

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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INSIDE

Utility Bids	Pg. 2
Power Plant	Pg. 2
Credit Union	Pg. 3
Carpenters	Pg. 3
Settlement	Pg. 3
Sogefi Update	Pg. 4

LABOR AND MANAGEMENT WORK TOGETHER

Carpenters Open New Training Center

The Mid-Atlantic Regional Council of Carpenters (MARCC) together with union contractors recently opened a new million dollar-training center in South Charleston.

The Council's Executive Secretary Bill Halbert along with Gov. Bob Wise and about 130 other supporters of the new training center were in attendance at the grand opening.

"This center will help us serve our 1200 members in southern West Virginia who want to improve their skills as highly productive carpenters," said Dick Ullum, District Manager of MARCC.

Funding for the center came from a combined effort from MARCC members and the con-

tractors they work for.

"This is private money, not taxpayers funds, that comes

from labor and management as part of a cooperative effort to meet industry's needs for

trained carpenters today and into the future," said Halbert.

continued on p. 4



ADDRESSING THE CROWD in front of the new training center is Bob Sutphin, Retired Bus. Agent for the Carpenters. In the background from left: Dick Ullum, Bill Halbert, Gov. Bob Wise, So. Charleston Mayor Richie Robb, and Jim Cerra.

Nonunion Contractor Threatens Suit

Richard Conley joined the Painters Union to improve his wages and working conditions.

His old boss was unhappy and you might think he would offer more money to get Conley to return.

Instead Conley was threatened with legal action if he didn't quit his new union job.

Threats might work in the nonunion world but Conley has Painter District Council 53 and the ACT Foundation behind him now and his old boss is finding out things are different.

Complaints have been filed with the NLRB and the Wood County Circuit Court against FoamCoat Roofings and Coatings, Inc. for allegedly using an

employment contract to keep Conley from taking a job with a competitor.

"It's amazing a company is attempting to stop a man from moving to a better job in the year 2002," said Dan Poling,

joined the Painters Union and went to work for a union company.

Around November 15, Conley and his new employer received a letter from FoamCoat lawyers stating that

after his employment with FoamCoat was terminated.

FoamCoat lawyers say the contract is legal because the company made a significant investment in training Conley.

"Conley worked for FoamCoat for about 10 years and we believe the little training he received cost FoamCoat next to nothing," said Poling.

ACT lawyers believe the contract was solely for the purpose of intimidation.

"It appears there was no significant investment in training," said Vince Trivelli, ACT attorney.

"Furthermore, even if there were, Conley has worked for FoamCoat long enough for them to recoup their alleged

continued on p. 3

'IT'S AMAZING A COMPANY IS ATTEMPTING TO KEEP A MAN IN INDENTURED SERVITUDE IN THE YEAR 2002.'

DAN POLING, BUS. AGENT, PAINTERS DC 53

Business Representative, Painters District Council 53. "I thought that was outlawed years ago."

Conley worked for nonunion FoamCoat from April 1992 to September 2002 when he

unless he terminated his current employment, they would sue him for breaking an alleged employment contract.

The contract specified he wouldn't work for any competitor for a period of two years

UTILITY COMPANIES OFFER NON-UTILITY SERVICES WITH AN UNFAIR ADVANTAGE

Trades Call for Utility Bid Investigation

The West Virginia State Building Trades, through its ACT division, is urging the Public Service Commission to launch a full scale investigation into utility companies' bid practices on non-utility work.

This work includes sidewalk construction and water line replacement, maintenance of heating and air conditioning systems and in-home gas line service and replacement.

"Companies like American Electric Power are using guaranteed profit from electric customers to undercut non-utility contractors for non-utility projects," said Roy Smith, Sec-

retary-Treasurer of the WV State Building Trades. "And that's just not fair to private contractors."

ACT has filed the request in reaction to an increased encroachment by big utilities into private construction companies' traditional work.

ACT and the Building Trades find themselves at the Public Service Commission regularly opposing utility applications to increase their non-utility work.

If the PSC decides to grant ACT's request for an investigation of the overall industry it would be a very large task that

could take years to complete.

"Big problems warrant big investigations," said Smith.

"These unfair practices need

to be stopped before the utility companies get a monopoly on private construction along with supplying gas and electricity."

Power company officials say the investigation is not necessary because the PSC has already approved the legality of the utility companies bid prac-

tices through individual decisions. "We are interested in offering services to the customers — services related to the providing of energy. We won't be offering car valet service or anything like that," said Allen Staggars, a spokesman for Allegheny

Power in a November 29 Charleston Daily Mail Article.

