

# 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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## INSIDE

Supreme Court	Pg. 2
Scales of Justice	Pg. 2
Primary Elections	Pg. 3
Endorsements	Pg. 3
Education	Pg. 4

## CLENDENEN, COOK SEEK COUNTY COMMISSION SEATS FOUR TRADES MEMBERS RUN FOR HOUSE OF DELEGATE POSITIONS

**Four union construction trades members are seeking House of Delegate Seats this election.**

Two trying to return to office are Orphy Klempa and Dan Poling.

Delegate Orphy Klempa, D-Ohio, is seeking re-election in Ohio County. Klempa is a service representative for the Mid-Atlantic Regional Council of Carpenters. He has been a member of Carpenters Local 3, Wheeling since 1973.

Klempa also serves as the Labor Co-chair of Project Best, a cooperative labor-management effort in the Wheeling - Steubenville area.

While in the House of Delegates Klempa has served on the House Finance Committee where he was able to pass legislation promoting craft appren-

ticeship programs. Klempa also led the way for important legislation aimed at stopping the hiring of unauthorized workers, which plagues the construction industry.

"At the end of the day I want to make sure working families have a voice in the legislature," said Klempa.

Delegate Dan Poling, D-Wood, was appointed to fill a vacant seat in 10th House district of Wood County. Poling is director of governmental affairs

for Painters District Council 53 and a member of Painters Local 1144 since 1974.

He has served on the House Government Organization Committee and helped pass recent licensing laws for Plumbers and Sprinklerfitters.

Poling also points out that protecting working families from bad legislation is often as important as passing bills.

"Sometimes we are making sure terrible things don't happen," said Poling.

Both Klempa and Poling have become an important resource for other legislators when issues of construction or labor arise.

David Walker is a member of Operating Engineers Local 132 and is running for House of Delegates in the 33rd District of Calhoun, Clay and Gilmer Counties.

The current delegate decided not to run again. Walker had tried before in 2002 and 2004 coming with a few votes of winning.

*Continued on p. 3*



**Orphy Klempa**



**DEL. DAN POLING, D-Wood and Representative for the Painters, gets to introduce former President Bill Clinton at a Rally in Wood County.**

## LABORERS' UNION BACK IN BUILDING TRADES DEPARTMENT

**The Laborer's International Union and the Building and Construction Trades Department (BCTD) of the AFL-CIO have resolved differences which caused a two year split.**

The agreement has led to the Laborers re-affiliating with the BCTD as of March 13.

Key to the deal was an agreement to update the way jurisdictional disputes are resolved.

The news comes just six months after the BCTD President Mark Ayers was elected to run the department.

In West Virginia the Laborers have stayed affiliated with state and local building trades councils throughout the dispute.

"Our relationship with other crafts in the state has been positive," said Gary Tillis, Business Manager of the West Virginia Appalachian Laborers District Council. "It's good news to see

unity at all levels."

The Carpenters and Operating Engineers, while still affiliated with the Building Trades on the State and Local level, remain unaffiliated with the BCTD.

With the addition of the Laborers there are now 13 international unions who make up the BCTD.

# SUPREME COURT RACE MOST IMPORTANT

**W**ith two positions of a five member Supreme Court up for grabs the stakes are big this year.

Many political observers are calling this the most important state race of the year. (See related commentary below).

Winners of the two twelve year terms will set the course of the court for years to come.

Labor has endorsed democrats Menis Ketchum and Margaret Workman.

They are running against Robert Bastress and incumbent Elliot "Spike" Maynard.

Maynard has been in the news recently due to his close relationship with Massey Energy CEO Don Blankenship.

A series of news reports that included pictures of the duo on vacation in the French Rivera highlighted their relationship.

Maynard cast the deciding vote in a 3-2 decision that overturned a Boone County verdict against Massey worth more than

\$70 million.

It was only after pictures of the duo vacationing together hit the news that Maynard agreed to remove himself from the case, but he claimed he had done nothing wrong.

Four years ago Blankenship poured million of dollars into an campaign to defeat former Judge Warren McGraw and elect Brent Benjamin to the court.

Benjamin is now sitting as Chief Justice on the Massey cases that Maynard has removed himself from.

