



THE ACT REPORT

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A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

SEPTEMBER, 1994

At Upshur County Development Authority

ACT Stages Protest On TJM

Another battle was waged in the war between Trus Joist MacMillan and ACT on September 8 when Steve Montoney, ACT's Northern Representative, staged a protest against the Upshur County

Development Authority (UCDA).

"TJM has the Development Authority right where they want them -- in their back pocket," Montoney said.

Montoney made several re-

quests to the UCDA asking for permission to speak at a meeting.

Montoney finally received a letter from Frank Moots, UCDA director, requesting information regarding ACT's

membership and funding, its income and expenses, a listing of directors and a statement of purpose, a listing of ACT members residing in Upshur County and their names and addresses, and fi-

nally the subject matter to be addressed.

"All of which is irrelevant to the issue at hand," Montoney said. "We just want to ask public officials some ques-

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GETTING THE MESSAGE OUT about TJM's unfair hiring practices is Steve Montoney (left photo holding picket sign), ACT's Northern Representative.

Money is joined in these photos by other union members in a protest at the Upshur County Development Authority.

Weyerhaeuser Plant Likely BE&K Fight

West Virginia has seen tremendous growth in wood products plants the past year.

A recent announcement by the Weyerhaeuser Company to build a \$110 million oriented strand board plant in

Braxton County may mean job opportunities for local construction workers.

However, it may mean the introduction of one of the country's most anti-union construction companies to

West Virginia -- BE&K.

One of the companies invited to bid on this \$110 million plant, BE&K from Birmingham, Alabama is "notorious for its anti-union activities," according to ACT

Director Steve White.

BE&K is one of the nation's largest construction contractors in the wood products industry. It operates completely non-union and relies primarily on a roving group of workers, self-described "gypsies", "road whores" to man its jobs. Close monitoring of past BE&K projects reveals that about 80% of its work force on a typical project is from outside the state where the project is located.

According to a study prepared by the University of

California BE&K's use of out-of-state workers and their payment of substandard

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ACT Is Challenging Water Pollution And Land Fill Permits For Pulp Mill

ACT challenged state permits in mid-September allowing the proposed pulp and paper mill in Mason County to discharge dioxin into the Ohio River.

ACT believes that the DEP

water permit Parsons & Whittemore received August 5 does not adequately protect the environment or the health of residents.

The appeals were filed with the state Environmental Qual-

ity Board, which considers appeals of DEP actions.

ACT attorney Stuart Calwell said DEP approved a dioxin discharge limit for the mill "assuming there is currently no

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Tri-State Construction Council, ACT Score Win At Cabell High

ACT Hires B.B. Smith For Politics

A joint effort between ACT and the Tri-State Building and Construction Trades Council brought about a change at the Cabell Midland High School project near Huntington.

ACT fair contracting representative Tim Millne re-

searched E&D Specialties & Stands, Inc. of New York, a sub-contractor for G&G Construction Co. which is building the football field.

ACT found E&D was not registered with the Secretary of State, had no business li-

cense in West Virginia, and was not registered with workers compensation or unemployment.

Laborers 543, Carpenters 302 and Tri-State held an informational picket in August about these violations to bring

them to the attention of the public.

ACT then turned over all this information to the West Virginia Division of Labor, which sent a compliance officer to the job-site and issued a cease and desist order.

In the meantime, ACT did more digging, and obtained a copy of the company's contract.

By checking the contractors license number listed on the contract, ACT found that it was registered to G.E. Maire of Cincinnati, Oh.

"It's against the law to transfer licenses," Millne said. "So they have to appear before the licensing board on September 20."

Currently, the company, E&D Specialties is up to date on its business and contractors licenses.

However, Millne speculates they will probably be fined by the board.

The company eventually worked out an agreement with Tri-State Building Trades. Union members are now doing the work.

"This shows the members that the system works," Millne said. "That's a \$400,000 job that went to union workers in our area."

