



THE ACT REPORT

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A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

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Organizing Seminar Is Planned

A new organizing strategy called the "Construction Organizing Membership Education Program", or COMEP for short, is sweeping the country - and coming to West Virginia in November.

COMEP was started by the Electrical Workers and adopted by the National Building Trades and has proven to be a tremendously effective organizing tool.

"We are looking for two people from every craft to attend", commented Allen Fisher, Secretary of the West Virginia State Building and Construction Trades Council. "This program is being used all over the country and it works."

The message of COMEP is simple. Organizing enables local unions to win better wages and benefits for their members. COMEP challenges participants to re-examine the underlying mission of unions: to raise the conditions of life and labor.

In order to regain control of the skilled work-force, to recapture market share, and to rebuild

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ACT Holds Annual Conference To Update & Plan At Fairmont

The Affiliated Construction Trades Foundation held its Second Annual Update and Planning Conference at the Fairmont Holiday Inn on October 12.

The purpose of the meeting was to assess ACT's progress to date, and to evaluate new projects.

Some of the activities reported

on were the prevailing wage program, the statewide positive ad campaign, the Cancer Creek legislative campaign, and the Brown & Root organizing effort.

"We've got a lot more work to do but we are also proud of the progress and success made in the last year," said Steve White, ACT director.

Among the upcoming projects addressed were a "community awareness" video on apprenticeship; a "grass roots" political action program; and cooperative efforts with union contractors to bid more work.

Fed Funds, Pensions Are Probed

ACT's fair contracting program is making progress every day.

Two examples are the ongoing investigations of Frank Irey, Jr. and Mid-Eastern Construction Co. reported in earlier issues of the ACT Report.

In the Irey case, ACT contacted employees of the Marshall University Football Stadium project by mail asking for information regarding Irey's pay practices.

A dozen former employees gave documented information that Irey was denying the return of pension plan contributions. ACT's attorney entered the case and started legal proceedings.

The latest development is an offer of \$16,651 from Irey to the twelve employees.

According to Fair Contracting Representative Tim Millne, "Irey's willingness to pay these people just goes to prove what we suspected, his pension plan is a sham.

"Sham benefit plans used to
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ACT'S ANNUAL PLANNING CONFERENCE held recently in Fairmont was attended by more than 45 representatives of both affiliated ACT local unions and unaffiliated local unions expressing an interest in joining.

Legal Update

ACT Still Fighting On Pollution

The ACT Foundation is continuing its fight against an attempt by industry to dump dangerous chemicals in West Virginia's waterways.

The case involves the overall water permit for DuPont's Belle site.

About a year ago DuPont applied for a new water permit. ACT sent a copy of the permit application to an environmental consultant for review.

Even though ACT found significant violations of the law in Dupont's permit application, the West Virginia Office Of Water

Resources approved it early last spring.

ACT is now challenging DuPont at the Water Resources Board because the permit violates federal law.

"This permit allows for more cyanide to be dumped in the Kanawha River than law allows, yet the state chose to look the other way", commented Stuart Calwell, ACT's lawyer.

ACT filed a court request seeking data from both Dupont and the Water Resource Board. That led to DuPont offering to allow ACT have access to all materials

for the purpose of an appeal.

ACT's action against DuPont's request is just one of several important lawsuits that are moving through the legal system. Following are updates on the other ongoing cases.

Department of Transportation:

The Department of Transportation continues to deny ACT's request for pre-qualification statements. These are required by the state to insure that contractors who are bidding work have the financial resources and
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Anti-Union CEO Gives Pro-Union Argument

Following is a summary of a speech given by Ted Kennedy, strongly anti-union and former president of Associated Builders' and Contractors, and Chairman/CEO of BE&K, Inc.

Over several decades, we've seen many changes - changes in owner-contractor relationships, changes in owner organization structure, changes in union and merit shop projects mix.

