

# THE ACT REPORT

VOLUME 17 NUMBER 5  
MAY 2008



A PUBLICATION OF  
THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION

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.

Charleston - (304) 345-7570  
Toll Free - (800) 930-9675  
[www.actwv.org](http://www.actwv.org)



## INSIDE

Tri-State Trades	Pg. 2
UA Local 152	Pg. 2
Election Results	Pg. 3
Memorial Day	Pg. 4
Trades Help	Pg. 4

# NORTH CENTRAL WV SIGNS \$250 MILLION WINDMILL AGREEMENT

**The North Central WV Building Trades and developers of a new wind turbine project in Randolph and Barbour Counties have signed an agreement regarding the \$250 million project.**

The agreement will require any construction work done at the AES Laurel Mountain LLC project to use local union construction workers thereby insuring a positive economic impact.

The project will produce between 125 and 132 megawatts of electricity and will use between 53 and 65 turbines depending on the turbine used.

"They are looking at two different turbines, one that produces 1.5 megawatts and another that will produce 2.5 megawatts," explains Darwin Snyder, President of the Trades Council.

Snyder is also Business Man-

ager for the International Brotherhood of Electrical Workers Local 596. "This agreement will secure hundreds of good paying jobs for local union construction workers," said Snyder.

AES will not have to construct a transmission line because they can connect to an existing Al-

legheny energy line.

The project is currently seeking approval before the state's Public Service Commission.

Public hearings held in early May at Elkins City Hall and the Barbour County Commission were attended by 100 people.

Supporters and opponents

were on hand with local trades members showing strong support.

PSC formal hearings are set for August 4 with a final decision due by late November.

The project is expected to break ground next spring and be completed by the end of 2009.



**NORTH CENTRAL WV Trades President Darwin Snyder speaks in favor of the AES Laurel Mountain wind project at a recent public hearing held in Elkins.**

# HEARING EXAMINER REJECTS PREVAILING WAGE CHALLENGE

**Father Tom Acker has lost another battle in his crusade to lower construction workers wages in West Virginia.**

Division of Labor (DOL) hearing examiner James McNeely denied the challenge brought by the Beckley based Jesuit Priest.

Acker had filed a complaint in January objecting to proposed 2008 wage rates set in four counties, Raleigh, Mingo, Fayette and Ohio. His complaint

meant wages were frozen at 2007 levels for those counties while a hearing took place.

Two days of hearings followed in February where ACT intervened and became a party to the process to counter Acker's claims.

McNeely issued his 22 page decision on April 28 upholding the wage rates set by the DOL and sited Acker's lack of evidence to substantiate claims that wage rates were improperly determined.

Commissioner of Labor David Mullins approved

McNeely's recommendations and issued a final order which was sent to the Secretary of State on April 29 ending the wage freeze brought about by Acker's complaint.

His complaint was primarily that union contracts were collected for use in determining the prevailing wage rates. Acker claimed wage rates set by the DOL should be lower and suggested much lower statistical averages would be better for workers.

Acker also claimed the DOL process was flawed and did not

allow nonunion contractors a fair opportunity to put forward wage data.

However testimony at the hearings showed the DOL made numerous and significant efforts with thousands of mailings and public notices to request wage data from all contractors.

Acker has 30 days to appeal the ruling to Circuit Court.

Prevailing wage laws were first established in WV in 1935 and revised in 1961.

Their purpose is to make sure government sponsored con-

*Continued on p. 3*

# TRI-STATE SUPPORTS CHILDREN'S HOSPITAL

**M**embers of the Tri-State Building Trades dug deep to come up with \$70,000 in contributions to fund a new Children's Hospital in Huntington.

On March 27, the Tri-State Building and Construction Trades Council and affiliates held an event at the IBEW Local 317 hall in Huntington to present the checks.

The Cabell Huntington Hospital Foundation is raising funds for a proposed children's hospital within Cabell Huntington Hospital.

According to the Foundation Director of Development Michele Conley adding this much-needed facility will mean children and their families will not have to travel outside the community to receive comprehensive, state-of-the art pediatric services.

"When children get sick it doesn't just affect the child it affects the whole family," said Conley.

Ed Mullins, Business Agent for Plumbers and Pipefitters Lo-

cal 521 knows first hand the problems a family faces when they must go far from home to get medical care.

"As a child I had to go to Cincinnati because of an illness, and it was tough on my mother and whole family," said Mullins. "It's bad enough when a family must deal with illness, being far from home only makes it worse, I know."

Conley points to the success of a recent project, a new patient tower, that will provide room for the children's hospital within the current structure. The plan is for the children's hospital to be a "hospital within a hospital" taking an entire floor, approximately 40,000 square feet.

