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

Project in Monroe County: Contractor Told to Tear Down Brick at New School

Bluefield based DCI/Shires, the general contractor hired to build a new school in Monroe County, has been told all the brick work at the project is rejected and must be replaced.

According to John Epperly, Secretary-Treasurer of the WV State Building Trades, "This is another stunning example of negative impacts from the repeal of West Virginia's state prevailing wage law."

The dispute over defective work has been playing out at the new Peterstown PK-8 School project since July of 2021. On November 11, 2021, Williamson Shriver Architects (WSA) sent DCI/Shires a letter stating "Monroe County Schools (MCS) is not willing to accept the Nonconforming/Rejected work in any fashion. DCI is to remove all rejected brick and install new brick that complies with the tolerances outlined on the specifications."

Records show as far back as July

1, 2021, the project architect William Shriver Architects (WSA) had notified DCI/Shires, Inc. about the problem. An email dated July 1, 2021 from WSA representative Jason Shantie to DCI stated, "WSA observed brick to brick being out of tolerance by 1/8 of an inch and the wall plumbness being out of vertical tolerance by 1/8 to 3/16 of an inch in six feet."

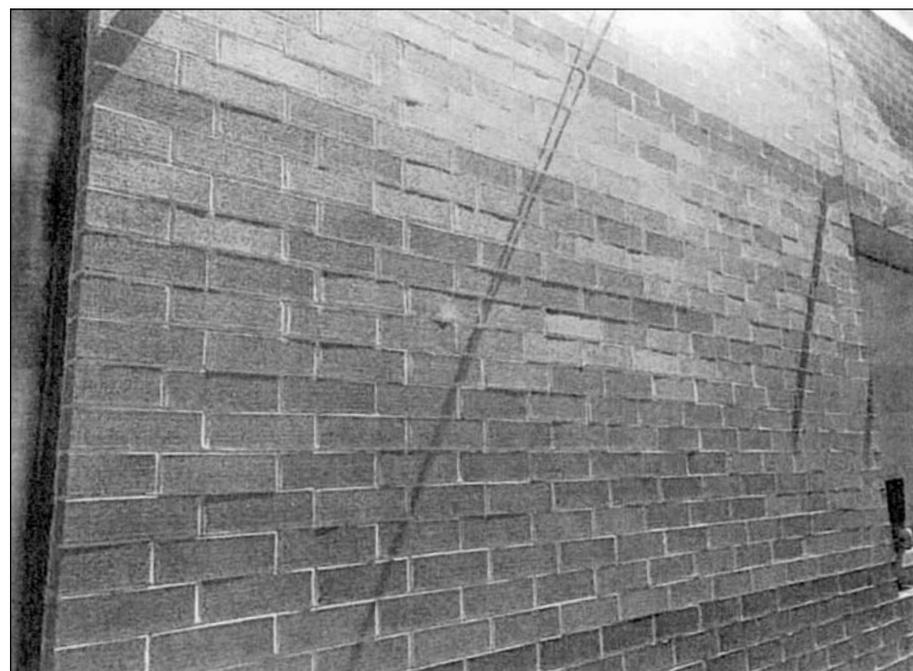
The email concluded saying, "Please note that this email is in no way instructing DCI to stop work. If DCI elects to continue with the installation of the brick, they do so at their risk."

A formal 'Notice of Defective or Non-Conforming Work' was sent to DCI/Shires on July 7.

DCI/Shires disputed the rejection notice in a letter dated August 17. "The reason for the non-conforming letter was due to visual inspection during a time when the sun was directly overhead," wrote Kurt Schmidt, Project Manager for DCI/

Shires. "This showed some shadowing that can be caused by the warpage of the brick."

In a response letter to DCI/Shires on September 14, WSA Contract Ad-
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A section of masonry work erected by DCI/Shires Inc. at the New Peterstown PK-8 school project in Monroe County, WV. DCI/Shires was low bidder for the school at \$16.7 million on April 9, 2021.

