



# THE ACT REPORT

VOLUME 5, NUMBER 9

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION <sup>4</sup>  SEPTEMBER, 1996

## Seven Split \$25,000 From Discrimination Settlement

Nonunion Beckley Mechanical Inc., of Beckley, W. Va., has settled an unfair labor practice case for the amount of \$25,000 with the Tri-State Building & Construction Trades Council, based in Ashland, Ky.

Beckley Mechanical was charged with illegally firing two employees and refusing to hire others at the Foster Foundation's \$16 million Woodlands Retirement Community in Huntington.

They agreed to the settlement right before the case reached an

administrative law judge in late August.

The agreement saw two individuals (who asked not to be named in case they want to salt future jobs) receive settlements for \$10,000 each.

According to Tom Williams, organizer for the Tri-State Building Trades, the case began in spring of last year when a group of union workers applied for jobs the company had advertised in the local paper. Of the approximately 20 who applied,

none were hired.

Then two non-union workers applied and were hired. Nothing new here, according to Williams, except they were sent by ACT's Bill Thomas.

"We have had little success in getting union members to salt jobs but we have had luck working with nonunion salts, or peppers as some call them," said Thomas. "These are folks who want to be part of the union and are willing to actively organize."

The two presented Beckley

Mechanical officials with a letter in June of last year informing them they were attempting to organize the company's workforce. They were terminated shortly afterward.

"We filed charges with the National Labor Relations Board against Beckley Mechanical for illegally firing the two salts, and for discrimination against the applicants," Williams said.

Of that group, Williams said, only five were found to be quali-

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## 100 % Union Job Toyota/Trades Sign Project Agreement

The National Building and Construction Trades Dept., AFL-CIO and the Charleston Building & Construction Trades Council jointly announced in early September that the \$400 million Toyota engine plant slated for Buffalo in Putnam County will be built with union labor.

A ground breaking ceremony held on September 18th kicks off the project. Construction will provide jobs for hundreds of workers over the next two years. Workers will be hired out of local hiring halls.

"That news is greeted with enthusiasm from construction workers all across the state," said Steve White ACT director. "Toyota's commitment to West Virginia workers is outstanding. We only wish other companies had the same attitude."

White believes Toyota's use of local union workers means that West Virginia's reputation for producing hard workers has reached an international audience.

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## Signing Up Workers And Contractor Is Goal

# Organizing Campaign Targets Huntington General Contractor

The goal of organizing Jo-Del Construction, Inc., a non-union contractor based in Huntington, was recently undertaken as a

joint effort by ACT, and both the Tri-State and affiliates of the Charleston Building & Construction Trades Councils.

"We took a look at the company, and they're doing work from Kentucky to Greenbrier County, W. Va., and even far-

ther," said Steve White, ACT director.

White said ACT compiled a lot research on the company and its track record--who it works for and how many employees.

ACT's new fair contracting representative, who must remain anonymous because of his salting activity, said he talked to some Jo-Del workers and they said they were interested in becoming union.

"We saw it as a good target for unionization," he said.

A committee was formed made up of the fair contracting representative, Randy May, business agent for Carpenters Local 302, and Tom Williams, organizer for Tri-State, and four Jo-Del employees.

The committee then began a

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**SUPPORTING WORKING FAMILIES** at Labor Day festivities in Paden City, Wetzel Co. are (from left) Tom Johnson, retired member of Wheeling Plumbers & Pipefitters Local 83, Charlotte Pritt, Democratic candidate for Governor, and Ken Livingston, of Boilermakers Local 667 and Democratic candidate for House of Delegates, Tyler, Doddridge and part of Wetzel Co.

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# ACT's Asbestos Investigation Helps EPA Federal Indictment

An ACT investigation last summer resulted in a New Martinsville man and Northern Panhandle company being named in federal criminal indictments alleging violations of the Clean Air Act in West Virginia.

The indictments, stemming from an FBI investigation, were handed down by a grand jury in Clarksburg in late August.

Kenny Perdue, former business agent for Local 33 in Clarksburg, reported the incident last July to Steve Montoney, ACT northern representative who in turn contacted the EPA.

