

# THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

Charleston - (304) 345-7570  
Toll Free - (800) 930-9675  
www.actwv.org



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## ASBESTOS/SILICA BILL CAUSES CONCERN

# Jobs Act, Health Care Bills Progress

**A bill to renew the West Virginia Jobs Act has passed the Senate and been sent to the House of Delegates.**

And the health care bill promoted by the Trades has passed one committee, but not before an attack by one contractors group.

S.B. 364 unanimously passed the Senate on Tuesday, February 7, after first going through the Government Organization Committee chaired by Sen. Ed Bowman (D-Hancock).

It currently is waiting to be placed on the agenda in the

House Government Organization Committee chaired by Del. J.D. Beane (D-Wood).

If passed the bill would remove language that ends the WV Jobs Act this March. The law requires 75 percent of construction workers on state, county or city projects costing more than \$1 million to come from the local labor market area.

The House Health and Human Resources Committee, chaired by Del. Don Perdue (D-Wayne) took up and passed the health care bill promoted by the ACT Foundation.

H.B. 4245 would require contractors on public works projects to show at least 75 percent of their work force was covered

by health insurance.

Just hours before the bill was to be discussed in committee the Contractors Association of West Virginia (CAWV) distributed a letter claiming the bill would violate federal ERISA law.

"I think the committee members saw the letter for what it really was," said Steve White, ACT Director. "It was nothing more than a cheap shot from a group that has no real objection other than the bill is supported by unions."

The CAWV includes both union and nonunion companies.

On a voice vote the bill was passed by the Health Committee and sent on to the Government Organization Committee.

The health bill has also been introduced in the Senate as S.B. 494 and has been sent to the Committee on Banking and Insurance chaired by Sen. Joe Minard (D-Harrison).

"Some people are 'double dipping' and we want it stopped," said Ronnie Burdette, Business Manager, Operating Engineers Local 132.

"This is our best shot to do something about rising health care costs and the unfair system where some contractors get paid for health benefits, don't provide them, and make us pay again when their workers don't have insurance."

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## TRADES ATTEND WIND PROJECT HEARINGS

# \$300 Million Wind Farm Project Goes Union

**An agreement was reached and signed February 9th between the Charleston Building Trades and Invenergy LLC to hire local union workers on the \$300 million dollar wind farm project that's awaiting Public Service Commission (PSC) approval.**

Chicago-based Invenergy filed for PSC approval last November for the 124-turbine Beech Ridge Wind Farm in Greenbrier County. If approved it will be one of the largest wind-power projects on the east coast, three times the size of the only existing project in the state located in Tucker County.

The PSC has five months to decide whether to grant the project a permit. If approved, Invenergy hopes to start construction next summer.

The Beech Ridge Wind Farm is a 186-megawatt project on about 500 acres of property belonging to Mead/Westvaco of Stamford, Connecticut. It is expected to produce enough electricity for about 50,000 homes.

Construction of the project will take around eight months and will create approximately 200 construction jobs.

The project will also provide 20 full-time jobs and will give Greenbrier County \$400,000 in tax

revenue each year.

Some residents fear the turbines will hurt tourism, wildlife or the scenic beauty of their county and there is growing opposition to the project. Others think the

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**ANNOUNCING A SIGNED agreement between the Charleston Building Trades and Beech Ridge LLC to build a \$300 million wind farm in Greenbrier County is a group of union supporters and company representatives. The event took place on February 9.**

# Medical Center Built 100% With Union Trades

**A ribbon-cutting ceremony and open house were held January 7 to celebrate the grand opening of the Huntington Internal Medical Group, (HIMG).**

One of the major themes of the opening ceremony was the appreciation the new owners have for union construction and building trades workers.

Finance Director Dr. Matthew Rohrbach president of the new Tri-State Ventures, LLC, a venture capital company that funded the project, congratulated the members of the Tri-State Building and Construction Trades, he was very impressed that the project was completed under the projected budget.

He showed his appreciation by displaying a digital sign out in front of the facility. The sign thanked Building and Construction Trades for a very impressive and professional job and for completing the work within the

budget and on schedule.

"I've never seen a group of people go out of their way so much to thank us," said Steve Burton, Business Manager of Tri-State Building and Construction Trades, referring to Rohrbach and HIMG.

HIMG transformed a former 130,000 square foot Wal-Mart building and added another 20,000 square feet to create the largest medical complex in the state. The roof on this one-story building covers more than two acres. This project required in excess of 100 workers at its peak, from all trades working together.

"Dr. Rohrbach made it clear he wanted to use 100 percent union trades workers," Burton said. "HIMG felt union construction workers were the best and so they wanted to use the best to build their facility."

The developers were BBL of Albany, New York, who are experts in the medical field, because they only design medical facilities. BBL-Carlton of

Charleston served as the local contractor.

"In today's world, with all the problems, health care is a need for everyone," said Keith McClanahan, Vice-President of BBL-Carlton. "This is a win-win

success story. The owners are happy, the contractors are happy, the people in the Tri-State area are happy. This was all done with union people who have health care coverage and that will reciprocate back to HIMG."

