

THE ACT REPORT

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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.

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Plumbers & Pipefitters Hold State Contest

Each year the West Virginia State Pipe Trades hold a competition for 5th year apprentices.

This year's contest was

held in Huntington on May 25 - 28 and hosted by Local 521.

Two contestants from each of the six participating locals compete for overall honors as best pipefitter and best plumber.

This year's pipefitter winner is

Brian Richardson from Local 83, Wheeling. The winner of the best plumber honor goes to Keith Mundy of Local 486, Baltimore.

An award for best overall combined score went to Local

83 Wheeling.

According to Chuck Ranson, Training Director for Local 625 Charleston, pipefitters were judged in nine categories, from welding to rigging to tube bending. Plumbers competed in eight categories including solder and braze, knot tying, and a screw pipe project.

"All of the contestants showed skill and expertise," commented Ranson. "They all represented their locals well."

This year was the eleventh annual competition. Next year's contest will be held in Baltimore.

Congratulations go out to all the contestants

Local 83 Wheeling:

Brian Richardson
Randy Canter

Local 152 Morgantown:

Jason L. Griffith
Michael D. Crandall

Local 486 Baltimore:

Donald R. Hickman
Keith F. Mundy

Local 521 Huntington:

Jason R. Cochran

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INSPECTING A WELD at the annual WV Pipe Trades apprenticeship contest are Tony Polentes, (left) Business Agent from Local 152 in Morgantown and guest judge Mark Sanders, Director of Training from UA Local 392, Cincinnati, OH.

Supreme Court Backs Trades

The Associated Builders and Contractors, WV Chapter's attempt to get the WV Supreme Court to hear their appeal failed by a 3 - 2 vote.

On June 8 the ABC argued state agency and circuit court review had been wrong, and the ABC right, in their claim wages should be lower for construction workers on tax funded projects.

Justices Warren McGraw, Joe Albright and Larry Starcher did not buy what the ABC was selling. Justices Robin Davis and Elliot 'Spike' Maynard sided with the ABC.

The court made their decision on June 9th.

The ABC had argued the state Department of Labor's method of collecting wage information was bad because collec-

What they forgot to mention was the majority of ABC contractors refuse to send wage data. Instead of doing wage surveys the ABC wants average wage rates as calculated

the purpose of prevailing wages, hurt local workers and contractors and in the end cost taxpayers more for lower quality work."

The case stems from the state prevailing wages rates set each year by the DOL.

Shortly after the 2003 wage rates came out the ABC filed a challenge.

They lost their challenge before an administrative law judge but appealed to the Kanawha County Circuit Court.

These challenges had the effect of freezing wage rates at 2002 levels.

State law says if rates are

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**"AVERAGE WAGES WOULD ALWAYS
BE LESS THAN OUR WAGES."**

**JIM ROSS
BUSINESS MANAGER, IBEW LOCAL 986, PARKERSBURG**

tive bargaining agreements are used.

Only records of wages actually paid can be used claim the ABC, collective bargaining agreements that represent millions of actual manhours worked, should not be allowed.

by the state Bureau of Employment programs to be used.

"Average wages would always be less than our wages," said Jim Ross, Business Manager for IBEW Local 986, Parkersburg.

"And that would undermine

Raleigh 911 Center Must Rebid

Low bid is not always the best bid.

After the two lowest bidders were ruled ineligible for a site preparation project award the Raleigh County 911 Center was rebid.

Nonunion Ground Breakers had the low bid but because of irregularities were ruled ineligible. Second place North

Beckley Equipment almost got the award.

Thanks to Laborers District Council organizer Tim Millne and ACT's Wayne Rebich the project owners, the Raleigh County Emergency Operation Center, learned North Beckley was a company who had defaulted on their workers compensation and owed the state a

little more than \$5,000.

The \$5,000 number is significant because any company which owes the state \$5,000 or more can not get a state contract. And starting June 11 the level dropped to \$1,000 and includes county and city debt and contracts.

"They were on the comp default list and that was enough to

stop North Beckley from getting the job," said Millne. Millne is referring to a new rule promoted by ACT and passed by the workers compensation board that stops any company who is in default from getting a public works award.

But, after the bid, North Beckley paid their workers compensation debt, then asked to get the project awarded.

The position taken by Millne was "contractors who cheat at the bid table get an unfair advantage over contractors who play by the rules."

At the next meeting of the county, Rebich spoke out against the award. "How can you accept a bid from a default company and let them decide to pay off their debt to get the job?" asked Rebich. Lawyers for the Raleigh County 911 Center agreed and the agency decided the project would be re-bid.

"We got another chance at this project and we made a default company pay up," said Millne. "Having these new tools to police the industry help us keep a level playing field for fair contractors."

Roofer's Local 185 Protest Out-of-State Contractor

Members of Roofers Local 185 took to the street on April 22nd to protest an out-of-state contractor and imported workers.

The protest took place in front of the Sears store at the Town Center Mall in Charleston.

According to Business Agent Dale Rose Insulated Roofing, Inc. out of Louisville Kentucky

was hired to do the re-roofing job by Sears.

