



# THE ACT REPORT

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A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

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PROTESTING changes in West Virginia's Workers Compensation program as proposed by Gov. Caperton and legislative leaders are workers from across the state at a Capitol rally.

## Governor Is 'Dead Wrong' On Vietnam Dioxin Level

Two days before ACT aired its 30-minute television show about a pulp mill proposed for Apple Grove in Mason County, Gov. Gaston Caperton said dioxin dumped on Vietnam and the amount to be produced by the plant "are as different as night and day."

ACT checked. Once again Caperton's dead wrong.

"The Governor wants you to

think that our men in Vietnam were bathing in dioxin, and the proposed mill will dump only a teeny, tiny amount," said Steve White, ACT's director.

"What he doesn't tell you is

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the mill will dump almost nine times the dioxin into the Ohio River than was put onto one acre in Vietnam each year.

"The truth is it was just a tiny amount that caused so much death and misery for those who were in Vietnam."

The comparison came to light when a member of Boilermakers 667, Steve Carpenter, read that 375 pounds of dioxin had been dropped on Vietnam as part of the defoliant effort.

Carpenter found out the acreage and time period the chemical was used and did some rough calculations. These figures were turned over to ACT

technical consultants who confirmed the devastating results.

The proposed pulp and paper mill at Apple Grove has a permit to discharge 8.8 times

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## Hampton Builder's Illegal Says NLRB

The National Labor Relations Board recently issued a complaint against Construction Concepts, Inc., the general contractor on the \$4.5 million Hampton Inn in Charleston.

The NLRB complaint was on behalf of 36 members of four locals -- Operating Engineers 132, Iron Workers 301, Carpenters 1207 and IBEW 466. All, except the electricians, are ACT members.

The unions filed the unfair

## Gov. Caperton And Legislature Cripple Comp

Despite a rally by 500 work- ing men and women at the State Capitol on Feb. 9, state lawmakers cut Workers Compensation benefits for injured workers and their families.

"Business did what it wanted and we couldn't stop it," said B.B. Smith, ACT's legislative representative.

The bill was introduced at the request of Gov. Gaston Caperton and was endorsed by the leadership in both the House and Senate. It is designed to fix the Workers Compensation Fund which is an estimated \$1.9 billion short of assets.

"The way to fix this thing is not to cut benefits for those injured on the job," said Steve White, ACT's director.

"There needs to be a more aggressive approach to collecting the millions of dollars

owed by businesses to the Workers Compensation fund.

"Hundreds of millions of dollars are owed and nothing is being done," White said.

"Not only is that money not collected, these businesses still get government contracts.

"The fair company that pays its payroll taxes is penalized by sloppy enforcement and political payoffs. Now the injured worker is being called on to foot the bill.

"It's a new form of corporate welfare and it's disgusting," White said.

The problem started during the 1980s when then Gov. Arch Moore made a 30 across-the-board rate cut for business.

That ran up an estimated \$570 million deficit which grew to be the key to today's crisis.

Enforcement laws were toughened in 1993 but administration efforts to use them have been nonexistent.

"Business and Caperton did a good job making workers look like criminals rather than victims," White said.

"We agreed to double the punishment for cheaters but they didn't care. All they wanted to do was cut benefits, whether you deserved them or not."

The bill offered by Gov. Caperton had a 65 percent threshold for permanent disability and cut the "widows benefits", a 104-week payment to the spouse of a worker who died.

The threshold was lowered to 50 percent and the widows'

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**TAKING NOTES** are, from left, Jay Harrison of Sheet Metal Workers 33, Bob Sutphin of Carpenters 1207 and Randy May of Carpenters 302.



**SMILING FOR THE CAMERA** at ACT's legislative reception are gubernatorial hopefuls Joe Manchin, Charlotte Pritt and Mike Ross.

## ACT Convention, Reception Rated Success

The ACT Foundation held its annual Constitutional Convention on Jan. 31 at the Charleston House Holiday Inn.

The purpose of the meeting was to make any changes needed in the charter of ACT and to update members on ACT's progress during 1994 and its goals for 1995.

