

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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NLRB FINDS LAWSUIT WITHOUT MERIT

NLRB Claims Labor Ready's Suit Was Made In Retaliation

A law suit filed against the Tri-State Building and Construction Trades Council, the ACT Foundation, other unions and individual labor officials has been ruled to be illegal by the National Labor Relations Board (NLRB). The ruling represents a major victory for building trades nation wide.

In January of 1999 Labor Ready Inc, a national temporary agency filed suit against dozens of local labor leaders and building trades unions.

In the lawsuit, the company accused the unions of creating "... a conspiracy effectuated through a complex series of activities, which included unlawfully intercepting communications by Labor Ready employees, utilizing threats, coercion and intimidating behavior."

The lawsuit also requested a court order to stop the unions' organizing efforts and sought money for damages.

In response to the lawsuit, Tri-State lawyers filed a complaint with the NLRB alleging Labor Ready filed the lawsuit to strip workers of their unionizing rights guaranteed by the National Labor Relations Act.

In its complaint dated July 31, the NLRB agreed with the unions. According to the complaint, Labor Ready officials "...have been interfering with, restraining and coercing employees in the exercise of the rights guaranteed" by federal labor law.

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Union members picket a Labor Ready office because of the unfair labor practices workers encountered on the job site.

State Building Trades Gets \$250,000 Training Grant Under New Program

A new, federally-mandated program has led to the State Building and Construction Trades Council getting \$250,000 to establish a Labor Liaison office.

The Labor Liaison office is designed to aid local unions in obtaining funds for apprentices and journeyman workers' training.

The program, known as the Workforce Investment Act (WIA), was passed by Congress in 1998 and only became effective this past July 1.

The legislation was written to pass the awarding of grants on to individual states. That made

it necessary for the Gov. Cecil Underwood to create the Governor's Workforce Investment Office (GWIO) which

on opportunities for our locals and their members," State Building Trades Secretary-Treasurer Roy Smith said.

'IT IS IMPORTANT THAT OUR REPRESENTATIVES ON LOCAL BOARDS ARE ACTIVE IN THE DECISION-MAKING PROCESS TO GET THE TRAINING FUNDS FOR OUR MEMBERS'
SHERYL JOHNSON, LABOR LIAISON

Sheryl Johnson, Labor Liaison for the State Building and Construction Trades Council (SBCTC) and the West Virginia AFL-CIO, said West Virginia is divided into

awarded the grant.

"We are very pleased the Governor approved our grant and we look forward to building

seven regions under WIA.

Johnson said each region has a Local Workforce Investment

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ACT Names Walter LaRue As New Northern Representative

Walter "Fuzz" LaRue, a 24-year member of the Plumbers and Pipefitters Local 83 in Wheeling, is the ACT Foundation's newest Northern Representative.

LaRue has 25 years experience as a pipefitter and understands first-hand the needs of West Virginia workers and their families.

"I want to assist workers in West Virginia with all labor issues," LaRue said.

"I will do everything possible to promote the advancement of union workers."

LaRue said he will cover six counties in northern West Virginia including Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel.

"The ACT Foundation is becoming increasingly involved in labor activities across the state," LaRue said. "By splitting up the northern part, Jim Lewis and I will be able to focus closely on smaller geographic areas."

Steve White, ACT Foundation Director, said adding LaRue to the ACT team was a positive move.

"We had many excellent candidates for the job," White added. "We really had a hard



Walter "Fuzz" LaRue is ACT Foundation's newest representative in Northern West Virginia.

time deciding."

"We have several on-going projects in the Northern Panhandle and Walter LaRue is well-suited to handle these issues.

Eight J.F. Allen Workers to Share \$1,518 Back Pay

Eight truck drivers for J.F. Allen of Elkins will receive \$1,518.70 in back wages because they were not paid according to prevailing wage rates.

