



LIKE US ON FACEBOOK 'WV STATE BUILDING TRADES' - FOLLOW US ON TWITTER @WVSBT

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

WV Senate Passes Cuts to Unemployment Benefits

Unless stopped in the House of Delegates, a bill cutting unemployment benefits to 12 weeks will become law.

With the legislative session more than halfway over, one of the major fights faced by the trades has been against legislation that aims to cut unemployment benefits from 26 weeks down to 12 weeks.

As this story goes to print, the bill (SB 2) has passed out of the WV Senate and is currently being considered in the House of Delegates.

Republican Senate leadership claims the COVID-19 pandemic has contributed to a high number of individuals who are fraudulently collecting unemployment benefits, and the bill does address the issue of fraud in various ways.

However, ACT believes the cuts to the duration of benefits does not address the fraud and will hurt a majority of beneficiaries who are using the program properly.

While the bill does cut benefits from the current maximum duration of 26 weeks down to 12 weeks, it actually indexes unemployment

benefits, tying them to market conditions related to the statewide unemployment rate.

For example, if the state unemployment rate is at 5.5% then beneficiaries can collect unemployment compensation for 12 weeks.

However, if the rate rises a half of

a percentage point to 6.0%, beneficiaries can collect for 13 weeks.

At 6.5% unemployment, beneficiaries can collect for 14 weeks and so on for every 0.5%. This maxes out at 9.5% unemployment (and above), when beneficiaries can collect over the maximum duration of 20 weeks.

Critics of the bill claim that using the statewide unemployment rate will disproportionately affect rural counties due to the fact that local unemployment rates may be higher in those counties than they are statewide.

Cont. on p. 4>>



Members of Painters District Council 53 speak with WV Delegate Jim Barach (D-Kanawha) about cuts to unemployment benefits in his office at the WV Capitol.

Update: West Virginia Legislative Session Hits the Halfway Point at the State Capitol

The legislative session is in full swing at the WV Capitol.

While the fight against cuts to unemployment compensation benefits has taken center stage, there are

other issues ACT has been following as well.

SB 3, a companion bill to SB 2 which makes the cuts to unemployment, has also been a hot topic of

discussion.

The bill increases the number of contacts job seekers are required to make and also increases the amount beneficiaries can make in other em-

ployment, while still collecting unemployment benefits. ACT representatives have encouraged lawmakers to address unemployment fraud in

Cont. on p. 2>>

Parker Commentary

As Independent: Keeps Your Options Open

Earlier this month, during the annual WV AFL-CIO Convention, the Building Trades sponsored a resolution encouraging union members to consider switching their party affiliations to independent in certain circumstances.

This would allow members to choose which ballot to vote in a primary election—Republican or Democratic.

Before the vote on the resolution there was a healthy discussion with opinions on both sides, but in the end the resolution did pass.

I understand why some of our members may have reservations about this.

Historically, the Democratic Party has championed our issues and

in West Virginia, Republican Party leaders have led the attack against workers; passing the so-called Right-to-Work law and repealing the state prevailing wage.

However, there is a small but growing number of Republican Legislators who not only agree with our issues but are championing our cause.

And the truth is, there are areas of the state where our members can have more of an impact on the outcome of an election by voting in the Republican primary.

In these areas, because a Republican is almost certain to win in the general election, the entire election is decided in the Republican primary.

Our goal is to keep our support-

ers and get new members of the legislature elected - both Democrat and Republican - to build a labor majority across party lines to support our issues at the Capitol.

The only way to do this is to have our members voting for labor-friendly candidates that have the highest chance of winning, regardless of their party affiliation.

While the last few years have been challenging, I believe the future is ours for the taking.

By working together, and voting for the people who support us, we will bring our leaders together across party lines and build a better state for us all. ■



Chuck Parker, President of WV State Building & Construction Trades

Update: Session

Continued from Page 1

this bill and to vote against the harmful cuts contained in SB 2.

Similar to a bill introduced last year, HB 4634 is the newest version of the push for universal licensing laws.

This bill would make it possible for license holders from out of state to automatically receive a license in West Virginia, so long as they have a license in another state.

The licenses affected by this legislation does not allow for reciprocity in other states, rather this is a one-way ticket for out of state license holders to come to West Virginia and operate with no questions asked.

HB 4634 was introduced on February 10 and is currently under consideration in the House of Delegates.

