

THE ACT REPORT

VOLUME 12 NUMBER 8
AUGUST 2003



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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"GET RICH QUICK" SCHEME A SCAM

Attacks on Prevailing Wage Increase

Relentless in their drive to lower wages of construction workers the Associated Builders and Contractors of WV (ABC) have launched a new campaign aimed at eliminating state prevailing wage laws.

The effort was discovered when reports from a Ritchie

County Economic Development Authority meeting surfaced about a coalition to support legislation limiting state prevailing wage laws.

At a July EDA meeting information supplied by the ABC promising savings to the county was reviewed.

Using bogus data the ABC falsely claims prevailing wage rates are 50 percent higher than they should be. They go on to promise savings to taxpayers if prevailing wage coverage is eliminated for projects under \$1 million.

In a letter to county officials the ABC also claimed, incorrectly, to have a growing coalition of business groups including the state Chamber of Commerce, the WV Municipal League, the Builders Supply Association and other business groups.

"We can prove each and every claim made by the ABC
Continued on p. 3



Joe Elliott, Organizer for Mid-Atlantic Regional Council of Carpenters and lifelong resident of Ritchie County, speaks to the Ritchie County Development Authority about the importance of Prevailing Wage laws. Elliott was one of more than thirty five Ritchie County union construction workers attending a recent Ritchie County EDA meeting.

SECOND ILLEGAL DUMP FOUND

Trades Action Nets \$837,000 for Comp

After local building trades members protested the non-union contractor demolishing a downtown Charleston Hotel state Workers Compensation officials investigated.

The result is a bill for \$837,234 to The Tenth Diamond, the sister company to Astech Corporation who is the demolition company of record according to a city building permit.

While Astech was properly registered with workers com-

penation as a demolition and abatement company they never reported any payroll. Instead they leased their workers from The Tenth Diamond. ACT

ton Gazette reporter to explain the two companies, owner Denver Davis claimed he knew nothing about the arrangement and pointed to his accountant.

Organizer for Laborers Local 1353.

That's the difference between Astech's base rate for demolition at \$48 per hundred and The Tenth Diamond's rate of \$8 per hundred for general building construction under two stories.

"An honest company can not compete when Workers Comp gives cheaters a 40 percent wage advantage," said Neal.

Workers Compensation went back to 1997 to review the books.

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"IT'S HARD TO IMAGINE A COMPANY OWNER NOT NOTICING THEIR PAYROLL COSTS CHANGING 40 PERCENT."

HENRY NEAL, ORGANIZER, LABORERS LOCAL 1353

research showed both Astech and The Tenth Diamond are owned by the same people.

When asked by a Charles-

"It's hard to imagine a company owner not noticing their payroll costs changing 40 percent," said Henry Neal,

THREE NEW ELECTRICIAN LOCALS AND FOUR NEW SHEET METAL WORKERS DISTRICTS JOIN More Locals Join ACT/State Building Trades

Three new Electrician local unions and four new Sheet Metal Worker Districts have joined the ranks of the ACT Foundation and the State Building Trades.

IBEW Locals 141 Wheeling, 317 Huntington and 466 Charleston all have come on board.

"We decided it was time to join," said John Clarke, Business Manager for Wheeling Local 141. "We need a strong voice in the legislature and the media."

The three locals join Clarksburg Local 596 and Parkersburg Local 968 which means that all IBEW locals within West Virginia are now members.

Sheet Metal Workers Local 33 is based in Cleveland, Ohio and includes four districts in West Virginia, Wheeling, Clarksburg, Parkersburg and Charleston.

As a group, the districts working with their local leadership, have also decided to rejoin ACT and the State Building Trades.

"With increased attacks on working families it's important we all work together," said Dave Minor, Business Agent for the Clarksburg District.

Like the IBEW, the addition of these districts means all West Virginia based Sheet Metal groups are on board.

There still remains a number of locals in surrounding states for a variety of crafts that have yet to join, but work is underway to encourage full participation.

With the addition of these new members, ACT and the State Building Trades are at an all time high in membership numbers. More locals are taking another look and asking for information.

"Our goal is to have every union construction worker in West Virginia on board,"

said Roy Smith, Secretary Treasurer of the WV State Building Trades.

pull together for the common good."

"That's what unions are all about."

Changes to the state building trades constitution lowering the ACT contribution to fifteen cents per hour, combined with increased attacks on prevailing wage laws has brought a surge of reaffiliation and new

affiliations to the Council.

"Now is the time for unity because like the saying goes - in unity there is strength," said Clarke.

"WITH INCREASED ATTACKS ON WORKING FAMILIES IT'S IMPORTANT WE ALL WORK TOGETHER."
DAVE MINOR, BUSINESS AGENT, CLARKSBURG DISTRICT

"If there is a positive side to all the attacks working folks are feeling these days, it is the desire for everyone to

Just before going to press, we received word that IBEW President Ed Hill has directed all IBEW Locals with jurisdiction in West Virginia to affiliate.



Earlier this year the Operative Plasterers and Cement Masons of West Virginia and Ohio held their annual conference in Wheeling, West Virginia. In addition to the usual delegates from both states this year top leadership from the international attended including (from left) Gerald Ryan, Director of Training, Health and Safety; Bill Schell, Vice President; Pat Finley, Secretary-Treasurer; and General President John Dougherty. At the podium is Mark Smithson, Business Manager of Local 887 and to his right taking minutes Tom Blevins.

SENATORS AND DELEGATES IMPRESSED**Legislators Tour Apprenticeship Center**

State Legislators took the opportunity to learn about union apprenticeship programs last month.

While in Parkersburg at interim meetings the combined House and Senate Government Organization Committees visited the Plumbers and Pipefitters apprenticeship and training site.