"Our members are customers of Sears," said Rose. "It's a shame they imported workers to take our jobs."

Working with the ACT Foundation staff Rose contacted the Department of Labor to see if Insulated Roofing had a proper contractors license.

A check by the DOL found the company's real name was

Urethane of Kentuckiana, Inc and they had a license but did not have the proper wage bond. Also they had six workers on site who did not have proper identification.

State law requires companies have worker identification records on site.

The company was issued a cease and desist order and cited for the undocumented workers.

WV Has Record Job Loss, Slow Growth

During the last three years job loss has been high in West Virginia.

Since January 2001 the state has lost 9,500 manufacturing jobs and 1,500 information jobs, according to a report from the WV AFL-CIO.

Companies where jobs have been lost include Dow Chemical, Flexsys, Johns Manville, Pechiney Products (formerly Ravenswood Aluminum), Weirton Steel and Wheeling Pitt.

While much of the country is seeing increased job growth West Virginia's share is much smaller and includes more low paying jobs without benefits.

Between January 2001 and March 2004 WV still experienced a net job loss of 9,200 jobs.

And average wages of new jobs are 34 percent lower - \$12,070 less - than those in the industries that are shedding jobs.

"Construction workers lose job opportunities when plants shut down or cut back," said Roy Smith, Secretary-Treasurer of the

WV State Building Trades.

"West Virginia's working families are clearly losing under the Bush administrations."

According to a June 4 Charleston Gazette article Lee Price, research director for the Washington DC based Economic Policy Institute, said Bush and his economic advisers predicted the nation would see an increase of 3.4 million jobs from July 2004 to May 2004, as a result of the Bush-backed tax cuts approved by Congress.

"That means we are still running two million jobs short of what they predicted in their tax proposal," Price said.

EPI's report noted West Virginia's main manufacturing industries have all experienced employment declines, especially the steel, chemical and aluminum industries. Coal employment has fallen dramatically, primarily due to increased productivity in the mines.

Yet corporate profits rose by 62 percent between April 2001, when the current recession began, and March 2004.



MEMBERS OF ROOFERS Local 185 pass out leaflets to customers of Sears asking why local workers were not used on Sear's roof replacement project in Charleston. State DOL staff cited the out-of-state company for numerous violations.

Fed's Called to Investigate ABC

Federal investigators have been called in by the West Virginia Development Office over questions surrounding grants to the Associated Builders and Contractors, WV Chapter.

According to Dave Satterfield, Director of the Development Office, the U.S. Department of Labor's Office of the Inspector General has been asked to investigate "potential inaccuracies and irregularities" found in grant records.

Satterfield initiated the investigation after the ABC failed to

respond to a request to review documents relating to the grants.

The USDOL was called in because the grant money came from the federal agency, was distributed by the state, and falls under federal rules.

Three grants, totaling \$138,687, were awarded to the ABC in July 2001 and July 2002. The grants were to be used for training workers.

Research by the ACT Foundation has found a number of serious problems with required documentation of spending and activity of the grants. These problems include class rosters from different years that are

identical except for changed dates as well as missing receipts and explanations of what the grant money was used for.

The largest of the three grants was for \$120,000. After numerous Freedom of Information requests by ACT no "Statement of Work" can be found by state officials. A "Statement of Work" is the basic description of what a grant would be used for.

"They didn't even say what the money was for but a check was written for \$120,000," said Steve White, ACT Director. "You can't just give away taxpayer money like this, it's illegal."

Wal-Mart Takes \$1 Billion in Subsidies

According to a report issued last month the retail giant Wal-Mart has benefited from more than \$1 billion in economic development subsidies from state and local governments across the United States.

The report was issued by Good Jobs First, a Washington, DC-based research group (the study is available online at www.goodjobsfirst.org).

"Wal-Mart presents itself as an entrepreneurial success story, yet it has made extensive use of tax breaks, free land, cash grants and other forms of public assistance," said Philip Mattera, research director of Good Jobs First and principal author of the study.

The study, the first comprehensive national examination of subsidies received by the giant retailer, found more than 240 cases in which the construction of new Wal-Mart facilities was assisted by

public resources, including sites in West Virginia.

In addition to 160 retail outlets, the study found subsidies at 84 of Wal-Mart's distribution centers, representing more than 90 percent of the network of huge warehouses the company has built to facilitate its rapid expansion.

The value of subsidy deals for individual distribution centers ranged as high as \$48 million (with an average of \$7.4 million), while for retail outlets the largest was \$12 million (with an average of \$2.8 million). Wal-Mart subsidy deals were found in 35 states, with the largest number in California, Illinois, Missouri, Texas and Mississippi.

"That a company with \$9 billion in profits can wrest job subsidies from state and local governments shows that the candy store game has gotten out of control," said Greg LeRoy, executive director of Good Jobs First. "The subsidies to Wal-Mart are particularly troubling, given that the company

uses taxpayer dollars to create jobs that tend to be poverty-wage, part-time and lacking in adequate healthcare benefits."

