



THE ACT REPORT

VOLUME 4, NUMBER 8

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

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ACT And Trades Council Win \$27,000 In Settlement From Hampton Builders

THE CASE against two out-of-state contractors on the Hampton Inn project in Charleston reached a resolution hours before the case was heard by an administrative law judge.

The National Labor Relations Board (NLRB) had issued a complaint in February against Construction Concepts of Oakland, Tenn. and Oakland Electric Corp. of Memphis, Tenn. charging unfair labor practices.

The case was scheduled for court July 27.

Fifty four workers who had been named in the suit agreed to accept \$500 as payment for a total of \$27,000.

The workers filed the complaints with the NLRB charging they were passed over for jobs because of their union affiliation.

They are members of Operating Engineers LU 132, Iron Workers LU 301, Carpenters LU 1207, Plumbers and Pipe Fitters LU 625 and International Brotherhood of Electrical Workers LU 466. All except the

electricians are ACT members.

Six months is quick for the case to be over with, but not in a settled case, according to ACT's Bill Thomas.

"You can expect it to be over quickly when you build a solid case like this one," Thomas said.

"When you have an obvious out

and out winner then you're in a good position for a settlement."

Thomas said ACT had overwhelming evidence of the company's alleged discrimination which was the foundation for the building trades solid case.

"If the case had gone to court, it's possible it would have gone

on another year, not including the amount of time it would take the NLRB to determine how much money each individual should receive," he said.

It has been estimated that the \$500 award each worker got would be roughly what they

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In Clarksburg Church

Retired Sheet Metal Worker's Action Finds Deadly Asbestos

QUICK ACTION by a retired sheet metal worker and ACT uncovered asbestos in a church being razed which may have exposed a whole neighborhood, including 16 children, to its deadly effects.

Retired Sheet Metal Workers Local 33 Business Agent

Kenneth Perdue was awakened early one morning a couple of weeks ago by his neighbor.

"She lives about 100 to 150 feet away from the church," Purdue explained.

"She told me she was watching the church get razed and thought she saw what looked

like asbestos.

"But you can't just look and see asbestos. You have to analyze materials before you know."

According to Perdue, his neighbor's husband is a retired IBEW member who has asbestosis.

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Tri-State Union Volunteers Build Huntington Library

A LIBRARY construction project in Huntington is generating a lot of positive press for local building trades unions.

The Geneva Kent Elementary Model Library in Huntington is being built by volunteers of several local unions.

Those pitching in to help are bricklayers, carpenters, cement masons, electricians, ironwork-

ers, laborers, operating engineers, painters, plumbers & pipefitters, roofers and sheet metal workers. All are part of the Tri-State Building & Construction Trades Council.

Steve Burton, Tri-State business manager, said the local union's business agents had made the commitment to provide the workers, "as many as it takes, until we get the job done."

The workers are donating their time and energy "whenever they can," he said, with a conservative estimate of 2100 man hours to be volunteered.

Unions workers often volunteer for worthy causes, but Burton said this is the largest project built entirely with volunteer union work that he is aware of.

"We're all the time volunteering for something, but this project

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A Job Well Done



PRESENTING THE ADVANTAGES of Plumbers & Pipefitters Local 625's welder certification program are from left Doug Keller, United Association International Representative, T.L. Ranson, 625's business agent, Shelby Leary, WV Labor Commissioner, James Kellogg, special representative for the UA Certification Program, and Roy Smith, WV Building & Construction Trades Council Secretary-Treasurer, at LU 625's Aug. 9 open house.

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Parkersburg Trades Join In Fight

Tri-State Council Charges Union Bias

THE TRI-STATE Building & Construction Trades Council filed charges with the National Labor Relations Board (NLRB) against Resources Consultants & Developers, Inc. (RCDI) of Parkersburg.

RCDI is general contractor on Foster Foundation's \$16 million retirement complex, Woodlands Retirement Community, in Huntington.

