



# THE ACT REPORT

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## AFL-CIO Convention Gives Nod To Election Of Rockefeller, Pritt

The West Virginia AFL-CIO has officially endorsed Charlotte Pritt for governor and U.S. Sen. Jay Rockefeller's reelection in 1996. "Charlotte has a 100 percent voting record in favor of labor," said state President Joe Powell at the Oct. 4 opening session of the federation's 20th constitutional convention in Charleston.

ing without the right to strike for public employees, strong prevailing wage enforcement, and improvement of OSHA funding.

Sen. Rockefeller criticized Republican-led attacks on working families.

"What we believe in is under assault from the paycheck jeopardizing, safety endangering, Medicare busting, children neglecting, education robbing, labor



ON THE CAMPAIGN TRAIL at the West Virginia AFL-CIO Convention is Charlotte Pritt greeting a supporter. Pritt has a 100 percent voting record in favor of labor.

ADDRESSING HIS SUPPORTERS is Sen. Jay Rockefeller (D). The West Virginia AFL-CIO vowed to support his race for reelection in 1996.

"She has been fighting for the rights of working men and women of this state for a long time," Powell said.

Pritt expressed outrage at recent legislation affecting the Workers' Compensation system. She pledged to make improvements to the system with input from all parties.

Pritt also expressed support of the West Virginia Jobs Act, collective bargain-

bashing, retiree health reneging, Republican majority in Washington," he said.

Also endorsed were House of Representatives members Bob Wise, Nick Joe Rahall and Alan Mollohan.

Among the comments made by Powell were criticism of the Republican-led federal cuts in Medicare and in the Occupational Safety and Health Administra-

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## 62 Workers Win Nearly \$30,000 Award

Sixty-two Boilermaker Union workers have won nearly \$30,000 for being denied jobs at the Trus-Joist MacMillan (TJM) plant in Upshur County. Discrimination against union

workers is common in West Virginia -- but when the ACT Foundation teamed with the Boilermakers Fight Back Program unfair employers suddenly became big game.

ACT's Steve Montoney has been alleging for months that union workers were denied job opportunities at the TJM plant.

Then the Boilermakers got involved and together with ACT got the facts needed to put a case together.

The federal government agreed with those facts and the approved settlements.

Keith Andrews and Milford Paul McDaniels worked for Mountaineer Industrial Re-

sources of Fairmont when the company was replaced by Chase Contractors of Arkansas. The two then put in applications with Chase, but didn't get jobs.

In the case 62 people, including Andrews and McDaniels, filed charges with the National Labor Relations Board (NLRB),

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### Workers Protest Texas Contractor In Harrison

An informational picket was held Sept. 20 protesting the hiring of a Texas contractor to build bleachers at the Robert C. Byrd High School.

Organized by Steve Montoney, ACT's northern representative, the picketing was conducted outside the Harrison

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# Bankrupt Developer Wants Tax Credits

The state Board of Investments declared in December of 1994 they lost \$688,834 in two loans to a partnership. The partnership went bankrupt leaving West Virginia taxpayers to pick up the bill.

Just a few months later one of those partners, Arthur Winer, was back in the building business. This time Winer is using Federal Home Mortgage money for financing and has even applied for a West Virginia super tax credit.

Acting on a tip from a member of Pipefitters Local 625, Pauline Hanson, ACT's researcher, uncovered these amazing facts concerning how economic development funds are spent in West Virginia.

Arthur Winer, a developer from Marietta, Ohio, was responsible for building Smith Field Estates, a low income housing development for the elderly,

handicapped and disabled in the town of Buffalo.

The contractor on the job, Home Creek Enterprises is out of Pomeroy, Ohio. "As far as we know Home Creek brought their employees with them," said Hanson. Permits for the project show it cost about \$500,000.

"The main point is -- he filed for bankruptcy. He was in-

involved in a scheme that lost the state \$688,834, and now he wants tax credits as a developer on the same type of project, but he still owes the state money." Hanson points to U.S. Bankruptcy Court records and a West Virginia Housing Development Fund letter to process the super tax credit request.

Hanson said she thinks it's the

Housing Development Fund and tax department's responsibility to check on such cases but it seldom does.

"They don't check and so Winer comes in and uses cheap out-of-state labor with our tax money," she said.

"ACT is a watchdog, and we want the public to know what we find out about how its money

is spent. When we run across dealings like this it makes us angry and it should make other taxpayers angry too."

## Endorsed

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tion budget, as well as reductions in student grants and loans.

