



THE ACT REPORT

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State Boilermakers Share In \$300,000

Six members of Boilermakers Local 667, based in Winfield, received checks this month from LG&E Power Constructors, Inc., as part of their efforts in the Boilermakers'

the Boilermakers' Independent Power Producers Agreement.

The union negotiated a settlement of outstanding unfair labor practice charges pending against LG&E.

and ACT Legislative Representative B. B. Smith.

All six agreed it was worth the few minutes they took to fill out applications.

"It's not always that simple,"



SHOWING BOILERMAKER PRIDE are (from left) Herbert Barker, Thomas Lucas, Raymond "B.B." Smith. Second row: David Sprouse, Ricky Paugh, and Earl "Moe" Mosteller.

Fight Back Program, according to Ronald Bush, Business Manager.

The Local 667 members joined other Boilermakers from Local 45 in Richmond, Va., and Local 193 in Baltimore, Md. in a settlement of nearly \$300,000, Bush said.

The Boilermakers were successful in organizing LG&E, which was

formerly known as Ultrasystems Western Constructors, Inc.

As a result of the Fight Back efforts LG&E Power Constructors has become signatory to

The agreement gave the six state members \$4,592.00 each.

"Members need to get involved more, whether it be picket lines, the Fight Back program or voting," Bush said.

'Members need to get involved more, whether it be picket lines, the Fight Back program or voting. It pays to get involved.'

Boilermakers 667 Business Manager Ron Bush

"It pays to get involved."

Receiving the payments at the local's June meeting were Earl "Moe" Mosteller, Herbert Barker, Ricky Paugh, David Sprouse, Tom "Bear" Lucas,

said Bill Thomas, ACT's industrial representative.

Thomas said the key to programs like Fight Back or COMET is for the union member to apply and be willing to

go to work for non-union contractors.

They must also participate in the union organizing effort and be in regular contact with their business agent.

"You have to talk with your local union business agent first," Thomas said.

"Then you also must be willing to take the job."

Grant Commission Fails In Lowering Prevailing Wages

The Grant County Commission has failed in its effort to lower the prevailing wage rates for its area.

The county commission argued the prevailing wages should be lower than those previously set down by the W. Va. Division of Labor. In doing so, the commission hoped to cut its costs for its Grant County Memorial Hospital expansion project.

ACT Northern Representative Steve Montoney has been fighting the commission for months over the project.

Montoney recently won a small victory, uncovered more surprising facts at the project

and continues to battle for fair treatment from the county.

Montoney began investigating hospital projects in Pocahontas and Grant counties when he heard Sen. Walt Helmick D-Pocahontas, was trying to lower prevailing wages for the area.

Montoney found the \$8 million expansion in Grant County was never put out for a competitive bid. The county simply negotiated a contract with Virginia builder Howard Shockey and Sons.

To make matters worse, Montoney found no prevailing wage rates in the contract. On

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AFL-CIO Comp Fund Is \$100,000

As of June 1 over \$100,000 has already been raised by the AFL-CIO for its campaign to inform the voting public about legislators' attack on Workers Compensation earlier this year.

"The money will be used strictly for the Workers Comp issue in letting the people know who our friends are and who our enemies are," according to West Virginia Labor Federation, AFL-CIO President Joe Powell.

The AFL-CIO made its request for a one-time voluntary donation of \$5.00 per member in April.

The ACT Foundation provided the donation on behalf of

its members.

"ACT is determined to keep the issue alive and we're doing

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AFL-CIO's Workers Comp Campaign Fund Already Holds \$100,000 For 1996

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all we can to work with the AFL-CIO," said ACT Director Steve White.

ACT ran ads in March critical of the new legislation passed.

The ads focused on the cuts to retirees, widows and seriously injured workers.

They also noted the lack of enforcement on a large number of corporate cheaters, and listed how legislators voted on the

bill.

In April, state Employment Commissioner Andy Richardson released a list of 413 employers who owe the state Workers Compensation Division more than \$54 million in unpaid premiums.

The Caperton administration has said the system is at least

\$1.4 billion short of the assets it needs to cover its long-term obligations.

However, auditors would

"I want to know why widows are the target and not the hundreds of deadbeat companies owing millions of dollars?"

