

THE ACT REPORT

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TRADES FOUNDATION

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

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Inside

Wind Project	Pg. 2
Plumbers	Pg. 3
Project Best	Pg. 3
Path Project	Pg. 4
Credit Union	Pg. 4

TRADES SIGN PROJECT AGREEMENT

JEFFERSON COUNTY VOTES TO ALLOW TABLE GAMES AT TRACK

Voters from Jefferson County voted on December 5 to allow table games at the Charles Town Race Track.

Building Trades locals covering West Virginia's Eastern Panhandle urged their members and others to support a referendum.

Key to the Trades support was an agreement worked out by the WV State Building Trades and North Central WV Building Trades with the Track owner Penn National.

The agreement calls for local union workers to build a new hotel and gaming effort if such a project materializes.

Passage of the measure should also bring an estimated 500 job opportunities as well as \$4 million per year to local schools.

Started in 1933 Charles Town Races and Slots currently offers live thoroughbred horse racing year round.

They also have a variety of slot machines, dining entertainment and other amenities.

The measure will keep the facility competitive and preserve the area's horse racing

tradition.

In 2007 the WV legislature approved a bill allowing tracks to offer table games provided the residents of the county where each track is located pass a referendum in support.

Voters in Ohio, Hancock, and Kanawha passed such resolutions.

But voters in Jefferson rejected it.

Two years ago the economy was booming in the eastern panhandle and area residents were struggling with issues from fast growth.

Since that time the economy has been in the deepest recession since the great depression.

In addition, changes were made at the legislature to provide a greater share of the revenues produced at the

track to the county.

"We think this will be a big shot in the arm not only for local construction workers but for local residents who need jobs," said Bill DuVall, Service Representative for Carpenters Local 1024.

The Charles Town track is located approximately one hour from two major urban areas, Washington, DC and Baltimore.



KAREN BAILEY OF Penn National Gaming discusses the upcoming election on table games in Jefferson County with members of the North Central WV Building Trades Council.

2010 LEGISLATIVE SESSION NEARS

The 2010 session of the West Virginia Legislature will start on Wednesday, January 13.

The 60 day session will likely focus on anticipated budget shortfalls due to the poor economy.

Fortunately West Virginia has fared better than most states during what some are calling the worst economic

times since the Great Depression.

Nevertheless, the state will likely have less money than current budgets call for and cuts will likely be an issue.

For construction trades representatives the key issues of the session will be to preserve funding for important infrastructure projects like schools, roads, water and sewer projects.

In addition, Trades representatives will again promote legislation to require contractors who bid public projects show their work force is covered by some sort of health benefit will be promoted once again.

The measure has failed for a number of years due to strong opposition from non-union contractors who would rather have no responsibility

for health insurance.

Governor Joe Manchin has formed a tax modernization committee that has been reviewing tax code to see if improvements can be found.

WV AFL-CIO President Kenny Perdue represents Labor on the committee.

Property taxes on business inventory and equipment are seen by some as the biggest

Continued on p. 3

CONSTRUCTION WORKERS LOSE JOBS**MARYLAND JUDGE RULES AGAINST WIND PROJECT BECAUSE OF INDIANA BATS**

A Federal Judge in Maryland has ruled that a Greenbrier wind project must stop because an endangered species, the Indiana Bat, may near the project.

Judge Roger Titus made the ruling on December 8 on the action brought by Animal Welfare Institute and Mountain Communities for Responsible Energy against the Beech Ridge Wind project.

The issue is not new, evidence showed bat caves at least five miles away from the project.

But it apparently was enough to stop the remaining 27 towers and turbines of the 67 planned in phase one from moving forward.

More than 100 construc-

tion workers will lose their jobs right before Christmas as a result.

According to the Judge's order project developer Invenergy is enjoined from the date of the Order "until they obtain an Incidental

Take Permit pursuant to 16 U.S.C. § 1539(a)(1)(B) from: (1) constructing any additional turbines at the Beech Ridge Project site beyond the forty turbines that they have already begun to construct; and (2) operating any turbines at the Beech Ridge Project site between April 1 and November 15 in any calendar year."

