

'Fight Back' Wins Big At B&R

Boilermakers Local 667 has scored a long awaited and major victory with its "Fight Back" campaign under the leadership of Business Agent Jim McCormick.

After more than four years, Brown & Root has been found guilty of violating federal labor laws. It has been ordered to reinstate 47 workers and give them back pay, an order that could cost \$1 million and possibly more.

Robert G. Romano, an NLRB administrative law judge, said Brown & Root dis-

criminated against 47 members of Local 667.

He found Brown & Root violated federal labor laws when it refused to hire the workers because they favored unionizing the construction giant's operations at Rhone-Poulenc Ag. Co.

Romano ruled Brown & Root didn't hire the workers because they wrote on their job applications they were "volunteer union organizers."

The case began in August of 1989 when Rhone-Poulenc gave Brown & Root, an anti-

union company from Houston, a \$30-million contract to perform construction work at its Institute plant.

The Charleston Building and Construction Trades Council negotiated with Rhone-Poulenc for months and offered many concessions to get the work for union members.

"We read the contract went to Brown & Root in the newspaper that September. They didn't even bother to tell us in person," said Bill Thomas, ACT's industrial representative and a member of Boiler-

makers Local 667.

"We were under the impression that with the major concessions we made we were going to get the work. Rhone-Poulenc had just bought the

plant two years before and announced it was going to make major changes," Thomas explained.

A picket line went up in front
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Pulp Mill Permit Move Forward, Fight Continues

The \$1.2 billion pulp mill that sparked the Cancer Creek fight is alive and moving forward.

The West Virginia Office Of Water Resources released two environmental permits for public comment on May 8. New York based Parsons & Whittemore is moving ahead with the mega-mill, slated to be built in Apple Grove, Mason County.

Steve Burton, business manager of the 25,000 member Tri-State Building & Construction Trades Council, said the re-submission for permits is a positive move because the new permits are within the existing rules.

"It gives ACT more credibility," Burton said. "ACT challenged what they said--that it was necessary to change the rules--and ACT always contended they could build the plant within current regulations."

Burton said there are still a number of important questions to be answered.

"Will they use chlorine bleaching? That goes back to dioxin being dumped in our

waterways. We want to know if they can build it without chlorine. In fact, most people in the pulp and paper industry agree chlorine based mills are ancient technology.

"We also want to know will the mill be built with West Virginia people? If they really want to be sharing in the economic benefit, then 1,000 West Virginia people will be working to build it. We want West Virginia to be a part of it."

The company applied for pollution permits in 1989 and asked to increase its discharge limit for deadly dioxin. With the backing of the governor's office and the Division of Environmental Protection (DEP)

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MARCHING WORKERS rally at Union Carbide's South Charleston office building to protest Carbide's lack of local investment. In front are Steve Midkiff (left) of the Charleston Building Trades, and Roy Snodgrass of Operating Engineers Local 132.

Workers Rally at Carbide HQ

Fed up with Union Carbide's downsizing, local construction workers took to the streets early this month.

Recent news reports showed Carbide CEO Robert Kennedy was paid \$3.6 million, profits were up for the corporation, and two new plants were being

built, one in Canada and the other in Kuwait.

"To add insult to injury Carbide got almost \$1 million in tax breaks from the state," said Charleston Building & Construction Trades Council Manager Bubby Casto.

"All this while they lay off

local people, bring in more temporaries and watch Brown & Root use hundreds of out-of-state workers while local skilled workers are discriminated against.

"Carbide's Thad Epps thinks we should take whatever they hand out. But we're not."

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Sheet Metal Workers Vote to Join ACT, Foundation Members Grows Stronger

The Charleston District of Sheet Metal Workers Local 33 voted to join the Affiliated Construction Trades Foundation's 9,000 strong membership in late April.

Local 33's home office is in Cleveland and has about 4,000 members, according to business agent Joseph "Jay" Harrison. The Charleston branch, which will be joining ACT, has about 150 members, including 40 retirees.

