



THE ACT REPORT

VOLUME 5, NUMBER 5

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION



MAY, 1996

New Craft Joins ACT's Ranks

The ranks of ACT are growing again, this time with members of a new craft.

The members of United Union of Roofers, Waterproofers and Allied Workers Local 185 voted in early April to join the Affiliated Construction Trades Foundation.

The local, based in Charleston, is the first Roofers local to join ACT.

Gary T. Arthur is the president and Carl Harper, business agent for the Roofers, said his

organization has 150 members with 132 active and 18 retired.

The unusually cold and wet spring weather has kept some indoors, but approximately 70 percent of his members are working, Harper said.

Roofers do commercial, industrial, and residential roof work, as well as waterproofing.

The local also has an apprentice program with 25 students.

According to Harper, they must complete a four-year pro-

beginning July 1st, with 10 slots open for apprenticeships," he said.

"The working man is fighting to maintain the standard of living and wages and living conditions -- that's the working person in general -- union or not."

-Carl Harper, Roofers Local 185 B.A.

Harper said his members joined ACT because it is "an effective organizing tool and it also helps to police prevailing wage, and

I'm happy to be affiliated with them."

"ACT is real important to union members in West Virginia," he commented.

"They're doing a good job bringing unions before the public."

He said that oftentimes it is as important to nonunion workers as it is to union.

"The working man is fighting to maintain the standard of living and wages and living conditions -- that's the working person in general -- union or not.

Whatever unions win for the working man, we definitely help non-union workers, too," Harper said.

ACT Gets Backpay For Waterline Workers

Steve Montoney, ACT's northern representative, got \$1,600 in backpay for employees of nonunion Holley Brothers Construction.

"I got a tip from Sammy White, business manager for Laborers Local 984, who had been approached by a former employee of Holley Brothers, based in Gallipolis, Ohio," Montoney said. "Sammy referred the problem to me."

Holly Brothers was working for the Region VII Planning Council. Region VII is responsible for securing loans and financing for construction projects

in Barbour, Braxton, Lewis, Upshur, Gilmer, Tucker and Randolph counties.

In return, the Council receives a fee from the construction companies that are awarded the contracts for labor compliance monitoring.

"In other words, Region VII gets the financing for the construction, and then is supposed to make sure the money is spent according to West Virginia labor laws," Montoney explained.

In the case of Holley Brothers Construction, the company was 'exchanging for lunch-in-lieu-of one half hour of pay per day,' according to a letter to Montoney from Bob Coit, Region VII's executive director.

"The men had to arrive to work a half hour early if they wanted to eat lunch," Montoney said. "Which is not legal according to West Virginia labor laws."

After being informed by ACT of the unlawful scheme, Region VII checked it out and later forced Holley Brothers to backpay the workers involved a

total of \$1,619.41.

Montoney said he has had constant fights with Region VII over the release of certified payrolls.

"They won't give us certified payrolls, because they are supposed to be handling the compliance issues themselves," Montoney said. "But it took a

call from the ACT office to alert them to this discrepancy."

Holley Brothers was working on two waterline projects -- Chestnut Ridge and Sugar Creek in Barbour County, and has completed numerous others across the state.

"We are back-checking other jobs they've done elsewhere,"

he said.

"It's my theory that if they cheated on these two, they're probably doing it on others," Montoney said.

"We're going to pursue this through the state Division of Labor to make them come into compliance on other projects

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CONTRIBUTING to Sen. Jay Rockefeller's campaign for U.S. Senate are representatives of Sheet Metal Workers' Local 33. From left are Jay Harrison, B.A. Charleston, Sen. Rockefeller, Harry Oiler, B.A. Parkersburg, and Wesley Truman. Youth-to-Youth apprentice.

Building Trades Members Running For Office

For the primary election coming up May 14, there are several legislative candidates who are members of building trades unions, including two ACT employees -- Bill Thomas, industrial representative and Steve Montoney, northern representative.

Thomas is a member of Boilermakers Local 667 and Montoney is a member of Brick-

layers Local 15. Both are making their first attempt at campaigning for office.

