

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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WHEN MEMBERS PARTICIPATE THEIR UNION WINS

Bricklayers, Laborers Pickets Win Dempsey Masonry Union Contract

Union members' organizing efforts at a school project in Dunbar and a housing project near Charleston have paid off.

Bricklayers District Council and Laborers Local 1353, with help from other trades, used a two-day picket to convince Dempsey Masonry it was time to sign statewide contracts.

This recent effort began when Dempsey was awarded a masonry subcontract at the Dunbar Elementary School. The \$5.8 million project is being built by Harrison County based T-marco Construction.

A number of members of the Bricklayers volunteered to go to work for Dempsey and act as organizers. Some let it be known they were union up front, others did not.



Union members picket one of Dempsey Masonry's job site near Charleston

The picketing began when Dempsey refused to hire bricklayers because they were union. This is an unfair labor practice

and a violation of the National Labor Relations Act. "We tried to organize from the top down, but Jack

Dempsey, the company's president, would not meet with us. So we had to go from the bottom

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Underwood Administration makes bid to end Workers Compensation cases

State Employment Programs Commissioner William Vieweg is once again trying to block ACT from making large coal companies pay their fair share of the multi-million dollar Workers Compensation Fund deficit.

In an 'eleventh hour' effort to protect 'big coal' from paying more than \$200 million owed the fund by their sub-contractors, Vieweg filed a Writ of Prohibition with the State Supreme Court. The action seeks to prevent ACT from intervening in the

court case which is aimed at collecting payment owed by contractors hired by Bluestone Coal.

McDowell County Circuit

ACT Attorney Stuart Calwell said "We think the writ is a last ditch effort to prevent the truth from coming out."

The petition for the writ al-

make policy decisions, without judicial intervention, regarding litigation involving executive branch agencies."

Justice Margaret Workman, who has since retired from the Supreme Court, urged ACT to take its case to circuit court.

The writ petition also alleges ACT lost its right to appeal when Circuit Court Judge Michael Thornsby of Mingo County dismissed the lawsuit against Island Creek Coal Co.

According to Calwell, one circuit court's ruling does not bind another circuit court. Only the

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'WE THINK THE WRIT IS A LAST DITCH EFFORT TO PREVENT THE TRUTH FROM COMING OUT'

STUART CALWELL, ACT ATTORNEY

Judge Booker T. Stephens granted ACT that right in the West Virginia vs. Bluestone Coal case.

leges that ACT lost its right to intervene when the Supreme Court "...reaffirmed the right of executive branch officials to

Labor-Backed Supreme Court Justice Joseph P. Albright Takes Oath Of Office

Labor-endorsed Joseph Albright became West Virginia's newest State Supreme Court Justice Dec. 28 when he took the oath of office in the State Capitol's House of Delegates Chamber.

Albright replaced Republican Justice George Scott, who was appointed by Gov. Underwood to replace retiring Justice Margaret Workman.

Albright, a native of Parkersburg, took his oath of office in the House of Delegates chamber where he earned the reputation as a fighter for organized labor during his 14 years representing Wood County.

Albright also served as speaker



Joseph P. Albright takes his Supreme Court oath in the House Chamber of the Capitol, where he served for 14 years as delegate for Wood County.

of the House in 1985-86.

This isn't the first time for

Albright sitting on the state's

highest judicial panel. He was

appointed in 1996 to the Su-

preme Court by former Gov.

Gaston Caperton to finish the final year of the unexpired term of Justice William T. Brotherton.

He failed to win election to that post in 1996, however, and again in 1998.

But Albright won when he once again sought election to the Supreme Court in the 2000 elections with the strong backing of West Virginia's organized labor.

"Having Joe Albright on the court will be a boost to working families in West Virginia," said Roy Smith, Secretary-Treasurer of the West Virginia State Building and Construction Trades Council.

Many issues vital to Craft unions during upcoming 75th Legislature

There'll be a lot of important issues for construction workers when the new West Virginia Legislature meets later this winter.

