



# THE ACT REPORT

VOLUME 3, NUMBER 11

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

NOVEMBER, 1994

## ACT Uncovers More Hospital Problems; Grant Project Was Negotiated, Not Bid

Last month the ACT Report noted serious problems at the Pocahontas County Hospital project.

This month, the problem is with Grant County Hospital.

Both projects are funded with public money but prevailing wage rates and open bidding procedures are not always followed.

"When I checked the Grant County Hospital project on June 3, the hospital administrator was negotiating with the architect, Sheretz Franklin Crawford and Shaffner, Inc., of Roanoke, Va., to do the architecture," said Steve Montoney, ACT's northern representa-

tive.

"Then we got a report that Howard Shockey & Sons of Winchester, Va., was the apparent low bidder for the renovations and construction of the new facility.

"But there was one problem. The project may not have been put out to bid."

Montoney said when he questioned the lack of a bidding process he was told it was "a competitively negotiated contract."

Involved in both the Pocahontas and Grant County projects is state Senator Walt Helmick.

"I'm disappointed that the county commission is giving our work to out-of-state companies

when unemployment is 10 percent in Grant County," Montoney continued.

"Local workers need those jobs. It's our tax money that is being used against us. Our people are forced to leave their families behind to find work in other areas."

The Grant County hospital is being built with \$2.4 million raised from a local tax levy and is on county commission property.

"Obviously, this is a public project that should be put out to bid," Montoney said.

"We want local workers on this project and we want to make sure that prevailing wages are paid as the law requires."

## COPE Candidates Win, Losses Hurt

The great majority of AFL-CIO COPE endorsed candidates won in West Virginia's General Election held Nov. 8th

*Outcome Of AFL-CIO COPE Endorsements On Page Two*

-- but several key ACT supporters went down to defeat.

In all, 10 of 15-endorsed COPE candidates for the State Senate won election. In the

House of Delegates, 41 of 61 COPE-endorsed candidate won election.

The House winners included two building and construction trades union members, Gary Otho Tillis of Putnam County and incumbent Delegate Larry A. Linch of Harrison County.

But long-time Delegate Steve Cook, business agent for the Laborers in Monongalia County was handed a surprising defeat in a surprising General Election.

The damage to ACT was especially harmful in the State Senate where leading supporters, Kanawha County Senator James Humphreys and Taylor County Senator Mike Withers, were defeated. Both are Democrats and both were beaten by conservative Republican opponents.

