

# THE ACT REPORT

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## FUNDING TO GO FOR TRAINING EQUIPMENT CONSTRUCTION WORKS GETS \$730,000 GREEN TRAINING GRANT

A federal grant aimed at "green construction" will mean much needed equipment purchases for local Apprenticeship and Training programs.

The latest round of 'Green-Up' training grants focuses on helping programs purchase equipment to better train workers.

Items such as a photo-voltaic training module, thermal imagers for insulation analysis, 'green roof' equipment, welding simulators, an air balance training module, and high efficient sand blasting equipment were recently approved for purchase.

Welding simulators are just one of the training tools made available through the grant.

"The simulator lets a person practice in a controlled environment and use less material and power to operate than an actual welder," said

Jim Lewis, Training Coordinator for Plumbers and Fitters Local 565 in Parkersburg.

"This equipment would be hard for our facility to purchase and will really help our apprentices and others learn

without wasting rods and metal."

Each program that gets the equipment must sign a contract agreeing to train a minimum amount of people by 2012.

All together union Apprenticeship and Training programs in the State will get around \$730,000 for new equipment.

The grant was coordinated  
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CONSTRUCTION WORKS EXECUTIVE Director Roy Smith (standing left) and Director Sheryl Johnson (right) host a meeting on January 6 for training programs and local union leaders to understand their available equipment funding and their commitments to train that go along with the funding.

## MARCELLUS, OSHA 10 HOUR, SUB-CONTRACTORS, APPRENTICESHIP LEGISLATIVE SESSION UNDERWAY

Wednesday, January 12 started the 2011 legislative session.

The 60 day session begins with a number of changes including a new acting Governor Earl Ray Tomblin (D-Logan) and a new acting Senate President Jeff Kessler (D-Marshall).

In the Senate there are also a new group of Committee Chairs and Vice-Chairs due to the new leadership.

Freshman Senator Orphy Klempa (D-Ohio) who is also

a member of the Carpenters Union will be Vice-Chair of Transportation and Vice Chair of Economic Development.

Painter member and Delegate Dan Poling (D-Wood) will take a new committee assignment at Finance.

Del. Dave Walker (D-Clay) of the Operating Engineers will remain on the Education Committee for his main assignment.

Del. Greg Butcher (D-Logan) also of the Operating Engineers will remain on

Government Organizations but has taken the Chairman position of the Agriculture Committee.

Key issues for ACT and the WV State Building Trades will be a focus on local construction workers for any legislation relating to the Marcellus Shale gas resource.

ACT is proposing a local hiring requirement similar to the WV Jobs Act, Apprenticeship Training requirements and compliance with the WV Alcohol and Drug Free Act.

"This is the largest natural

gas find of the century," said ACT Director Steve White.

"We want to make sure WV workers get a shot at the jobs this rich resource will create."

Also on the Trades agenda is promoting a safer worksite at tax funded projects.

A law to require OSHA 10 hour construction training will be introduced.

Already seven states have such a law.

"Safety on our state projects should not be any less

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# NEW OSHA CRANE OPERATOR RULES ALSO AFFECT RIGGERS AND SIGNAL PERSONS

A new OSHA construction standard on Cranes and Derricks went into effect in November.

West Virginia crane operators who have a license that complies with the National Commission for the Certification of Crane Operators will meet the OSHA standards.

However some changes to the state law will be required to make sure it is in compliance with the Federal rule.

This article (reprinted in part with permission from CPWR - the Center for Construction Research and Training) addresses the training and documentation required for Riggers and Signal Persons.

## Riggers

Riggers are not required to be certified by any independent organization.

However, riggers must be qualified in two situations: (1) when rigging in connection with assembly/disassembly work; and (2) when a load is handled by any employee in the fall zone.

The rigger would be considered qualified by possessing a recognized degree, certificate, or professional standing; or by successfully demonstrating, through extensive knowledge, training, and experience, the ability to solve/resolve problems related to rigging work and related activities.

The standard does not require riggers to have any particular training.

Most union training centers that have quality rigger education programs turn out riggers who would be considered qualified riggers.

## Signal Persons

As with riggers, signal persons

do not have to be certified by an independent organization.

However, the employer must ensure that all signal persons meet specific qualification requirements spelled out in the standard.

