

# THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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## LONGVIEW OK, BEECH RIDGE GOES TO COURT

# Coal And Wind Mill Power Projects Face Mixed Court Challenges

**Ready to move forward.**

That's how Natalie Stone, Executive Director of North Central Building Trades, summarized the situation at the \$1.8 billion Longview power project in Monongalia County.

Stone was referring primarily to the decision by the WV Supreme Court on April 18 to reject a petition for an appeal hearing sought by Longview opponents.

The appeal sought to overturn a Public Service Commission ruling to allow changes in the project's original power capacity from 600 megawatts to 695 megawatts.

"Although there is one issue still pending in federal court over the appropriateness of the Department of Environmental Protection permit, we feel very confident that nothing will stop Longview construction - construction that has already begun," said Stone.

At press time, Stone cited 30 workers employed preparing the site. Within three months, Stone expected employment levels would at least double.

While the Longview project seems to have reached a point where it can continue with minimal regulatory review, other energy-related projects continue to face challenges.

**"ALTHOUGH THERE IS ONE ISSUE STILL PENDING IN FEDERAL COURT OVER THE APPROPRIATENESS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT, WE FEEL VERY CONFIDENT THAT NOTHING WILL STOP LONGVIEW CONSTRUCTION"**  
**NATALIE STONE, EXECUTIVE DIRECTOR OF NORTH CENTRAL BUILDING TRADES**

Meanwhile, opponents of the Beech Ridge Wind Farm proposed for Greenbrier County asked the West Virginia Su-

preme Court to hear their case claiming the PSC made mistakes in their approval of the 124 wind turbine project.

In a 5-0 vote on April 18, West Virginia Supreme Court agreed to accept the appeal and will hear the case later this year.

The appeal questions whether the PSC fairly balanced all interests, including cultural and historic locations and environmental issues.

The court also questioned the PSC's practice of approving a permit with conditions, such as

*Continued on p. 3*



**ACT ATTORNEY VINCE Trivelli cross examines a witness during the five-day Liberty Gap hearing before the West Virginia Public Service Commission. Darwin Snyder, President of the North Central WV Building Trades and Mike Jin, an economist hired by ACT, both testified about the positive economic impact created by hiring local union construction workers on the proposed project.**

## Table Games Goes To Voters June 9

**Residents of four West Virginia counties will soon decide whether to allow new gaming options at the states four dog and horse race tracks.**

The June 9 vote comes after

the WV Legislature approved table style games such as blackjack, roulette and poker during the last legislative session, but limited that expansion to the state's four tracks located in Hancock, Jefferson, Kanawha, and Ohio counties.

The new law requires voter

approval by local county residents before any expansion can take place. Approval is on a county-by-county basis; the effort does not need to pass in all counties to take effect.

Leaders of West Virginia's union building trades workers have expressed support for the

addition of the table games in at least three of the four counties because of the job opportunities they believe will be created for local union construction workers.

"Based upon their personal assurance to employ our mem-

*Continued on p. 2*

# Workers Memorial Day Held April 28, 2007

**T**his years Workers Memorial Day services were held Saturday, April 28 in the Chapel of West Virginia Wesleyan College in Buckhannon, West Virginia.

Fatalities in 2006 were at one of the highest levels in recent history, 78 deaths, including the 13 Sago miners.

In 2005 24 workers died on

the job, in 2004 the number was 41, and in 2003 34. Sago Mine disaster in southern Upshur County.

Among those to address the scores of labor leaders, elected officials and citizens who turned out for the event were

WV AFL-CIO President Kenny Perdue and Secretary-Treasurer Larry Matheny, WV House of Delegate member Bill Hamilton (R-Upshur), and UMWA President Cecil Roberts.

**“IN WEST VIRGINIA ALONE, WE SAW 78 WORKERS LOSE THEIR LIVES IN JUST ONE YEAR WHILE MORE THAN 27,000 WERE SIGNIFICANTLY INJURED DUE TO UNNECESSARY WORKPLACE ACCIDENTS.” LARRY MATHENEY, WV AFL-CIO**

The service was part of a nationwide observance honoring workers who have been killed on-the-job.

