

# THE ACT REPORT

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

Charleston - (304) 345-7570  
Clarksburg - (304) 624-0682  
email actwv@compuserve.com



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## FOR CRANE OPERATOR CERTIFICATION AND TRAINING

# State Legislators Visit LU 132 Training Facility

**S**tate Legislators made a visit to the Operating Engineers' Local 132 training center near Parkersburg during legislative interim meetings last month.

The purpose of the tour was to learn about the labor-management training program for crane operators, and to focus on testing methods for the new crane operator certification law.

The Crane Operator Certification Bill was passed in the 1998 regular legislative session.

Next year the rules for testing crane operators will need to be defined.

Legislators wanted to familiarize themselves with the training facilities and training procedures to better understand pro-

posed crane operator certification rules.

One big issue is how to imple-

ment the requirements for both written and hands-on testing.

"Determining an appropriate

test for certification will be a top priority for us this session," said

Local 132 Training Director Dave Mullins.

"Specifically things like where should the test be given, how much will it cost, and the guidelines for passing or failing need to be addressed."

An industry committee has been selected to review rules which will be drawn up by the West Virginia Division of Labor.



PICTURED AT OPERATING ENGINEERS' LOCAL 132 training grounds are State Legislators and other interested people from around the state who are learning about crane operator training.

## NLRB Files New Complaint Against Kanawha Stone Co. Unfair Actions

**K**anawha Stone Company (KSC) has been issued a formal complaint by the National Labor Relations Board and is facing additional charges from Operating Engineers Local 132.

The complaint was issued because KSC refused to hire any of the 32 union members who had filled out applications during a period when it was doing extensive hiring.

This is the fourth in a series of charges filed by Local 132 against KSC, the first dating back to Feb. 24 1998.

The board set one hearing date, Feb 2, 1999, to hear all the charges against KSC.

- Discrimination in hiring
- Discouraging employees from engaging in concerted ac-

membership."

"The choice about whether to join a union should be up to the workers.

"We believe these repeated violations of workers rights by Kanawha Stone Company will deprive these employees of a free choice."

KSC has been awarded additional jobs on the Corridor H project and a project on W. Va. Rt. 68 in the past couple months.

"We don't want Kanawha Stone employees' jobs," said Local 132 organizer Tommy Plymale.

"We just want to get all con-

**"THE CHOICE ABOUT WHETHER TO  
JOIN A UNION SHOULD BE UP TO  
THE WORKERS"**

**BRUCE TARPLEY, BUSINESS MANAGER  
OPERATING ENGINEERS LOCAL 132**

The consolidated complaint outlines KSC's alleged illegal activities beginning in Nov. 1997 through the present.

The charges include:

- Interrogation and threatening of employees

tivities.

"The Operating Engineers made a commitment to KSC employees," said Bruce Tarpley, business manager for Local 132.

"If we successfully organize, all operators will be offered union

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## Tri-State Building Trades Establishes Scholarship In Attorney's Name



Lafe Chafin, Dave McComas of Laborers 543, Steve Burton of Tri-State Building Trades, and J. Wade Gilley, President of Marshall University are pictured holding a plaque acknowledging the endowment made by Tri-State to Marshall University in Chafin's name.

"The \$22,500 endowment to the University is a birthday present to our long time friend and attorney, Lafe Chafin, for all he has done for Tri-State Building Trades," said Burton.

The scholarship will be awarded to the most deserving dependent of a building trades member. Recipients will be required to apply.

The Lafe C. Chafin Scholarship is one of two founded by Tri-State for building trades dependents.

## CONTRACTOR DEBARMENT BILL IN THE WORKS

# Jobs Act, Workers Comp Among Upcoming Session's Top Issues

**Key issues for this upcoming session of the West Virginia legislature in January include the WV Jobs ACT and Workers' Compensation.**

"We intend to take the Jobs Act back to the legislature this session," said ACT Director Steve White.

"We will also bring up the Jobs Act Pilot project which was passed last session and then vetoed by Gov. Underwood."

The pilot consisted of three state jobs in which 90 percent of the workers would be from the local area.

"Local area" was defined as any where within a 75 mile radius of the job site.

Perhaps one of the biggest concerns this legislative session will be Workers Compensation.

"Now that we have proven there were drastic cuts to workers' benefits maybe we can make some progress in this area," said White.

ACT's actuarial study on the Workers Comp system revealed benefit cuts were so drastic the debt would not only be eliminated in a projected 40-year time frame but would also create a \$3.5 billion surplus.

Getting solid information is crucial to this complicated debate, commented White.

"The Chamber of Commerce led legislators to believe West Virginia had the highest Work-

ers' Comp rates in the nation," White said.

"However, when actual rates were compared ACT found West Virginia below average."

One new issue ACT will raise during the upcoming session has to do with contractor debarment.

The bill will have two parts:

**"BY HAVING A CONTRACTOR DEBARMENT LIST WE COULD BE SURE STATE FUNDED PROJECTS ARE GIVEN TO QUALIFIED, HONEST ... CONTRACTORS"**

**DEL. GARY TILLIS, D-PUTNAM & BUSINESS MANAGER, WV LABORERS COUNCIL**

■ One will stop contractors who have been federally debarred from bidding on state and local tax funded projects.