Aside from endorsements, workers' compensation was the big topic of discussion.

Changes in the state workers' compensation laws have been aimed at "dampening down workers' rights," Powell said.

Powell pointed out during his address that workers' compensation programs are being attacked in every state.

"We must rise like Phoenix from the ashes and take back the political process so it represents workers and has some compassion in it," he said.

## After Building 200 Bridges, One Is Named For Turman

A union contractor with more than 200 bridge construction projects under his belt has finally had one named after him.

Bill Turman, 71, of Barboursville was honored in late September by Sen. Jay Rockefeller and Gov. Gaston Caperton who officially named the \$4.5 million span over the Guyandotte River the William

C. Turman Bridge.

Turman was also presented with a Distinguished West Virginian Award and the day was proclaimed "Bill Turman Day" by Barboursville Mayor Nancy Cartmill.

The formal dedication ceremonies took place before a crowd of about 500 people gathered on the bridge, which is lo-

cated on Rt. 60 in Barboursville.

"Turman Construction is a fine example of a success story for union building trades workers and a union contractor," said Dave "Bones" McComas, Business Manager of Laborers Local 543 and Vice President of ACT.

"Bill takes pride in his work, and we are proud of him."

## Resolutions Passed At AFL-CIO Convention

### The Mason County Pulp Mill And West Virginia Jobs Act

*For the past several years, West Virginians have been asked to accept a pulp and paper mill and the jobs that come with it, essentially in exchange for an increased risk in cancer.*

*Parsons and Whittemore, the paper mill company, has been awarded nearly every conceivable tax credit and incentive for building their plant in Mason County. However, the most important aspects of the mill -- concerns about jobs for West Virginians and environmental responsibility -- have been overlooked and ignored by the company and the state.*

*Contrary to the perception fostered in the media, the Tri-State Building and Construction Trades Council and the Affiliated Construction Trades Foundation are strongly in favor of the mill being built. We only ask the mill be built using West Virginia labor and the available technology, in use elsewhere, which produces paper without producing cancer-causing dioxin.*

*Despite claims by Parsons and Whittemore, the Chamber of Commerce and the Manufacturers Association, to date, there has been no evidence put forward by the DEP to show that there is any economic hardship or compliance problems with*

*our demands.*

*Furthermore, documents from the state economic development office show that over \$1 billion in state commitments of tax money has been discussed for this project.*

*Without question, we can have environmentally safe industries and good jobs, and we reject the concept that one must be sacrificed for the other. Therefore be it*

*RESOLVED, That this 20th Constitutional Convention of the West Virginia AFL-CIO strongly urges the Legislature to insist West Virginians be hired to build and operate the mill, especially if tax payer dollars are to be used; and, be it further*

*RESOLVED, That the AFL-CIO strongly urges the legislature to insist the mill will be built using the most modern, non-dioxin producing technology.*

### The West Virginia Jobs Act

*The West Virginia Jobs Act was developed and supported by the West Virginia Building and Construction Trades Council with the goal of securing more jobs with better pay for West Virginia workers.*

*The bill would require contractors doing business in West Virginia on projects using public money of any kind to have ninety percent of their worksite employees be West Virginia residents or those residing within local market areas.*

*An exception to the percentage rule would allow the hiring of construction workers from contiguous counties in states bordering West Virginia.*

*It is critical for state and business interests to understand that to foster a strong economy, we must implement business strategies which benefit our working people, not only corporations. The concept of "building here to spend here" is an underpinning to stable communities. The creation of good-paying jobs for our citizens, keeping money in the state, and strengthening the economy is necessary to our economic development. Therefore, be it*

*RESOLVED, That this 20th Constitutional Convention of the West Virginia AFL-CIO, strongly urges the Legislature to support this bill, and keep West Virginians working.*

# Woodrums Building Case Reaches NLRB, 'Job Is Now Nearly 100 Percent Union'

A \$6 million project in downtown Charleston started out as a nonunion job with workers from Ohio.

Now it's nearly 100 percent union with local workers.

The difference--the Charleston Building Trades together with the ACT Foundation and the National Labor Relations Board (NLRB) have put an end to illegal refusal to hire union workers.

At least on one project.

The NLRB agreed with local labor officials and filed a complaint on behalf of 31 workers on the Woodrums Building renovation project.

The charges involve River Valley Construction of Proctorville, Ohio, and its refusal to hire work-

ers because of their union affiliation.

River Valley has since been replaced by Carlton Construction of Charleston.

