

THE ACT REPORT

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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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TRADES CONTRIBUTE \$90,000 TO MARSHALL UNIVERSITY FOUNDATION FOR PROJECTS

Members of the Tri-State Building Trades Council contributed \$90,000 to the Marshall University Foundation for Special Projects during an event held on November 8.

The funds will be used for a variety of projects including construction of the \$4 million Marshall University Engineering Lab, and a new \$2.7 million state-of-the-art Woman's Softball Field.

Both projects are currently underway employing local union workers and contractors.

The gift reflects not only an interest in the continued success of Marshall University but an outgrowth of the positive relationship Marshall has had with

the Tri-State Building Trades and member unions over the years.

"Marshall has provided edu-

cational opportunities for our families and work opportunities for our members," said Steve

Burton, Business Manager of Tri-State.

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STEVE BURTON (STANDING), Mike Meadows (to Burton's right), and Dr. Stephen J. Kopp (to Meadows' right) meet with Tri-State Building Trades agents to discuss the latest plans for new Marshall projects.

COMPANIES MUST GET WORKERS COMPENSATION WITHIN 30 DAYS

Out-of-state companies doing business in West Virginia now have to get workers compensation coverage after 30 days of business activity rather than 90 days.

The change was made by the Industrial Council of the West Virginia Insurance Commission which approved new rules at their October 18 meeting.

The ACT Foundation had pushed for the change because many out-of-state companies were avoiding worker compensation coverage under the 90 day rule. "Ninety days was just too long," said Bill Dean, Business

Manager for Iron Workers Local 549 and a member of the Industrial Council.

"This change will make sure we have a level playing field, so local contractors don't have to compete against companies who do not have workers compensation policies."

The construction industry has been plagued with out-of-state contractors who underbid fair local contractors in part because they don't pay workers compensation.

Companies would claim they would not be in the state for 90 days and then stay longer, but there was no one checking.

The new rule, called Series 8, states a company who works

more than 30 days in any 365 day period must get WV workers compensation, and goes into effect in November.

The problems policing the 90 day rule were many.

One such company, Lang Masonry from Ohio, was audited under the 90 day rule and assessed for back premiums of approximately \$40,000. However they challenged the ruling and won a favorable ruling from an Administrative Law Judge saying while they may have been in the state for more than 90 days, no single employee was.

The Industrial Council rule also revised language clarifying who qualifies as a legitimate independent contractor for work-

ers compensation purposes.

The standards are tighter for companies operating in hazardous industries, such as construction, mining, and logging.

A series of conditions must be met for independent contractor status. For example a person must show they own all the licenses and equipment needed to perform the work, they must have independent control of the times they work, and they must be able to work for other clients.

In the past some companies have avoided workers compensation payments by setting up fake companies pretending a person who was really an employee was instead an independent company.

DEVELOPER FAILS TO GET LOAN RENEWED

CO-GENERATION PROJECT HITS SETBACK

The Western Greenbrier Co-Generation project failed to get a crucial loan extension in early November putting the \$215 million project in jeopardy.

Efforts to refinance a loan needed to continue permitting work recently failed when the development company, Western Greenbrier Co-Generation LLC, was unable to renew their loan with the First National Bank of Ronceverte or find a new bank to take the loan.

Western Greenbrier was unable to come up with a \$100,000 interest payment that was required up front to get a three month extension for their \$4.875 million loan.

The West Virginia Economic Development Authority may be out \$3 million as a result.

Back in 2004 the Authority signed a loan guarantee for a \$3 million portion of the total loan.

If the project does not go forward the state will be required to come up with the guaranteed funds.

The \$215 million plant has been in the development stage

since 2002. In January of 2003 it was approved as a demonstration project by the National Energy Technology Laboratory, owned and operated by U.S. Department of Energy (DOE).

Approval meant a commitment of \$107 million towards the project construction as part of the DOE's Clean Coal Power Initiative.

The project, located in Rainelle, WV, was to burn waste coal, known as gob, from the nearby 4 million ton coal gob pile in Anjean.

A coal fired rotary kiln coupled with the power plant would combine coal ash, limestone and other waste material to make cement.

In addition to the 98 megawatt power plant and cement manufacturing facility the plant would co-produce steam and hot water and serve as an anchor tenant for a new environmentally based industrial park called "EcoPark."

If successful the concept could be used to clean up other gob piles in the region and save taxpayers the cost.

Estimates to clean up state gob piles range from \$2 to \$3 billion.

The project has seen some recent successes.

One was a publishing of the Environmental Impact Statement.

An air permit was granted by the state and it survived an appeal.

