

Teamsters file 2 suits over right to work

By Daniel Tyson REGISTER-HERALD REPORTER Feb 19, 2016

How much influence did the state's top economist, West Virginia University, the Senate president and the House speaker have in research on the right-to-work legislation passed by the legislature this year?

That question is at the center of two lawsuits filed by the International Brotherhood of Teamsters last week contending WVU and the state Senate failed to fully comply with the state's Freedom of Information Act.

The lawsuits name Senate President Bill Cole, R-Mercer, House Speaker Tim Armstead, R-Kanawha, WVU and Professor of Business and Economics John Deskins as plaintiffs.

In the lawsuit, the Teamsters charge political leaders concealed email communication with Deskins about right-to-work legislation. The Teamsters' lawsuits say \$17,000 in state money was used to fund a study intended to provide cover for the GOP's anti-work objective, rather than independently studying the impact on the state's economy or welfare of the average citizen.

"It was requested that WVU disclose the emails exchanged between Deskins and the government lawyers who work directly for Cole and Armstead, concerning the review of right to work by Deskins. Upon disclosure, the substance of the conversations contained within these emails was redacted and not provided in response," said Sean W. Cook, an attorney for the Teamsters.

Emails to Cole, Armstead and WVU seeking comment went unreturned Thursday.

The lawsuits — filed in Kanawha County Circuit Court against state leaders and Monongalia County Circuit Court against WVU and Deskins — states the studies were suspect from the start.

"The Republican majority has relied almost entirely on this study. The people of West Virginia have a right to know the truth behind how this study came about," said Ken Hall, general secretary-treasurer of Teamsters Local 175 in South Charleston.

State lawmakers passed right-to-work legislation last week then voted to override Gov. Earl Ray Tomblin's veto days later.

The law, many believe, weakens the union's ability to help workers bargain with employers for better wages, benefits and working conditions by allowing nonunion members the benefits of a union contract without paying any dues.

GOP lawmakers contend by eliminating the prevailing wage, West Virginia is better positioned to attract employers.

The lawsuits states when the Teamsters submitted a Freedom of Information request, it received

a letter from Senate Clerk Clark S. Barnes stating, “as to the existence of any communications requested, we are in the process of reviewing our records to ascertain any and all documents that may be responsive to your request in possession of the Senate. Per your request, we will provide any responsive, non-privileged documents as soon as our review is completed.”

Exhibits in the suits show entire emails redacted. Only email addresses and subject lines are showing.

The lawsuits state, “For some reason, the author of the above mentioned report (Deskins) that was to be independent and unbiased felt it necessary and felt compelled to keep from public disclosure information and communications he received from Defendant Senate and/or Defendant President before or while he was authoring the report.”

The lawsuits ask what contact Deskins had with Cole, Armstead and other GOP leaders before and during the study, and if that contact influenced Deskins coming out in favor of ending 80 years of West Virginia’s prevailing wage law.

On July 1, West Virginia will become the 26th Right-to-Work state