"Utility companies have no business bidding on jobs that don't pertain to maintaining their own infrastructure, like repairing sidewalks in downtown Charleston," said Smith. "How are we supposed to com-

pete with a bidder who has a multimillion dollar income from power generation to fall back on?"

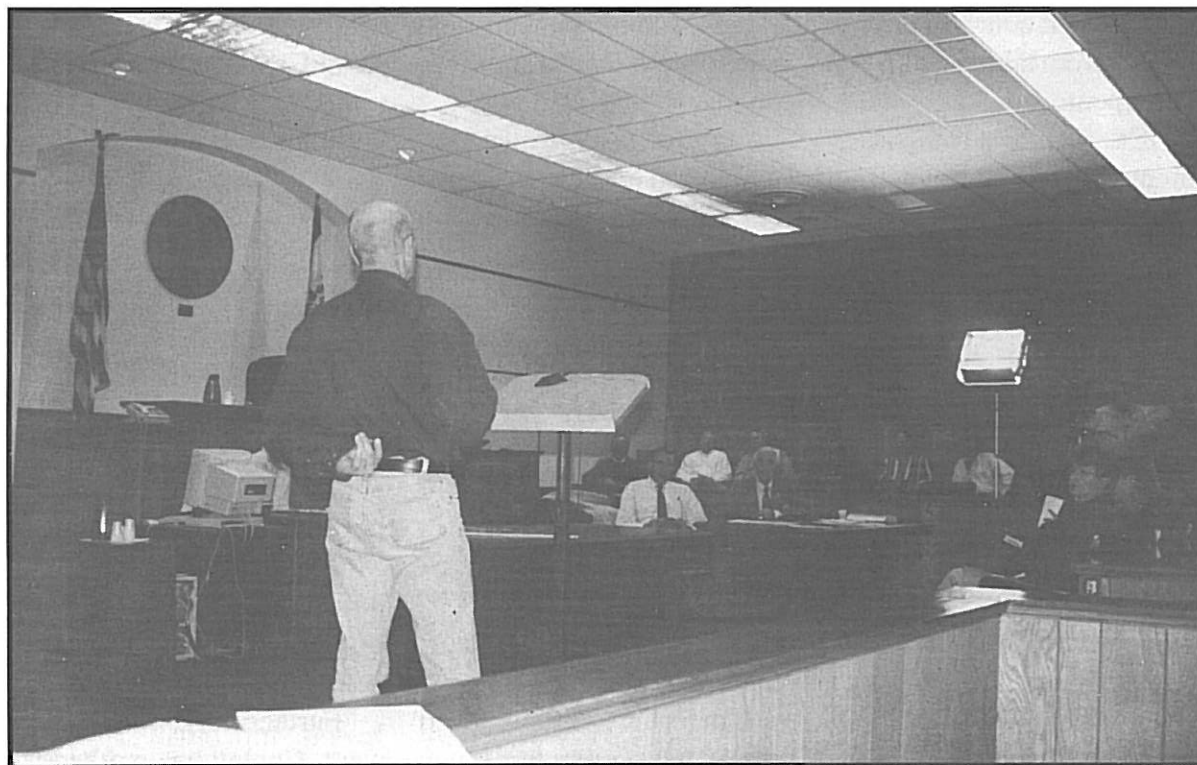
The PSC's Consumer Advocacy division agrees with labor, saying that a utility company should not be in the non-utility arena no matter how many restrictions are placed on them.

"These utility companies can underbid non-utility contractors because the can recoup their losses by asking for utility rate increases," said T.L. Ranson, International Representative for the Plumbers and Pipefitters. "That's not fair to utility customers or non-utility contractors."

A decision on ACT's request is expected early next year.

'THESE UTILITY COMPANIES CAN UNDERBID NON-UTILITY CONTRACTORS BECAUSE THEY CAN RE-COUP THEIR LOSSES BY ASKING FOR UTILITY RATE INCREASES.'
T.L. RANSON, INT. REP, PLUMBERS & PIPEFITTERS

\$850 Million Power Project Under Fire



JOE EVANS, President of Carpenters Local 604 in Morgantown speaks in favor of the proposed GenPower power plant at a Monongalia County Commission meeting on December 9th.

About 120 people were in attendance at a recent Monongalia County Commission meeting.