2022 Legislative Session Underway in WV

West Virginia's 60-day legislative session began on Wednesday, January 12.

However, action was already unfolding the day before in a special session called by Governor Jim Justice surrounding a bill to entice a multi-billion-dollar steel manufac-

turing plant to Mason County.

The bill, known as the WV Industrial Advancement Act, passed both the House and Senate and creates tax incentives for a variety of industrial project types.

Charlotte, North Carolina-based NUCOR Steel, is planning the \$2.7

billion steel mill with an additional project possible for Hancock County.

Lawmakers say the project would include about one thousand construction jobs and about 900 full-time jobs once the facility is completed. However they have no idea who will get the jobs.

"Looking at the company's track record at a current \$1.7 billion project in Kentucky, we hear most of the construction workers come from the Gulf Coast," said Steve White, Director of the Affiliated Construction Trades. "So we hope for the best but
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New Study: Unionized Construction Offers Superior Health and Safety Outcomes

An analysis of Occupational Health and Safety Administration (OSHA) inspections at construction jobsites has revealed that unionized construction workers face significantly less health and safety violations than their nonunion counterparts.

The study, conducted jointly by the Illinois Economic Policy Institute (ILEPI) and the Project for Middle Class Renewal (PMCR) at the University of Illinois, examined data on more than 37,000 OSHA inspections from 2019 and found that union jobsites were 19% less likely to have any health and safety violations and had an average of 34% fewer violations

per inspection than nonunion jobsites.

According to the U.S. Bureau of Labor Statistics, only 14% of the nation's construction industry workers were represented by unions.

Yet, union jobsites accounted for only 5% of the total safety violations that year, with 95% of all safety violations occurring on nonunion sites.

"The data makes clear that the unionized side of the construction industry is producing vastly superior outcomes," said study co-author and ILEPI Executive Director Frank Manzo IV. "With our nation readying at least \$1.2 trillion in new infrastructure investments, it is vital to under-

stand safety trends in construction because it is one of our economy's most physically demanding and dangerous occupations."

In their report, the ILEPI and PMCR noted that prior studies have linked higher rates of construction unionization with lower rates of occupational fatalities, giving credit to the unionized industry's investment in registered apprenticeships.

"Registered apprenticeships aren't just attaching workers to middle-class construction careers, they are training workers in industrywide best practices for operating heavy machinery, working with hazardous materials, and avoiding preventable

accidents on the jobsite," said Manzo.

"There is no doubt that this work isn't just paying off from the standpoint of reducing fatalities, but also from the standpoint of preventing the very health and safety violations that cause these tragedies."

To promote safer construction worksites across the country, the researchers suggest policymakers consider enacting legislation that promotes institutionalized training including prevailing wage laws, responsible bidder ordinances, project labor agreements, and the repeal of so-called "right-to-work" laws.

To read the full study visit www.illinoiseipi.org/reports. ■

2022 Legislative Session Underway

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early indications are not good for local workers."

White says the Trades will work with legislators to develop an incentive package for contractors who hire local construction workers for the project. "The bill they just passed says nothing about construction jobs, that is a missed opportunity," said White.

Last year, legislative leaders took aim at licensing regulations, decreasing the number of training hours required to receive a license for many trades. In addition, an attack on the WV Jobs Act was narrowly defeated in the final days of the session.

The WV Jobs Act requires projects funded with state, county, or city tax dollars to look for local construction labor before any other workers can be imported. Enforcement of the Act is based on payroll documents, which have been the target of Republican legislative leaders in the past.

Attempts to decrease the number of weeks one can collect unemployment have also been of concern in recent sessions and the Trades will be on the lookout again this session.

However, this year may differ from past years due to the recent for-

mation of the West Virginia Republican Labor Caucus.

During the November interim committee meetings, Evan Worrell (R-Cabell) joined with other Republican members of both the House and Senate to announce the new caucus, claiming it would focus on supporting and advancing legislation aimed at helping local workers and contractors be successful.

