

THE ACT REPORT

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A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

APRIL, 1994

150 To 200 Wood County Jobs Protected

\$150 Million Project OK

In a dramatic turn around a \$150 million hydroelectric plant slated for Belleville in Wood County was saved from cancellation.

Opponents of the project had successfully passed legislation during this year's session designed to kill it. All that was left was Gov. Gaston Caperton's signature.

But local building trades members led by Earl Johnson,

business representative of Carpenters Local 899, would not give up without a fight.

In a last ditch attempt to save the project, Johnson organized a picket of the Wood County Court House to let the public know their elected leaders were sacrificing jobs for politics.

This led to a series of negotiations that resulted in Governor Gaston Caperton's veto of the bill which put the project

back on line.

"We knew this was a good project and that a solution could be found, if only both sides would just sit down and talk facts, not stories," said Johnson.

At issue was the location of power lines needed to connect the hydroelectric plant to the power grid. Project owner American Municipal Power-Ohio Inc. (AMP-Ohio) had the right-of-way to bring 12 miles

of power line through Wood County. But local residents were upset that Ohio counties benefited from the project while West Virginians apparently got only the power line.

Under the agreement the hydroelectric plant owners will re-route the power line to cross the Ohio River and only run 2,500 feet on the West Virginia side. They also will make

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ACT Research Bags \$437,000 In B&O Taxes For Charleston

Did they cheat or just forget? You decide.

When nonunion Haskell Company won the bid to build the new post office mail sorting facility in Charleston two years ago they didn't have much use for local workers.

Instead they brought an assortment of out-of-state contractors and workers to build the \$19 million project.

Going on the hunch that contractors who are unfair to workers may cheat in other areas, ACT has been watching this company for months.

Last month they hit pay dirt when ACT research assistant Pauline Hanson discovered the company never paid their Business and Occupation (B&O) taxes to the city.

At first local tax collectors were reluctant, telling her that they could not enforce the tax laws on federal projects. Hanson knew this wasn't true and pushed on.

She collected a letter from Senator Robert Byrd detailing the obligations of private companies to follow all local laws

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MARCHING FOR WORKERS' RIGHTS as part of the "Resurrection Day for Labor" parade are members of the Tri-State Building and Construction Trades Council. They joined thousands of workers from across Kentucky on March 15 at the State Capitol in Frankfort to "remind corporate bosses that the people are the boss." Organizers called it the biggest workers rally since a mock funeral of "Kentucky A. Worker" in 1980.

B&R Tries To Delay Union Vote Again

"We will never give, we have no where else to go!"

That's what Charleston Building and Construction Trades Business Manager Bubby Casto said last week when asked about Brown & Root's latest attempt to defeat

the Councils organizing drive. Casto, along with organizer Steve Midkiff, continue to lead the fight in the Kanawha Valley against the chemical giants and Brown & Root.

And the fight is far from over. Midkiff and laid-off Brown

& Root workers picketed the National Labor Relations Board in Washington, DC last month and put tremendous pressure on the NLRB to set a long overdue election for local workers.

Brown & Root fired back

with a letter to all employees announcing a change in company practices. According to Brown & Root Division Construction Manager Dean Stagner, "the scope of the work has changed considerably..."

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Coalition Seeks Full Safety/Environment Audit Of Institute's Rhone-Poulenc Plant

On April 10, a coalition of environmental, community and labor groups held a meeting to push forward on the call for a complete safety and environmental audit of Rhone-Poulenc's Institute facility.

The sponsors were West Virginia State College, People Concerned about MIC, the West Virginia-Citizen Action Group, the West Virginia Environmental Council and the ACT Foundation.

The groups issued a petition demanding the audit be undertaken at the company's expense, and by investigators chosen by a committee established by the community and West Virginia State College.

The petition also demands that additional audits be undertaken at established time intervals or whenever Rhone-Poulenc seeks a permit change required by changes in their production process.