■ The other part will be determining a system for debarring contractors on the state level.

Debarment means a contractor is placed on a list and not allowed to bid on tax funded

projects.

Reasons for debarment on the state level would include being delinquent in Workers' Compensation payments, violations of the National Labor Relations Act, and/or doing unsatisfactory work.

If a contractor were to be put on the debarment list, he could

not be hired for any job which was funded with taxpayer money.

"We would like to develop a system similar to the federal system for debarment," said Del. Gary Tillis, D-

Putnam.

"There are a number of reasons for doing this, but the main reason would be to protect our tax dollars.

"By having a contractor debarment list, we could be sure state funded projects are given to qualified, honest and trustworthy contractors."

## Happy Holidays!

From  
The ACT  
Foundation



# SAK Environmental Is Removed From Federal Project In Wheeling

**A company prohibited from bidding any federal government work has been found by ACT on a federally funded project in Wheeling.**

SAK Environmental, Inc. and its owner, Frederick Blizzard, were convicted of violating federal laws for asbestos removal and disposal. Part of the punishment imposed was debarment.

Neither Blizzard nor SAK Environmental can bid or be awarded any federally funded projects.

Yet SAK was handed a \$600,000 HUD project in Wheeling, sponsored by the James H. Page III Learning Center.

"The job involved tearing down old Victorian houses which contain asbestos in both the ceiling and floor tiles," said ACT's Jim Lewis. "Eight new town houses are being built."

ACT first became aware of SAK in 1996 when it found SAK was improperly disposing of asbestos containing materials while on a church razing job.

During the same time SAK

was on the church razing job it was also discovered the company and its president, Fred Blizzard, were under indictment.

The indictment was the result of numerous violations of the Clean Air Act regarding the proper removal and disposal of asbestos containing material.

In Sept. 1998 Blizzard pleaded guilty to the counts in the indictment and was sentenced in federal court to one year and one day in jail.

In addition, Blizzard was ordered to spend two years on supervised release once he com-

pleted his sentence.

SAK was also ordered to pay a \$15,000 fine.

Only two months after his conviction, Blizzard and his company were given the housing project in Wheeling.

When the ACT affiliates in Wheeling learned this, the West Virginia Housing Development Fund was contacted and asked to investigate.

According to officials at the West Virginia Housing Development Fund, SAK has been ordered off the project.

SAK will not receive any profit from the work which has been done already.

"We now plan to find out why SAK was allowed on this project in the first place," said Lewis.

"It makes you wonder who really even pays attention to the debarment list."

"If we hadn't spoken up when we did and had this job investi-

gated, SAK would still be working regardless of its record."

Lewis was having a hard time getting any press coverage on the story. Working with ACT's B.B. Smith they both were able to get on WWVA, a talk radio station in the Wheeling area.

"The newspapers refuse to cover this story. But with the help of WWVA we were also able to get TV coverage and now we have the public informed about what is going on."

Lewis is also looking into contracts awarded to SAK by the City of Wheeling.

"While it is not illegal to give these contracts to SAK we want to know why taxpayers in Wheeling are not afforded the same protection from the city as they get from the federal government," said Lewis.

"We don't think a federally debarred contractor should get state, county or city funds."

## KSC UNFAIR

CONTINUED FROM PAGE 1

struction workers together to improve our industry.

"And when KSC needs more people we want our members to have a shot."

"We would like to be considered for work on these projects.

"Hopefully the outcome of this hearing will help us with that."

A number of projects have been awarded to non-union contractors on Corridor H, a major highway project from Elkins to the Virginia border.

Union members are actively filling out applications with these contractors and with job services.

"Because Corridor H is a project funded by the Appalachian Regional Commission, workers must come from within a 75 mile radius of the job site," said ACT's Donnie Huff.