Since taking control of the state legislature in 2014, Republican leadership has led various attacks against the trades from the passage of Right-to-Work, the repeal of prevailing wage, to recent attacks on craft licensing standards. However, Worrell says there has been a faction of Republicans who do not agree with these types of policies, and the recent formation of the caucus was a formal step to solidifying that faction.

"The West Virginia Republican Labor Caucus was formally announced to support West Virginia workers and apprenticeship programs that exist throughout the state," said Worrell. "This is how we grow West Virginia. We do it from the inside."

Worrell explained that the caucus plans to meet weekly throughout the legislative session to plan legislative strategy and meet with labor and contractors about ways the group can work together to promote the union construction industry.

"By increasing both job opportu-

nities and a skilled, drug-free workforce, we can ensure a lasting legacy to those families in West Virginia," said Worrell.

The 2022 West Virginia legislative session is scheduled to run through Saturday, March 12, adjourning that day at midnight. ■



George Capel, Government Relations Director for the WV State Building and Construction Trades (right), speaks with Senator Mike Caputo (D-Marion) in his office at the Capitol.

Charleston Building Trades Raise \$11,000 for Salvation Army Red Kettle Partnership

Last month, the Charleston Building and Construction Trades Council partnered with the Salvation Army to Ring Bells throughout the Charleston area.

The trades collected donations for those in need during the holiday season, with their efforts raising nearly \$11 thousand for the Salvation Army, with \$5,000 donated as a check from the WV Appalachian Laborers DC.

Charleston Building and Construction Trades Business Manager Fred Chandler says the annual partnership is very important to them.

“We look forward to working with the Salvation Army every year.

It gives us an opportunity to give back and volunteer to help folks in need around the area,” said Chandler.

However, while the organizations have held a similar partnership in years past, this year the volunteers they provided may have been needed more than ever.

“The pandemic has affected our ability to secure bellringers and volunteers to collect the much-needed funds” said Major Joe May of the Salvation Army. “The Salvation Army’s Red Kettle partnership with the Charleston Trades Council has been very important to our effort to meet the needs of the less fortunate at Christmas for many years.

“The Trades Council is by far the single group who contributes the most to our Red Kettle effort in terms of time and volunteers.

More funds are collected through their efforts than any other single

group,” said May.

Laborers Local 1353, Carpenters Local 439, Plumbers & Pipefitters Local 625, IBEW Local 466, Roofers Local 185, Sheet Metal Workers Local 33, and Painters Local 970 all pro-

vided volunteers for the fundraising initiative.

For more information on how you can donate or volunteer with the Salvation Army, log on to www.salvationarmyusa.org. ■

“We look forward to working with the Salvation Army every year”

Fred Chandler

*Business Manager
Charleston Building and
Construction Trades Council*



Volunteers (from left) Danny Rose, Wendy Peters, Austin Williams, and Kim Board from Plumbers and Pipefitters 625 ring bells for the Salvation Army outside of Cabela's in Charleston, WV.

Contractor Told to Tear Down Brick

Continued from Page 1

administrator Shantie stated, “The way the brick is being viewed is irrelevant to the rejection as the rejection is not based on the position of the sun or the distance in which the brick is being viewed.”

An October 1 letter from DCI mentioned warpage of the brick stating, “it is impossible to achieve perfection when you are working with an imperfect product.”

DCI also stated in their October 1 letter, “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 appearance of Mountain Masonry is somewhat of a mystery. According to information obtained by ACT, DCI/Shires official subcontractor list states they would self-perform the masonry work, not use a subcontractor.

Court records show three federal judgements issued in the United States District Court for the Western District of Virginia on May 26, 2021 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.

In their letter dated November 11, 2021, WSA notified DCI/Shires it had performed a full inspection

of the brick at the project site at all other areas of the building that had not been installed at the time of the original Notice and determined the entire project would need to be re-completed.