HIMG is a one-stop medical mall with Family Practice; Internal Medicine Specialties such as cardiology, dermatology, and gastroenterology; Diagnostic Units such as a laboratory and radiology, and even a cafe.



**ATTENDING THE HUNTINGTON Internal Medical Group ribbon cutting were (from left) Mike Sundall CEO of HIMG; Dr. Matthew Rohrbach, President of New Tri-State Ventures, LLC; Keith A. McClanahan, Vice President of BBLCarlton; Steve Burton, Tri-State Building Trades; and Jim Spencer, CFO New Tri-State Ventures, LLC.**

## Wind Farm

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turbines may attract tourists.

"This agreement makes sure local union workers will build this project," said Mike Matthews, Business Manager of the Charleston Building and Construction Trades Council.

"Having local workers, getting good pay and benefits will help our economy and community. We want to get that message out."

Public hearings will be in May. Beech Ridge is just one of several windmill projects currently under development.

Two hearings were recently held in conjunction with windmill projects

in Grant and Pendleton counties. Shell WindEnergy will build in Grant County and U.S. WindForce will construct its Liberty Gap Project in Pendleton County. Both companies have agreed to use local, union construction labor.

Grant County's hearing was coordinated by the Department of Environmental Protection and discussed water permits and drainage plans, which coincide with the building of roads that are necessary to access the windmills.

Grant County's hearing on January 26 at the Mount Storm Volunteer Fire Department attracted 75 people.

According to ACT Representative Larry Young union building trades members from the North

Central WV Building Trades Council made up a significant portion of the audience.

Pendleton County's hearing was coordinated by the county commission. This was a public comment session wherein the local folks had an opportunity to submit questions to be answered by U.S. WindForce, by January 24. All of the questions were answered by U.S. WindForce during the meeting.

Nearly 130 people attended Pendleton County's February 1 hearing at the Pendleton County High School auditorium.

Again, union members made sure their issues were part of the discussions.

"Our members were there to

show their support for the projects," said Young.

"When these developers sign agreements to hire local workers we work with them as a team. Our commitment does not end with the agreement, that's where it starts."

## Asbestos/Silica

*CONTINUED FROM P. 1*

ACT is also watching out for bad legislation that aims to take away rights already in law.

A bill to rewrite rules on how workers who have been poisoned with asbestos and silica dust is being pushed hard by industry and insurance lobbyists.

S.B. 474 claims to make it easier for those who have deadly asbestosis, silicosis and related diseases to go to court and get compensation but lawyers representing workers claim it will do the opposite.

"We've got one side saying there are thousands of cases waiting to be heard and another saying those days are over," said Steve Pigg, Business Manager for Asbestos Workers Local 80.

"And at the same time there is a federal bill that may trump anything we do on the state level, its pretty complex and confusing."

The session is scheduled to end on Saturday, March 11, at midnight.

## LOW BIDDER DENIED STATE PROJECT

# Trimat Construction Loses Bid Protest - Again

**Kanawha County Circuit Court Judge Irene Berger ruled on January 17 the state properly determined Trimat Construction was a non-responsible contractor, rejecting their low bid.**

Trimat was low bidder on the \$5.75 million Lakin Correction Center project in Mason County that was first bid in June of 2004.

The ACT Foundation presented documents to the state Purchasing Department showing Trimat had a long history of poor performance and was

closely related to a company previously banned from state and federal contracting.

On paper Trimat is owned by Matt Toler. But Matt's father Maurice is closely involved with the company. Maurice Toler pleaded guilty to bribing a federal official and was sentenced to five years of work release and probation in 1991.

ACT also uncovered records about Trimat's tax liens, contract disputes, prevailing wage violations, and that Trimat's Ohio business license was revoked more than once.

Trimat failed to reveal this prior history to the state Department

of Administration which reviewed the bid results.

Given the documents provided by ACT and the state's own review, Trimat's bid was tossed out and the next lowest bidder got the job.

Trimat appealed the decision to a Hearing Examiner in March of 2005. The Hearing Examiner agreed with the state's action so Trimat appealed to the Kanawha Circuit Court.

ACT filed a 'friend of the court' brief in support of the state's actions and the Judge agreed.

"This Court affirms the Hear-

ing Examiner's ruling that Trimat is non-responsible and that Trimat's bid was properly rejected," wrote Judge Berger.

The project was awarded to Wesam Construction and is currently underway. Wesam is using local union building trades workers.

The Ohio based Trimat was the center of another controversy when they were low bidder on a new city building in Ripley, WV in April of 2003.

Ignoring the protest of local workers Trimat was awarded the project by the Ripley City Council.

The project ended up with a contract dispute, cost overruns and was not completed until months after the original completion date.

"Companies like Trimat do not provide the best value to taxpayers for these important projects," said Scott Brewer, Business Manager for the Mid-Atlantic Regional Council of Carpenters.

"The lowest bid is not always the best bid, Trimat has proved that too often."

Trimat can still appeal the Circuit Court's ruling to the state Supreme Court of Appeals.