State Building Trades Council Sec./Treas. Roy Smith

not sign off on their report stating Workers Compensation

records were so bad no real audit could be done.

Recently, John Kozak, the state Workers Compensation division's legal director, has been reported in news accounts as acknowledging talking with private lawyers about collecting some of the unpaid money.

Kozak has said private firms could claim between 20 percent and 33 percent of the money they collect on the Fund's behalf.

Powell said he finds it "offensive" private lawyers might be hired to collect unpaid workers compensation premiums.

In explaining how important this battle is for working men and women, West Virginia

State Building Trades leader Roy Smith pointed to the state's 'Widows Project.'

Smith referred to the West Virginia Bureau of Employment Programs' story in its May newsletter about investigating widows who receive workers' compensation benefits.

"This 'Widows Project' had numerous investigators visiting 2,900 widows during the last year," commented Smith.

"I want to know why widows are the target and not the hundreds of deadbeat companies owing the Workers Comp fund millions of dollars?"

"This is simply blaming the victim, and if it works for Workers Compensation then things like OSHA, social security, unemployment and other programs will be attacked next."

College Program Adds Three Union Graduates

Three more building trades members graduated with an Associate of Applied Science and Occupational Development Degree through the Construction Trades Training and Advancement Program (CTTAP).

The program is totally funded with federal Job Training Partnership Act (JTPA) money which is allocated to each state based on its unemployment.

"This is an excellent opportunity for union members interested in higher education," said Raymond Bias, CTTAP training and placement specialist.

There were 16 union members enrolled in the program as of the first of the year, Bias said.

He said in order for members to be eligible for funding through the CTTAP program, they must be laid off and certified through JTPA for job training.

"Basically, they only need seven classes to get an associates degree, which requires 64 hours of college credits," he said.

"The five colleges we work with award them 43 college

credit hours for their apprenticeships.

"That's 21 hours over two years which are the basics -- English, math, speech, science or computer science, psychology and humanities."

The five colleges are West Virginia State College at Institute, West Virginia University of Parkersburg, Fairmont State,

'Access to this program was much easier than I expected.'

*James Bradshaw
Millwrights 1755 Member*

Potomac State at Keyser, and West Virginia Northern Community College at Wheeling.

Among the graduates was James Bradshaw, a member of Millwrights Local 1755. Bradshaw received his Associate Degree in Applied Science from West Virginia Northern Community College with a 3.58 grade point average.

Bradshaw said he would recommend the program to any member.

"Access to this program was much easier than I expected," he said.

Bradshaw is the first CTTAP graduate for Millwrights Local 1755 according to Mark Estlack, business manager.

Estlack said encouraging members to take advantage of the college program has been his 'pet project' for several years now.

"We've had several members use CTTAP training, but Jim is the first to complete the Associate Degree Program," he said.

"I would like to encourage all union members, who completed an apprenticeship program, to take advantage of this opportunity."

Bias said any member interested in going to college through CTTAP needs to get on the ball now even though classes don't start until August.

"It's a very time consuming process to get certified and registered," he said. "They really need to call us as soon as possible."

Call CTTAP at 346-3863 in Charleston or 1-800-423-5027 if you're interested in getting a college degree.

TJM Negotiations

Continued from page 4
mass said. "I think Charlie drove a hard bargain because he was still looking at a merit shop deal."

Thomas believes two rig-welding crews from Louisiana have been brought to the job and are currently working there.

Also this month the National Labor Relations Board (NLRB) issued a complaint on behalf of more than 40 union workers who applied for work at the Trus-Joist project.

The unfair labor practice charges were issued at the request of the Boilermakers Union.

"We are not involved in the Boilermakers case," said Montoney, "but we can guess what it is about. Trus-Joist and their friends on the Upshur County Development Board have worked hard to deny lo-

cal construction workers who are union members from getting jobs."

ACT was involved in an earlier investigation with the NLRB concerning a 'company union' scam at the project.

In order to counter ACT's claims of discrimination, one contractor on the site claimed to be union. ACT investigated and found union dues were being deducted for the "United Services of America" based in Washington, Pa.

Apparently the NLRB agreed this was not a real union because workers who were charged "dues" have now received checks back from the company.