About 50 guests were welcomed by representatives of the trades and given a tour of the facility. Each craft set up an area to give out information on their apprenticeship and training programs.

"I was very impressed with the facilities and the presentations and I know the committee members were too," said Sen. Ed Bowman, D-Brooke, who is Chairman

of the Senate Government Organization Committee. "Visiting the training site gave us a real appreciation

for your programs we just don't get sitting in Charleston."

"We were happy to show case our facility," said Gary

Yarnell, Director of Training for Plumbers and Pipefitters Local 565. "It's frustrating to our members that the

public doesn't know how hard we work at being the best skilled mechanics."

"Training is the difference between our members and the guy off the street. There is no need to keep this a secret."

Legislators learned that apprenticeship programs are cooperative efforts with local contractors, tax money is seldom used if at all, there is no cost to apprentices who earn while they learn and programs are regulated by the federal government.

"We were able to break down some misunderstanding about union training programs," said Ken Downey, Business Agent for Roofers Local 242.

"Legislators now know this state has some fantastic programs to be proud of."



Explaining how apprenticeship works is Carpentry Instructor Odie Parkins (right). About 50 state senators, delegates and staff toured the Plumbers and Pipefitters training site in Parkersburg where all crafts displayed their programs.

Prevailing Wage

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is false," said Sam Davis of the Parkersburg-Marietta Building Trades.

At an August 7th meeting of the Ritchie County EDA Davis and more than 35 union members from Ritchie County attended and delivered on Davis's promise.

"We just put the facts on the table," said Joe Elliott, Organizer for the Mid-Atlantic Council of Carpenters and a life-long resident of Ritchie County.

"The EDA folks just didn't understand prevailing wage law and how it protects local workers and businesses."

Elliott and Davis gave the EDA members plenty of docu-

mentation which showed the 'get rich quick' scheme of the ABC was untrue. Studies from other states show where prevailing wage has been taken away no savings result. Instead wages go down, accidents go up and training programs suffer.

"The ABC makes promises they can't keep," said Elliott.

The EDA was also shown letters from business groups refuting ABC's claim they were part of any coalition. "The bottom line is you just can't trust a thing the ABC tells you," said Davis.

The issue was not voted on but will be brought up again at the EDA's meeting in September.

Action Nets \$837,000 for Comp

CONTINUED FROM P. 1

Recent changes to the states workers compensation law were aimed almost exclusively at benefit cuts. "Injured workers have been the scape goat for a failed system of enforcement," said Steve White, ACT director.

"Just one company netted almost a million dollars in unpaid premiums. We wouldn't have this crisis in Workers Comp if they would just collect the money owed."

Yet this story is about more than just workers compensation, it's also about illegal dumping.

Neal was one of the organizers that found the

illegal dump site used by Astech in late June. After following trucks to a residential area Neal, and Bert McDermit, organizer for IBEW 466 Charleston, took samples to a local laboratory for testing. The samples showed dangerous levels of asbestos and lead.

The dump was shut down because it had no permit and was larger than a half acre.

A month later another illegal site was discovered, this time on the banks of the Poca River near Camp Virgil Tate in Kanawha County.

This dump was also shut down because it was closer than 300 feet to a river.

State regulators claim the lead or asbestos do not create a problem if it is not friable or air borne.

"If you scrape lead paint or bust up asbestos tile you must contain and control it, it's a known killer," said Neal. "But if you tear down a building, no one cares."

In early August the site was shut down after workers hit a gas line on site. The entire area was evacuated while emergency crews repaired the leak.

"Someone started this project thinking they could save money by building nonunion," said McDermit. "Boy were they wrong."

MEMBERS OF IRON WORKERS 549 PROTEST**Steel Erector Paying Wrong Comp Rate**

Members of Iron Workers Local 549 protested in front of a nonunion steel erection project in Morgantown last month to bring public attention to rampant workers compensation cheating in the construction industry.

About a dozen workers stood in front of a new office

per hundred dollars of payroll, steel erection costs \$13.15, almost twice as much.

"Contractors who pay the right rate can't compete against companies like J.T. Industries," said Bill Dean, Business Manager for Local 549.

Dean points out that J.T. Industries has been in business for years in the

decent wages," said Dean. "And that means the companies my members work for don't get the jobs and my members don't get the work."

"Our members are trained to work safe and we participate in drug testing and OSHA programs to promote safety.

"The nonunion companies don't have the training, drug testing or safety programs

but they always pay less for workers comp."

The problem is not limited to Morgantown. In the Charleston area, Ironworkers Local 301 faces similar unfair competition.

"I can point to a dozen recent steel erection projects done by companies who

don't pay the right workers' comp rate," said Bubby Casto, business manager of local 301.

"We've turned in 2 companies in the last few months who are not paying the right rate. We haven't heard a thing from workers comp yet."



Larry Lilley, Business Agent and Richard Sigley both of Local 549 stand in front of a three story office building being erected by J.T. Industries in Morgantown. J.T. Industries is only paying half the workers compensation they should be on this type of project.

building being erected by J.T. Industries of Morgantown.

According to state workers' compensation records J.T. Industries is listed as a steel fabricator. But, standing in front of three stories of steel, it is clear they perform the work of steel erection.

A fabricator starts at a workers comp rate of \$6.80

Morgantown area and has built many steel structures.

Requests for an investigation at the workers compensation division had gone unanswered before the action. Recently the division has started to look into the matter.

"The way comp is set up now it punishes businesses who pay the right rate and

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600 Leon Sullivan Way, 1st Floor
Charleston (Right next to the Farmers Market)

To talk to a representative members can use the
toll free number 1-800-450-8530

In Charleston call 344-0194, in Parkersburg call 485-1421