The charges are based on employment discrimination, citing six men illegally laid off because of union affiliation, according to Tri-State Council's Tom Williams.

Of the six, one is a Boilermaker, two Operating Engineers, one Laborer, one Carpenter and one Finisher. Five are union members, one is not.

The project has drawn the ire of local workers because of the lack of jobs for local people. Of the 27 companies hired for the sizable project, only one is from the Tri-State area.

"Some of the sub-contractors on the job come from as far away as Texas," Williams said. One is owned by a company from Switzerland.

"This is another example of a good idea that has gone bad," he added.

'I usually don't predict NLRB actions but we've done our homework and I think we've got an excellent case.'

Tri-State Trades Council Business Agent Tom Williams

"Cabell County has borrowed \$16 million for this project. It was OK to ask local citizens for backing when the Foster Foundation needed money to build the project.

"But when it came time to hire companies and workers, all of a sudden local people are not good enough."

The state and federal departments of labor are also investigating RCDI and its sub-contractors for wage payment irregularities, non-payment of Workers Compensation, and other possible violations.

"RCDI is using the cover story that their employees are working for sub-contractors and therefore RCDI is not respon-

sible for Workers Compensation or social security," Williams said.

"But the workers are drawing RCDI checks."

Williams said he's optimistic about the outcome of the case.

"I think it looks very good. I usually don't predict NLRB actions, but we've done our homework and I think we've got an excellent case," he said.

"But don't forget we want the

work. That is the most important goal. This project is just getting started and we don't intend to give up now."

In a related incident, a dozen building trades workers from the Parkersburg area went to an RCDI job in Vienna seeking jobs.

"RCDI is building a \$6 million Lowes store and we are running into the same problems that Huntington is finding," said Sam Davis, business manager for the

Parkersburg-Marietta Building Trades.

"And RCDI is using many of the same sub-contractors, too. A big problem is there aren't developers in our corner."

ACT's Gary Tillis added, "Union workers aren't getting a straight answer about jobs."

"We've got companies from Florida here but few from Parkersburg. It just doesn't make sense."

Asbestos Found In Church

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Perdue had been through a training course through his Local on how to deal with asbestos and what to look for.

So he went over to the church to investigate. He asked the backhoe operator about the possibility of asbestos and was told it had been tested for and none was present.

"I saw some suspicious pipes and wrapping so I asked for samples anyway," Perdue said.

He then contacted Steve Montoney, ACT's northern representative, about getting the samples tested.

Montoney had the samples Perdue collected analyzed by C T & E Environmental Services, Inc. in Charleston.

"Our tests showed the samples contained asbestos and what appeared to be pipe wrapping was made up of 62 percent of the substance," Montoney said. "The gray plaster sample apparently contained four percent asbestos."

Montoney said the asbestos removal was supposed to have been done by SAK Environmental Group. The company has been the low bidder on many asbestos removal contracts throughout the state.

"Mr. Blizzard (SAK's owner) claimed the plaster sample he had tested didn't contain enough asbestos to be an environmental

problem," Montoney said.

"That may be the case in the outer layer of plaster, but the underlayer contained four percent according to the laboratory we consulted."

The EPA allows a legal limit of one percent.

"I didn't have a problem with the company doing the work," Perdue commented. "They looked like they knew what they were doing. The reason I became involved was the health

issue."

He explained that a lot of families live close by the church, including 16 children on the block, three of whom are his grandchildren.

"I saw a lot of dust when they were tearing the church down. And you know kids -- they're in and out of the house during the summer," he said.

Montoney gave the test results to state and federal health officials who are investigating.



CHURCH DEMOLITION DUST may contain deadly asbestos in this project located on Drummond Avenue in Clarksburg.

