

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; Randy May, Vice President; T.L. Ranson, Secretary Treasurer; Roy Smith, Executive Director; Steve White, Director.

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Amendment #1 Handed 65-35 Percent Thrashing

ACT's blitz campaign against Amendment 1 on the November 3rd ballot led to voters turning out in large numbers to thrash the amendment at the polls.

The amendment was defeated 65% to 35% and ended up being one of the hottest races of the election.

TV, radio, newspaper and direct mail advertising were used to get out the word that Amendment 1 really boiled down to a property tax break for big business.

"We were told the amendment was about infrastructure - roads, bridges, water and sewer projects," said ACT Director Steve White.

"But when we studied it we found out it was about everything but infrastructure."

Amendment 1 would have allowed counties and cities to let private companies redirect their

property tax to pay their own mortgage.

Since property taxes are not collected on roads and bridges, it raised the question of what the

voters would be treated like other public money with prevailing wages, public bidding and open records.

"When we couldn't get clear

fight like this is to go directly to the public," said White.

ACT's advertising campaign to defeat Amendment 1 may have done more to influence the voters this election than was anticipated.

Some Republican candidates who were defeated in the Nov. 3 election say the "NO on 1" ads were a contributing factor.

A Charleston Gazette headline, "Walters blames 'No on 1' ads," cited Ron Walters, the Republican candidate for Senate in Kanawha County.

Walters claimed ACT's ads helped Democrat Brooks McCabe defeat him with a large Democratic turnout.

"We certainly hope our ads increased voter turnout," said ACT's Steve White.

"For whatever reason, the election results were dramatic."

"We now need to press ahead with real economic development programs focused and dedicated to infrastructure and guaranteeing jobs for local workers."

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**ROY SMITH
SECRETARY, WEST
VIRGINIA STATE
BUILDING TRADES**

**NO
ON
1
VOTE NO ON
AMENDMENT
ONE!**

real purpose of the amendment was.

White and State Building Trades Secretary Roy Smith went to proponents of the bill to find out answers.

They wanted to know who was eligible for the tax breaks, and if the bonds approved by

answers we knew we had serious trouble" said Smith.

"We knew we had to fight this issue and that is just what ACT is set up to do."

According to White, ACT spent close to \$200,000 for advertising.

"The only way to take on a

Wheeling Local Votes To Join ACT's Ranks

The ACT Foundation is continuing to expand its membership and bring in new affiliates.

Cement Masons Local 39 has voted to join ACT and has included ACT in its heavy and highway agreement.

Until last month, Local 39 was the only Cement Masons union in West Virginia which was not a part of ACT.

"We were just a little slow coming aboard, but we are look-

ing forward to being members of ACT," said Ray Parr, business manager.

Local 39 covers the five counties in the Northern Panhandle which are Hancock, Brooke, Ohio, Wetzell and Marshall.

They also cover counties in Ohio.

There are 128 members in Local 39 including both plasterers and cement masons.

"There were many reasons Local 39 decided to join ACT," said Parr.

"The main one was that we needed help fighting for the light commercial jobs in our area."

"With ACT on our side, we feel confident we will maintain our hold on this area."

"Local 39 members are excited to have ACT behind them because ACT is not only a powerful force for protecting union jobs, it is also an excellent organizing tool."

"We know joining ACT will be a positive change for our members."

Election Results Good For Labor

Nov. 3 marked a big victory for the WV AFL-CIO's endorsed legislative candidates.

Thanks to a large Democratic voter turnout, many of labor's endorsed candidates were elected to the Legislature.

An election recap by the WV/AFL-CIO revealed the following numbers:

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ELECTION RESULTS

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In the Senate 10 of 12 endorsed candidates, or 83.3 percent won, including two Democrat political newcomers in Kanawha County who beat out

Republican incumbents.

In the House of Delegates 49 of the 62, or 79.3 percent, of the endorsed candidates won.

"We are thrilled with the results of this election," said WV

AFL-CIO President, Jim Bowen.

"I believe we will see a positive change in the legislature."

"It's always easier to lobby your friends."