The wind project has seen many legal challenges as de-

velopers have tried to get approval for construction.

The WV Supreme Court has ruled more than once

"ALL I CAN TELL YOU IS WE HAVE A LOT OF MEMBERS WHO WANT TO WORK WHO CAN'T," RONNIE BURDETTE, BUSINESS MANAGER, OPERATING ENGINEERS LOCAL 132

they have fulfilled all requirements to build the renewable energy project.

"All I can tell you is we have a lot of members who want to work who can't," said Ronnie Burdette, Business Manager of Operating Engineers Local 132.

The developer now must go to the U.S. Fish and Wildlife Service to apply for an "incidental taking permit."

The process may take between one and two years.

An incidental take permit is a permit issued under

Section 10 of the Federal Endangered Species Act (ESA) to private, non-federal entities undertaking

otherwise lawful projects that might result in the 'take' of an endangered or threatened species.

Application for an incidental take permit is subject to certain requirements, including preparation by the permit applicant of a conservation plan.

"Take" is defined by the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.

Harm may include significant habitat modification

where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).

Thus, permit holders can proceed with an activity, such as construction or other economic development, which may result in the "incidental" taking of a listed species.

A 1982 amendment requires that permit applicants design, implement, and secure funding for a Habitat Conservation Plan that minimizes and mitigates harm to the impacted species during the proposed project.

ACT Report Address Corrections Wanted

Call: 1-800-930-9675

Email: stevewhite@actwv.org or mail to:

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A CRANE LIFTS blades to be mounted to a turbine at the Beech Ridge Wind project in Greenbrier County. Almost 200 local union construction workers got to work on the Beech Ridge project before it was shut down by a Federal Judge from Maryland because of claims made that the endangered Indiana Bat was being affected.



**MERRY CHRISTMAS
&
HAPPY NEW YEAR from
ACT & THE WV STATE
BUILDING TRADES**

ONLINE PAYMENT METHOD AVAILABLE**FIRST WEST VIRGINIA PLUMBERS LICENSE RENEWALS STARTED BY DIVISION OF LABOR**

For those who were the first to get their WV Plumbers license a year ago the renewal process has already begun.

The WV Division of Labor is sending out notices and renewal forms to license holders as their annual renewal dates approach.

To make renewals easier the WV Division of Labor has created an on-line process.

From their web page www.wvlabor.com payments can be made by going to the Payment Page and then clicking on Plumbers License.

In addition to the \$75 annual license fee, the online method does charge a \$1.70

“convenience fee.”

Payment by check or mon-

until 45 days before it is due.

The Plumbers licensing

“If you grand-fathered in and got your license before the mandatory test you will want to keep your license current,” said Tim ‘Squirrel’ Jividen, Organizing Director for the WV State Pipe Trades.

“If you let it expire you’ll have to get a new license and take the test.”

A license that has expired for more than 90 days can not be renewed.

For more information contact the WV Division of Labor at 304-558-7890 or check out their website.

“IF YOU GRAND-FATHERED IN AND GOT YOUR LICENSE BEFORE THE MANDATORY TEST YOU WILL WANT TO KEEP YOUR LICENSE CURRENT,”
TIM ‘SQUIRREL’ JIVIDEN, ORGANIZING DIRECTOR, WV STATE PIPE TRADES

ey order can be sent through the mail.

According to the site you can not renew your license

out a test.

Starting July 1, 2009 all new license holders are required to take a test.

LEGISLATIVE

CONTINUED FROM P. 1

obstacle to attracting new companies to West Virginia.

But others question if the lowering of these taxes would bring any real benefit to citizens or just mean there are less taxes paid by companies.

In addition, earlier in the year Governor Manchin asked a group of attorneys to review the states’ process of electing judges.