Only seven active members of the Charleston District of

Sheet Metal Workers Local 33 are not working.

"ACT is something we've been aware of since it began and we've debated about it before, but we finally voted it in," Harrison said.

Members of the Sheet Metal Workers work on such things as heating, ventilating and air conditioning systems, architectural metal work, ornamental roofing and siding, lagging, and dust collecting systems.

The Charleston District of Local 33 has an apprentice

program with 13 currently enrolled. Apprentices must go through five years schooling and work experience with a minimum of 150 hours of academic course work per year, and complete 8,000 hours of on-the-job training.

Harrison said the problems his members are facing are the same facing other union members -- the constant pressure of standing up to union busting.

"I think it's a national trend," Harrison said. "Breaking up unions, or trying to, is becoming

more and more common."

Harrison and his members had seen ACT ads promoting unions, and how ACT works on matters such as legislative issues, and how it helped, he said. "We want to be part of it, to see if we can help."

"We want to be a part of the fight to keep jobs and our standard of living."

The Charleston District of Local 33 has a good group of contractors. "We support them and I believe they support us," Harrison said. So that wasn't

the reason the members decided to join ACT.

"We want to protect what we have, to maintain collective bargaining, and create an environment that requires non-union contractors to follow the laws of the land, such as prevailing wage, as union contractors must do."

"Unions are under fire and the way to fight is changing," he said. "We think ACT has those new ways with advertising and such. There's safety in numbers."

WEST VIRGINIA AFL-CIO COPE ENDORSED ELECTION WINNERS

STATE SENATE

2ND DISTRICT Don Macnaughtan (D)	5TH DISTRICT John C. Huntwork (D)	8TH DISTRICT James Humphreys (D)	12TH DISTRICT Rebecca T. White (D)	<i>(Unexpired Term)</i> David Miller (D)
4TH DISTRICT Oshel Craigo (D)	6TH DISTRICT H. Truman Chafin (D)	9TH DISTRICT William Wooten (D)	14TH DISTRICT <i>(Full Term)</i> Mike Withers (D)	16TH DISTRICT Sondra Lucht (D)
	7TH DISTRICT Lloyd G. Jackson II (D)	11TH DISTRICT Randy Schoonover (D)	14TH DISTRICT	

HOUSE OF DELEGATES

1ST DISTRICT Sam Love (D)	M. Susan Beard (D)	20TH DISTRICT Tracy Dempsey (D)	30TH DISTRICT Bonnie Brown (D)	43RD DISTRICT Nick Fantasia (D)
Tamara Pettit (D)	12TH DISTRICT Carroll E. Jett (D)	22ND DISTRICT Ernest C. Moore (D)	Joe Farris (D)	Roman Prezioso Jr. (D)
2ND DISTRICT Roy E. Givens (D)	13TH DISTRICT Gary Otho Tillis (D)	23RD DISTRICT Richard Browning (D)	Rudy Seacrist (D)	44TH DISTRICT Robert C. Beach (D)
3RD DISTRICT Talmadge Hutchins (D)	14TH DISTRICT Debbie Phillips (D)	W. Richard Staton (D)	Sharon Spencer (D)	Stephen L. Cook (D)
4TH DISTRICT Kenneth D. Tucker (D)	15TH DISTRICT "Chuck" Chambers (D)	26TH DISTRICT Mary P. Compton (D)	32ND DISTRICT Sally Shepherd (D)	B. E. Fleischauer (D)
Scott G. Varner (D)	Margarette Leach (D)	27TH DISTRICT Robert Kiss (D)	David R. Workman (D)	Brian Gallagher (D)
5TH DISTRICT David Pethtel (D)	16TH DISTRICT Susan Hubbard (D)	Jeff D. Lilly (D)	33RD DISTRICT Clinton Nichols (D)	45TH DISTRICT Larry A. Williams (D)
9TH DISTRICT Ira T. "Tim" Stone (D)	Steve Williams (D)	Warren R. McGraw II (D)	35TH DISTRICT George Kallai (D)	46TH DISTRICT David "O.B." Collins (D)
10TH DISTRICT J.D. Beane (D)	17TH DISTRICT Kenneth R. Adkins (D)	Ron Thompson (D)	36TH DISTRICT Joe Talbott (D)	50TH DISTRICT Jerry L. Mezzatesta (D)
Brenda K. Brum (D)	18TH DISTRICT Larry Jack Heck (D)	28TH DISTRICT James Gerl (D)	38TH DISTRICT James R. Fealy (D)	52ND DISTRICT Vicki V. Douglas (D)
Alvin K. Smith (D)	19TH DISTRICT Grant Preece (D)	29TH DISTRICT Bruce N. Peterson (D)	41ST DISTRICT Ron Fragale (D)	54TH DISTRICT Laura Coltelli (D)
11TH DISTRICT			Larry A. Lynch (D)	56TH DISTRICT Dale Manuel (D)

