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

Workers from Mexico and Guatemala in Doddridge

A new \$275 million frack-water treatment facility in Doddridge County is being built by an unknown number of workers from Mexico and Guatemala.

A recent video, taken at the site in May and posted to [YouTube](#), shows workers who say they are from Mexico and Guatemala.

The construction manager, Veolia Water Technologies in Pittsburgh, part of the French international giant Veolia, has hired a number of contractors to build the project.

The first phase of the job went to local contractors who used local workers. But sometime earlier this year imported workers started to show up and now may be the majority of workers on site.

"As a lifelong Doddridge County resident and local electrician I can tell you there are many skilled local workers who need these jobs but instead Veolia is using companies that

are importing workers from very far away," said Shane Ferguson, Business Manager for IBEW Local 596.

The project is being built for Antero a major gas industry driller. Veolia is an international water supply

corporation.

"I don't blame workers who are trying to feed their family but we have families too," said Ferguson. "It's the companies who need to be held responsible."

The project was first announced in late 2015 by the owner Antero. Veolia was hired to build and operate the facility designed to handle 60,000 barrels per day of water used for fracking gas well. ■



This worker from Mexico was among the imported construction workers at a \$275 million frack water treatment facility being built in Doddridge County by Veolia Water Technologies. Workers from Guatemala were also at the site.

Kentucky State AFL-CIO Claims So-Called Right-to-Work Law Violates Constitution

The Kentucky AFL-CIO filed a lawsuit on May 25 against recently passed Right-to-Work legislation claiming it violates Kentucky's state constitution numerous ways.

At the core of the suit, and similar to the current West Virginia case, is the conflict with the state constitution barring any taking of property without appeal and compensation.

Citing the Kentucky Constitution numerous times the suit focuses on

the illegal taking of property imbedded in the right-to-work legislation.

"The KRTW Act unfairly and without a rational basis singled out labor unions for an unconstitutional purpose. The RTW Act on its face discriminates between Plaintiff Unions and other organizations that require a membership fee to maintain employment or for services."

The suit also takes issue with the way the legislation was passed. The

Kentucky Constitution requires any new legislation to take effect 90 days after passage "except in cases of emergency."

The constitution also states "... the reasons for the emergency that justifies this action must be set out at length in the journal of each House." Kentucky invoked the Emergency Powers Provision and made the law effective immediately upon passage.

"Right to Work for less - is simply

another element of a low-wage economic development model coupled with a political strategy to weaken unions and stifle the collective voices of Kentucky's workers," said Bill Londrigan, President of the Kentucky State AFL-CIO.

The Kentucky State AFL-CIO is a statewide labor federation founded in 1905 representing over 100,000 union members and retirees among hundreds of local unions. ■

\$630 Million Gas-Fired Plant Public Hearing on Harrison County Power

Approximately 50 people participated in a June 6 public hearing on the proposed \$630 million Harrison County Power project near Clarksburg.

The hearing was part of the siting certificate process currently underway at the Public Service Commission.

Almost all in attendance were in support of the gas-fired electric generation project that would create 630 megawatts of power using one combustion turbine, one steam turbine and one generator.

“We had a great showing of around 40 members from the crafts,” said Natalie Stone, Executive Director of the North Central WV Building and Construction Trades Council.

Stone was among those who testified in support of the project citing the needed construction jobs and the importance of getting extra value from the natural gas found in the region.

“Ohio and Pennsylvania are welcoming dozens of projects like this one and if we don’t get the jobs here they will simply go across our borders,” said Stone.

The project will result in approximately 1,000,000 construction man-hours and \$70 million in wages and benefits for the construction phase.

When looking at materials, suppliers, engineering, and the multiplier affect the economic impact climbs much higher.

An agreement has been worked out between the developer and the Building Trades to require any con-

tractor working on the project to use local union construction labor.

The project must still get all of its environmental permits, and ensure no historic sites or endangered species will be negatively affected.

The location is an old mine site that is currently owned by the County Commission.

The company developing the project, Energy Solutions LLC, is also working on a similar project in

Brooke County.

Two opponents to the project attended and said they were members of the anti-jobs group called Ohio Valley Jobs Alliance.

