

# THE ACT REPORT

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CONSTRUCTION TRADES  
FOUNDATION

The ACT Foundation is an association of West Virginia building and construction trades unions, with offices in Charleston and Clarksburg. Bruce Tarpley, President; Steve Burton, Vice President; T.L. Ranson, Secretary Treasurer; Roy Smith, Executive Director; Steve White, Director.

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## INSIDE

BACKPAY Pg. 2  
ACT CONVENTION Pg. 2  
STATE TRADES Pg. 3  
ORGANIZERS MEET Pg. 3  
EMBASSY SUITES Pg. 4

# Members Get Ready For Legislature

*Thousands Of Letters Mailed To Senators & Delegates*

**W**ell over 1,000 letters in support of the West Virginia Jobs Act have already been mailed to legislators by ACT members.

And the letter-writing campaign continues.

"As far as I'm concerned, it would be great if we could get this many every week," said ACT's Legislative Representative B.B. Smith.

According to Smith local

political action committees are key to legislative lobbying.

"If the Jobs Act is to even be considered, ACT must have members who let their senators and delegates know they are in support of it, and we're well on our way to getting the message across to the legislature."

If passed, the Jobs Act would require 90 percent of all persons hired for construction

*Continued on page 2*

In Upcoming Session

## Jobs ACT Priority For Tillis And Linch

### Los Impuestos Que Usted Paga Ayudan A Pagar Por Este Trabajo De Construcción



La Construcción Del Hotel Embassy Suites Que Costara \$26 Millones en Charleston

***¡Lastima Que Usted No Puede Obtener Un Trabajo!***

Estos trabajos se van a trabajadores de Florida, Oregon, Carolina Norte y Sur, Missouri, California, Tennessee . . . mucho de Mexico. ¡Aun uno de Honduras!

Pregunten sus legisladores a ayudarles obtener los trabajos que sus impuestos hacen. Les pregunten a pasar el Acto Trabajos de Virginia Occidental.

**FUNDACIÓN GREMIO DE OBREROS CONSTRUCCIÓN AFILIADOS**

BRUCE TARPLEY, EL PRESIDENTE

WHAT DOES IT TAKE to get a message across to the Legislature? See Page 3 for a translation.



WRITING TO THEIR LEGISLATORS are members of Plumbers & Pipefitters Local 565, Parkersburg.

**A**CT members are fortunate to have Gary Tillis and Larry Linch as delegates at this year's legislative session.

Gary Tillis, D-Putnam, is assistant business manager of the West Virginia Laborers District Council.

Larry Linch, D-Harrison, is business manager for the North Central Carpenters District Council. This is Tillis's second term and Linch's third.

Both were asked for their view of the upcoming legislative session.

Tillis said the West Virginia Jobs Act would continue to be

**"I think probably the main focus is protecting what we currently have and not have actions taken in the Senate or House that is detrimental to Labor."**

**Larry Linch D-Harrison**

his top priority. Tillis is also interested in a Vendor Debarment bill which would allow public agencies to deny awards to companies who are delin-

quent in workers compensation or other types of state fees.

"A contractor can be de-

*Continued on page 3*

## Pulp Mill Back In News

**O**n January 17 developers Parsons & Whittemore said plans for the \$1.2 billion pulp and paper mill in Mason County were 'indefinitely postponed due to current world pulp market prices.'

"We have heard this before,"

commented ACT Director Steve White. "It was just a few months ago that a false story was aired about the mill being dead. We've learned these 'scare attempts' are usually just that."

ACT has been fighting for fairness in the case of the mill since its formation in 1992.

*Continued on page 4*

# WVU Workers Get Backpay From Probe

**Two workers got more than \$6,300 in back pay after an investigation by ACT's northern representative Steve Montoney.**

"They were working on a project installing telephone and communications systems at the new music and arts building at West Virginia University, which should have been a prevailing wage job because it's publicly funded," Montoney explained.

In October of last year, Tim Millne, assistant B.A. with the Laborers District Council in Morgantown, was visited by

the two workers.

