



THE ACT REPORT

VOLUME 4, NUMBER 1

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

JANUARY, 1995

Fights For 'Local Workers, Dioxin Free'

ACT Half-Hour TV Takes On Governor

ACT recently completed a 30-minute television program concerning the pulp and paper mill slated to be built in Apple Grove in Mason County.

Top U.S. Admiral Backs ACT On Dioxin
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"We've always been in support of a new mill because of the jobs it could provide," said ACT Director Steve White.

"We've asked for two simple commitments -- that local people be hired to build and operate the mill and that the mill be built with state-of-the-

art technology that does not produce deadly dioxin," he said.

White said both the mill owners and state officials will not even discuss these issues.

"Some of our elected leaders want you to think the fight is between people for the mill and those against it.

"The real fight is over how

the mill will be built," he said.

"The pulp and paper mill is an important issue to all the citizens of West Virginia.

"We hope a majority of our members watch the show and urge their friends and family to watch as well."

The program is scheduled to air statewide on January 21 and 22.

Locals' Involvement, Local Jobs Bill Goals

The 1995 Legislative session began Jan. 11 and ACT was prepared to work on a number of bills.

ACT's legislative representative, Raymond "B.B." Smith, will coordinate ACT's efforts and work to get more locals involved and updated during the session.

ACT also has to contend with the new make-up of the legislature.

"Labor lost a lot of good friends in the November election," Smith said.

"We're definitely facing an uphill battle when it comes to passing labor-backed legislation."

ACT's Executive Board decided they were not going to play only defense during the session. They have written a new piece of legislation called the "Jobs For West Virginians" bill.

The bill is aimed at making sure local workers get hired on public jobs.

"We want to have the bill introduced early in the session," Smith said.

"We hope when we present
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IN THE BUCKET on Gorridor G near Logan is Gary McClanahan of St. Albans. McClanahan and four other members of Operating Engineers 132 are working on the project building a bridge over the Mud River.

ACT TV Program Schedule

Saturday, January 21
Huntington
WOWK Channel 13 12:30

Sunday, January 22
Wheeling
WTRF Channel 7 11:00 a.m.

Clarksburg
WBOY Channel 12 noon

Parkersburg
WTAP Channel 15 noon

Charleston
WCHS Channel 8 12:30 p.m.

Oak Hill
WOAY Channel 4 1:30 p.m.

2,000 New Laborers Signed Up By ACT

Thirty delegates representing 6,000 members of the West Virginia Laborers District Council voted unanimously on Dec. 19 for divisions of their locals to join the Affiliated Construction Trades Foundation.

The move will add 2,000 new members from four additional locals to ACT's rosters.

Three of the state's seven Laborers locals already are members of ACT. They include Local 1353 of Charles-

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Two Years After False Payroll First Cited

ACT Still Costing Mid-Eastern Contracts

If you break the law, expect to be punished. That's what Mid-Eastern Construction is learning.

Just last month Mid-Eastern lost out on a \$400,000 Wayne County Court House project. This was the latest in a string of contracts Mid-Eastern has been denied.

ACT has been dealing with Mid-Eastern owner J. Robert Haddox, in one form or another for the past couple of years.

In Oct. 1992, Haddox was convicted of violations of the Davis Bacon Act.

His company, Mid-Eastern Construction, Inc. was then placed on the Federal Lists of Parties, a debarment list, for three years. This excludes the company from bidding on any federally funded projects.

Armed with this informa-

tion, ACT has kept Mid-Eastern from securing many of the state-funded projects the company bids on.

The most recent, according to Tim Millne, ACT's fair contracting representative, was the court house project in Wayne County.

"For a contractor to withhold information, whether it be on pre-qualification, or being disbarred, that information must be disclosed during the bidding process.

"The judge said even though he was the lowest bidder, he wasn't the lowest responsible bidder," Millne said.

If Haddox bids on a job with federal funds he is breaking the law, Millne explained.

Haddox's debarment lasts until June 1996.

Mid-Eastern was also

awarded a contract which was later withdrawn in Harrison County by the Board of Education.

"Haddox sued the Harrison County Board of Education for damages," Millne said.

"But the board of education looked at what was best for taxpayers. They decided Mid-Eastern wasn't a responsible contractor within the confines of the law."

