

# THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council, with offices in Charleston and Clarksburg. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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# LU 132 Organizing Drive Results In ULP Charges

**A**n organizing attempt by Operating Engineers Local 132 has resulted in the filing of a series of unfair labor practice charges against Kimberly Industries, a non-union contractor out of Charleston.

The charges include threatening employees and unlawful termination.

Kimberly is working on the site preparation of the Luigino's Frozen Foods plant in Parkersburg.

Two union mem-

bers, Mike O'Hara and Larry Young, were hired on this project as heavy equipment operators.

In addition to talking with the employees about the union, O'Hara and Young also called

attention to a number of OSHA violations and other safety concerns.



PICKETING NEAR THE LUIGINOS FROZEN FOODS PLANT SITE in Parkersburg are Local 132 organizer Mike O'Hara, ACT Representative Larry Young and concerned neighbors.

One of the most pressing concerns was dust. Not only did the workers find the excessive dust to be a problem, but some of the people living close to the site complained as well.

The men also found employees were also told to bury trash and tree branches while clearing and preparing the site and also to overlook broken and damaged drain pipes.

When these violations were called to the attention of Kimberly supervision, the men were told to ignore what they had seen.

After numerous failed attempts by O'Hara and Young to get something done about their safety concerns and their problems with the quality of work being done, they decided a strike was their only solution.

O'Hara and Young informed Kimberly supervision of their intent to organize the employees and went out on a one day strike for better working conditions and a union contract.

Some of the concerned neighbors also joined the picket.

One other Kimberly employee, Greg Hillenbrand, sup-

## Members Protest Use of Out-of-State Workers on State-Funded Jobs

**A**bout a dozen union members turned out on September 16 in front of the Berkeley County Commission offices in Martinsburg, to protest the lack of involvement by the Commission and State Economic Development Office in the hiring practices of the contractors used on various state-funded jobs.

Protesters argued construc-

tions workers are not benefitting from the new businesses coming to West Virginia's Eastern Panhandle because the contractors

the Economic Development people sell these ideas by promoting jobs for West Virginians," said ACT Representative

**"LET WEST VIRGINIA  
CONSTRUCTION WORKERS BUILD  
THE FACILITIES THEIR TAX MONEY  
HELPED FINANCE."**

LARRY YOUNG  
ACT REPRESENTATIVE

are not being urged to use local workers.

"The County Commission and

Larry Young.

"The problem is they are only

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# Judge Hands Down 'Split' Decision In Kanawha Stone Company Case

**The United States Court of Appeals made a final 'split' decision in the Kanawha Stone Company (KSC) case.**

For roughly the past year and a half, Operating Engineers Local 132 has filed a series of unfair labor practice charges against KSC alleging intimidation, unlawful termination of an employee and refusal to hire union workers.

As a group, members of Local 132 as well as members of

the laborers and Teamsters had applied for work but were never hired.

Administrative Law Judge, Karl H. Buschmann handed down what Local 132 would consider a 'split' decision.

Buschmann ruled in favor of Local 132 concerning charges that KSC employee, Phil Selman, was unlawfully fired because of his union activity.

As a result of this decision, Selman must be offered his job back and paid all his lost wages.

The judge also found KSC

management was unlawful in its interrogation of various employees, including Selman, of pos-

a Cease and Desist Order.

On the other side of the decision, the judge did not find KSC's

**"I THINK THE MAIN REASON WE LOST THIS PART OF THE CASE IS BECAUSE OF UNION MEMBERS WORKING FOR NON-SIGNATORY CONTRACTORS."**

**DONNIE HUFF  
ACT REPRESENTATIVE**

sible union activity.

For this, KSC has been given

hiring practices were destructive of employee rights.

## MEMBERS PROTEST

*CONTINUED FROM PAGE 1*

considering the jobs created when the facilities are finished."

"Maybe 60 minimum wage jobs for low-skilled workers."

"Our argument is the creation of jobs needs to begin in the ground-breaking stages of these projects."

"Let West Virginia construction workers build these facilities their tax money helped finance."

The Commission argues that it has no authority to tell companies to hire local union workers or any other worker.

Jan Dickinson, a representative of the state economic development office told the *Martinsburg Journal* nothing requires companies

that get state loans or tax credits to hire local workers.

Young disagrees and points to the West Virginia State Code.

ery reasonable effort to ensure that West Virginia firms and West Virginia workers are used..." Young said.

"Nothing is ever done by state or county officials to help local construction workers get jobs created by economic development efforts," said Young, "eventhough it's in their power to do so."

The protest focused on two projects specifically - roof repair of the Historic Roundhouse and the construction of the Orgil plant.

Members of the newly-formed Laborers Local 679 in Martinsburg were among those at the protest as well as members of the

North Central West Virginia Building and Construction Trades Council.

Section 31-15-7 reads, "The West Virginia economic development authority shall make ev-

He argued the County Commission has the authority to require the use of local workers.