As the national news network ABC was preparing a story, a fight broke out between a camera man and Blankenship.

The tape and related story aired recently on ABC's TV show Nightline.

Recent campaign finance records show Maynard has received numerous contributions from coal and other industry groups as well as lawyers from many of the biggest corporate and trial firms in the state.

The campaign filing was 100

pages long.

Labor's candidates, Ketchum and Workman, are both lawyers with a long history of private practice for both workers and small businesses.

Worman previously served as

a judge on the Supreme Court in the 1990's.

They have been working throughout the state to talk to voters about bringing moderation back to the court.

Bastress, a WVU law profes-

sor, is considered to be in last place.

Lone Republican candidate Beth Walker will face the two winners of the democratic primary contest at the fall General Election.



**IBEW LOCAL 317 Member Carl Cardwell and IUOE Local 132 member Dale Holley (from left) helped prepare food at a pancake breakfast held in Huntington . The purpose of the Saturday, April 5 event was to meet Labor endorsed candidates for the WV Supreme Court, Margaret Workman and Menis Ketchum. Approximately 150 Union Construction Members and their families attended.**

## TIME TO RE-BALANCE SCALES OF JUSTICE

*Commentary by Steve Burton*

**P**erhaps the most important election this May is for two positions on our WV Supreme Court of Appeals.

The Blind Lady of Justice statue we see in our courthouses is of a woman holding a set of scales and a sword, while wearing a blindfold.

The scales represent the impartiality with which justice is served and the sword signifies the power held by those making the decision. The blindfold shows justice is not subject to influence.

Unfortunately, the confidence

people have in our courts, especially our Supreme Court, to be fair and balanced has been shaken in recent years by the influence of corporate interests in our judicial elections.



Enormous sums of money have been spent to secure the election of judges who are supposed to then make fair judgments in cases involving those same powerful contributors.

Judges are required to avoid the appearance of unfairness and disqualify themselves from any case where the Judge's neutrality might reasonable be questioned.

Given what we know of events at the Court it is difficult to believe these rules are being followed.

There is no need to mention any names or corporations because in West Virginia we are well-aware of who is involved in the tainted process, and now thanks to network TV reports and a best-selling book, the whole world is watching.

Donating to a candidate is part of the election process, but the

sums of money entering our elections have been so great that the very scales of justice have become unbalanced.

It is time for citizens to re-balance those scales.

If people begin to believe they no longer have the ultimate legal protection offered by the highest courts, they will begin to lose respect for all government.

Without respect for the law, there would be no law.

It is now up to us, the voters.

What we can do is participate in the system as well-informed voters. It seems so simple and uncomplicated, but maybe that's part of the genius of the people who founded our system of laws

and courts.

We, as citizens, need only to exercise our rights in order to protect our rights.

Our collective effort—whether through our unions or our community social and fraternal organizations—can restore balance to our courts and act to protect our constitutional democracy and our rights as free people.

Don't forget your right, and obligation, to vote in this upcoming primary election.

*Burton is President of the WV State Building Trades as well as Business Manager of the Tri-State Building and Construction Trades Council, AFL-CIO.*

# PRIMARY ELECTIONS SET FOR MAY 13

**With the Democratic Presidential nominee still to be decided West Virginia is expecting a large turnout for this years primary election.**

In addition to the Presidential race, voters will select candidates for Governor, Attorney

General, Secretary of State and two Supreme Court Judge positions, as well as numerous State Senate, House of Delegates and County races.

Voters can register up until April 22.

Early 'no excuse' voting will start on April 23 and continue till May 10.

Registered voters can go to

their county clerks office to cast their vote during this time.

On Tuesday, May 13 the traditional primary day will be held.

Organized labor is hard at work to select candidate friendly to working families and support them in their election bids.

Getting a Labor endorsement is not easy.

All candidates who file for

election are sent a questionnaire from the WV AFL-CIO which goes over a variety of labor issues like prevailing wage, safety, union rights, infrastructure and health care.

Local Labor Councils then interview the candidates who return questionnaires.

The Councils make recommendations based on the questionnaire, interview and a candidates voting record if available.