ACT's Steve Montoney received an anonymous phone call from a truck driver stating he was not paid the correct wage when hauling materials for J.F. Allen from a resurfacing project on I-79 near Burnsville.

Montoney contacted the West Virginia Division of Highways

about the complaint.

As a result of an investigation, it was determined the company owed back pay to the truck drivers.

Montoney said J.F. Allen is a large company and has contracted to work on a portion of the Corridor H road project.

"The company's responsibility is in question," Montoney said.

"If they don't follow prevailing wage rates on one job, it may very well happen again.

"We want to make sure that it doesn't."

New ACT Commercials Attract Attention

ACT Foundation's latest TV commercials have attracted plenty of attention, particularly from Gov. Cecil Underwood.

ACT has produced new television commercials concerning recent events at West Virginia University and other work sites where tax dollars have gone to out-of-state workers.

ACT's Steve White said the travesty at WVU is just part of the problem.

"We have been fighting for years to make sure local workers get a fair chance at the jobs our tax dollars create," said White.

"We know it's election time and we know all the politicians will be promising jobs. It's time they deliver."

After a \$7 million asbestos clean up project at WVU was handed to USA Remediation of

Warrenton, Va., ACT hit the airwaves showing the out-of-state invasion.

ACT's first commercial listed the names of out-of-state workers and criticized Governor Underwood for his veto of legislation aimed at helping local workers.

"The Governor wants to talk about everything except why he won't support local jobs for local workers," White said.

"The truth is Gov. Underwood has not only vetoed legislation aimed at getting the West Virginia Jobs Act passed, he has let the Legislature and ACT know any bill aimed at local jobs for local workers will be vetoed."

After an Immigration and Naturalization Service raid netted 28 illegal aliens, it was clear the Underwood administration was on the wrong side of the debate.

ACT's current commercial

also criticizes the Governor for his lack of leadership on the local jobs issue. A lunch counter scene talks about not only the illegal aliens at WVU, but many other jobs such as Bethany College, the Gilmer County prison, as well as Wal-Mart and Lowes centers where local workers

hire requirements of the West Virginia Jobs Act on three projects. We were poised to push the full bill in 1999 - but we never got the chance because of Underwood's veto."

In the 1999 and 2000 legislative session Underwood made it clear he would veto any bill aimed

have a residency requirement," White said. "Our local hiring is patterned after the federal Appalachian Regional Commission. Local workers are those 75 miles from a project, no matter what state they reside in. If it makes sense for our federal dollars, why not on the local level?"

'WE HAVE BEEN FIGHTING FOR YEARS TO MAKE SURE LOCAL WORKERS GET A FAIR CHANCE AT THE JOBS OUR TAX DOLLARS CREATE'

STEVE WHITE, ACT DIRECTOR

have missed out on construction jobs.

Each of the projects had tax payers' assistance to create jobs that have gone to workers from outside of the region.

The Underwood camp states the bill vetoed in 1998 had nothing to do with the WVU project.

"Total bull," White said. "The 1998 bill would have tested the

at the local hiring requirements.

On a recent radio talk show, Underwood spokesman Rod Blackstone claimed the WV Jobs Act was unconstitutional.

The Underwood administration has pointed to a Pennsylvania bill requiring residents get state jobs that was ruled as unconstitutional.

"That's why our bill doesn't

"The bottom line is hundreds, if not thousands of construction jobs financed with tax dollars are being lost by our workers each year.

"Instead of looking for solutions, our Governor is putting up obstacles.

"We think the citizens of West Virginia deserve to know the truth."

Four Share \$12,230 Back Pay

Even though the prison in Hampshire County was completed earlier this year, four employees of Bragunier Masonry of Clear Springs, Md., will receive \$12,230.31 for work they completed months ago.

The investigation began last fall when several Bragunier employees filled out ACT questionnaires in which they complained about how hard it was to get access to their benefit fund accounts.

Bragunier Masonry turned over payroll accounts for those employees who filed complaints with the West Virginia Department of Labor.

