

# THE ACT REPORT

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A PUBLICATION  
OF THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION

The ACT Foundation is an association of West Virginia building and construction trades unions, with offices in Charleston and Clarksburg. Bruce Tarpley, President; Randy May, Vice President; T.L. Ranson, Secretary Treasurer; Roy Smith, Executive Director; Steve White, Director.

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# New Actuarial Study Reveals Drastic Benefit Cuts In Workers Comp

The first results of the actuarial study of the Workers' Compensation system in West Virginia are in, and for the most part the results describe exactly what labor supporters predicted would happen with the 1995 Workers Comp "reform" legislation.

Legislators said they 'had to do something' to deal with the

\$2.2 billion debt Workers Compensation had accrued. So they devised a plan to 'share the pain' between labor and management.

However, the study showed injured workers have been called on to pay all of the debt through reduced and eliminated benefits.

"It's just plain unfair," said AFL-CIO President Jim Bowen at a press conference releasing the actuarial study.

"We have been asked to carry the whole load while the real

reason the fund is in trouble, unpaid premiums, has never been touched."

The study found the deficit will be eliminated at least 14 years ahead of schedule because of the severe benefit cuts imposed on injured workers.

"Paying off the debt early may sound good, like paying off your mortgage early," Bowen said.

"But what if you had to starve your children to do so? That would be similar to what our

state is now doing to injured workers and their families."

The report also shows that at the end of the 40-year plan the Workers' Comp Fund will have a surplus of \$3.4 billion.

In a letter to West Virginia legislators, Bowen said "the only major change made in the Workers' Compensation Program by Senate Bill 250 was to drastically reduce the amount of benefits paid to injured workers."

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## CONTRACTORS' HIRING PRACTICES

# Workers Face More Problems At Maplewood

Local construction workers continue to face problems with contractors working on United Hospital Center's Maplewood Retirement Community project in Bridgeport.

A sign on the site trailer of General Contractor Recco tells it all - it says, 'Not accepting applications at this site.'

"They might as well post a sign saying 'West Virginians Need Not Apply'," said Leroy Hunter, Sr., business manager for the Bricklayers District Council of West Virginia.

Hunter and members of the Bricklayers Union have been

leading the fight at the Maplewood project.

They were successful in salting the job and learned about how low bidders operate.

Stiteler Builders of Greensburg Pa., was removed from the job by Recco, the general contractor, because it couldn't produce a West Virginia Contractor's license.

Stiteler also has complaints against it for poor working conditions and no benefits or hospitalization.

ACT representative and salt, Donnie Huff, injured his back while working on this

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## What's Wrong With This Picture?

Sign at Maplewood site office of Pennsylvania based General Contractor, Recco.

NOT ACCEPTING APPLICATIONS AT THIS SITE.

CONTACT: RECCO/R.E. CRAWFORD COMPANY AT: 1046 PITTSBURGH ST. SPRINGDALE, PA 15144

APPLY IN PERSON OR CONTACT OFFICE.

1-724-274 5000  
5/1-724

West Virginians Need Not Apply!

Once again, United Hospital Center (UHC) is allowing some contractors working on its Maplewood project to discriminate against local workers -- the very people who have supported UHC for years.

These same contractors are not paying health care or pension benefits.

When local workers lose, the whole community loses.

Who has to pay? Not the contractors. Not UHC. You have to pay!

## Why Won't UHC Support Local Workers?



AFFILIATED CONSTRUCTION  
TRADES FOUNDATION  
BRUCE TARPLEY, PRESIDENT

ACT PLACED THIS AD in the Clarksburg Exponent-Telegram on Sunday, Sept. 6, to inform the area's public what is going on at the Maplewood job site.

# Agreement Is Reached On Bidding By Tucker County Commission

**An agreement to a lawsuit filed earlier this year by the ACT Foundation and Nelson Excavating Inc. was reached August 27th.**

The agreement will require the Tucker County Commission to stop spending government money on flood control projects without putting the contracts out to bid.

The original lawsuit alleged the Tucker County Commission was in violation of state and federal law by issuing contracts with-

out an open, competitive bid process.

Most of the nearly \$3.5 mil-

lion in state and federal funds were earmarked for flood control projects.

**"WHEN TAXPAYERS' MONEY IS USED, IT MUST BE OPEN TO ALL CAPABLE BIDDERS AND CARRIED ON IN THE PUBLIC ARENA."**

**STEVE WHITE  
ACT DIRECTOR**

lion in state and federal funds were earmarked for flood control projects.

"We're happy to see this is-

"We will be watching very carefully to make sure all applicable laws are being followed fully."

The original lawsuit was precipitated by the issuance of nearly \$900,000 in contracts for flood control projects in 1997 without putting the projects out for competitive bids.

The agreement includes specific language for public notice of bids, specific bid packages, projected start and finish times for projects, and public bidding.