"The job went from maybe

A court hearing has been set for March 14 of next year.

ACT's Gary Tillis had started investigating the project early last summer. He found a long time prominent Charleston family, the

and cement finishers applied for work.

"The guy running the job said he would rather shoot a union man than hire one," said Darrell Pauley Business Manager for

and we've got to keep trying."

Although he's happy the case has progressed this far, Pauley said it's unfortunate the hearing is so distant.

"The job will be over before then," he said.

Sutphin said the contractor has admitted to hiring five non-union workers after turning down all 31 of the union members.

"I'm very optimistic about the outcome of the case," he said. "And tickled to death to have run a rat off this job."

He said cooperation between crafts really helped get this case off the ground.

"I really appreciate the membership participation from all the crafts," he said.

***"The guy running the job said he would rather shoot a union man than hire one. Now he's the one looking for a job. We told him we could do the job, we would work hard and we would organize. It's our right and we've got to keep trying."***

~ Darrell Pauley, Laborers Local 1353 Business Manager

one percent union, when only the electricians were union, to almost 100 percent local union labor," said Bob Sutphin, business manager of Carpenters Local 1207 in Charleston.

Woodrums, still owned the building and was renovating it with the help of a Huntington developer Tom Way.

Members from the laborers, sheet metal workers, pipefitters,

Laborers Local 1353.

"Now he's the one looking for a job.

"We told him we could do the job, we would work hard and we would organize. It's our right

## Federal Law Protects Standard Of Living

# Rockefeller Fights Davis-Bacon Repeal

The Davis-Bacon Act is currently under attack by the Republican-controlled Congress in Washington, DC.

Under the leadership of Newt Gingrich, the U.S. House of Representatives passed a measure to repeal Davis-Bacon. Thanks to the fight of Sen. Jay Rockefeller, the same provision was withdrawn in the U.S. Senate.

Rockefeller, with other pro-worker senators, was able to filibuster the bill.

However, the fight is not over. Because the repeal was tacked

onto an appropriations bill the differences in the Senate and House versions must be worked out in a joint conference. The outcome is uncertain.

Meanwhile efforts to promote a Davis-Bacon reform bill are

in the local economy, less income and sales taxes are collected and more social services are needed."

The law, passed in 1931, requires that on all federally funded construction projects, contrac-

tors must pay workers no less than the prevailing wage of that area.

The need for the Davis-Bacon Act today is

the same as when it was passed, according to Tillis.

Davis-Bacon prevents the erosion of living standards by federal construction projects.

"Davis-Bacon creates a fair set of rules for public construction that protects communities, contractors and workers," he said. "The law encourages open competition on a level playing field."

The misconception that Davis-Bacon wage is a union wage is a problem, Tillis explained.

***"Simply put, low wages attract the least qualified workers. If a job is poorly done then it will cost more to have it redone or repaired."***

~ Gary Tillis, ACT Fair Contracting Representative

being made by labor.

Many citizens are not aware of the significance of the Act and how they will be affected if Davis-Bacon is repealed.

If it is rescinded, expect lower wages, with little or no change in construction costs and taxes, said Gary Tillis, ACT Fair Contracting Representative.

"That is what has happened where state prevailing wage laws have been repealed," Tillis said. "The promise of lower taxes is a hollow one. Because workers earn less they have less to spend

"That's just not true," he said. "The U.S. Department of Labor must determine through surveys what the prevailing wage is.

"A union wage only prevails if a majority of construction work-

ers in a community are union members."

Even if the construction wages are cut, a decrease in the taxes will not automatically happen.

"Simply put, low wages attract the least qualified workers. If a job is poorly done then it may cost more to have it redone or repaired," Tillis said.

The Davis-Bacon law applies only to projects funded with federal tax monies.

But many state and local projects get assistance from the federal government. In that case Davis-Bacon applies.

West Virginia has a state prevailing wage law that is very much the same as the federal Davis-Bacon law.

"Our members should really be up in arms about this law being under attack," Tillis said.

"They need to get involved in our 'Taking ACTION' program, and call or write their representatives to show how we appreciate their support and are counting on them to keep Davis-Bacon alive."