The Legislature meets only briefly in January before recessing until mid-February.

This recess is routine for those years in which a new governor takes office, giving the new administration time to develop a program for presentation to the Legislature.

But when the Legislature goes into fulltime session next month these are some top legislative concerns for ACT:

* The West Virginia Jobs

ACT. The bill is a state version of the Appalachian Regional Commission regulations which require federal projects to employ workers from the local area around the job site.

The West Virginia Jobs Act would require 90 percent of the workers on any publicly-funded project meet one of two criteria—they must live within 75 miles of the job site and/or in West Virginia.

"The West Virginia Jobs Act would prevent companies from

hiring cheap imported labor for local jobs financed with our tax dollars," said B.B. Smith, ACT legislative representative.

* Another law ACT hopes to get passed is one concerning

a company applying for economic development incentives to detail what types of jobs will be available to West Virginia workers. Companies receiving economic development incen-

tives must file progress reports.

Progress reports enable the state or county officials to determine whether a company is achieving its projected economic growth for the community.

Data will also be available to evaluate various incentive programs.

"This bill would keep compa-

nies like Constellation Power from getting a \$34 million dollar tax break for importing construction workers and creating only three permanent jobs in Wayne County," said Smith.

* Reform electricians licensing. Currently electricians must get an annual license which is administered by the State Fire Marshall's office. State audits have shown the fees paid are not used to enforce the law. This bill would move oversight to the Department of Labor which could more efficiently enforce the licensing laws.

* Requiring a state wide plumbers license. This bill would

'STATE AUDITS HAVE SHOWN THE FEES PAID [FOR AN ELECTRICIANS LICENSE] ARE NOT USED TO ENFORCE THE LAW.'

JIM ROSS, BUSINESS MANAGER, IBEW LU 978

information and accountably from companies which receive economic development incentives. Such a bill would require

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ACCIDENT SHOWS NEED FOR OPERATOR CERTIFICATION

Crane's collapse leads to exposure of unlicensed, non-bonded company

Out-of-state contractor with no contractor's license, no wage bond and imported unskilled workers.

An all too familiar equation for disaster has struck again. This time it resulted in a crane accident and has called attention to Lighthouse Billboards of Huntsville, Ala., operating in the Eastern Panhandle.

The accident occurred along Interstate 81 while the non-union company was erecting one of several signs for Mid-Atlantic Advertising.

ACT brought Lighthouse to the attention of the state Department of Labor, which resulted in the company receiving a cease and desist order.



It is unclear what caused the crane's boom to buckle and drop this billboard near I-81. Another 10 feet could have meant disaster had the sign fallen on passing traffic.

"This is just another example of an out-of-state contractor sneaking in here trying to do work and not playing by the

rules," said Larry Young, ACT Representative.

The accident occurred when the crane boom apparently col-

lapsed, bending about a third of the way up the crane from the operator's cab.

"Accidents like this are the

reason it is so important to have certified crane operators on all job sites," said Young.

LAWSUIT

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Supreme Court can reverse Judge Stephens' decision.

"Judge Stephens did the right thing," Calwell said.

"The decision allows us to get to the truth of the fraud behind the Workers Compensation deficit."

If the decision is reversed it could close the door on the

State's ability to collect on a \$200 million Worker's Compensation debt owed by small coal contractors and the large coal operators who hired them.

The lawsuit in question was

first filed under the Caperton Administration. The state alleged the coal companies were responsible for the \$200 million in delin-

'COLLECTING THE DEBT COULD MEAN BETTER BENEFITS.'

STEVE WHITE, ACT DIRECTOR

quent Workers Comp premiums accrued when their subcontractors filed bankruptcy.

When the case was ready to go to trial in May, 1999, Vieweg dismissed the lawsuits on the

grounds they were based on faulty legal theory. Vieweg and his boss Governor Cecil Underwood both worked for Island Creek Coal, one of the companies being pursued for their contractors' debts.

"Collecting the \$200 million could mean lower premiums for small businesses and better benefits for injured workers," said Steve White, ACT Director.