WV AFL-CIO Endorsed Winners

(Strikethrough's Mean Endorsed Candidate Was Defeated)

US House of Representatives

1st Congressional District:
Alan Mollohan

2nd Congressional District:
Bob Wise

3rd Congressional District:
Nick Joe Rahall

State Supreme Court

Unexpired Term: Warren McGraw

State Senate

1st - Edwin Bowman

2nd (full) - Larry Edgell

(unexp) - Jeffrey Kessler

3rd - ~~Paul Thornton~~

4th - Oshel Craigo

6th - Truman Chafin

7th - Lloyd Jackson II

8th - John Mitchell, Jr.

9th - Bill Wooton

14th - ~~Gary Livengood~~

16th - John Unger

17th - Brooks McCabe

House of Delegates

1st - Jeff Davis

Tamara Pettit

2nd - Roy Givens

3rd - Tal Hutchins

4th - Scott Varner

Ken Tucker

5th - Dave Pethtel

7th - ~~Paul James~~

9th - Sharon S. Maloney

10th - ~~Sam Henry~~

~~Guy Lowther~~

Riek Modesitt (R)

11th - Oscar Hines

12th - ~~Carol Jett~~

13th - Gary Tillis

14th - ~~Phil Stowers~~

15th - Margaret Leach

Terence Rowsey (R)

16th - Susan Hubbard

Jim Ritter

17th - Jerry M. Dameron

18th - Don Perdue

19th - Steven Kominar

Harry Keith White

20th - Tracy Dempsey

Greg Butcher

21st - Earnie Kuhn

22nd - Emily Yeager

Lacy Wright

23rd - Joe Sparks

25th - Richard D. Flanigan

Mark E. Willis

26th - Mary Pearl Compton

27th - Virginia Mahan

Warren McGraw II

Sally Susman

28th - Thomas Campbell

Carroll Willis

29th - Tom Louisos

John Pino

30th - Bobbie Hatfield

Pam Nixon

(con't) Larry L. Rowe

Rudy Seacrist

Joe Smith

Sharon Spencer

32nd - Art Ashley

~~Denise Tucker~~

~~Debra Whanger~~

34th - Brent Boggs

36th - C. Randy White

40th - Rick Everson

41st - Larry Linch

43rd - Mike Caputo

Paul E. Pranty

44th - ~~Eugene Claypote~~

Barbara Fleischauer

Nancy Houston

Charlene Marshall

46th - David 'O.B.' Collins

52nd - Vicki Douglas

54th - ~~Laura R. Rose~~

56th - Dale Manual

Action Builders Votes For Union

Action Builders employees have voted for union representation with the Carpenters Union.

Action Builders of Pittsburgh is the carpentry subcontractor on Monongalia General's Village at Heritage Point project in Morgantown.

On Oct. 19 the carpenters on this project voted to become part of the North Central Regional Council of Carpenters, United Brotherhood of Carpenters and Joiners.

"We expect the vote to be certified by the National Labor Relations Board shortly," said organizer Leroy Stanley.

"This was a big victory and I hope it sends a message to Mon. Gen. and everyone else to pay workers what they are worth."

The carpenters filed a total of 12 unfair labor practice (ULP) charges against Action Builders, and picketed outside the project on Sept. 1.

The men returned to work on Sept. 2 pending the outcome of the ULP hearings.

"With the union as their bargaining agent, the workers can now go to the table with demands of their employer," said Stanley.

"A lot of rough work is done, but we still have a long way to go."

Members To Get Back Pay, Job Reinstatement

A National Labor Relations Board judge has concluded 3-D Enterprises Contracting Corp. acted illegally when it threatened employees that it wouldn't hire applicants who were, or who became, members of a union.

3-D has also been ordered to give back pay to at least eight employees who were unlawfully fired.

The complaint against Kentucky based 3-D was filed by Rick Williams of the North Central West Virginia Building and Construction Trades Council last year.

3-D was building the \$13 million Weston water treatment

plant for West Virginia-American Water Company.

The case was heard by a federal judge in April of this year.

"A decision was expected six months after the testimony given before Judge Evans in April," said ACT's Steve Montoney.

"He is right on schedule."

3-D must offer to Montoney, ACT Representative Donnie Huff and Timothy Hoke immediate reinstatement to their former jobs, or if those jobs are no longer available, a job which is equivalent.

These men, along with Boyd Pennington, Charles Garrison, Michael McFall, Richard Hyde and Michael Shearer, will receive back pay and 3-D will remove any reference from its

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New Wal-Mart Store In Nicholas Brings On 'Same Old Problems'

The use of out-of-state contractors who bring in illegal aliens to take local jobs is becoming common practice among developers who build Wal-Mart stores in West Virginia.

