



# THE ACT REPORT

VOLUME 5, NUMBER 6

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION



JUNE, 1996

## Carpenters of Morgantown and Clarksburg and Cement Masons of Morgantown

# Still Growing: Three New Locals Join

Cement Masons Local 711 of Morgantown, voted to unite with ACT at their May meeting.

Business Agent Bob Ghuste said the local has 63 members, all active, with more than 60 percent working, and "we're just proud to be on board."

The members of Local 711 focus mainly on cement finishing and plastering on commercial and light residential projects with some industrial work thrown in.

The organization also maintains an apprenticeship program requiring 4,000 on the job hours to attain journeyman status, plus 288 of related classroom instruction. Currently, Local 711 has five apprentices enrolled in the program.

Ghuste said his members voted to join because they were "hoping to find out

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Two Carpenters Locals in the Carpenters District Council of North Central West Virginia joined ACT.

Local 604 of Morgantown, and Local 476 of Clarksburg joined in late May. The two are part of the Carpenters District Council of North Central West Virginia, which serves as the business office for both.

President of the Morgantown Carpenters Local is Joe Evans, and president of the Clarksburg Local is David Jolliffe, according to Larry Linch, who serves as business agent for both locals.

There are 300 active members out of the Clarksburg, and about 180 out of Morgantown, Linch said.

The apprentice program for both is run out of the District Council's office, and

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## Council Considering State-Wide ACT Participation

# State Building Trades Convention In June

ACT has delivered real success for union building trades workers across the state. Given the money needed to fight back, ACT has shown that union construction workers are a force to be dealt with.

The problem?

Not all union construction workers are members of ACT. "We never leave any craft out

of a commercial or promotional effort ACT is involved in. But only a little more than half of the membership in the state pays into ACT," commented Steve White, ACT director.

"The addition of four new locals last month has been a tremendous boost for ACT. Our goal now is to get everyone participating."

A proposal has been discussed with the West Virginia State Building Trades to make participation in ACT a requirement of being in the Building Trades.

ACT has the money to do what the Building Trades could not do in the past. Advertising, hiring technical consultants and taking cases into court, are all

expensive tasks that ACT does every day with the funds members have put into the ACT Foundation.

"Every quarter goes to fight-

ing for more jobs for our members and against powerful anti-union forces," commented ACT President Bruce Tarpley.

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## \$400 Million Toyota Plant Will Be Built Union

Union officials in West Virginia have reason to believe the new Toyota plant slated for Buffalo in Putnam County will be built with union construction workers.

"When they were asked at the press conference announcing the selection of the Buffalo site if it would be built union, they said yes," said Steve White, ACT director.

White attended the conference with Roy Smith, secretary treasurer of the West Virginia State Building and Construction Trades Council.

Smith said because Toyota has successfully negotiated project agreements with building trades crafts for their most recent developments, including Georgetown, Ky., and

Princeton, Ind., there's no reason to think it won't continue to do work with negotiated project agreements.

Although Toyota had not intended to build the plant in Kentucky with union workers, the local Building Trades Council

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**PROUD OF THEIR HANDIWORK** are (from left) Parkersburg Carpenters Local 899 Trustee Jim Moore, President Ronald Dawkins, and Business Agent Bevin Seaman. The three volunteered a week in late May, working sometimes 12- and 14-hour days to help 100 other volunteers build a community playground behind Jefferson Elementary School in Parkersburg.

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# Election Results Positive

After the 1995 Legislature gutted Workers' Comp, the AFL-CIO vowed not to back anyone who voted for it.

For the primary election May 14, the AFL-CIO endorsed 70 Senate and House of Delegates candidates who did not hold office, 33 of which won their primaries.

It backed only 21 current legislators of which 20 won.

These 53 winners included 31 who are themselves union members.

"The press went wild after the vote claiming labor was beat at the polls but the fact is we did pretty good," said ACT legislative representative Raymond "BB" Smith.

One reason for the confusion was labor's vow not to endorse candidates who voted for the

gutting of Workers Compensation was interpreted as targeting all these legislators.

"We didn't target every legislator who voted wrong on the Workers Comp bill. The press

***"The press went wild after the vote claiming labor was beat at the polls but the fact is we did pretty good."***

**Raymond "B.B." Smith  
ACT Legislative Representative**

made that up to sell newspapers," commented Smith. "We did hold the line and only endorse our friends.

"That meant no contributions or volunteer efforts for those who voted against us on comp," said Smith.

Building trades members fared well in House of Delegates races across the state with incumbents Gary Tillis, Laborers District Council of West Vir-

ginia winning in the Putnam, Mason, Jackson county district and Larry Linch, Carpenters District Council of North Central West Virginia winning in Harrison County.