B&R Violated Labor Law

Continued from page 1
of Rhone-Poulenc in October 1989, one month after Brown & Root took the contract.

"It was a vigil," Thomas said. "After agreeing to concessions and being refused job opportunities in our own home town, we were insulted. And the men showed great dedication and determination."

The picket lasted until May 1991 -- a year and a half after it began.

From the beginning, members of Local 667 decided to try something different. The "Fight Back" program maintained that the way to organize companies was through its employees, not the owners, so they put in applications with Brown & Root.

"These guys put in applications because they were unemployed," said Thomas.

"They were willing to go to work at Brown & Root's wages and under their terms. Brown & Root refused to hire them just because they were union people," he said.

The Boilermakers International put organizers James Bragan and Anthony Yakemowicz on the case.

Bragan came to West Virginia in March of 1990 and filed unfair labor practices charges against Brown & Root for discrimination. Then the Regional Labor Board issued a complaint against the company, which was appealed in June, 1990.

The Boilermakers sent in attorney Michael Stapp even though the labor board was responsible for providing counsel.

"Had it not been for Mike Stapp's hard work and superior knowledge of this type of case, we surely would have lost," Thomas said.

Hearings went on for a year before Judge Romano handed down a 240-page decision last

month, four years after the battle began.

In his ruling, Romano wrote that because Brown & Root

"If they appeal, the interest and back pay will continue to build up."

The arrival of Brown & Root

"Brown & Root refused to hire them just because they were union people." *ACT Industrial Rep. Bill Thomas*

"has engaged in certain unfair labor practices, it is recommended that [it] be ordered to cease and desist therefrom, and take certain affirmative action designed to effectuate the purposes of the Act."

He also recommended B&R be "ordered to offer them employment and make whole for any losses of earnings they may have suffered."

"In my opinion, Brown & Root would be foolish not to settle this thing once and for all," Thomas said.

brought many changes to West Virginia. Predictions came true about the expansion of Brown & Root into other plants. The company is now entrenched at Dupont and Union Carbide, which followed in Rhone-Poulenc's trend in turning over construction work once performed by union workers to Brown & Root.

In December, 1991, seven months after the picket line came down, the fledgling Affiliated Construction Trades Foundation got off the ground.

Montoney ACT's Clarksburg Rep

The ACT Foundation has hired a representative for its Clarksburg branch office to replace departing Carl Cox.

Steve Montoney, a 22-year member of the Bricklayers Union, took over the position April 11. He first joined Local 7, Elkins, and when the local merged he became a member of Local 15, Fairmont.

Montoney, 43, is a graduate of Davis & Elkins College. He holds a bachelor of science degree in biology and environmental science.

As a bricklayer, he has held the position of shop steward on various masonry projects.

Among his goals for the Clarksburg office is to see that union contractors get a fair shot at public funded jobs.