Local 132 charged that KSC refused to hire a number of applicants because of their union affiliation from a list that each of them signed saying he or she was available for work.

KSC argued it was not hiring at the time the union members applied for work, and this fact was made clear to them by the secretary and a sign posted in the office window.

KSC management also said even if it was hiring at the time the union members applied its employees have never been chosen from an applicant list.

The judge agreed the union members did apply at a time when KSC was not hiring and found its normal method of hiring did not include choosing from an applicant list.

The judge also pointed out that during a time when KSC was hiring, seven of the 37 people hired were affiliated with some union, including two members of Local 132.

Because of this fact, Buschmann ruled KSC did not discriminate in its hiring practices and those charges were dismissed.

"I think the main reason we lost this part of the case because of union members working for non-signatory contractors," said ACT's Donnie Huff.

"Because KSC did hire some union members, we couldn't prove discrimination."

"I'm absolutely positive the reason these guys were hired and kept on is because they did not get involved in the organizing campaign."

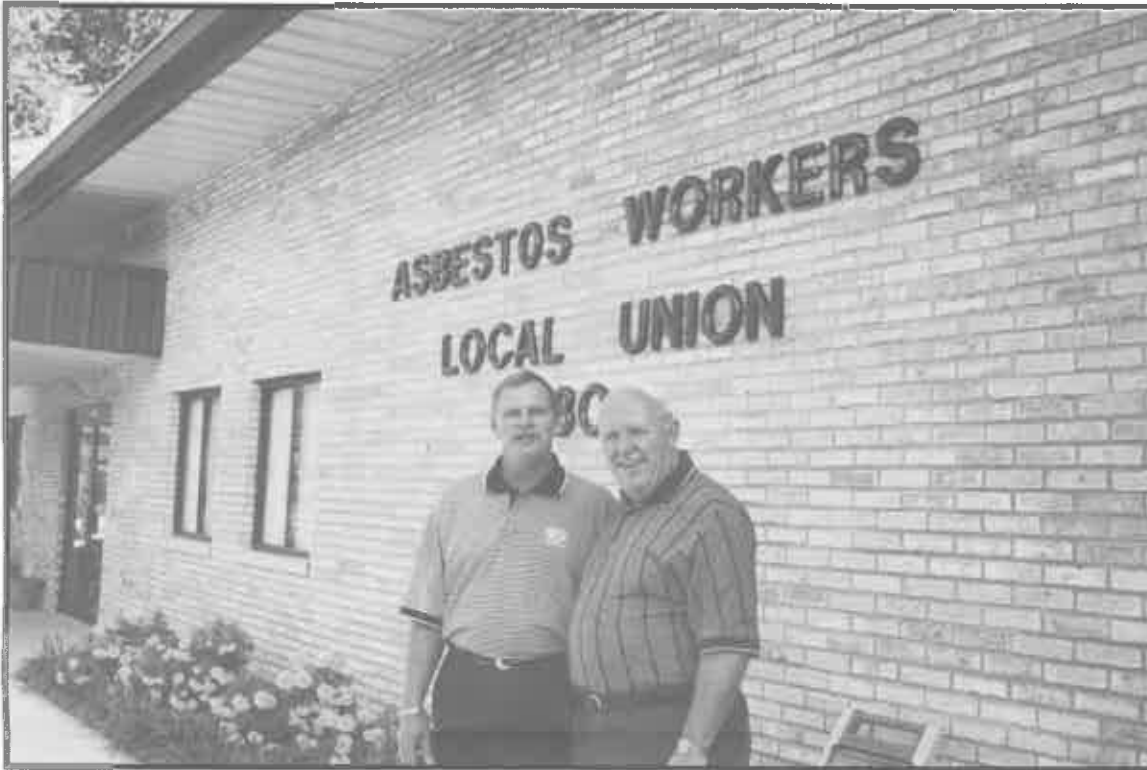
"This, unfortunately, could not be proven in court."



PROTESTING OUTSIDE THE BERKELEY COUNTY COMMISSION offices are members of Laborers Local 679 and members of North Central WV Building Trades.

# Asbestos Workers Dedicate New Winfield Office And Union Hall

**A**sbestos Workers Local 80 dedicated their new office and union hall with an open house held October 2<sup>nd</sup>.



PICTURED OUTSIDE THE NEW UNION HALL are Paige Humphreys, Jr., business manager for Local 80 (left) and James Grogan, secretary-treasurer for the International Association of Heat & Frost Insulators and Asbestos Workers.

More than 200 members and guests attended at the Winfield site.

On hand for the dedication was President of the International Association of Heat and Frost Insulators and Asbestos Workers William G. Bernard and International Secretary-Treasurer James Grogan.

Asbestos Workers Local 80 represents approximately 400 workers in south western Vir-

ginia, southern Ohio, eastern Kentucky and southern West Virginia.

Local 80 was first chartered in 1926.

"Local 80 is proud to invest in West Virginia, and we are equally proud that we built with local union workers and contractors," said Paige Humphreys, Jr., business manager.