In a related matter, Millne went before the Contractors Licensing Board with a specific question: "Does West Virginia have any way under the licensing board to protect taxpayers on state funded jobs from convicted cheaters?"

Millne cited as an example Mid-Eastern Construction Company, which has been debarred from working on federally funded projects for three years until June 1996. However, the company has

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full-time legislative representative.

Raymond "B.B." Smith, 44, began his new job with ACT in early September.

Smith worked last year as a lobbyist for ACT during the '93 legislative session.

According to Smith, he became involved in politics when his local of 17 years, Boilermakers 667, set up a



Raymond "B.B." Smith
Legislative Rep

legislative committee eight years ago.

"The BA asked me to chair that committee and I've been chairman ever since," he said.

Smith will be working out of both the Clarksburg and Charleston offices, as well as his home in New Martinsville.

His duties will include helping locals get more involved in different aspects of politics like voter registration drives, communicating with legislators and working on election campaigns.

"One personal goal I have," Smith said, "is to set up a legislative committee in all the locals that belong to ACT."

"If you have a legislative committee, and need help generating grass roots political action, such as letter writing or telephoning legisla-

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Current Prevailing Wage Investigations

| <i>Company</i> | <i>Project</i> | <i>County</i> |
|-------------------------|-------------------------|----------------------|
| Kanawha River Towing | Robert C. Byrd Locks | Mason |
| L&N Construction | Sub. On Three Projects | Barber, Mingo, Jack. |
| Blankenship Constr. Co. | Blockbuster Video | Cabell |
| Corte Constr. Co. | Corps. of Engineers | Summers |
| Frank Irely Constr. Co. | Marshall Univ. Stadium | Cabell |
| Tmaro Constr. Co. | Board of Education | Harrison |
| M&W Builders | Edgewood Summit | Kanawha |
| Madison Coal & Supply | Elk River Dredging | Kanawha |
| Pre-Bid Investigation | Tri-State Airport | Wayne |
| Jo-Del Construction | VA Hospital | Wayne |
| Jo-Del Construction | Byrd Hardwood Center | Mercer |
| Structures, Inc. | County Library | Lincoln |
| Elkins Electrical | Davis & Elkins College | Randolph |
| Mid-Eastern Constr. Co. | Glenville State College | Gilmer |
| Mechanical Bala. Inc. | Robert C. Byrd H.S. | Harrison |

Plus many other state and federal highway jobs throughout the state.

ACT Stages Upshur TJM Protest

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tions and they refuse to even let us talk. It's not right for public officials to only act in secret. We wanted the public to know how simple, legal requests are handled by the UCDA. That's why we held the protest."

According to West Virginia State Law, a fifteen minute notice is all that is required when soliciting a public authority to comply with such a

request.

Montoney said ACT would like the UCDA to help get local West Virginia workers hired. So far the UCDA has blocked efforts to inform local workers how to get a job opportunity on the project.

Those participating in the protest included Montoney, Joe Gainer of IBEW, Doug Robinson, of Operating Engineers 132, Mark Eslack of Millwrights 1755, Rob Enoch

and Chris DeLong of the Sheet Metal Workers "Youth to Youth" apprentice-organizer program, and "BB" Smith and Amanda Wasserman of ACT.

On hand was a 3' X 5' copy of the letter from Moots and a wooden puppet saying "UCDA: Pull My String."

"This was all done in an effort to get jobs for West Virginians," Montoney said. "ACT is committed to exposing unfair hiring practices."

Joint Labor, Management Program

LEAD Safety First For Building Trades

Construction is one of the most dangerous occupations in the country and everyone knows there are numerous ways to become seriously injured on the job every day.

Awareness of this potential for accidents is the first important step toward achieving injury-free construction projects.

That's why the voluntary Labor Education and Development (LEAD) safety training and drug screening program is having a positive influence on the local construction industry.

Operating in the Charleston and Tri-State building trades areas, the LEAD program is designed to assist contractors with their responsibilities in providing a safe working environment. LEAD can be a valuable tool in achieving zero accidents at the job site level.