"We've put up a hard fight at this project," Montoney said. "Some people will do anything but hire local union folks. I can't stop that, but I can tell you it has cost them plenty."

Asked To Support Bill In Legislature

Counties Study Jobs Resolution

A wrench has been thrown into the works of ACT's plan to get the backing of West Virginia's county commissions for its jobs bill.

ACT officials had been visiting the state's 55 county commissions asking for a resolution in support of the West Virginia Jobs Act.

But Elizabeth Larson, director of the County Commissioners' Association, faxed a letter to all the commissions asking them to hold off on any resolutions until the Jobs Act is discussed at the association's August meeting.

At the same time Larson sent a letter from Mike Clowser, head of the Contractors Asso-

ciation of West Virginia opposing the bill.

"If the counties want to review the bill before voting on a resolution, that's fine," said ACT director Steve White.

"But to send out a letter from an anti-union group with misleading information was wrong.

And they would not give us an equal chance to give our view."

White contacted Larson and asked to meet and discuss the bill. "She told me she had already called the Chamber of Commerce and the Manufacturers Association who op-

posed the bill, yet she refused to give us a chance to do any more than write a letter," said White.

"I think she's taking the side

in support of the bill passed in Lincoln, Marshall, Wetzel, and Wood counties.

Since the fax was sent out Smith has visited two coun-

ties: Monongalia and Pleasants.

The

Monongalia County Commission was

not very re-

ceptive, according to Smith. But the Pleasants County Commission was in general very supportive, he said.

"They were very positive, but they would not go against what the executive director of the County Commission Asso-

ciation said. I think they would have endorsed the resolution if it had not been for the fax from Larson," he added.

Smith said he plans to attend the Ritchie, Calhoun and Preston County commissions next, and would like to hear from members who are willing to go along.

"We're going to visit as many as possible in July," he said. "We have got to continue the fight for the working men and women of West Virginia. Their side of the story has to be heard."

The West Virginia Jobs Act would require local people be hired for projects that are funded with local tax dollars.

'I think she's taking the side of big business as opposed to the working men and women of West Virginia.'

ACT Legislative Representative B.B. Smith

of big business as opposed to the working men and women of West Virginia," said B.B. Smith, ACT's legislative representative.

Smith, together with local ACT members, has been successful in getting a resolution

Grant Fails In Bid To Lower Prevailing Wage

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further investigation he uncovered a scheme by hospital officials to conduct their own 'survey.'

Montoney then discovered construction workers on the site preparation project were

not being paid the proper wage rates.

According to Montoney, the hospital claimed these workers were their own employees. In fact they were employees of Gerald Sites Construction.

"The bottom line is these

'public servants' figure we construction workers make too much money.

"The county commission was talked into by-passing the law with a bogus wage survey of house builders and handymen," said Montoney.

Montoney did his own 'wage survey' looking at salaries of top hospital officials.

ACT uncovered IRS documents showing the hospital administrator, Robert Harman, made over \$85,000 in 1993, a healthy increase from \$55,000 he made in 1991.

These documents also show a doctor for this county-operated hospital, John Hahn, was paid in excess of \$855,000 in wages and expenses in 1993. This same doctor collected \$637,927 in Medicaid payments in 1994.

"Yet they can't afford to pay construction workers prevailing wage," Montoney commented.

ACT urged the West Virginia Division of Labor (DOL) to investigate the project.

At the same time, Grant County officials formally challenged the prevailing wage rates set by the DOL.

The matter finally was de-



cided in May when a hearing was held before Hearing Examiner James W. McNeely.

When questioned by the DOL's attorney, Grant County officials acknowledged they had no right to do their own survey.

McNeely tossed out Grant County's survey and upheld the DOL and ACT.

The most recent develop-

ment in the Grant County saga is the commission's proposal to sell county-owned land near the hospital to a private for-profit group, the Petersburg Industrial Development Corp.

The property has been earmarked by hospital officials as the site of the new Medical Arts Building.

Montoney said Petersburg Development is headed by James Paul Geary, who recently resigned as president of the hospital board.

"My guess is he resigned from the position so there wouldn't be a conflict of interest if his development company buys the property from the hospital," said Montoney.

"If they sell it to a private developer, it's no longer a county project and therefore prevailing wage goes out the window.