"When I started in the union, if a job was funded with federal or state money it was assumed it was a union job. Now

a lot more of these projects go to non-union contractors. My goal is to take the state back over for union workers."

Some of the projects he is working on are the Artisan Center at Wheeling; the FBI child care facility in Harrison County; the Bridgeport High School Auditorium addition; the Trus-Joist McMillan plant in Upshur County; the water system of Blennerhasset Island State Park; the assembly building at the Rocket Center in Mineral County, Aurora School in Preston County; and Seneca Rock Visitors Center in Pendleton County.

Montoney said he covers everything north of the '39th parallel' for both industrial and prevailing wage projects. "I can take on projects from either side, but my main responsibility is to monitor everything from Parkersburg to

The idea behind ACT had begun making the rounds in mid-1990.

"I think it was an evolutionary process," Thomas said. "The necessity of something like ACT was born from the shock of Brown & Root coming in and taking our jobs out from under us, the Cancer Creek issue coming to a head, and the general feeling of desperation about unemployment when out-of-state workers were coming in and taking our jobs."

"There were so many men and building trades leaders standing on that picket through the cold of winter and the heat of summer," Thomas said.

"That created a determination, a kind of mind set that they weren't going to take this sitting down. Something had to be done."

The ruling could also have implications for the Charles-

ton Building & Construction Trades Council's ongoing drive to unionize Brown & Root. Steve Midkiff, a trades council organizer, said Brown & Root continues to lay off pro-union workers in an effort to improve the company's odds at winning a union election.

"This decision could help," Midkiff said. "The cease and desist order will probably make it easier for our current drive and for future action."

"The bottom line is that our claims have been proven by the federal government. We always said the chemical companies are compromising safety by refusing to hire skilled local workers, and this case proves our point," said Thomas.

"They know exactly what is going on and have sat by silently while our rights were violated and local jobs were given away."

Clarksburg and on up," he said.

Montoney explained the process of monitoring a project begins with attendance of the pre-bid conference.

Then, letters are sent to those bidding to tell them ACT in-



Steve Montoney
New Northern Rep

tends to monitor the project.

That simple procedure may keep out a contractor who is planning to cheat, he said.

After the bid is let, a letter is sent out stating ACT has cho-

sen to monitor the project. Next is to pull payrolls and ask employees if they are getting the proper prevailing wage.

Montoney also will visit the job and see that all laws are followed, correct wages are posted, and to note which workers are changing job classifications during the day.

"If I find the company is not paying the right wage, I turn it over to the proper authorities," he said. "When the 'playing field is leveled' the union contractor has an advantage because he has access to a pool of skilled labor."

Montoney feels that getting at cheaters can take more than one approach.

"I would like to see ACT work on legislation which will put more teeth into enforcement," he continued. "That would be a means to stop the cheating contractors."

Fair Contracting Program Gets Recognition

Apprentice's Work Leads To Back Pay

A recent success for ACT's Fair Contracting program was achieved with the help of an apprentice from the Sheet Metal Workers Local 33 "Youth to Youth" program.

John Walls, a third year apprentice with the Sheet Metal Workers Charleston District, discovered discrepancies in payrolls of a state Department of Finance & Administration job. Walls was in Charleston while working with Tim Millne in an effort to learn how ACT operates.

Myzak Plumbing & Heating had a contract on the Morris Building which houses Workers' Compensation offices.

Walls used ACT's contractor database for information on Myzak and discovered the company's address was listed as Strawberry Road in St. Albans. That address was next door to Millne's sister-in-law.

Millne knew a business wasn't located there and encouraged Walls to continue investigating the contractor.

Certified payrolls were requested, and in the meantime they discovered the contractor had bid with a 2.5 percent preference -- assuring 60 per cent of his workers would be local.

When the payrolls were finally handed over they were not certified but showed Myzak

was not using local workers and wasn't paying prevailing wages.