The project will create special rooms, including areas for the family to do laundry, a rooftop playground, and all private rooms that allow families to stay overnight.

Regulatory approval will be needed, as well as securing the \$10 to \$12 million funding before the project can start.

New physicians are being recruited in many of the specialties needed for a children's

hospital.

"We've always had an excellent staff," said Conley. "This will give us all the things we need to be an accredited, certified Children's Hospital."

Depending on the level of community support construction may begin with a year. "We've got so many people that have to leave the area," said Tri-State Building Trades Manager Steve

Burton. "This will allow people to get treatment closer to home."

Cabell Huntington Hospital was created in 1956. It is a not-for-profit community owned hospital with 322 beds.



**PRESENTING CONTRIBUTIONS TO Cabell Huntington Hospital Board of Directors Chair Christie Kinsey, (front left) and Michele Conley of the Cabell Huntington Hospital Foundation are (from left) Kevin Libby, Iron Workers Local 769; Brent Grey, IBEW Local 317; Mark Thomas, Insulators Local 80; Randy May Carpenters Local 302; Dave Holley, Operating Engineers Local 132; Ed Mullins, Plumbers and Pipefitters Local 521; Billy Steele, Bricklayers Local 5; John Newton, Teamsters Local 505; Randall May, Carpenters Local 302; Scott Brewer, Mid-Atlantic Regional Council of Carpenters, Jim Finley, Sheet Metal Local 24; Steve Burton, Tri-State Building Trades; and Tom Bowen, Laborers Local 543. (Not pictured - Painters DC 53; Sprinklerfitters Local 669; and Cement Masons Local 887).**

# PLUMBERS & PIPEFITTERS LOCAL 152 HAS NEW APPRENTICESHIP OPPORTUNITIES

**R**esidents from 18 North Central WV counties are encouraged to apply for an apprenticeship opportunity with the Morgantown Plumbers Joint Apprenticeship during the month of June.

Applications will be accepted at 100 Richard Avenue, Morgantown, starting Monday,

June 9 through Saturday June 14, from 1pm to 4pm and from Monday June 16 to Saturday June 21 from 9am to 12 noon.

The five year program teaches all aspects of the plumbing and pipefitting trade including, pipe welding certification, medical gas certification, blue print reading, plumbing, heating and cooling.

Apprentices learn on the job under the supervision of journeymen and attend classes two nights a week.

Applicants must be of legal working age and have a high school degree or GED. A birth certificate and a high school diploma, transcripts or their equivalent will be required at time of application.

Helmets-to-Hardhats credit for military experience may be available if a DD-214 form is filed.

Applicants must be bona fide residents of one of the following counties: Barbour, Braxton,

Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Lewis, Marion, Mineral, Monongalia, Pendleton, Preston, Randolph, Taylor, Tucker, or Upshur.

A valid drivers license is mandatory as well as a \$16 application fee.

Applicants will be scheduled to take a standardized aptitude test at a later date and a substance abuse test before entering the program.

The program will establish an eligibility list consisting of the applications received. If you have previously applied but were not accepted you may re-apply.

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

For more information call James Cartwright, Coordinator, at 304-296-7562.

# 2008 PRIMARY ELECTION RESULTS

**While the big election news focused on West Virginia's Presidential primary a number of important state and local races were decided on May 13.**

In the State Supreme Court race Labor's two candidates, Menis Ketchum and Margaret Workman won.

The political arm of the State Building Trades, the WV State Building Trades PAC, produced a TV commercial about candidate Elliot 'Spike' Maynard's vacation to the French Riviera where he met Massey Coal executive Don Blankenship. The vacation took place right before the Court heard a case involving Massey worth millions. Maynard never disclosed his vacation meeting until pictures sur-

faced after the court ruled 3-2 in Massey's favor with Maynard voting for Massey.

For the most part other Labor candidates fared well for the 2008 primary election.

Three of four Building Trades members won their primary races. Incumbents Orphy Klempa, D-Ohio and Dan Poling, D-Wood will now face a tougher general election contest.

Newcomer, Dave Walker, a

member of Operating Engineers Local 132 won the House of Delegates race in Clay, Gilmer and Calhoun Counties.

Leroy Stanley, D-Taylor, a retired member of the Carpenters failed to win a House of Delegates seat in Taylor County.



**OPERATING ENGINEERS 132 used a crane to raise two large signs supporting WV Supreme Court endorsed candidates Menis Ketchum and Margaret Workman.**

## WAGE

*CONTINUED FROM P. 1*

struction programs do not destroy local construction wage and employment standards.

Prior to the enactment of prevailing wage laws local contractors could be underbid by out-of-state contractors using imported cheap labor.

The federal version of the prevailing wage law is called the Davis-Bacon Act and has a similar requirement when federal funds are used.

