

# THE ACT REPORT

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ACT is a division of The West Virginia State Building and Construction Trades Council, AFL-CIO. Steve Burton, President; Dave Efaw, Secretary-Treasurer; Steve White, Director.

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



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# 2012 LEGISLATIVE SESSION PASSES HALFWAY MARK

**More than half of the 60-day legislative session has passed and many bills are at key points that will determine if they pass or fail.**

The Trades legislation that appears has the best chance of passing is a bill to increase the tax credit afforded to contractors who employ registered apprentices.

S.B. 153 passed out of the Senate Labor Committee by a unanimous vote.

Contractor representative Keith McClanahan with BBL-Carlton along with Dave Efaw of the State Building Trades made the presentation to the Committee. The bill must now pass the Senate Finance Committee.

There is general agreement in support of the concept but with so many legislators

pushing tax breaks and credits there are only so many that can pass.

Legislation to improve safety on public construction projects has again run into

opposition from the Contractors Association of West Vir-  
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**MEMBERS OF IRON Workers Local 787 Parkersburg attend a Senate Labor Committee meeting where requiring the OSHA 10 construction training on public construction was discussed. According to Business Manager Brad Winans (left) Iron Workers locals across the state are making an effort to teach apprentices more about the legislative process and the trip proved to be worth the effort.**

## STATE COPE MEETING MARCH 3

# LABOR ENDORSEMENTS UNDERWAY

**The primary elections are not until May 8, but time is short for the WV AFL-CIO and affiliates to determine who they will endorse.**

Anyone who wanted to run for a political office had to file or have postmarked their paperwork by midnight January 28.

Once the mail arrives and the candidate list is determined the WV AFL-CIO will send out more than 300 candidate questionnaires for all of the 17 state senate and 100 house of delegate seats that are up for election this year.

The WV AFL-CIO will

also be considering endorsements for the statewide positions of Governor, Auditor, Treasurer, Attorney General and two WV Supreme Court of Appeals seats.

Once candidate questionnaires are returned local Labor Councils are called upon to put together interview committees.

Only candidates who fill out the questionnaire get an interview.

During the interviews candidates are asked about their questionnaires, past records, campaign strategy and effectiveness and positions on a range of labor issues.

The interview committees

then make recommendations to their respective labor council who then vote on each recommendation.

These results are taken to the state Committee on Political Education (COPE) meeting and voted on by the statewide delegation.

Representatives from Councils and International Unions make up the state COPE committee.

This year the state COPE meeting will be held on March 3.

Those who get the state COPE endorsement also get help with door-to-door efforts, putting up signs, handling mailings, and financial

support from Political Action Committees.

“The labor endorsement process takes time, coordination and a lot of volunteers,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades and an Executive Board member of state COPE.

“We focus only on working family issues and take the local committee recommendation almost all the time.”

This year the primary elections will be held May 8 with early voting starting April 25. If you are not registered to vote or need to update information go to your local county clerk.

# DISERIO PICKED FOR BROOKE DELEGATE

**Phil Diserio, an IBEW member from Brooke County, was selected by Governor Earl Ray Tomblin to replace out-going House of Delegates Member Tim Ennis in the Second District.**

Diserio was among three names sent to the Governor by the local Democratic Executive Committee to fill the vacancy created when Ennis in turn replaced a Brooke County Commissioner who unexpectedly died.

Diserio is a 32 year member of the International Brotherhood of Electrical Workers and President of Local 246 based in Steubenville, OH. In addition to his career as an electrician he completed his apprenticeship, served on the executive board and worked

as a membership development coordinator for the Local.

Diserio is also President of the Brooke-Hancock Labor Council and serves on a number of economic development boards in his region.

“I am honored to have been chosen and feel a great responsibility to represent so many folks from my community,” said Diserio.

“I plan on keeping my ears open and my mouth shut until I learn the system.

Diserio and his wife of 28 years Sandra have three daughters and two grandchildren.

Redistricting has changed the Second District for the upcoming elections to have only one Delegate, there are currently two. But the other Delegate – Roy Givens – has announced he will not be

seeking reelection so Diserio has a slight advantage going into elections this spring as the only Delegate seeking election.

Diserio joins fellow Building Trades members Dan Poling (D-Wood) a member of the Painters, Dave Walker (D-Clay) and Greg Butcher

(D-Logan) Operating Engineers in the House of Delegates as well as Senator Orphy Klempa (D-Ohio) of the Carpenters.



