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

WV Supreme Court Keeps So-Called RTW as Law

The WV Supreme Court of Appeals has put Kanawha Circuit Court Judge Jennifer Bailey's ruling, that the so-called Right-to-Work law is unconstitutional, on hold.

On March 29, the day Judge Bailey's ruling was to take effect, the Supreme Court issued an order at the request of the Attorney General extending the 30 day stay Bailey had put in place.

That means RTW will remain the law in WV, at least until the appeal of Judge Bailey's ruling is heard by the Supreme Court.

"We are disappointed but not surprised this court chose this path," said Josh Sword, President of the WV AFL-CIO. "However we still have a chance because the real issue is not so much about unions as it is about taking away constitutional rights."

Key to Labor's argument and Judge Bailey's ruling is how RTW conflicts with state constitutional protections for the rights of association and liberty as well as the protections against unconstitutional takings.

Federal law requires unions to represent all workers in a bargaining

unit but so-called Right-to-Work allows some workers to get those services for free. This means the remaining union members have to pay more and unfairly takes money from them.

In passing RTW, the legislature relied on a report from WVU showing a significant decline in union membership because of RTW.

Judge Baily issued her order on February 27 stating RTW was unconstitutional. She said her order would take effect in 30 days, meaning RTW would no longer be in effect after March 29.

On March 18 the State Attorney General asked Judge Baily to extend the effective date of her ruling. The AG said he wanted to "avoid confusion among employees, unions and employers." Judge Bailey refused.

On March 26 the AG filed an appeal of Judge Bailey's ruling with the State Supreme Court. The following day the AG also asked the Supreme Court to put Judge Bailey's ruling on hold until the Supreme Court completes its consideration of AG's appeal of the Circuit Court Order.

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Lawsuit Filed on New Logan School Project

Charleston based contractor Persinger & Associates has filed suit against the Logan County Board of Education and their architect Williamson Shriver claiming to be owed more than \$623,000 for work at the Chapmanville Intermediate School project.

According to the complaint Persinger says they are owed \$329,133.45 for increased labor costs and \$294,649.51 still owed under the original contract.

The suit was filed with the Logan County Circuit Court on February 7, 2019 - 22 months after the project was bid on April 4, 2017.

Substantial completion was to be May 7, 2018 however students did not start using the school until some six months later on November 26 of 2018 according to news reports.

The State School Building Authority documents show they supplied approximately half of the \$12.5

million dollars estimated for the project costs including contractors, architect, construction management services, and other costs.

At the time of bid, schools built with funding from the SBA were required to use a construction manager. With a CM, projects were often

awarded to multiple primes because the SBA believed it saved money.

On this project the CM was

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Construction of the Chapmanville Intermediate School started in spring of 2017 with a construction manager. Photo courtesy of Ryan Quinn, Charleston Gazette-Mail.

Winners to Compete in Regionals

West Virginia State Pipe Trades Apprenticeship Contest Held in Charleston

The West Virginia State Pipe Trades held their annual Apprenticeship Contest in Charleston April 2 - 4.

The event took place at Charleston Local 625's training center with 14 apprentices from five local unions based in West Virginia participating.

Contestants competed in four categories: Plumber; Pipefitter; Welder; and HVAC Technician.

In addition an award is given to the overall best performing local. This year Wheeling Local 83 won the overall award.

Apprentices were given hands-on tests in a variety of skill areas including solder, braze, isometric drawing, welding, rigging, tube bending, plumbing, pipe layout, screwed pipe, builders level and underground layout. They also were given a written test.

"I was really impressed with all of the contestants," said Brett Matthews, Training Coordinator for Local 625. "And we appreciate our event judges as well as many volunteers who made this a successful event."

An awards banquet was held Thursday, April 4th where the winners in each category were announced.

Winning in the Plumbing category was Paul Sawyer of Local 152, Morgantown. For Pipefitter, James Beckett from Local 83 Wheeling got top honors.

Winning Welder was Brodey Linville, from Parkersburg LU 565. Chad Tiller from LU 625 Charleston won for HVAC Technician. Wheeling Local 83 won the overall award.

Prizes were awarded for each category.

The winners will take part in the

Region 2 competition which will be held in Detroit the first week of June. Contestants from WV, Michigan, In-

diana, Kentucky, Ohio, Pennsylvania, Maryland, Virginia and the District of Columbia will compete. ■



Andy Stanley from Morgantown Local 152 competes in the welding portion of the WV State Pipe Trades Apprenticeship Contest held in Charleston.

Longview Power to Build Phase Two

Longview Power near Morgantown is planning to add more power generation in a second phase that will cost around \$1 billion.

