

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.

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ACT Commercials Get National Award

ACT's television commercials received two Telly Awards, a nationally recognized award for TV advertisements.

ACT's "Drop in the Bucket" commercial received a winning Silver Telly, and "Family Portrait" got a finalists Bronze Telly.

The Telly Awards began in 1980 to honor non-network and cable TV commercials.

The commercials are rated by the judges on a 10 point scale.

Those entries which score a 7.0 to 8.9 are called finalists and receive the Bronze Telly. Those entries which score 9.0 or better

are called winners and receive the Silver Telly.

Entries compete against high standards of excellence rather than each other.

There were over 10,000 entries this year.

"One of ACT's main goals is to inform the public about the contribution organized construction labor makes to our communities," said ACT President Bruce Tarpley.

"We are very proud ACT has been recognized nationally at this level."

ACT hired the Charleston based firm, Image Associates, to produce the commercials.



WINNING SILVER AND BRONZE for ACT TV commercials wasn't easy against competitors like ESPN, Walt Disney, McDonald's, Kroger and Bell Atlantic.

Labor Ready Complaint Upheld

Administrative Law Judge Benjamin Schlesinger recently upheld a complaint issued by the National Labor Relations Board against Labor Ready, a temporary employee company.

The charges, brought by the Tri-States Building Trades, will have a far reaching effect on Labor Ready and may impact all temporary hiring agencies.

Shortly after Labor Ready opened their first West Virginia office in South Charleston about 50 members of both the Tri-State and Charleston Building Trades put in applications for work. That was in November of 1996.

Soon thereafter, two union

supporters were successful in salting a site in St. Albans. That's when Labor Ready brought out a surveillance camera and banned union supporters from their offices.

Now, two years later, Labor Ready has been directed to confess and pay up.

Labor Ready was ordered to post a notice to employees, at more than 270 sites across the country, informing them of their rights and promising not to engage in certain policies and activities which violate their rights.

In addition, Labor Ready was ordered to pay ACT's Donnie Huff back pay for work he may have lost as a result of its discrimination against him.

The Tri-State Building and

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California Voters Defeat Prop 226

Voters in California sent a strong message to the nation on June 2 with their defeat of the anti-worker Proposition 226 by a 54 to 46 percent vote.

Prop 226 was an attempt by right-wing activists to force working families out of the political process by requiring that each union member agree to how union PAC money is spent before the money is allocated.

Dubbed the 'Paycheck Protection Act' the goal was to tie up union resources on administrative chores and cripple workers efforts to be involved in the political process. Their anti-union effort clearly did not work.

"When union members and voters are given correct information and are educated about the issues they plan to vote

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State Council Leader Says...

"Supreme Court Race Has Consequences"



Roy Smith,
Secretary-Treasurer,
WV State Building Trades

The upcoming Supreme Court election will be the most important race for working families this election cycle.

Members of the West Virginia Supreme Court make decisions which greatly affect working people and their families. Many workers' compen-

sation, domestic law and tax issues are ultimately decided in the Supreme Court.

The court is composed of five members elected in staggered twelve-year terms.

Due to the length of the Supreme Court Judges terms and the role they play interpreting and applying laws passed by the Legislature, who

is elected to the Court matters greatly. This year voters will be asked to choose between two candidates to fill an unexpired term which expires in 2002. Two other seats on the Court will be up for election in 2000.

The outcomes of these elections over the next two years will greatly impact West Virginia's public policy for the next decade.

This November voters will decide between Democrat Warren McGraw and Republican John McCuskey to sit on the state's highest court.

McCuskey is currently a member of the court appointed by Governor Underwood to fill the unexpired term created by the resignation of Justice Neely earlier this year.

He has pledged not to accept contributions from attor-

neys in his bid to retain his seat on the court but his campaign is well financed by business interests in West Virginia.

McGraw, a Wyoming County attorney, is a former State Senate President. His brother, Darrell McGraw, is West Virginia's Attorney General and a former Supreme

By Roy Smith

Court Justice.

Candidates for the Court run under strict restrictions regarding stating their positions on particular issues.

They are prohibited by the Judicial Canon of Ethics from specifically addressing how they would stand on any given issue and can essentially only speak to their experience and qualifications while campaigning.

These restrictions often lead to the low-profile nature of these important races with many voters.

Clear distinctions exist between the candidates this year. McGraw has a long history of fighting for working people. McCuskey has spent his professional life representing business interests.

Due to the restrictions placed on the candidates the role of various interest groups -- including organized labor -- of getting information to voters to help them make a decision is critical.

You can help in this effort by discussing this race with your family, friends and co-workers. Stress the importance of the Supreme Court and its effect on working people.

Work hard to make sure everyone knows the facts about each candidate.

