



THE ACT REPORT

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B&R Fight Not Over Vows Council's Casto

After a delay of 16 months and an intense election campaign the vote for unionization at Brown & Root arrived on July 28. At the end of the day there were 427 votes for no union, 120 for a union and 287 challenged ballots.

"While their strategy may not have been legal it was effective. The vote for or against a union was turned into a vote for or against a job," commented Steve White, Director of ACT. "Holding meetings on the job, day after day, where they say Union Carbide, Rhone-Poulenc and Dupont will simply get rid of you if you vote union has a lot to do with how these men voted."

"We're not giving up," said Bubby Casto Business Manager for the Charleston Building and Construction Trades Council.

"I suppose Brown & Root thinks this is the end of our efforts to unionize them, but we're not going to just fade away."

National Labor Relations Board rules say that a one-year

wait must come between union votes.

"We've already started putting together our strategy for the next vote," Casto said.

"While the vote was lost we shouldn't forget how far we've

come and the success we've had just to get an election," commented Roy Smith, Secretary of the West Virginia State Building and Construction Trades Council. "We have received calls from building

trades people from across the country wanting to know how we got as far as we did. It's kind of like the team that miraculously makes it to the finals and then loses, you wanted to win but you should be proud you got as far as you did."

Union officials cite several reasons for the vote going against unionizing the Houston-based construction giant. Included were the 16 months delay in voting, the elimination of union supporters during the delay, the huge numbers of imported workers eligible to vote, the constant antiunion message given by Brown & Root, supervisors at the polling site, company offices for employee mailing addresses, and captive audience meetings the day before the vote.

"They've had access to these
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HANDBILLING B & R workers before the vote are (from left) Steve Midkiff, organizer for the Charleston Building Trades Council, and Gary Tillis of Laborers Local 1353.

Fairmont Teamsters Local 789 Construction Workers Join ACT

Another Local has voted to join the ACT membership. The Construction Division of Teamsters Local 789 of Fairmont voted on Sunday, July 24 to become a part of the growing Affiliated Construction Trades Foundation.

Only the construction divisions of Teamster locals are asked to join ACT. Fairmont

Local 789 has around 50 members in that division, with about 35 of them working right now.

The local has two business agents -- Tom Springer and John Vanhorn.

Springer said the local's jurisdiction covers an eleven county area: Marion, Monongalia, Preston, Taylor, Barber, Doddridge, Hancock,

Lewis, Randolph, Tucker, and Upshur.

The Local has a total of 870 members.

One of the big problems facing members right now, Springer said, is at Trus Joist MacMillan.

The company has recently began a practice of hiring out-of-state workers to fill jobs

that had previously gone to in-state union members.

"They're bringing in all kinds of out-of-state people. We want ACT to stop these guys from coming in and taking our jobs," Springer said.

"ACT is our only salvation on that project, the way things are going. We're stronger with

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Hire Local ACT Tells Restaurant

ACT recently attacked the Red Lobster restaurant chain for not hiring enough local workers to build its new branch in Parkersburg.

The electronic sign outside of Millwrights Local Union 1755 in Parkersburg was used to flash the message "Red Lobster Unfair to Local Workers" at motorists driving west bound on Camden Avenue.

ACT bought the sign last year for just such a use.

"We just want to inform the public that their neighbors who are in the construction industry and their families are being denied opportunities to build the same restaurant they will be asked to patronize," said ACT Director Steve White.

The company claims the majority of workers are local, but ACT believes that's untrue.

The general contractor, Fortney & Weygandt is from Ohio, the HVAC contractor from Alabama, and glass, electric and carpentry contractors are also reported to be out-of-state according to Steve Crum, business manager of the Parkersburg-Marietta Building Trades Council.

According to White the Appalachian Regional Commission, a federal agency that funds infrastructure development in West Virginia, defines local workforce as - at least 80 percent of the workers must live 75 miles from the job site.