The final step to getting a La-

bor endorsement is for the AFL-CIO's State Committee on Political Education (COPE) to vote on the recommendation. A two-thirds majority is needed for a candidate to get the endorsement. Each International Union and Council affiliated with the WV AFL-CIO gets representation on COPE.

Once endorsements are made local unions go to work supporting candidates in a variety of way.

## WVAFL-CIO 2008 PRIMARY ELECTION ENDORSEMENTS

**Menis Ketchum, Margaret Workman – WV Supreme Court**

**Joe Manchin – Governor**

**Jay Rockefeller – U.S. Senate**

**Alan Mollahan, Anne Barth, Nick Joe Rahall – U.S. Congress**

**Darrell McGraw – Attorney General**

**Joe DeLong – Secretary of State**

**John Perdue – Treasurer**

**Glen Gainer - Auditor**

### State Senate

- 1<sup>st</sup> Jack Yost
- 2<sup>nd</sup> Jeffrey Kessler
- 4<sup>th</sup> Rocky D. Holmes
- 5<sup>th</sup> Robert Plymale
- 6<sup>th</sup> John Pat Fanning
- 8<sup>th</sup> Paul Gunnoe
- 10<sup>th</sup> James McNeely
- 11<sup>th</sup> William R. Laird IV
- 12<sup>th</sup> Douglas E. Facemire
- 14<sup>th</sup> David H. Webb
- 17<sup>th</sup> Dan Foster

### House of Delegates

- 1<sup>st</sup> Benton Manypenny, Pat McGeehan, Randy Swartzmiller
- 2<sup>nd</sup> Calvin Heck
- 3<sup>rd</sup> Tal Hutchins, Orphy Klempa
- 4<sup>th</sup> Kenneth Tucker
- 5<sup>th</sup> Dave Pethtel
- 7<sup>th</sup> Ron Nichols
- 8<sup>th</sup> Charley Webb
- 9<sup>th</sup> Sterling Ball
- 10<sup>th</sup> Brenda Brum, Dan Poling, John Ellem

- 13<sup>th</sup> Dale Martin, Brady Paxton
- 14<sup>th</sup> Karen Coria
- 15<sup>th</sup> Carl Eastham, Jim Morgan
- 16<sup>th</sup> Doug Reynolds, Dale Stephens
- 17<sup>th</sup> Don Perdue, Richard Thompson
- 18<sup>th</sup> Larry Barker
- 19<sup>th</sup> Jeff Eldridge, Ted Ellis, Lidella Wilson
- Hrutkay, Ralph Rodighiero
- 21<sup>st</sup> Harry Keith White
- 22<sup>nd</sup> Mike Burdiss
- 23<sup>rd</sup> Clif Moore
- 24<sup>th</sup> Mike Vinciguerra, Jr.
- 25<sup>th</sup> John Frazier
- 27<sup>th</sup> Virginia Mahan, Al Martine, Ricky Moye, Sally Susman, Bill Wooten
- 28<sup>th</sup> Thomas Campbell, Ray Canterbury
- 29<sup>th</sup> Tom Louisos, David Perry, Margaret Staggers
- 30<sup>th</sup> Bonnie Brown, Roger Decanio, Nancy Guthrie, Bobbie Hatfield, Mark Hunt, Sharon Spencer, Danny Wells

- 31<sup>st</sup> Carrie Webster
  - 32<sup>nd</sup> Jon Cain Sr, Carmela Thompson
  - 33<sup>rd</sup> **David Walker**
  - 34<sup>th</sup> Brent Boggs
  - 35<sup>th</sup> Sam Argento
  - 36<sup>th</sup> Joe Talbott
  - 37<sup>th</sup> Thomas Ditty, Bill Proudfoot
  - 38<sup>th</sup> Bob Stultz
  - 39<sup>th</sup> Bill Hamilton
  - 40<sup>th</sup> Mary Poling
  - 41<sup>st</sup> Ron Fragale, Richard laquinta, Tim Miley
  - 42<sup>nd</sup> **Leroy Stanley**
  - 43<sup>rd</sup> Mike Caputo, Linda Longstreth, Timothy Manchin
  - 44<sup>th</sup> Barbara Fleischauer, Charlene Marshall, Alex Shook
  - 46<sup>th</sup> Stan Shaver
  - 47<sup>th</sup> Isaac Sponaugle
  - 48<sup>th</sup> Donna Kuhn
  - 50<sup>th</sup> Ruth Rowan
  - 52<sup>nd</sup> Mike Roberts
  - 54<sup>th</sup> Walter Duke
  - 58<sup>th</sup> Tiffany Lawrence
- Bolded**

## MEMBERS

*CONTINUED FROM P. 1*

This time he hopes to make it. "I want to make a difference for my



**Dave Walker**

Walker.