Unlike the rigger, the signal person must be qualified by a qualified evaluator, someone who can demonstrate that he or she can accurately assess whether the individual meets the standard's qualification requirements.

The qualified evaluator may be a third party or an employee of the signal person's employer. A rigger qualified by a third party evaluator may carry that qualification

from employer to employer; qualification by an employer's evaluator is not portable.

A union training center with independence and expertise and a demonstrated competence assessing whether individuals meet the qualification requirements would be considered a qualified third party evaluator.

## Who can train?

The crane standard does not specify who can conduct rigger and signal person training but, as is the case with all OSHA standards, it makes the employer responsible for complying with all training and verification requirements.

In fact, the crane rule gen-

erally requires employers to train "each qualified person regarding the requirements of this subpart applicable to their respective roles" related to their work with and around cranes and derricks.

These requirements are meant to address all workers who may be exposed to hazards from cranes, not just riggers and signal persons.

The CPWR recommends that Local JATCs work with contractors to develop documentation of training provided to riggers and signal persons, as well as to set up third party qualification evaluations so signal person testing/assessment can be portable among employers.

## GREEN-UP

CONTINUED FROM P. 1

through Construction Works, the training arm of the WV State Building Trades.

"We help each program with the required paperwork and to make sure they fulfill their obligation," said Sheryl Johnson, Director of Construction Works.

"Our programs have a great record of successful training that leads to good jobs."

In an earlier round of Green-Up funding called 'Ready-Set-Go' Construction Works was able to get \$200,000 for direct training and material costs for "Green" related training.

The money has meant hundreds of extra training opportunities for local construction workers who want to learn the latest in "Green Construction" techniques.

Programs have used the funding for classes on pervious concrete, lead renovation, insulation energy appraisals, and general Green Construction Awareness.

The federal funding is part of a \$6 million grant West Virginia was awarded in 2010 through the U.S. Department of Labor and the American Recovery and Reinvestment Act.

WorkForce WV is the state agency in charge of grant funding and oversight.

## TRADES VOLUNTEER EFFORT TO RING BELL NETS \$16,567



PAINTERS LOCAL 970 member Betty Joe McCormick (left) and her daughter Bethany were among many union members who volunteered their time to ring bells for the Salvation Army's Christmas collection this season. They are pictured outside a Charleston Grocery chain as part of the volunteer effort coordinated by the Kanawha Valley Labor Council that raised \$16,567.

*\$187 MILLION PROJECT, 300 UNION CONSTRUCTION JOBS*

# *PUBLIC HEARINGS HELD ON ROUTE 35*

Trades members made their voices heard at public hearings on the construction of Route 35 held last month.

Members of the Operating Engineers, Laborers and Carpenters showed up to express their support for the much needed jobs the project will create.

“The project will create 300 jobs for local workers,” testified Tom Bowen, Business Manager of Laborers Local 543.

Hearings were held in Mason and Putnam Counties as part of the process to approve funding for the 14.6 mile, \$187 million project.

Kokosing Construction, a union contractor committed to using local union workers, is the low bidder for the project.

The use of tolls to fund the

project came under fire when the Mason County Commission tried to back out of an earlier approval they had given.

The issue went last month to the WV Supreme Court which ruled the County only had authority during the initial approval.

They could not change their mind after taking action. Putnam County has also approved the project.

The project next had to go through the public hearing and comment process which started last month.

Written comments will still be taken until January 21.

After the comments are received the Parkways Authority must review them and decide if they want to incorporate any changes proposed.

Then the Authority will decide if they will go forward with the project.

The deadline for awarding the contract to Kokosing is 120 days from the bid, which means it must be awarded by February 24th if the project is to stay alive.

The last piece will be to

sell the bonds which may take place the end of March or early April.

Tolls will be used to pay the bonds off.

“Nobody likes tolls,” said Tommy Plymale, Business

Manager of Operating Engineers Local 132.

“But we don’t see any other way to get this road built without some of the money coming from those who use the road.”



*OPERATING ENGINEERS LOCAL 132 member Todd Mullins speaks in support of the \$187 Million Route 35 project at a Putnam County public hearing.*

## *HOUSE RULE CHANGE CRITICIZED*

# *FEDERAL ROAD FUNDING MAY DECLINE 20%*

New leadership in the U.S. House of Representatives may bring decreases in federal funding of state transportation projects, including West Virginia.