Acker has lead another fight against prevailing wages now in the Kanawha County Circuit Court. He has represented the City of Beckley challenging the DOL's requirement prevailing wage rates be paid on a downtown redevelopment project.

Acker is executive director of a nonprofit group based in Beckley called Forward Southern West Virginia Inc., which is the developer on the project.

The project has both federal and state funding.

However the Federal funding

does not require Davis-Bacon [federal prevailing wage] rates be paid.

ACT filed a complaint with the state DOL claiming the state funds in the project require state prevailing wages be paid.

The DOL agreed and informed the city of Beckley. Beckley then filed suit in Kanawha Circuit Court to stop the DOL from enforcing the prevailing wage law.

ACT has filed a motion to become a party to the suit but faces objections from the city.

They claim ACT tried to intimidate a witness, Acker, when ACT Director Steve White wrote a letter to Catholic leaders raising concerns about the impact the challenge to the application of prevailing wage rates in Beckley would have on construction worker wages.

In testimony before the court White rejected the claim of witness intimidation and insisted his goal was to open discussions with church leaders and preserve a positive relationship labor has had with the Catholic Church.

## 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 Gunee✓**

**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 Pethel✓**

**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✓, AT 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 Iaquinta✓, 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✓**

**30TH ANNIVERSARY OF WILLOW ISLAND DISASTER****WHEELING HOSTS WORKERS MEMORIAL DAY**

**The 20th annual WV AFL-CIO observance of Worker Memorial Day was held April 28 in Wheeling to mourn 47 workers who died on the job in West Virginia in 2007.**

The Ohio Valley Trades and Labor Assembly hosted the event with President Frank Ellis welcoming the one hundred fifty who attended the ceremony held in view of the great labor leader, Walter Reuther's statue.

Following remarks by labor leaders and other speakers, a memorial bell was rung once for each fallen worker as their name was read aloud.

According to a national report

released in April by the AFL-CIO, in 2006 West Virginia had the third highest workplace fatality rate in the nation, double the national average. That meant for every 100,000 workers there were slightly more than 10 fatalities in WV. Only Wyoming (12.9) and Alaska (13.8) had worse records.

West Virginia's neighboring states had significantly lower

**"SINCE THE OCCUPATIONAL SAFETY AND HEALTH ACT [OSHA] WAS ENACTED, JOB FATALITIES, INJURIES AND ILLNESS HAVE BEEN REDUCED SIGNIFICANTLY." LARRY MATHENEY, SECRETARY-TREASURER, WEST VIRGINIA AFL-CIO**

2006 death rates with Ohio having 3.4, Virginia reporting 4.3, Maryland with 3.7, Kentucky at 7.6, and Pennsylvania with 4.0 deaths per 100,000 workers.

In 2006 the construction industry had the largest number of

fatal work injuries at 1,239.

The Workers Memorial ceremony was made even more poignant as it came thirty years and one day after the nation's most deadly construction accident, the Willow Island disaster of April 27, 1978, where 51 union construction workers lost their lives in a scaffolding collapse.

Rushed construction schedules and improper rigging of scaffolding were cited as causes of the accident, even though OSHA warnings of the dangers had been provided up to a year

earlier.

Labor historians believe the Willow Island accident and the resulting increase in public awareness of workplace danger provided impetus for stronger and more effective worker

safety legislation.

The most recent statistics for 2006 show that 5840 workers died nationwide in work-related accidents, with tens of thousands more suffering injuries.

Reflecting on the progress made in worker safety and safety awareness over the past thirty years, WV AFL-CIO Secre-

tary-Treasurer Larry Matheny said, "Since the Occupational Safety and Health Act [OSHA] was enacted, job fatalities, injuries and illness have been reduced significantly. But, as vividly demonstrated by the Sago Mine disaster and more recent safety tragedies, too many workers remain at risk."

ACT Foundation  
600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570

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



**RETired ACT REPRESENTATIVE Raymond "BB" Smith (left) rings the bell while Larry Matheny, WV AFL-CIO Secretary-Treasurer (right) reads the name of each of the 47 workers who died in 2007 is read aloud is. Event host Frank Ellis is seated.**

**TRADES HELP BUILD HOME**

**Raising the wall of a new home in Greenbrier County are members of Carpenters LU #1911, Beckley.**

They were among a group of union construction workers who recently joined in with the Greenbrier County Habitat for Humanity to build a 1,100 square foot home in Rupert, WV.

The home is being built for

Tara Boothe, a single mother with four children.

Boothe works as a corrections officer at the Alderson Federal prison and currently lives in a one bedroom apartment.

Members of Local 1911 framed the home, IBEW Local 466 members wired it.

"When someone in the community needs help you lend a hand," said Luke Begovich, Carpenters Representative.