Others include incumbent Gary Tillis, a former ACT employee, and a member of Laborers Local 1353; Larry Linch, also an

incumbent, and a member of Carpenters Local 476; David

Walker, a member of Operating Engineers Local 132; Kenneth

"In the past, we've seen so many politicians who claim to speak for working people when in fact after they got labor's support spoke for no-one but themselves."

*-Bill Thomas,
Member of Boilermakers Local 667
and House of Delegates Candidate*

Livingston, Boilermakers 667, and Joseph Weiland, of Labor-

ers Local 1353. Most cite the need for more labor-friendly legislators as their reason for running for office.

"In the past, we've seen so many politicians who claim to speak for working people when in fact after they got labor's support spoke for no-one but themselves," said

Bill Thomas. "How could anyone who's never actually earned a living by working in the hot sun or in cold weather have any idea of what it's like," he said.

Thomas is running for the House of Delegates 32nd District which covers a portion of Kanawha County, and has about 30,000 voters.

Both Thomas and Montoney
Continued on page 3

West Virginia AFL-CIO Primary Election Endorsements

STATEWIDE

Gubernatorial: Charlotte Pritt
U.S. Senate: Jay Rockefeller
Attorney General: Darrell McGraw

Joseph P. Albright (Supreme Court 12 yr. term)
Arthur M. Recht (Supreme Court 12 yr. term)
Robin Davis (Supreme Court unexpired term)

CONGRESSIONAL

1st District: Alan B. Mollohan

2nd District: Bob Wise

3rd District: Nick Joe Rahall

STATE SENATE

1st: John G. Chermenko
2nd: Gene Tribett
3rd: Louis F. Flade

4th: Steve Donohew
6th: John Pat Fanning
7th: Moss R. Burgess

8th: David Grubb
9th: Bruce O. Williams
10th: Bill Morefield

11th: Bob Holliday
12th: Mike Gissy
13th: Vernon Swisher

14th: Jon Blair Hunter
16th: Herb Snyder
17th: Richard L. Hines II

STATE HOUSE OF DELEGATES

1st: David Scott Barrett
Jeff Davis
Loretta Price (R)

13th: Brady Paxton
Gary Tillis*

21st: Ernie Kuhn

30th: Pam Nixon
Conni Grato Lewis
Curtis G. Robinson, Jr.
Larry L. Rowe
Gary L. "Gig" Robinson II
Sharon Spencer
Roger L. Weir

41st: Ron A. Fragale
Larry Linch*

2nd: Paul R. Higgins

14th: Larry W. Robinson

22nd: Mike Joe Gonzales

15th: David Bell (R)
Margarette Leach**
Mark Forest Underwood

23rd: Ted Angle
Joe Sparks

31st: Norman Ferguson

42nd: John R. Taylor

4th: Kenneth D. Tucker
Scott G. Varner

16th: Susan Hubbard
Joe Hutchinson
Jack R. McComas

25th: Richard D. Flanigan
Gregory S. Prudich

32nd: Lucille "Lue" Chandler
Bill Thomas*
Debra Whanger
David R. Workman

44th: Bob Beach
Eugene Claypool
Barbara Fleischauer
Twila S. Metheny

5th: Mark Tucker

17th: Jerry "Mike" Damron

26th: Mary Pearl Compton

33rd: David A. Walker*

46th: David "O.B." Collins

6th: Kenneth R. Livingston*

18th: Larry Jack Heck

27th: Larry Van Cox
Virginia Mahan
Warren R. McGraw II
Clyde D. McKnight Jr.

34th: Brent Boggs

51st: Larry D. Miller

7th: Paul Janes

19th: Grant Preece

28th: Jim Gerl
Tommy D. Scarles

35th: George Kallai

54th: Laura R. Rose

9th: Larry Godfrey

20th: Tracy Dempsey
Harry Morgan Freeman
Noel A. Napier
David E. Whitman

29th: Sidney Fragale
Tom Louisos

37th: Stephen W. Montoney*

56th: Dale Manuel

10th: Sam Henry
Fred Gillespie (R)

11th: Joseph L. Weiland II*

40th: Steve Tilson

*Indicates building trades members. Please note: Districts not listed had no endorsed candidates, or no action was taken.

