

**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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Nine Workers Win \$49,714 From H&M Construction

Tennessee based H&M Construction, has paid nine local union construction workers a total of \$49,714 because H&M violated their rights mandated by the National Labor Relations Act.

H&M is a general contractor for Constellation Power which is building a gas-fired peaking power plant in Wayne County. The project has been at the center of a battle between the Tri-State Building Trades Council, Constellation, H&M Construction and the Wayne County Commission.

The settlement was reached just before the NLRB filed formal complaints against H&M for committing several unfair labor practices against members of the Operating Engineers Local 132,

Carpenters Local 302, and Plumber & Pipefitters Local 625.

The organizing efforts of the Plumbers & Pipefitters Local 625 really paid off.

"It was a real win-win situation for us," said T.L. Ranson,

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Standing in front of the Big Sandy Peaker Plant with checks in hand are From Left: Theo Vaughn and Randy Vaughn Carpenters Local 302, Donnie Huff Operating Engineers 132 and James "Bo" Miller, Pipefitters Local 625.

STATE CHAMBER CAUGHT MANIPULATING DATA

Study Calls WV Comp Rates Competitive

Despite big business claims and newspaper reports to the contrary, West Virginia's Workers Compensation rates are competitive with other states according to a new study published in the Regional Economic Review, a quarterly report from Marshall University.

This contradicts figures used by the West Virginia State Chamber of Commerce and numerous economic development agencies to claim West Virginia has the highest Workers Compensation

rates in the nation.

According to the study, figures quoted by the State Cham-

ber — published by the National Academy of Social Insurance (NASI) — do not accu-

rately assess the cost to employers for workers compensation

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Big Coal Talking Comp Debt Settlement

Thanks to ACT members, West Virginia may be one step closer to collecting the \$406 million Workers Compensation debt owed by Big Coal.

According to an article in the June 24, 2001, Sunday Gazette-Mail, several of the 21 coal companies are ready to negotiate a settlement.

The article quotes Robert Smith, commissioner of the Bureau of Employment Programs, saying "obviously, we are interested in discussing a settlement, as we would in any lawsuit. There have been discussions. But at this point, they have not yielded any concrete offers."

ACT is trying to get involved in the negotiation process to make sure the state gets the best deal possible for workers and

honest businesses.

"Commissioner Smith told me ACT would be involved in the negotiations, but now is not the right time," said White.

"We have a lot of confidence in Smith, but we also have a healthy distrust of government and are concerned there will be great political pressure to settle these cases quickly and cheaply. That would be unfair to injured workers and small businesses."

Building Trades Members Hope Early Action Leads To 250 New Union Jobs

Building and construction trades representatives are optimistic local union workers will get the jobs on a \$1.5 billion Southern West Virginia pipeline construction project being planned for 2004.

Several members of Operating Engineers Local 132 and ACT Representative Bill Thomas met with Dominion Resources last month to insure that local union construction workers get the jobs on the pipeline project.

The project consists of installing 96 miles of 30-inch pipe through Southern West Virginia.

"It was a positive meeting," said Ronald Burdette, Business Manager, Operating Engineers Local Union 132. "We feel that between now and the projected



Meeting to discuss future work opportunities are: (from left) Ronnie Burdette, Bill Lemley, and Donnie Huff with the Operating Engineers and Charles Burd, Mark Reaser, and Robert Orndorff of Dominion.

start date of 2004 we can land the job."

According to Bill Lemley, International Representative for

the Operating Engineers, Dominion's biggest concern was

the availability of skilled workers.

"I think it is a very good project," Lemley said. "We have not had a project of this size for some time in West Virginia."

"If we land this job it could mean 200 to 250 jobs for Local 132 members," said Burdette.

"We are confident about this project because we can provide a skilled workforce that can handle working in Southern West Virginia's rough terrain."

"It is very important for local unions to open the lines of communication early in the pre-bid stages of these projects."

