

THE ACT REPORT

VOLUME 10, NUMBER 5
MAY 2001



A PUBLICATION
OF THE AFFILIATED
CONSTRUCTION
TRADES FOUNDATION

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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LOCAL JOBS FOR LOCAL WORKERS AND NO PROPERTY TAX BREAKS

Panda To Use Union Labor

Local Union workers will build a \$350 million power plant in Cabell County, Gov. Bob Wise announced recently.

Wise, together with Todd Carter, President of Panda Energy International and Steve Burton, Business Manager of the Tri-State Building Trades Council and President of the West Virginia State Building Trades Council made the announcement at a May 7th event.

Building the 1100-mega-watt base power plant will create 800 to 1000 construction jobs for 18 to 20 months.

Wise was on hand to witness the signing of a Memorandum of Understanding between Texas-based Panda Energy and the Tri-State

Building Trades.

The memorandum says Panda agrees to require the

bid-winning contractor to use local union construction workers.

“This deal was made possible by ACT, the coopera-

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Panda Energy President Todd Carter (left), Gov. Bob Wise, and Tri-State Building Trades Business Manager Steve Burton celebrate the announcement.

BLUESTONE COAL AND OTHERS MAKE ANOTHER ATTEMPT TO STOP COMP CASE

High Court Rejects Big Coal Appeal

The battle over who will pay \$406 million in unpaid workers compensation premiums is turning into a courtroom slugfest.

The State Supreme Court has given another round to ACT and the people of West Virginia.

Bluestone Coal, along with 31 other coal companies, including A.T. Massey, Peabody Coal, and Gilbert Hardwoods had requested that the State Supreme Court issue a writ of prohibition which would overturn McDowell County Circuit

Court Judge Booker T. Stephens' decision to allow ACT to intervene in the case and to bring in other delin-

veloped and the trial judge has ruled," the court said.

This is the second time a request for a writ of prohibi-

However when Gov. Bob Wise took over the request for the writ of prohibition was withdrawn.

“The court is agreeing that it is time for the full truth to come out,” said Trivelli.

“We are very pleased with the courts decision to allow the trial to proceed as planned,” he added.

“Payment of the debt could mean lower workers comp premiums for small businesses and better benefits for injured workers,” said Trivelli.

A hearing before Stephens is scheduled for August 15th.

' THE COURT IS AGREEING THAT IT IS TIME FOR THE FULL TRUTH TO COME OUT.'

VINCENT TRIVELLI, ACT LAWYER

quent coal companies.

The Supreme Court voted 4-1 on May 10th not to hear the coal companies' appeal, saying it was filed too early.

“Any consideration would be premature until and unless the record...is fully de-

veloped and the trial judge has ruled,” the court said.

The first one was filed by former Commissioner of the Bureau of Employment Programs, William Viewig.

The delinquent coal operators supported the action.

Workers Memorial Day Reaffirms Solidarity

Workers, friends and family members gathered at this year's Workers' Memorial Day to remember men and women who have died on the job in 2000 as well as the 51 workers who died on April 27, 1978 at the Willow Island Power Plant disaster.

In 2000, 35 West Virginia Workers died on the job. That is less than the 48 workers who died in 1999. However that is still 35 workers too many.

A bell rang for each of the fallen workers, as their names were read during the ceremony.

The site for this year's Workers' Memorial Day, Willow Island, was due to recent interest in building a permanent memorial to honor the 51 workers killed there in 1978.



Workers' Memorial Day Services were held at Willow Island where 51 workers died in 1978.

It was 23 years ago when scaffolding supported by concrete that had not yet fully set up

collapsed and 51 people fell to their deaths.

According to the AFL-CIO

Occupational Safety and Health Department there were more than 6000 workplace fatalities,

50,000 who died from occupational diseases and 5.7 million injuries and job-related illnesses in America in 2000.

"Since the passage of OSHA in 1970, hundreds of thousands of lives have been saved, but thousands still die each year," said Jim Bowen, WV AFL-CIO president.

"President Bush started his administration by repealing OSHA protections. This, I guarantee will be at the cost of many workers lives," added Bowen.

Workers Memorial Day is an opportunity for workers to renew their pledge to mourn for the dead and fight for the living.