Governor-Elect Bob Wise can pursue the unpaid premiums if the lawsuit isn't dismissed.

LEGISLATURE

CONTINUED FROM PAGE 2

install a quality control measure and standardize the licensing specification throughout the state.

"We feel there is need to end the confusion of city and municipality certification ordinances," said Smith.

* Some laws already passed need specific rules implemented with them.

The Crane Operator Certification bill, which goes into effect on Sept. 1, 2001, needs rules to be approved which include successful completion of a hands-on test as well as a written test in order to receive certification.

A debarment bill passed last

year, similar to the federal debarment law, needs clarification. The federal law requires that any contractor or company which violates serious federal laws is barred from bidding on any other federal projects for a certain period of time. ACT will advocate very similar rules being integrated into the state law.

"If these rules are implemented it will stop cheating companies from taking public contracts from honest, hard-working companies," said Smith.

These are just a few of the important issues concerning working people of West Virginia.

Bittersweet Victory At Columbia's Glady Job Site

Some local union construction workers will be hired because non-union, out-of-state Sunland Construction lost its contract to renovate Columbia Gas' Glady compressor station.

Columbia Gas took away the contract because the project was over the time limit, over budget, and Sunland's workmanship was inferior, according to Bud Parsons, president of the Operating Engineers LU 132.

The unfinished work was given to S.T. Pipeline Inc., a company signatory to the Operating Engineers and Rig Welders. How-

ever, S.T. Pipeline is also signed with the Steelworkers resulting in a mixed victory for building trades workers.

"Building Trades members stood the picket line, Steel workers got the work and that's not fair," commented ACT's Steve Montoney.

Neither Laborers nor Teamsters have a contract with S.T. Pipeline.

"The five-week picket was effective because they couldn't find quality workers who would cross the line," Parsons said.

"That caused cost overruns and poor quality workmanship."

The picket also brought illegal aliens working for Sunland to

the attention of the Immigration and Naturalization Service (INS).

Two road blocks were set up to catch the illegal workers.

"The INS detained two workers and six to eight more never returned to work after hearing about the roadblocks," Parsons said.

"The picket brought Sunland's shortcomings to the attention of the right officials at Columbia Gas, which helped land the work," said Montoney.

A number of Columbia sites, and their headquarters, have been picketed in the last year because of the use of out-of-state, non-union contractors and workers.

BRICKLAYERS

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up," Leroy Hunter, Jr., organizer for the Bricklayer's District Council, said.

With the cooperation of other trade unions and ACT, the picket shut down the Dunbar job, persuading Dempsey to sign a contract with the Bricklayers.

"I have been trying to sign Dempsey for more than a year now," added Hunter.

"It was a real team effort — the hard work of Dave Carte of the Bricklayers in Charleston, Bill Thomas, Donnie Huff and Steve Montoney of ACT, as well as the other trades workers who supported us made this picket a success.

"The result of this statewide contract being signed has not only awarded us the Charleston work, but also gained our members the work now underway at Camp Dawson in King-wood," said Hunter.

Hunter and Carte headed up the drive to organize the Dempsey jobs.

"I had talked to this guy four

years ago, but he gave me the run-around," Carte said. "So when he popped up in Dunbar I decided to go after him again."

The plan was simple: get members to go to work for Dempsey, prove their skills and then organize.

"I made them understand that without member participation non-union companies would continue to 'eat our lunch'," he said.

According to Craig Harvey of Laborers Local 1353, the picket was also successful for Union laborers.

Dempsey also signed a statewide contract with the Laborers.

"Dempsey is looking forward to utilizing our local hiring halls to find skilled labor," Harvey said.

"We gained a new contractor and will be putting some members to work.

"This victory should inspire other members to get out there and turn some more of these non-union jobs around," Harvey said.

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Don't forget to check out the West Virginia Works show on its new channel at a more convenient time. In the Clarksburg & Morgantown area the show has moved to WDTV, a CBS affiliate. The show will air at noon on Saturdays.