Perdue, who's son Kenny Perdue, Sr., is the current business agent for Local 33, said he thought a church razing was contaminating his neighborhood with asbestos dust.

"The EPA collected samples as did [West Virginia] Asbestos Control," Montoney said. In the meantime, Montoney had samples Perdue collected ana-

lyzed by a testing lab in Charleston.

"Our tests showed the samples contained asbestos. What appeared to be pipe wrapping was made up of 62% of the substance," Montoney said.

*"When I talked with Ted Stanich, a special investigator for the EPA, he told me this could result in prison time, not just a slap on the wrist."*

*-Steve Montoney*

*ACT Northern Representative*

"The gray plaster sample apparently contained 4 percent asbestos."

The legal limit by the Environmental Protection Agency is one percent.

Montoney said the abatement was supposed to have been done by SAK Environmental Inc. the Sistersville company named in the recent criminal indictments.

Also named in the three-

county indictment were Frederick Q. Blizzard, 40, of New Martinsville.

The first count of the indictment alleges that "Blizzard and SAK Environmental Inc. conspired from in or about 1992 to

in or about 1996 to violate the Clean Air Act to save money on environmental compliance costs during various asbestos renovation and demolition projects in West Virginia and Ohio."

Count two alleges Blizzard and SAK Environmental dumped asbestos-containing material in a wooded area of Tyler County, avoiding proper disposal methods, a violation of

the Clean Air Act.

Blizzard could face a maximum of five years imprisonment and a fine of \$250,000 on each of the three counts. In addition, should the company be convicted of these charges, SAK Environmental could be expected to pay a maximum fine of \$1.5 million.

"When I talked with Ted Stanich, a special investigator for the EPA, he told me this could result in prison time, not just a slap on the wrist," Montoney said.

Montoney said evidently Blizzard owned a farm in Tyler County where the debris from "clean-up" jobs was dumped, including the church in Clarksburg.

"When we told the EPA about our suspicions, we were informed they were already in the process of building a case against SAK. The EPA was very interested in our findings," Montoney said.

## Trades Council Elects New Business Rep

The Charleston Building & Construction Trades Council had a vote early this summer to elect a new business agent to replace outgoing Bubby Casto who chose not to seek the position again.

Mike Matthews, a 27-year member of Plumbers & Pipefitters Local 625, was



*Mike Matthews*

elected to fill the posts of financial secretary, recording secretary, and business representative, all formerly held by Casto.

Casto retained his position as Business Agent of Iron Workers Local 301 in Charleston and as the Iron Workers representative on the ACT board of directors.

Matthews served as an executive board member of Local 625 for 18 years, and vice president for three, all positions he was elected to by the Local 625 membership.

Matthews has also been active in the Kanawha Valley Labor Council, AFL-CIO.

It was a smooth transition, Matthews said, "but I'm still learning.

"Bubby is helping me make the contacts with the contractors and agents I need to meet," he said.

Matthews said so far he has enjoyed his new responsibilities.

His goals include getting more familiar with local contractors, in the hopes of getting more work for building trades workers.

"It'll be tough to fill Bubby Casto's shoes. He did a great job while he was here."

# Huntington Company Target Of Joint Effort Organizing Campaign

*Continued from page 1*  
campaign to get authorization cards signed by Jo-Del employees to give Tri-State the right to collectively bargain on their behalf.

Several signed the cards, the ACT representative said.

In this case, the company is not being salted by outside union organizers being hired in. Rather, it is being organized from within by employees of the company.

The latest action on behalf of the organizers was a letter presented to Jo-Del officials informing them of the organizing effort.

"The company's response was to call for a captive audience meeting the first week of September," the fair contracting representative said.

Employees were required to

come in on their day off to talk about the union activity.

Business agents from the Tri-State and Charleston Building Trades were there holding a banner welcoming the Jo-Del employees.

"We had guys on our side at the meeting who reported back about what went on," he said.

Workers are concerned about benefits, wages when not on prevailing wage work, and working conditions. They are fighting for their livelihoods and maybe even their lives.