Many changes have been initiated by the word "competitiveness." Some reaped short term benefits, but in the long term they'll be detrimental.

In the recent downturn, labor, contractors and corporate engineering departments have not fared well - at all.

Corporate engineering departments have been ripped asunder. The professional groups who used to control capital projects have been decentralized, decimated and retired.

All this occurred in the name of "rightsizing" - the current buzzword of corporate America.

"Rightsizing" only moves in one direction - down!

More and more owners have decided capital project execution is relatively simple business.

They believe it's one that needs few professionals and can be

done by ad hoc groups assembled for a specific project.

They reason these groups can be disbanded at will and another assembled for the next project. But those who understand the industry know such actions will not lead to long term success.

Construction is complex. It is special and requires professional skills that are not quickly transferred.

It requires full time profes-

We cut our multipliers, reduce profits, and eliminate the overhead. Ultimately, we mortgage our future and the entire industry's. We shift the cost of benefits to our employees and eliminate any wage increases.

We retire the older, more expensive talent. We reclassify people as probationary to avoid paying benefits.

We abandon any meaningful retirement plan except social

competitive world of union and merit shop contractors fighting it out for market share.

They've sat back and watched with glee as we beat each other down, all the while consuming more and more of the future "seed corn."

The average merit shop wage increase over the last ten years is less than ten cents per hour per year.

Few craftsmen have any kind

But if the law doesn't protect them, in all likelihood employers won't either.

And for all this "compassion" what do we ask in return? Enthusiasm, loyalty, hard work and initiative. Oh yes, we'll also give employees a belt buckle and ball cap if they don't get hurt.

Yo! Ho! Way to go!

All the while owners sit there watching us degrade our most valuable commodity - our people.

As wages fall, benefits disappear and more leave the industry, owners take refuge by saying:

"It's the American Way, the competitive market place, the free enterprise system in action."

BALONEY!!

As long as owners believe efficiency and cost-effectiveness are directly related to low wages and minimal fringes, we are going to have high turnover and a constantly changing workforce.

As long as contractors continue to treat their employees as seasonal harvest hands, they cannot expect to maintain a workforce of skilled 20-year veterans. The truly skilled will continue to leave the industry when we offer them no career future.

Contractors or owners who
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'We are, without a doubt, the biggest whores in the business. And if we contractors and engineers are the biggest prostitutes, owners are the pimps and procurers.'

-- Ted Kennedy, Chairman and CEO of BE&K Inc.

sionals, not part time people.

We seldom point out the effect that poor projects have on cents per share of earnings - the media in which the CEO works.

Rather contractors judge themselves as on budget, over budget or below budget.

If those without construction experience make the evaluations, they have no other yardstick except dollars or the bid sheet.

And that is a prime result of all the "rightsizing." But engineers and constructors go right along with this short term nonsense.

security.

All of these steps are taken in the name of "competitiveness and a free market."

We are without a doubt the biggest whores in the business. We constantly sell our talent just as a prostitute sells her body.

Only we sell to the lowest bidder. As we do, we sacrifice our futures.

And if we contractors and engineers are the biggest prostitutes, owner-users are the pimps and procurers.

Owners have reveled in the

of medical or hospitalization beyond worker's compensation.

And if they have a heart attack, we'll probably have to take up a collection for the burial.

Job security is as long as the sun is shining and there's a weld to be made. But if either stops, a worker's severance pay is just as long as it takes you to get to the gate. We'll train workers - on their own time - and send them to jobs that are hot, cold and certainly dirty.

They'll be exposed to one of the more dangerous occupations.

Local Union 899

Carpenters Leader In Youth Study Program

The apprentices at Carpenters Local 899 of Parkersburg are getting younger every year and that trend may be spreading across the country.

Local 899 has been working with the Registered Youth Apprenticeship program since last year.

The program tests and processes high school students between their 11th and 12th grade years who then work as a co-op their senior year.

