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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.

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UNAUTHORIZED WORKER, DRUG-TEST, PLUMBER-SPRINKLER FITTER, APPRENTICE TAX CREDIT BILLS PASS

2007 Legislative Session Big Success for State Building Trades

Four bills sponsored by the Building Trades will become law this year.

Increased penalties against employers who hire unauthorized workers, making the sale of products to defraud a drug test illegal, requiring a license for plumbers and sprinkler fitters, and promoting apprenticeship with tax incentives all passed in the 60 day session.

One major initiative failed for the third year, a bill to require workers on public construction projects to have health care coverage.

One of the top priorities of the session for the Trades was confronting the Underground Economy.

S.B. 70 will increase penalties up to \$10,000 and jail time to employers who hire unauthorized workers.

Unauthorized workers can include those with fake ID's, those receiving cash payments, and workers who pretend to be independent contractors but are employees.

The law also gives the WV Division of Labor the ability to check identification to see if it is valid.

The bill was proposed to deal with the increase in the underground economy, which includes the use of illegal aliens imported as cheap labor. "We see or hear about illegal workers in the construction industry just about every day," said Bill Dean, President of the Upper Ohio Valley Building Trades.

Dean worked with Senators from the Northern Panhandle to get the bill introduced.

Sen. Andy McKenzie (R-

Ohio) led the effort to get agreement from business and labor groups on the bill.

S.B. 416 makes the sale of products used to defraud a drug test illegal in WV.

"Our members want to work as safely as possible, and they don't want their life to depend on illegal drug users," said Sam Davis, Business Manager of the Parkersburg Building Trades.

Davis serves as a Labor Co-Chair of the Parkersburg-Marietta Contractors and Trades Education and Development Fund.

Davis urged for passage of the law when he saw that other states forbid the sale of such products. Sen. Jeff Kessler (D-Marshall) created the bill in the Senate Judiciary Committee where he is the chairman.

After many years of trying, Plumbers and Sprinkler Fitters have passed a bill to require a

license in WV.

The law was patterned after existing electrician licensing laws requiring each mechanic to have a license.

H.B. 2747 won't go into effect until January 1, 2009, after rules have been written to work out a variety of details.

These legislative rules will have to be approved by next years legislature and then a grandfather period will be in place to allow anyone currently doing plumbing or sprinkler fitter work the ability to get a license without a test.

"Many states have licensing requirements, now West Virginia can catch up," said Del. Dan Poling (D-Wood). Poling a member of the House of Delegates and a representative of the Painters Union also is part of the House Government Organizations Committee. Poling, and Del. Dale Martin (D-

Putnam) and Sam Argento (D-Nicholas) played key roles in getting the bill through the committee process.

To promote apprenticeship, H.B. 2945 will allow employers a tax credit of one dollar per hour, up to \$1000 per registered apprentice.

With 1800 registered construction apprentices in WV that could mean a savings of \$1.8 million per year for contractors.

"And that will be a big help to expanding apprenticeship programs across the state," said Carl Reynolds, Training Director for the Laborers District Council.

Reynolds learned of the same tax credit approach being used in Connecticut and proposed it as a good idea for a bill.

Del. Orphy Klempa (D-Ohio) was just the right person to introduce the bill and see it

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ACT'S FUZZ LARUE (left) and Pipe Trades Organizer Tim "Squirrel" Jividen talk with Senator Ed Bowman (D-Hancock) Chair of the Senate Committee on Government Organization. Bowman played a key role in the Senate supporting the Plumber and Sprinkler Fitter licensing bill.

PINO SCOLDS ACT

House Reverses Position On Missing Delegate

After receiving a letter from Del. Ron Thomson's doctor the House of Delegates voted to reverse their decision calling his seat vacant.

The House voted on February 9 to declare the Raleigh County Delegates seat vacant after he failed to show at the capitol and refused a number of times to respond to requests for an explanation of his whereabouts.

According to news reports Thompson's doctor said he suffers from a mental health problem called a bi-polar disorder.

Thompson appeared on March 5, the last week of the session, and took his oath of office in the House Chambers as required by law.

While he said he would participate during the final week he never cast a vote or attended a meeting during the entire 60 day session.

He now becomes eligible for the \$15,000 annual legislative salary.

However, in a prepared statement, he said he would only take a prorated amount.

