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A Division of the WV State Building Trades, AFL-CIO | Bill Hutchinson, *President* | Dave Efaw, *Secretary-Treasurer* | Steve White, *Director*

# Unions File RTW Lawsuit

A number of labor organizations filed suit in Kanawha County Circuit Court on June 27 to challenge the so-called Right-to-Work law.

The effort followed a legally required 30 day notice received by state officials on May 11 declaring the intention to file suit.

Technically each plaintiff had to file a separate suit, so 11 were filed by a variety of groups including the WV State Building Trades Council; IBEW Locals 141, 307, 317, 466, 596, and 968; Teamsters Local 175 and an individual member of the Teamsters; the United Mine Workers; and the WV AFL-CIO.

The group asked that the cases be consolidated into one, and according to the Circuit Clerk's Office it is their practice the Judge who gets the first

case will usually be the judge who gets all of the cases.

If so then Kanawha County Judge Jennifer Bailey will likely be the Judge hearing the case.

In addition the group filed a request for an injunction to suspend the law from being enforced until the case is heard.

The law went into effect on July 1 meaning any contract entered into or modified thereafter can no longer require workers who are covered by the contract to pay dues.

Contracts in place prior to the July 1 date can continue to require dues payments until the contract expires or is modified. Therefore many workplaces will not feel the negative effects of so-called Right-to-Work for many years.

As anticipated the suit attacks the new law on a number of different fronts. Key is a constitutional challenge citing numerous parts of the West Virginia state constitution.

The argument centers on the conflict created by federal labor and state law requiring unions to represent all workers, not just members.

The Right-to-Work law allows workers to avoid any payment for services.

These two concepts clash when looking at some basic constitutional issues says ACT attorney Vince Trivelli.

"Union members are forced to pay for the services of those who don't pay," says Trivelli. "It's an unconstitutional seizure of property, violates due process and creates many other problems."

According to Trivelli under federal and state law unions have "the duty to represent fairly all persons in a bargaining unit regardless of whether such persons become and remain members of the labor organization."

As explained in the suit the National Labor Relations Act states "Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment." West Virginia Code §21-1A-5(a) provides identical language.

The filed Complaint states, "The fulfillment of this duty requires the labor organization to expend considerable sums of money to employ trained staff, outside professionals,

and arbitrators as well as to expend money for meeting halls, offices, libraries, computers and other physical, tangible property, as well as the services of the members of the organization."

The suit also

points out workers were not required under the previous law to become members of a labor organization if they did not want to.

They simply had to pay their share of the costs to administer the contract and run the organization.

In addition to the constitutional challenge the suit seeks to confirm the new law does not apply to the construction industry and states that the law is focused exclusively on employees of the state. ■

**"Union members are forced to pay for the services of those who don't..."**

**Vince Trivelli, Attorney**

*WVSBT/ACT*

## TV Program Challenged



ACT's Steve White (center) confronts Bray Cary, host of the public affairs program called Decision Makers, during a protest held by the WV AFL-CIO.

The TV show seldom allows a Labor viewpoint and often repeats inaccurate and misleading information about issues like prevailing wage and so-called Right-to-Work legislation.

The protest took place on June 16 in Charleston in front of the WOWK Channel 13 TV station where the show is taped. Around 200 participated.

### WV Constitution - Article III

- §9 "Private property shall not be taken or damaged for public use, without just compensation."
- §10 "No person shall be deprived of life, liberty, or property without due process of law, and the judgment of his peers."
- §16 "The right of the people to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for the redress of grievances, shall be inviolate."

# Trades Help in Massive Flood Relief Effort



Eran Molz (right) of Operating Engineers 132 and Rob Richards of the Laborers District Council prepare a load for delivery to flood ravaged areas in Southern West Virginia. The Upper Ohio Valley Building Trades and Project BEST jointly funded \$20,000 in supplies.



Neil Huffman (center) of Operating Engineers Local 132 and two other volunteers work to unload a truck load of supplies at the Elkview Baptist Church for flood victims. The supplies were just one of many truckloads sent by a joint effort of the Upper Ohio Valley Building Trades Council and Project BEST in Wheeling.



John Epperly, (sitting) IBEW 466 Charleston and Kevin Fooce, IBEW 317 Huntington install a new meter at a home in Clendenin. IBEW members from across the region pitched in with local contractors such as K&M Electric and M&L Electric to replace dozens of meters and panels destroyed by the flood. Local 466 donated \$10,000 to pay for materials.



Brandon Thayer, (left) an executive board member of IBEW Local 141 Wheeling, along with his family delivers 40 cases of water donated by the local to Delegate Shaun Fluharty (D-Ohio). Fluharty filled a U-Haul truck within 24 hours of the disaster and then delivered it to Clendenin in Kanawha County and Lizemores in Clay County.