A key power purchase agree-

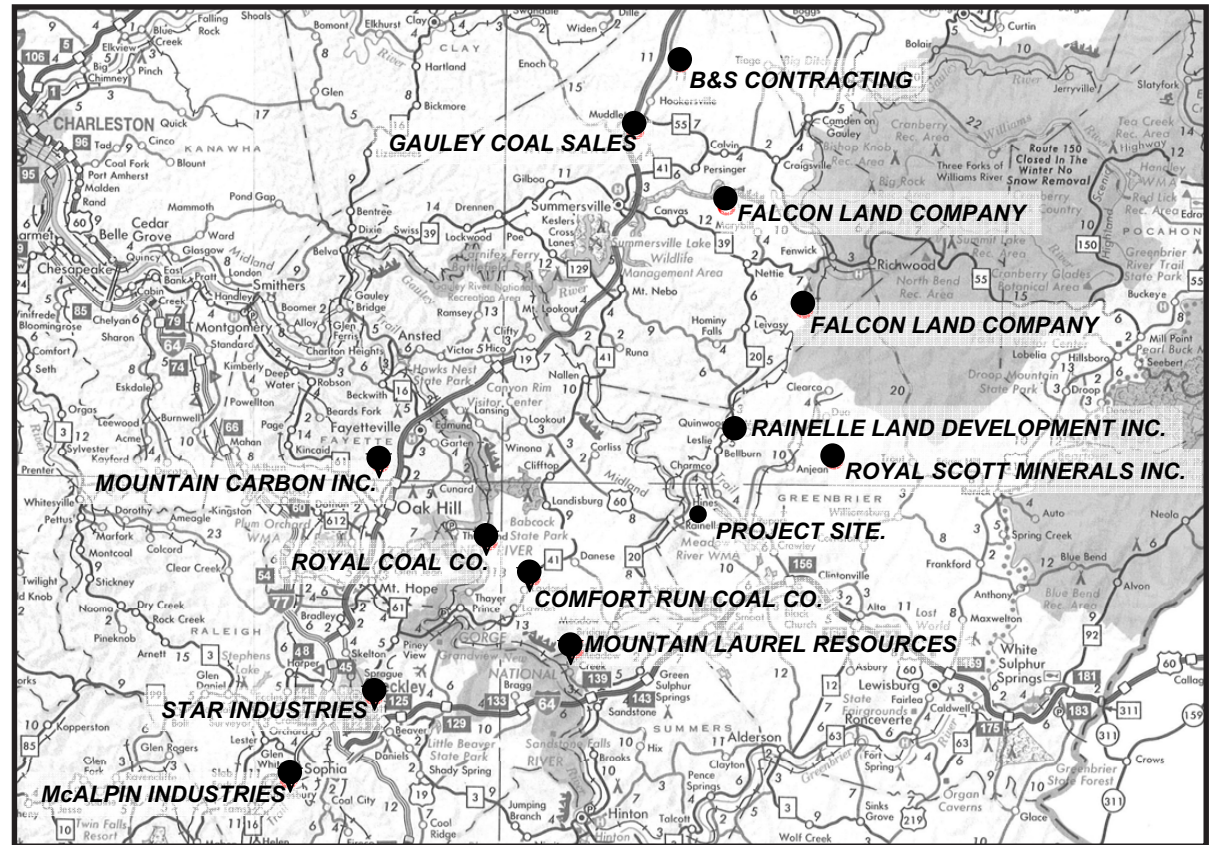
ment was still needed to move to the construction phase.

"There has been a tremendous amount of work put into this project and it would be shame if it failed when it was so close to moving ahead," said Wayne Rebich, ACT Representative.

Rebich points to a pile of

documents including a noise study, wetlands survey, stream study, habitat survey, economic impact report, health study, transmission line assessment and more.

"We've been to the public hearings and through the Public Service Commission."



TWELVE ABANDONED GOB piles are located within 30 miles of the Rainelle, WV site proposed for the \$215 million Western Greenbrier Co-Generation project. The closest pile, Royal Scott Minerals, at Anjean, is considered the largest gob pile in the state and costs taxpayers hundreds of thousands of dollars each year to treat damaged water.

CANDIDATES WANTED FOR HEAVY DUTY EQUIPMENT OPERATOR APPRENTICESHIP

Operating Engineers Local 132 is looking for qualified candidates for their heavy duty equipment operator apprenticeship program.

The three year program focuses on all aspect of operating heavy equipment including bull-

dozers, backhoes, cranes, and excavators.

"We focus on safety and productivity," said Charles Parker, Training Director.

Each year an apprentice spends five full weeks at the training center located just south of Parkersburg, most of which is during the winter months.

Apprentices must also get at

least 1,000 hours of paid on the job training each year.

Applications will be accepted at any Workforce West Virginia Center starting December 10 through December 21, between the hours of 9:00 am and 3:00 pm.