Once the student graduates, he or she moves into the regular apprenticeship program at the

local, which presently has 11 apprentices.

Apprentices must complete 144 hours of classroom training per year plus 8,000 hours of on-the-job training. The Youth Apprentices' hours worked their senior year are applied toward the requirements.

So far only three high school students have participated, but the program is gaining national recognition.

"Last year, Governor Caperton came up to meet the first Youth Apprentice," said Earl

Johnson, business representative of Carpenters 899.

"The program was really good for him, his grades improved from a 2.5 or 2.9 up to a 4.0, and his whole attitude changed. He really impressed a lot of people."

West Virginia was among five states given grants by the Federal Bureau of Apprenticeship

Training to develop a national "School to Work" program as part of President Clinton's economic revival plan. "This program may serve as the pilot program for other states to follow," Johnson said.

The program benefits more than just the student, he said.

"It gives the vocational schools the opportunity to offer students on-the-job training, rather than the usual mainstreaming into the construction industry; and it gives us the opportunity to attract some younger people as opposed to

the national average age of apprentices of 27."

Local 899 has 240 members with 165 active and the rest retired or disabled. Of the active members approximately 100 are working. The Local covers Wood, Wirt and Calhoun counties and parts of Jackson, Roane and Ritchie.

Johnson said his member appreciate the efforts of ACT.

"Our members perceive ACT as an organization to bring back the respect organized labor in West Virginia has had in the past," he said.



ACT Probes Cause Contractors' Woes

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 oe Irey's competitive edge, but no longer."

In the Mid-Eastern Construction case ACT continues to stop the firm from getting work.

In October of 1992, J. Robert Haddox, Mid-Eastern's owner, was convicted of violations of the Davis Bacon Act.

Mid-Eastern was then placed on the Federal Lists of Parties, a debarment list, which excludes the company from bidding on any federally funded projects.

Armed with this information, ACT has kept Mid-Eastern from securing many of the state projects he bids on.

When ACT recently learned the company was awarded a sprinkler system project for Davis & Elkins College Millne contacted the school and learned that the project was funded by the federal Department of Housing and Urban Development.

Millne informed Davis & Elkins officials that not only had Mid-Eastern illegally bid the project but that the college itself was in violation of the law by awarding the project to Mid-Eastern. Architect Paul Marshall may be subject to debarment

because he apparently knew of Mid-Eastern's debarment and still allowed him to get the job.

Mid-Eastern was quickly told to pack up and get off the project.

ACT is investigating what further actions can be taken in this blatant violation of the law.

According to Millne, "Maybe Mr. Haddox needs to go to jail, before the message sinks in to other contractors - This is what we do to cheaters!"

'How To' On Unions Is Slated

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 declining bargaining strength COMEP shows how focussing on organizing un-represented workers can benefit existing union membership.

Once through the training, each participant will be certified to train members in this new method of organizing.

The West Virginia Building Trades together with the ACT Foundation is hosting a "COMEP - Train the Trainer" course Nov. 21-24 at the Laborers training site in Mineral Wells.

Governor Finally Picks Group To Study 'Cancer Creek' Bill

Governor Caperton has finally appointed the Cancer Creek Committee, almost six months after agreeing to study the controversial bill last session.

The committee's purpose is to evaluate the environmental and economic impact of water quality standards for West Virginia.

Last year the West Virginia Water Resources Board proposed adopting a "harmonic mean flow standard" that would allow industries to increase the amount of carcinogens that could be discharged into state waterways. ACT fought the proposal and won, with an agreement that a fair study committee would be formed.

Consequently, the Legislature declined to act on the Board's proposal -- calling instead in House Bill 100 for "further review and study of that issue."

The primary purpose of the Cancer Creek Committee as outlined in a letter from Governor Caperton is "a fact-finder - that is, to help policy makers understand the practical environmental and economic consequences of various "designflow"

options. It's first and foremost role, however, is to ensure we have the facts and figures -- debated and tested by people from differing perspectives -- needed to make an informed policy decision on this issue."