And John Huntwork, a Cabell  
*Continued on page 2*

### \$4.5 Million Project

## State Trades Council Protests No Local Workers on Hotel Job

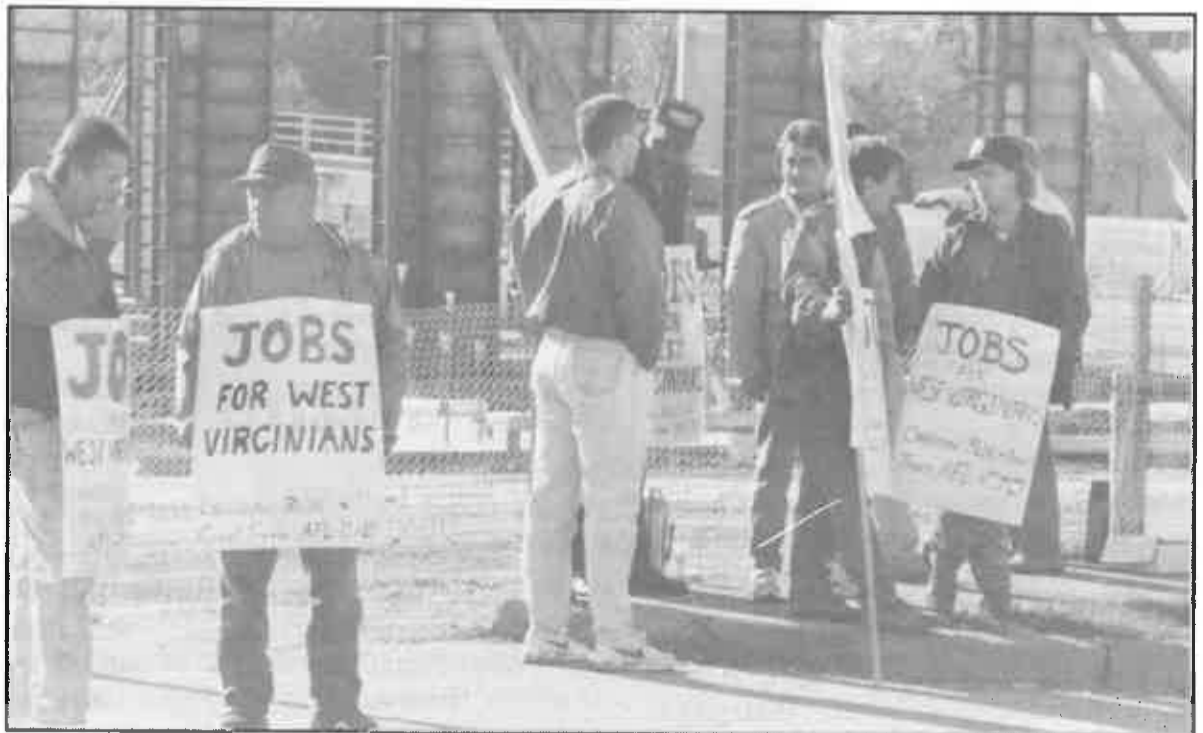
The Charleston Building and Construction Trades Council staged a series of protests beginning Nov. 3 over the new

Hampton Inn going up in Charleston on Virginia Street.

More than 100 building trades members showed up at

the job site at 7 a.m. on the first day of the protest.

The council is protesting the  
*Continued on page 4*



**DEMANDING ANSWERS** and informing the public about the lack of West Virginia workers on the Hampton Inn project in Charleston are more than 100 members of the Charleston Building and Construction Trades Council. Additional photo on page 4.

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# Election Results

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County Democrat who was seeking election to the Senate after having served in the House of Delegates, also was defeated by a conservative, business-oriented Republican.

Humphreys and Withers had sponsored ACT's Community Protection Act during the past two legislative sessions.

Additionally, both had been instrumental in blocking legislative action on what ACT labeled the "Cancer Creek Bill" which would have allowed out-of-state industrial corporations to dump up to eight times more cancer-causing chemicals in state streams.

Huntwork was a key player on behalf of ACT in the joint Legislative Rule Making Review Committee which voted to reject the Cancer Creek legislation proposed by the state Water Resources Board. Huntwork led the opposition against Cancer Creek in the

House of Delegates.

The loss of Humphreys, Withers and Huntwork in the Senate, and Cook and several labor-backed Democratic incumbents in the House, was especially harmful to organized labor programs in a Legislature now having a strong pro-business tint.

"ACT, all of organized labor and the working men and women of West Virginia suffered a setback," said ACT Director Steve White.

"The building and construction trades needed Steve Cook's experience in the House. Now that task falls heavily to Linch and Tillis."

White said the election's outcome was a strong indication that workers must become more involved in West Virginia's electoral process.

"We can't sit back and expect our rights to be protected and our needs to be met," he said. "If we do that, they won't."

# ACT Appeals Mill's Permit, DEP Asks New Dioxin Study

'Build it with local people and environmentally safe' is what ACT has been advocating ever since the pulp and paper mill was proposed for Apple Grove.

Recently, ACT scored a victory on the environmental issue.

After an appeal by ACT, and urging of the U.S. Environmental Agency (EPA), the state Environmental Quality Board suspended a water pollution permit for the proposed Mason County pulp mill.