Bill Thomas, ACT industrial representative, ran in the 32nd district, home of the notorious "Four Horsemen" and won one of four democratic nominations.

Kenny Livingston, a Boilermaker from Tyler County, and Joe Weiland, a member of Laborers Local 1353 won in Roane County.

Of course the biggest victory was Labor-backed Charlotte Pritt who beat Sen. Joe Manchin, D-Marion, for the Democratic nomination for governor despite being outspent two to one.

## Two Northern District Council Of Carpenters Locals In ACT

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includes about 50 apprentices currently enrolled, "but that's from three locals -- Morgantown, Clarksburg and Local 518 in Sistersville," Linch said.

Linch pointed out that the District Council did not join ACT, just the two locals, and the reason behind the two locals joining together was because the two locals intermingle on various jobs.

"They both work primarily on I-79, the corridor between Monongalia and Harrison Counties," Linch said.

Morgantown voted to join first, but their official merging with ACT was contingent upon the Clarksburg office voting in favor as well.

Linch said the locals joined because the district council doesn't have the funds or staff to handle some of the programs that ACT does.

"And some of the programs the district council has in place, ACT will complement," he said.

He said he doesn't think the average member believes that by affiliating with ACT, they will be able to go out tomorrow and organize every non-union contractor in the area.

"At the same time they understand the need to get the unorganized into the union and to police non-union contractors for paying correct wages," Linch said. "ACT has programs in place that show they are effective."

"A union is a group of like-minded people forming together to have a say in their working conditions and dignity -- and ACT is just a continuous step in that process," he said.

"It brings the trades together and focuses the fight where there is a majority of nonunion rather than union contractors."

## West Virginia AFL-CIO Endorsed Primary - Winning Candidates

### STATEWIDE

Gubernatorial: Charlotte Pritt  
U.S. Senate: Jay Rockefeller

Attorney General: Darrell McGraw  
Robin Davis (Supreme Court unexpired term)

### CONGRESSIONAL

1st District: Alan B. Mollohan

2nd District: Bob Wise

3rd District: Nick Joe Rahall

### STATE SENATE

3rd: Louis F. Flade

6th: John Pat Fanning

8th: David Grubb

14th: Jon Blair Hunter

16th: Herb Snyder

### STATE HOUSE OF DELEGATES

1st: Jeff Davis  
Loretta Price (R)

10th: Sam Henry  
Fred Gillespie (R)

18th: Larry Jack Heck

29th: Tom Louisos

43rd: Mike Caputo  
Nick Fantasia  
Paul E. Prunty

3rd: Tal Hutchins  
Paul Rusen

11th: Joseph L. Weiland II\*  
Gary Tillis\*

19th: Grant Preece

30th: Pam Nixon  
Larry L. Rowe  
Sharon Spencer

44th: Bob Beach  
Eugene Claypool  
Barbara Fleischauer

4th: Kenneth D. Tucker  
Scott G. Varner

15th: David Bell (R)  
Margaret Leach  
Mark Forest Underwood

21st: Ernie Kuhn

32nd: Bill Thomas\*  
Debra Whanger  
David R. Workman

46th: David "O.B." Collins

6th: Kenneth R. Livingston\*

16th: Susan Hubbard  
Joe Hutchinson

25th: Richard D. Flanigan

34th: Brent Boggs

51st: Larry D. Miller

7th: Paul Janes

17th: Jerry "Mike" Damron

26th: Mary Pearl Compton

41st: Ron A. Fragale  
Larry Linch\*

54th: Laura R. Rose

9th: Larry Godfrey

27th: Virginia Mahan  
Warren R. McGraw II

56th: Dale Manuel

\*Indicates building trades members.

## ACT Busts Kentucky Paver Second Year In A Row

Last year ACT representative Steve Montoney caught Spartan Inc., of Burlington Ky., doing work on I-79 without a contractors license.

The company was also not in compliance with several Division of Labor regulations including lack of a wage bond.

While driving on the same highway a couple of weeks ago Montoney spotted the same company putting in drainlines for new paving.

"I called the DOL and was told Spartan had been cited twice before and had never come

into compliance with DOL regulations.

"Lee Powell, compliance officer for the DOL in Harrison Co. found out same thing -- Spartan was in violation with its wage bond."

Powell gave the company a five-day cease and desist order until they came into compliance and got the proper wage bond and licenses.

"Lee really came down hard on them," Montoney said. "He could have gone even further -- like putting them in jail. But they came into compliance in time."