Last week one of the Jo-Del employees brought a sample of debris from the project he was working on in Greenbrier County. ACT had the sample tested and it was found to have asbestos.

"We immediately took the test results to West Virginia Asbestos Control and one of Jo-Del's owners, JB Reidel," said ACT's representative. "JB wouldn't even take the report. I was shocked that he cared so little for the men working for him."

ACT will pursue the matter through the project owner and the state regulatory agency.

Jo-Del is currently involved in several large projects around the state.

They include a \$3.5 million renovation job at the Greenbrier School of Osteopathic Medicine, a \$3.5 million job at the Ambulatory Care Unit in Lewisburg, a \$1.1 million addition to the state police barracks in South Charleston, an industrial facility in Mason County

called WV Cold Drawn, the \$1.2 million Mountaineer Food Bank in Braxton County, and a K&W Cafeteria renovation in Beckley.

"With the participation of ACT and the Tri-State and Charleston Building Trades and various local unions, many goals can be achieved," said Randy May.

"I believe with a coordinated organizing campaign, we can get the message across to other non-union contractors in the state, or those who have plans to come to our state, that organized labor is here to stay," May said.

"Jo-Del is a very big company employing between 50 and 80 people," the ACT rep said.

"Organizing it would be a real victory for the workers and all union members -- and that's our goal."

# Democrats And Republicans Have Different Views On Issues Important To Union Members

The state Democratic and Republican Party platforms draw clear differences between each party's candidates. Party platforms show where the middle ground of the party is on a wide variety of issues.

For working men and women in West Virginia the party platforms offer a good clue of where each party stands on important issues such as job creation, decent wages, worker and community safety, and so-called "right-to-work" legislation.

In West Virginia, Republican and Democratic Party platforms

show very different visions of how our state should move into the 21st Century.

Republicans advocate for corporate tax breaks, less business regulation, the privatization of workers' compensation and other pro-business measures to provide "support for an improved business climate." The GOP platform does not directly state support for anti-union "right-to-work" legislation, however it does list the "freedom to work" as a basic right.

Republicans clearly state their opposition to collective bargaining rights for public employees.

The Democratic Party's platform states in the Preamble that "...we must adhere to a realistic set of proposals that will help our working families in their homes, in their communities and in their children's schools.

This means an expanding work force; good jobs and decent wages; safe streets and neigh-

borhoods; (and) a clean environment..."

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**AMERICAN WORKERS NEED YOUR VOTE!**



**THE VERY LAST DAY TO REGISTER TO VOTE IS OCTOBER 7, 1996!**

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**ISN'T IT TIME YOU TOOK A STAND?**

## Seven Split \$25,000 From Discrimination Settlement

Continued from page 1

fied for the job by the NLRB, and were awarded \$1,000 each.

They were all members of Pipefitters Local 521 in Huntington.

"I believe that everyone was satisfied with the amount of the cash award," Williams said, "but money is not what we were after, we wanted to organize.

"The NLRB has come under fire and has cut back on the use of injunctive relief [immediate action] in cases such as this. As long as the contractors are convinced terminated salts will not be put back on the payroll by way of injunction, they will continue terminating them in order to destroy an organizing campaign."

Williams said as always, he would like to thank the people involved--both those who received a settlement and those who didn't.

"Without the support and participation of our members, we can't do anything," he said.

Thomas adds that bringing in new members, people who have gone out and put their jobs on the line for the union, is key to any success we can expect. "We are reaching out to the nonunion work force, and we must be ready to embrace those who help us," said Thomas. "After all, that's what a union is all about."

In April, RCDI, the general contractor on the job settled an employment discrimination case on the same Woodlands project with six workers for nearly \$30,000.

*Buy Union  
Vote Union*



**GETTING THE MESSAGE OUT** about Local Jobs for Local Workers at the Barbour County Fair was made easy with this ACT banner. Manning the booth were Leroy Stanley, organizer for the Carpenters District Council, Mitch Walter Youth-to-Youth organizer for Sheet Metal Workers, Rick Williams, (not pictured) of the North Central Building Trades, and ACT's Steve Montoney.