**DELEGATE PHIL DISERIO (D-Brooke) was appointed to the House of Delegates by Governor Earl Ray Tomblin to replace a vacancy. He will run for election this spring.**

## TEXT OF SENATE RESOLUTION NO. 12

Encouraging corporations engaged in the Marcellus Shale industry in the State of West Virginia to endorse a set of operating principles to be known as the “Marcellus Principles” in the shale industry.

Whereas, Marcellus Shale is one of the largest sources of natural gas in the world with a significant portion located in the State of West Virginia; and

Whereas, Due to the vast amount of potential energy present in the Marcellus Shale, corporations have come to West Virginia to buy land, purchase leases, drill for gas, build processing facilities and

construct pipelines; and

Whereas, Many regions in West Virginia suffer high unemployment rates and, therefore, expanding businesses in the Marcellus Shale industry in these areas has the potential to provide good jobs for those workers who live near job sites; and

Whereas, West Virginia has the skilled workforce necessary to build and maintain a safe and productive natural gas industry; and

Whereas, Workers should be employed from the local area, alcohol and drug-free, well trained and paid a decent wage with benefits; and

Whereas, Every effort should be made to hire vet-

erans through successful programs such as “Helmets to Hardhats”; and

Whereas, As stakeholders in West Virginia, we believe the economic development generated by Marcellus Shale in our state should create real improvements for our local communities by raising the standard of living among residents; and

Whereas, We believe communities should have a voice in shaping the projects that depend on their human and natural resources; and

Whereas, Corporations dependent upon our local resources should conduct business in a way that brings good jobs to our communities and

protects our environment; therefore, be it

Resolved by the Senate:

That the Senate hereby encourages corporations engaged in the Marcellus Shale industry in the State of West Virginia to endorse a set of operating principles to be known as the “Marcellus Principles”; and, be it

Further Resolved, That the Marcellus Principles to which corporations should commit are: (1) To employ workers from the community to fill all industry jobs, including those in drilling, construction and maintenance; (2) to be responsible stewards of the land where natural gas is extracted, processed and deliv-

ered; (3) to maintain open lines of communications with stakeholders in order to ensure the safety and security of communities in which the industry is operating or developing operations; and (4) to respect and apply these principles with integrity and transparency; and, be it

Further Resolved, That corporations in the Marcellus Shale industry should demonstrate their commitment to the Marcellus Principles with a written endorsement, signed and dated, that sets forth the Marcellus Principles and their commitment to it.

(Adopted on 2/10/12.)

**PSC LET'S TRADES INTERVENE****BAD DECISIONS BY DOMINION-HOPE GAS  
MAY COST CUSTOMERS MILLIONS**

**State Building Trades experts have uncovered that month after month Dominion-Hope has been losing money with risky natural gas deals.**

And after months of delay the state Public Service Commission is allowing the State Building Trades to bring this data into the process where Dominion-Hope is asking

ratepayers to pay extra because of the losses.

The evidence shows Dominion-Hope's use of hedging – fixed price advanced purchases – has cost money for years.

Each month Dominion-Hope purchases part of their natural gas through fixed price contracts and relies on the open market for the rest.

But time after time the fixed price deals have turned

out to be costly mistakes – to the tune of \$14 million since July of 2006.

Dominion-Hope expected gas prices to rise but instead they have fallen to some of the lowest prices in years.

Now Dominion-Hope is seeking a 34 percent increase in their allowed gas purchasing cost, which is a large portion of the cost customers pay.

The PSC granted the State

Building Trades the right to intervene in an order dated January 27, some five months after the Trades first asked to get involved.

Dominion-Hope had tried to block the Trades involvement.

Thousands of comments opposing the increased rates have been sent into the PSC.

The PSC also set up public hearings in March in Clarksburg.

Then there will be an evidentiary hearing on March 13-14 before the PSC in Charleston.

The PSC will hold Public Hearings at 1 p.m. and 7 p.m. on Tuesday, March 6th at the Village Square, Grand Ball Room, Rt. 19 South, Clarksburg.

**WORKERS COMPENSATION CONSORTIUM  
HOLDS THIRD ANNUAL MEETING**

**A labor-management effort at improving workers compensation for both workers and businesses reported much success at their annual meeting held January 25.**

The group is called the WV Workers Compensation Consortium and is now in its third official year of operation but has been a work in progress since West Virginia privatized workers compensation in 2005.

