The WV Supreme Court rules for ACT-Trades on King Coal Case

The WV Supreme Court of Appeals overruled a Kanawha County Judge in favor of ACT and the WV State Building Trades.

Judge Robert Stuckey had tossed out ACT's case about the King Coal Highway saying they lacked standing, the right to bring a case.

But the Supreme Court, in a 4-1 ruling written by Judge Menis Ketchum, disagreed with Stuckey and paved the way for ACT to finally have their case heard. The ruling was issued on June 22.

The suit stems from a 2003 deal between Nicewonder Construction, the WV Division of Highways and the US Department of Transportation to pay the coal company for moving 'overburden' from a mountaintop removal job if the company would leave a portion of road bed for the King Coal Highway.

The 14 mile stretch of highway called the Red Jacket section is in Mingo County.

ACT attorney Vince Trivelli argued the case before the court on May 20, more than six years after it was filed.

The case was first taken up in Federal Court and initially Judge John Copenhaver ruled in favor of ACT saying Davis-Bacon wages should be paid. However he denied the claim that bidding laws were violated holding that it was a one-time event.

Then, after waiting for more than a year, Copenhaver changed his mind and decided ACT didn’t have any right to bring the action at all.

ACT then returned to state court to enforce state law, but Kanawha County Circuit Court Judge Robert Stuckey was apparently persuaded by Copenhaver's ruling and followed suit, saying ACT didn’t have any members and

Pipe Trades-Ua Hold Regional Apprenticeship Competition

A nine-state regional Pipe Trades apprenticeship contest was held from Tuesday, June 14, through Thursday, June 16 at the Charleston Civic Center.

Apprentices from Michigan, Indiana, Kentucky, Ohio, Pennsylvania, Maryland, Virginia, the District of Columbia and West Virginia compete in five categories of welding, pipefitting, plumbing, HVAC and sprinklerfitting.

All together 32 contestants performed demonstrations of their trades each day, showing the quality of the construction skills necessary to keep them highly productive, and the public safe.

The event was sponsored by the WV State Pipe Trades as well as the United Association. Charleston Local 625 Training Director Brett Matthews coordinated the effort.

“This contest shows what skilled labor is all about,” said Matthews.

“Our members are the most highly-trained, efficient work force out there, and this contest gave the public a chance to come see what we do to make their lives functional and safe every day.”

A special event for Legislators brought members of the House and Senate Education Committees to the event on the opening day.

The Interim Select Committee on Education along with other elected officials attended the contest for a special tour and live demonstration of downhill welding – a key skill needed for Marcellus Shale gas projects.

“Marcellus Shale is creating thousands of construction jobs in West Virginia,” said Matthews. “We want to make sure these jobs go to qualified local workers. This contest demonstrates we have the skills to get the jobs done.”

In the end contest winners came from Michigan and Ohio and will attend the national contest in Ann Arbor, Mich. in August.
A new study in Colorado finds the Davis-Bacon requirement, often called Prevailing Wage, doesn’t result in higher construction costs.

The study “An Analysis of Davis-Bacon Prevailing Wage Requirements: Evidence from Highway Resurfacing Projects in Colorado,” by Dr. Kevin Duncan examined the effect of prevailing wage laws on construction costs of state and federally funded highway resurfacing projects in Colorado.

Colorado follows the prevailing wage law for federally funded projects but does not for state projects because they do not have a state prevailing wage law.

All regular standards in the state, besides the prevailing wage requirement, are the same as federal standards so both state-funded and federally-funded projects could be compared.

The study found that, after adjusting for project size and complexity, there is not a significant statistical difference between the cost of construction projects that do and those which do not require prevailing wages be paid.

At first blush the federally-funded projects were much more expensive than state-funded projects.

Many people assumed project costs would rise as wages increase, but this study shows that is not the case for a number of reasons.

Construction projects that pay prevailing wages have higher productivity and efficiency, demonstrating the advantage of hiring and paying for trained, experienced workers. The increased efficiency and productivity of prevailing wage projects ends up equalizing the cost with projects that don’t pay prevailing wage.

The study also points to data that shows labor makes up a small percentage of total construction costs, averaging only 25 to 30 percent.

