

Senate passes prevailing wage revamp

By Phil Kabler

With a 23-11 vote, the Senate passed a bill (SB 361) that significantly revamps – but does not repeal – West Virginia’s prevailing wage law that sets wages for construction workers on publicly funded building projects in the state.

Instead of repealing the prevailing wage act outright, a compromise amendment worked out over the past six days changes the way prevailing wage would be calculated.

Responsibility for setting the rates would be transferred from the Division of Labor to Workforce West Virginia, which would coordinate with researchers at the Bureau of Business and Economic Research, at West Virginia University, and the Center for Business and Economic Research, at Marshall University, to determine accurate wage rates for the construction trades.

The compromise also sets a threshold of \$500,000 before contractors on public works projects would be required to pay prevailing wage.

Senate Government Organization Chairman Craig Blair, R-Berkeley, argued that the existing system has swung out of whack, paying excessively high union-scale wages, stating, “Our goal has been to get it in the center, where there is fairness.”

Sen. David Nohe, R-Wood, said he experienced firsthand how prevailing wage inflated project costs when he was mayor of Parkersburg.

“Projects that came to us estimated at \$300,000 to \$400,000 cost us more than \$1 million, with this system,” he said.

However, Sen. Doug Facemire, D-Braxton, argued that senators have no way of knowing what the prevailing wage rates will be under the new proposal.

“Anytime we try to fix an economic problem by taking away from the working people, it’s a mistake,” he said.

Senate Minority Leader Jeff Kessler, D-Marshall, agreed that the process is backwards, saying the Legislature should have waited for the findings of the WVU and Marshall research before making changes to prevailing wage.

“Sound public policy is always best based on accurate public information,” he said.

Sen. John Unger, D-Berkeley, complained that the compromise had been worked out behind closed doors by a handful of senators who negotiated with the affected parties.

“I want to make sure we’re very clear: This is not an example of open government,” Unger said Thursday evening.

Passage of the amendment and bill was postponed for about five hours Thursday after Unger complained that the compromise amendment had been provided to the full Senate just moments before

the Thursday floor session started.

His motion to postpone consideration of the bill until Friday was rejected on an 18-16 vote, along party lines.

“I don’t know how we can vote on something we haven’t read,” Unger said of the eight-page amendment. “I don’t know how we can go back and tell our constituents we’ve been responsible.”

Questioning Blair, Unger asked when meetings with the affected parties had occurred. Blair said the meetings with representatives of labor unions and building contractors had taken place throughout Saturday, with a follow-up meeting Monday afternoon, and said leadership stayed “in contact constantly” with the various parties working on the compromise.

Unger asked if notice of the meetings had been posted, and if they were open to the public.

“The answer is no to that question,” Blair responded, “but we’ve all been interviewed by the press many times in the process.”

Unger said that seemed to contradict Blair’s statement on Feb. 5, opposing a motion to block sending the bill to the Senate floor, when Blair said, “This bill is set up with the ability to have amendments on it by the body as a whole. This is open government, where everybody is going to have an opportunity to participate.”

Unger said that requests from senators to lay over consideration of bills traditionally are granted by Senate leadership as a common courtesy and said he was saddened that the process was marked by “such disrespect and rudeness.”

Kessler concurred that delay would have been reasonable, noting, “This has been a very volatile, hotly contested, important piece of legislation.”

Kessler also said there were no time constraints requiring immediate action on the bill.

“We’re not at day 59. We’re at day 30,” he said, referring to the 60-day length of the regular session.

Voting against the bill were Sens. Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Romano, Snyder, Unger, Woelfel and Yosts, all Democrats. The bill now goes to the House of Delegates.

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