In December 1999, seven Bragunier employees were paid \$31,863 in back pay because the company withheld their benefits.

Larry Young, ACT's Eastern Panhandle representative, said word-of-mouth communication is the reason why more workers are coming forward to file papers against the company.

"We are glad to help workers receive fair pay."

But Young said he is equally glad to expose companies which cheat workers and try to sidestep fair contract bidding practices.

"There are many ways to underbid a project," Young said. "This is just another tactic a non-union contractor might use to

place a lower bid on a job.

"By withholding benefits from a worker, the contractor simply reduces the cost of the job which gives that contractor an unfair advantage over law-abiding contractors."

Young said another worker has filed a similar complaint against Bragunier Masonry.

"The complaint is pending with the Department of Labor and I feel sure the worker will receive back pay in the weeks ahead," Young added.

Young said there is a two-year period in which a worker can file a claim against the company for withholding benefits.

"But if the worker doesn't fill out the form, nothing can be done to seek earned back pay."

Committee Considers Statewide Credit Union

Do you belong to a credit union? If not, would you like to?

That's one question an exploratory committee examining the prospect of establishing a statewide building trades credit union wants to answer.

Roy Smith, State Building Trades Secretary-Treasurer,

reported projects. He added that the combined assets of building trades workers in West Virginia amounts to a sizeable sum.

"We did an assessment of all the building trades unions' assets currently held in banks," Smith continued.

"We learned building trades members hold approximately

OUR MONEY IS OFTEN USED AGAINST US. IT'S TIME WE MADE IT WORK FOR US. WE NEED TO SERIOUSLY CONSIDER CREATING A STATEWIDE CREDIT UNION.

ROY SMITH, STATE BUILDING TRADES

said the committee is considering the creation of a statewide credit union because of the benefits it would provide for union members.

Smith said existing credit unions, operated by unions, understand the needs of working families and provide good services for its members.

"At many banks, customers often face higher interest rates and service fees," Smith said.

"Credit unions are there to serve the workers, not to profit solely from their business. Credit unions work in terms that fit the needs of its members."

He said union members not only would benefit from good services, but also would see their money invested in union-sup-

\$500 million in assets in the state.

"Our money is often used against us. It's time we made it work for us. We need to seriously consider creating a statewide credit union."

Smith said the creation of the statewide credit union is still being considered and some guidelines must be met. He said member interest will be an important factor.

"This is a good plan and it would greatly benefit our members," he added.

"With their support, a statewide credit union could positively impact the lives of thousands of West Virginians in addition to building trades workers."

LABOR READY

CONTINUED FROM PAGE 1

NLRB Regional Director Richard L. Ahearn alleged that Labor Ready's suit "...naming the union, affiliated labor organizations and individual employers as party defendants lacked a reasonable basis in fact and law and was retaliatory in its inception and prosecution."

ACT's Lawyer Stuart Calwell hails the ruling as a major breakthrough in the case.

"We have been fighting in court for months over issues Labor Ready would not define," Calwell said. "The NLRB's decision to issue a complaint is based on a finding that Labor Ready has no evidence to support its claim against the union."

The Tacoma Wash., based company opened its South Charleston office in September 1996 and the Huntington office

in February 1997.

Steve Burton, Business Manager for the Tri-State Building and Construction Trades, said he was pleased with the NLRB ruling.

"Labor Ready filed the lawsuit as revenge for our union organizing activities," Burton said. "I never thought they had a case, they were simply trying to make us spend all of our time and money on court costs."

Burton said the NLRB complaint asks for Labor Ready to reimburse the unions for all costs and expenses, plus interest, of defending against the company's lawsuit.

The increase in temporary workers has been a focus of both the national AFL-CIO and the Building Trades.

In surveys the national building trades has identified Labor Ready as one of the top tempo-

rary firms in the country dispatching thousands of construction workers each day.

A campaign to investigate worker abuse has uncovered a number of issues.