Red Lobster admits it's been attacked in the past for similar reasons.

"We have plenty of local contractors that can do the job," White said.

"I can't believe it's cheaper to have someone come from Alabama unless you pay slave wages, no taxes and no workers compensation.

"We will continue to inform the public about Red Lobster."

'Local Workers, Companies Not Given Fair Chance'

ACT Presses For Face-To-Face Meeting On Upshur Wood Plant

The ACT Foundation pressed on for a face-to-face meeting with representatives from Trus Joist MacMillan (TJM) regarding the construction of a new \$85 million wood plant in Upshur County.

Over 100 people, mostly from Buckhannon, attended a

meeting July 26 at Buckhannon-Upshur High School. ACT northern representative Steve Montoney called the meeting to openly disclose what he termed as "workers and companies not being given a fair chance to either apply or bid on jobs at the TJM worksite."

In May, Trus Joist MacMillan broke ground to begin construction of the plant. Since that time, two small contracts have been awarded to companies in Charleston, and Fairmont, but trade associations across north central West Virginia were denied access

to bidding on the contracts. In addition, there has been no clear policy established by TJM as to how workers in Buckhannon can apply with either contractors or TJM.

Montoney said after the meeting that ACT will press on to try to convince Trus Joist MacMillan officials to meet and discuss future jobs and the awarding of contracts.

"All we have been asking all along is to simply discuss the matter," Montoney said. "To this point, we have received no response from TJM. We have been trying now for nine months."

ACT is also questioning the environmental impact the plant will have. TJM has already been cited for burning tires and pumping mud into a tributary of the Buckhannon River. ACT has filed suit to challenge the Idaho-based company's Air Quality permit and the amount of pollution which will be released at the plant.

Montoney also noted a failure of any elected officials to step up and assist in the effort to arrange a meeting between union representatives and the company.

The County Commission outright refused to get involved, which is "sheer neglect of its elected responsibilities," Montoney said. "We also haven't heard from city government leaders or any state representatives. The workers in buckhannon feel that government representatives have let them down."

Montoney also said that Frank Moots, Director of the Upshur County Development Authority, has confused everyone with his involvement in the project.

"Mr. Moots portrays the im-



TAKING JABS AT TJM is a cartoon used for handbilling and advertisements in the Trus Joist MacMillan campaign. The Clarksburg company refuses to meet with ACT.

ACT Behind Cease, Desist Order At Learning Center

ACT was behind a recent cease-and-desist order given in late July to American Plus Environmental Corp., which was working on the James Paige Learning Center in East Wheeling.

American Plus Environmental had been hired to demolish the Butts Apartment Building to make way for the Lind Street

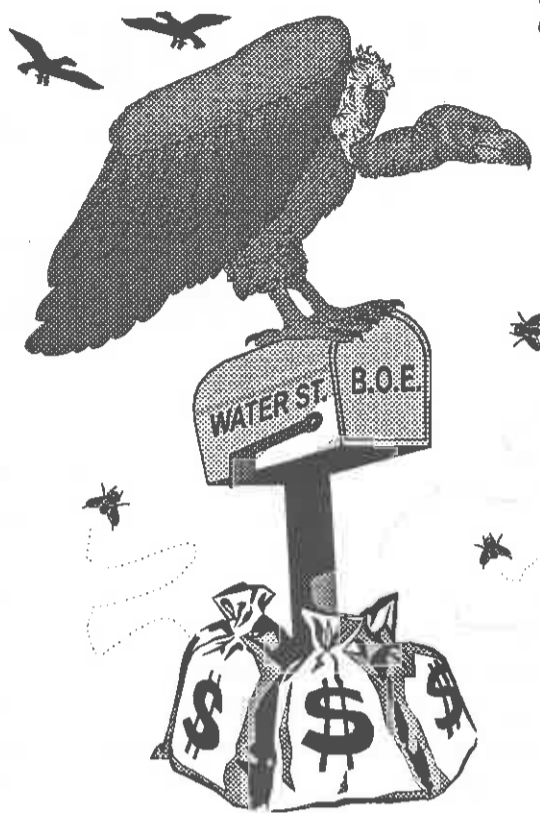
Commons Housing Development, a part of the Learning Center.