Fifty of them were union construction workers showing support of a proposed \$850 million, coal-fired power plant.

County commissioners must decide whether to approve a property tax deal project developers, GenPower, say is needed.

GenPower has signed a memorandum of understanding with the North Central West Virginia Building Trades as well as the West Virginia State Building Trades to use local workers to build the facility.

The focus of the meeting was environmental concerns.

Most of the speakers were opposed to the project. However, environmental issues will be handled by the state permitting process.

Officials from the Massachusetts-based company say the plant's water supply will come from acid mine runoff.

There will be an economic hearing in January.

"I appreciate the turnout for this important meeting," said Natalie Stone, Executive Secretary of the North Central West Virginia Building Trades. "Union members should attend all meetings to show their support."

Union leaders say the \$850 million plant will be a big boost to their members and the local economy.

Union Trades Credit Union Moves One Step Closer to Expansion

The Union Trades Federal Credit Union (UTFCU) is moving ahead with plans to expand service to union building trades members in West Virginia.

One part of the plan is to have a branch open in Charleston in January.

The new branch will be located in the offices of ACT and the WV State Building Trades at 600 Leon Sullivan Way.

Although the credit union is closer to its goal, it's not there yet.

A letter sent out recently from the UTFCU to all of the union building trades leaders encouraged them to participate.

"Our members are definitely interested in the credit union

and we are looking forward to seeing what it can offer us," said Steve Pigg, Business Manager, Asbestos Workers Local 80.

If union members are interested in the UTFCU, the local business managers will need to send in a copy of their bylaws and a letter showing how many members are in the local.

Proper paperwork will be

submitted for approval to NCUA upon their approval union members then will be able to access the credit union, according to Joyce Fox, Manager, UTFCU.

The delay is the result of the approval process required by the Nation Credit Union Association (NCUA). The NCUA is the national regulatory agency for credit unions.

"If interested locals submit their paperwork very soon, they should be approved just about the time the Charleston branch opens," said Fox.

The advantages of joining a credit union are many, according to Fox.

"UTFCU is a nonprofit organization in which its members have a say in how it is run, unlike a for-profit bank, said Fox.

"The credit union can be a little more sympathetic to the sporadic nature of construction work.

"For example, UTFCU may go ahead and approve a car loan even though the applicant may be laid off because we understand that the applicant is just in between projects."

'OUR MEMBERS ARE DEFINITELY INTERESTED IN THE CREDIT UNION AND WE ARE LOOKING FORWARD TO SEEING WHAT IT CAN OFFER US.'

STEVE PIGG, BUS. MGR, ASBESTOS WORKERS LOCAL 80

New Federal Law Gives Weapons Plant Builders Possible Settlement

A law called the Energy Employees Occupational Illness Compensation Program Act, passed in July 2001.

The law allows persons who have worked at DOE facilities to get a free health screening.

Workers who are found to have contracted either radiation cancer or beryllium disease from working at various

nuclear weapons facilities may seek compensation from the government.

Workers who are screened and deemed eligible can collect \$150,000 plus have lifetime medical expenses paid.

Workers who were employed at the Oak Ridge, Hansford or Savannah River DOE sites can call 1-800-866-9663 to set up a free medical screening to check for eligibility.

A letter sent out to all building trades locals from the Nation Building Trades Department urges union leaders to get this message out to their members because many workers traveled great distances to work at DOE sites.

The Building Trades Department is also trying to get 'The Building Trades Medical Screening Program' expanded to include other DOE sites.

Carpenters, National Building Trades to Re-affiliate by 2003

The United Brotherhood of Carpenters will re-affiliate with the National Building Trades Department by the end of the year. The timing however is still unclear.

"Beginning December 1, 2002 District Councils and local unions of the Carpenters are to be encouraged and welcomed into affiliation with all...Building and Construction Trades Councils," wrote Edward Sullivan, Building and Construction Trades Department President in a letter dated Nov. 13.

However, a recent story in the Construction Labor Report had a statement from Carpenters General President Douglas J. McCarron that he felt confident re-affiliation would take place by the end of the year.

Sullivan also said Carpenters locals should pay no retroactive fees and have full voice, vote and rights in Building Trades Councils upon their re-affiliation.

While the Building Trades Department and the Carpenters appear to have settled their differences, negotiations between the Carpenters and the AFL-CIO are ongoing.

