



# THE ACT REPORT

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## Strike At Embassy Suites Hotel; Out-Of-State Invasion Protested

A nonunion, out-of-state sub-contractor, Dee Shoring Co. of Richmond Va., has recently become the target of striking nonunion workers in downtown Charleston.

Dee Shoring is the concrete sub-contractor on the \$26 million Embassy Suites Hotel project.

About 10 workers have been on strike since mid-July, according to ACT representative Bill Thomas.

The issue involves unfair labor practices, discrimination in the company's hiring practices, and out-of-state workers.

According to Thomas, the workers voted on July 12th to go out on strike, "after repeat-

edly asking for better wages, hours and working conditions."

One of the big issues employ-

ees struck over was the supervisor's trying to coerce and intimidate them over a break, he

said.

"Legally, the employer can not intimidate their employees

or try to deny them the rights guaranteed under Section 7 of the National Labor Relations Act," which happened in this case, Thomas said.

The hotel's owner is John Q. Hammons Hotels of Springfield, Mo., who contracted with McDevitt Street Bovis, of Altamonte Springs, Fla., to build the hotel.

One of the first contractors hired by McDevitt Street Bovis was Dee Shoring Co. from Richmond, Va.

"Dee Shoring started by hiring workers off the street to build the foundation for the hotel," Thomas said.

"So we got some union people  
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WORKING IN DOWNTOWN CHARLESTON are more than two dozen out-of-state workers brought in by Embassy Suites contractor Dee Shoring Construction Co.

## Wal-Mart/Lowes Plaza Contractor Goes Union After Locals Picket

Because this story involves ACT employees and members who are actively salting we will not be using their names. We do acknowledge their commitment and contribution to improving conditions in the construction industry.

ACT's new fair contracting representative, working with Operating Engineers Local 132 and Pipefitter Local 83 successfully organized West Virginia Mid-Valley Construction, based in Huntington, WV. Mid-Valley was working on the Lowe's building's footings and slabs in St. Clairsville, Oh. at the time.

"We had two salts on the

job," he said. "One had been employed about three months and had traveled through six states mobilizing and demobilizing equipment on different projects for Mid Valley, sometimes working up to twenty hours a day."

The ACT rep said he had been following the man's progress and the situation came to a head in St. Clairsville.

The salt had been working about a month when about 17 members of the Tri-State Building & Construction Trades Council went in to Mid-Valley's office seeking employment. None were hired, but the next person hired was the second union salt who wasn't even required to fill out an application.

Tri-State Building Trades filed

unfair labor practice charges with the National Labor Relations Board (NLRB).

"Then the two openly came out and told Mid-Valley that they were voluntary union organizers," he said.

ACT then found out the Mid-Valley subcontracted out to W. Golden Construction of Wheeling, which is a union contractor, to pour the slab.

Next, 11 of the Mid-Valley's finishers and laborers quit when the union men of W. Golden came on the job at better pay and benefits, so the company entered into negotiations with several locals.

Plumbers and Pipefitters Local 83, Operating Engineers 132, and Laborers Local 543 set up a picket the next day outside the job site.

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# 'It's Crunch Time'—ACT Rep Wants To Register All Members Before Election

It's crunch time," said Raymond "B.B." Smith ACT's legislative representative, "we need to get our membership registered to vote."

Smith said he generated a letter for all ACT business agents to send to the Margaret Jarvis, Volunteers In Politics (VIP) director of the state AFL-CIO Committee on Political Education (COPE), requesting a master list for their local showing which members were not registered to vote.

Smith estimated that as many

as 20 to 25 percent of ACT members are not registered to vote.

"That's pretty good when compared to the population as a whole. Some estimates put the

number of non-registered voters to be in the 50 percent range," he said. "But we need as many as we can possibly get."

Knowing which members are

not registered could be useful to the business agents, Smith said.

"We want the business agents

registration forms to all locals before the primary and can send more if necessary.

"If they need more we'll be happy to furnish them or they can get them at their local court-

not registered to vote or those whose families aren't registered, to please take the time to do so. It's very simple--they can go to their courthouse or their union hall--it's just a matter of filling out a simple form and mailing it back to courthouse (the postage is free) and it does not have to be notarized," he said.

"And they have until October 7 to get them in."

After getting everyone registered, Smith said, the next step is getting them to the polls in November.