The same group has successfully stalled out, and possibly killed, a similar project called Moundsville Power in Marshall County by filing numerous appeals of the Moundsville project’s environmental air permit.

While the group has used ex-

pensive consultants and lawyers to challenge permits for power projects their funding remains unknown.

In a recent filing at the Public Service Commission regarding the Harrison Power project OVJA was asked a series of questions about the organization, its membership, and their concerns with the project.

Lawyers for the group failed to fully respond and their source of funding remains unknown. ■



Rob Hinnerman (at podium), a representative for Operating Engineers Local 132 and a resident of Harrison County, testifies in support of the proposed Harrison County Power project at a Public Service Commission Hearing held in Clarksburg.

Davis-Bacon Wage Standards Reported to be in Federal Infrastructure Proposal

President Trump’s infrastructure plan, when proposed, will contain Davis-Bacon wage protections according to testimony by Transportation Secretary Elaine Chao on June 8.

The report comes the same week as President Trump announced at a

Cincinnati event that a \$200 billion infrastructure plan would soon be sent to Capitol Hill.

“The administration’s proposal is to include Davis-Bacon,” Chao told lawmakers during a House Transportation and Infrastructure Committee

hearing. “For the infrastructure proposal, I’d like to see it passed, and I understand that without the provision, the minority would not sign on.”

That’s good news for workers, contractors and taxpayers according

to two top U.S. research organizations. Some republicans have been advocating for the elimination of Davis-Bacon claiming there would be great savings.

However the Brookings Institu-

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Special Legislative Session Still Underway

As the ACT Report goes to press legislative leaders are still working on a budget deal that hopefully will include some funding for roads.

In order to raise enough revenue for the budget the state sales tax will likely apply to additional services like cell phones, data processing, opinion polls and fitness centers.

A proposed sales tax on construction labor has been in and out of the negotiations but appears to be off the table.

“Taxing construction labor has many problems, the first is enforcement,” said Steve White, ACT Director.

“I don’t think the tax department ever audits out-of-state companies so our in-state folks would be hurt and we are hurting enough already.”

The sales tax rate will also likely

be raised a half of one percent to 6.5 percent from the current 6 percent.

Also in the mix is a rewrite of the coal severance tax rates that cut taxes for the steam coal sector but potentially raise rates for metallurgical coal.

“Taxing construction labor has many problems, the first is enforcement ... our in-state folks would be hurt ...”

Steve White,

*Director
Affiliated Construction Trades*

Funding for roads will likely come from a combination of increased DMV fees, the wholesale gas tax, and increasing the automobile purchase sales tax from the current five percent to six percent.

The most controversial part of the deal is a change to the state income tax

structure that will cut rates across the board but benefit those with the highest incomes the most.

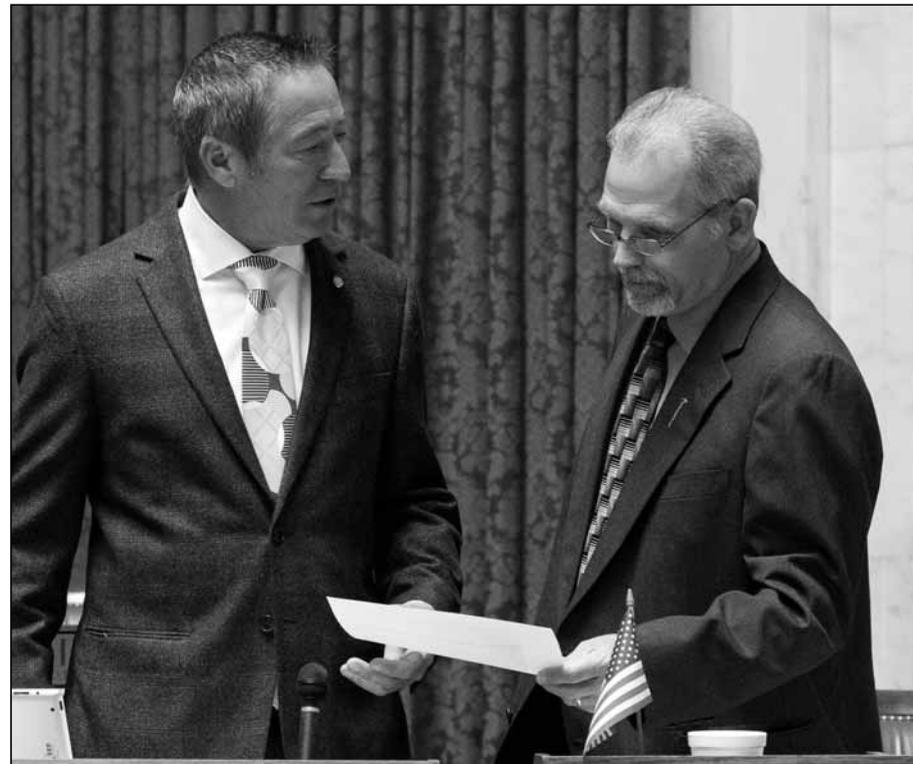
Tax cuts for the wealthy are the key position for Senate Republicans

