

# THE ACT REPORT

VOLUME 12 NUMBER 9  
SEPTEMBER 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. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

Charleston - (304) 345-7570  
Toll Free - (800) 930-9675  
www.actwv.org



## INSIDE

Home Depot	Pg. 2
Power Plant	Pg. 2
New Members	Pg. 3
Prevailing Wage	Pg. 3
Labor Day	Pg. 4
Act in Law Suit	Pg. 4

## COURT FIGHT DRAGS ON

# Handbills Support Prevailing Wage

Prevailing Wage is still under attack.

Yet workers are not standing idly by while ABC tries to cut their pay.

Union members have started

a new campaign to reach out to non-union workers. Organizers are handing out handbills at non-union construction sites.

The message: 'Is your boss trying to cut your pay in half?.'

"We've started handbilling

work sites in the Beckley area and we plan to do more across the state," said Wayne Rebich, ACT Representative.

And the ABC itself is feeling the heat. At their recent annual convention workers were out

front protesting.

"We want to expose the ABC's attack on local workers and communities," said Randy Gombos, organizer for Sheet Metal Workers Local 33.

Each year the state of West Virginia sets new wage rates that construction contractors must pay for public works jobs.

These state prevailing wage rates, and the method the state uses to determine them, have been the subject of a legal fight that has been going since the first of the year.

The Associated Builders and Contractors (ABC), an anti-worker contractor group, has gone to court in an effort to lower wages across the state.

Their efforts have been successful so far.

Because of their challenge the 2003 wage rates that were to be posted have been abandoned.

Since the first of the year wages have been frozen at the 2002 level while the court case

*Continued on p. 4*



PROTESTING IN FRONT of the ABC's annual convention site in Flatwoods are more than 20 workers from across the state.

## UNFAIR LABOR PRACTICE CHARGES PENDING

# Carpenters Win Organizing Victory

After over a year along, constant battle, the workers at Putnam County based S3 Construction have a union.

The National Labor Relations Board (NLRB), which oversaw the election, certified the vote for the Carpenters Union on August 29.

Jeff Clendenen, organizer for the Mid-Atlantic Regional Council of Carpenters, gives credit to the many people who helped.

"Because of the efforts of so many, these worker's lives

have been greatly improved – they now have a shot at better wages and benefits," said Clendenen.

when an employee reported that he was not being paid a living wage.

S3 Construction LLC,

the workers at S3 and overcoming many obstacles, the election was held in late May. There was a 4-4 tie, with 3 challenged ballots.

Two challenged ballots belonging to employees S3 had laid off months earlier.

These workers were coincidentally, vocal supporters of a union.

The NLRB ruled they were still eligible to vote making the union victorious.

Clendenen said winning the election was definitely a highlight, but the battle isn't over

*Continued on p. 4*

*'THESE WORKERS LIVES HAVE BEEN GREATLY IMPROVED - THEY NOW HAVE A SHOT AT BETTER WAGES AND BENEFITS.'*

JEFF CLENDENEN, ORGANIZER, MID-ATLANTIC REG. COUNCIL OF CARPENTERS

Clendenen was surprised at how long the process dragged on.

The battle began last summer

based in Poca, was cheating employees by not paying them prevailing wages.

After many house calls to

OUT-OF-STATE CONTRACTORS AND WORKERS ON SITE

# Home Depot Still Ignoring Local Workers

Protesting Home Depot's continued slight to local workers, almost 100 workers rallied at the Home Depot construction site near Parkersburg.

On August 28 workers representing every craft gathered to keep the pressure on Home Depot and inform the public.

"We've got to make sure people know Home Depot never had any intentions of using local labor and crafts," said Sam Davis, Business Manager of the Parkersburg-Marietta Building Trades.

Home Depot continues to ship in labor crews from across the country to construct the 22,000 square foot store.

Instead of local workers, contractors are coming from all parts of the U.S. For

example, a company from Florida is putting on the metal roof; a group from Indiana is doing the heating/cooling, and

the general contractor is from Alabama.

Kenny Winters, Organizer for IBEW Local 978, was

very appreciative of the public's reaction and all the car horns blowing to show support.

"The public wants Home Depot to explain why they won't use local workers," said Winters.

"We'd like to know too."

Winters also said that the letters to the editor in the local paper have been very positive and behind local workers 100 percent.

The Trades Council will continue to keep the pressure on Home Depot.

Davis hopes that with the overwhelming support of all the workers attending the rally and the public, Home Depot may take notice.

"The workers make all the difference," Davis pointed out, "we tried to meet with Home Depot officials before this project began and were turned away.