Because the money came from a special federal 'Force Account,' the county was allowed to be its own contractor and hire some workers directly

to build the projects.

The problem was that additional contractors were hired and supplies were purchased without following any valid state or federal bidding procedures.

"When taxpayers' money is used, it must be open to all capable bidders and carried on in the public arena," said Steve White, director of the ACT Foundation.

"We look forward to working with county leaders to get these important flood control projects completed."

## The Pros & Cons Of 'Amendment 1'

**On the ballot this November will be a bill concerning property tax-free financing called Amendment 1.**

ACT has not yet taken a stand either for or against Amendment 1, but is still gathering facts.

Following are some of the pros and cons which have been identified and some of the questions asked about the bill.

Amendment 1 is billed as "No Risk - No New Taxes." But can we believe it?

### PROS:

- Amendment 1 would make it easier to finance infrastructure projects on the county level because it would provide a new mechanism to raise money.

- On certain hard-to-develop sites the cheaper financing provided by Amendment 1 may

make a project possible.

- Each bond issue must be voted on by the local county or municipalities involved.

### CONS:

- Some businesses would no longer pay property tax -- people and others businesses would pick up any additional costs.

- Communities would be responsible for paying back all bond issues if the original companies go bankrupt or shut down.

- It is not clear whether prevailing wages, competitive bidding or freedom-of-information laws would be required on projects funded through the property tax-free mechanism.

- Schools would lose future tax revenues from development using the new mechanism.

- There is no limit on which projects could use this property

tax-free financing.

"Unless we can get some answers and assurances about our concerns, our recommendation will be to vote against Amendment 1," said ACT Director Steve White.

"We are concerned because the same people behind this change to our state's Constitution are already bringing in out-of-state workers and construction companies at a record rate.

"West Virginia-American Water Company is one of the main supporters.

"It used 3-D Construction from Lexington, Ky., to build its treatment centers in Summers and Lewis counties, and now is using Adams Robinson from Dayton, Oh., to build in Cabell and Kanawha. "These people have already proven they don't care about local workers."

## Laborers Receive Safety Awards



**On Aug. 28 Jack Wilkenson, Vice President of Laborers International Union of North America, presented safety awards to members of Laborers Locals 1353 of Charleston, 453 of Beckley, 543 of Huntington.**

**The awards were given to 20 employees of Wiseman Construction Co. for showing continuing excellence in safety on the job as part of the Laborers on Time and Safe (LOTS) program.**

**Wiseman Construction was also recognized for maintaining safe working conditions for employees.**

# McGraw Endorsed For Supreme Court

**Supreme Court Candidate, Democrat Warren McGraw, has been endorsed by the W.Va. AFL-CIO for the November election.**

their positions on particular issues, endorsements are an important tool for voters to use when deciding which candidates to support.

"Working families can feel

Court race is the most important election contest this year.

"The Supreme Court is our check on the Governor and Legislature," he said. "If we don't get someone who cares about working families on the Court there will be no balance at all."

Legal issues of concern to working families include the long standing workers compensation fight, and tort reform - the top agenda item of the Chamber of Commerce - which, like the workers compensation fight, seeks to take away rights from individual to profit corporations.

"I believe Warren McGraw will bring justice and compassion to the Court if elected," said Burton.

"Working people would have a friend sitting on the bench."

**"WORKING PEOPLE WOULD HAVE A FRIEND SITTING ON THE BENCH."**

**STEVE BURTON  
BUSINESS MANAGER, TRI-STATE BUILDING TRADES**

McGraw has a long history of fighting for working people and this endorsement proves he has the support of labor institutions.

McGraw's opponent, Republican John McCuskey, has traditionally supported and represented business interests.

Since law prohibits Supreme Court candidates from stating

certain McGraw will protect their rights if he is elected," said Steve Burton, Business Manager, Tri-State Building and Construction Trades Council and President of the West Virginia Building Trades.

"I am in total support of McGraw."

Burton said the Supreme

## MAPLEWOOD PROBLEMS

*CONTINUED FROM PAGE 1*

job for Stiteler.

He told Channel 5 news in Clarksburg he would have to pay the hospital bill himself for injuries he sustained while on the job.

ACT also found many Stiteler employees still on the job.

When asked, the men say they are being paid by Recco, and not Stiteler.

Additional workers have been hired on this job who claim to be on Recco's payroll as well.

"All of the new employees seen entering the job have out-of-state license plates," said Leroy Hunter, Jr., organizer for Bricklayers District Council.

"Some of the vehicles are even registered to other con-

struction companies."

"We do not believe these men are all being paid by Recco," said ACT's Steve Montoney.

"So we plan to make them prove they are."

ployees rather than call back union supporters.

Letters have been sent to all doctors affiliated with United Hospital Center informing them of the problems at the site and asking for help.