**Due to an editorial oversight, Margarette Leach, 15th District, was left out of the AFL-CIO endorsement list in the April issue.

Labor Candidates Running In Primary Election May 14

Continued from page 2
said support from members is important.

"I've gotten a lot of support from those who are involved and know how important politics are to labor," Thomas said,

"a lot of union members probably don't bother to vote and it hurts whether they realize it or not -- they're helping to elect someone by not voting," he said.

Montoney's district, the 37th, covers Randolph and

Pocahontas counties with about 16,000 voters.

Montoney said in some cases, union members are the hardest to get support from.

"You have to ask for help," he said. "Unions aren't really strong

in either one of these counties. But most of my supporters are connected somehow to unions. They're familiar with unions and how they work but aren't directly influenced by the building trades. It's a "hand-me-down" connection to unions."

Both Thomas and Montoney said labor issues would be high on their list of priorities if elected.

"We have to elect people who will apply more thought and reason into the decision making process and into legislation," Thomas said.

"And we need to quit electing political wimps that give in to every little whim, and make their decisions on whatever is politically expedient and profitable for themselves," he said.

"We need more statesmen and less politicians."

Montoney said he would work to pass the West Virginia Jobs Act and other legislation dealing with labor.

"I want to give grass roots people a voice -- those that have been pushed aside by the cliques in my area," he explained.

Gary Tillis is also in the race for a House of Delegates seat he now holds -- District 13 that includes portions of Putnam, Mason and Jackson counties.

He said his campaign is looking positive -- "I haven't had any negative feedback: the polls say I'm doing real well."

He said he thinks labor has been pretty smart -- there are a

lot more true labor candidates this election than there have been in the past.

"We can't win every seat, but I think we'll do very well."

Thomas said he has gotten a good education from this first attempt at the political process.

"It's been extremely difficult because you're pressured from the extremists from both left and right, and if you're not an

extremist for one side or the other then you become cannon fodder for both sides," Thomas said.

"But because of my running for office, I think I will always be more politically involved -- whether I'm running for office again or supporting a good candidate."

Thomas said ACT members have the right to vote, but too often throw that right away.

"We need to encourage our members to vote," he said.

"A lot think their vote is not important and it doesn't make any difference.

"I wonder why they think all those signs go up on the highway and all those ads go in the newspapers and the commercials on tv -- there are millions of dollars being spent because their votes do count."



Steve Montoney



Bill Thomas

ACT Members Doing Their Part



GOING DOOR TO DOOR for labor-friendly candidates in Cabell and Wayne Counties are volunteers from Carpenters 302. From left to right are Marion Priode, Jack Thompson, Randy May, Larry Rowe, John Dean, Bill Skeens and Jacob Ray.



RUNNING THE PHONE BANKS for AFL-CIO endorsed candidates are members of Sheet Metal Workers Local 33, Parkersburg district. From left are Marvin Skinner, Bob Haught, Larry Dick, Chuck Flohr, and Dave Clemens.

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; Jay Harrison, Vice President; T.L. Ranson, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

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ACT Gets Scoop On Harrison BOE Project Tmaro Must Backpay Workers For Overtime

Thanks to the ACT Foundation employees for nonunion Tmaro Corp. received compensation for overtime worked, but never paid.

"ACT wants to make sure we have a level playing field, and paying overtime is a rule that must be enforced," said ACT's Steve Montoney.

Montoney has been monitoring (and fighting with) the Harrison County Board of Education (BOE) and Tmaro Corp. for over two years.

He did everything he could to get certified payrolls from the BOE, including running billboards demanding the information.

In spite of everything he did, he couldn't get the scoop on the Tmaro Corp.

Then someone walked into his office and dropped some hot information right into his lap.

Montoney handbilled work-

ers last year at the Bridgeport Middle School where Tmaro was the main contractor on the job.

"One of the job superintendents was really angry with me," Montoney said. "We went into his office and 'discussed' for a long time my right to pass out information to his workers."

