

**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.

Charleston - (304) 345-7570
Clarksburg - (304) 624-0682

email actwv@compuserve.com



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ACT Wins Right To Intervene In Lawsuit

McDowell County District Court Judge Booker T. Stephens ruled on Dec. 5 that the ACT Foundation had the right to intervene in one of the West Virginia Division of Workers' Compensation lawsuits against Bluestone Coal.

This victory opens the door for the new Wise administration to collect the more than \$200 million in premiums owed by default coal contractors and their big coal masters.

At the end of the Caperton Administration, lawsuits were filed to go after the coal companies that used contractors who left huge workers compensation debts.

The cases were ready to go to trial in 1998, but stalled under Gov. Underwood and his Bureau of Employment Program Commissioner William Vieweg. Both claimed the suits were based on unfounded legal principles and a motion was made to drop to cases.

The Underwood Administration successfully blocked the

continuation of the lawsuits claiming subcontractors were responsible for the unpaid workers' compensation debts, not the companies that hired them.

Because Underwood and Workers' Compensation Commissioner William Viewig were both former executive officers of the largest debtor, Island Creek Coal, ACT produced television commercials and newspaper advertisements questioning their protection of the companies against the lawsuit.

ACT Director Steve White said Judge Stephen's ruling is a

major victory for injured workers and small businesses.

"Small businesses and injured workers have faced higher premiums and lower benefits because these companies did not pay their share of workers' compensation premiums," White said.

"The state was falling down in its fiscal obligation to go after companies that tried to cheat the system."

Vince Trivelli, an ACT lawyer, said the ruling gives the ACT Foundation a chance to protect

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ACT Takes Fight For Local Jobs To Constellation's Headquarters

ACT Foundation members gave out flyers at Constellation Power's headquarters in Baltimore late last month.

ACT wants the public to know Constellation Power isn't hiring local workers at a Wayne County power plant construction site like it promised.

Constellation Power promised it would hire local workers in exchange for the county providing industrial revenue bonds to build the \$110 million, 300 megawatt, gas-fired power plant.

The flyer distributed at the company's Baltimore, Md. headquarters accused Constellation, and their better known subsidiary Baltimore Gas and Electric, of having a lack of corporate



ACT members hand out flyers in front of Constellation Power's headquarters in Maryland. Paul Lively, Bruce Murphy, Mike O'Hara, Larry Young and Henry Neal participated in the distribution.

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Regional Airport Proposal May Fly

Congressmen From Three States Meet To Form Transportation Caucus

A proposed \$282 million regional airport took one step closer to becoming a reality and creating thousands of new construction jobs and new industrial growth in the area.

Three congressmen from Ohio, Kentucky and West Virginia came together on Dec. 1 to

"Having three Congressmen, from three states, agreeing on a course of action is a very positive step."

"The regional airport proposal is not a battle to choose sides," White said. "Rather it is a vehicle for expanding our infrastructure for a modern economy."

White said although the regional airport would create thou-



More than 300 people packed into a Huntington courtroom to voice their support for a regional airport. Pictured above at the meeting left to right are Shelley Huffman, Executive Director of the Lincoln County Economic Development Authority (LCEDA), U.S. Congressman Nick J. Rahall (D-WV) and Lyle Stowers, president of the LCEDA. Fellow congressmen Ken Lucas (D-KY) and Ted Strickland (D-OH) joined Rahall in forming a caucus to support the construction of the proposed regional airport.

'HAVING THREE CONGRESSMEN, FROM THREE STATES, AGREEING ON A COURSE OF ACTION IS A VERY POSITIVE STEP.'

STEVE WHITE, ACT DIRECTOR

pledge their support by forming a Congressional Caucus to aid in financing regional transportation efforts like the regional airport.

Ted Strickland, D-Ohio, Nick Rahall, D-West Virginia, and Ken Lucas, D-Kentucky, signed the resolution in front of a crowd of more than 300 supporters at the Cabell County Court House.

The proposed airport would serve residents in all three states for personal and business travel. The site where it would be located is in Lincoln County, 3.4 miles south of a new Interstate 64 interchange now being constructed at Culloden.

The site is approximately 32 miles from Kentucky and 22 miles from Ohio.

Steve White, ACT Foundation Director, was present at the meeting. He said the construction of a regional airport would be an important development for the infrastructure of the area.

sands of construction jobs, it also could attract other industries to the area.

"The proposed site for the regional airport is surrounded by 3,000 acres of land that could be developed for other businesses," he said.

"If the regional airport is constructed there, it could generate the growth of more industries, and therefore, provide more jobs for local people."