In an open letter a wide range of groups representing 23 different transportation industry related organizations, from Labor to the Chamber of Commerce, warned House leaders that newly enacted rules on how Highway Trust Fund dollars are spent would be bad for future transportation budgets.

According to the groups, the prior House rules ensured that all revenue paid into the Highway Trust Fund is used for highway and transit improvements on an annual basis.

With the new rules in place funding for Transportation Projects can be lower than the amounts actually collected for the trust fund.

Some estimate 20% less spending will be allowed.

It was argued that long-

term project planning will become difficult as states will no longer be able to rely on an expected minimum level of funding over the lifetime

***THE U.S. CONSTRUCTION INDUSTRY IS SUFFERING UNEMPLOYMENT LEVELS IN EXCESS OF 18 PERCENT – MORE THAN TWICE THE NATIONAL AVERAGE.***

of an authorization bill.

Supporters of the rule say it will end earmarks and special projects like the famous “Bridge to Nowhere” in Alaska.

In their letter to Congress the transportation industry groups wrote “Prior to the adoption of this rule in 1998, it was common for Congress

to engage in a shell game by reducing Highway Trust Fund spending so that spending elsewhere

could be increased.

As a result of these abuses, the balances in the trust fund soared, while much-needed infrastructure investment was deferred.”

The group went on to write “The U.S. construction industry is suffering unemployment levels in excess of 18 percent – more than twice the national average.

Given these realities, the focus of the 112th Congress should be on enactment of a robust, multi-year reauthorization of the federal surface transportation program that creates jobs and boosts the economy, not on procedural maneuvers that will make it easier to cut highway investment.”

The Rule passed on a party vote in early January.

# WHEELING ROOFERS LOCAL 188 TAKE NEW APPRENTICES AT NEW TRAINING BUILDING

Roofers Local 188 starts a new apprentice class in a new classroom.

The Wheeling based local has 18 apprentices in the first year of their three year/6000 hour program.

According to Business Manager Gary Zadai, the 30 by 36 foot training area was added last year.

Now instead of going to different sites for classroom and hands-on training apprentices can learn in one location.

Apprentices learn a variety of tasks including different ply applications for built up roofing, heat welding and

fiberglass roll roofing, and a big focus on safety.

The 185 member local covers Ohio, Marshall, Brooke and Hancock Counties in West Virginia; and Belmont, Guernsey, Harrison, Jefferson, Monroe and Muskingum in Ohio.



PICTURED ARE 14 of the new apprentices with Training Coordinator John Dolak (standing left) and Instructor Bill Porter (right).

## LEGISLATIVE

*CONTINUED FROM P. 1*

than on industrial projects," said Dave Efaw, Secretary Treasurer of the WV State Building Trades.

A bill to require prime contractor list any sub-contractors at the time of bid will also be on the Trades agenda.

The measure is aimed at preventing bid-shopping of sub-contractors.

Once a project is bid, the state gets no benefit from lower sub-contractor pricing but may suffer if subs are driven too low to do a quality job.

Some state agencies already have policies to prevent bid shopping, the law would make it mandatory.

A review of the apprenticeship tax credit program may lead to a call for increasing the credit.

contractors would take advantage of the program, but if a review underway shows less than full participation the credit may be increased.

In addition Trades lobbyists will be looking for a way to shore up enforcement of

employment laws aimed at stopping companies from using unauthorized workers.

Laws to require worker identification have been un-

dermined by fake ID's. State agencies like the Division of Labor have no way of determining if an ID is valid or fake.

Protecting funding for infrastructure projects such as

roads, schools water and sewer will also be an issue.

Tax cuts for businesses and less anticipated revenue mean

a tightening of state spending is anticipated.

The session will end March 12 at midnight.

*ACT IS PROPOSING [FOR MARCELLUS PROJECTS] A LOCAL HIRING REQUIREMENT SIMILAR TO THE WV JOBS ACT, APPRENTICESHIP TRAINING REQUIREMENTS AND COMPLIANCE WITH THE WV ALCOHOL AND DRUG FREE ACT.*

Currently a contractor can earn a credit of \$1 per hour worked by an apprentice who is in a federally approved program, up to \$1000 per year.

When the bill was first passed it was assumed all

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