Walls took this information to the Department of Labor which conducted an investigation. As a result, approximately \$2,000 was paid to four former employees.

Lawrence Burns of St. Albans, a laid off Union Carbide construction worker, was one of the four who got back pay. Burns worked for Myzak for four months and said he probably wouldn't have gotten the back pay if it weren't for ACT's investigation.

"It was a nice surprise," Burns said. "I really appreci-

ate all of ACT's work."

In this case, Millne said, the awarding agency is just as much to blame as the contractor.

"This is just like many other projects we track throughout the state -- it comes back to the awarding agency. Some agencies are not doing their job of checking out these contractors before they award them contracts," Millne said.

It's successes like this that are gaining ACT recognition not only with local and state agencies but from other parts of the country.

The ACT Foundation has been getting calls from other labor organizations around the

country about starting their own ACT-type groups.

Tim Millne, ACT's Fair Contracting Representative, recently made a trip to Milwaukee to give a presentation to the Laborers District Council, along with John Thomas of the Eastern Pennsylvania Foundation for Fair Contracting. After hearing the presentation, Mike Ryan, the council's business manager, said he is committed to getting an ACT-like program started.

"I may send some people there to view the ACT organization from the inside out," Ryan said. "I'm looking to get help from both organizations."

Pulp Mill Environmental Permits Sought

Continued from page 1
a bill was put together for the 1992 Legislature.

The Tri-State Building and Construction Trades Council led the fight to stop the "Cancer Creek Bill." It paid for a study to examine the proposed changes. That study showed industry could dump 600 times more dioxin into the water.

In addition, the study indicated eight times more cancer causing chemicals of all types would be allowed into rivers and streams across the state.

This information and a media blitz stopped the changes.

In 1993, Parsons & Whittemore, together with the DEP and governor's office, launched a new attack that again

called for the dioxin change and a different way to measure stream pollution.

Again a massive campaign was launched, this time with the ACT Foundation in place.

Once more the measure was defeated with an agreement that a group be formed to study the issue and report back to the 1994 Legislature.

ACT joined with community and environmental groups on May 4 to hold a press conference on the project.

"We heard a public meeting was already scheduled by DEP, but it was not giving us the permit information," said Steve White, ACT director. "We are bothered by the way our government and environmental protection officials have huddled with this company but won't talk to us."

The company will also need to get a permit for air pollution, but that permit has not yet been released by the DEP.

Once all the permits are issued, Parsons & Whittemore will be able to build the plant. They have insisted the mill be

built "openshop". "That," says Tri-States' Burton, "is an attack on all working people in the state, especially building trades members."

ACT and other union members can help, he said.

"We'll need their help as this issue progresses and becomes a hot topic.

"We need their help in contacting their legislators and voicing their opinions when the state begins taking public comment."

A public hearing is scheduled for 6 p.m., Tuesday, June 7, at the Pt. Pleasant High School in Pt. Pleasant.

According to Burton there are only three simple requirements to be met before they can support the plant's go-ahead.

"We want it built environmentally safe, with modern technology, and by the working men and women of West Virginia," Burton said.

Governor's Committee To Meet On June 16th

The Governors Committee on Water Quality will resume its meetings on June 16. Rep-

resentatives of Parsons & Whittemore have been invited to attend.

The committee met three times in late 1993 and was scheduled to meet again right before the legislative session when the chairman quit.

Eli McCoy, Deputy director of the Division of Environmental Protection, has been appointed by Governor Caperton as chairman of the committee.

McCoy was chief of the Office Water Resources when it proposed both an increase in dioxin and a change in how to

measure stream water quality.

Both changes were proposed at industry's request. Members of the Caperton administration lobbied hard to push the changes through, alleging they were needed to secure 1,200 jobs at the Apple Grove mill.

"Apparently all that talk about needing to lower our water standards was false, just like we claimed," said Burton.

"But don't think for a minute that they won't stop trying, the truth never stopped them before."

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