We'll continue to protest in large numbers at this site and future building sites until their policies change."



*GENERAL CONTRACTOR White-Spinner from Alabama has imported sub-contractors and workers from far out-of-state. Some workers may even be from out of the country.*

DRAFT AIR PERMIT ISSUED

## Longview Power Plant

The Longview Power plant got one step closer to being a reality.

The DEP issued the draft permit for the project on August 28.

"Having the draft air permit issued is great, it's one of the key points a financier looks for," said Tom Wheble, project manager for the project developer GenPower. "We continue to work on the many details needed to put this project together like a lease on the property, the public hearing on the air permit and of

course most important looking for financing.

"There are a lot of these type projects out there, investors want to put their energy into projects that have a real chance of going forward. Getting all these pieces in place makes us an attractive project."

Also, an agreement has been reached, with the support of the Building Trades, between the county school board, commissioners and GenPower after long negotiation that will bring in more than \$100 million to the county in property taxes over 30 years.

The \$950 million project will create a construction payroll of approximately \$125 million. GenPower has committed to use local union workers.

The DEP briefed citizens on the Longview Power Generation Project at a public hearing on September 15.

"We had good representation at the public hearing," said Darwin Snyder, President of the North Central WV Building Trades. "We look forward to building the most modern power plant in West Virginia and perhaps the country."

### UNION TRADES FEDERAL CREDIT UNION

#### "New Money CD" - "Special Offer"

2 year CD's at 3.25% (APY 3.30%). Plus you get to "Bump Up" your rate one time if rates go up!  
(No rollovers, call for details.)

#### New Expanded Hours

Parkersburg - M-F 8:30 to 4:30, Thursday until 6:00 pm.  
485-1421 or toll free 888-524-1421  
E-mail us at [utfcu@charter.net](mailto:utfcu@charter.net)

Charleston - M-F 8:30 - 4:30, Sat. 9:00 am to Noon  
344-0194 or toll free 1-800-450-8530  
E-mail us at [utfcuchas@chas.net](mailto:utfcuchas@chas.net)

MORE PAINTERS AND ELECTRICIANS

## New Locals Join ACT/SBT

Three more locals have voted to re-join ACT and the State Building Trades.

The Painters Local 804, with approximately 90 members, has voted to rejoin ACT and the State Building Trades. Local 804 covers the North-Central part of the state, including thirteen counties around the Clarksburg - Morgantown corridor.

“We want to be part of ACT and the State Building Trades,” said Gary Strobe, Business Representative.

“Our members voted overwhelmingly to come back in.”

Two new Electrician locals have also joined. IBEW Local 246 is based in Steubenville, Ohio and has the two northernmost counties in the state, Brooke and Hancock, in their jurisdiction.

Kyle Brown, Business Manager, is focusing on “educating our members to the political situation in our nation, state, and local community.”

Local 246 understands

that to get things done members must be politically active and astute. Ninety-seven percent are registered; Brown is striving for 100 percent by the next election.

“We need to be united in our local and our Building Trades Councils.”

IBEW Local 26 based in Washington, DC, has also re-affiliated. In addition to the Washington DC area, Local 26 covers three counties in the eastern panhandle of West Virginia, Hardy, Jefferson and Pendleton.

MESSAGE DELIVERED IN RITCHIE COUNTY

## Prevailing Wage is Good for the Local Economy

The Ritchie County Economic Development Authority heard from dozens of local workers at their September 4 meeting

in Pennsboro.

The topic was prevailing wage rates and the comments were full of detail and passion.

Looking for ways to save the county money, the EDA

was considering a pitch made by the Associated Builders and Contractors (ABC), an anti-union contractor group. ABC said they could save Ritchie County big money.



SHOWING HIS MANY certifications to the Ritchie County EDA is Operating Engineer Local 132 member Don Johnson. Johnson is also a resident of Ritchie County.

## The WV State Building Trades

Will be holding its Annual Convention on Wednesday, September 24, 2003 10 a.m. at the Charleston House Holiday Inn Charleston, WV

For more information, contact your Local Union.

The plan was simple, cut the wages of local construction workers on projects under one million dollars.

Seventy people showed up to voice their opposition to the plan. The ABC was not present at the meeting.

Carpenter organizer and life-long Ritchie County resident Joe Elliott was among those attending the meeting. He said it was a great opportunity to educate the EDA about living wages. “Workers aren’t going to buy a car or take their dog to the vet if they aren’t making decent wages,” said Elliott.

Others in the audience from business people to concerned citizens voiced the same fears.