"Discussions between the AFL-CIO and the Carpenters have also proceeded, but have not been concluded," wrote John J. Sweeny, President of the AFL-CIO in a memo dated Nov. 14. "I have also clarified again that the Constitution of the AFL-CIO requires affiliates of trade departments to also be affiliates of the AFL-CIO."

In West Virginia the Carpenters have remained full participants in the Building Trades and ACT.

FoamCoat

CONTINUED FROM P. 1

training investment.

"We believe FoamCoat interfered with Conley's ability to seek employment when they contacted his current employer saying they were going to seek damages for breach of employment contract."

ACT is asking the Circuit Court to make a speedy ruling that includes ruling the alleged employment contract invalid and placing an injunction on all future attempts to seek damages for the contract.

In addition, ACT asked the court to ban FoamCoat from ever contacting any of Conley's current or future employers.

The complaint before the circuit court is not the only problem FoamCoat has to worry about. Complaints have also been filed with the National Labor Relations Board alleging that FoamCoat used intimidation to take away Conley's right to join a union.

The NLRB will begin their investigation of this matter this month, according to Poling.

MORE THAN \$11 MILLION IN PUBLIC FUNDS USED**Low-wage Contractor Awarded Sogefi Project**

Your tax dollars are at work again. Or should we say working against you, if you are a union construction worker.

Construction contracts for the 'secret' \$25 million, Sogefi auto parts plant project in Wayne County have been awarded to Riedel-Wilks Building Structures Inc., and Patton Construction. Both pay substandard wages with little or no benefits.

Union leaders suspected Riedel-Wilks had already secured the work before Gov. Wise's official announcement of the plant and the subsequent protest by the Tri-State Building Trades on November 6.

Tri-State protested at the plant's announcement because

millions of dollars in tax incentives and grants were given to Sogefi from a variety of public sources but public procurement laws were ignored.

Protesters wanted to know why some contractors were able to bid the project but all

wages and no benefits would get this work," said Steve Burton, Business Manager for Tri-State Building Trades.

"Why else would the public project be kept secret?"

After Tri-State members questioned the bid process in public, Sogefi backtracked, soliciting bids from union contractors. However, in the end Riedel-Wilks came out on top.

"We think the bid was just for show," said Greg Kinkaid, Business Agent of Asbestos Workers Local 80. "Everyone knew Riedel-Wilks had the job before the bid."

ACT research has found a lot of public money being used for this supposed private project.

Public funds identified so far

include \$500,000 from the Wayne County Commission, a 50 percent property tax break from the county, a low interest loan from the state Economic Development Authority for \$10 million and a grant of \$990,000 from the \$200 million state grant fund.

The owners will also be able

to take the 'Super Tax Credit' even though most of their employees will earn less than poverty level wages.

"Almost half the money for this project comes from the citizens of West Virginia but all the laws to protect public spending were ignored," said Burton.

'ALMOST HALF THE MONEY FOR THIS PROJECT COMES FROM THE CITIZENS OF WEST VIRGINIA BUT ALL THE LAWS TO PROTECT PUBLIC SPENDING WERE IGNORED.'

STEVE BURTON, BUS. MANAGER, TRI-STATE BUILDING TRADES

requests for information were denied to local union leaders.

ACT has taken legal action against the state and Sogefi because public money was used, while prevailing wage and competitive bid laws were ignored.

"We suspected that companies who pay substandard

Carpenter Training

CONTINUED FROM P. 1

Approximately 70 full time apprentices are enrolled in the four-year apprenticeship program in the local area, according to Odie Parkins Jr.

The new training center will help them learn many carpentry skills such as framing, concrete forms, drywall, and acoustical tile installation.

Then, they can fine-tune those skills with continued on-the-job training.

"Thanks to the formation of MARCC and additional contributions from members and contractors our training pro-

gram has made more progress in the last six months than in the past 20 years," said Parkins.

"The facility is wired for computer training including fully digital training presentations. We are also going to teach basic computer skills.

"We will also be training apprentices and journeymen on Total Station, a digital tool for site design."

The new training center will also offer specialty certifications such as First Aid, which will be taught by MARCC members from West Virginia, said Parkins.

MARCC restructuring of the training program allows for three full time instructors.

The instructors are going through extensive training on how to teach the new technology.

"We're excited about this new state-of-the-art facility not only for the skilled carpenters it will produce but equally so because it symbolizes the great relationship union contractors have with organized labor in this area," said Jim Cerra, Executive Director of the Kanawha Valley Builders Association.

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