"Doesn't that seem like another scheme to cheat workers out of a living wage?"

ACT Foe Quits Post

After battling with the ACT Foundation for years, Division of Environmental Protection (DEP) Director Dave Callaghan has resigned.

Callaghan has been at the

center of the permit fiasco for Parsons & Whittemore's \$1.2 billion Apple Grove Pulp and Paper Mill.

"We are very happy to see him leave," said ACT Attorney Stuart Calwell. "Callaghan has done nothing but block our efforts from the start. He was the one behind the 'Cancer Creek' bill. He fought us on every permit challenge we have had.

"The departure of Dave Callaghan is a good thing for working men and women of West Virginia and a real victory for ACT."

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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Negotiations On TJM Job Don't Pan Out

Contractors on the \$80 million Trus-Joist Mac-Millan project backed out of a deal to bring in union pipefitters to fix the mess at their Upshur County plant, according to Bill Thomas, ACT's industrial representative.

Negotiations had taken place in May between sub-contractors on the job and Pipefitters Local 152, Morgantown.

At a site inspection, Charlie Jordan, Business Manager for Pipefitters 152, heard that of 10 welds tested 100 percent failed.

Thomas and Steve Montoney, ACT's northern representative, have been working for months

to expose the out-of-state hiring practices on this job.

The evidence of poor quality work did not surprise them.

"We knew they were importing folks from Arkansas and Texas and putting them up in company trailers," Thomas said.

Jordan demanded before any of his members went into the plant all existing pipe work be torn down and proper craft assignments be made.

He also insisted his local not be held responsible for any other labor actions on site.

"That's probably the reason the negotiations failed," Tho-

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GROUND BREAKERS at the opening of the Belleville Hydroelectric Project near Parkersburg are (from left) Beavin Seaman, business agent of Carpenters Local 899, Steve Crum of I.B.E.W. Local 968, Sam Davis, business agent of Parkersburg/Marietta Building and Construction Trades Council, B.B. Smith, ACT legislative representative, Gary Tillis, ACT fair contracting representative, and Mark Estlack, business manager of Millwrights Local 1755.

ACT Finds Navy Wage Mistake, Ohio County Workers Get More

ACT's standard check on construction projects in Ohio County uncovered an oversight by the Department of the Navy in early May.

Steve Montoney, ACT's northern representative, was

checking on a contract held by Coast Engineering and Construction, Inc. of Los Angeles, Calif., to demolish the Naval & Marine Corps Reserve Center in Wheeling.

He discovered Coast was not

paying the proper wage rate, and did not have a contractor's license nor a wage bond.

Next, Montoney requested certified payrolls from the Department of the Navy. When he received the payrolls, he also got a copy of a letter from R.D. Massie, Supervisory General Engineer of the Department of the Navy, to Coast Engineering concerning the wage rates.

"Payrolls #1 through #7 for the period of 26 March through 13 May 1995, indicate improper payment to the following [11] individuals," Massie wrote.

"All of the individuals were paid using a rate of pay less than that given in the contract's Davis Bacon Wage Decision. Please calculate the amount of restitution in the form of cancelled checks with 'Payment for Res-

titution' noted on the checks. Please use the contract wage rates for all future payments and payrolls," Massie's letter stated.

"All it took was a request for payrolls from me and the Navy noticed their mistake," Montoney said.

"It would be nice if this happened more often -- a simple request from ACT and the contractor corrects a problem," he commented.

Montoney said he also uncovered another problem at the Marine Center site.

"The other problem is with a sub-contractor, RTG Inc., which has no contractor's license or wage bond either," he said.

"And the withholding taxes were paid to North Carolina instead of West Virginia, which is in violation of state law.

"Almost all of RTG's employees have six exemptions listed on their W-4 tax forms which seems to me to be a weird coincidence. And both of Coast's operating engineers list ten exemptions. It looks to me like something is going on," he commented.

Because of all the other discrepancies with the payrolls, Montoney has asked a contract specialist at the Navy Department to verify that the social security numbers belong to Coast and RTG employees.

Montoney said RTG, based in North Carolina, was issued a cease and desist order from the West Virginia Division of Labor. The order gives it five days to comply with the law and acquire a wage bond or shut down the job site.

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