

# 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, Clarksburg and Martinsburg. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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## 2000 LEGISLATIVE SESSION

# Debarment, Deregulation, Jobs Act Taxes At Issue

**A**CT's agenda for the West Virginia Legislature's year 2000 session will include a contractor debarment bill, the West Virginia Jobs Act, and making sure the Crane Certification Law stays on track.

Utility deregulation and tax reform are issues that also will be watched closely.

### Contractor Debarment Bill

The contractor debarment bill, introduced last year by Gary Tillis, former Delegate and business agent for the WV Laborers District Council, would prevent contractors who are federally debarred from bidding on state and local contracts.

This bill was re-worked and introduced in the Senate last year by Sen. Oshel Craigo, D-Putnam, where it passed.

However the bill died in the House of Delegates.

"We are hopeful the contractor debarment bill will be passed in this year's session," said Tillis.

"Why should we allow contractors who have broken the law and been punished by the federal government to work on state-funded projects?"

"The answer is, we shouldn't."

### WV Jobs Act

The West Virginia Jobs Act will be introduced again this year, but its chances of passing are considered slim.

Two years ago a compromise

bill was passed that would allow for three state funded pilot projects to use local hiring rules.

Governor Underwood vetoed the pilot bill and last year legislators were reluctant to try again.

"The issue of 'Local Jobs for Local Workers' should be included in every legislative session," said ACT's Steve White.

"We refuse to give up."

### Utility Deregulation

Utility deregulation and tax

reform are two issues of concern that will require a close

Building Trades, along with other labor and consumer groups, have

**"WE ARE HOPEFUL THE  
CONTRACTOR DEBARMENT BILL  
WILL BE PASSED IN THIS YEAR'S  
SESSION."**

**GARY TILLIS, BUSINESS AGENT  
WV LABORERS DISTRICT COUNCIL**

watch. (see story below)

Proponents of utility deregulation promise lower rates and an improved electric industry.

But the West Virginia State

asked for more specifics.

"We are concerned that maintenance and upgrading of electrical plants will decline under

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## WV PSC Submits Plan To Deregulate State's Power Producers

**T**he West Virginia Public Service Commission (PSC) is considering a plan to deregulate the production of electricity in the state.

The deregulation plan is a compilation of several plans which were submitted to the PSC by interested parties.

A total of 19 interest groups have filed comments concerning the current plan submitted by the PSC.

The comments range from total support of the plan to no support at all unless major changes are made.

The bill would allow West Virginians to choose which company would supply their power.

The hope of the bill's supporters is that West Virginia's power suppliers will be able to compete nationally in an open

several groups including labor and environmental organizations.

"We think the promise of

**"WE WANT THE STATE'S POWER  
PRODUCERS TO INFORM THE  
PUBLIC OF ALL THE  
CONSEQUENCES OF THIS PLAN,  
BOTH GOOD AND BAD."**

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

market and offer the state's residents even lower rates.

The plan calls for current rates to be frozen for four years.

For families who choose not to shop around the rates would be capped for another nine years.

The plan faces opposition from

lower, more competitive rates is really misleading to the public," said Roy Smith, West Virginia State Building and Construction Trades Council, secretary-treasurer.

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**NLRB RULES IN LOCAL 625'S FAVOR**

# Workers Picket At Hughes Supply

**E**mployees of Hughes Supply, a Florida-based company, have been picketing outside its Alum Creek office near Charleston since Dec. 30.

The picketers are out in support of two employees, Rodney Harless and Leland Salmon, who were fired after they testified in

an National Labor Relations Board (NLRB) hearing.

The hearing was held after Plumbers and Pipefitters Local 625 filed for an election on behalf of Hughes employees.

The hearing was called because Hughes wanted to get sales people and secretaries in the bargaining unit.

Local 625 asked the board to issue subpoenas for two Hughes

employees, which they did.

The employees were needed to testify about the work they did and the fact that they had little or no contact with sales and secretarial employees.

When Harless and Salmon told their boss they would be going to the hearing they were threatened with their jobs.

Harless told the *Charleston Gazette*, "Mark McDonald, our

boss, told me that if I went to that hearing, when I got back I would face the consequences."

wrote in a press release, "the company is cooperating with the Labor Board to ensure that the

**"ALL WE EVER WANTED OUT OF THIS WAS A FAIR ELECTION AND FOR THESE GUYS TO HAVE THE OPPORTUNITY TO EXERCISE THEIR RIGHTS AS AMERICANS AND VOTE ON AN ISSUE THAT CONCERNS THEM."**

**T.L. RANSON, BUSINESS MANAGER  
PLUMBERS & FITTERS LOCAL 625**



PICKETING, AND EATING LUNCH, OUTSIDE HUGHES SUPPLY'S ALUM CREEK office are several Hughes employees and members of Plumbers & Pipefitters Local 625.

"After he fired me, I asked for something in writing."

"He told me he would have to talk to his lawyer."

"The employees were told they were fired for insubordination, but they never received anything in writing to that effect," said Plumbers and Pipefitters organizer, Tim 'Squirrel' Jividen.