## Union Members File

**Two building trade members who are not new to the election process are running in this year's election.**

Gary Tillis is running for the Putnam County Commission and Orphy Klempa of Ohio County is running for the House of Delegates in the third delegate district.

Tillis is Business Manager of the WV Laborers District Council and was elected to the House of Delegates in 1994, where he served for five years.

Tillis also has a Bachelor's in Business Finance from WVU, where he played defensive tackle on the football team.

"I've always enjoyed public service," Tillis said. "I have three children in Putnam County schools. I want to see them stay in Putnam County and be able to find good jobs with benefits."

Tillis has a long history with the Laborers' Local 1353, where he has been a member for the past 15 years, and in 1997 he

was appointed first and elected ever since as president of the Local. That same year he became vice-president of the AFL-CIO, and remains so.

"My opponent has served for 18 years. They need someone with my enthusiasm and contacts in the legislature," said Tillis.

Tillis also serves as the chairman of the Laborers' Health and Welfare Pension Fund. As Business Manager of the Laborers' District Council, Tillis represents over 5,500 members.

"I'm going to be very open-minded," said Tillis. "I want to eliminate in-fighting within the commission. I'm a consensus builder, I like to bring everyone to the table to try and work it out."

Orphy Klempa, Business Representative for the Mid-Atlantic Regional Council of Carpenters' Local 3 in Wheeling, is making his second try for the House of Delegates.

He is Co-Chair of Project BEST, a successful labor-man-

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## Why the 'Shame on Marquee' banner?



**MEMBERS (FROM LEFT) Randall May, Joe Elliot, Leroy Stanley and Luke Begovich of the Mid-Atlantic Regional Council of Carpenters want the public to know interior subcontractor Walden Construction Services, from North Carolina, refuses to hire local workers.**

**Instead they imported approximately 16 workers from North Carolina to build the Marquee Cinema project located in Beckley.**

**When local workers tried to apply they were given paperwork to sign saying they were independent contractors responsible for their own licenses, taxes and workers compensation premiums.**

**The company said they did not want local workers on their payroll so they could avoid paying West Virginia's workers compensation premiums according to ACT Representative Wayne Rebich.**

**The banner went up in early February.**

# 7<sup>th</sup> Construction Coalition Conference Held

**The Seventh Annual Construction Coalition Conference was held in White Sulphur Springs on February 1, with 115 people in attendance.**

This year's main topics were the effects of the workers' compensation revolution on the industry, safety from the owner's perspective, and how energy production in West Virginia may impact construction.

In his speech to the group, Governor Joe Manchin praised the building trades and their training programs. According to Manchin, West Virginia is growing in the industrial sector, and in turn, he expects an increase in the number of construction and other good paying jobs.

"The annual Conference is the only meeting of its type that occurs in the state," said Roy Smith, secretary-treasurer of the West Virginia State Building and Construction Trades Council and co-chair of the event.

"It provides a forum for three principal players in the construction industry – owners, contractors and workers – to exchange information, share problems and discuss solutions. This has improved the industry by fostering understanding of each other and shedding light on common ground," Smith added.

This has led to improved methods for all involved in this industry.

For example, the industry instituted a background proce-

dural check after 9/11 that is a joint process and is recognized throughout the state. This universal approach prevents every contractor from having to do individual checks, so it saves money and time on all fronts. Other checks are evolving the same way, such as drug-testing.

"We want all of our members to return safely at night as they

go out to their jobs in the morning. The mutual agreement between all parties is the importance of safety in the workplace," Smith said.

The event was sponsored by the state building trades' council and their related contractors' associations and the Appalachian Construction Users Council.



**GOVERNOR JOE MANCHIN (left) and William Hite, General President of the United Association, were both speakers at the Construction Coalition Conference.**

## \$65 Million Bond Passes

**Voters passed a \$65 million school bond on January 28 in Cabell County.**

The measure was supported by the Tri-State Building and Construction Trades Council.

"The Board of Education committed to only use responsible contractors and we

committed our support to help pass the bond," said Steve Burton, Business Manager of Tri-State.

The bond levy passed by 634 votes with 3,332 voting for the levy and 2,698 voting against it.

A 1991 bond is about to be paid off so the new bond will not increase property taxes but will only continue existing rates

already in place.

The bond levy will provide new schools for Barboursville and Milton middle schools and consolidate Cammack and West middle schools into a renovated Cammack building. The bond issue also will replace Cammack and Miller elementary schools with a new consolidated school and help pay for a rebuilt Martha Elementary.

ACT Foundation  
600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570

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toll free 1 800 450-8530  
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## Members File

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agement program, and serves on the board of directors for numerous organizations such as the Ohio Valley Medical Center and the Ohio County Development Authority.

"Health care needs to be a right, not a privilege," Klempa said.

Klempa also recognizes the connection between education and the economy. "The government needs to get up to standard be-

cause the high-school diploma that it affords us with is not enough.

"In today's age and with this economy, our citizens need to be educated to attract the type of jobs that West Virginia needs," Klempa said. "If West Virginia is educated, it will attract companies with high-paying jobs and our citizens will be ready for these jobs."

This year's primary election is May 9 and the general election will be held November 7.