**"THEY MIGHT AS WELL POST A SIGN SAYING 'WEST VIRGINIANS NEED NOT APPLY.'"**

**LEROY HUNTER, SR.  
B. A., BRICKLAYERS DISTRICT COUNCIL OF WV**

Unfair labor practice charges have been filed against Recco because only nonunion men were called back to work.

Even after union members offered to go back to work. Recco chose to hire new em-

In addition, a letter has been sent to the board of directors of UHC asking them to explain why UHC is leading the way to destroy living standards of local construction workers.

## WVU Labor Studies Research Classes Set

**WVU Institute for Labor Studies and labor councils across the state are holding classes to educate members. The topic- connecting economic issues with union goals around legislative action, collective bargaining and building membership.**

### Class Times and Places:

#### Southwestern District Labor Council:

Wed. Sept. 16, 1998 6:30-9:00pm

Southwestern District Labor Council Office 543 Hall  
1201 7th Ave Huntington

Contacts: Frances Jackson - 304-522-2257

Randy May - 304-522-1192

Instructor: Jill Kriesky

#### South Central WV Labor Council:

Tues. Sept 22, 1998 7:00-9:30pm

Carpenter's Hall

off Rt 3 across from Shady Springs HS (Beckley area)

Contacts: Kenny Stover - 304-787-3999

Jill Kriesky - 304-293-3323

Instructor: Sarah Etherton

#### Kanawha Valley Labor Council:

Thurs. Sept. 24, 1998 6:30-9:00pm

CWA 2001 Hall

2512 Kanawha Blvd. East, Charleston

Contacts: Sterling Ball - 1-800-525-8329 ext. 11

Jill Kriesky - 304-293-3323

Instructor: Jill Kriesky

#### Mason-Jackson-Roane Labor Council:

Tues. Oct 13, 1998 7:30-9:30pm

USWA Local 5171 Hall

off Rt. 33, Hartford

Contacts: Jim Picarella - 304-372-5361

Nichelle Perkins - 304-293-3323

Instructor: Jill Kriesky/Nachelle Perkins

#### Parkersburg Area Labor Council:

Wed. Sept 23, 1998 & Wed.-Thurs. Oct. 14-15

Unity Plaza (Steward Training)

2600 Unity Plaza Parkersburg (call for times)

Contacts: Carol Hannah - 304-428-4074

Drema West - 304-428-4576

Instructor: Ken Fones-Wolf

**Call 1-800-499-0486 to register at least seven days before day of class. Classes are free of charge.**

# Workers Strike At Mon Gen Project

**Carpenters working on the Village at Heritage Point project in Morgantown went on an unfair labor practice strike Sept. 1.**

The United Brotherhood of Carpenters informed Action Builders it was in majority status on Aug. 21 and intended to organize the workers.

From that point on, according to Leroy Stanley, Director of Organizing for the North Central West Virginia Regional Council of Carpenters, the threats and intimidation began.

"We filed 10 unfair labor practice charges against Action Builders on three different occasions," said Stanley.

"That still did not stop the threats."

On Monday, Aug. 31, the men had had enough. The strike lasted until 9 a.m. Wednesday when the men made an unconditional offer to return to work.

"We feel we've made our point," said



STRIKING AGAINST ACTION BUILDERS for unfair labor practices are members of United Brotherhood of Carpenters.

Stanley

"We will continue to monitor the situation closely and make certain the Action Builders' employees' rights are protected.

"We also intend to make sure Action Builders follows the law." Our hope is that Action Builders will recognize the Carpenters Union as a legitimate bargaining agent for its employees."

The Village at Heritage Point is a project of Monongalia General Hospital. Action Builders workers there are not getting health care or pension benefits and are being paid substandard wages.

"This is no different than what is going on in Clarksburg at the Maplewood's project," commented ACT's Steve Montoney.

"Hospitals love it when patients have health insurance. But they just hate to pay workers a wage that can afford that health insurance."

## Trades Take Part In 48th Annual Labor Day Parade



**Boilermakers Local 667 members George Pinkerman, Todd Tippins, Clarence Clonch, and Sam and Debbie Canterbury are pictured participating in Payden City's 48th annual Labor Day Parade.**

**The celebration lasted 2 days and featured several different forms of entertainment including carnival rides, musical guests, food and contests.**

**The parade was organized by the Marshall-Wetzel-Tyler Labor Council.**

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## WORKERS' COMPENSATION

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Prior data has shown 96 percent of workers applying for permanent total disability benefits under the new provisions will be denied.

This is well beyond the bill's intent to cut the number of permanent total disability awards by 40 to 60 percent.

The AFL-CIO and ACT plan to continue providing information to the public

about the Workers' Compensation system. At the press conference Bowen made a point to thank ACT members for helping fund the study.

"The Trades, through the ACT Foundation, are leading the way for all workers and we sincerely appreciate it," he said.

"Once the public is aware of these findings and is educated about the drastic changes made in the workers' compensation program I believe it will be in support of fixing the system."