The group has put forward

a number of recommendations including a pilot project to look at public financing of State Supreme Court Judge elections.

In 2012 there will be two positions on the five member court that are up for election.

The group also suggested the legislature look at creating an intermediate court – between Circuit Court and the Supreme Court – to help deal with the heavy case load seen by West Virginia’s Supreme Court.



KENNY PERDUE, (far left) President of the WV AFL-CIO, participates in a meeting of the Tax Modernization Work Group.

PROJECT BEST CHRISTMAS BREAKFAST EVENT HELD

ORPHY KLEMPA, (Standing) Service Representative for the Carpenters Union as well as a member of the WV House of Delegates was one of the speakers at the Project Best breakfast held December 3 in Wheeling. Also pictured are (from left) Dave Mullins, Commissioner of Labor; Tom Gray, President of the Upper Ohio Valley Building Trades; Terry Lavorini, President of the Ohio Valley Construction Employers Council; and Secretary of State Natalie Tennent. Project Best is a successful Labor-Management construction industry group based in Wheeling. The annual Christmas breakfast has become well known not only because of the good work the group does but also due to the entertainment provided by Tom Cerra, Executive Director of the Contractors Association.

PROJECT PERMIT PROCESS DELAYED SEVEN MONTHS**TRADES SIGN PLA FOR PATH PROJECT**

A Project Labor Agreement between five Building Trades Councils and two major utility companies will secure union construction workers get to build a proposed \$1.8 billion electric transmission line called PATH.

But problems with the application process in Maryland, which must take place in three states, have led to an agreed seven month delay at West Virginia's Public Service Commission.

The negotiations for the Labor Agreement were led by the West Virginia State Building Trades Council with American Electric Power, who along with Allegheny Energy will be building the project.

The project consists of 275 miles of 765kV transmission lines, two new sub-stations

and an addition to the John Amos sub-station in Putnam County.

The line goes from the Amos station to Fredrick County Maryland and passes through parts of Virginia. The vast majority is located in West Virginia.

In addition to the WV State Building Trades the negotiations included building trades councils from Charleston, North Central WV, Western Maryland, Baltimore and Washington, DC.

The largest new sub-station will be located in Hardy County on a 500 acre site owned by Allegheny Energy. A comparable sub-station will be built near Frederick, Maryland.

The line portion of the project is valued at \$1.2 billion with the substation work estimated to be worth \$600 million.

"Traditionally most of

this work would be done by utility construction not the Building Trades," said Steve Burton, President of the WV State Building Trades. "But because of the scale and special circumstance of this project we worked with all parties to include a major portion of work for Trades members."

The Trades portion of the work includes the foundation and site preparation for the substations as well as work on roads and buildings.

The project is in the midst of seeking regulatory permits needed before construction can begin.

Public hearings have been held in four West Virginia locations by the Public Service Commission.

Trades members were present at all meeting but were limited in speaking because ACT has intervened in the project.

"As an intervener we have

a seat at the table throughout the formal hearing process," said Dave Efaw, Secretary Treasurer of the WV State Building Trades. "Because of that we're limited at the public hearing – but we will play a full and active role in the process."

ACT will be submitting a

are hundreds of people and groups who oppose the project.

"Our job is to make sure the value of construction employment is not overlooked in the debate," said Efaw. "Too often we are the invisible work force."

The 765kV line is part of

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SIGNING A PROJECT labor agreement for the PATH transmission line project are Tom Householder from American Electric Power (left) and Dave Efaw, Secretary Treasurer of the WV State Building Trades."



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study of the economic benefit generated from the project. The study will look at the direct spending on local union construction workers as well as spin-off jobs and benefits from the wages earned locally.

The process will likely take a year or more before the project can begin. There

a major upgrade to the transmission infrastructure. It will bring increased reliability to the system and connect West Virginia to lucrative power markets in the Northeast.

The line will also make additional power generation projects, such as wind and coal fired plants more economical.