In last November's election, Ron Thompson was overwhelmingly re-elected even though he did not make any campaign appearances.

The ACT Foundation made a formal issue of Thompson's absence by filing a required 30-day notice that ACT intended to file a lawsuit barring Thompson from receiving his pay if he did not show up.

Since Thompson has been sworn in ACT most likely will not

Carpenters Local 604 Helps In Emergency At Morgantown



MIKE JENKINS (LEFT) and Joe Murphy delivered a \$2,500 check from Carpenters Local 604 Morgantown to Kim George, Executive Director of the Ronald McDonald Charities of Morgantown.

The presentation was made on February 16 shortly after a frozen sprinkler system burst and flooded the Ronald McDonald House in Morgantown.

The flood forced 16 families to leave the facility.

The nonprofit group provides rooms for families who have critically ill children staying at local hospitals.

"When our members saw the news reports, they didn't hesitate to come up with the contribution," said Mark Estlack, WV head of the Mid-Atlantic Regional Council of Carpenters.



ROBBIE CHURCH OF Operating Engineers Local 132 (left) and Henry Neal of Laborers Local 1353 pass out "Shame on Del. John Pino" leaflets in Fayette County. ACT has also run newspaper ads in the local paper.

file a suit.

"But we will be watching to see if Thompson does take the \$15,000," said Steve White, ACT Director.

In an unusual turn of events Del. John Pino (D-Fayette) took to the House floor to berate the ACT Foundation for promoting Thompson's removal.

Pino took exception to a headline in last month's issue of the ACT Report which stated Thompson was fired.

"I think Delegate Pino was more upset about the ads and hand billing we have done in his home paper," said White.

"It was pretty clear our story was written before Thompson's doctor weighed in."

Pino had led the effort to defeat ACT's bill to require health care on public works projects earlier in the session.

After Pino defeated the bill ACT started running an ad in the Fayette Tribune letting the public know his stance.

In addition members of the Operating Engineers and Laborers started hand billing efforts in Fayette County.

ACT also distributed the flyer to delegates attending the WV AFL-CIO legislative conference and asked Fayette County members to talk with Pino.

Last year Pino won his bid for re-election by four votes against Tom Louisa (D-Fayette) a labor endorsed candidate.

COAL & WIND PROJECTS CONTINUE TO FACE CHALLENGES, TAX CHANGES**Record \$1.1 Billion Financing For \$1.8 Billion Longview Power Project Tops Energy News**

A deal to secure \$1.1 billion in financing for the construction of the Longview Power LLC project has been completed.

Project developers GenPower, LLC, said the deal was finalized on February 28 and will cover construction of the project and the turbine supply.

The total project cost is \$1.8 billion. The project developer GenPower Holdings, L.P. has committed to provide the balance of the construction funding required for the project.

Site clearing is already underway. The project schedule calls for completion in March 2011.

A consortium of Siemens Power Generation and Aker Kvaerner Songer is constructing the 695 megawatt plant. Foster Wheeler North America Corp. is supplying the supercritical boiler to the project.

In January Longview entered into a contract with PPL EnergyPlus LLC to sell 300 MW of output from the facility. The remainder of the generation will be sold into the day ahead energy market in PJM on a merchant basis.

While much progress has been made the project still faces legal challenges.

In a hearing on April 18, the West Virginia Supreme Court will consider whether to accept a petition by opponents.

The petition is to appeal a WV Public Service Commission waiver granted to project developers who sought to increase the power output of the electric-generating plant from 600 mega-

watts to 695 megawatts.

The increase in power could have been classified a "material change" to the original PSC permit, and required additional rounds of hearings and regulatory review. The waiver eliminated the requirement for that time consuming process.

The Supreme Court will also be considering two cases in April challenging wind projects.

On April 17, opponents of a wind farm in Mt. Storm will present their case before the Supreme Court of an appeal of a Circuit Court ruling denying their complaint that the project would be a public nuisance.

By filing their complaint in Circuit Court, project opponents avoided the Public Service Commission where they have already "lost" several hearings.

Also on April 18, the Supreme Court will hear an appeal request by opponents of the Beech Ridge Wind Farm proposed for Greenbrier County, who want the Public Service Commission to reconsider the citing permit granted to the wind energy project. The PSC has already refused to reconsider their decision.