The Wesleyan Chapel is just a few miles from the site of the

## Carpenters Use Banner At Valley Health In Huntington



**RANDALL MAY (left), Andy Napier, Jared Ross of the Mid-Atlantic Regional Council of Carpenters man a banner in front of Valley Health in Huntington. This picture was taken in mid-April and is part of an ongoing effort by the Carpenters to inform the public it is unacceptable for owners to hire contractors that do not pay carpenters the area standard wages with little or no benefits.**

**“It seems when you go after the customer about the contractor they are using, with the “Shame On” in front of their business it seems to be effective,” said May.**

**According to May, a similar effort in the Huntington area in February helped a fair contractor secure work building a local doctors office.**

The ceremonies concluded with the ringing of a memorial bell, once for each of the 78 West Virginia workers who died on-the-job in 2006.

According to statistics from the Occupational Safety and Health Administration (OSHA), nationally over 15 people die each day while at work, with over 11,500 workers suffering injury daily.

## Table Games

*CONTINUED FROM P. 1*

bers, and based on a positive history of working together, we feel confident in supporting the vote to expand to table games at Tri-State Racetrack [Kanawha County],” said Mike Matthews, Business Manager of the Charleston Building Trades Council.

Matthews added that current estimates for new construction planned at the Kanawha County facility range up to \$250 million, including a 250-room hotel, a 12,000 seat concert and sporting arena and a facility to house the new table games.

“That’s a lot of good work for our members,” said Matthews. “And it’s a lot of good economic development for the state.”

The northern panhandle is home to two racetracks, Wheeling Downs in Ohio County and Mountaineer Race Track and Gaming Resort in Hancock County. As is the case in Kanawha County, building trades officials support expansion of table games to both facilities.

Bill Dean, President of the Upper Ohio Valley Building Trades, believes the two casino projects hold promise beyond the construction jobs that will be created. “When you consider the multiplier effect construction

“It’s a sad statistic,” said Larry Matheny. “In West Virginia alone, we saw 78 workers lose their lives in just one year while more than 27,000 were significantly injured due to unnecessary workplace accidents.

“Until we see stronger enforcement of current laws and new legislation to improve safety and education, our fear is that the deaths and injuries will continue.”

wages will have locally, together with the new gaming jobs created and the influx of gaming tourism, the total picture looks very promising,” said Dean.

Both building trades groups are working on getting the good news on jobs out to their members and other union groups.

All agree getting supporters to the polls will be key for this special election.

In Jefferson County, the level of building trades support, if any, for offering table games at a Charles Town race track is not yet defined.

The track has proposed \$200 million in projects including a new hotel, gaming area and parking garage. But at press time no work has been committed to local union construction workers.

According to Darwin Snyder, President of the North Central WV Building Trades, the track does not have a very good history of working with construction unions.

“I look at this as an opportunity for management at Charles Town Races and Slots and our leadership to develop a positive working relationship and establish some trust,” said Snyder.

As the ACT Report goes to press, meetings are underway with track officials and leaders of North Central to find common ground..

## Sprinkler Fitters Local 669 Reaches Agreement

**Sprinkler Fitters Local 669 reached a tentative agreement on April 15 for a likely settlement of their two week strike.**

The deal came after a nationwide Solidarity Day was held on April 11 which included mass pickets across the country.

Local 669 covers about 11,000 members in the entire United States who primarily install automatic fire sprinkler systems.

The agreement was reached with the National Fire Sprinkler Association.

West Virginia saw no disruptions because contractors had either signed interim agreements to accept whatever the final out-

According to Business Agent Dave Ford the agreement clarified contract language to stop double breasted contractors.

The three year agreement also includes improvements in wages and benefits.

**“I WAS VERY ENCOURAGED BY THE ATTITUDE OF OUR MEMBERSHIP DURING THIS WORK STOPPAGE. THEIR STRONG SUPPORT ALLOWED US TO GET A GOOD AGREEMENT.”  
DAVE FORD, BUSINESS AGENT**

“It’s a fair agreement for both sides,” said Ford. “I am urging my members to ratify the contract.

“I was very encouraged by

the attitude of our membership during this work stoppage.

Their strong support allowed us to get a good agreement.”

come was, or worked under project labor agreements.

A ratification vote of the members is planned for early June.

## Energy Project

*CONTINUED FROM P. 1*

getting permits from other state and federal agencies, suggesting the PSC must receive all completed regulatory matters before making a ruling.

ACT, which has intervened in the case, will argue the PSC did an extremely thorough job and should not be asked to substitute its judgment for that of other state and federal agencies.