SB 252, another bad bill, eliminates deliberate intent associated with workplace injuries and fatalities. This prevents an employee who is knowingly forced into unsafe working conditions by an employer from suing their employer directly and limits their ability to seek justice, making workers compensation the only avenue to do so. As of this story, SB 252 is currently under consider-

ation in the Senate.

In addition, ACT has been following HB 4256, which is the newest attack on the West Virginia Jobs Act.

Similar to bills from past legislative sessions, this bill targets certified payrolls submitted by contractors. However, this bill makes payrolls optional rather than eliminating the requirement entirely.

ACT believes this would still relax reporting requirements, making it easier for out-of-state, unauthorized workers to come into the state.

The bill is currently being considered in the House of Delegates.

Aside from these attacks, Governor Jim Justice recently signed SB 4, which repeals the ban on the construction of nuclear power facilities in West Virginia.

Nuclear industry representatives, who testified in the House of Delegates last month, believe this will pave the way for new facilities to potentially be built over the course of the next decade.

For more information on events, bills, and other items related to the legislative session, log on to www.wvlegislature.gov. ■

WV AFL-CIO Holds 2022 Convention



WV AFL-CIO President Josh Sword speaks to participants at their annual convention, following his reelection as President. The convention, held virtually earlier this month, also included the reelection of AFL-CIO Secretary-Treasurer Andy Walters as well as 14 executive board members, four of which are held by John Epperly, Chuck Parker, Jesse King, and Dan Poling of the WV State Building and Construction Trades.

In addition, several resolutions were passed including one offered by the State Building Trades, encouraging union members to change their party affiliations to independent, so as to have the greatest impact in electing union-friendly candidates across party lines throughout the state.

Participants of the virtual convention also had the opportunity to hear from national AFL-CIO President Liz Shuler and hear reports from labor lobbyists of the proceedings during the 2022 WV Legislative Session at the state Capitol.

Did Unauthorized VA Subcontractor Install Rejected Masonry at Peterstown School?

Investigation into rejected masonry work at the new Peterstown Elementary School has uncovered questions about who actually performed the work.

As reported last month, concerns about the masonry work were repeatedly noted in correspondence between the Monroe County School Board's architect Williamson Shriver Architects Inc. and general contractor DCL/Shires.

On November 11, 2021, after DCS/Shires failed to correct the problems they were informed that Monroe County Schools "is not willing to accept the Nonconforming/Rejected work in any fashion."

The \$16.7 million project was bid on April 9, 2020 [Note: In our January ACT Report we mistakenly listed the bid date as 2021] and Bluefield based DCS/Shires Inc. was the low bidder.

The required subcontractor list submitted by DCI/Shires on April 10 had "DCI/Shires Inc." in the Masonry column meaning they would self-perform the work.

However in an October 1, 2021 letter from DCI/Shires Project Man-

ager Kurt Schmidt to Williamson Shriver representative Jason Shantie, Schmidt wrote "We at Mountain Masonry working under DCI/Shires, Inc. have checked and rechecked the brick work on the section of the front wall of Peterstown PK-8 School that has been rejected by the architect, and we feel that these bricks have been installed within the tolerances allowed in the specifications."

The reference to Mountain Masonry is somewhat a mystery because they are not listed on the subcontractor list.

Some have suggested at the time of the bid Mountain Masonry did not have a WV contractor's license and DCI/Shires may have opted to put Mountain Masonry employees on their own payroll. Mountain Masonry did get a WV contractor's license on May 26, 2020.

However the letter of October 1 suggests Mountain Masonry did more than simply lend some employees.

A review of public records reveals information that may explain why the company was not officially listed as a subcontractor.

Court records show a complaint filed by the IRS in federal court on May 27, 2020, just a few weeks after the DCI/Shires bid. According to the complaint, filed at the United States District Court for the Western District of Virginia, the IRS "brings this action to collect: (I) unpaid joint federal income taxes, including statutory additions and interest, owed by Defendants Billy L. Cook and Tammy L. Cook for the 2006, 2008-2010, and 2015-2018 taxable years."

One year later, on May 26, 2021, three federal judgements were issued against Billy L. Cook and Tammy L. Cook who together own Mountain Masonry and Mountain View Masonry in Virginia. The judgements for unpaid federal taxes total approximately \$1.39 million.

Mountain Masonry also has a history of violations of the Wage Pay-

ment Collection Act.

In a case decided in 2018, then US DOL Secretary of Labor Alexander Acosta won a case against Mountain Masonry in federal court regarding the nonpayment of overtime to 112 employees. Acosta was appointed head of the DOL under President Donald Trump.

In addition, court records show numerous disputes between local suppliers and Mountain Masonry.