Earlier in the week Rhone-Poulenc officials bristled at the idea of dealing with a broad

based coalition. Accusing the ACT Foundation of having a "secret agenda," spokesperson Tom Delasio tried to pick and choose which groups the company would talk with. But the coalition appears stronger and more determined than ever.

"Frankly their attempt to control the debate has made me more angry," said Gerry Beller, a faculty member at West Virginia State College.

ACT director Steve White was upset for another reason.

"We've spent thousands of dollars to get out the message that chemical companies, including Rhone-Poulenc, are putting the public at risk to make more money," he said.

"What's secret about radio, TV and newspaper ads?"

White also explained that ACT is committed to participating in the petition drive regardless of Rhone-Poulenc's use of union or nonunion labor.

"We want independent confirmation on the kind of shoddy work we've heard Brown &

Root is performing in this plant," White said. "That's a public safety issue too."

Members of the five groups will create a task force to negotiate with Rhone-Poulenc for the audit. A larger committee will then be established to oversee the audits.

The idea of independent audits is not new to Rhone-Poulenc. At its Manchester, Texas, plant a similar agreement was reached with local

activists in 1992. After the May 20, 1993, chlorine leak Kanawha Valley groups asked plant manager Van Long for the same and were turned down.

The day after the August 18th explosion Rhone-Poulenc agreed to an independent review of their investigation.

However, some involved with the review were disturbed by the lack of direct answers to their many questions.

In February OSHA con-

firmed the suspicions of many by fining Rhone-Poulenc \$1.6 million for multiple willful violations of the law.

OSHA also said Rhone-Poulenc's investigation was inaccurate, leaving many to wonder whether the company could ever be trusted again.

OSHA investigators also said Rhone-Poulenc tried to boost production of the Larvin unit, but didn't make sure the changes could be made safely.

Few See Behind-The-Scenes Everyday Workings Of ACT

The public can see the advertising and hear about the legislative support that ACT is involved in, but they're unaware of the day-to-day work that must take place before any real progress is made.

ACT is continually providing behind the scenes services which are the basis for much of the work the foundation does.

"They don't see our efforts to police the industry, or the huge number of little details we take care of," said Tim Millne, ACT's fair contracting representative.

"We do more than check payrolls."

Among the services provided by ACT is the constant day-to-day checking on projects and companies.

For example, when a new contractor shows up to bid a project, many business agents want more information.

ACT can find out if this company is registered with the Secretary of State, who are their corporate officers, their address and if they are in good standing.

"We start with the Secretary of State and then we check on

for taxpayers (See related story on Page 1).

Agencies And Permits ACT Checks On Projects And Contractors

- Secretary of State's Office - properly registered and up to date.
- Office of Worker's Compensation - registered or delinquent.
- DOL - verify contractor licenses and wage bonds.
- OSHA - safety violations.
- Finance & Administration - vendor's license for public works jobs.
- Real Estate ownership.
- Federal or county - liens, lawsuits.
- Project/contractor tracking database.
- Building permits.

"Pauline can snoop out information on just about anything," Millne commented.

One of ACT's most important resources is its database of all construction jobs in the state.

ACT tracks every piece of information it can find on the construction industry, such as all of the contractors, company owners, architects and the projects and awards they are involved in.

"Tracking that information gives us

statistics that union leaders use to make daily decisions. For instance, those statistics show where the work is; who's getting it; what combinations of architect/contractors appear the most often; how contractors are winning bids; and what types of work have no union competition," said ACT Director Steve White.

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Charleston B&O Taxes

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when working on Federal projects. With the letter in hand, she returned to city tax collectors who went on to collect \$437,000 in taxes.

"It's not right to make our local contractors pay these

taxes but not collect them from out-of-state contractors," said Hanson. "Companies that come in here, take our money and won't use local people, don't care about the community and shouldn't be allowed to take advantage of us."