LEAD offers contractors an excellent opportunity to significantly improve their respective company safety records by offering safety courses in every category of safety prevention.

"We saw a need for more emphasis on safety," said Jim Cerra, Director of the Charleston Area LEAD program.

"The union crafts people in cooperation with management pulled together and developed a comprehensive eight hour voluntary safety training program for all crafts",

LEAD is focusing on helping the contractor provide a safe job site.

From the front office to the topping out, safety is important and affects the bottom line -- accidents and project cost.

When the lost time acci-

dent rate is low, then both management and labor are happy. People are safe and the project is usually coming in under-budget and on time.

The program adds a significant component to the organized segment of the construction labor industry, safety training and drug screening. These components allow union contractors to be ready to go to work on day one of a project.

"Our members are productive walking through the front gate," said Doug Weaver Director of the Tri-State LEAD program.

"No more delays for safety training and drug screening, we go to work",

The two primary safety instructors, Mike Zirkle in Charleston and Doug Weaver in the Tri-State Area, have more than 26 combined years of experience in safety train-

ing in the construction industry.



"These two guys cover everything from anchorages to welding safety, effectively and completely", states Steve Burton Tri-State LEAD Director.

LEAD training and drug screening combined with union workers make an unbeatable combination in the construction industry, the most skilled safety aware worker on the market.

LEAD is an example of union crafts working to advance the construction industry. "These workers are not on company time, they give up their weekends and evenings to attend classes to further their safety knowledge and to help the companies be more competitive," states Cerra.

"To achieve the maximum in safety awareness, all parties including the building trade unions, contractors and the users must work together as a team in an effort to insure that safety continues to be a prominent in the local construction industry", concluded Cerra.

ACT Joins In Fair Taxes Fight

ACT has been working along with West Virginia's Secretary of State, Ken Hechler over the last couple of months to make property taxes more fair for West Virginia citizens.

Hechler was instrumental in a Board of Public Works resolution requiring the Tax Department to appraise natural resource property at market value, as private homes and vehicles are appraised.

Hechler said the Tax Department's system, developed in the 1980s was discredited when the U.S. Supreme Court in 1989 found "intentional systematic undervaluation by state officials" of natural resource property in West Virginia.

By the coal industries own figures there are about 50 billion tons of coal reserves in West Virginia.

With the going rate of \$1.50 per ton of reserve, that puts the value of coal close to \$75 billion. But the state tax department only values coal at \$1 billion.

"It's not hard to see why such a resource rich state is so poor when those who own the wealth pay so little," said

ACT Director Steve White.

"It comes down to home owners paying more because big business doesn't pay their fair share," White said.

"When we look for funding for important infrastructure projects it often isn't there. We need to get these out-of-state companies off the public dole and onto the tax rolls.

"Then we will be able to fund more projects and put more people to work"

In the past, ACT uncovered questionable tax breaks to large corporations for polluted land, and brought them to the public's attention.

"People have forgotten unions fought for eight hour days, weekends, social security, things helping everyone.

"Well, now we're fighting for tax reform that again helps everybody. When we win something for our members, like Cancer Creek, we help

the whole state, union members and more," he said.

The problems are not in the coal industry alone. A 1992 report showed that 1.5 million acres, or 85 percent of the 1.7 million acres of property taxed as managed timberland in the state, was owned by corporations. Those included large lumber companies like Westvaco and Georgia Pacific Corp., as well as coal companies.

ACT, Tri-State Council Score Win On Cabell High School

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been awarded state funded projects in West Virginia.

"Debarment is simply protection for taxpayers against cheaters," Millne said. "So we wanted to know why West

Virginia welcomes this company with open arms."

The chairman of Contractors Licensing Board, Winfield Strock, told Millne if the contractor has any type of judgement against it, then

ACT can submit that information as taxpayers to the board for state debarment.

ACT put together information about Mid-Eastern, and will submit it at the board's September 20 meeting.