According to Steve Burton, Business Manager of the Tri-State Building Trades another battle can be expected on the issue at the next legislative session.

"We can expect another fight this time. These people are not giving up until they have their

way, to do whatever they want with our rivers", he said. "They haven't yet realized that we are not going away either, but they will."

Included on the committee is Steve Burton; Joe Powell, head of the West Virginia AFL-CIO; Kim Baker, President of the West Virginia Environmental Council and ACT ally in the Cancer Creek fight; as well as three industry representatives, four members of the legislature and a non-voting chairman.

Anti-Union CEO

(Continued From Page 2)
 believe this type of workforce can combat foreign competitors need to take a drug test!

Contractors must stand tall and say: "That's what we need to pay our professionals; if you want amateurs, go get 'em."

Owners must respect our work-force. They must forego the temptation of believing that the lowest dollar negotiated is a feather in their cap.

And contractors must work with users to convince manage-

ment we truly are a profession and not a pork belly commodity.

If we do all that - then and only then - is there hope for the future of what could be the world's greatest industry.

Excerpted with special permission from the August 1993 COCKSHAW's Construction Labor News & Opinion. For a FREE sample of COCKSHAW's current newsletter, contact CCI, P.O. Box 427, Newton Square, PA 19073; (215) 353-0123, FAX (215) 353-0111.

Local Union 543

Laborers See ACT As Watchdog On Wages

"ACT serves as a 'watchdog' for fair contracting and unfair contractors," said David McComas, business manager for Laborers Local 543 of Huntington.

"I feel confident that we would have had a lot more workers on the Marshall football stadium job had ACT been in place when it was being bid.

It would have been a whole different ball game," he said.

The Local covers a six-county jurisdiction - Cabell, Mason, Wayne, Lincoln, Logan, and Mingo and has 752 total mem-

bers with 164 of them retired.

Members do heavy highway and building trades work, although they're "leaning more toward heavy highway work right now," McComas said.

The economy is to blame for the low volume of work in building con-

struction, he said.

Because companies aren't running at full capacity, McComas said there's not much maintenance work needed.

Now, jobs are considered long if they're more than three months in the industrial sector.

"There are a lot of work outages, and

jobs such as furnace rebuilds just aren't as necessary as before."

McComas thought they would get some construction work on schools, but when the School Building Authority was told they couldn't sell bonds those plans were scrapped.

"Hopefully ACT can recover some of the work we've lost in the past," he continued.

"They know how to deal with the political system and the state agencies. That puts all contractors on a level playing field."

ACT helps with early notification as an information source,

he said.

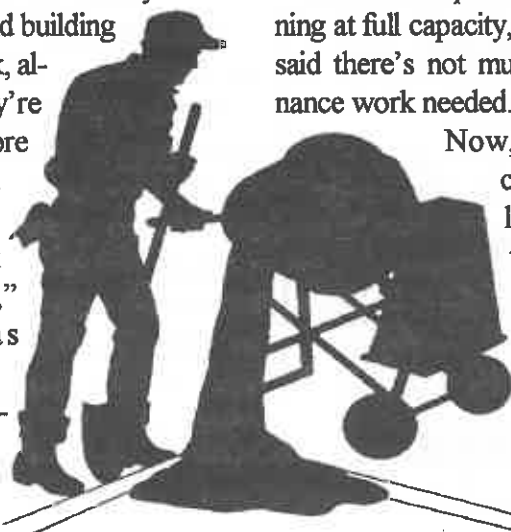
"For example, there's the Department of Highways, and the Freedom of Information suit ACT is fighting," McComas said.

"We never had access to important pre-qualification information before.

"When ACT gets us information on bid status and requirements we can go to work knocking out the unfair contractors before they bid.

