in the House of Delegates.

Most license laws allow anyone to be hired as a "person in training" or "apprentice" but require that person to work under the direct supervision of a more experienced worker.

The proposed laws all attempted to lower the number of hours needed to define an experienced worker.

For sprinklerfitters, HB4352 defined a journeyman Fire Protection worker as a person with only 1,000 hours of experience. The bill was amended in committee to increase the hours to 5,000 which is half of the current number.

"To say a person is fully quali-

fied as a sprinklerfitter after only six months on-the-job shows how little some legislators know about our industry," said Bob Supe, Business Agent for sprinklerfitters Local 669.

While not happy with the lower qualifications getting the hours up to 5,000 from the proposed 1,000 is an improvement.

A bill to weaken the plumbers license was being hotly contested right up till the last day of the session.

HB4155 aimed to lower the hours needed to qualify as a journeyman to 1,000 hours from the current 8,000 and for a master to 2,000 from the current 12,000. The bill also exempted anyone from having a license if a project was valued at less than \$5,000.

The bill was amended many times. The number of hours was raised, a residential license was proposed, drug testing was added, then removed. Adding a requirement to use E-Verify, a government database that validates ID's, was added, removed and added again.

The \$5,000 exemption was re-

moved, then \$2,500 added, then that was removed.

On the last day of the session the bill was up for a final vote in the Senate but then removed from the agenda and died.

"This was a roller coaster," said Bryan Raber, President of the WV State Pipe Trades and Business Man-

ager of UA Local 152, Morgantown.

"We were willing to make some changes but not to gut the license."

The electricians license faced similar bills. Current law says a journeyman must have four years, and a master five years, experience plus pass a test to be considered qualified.

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Members of UA Local 625 Charleston attend a House Government Organization Committee while the Plumbers License bill is being discussed.

## WV Contractor Licensing and Independent Contractor Bills Fail but Likely to Return

SB528 and HB4104 both attempted to rewrite laws about how an independent contractor is defined.

Fortunately, both bills failed to pass the legislature, but they did pass several committees.

It appears the goal of these bills was to make it easier for a company

to call employees independent contractors.

By doing so, workers would not only be denied unemployment and workers compensation protection, they would be made responsible for all payroll taxes.

"Just saying someone is an inde-

pendent contractor doesn't make them one," said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

Efaw believes unchecked independent contractor laws will lead to more cash payments that will hurt legitimate contractors and workers.

"Some like to glorify the gig economy but when you look at it for most workers you are just seeing cash payments without basic protections," said Efaw.

According to Efaw the topic will be studied during the interim legisla-

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## Appeal of 2018 Ruling

# Atlantic Coast Pipeline Case Heard by U.S. Supreme Court of Appeals

The U.S. Supreme Court heard an appeal on Monday, February 24, of a ruling from the 4th U.S. Circuit Court on the Atlantic Coast Pipeline (ACP) project.

According to news reports the Justices appeared ready to undo the 2018 lower court ruling blocking construction of the 600-mile ACP.

The 4th Circuit ruled the U.S. Forest Service did not have the authority to allow a pipeline right-of-way beneath the Appalachian Trail in the George Washington National Forest.

Environmental groups argued the Appalachian Trail should not be crossed at all but Chief Justice John Roberts noted the lower court's finding would "erect an impermeable barrier" to any pipelines.

There are currently 55 pipelines that run under the Appalachian Trail.

Lawyers for project developers Dominion Energy and Duke Energy say the Forest Service has jurisdiction over land in the George Washington National Forest, where a 0.1-mile segment of the pipeline would cross about 600 feet beneath the Appalachian Trail. The pipeline would bring natural gas from West Virginia to North Carolina and Virginia.

The Sierra Club and other environmental groups say no federal agency can grant a right-of-way for the pipeline and argued only Congress can approve such a crossing.

The narrow question before the

Supreme Court is whether the Forest Service has the authority to grant rights-of-way through lands crossed by the Appalachian Trail within national forests.

Even if the court rules in favor of

the project there are other legal hurdles still to overcome to restart the project.

The project is now three years behind schedule and its original price tag has nearly doubled to \$8 billion. ■



*This pipeline construction picture comes from a promotional video for the ACP. The ACP has entered into a project labor agreement for the pipeline portion of the project and will use all union workers. For the compressor station and metering station work there is no agreement.*

## Anti-Wind Tax Fails

# Bills to Promote Solar, Help Mt. Storm Pass

Legislation to promote commercial solar projects passed.

Senate Bill 583 will allow AEP and First Energy to each install up to 200 megawatts of solar generation capacity through the program's expiration on Dec. 31, 2025.

The legislation allows each utility to first build a 50 megawatt project, then recoup the cost of constructing the solar facilities through rate increases to current customers. They can only move to a second project once the first is paid for by customers

who opt into the extra cost.

