

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; Dave Efaw, Secretary-Treasurer; Steve White, Director.

Charleston - (304) 345-7570
Toll Free - (800) 930-9675
www.actwv.org



Inside

Debt Ruling	Pg. 2
Rally	Pg. 2
Painters DC 53	Pg. 3
UA 625	Pg. 3
Drilling	Pg. 3
Law Violation	Pg. 4

SPECIAL LEGISLATIVE SESSION HELD GOVERNOR, LAWMAKERS EXTEND UNEMPLOYMENT BENEFITS

A special session called by Governor Joe Manchin ended with passage of a bill which extends unemployment benefits for twenty weeks.

The legislation was quickly passed by both the State Senate and the House of Delegates during the two-day special session held August 11 and 12.

The change allows around 4,000 West Virginians who have exhausted their unem-

ployment benefits to gain an additional 20 weeks of benefits.

By making the change before the end of the year, West Virginia also benefited because the federal government picks up the entire cost of the benefit extension, estimated at \$34 million.

There are two methods accepted by the federal government to measure unemployment for the extended benefit option.

The method that had been

in place compared unemployed workers to the entire workforce, even those who would not get unemployment benefits like self-employed workers.

The method adopted compares those workers getting unemployment benefits to those who are entitled to receive them, 22 states currently use this method.

Had the change not been made, workers would have had to wait until early next year for the extended benefits

to kick in and the state would have had to pick up half the cost.

"We need to help our local workers who can use this extra benefit at this critical time," said Del. Dan Poling, (D-Wood) who is also a member of Painters District Council 53.

West Virginia currently has a jobless rate of 9.4 percent.

The change will take about four weeks to implement and get the extended benefits program in place.

\$50 MILLION IN STIMULUS FUNDS POSSIBLE FOR NEW INTERMODAL FACILITY DOUBLE-STACKED RAILCARS BRING TRANSPORTATION OPPORTUNITIES

A three-year, \$150 million construction effort to improve railroad infrastructure by allowing double-stacked railcars is nearing completion.

The project, called the Heartland Corridor, has opened new opportunities for West Virginia to become a transportation center for the region.

A recent meeting hosted by the WV State Building Trades between labor, contractors and public transportation officials looked at a proposed \$30 million "Intermodal" facility at Prichard in Wayne County.

The project is part of \$50 million in federal stimulus funding related to the Heartland initiative which the state has applied for.

An Intermodal facility is one that takes advantage of

numerous transportation avenues such as rail, river, highway and air.

Senator Bob Plymale, Director of the Rahall Trans-

portation Institute, arranged the August 6 meeting along with Dave "Bones" McComas, Special Representative for the WV State Building

Trades.

On hand was Patrick Donovan, Executive Director of the West Virginia Public Port

Continued on p. 2



DAVE "BONES" MCCOMAS (standing) of the WV State Building Trades leads a discussion with Sen. Bob Plymale, Director of the Rahall Transportation Institute (left) and Patrick Donovan, Director of the WV Public Port Authority at a recent gathering of labor and contractor representatives.

CONTRACTOR APPEALS DEBT RULING

A company which lost a state painting contractor because its owner is connected with thousands, if not millions, in state workers compensation and unemployment insurance debt has asked the State Supreme Court for help.

Earlier this year IPI Inc., was the low bidder for a state bridge painting maintenance contract. But Painters Council 53, working with ACT, let state officials know that IPI President Matthew Joey Taylor owed the state Insurance Commission thousands of dollars in back workers compensation premiums.

The debt came from Taylor's role with a now defunct company called North American Construction Inc.

Public records show the state Bureau of Employment Programs filed a Notice of Workers Compensation Lien for \$62,192 against Taylor in Kanawha County in 1999.

According to state law a contractor, or related party, who owes more than \$1,000 to the state cannot get a state contract.

The law clarifies that a related party includes the owner or the owner's spouse.

Each vendor bidding on a tax-funded contract must sign an affidavit stating they are not in default for a debt greater than \$1,000 to any government entity. IPI Secretary and Treasurer Julia Taylor signed the affidavit.

ACT Attorney Vince Trivelli sent both the WV Division of Purchasing and the WV Division of Highways (DOH) the lien document

which is currently on file. Records from the Secretary of State's office showing Matthew Joey Taylor as President of IPI were also sent.