Millne recently found out that Haddox formed another construction company, called Sun-

rise Construction, Inc.

"It seems that Sunrise Construction has all the same officers as Mid-Eastern had," Millne said.

"But once you're on the debarment list, it doesn't matter what you change your name to."

Millne said ACT has been and will continue to be successful in getting the company, either Mid-Eastern or Sunrise, kicked off of state-funded contracts.

"We've knocked them out of

better than a dozen jobs," Millne said.

"I think people in Fairmont know about Mid-Eastern. That may be why he started Sunrise.

"Mid-Eastern is now trying to bid in other counties, like Wayne and Mingo because it can't get work in its own backyard.

"Haddox is moving from one part of the state to another, but ACT is there to greet him.

"He can run but he can't hide. Sooner or later even Haddox will learn this."

State Labor Officials Seek Hospital Wages

The Grant County Memorial Hospital has been featured in several stories in the ACT Report over the last several months.

In the most recent development, ACT has urged the West Virginia Division of Labor (DOL) to consider legal action against the hospital to force it to abide by the prevailing wage law for construction workers, according to Steve Montoney, ACT's northern representative.

Montoney's investigation began when he found the Grant County Memorial Hospital construction project was not put out to bid.

Montoney said when he questioned the lack of a bidding process, he was told it was a "design/build negotiated contract."

"The hospital was obviously a public project that should have been put out to bid,"

Montoney said.

Next, the hospital asked for estimates from four area contractors for an additional parking lot. The lowest bid was from Gerald Cites Construction, Inc.

But Cites never officially signed on as the contractor for the parking lot.

Instead, hospital officials put Cites' employees on the hospital payroll. By doing so it thought it could avoid paying the prevailing wage.

"Someone is giving this hospital bad advice," Montoney said.

"Not only are they breaking the law, we think it is hypocritical for the hospital to pay substandard wages and benefits.

"That same hospital welcomes union members and their health insurance, but turns their

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Locals' Involvement

Continued from page 1
this to the legislature they will be receptive because a lot of the current legislators ran their campaigns on a platform of more jobs," Smith said.

The bill requires 80 percent of the workers hired on any public construction job must come from the local area. It is patterned after a long standing federal rule of the Appalachian Regional Commission (ARC).

For years the ARC has required workers on certain federal projects to come from a commutable distance. That usually means a 75-mile radius from the job site.

The "Jobs for West Virginians" bill would put the same requirement on state, county and city projects.

"It's an important issue to our members as far as jobs go," Smith said.

"If we could get this passed, it would do a lot for our membership and just about everybody else looking for work in West Virginia."

Other legislation proposed by ACT includes the Community Protection Act which will be re-introduced early in the session, according to Smith.

The bill, if passed, will make certain those workers who build West Virginia's dangerous industrial plants are qualified to do so.

"The goal of the bill is to protect the communities where these facilities are being built from the dangerous consequences which often result from the use of untrained, unskilled construction workers," Smith said.

Currently, there are no laws requiring construction workers who build industrial plants to be certified in any way.

ACT will also be working with the State Building and Construction Trades Council and the AFL-CIO on other issues concerning building and construction trades workers such as river boat gaming.

"ACT believes passage of the river boat gaming bill would be good for our members in other ways besides jobs," Smith said.

"Workers in these facilities will be mostly full-time with benefits. Putting that kind of money into our local economy is good for everyone."

Last, but definitely not least, is ACT's plan to get the mem-

bership involved by starting legislative committees at each ACT local.

"Some of our locals already have committees, so we're asking all the other ones to set one up," Smith said.

"We will be working to assist them in any way we can."

If any members are interested in joining the legislative committee of their local, they should contact their business agent, Smith said.

"We're suggesting anywhere from two to five members on the committee, depending on the size of the local," Smith said.

Smith said one of the reasons ACT wants to set up the legislative committees is to get the entire membership involved in grass roots campaigns such as letter writing, phone banking and voter registration.

As of Jan. 1, a voter's registration card is not required to be notarized.

Residents now don't have to travel to the county voter's registration office to register.

"We can only benefit from more union members in the state who are registered to vote," Smith said.