"They were wondering if they were supposed to be paid prevailing wage," Millne said.

Millne learned the workers had been fired for asking their supervisor that very question.

"I said first off, you can't be fired for asking questions, and secondly, yes, it is a prevailing wage job."

He called Steve Montoney, ACT's northern representative who investigated their employer Pennsylvania-based Aerotec.

Montoney discovered that

Aerotec wasn't a communications contractor and was in fact acting as a hiring hall.

He contacted the Division of Labor (DOL) and a compliance officer from Monongalia

**"It was real good for me because I've been trying to show the people that let contracts at WVU the importance of hiring union labor and union contractors."**

**Tim Millne  
Laborer's District Council**

County, Phil Koloff, discovered the company did not have a contractors' license and issued Aerotec a cease and desist order. The company's books were audited in order to

recover back wages for the workers, and the DOL is auditing 20 other jobs the company did around the state.

"The workers had been with Aerotec for about 5 years on various prevailing wage jobs in Pennsylvania and West Virginia for \$10 to \$12 an hour.

"It was real good for me -- I've been trying to show people that let contracts at WVU the importance of hiring union labor and contractors," Millne said.

"After all this happened, I was given the opportunity to

meet with David Satterfield, President Hardesty's chief of staff, Scott Kelly, the vice president of administration and John Reed, general counselor at WVU. They are the three top dogs next to the University president," Millne said.

Millne and Rick Williams, business manager of the North Central Building and Construction Trades Council, presented the case for hiring union labor and contractors at WVU.

"I came away from the meeting pleased that not only did they agree to the meeting, I felt they really listened to what we had to say," he said.

## Members Get Ready For Legislature

*Continued from page 1*  
projects funded in whole or in part by state and local tax dollars to be from the local area including bordering counties.

Smith said getting the Jobs Act passed would benefit union and non-union local workers in numerous ways.

"It would benefit the state all the way down the line when workers from West Virginia are hired rather than Texas or Louisiana or in some cases people from outside the country who are illegal immigrants," Smith said.

"When they're using our tax money it only makes common sense that our money is spent in the local community."

Smith points out the Jobs Act is patterned after the Federal Appalachian Regional Commission (ARC).

"For 35 years ARC has had this same type of local hiring clause in their contracts," Smith said.

"We think it is a great idea

that West Virginia can copy."

Smith is continuing to visit every local in ACT and said he has intentions of getting every local involved.

Apprenticeship groups and legislative committees have been very helpful, he said.

"If your local doesn't have a legislative committee, I'm working on getting one."

Smith is also forming a network of members willing to call their legislators.

"We have a fact sheet made up about the Jobs Act that they can refer to when they're talking with their legislative representatives," he said.

ACT is also looking to work on issues like crane operator certification, contractor debarment, and apprenticeship requirements in state contracts.

"They are our top priorities right now, but I'm sure we will be involved in other things as they come up. We just don't know what they're going to throw at us, so we have to be

prepared for a fight."

If any member would like to participate in any way -- letter writing, phone calls, or even

visiting the legislature in person, call the ACT office at 1-800-930-9675.

"It's easy, really," said

Smith. "I'll be happy to send them all kinds of information about the Jobs Act and how they can help."

You're Invited To ...

## ACT's Annual Constitutional Convention

10:00 a.m.

Thursday, February 27  
Charleston House Holiday Inn  
600 Kanawha Blvd., East

Legislative Reception Beginning At 5 p.m.  
Top Floor -- "Windows On The River"

Open To All ACT Members -- For Further Information,  
Contact Your Local Business Agent

## Jobs Act Priority

Continued from page 1  
barred on the federal level for being delinquent on their taxes or premiums, but the state allows them to bid on and receive contracts," Tillis said. "I think West Virginians should be afforded the same right."

Linch wants to make sure labor can hold on to the gains we have made in the past.

"The main focus is protecting what we currently have and to stop actions taken in the Senate or House that are detrimental to Labor," Linch said. "More or less our position will be a defensive one - to fight off things we anticipate coming."