***"It's crunch time—we need to get our membership registered to vote."***

***—Raymond "B.B." Smith  
ACT's Legislative Representative***

to talk with stewards on the job site, or at meetings to register their members—any avenue they feel best and most effective."

He said ACT sent postcard

houses."

Smith said he is working hard this summer to get the ACT membership registered to vote.

"I'd like to urge any member

## Local Workers Get \$7 Per Hour, No Benefits

# Out-Of-State Invasion Protested

Continued from page 1  
to go over there and apply for jobs with Dee Shoring on June 25th," he said. "Of the 87 union applicants, none were hired. In fact, Dee Shoring's supervisor even said he was not hiring any more, but they continued to hire before, during and after June 25th.

A few of the local people on the job started to work with

Gary Tillis, assistant business agent with the Laborers' District Council and Bob Sutphin, business agent for Carpenters Local 1207 in Charleston.

"Some were hired for jobs that paid seven dollars an hour, no benefits," Tillis said. "I think you can safely say that things like pouring concrete for seven dollars an hour in the hot sun is 'slave wages'."

After the union became involved in organizing the project Dee Shoring started importing

workers from South Carolina, North Carolina, Virginia and Central America.

The Charleston Building & Construction Trades Council has filed unfair labor charges with the National Labor Relations Board (NLRB). "The Board is investigating the charges and we're awaiting a decision," Tillis said.

He said the charges are dis-

crimination in regard to not hiring 87 union applicants, and that Dee Shoring supervisors intimidated and coerced employees.

"If the board finds the charges to be accurate it will establish the employees have a legitimate unfair labor practice strike and the 87 union applicants are entitled to any lost wages," Tillis said.

"We feel like we have a solid case," he said. "It would be in everyone's best interest if Dee Shoring would just sit down and try to resolve these issues."

Thomas said some of the striking workers have already joined Carpenters Local 1207 and Laborers Local 1353, both in Charleston.

ACT ran a full-page ad in the Charleston Newspapers' Gazette-Mail, imploring Hammons to stop taking jobs away from local workers.

Letters were sent to all Embassy Suites Hotels in the U.S.

and Canada with news articles of the picket and documentation of the unfair labor practice charges.

"We will continue to let the public know what is going on here with advertising, letters, pickets, handbills and whatever it takes," said Thomas.

ACT has learned that the same owner and general contractor recently built an Embassy Suites

in Seaside California. On that project almost all contractors and workers were from the local area. Wages were over \$20 per hour plus health and pension benefits.

"We want to know why these same companies, building the same hotel, can pay decent wages and benefits, and use local people in California but won't in West Virginia," said Thomas.



**DEMONSTRATING SOLIDARITY** are about 75 building trades members in front of the Embassy Suites job site. The group was protesting the importing of out-of-state workers. The same owner and general contractor just finished an Embassy Suites in Seaside, Calif. using 90 percent local workers as required by the city.

## Salting, NLRB Charges, Picketing and Advertising All Part of Campaign

# Wal-Mart/Lowe's Sub-Contractor Signed

*Continued from page 1*

The timing of the picket couldn't be better, the ACT rep said, he suspects because Wal-Mart people were coming to look at the site the same day they set it up.

"The Superintendent sent a message asking for the two salts to come back to work and to please take down the picket as a

gesture of good will because he was in negotiations with the unions.

"I think Wal-Mart was getting ready to buy their building, and the general contractor, R.G. Brinkmann Construction Co. (of Chesterfield, Mo.) said 'let's get this thing cleaned up before they get here'."

Brinkmann is the general con-

tractor on the whole job, and is the contractor on the Wal-Mart/Lowe's plaza slated for Clarksburg, while Mid-Valley was just a subcontractor on the Lowe's building.

"Mid-Valley ended up signing statewide agreements with Operating Engineers Local 18, of Ohio, Operating Engineers Local 132 in W. Va., Laborers

statewide in West Virginia, Iron Workers Local 549 Wheeling, and Cement Masons and Finishers Local 39 Wheeling.