In addition Trivelli contacted the Insurance Commission which currently oversees collection of workers compensation debts.

The Commission wrote to Purchasing stating their agreement with the ACT position, that IPI was not entitled to a state contract because of the debt owed by Matthew Taylor. Purchasing then denied IPI the contract.

IPI's lawyer in a June 12 filing to the WV Supreme Court asked the court to force the state to award the contract to IPI.

They argued a number of points including arguing that Taylor is not a "related part" to his wife.

ACT has asked for and received permission from the Supreme Court to file a brief which was done in July.

The State Attorney General's Office submitted a brief to the Supreme Court in support of Purchasing's decision to deny the contract.

The Attorney General's office pointed out in its brief that in addition to the workers comp debt owed by Taylor, IPI, through Matthew Taylor, pled guilty in a sepa-

rate 10-count indictment that resulted in \$105,000 restitution which is still owed to the state.

"This is an important case," said Rick Hackney, Business Manager of Painters District Council 53. "The state should only do business with responsible companies and owners, those that pay their debts and taxes."

The Supreme Court is expected to make a decision in September.

RAILCAR

CONTINUED FROM P. 1

Authority along with labor and contractor representatives.

Completion of the Heartland Corridor project was discussed in addition to the Prichard facility.

The Heartland Corridor project is a public-private venture with Norfolk Southern Corporation that will allow double-stacked railcars to move from Virginia to Chicago, Illinois.

Along the way numerous bridge and tunnel areas need to be revamped to allow the taller train car loads.

The rail line goes through Prichard, just south of Huntington, at a unique location.

Nearby is Interstate 64, Tri-State Airport and the Ohio River.

The Army Corps of Engineers wants to study the feasibility of extending navigation seven miles down the Ohio/Big Sandy Rivers to provide a river access to the Prichard site. Funding has already been approved, but not yet released, for the study.

The rail, air, interstate and river intersection could make

the Prichard site a transportation hub for the region.

Norfolk Southern has donated 78 acres for the Intermodal facility which will include loading and unloading capabilities for freight and plenty of land for related development for warehousing, light manufacturing and assembly operations.

A recent study predicted the Prichard facility could create 700 to 1,000 new jobs in West Virginia and eventually bring about \$12 million in annual savings for shippers into and out of West Virginia.

An additional \$20 million is being requested from stimulus funds to pay for two more tunnel expansions, to be matched by \$29 million from Norfolk Southern.

Also, a \$5 million bridge to gain better access to the Prichard site is in the works.

The U.S. Department of Transportation has \$1.5 billion of funds to invest in freight related projects. States must make proposals and compete for the funding.

The Intermodal project is expected to start early next year and be completed by early 2011 if funding can be secured.

TURN AROUND AMERICA RALLY



MEMBERS OF THE West Virginia Laborers District Council were among 1,000 participants in the West Virginia AFL-CIO's Turn Around America Rally. The event, held in Charleston on August 2, focused on workers' rights and health care reform.

PAINTERS DISTRICT COUNCIL 53 APPRENTICE- SHIP OPPORTUNITIES

The Joint Apprenticeship and Training Committee for the Painters has four West Virginia locations for accepting apprentice applications.

Applications are taken year round, except for holidays and weekends, for four programs - Painting, Drywall,

Glaziers, and Hydro Blaster/Vacuum Technicians.

The three year programs teach all aspects of the trade in both classroom and on-the-job settings.

Applicants must be at least 18 years of age, physically capable of performing the work safely, and have basic reading and writing skills.

Please call ahead to make sure someone is available to take your application.

Applications and informa-

tion can be obtained at the following Painter Union office locations:

- 115 Spring Street, Charleston
- 117 Label Lane, Weston
- 2001 Pine Street, Kenova
- 512 33rd Street, Parkersburg

All applications will be received without regard to race, color, religion, national origin, or sex.

Call 304-343-8259 ext 10 for more information.



DRILLING AT HIGH SPEED IN WV



ACCORDING TO LABORERS Union representative Joe Bowen there continues to be lots of activity drilling gas wells in the Marshall and Wetzel County areas. Bowen has identified numerous out-of-state companies working on these projects with out-of-state labor. This picture is of a Chesapeake site near Adaline in Marshall County. Companies from Oklahoma, Texas and Pennsylvania are enjoying the benefits of West Virginia's Marcellus Shale region. "Why not West Virginians?" asks Bowen.