As far as workers' compensation is concerned the issue is not dead.

"Based on the court ruling we will have to at least make changes in benefits which are taken away when a worker reaches the age of receiving social security," Tillis said.

He said the West Virginia supreme court ruled that work-

ers compensation was not designed to take the place of social security, rather was an employer agreement, and has no relation to each other.

### Larry Linch

■ Vice-Chair Legislative Rule-Making Review

■ Agriculture and Natural Resources

■ Constitutional Revision

■ Industry and Labor

■ Judiciary

### Gary Tillis

■ Vice-Chair Parks & Recreation

■ Banking and Insurance

■ Industry and Labor

■ Judiciary

Linch said he is working on five or six bills that deal with changes in comp provisions.

"The changes would restore benefits to people who reach the age of social security and also widows benefits," he said.

A Crane certification bill is also on Tillis' legislative

agenda, which Linch supports as well.

"Basically it's a test for crane operators through the Division of Labor," Tillis explained.

Linch plans to get involved early so bills attacking workers won't get voted on.

"We're wanting to 'tactically' prevent things from getting to the House floor so we won't give those 'right-wingers' the opportunity to vote and pass anti-labor bills," he said.

That will occur in the committee stage, he said, by establishing relationships with the new speaker and the committee chairs to keep bad legislation from coming up on committee agendas.

Both Linch and Tillis agree that ACT members can accomplish a lot in the legislature -- if they get involved.

"They have to make sure their position on the issues is communicated to the people that represent them."

## State Building Trades Conference Held

**The West Virginia State Building and Construction Trades Council held a conference in late January.**

Attending were about 40 Building Trades agents, officers and organizers.

The conference dealt with legal issues, safety, OSHA inspections, NLRB decisions, school-to-work, election research, and prevailing wages.

Featured speakers were James Stanley, Vice President of AK Steel Corp., who focused on safety, and Stanley Zawatski, Pittsburgh Regional

Attorney for the NLRB, who discussed recent board decisions.

"The feedback has been very positive. But I think you can judge the level of interest by the full participation we had on Sunday morning at 7 a.m.," said Roy Smith, Secretary Treasurer of the WV State Building Trades Council.

The conference was organized by Steve Cook, director of the WV Institute for Labor Studies and held in Morgantown. Cook is a former business manager for Laborers Local 814.

## ACT Hosts First Organizers Meeting

**ACT hosted its first organizers' meeting in Parkersburg January 28 for affiliated locals' full time organizers.**

"It's the first time we had the opportunity to meet and talk with each other," said Jim Lewis, ACT fair contracting representative.

"That's the reason we decided to sponsor this meeting," said Lewis. "We need better communication and coordination and that starts by meeting and talking about

common goals and problems."

Lewis said the 14 members representing seven crafts, do essentially the same job.

"They're all working on organizing projects and doing

**"We need better communication and coordination and that starts by meeting and talking about common goals and problems."**

**Jim Lewis  
ACT Fair Contracting Rep.**

basically the same thing. We met in hopes of eliminating duplication, so that if one person gathers information about a construction project or con-

tractor, he can share it with other organizers," Lewis said.

"We talked about projects we have in common. It was an effective exchange of ideas."

He said one of ACT's goals for the meeting was to re-emphasize to each organizer and local that ACT is available to help them with anything they need.

"We wanted to let them know we're there for them. Our main purpose is gathering information that they could use, and whatever else we can do to help."

## Your Taxes Help Pay For These Construction Jobs



Charleston's New \$26 Million Embassy Suites Hotel Now Under Construction

## Too Bad You Can't Get One!

**These jobs are going to workers from Florida, Oregon, North and South Carolina, Missouri, California, Tennessee . . . A LOT from Mexico. One even from Honduras!**  
**Ask your legislators to help local workers get jobs your taxes create. Ask them to pass the West Virginia Jobs Act.**

## AFFILIATED CONSTRUCTION TRADES FOUNDATION

**BRUCE TARPLEY, PRESIDENT**

**THIS TRANSLATION RAN in the Charleston Newspapers on the second day of the legislative session. The Spanish version was given to Legislators on the first day.**

# Embassy Suites Still Site Of Problems

**The fight still goes on at the \$26 million Embassy Suites Hotel site in Charleston, the latest issues being safety, organizing and more picketing.**

This time, Bruce Murphy, a Cross Lanes carpenter, asked for a dust mask and ear plugs but was fired for his efforts.