The project will include both natural gas and solar generation for a combined additional output of 1,250 megawatts.

The site already has a state-of-the-art 700 megawatt coal fired facility which came online in 2011.

The new 1,200-megawatt natural gas power generation facility will cost approximately \$900 million.

The \$70 million, 50 megawatt solar energy complex will cover 60 acres of land surrounding the plant.

Much of the land where the solar panels are set to go will be located in Pennsylvania.

West Virginia doesn't allow for renewable energy tax credits but Pennsylvania does.

According to news reports Longview plans to spend roughly \$30 million constructing a 6.2-mile long, 20-inch natural gas pipeline connecting the site to Trans Canada's interstate transmission line.

Rights-of-way have been purchased.

Representatives from Longview and the North Central WV Building Trades Council have already met to discuss an agreement to use local union workers to build the new facilities.

"We are looking forward to an agreement that puts a huge amount of local trades' people to work building this project," said Natalie Stone, Executive Secretary of the North Central WV Building Trades.

The project is in the early stage of development and is anticipating a 2022 start. ■

Logan School Project

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PCS&manage, LLC

Persinger was hired for the General Trades portion of the project at approximately \$5.5 million with a number of prime contracts also being let to HVAC/Plumbing, Electrical, Roofing and other portions all totaling approximately \$9 million.

News reports in June of 2017 indicate the Logan Board of Education wanted out of their contract with the CM.

The Board expressed concerns about the SBA requirement to have a CM which was reported as costing \$954,000.

In September of 2017 the SBA approved a request from the Logan Board to remove PCS&manage as the CM.

The following month the Board amended its contracts with Persinger and Williamson Shriver agreeing to additional sums reflecting the ab-

sence of PCS.

In addition, the Board hired a clerk of the works.

In their complaint Persinger claims the duties of the CM were never properly reassigned and communicated to all parties on the project.

Public records show the project had a variety of scheduling, quality, safety and other issues.

ACT Director Steve White wonders if problems at the Chapmanville project are connected to the repeal of the state prevailing wage law.

"This was one of the first new schools to be built without prevailing wage," said White.

"I think policy makers should ask themselves if the repeal of prevailing wage was a factor in this project and what will they do if more problems occur?"

The state prevailing wage law was repealed in May of 2016. ■

Painters DC 53

7th Annual Coating & Corrosion Expo Held

The 7th Annual Coating & Corrosion Expo took place on Wednesday, April 3 in Weston, WV.

The event, sponsored by Painters District Council 53, offered a variety of activities to assist those who deal with the effects of corrosion in an industrial setting.

Classes and demonstrations were geared towards pipeline contractors, oil & gas industry, paint contractors, paint & coating suppliers, techni-

cians, chemical plant operators, and individuals working in DOT, tanks, bridges, concrete and refining industries.

Class topics included Coatings for Reducing Bridge Maintenance & Painting Costs; Coatings Technologies for Tanks; Effective Use & Proper Application of Pipeline Coatings; and Protective Coatings Inspection Basics.

In addition, the National Asso-

ciation of Corrosion Engineers held their Basic Corrosion course where participants gain an overview of the theoretical and practical aspects of corrosion.

“Our Expo has the most advanced training and demonstrations about how to properly deal with corrosion

and apply coatings in the region,” said Dan Poling, Business Manager of Painters DC 53.

According to Poling around 225 attended the one-day event which was held at the Council’s training center called the Finishing Trades Institute. ■

Electrician Apprenticeship Applications Available for 596 Clarksburg’s Area

The IBEW Clarksburg Joint Apprenticeship Committee takes electrician apprenticeship applications year round but only on the first Tuesday of each month.

Those interested should apply at the IBEW 596 Union Hall, 1001 North 12th Street in Clarksburg between the hours of 9am and 4pm (closed for lunch from 12:00 to 1:00pm).

The cut-off for the 2019 class will be May 7, 2019.

The five year program teaches all aspects of the electrical trade for low, medium, and high voltage systems including general wiring, conduit/cable tray, motor controls, transformers, communications cabling, security and fire alarm systems, solar power, safety, and a complete understanding of the trade.

Apprentices learn on-the-job (paid) under the supervision of journeymen and attend classes two nights per week, from September through May.

Applicants must be at least 18 years old (birth certificate required) and have a high school diploma

or equivalent and show they have passed a full year of high school algebra (official transcript required).

Original transcripts, diplomas, or equivalent records will be required to apply.

Credit for military experience may be available if a DD-214 is filed.