In order to qualify a person must be at least 18 years old, have a high school diploma or

GED and have been a resident of West Virginia for at least one year.

In addition a successful applicant will have a valid WV drivers license, and be physically able to perform the work of the trade.

An aptitude test will be given at the Workforce Center and a drug test may be required at a

later date.

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

For more information call training Director Charles Parker at (304) 273-4852.

UNGER PICKED FOR CONGRESS, DELONG FOR SECRETARY OF STATE WV AFL-CIO MAKES EARLY ENDORSEMENTS

The State WV AFL-CIO COPE Committee met on Saturday, November 3, to consider early endorsements in some key political races.

John Unger, a State Senator vying for Shelly Capito's Second Congressional seat was chosen as the Labor candidate for the May 2008 Primary election.

Decisions were also made for a number of statewide races.

Joe Delong, current House of Delegates Majority Leader was endorsed for West Virginia Secretary of State.

The current Secretary of State Betty Ireland has chosen not to run leaving the position open.

In addition three state officeholders were endorsed for re-election. Attorney General Darrell McGraw, State Treas-

urer John Perdue and State Auditor Glen Gainer all received official Labor support.

No action was taken in the office of Agriculture Commissioner leaving affiliated local unions free to take individual endorsement action if they choose.

At prior meetings endorsements have already been made to support Jay Rockefeller for U.S. Senate, Joe Manchin for Governor, and Nick Rahall and Alan Mollohan for U.S. Congress.

For State Senate and House of Delegate seats most endorsements will take place after the filing deadline closes in January.

However, action was taken to support Local Central Labor Councils to make early endorsements for historic friends of Labor.

The early endorsement process would be the same as a tra-

ditional method with questionnaires and candidate interviews.

"This will speed up our ability to help our long time friends,"

said Roy Smith, Secretary-Treasurer of the WV State Building Trades.

"We have a long process to

figure out who gets our help, but with some folks who have always been with us we can get them through the process early."



GARY TILLIS, BUSINESS Manager (left) and Craig Harvey, Agent (right), of the WV Appalachian Laborers District Council present Senator Jay Rockefeller with a check to help fund his bid for re-election to the U.S. Senate.

JIM ROSS TAKES INTERNATIONAL IBEW REPRESENTATIVE POST

Parkersburg IBEW Local 968 Business Manager Jim Ross has been appointed to a new position in Washington, DC.

Ross will become an International Representative in the International Brotherhood of Electrical Workers Construction & Maintenance Department, at the International's Headquarters effective December 1.

Ross had also held the position of President of the Parkersburg-Marietta Building Trades Council for 12 years.



JIM ROSS WILL start his new International Representative job on December 1.

"We will miss Jim's contribution to our council," said Sam Davis, Business Manager of the Trades Council. "But having him in D.C. is a great move for the IBEW and I am sure will help us all."

According to Davis, Ross also served the local community as a member of the local economic development authority and on the Board of Directors for Camden Clark Memorial Hospital.

Ross also served as a Vice-President to the West Virginia State Building Trades Council, representing the IBEW.

MARSHALL

CONTINUED FROM P. 1

"We are proud to be able to support their request for help with these contributions."

According to Burton when all the contributions come in he believes the Trades may raise more than \$90,000.

A new Marshall University Alumni Center will break ground in December. The \$8 million project will be built with 100% local union members and contractors.

The new Alumni Center will feature a large hall for meetings and social events; video and telephone conferencing in the meeting rooms; a Heritage Room to display information about alumni and the history of Marshall; an architectural design that emphasizes an open and inviting appearance; a functional work

space for the Alumni Relations, and office space for Development and Foundation staffs.

Future plans include a possible 16,000 square foot addition to the Forensic Science building and a second phase of the Engineering building.

"We appreciate the quality of workmanship and the cost effective product we get when using local contractors and members of Tri-State," said Dr. Stephen Kopp, President of Marshall.

Also on hand was facilities Planning and Management Director Mike Meadows.

"We have an excellent working partnership with the Trades," said Meadows.

The Marshall University Foundation was established in 1947 as a charity to solicit, receive, manage and administer gifts on behalf of Marshall University.

"DISTINCTIONS HAVE NEVER BEEN CLEARER"**PRO-WORKING FAMILY DEMOCRAT WINS
KENTUCKY GOVERNORS RACE**

Kentucky voters have elected Democrat Steve Beshear as Governor in a landslide victory that promises significant benefits for working families in that state.

In the November 7 election, Beshear, a former lieutenant governor, pulled off a political comeback 20 years after last holding office, by defeating incumbent Governor Ernie Fletcher 61 to 39 percent.

Fletcher attacked prevailing wage regulations last year at the Kentucky Legislature and promoted so-called Right-To-Work legislation.