The action came after the state Division of Environmental Protection asked for a delay of two months or more in hearings on an appeal of the permit so the agency could finish studying current dioxin levels in the Ohio River at the Apple Grove mill site.

Hearings on the appeal were

scheduled to begin Nov. 17.

ACT attorneys charged during the appeal process, that the DEP made a number of technical errors in the permit.

According to ACT scientists the DEP made a tremendous error. By allowing so much pollution into the Ohio River, all aquatic life could be killed off.

Also at issue was whether there is already too much dioxin in the Ohio River at the Apple Grove mill site and whether the mill would add to those water pollution problems.

ACT submitted comments during the second public comment period that ended Oct. 31 about the errors the DEP had made on the water quality modeling on which the permits for the mill were based.

According to ACT Attor-

neys, the water quality modeling performed by the Office of Water Resources was incorrect and resulted in a permit that will not maintain water quality in the Ohio River.

"They assumed the Ohio River is free-flowing rather than a controlled river with a series of locks and dams," said ACT attorney Stuart Calwell.

"The model predicts a water depth of the Ohio River of only about three and one-half feet."

In fact, the Ohio River is a controlled river and the US Army Corps of Engineers maintains minimum river depth of about 20 feet.

"The problem with saying there is three to four feet of water when there is really 20 feet results in a significant overestimate of the rate at which oxygen is replenished in

Continued on page 4

# AFL-CIO COPE ENDORSEMENT RESULTS

\* Indicates Building & Construction Trades Union Member

## State Senate

District 1  
Edwin J. Bowman

District 2  
Don Macnaughtan

District 3  
Karl Burdette

District 1  
Sam Love

District 2  
Tamara H. Pettit

District 3  
Roy E. Givens

District 4  
Talmadge Hutchins

District 5  
Cynthia R. Spillers

District 6  
Kern Fucker

District 7  
Scott G. Varner

District 8  
Ira Stone

District 9  
J.D. Beane

District 4  
Oshel B. Craigo

District 5  
John C. Huntwork

District 6  
H. Truman Chafin

District 11  
Susan Beard

District 12  
Carol Jett

District 13  
Gary Otho Tillis\*

District 14  
Debbie Phillips

District 15  
Chuck Chambers

District 16  
Margaret R. Leach

District 17  
Susan Hubbard

District 17  
Kenneth R. Adkins

District 7  
Lloyd G. Jackson II

## House Of Delegates

District 18  
Larry Jack Heck

District 19  
Grant Preece

District 20  
Tracy Dempsey

District 22  
Ernest C. Moore

District 23  
Richard Browning

District 26  
Mary Pearl Compton

District 27  
Robert S. Kiss

District 27  
Warren R. McGraw II

District 8  
James P. Humphreys

District 28  
Ron Thompson

District 29  
Clyde Wright, Jr.

District 29  
James J. "Jim" Rowe

District 30  
Bruce Peterson

District 31  
John Pino

District 31  
Rudy Seacrist

District 31  
Mark A. Hunt

District 9  
William R. Wooton

District 11  
Randy Schoonover

District 12  
Rebecca I. White

District 32  
David Workman

District 33  
Clinton Nichols

District 35  
George Kallai

District 36  
Joe Talbott

District 38  
James R. Fealy

District 41  
Ron A. Fragale

District 43  
Larry A. Linch\*

District 43  
Nick Fantasia

District 43  
Roman W. Prezioso

District 14  
John "Mike" Withers

District 14  
David E. Miller

District 16  
Sandra Moore Lucht

District 44  
Robert "Bob" Beach

District 44  
Storley Cook\*

District 45  
Barbara E. Fleischauer

District 45  
Brian Gallagher

District 45  
Larry Allen Williams

District 46  
David "O.B." Collins

District 50  
Jerry L. Mezzatesta

District 52  
Vicki V. Douglas

District 54  
Laura Coltelli

District 55  
John Doyle

District 56  
Dale Manuel

## Roy Smith Sees More Work For Members

# ACT-Supported Amendment 3 Passes

Along with all of the defeats suffered on election day, there was a major victory for union members.