The Supreme Court listened to arguments, on April 17, in a case centered on the Ned Power wind farm development in Grant County. The appeal says a Circuit Court made a mistake when it dismissed a lawsuit claiming

the wind farm will be a nuisance. A decision is expected later this year but the project is well underway and moving forward.

Finally, starting on April 19, the PSC heard five days of testimony regarding the Liberty Gap wind farm proposed for Pendleton County. The PSC now takes the Liberty Gap application under review and will issue its ruling later this year.

The continuing process of regulatory review and appeal, while time consuming, does not discourage Stone.

“The battle over the wind projects is just getting started but after six years fighting for Longview, we think we’re ready for any fight,” concluded Stone.

**Delegate Dan Poling Would Like to Invite Wood County Voters To “Voter Appreciation Day” at Parkersburg City Park Sunday, 1:00 PM June 10**

## Plasterers & Cement Masons Want Applicants For Apprentices

**Plasterers & Cement Masons Local 887 will be taking applications for apprenticeship positions starting Friday, May 18 through Friday, May 25.**

Applications will be accepted at 3130 7<sup>th</sup> Avenue, Charleston, from 8:30 a.m. to 11:30 a.m. and from 1:00 p.m. to 3:30 p.m. on weekdays only.

Applicants must have a high

school diploma, be of legal age to work, and have a valid driver’s license and transportation.

In addition, an applicant must live in the jurisdiction of Local 887 which includes 29 counties of southern West Virginia and 19 counties in western Virginia.

All applications are received without regard to race, color, religion, national origin, or sex.

For more information contact Judy Parsons, Training Coordinator, at 304-744-8389.

## Senator Rockefeller Meets With Operating Engineers Local 132



**SENATOR JAY ROCKEFELLER (right) came to the offices of Operating Engineers Local 132 in Charleston last month to meet with Business Manager Ronnie Burdette and staff members including Gary Burgess (left), as well as new WV Division of Labor Commissioner David Mullins (back). Rockefeller, who is up for re-election in 2008, discussed his efforts on behalf of working families as West Virginia’s ‘younger’ Senator.**

# 8<sup>th</sup> Annual Construction Coalition Conference Focuses On Manpower Needs

**A coalition of building trades leadership, industry owners and contractors met for two days of information sharing and strategizing during the eight annual Construction Coalition Conference.**

This year the meeting was held April 17 and 18 at Mountaineer Race-track and Gaming Resort in Chester, West Virginia.

Approximately 115 people were in attendance.

The Conference was designed to bring construction industry leaders together in a way they can work on common goals away from the day-to-day problem solving as-

sociated with their industry.

Among the speakers were representatives of Mountaineer Racetrack, Aker Kvaerner Songer Inc., American Electric Power, Dupont, Brickstreet Mutual Insurance, First Energy Corporation, Allegheny Electric Power, Mechanical Allied Crafts and the Painters International Union.

The speakers addressed such

retary-Treasurer of the West Virginia State Building Trades Council, the conference provides an immediate benefit in the sharing of information, but also provides benefits beyond the actual conference.

"More often than we realize, our industry is faced with challenges that have the potential to cause major problems," explained Smith.

**"MORE OFTEN THAN WE REALIZE, OUR INDUSTRY IS FACED WITH CHALLENGES THAT HAVE THE POTENTIAL TO CAUSE MAJOR PROBLEMS," ROY SMITH, SECRETARY-TREASURER, WEST VIRGINIA STATE BUILDING TRADES COUNCIL**

"Because we've taken the time to establish effective lines of communications and because we, and our partners among the owners and contractors, operate from a perspective of mutual interest, problems

are avoided and solutions developed."

Smith offers reciprocity of drug testing workers and the need for background security

checks as issues that have been resolved through cooperation and communication.

"Our members were subject to excessive drug testing and background checks on most of the jobs to which they reported.

This resulted in a burden for the workers and their employ-

from employer to employer, job to job.

It has been a terrific help to all concerned," said Smith.

The Construction Coalition Conference is held annually and rotates locations around the state to provide access to as many participants as possible.

ers who had to continually schedule the testing and checks, costing everyone valuable time and expense," Smith said.

"Through reciprocity agreements, we were able to have the results of the drug testing and background checks transfer

This year the WV State Building Trades held a one-day planning session prior to the conference.

The purpose of the planning meeting was to map out short and long term goals for future efforts by the Trades.



**PLANNING FOR THE future, members of the West Virginia State Building Trades meet and discuss common problems and identify possible solutions.**

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