## ACT Forces Bid On WVU Sub-Contract

Due to ACT's investigation, a contractor on the Robert C. Byrd Health Sciences Center in Morgantown was forced to bid out a sub-contract.

Steve Montoney, ACT's northern representative, attended a pre-bid for the project which included pointing up bricks, repairing the roof, and some asbestos removal involved.

"Bidders were told they had to have pre-qualification statements to the office ten days in advance, to be able to bid," Montoney said. "They wanted

a really topnotch job."

The apparent low bidder was E. V. McCracken Construction,

**"Others who had bid on the job had to provide pre-qualification statements, but the sub-contractor didn't, even though there were several responsible union contractors there bidding on the same work."**

**Steve Montoney,  
ACT Northern Representative**

of Dunbar, W. Va.

"I then heard a rumor that McCracken was going to sub-contract the masonry work through Mountaineer Masonry of Paden City.

"Others who had bid on the job had to provide pre-qualification statements, but the sub-contractors didn't, even though there were several responsible union contractors there bidding on the same work," he said.

Montoney sent a letter to Harold Harper, special assistant to the vice president, in charge of this project through WVU.

The reply was that the sub-contractor was not required to provide a pre-qualification.

However, McCracken then

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## Trades May Make ACT Participation State-Wide

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"Our ACT locals are carrying a heavy load and it's time for everyone to participate."

Another significant change being discussed is a restructuring of the State Building Trades Executive Board. Hand-in-hand with the consolidation of ACT and the building trades is a proposal to change the building trades executive board so that each craft gets a seat, similar to the ACT executive board.

"If adopted each trade will pick their own representative to sit on the executive board," commented Steve Burton, Business Manager of the Tri-State Build-

ing Trades and also a member of both the ACT and the State Building Trades Executive Boards.

"No one will be without representation. The executive board will meet at least monthly if not more to insure full participation by locals in the activities of the Building Trades."

Overall the feedback to the idea is positive said Roy Smith, Secretary Treasurer of the State Building trades. "We are building a fighting machine, it will take leadership, hard work and sound policies to win back a voice in our industry but we are committed to the cause," commented

Smith. "We will either succeed or go down fighting, we refuse to just wither away."

A proposed amendment to incorporate ACT into the State Building Trades has been distributed by Smith so all locals

will have a chance to review it. A Constitutional Convention for the State Building Trades will be held on June 27 in Morgantown. Highlighting the convention will be election of officers and amendments to the constitution.

Delegates to the convention come from affiliated local unions with jurisdiction in West Virginia. All locals get a minimum of two delegates with additional delegates allowed for locals with large membership.

## Putnam's \$400 Million Toyota Plant To Be Built With Union Labor

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put up a fight that soon changed their minds.

"Their realization of the quality of work that could be had through building trades workers we believe has convinced Toyota to continue to develop the relationship they have with

the building trades," Smith said.

Both White and Smith are quick to point out the difference between the Toyota plant and the pulp mill.

"That's what is significant in this development--Toyota is coming in with a commitment to local workers--from construc-

tion to permanent hires--and that's a total contrast to the pulp mill which made no commitments whatsoever," Smith said.

"And we don't have all the environmental problems the pulp mill brings."

Toyota is hoping to begin construction in August.

## Morgantown Cement Masons

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where some of these jobs are so we can pick up more work."

He said monitoring jobs for prevailing wage compliance was also a vital part of ACT's work.

"Monitoring jobs is a great thing they do," Ghuste said. "Getting our men their fair share that they're supposed to be paid is very important. Too often these people are supposed to pay a good rate by law but don't."

Getting ACT involved and on their case is very helpful, he said.

And of course politics plays a serious role too.

"We supported Charlotte Pritt for the primary," Ghuste said. "Her nomination was a blessing for my guys."

ACT officials are constantly on the lookout for more locals and want to encourage ACT members to try to spread the good word about its accomplishments to other union members.

Watch your mailbox for a new card ACT will be mailing in the next couple of weeks for you to hand out on the job to union members who are not yet "part of the solution."



**DISCUSSING WHAT WORKS AND WHAT DOESN'T** with ACT employees are the Trustees of Laborers & Employers Cooperation Education Trust (LECET) of Southwestern Illinois. The group visited ACT's Charleston office in late May to learn more about its programs and operations. LECET's President, Ron Shevlin, (right) said ACT's research and knowledge of all applicable construction industry laws is "astounding."

# Workers Comp Policy Promotes Low Wage Workers And Employers

While most people are aware of the drastic changes made to West Virginia's Workers Compensation System last year, few know of the ongoing bias against union contractors and construction workers.

The problem: Workers Compensation penalizes high wages and rewards low wages.