In Georgia, the building trades filed a lawsuit on behalf of Labor Ready workers to stop Labor Ready from charging workers an average of \$1.50 each day to cash their check, a practice that is illegal in Georgia.

"Some of these temporary agencies are aimed at destroying our livelihoods," commented Donnie Huff, an ACT Representative who has been heavily involved in the case.

"We need to organize these outfits or else we will all be working for \$6 an hour and no benefits."

A hearing has been scheduled for Nov. 28 in Charleston before an administrative law judge.

**Voter Registration
Deadline Is
October 10.
Your Vote Counts!**

BOARD SETS HEARING DATE FOR EARLY OCTOBER**NLRB Issues Charge Against Alcorn**

After being punished for talking about the union, workers at the Kanawha River Terminal project in Ceredo went on strike. Now the federal government has agreed that Alcorn Erectors, the contractor on the job, has acted illegally.

The National Labor Relations Board (NLRB) issued a complaint July 28 against Alcorn Erectors of Pittsburgh, Pa., for engaging in unfair labor practices against workers at the Kanawha River Terminal project.

The Tri-State Building and Construction Trades Council filed charges with the NLRB against Alcorn Erectors in late May.

Union members went to Alcorn to get hired and organize the job. Those who

were hired were quickly commended by supervisors for their skills and high productivity. But praise turned to scorn when the workers started to talk about the union.

On May 23, an Alcorn supervisor told workers they would be laid off because of their support for a union. The supervisor also made a rule restricting employees from discussing the union during work time.

Donnie Huff, ACT representative, said Alcorn's rule clearly was intended to discourage its employees from organizing a

union.

"The company directly violated labor laws," Huff said. "Workers have

'ALCORN HAS THREATENED ITS EMPLOYEES WITH JOB LOSS, AND EVEN PHYSICAL VIOLENCE, BECAUSE OF THEIR MEMBERSHIP IN A LABOR ORGANIZATION. THIS TYPE OF WORKER ABUSE AND DISCRIMINATION WILL NOT BE TOLERATED.'

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

right to organize without threats from the company."

After the company tried to discourage workers from talking about the

union, the supervisor sent six employees home early for joining the union and assisting in organizing activities.

On May 30, Alcorn employees supporting the union went on strike.

In its complaint, the NLRB General Counsel said Alcorn's conduct restrained and coerced employees in the exercise of their rights under the National Labor Relations Act.

Tri-State Building and Construction Trades Council's Steve Burton agrees.

"Alcorn has threatened its employees with job loss, and even physical violence, because of their membership in a labor organization," Burton said. "This type of worker abuse and discrimination will not be tolerated."

The hearing date is scheduled for Oct. 5 at the Cabell County Courthouse before an administrative law judge.

WIA GRANT

CONTINUED FROM PAGE 1

Board (LWIB) which has at least two labor representatives.

She said at least 51 percent of each local board is comprised of business representatives, as mandated by the federal legislation.

"It is important that our representatives on local boards are active in the decision-making process to get the training funds for our members," Johnson said.

"We do not want to get cut out of funding at the local level."

Johnson said WIA replaced the Job Training Partnership Act (JTPA).

Groups receiving funds under the JTPA program were given two years to make the transition to the WIA program.

"The WIA program has new regulations and guidelines to follow," Johnson said.

"Because WIA is still in its infancy, many of our members have questions about the program. I can get the answers the locals need.

"We will continue to work with each local to certify their programs and to assist in applying for necessary funding."

Johnson admits individual building trades locals lost \$700,000 in funding from the Construction Trades Training and Advancement Program (CTTAP) when JTPA was phased out.

However, she said the WIA program could be a positive step in financing training programs.

"The loss of funding under CTTAP is a definite setback," Johnson said.

"But this is a new day. We hope to build up the WIA program and make it even better than JTPA for our members."

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CABLE CHANNEL 16

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FOX 46

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