The first workers' Memorial Day was observed in 1989. April 28 is significant because it is the anniversary of the enactment of the Occupational Safety and Health Act.

DECISIONS FROM WASHINGTON HAVE BEEN PUT ON HOLD UNTIL END OF YEAR

Carpenters' Pull Out Of The National AFL-CIO

The United Brotherhood of Carpenters has withdrawn from the AFL-CIO on the national level and is causing uncertainty at the local level.

According to Roy Smith, Secretary-Treasurer of the WV State Building Trades Council, the carpenters pulled out because of a disagreement over organizing and spending policies of the AFL-CIO.

While rumors abound that Carpenters will be kicked off of local AFL-CIO and building trades councils and boards the

only action taken so far is the AFL-CIO has issued a "cooling off period" until the National conference in December.

"It is still unclear what will happen on the local level," said Smith.

"Locally the Building Trades and the Carpenters want to stay a

strong unified force for local construction workers," said Smith

According to John Jarrett,

head of the Carpenters Regional Council of West Virginia, local

"We hope to stay a part of the labor movement as long as they will have us," said Jarrett.

This situation also creates confusion about memberships and affiliations.

"Theoretically, if the Carpenters pull out at the national level local Car-

penters will not be members of the local AFL-CIO or any of its divisions such as the State Building Trades or ACT," explained

Smith.

"But, again it is still uncertain what will happen when all is said and done," he added.

"The West Virginia Carpenters Unions are innocent victims of what is happening at the national level."

"The West Virginia Carpenters have traditionally been activists and staunch supporters of the AFL-CIO and the Building Trades."

"Our Executive Board is clear, we want to continue to work with the Carpenters as we always have, and we plan to do so," said Smith.

' LOCALLY THE BUILDING TRADES AND THE CARPENTERS WANT TO STAY A STRONG UNIFIED FORCE FOR LOCAL CONSTRUCTION WORKERS.'

ROY SMITH, SECRETARY-TREASURER, WV STATE BUILDING TRADES COUNCIL

Carpenters and Millwrights plan to stay active members of both the Building Trades and the West Virginia AFL-CIO.

50+ Complaints Pour In Against Holley Brothers

Holley Brothers, a waste and water treatment contractor, is finding out the hard way that the pen is mightier than the sword.

More than 50 current employees have responded with improper pay complaints after receiving letters from ACT notifying them of the recent WV Division of Labor ruling requiring the contractor to pay 66 employees a total of \$29,726.50 in back pay.

An audit by the labor department revealed that employees were not receiving payment for overtime work.

According to ACT's Bill Thomas the labor division is continuing to investigate several Holley Projects.

"Based on the huge response we have gotten to the letter, we suspect that the Division of Labor will find several other state funded projects in which Holley engaged in improper payment practices," said Thomas.

If you know of anyone who has had any similar problems with Holley Brothers please contact Thomas at the ACT Foundation at 345-7570.

"These contractors need to learn if you cheat workers in any way it will eventually come back to haunt them," said Thomas.

PANDA ENERGY

CONTINUED FROM P.1

tion of Steve McAdams, Panda Energy's senior director of project development, and a lot of behind the scenes work by Gov. Bob Wise," said Burton. "Ultimately it is the construction workers who put their money up to create ACT that deserve credit. They had the vision to see we need an organization that can be a player in this type of project."

Unlike other out-of-state power companies coming to West Virginia, the company did not request any property tax breaks.

Panda is expected to pay more than \$3 million in property taxes each year making

it the largest tax contributor in Cabell County.

"I think it's great. The plant will put a lot of our members to work and keep them close to home," said George Pinkerman, Business Manager for the Boilermakers Local 667.

"This is an example of what ACT, the Building Trades, and the Governor can do when they come together to create something positive," Pinkerman added.

After the plant is complete it will employ about 50 people with an annual pay-

Gov. Bob Wise Signs Jobs ACT



The long hard battle for local jobs for local workers has finally been won. Gov. Bob Wise signed the West Virginia Jobs Act into law last month. The signing of the WV Jobs Act is the perfect ending to a productive session for organized labor. (At desk, Gov. Wise. Standing from left, Roy Smith, WV State Building Trades; Ronnie Burdette, Operating Engineers 132; Natalie Stone, North Central Building Trades; B.B. Smith, ACT; Jim Bowen, WV AFL-CIO; Steve White, ACT; and Kenny Perdue, WV AFL-CIO.) Thanks goes out to all those who helped in making this effort into a law.

roll of \$2.3 million dollars.