Labor Day Rally and Parade

**Rally Begins At 11:00 a.m.
Monday, September 4
At Paden City 'Old Middle School'
On The South End Of Town**

"One Of The Largest Labor Day Parades In The State"

**Speakers Will Include
Joe Powell, President, AFL-CIO,
West Virginia Labor Federation,
And Sen. Don Macnaughtan, D-Wetzel**

Sponsored By The Marshall /Wetzel/Tyler Labor Council

Hampton Settlement

Continued from page 1
would have received had the case gone to court anyway, based on the NLRB's method of determining back wages for each worker.

The amount is determined by how much money each

worker would have made if he were working for the company, minus how much money he ac-

tually earned.

"They should have gotten more money, but we wanted to get it over with," said Bubby

"We wanted the jobs and we wanted to organize. Our members didn't get that opportunity," Casto said.

"But I think they're happy with the settlement."

This is an important victory because it's ACT's first attempt using new tactics (see editorial) to prove discrimination, he said.

"That's a pretty good record -- winning on our first try," he said.

"We wanted the jobs and we wanted to organize. Our members didn't get that opportunity. But I think they're happy with the settlement."

Charleston Building Trades' Bubby Casto

Casto, business manager of Iron Workers Local 301 and head of the Charleston Building Trades.

Tri-State Volunteers

CHAPTER 2

LOCAL UNIONS DONATE LABOR FOR MODEL LIBRARY PROJECT.

The Geneva-Kent Model Library is taking shape as unions from the tri-state area volunteer their time to build it. As the walls go up, each union that helps has a rich history to share. Each union also helps in other activities in the area as well.

One of the unions helping build the Model Library is the Carpenter's Local #302. This union has about 300 members in the area and 25 helping build the library.

Established in 1881 nationally in Chicago and May 2, 1901 locally, this union was formed to improve the lives of craftspeople.

Carpenters Local #302 is responsible for setting forms for the footers and installing the ceiling, floor, and doors of the library.

Randy May, who is the Business Manager and Financial Secretary of Carpenters Local #302, says their union always strives to be a part of the community.

"Our union stands for the working men and women, union and non-union," May says.

"We are involved in different activities. Our members have contributed to building 3/4 of Huntington."

He says the model library is their biggest volunteer project.

The Carpenter's Local #302, as many unions do, offers an apprentice program which includes 576 hours of class participation and 8000 hours, spread out over four to six years of on-the-job training. Carpenters are also trained in health and safety.

"Our apprentice program is bonafide on a state and federal level and produces well-qualified craftspeople who are productive in the workforce," May says.

"We have all calibers of people and people from all walks of life."

"We want our members to have decent wages, health benefits, and pensions, and also for them to be able to send their children to college," he says.

"Our union produces some of the best in the business," May says.



PROFILED IN A WEEKLY SERIES of quarter page feature stories in the Huntington Herald-Dispatch are each union volunteering on the Geneva Kent Model Library.

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would probably cost \$150,000 to \$200,000," he said.

Gov. Caperton allocated \$50,000 and Gannett, Inc. owner of the Huntington Herald-Dispatch, gave \$40,000.

One reason Burton and the agents agreed to the project was their member's commitment to their communities and the youth.

"We're part of the community and we want to give something back," he said.

"I negotiated the deal for the newspaper stories with the

agent's approval," Burton said. "I said we would agree if they would run a story about each local union-- to tell the history of their organization, how long their

international has been chartered, when their local union was established, the number of their membership, and their apprenticeship and journeyman training programs."

Burton said he's pleased.

"They've kept their end of the bargain. It's gone well," he said.

The library will house about 5,000 new books, encompass 1,200 square feet, and have a computer lab.

Also included in the library's reference department will be a history of the labor movement.

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.

Officers: Bruce Tarpley, President; Dave McComas, Vice President; Willard "Bubby" Casto, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

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FIGHTING BACK

A Touch Of Salt

By Bruce Tarpley
ACT President

FOR A LONG TIME, unions have been under the impression the way to get something accomplished is through picketing. Oftentimes, stopping work seems like the only way to get your point across.

A public information picket used to be just as drastic. Simply making the public aware of a company's underhanded actions used to bring work to a halt.

