

**BEFORE THE ACTING EXECUTIVE DIRECTOR OF
WORKFORCE WEST VIRGINIA**

**IN THE MATTER OF:
THE APPEAL
OF ASSOCIATED BUILDERS AND
CONTRACTORS, INC.**

NOTICE OF HEARING AND ORDER GRANTING INTERVENTION

You are hereby notified that on **December 16, 2015 at 10:00 a.m.**, the Acting Executive Director of Workforce West Virginia, by and through his designee, administrative hearing officer Robert Smith, will convene at **1321 Plaza East, Suite 101, Charleston, West Virginia**, for the purpose of conducting an administrative hearing on the objections of the Associated Builders and Contractors, Inc. to the methodology used to calculate prevailing wage rates in West Virginia. Such hearing shall be conducted pursuant to the authority set forth in West Virginia Code § 21-5A-11 and 96 W. Va. C.S.R. 4.

At the hearing the objecting party has the burden of proving that the methodology employed by Workforce to determine the prevailing wage is clearly wrong or arbitrary and capricious, and further that the objecting party's recommendations would improve the current methodology.

Further, by correspondence dated November 24, 2015, the West Virginia State Building and Construction Trades Council, AFL-CIO ("AFL-CIO"), moved to intervene in this appeal. The AFL-CIO's Motion to Intervene is hereby **GRANTED**. The AFL-CIO may fully participate in this matter as an interested party.

The parties may appear at the hearing in person and/or may be represented by legal

counsel licensed to practice law in the State of West Virginia. The parties may call witnesses, introduce documents into evidence and cross-examine witnesses. The hearing will be recorded and transcribed by a court reporter. In accordance with 96 W. Va. C.S.R. 4, § 4.9., the Acting Executive Director shall issue a decision within fifteen (15) days of the conclusion of the hearing.

ISSUED THIS 4 DAY OF DECEMBER 2015.

A handwritten signature in blue ink, appearing to read "Russell Fry", is written over a horizontal line.

RUSSELL FRY
ACTING EXECUTIVE DIRECTOR