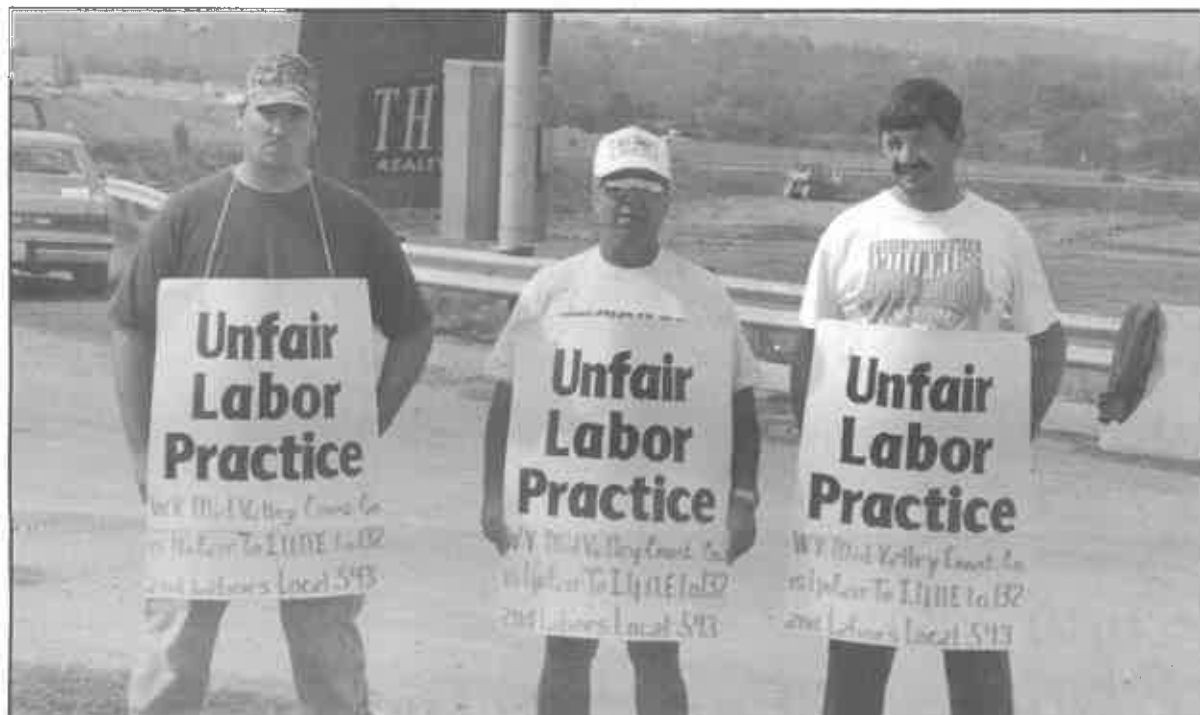
He said so far about 10 to 12 Laborers, 10 Cement Masons, six iron workers, and four Operating Engineers are on the job.

Mid-Valley was awarded the contract for footings and slabs for a Sam's store, so it will be union, too, he said.

There are still a large number

of out-of-state sub-contractors on the project. ACT ran a full-page ad about the out-of-state invasion in the Wheeling newspaper in early August.

The project is being developed by THF Realty, the same company who built the Southridge Wal-Mart and Lowe's nonunion in Charleston and who is asking for huge tax breaks for a Wal-Mart project in Nitro, W. Va.



**PICKETING FOR LOCAL UNION JOBS** outside the Wal-Mart/Lowe's Plaza in St. Clairsville, Ohio are (from left) Doug Koshenka, Dom Cavicchia and Joe Cochi, all members of ACT affiliate Plumbers & Pipefitters Local 83 located in Wheeling, W. Va.

## Sheet Metal 33's Youth-To-Youth Organizes Clarksburg Company

Several members of Sheet Metal Local 33's Youth-to-Youth program in Clarksburg successfully organized a heating and cooling company in the Parkersburg area.

Mitch Walter and Matt Oakes began the organizing effort in May and the vote on August 1 was 8 to 2 in favor of the union at Central West Virginia Heating and Cooling in Parkersburg.

"We think the two who voted against going union were relatives of the owner, Rick Schlicker," said Kenny Perdue, district representative for Sheet Metal Workers Local 33 in the North Central area.

Perdue expects the election to be certified by the National Labor Relations Board the third week of August and contract negotiations to begin soon after.

Steve Montoney, ACT's northern representative, said it was teamwork on behalf of all the Youth-to-Youth members who worked on this that brought about the successful organizing.