"MA'AM, I NEED SOME INFORMATION," says Pauline Hanson, ACT's research assistant daily. Her work saves taxpayers thousands of dollars in lost taxes.

B&R Says It's No Longer Construction

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The company asked the NLRB on March 12 to reopen hearings on the election. They claim their work has shifted to 'maintenance and production' instead of construction work.

That comes in spite of a Rhone-Poulenc spokesman announcing Brown & Root would be part of a \$10 million contract to rebuild the Larvin Unit. This is the same unit that exploded last August, just weeks after Brown & Root completed a major overhaul.

"It's just a smoke screen to delay the election and stop local laid-off workers from voting," said Midkiff.

The building trades are still fighting at the NLRB for the "Daniels Ruling" which gives laid off workers the right to vote. If the NLRB decides

Wages Victory

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The handbilling turned up complaints from three employees, who were then sent questionnaires.

ACT gave its information to the Department of Labor. The company was audited by the DOL and mis-classification errors were found. Millne said the company agreed to pay the workers back wages, so there was no official violation.

Behind

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White said the tracking system helps to move unions out of "crisis-to-crisis" decision-making into planned strategy by giving the leadership more information to make better and more informed decisions.

"For example, our tracking has identified waste water treatment facilities as a lot of work, but few union contractors bid them. The solution is to get more union contractors to bid and to organize the non-union ones," White said.

against it, 1,000 to 1,500 workers won't be able to vote.

"We sure don't want them left out," Midkiff commented.

After getting a copy of Brown & Root's request to the NLRB to reopen hearing the Charleston Building Trades ran a full page ad pointing out that the latest move by Brown & Root is aimed not only at con-

struction workers but maintenance and production workers as well.

"We just took direct quotes from Brown & Root's own documents. They said they were no longer planning to do construction work, just maintenance and production," said Casto. "We want those im-

plant workers to know that it's the chemical companies that call the shots and they won't stop until they bust every union in this area."

"It's clear someone is lying, there will always be construction work at these plants" Casto continued. "Rhone-Poulenc just said Brown & Root had the Larvin rebuild. Union Carbide has applied for environ-

mental permits for two major projects. The bottom line is construction has gone on at Carbide, Dupont and Rhone-Poulenc, for years, and will keep on going."

"Brown & Root and the chemical companies are getting caught in their own lies," said Bill Thomas, ACT's industrial representative.

"We are sending this information across the country and have been getting tremendous response, not only from building trades folks but national industry news people as well."

According to sources at the NLRB the Charleston Building Trades petition is on the "fast track" and a decision is expected soon.

Steve Crum Gets P-Burg Council Job

The Parkersburg-Marietta Building and Construction Trades Council has chosen their organizer Steve Crum, as the new Business Manager to succeed John Seafler.

Seafler had been the business manager since the Council was formed in 1980 and retired this March.

An election for the position will be held next year.

Crum has been a member of the International Brotherhood of Electrical Workers Local 972 of Marietta for 14 years.

As organizer Crum worked mostly with commercial projects. In the new position he will also deal with industrial contracts and contractors.

Crum said he wants to create a better 'first-name basis' relationship with the industrial users.

"I hope to build an on-going relationship with them, so that every time we meet, it isn't controversial," he explained.

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**OUR JOBS ARE
KILLING US**

**Fight for the Living
Workers Memorial Day
Thursday
April 28, 1994**

6 p.m.

**Former Owens-Illinois Plant
Huntington**

PLEASE BE THERE!

**For More Information Contact
Joe Powell, President
West Virginia Federation of Labor, AFL-CIO
(304) 344-3557**

Johnson Was Key In Saving Jobs

Continued from page 1
annual payments to Wood County in lieu of local taxes according to Kenneth Hegemann, AMP-Ohio president.

"There was too much posturing and not enough problem solving," commented Johnson. "This is an important project for local construction workers and an environmentally safe way to produce power. But some politicians were trying to make this a campaign issue rather than being leaders and looking for a solution."