State Department of Commerce officials told legislators some companies looking for new locations wanted renewable and solar power options for their facilities.

SB793 will provide tax relief to the Mount Storm coal-fired power plant in Grant County.

The legislation reduces the plants' B&O (Business & Occupation) tax provided the generating units are kept in operation until at least January 1, 2025.

Mount Storm is a Merchant Power plant meaning it does not sell to West Virginia customers. Similar Merchant plants like Longview and Pleasants already do not pay B&O taxes.

A proposed increase to the taxes paid by wind projects SB132 was briefly on a Senate Committee agenda but never was voted on. For the past few years persistent efforts have been made in the Senate to increase the tax wind projects pay.

When the very first wind project

was built in West Virginia, Backbone Mountain in Tucker County, the law was changed to give the project a very low property tax.

After that first project and when Joe Manchin was governor the law was amended to equalize the tax burden among coal, gas, and wind projects.

Wind developers are very much opposed to the proposed changes arguing the law in place is fair and additional taxes would jeopardize new projects. ■

# 2020 Legislative Session Round-Up

Besides licensing, contracting, energy and property tax issues there were a number of other topics that saw committee action.

As in prior years there was a long list of bills aimed at preventing cities from enacting a wide variety of laws. For the Trades the ban of responsible contracting laws, often referred to as the 18-points, is bad policy.

These anti-home rule bills aimed at stopping any local contracting requirements that would require quality contractors for tax funded projects who use local workers, have a great track record and use apprentices.

One such bill was SB135 which failed on a tie vote in the Senate Judiciary Committee. As explained in the committee the bill was also in preparation for the expected gutting of the sprinflater, electrician and plumber licenses and would have prevented cities and counties from taking any measure to restore protects on the local level.

## 2020 Endorsement Process Underway

The labor endorsement process for the upcoming 2020 election cycle is underway and led by the WV AFL-CIO.

Every two years the WV AFL-CIO's Committee on Political Education (COPE) sends questionnaires to all candidates in state senate and house of delegate races.

Candidates who fill out the questionnaire get an interview before a committee of labor union members usually put together by local labor councils.

The questions and interviews focus on work related issues such as restoring prevailing wage.

If a candidate has held office before their voting record is considered.

Questions about a candidate's capacity to run an effective race are also raised.

Local Central Labor Councils then make recommendations to the State COPE made up of representa-

Another group of bills took aim at all sorts of occupational licensing. Chiropractors, engineers, real estate agents and many others would have found their licenses of little value if SB548 and 646 had passed. The bills granted West Virginia licensure to anyone in the United States who had a similar license without making sure the license met state standards or that West Virginians were afforded a license in any other state. It also gave out licenses to those who lived in states with a comparable license but worked for three years in a field.

Similarly, bills like SB218 would have made all licensing optional. It would have allowed anyone to perform any occupation without a license if the person buying the service signed a paper in agreement.

A major initiative of Senate Republican Leaders, SB275, was to establish a new intermediate court system. The expensive, extra layer of government was defeated in the

tives from all unions and councils who are affiliated with the WV AFL-CIO.

COPE has three actions to consider. An endorsement takes a vote of at least two-thirds of those present.

If two-thirds cannot agree COPE can vote for "no action" meaning individual unions can take an action if they chose but no position is taken by the state.

The last option is "no endorsement" which means COPE urges all affiliates to refrain from making any endorsement at all.

The WV State Building and Construction Trades, and affiliates, then consider whether to take a position where COPE has not.

The Trades follow the COPE recommendations but reserve the right to make changes as they see fit.

A complete list of endorsements for the May primary will be published in the April ACT Report. ■

House. This touched off much bickering between House and Senate Republican leaders.

HB4086 to weaken the West Virginia Jobs Act failed for the fourth year in a row, this time in the House Labor and Industry Committee. Republican leaders have continuously attacked the payroll document needed to make sure contractors are following the local hiring provisions.

HB4758 and SB496 would have

require contractors use of the E-Verify system designed to crack down on fake ID's in the construction industry. A similar bill passed recently in Pennsylvania. The bill failed to make it to any agenda.

The state Attorney General estimated it would cost half a million dollars for their office to implement the law. E-Verify is a free service and the requirement mainly fell on employers to use it. ■



Jessie King (right) Business Manager of Laborers Local 1085 Parkersburg, is interviewed by Hoppy Kerchival at the State Capitol with members looking on.

## License

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HB4358 attempted to lower the years to two for a journeyman and four for a master and passed out of one committee but was blocked in a second.

Then an attempt was made to insert the language into a different bill and that was blocked by a tie committee vote. Both bills also attempted to exempt anyone from having a license if they worked on a project valued at \$2,500 or less.