ACT Foundation Research Director Lesly Messina assisted in the West Virginia study. She pulled documents from county records that show how Wal-Mart developers have negotiated lucrative rebates of Business and Occupation taxes. The developers have direct ties to Wal-Mart making the tax rebates a form of subsidy.

In addition ACT has documented the use of out-of-state contractors and illegal workers on almost every new Wal-Mart built in WV in the past decade.

The study concludes by addressing public policy issues. "Given the poor quality of the jobs that tend to be created and the role that big-box stores play in contributing to sprawl, we suggest that states prohibit subsidies to retailers such as Wal-Mart unless strict conditions are met," LeRoy said.

Wheeling Roofers Re-Affiliate With SBT

Wheeling Roofers Local 188 will become members of the WV State Building Trades and ACT effective July 1st.

According to Business Manager, Charles "Chic" Volger, the local has 132 members which includes retirees.

Their jurisdiction covers the counties of Ohio, Marshall, Brooke and Hancock in West Virginia.

In Ohio, they cover Bel-

mont, Guernsey, Harrison, Jefferson, Monroe and Muskingum.

"We're happy to be on board," said Volger. "We like what ACT is doing."

The addition of Roofers Local 188 means they join Locals 185 Charleston and 242 Parkersburg who are already affiliated.

This means all of the Roofers Locals based in WV are affiliated with the State Building Trades.



Check out Union Trades
Climbing Rate Certificate.

A three year CD with rates that can be adjusted annually.

Contact our office for more details.



GREAT NEWS! Ground Breaking Ceremony for the new Parkersburg office was held May 18th at the 1925 Murdoch Avenue site. The new location will offer drive thru service, ATM and other extended services upon completion. The 5,000 square foot facility is being built by 100% Local Union Labor. Schneider Construction was awarded the contract.

Charleston M-F 8:30 – 4:30, Sat. 9:00 am to Noon
344-0194 or toll free 800-450-8530

Parkersburg M-F 8:30 – 4:30, Thursday until 6:00 pm.
485-1421 or toll free 888-524-1421

On-going Dispute With Beckley Mechanical

You can never give up when law violators are in your midst.

That's the attitude of Sheet Metal Workers Local 33 when dealing with notorious Beckley Mechanical.

And that's why the Sheet Metal Workers, joined by supporting building trades and other union members, staged a protest in front of Beckley Mechanical's offices in Beckley on May 18th.

"We plan on stepping up our campaign once again," said Randy Gombos, Organizer for Sheet Metal Workers 33.

The dispute with Beckley Mechanical has been on going since 1998. During the first organizing campaign 90% of the workers signed cards asking for a union.

The Company then resorted to the familiar scare tactics that we in the labor movement understand.

The election was lost 17-4 due to these underhanded methods. But the Sheet Metal Workers did not give up, nor go away.

Instead they were able to get the National Labor Relations Board to issue a 'Gissel' bargaining order. Gombos ex-

plains "this means the workers rights were violated so terribly, there was no way a fair election could be held so the election had to be thrown out."

It also meant the union was granted bargaining rights and the company had to negotiate with them.

Unfortunately Beckley Mechanical chose to ignore the law and did not bargain in good faith.

The company has hidden information, falsified information, violated prevailing wage laws and has problems with subcontracting procedures.

The fines against them are

piling up.

Local 33 has repeatedly filed Labor Board charges because Beckley Mechanical continues to ignore the rulings from the NLRB.

Ultimately the NLRB has gone to the Federal Fourth Circuit Court, twice, charging Beckley Mechanical with contempt to try and force them to

follow the law.

At the same time Beckley Mechanical has been awarded federal contract's for work at the Alderson Women's Federal Prison, in Alderson WV, C. Bascom Slemper Federal Building, Big Stone Gap, Virginia and a renovation of the US Forestry Services offices in Mercer County, WV.

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SHEET METAL WORKERS organizers Randy Gombos (right) and Dave Mains prepare to lead a demonstration in front of Beckley Mechanical's office. West Virginia Works was there to cover the event. See show listings to the right.

Contest

CONTINUED FROM P. 1

John "Tony" White
Local 565 Parkersburg:

Kevin Jackson
Brian Pittman

Local 625 Charleston:

Michael "Brett" Ritchie
Stanley R. Souder.

Supreme Court

CONTINUED FROM P. 1

challenged they do not go into effect.

It was not until October that Judge Duke Bloom ruled on the case saying the DOL had acted properly and denied the ABC's appeal.

"If the court took the case I was confident we would win, just as we have already won twice before," said DOL Commissioner Jim Lewis.

"We document every thing we do and we go by the book. Their appeal was frivolous, I am pleased the court didn't even take it."

West Virginia Works Fifth Anniversary Celebration

West Virginia Works will be celebrating its fifth year on the air with another the Fiesta Ware Call-In Contest. June 27, 2004 is the day they will give free Fiesta Ware to every tenth caller. Five top prizes of 20-piece set, five second prizes of other union-made in West Virginia Fiesta Ware pieces. Watch for the details on the station nearest you.

WOAY 4

Oak Hill
Sundays @
11:00am

WCHS 8

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

WDTV 5

Clarksburg &
Morgantown
Sundays @ 11:00 am

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