Since labor costs are such a low percentage of the total cost, productivity of a project does not need to substantially increase to balance the payment of prevailing wages.

The study also demonstrates that prevailing wage requirements don’t affect the number of bidders on a project and points out there is no evidence that prevailing wage laws favor any contractor type over another.
Members of the Parkersburg-Marietta Building Trades Council recently volunteered their time and skills to build a new picnic shelter for the Fairplains Elementary School in Parkersburg.

The local Parent Teachers Association had secured a $5,000 grant for materials but had no way to build the structure. The solution was simple because the school already had the Building Trades as their “business partner.”

“Our Council has worked with the Fairplains Elementary through the Partnership in Education program since 1995,” said Bill Hutchinson, Business Manager for the Parkersburg-Marietta Building Trades.

According to Hutchinson volunteers from the Carpenters, Cement Masons, Iron Workers, and Laborers did the project starting on Saturday, June 11 and finishing on the following Saturday.

A number of local union contractors donated equipment as well. School Principal Liz Conrad was very appreciative and praised the workers who volunteered.

“You could really see the difference in having trained, skilled people work on the project,” said Conrad.

VOLUNTEERS FROM THE Parkersburg-Marietta Building Trades Council build a 16 by 30 foot covered shelter for their “business partner” the Fairplains Elementary School in Parkersburg.

An innovative program aimed at improving safety, claims handling and lower premiums for workers compensation is entering its third year.

By all accounts the program has been a success and participants are looking to grow the effort. Twenty-seven companies participate, up slightly from the year before.

Success comes from maintaining a much lower accident rate than the industry average.

When workers are hurt the claims process is closely monitored to make sure they are getting quality treatment quickly.

Use of a ‘troubleshooter’, ACT’s Lesly Messina, has been a huge plus to the program. Messina works to give an injured worker any information they might want during the claims process.

The cooperative effort between Labor, Management and the insurance participants is unmatched in the region.

“I think working together on workers compensation has been beneficial for all parties,” said Tom Reece, Chairman of the group and an owner of RC General Contractors.

There are actually two efforts working at the same time.

First is a Captive reinsurance facility – contractors banding together to share a layer of risk backed by a portion of their premium along with additional funds for a reserve.

The insurance company backing them is Union Labor Life Insurance (ULLICO), a company created and owned by labor unions.

RoundStone Management, Ltd. based in Cleveland, OH is the Program and Captive manager.

They work with contractors, their agents and ULLICO to facilitate the process of getting a policy, collecting premiums and making sure enough funding is available for all claims.

Wells Fargo has been hired as the claims manager.

The second effort is the West Virginia Workers Compensation Consortium made up of labor and management representatives.

This nonprofit group works on education, safety and marketing of the insurance program.

While the program has worked well it is not perfect. Serious injuries and even fatalities are still a reality of the construction industry.

But the effort has shown the unionized sector is much safer than it typically gets credit for.

It will still take a few months to close out the accounting for the first year of the program but early figures indicate the fund will be able to return premium to most of the contractors in the program.

“Before we just paid premium and that was that,” said Reece. “Now we are seeing a way to get back some of that premium if we all do our jobs and provide a safe workplace.”

Industry experts predict tough times ahead for those buying Workers Compensation coverage which puts the contractors in the program in a much better position than their competitors.
Applications for the Huntington Plumbers and Pipefitters Joint Apprenticeship School will be taken at Work Force West Virginia offices this year. Interested applicants can apply from Monday, July 18 through Friday July 29th, during weekday hours of 8:30am to 5:00pm at any Job Service office.

The five year program teaches all aspects of the plumbing and pipefitting trade including pipe fitting, welding, medical gas, CAD, instrument technician, blueprint 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. This announcement is meant to obtain an active selection list for the program’s future apprenticeship needs and will remain valid for two years.

This is not an employment announcement.

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

As part of the application a T.A.B.E. (Basic Education) test will be required.

Applicants must reside in the area covered by Local 521 which is the Counties of Cabell, Lincoln, Logan, Mason, McDowell, Mingo, Wayne and Wyoming.

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 may be requested at a later date.

A drug and alcohol test will also be required.

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

The sponsor will take affirmative action to provide equal opportunity.

For more information call the Director of Training Doug McNelly at 304-523-6085.

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