Proponents of the airport said they hope to begin airport construction in 2003, creating more thousands of construction jobs.

Current plans would schedule the first plane to take off in 2006. Some experts estimate the regional airport could bring 7,000 to 11,500 new jobs to the area.

The West Virginia Port Authority is projected to decide whether to approve the regional airport project this coming July.

LAWSUIT

CONTINUED FROM PAGE 1

small businesses and injured workers.

"The decision allows us to try to prevent the Underwood Ad-

ministration from shifting the coal companies' debt burden onto small business and injured workers," Trivelli said.

"Every employer in the state is paying a surcharge on top of

their regular premiums to make up for these debts that they did not create."

"It is a credit to the ACT Foundation that they spent their time and resources to keep this case from being dismissed," Trivelli said.

White said ACT's intervention could save the state over \$200 million dollars in unpaid workers' compensation premiums.

'IT IS A CREDIT TO THE ACT FOUNDATION THAT THEY SPENT THEIR TIME AND RESOURCES TO KEEP THIS CASE FROM BEING DISMISSED.'

VINCE TRIVELLI, ACT LAWYER

"ACT did not allow the Underwood Administration to close the door on this lawsuit against the big coal companies," White said.

"If the lawsuit proceeds, it could save the state \$200 million in a Workers' Compensation

system that would translate to reducing debt, restored benefits and lower premiums."

White said this case should send a clear message to companies that try to profit from cheating the system.

"All companies should play by the rules and fulfill their obligations to workers," White said.

"Companies that use this method of making money by not

paying Workers' Compensation premiums can be caught."

A hearing for ACT's motion to strike the agreed dismissal between Bluestone and the state is scheduled for March 7, 2001 before Judge Stephens in McDowell District Court.

Union Made Holiday Gift Ideas

There are still a few shopping days left this year and the AFL-CIO has some great, union-made gift ideas so you can support working families across the country.

Because there are so many companies who produce union-made products, we can only provide a partial list of companies that support union workers.

But we hope this helps you make important, union-supporting decisions about the gifts you buy this year.

Holiday shoppers wanting to buy gifts online, should check out www.workingfamilies.com.

You won't find anti-worker or anti-union companies on this Web site, but you can find some good deals on union-made gifts.

Again, this is only a partial list. The AFL-CIO's list of "Do Buy" is available on their Web site at www.unionlabel.org.

There you can find more than worker-friendly gifts, they also list union-made automobiles, printer services, tire manufacturers, restaurants, airlines, hotels and more.

Whether you like to buy gifts online or you prefer to go to the mall, one thing is certain, you can find a gift for every person on your list—union made!

Happy Holidays.

SPORTS EQUIPMENT

Arnold Palmer Golf Clubs
Wilson Golf Clubs/Bags
Murray Bicycles
Spaulding Golf Balls
Riedell Roller Blades

PANTS, SLACKS, TROUSERS

Calvin Klein
Dockers
Jack Nicholas
Levis
Farah
Savane
Tommy Hilfiger

WINTER JACKETS, COATS

Artic Cat/King
North Face
Foxpoint

TOYS

Radio Flyer Wagon
Etch-a-Sketch
Fisher Price
* sandboxes
* playhouses
Golden Family
* games
* puzzles
* infant blocks
Lionel Model Trains
Pfaltzgraff
* Cook and Serve Set
* Tea Set
Today's Plastics
Dixon Ticonderoga products
Ghost Writer
Glitter Writer
Tot Traps Drum Set
Michael Jordan Basketball set

SWEETS

Hershey's
Jolly Ranchers
York Peppermint Patties

DENIM

Dockers
Gap
Levis
Canyon River Blues

KNITWEAR

Eddie Bauer
Osh Kosh B'Gosh
Talbots

LEATHER PURSES, WALLETS

Coach
Kenneth Cole
Amity
Capezio

HOUSEHOLD ITEMS

Mirro Cookware
Regal Cookware
Vollrath Cookware
West Bend Cookware
West Bend Coffee Makers
Jack Pine Blankets
Crystal de Lites figurines

SUITS

Alexander Julian
Brooks Brothers
Claiborne
Evan Picone
H. Freeman
Kenneth Cole
Saville Row

MUSICAL INSTRUMENTS

Baldwin Pianos and Organs
Selmer USA
Yamaha piccolos, trumpets, trombones, clarinets

BAKED GOODS

Chips Ahoy
Entenmann's
Dolly Madison
Keebler
Merita
Thomas's
Ritz
Wonder

HAMS

All American
Sarah Lee
Country Classic
Sugardale
Flavor King
Hillshire Farms
Hormel's
Kahn's
Oscar Mayer
Miller
Masterpiece

WINES/ CHAMPAGNES

C.K. Mondavi
Chateau St. Michelle
Columbia Crest
E&J Gallo
Gallo of Sonoma
Indigo Hills
Turning Leaf

CONSTELLATION

CONTINUED FROM PAGE 1

responsibility because it has not honored promises of economic development.