Later in the evening ACT hosted its annual Legislative Reception.

The two events were planned for the same day so ACT members attending

the convention would get the opportunity to attend the reception and meet members of the state legislature.

Over 50 members attended the conference and most stayed for the reception. Approximately 40 delegates and 15 senators from across the state attended the reception.

Altogether, over 150 attended the reception, including several gubernatorial candidates, supreme court justices and officials from the AFL-CIO.

### Sponsored By Del. Linch And Sen. Grubb

# 'Jobs Act' To Require Local Workers

The West Virginia Jobs Act has been introduced on both houses of the West Virginia Legislature.

Lead sponsors were Delegate Larry Linch, D-Harrison, and Senator David Grubb, D-Kanawha.

If passed, the bill would require the hiring of West Virginia residents in the construction of public improvements paid with public funds.

The ratio of residents to non-residents would be 90 percent West Virginians to 10 percent workers from out-of-state.

"This bill would be good not only for labor in the construction business, but for all state residents because it will keep our tax money in the state," said B.B. Smith, ACT's legislative representative.

According to Smith, people from border counties of sur-

rounding states would be considered local workers. "We don't want to put walls up at the borders," Smith said.

"We just want to make sure local people get the jobs our tax dollars create."

Smith said it would help to

get passage of the bill if more members became involved and let their legislators know they were in support of the bill.

"The reason we need legislative committees at all of the locals is to get things accomplished," Smith said.

"Members need to get involved with political action, to let their legislators know we are a large voting population," he said.

The West Virginia Jobs Act is modeled after the federally funded Appalachian Regional Commission (ARC).

For almost 30 years the ARC has been funding local water, sewer and road projects in the Appalachian region.

The ARC requires 80 percent of those hired to build projects to be from the local area.

"We have heard every politician talk about jobs," said ACT Director Steve White.

"Now we are going to give them a chance to deliver."

## Where Your Quarter Goes ACT Expenditures 1994

Income not yet spent

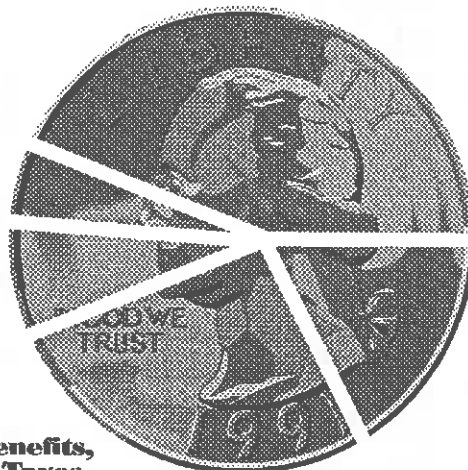
1¢

Rent, Supplies, Travel & Miscellaneous

2¢

Salaries, Benefits, Payroll & Taxes

6¢



Advertising, Public Relations & Legislative

11¢

Environmental Studies, Research & Legal

5¢

# ACT Trashes Randolph Landfill

ACT is raising a stink over a Randolph County landfill being built in Elkins.

Steve Montoney, ACT's northern representative, saw a local newspaper photo of Elkins Mayor Jimmy Hammond walking across the nearly completed landfill.

"I checked and found out the project was put out to bid two years ago, but they didn't award the project to any of the original bidders," Montoney said.

The site preparation contract went to Fairfax Trucking of

Thomas, W. Va.

The installation contract went to Gundell Construction of Houston, Texas.

"I called Mayor Hammond and asked him about the contract and the bidding process," Montoney said.

"As far as I know, it's a county project on public property. But he really didn't answer my questions.

"He did tell me the job was done with county employees."

All projects paid for with public funds or built on public

property must be put out to bid according to West Virginia state law.

If county employees were used, then there is no requirement to put the project out for bid or pay prevailing wages, Montoney explained.

"So I fired off some Freedom Of Information Act (FOIA) requests for a list of the county employees who were supposedly working on the project.