Clarksburg Office Gets Free TV Time

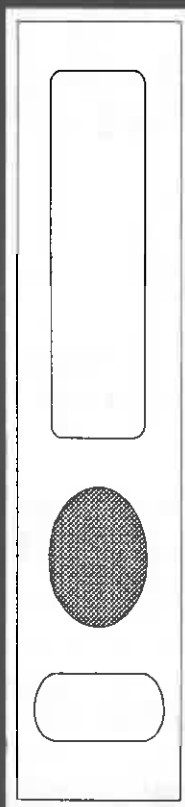
ACT's Clarksburg office got some free advertising in late December when a local television station interviewed Harrison County Superintendent Robert Kittle.

Tara Videon, WDTV's Channel 5 Newscaster, was interviewing Kittle at the new Robert C. Byrd High School when Kittle mentioned the "attacks on the school board" in the form of billboards outside of ACT's office.

Videon decided to make a trip to ACT's office to get the other side of the story. She interviewed Steve Montoney, ACT's northern representative, to air along with Kittle's interview.

"I think the whole thing was supposed to be Kittle saying what a good job was being done at the Byrd High School," Montoney said.

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George Hyman Construction Targeted

ACT Investigation Leads To \$60,000 In Back Pay

ACT's investigation of two federal construction projects in West Virginia has paid off for some workers.

ACT began looking at the Federal Bureau of Investigations (FBI) fingerprinting center in Clarksburg because George Hyman Construction, Inc. was bidding.

ACT had previously investigated Hyman when it bid for work on the federal prison in Beckley.

Hyman eventually walked away from the project, in part because of ACT's efforts.

When Hyman was awarded the FBI contract, ACT protested based on Hyman's record at the Beckley prison.

One subcontractor for Hyman on the FBI project, Blackhawk Enterprises, Inc., was recently ordered to pay more than \$60,000 in back pay to its workers.

"I handed out handbills back in the spring to employees of Blackhawk, which was a structural contractor on both the FBI

and the prison projects," said Tim Millne, ACT's fair contracting representative.

"We found that the contractor was paying most of his people at laborer's rate, when they were actually doing iron workers' work.

We also found that workers were being paid cash for overtime at straight time instead of 'time and a half,'" he explained.

ACT obtained signed affidavits from seven Blackhawk employees.

Armed with that information, ACT demanded and received an audit by the federal Department of Labor (DOL) at the FBI project.

ACT is asking the DOL to audit Hyman, as the general contractor on the FBI project, as well.

The DOL's audit also included Blackhawk's work at the federal prison in Beckley. The general contractor there is a Pizzagalli/Bell joint venture.

In another matter regarding the FBI project, ACT's Freedom of Information Act (FOIA)

requests for documents regarding the construction contract, including a variety of payroll requests, is still in court.

It was reported in the last issue of the *ACT Report* that a federal judge signed an order directing the FBI to disclose the actual owner of the building.

In addition, the federal judge also asked for the status of the FBI's response to the FOIA request.

ACT will file a motion based on a decision which established the right of unions to access certified payrolls.

2,000 New Laborers Sign Up

Continued from page 1 ton, Local 543 of Huntington, and Local 453 of Beckley.

The vote added members from the Heavy and Highway construction industry from all Laborers' locals including Local 379 of Morgantown, Local 984 of Clarksburg, Local 1085 of Parkersburg, and

Hospital Wages

Continued from page 2 backs on those same neighbors when it comes to job opportunities."

Montoney said there are six or seven men on the payroll to build the parking lot.

"According to our sources, the first paycheck they received was a cash advance for Gerald Cites employees from the hospital," Montoney explained.

"Their second paychecks from the hospital were garnished in the amount of the first pay check," Montoney said.

He pointed out it's illegal to garnish wages without a court order. "It's actions like these that raise our suspicion," Montoney said.

ACT attorneys are reviewing legal options to challenge

the way the \$6 million project was awarded.

A third project, doctors' offices, is in the planning stage. Montoney has found the land for this project was donated by the county without a public hearing and the county plans to finance the project. Montoney is working to make sure this project goes to bid correctly.

"The law says public projects must be put out for competitive sealed bids," Montoney said.

"We believe Grant County Memorial Hospital is trying to evade the law.

"Without any justification they think they can save money by lowering living standards of construction workers."