Amendment 3 passed with a margin of less than one percent. That means up to \$300 million in new water and sewer line construction work in West Virginia.

When the new legislature meets, legislators will decide what amount of bonds will be sold this year, according to the amount they think they can effectively handle.

‘The infrastructure council should have the needs of the state prioritized. Then it’s just a matter of accepting and evaluating applications.’

*Roy Smith, Secretary  
State Building Trades*

The funds will then become available for grants and loans at the beginning of the fiscal year, July 1st.

“The infrastructure council should have the needs of the state prioritized,” said Roy Smith, secretary of the West Virginia State Building and Construction Trades Council. “Then it’s just a matter of accepting and evaluating applications.”

Smith said he didn’t know how long it would take for the funds to translate into actual work, because it’s “really uncharted waters to this point.”

“It might be late summer before we see some activity, but as a practical purpose it may be early winter,” he said.

He said the process should be sped up because the new council formed to handle disbursement of the funds is com-

posed of all the people one would normally have to see in order to get a grant or application approved.

“I would imagine members could expect to see an increase

next summer in the number of contracts to bid by in-state agencies. Which should mean a lot more work,” Smith said.

They could expect to see areas of the state that have been

slow on expansion or development to open up, Smith said.

The council, formally named the West Virginia Infrastructure and Jobs Development Council is required by law to

have nine members, made up of the following:

- Housing Fund executive director.
- Division of Environmental Protection director.
- Director of the Economic Development Authority.
- Water Development Authority director.
- State Development Office executive director.
- State Health director.
- Public Service Commission; chairman.
- Two members representing the general public.

Other advisory members of the council are:

Commissioner of the Division of Highways; Executive Director of the State Rail Authority; two members of the Senate; two members of the House of Delegates (no more than three legislators from the same political party);

One representative of the Board of Directors of the State College system; and one representative of the Board of Trustees of the University system.

The council will develop legislative rules detailing guidelines in evaluating any request for project funding.

“I think that the people who have worked and supported the passage of Amendment 3 will not regret it,” Smith said.

“It will open up areas of economic development and increase opportunities for work.”

Smith said he was also glad Amendment 1 which repealed state constitution language allowing segregation was passed by the voters.

“Organized labor never supported segregation,” he said. “That language was basically an insult to our membership.

“I’m glad a major portion of our membership won’t be recognized by the Constitution in a negative way.”

## Project Funding Guidelines

The council shall develop legislative rules detailing comprehensive uniform guidelines for use by the Council and other state agencies in evaluating any request for project funding.

These guidelines shall include the following:

- ◆ The public health benefits of the project.
- ◆ The economic development benefits of the project.
- ◆ The degree to which the project will correct deficiencies in the compliance of water supply or sewage treatment facilities with state or federal laws, regulations or standards.
- ◆ The degree to which the project encourages effective and efficient consolidation of water or sewage treatment systems consistent with the comprehensive plan developed by the Council.
- ◆ The cost effectiveness of the project as compared with alternatives which achieves substantially the same public health or economic benefits, including the consideration of providing maximum feasible fire protection.
- ◆ The availability of alternative sources of funding which could finance all or part of the project and the need for the assistance of the Council to finance the project or attract other sources of funding.
- ◆ The applicant’s ability to operate and maintain the system if the project is approved.
- ◆ The degree to which the project achieves other state or regional planning goals.
- ◆ The estimated date upon which the project could commence if funding were available, and the estimated completion date of the project.
- ◆ Such other considerations as the Council may consider necessary or appropriate to accomplish its purposes.

## Gary Tillis Joins ACT Staff And . . . Wins House Election

ACT has hired Gary Tillis to provide more job site coverage for the fair contracting program.