"Before ACT, what info we got was too little, too late."

"ACT is a tool we had to have - a necessity."



Rhone-Poulenc Explosion Still Unexplained

Two months after the August explosion at Rhone-Poulenc there is still no answer as to what really happened.

A consultant has been selected by the review committee set up to oversee Rhone Poulenc's investigation into the explosion.

The disaster claimed the life of one worker, seriously injured two others, and sent 30 area

residents to the hospital.

The committee, made up of citizens and various area group representatives, has served its primary purpose of selecting a consultant.

Its next goal is to make sure information on the most important questions about the accident is gathered by the consultant.

Bill Thomas, ACT's Industrial Representative, was appointed secretary of the committee.

"I'm pleased with the progress made by the committee. At this point we'll never get an independent investigation, too much time has passed," he said.

"We just want to get straight answers that have documenta-

tion and not just promises."

Some of the documents the committee has requested includes:

- Maintenance records for the last six months on the Larvin unit that was damaged in the explosion.

- All records of emergency procedures carried out by Rhone Poulenc employees and local emergency workers, inside and outside the plant.

- Records of Rhone Poulenc's

recent employee reductions and overtime increases.

- Inspection and installation records of valves and gauges in the Larvin unit.

- Production records and the capacity level of the Larvin and other units.

Thomas said he didn't know how long it will take but he's looking to getting results.

"We must hold these big chemical companies responsible for their actions."

B&R Union Vote Is Nearing

The National Labor Relations Board had not yet set a vote date for Brown & Root workers as this issue went to press.

Organizers are "guesstimating" the date to be set sometime at the end of this month. That would put the actual vote a month later around the end of November.

However, ACT and Charleston Construction and Building Trades Council officials are still confident about a successful vote.

"We're gearing up for a final push," said Steve Midkiff, organizer for the Building Trades.

"This gives us time to find more eligible voters, with the help of our and ACT's membership," he said.

The NLRB also ruled that because of the nature of the construction industry, as opposed to a different type of industry, a legal ruling called

"The Daniels Rule" applies.

That rule says anyone who has worked for a company, in this case Brown & Root, for 30 days or more in the last year, or who worked for the company for 45 days or more in the last two years is eligible to vote.

"We're counting on our membership to help locate people who are eligible to vote in this election," said Bubby Casto, business manager of Charleston Building Trades.

"Your neighbor, your brother-in-law, someone you go to church with, these people may be able to vote," he said. "Our strength depends on our members making these contacts."

There may be as many as 2,500 people Brown & Root hired and used and then laid off in this area.

HELP US FIND THEM!

LAI D OFF WORKERS ABLE TO VOTE IN BROWN & ROOT UNION ELECTION

If you know someone who has worked for Brown & Root for 30 days in the last year, or 45 days in the last two years, he or she may be eligible to vote in the upcoming election.

Please call the Charleston Building & Construction Trades Council at 343-6952 so it can contact all current and past workers about their rights.

We all need their votes for union representation!

ACT's Legal Fights Are Moving Ahead

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track record to successfully perform work.

Access to information is a crucial part of ACT's program. The Freedom of Information Act, state and federal laws which guarantee access to public documents, are the tool used by ACT to get the needed documentation.

The case will be argued in early December.

Union Carbide:

ACT has gone to court twice over Carbide's Triton Surfactant air permit.

And twice ACT has prevailed, winning a court order allowing ACT to review the company's records relating to the permit, and again winning a ruling from the Air Pollution Control Commission saying ACT was within its right to challenge Carbide's permit.

Recently the Office Of Air Quality acknowledged its own calculations were in error, and agreed to a reduction in two pollutants up to 88 percent.

Key to ACT's case is that Carbide applied under the wrong regulation to get its permit.

The correct regulation will force it to build a cleaner unit. Carbide is gambling it will win and has begun construction of the Surfactant Unit.

The ACT Report

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