Beshear, on the other hand, made firm promises to union officials that he would protect prevailing wages and to never allow right-to-work in Kentucky.

Steve Burton, Business Man-

ager of the Tri-State Building Trades Council, said the distinctions between the candidates "have never been clearer.

"We saw this election as pivotal in the future of working families in Kentucky and West Virginia, as well as in the rest of the nation," said Burton from his office in Ashland, Kentucky. "The Republicans offered a man who was aggressively against our interests, while the Democrats offered a man who made commitments to protect those things we know are important."

Burton said the building trades, and a broad coalition that included Kentucky's public employees and school teachers "did all the things that unions do to win elections."

Their campaign included member-to-member walks, phone banks, rallies and informational meetings to inform the public and get out the vote.

Beshear has also promised

that the Secretary of Labor will be a 'card carrying union member' who will serve on his Governor's Cabinet, where the Labor Secretary belongs," said Burton.

Fletcher, the state's first Republican governor in more than 30 years, was indicted on misdemeanor charges that were later dismissed in a negotiated deal after a judge said he could not be tried in office. But the grand jury later issued its findings, saying Fletcher had approved a "widespread and coordinated plan" to skirt state hiring laws.

Larry Roberts, executive director of the Kentucky State Building and Construction Trades Council, used his website to describe why he and members of building and construction trades unions worked so hard to defeat Fletcher and elect Beshear.

"Our members and their

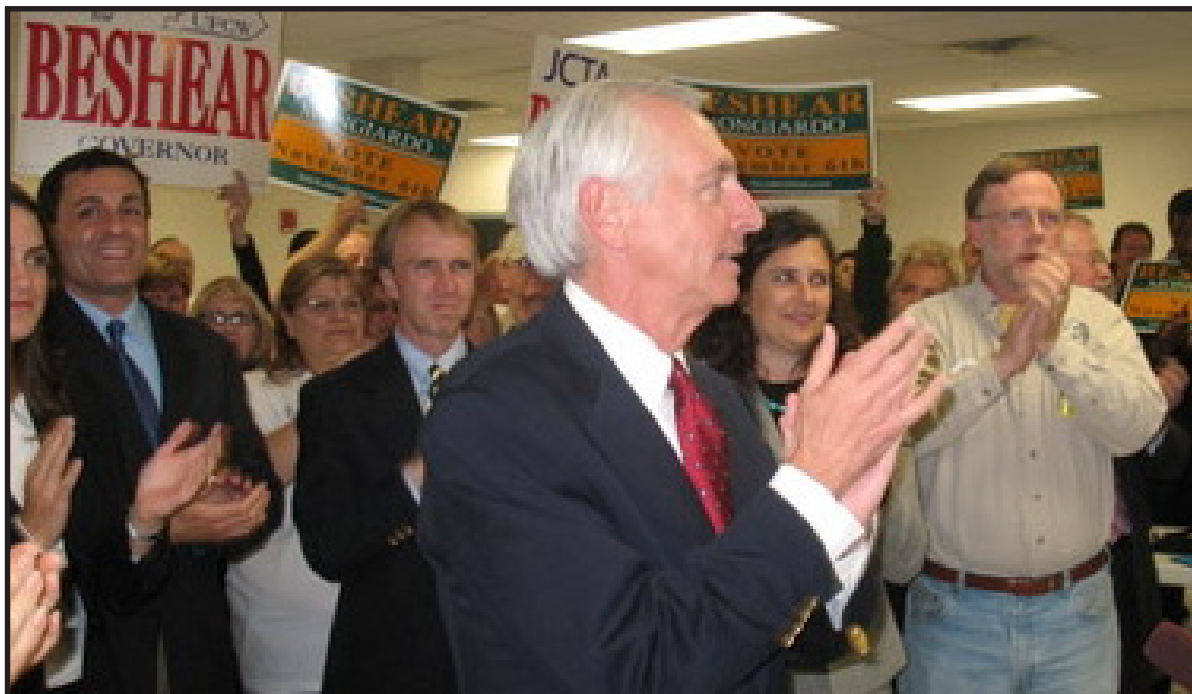
families have been under attack from the first day Ernie Fletcher took office," wrote Roberts. "The members of the 15 unions that comprise the KSBCTC know the importance of this election and their response has been overwhelming."

Burton believes the results in Kentucky will be repeated across the country in next year's national elections.

"In state after state we are seeing pro-worker candidates take the place of this bunch the Republicans have in office."

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NEWLY ELECTED KENTUCKY Governor Steve Beshear (D) (center) at a Get-out-the-vote rally with KY AFL-CIO members. Kentucky AFL-CIO President Bill Londrigan (right) hailed the victory as a 'win for working families.'

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