This election will affect working people for years to come.

We must give it the attention it deserves.

NLRB Forces X-Cel Masonry Settlement

The National Labor Relations Board (NLRB) has forced a settlement in the case against X-Cel Masonry, despite union objections.

The Bricklayers District Council of West Virginia refused to sign the settlement with X-Cel Masonry but the NLRB elected to settle the case under its terms.

According to the settlement, X-Cel must post a notice to employees informing them of their right to organize, however, it is not required to pay backpay to the striking employees.

Unfair labor practice charges were filed against X-Cel by Leroy Hunter of the Bricklayers District Council, and a formal complaint was issued in November.

The charges were filed because workers were punished after attempting to organize at the Holiday Inn project in Huntington.

Some of the workers went on strike shortly after the suit was filed, including two salts who are members of the Bricklayers.

X-Cel argued the reason the men were not called back to work is because the company has no future work.

"I feel they closed down in an attempt to cut liability as a result of the unfair labor practice charge," said ACT's Steve Montoney.

The NLRB found this to be the case, however, because the union could not prove X-Cel was in business the NLRB refused to pursue any monetary or reinstatement charges.

"We feel the workers are entitled to back pay because they were not reinstated for the remainder of the time X-Cel

"WE FEEL THE WORKERS ARE ENTITLED TO BACK PAY BECAUSE THEY WERE NOT REINSTATED FOR THE REMAINDER OF THE TIME X-CEL WORKED ON THE HOLIDAY INN PROJECT."

**STEVE MONTONEY
ACT FOUNDATION**

worked on the Holiday Inn project," said Montoney.

Perhaps in retaliation X-Cel hired the anti-union firm of Holroyd and Yost to file Unfair Labor Practice charges against the Bricklayers District Council claiming coercion of X-Cel supervisor and union member Glen Hager.

"The charges were without merit eventually withdrawn by the company," said Hunter.

"We get accused of filing frivolous charges but I believe, if you look at the facts, companies like X-Cel with the help of union busters like Holroyd are the ones who abuse the system."

"For Benefit of All"

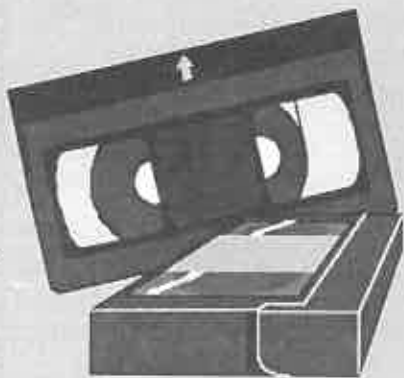
Expect a video from ACT in the mail later this month. ACT plans to mail a video to all members to show what ACT has been doing since it was started over six years ago.

"One of ACT's goals has always been to show members where their money is going," said ACT Director Steve White.

"I think the video does an excellent job of accounting to members on their investment."

The video, "For

Benefit of All," is a 29 minute presentation of the history of ACT and its accomplishments.



Since December of 1992, ACT has seen many great victories for workers and their families by speaking out against injustices in the workplace.

The video illustrates some of the most memorable of those victories and also reminds members they are a part of these accomplishments as a result of joining ACT.

White explained using a video to inform members was a new approach that ACT is testing.

"If we can keep more members informed, and keep the costs down, video is the way to go," said White.

Each video cost only \$1.15 plus shipping.

EXXON STATION INVESTIGATED

DOL & INS Team Up To Police Work Site

Illegal aliens and unlicensed contractors. It is an increasing problem in West Virginia but fortunately state Division of Labor and federal immigration officials are teaming up to meet the challenge.

Five suspected illegal aliens were found pouring concrete while remodeling an Exxon station in Bridgeport, WV.

Tyree Organization, Ltd. of Sterling, Va., was in charge of the operation.

When the five workers from Tyree were approached by an

agent from the West Virginia Division of Labor and asked for identification, only three of them had any form of ID on them.

Frank Beverly of Immigration was called in to investigate, but as of now there is no word on the status of the workers.

In addition to the suspected aliens, Bob Goff, Director of Wage/Hour of the West Virginia Division of Labor, found one of the subcontractors installing the gas pumps, HGA Corporation, also of Va., had no West Virginia contractor's license.

HGA was given a cease and desist order and work at the

Exxon station has temporarily stopped.

"It is common practice for these large corporations to import workers to replace the local work force," said ACT's Steve Montoney.

"I encourage people to look and see who is building the large franchise operations like gas stations and restaurants before they decide to shop or eat at these places.

"I think everyone should ask the managers and owners why they are not using local workers to build these places if they want local workers and their families as customers."