"I also asked to see the contracts with Gundell and Fairfax," Montoney said.

"I wanted to make sure public bidding and prevailing wage laws were not evaded by putting a contractor's employees on a county payroll."

Hammond wrote back to Montoney and said he didn't have that information, and directed the questions to the city clerk, Phillip Graziani, Jr.

After making the same request to Graziani, Montoney was met with the same response. Graziani said he didn't have that information.

"Somebody has to have that

information. Our state law says a FOIA request must be answered within five days," Montoney said.

Montoney is now consulting with the Randolph County prosecuting attorney over the matter.

"It's just a bunch of garbage, and I'm not talking about what's in the landfill," Montoney said.

"These guys know better than to try to skirt the law. I guess it's up to ACT to try and track down what happened and if it was legal or not," he said.

## Contractor Using Out-Of-State Workers

# Upshur OK's \$22.5 Million In Tax Break

The tale of Trus Joist MacMillan continues.

Recently a proposal by Upshur County Economic Development Authority Director Frank Moots to sell \$22.5 million in tax exempt bonds to the company for solid waste equipment was approved by the county commission.

"Just another development in the ongoing saga of TJM," commented Steve Montoney, ACT's northern representative.

"Moots told the commission

that TJM will create 2,000 spin-off jobs in the timber industry in Upshur County," Montoney said.

"But that's a lot of bull as far as I'm concerned.

"This deal is giving TJM \$22.5 when the county can't raise enough money or loans to finish their court house annex.

"Ridiculous."

Montoney has been battling with county officials for months about the lack of local hiring on the job.

A recent example of lost job opportunities is the hiring of Chase Construction, a small Arkansas contractor. Chase

showed up on the job with 31 workers, only two of which were from West Virginia.

"It's a shame to commit lo-

cal taxpayers' money to a company that won't commit to hiring local workers," Montoney said.

## Would Be 150 Jobs For Local Workers

# Belleville Dam's Low Bidder Hires Union In West Virginia

The low bidder on the Belleville (W. Va.) hydroelectric project is Guy F. Atkinson Construction, Inc.

Atkinson is a large, international construction company based in California.

The last project Atkinson did in West Virginia was the Gallipolis Lock and Dam which began in 1988.

That more than \$200 million project was done exclusively with building trades union workers.

Atkinson's low bid on the Belleville project was \$73 million. The second place bidder was J.A. Jones Construction at \$75 million. An award is expected within the next month.

The project will provide around 150 jobs lasting over a

year for local workers in all crafts around the Parkersburg-Marietta area.

The hydroelectric project was almost canceled last year after the West Virginia Legislature passed a bill designed to drive up operating costs of plants owned by municipalities outside the state.

ACT, together with building trades locals from the Parkersburg area, succeeded in getting the bill vetoed.

When the project came out to bid this year one of the requirements was that the contractor must have an agreement with the Parkersburg-Marietta Building Trades Council.



DISCUSSING issues at the ACT Foundation's recent legislative reception held in Charleston are Sen. Don Macnaughtan, D-Wetzel, and ACT legislative representative B.B. Smith.

**Call your Senator & Delegate at 1-800-642-8650. Ask them to support The West Virginia Jobs Act!**

## Hampton Builder

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"The NLRB decided we had a case and issued a formal complaint against both contractors," said ACT representative Bill Thomas.

"This is all part of the new COMET program. We want union members to learn about the need to organize, their rights under the law, and how to use their rights effectively," Thomas said.

The NLRB is investigating charges against Construction Concepts on behalf of Plumbers & Pipefitters Local 625.

Job applications were supplied to union workers after a demonstration at the site staged by the Charleston Building & Construction Trades Council.

According to Bubby Casto, business manager of the Council, about 60 union members

applied for jobs.

It took a two-day picket line in early November to get the company to produce the applications.

"We knew we couldn't stop the job with pickets, but we wanted the public to know West Virginians couldn't even apply for a job there," Casto said.

"The picket was a success because it forced the general contractor to take applications and showed how most of the sub-contractors on the job were from out-of-state."