The ACT Foundation became involved in the project in April of last year, according to Bill Thomas, ACT's industrial representative.

"From the beginning we wanted to make the point there was something for West Virginians in this, and that was jobs for construction workers. We wanted our issues in the debate," Thomas said.

The bill would have required plants owned by municipalities outside the state to pay certain business and property taxes, taxes that municipally owned power plants in West Virginia are exempt from.

The tax legislation would have cost an extra \$3.2 million a year not planned on when the project was put together. In-

stead, AMP- Ohio agreed to pay the Wood County Commission beginning Sept. 1, 1998, \$800,000 per year.

The agreement also includes

Thomas said credit for pushing the project through should go to Earl Johnson.

"If Earl had not fought for this project almost every day

ing them not to let the project die, and he should be recognized for taking it on the chin for the labor unions in the area who will have people working

help with continued survival of local unions in the Mid-Ohio Valley," Thomas said.

According to Thomas, Johnson was key to keeping communications open with AMP-Ohio, the Building Trades and ACT.

"My interest and involvement in the project began when Bill Thomas, Dick Ullum, (Millwrights 1755 of Parkersburg) and I visited the AMP-Ohio office in Westerville, to discuss it," Johnson said.

"We talked with Ken Hegemann and the project planning engineer, Phil Meier. After that meeting, I wanted to see the project come to fruition."

Johnson said ACT and Roy Smith at the State Building Trades definitely had an effect on the turn of events.

"They were always available in Charleston to meet with AMP-Ohio or the governor. I know the strength of ACT had an effect on state lawmakers being willing to listen and to compromise on that tax legislation. The project would have been cancelled if the Governor had not vetoed that bill."

"I'd also want to thank all the building trades people who helped save this project.

"It came down to the old-fashion tactic of hitting the streets, and if our members were not there we would be left with nothing."



ATTENDING A PUBLIC MEETING are citizens of the Belleville area who were concerned about the new hydroelectric power plant slated to be built.

payments to be made during construction in the amount of \$125,000 on Sept. 1, 1995, \$150,000 on the same date in 1996, and \$250,000 on Sept. 1, 1997.

for the last year, it would never be built," he said.

"Earl has taken a lot of bad publicity and accusations by Wood County politicians. He should be credited for persuad-

on the project," he said.

According to AMP-Ohio there will be 150 to 200 jobs at peak construction.

"That many will have an effect on the local economy and

ACT Wins More Back Pay

The latest victory for the prevailing wage program involves Radford and Radford Construction Co. of Beckley.

The contractor didn't make any admissions . . . but it paid up anyway.

ACT had been responsible for getting almost \$6,000 in back pay awards from the company on a school project in Summersville last year.

Radford and Radford was recently awarded the \$6 mil-

lion contract for the Sophia Stoco School in Coal City.

"We knew they had a 'record', so to speak, of violating prevailing wage regulations, so we handbilled their employees on this project," said Tim Millne, ACT's fair contracting representative.

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Crum Gets Parkersburg Council Job

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In addition Crum wants to examine the residential market for more work opportunities for union members while he

holds the position of business manager.

"I plan to see how our members can get more employment in the residential market, which is large in this area," he said.

"A lot of the crafts have competitive rates but the contractors don't take advantage of them. They tend to focus mainly on commercial work, which leaves the residential market mostly untapped by the union workforce in our area."

Although Crum does have some changes planned for the

Council, he still has admiration and respect for his predecessor, John Seafler.

"John was dedicated to the cause of labor, he dedicated his whole life to it in one form or another," Crum said. "I enjoyed working with him for the past 3 years."

Crum said he has been using some of the facilities that ACT has to offer and likes them.

"I'd also like to thank ACT for helping to keep the Belleville Hydroelectric project alive," he added.

The ACT Report

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