Tillis began in November, right before he was elected to the House of Delegates for parts of Putnam, Jackson and Mason Counties.

Tillis is a member of Labor-

ers Local 1353.

The fair contracting program has been a very successful part of ACT. Almost daily contractors are turned in for wage violations, no contractors license, no wage bond, or violations of other laws.

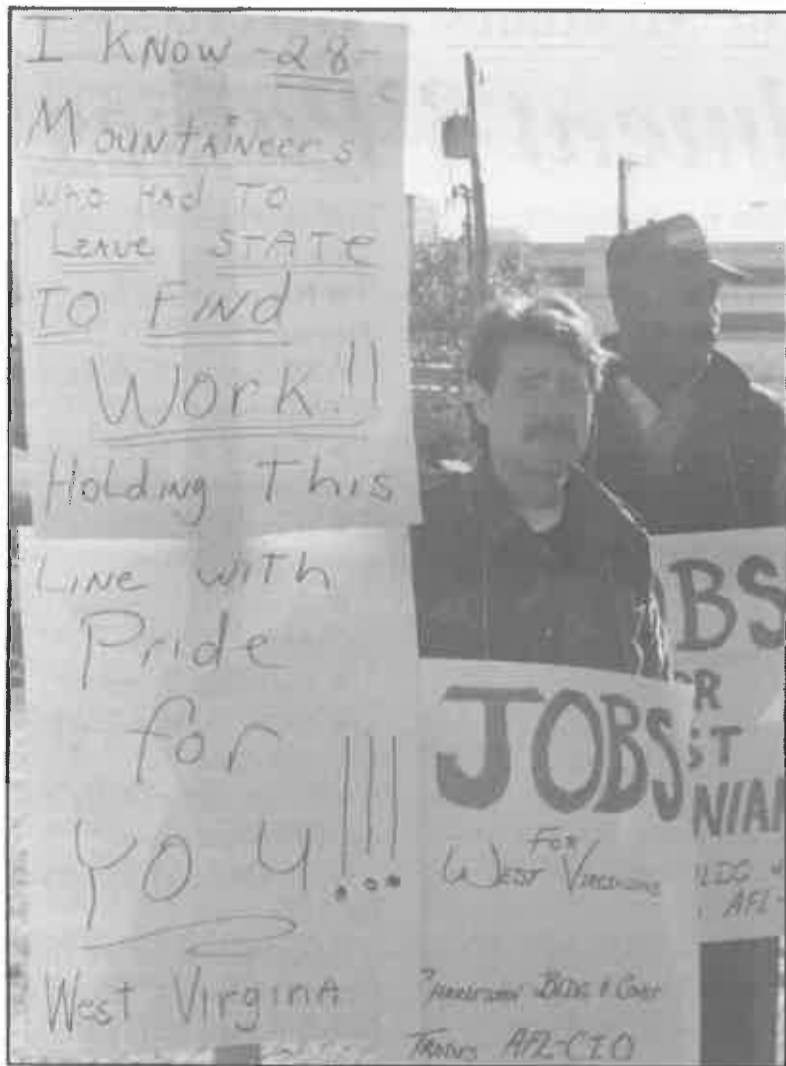
“There is a tremendous amount of cheating and we

need someone like Gary to help cover the state,” said Tim Millne, Fair Contracting Representative.

“I like working with ACT because I can see the results, and who is benefiting,” Tillis said.

“We save taxpayers’ money  
*Continued on page 4*

## Why No Jobs For Us?



**EXPRESSING OUTRAGE** over the lack of jobs for West Virginians at a building trades protest are Chuck Blake and Wayne Jackson, both members of Iron Workers 301.

## Building Trades Protest

*Continued from page 1*  
denial of construction jobs to local workers at the \$4.5 million project.

"We want to know why local construction workers can't get a job on this project," said Bubby Casto, council business manager.

"We want to know why there are no West Virginia contractors on this job, and why they can't get plans to bid on this

job."