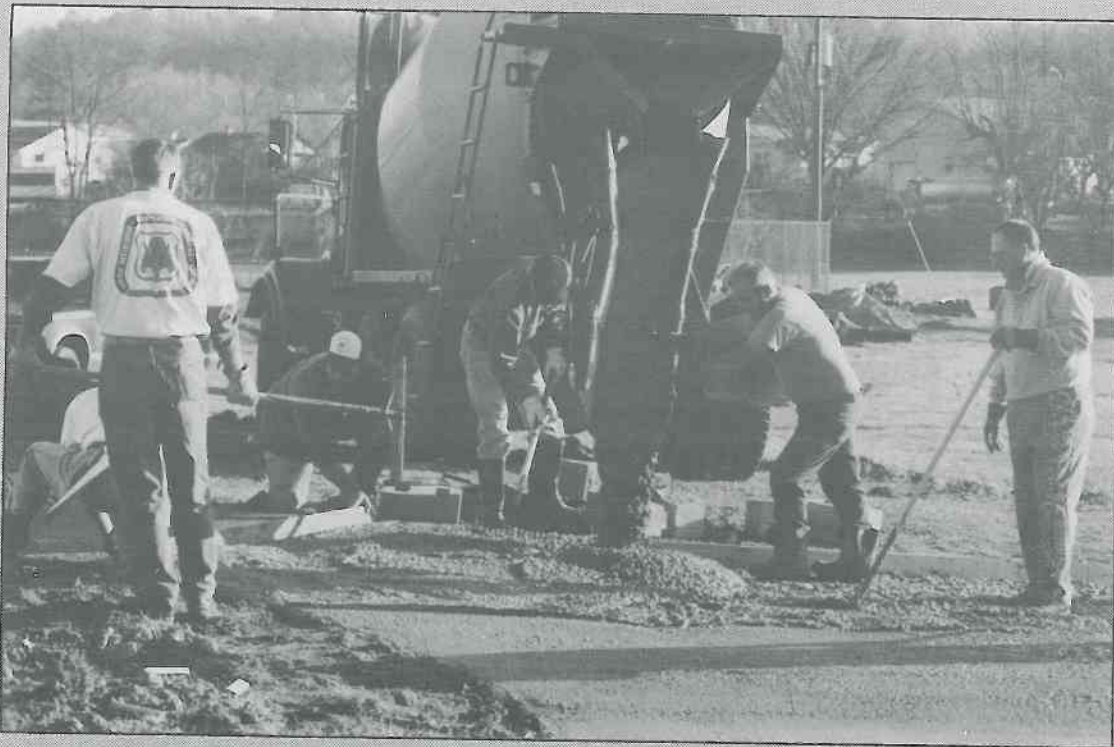
"But some contractors are already trying to get around that."

"In order for the contractors to get a deviance from the 75 mile radius, job services has to show there are no qualified people in the area."

"We hope by taking applicants to job services, we can make certain local workers get the jobs for the Corridor H project."

"All we want is a fair chance."

## Local Trades Help By Building Handicapped Access At School



**Volunteers pour concrete at the Nitro High School, in Kanawha County, for handicapped access sidewalks around the baseball field.**

**From left Mark Smithson (kneeling) of Cement Masons 887, Bob Sutphin of Carpenters Local 1207, two local volunteers, Lee Bailey of Cement Masons Local 887, and Mike Matthews of the Charleston Building Trades.**

## AT SOUTHRIDGE CENTRE EXPANSION

# Wal-Mart's Construction Overlooks Local Workers

**O**n Nov. 25, Bricklayers, Operating Engineers, Electricians, Pipe Fitters and Carpenters protested outside the Wal-Mart at Southridge Centre in South Charleston.

The members were letting the public know about the out-of-state contractors and workers to expand the current Wal-Mart store into a superstore.

"Basically I am tired of Wal-Mart getting away with overlooking local workers," said Dave Carte, business agent for Bricklayers Local 9.

"There are 12 contractors working on this expansion, only two of them are from

West Virginia."

"So even when they do use in-state contractors, not even half of them are from the local area."

"The only contractor on the job from our area is the paving subcontractor from Dunbar."

"What does this do for the local workers who are capable of doing this work?"

"We are getting nothing out of it."

The protestors handed out flyers with the list of contractors on the job and where they were from.

The response from the public was very supportive.

"The problem has to do with hiring out-

of-state people to do jobs West Virginians are capable of doing," said T.L. Ranson, Business Manager for Plumbers and Pipefitters Local 625.

"We are good enough for Wal-Mart to

take our money, but apparently we are not good enough to build its stores."

The protest continued on December 4<sup>th</sup> and plans are for more protests during the holiday season.

## Building Trades Leaders Work On Blueprint For The Future



Among the 30 participants in ACT's strategic planning meeting were (from left) George Pinkerman of Boilermakers Local 667, Steve Burton of the Tri-State Building Trades, Randy May of Carpenters Local 302, Mark Smithson of Cement Masons Local 887, Paige Humphries of Asbestos Workers Local 80, and Bruce Tarpley of Operating Engineers Local 132.

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(304) 345-7570

## Beckley Mechanical Faces Numerous Complaints From NLRB

**S**heet Metal Workers Local Union 33 may have lost the battle in its election bid at Beckley Mechanical -- but it hasn't lost the war.

The local filed several unfair labor practice charges against Beckley Mechanical last month, and the National Labor Relations Board (NLRB), in agreement with the union, has issued numerous complaints.

Local 33 Organizer Randy Gombus began the campaign at Beckley Mechanical in March of this year and was joined later by Organizer David Mains.

The owners immediately began interrogating employees when they learned of the campaign, and the organizers began facing major resistance from workers.

That led Gombus and Mains into deciding to back off for a few months.

When they came back in full force in

June and July, an overwhelming majority of workers signed authorization cards.

In September they filed for an election with the NLRB.

The election was held on Oct. 7 and was lost tragically by a 17-4 vote.

"We did not have a fair election," said Gombus.

"Beckley Mechanical's owners threatened to close down the plant if the employees voted for a union.

"They even threatened their employees with a letter.

"How much more proof do you need that the employees' rights were violated?"

An Administrative Law Judge will hear the case in Beckley on December 21.

One of the remedies the NLRB is asked for is a bargaining order.

If successful, no new election will be needed and the company will be ordered to bargain with the union.