and without it they will apparently block any budget or road deal.

Governor Jim Justice has been pushing all sides hard to make a deal

and to preserve his jobs plan.

Without a budget deal by the end of the month state government will be forced to shut-down. ■



(From left) House of Delegates members **Phil Diserio (D-Brooke)** and **Scott Brewer (D-Mason)** confer over budget proposals during a June 9 meeting of the Special Legislative Session. Diserio is a member of the Electricians Union and Brewer is a member of the Carpenters.

Davis Bacon

Continued from Page 2

tion and the Wilson Center, two highly respected research organizations, have found repealing the federal **Davis-Bacon Act** would save taxpayers nothing.

Davis-Bacon is the name of the federal law requiring a prevailing construction wage be paid on most federally funded projects.

To illustrate the effect public policy has on the economy the research organizations helped create an online game called “The Fiscal Ship” where ordinary citizens solve the problem of rising federal debt using real fiscal data and policies. The game challenges people to put the federal budget on a sustainable course over the next 25 years.

One of the policy options embedded in the game is called “repeal federal construction wages.” Picking this

option means repealing the Davis-Bacon Act.

However, repeal of the Davis-Bacon Act would have zero impact on federal spending, according to the Fiscal Ship model. This result is in line with the overwhelming majority of peer-reviewed studies conducted over the past two decades finding prevailing wage is not associated with higher costs.

While there is no evidence repealing Davis-Bacon is a budgetary cure, there is clear evidence that eliminating prevailing wage would cut working-class wages, erode local economic development, and disproportionately impact veterans – who are more likely to work in construction than non-veterans.

To use The Fiscal Ship go to <https://fiscalship.org>. ■

Painters Day of Action



Members of **Painters District Council 53** volunteered on Saturday, April 22 to paint the gymnasium, hallways and lobby of the YMCA in Parkersburg, WV.

Each year affiliates of the IUPAT choose a project for their National Day of Action.

“We are proud to give back to the community,” said Daniel Poling, Business Manager of District Council 53.

Braskem Plant, Neal WV On Time, Under Budget and Zero Accidents

Braskem's Neal plant in Wayne County recently reported a very successful spring outage completed under budget and ahead of schedule.

But even more important the outage work was done without safety issues of any kind.

sues of any kind.

The report came at a June Tripartite Meeting between the owner, contractors and affiliates of the Tri-State Building and Construction Trades Council.

"No first aid, no near misses, no lost time accidents," said Mark Johnson, Business Manager of Tri-State.

"That's a great result and shows how working together pays off."

The contractors on the project included EnerFab Inc., J&J General

Maintenance Contractors, Safway Scaffolding, Thermal Solutions, and Hatzel & Buehler Inc.

According to Johnson the main contractor EnerFab had as many as 70 workers on the job for the five week outage. ■



A recent outage at Braskem's Neal, WV facility was under budget, ahead of schedule and had no safety problems.



Operating Engineers Local 132 hosted a workshop on identifying payroll fraud put on by their International research department. The May 16 event, held at Local 132's Charleston office, was open to all crafts and focused on benefit fund fraud.

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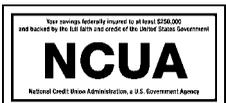
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