"We didn't really do anything other than offer our support," Montoney said.

"We're more than happy to help when they need help organizing, but it takes the efforts of union guys like these to get them on board."



**CAMPAIGNING ON ELECTION DAY** are members of Sheet Metal Workers Local 33's Youth-to-Youth Program Chad Paulsen, Dave Safreed, Evan Bodine, Gary Gregory, Randy Gombos and Kenny Perdue, Local 33's business agent, and Steve Montoney, ACT Northern Representative.

## Mill Permit Battle Continues

*Continued from page 4*

On the same day another public hearing was held in Charleston regarding new dioxin regulations.

A proposed emergency rule to eliminate all state regulations regarding dioxin in fish was put forward in July by the state Environmental Quality Board.

"It is unbelievable," said ACT director Steve White.

"The state wants to delete regulations that limit dioxin levels in fish after they find out the levels in fish are deadly -- and they call it an emergency.

"The only emergency is to get a permit for a pulp mill that won't

use modern technology or hire local people."

Dramatically, two days before the public hearing, the U.S. EPA sent a letter to the state recommending fish tissue standards be strengthened rather than deleted.

At the opening of the public hearing the EQB Chairman stated they would "likely withdraw the proposal."

"The state has shown they will do anything to get this pulp mill," commented White.

"This latest effort to change laws was only for the mill. Even EPA couldn't go along with such obvious manipulations."

*State Backs Off Dioxin Rule***ACT Continues Pulp Mill Fight**

Another step in ACT's challenge of the water permit for the proposed pulp and paper mill in Mason County came August 8.

ACT attorney Stuart Calwell argued in a hearing at the state Environmental Quality Board that the permit for the mill is illegal.

His argument was clear: It is against federal and state law to put more dioxin into a river that already has too much dioxin in it.

The Ohio River has too much dioxin in it.

The pulp mill will put more dioxin in the Ohio River.

The State of West Virginia can not grant a permit for the pulp mill as it is presently designed. But they did it anyway.

ACT has fought the develop-

ers of the mill for years because no commitment has been made to hire local workers or to build the mill with the most modern technology.

On of the problems uncovered by ACT is that the mill will discharge dioxin, a deadly can-

don't use valuable oxygen from the river.

The Ohio River has low levels of oxygen which is needed for plants and fish to keep the river clean. The level of oxygen used by the proposed mill is huge.

ACT believes if the mill is built

under the current permit conditions not only will it kill the river right below the mill, but other industry and municipalities will have to cut back

*"We just think the science is all wrong on this mill. We welcome a mill that would be built with modern technology and local people, the problem is this mill offers neither."*

*-Stuart Calwell, ACT Attorney*

cer causing chemical, into the Ohio River. ACT has pointed out that new technology exists and is in use across the world that does not create dioxin.

The latest technology will also solve another major problem the proposed mill would produce. New bleaching techniques use much less water and therefor

on their discharges costing jobs and tax money.

"We just think the science is all wrong on this mill," commented Calwell. "We welcome a mill that would be built with modern technology and local people, the problem is this mill offers neither."

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**ACT Report Prompts Sub-Contractor To Set Record Straight On Payroll**

Last month the ACT Report ran an article on possible mis-classification of employees at the Clarksburg Army Corps of Engineers Maintenance facility and Boat Ramp.

As a result, Carl P. Mazzo, of Mazzo's Excavating, contacted Stephen Montoney, ACT northern representative, in order to clear up a problem in reporting

only independent employees on his certified payroll documents.

"Apparently Mr. Mazzo had questioned the procedure of listing everyone as owner-operators but the General Contractor of Talasila, Inc. informed him this was the way they did it on projects in Pennsylvania, and nobody would question it," Montoney said.