"I told the company's branch manager we would call off the strike and the employees could go back to work as usual until the NLRB election if he would rehire Rodney and Leland.

"But he refused."

Laura L. Wright, director of human resources for Hughes,

employees have the opportunity to exercise their right to vote in an election atmosphere free of any intimidation or coercion."

"All we ever wanted out of this was a fair election and for these guys to have the opportunity to exercise their rights as Americans to vote on an issue which concerns them," said T.L. Ranson, Local 625 business manager.

The NLRB ruled on Jan. 12 the only employees who can vote in the election, which will be held in early February, are the production workers and not the secretaries and sales workers.

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## 'West Virginia Works'

*'The 30 minute show produced by workers, about workers.'*

**T**ired of bad press? How about no press coverage at all?

Well so are we.

That's why we've started 'West Virginia Works.'

It's about time labor had its own show to tell the public the true story about workers and the issues affecting working families.

If we don't do it, who will?

**On FOX TV:**

**FOX 46 -  
Clarksburg & Morgantown  
Saturdays @ 7:30am**

**FOX 59 -  
Beckley & Bluefield  
Saturdays @ 12:30pm**

## Show Times & Stations

**FOX 11 -  
Charleston, Huntington & Parkersburg  
Sundays @ 11:30am**

**On Cable TV:  
Cable Ch. 10 -  
Wheeling, St. Clairsville & Moundsville  
Saturdays @ noon**

**Cable Ch. 16 -  
Steubenville, Follansbee & Wellsburg  
Saturdays @ noon**

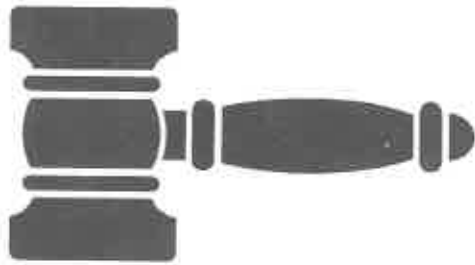
*Give us a call if you have an idea for a show -  
1-800-930-WORK!*

## West Virginia State Building Trades' Constitutional Convention

**When:** Wednesday, January 19

**Time:** 10:00 a.m.

**Where:** Charleston House Holiday Inn, 600 Kanawha Blvd., East



*Open to all affiliated building trades members contact your local business agent for more information.*

## Ruskin Signs Union Contract

**Workers at Ruskin Manufacturing, in Fairmont, WV voted in 91-25 for their first union contract.**

Contract negotiations began last June, after Sheet Metal

The contract was ratified on Dec. 13 and signed on Jan. 5 in Cleveland, Ohio.

The Fairmont shop is one of six Ruskin Manufacturing shops in the country.

The plants are all production

**"TWO YEARS OF ORGANIZING EFFORTS FINALLY PAID OFF IN SPITE OF THE HOSTILITY FROM THE COMPANY."**

**RANDY GOMBOS, ORGANIZER SHEET METAL WORKERS LOCAL 33**

Workers Local 33 won a National Labor Relations Board (NLRB) election, and ended last November.

shops rather than building trades shops.

Ruskin manufactures louvers

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## LEGISLATIVE AGENDA

*CONTINUED FROM PAGE 1*

deregulation," said Roy Smith of the State Building Trades.

"We want assurances that investment will increase, not decrease, in West Virginia's utility industry."

### Tax Reform

Tax reform proposals should make working families suspicious according to White.

An ACT study commissioned last year showed working families the big losers under Gov. Underwoods tax reform proposal.

And the richest one percent of West Virginians would get huge tax breaks.

### Crane Operator Certification

ACT also will be working with the Legislature to move forward on the crane operator certification law.

As of January 1, 2000 all crane operators must have a license.

However, a number of groups have asked for more time because of difficulties getting their operators certified.

The United Mine Workers of America and the United Steelworkers of America, along with the anti-union Associated Builders and Contractors and the Contractors Association of West Virginia, have joined together to push for a delay or repeal of the crane certification law.

"We have agreed to delay the effect of the law for six months to allow more time for those having trouble passing the test," said White.

"But we are ready to fight it out if they try to repeal this im-

portant safety legislation."

The crane certification bill sets in place minimum requirements for crane operators who handle loads of 10,000 pounds or more in the construction industry.

oversee design-build projects, and West Virginia State Building Trades Secretary-Treasurer Roy Smith will represent labor on the board.

Regulations are being put to-

**"WE WANT TO SEE SAFE, QUALIFIED CONTRACTORS WORKING ON THESE PUBLICALLY-FUNDED PROJECTS."**

**STEVE WHITE, DIRECTOR ACT FOUNDATION**

This bill was passed in the 1998 legislative session and all crane operators were supposed to have taken a written test to complete the certification process as of this month.

Part of the bill called for crane operators to pass a hands-on test if they could not show they had experience operating a crane.

The rules for the hands-on test are still being developed.

The hands on testing will go into place next year.