Paul Holleron from Electricians Local 968, also a Ritchie resident, talked about the pride local workers have in their work and the importance prevailing wage plays in supporting both

workers and businesses. “We like our county and want to improve it, not cut wages.”

Sam Davis of the Parkersburg-Marietta Building Trades spoke about the results from numerous studies that show no savings to taxpayers when prevailing wage rates are eliminated.

“Just look at Ohio and see the trouble they are having with school projects,” said Davis. “Or better still look at the new Home Depot near Parkersburg where a non-prevailing wage job is bringing in workers from Mexico to take our jobs.”

According to Elliott the EDA chose not to support the ABC legislation. Elliott is meeting with the EDA to look at other options to save money.

Elliott warns others to watch the meeting agendas in their areas because “we can’t support our families on low wages and no benefits.”

# Labor Day Celebrations



Union workers, their families and the public recently celebrated Labor Day across West Virginia. Above are marchers at the Paden City event, sponsored by the Marshall, Wetzel, Tyler Labor Council. According to Council President Raymond "BB" Smith this was their 53rd Annual Event. In South Charleston the Kanawha Valley Labor Council, AFL-CIO, (KVLC) wanted to do something special, so it held a "Celebration of Working People." Fireworks and great performers highlighted this premiere event. "We had a great crowd," said Mike Matthews, Business Manager of the Charleston Building Trades Council, and President of the KVLC.

## \$220 MILLION GRANT COMMITTEE

# ACT Wants In On Law Suit

**A**CT has filed with the West Virginia Supreme Court of Appeals.

On September 8th ACT asked that it be allowed to enter a law suit about the \$220 million grant committee set up by the legislature.

With 50 construction projects pending, workers are getting increasingly frustrated at the delays in the grant program.

The program, set up during the spring of 2002, was designed to match public dollars from lottery proceeds with private dollars for new projects.

"For every dollar the state puts in on average there is an additional dollar of private money

or federal money," said Steve White, ACT director.

"We are looking at more than \$440 million in construction projects, something our members really need with the economy as bad as it is."

ACT filed a request to the supreme court asking to become a party to the suit brought by the cities of Charleston and Huntington and the counties of Kanawha and Ohio.

The suit asks the court to quickly hear the challenges about the grant program to clear the way for bonds to be sold.

On September 10 the court decided to take the case and will hear arguments October 10.

Opponents to the grant program are using the threat of suits to scare off potential bond purchasers.

In a case decided earlier this year the court ruled the grant program was constitutional but the process used to pick the members of the committee was flawed.

A special session of the legislature revised the law to fix the selection procedure.

Opponents are back in court with a variety of suits, effectively stopping the sale of bonds to fund the projects.

"We hope the court takes this opportunity to make it clear this grant program is constitutional," said White.

## Victory

*CONTINUED FROM P. 1*

yet.

In addition to the two employees laid off in March, S3 laid off the four other workers who voted to unionize.

S3 claims to have no work.

However, S3 appears to have three related companies and has moved all non-union employees to jobs with these companies.

Unfair Labor Practice charges against the company were denied by the NLRB but are under appeal.

Clendenen is hopeful the workers will get their jobs back soon.

"We will stand behind those who stood with us," said Dick Ullum, head of the Carpenters in West Virginia.

"Whether a small group or large, if workers want a union we will support them."

ACT Foundation  
600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570

Non-Profit Org.  
U.S. Postage  
**PAID**  
Permit # 1374  
Charleston, WV 25301

**WOAY 4**  
Oak Hill  
Sundays @  
11:00am

**WCHS 8**  
Charleston,  
Huntington, Parkersburg,  
Beckley, Bluefield  
Sundays @ 11:00am

**WDTV 5**  
Clarksburg &  
Morgantown  
Sundays @ 11:00am

## WEST VIRGINIA WORKS SHOW TIMES SUNDAYS AT 11 AM

**CABLE CHANNEL 9**  
Steubenville, Follansbee &  
Wellsburg  
daily @ 11:00am &  
11:00pm

**CABLE CHANNEL 10**  
Wheeling, St. Clairsville &  
Moundsville  
daily @ 11:00am &  
11:00pm

## Handbills

*CONTINUED FROM P. 1*

slowly moves along.

After losing their case before an administrative law judge in May of this year, the ABC appealed to the Kanawha Circuit Court.

Judge Duke Bloom canceled a hearing scheduled for August 29th. A new hearing

has been rescheduled for September 18th.

That leaves the old 2002 wage rates in place until the dispute is resolved according to state law.

"The 2002 wage rates for a lot of crafts are the same as our 2001 rates because it takes the state so long to do their survey," said Bubby Casto, Business Manager for Iron Workers Local 301, Charleston.