But picketing doesn't work like it once did. In fact, our enemies have used the scene of a picket to attack our public image.

The pendulum has swung so far that union workers often can't even make it past the front gate to hand in a resume, much less prove their qualifications.

If pickets don't work what is the answer?

In today's world one answer is 'Salt The Job.'

Salting is a tactic that has been around as long as unions have, but with today's economy it seems like a new approach. Salting means to work on a non-union job either openly or in secret.

Salting is a way to prove union workers really are discriminated against, and gives the union workers concrete evidence to use against a company in the court system.

ACT has been working with Building Trades Councils and local unions to use this "new" approach with satisfying results lately.

Charleston's Hampton Inn project is a prime example of how the process now works. Fifty-four men and women, all union workers, went to the job site willing and able to work for the company on its terms. All were turned away for one reason -- their union affiliations.

Because we live in the United States, union allegiance is not a legal reason for a person to be turned away for a job. Company officials at Hampton Inn knew this and admitted it when they approached the workers with a settlement. They were aware we had overwhelming evidence -- enough to convict them of discrimination.

Further, our members in the Parkersburg and Huntington areas are also finding "salting" as a useful tool on the Woodland's Retirement Community and Lowes project.

Salting is a "new" technique required for today's marketplace needed to bring about results. But remember, getting new members is the foundation of our strength -- and salting works for this, too.

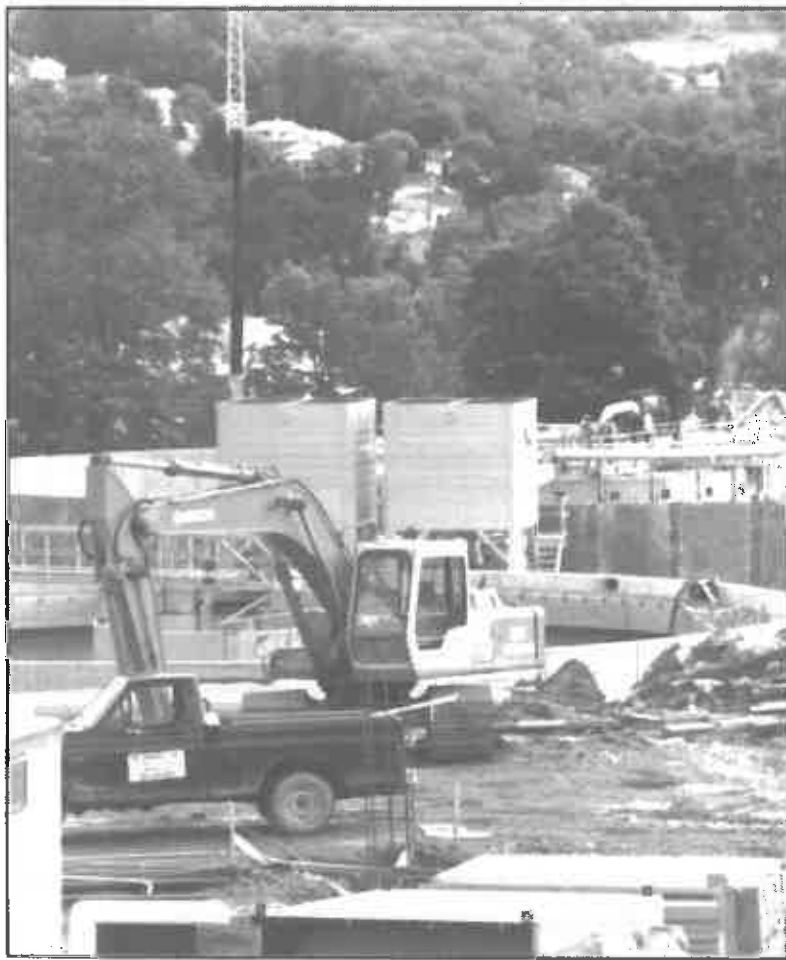
Thinking we want only to improve the lives of our current members is not going to get us far enough. Growth is the key to a stronger union. Solidarity and brotherhood. That's what our great country is founded on and unions only make it better.