Tim Millne, Laborers District Council assistant business manager, said the distribution was peaceful and the flyers gained a great deal of attention.

"We were able to pass out over 1,500 handbills during lunch hour," Millne said.

"Many people we talked with were not surprised to find out that Constellation Power was not keeping its promises. Many of them said the company was a lousy corporate neighbor."

Millne said one company representative came out to speak with them but would not discuss the issue of broken job promises.

"Constellation Power was not happy that we were there," Millne said.

Millne said Constellation

Power promised to hire local workers in return for a huge tax break from Wayne County and the state of West Virginia to the tune of \$35 million over the next 20 years.

But the Wayne County Commission has not yet issued the industrial revenue bonds and Constellation Power is threatening to sue the county if the bonds aren't issued.

Millne said Constellation Power officials are using strong-arm tactics to get the bonds without keeping their end of the deal.

"Not only is Constellation Power giving jobs to imported workers that were supposed to go to local workers, but now the company wants to sue the people of Wayne County," Millne said.

"I think the County Commission should seriously consider what kind of community neighbor Constellation Power will be before they consider these

bonds."

Millne said the company recently hired a couple of local workers in order to claim that it was keeping its promise to hire local workers. But members of the Tri-State Building Trades who have been picketing the job since it has started know better.

Steve Burton, Tri-State Building Trades Business Manager, said the company allowed their out-of-state contractor H & M Construction Services from Tennessee to import many workers from distant states like California, Texas, Louisiana and Mississippi, instead of hiring local workers.

"These local workers are simply token workers for Constellation Power," Burton said.

He said Tri-State Building Trades members will continue to protest at the job site until Constellation Power honors its promise for local jobs.

You can find a complete list of union-made goods at www.unionlabel.org.

SEVERAL LABOR LEADERS SELECTED TO AID NEW GOVERNOR

Smith Joins Wise's Transition Team

Smith has been named to Governor-Elect Wise's Transition Team.

As Governor-Elect Bob Wise approaches inauguration, he has selected a team of qualified people to serve as advisors on his administration's transition team.

Roy Smith, Secretary-Treasurer of the West Virginia State Building Trades, has been named to serve as a labor representative on the transition team.

Smith has 20 years experience as a union representative and has been a union member for 32 years.

Smith said serving on the transition team is an honor as well as an important task.

"I am honored to have been appointed by Governor-Elect Wise to select people

to lead his team for the next four years," Smith said.

He said Wise placed great emphasis on his support for working families during his campaign and it was important to carry this into his administration.

new administration's list."

Smith said most of the Governor's team will be chosen before the Governor's inauguration on Jan. 15.

"I am hopeful the majority of the Governor's administration will be in place by early January and that he has

a good team to help him begin his administration," Smith said.

Other labor leaders also appointed to the transition team are Jim Bowen, president of the West Virginia AFL-CIO, and Mike Caputo, head of the United Mine Work-

'WE WANT TO MAKE CERTAIN THAT ALL WHO ARE SELECTED TO SERVE IN HIS ADMINISTRATION UNDERSTAND THE IMPORTANCE OF WORKING FAMILY ISSUES.'

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

"We want to make certain that all who are selected to serve in his administration understand the importance of working family issues," Smith said.

"It is important to keep the priorities of working people near the top of the

ers political action committee.

Kenny Perdue, Secretary Treasurer of the West Virginia AFL-CIO, has been asked to co-chair a jobs and economic development sub-committee.

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ACT Foundation
523 Central Avenue
Charleston, WV 25302
(304) 345-7570

**HAPPY
HOLLY-DAYS**

WEST VIRGINIA WORKS SHOWTIMES

FOX 46 Clarksburg & Morgantown Saturdays @ 7:30am	FOX 59 Beckley & Bluefield Saturdays @ 12:30pm
FOX 11 Charleston, Huntington, Parkersburg Sundays @ 11:30am	
CABLE CHANNEL 10 Wheeling, St. Clairsville & Moundsville Saturdays @ noon	
CABLE CHANNEL 16 Steubenville, Follansbee & Wellsburg Saturdays @ noon	

Give us a call if you have an idea for a show!