

New prevailing wage documents surface

By Joel Ebert

The ongoing prevailing wage discussion in West Virginia reached another level of intrigue on Tuesday when a state senator received a new batch of documents from WorkForce West Virginia, nearly a month after a previous request and subsequent response from the organization included no communications from private entities.

The state's Legislative Auditor also has determined the executive branch failed to provide all necessary documents to a legislative committee.

An analysis of a flash drive containing the original electronic files provided to the Joint Committee on Government and Finance by the executive branch on July 7 did not match a subsequently received second flash drive. Using a forensic laptop, the auditor's staff was able to determine two files that were missing on the first flash drive were added onto the second flash drive on July 10.

"My office has no idea whether the failure to provide all the documents initially was intentional or merely an error," Allred said in a Tuesday evening email. "However, my office disagrees with the Executive Branch assertion that they provided all documents to the Legislature prior to the Legislature's issuance of a subpoena."

In addition to Allred's finding, the prevailing wage issue was further complicated Tuesday after Sen. Craig Blair, R-Berkeley, received a letter from Russell Fry, WorkForce West Virginia's acting executive director, which said, "It has come to my attention that certain public records may have been inadvertently excluded."

Although still reviewing the contents of the documents he was provided yesterday, Blair expressed disappointment and frustration.

"We're playing a big coconut shell game and we get to find out whether the prizes are under the shell," he said. "That shell game is a racket."

Blair, the chairman of the Senate Government Organization Committee, initially wrote to Fry on June 2. He asked the director for "any communications, either written or electronic, that you may have received from private entities seeking to provide influence with respect to the development of the prevailing wage rate methodology."

Blair also asked for a copy of any full report the group submitted to the Secretary of State's office regarding the development of the methodology for the prevailing wage rate.

In a reply dated June 18, Fry provided Blair with a copy of a 40-page report by WorkForce on the new methodology.

In his response letter, Fry added, "WorkForce West Virginia has not received either written or electronic communication from private entities seeking to influence the development of the prevailing wage methodology."

Fry did not respond to requests for comment on Tuesday.

Among 135 pages of documents attached to the latest letter to Blair, which he didn't receive until Tuesday, are multiple emails between Fry and Affiliated Construction Trades executive director Steve White, as well as several emails from Affiliated Construction Trades research director Lesly Messina and members of WorkForce.

It was those emails that Senate President Bill Cole, R-Mercer, and House Speaker Tim Armstead, R-Kanawha, were seeking when they sent Fry a subpoena on July 7.

Department of Commerce spokeswoman Chelsea Ruby told the Charleston Gazette emails from the Affiliated Construction Trades were among the thousands of pages Fry provided to the legislative leadership on June 17 with a flash drive. The department subsequently posted the documents found on the flash drive online.

Republicans are expected to call Ruby's claim that the PST files — which are files associated with Microsoft Outlook email and calendars — were included in the first flash drive into question in light of Allred's latest finding.

As of press time, Blair said he was still searching through the newly provided documents before making any statements about them overall.

“The last thing I want to do is have misinformation put into your hands,” he told the Daily Mail.

Blair did note that WorkForce did not provide two large PST files despite the fact that they claimed they did.

The two PST files are the ones Allred's office identified as the missing files on the original flash drive provided to the Joint Committee.

Blair said the latest letter from Fry “is practically an admission that the first letter was untruthful.”

There has been no prevailing wage in West Virginia since July 1.

Republicans blame WorkForce, which was tasked with determining a new methodology for the state's prevailing wage rates, saying the agency did not factor in U.S. Bureau of Labor Statistics data.

WorkForce said the new method includes a survey of more than 5,200 contractors and businesses, which Republicans have openly opposed.

Fry and labor organizations, including the Affiliated Construction Trades, contend the law was followed.

To view all 136 pages WorkForce West Virginia provided Blair on Tuesday, and other prevailing wage-related material, visit <http://blogs.charlestondaily.com/capitolnotebook>.

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