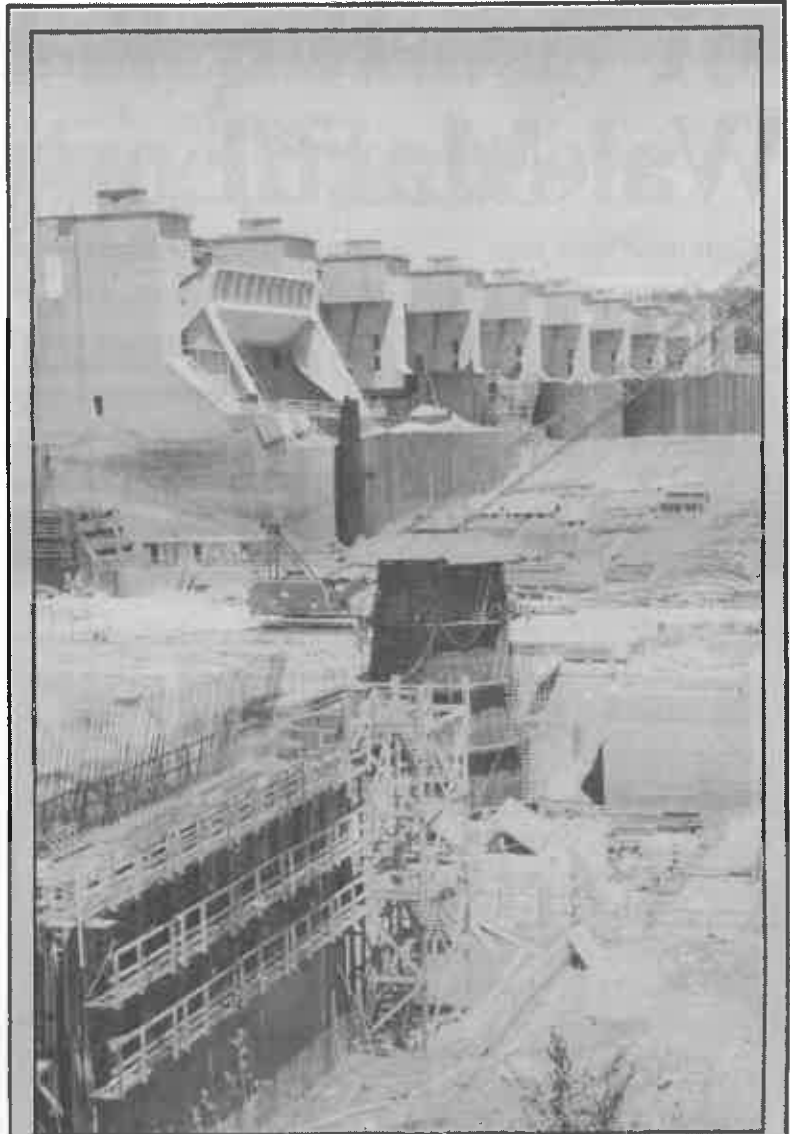
Mazzo was unfamiliar with the certified payroll forms and believed the other contractor to be correct, he said.

After Mr. Mazzo read the ACT Report, he came to the Clarksburg office and presented cancelled checks verifying the proper wages were paid to his employees.

Montoney also learned Mazzo apparently was not paid for some hourly contract work that he supplied for Talasila.

The Army Corps has been contacted and "I will request that performance bonds not be released until all outstanding debts are paid as well as claims by Mr. Mazzo," he said.

"There were and still are major problems in completing this project," Montoney said. "If more companies were as willing to be open and fair in the contracting practice as Mazzo's, my workload would be cut in half."



**BUILDING** the Belleville Hydro-Electric Dam are about 150 Parkersburg-Marietta area construction workers. General contractor on the \$75 million project is Guy F. Atkinson Construction Inc.

**Carpenter Dies From Fall; Fund For Widow Initiated**

Harvey Canada, a member of Charleston-based Carpenters Local 1207, died after falling from a ladder while working on a building in downtown Charleston July 18.

Canada was working for subcontractor Nitro Acoustical on the building being built for the law firm Bowles Rice McDavid Graff and Love.

The general contractor on the job is Pray Construction. OSHA is investigating the accident.

Bob Sutphin, business manager for Local 1207, said he has been collecting donations for a fund for Mrs. Canada.

"Unfortunately, Harvey had not worked since November of '94, and his insurance had lapsed," Sutphin said.

"Mrs. Canada is having a very hard time accepting the loss of her husband."

Sutphin said Harvey was a very hard worker and very dependable.

"The local will suffer from his loss," he said. "He was a very good man."

If you want to make a donation to the fund for Canada's widow, call Sutphin at 342-4321, or mail it to Carpenters Local 1207, 205-A Tennessee Ave., Charleston, WV 25302.

Please make checks payable to Mrs. Harvey Canada.

**The ACT Report**

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