## Anti-Worker ABC Attack Exposed

# Non-Union Hiring Hall Closes

The Putnam County based non-union "Hiring Hall" formed in January of this year recently closed its doors.

The Scott Depot company hoped to match construction

companies with non-union workers—all for a fee of course.

Charges have been filed with the National Labor Relations Board (NLRB) against several companies using the Hiring Hall by Tri-State Building and Construction Trades

Council, according to Tom Williams, organizer for Tri-State.

"The charges have been filed, but they're just in the investigation stage," Williams said.

Williams said Tri-State gathered 123 of its members to submit employment applications to the Hiring Hall in May.

Laborers Local 1353, Charleston, also sent a number of applications as did various nonunion workers through the ACT Foundation.

The current charges involve the refusal to hire on behalf of those applicants.

One of the companies that is a target of the investigation was

salted by the employees referred by the Hiring Hall. They were hired by the Dee Shoring Company working on the Embassy Suites Hotel in Charleston.

"They were terminated because of their union activity," Williams said. "So in this case the charges concern illegal termination."

Williams said it is probable the Hiring Hall closed because of Tri-State's unionizing efforts.

"The Hiring Hall was setup to assist non-union contractors avoid their legal obligations to either hire union applicants or give them equal consideration for employment," he said.

So the very nature of the hiring hall is not in compliance with federal labor laws, he said.

"In the newspaper article about the Hiring Hall, the owner Joni Cantrell said she had done her research on state and federal documents concerning the business," Williams said.

"She didn't do it well enough."

Williams said he expected this case to be a lengthy one because it involves several different con-

tractors, as well as the Hiring Hall.

ACT's new fair contracting representative was also working on the case.

In fact, he put in an application with the Hiring Hall in order to salt non-union companies.

The representative said there were many reasons why the Hiring Hall was targeted for union-

ization.

"We suspect the Hiring Hall had close ties with the Associated Builders and Contractors (ABC), an anti-union contractors' association," he said.

"Contractors that are ABC-affiliated come under a much closer scrutiny than others where ACT is concerned, because we believe the ABC promotes cor-

ner cutting."

But the Hiring Hall wasn't all bad and there will be some who hate to see it go.

"We can turn it around, like we did in this case and use it as a tool to get in the door at non-union companies.

"If they can refer us to open shop employers then we can actively try to organize them."

**"The Hiring Hall was setup to assist non-union contractors avoid their legal obligations to either hire union applicants or give them equal consideration for employment."**

**-Tom Williams  
Organizer for  
Tri-State Building Trades**

You Are Invited To Attend . . .  
**ACT's Fifth Annual  
Update & Planning Conference**

10:00 AM, Wednesday, Oct. 2  
Blennerhasset Hotel, Parkersburg

Please contact your business agent for more information.

### 100 % Union Job

## Toyota/Trades Sign Project Agreement

*Continued from page 1*

The Building Trades recently announced that Skilton Construction Co., of Louisville, KY had been hired by Toyota to do site preparation work. Skilton and other contractors involved in subsequent work on the plant will work under a labor agreement with the Building Trades and local construction unions.

Under the agreements, contractors are required to hire their workers out of local hiring halls. This means local, unionized workers will be hired.

"We have a guarantee local workers will get the construction jobs created at the Toyota plant," said Mike Matthews, head of the Charleston Building Trades Council. "On a job this size you can get contractors from

all over the country, but they will only bring a handful of supervision with them. Construction jobs will be local jobs.

"Of course, we hope our local contractors get a good portion of the work too. This project will be a real boost to the local economy."

Toyota had similar agreements on its multi-billion-dollar manufacturing plant in Georgetown, Ky., and its \$700 million truck facility near Princeton, Ky.

"Construction workers in West Virginia really owe a big thanks to the Kentucky Building Trades who hammered out the first agreement in 1988 with Toyota," said White.

White also compares this project to the proposed pulp mill as "like night and day."

"Toyota committed to local workers, safe and modern technology and is a good corporate citizen from day one," White commented. "We appreciate that."

The Buffalo plant is expected to begin manufacturing in late 1998. It will produce 300,000 four-cylinder engines each year for Toyotas built in California and Canada.

### 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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