LABOR READY

CONTINUED FROM PAGE 1

Construction Trades Council filed the unfair labor practice charge, on behalf of Huff, against Labor Ready in May of 1997 and a complaint was issued in August of 1997.

Labor Ready is a company which supplies workers in a variety of fields, including construction, to various employers.

Potential employees would fill out applications, list their qualifications, and then return home

Schlesinger also found that Labor Ready office manager Mike Tucker unlawfully barred Huff from Labor Ready offices nationwide based on this policy and Tucker unlawfully barred Huff from employment because of his organizing efforts.

Tri-State's organizer Tom Williams believes the Labor Ready decision may have a big impact on the rights of applicants in other situations.

In 1992 the US Supreme

"WHEN THEY REFER CONSTRUCTION WORKERS AT LOW WAGES AND NO BENEFITS IT IS A DIRECT ATTACK ON OUR MEMBERS"

**STEVE BURTON
BUSINESS MANAGER, TRI STATE BUILDING TRADES**

and wait for someone to call with a job.

However, Labor Ready pays the workers whom it supplies and not the employers to which they are sent. Construction workers are paid as low as \$6.00/hr.

"We will not bow down to these temporary agencies," said Tri-State's Business Manager Steve Burton. "When they refer construction workers at low wages and no benefits, it is a direct attack on our members and their ability to make a living for their families. Our job is to organize, and that is what we will do."

Schlesinger ruled Labor Ready's policy forbidding non-employees from soliciting on the office premises did not apply to Huff because he was, in fact, an employee applicant and protected by the National Labor Relations Act.

Court, in *Lechmere, Inc. vs. NLRB*, ruled against the NLRB which held that a non-employee union organizer must be allowed to handbill and picket on mall property. The court ruled these rights should be extended to employees only.

"By his decision to extend certain rights to include employee applicants, Judge Schlesinger may have affected the partial restoration of our rights which were denied by the *Lechmere* decision," said Williams.

"I am extremely pleased by the judge's decision. I am confident the court will uphold it."

Labor Ready had until May 28 to accept the decision or appeal.

At this time it appears they will be appealing the case which will now go to the National Labor Relations Board in Washington, DC.

AGAINST KANAWHA STONE COMPANY

NLRB Complaint Backs Union

The National Labor Relations Board issued a complaint against Kanawha Stone Company (KSC) on June 2, for numerous violations of federal labor law.

A hearing is scheduled for early November.

Charges were filed after eight year employee, Phil Selman, was fired once company officials learned he supported a union.

Because of mass picketing and handbilling of several KSC sites by Operating Engineers, Laborers and Teamsters, as well as several other locals, Selman was called back to work after two months.

The original charge against KSC was

filed by Local 132 in February 1998, and additional charges were filed in both March and May. Amended charges pointed to em-



TALKING TO KANAWHA STONE COMPANY employees about a volunteer organizer Phil Selman.

ployer interrogation and threats to employees regarding the union organizing effort.

The issuance of a complaint by the NLRB means that after an investigation the NLRB believes the charges filed by the union are valid and will now take on the case.

"I am confident that the Administrative Law Judge will rule in our favor," said Operating Engineers Business Manager Bruce Tarpley.

"We have a good case against Kanawha Stone and the law is on our side."

Back on the job, Selman is more active than ever.

"We are going to get a union at Kanawha Stone Company," said Selman.

"Almost everyone I've talked to wants to sign a card and get an election."

PROP. 226 FAILS

CONTINUED FROM PAGE 1

on, then fair decisions can be made," said Kenny Perdue, Secretary-Treasurer of the WV AFL-CIO.

"I believe that is exactly what happened in California.

Throughout the state union volunteers walked more than 5,000 precincts, visited 18,000 worksites and made 650,000 phone calls to union homes.

Proposition 226 backers had hoped to use California as a springboard for their campaign to drive

working families out of politics nationwide.

"It's time for people to realize that the Gingrichs of the world are out to silence union members and their families," said Perdue.

"We have to stand up and fight back. And we really appreciate what the union folks did in California.

"It helps us here as well."

Over 24,000 new union member political activists came to California and joined those who were already in the fight against Prop 226 during the course of the campaign.

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Attention Veterans!

All veterans are being encouraged to contact their VA hospitals to register to receive a health card.

Veterans need to make sure they do this before October 1, 1998, due to changes resulting from the federal Veterans Health Care Eligibility Reform ACT of 1996.

Veterans can register after this date, but funding issues will be decided upon the number registered before Oct. 1, 1998.

You have less than four months to register for your VA Health Card!

Call VAMCs in:

Beckley - 1-800-606-4573, Ext. 4246

Huntington - 1-800-827-8244, Ext. 3541

Martinsburg - 1-800-817-3897

Clarksburg - 1-800-773-0512