

WorkForce leaders haven't been subpoenaed over wage rate

By Phil Kabler

CHARLESTON, W.Va. — It was not immediately clear Monday if the legislative leadership intends to subpoena WorkForce West Virginia officials to testify under oath regarding its recalculation of the state's prevailing wage rates, as stated in a July 7 letter to acting Executive Director Russell Fry.

That letter accompanied a rare legislative subpoena signed by Senate President Bill Cole, R-Mercer, and House Speaker Tim Armstead, R-Kanawha, that ordered Fry to submit all “documents and communications related to the development of the prevailing wage methodology.”

That included documents which Cole and Armstead contend were not provided to the Legislature as requested by the Joint Committee on Government and Finance. They particularly cited a series of emails from the Affiliated Construction Trades Foundation which they contend show that the labor union organization was “clearly attempting to influence the methodology” being developed by WorkForce West Virginia researchers.

However, Department of Commerce spokeswoman Chelsea Ruby indicated that the ACT Foundation emails in question were among thousands of pages of documents provided to the legislative leadership on June 17, and the department provided a link to all the documents on department's website.

Fry, complying with a 5 p.m. Friday deadline in the subpoena, gave leaders a flash drive containing all documents and communications WorkForce West Virginia had received regarding prevailing wage, but in a letter to Cole and Armstead, said the documents were identical to those submitted June 17, as no documents had been withheld at that time.

“To the best of the agency's belief and understanding, each of the documents herein produced were part of the initial request and production of records delivered to your office on June 17, 2015,” Fry stated.

In the letter accompanying the subpoena, Cole and Armstead directed Fry to “produce all documents, including those which were previously withheld,” and to designate the withheld documents.

“If we do not receive a complete response to this subpoena, it will be necessary to issue additional subpoenas requiring your appearance and the appearance of other WorkForce West Virginia employees to testify under oath to the Joint Committee on Government and Finance,” their letter stated.

The Joint Committee is the most powerful legislative interim committee, made up of leadership of the House and Senate and of ranking minority-party members.

As of Monday afternoon, Ruby said it was “all quiet” with WorkForce West Virginia, with no subpoenas or other communications from the legislative leadership.

Attempts to reach Cole, Armstead, Senate spokeswoman Jacque Bland or House spokeswoman Miranda Kessel were unsuccessful Monday.

Meanwhile, legislative interim meetings are on hiatus until Sept. 13-14. The Joint Committee traditionally meets on the last day of scheduled interims.

The last meeting of the Joint Committee, on June 8, became heated when legislative leaders accused WorkForce West Virginia researchers of defying the intent of a new law to recalculate the wage rates set by the state for construction workers on major state-funded projects by proceeding with plans to survey contractors to determine current wage rates.

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