NOT SLIP-SLIDING AWAY . . . A landslide on Rt. 33 near Cottageville in Jackson County was fixed by union workers. The job required pre-drilling set beams 10 feet into rock and installing 53 tieback anchors 135 feet long. It was paid for with \$1.35 million in federal funds and \$338,531 in state funds. Gary Tillis, ACT's fair contracting representative, monitored it.

Local 1149 of Wheeling.

Prior to the mid-December vote, the delegates took information about ACT and its goals to their membership. Delegates wanted to see if members approved and to get feedback on how to vote, according to Wetzel "Corky" Harvey, business manager and secretary/

treasurer of the WV Laborers District Council.

"Working together with cooperative efforts such as their job monitoring program, environmental issues, job safety and many other objectives, ACT has proven beneficial to all workers in the state of West Virginia," Harvey said.

You Are Cordially Invited To Attend

ACT's Fourth Annual Constitutional Convention

10:00 a.m.

Tuesday, January 31

Charleston House Holiday Inn, 600 Kanawha Blvd.

Meeting Open To All ACT Members

For Further Information, Contact Your Local Business Agent

Heat Is Turned Up In Battle With Trus Joist MacMillan

ACT's battle continues with Trus Joist MacMillan (TJM) in Upshur County. In fact, the heat has been turned up under company officials.

ACT ran two radio ads just before Christmas informing the public concerning two issues about TJM.

Steve Montoney, ACT's northern representative, said the first ad highlighted TJM's recent grant of \$647,000 from Rural Economic and Commu-

nity Development (formerly the Farmers Home Administration) in order to build water and sewer line extensions.

Montoney obtained a copy of the company's lease/purchase agreement with the Upshur County Development Authority and learned TJM officials agreed to pay all construction costs associated with utility services.

"If they signed a legal document stating they would pay for the additions themselves, then

why aren't they paying for it themselves?" Montoney questioned.

Not only is the company receiving money for the extensions, the property it's being built on isn't annexed by the city of Buckhannon, yet it's getting city water and sewage, according to Montoney.

The second radio ad focused on the recent request for an additional \$2 million from the Division of Highways in order to build an interchange on the recently completed Corridor H at the Morgan Avenue exit in Buckhannon.

Ex-Top Admiral Tells Governor Dioxin Is Killer

The highest ranking U.S. Navy admiral during the last years of the Vietnam War is featured in a television ad backing ACT's opposition to deadly dioxin production.

Admiral Elmo Zumwalt, former Chief of Naval Operations from 1970 to 1974, explicitly refutes a recent statement by Gov. Gaston Caperton that "no-one has ever died from dioxin."

Caperton made the comment during a routine press conference in late December.

The Governor said he thought "dioxin is just a scare tactic. I've never known anybody to die from dioxin."

But Admiral Zumwalt takes issue with that statement in the ACT-produced television ad.

Zumwalt served as Commander of the United State Naval Forces in Vietnam from 1968 to 1970.

He said Agent Orange, whose active ingredient is dioxin, killed many American soldiers during the Vietnam War. Agent Orange was a form of chemical warfare used during the war.

Thousands died as a direct result of Agent Orange. Thousands more continue to suffer from cancer as a result of exposure to the chemical.

Admiral Zumwalt is the co-author of "My Father, My Son" with his son Elmo III.

It is an account of their Vietnam experiences and the tragedy that resulted.

Elmo III died from cancer in 1988.

Here's Text Of Admiral's ACT TV Ad

Governor Caperton says dioxin never killed anybody.

"Is he so determined to build a dioxin-producing pulp mill that he's willing to re-write history?"

"During the Vietnam War we didn't know the devastating health risks involved in using Agent Orange and dioxin."

"Many brave soldiers, including my own son, paid with their lives for that ignorance and others continue to suffer from various forms of cancer."

"Let's not subject another innocent generation of Americans to the mistakes of the past."

Free Television

Continued from page 3

"But then he (Kittle) mentioned us and it turned into a lot more."

Montoney said he explained ACT had requested certified payrolls from the Tmarro Corp., the general contractor on the project, and was unable

to obtain them.

"Actually, it went very well," Montoney said. "I think he was trying to smear us but we came across as very reasonable."

"As far as I'm concerned he can mention the ACT Foundation in any of his interviews if it will get us free publicity."

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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