

**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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Workers Protest Hiring Practices At Coliseum

WVU Officials & Underwood Administration Refuse to Take Responsibility

Local jobs for local workers was the theme of the June 23 labor rally in Morgantown.

With more than 300 supporters in attendance, the demonstration protested the use of non-skilled and out-of-state workers for the asbestos removal project at West Virginia University's coliseum.

U.S. Immigration and Naturalization Service arrested 28 illegal aliens at the project site in May.

Now, welfare-to-work recipients are being used to replace the illegal workers.

In either case, the situation leaves local, skilled workers out of work.

West Virginia AFL-CIO Secretary-Treasurer Kenny Perdue said the out-of-state company that contracted to remove the asbestos placed a low bid typical for a job site where safety violations and worker abuse may occur.

"This state is simply ignoring the hard-working, tax-paying West Virginians who are qualified to work on asbestos removal projects," Perdue said.

Steve Montoney, a Northern ACT representative, said West Virginia University officials refuse to take responsibility for the use



Shame on you WVU! More than 300 rally supporters tell Morgantown motorists about the university's use of unskilled and imported workers at the asbestos removal project at the coliseum.

Union Workers Turn Around \$12 Million USDA Project

After months of struggle a \$12 million construction project in the Eastern Panhandle that started out nonunion has been turned around and is being built by union workers.

Operating Engineers Local 132, Carpenter's Local 1024 and Laborer's Local 679 have signed contracts with Alexander Constructors of Harrisburg, Pa. to complete the construction of the National Center for Cool and Cold Water Aquaculture, a United

States Department of Agriculture (USDA) research center building project near Martinsburg.

CCI Construction Company defaulted on a contract earlier this year to build the USDA research center. St. Paul Sureties, the bonding company which took over the contract,

Larry Young, an ACT representative, said this is a positive step for organized labor in the eastern panhandle.

"This is a labor victory and I am looking for more to come," Young said.

Young was one of the workers who tried to organize the project.

'THIS IS A LABOR VICTORY AND I AM LOOKING FOR MORE TO COME.'
ACT's LARRY YOUNG

After hiring on and talking about a union to other workers Young and others were disciplined by CCI. Workers went on strike to protest the unfair treatment. At the same

negotiated a new deal with Alexander Constructors.

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ACT Gets Subcontractor List On Gilmer Federal Prison Job

After Several Attempts, ACT Obtains Public Documents

With the help of U.S. Senators Robert C. Byrd and Jay Rockefeller, ACT has obtained a list of subcontractors at the federal prison site in Gilmer County.

The U.S. Department of Justice's Federal Bureau of Prisons (BOP) had denied ACT's Freedom of Information request to obtain a list of subcontractors at the new \$100 million prison.

Citing privacy provisions, the BOP refused to give ACT the information available at all other publicly funded projects.

"This is a small victory in a much larger fight we are having with the Bureau of Prisons," ACT's Jim Lewis said.

"We need the subcontractor information to document the out-of-state workers on this project."

Lewis now can request payroll documents for the subcontractors and the general contractor, Bell Corporation of Rochester, N.Y.

Lewis said the situation at the Gilmer prison is similar to several work sites in West Virginia.

Jobs promised to local workers are going to out-of-state workers, and tax dollars are paying for the projects.

"This situation is not unique," Lewis said.

"This type of worker exploitation is occurring right here in our state at the WVU coliseum and the Bethany College student



Union workers are picketing Atlas Services because of unfair labor practices. Pictured are members of Operating Engineers Local 132.

housing project as well as the Gilmer federal prison."

The BOP conducted an economic and environmental impact study of the Gilmer area prior to construction.

With the unemployment rate as high as 18 percent, area residents were promised the prison construction would

bring much needed economic development.

Lewis said the study results showed 90 percent of the skilled workers needed for the prison construction could be hired from Gilmer and nine surrounding counties.

However, the \$100 million project was given to Bell which subcontracted the work to out-

of-state contractors.

"Our big push is to hold them to that 90 percent," Lewis said.

"The Federal Bureau of Prisons said 'let us bring this prison here and we will bring good jobs to you' and they simply have not

day," O'Hara said.

"We want to see fair hiring procedures practiced by Atlas Services."

O'Hara said Atlas has treated local job applicants unfairly and has filed charges with

the National Labor Relations Board.