Members of Roofers 185 Charleston, (from left) John Withrow, Jesse Conley and Mike Roop, help load flood debris onto Mecklenburg Roofing's donated trucks. Mecklenburg VP Ken Lindsey led employees into Clay and Nicholas Counties to help flood victims.



Glenn Jeffries (from left) President of Cornerstone Interiors, along with Josh Milam, Joe Samples and Jason Samples, all members of IBEW 466, set up a portable shower system brought in by the WV AFL-CIO. IBEW 466 is paying for the generator fuel and making sure it is refueled daily as well as keeping the showers clean.

**Just a sample of efforts – more going on – much more to come.**



Gary McCallister of the KML Regional Council of Carpenters helps unload part of an \$80,000 contribution made by the Carpenters and Millwrights.



Joe Elliot (right), of the KML Regional Council of Carpenters, and his wife Lisa help unload a truckload of supplies donated by the Council at the Richwood Moose Lodge.



(Back from left) Andy Walters, Tommy Rodgers, Ed Scarbro, Jerry Scarbro, (front) Danny Blankenship, David Morris and Harold Keller, all members of Painters DC 53, volunteer to finish drywall at the Elk Valley Christian School.



A trailer full of supplies donated by Operating Engineers 132 is part of approximately \$10,000 in supplies to various communities in Southern West Virginia.



The WV Laborers' DC contributed \$10,000 to the disaster relief fund set up by the WV AFL-CIO and \$10,000 to a relief fund set up by the Southeastern Central Labor Council. Local 1353 purchased cleaning supplies for effected members.



Alex Saul, of Sprinklerfitters 669, prepares a delivery of \$2,000 worth of supplies donated by VFP Fire Systems. The WV State Pipe Trades donated \$2,000 to the WV Red Cross.



Many union contractors have volunteered time, equipment and materials to the clean-up effort such as this truckload of supplies from Cornerstone Interiors.



Retired Teamster 175 member Sam Jones (right) and BA Johnny Sawyer deliver clothes, water, food, and cleaning supplies to the Clendenin Church of the Nazarene.

# Tri-State DAD's Day Event Brings \$10,000



Mark Johnson (left) of the Tri-State Building Trades Council hands Bobby Crider, DAD's Day Director of North America's Building Trades Unions, a contribution of \$9,976 raised for diabetes research. Also pictured are Local 132 Business Agent John Dean and Barbecue Master Dave Plymale, Tommy's brother and also of 132.

Tri-State Building and Construction Trades Council held their annual fund raiser for diabetes research raising almost \$10,000.

The fund raiser, referred to as Dollars Against Diabetes (DADs), is held around Father's Day as part of a long standing annual effort championed by building trades organizations throughout the U.S. and Canada to

raise funds for diabetes research.

The event is also a way to remember former Operating Engineers Local 132 Business Manager Tommy Plymale who passed away last year.

"I appreciate all those who participated to make this an exceptional event," said Johnson. "And I want to offer a special thanks to the many volunteers who made it happen." ■

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## Parkersburg-Marietta Building Trades Raise \$3,000 for DAD's Day



Members of the Parkersburg-Marietta Building and Construction Trades Council (from left) Jeff Greathouse, UA Local 565; Lyn Lovell; shooter Brandon Sturm; Lorne Mills; and Anthony Cochran, all from IBEW Local 968, participate in an annual DAD's Day Sporting Clay Shoot held on Saturday, June 18.

DAD's is short for Dollars Against Diabetes, a long term charitable effort led by North America's Building Trades to fund diabetes research. Events are held around Father's Day each year.

According to Council Business Manager Bill Hutchinson more than 25 shooters participated and approximately \$3,000 was raised for DAD's.

The event was held at the Hilltop Sports LLC in Whipple, Ohio.

"I thank all who participated for such a good cause," said Hutchinson. "And we appreciate Chuck Davis and the folks at Hilltop Sports who always help us minimize cost so we can send more money to DAD's."

## WV AFL-CIO Disaster Fund Established

The WV AFL-CIO has established a relief fund for monetary contributions aimed at helping union members and others who were hard hit by recent floods.

The newly established, tax deductible fund, set up under the umbrella of the WV AFL-CIO, is primarily designed to provide assistance for those in our union family. The WV AFL-CIO Executive Board will provide oversight to make sure the monies are expended appropriately and proportionally to affected members and their families throughout the entire state. To get the fund started, the WV AFL-CIO has made the first contribution in the amount of \$1,000.

If your union or an individual would like to make a tax deductible contribution, please make the check payable and send to:

The WV AFL-CIO Disaster Fund  
501 Leon Sullivan Way  
Charleston, WV 25301  
MVB Bank: Account #75000

Additionally, the Southeastern CLC has established a similar fund dedicated for union members and their families in the Southeastern CLC jurisdiction. Contributions to that fund can be sent to:

The Southeastern CLC Disaster Fund  
500 Main Street West  
White Sulphur Springs, WV 24986  
MVB Bank: Account #75019