ACT discovered that the Niles, Ohio-based company was without a city building permit, a state contractors license, secretary of state registration, a business license and a wage bond. The Division of Labor was notified, who then

gave the order for work to stop.

"We're supporters of this project but we just don't understand why illegitimate contractors are getting taxpayer funded work", said Bo Means, organizer for Operating Engineers Local 132. Means, together with Pauline Hanson of ACT uncovered the numerous

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"Something's Rotten!"

The Harrison County Board of Education doesn't have receipts for money it spends on school construction.

WHY?

It's your right to know how public funds are spent!

ACT FOUNDATION
ENSURING FAIRNESS FOR ALL
WEST VIRGINIANS
(304) 624-0682



DEMANDING INFORMATION is a billboard in front of ACT's Clarksburg office. ACT is involved in a battle with the Harrison County Board of Education, located on Water Street in Clarksburg, about how money was spent on the Robert C. Byrd High School. Despite ACT's numerous Freedom of Information requests, the Board refuses to require its contractors to collect certified payrolls. ACT continues to pursue the matter.

By State 'Environmental Protection' Agency

Pulp Mill Dioxin Level Raised 10 Times

State permits issued in early August allows the proposed Mason County pulp and paper mill to discharge 10 times more dioxin than a draft permit made public earlier this year.

David C. Callaghan, director of the state Division of Environmental Protection, ordered the change because of

what he said was a mistake in state pollution regulations.

ACT is critical of the \$1.1 billion project alleging there has been a lack of commitment from the company to hire local workers.

"There's no question, the technology exists to build this facility with local, skilled

workers and dioxin-free," said ACT director Steve White.

The fact that two of the mill's three permits were issued late on a Friday and then copies of the permits were not released

to the public until after 4 p.m. on Monday, caused a lot of complaints.

DEP Water Resources Chief Mark Scott, engineer Dwight McClure and public informa-

tion officer Brian Farkas were on vacation, and therefore unable to answer any questions.

ACT is reviewing legal options on challenging the permits.

Edgewood Continues

The saga of the \$15 million Edgewood Summit Retirement community continues.

Previously it was reported that work on the project, located near Cato Park on Charleston's West Side, was ordered stopped because the principal builder, MW Builders of Leewood Kansas, did not have worker wage bonds.

ACT also helped expose shoddy construction.

Continued investigation has

turned up even more dirt at the project, and once again a cease-and-desist order by the Department of Labor was given.

This time it was a subcontractor, BR Brick and Masonry, Inc. of Houston, TX, told to stop work Aug. 1 for not having a contractor's license or a wage bond.

While visiting the job-site ACT's representatives were told BR Brick employed several workers from Mexico City.

Teamsters Local 789

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ACT, and have more to fight with against those out-of-state guys, as opposed to trying to do it as an individual local," he said.

"If they turn around one more job, that's one more job we didn't have."

According to Springer, his members think ACT is going to be great, as far as all the programs it has to offer, like advertising and the fair contracting division.

"ACT can check all the licenses and permits required to bid on construction projects.

Things that we don't have the time or knowledge to check on," he said.

Springer said he appreciated that his members voted for ACT.

Learning Center

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violations at the site.

The center is named after James Paige, our state Secretary of Tax and Revenue who also serves as president of the centers board of directors.

To develop the housing project, the James Paige Learning Center received about

"They showed real solidarity by backing up the local that way."

\$250,000 from the city of Wheeling and more than \$800,000 from the West Virginia Housing Development Fund.

The Center also received about \$100,000 as a federal housing grant from the Department of Housing and Urban Development.