The 4000 square foot building was finished earlier this year.

## Trades Support Wayne County School Bond

**T**he Tri-State Building and Construction Trades Council participated in the Wayne County Fair October 8-9 to show support for the \$33

Trades' members were there to help hand out balloons and talk to people about the importance of the bond issue.

The \$33 million general obligation bond issue will be used for renovations of some existing

## ORGANIZING DRIVE

CONTINUED FROM PAGE 1

ported the strike by honoring the picket line.

"The working conditions we all were facing were terrible," said O'Hara.

"The quality of work was poor

agencies that gave money to this project about the safety and working conditions."

"We got no response from any of them either."

Hillenbrand was terminated for his participation in the strike

ing to strike, but not both.

The men went out on strike again for the unfair labor practices against Hillenbrand and for what the men recognized as threats against them.

Local 132 filed unfair labor practice charges on behalf of Hillenbrand, and then O'Hara and Young were also terminated.

"I think one of the advantages of having guys on the inside on a job like this one is the fact that they got to see first hand things like safety violations and unsatisfactory work," said ACT's Jim Lewis.

"If we hadn't had Mike and Larry in there as bona fide employees, we wouldn't have solid proof of the safety concerns and poor quality of work."

**"THE WORKING CONDITIONS WE ALL WERE FACING WERE TERRIBLE. THE QUALITY OF WORK WAS POOR AND DID NOT MEET THE BID SPECS."**

**MIKE O'HARA, ORGANIZER  
OPERATING ENGINEERS LOCAL 132**

and not up to the bid specs."

"When we got no response from Kimberly about these things, we sent letters to all the

the next day and when Young and O'Hara reported to work and were told either they were going to work or they were go-

**"THE COST IS RELATIVELY LOW WHEN YOU CONSIDER HOW THE CHILDREN WILL BENEFIT FROM UP-TO-DATE SCHOOLS AND CLASSROOMS."**

**STEVE BURTON, BUSINESS MANAGER  
TRI-STATE BUILDING & CONSTRUCTION TRADES COUNCIL**

**million school bond issue to be voted on next month.**

A coalition of local business, community, education and labor groups has formed the Kids First Committee to support the bond.

Kids First set up a booth at the fair to inform people what the bond is for and to gain support.

schools in Wayne County and for construction of new schools.

"Some of the schools were built as long ago as the 1920s and are not equipped with proper fire escapes or sprinklers," said Steve Burton, Business Manager of the Tri-State Building Trades.

Supporters say the overall in-

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# First Annual Construction Coalition Conference Considered A Success

**The first annual Construction Coalition Conference held September 20-21 was hailed a success by all those involved.**

The conference was held in Wheeling with more than 150 participants.

The purpose of the conference was to bring together all facets of the construction industry - contractors, workers and users - to discuss cost effective construction.

The conference began with speakers Noel Bork, impartial secretary for National Maintenance Agreements Policy Committee (NMAP), Hank Marokie, West Virginia State School Superintendent, and Dr. Donald Hofreuter from Wheeling Hospital.

Key to the conference were break out

sessions for each group participating, labor, contractors and owners.

Each group developed a list of major concerns.

Then the groups came together to share their ideas and search for possible solutions to some of the problems raised.

concerns shared by each group."

Throughout the course of the discussion, those issues which were thought to be resolvable were noted.

At the close of the conference, people signed up to be placed on various sub-committees to tackle

ference," said Smith.

"We hope to have representatives from each of the three areas on every sub-committee."

Jim Cerra, president of the statewide contractors association also felt that the conference was a success.

"The participants were very enthusiastic and the camaraderie was excellent," said Cerra.

"Because of this I think many concerns were brought out in the open and now we can begin to propose solutions."

American Electric Power's Tom Householder agreed.

"The tripartite approach has been a successful concept with the power industry and the Boilermakers Union," said Householder.

"I think we can have similar success here in West Virginia"

**"I FEEL LIKE WE MADE REAL PROGRESS AT THIS CONFERENCE. I WAS SURPRISED BY THE NUMBER OF SIMILAR CONCERNS SHARED BY EACH GROUP."**

**ROY SMITH, SECRETARY-TREASURER  
WEST VIRGINIA STATE BUILDING TRADES**

"I feel like we made real progress at this conference," said Roy Smith, Secretary-Treasurer of West Virginia State Building Trades.

"I was surprised by the number of similar

those issues.

"At the next conference committee meeting, I suspect we'll assign people and topics to the sub-committees to plan for next year's con-

## WV AFL-CIO Conference Scheduled For October 20-22 At Charleston House Holiday Inn

Registration begins October 19 from 5:00pm to 9:00pm.  
Call 344-3557 for more information.

## BOND VOTE

*CONTINUED FROM PAGE 3*

crease in taxes to pay for the bond would be very low.

The average family would only pay about 17 cents a day more than they are currently paying.

"The cost is relatively low when you consider how the children will benefit from up-to-date schools and classrooms," said Burton.

The vote will be held on Saturday, November 6.

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