Union Contractors on average pay twice as much for workers compensation than nonunion contractors. Yet the unionized sector has the best safety programs, and the only training programs in the industry.

"Our state policy promotes low wages," said ACT director Steve White. "They are pushing in the wrong direction."

That's because comp is a payroll tax. All companies start out at the same rate for workers compensation based on the type of work they do. For example, a general contractor classification starts at about 15 percent of payroll.

To calculate a premium you

multiply the payroll by the classification rate. For each \$100 of wages a general contractor must pay \$15 to Workers Comp.

Take two people doing the same work, one at \$10 per hour, the other at \$20 per hour. The comp premium is \$1.50 for the first, and \$3.00 for the second. "That's twice as much for each hour worked for the same benefits," White explained.

"Yet high earners are generally better skilled, better trained, and have less accidents on average. They're paid higher wages for those reasons whether they're union or not. The comp premium should be less for them, not more," White commented.

Jim Cerra, president of the West Virginia Construction Council said premiums should be totally based on the hours you work and a true safety

record, not the rate of pay.

"People who are skilled craftworkers are taught during their apprenticeship training to be much more safety conscious than people who are hired by so

*"People who are skilled craftworkers are taught during their apprenticeship training to be much more safety conscious than people who are hired by so called fly-by-night contractors who breeze in and breeze out of the state. Therefore the current system really penalizes the quality worker and the contractor who hires them."*

*Jim Cerra, President of the West Virginia Construction Council*

called fly-by-night contractors who breeze in and breeze out of the state," Cerra said. "Therefore the current system really penalizes the quality worker and the contractor who hires them."

Cerra said he could argue strongly in favor of shifting the comp premium system away from a payroll basis.

"It's unfair because it discrimi-

nates against contractors who are paying higher wages," he said.

In fact, he said, it would be beneficial for the construction industry and "a giant step forward" if the state comp rates were based on hours worked rather than payroll.

On a related matter, Cerra's organization, the West Virginia Contractors Association, recently became interested in a proposed joint labor/management effort to change the system to the Workers Compensation.

"Under this system, any contractor who is signatory to a labor agreement can collectively bargain on a multi-employer basis to establish a local employer specific workers compensation program. A group plan then would be very healthy

for the organized segment of construction and would also help to refocus comp on what it was set up for -- to get injured workers the best care and back to work as soon as possible," Cerra said.

To help achieve that goal, the West Virginia Construction Council, the ACT Foundation and the West Virginia Building and Construction Trades Council are sponsoring a conference in mid-July to explore possible solutions to the problem.

According to Cerra, the guest speaker will be John Lewis, who has extensive experience in organizing collective bargaining agreements on workers comp and has set up similar programs in Florida and Massachusetts.

"We're going to take a hard look at what we can do to improve our contractors workers compensation and make union construction more cost effective," Cerra said, "in compliance with West Virginia law, of course."

## ACT Adds Two New Investigators

ACT hired two new fair contracting investigators in mid-April to carry on the program started by Tim Millne and Gary Tillis, both of whom are now assistant business managers for the Laborers District Council.

Because of their immediate involvement in salting and other organizing efforts the names of the new hires will not be published until a later issue of the ACT report.

The first new representative is a member of Operating Engi-

neer Local 132 from Huntington area.

The second new hire is a 26-year member of Pipefitters Local 565 in Parkersburg and lives in the Parkersburg area. He will be working out of the Charleston office.

Both have been undergoing an "ACT education". So far that has been a lot of learning about prevailing wage and public bidding laws, how to use ACT's contractor/project data bases, and "who the people are I need to see to get information."

"We are happy to have both of these members on board to keep up the work ACT is committed to," said ACT director Steve White. "There were a number of excellent candidates, we really have the people within our ranks to do the job. I just

wish we could have hired all who applied."

The two main areas for these two new hires will be prevailing wage monitoring and assisting with COMET/Fightback programs. "These are the two most powerful programs we have and it takes a real effort from the membership, local leadership, building trades councils and ACT to make it work," said White. "With good people in the field and our advertising, consulting, legal and public relations support we will continue to deliver results.

"We will catch more cheaters, inform the public about the advantages of local union workers, and make sure that building trades members get a fair chance at the construction jobs in our area."

## WVU Sub-Contract

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decided that the sub-contracting work must be bid out to pre-qualified contractors as well, and the contract went to Keystone Waterproofing Co. of Penn.

"We were able to break the sub-contract out," Montoney said.

"We didn't get the work, but we did get our contractors a chance to bid competitively on this job, which normally they wouldn't have been able to do."

## 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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