Lewis said ACT twice has urged the Gilmer County Commission

to adopt a resolution supporting local workers for the prison construction.

"We have taken a resolution before the committee twice now," Lewis said.

"We have even urged them to write their own resolution addressing the matter. We would like to see support for local workers."

'WE ARE DOING EVERYTHING WE CAN TO MAKE SURE THEY FOLLOW THE RESULTS OF THEIR OWN STUDY.'

ACT REPRESENTATIVE JIM LEWIS

honored their promises."

"We are doing everything we can to make sure they follow the results of their own study."

Mike O'Hara, Operating Engineers 132 organizer, said union workers have been protesting Pittsburgh-based Atlas Services' since June 27 at the site.

"Ten to 20 union workers have been on the picket each

ACT Elects Officers At Annual Convention

Although it wasn't a first constitutional convention for either the West Virginia State Building Trades Council or the ACT Foundation, it was the first constitutional convention for the newly-merged group.

Convention participants met July 12 in Parkersburg to consider changes to the constitution and to elect new officers.

Steve Burton was re-elected President.

He is a member of the United Brotherhood of Carpenters and Joiners and Business Manager for the Tri-State Building and Construction Trades Council

Roy Smith was re-elected as the Secretary-Treasurer.

He is a member of the International Brotherhood of Electrical Workers

Also at the convention, vice presidents were selected by each craft for the Executive Board.

The Executive Board Officers elected are: Randy Atkins, Teamsters; Jim Black, Sheet Metal Workers; Ed Boone, Plumbers and Pipefitters; Ronnie Burdette, Operating Engineers; Dave Carte, Bricklayers; Willard Casto, Iron Workers; Carl Harper, Roofers; Paige Humphreys, Asbestos Workers; John Jarrett, Carpenters; George Pinkerman, Boilermakers; Dan Poling, Painters; Jim Ross, Electrical Workers; Mark Smithson, Cement Masons and Gary Tillis, Laborers.

Eight Bethany Housing Contractors Handed Dozen Cease & Desist Orders

Eight contractors working on the Bethany College student housing project were issued 12 cease and desist orders on June 22 and June 26 for violating West Virginia laws.

The West Virginia Department of Labor (WVDOL) cited the contractors for failure to have wage bonds and West Virginia contractor's licenses.

On June 22, the WVDOL issued cease and desist orders to Mlinek's Quality Home Improvement of Acme, Pa., Danny West Painting of Washington, Pa., Service Personnel of Western Pennsylvania of Greensburg,

Pa. and Boss Management of Conroe, Texas.

Mlinek's and Boss Management both were cited for operating without West Virginia contractor's licenses and wage bonds; Service Personnel was cited for

operating without a state-issued contractor's license and Danny West Painting was operating without a wage bond.

On June 26, the WVDOL issued a total of seven citations to Bowman Drywall, Tom Lacks, and Miller Drywall, all of Washington, Pa. and BR Brick

and Masonry, Inc. of Houston, Texas. BR Brick and Masonry was cited for a wage bond vio-

not had a fair chance to work at the \$15.4 million project.

ACT Representative Jim

Lewis said out-of-state contractors can underbid skilled, local contractors because they often violate

licensing, wage bonding and business tax laws therefore lowering their costs.

"When all contractors are licensed, wage bonded and pay appropriate business taxes, then project bidding is on a level playing field," Lewis said.

Rich Wilson, Bricklayers Local 6's business agent, agrees with Lewis.

'GOOD, HONEST CONTRACTORS ARE AT A SERIOUS DISADVANTAGE WHEN OUT-OF-STATE CONTRACTORS TRY TO SIDESTEP WEST VIRGINIA LAWS.'

RICH WILSON, BRICKLAYERS 6 BUSINESS AGENT

lation and the others were cited for not having wage bonds and state contracting licenses.

Bethany College has been the site of numerous protests about out-of-state contractors and imported labor in past months. Local union construction workers are upset because they have

"Good, honest contractors are at a serious disadvantage when out-of-state contractors try to sidestep West Virginia laws," Wilson said.

"If these companies paid the necessary fees and had wage bonds, their bids would be considerably higher."

He said Bethany College's board of directors asked the Brooke County Commission to sell bonds to help finance the housing project. In return, board members promised economic development for the community.