Leroy Stanley is a 35 year

member of Carpenters and is running for the House of Delegates in Taylor County's 42nd District.



**Leroy Stanley**

Stanley retired last year from the Carpenters after spending 12 years as a union representative.

Stanley has also been active as president and co-founder a local watershed association called "Save the Tygart" and has experience in balancing the needs of the economy and the environ-

community and get some attention for rural West Virginia," said

ment.

"I want to bring my experience from the private sector to the public sector," said Stanley. "My goal is to get both sides to work together for the benefit of all."

The 42nd District is another race where there is no incumbent running. Stanley is going door-to-door to let voters know his positions.

In addition to the House races two trades members are on the ballot for County Commission positions.



**Jeff Clendenen**

Jeff Clendenen, a member of

the Carpenters, is running for Mason County Commission. Steve Cook, a Laborer,



**Steve Cook**

is running for the Monongalia County Commission.

# CONSTRUCTION INDUSTRY EDUCATION AND DEVELOPMENT FUND HOLDS MEETINGS

**The Parkersburg-Marietta Contractors and Trades Education and Development Fund hosted about 75 guests for an update about the program last month.**

Representatives from area owners, contractors and unions attended.

According to Sam Davis, Business Manager for the Parkersburg-Marietta Building Trades, one of the key areas to review was new technology in use to put all time sensitive data online. The result is easier and

faster access to records.

The new online site is password protected and will be available to contractors and owners participating with the program.

"We only make agreed upon data available," said Davis. "We protect privacy and improve the ease of getting data."

Trades workers will still have photo identification cards, but the only data will be directions to the internet site.

Also discussed at the meeting was the recent law passed in West Virginia to require contractors have a drug and alcohol free program in order to bid state funded construction projects.

The requirements are very similar to existing rules in Ohio.

Legislation passed last year to outlaw the sale of a product to defeat a drug test was also reviewed.

The Education and Development Fund has extended its services to include not only Drug and Alcohol Testing and Awareness Training but, OSHA training, Hepatitis Vaccines, Lead/Zinc Testing, Pulmonary Function Testing, Respiratory Fit Testing, CPR & First Aid Training, Supervisor Training, Criminal Background Checks and even flu shots.

The Education and Develop-

ment Fund began in 1996 and utilizes the combined knowledge of the Parkersburg Marietta Contractors Association and the Parkersburg Marietta Building Trades Council. Ten trustees, five contractors and five local trades representatives, are designated to oversee the program.

The program serves 324 contractors and 33 union halls in six Ohio counties and thirty counties in West Virginia. The Fund performs pre-employment, post-accident and random drug screens to over 5,400 people annually with less than 1% of them being positive.

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**ADMINISTRATOR LETHA HAAS talks about the improvements made at the Parkersburg-Marietta Contractors and Trades Education and Development Fund at an information meeting held in Marietta.**

## WORKERS MEMORIAL DAY

April 28, 2008 at 6 PM  
Near Walter Reuthers Statue, Wheeling WV

Please plan to attend a reception sponsored by the Ohio Valley Trades & Labor Assembly immediately following the memorial event for refreshments and fellowship.

Sponsored by WV AFL CIO and the Ohio Valley Trades & Labor Assembly.

Union Trades  
Federal Credit Union

**Spring It On! At our Enterprise Car Sale - April 24<sup>th</sup> and 25<sup>th</sup>**

**Shop at both our Parkersburg and Charleston offices and enjoy spring in a "new" car.**

**Receive special low loan rates and a \$100 VISA gift card.**

**Enterprise will also donate \$50 to our Relay for Life team.**

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