In the Monroe school case Mediation has been called for regarding the rejected brick work. However DCI/Shires has already filed a complaint in the Monroe County Circuit Court demanding payment. The court case appears to be on hold while the mediation takes place.

The project was to be originally to be completed in early October of 2021 but is still not done. ■



Brick work rejected at Monroe school project which GC DCI/Shires claims is fine.

WVSBT/ACT 2022 Legislative Convention



WV Delegate Phil Diserio (D-Brooke) speaks to attendees at the 2022 Legislative Convention business meeting on January 20th. WV State Building Trades members from across the state gathered to hear reports about the outlook of the legislative session, information on the state of the construction industry across West Virginia, as well as an introduction to the Republican Labor Caucus from caucus chair Delegate Evan Worrell (R-Cabell).

In addition to the business meeting, a reception was held with Delegates, Senators, contractors, and members of labor in attendance.

Last Day March 4

Charleston IBEW Local 466 Now Taking Electrical Apprenticeship Applications

The Charleston Joint Electrical Apprenticeship and Training Committee will accept apprenticeship applications from 8:00AM until 4:30PM Monday through Friday until March 4th. Applications will be accepted at the Charleston JATC Building, located at 810 Indiana Avenue, Charleston, WV 25302.

The International Brotherhood of Electrical Workers Local 466 and the WV-Ohio Valley National Electrical Contractors Association work together to deliver the highest quality training available for electrical apprentices in all phases of commercial, industrial, instrumentation, and tele-data work.

Apprentices receive five years of training, with a total of 900 hours of classroom instruction and 8,000 hours of paid, on-the-job training.

This provides affiliated contractors with craft workers who have the knowledge, skills, and attitude to remain competitive with honest wages and benefits.

Applicants for the apprenticeship program must be at least 17 years of age to apply and 18 years old at the time of indenture. Applicants must be physically able to perform the essential functions of the trade, present evidence of possession of a valid driver's license, and provide proof of high school graduation or equivalent.

All applicants must also show evidence of completion of at least one full year of high school algebra, or one post-high school accredited al-

www.electricalprep.com.

If applicants have prior military experience, they may submit a DD-214 to verify their service, and their

 **Like Us on Facebook!**
"WV State Building Trades"

 **Follow us on Twitter!**
@WVSBT

Affiliated Construction Trades

600 Leon Sullivan Way
Charleston, WV 25301
(304) 345-7570
www.actwv.org



Non-Profit Org.
U.S. Postage
PAID
Permit # 1374
Charleston, WV 25301

IBEW 317 Holds Annual Toy Drive for Charity



Members and family of Huntington IBEW Local Union 317 pose for a picture during their annual toy drive for charity in December.

\$10,000 were raised and donated to buy toys for children in the local area during the holiday season.

In addition to members of IBEW 317, participating volunteers included Matt Simms of Dixon Electric, Tom Braley of Pritchard Electric, Lisa Harper of Hatzel & Buehler Electric, TCR country radio station, Big Brothers and Sisters of Huntington, and St. Joseph High School.

"Giving back is an important part of what we do," said Shane Wolfe. "We look forward to the opportunities we have to help out in the community we call home."

gebra class, with a passing grade. All applicants must provide high school transcripts or equivalent records, whichever are applicable.

In addition, applicants must qualify for an interview using the electrical trade's aptitude test, developed and validated by the American Institutes for Research. Information for test preparation can be found at

training and experience in the armed forces will be considered.

At the time of application, a fee of \$20.00 is required. No applications submitted after 4:30PM on March 4th will be considered.

For more information contact Training Director Dustin Vaughn at DustinV@ibew466.org (304) 345-5166 or log onto IBEW466.org. ■

Unemployment Cuts

Continued from Page 1

Chuck Parker, President of the West Virginia State Building and Construction Trades, says that this will be devastating to the construction industry.

"Construction work is seasonal," said Parker. "During the winter months there is always less work than throughout the rest of the year.

Our workers often rely on these benefits to get them through those times until the jobs start up again."

In addition, Bryan Raber, Business Manager for Plumbers and Pip-

fitters 152, says this is the worst time to be pushing this type of legislation due to the economic impact of the COVID-19 pandemic.

"This is a difficult time in our industry," said Raber. "Supply shortages have caused delays in projects and in some cases have caused them to be cancelled altogether."

Log onto www.wvlegislature.gov/House/roster.cfm to find contact information for your representatives.

Please, call your delegates and tell them to vote NO on SB 2. ■