"The College sold the county commission on the bond sale because of the jobs the housing construction would bring to the Brooke County area," Wilson said. "They made this promise but never followed through."

USDA TURNAROUND

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time, notes had been made about shoddy work pointed out to supervision and ignored.

Numerous protests were held at the CCI site. Support from area union members, especially UAW members, was extraordinary.

Young and Tim Millne of the West Virginia Laborers District Council pushed the Agriculture Department for project quality control reports to further document the claims of shoddy work. Meanwhile the construction slowly progressed.

Eventually CCI abandoned the job, it is believed the company filed bankruptcy.

Gary Long, Local 679's business manager, said government inspectors saw the sub-

standard work performed by CCI Construction and this presented an opportunity for union workers to show their worth.

"Clearly CCI left behind poor quality work when it abandoned the job site several months ago," Long said.

"Now union workers have signed contracts and they are getting the job done right."

"Had they hired union workers in the first place CCI might still be around with a top quality project," Millne said. "Instead they chose to go a different route and paid the price."

The \$12.6 million USDA research facility has an expected completion date in February 2001.



The National Center for Cool and Cold Water Aquaculture near Martinsburg now is being constructed by union workers. Pictured above is the work site where Alexander Constructors is the major contractor.

'IT WAS TIME TO CHANGE THEIR LIVES'

Carpenters Win Organizing Election

The workers said it was time to change their lives—that's when it all started," John Znoy said.

Znoy, an organizer for the West Virginia Regional Council of Carpenter, said workers from S. Powell Construction Co. of Weirton began their move to unionization in March when a co-worker became ill and they realized their need for better health coverage and fair pay.

The workers voted 10-2 in favor of union representation at an election held at the Veterans Administration Hospital in Martinsburg on June 29.

"From the beginning they were a strong

unit and helped each other out," Znoy said.

"I was sort of a coach on the sidelines offering advice, support and answers to their questions.

"There is so much misinformation out

about."

But Znoy admits there were stumbling blocks to overcome. He said S. Powell Construction hired R.C. Blankenship, a union-busting law firm from Indiana.

"I prepared the workers for some of the manipulation tactics and propaganda that would come from this group," he said.

"Sometimes it's hard to fight the fears these workers have in deciding whether to organize.

"In essence, you're asking them to place what little they have on the line for the

hope of bettering their lives."

Larry Linch, West Virginia Regional Council of Carpenter's Organizing Director, said the workers were often misclassified and therefore underpaid.

He said the workers also were expected to supply their own tools and to pay their out-of-town expenses.

"The workers have won the right to

be represented by the Carpenter's Union," Linch said.

"They deserve to earn fair wages and compensation.

"The election will be certified within a week and then we will have one year to settle on an agreement."

Linch said negotiating a contract with company owner Stephen M. Powell might be difficult, but he remains optimistic the workers will receive a fair contract.

"We have more tools to use now that we have won the election," he said.

Linch said the Union is placing an emphasis on organizing unprotected carpenters.

"We are reaching our goals and our work is beginning to come together," Linch said.

"I anticipate having statewide organizing activities more often."

The West Virginia Regional Council of Carpenters will hold an election July 21 for carpenters working for a Charleston area contractor.

'SOMETIMES IT'S HARD TO FIGHT THE FEARS THESE WORKERS HAVE IN DECIDING WHETHER TO ORGANIZE. IN ESSENCE, YOU'RE ASKING THEM TO PLACE WHAT LITTLE THEY HAVE ON THE LINE FOR THE HOPE OF BETTERING THEIR LIVES.'

JOHN ZNOY, ORGANIZER

there. I wanted the workers to know what was out there and what the Union was all

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WVU RALLY

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of out-of-state, illegal or welfare workers.

He said it is becoming increasingly difficult to obtain the information about the workers' job certifications.

"The Underwood administration is placing more roadblocks to overcome in this investigation," Montoney said.

"We are now being forced to use complicated Freedom of Information Act (FOIA) rules.

"These regulations are keeping us from getting quick answers about important safety issues from the West

Virginia Department of Health and Human Resources."

Delmer Hershman, Laborer's 379 business agent, said the rally highlight was a live radio broadcast featuring commentaries about local jobs for local workers by rally supporters.

"This is a local jobs issue," Hershman said.

"Tax payers need to realize their tax dollars are funding these state projects."

West Virginia University is a state-supported school and should employ local, skilled workers."