ANNOUNCEMENT OF UA LOCAL 625 APPRENTICESHIP

NAME OF PROGRAM:
Charleston JATC of Plumbers & Pipefitters Local Union 625

WHERE TO APPLY:
3601 James Street,
Charleston, WV

WHEN TO APPLY:
July 1, 2009 through December 30, 2009

HOURS TO APPLY:
8:00 AM to 12:00 PM,
1:00 PM to 3:30 PM Monday
through Friday

(\$35.00 APPLICATION FEE, WHEN YOU PICK UP YOUR APPLICATION)

(ALL applications will be reviewed once a year and applicants will be notified by mail of their status)

MINIMUM QUALIFICATIONS AS FOLLOWS:

AGE:

17 years of age at the time of application, and must be 18 years of age, prior to being indentured by the JATC

EDUCATION:

High School Diploma or G.E.D.

PHYSICAL:

Must be physically able to perform the work of the trade.

A drug test will be required

DRIVERS' LICENSE:

Must have valid WV Driver's license

APTITUDE:

Must score standard level on able test administered by the WV Job service

RESIDENCY:

Applicant must be a resident of the following counties;

Boone, Clay, Fayette, Greenbrier, Kanawha, Mer-



cer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers and Webster.

A copy of the applicant's birth certificate, high school transcripts and diploma or G.E.D., DD2 - 14 Form (if former Military), and valid driver's license will be requested at the time of application.

{ONLY COPIES WILL BE ACCEPTED}

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

The JATC will take affirmative action to provide equal opportunities in apprenticeship and training and will operate the apprenticeship program as required under Title 29 of the code of federal regulations, Part 30.

ACT Report Address Corrections Wanted

Call: 1-800-930-9675

Email: stevewhite@actwv.org

or mail to:

ACT

600 Leon Sullivan Way
Charleston, WV 25301

CONTRACTOR VIOLATES LABOR LAW ON ECONOMIC DEVELOPMENT PROJECT

Framing Company LLC, from Lexington, Kentucky violated the National Labor Relations Act while building a hotel in Huntington.

The project, an 80 room

Marriott TownePlace Suites, had a ground breaking in May of 2008 but didn't really get started until November.

The site is located at an economic development area created with taxpayer dollars called Kinetic Park.

The Huntington Municipal Development Authority sold the property to KineticPark Hotel Associates, LLC for the price of \$660,000.

However the General Contractor, Stephen D. Prater Builder, Inc. from Lexing-

ton, Kentucky was brought in leaving local construction workers wondering why their tax dollars were used to create the site.

According to Randall May, an Organizer for the Mid-Atlantic Regional Council of Carpenters, workers from as far away as Mexico are be-

organizing activities and May asked the National Labor Relations Board (NLRB) to step in and investigate.

In June the NLRB issued a complaint and ordered back pay. The \$600 check came in July.

In addition the West Virginia Division of Labor has



CHARLIE LAYMAN (left) holds a check for \$600 in back pay received after getting help from Randall May (right) an Organizer for the Carpenters. Layman, a carpenter who worked on a hotel project in Huntington, was illegally fired for his organizing activities.

Trades Invited to Tailgate Party

WVU Mountaineers vs. Liberty Flames

Saturday, September 5

Starting at 10:00 am, Lunch at Noon.

The North Central WV Building Trades Council invites all trades members and their families to a Tailgate Party on Saturday, September 5 at Mountaineer Field - Milan Puskar Stadium in Tent City-lower level.

For more information contact Natalie Stone 304-626-3882.

ACT Foundation
600 Leon Sullivan Way
Charleston, WV 25301
(304) 345-7570

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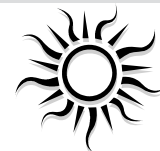
lieved to have worked on the project.

May did end up assisting two local workers on the job wanting to form a union.

In March, Frame Company fired Charlie Layman for his

investigated the job regarding improper wage payments.

The two workers had gone without pay for as much as a month. State law requires workers get paid at least twice a month.



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(304) 344-0194 fax 344-0195
toll free 1 800 450-8530
receptionchas@uniontradesfcu.com