Dominion also announced plans to build a \$600 million coal-fired power plant in Upshur County and is currently constructing a peaking gas fired power unit in Pleasants County with local union labor.

H&M SETTLEMENT

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Business Manager, Plumber and Pipefitters Local 625. "We got two new loyal members and they got the compensation they deserved. I'm glad those guys didn't sit back and let the company run over them. They let the law work for them."

Randy May, Business Agent for Carpenters Local 302 added:

"Unfortunately, hitting these anti-union contractors in the pocketbook is the only way to get them to understand our position."

"H&M didn't want to listen to us when we asked that they hire

local union workers, but they learned the hard way that we don't give up without a fight."

According to Steve Burton, Business Manager of the Tri-State Building and Construction Trades Council, member participation was vital to this effort.

"We are very proud of the members who participated in the effort to show H&M that they are not above federal law," said Burton.

Members of the Tri-State Building Trades, with assistance from ACT members, began an extensive organizing campaign

at the \$150 million, gas-fired Big Sandy Power Plant in Wayne County in September 2000.

As soon as the campaign began the unfair labor practice charges began to pile up. Some qualified union members were discriminated against by not being hired.

Other union members' rights were violated when they were isolated from other workers after identifying themselves as voluntary union organizers.

In addition, several unfair labor practice charges were filed because union members were systematically laid off.

Along with the organizing effort, Tri-State Building Trades and ACT members picketed the job from the time it began in early September up to the time of the settlement.

The plant was supposed to be up and running by June 1, but H&M's non-union, non-local workforce failed to meet that deadline.

"Next time, Constellation may seriously consider hiring qualified local union workers instead of non-union contractors that hire non-local workers and violate federal law," said Donnie Huff, a former ACT representa-

tive who has stayed with the organizing effort as an organizer for the Operating Engineers.

"With more member participation this settlement could have been \$500,000 instead of \$50,000 because H&M was going to discriminate against every union member who applied," said Burton.

"I want Building Trades members, and members of other unions, to remember the names of the three Wayne County Commissioners Booten, Wellman, and Samons, who agreed with Constellation to give our local jobs to out-of-state workers," added Burton.

Operating Engineers Sign R.J.W. Construction

The Operating Engineers have five new members after signing R.J.W. Construction Inc. to a union contract.

Under the contract, five current workers will become members of Operating Engineers Local 132 and future work will go to Local 132.

"RJW is probably the largest railroad contractor in the state," said Donnie Huff, Organizer for 132.

RJW Construction of Buffalo does maintenance work as well

as new construction on switchyards.

"We are glad to have R.J.W. on board," said Ronnie Burdette, Local 132 Business Manager. "There is a real need for local union railroad contractors in West Virginia."

We have gained some valuable new members and perhaps more importantly, gained new job opportunities for our existing membership.

"We look forward to the company's continued growth and the growth of a lasting partnership with them."



Moving IN! ACT and the State Building Trades are now under one roof. They moved into their new offices on July 1 at 600 Leon Sullivan Way (formerly Broad Street) in Charleston. Also at the new location is the Charleston Building Trades.

COMP RATES

CONTINUED FROM PG. 1

coverage.

In fact, according to a letter from representatives of NASI, the use of their report to claim West Virginia businesses face the highest workers compensation costs in the nation is inaccurate. "This interpretation of our report is wrong," wrote John F. Burton and Daniel Mont both participants in the NASI report.

"It's time for the business community to start telling the truth about Workers Compensation costs in this state", said Steve White ACT Director.

"The Chamber has known for years their data is wrong but that hasn't stopped them from saying it over and over again," said White. "Our State Chamber of Commerce has done a terrible disservice to our state. What

company would want to come to West Virginia after hearing our Chamber's false claim that workers compensation rates were out of control?"

The Marshall report shows in

reflect the amount most companies pay. There are a few industries that skew that average."

According to Hatcher's study a more appropriate comparison would be between each industry's base rates.