But nothing ever came of the handbilling.

Then a couple of weeks ago, the job superintendent for Tmaro (the one who had been upset over the handbilling) came into his office with a little information.

Bingo.

Seems he had quit his job, but had a large annuity coming to him.

"He told me he was concerned about getting his retirement money from Mark Owen, the owner of

Tmaro," Montoney said.

The information he brought to Montoney was a copy of the superintendent's [his] log a second set of books Tmaro had

"The public has a right to know this information, but they make it as difficult as possible. It's even a hassle to find out how much workers were paid."

*-Steve Montoney,
ACT Northern Representative*

been keeping on its workers.

"It had the men marked who had worked overtime, but weren't paid for it. Instead it was carried over -- for up to a couple of months," Montoney said. "It's called banking hours."

Bingo is right.

Montoney said he directed the gentleman to take the information directly to the Federal Department of Wage and Hour which has a regional office in Clarksburg.

Then came the pay-off.

Tmaro was forced to pay workers an undisclosed amount to compensate them for the overtime they weren't given credit for on the original books, Montoney said.

He has filed a FOIA request to find out the amount of money the workers were compensated.

"The public has a right to know this information, but they make it as difficult as possible," Montoney said. "It's even a hassle to find out how much workers were paid."

"And when a company or school board won't release the certified payrolls, which is required by law, we have no way of doing a check to see if they have complaints," he explained. "Yet we're constantly fighting to get them."

"The Harrison County School Board stopped us from getting the payrolls and in my opinion gave a green light to cheating. We were able to find out the facts despite this roadblock," said Montoney.

Montoney explains that some agencies are cooperative and thereby eliminate cheating. He has found the School Building Authority to be a very thorough and helpful agency.

"They obviously want qualified and responsible bidders when they use public funds, so we never have a problem when we're checking on SBA-funded projects."

"If we had more cooperation from other state and county agencies we could stop contractors from cheating workers," Montoney said. "We want to compete with skills, productivity and organization. Not on who can cheat the most."

Tillis Takes New Post At Laborers District Council

Gary Tillis, ACT's fair contracting representative, has left the foundation to take the position of assistant business manager for the West Virginia Laborers District Council.

Tillis was hired by ACT in November 1994 to utilize the fair contracting program, which includes monitoring construction projects in Southern West Vir-

ginia as well as checking for all necessary licenses, permits and other authorizations needed to legally do construction work in the state.

Tillis said his new duties involve basically negotiating contracts on behalf of members of West Virginia Laborers locals.

He also tries to solve any problems or complaints that may

arise by Laborers as well as furthering efforts to organize non-union companies.

Wetzel "Corky" Harvey is Business Manager of the Laborers District Council, and Tillis works directly for him.

"I'm looking forward to learning as much as I can from Corky, the work here is very complicated."

I am learning a tremendous amount each day."

According to Tillis, his greatest success with ACT was the renovation of the Woodrum's Building in Charleston, where the job was salted and ended up being a hundred percent union.



Gary Tillis

"I worked with Bill [Thomas, ACT industrial representative] and Bob [Sutphin, business manager of Carpenters Local 1207], and quite a few other agents on that job," he said.

"But as a whole, just being a part of ACT, we did a lot -- the whole staff - to increase the standard of

living for working men and women, be it union or nonunion," Tillis said.

As far as ACT goes it's heading in the right direction, he said, adding:

"ACT has come a long way in a short time. Unions have come a long way, too, and I think a lot can be attributed to ACT.

"ACT has the money to compete but I would like to see all crafts join. Then they could turn the whole state around in five or six years and get an even larger market share of work."

Waterline Workers

Continued from page 1
they've already completed, as long as statute of limitations has not run out on them."

Montoney said this is just another service ACT provides, but does not have the legal authority to enforce.

"We can ferret out the dis-

crepancies, but it's up to the authorities, including Region VII, to enforce compliance," he said.

"Our goal is to create an even playing field for all contractors. Holley Brothers is now less competitive with fair contractors because we increased their cost of doing business."

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