“WSA is formally rejecting the installation of all the brick on the entire building due to the installation/workmanship not complying with tolerances outlined in the contract documents,” wrote Shantie.

Payroll records from the job show masons were paid between \$14.50 and \$22.50 per hour without benefits.

According to prior correspondence, a project dispute first is decided by the architect. If unresolved it then goes to mediation and then to court. Mediation is expected as the next step.

However, on December 30 prior to mediation, DCI filed a lawsuit in Monroe County Circuit Court against the Monroe County School Board, the WV School Building Authority, and William Shriver Architects claiming a breach of contract related to the withholding of payments owed.

In a footnote at the end of their complaint they state, “DCI has Demanded Mediation under the Contract and agrees to this action being stayed pending mediation.”

“It looks like the contractor filed the lawsuit to get leverage at the mediation,” said Epperly. “Lawsuits, quality issues, delay, low wages, and other problems go hand in hand with the repeal of prevailing wage and this is just one more documented case.” ■

WV Laborers Apprenticeship Program

The West Virginia Construction Craft Laborers' Joint Apprenticeship and Training Committee is accepting applications year-round.

Those interested can apply at any WorkForce WV Office between the hours of 8:30 am and 5:00 pm Monday through Thursday and 9:00 am to 5:00 pm on Friday (call first).

Applicants must be at least 18 years old; have a high school diploma (or equivalent) or pass a test administered by WorkForce; have a valid driver's license; and be physically able to perform the work of the trade.

A substance abuse test, includ-

ing random tests, will be required at some point in the process.

Documents such as a copy of a birth certificate, a valid driver's license, transcripts of grades and proof of a high school degree will be requested but at a later date. The apprenticeship program consists of hands-on classroom training and paid on-the-job training.

The WV Laborers' Training Center in Mineral Wells provides 400 hours of classroom and hands-on training free of charge including meals and lodging. Apprentices will also learn on the job in their home

areas while earning a paycheck, for a total of 4000 hours, approximately two years.

Upon completion of the program apprentices will earn Journeyman status and receive a certificate from the U.S. Department of Labor. The areas of training provide a wide variety of skills to ensure highly productive workers will have successful

careers. Topics include pipelaying, mason tending, instrument reading, environmental remediation and more.

For more information visit their web site www.wvccl.org or to receive a free brochure send a self-addressed stamped envelope to: West Virginia Laborers' Training Center, P.O. Box 6, Mineral Wells, WV 26150. ■

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McKinley Speaks at Parkersburg Luncheon



West Virginia Congressman David McKinley speaks at the Parkersburg-Marietta Building and Construction Trades Council annual Christmas Luncheon on December 17, 2021, as Business Manager Buddy Malone looks on.

McKinley recently delivered on a promise made to the trades, supporting the recent federal Infrastructure bill, and drawing ire from some members in his own party by voting for the bill which will bring \$6 billion in infrastructure funding to West Virginia over the next five years.

"I support infrastructure improvements that strengthen our economy, and I will always do what is best for West Virginia," said McKinley.

Congressman McKinley is running for reelection in 2022, facing off against Congressman Alex Mooney in the primary; a race which was forced by the recent Congressional redistricting that combined their two districts into one.

"Congressman McKinley has kept his promise on this vote and supported the trades. His opponent, Alex Mooney, voted against the bill and against much-needed jobs for our workers," said Business Manager Buddy Malone.

Tri-State Trades Holds Customer Appreciation Breakfast



Mark Johnson (left), Business Manager for the Tri-State Building and Construction Trades Council, speaks at their annual Customer Appreciation Breakfast. This year's event was held in Portsmouth, Ohio on December 10, 2021 and featured a wide range of speakers representing owners who hire union contractors. Speakers included: J.D. Dowell, President of Fluor-BWXT; Jay Richart, Plant Manager of the Marathon Catlettsburg Refinery; Sarah Eberly of National Grid; Kristi Arrowood of Cabell Huntington Hospital; and Mike Knisely of the Ohio State Building and Construction Trades Council.