Thomas said "They publicly indicated we were welcome to apply for jobs, but they had no intention of hiring union."

The next step is a hearing before an administrative law judge scheduled for July 27. In Charleston. That hearing is to be held at the State Capitol

## State, Feds Reach Pulp Mill Accord

The federal Environmental Protection Agency (EPA) announced recently they had negotiated an agreement with West Virginia's Division of Environmental Protection (DEP) regarding the water permit for the proposed Apple Grove pulp and paper mill.

In dispute was the lack of testing done for dioxin in the Ohio River before the DEP gave the water permit to Parsons & Whittemore, the mill owners.

The DEP simply assumed there was no dioxin already in

the river, a faulty assumption given that dioxin had already been found by the U.S. Fish and Wildlife Services in fish samples.

At first the DEP denied the need for testing and even tried to tell the EPA it has no business reviewing state permitting. The agreement, however, calls for future testing and a modification to the permit if needed.

### The ACT Report

A monthly publication of the Affiliated Construction Trades Foundation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

Officers: Bruce Tarpley, President; Dave McComas, Vice President; Willard "Bubby" Casto, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

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## Here's How Workers Comp Bill Takes Away Your Rights

■ Claimants must show a minimum 50 percent disability to apply for permanent total disability. The loss of a foot, for example, is considered a 35 percent disability. Before, workers with a five percent disability could apply for permanent disability benefits. A permanent disability award would depend on the nature of the work and the injury.

■ The award will stop whenever the recipient begins receiving Social Security benefits. Previously the award was reduced by half of the amount the claimant gets from Social Security. Most people with permanent disabilities get the minimum Social Security payment because their last years of earnings are low due to their injury.

■ A panel of physicians, appointed by the Workers Compensation director, to review claims for permanent disabilities will be established. Many fear that because the Gov-

ernor appoints the director and the director appoints the medical panel this board will be too political and a possible disaster for workers.

■ Workers will have no right to appeal any decision on injured workers' claims made by the appointed medical panel.

■ If a complication from an injury arises after five years, workers will not be permitted to re-open their claims.

■ Invasion of privacy will be permitted by allowing a worker's medical history to be discussed openly.

■ Any workers laid off within 30 days of their claim will automatically have their claims considered fraudulent and will have an even harder time getting their claims admitted.

This is especially tough on construction workers who face layoffs on a regular basis.

## Workers Comp Bill Is Passed

*Continued from page 1*

benefit restored.

The biggest surprise was the voting records of labor-supported candidates.

"Only three senators, David Grubb, (D-Kanawha), Rebecca White (D-Harrison), and Don Macnaughtan (D-Marshall) voted with labor," White said.

"We couldn't even get the four votes needed for a roll call in the Senate. It was a disgrace."

In the House of Delegates a

more heated battle was led by Larry Linch (D-Harrison), Gary Tillis (D-Putman), Barbara Fleischauer (D-Monongalia), David "O.B." Collins (D-Tucker) and Dave Whitman (D-Logan) among others.

Amendments to restore the

most important benefits for hard-hit workers failed. The final vote was 73-26.

"The people these changes are really going to hurt are those who are injured and their families," Smith said.

## Governor Wrong

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as much dioxin per acre per year as was sprayed per acre in Vietnam per year.

Current rules on dioxin allow it to be discharged into waterways. ACT asked why newer, dioxin free technology, isn't proposed for the mill.

In ACT's TV program, Admiral Elmo Zumwalt, the highest ranking U.S. Navy admiral during the last years of the Vietnam War, said thousands died as a direct result of exposure to Agent Orange which was used as a form of chemical defoliant during the Viet-

nam war.

The active ingredient in Agent Orange is dioxin.

"I have said all along every person and construction worker in the state has a right to clean air and water," said Tri-State Building Trades Council Business Manager Steve Burton.

"They also have a right to the jobs building that billion dollar mill in their own state.

"A small payback for the high price they will be forced to pay in using their natural resources and damaging their environment would be securing jobs for West Virginians."

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