You think unions are on a downward trend? Think again. And pass the salt, please.



Tarpley

Kamtech Success



ON SCHEDULE WITHIN BUDGET is the \$227 million deinking plant in Fairmont. The project employed more than 700 local union construction workers and will be completed Aug. 28.

Legislative Committees Are Seeking Volunteers

ACT'S NEW legislative committees are focusing on several issues and getting new volunteers is high on their agenda.

"All ACT members should have received a letter explaining what the legislative committees are about, what we hope to accomplish and how they can be a part of the solution," said ACT's Raymond "B.B." Smith.

Dan Poling, a member of Painters Local 1144's committee, stressed "We must ask every one to do just a little bit. Not a few people to do it all."

Smith said unlike the Marine Corps, ACT isn't looking for a few good men. "We're looking for a lot of good men and women," he said.

The committees are coordinating their efforts with monthly conference calls. The first took place July 18 with representatives of 10 locals participating.

Those who took part in the call were members of Boilermakers LU 667, Bricklayers LU 15, Carpenters LU 302, 899 and 1207, Millwrights LU 1755, Painters LU 1144, Sheet Metal Workers LU 33, Plumbers & Fitters LU 565 and 83, as well as ACT Director Steve White and Smith.

"The conference call went over well," Smith said. "We got a lot of good feedback."

Issues covered during the call were voters registration, the Jobs Act and volunteer recruitment.

An important step in targeting

potential ACT voters is learning which members are registered to vote, Smith said.

Committees are matching lists of members against voter lists, available through the AFL-CIO.

ACT will be providing voter registration cards to committee members for distribution among the membership.

"Joe Powell, president of the AFL-CIO, West Virginia Labor Federation, will be on-line for the next call to discuss workers compensation and answer questions," Smith said.

"The committees have laid the basic ground work. Now what we need is more volunteers to build a more effective voice for building trades construction workers and their families.

Jobs Act OK'd Over Contractors' Protests

ONLY TIME will tell whether the West Virginia County Commission Association (CCA) will recommend passing the ACT-backed West Virginia Jobs Act.

The organization held its annual meeting Aug. 6-8 and the Jobs Act was discussed. No decision was made, however, on whether to support or oppose it.

Previously CCA Director Elizabeth Larson faxed a memo to all 55 county commissions asking that they not vote on the issue until it was discussed at the

CCA meeting.

Larson also sent an anti-Jobs Act letter from Mike Clowser, head of the non-union state contractors' association.

"She took the side of business against workers," said B.B. Smith, ACT's legislative representative.

Smith had made plans to speak before most county commissions asking that they pass resolutions supporting the Jobs Act.

In spite of Larson's request to wait, both the Harrison and Taylor county commissions voted unanimously to support the Jobs

Act a week before the CCA meeting.

Kenneth Perdue, business representative of Sheetmetal Workers Local 33, attended the Harrison County meeting with Smith.

"There are several other counties I think will pass the resolution in spite of Larson's recommendation," Perdue said.

Purdue said Preston County is one.

"We went last month and the commissioners were very receptive," he said.

Also attending the Preston County meeting was Del. Larry Williams, D-Preston.

"Del. Williams spoke in favor of the Jobs Act during the legislative session," Smith said

"When it came time to stand up for the working men and women of West Virginia, he wasn't afraid to stand up and be counted again."

Harrison and Taylor now join Wood, Marshall, Wetzel and Lincoln counties in supporting the West Virginia Jobs Act to require local hiring for public funded projects.

A Reminder!

ACT Foundation's Annual Update & Planning Conference

**1:00 P.M. Tuesday August 22, 1995
Charleston House Holiday Inn
600 Kanawha Blvd., Charleston**

**Open to All ACT Affiliates
And Members**

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