For example, when comparing 2001 base rates for coal mining between West Virginia and Ohio, West Virginia comes in much higher at \$35.31 compared to Ohio's \$8.79.

However, when comparing base rates for the electrical wiring and millwright industry West Virginia comes in much lower at \$5.02 compared to Ohio's \$9.17.

In a study conducted by the Oregon Department of Consumer and Business Services using base rates, West Virginia remains competitive with a ranking of 39.

' THE CHAMBER HAS KNOWN FOR YEARS THEIR DATA IS WRONG BUT THAT HASN'T STOPPED THEM FROM SAYING IT'

STEVE WHITE, ACT DIRECTOR

West Virginia that coal mining and timber industries pay an extraordinarily large amount in benefits, causing the rest of West Virginia's industries' cost per employee rate to appear much higher than it actually is.

"That number (used by the state chamber) is over simplified," said Richard Hatcher, co-author of the study.

"One average number doesn't



William Higginbotham (second from right) representing RJW Construction signs off on Operating Engineers Local 132's collective bargaining agreement. Also present are (from left) Tom Jeffers, Ronnie Burdette and Tom Plymale of Local 132.

FOUR YEAR BATTLE IS WON BY LOCAL 132

Kanawha Stone Company Must Pay

After almost four years the National Labor Relations Board (NLRB) has upheld an administrative law judges order against Kanawha Stone Company.

"One of these days companies will learn that with our dedication and ACT's muscle they can not get away with violating federal law anymore in West Virginia."

That's what Ronnie Burdette, business manager of Operating Engineers Local 132 said after the NLRB upheld an administrative law judge's ruling that Kanawha Stone Company of Nitro violated Federal law by attempting coercion and wrongful dismissal, as well as changing policy, to interfere with union organizing efforts.

Judge Karl H. Bushchmann's 1999 decision means Philip Selman, ACT and Lo-

cal 132 can finally claim a small victory over Kanawha Stone Company (KSC).

"Finally, justice was served," Burdette said. KSC has been ordered to post a notice

· Act together for other mutual aid or protection, and to choose not to engage in any of these protected activities.

· vember 7, 1997, when Selman was interrogated by KSC vice president of operations Les Putillion.

KSC piled on more violations when it instituted a new policy granting show-up pay to deter union activity.

Then, on January 20, 1998, Selman was laid off after he and five other union members engaged in hand-billing the previous day.

According to the decision, KSC Supervisor Jeffery Blumfield told Selman they didn't need him anymore.

One week later owner Art King told Selman he was on a permanent layoff and advised him to start looking for work elsewhere.

According to the judge's ruling, KSC records showed Selman had been an employee for eight years. Those records indicated he had even been allowed to do other work besides his equipment operating duties to avoid being laid off in the past.

In addition more employees were added on the day following Selman's layoff.

' ONE OF THESE DAYS COMPANIES WILL LEARN THAT WITH OUR DEDICATION AND ACT'S MUSCLE THEY CAN NOT GET AWAY WITH VIOLATING FEDERAL LAW ANYMORE IN WEST VIRGINIA.'

RONALD BURDETTE, BUS. MANAGER, OPERATING ENGINEERS LOCAL 132

to employees informing them they have the right to:

- Organize, to form join or assist any union;
- Bargain collectively through representatives of their own choice;

· "We will not grant show-up pay or any other benefits to discourage union activities"

· "We will not interrogate employees regarding their union activities."

KSC has also been ordered to fully reinstate Philip Selman if he chooses.

In addition, it must give Selman back-pay to compensate for lost earnings and other benefits resulting from his layoff, plus interest.

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Flood Victims Disaster Hotlines

Red Cross 1-877-385-4893
FEMA 1-800-462-9029

There is a special AFL-CIO Labor Liason who is working with union members to make sure they are aware of all flood assistance programs. For more info contact your local union.

WEST VIRGINIA WORKS SHOWTIMES

WDTV Clarksburg & Morgantown Saturdays @ Noon	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!
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