"Panda has set a standard for other power companies. They will provide local jobs for local workers and infused \$3 million plus dollars per year into the Cabell County

the taxpayers to create three permanent jobs and hire imported labor for construction."

The project still has some regulatory and logistical hurdles to go. Approval from the Public Service Commission will hopefully come after a May 29th meeting. Environmental permits are also still required as well as working out details on the plants water supply.

Getting the nine million gallons of water needed each day will also take a new sixteen mile pipeline to the Kanawha River.

The first phase of work should start in June, which will be the expansion of AEP's sub-station at the site. Plant construction should begin this fall.

Panda is the first of three major power plant projects slated for West Virginia. A number of smaller 300 megawatt peaker units are already under construction.

Cogentrix, from North Carolina, has announced their intention to build two 1200 megawatt units, one in Pleasants County and one in Marshall. Genpower from Massachusetts has proposed a project near Morgantown.

The companies have not committed to using local union labor.

' I THINK IT'S GREAT. THE PLANT WILL PUT A LOT OF OUR MEMBERS TO WORK AND KEEP THEM CLOSE TO HOME.'

GEORGE PINKERMAN, BUSINESS MANAGER, BOILERMAKERS 667

school system," said Burton.

"This is a sharp contrast to Constellation Power and the deal they made with the Wayne County Commissioners that took \$20 million from

Hazardous Working Conditions Exposed

Smile, you're on Candid Camera.

Radford and Radford, a non-union general contractor, was caught on camera putting a worker in "eminent danger", at the Wyoming East High School construction site. The worker was in a deadly unprotected trench at least eight feet deep.

The condemning photographs were taken by Rodney Marsh, organizer for Operating Engineers Local 132. "Putting a man in a trench like that is like putting a gun to his head," said Marsh.

OSHA will only investigate complaints made by the general public in two situations which it calls "eminent danger risk."

Those two situations are a worker in a trench without any protection from a cave-in, and a worker 35 feet in the air without fall protection.

Wayne Rebich, ACT Representative, reported this "eminent danger" situation to OSHA.

As a result OSHA officer John Johnson investigated the site.



Radford & Radford workers connect pipe in dangerous, unsecured 10-foot trench at the Wyoming East High School site.

The unsafe working conditions were also re-

ported to the Wyoming County School Board.

"Unfortunately, some board members seemed more concerned that Marsh had trespassed on school property than with the workers' safety," said Rebich.

"Some contractors will do anything to save a buck, including endanger workers

lives," he added.

According to Rebich, Board Member Margaret Swimm came to the defense and made sure both Rebich and Marsh will have access to the site to continue their investigations.

Rebich is also investigating the possibility of cost over-runs and poor time management.

As of Apr. 30 the contractor had missed nine of 19 working days and was 16 days behind schedule.

Construction Manager Mike Osman of CM2 Construction Management has submitted a change order asking for an unspecified amount of money over the original bid price to cover the cost of dealing with "very bad soil conditions."

According to Rebich at least one losing bidder on the project had money in his price to deal with the soil conditions, because that was what the specifications called for.

That means Radford should have known about the soil and planned accordingly instead of running back to the board asking for more of the taxpayers' money, said Rebich.

"The winning bid was \$942,000 lower than the next bidder, I guess now we know why," added Rebich.

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West Virginia Works Features Power Plant Boom or Bust

This month's West Virginia Works television show features an in-depth report on the recent power plant construction, entitled "Billion Dollar Boom or Bust."

The growth in power plant construction in West Virginia could be great for local workers, like the Panda Energy project in

Cabell County.

Or it could be great for out-of-state companies coming to West Virginia looking for handouts, while not hiring local workers, like Constellation Power in Wayne County.

Eric Spelsberg, the producer of the show, will be interviewing Roy Smith of the West Virginia State Building Trades Council, as well as some county commissioners on the front lines.

WEST VIRGINIA WORKS SHOWTIMES

WDTV Clarksburg & Morgantown Saturdays @ Noon	FOX 59 Beckley & Bluefield Saturdays @ 12:30pm
FOX 13 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!
1-800-930-WORK!