Building Trades Already Making Plans For Renewed B&R Organizing Drive

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men on the job, and their addresses for mailings, ever since the workers asked for a vote. We've only been able to contact them through advertising. The mailing list we received from Brown & Root six weeks before the election changed ten times before the vote was held," said Casto.

Brown & Root employees at DuPont, Carbide, and Rhone-Poulenc asked federal labor officials to hold a union election in April 1993. At that time there were about 600 workers.

The National Labor Relations Board (NLRB) requires at least 30 percent of the workers signed union authorization cards for an election to be held. These requirements were easily met and never questioned.

In months of hearings before the NLRB, Brown & Root stalled the election by arguing that supervisors and clerical staff be allowed to vote.

Many of these people were excluded at the hearing but a number of individual cases went to the NLRB headquarters in Washington, DC, to be decided.

At its peak, B&R employed 1,300 workers in the Kanawha Valley. But that number dropped dramatically as capital projects were finished and is likely to decrease even more.

Many former Brown & Root employees were eligible to vote because of the on-again off-again cycle of construction work. A complicated NLRB

rule called the Daniels Formula determines who votes.

Of the 287 challenged ballots, about half were due to the

by local media. Area television stations staked out Union Carbide's Institute plant, the final voting place and where

workers in Kentucky.

The NLRB's Region 9 office in Cincinnati issued a five-page complaint against the non-union construction giant.

Brown & Root "has been interfering with, restraining and coercing employees in the exercise" of their rights under federal law to join a labor union, the complaint alleges.

Brown & Root was hired by Kentucky Utilities Co. to build scrubbers at its Ghent power station between Louisville and Cincinnati, according to Bill Londrigan of the Greater Louisville Building and Construction Trades Council.

The trades council was upset that the utility, which had previously hired union con-

struction workers, contracted out to Brown & Root for the scrubber project.

The NLRB complaint, issued Monday after charges were filed by Local 369 of the International Brotherhood of Electrical Workers, alleges that Howard Moss and Kevin Williams, Brown & Root electrical supervisors, threatened employees with discharge for engaging in union activities.

The complaint also lists 121 employees who Brown & Root refused to hire because they "joined, supported, or assisted the union or other labor organizations and engaged in concerted activity for the purpose of collectively bargaining or other mutual aid or protection."



SHOWING SUPPORT for their union brothers in West Virginia are members of the Louisville (Ky.) Trades Council. They picketed outside the Kentucky Utilities Facility at Ghent, Ky., in an effort to reach B&R workers who may have worked in the Kanawha Valley.

union identifying Brown & Root supervisors. Many of these were already excluded in earlier NLRB proceedings but Brown & Root simply added their names again. Brown & Root challenged every person the unions requested a ballot for. For the most part these were laid-off workers who Brown & Root left off the voting list.

In spite of the chemical companies down-playing the vote, there was massive coverage

the tally was counted.

"We're glad that the general public became aware of what we're doing. This is a long fight, and we're in it all the way," said Casto.

NLRB Charges

In a related matter, Brown & Root is coming under fire in another part of the country for its antiunion activities. A week after the vote here the company was charged by the NLRB with discriminating against union

TJM Face-To-Face

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age of a man wanting to work for the public good, but the truth remains that he has misled the local workforce with his statements, Montoney said.

"One minute, he says to bring the applications to his office. Then he turns around and says they should be sent directly to Trus Joist MacMillan.

He also has inside information regarding the bidding of contracts that he has chosen not to share with local companies. That is wrong, and unfortunate to those workers who are look-

ing everyday for opportunities to provide for their families.

"As a matter of record, we do not want to stop the construction of the new wood plant," Montoney continued.

"Our requests are simple. We want straight forwardness and cooperation, meetings with the management and an exclusive preference in the hiring of local West Virginians."

An advertising campaign intended to educate the public and rally support against the unfair hiring practices of TJM began Aug 1.

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