"We kept hearing about installing a fan light as if that is all an electrician is called upon to do," said Joe Samples, Business Agent for IBEW Local 466 Charleston.

Key to stopping the bills was the effort by all affected electrician locals to contact delegates and educate them about the complexity of electri-

cal work and the dangers to the public and workers if tasks are not performed properly.

"We also worked with nonunion contractors and the Home Builders Association to earn bi-partisan support and stop the bill," said Samples.

In addition, HB4960, a bill to eliminate any license requirement for those performing low voltage work, defined as less than 80 volts, passed the House but on the last night of the session failed on a 13-18 vote.

"Frankly, the approach of those sponsoring these terrible bills was insulting for all of the crafts," said Delegate Phil Diserio (D-Brooke) who is a retired union electrician. "They were basically calling the skilled trades a bunch of dummies." ■

# Legislation Shifting Taxes to Citizens Fails

Most agree West Virginia's inventory tax has problems.

However legislative proposals to eliminate the tax failed because the \$100 million corporate tax cut would have been shifted to ordinary citizens.

"This was a bad deal for the average West Virginian," said Senator Mike Romano (D-Harrison). "The proposal appeared to offer a tax reduction on cars, but you pay more than you save with higher sales and property taxes."

The proposal had two parts.

First was a bill to increase taxes like sales tax, tobacco and vaping products.

The second part was a constitutional amendment because tax rates

are spelled out in the state constitution.

While the proposal had the appearance of a tax cut for all closer examination showed it would have been a terrible deal for working families.

According to the WV Center on Budget and Policy the change would have raised taxes on 80 percent of West Virginians.

To make matters worse Counties and Cities would have lost significant funds currently dedicated to public services like police and fire protection and public schools.

While a bill needs only a simple majority to pass, a constitutional amendment needs two-thirds of the legislator's approval to pass.

Statehouse observers say the measure was dead-on-arrival because of the \$100 million budget problem it created.

However, the Senate Republican leadership got what they were really after, headlines saying they tried to cut taxes.

"Unfortunately you will see post-

cards during the election attacking those who voted against the measure by falsely claiming it was a tax break, that's why they ran this bill," said ACT's Steve White.

"Frankly it should be the other way around, we should thank those who stopped this terrible shift of taxes to the backs of citizens." ■

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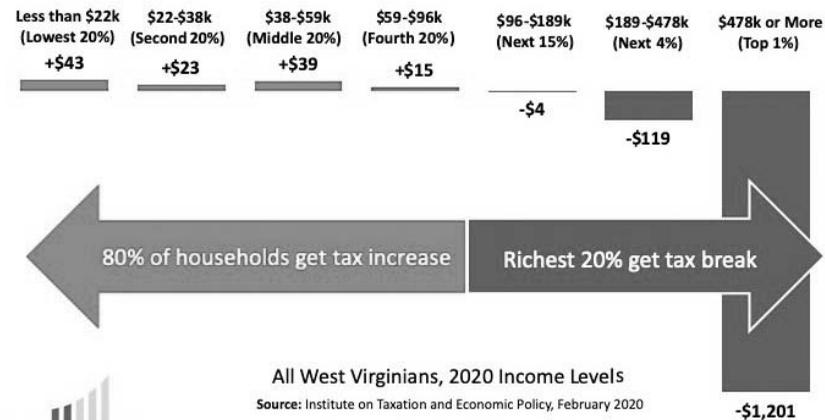


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## Senate tax plan raises taxes on middle-class and lowers them for high-income West Virginians

### Impact of SJR9 and Senate Finance Originating Bill (2020)

(sales and tobacco tax increases, elimination of vehicle tax, and elimination of manufacturing inventory/M&E and retail inventory)



## Contractor

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tive meetings, so it is not going away.

In addition, two bills aimed at weakening the WV Contractors Licensing Act also failed.

HB4791 would have allowed a contractor whose labor costs were less than 10 percent of a project to be exempted from having a contractor's license.

The bill was placed on the House Government Organization Committee agenda but then removed at the

last committee meeting of the session.

SB489 looked to be technical and would have moved the WV Contractor Licensing Act to a new section of state code.

However, the consequences of such a move were never fully understood and raised many questions.

The current Contractor License Act created a board in 1989 which calls on the WV Division of Labor

for administrative support.

Last year a similar bill would have removed the Division of Labor as the administrative support for the Contractor Licensing Board and therefore drain the DOL of funds and create a duplication of governmental services.

"We think there was a two-step

plan to first move contractor licensing to Chapter 30 of the code, then to make all Chapter 30 licenses optional," said Efav.

"All licenses are under attack, our craft licenses, contractor licenses and all professional licenses.

This is terrible for our industry, the state and our citizens." ■

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