A long list of contractors for the project show that the majority are from Tennessee, as well as North Carolina and Illinois.

The protests finally got a reaction from the project manager, after weeks of trying.

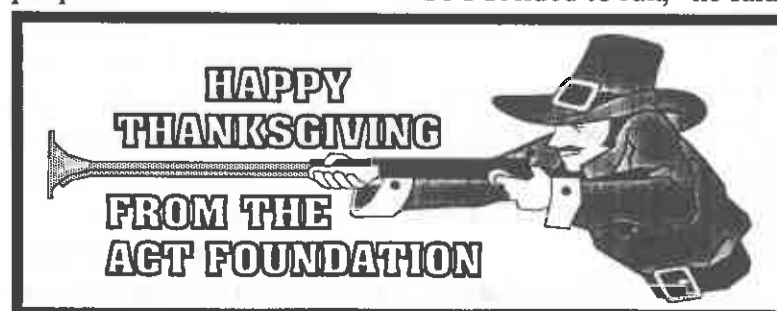
"On the second day of the protest, he brought out job applications for the men protesting," Casto said.

Applications were filled out by pipefitters, operating engineers, and carpenters, as well as several other crafts.

However, they didn't address the problem of the lack of West Virginia contractors bidding on the project.

"Another business agent was told the local contractors would be allowed to bid the project but when they arrived to pick up prints, none were available," Casto said.

"We are tired of having to leave this state to get a job. It's time the business community committed to hiring local people."



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## DEP Seeks New Dioxin Study

*Continued from page 2*  
the river," said Calwell.

"And, that in turn creates an inaccurate estimate of the impact of the pulp mill on the Ohio River.

"The result is the input from the pulp mill will completely use up more than its share of oxygen and will adversely affect plants, fish and other aquatic life in the Ohio river."

That is not the only mistake in the permit issued by DEP.

Also at issue is whether there is already too much dioxin in the Ohio River at the Apple Grove mill site and whether the mill would add to those water pollution problems.

The permit assumed there was no dioxin present.

However, ACT and the EPA agreed that DEP erred in estimating background dioxin levels at zero.

"That was one of the main

reasons that the EPA pushed for more testing," said Steve White, ACT director.

A previous study showed that dioxin was present in the flesh of catfish.

However, the DEP maintains that the fish were old and could have migrated from another river, such as the Kanawha.

"If that is the case, then we suggest the Office of Water Resources conduct a study like one done in Montreal, Canada," White said.

"All they do is place clean

mussels in the river, which are fast growing.

"In 20 to 30 days check for dioxin in their flesh. That is an entirely feasible testing methodology for Apple Grove to determine if dioxin is present.

"Of course we keep pushing on the jobs issues as well.

"Parsons & Whittemore refuses to commit to hiring local people to build and operate this mill.

"When will people catch on that these jobs may not go to West Virginians?"

## Tillis Joins ACT, House

*Continued from page 3*  
by pointing out to awarding agencies the contractors who are not paying their taxes or workers compensation," Tillis said.

"It's only been a couple of weeks, so I'm still just learning my job. But I can already see that ACT does benefit a lot of people, not just labor."

Tillis said he decided to get into politics when he found out that there was going to be only one labor endorsed candidate

***'I can already see that ACT does benefit a lot of people, not just labor'***

Gary Tillis

to run in his district.

"I thought I had a good shot at an endorsement and we needed more labor people in the legislature to help the working people of West Virginia. So I decided to run," he said.



Gary Tillis  
Joins ACT And House

"I had a lot of name recognition from playing football for WVU, and I had really a lot of good people working hard to help me get elected with phone banks and going door to door," he said.

Tillis hopes he can be effective as a freshman delegate, and he'll do his best to get issues pushed through that will benefit labor.

"I will do what I can to benefit the people of West Virginia."

### The ACT Report

A monthly publication of the Affiliated Construction Trades Foundation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

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