"I feel that the board has to decide if they really want to protect the public against multi-violators," Millne said. "The ball will be in their court."

ACT Challenging Permits

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dioxin in the Ohio River."

The ACT appeal quotes a U.S. Fish and Wildlife Service study which "indicates the dioxin water quality standard may already be exceeded, based on dioxin levels in fish flesh and aquatic organisms."

Also criticized in the appeal was the method by which DEP allows Parsons & Whittemore to test its water discharge for dioxin, and the fact that endangered species -- including the bald eagle -- would be adversely impacted, according to ACT attorneys.

"The West Virginia DEP is acting on a political agenda and failed to carry out its re-

sponsibilities to protect the environment," said ACT Attorney Shirley Skaggs.

Also mentioned in the appeal was Parsons & Whittemore's landfill permit.

The company has been issued a permit allowing them to fill in a wetlands. Naturally

with this appeal," Skaggs commented. "The issues identified are based on solid technological data and are supported by information from the National Fish and Wildlife Association."

"ACT members are certainly following through with their

ACT attorney Stuart Calwell said DEP approved a dioxin discharge limit for the mill "assuming there is currently no dioxin in the Ohio River."

occurring wetlands are protected by the U.S. DEP, and a replacement wetlands must be created before they are allowed to fill in the natural swampy area.

However, Parsons & Whittemore have not been given a permit to build a replacement before creating the landfill.

"ACT is on the right track

concerns on the environment and are acting in a positive way to preserve the environment and protect their health and the health of their families and all the other citizens of the state," Skaggs said.

Parsons & Whittemore cannot begin construction of the \$1.1 billion mill until it receives a third permit from the DEP Office of Air Quality.

ACT Hires B.B. Smith

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labor movement simply because it creates an environment where political change is possible.

"With ACT we have the funding to fight battles that we just couldn't do before. Each individual local doesn't have the funding or time to do all that ACT does. As a joint effort, we now have funds and means."

Smith is a Vietnam Veteran and the proud father of two children -- Logan, nine, and Jenna, five.

labor movement simply because it creates an environment where political change is possible.

"The idea is -- if you elect people who are friends of labor, it's a hell of a lot easier to lobby during the session," he said.

Smith said he thinks ACT is an important part of the

labor movement simply because it creates an environment where political change is possible.

"With ACT we have the funding to fight battles that we just couldn't do before. Each individual local doesn't have the funding or time to do all that ACT does. As a joint effort, we now have funds and means."

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The ACT Report

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Likely BE&K Fight Looming

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wages and benefits imposed significant costs on the community.

The study examined the USS-POSCO Steel Mill project in Pittsburg, California, on which BE&K worked for over a year.

It found local workers lost \$36.5 million in construction payroll.

The construction payroll lost produced an additional loss of \$19 million in local secondary income and a loss of 933 potential secondary jobs.

This meant nearly \$400,000 in local sales tax revenues

were never received. Out-of-state workers without health insurance cost the state health care system roughly \$333,000.

Local workers displaced by the use of out-of-state workers increased local unemployment by 4,482 work weeks, with the state unemployment insurance costs rising an estimated \$201,000.

"BE&K's work force, which travels across the country from job site to job site, lacks the commitment needed to sustain community growth and prosperity," White said.

Dick Ullum, business agent

of Millwrights 1755 in Parkersburg has been following the bidding process closely as well.

Ullum said he thinks it's good that ACT got started early.

"I think there's about a 50-50 chance of Weyerhaeuser using local people," Ullum said. "But that may get better with time and the more we spread the work about BE&K."

He estimates there would be about 400 to 450 jobs for construction workers on the project.

"I hope the politicians can see the value in hiring local union workers, and all they would have to gain if they get jobs for West Virginians," Ullum said.

"Traditionally, BE&K brings in a pool of out-of-state workers, who do the work and then leave.

In the process they drain the health care system, the school system, all social services, but add nothing to community, not even quality work."

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