At the meeting a review of claims and expenses from the first year of operation revealed better than expected results. When the results are finalized this spring the group will then decide on what to do with the surplus left over.

In addition a review of all activities to date show that as a group the contractors and workers outperform the industry averages by far.

The idea is for contractors and workers who are already working together in areas of safety, drug testing, health care and pensions, to also cooperate in the workers compensation area.

The group quickly learned what it had suspected all along; union contractors are safer than their nonunion counterparts but are paying more for workers compensation insurance.

“Higher wages mean higher premiums but not higher risk,” said Jim Cerra, Executive Director of two local contractor associations and a founding member of the group.

By banding together the group formed its own insurance system with the help of Union Labor Life Insurance Company, a union oriented insurance company.

Also involved is RoundStone Management LTD and Wells Fargo Disability Man-

agement.

Representatives from labor, management and each of the insurance partners meet regularly to review accident data, claims numbers and general policy.

Key to the program is

making sure contractors pay attention to their safety responsibilities and if there is an accident that workers are treated quickly and fairly.

“We want to make sure injured workers get quality care fast,” said Lesly Messina,

ACT Research Director who also plays the role of troubleshooter for the group.

“Getting all the folks talking together is simple but has a big impact on the outcome.”

The group has 28 participating contractors.



**DON MCCULLY OF RoundStone Management LLC gives a financial report to the annual meeting of the WV Worker Compensation Consortium held in January.**

## SESSION

*CONTINUED FROM P. 1*

ginia and some members of the legislature.

Those opposed claim it is a wasted effort that has nothing to do with safety.

The proposed legislation would require contractors on public funded projects to show their workforce has taken the OSHA 10 Hours safety class for construction.

The bill, S.B. 37, did pass the Senate Labor Committee thanks to Chairman Jack Yost (D-Brooke) but must go through the Government Organization Committee before being voted on by the entire Senate.

"We never claimed it would solve all problems," commented Scott Brewer of

the Carpenters. "But it makes sense to support safety, it can save lives and money."

A bill to stop the practice of bid-shopping is also getting attention. S.B. 36 would require general contractors to list their sub-contractors soon after the bids are submitted.

Bid-shopping can occur after the bids are submitted by pitting sub-contractors against each other to lower their price.

But cut pricing does not help the tax payers after the bids are in, it only would result in more profit for the contractor and has the potential to hurt the project.

The State School Building Authority and a number of other states have used the provision for years. "The SBA has had this policy in

place and it works to keep the quality of projects up and the competition focused on bid day and not after," said Steve Burton, Business Manager of the Tri-State Building Trades.

The Operating Engineers are working to update the crane certification law to comply with new OSHA regulations.

H.B. 4422 passed out of the House Government Organizations Committee and was set to pass the full House of Delegates as the ACT Report went to press.

The changes will ensuring those who have a current West Virginia crane operator certification will also be in full compliance with OSHA regulations that go into effect in 2014.

The anti-union measure

called Right-to-Work was introduced and got some attention because of the recent passage in Indiana. Senator Karen Facemyer (R-Jackson) took the floor during the Senate session to promote the bill but was challenged by Senator Orphy Klempa (D-Ohio).

Klepma pointed out the law has not improved economies in other states as promised but instead is tied to lower wages, fewer workers with

health care and hurts workers abilities to join unions.

Ironically Sen. Facemyer was the only senator who refused to sign a resolution that encouraged local hiring and responsible practices from companies involved in the Marcellus Shale industry.

The Resolution passed the Senate on February 10.

The legislative session ends at midnight on March 11.

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

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## EXTENDED UNEMPLOYMENT LEGISLATION IN DOUBT



**IBEW Local 466 member Paul Monroe takes part in a press conference promoting the extension of unemployment benefits. The event was held at the state capitol on Friday, February 10 but was aimed at Washington DC legislators who are debating the issue.**

**It is estimated that thousands of West Virginians will lose unemployment benefits if an extension is not approved. The group made the points that people want jobs not unemployment, but they need a safety net for tough times like we currently have.**

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1925 Murdoch Avenue  
Parkersburg, WV 26102  
(304) 485-1421 fax 485-1487  
toll free 1 888 524-1421

600 Leon Sullivan Way, Suite 101  
Charleston, WV 25301  
(304) 344-0194 fax 344-0195  
toll free 1 877 593-6093

reception@uniontradesfcu.com