On Friday Jan. 31, he was terminated by Cleveland Construction Inc. when he tried to discuss his safety concerns with an inspector from the U.S. Occupational Safety and Health Administration (OSHA). Two co-workers then went on strike in support of Murphy.

By the following Tuesday, more than 40 Kanawha Valley construction workers picketed outside the Embassy Suites site to protest Murphy's firing.

Murphy was hired to put up metal

studs and drywall for Cleveland. Murphy was also trying to organize Cleveland for Carpenters Local 1207

problems from the beginning," said Bob Sutphin, business agent for Carpenter Local 1207.



**ON THE LINE AGAIN** are members of the Charleston Building & Construction Trades Council. Members are committed to keep up the fight for local workers and safe jobs.

in Charleston.

"This project has been overrun with

"Out-of-state companies and workers have invaded Charleston -- even

illegal immigrants -- and all we want is jobs for local workers."

Sutphin said Murphy and other workers had complained they were not provided dust masks or ear protection he said.

An OSHA inspector came to the job site to investigate and questioned Murphy about conditions on the job.

"You never saw so many company people crowd around me and the OSHA guy," said Murphy. "They accused me of lying and they even got on the OSHA inspector for holding up the job."

In July of last year, the sub-contractor, Dee Shoring Co. of Richmond, Va. was the target of striking non-union workers over hiring, pay and discrimination issues.

Local trades also picketed in support and to let the public know about out-of-state and illegal immigrant workers.

view and may be out for public comment at the end of February.

ACT had the company's water permit, which was already issued by the state, thrown out last October because it violated state and federal limits.

Burton points out that Parsons & Whittemore's option on the land will expire in March. The 1200 acre site for the mill is owned by Appalachian Electric Power. Whether or not they renew the option will tell the real story on the future of the mill, said Burton.

In a related matter the West Virginia Economic Development Authority was recently forced to release more documents relating to the proposed mill. Surprisingly very little new information was brought to light regarding the project directly. However, much was revealed about the way the state development agency operated.

The documents include a 1989 letter, drafted by Industrial Development Office representative Rolland Phillips. Phillips wrote the letter for Parsons &

Whittemore, Inc. executives to sign and send back to the state. The letter detailed the companies request for assistance for the \$1.2 billion project.

Also disclosed is the states response, written by the same person -- Phillips.

"It's as if he's just a toady for the pulp mill," comments Stuart Calwell, ACT's attorney. "Do we have an employee on the taxpayers' payroll working as an agent for the pulp mill?"

"If they get to keep this all closed up from the public with this scheme to exempt the Development Office from the Freedom of Information Act, there will be absolutely no control over these things," Calwell said.

Previous reports detailed \$738 million in super tax credits and \$580 million in infrastructure costs for the mill.

"ACT members must look back and see how far we have come," White said. "Their commitment to fund ACT has earned a seat at the table for any major development project in the state. Union construction workers who pay into ACT deserve credit for leading the fight against corruption and deceit."

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## Pulp Mill Back In News

*Continued from page 1*

In many ways ACT grew out of the fight over the mill started by the Tri-State Building and Construction Trades Council.

"We've always wanted a mill at Apple Grove," said Steve Burton, business manager at the Tri-State Building Trades. "From the beginning we have simply insisted on two issues. First we

want a modern, environmentally safe mill. And second we want a commitment that local workers build and operate that mill."

"I don't think that's too much to ask given our taxes are going to pay for a big part of that project."

According to state regulators the project is very much still alive. The water permit for the mill is under re-