The Supreme Court will hear the arguments of those wanting an appeal before deciding whether or not to allow the appeals to move forward.

"We think the Court should refuse to take these appeals," said Natalie Stone, Executive Director of the North Central WV Building Trades.

"The PSC has done a thorough and extensive review of these applications, there is nothing the opponents can point to

that the PSC did wrong."

Stone points out that on April 19, the Public Service Commission will have hearings for the Liberty Gap project.

Liberty Gap wants a citing certificate for a 110 MW wind power project in Pendleton County.

The ACT Foundation has intervened in support of the Liberty Gap project, as it has with the Longview and other projects.

In a related note, ACT recently worked with wind project developers and Governor Joe Manchin to come up with a new

tax structure for wind projects.

SB 441 will increase property taxes on wind projects by about 30% and increase B&O taxes on electric generation.

The deal accomplishes Gov. Manchin's goal of making sure wind pays about the same tax per kilowatt as coal.

UA Local 83 Wheeling Promotes Training At Home & Garden



MANNING A BOOTH at the Wheeling Area Home and Garden Show are (from left) Bobby Gorrell, 2nd year apprentice; Conrad Bringman, retiree; and Pete Keller, 3rd year apprentice. All are members of UA Local 83, Wheeling . The show was held February 17 and 18.

According to Local 83 organizer Joe Oakland, they displayed items related to the Plumbing and Pipefitting Industry.

"We placed a lot of emphasis on our apprentice training with a large display of training manuals used in our program," said Oakland.

"Our goal was to raise awareness to the amount of time and study it takes to become a UA plumber or pipefitter. "

Apprentices, journeymen and retirees staffed the event. They had plenty of giveaways and a drawing was held for an American Flag.

REPRESENTATIVE CAPITO VOTES No**Employee Free Choice Act
Passes U.S. House**

West Virginia Congresswoman Shelly Moore Capito was the only member of the WV House of Representatives delegation to registering a "No" vote against the Employee Free Choice Act.

The vote in the U.S. House of Representatives was taken on March 1 and passed by a 241-185 margin.

West Virginia's other two Congressmen, Alan Mollohan and Nick Joe Rahall, voted for the bill.

The law changes how workers organize unions at their non-union workplaces by eliminating the requirement for a "secret ballot" employee election, and establishing a "card check" provision.

It also would provide for mediation and arbitration of first-contract disputes and authorize stronger penalties for violation of the law when workers seek to form a union.

The "card check" process allows employees to freely choose whether to form unions by signing cards authorizing union representation. When a majority sign cards, the union is then recognized.

Currently, many workers who try to form a union report they are routinely harassed and intimidated by their employer during the election process.

More working people than ever, some 57 million, say they would join a union if they had a chance, according to a survey from Peter D. Hart Research Associates.

On the day of her vote, Capito's office issued a statement characterizing her vote against

HR 800 (Employee Free Choice Act) as "protecting workers rights" by limiting their options in choosing to join a union to "secret ballot" elections.

"She can color the bill or herself anyway she wants, but she can't hide the truth of her vote," said Mike Mathews, President of the Kanawha Valley Labor Council.

"It is clear Capito's interests are not with the working people of West Virginia – the people she's supposed to represent."

Prior to the vote the KVLC hosted a rally at the State Building Trades headquarters in Charleston to encourage West Virginia's Congressional Delegation to vote for the legislation as it was pending. A broad representation from throughout the organized labor community turned out for the rally.

It is now up to the U.S. Senate to take up the bill.

Legislative

CONTINUED FROM P. 1

through the House Labor, then Finance Committees.

Klempa is also a representative for the Mid-Atlantic Regional Council of Carpenters.

"We need more incentives for costly training programs and this is a great start," said Klempa.

The session was one of the better ones for the Building

Trades according to Secretary Treasurer Roy Smith.

"We had a few battles but for the most part had a very successful session," said Smith.

"The new leadership in the House, under Speaker Rick Thompson, allowed us a fair chance to promote our bills."

"And having two Building Trades Delegates, Poling and Klempa, to work with was great. They both did an excellent job."

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WV AFL-CIO PRESIDENT Kenny Perdue speaks at a rally to encourage West Virginia's Congressional Delegation to support the Employee Free Choice Act. The event was held at the WV State Building Trades on February 20.

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