### Contact Your Senator

#### In West Virginia:

Sen. Robert C. Byrd (D)  
311 Hart Sen. Office Bldg.  
(202) 224-3954

Sen. Jay Rockefeller (D)  
109 Hart Sen. Office Bldg.  
(202) 224-6472

#### In Ohio:

Sen. Mike DeWine (R)  
140 Russell Sen. Office Bldg.  
(202) 224-2315

Sen. John Glenn (D)  
503 Hart Sen. Office Bldg.  
(202) 224-3353

#### In Kentucky:

Sen. Wendell Ford (D)  
173-A Russel Sen. Off. Bldg.  
(202) 224-4343

Sen. Mitch McConnell (D)  
361-A Russell Sen. Off. Bldg.  
(202) 224-2541

Washington, D.C. 20510

### 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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# Pickets Protest At Harrison School Board

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County Board of Education office in Clarksburg.

The demonstration denounced the Board's hiring of Sturdisteel of Waco, Texas, to build the bleachers.

Joining in the rally were approximately 20 local union members including members of Sheetmetal Workers Local 33, Operating Engineers Local 132, Laborers Local 984, Painters Local 804, Iron Workers Local 549, and IBEW Local 596.

The pickets carried signs with a picture of a Sturdisteel crew member's Texas license plate and bumper sticker which said "Don't Mess With Texas".

"The project is funded with local tax money but the contractor brought in all its employees," Montoney said.

"We believe local jobs should go to local people. It hurts when

local workers need a job and they watch their tax money go to

Workers Compensation records for Sturdisteel at state offices.

enforced," said Montoney. ACT also objected because

By not verifying wages paid to workers, contractors have a "license to steal a decent living from their employees," Montoney said.

"We want the Harrison County School Board to make sure local workers have an opportunity for jobs at the projects they fund," Montoney said.

"We also want the Board to make sure a company is abiding by all state laws before awarding the contract.

"Finally, we insist the Board require certified payrolls be kept by all contractors and that these records, of taxpayers money, be made public as mandated by state law."

Montoney said Lee Powell of the West Virginia Division of Labor issued a cease and desist order at the job site the next day because the company doesn't have a wage bond.



PROTESTING TEXAS WORKERS at the Robert C. Byrd High School in Clarksburg are local union workers in front of the Harrison County Board of Education.

hire out of state workers."

Montoney was unable to find a wage bond, Secretary of State registration, business license or

"Not only are local workers neglected, local business is not given a level playing field to compete when these laws are not

the Harrison County School Board has not ordered certified payrolls be kept as state law requires.

# Trus-Joist MacMillan Workers Win \$30,000 Award

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four of which had been employed by Chase and laid off.

"People with less qualifications were hired for the same job after our guys were laid off," said Boilermakers Local 667 Business Manager Ron Bush.

"The only difference was they weren't union members."

All workers involved in the case are members of Local 667. The four who were employed

by Chase will receive a check for \$1,000, Bush said. The other 58 will get nearly \$400 each for a total of \$25,000.

Also as part of the agreement, Chase signed the South Central States Labor Agreement stipulating the company would follow guidelines in the Labor Agreement at all of its job sites, not just TJM, until August 7, 1997.

Previously, McDaniels and Andrews received settlements

of over \$2,000 each in the case against Mountaineer Resources.

When workers tried to organize at Mountaineer they were told Mountaineer was already unionized -- by the United Service Workers of America.

Department of Labor records show the union barely existed.

Mountaineer finally closed up shop and was forced to return 'dues' deducted from workers checks. Chase took over.

"Once the checks from Chase have been cashed the Boilermakers will request that the NLRB dismiss outstanding unfair labor practice charges with prejudice," Bush said.

Bush said the Fight Back program has been used four or five times in West Virginia.

"We're pleased with the results. We think it's very good news, and we want the membership to know about what we're accomplishing."

"I want to emphasize that this job was not salted," Bush said.

"Those men were not sent to TJM by this union hall. They went down there because they wanted the jobs, and they were

qualified for them. "But the company laid them off when they tried to organize the job."

## JOBS ACT UPDATE

The West Virginia Jobs Act would require projects funded by state tax dollars to hire 90 percent of workers locally. So far, B.B. Smith, ACT legislative representative has visited 22 county commissions to lobby for passage of a Jobs Act support resolution.

### County Resolutions Passed

Doddridge	Ritchie	Harrison
Clay	Wirt	Lincoln
Grant	Preston	Marshall
Fayette	Wood	Wetzel
Wayne	Taylor	Calhoun

### County Resolutions Rejected


Putnam	Jackson
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### County Resolutions Pending

Raleigh	Mason
Boone	Monongalia
Cabell	

### Counties Next On Agenda

Kanawha - October 19th
Braxton - October 20th

  
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