### Design-Build Bill

ACT also has filed comments on a design-build bill which passed during the last session.

This bill allows contractors to bid on the design and building portions of public projects together instead of separately.

A board has been created to

gether to advise state agencies on how to evaluate and award design-build contracts.

ACT submitted comments concerning the criteria under which the contractors who bid on these projects should be evaluated.

ACT would like awarding agencies to consider:

- The contractor's performance on prior projects
- The contractor's track record in obeying laws
- The contractor's ability to staff the job
- The safety and training programs the contractor has in place.

"We want to see safe, qualified contractors working on these publically-funded projects," said White.

"Following the guidelines we've proposed would ensure just that."

## HUGHES

*CONTINUED FROM PAGE 2*

"We believe the union has really good chance of being voted in because the majority of the employees are out on strike," said Jividen.

"I am extremely proud of all the members of Local 625 who

have supported, and are continuing to support, these men who were fired."

The Board is now expected to rule on whether or not Salmon and Harless were fired illegally.

The strike will continue until this decision is made.

**ACT INVESTIGATION UNCOVERS MONEY SCAM****Seven To Share \$31,863 In Back Pay**

**S**even employees of Bragunier Masonry Contractors Inc. will share \$31,863.33 in back pay because their benefits were withheld.

Four of those employees also will share in an additional \$8,407.11 from a profit-sharing plan to which they are entitled.

And at least two other employees are due money, an amount which has not yet been computed, from similar complaints filed with

and Wildlife Center and Internal Revenue Center building in Berkeley County, Morgan County High School, Berkeley Senior Center, Musselmen High School, and Capon State Park.

The investigation began because several Bragunier employees filled out ACT questionnaires in which they complained about inability to access their benefit fund accounts.

An audit was never performed because Bragunier voluntarily turned over payroll records for those employees who filed a complaint with the West Virginia DOL.

"Bragunier has more than 100 employees, so more people could

be entitled to money if they come forward and file a complaint," said Montoney.

A separate investigation of Bragunier by ACT's Larry Young on the Capon State Park project lead to additional money for some employees in an undisclosed amount.

"We are aware that many non-union companies are using a similar benefit money scam," said Montoney.

"Many are quiet and sophisticated and are hard to catch without an employee complaint.

"But the greedier these companies get the easier they are to catch.

"We have been around long enough now that non-union workers know they can turn to ACT for help."

**BRAGUNIER HAS MORE THAN 100 EMPLOYEES, SO MORE PEOPLE COULD BE ENTITLED TO MONEY IF THEY COME FORWARD AND FILE A COMPLAINT."**

**STEVE MONTONEY, REPRESENTATIVE  
ACT FOUNDATION**

That was a December decision on a complaint the seven filed last October with the West Virginia Department of Labor (DOL). ACT's Steve Montoney started the investigation which recovered the money.

the State DOL.

Bragunier Masonry worked on several projects in West Virginia including Huttonsville Medium Security Prison, Sugar Grove Naval Observatory, Seneca Rocks Visitor Center, Moorefield Elementary School, the U.S. Fish

**DEREGULATION PLAN**

*CONTINUED FROM PAGE 1*

"West Virginia already has one of the lowest electric utility rates in the nation.

"Most of the states that choose to deregulate power production do so because of high rates.

"That is not the case in here."

According to Smith, the bill as it is written now also provides no safe guard for local jobs.

"Local workers are in danger of losing jobs if customers are allowed to purchase power from other states," said Smith.

"The expansion and repair jobs are at risk and the state could experience a loss of tax revenue if less electricity is produced in West Virginia."

In a Jan. 5 *Charleston Gazette* article, the West Virginia AFL-CIO said it also opposed the plan on the grounds that it fails to protect local jobs.

"We want the state's power producers to inform the public of all the consequences of this plan, both good and bad," said Smith.

"Local workers deserve to know what an impact this proposal could have on their job security."

**Building Trades Raise Money For Charity**

**T**he Charleston Building Trades worked together with the Kanawha Valley Labor Council (KVLC) this holiday season to raise money for the Salvation Army.

On Dec. 17 and 18 building trades members manned 18 of the 29 KVLC bell-ringing stations

around the Charleston area.

The total effort netted more than \$15,000 for the charity.

"We are very proud of the members who gave up their Friday and Saturday to come out and support this cause," said Mike Matthews, Charleston Building and Construction Trades Council Business Manager.

"The result was worth the time."

**RUSKIN SIGNS CONTRACT**

*CONTINUED FROM PAGE 3*

and dampers for HVAC systems.

"During this organizing campaign, we were fought by Ruskin management every step of the way," said Sheet Metal Workers Local 33 Organizer, Randy Gombos.

"Everything from interrogation and illegal termination to surveillance was attempted.

"All other Ruskin plants already signed with Local 33.

"They were determined to keep this shop nonunion.

"Two years of organizing efforts finally paid off in spite of the hostility from the company."

According to Gombos, one of the men who was terminated during the organizing campaign, Ian Davis, has now become a full-time production organizer for Local 33.

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