A WV driver’s license is mandatory as well as a \$25 application fee.

Applicants must reside within the area served by IBEW Local 596: Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker or Upshur County.

Applicants meeting the basic requirements will be scheduled for an interview by the committee.

Substance abuse testing will be required before entry and during the program.

The recruitment, selection, employment and training of apprentices shall be without discrimination because of race, color, religion, national origin, sex or age.

For more information call 304-622-0151 ext. 12, or go to their website IBEW596.com. ■



Painters DC 53’s Brian Stanley demonstrates virtual-reality painting equipment during the 7th annual Coating and Corrosion Expo held in Weston on April 3.

So-Called RTW

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The court granted his request on Friday, March 29.

Attorneys representing Labor were given a little more than a day to file a response which they did on the morning of March 29.

Labor attorneys Vince Trivelli and Bob Bastress pointed out the AG was slow with his filings and as such placed the Supreme Court and the Labor plaintiffs in a position where they were forced into an unnecessarily quick response.

In addition, they took issue with the AG’s position stating that voiding RTW would cause confusion writing “West Virginia has been a state without a so-called ‘Right-to-Work’ law for much longer than the law at issue has been in effect.”

Quoting prior case law Trivelli

and Bastress also noted “...the suspension of fundamental constitutional rights, for even minimal periods of time, unquestionably constitutes irreparable injury.”

The attorneys urged the Court to reject the AG’s Motion stating, “the suspension of fundamental constitutional rights of the Respondents, their members and others should not be allowed to continue.”

Justice Tim Armstead disqualified himself from participating in this case. He was the Speaker of the House when the legislation was passed.

Now each side will file briefs to make their case, Labor’s response to the appeal is due August 12. If the Supreme Court sets a date for oral arguments it is likely to be sometime this fall. ■

Project BEST Excellence in Construction

Project BEST hosted their Excel-lence in Construction Awards at the Highlands Event Center in Wheeling on March 28.

The awards recognized companies, teams and individuals that have delivered outstanding results in the industry.

Award categories and their respective winners include:

Subcontractor of the Year: Karras Painting

Supporting Business of the Year: Wheelhouse Creative

Person of the Year: Mark Paul, Quality Steel

Project of the Year: Health Plan

General Contractor of the Year: Grae Con

Craftsman of the Year: Chuck

King, Sheet Metal Workers

Architect of the Year: Patrick J. Rymer, McKinley Architecture and Engineering

Distinguished Service: John Kalkreuth, East Coast Metal Systems

Lifetime Achievement: Kim Carfagna, Jarvis, Downing & Emch

Project BEST is a construction industry labor-management organi-

zation with over 500 contractors and 6,000 building trades craftsman and apprentices serving the Upper Ohio Valley region.

Its primary purpose is to promote jobs for its participants by providing quality and safety conscious craftsmen and on-time completion of projects within budget to its commercial and industrial customers. ■



The Project of the Year Award went to The Health Plan's \$16 million, 53,000 square-foot, four-story headquarters, housing nearly 400 employees in downtown Wheeling.

WEST VIRGINIA WORKER'S MEMORIAL DAY

Start: Sunday, April 28, 2019 • 2:00 PM

Farmington No. 9 Mine Disaster Memorial

Llewelyn Run, (at Flat Run Road), Mannington, WV 26582

Host Contact Info: West Virginia AFL-CIO 304-344-3557

This is a day set aside nationwide by unions to remember workers who have died at work.

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Kentucky's 30-Day Legislative Session

Kentucky Trades, just like in West Virginia, came under attack once again during their recent legislative session.

A bill to outlaw Project Labor Agreements on public projects, HB 135, passed. A similar bill passed in WV in 2015.

The bill started with additional restrictions that would have banned responsible contracting policies for tax funded projects. However, those restrictions were removed from the bill before it passed.

In WV similar legislative proposals attacking responsible contracting have been narrowly blocked for several years.

Another anti-worker bill SB 7 passed. It takes away rights of employees by requiring a worker as a condition or pre-condition of em-

ployment to agree to forced arbitration.

SB 7 applies retroactively to affect every current, former and future employee in Kentucky. It does not apply to those who work under a collective bargaining agreement.

"This Bill puts a great deal more power in the hands of the employer and removes the rights of employees," said Bill Finn, State Director of the Kentucky State Building Trades.

SB 7 passed the Senate 26-10 and passed the House 51-45.

Finn also noted a serious attack on unemployment benefits, with proposed 32 percent cuts for trades workers. Fortunately the bill was stopped in the House.

The 30-Day Session of the 2019 General Assembly ended March 28, 2019. ■