One Gateway Associates, building a new Summersville store, has proven to be no exception.

That's why union members demonstrated at this site late last month to let the public know about lost jobs in their community.

ACT also ran an ad in the Nicholas Chronicle on Nov. 29

to make sure their message was heard.

In fact, there are only two subcontractors on the city's subcontractor list for this new Wal-

Mart who are from West Virginia

There have been at least seven suspected illegal aliens arrested at this site, and police found

heroine and large amounts of cash on two of those suspects.

"Unfortunately, the contractors are not the ones who get in trouble for using illegal labor, just the workers," said ACT's Wayne Rebich.

"All the contractors have to do is say they didn't know the men were in the country illegally."

"I have repeatedly asked One Gateway Associates to explain why they chose to hire these out-of-state contractors who don't use local workers.

"The only response I have gotten was that they don't have to explain their business decisions to me.

"We plan to keep a close eye on the contractors at work up here.

"And you can bet they won't get away with using illegal labor."



PICKETING OUTSIDE THE WAL-MART SITE in Nicholas County are Bricklayers Dave Carte, Darry Snuffer, Calvin Edwards and Painter Ken Mitchell

WORKER GETS \$2500 FOR BOUNCED CHECK

NLRB Goes After Stiteler

The National Labor Relations Board has issued a complaint against Stiteler Builders Inc. of Pennsylvania.

Stiteler was the masonry contractor at the Maplewood Retirement Community in Bridgeport.

A hearing is scheduled for Jan. 4, 1999, to review the complaints against Stiteler.

There were a number of complaints, including interrogation of employees about union activities, informing employees it would not hire those who sup-

ported a union, and discouraging employees from participating in the concerted activities of the union.

The NLRB said Stiteler had also been discriminating in regard to "the hire or tenure or terms of employment of its employees, thereby discouraging membership in a labor organization."

In particular, Stiteler refused, and has still refused to hire several workers because they took part in the pickets and were union Bricklayers.

They were Richard Ashmore, David Ely, Michael Handley,

Gary Malloy and Joseph Malloy.

The Bricklayers District Council filed the original charge against Stiteler in July of this year.

Stiteler was given a cease and desist order in September by the WV Division of Labor for not having a contractors license.

Stiteler also bounced paychecks.

And, with the help of ACT, one worker, who's paycheck was \$237, ended up getting \$2,500 because state law allows damages when a worker is not paid after being fired.

Stiteler has been working on

the Maplewood Retirement Community project as a subcontractor for general contractor RECCO Inc.

The \$17.5 million project is being built by the United Hospital Center of Clarksburg.

"The Bricklayers, and especially LeRoy Hunter Jr., have turned around almost \$1 million worth of work," said ACT representative Steve Montoney.

"Stiteler is no longer on the job and union workers are."

"We are pleased at the outcome of this fight and will continue trying to get more jobs for local workers on this project."

LU 1755 Expands Training

Millwrights Local 1755 is expanding its training facility to include a GE 10,000 KW Turbine.

The turbine came from Hamilton Power in Hamilton, OH and was brought to Local 1755 in a joint effort with Atlantic Power Maintenance.

Several local contractors have donated time and money to this expansion to make Local 1755 the only training center in the east to have a steam turbine.

The turbine will be able to be fully disassembled and rebuilt over and over. Although it is smaller than most turbines, it has the same components and functions in the same way.

To prepare for the new addition, Local 1755 sent instructors to GE turbine training centers to ensure proper performance for instructors and the trainees.

The new training facility will eventually be enclosed and include an overhead crane.

Eventually Local 1755 hopes to incorporate high tech laser and optical instruments into the training as well.

"We are very excited about the new turbine," said Business Agent, Mark Estlack.

"This will be a powerful organizing tool in the future. We can now offer contractors the same quality work as specialty groups can for less money, and guarantee the use of union labor.

"Until now most of the work Local 1755 performed was maintenance. The new turbine offers experience in assembly and will give members more job options."

Chamber Uses Bogus Statistic In Workers Compensation Fight

The State Chamber of Commerce has been intentionally misleading the public and the legislature about the rates business pays for workers compensation coverage.

That was the message ACT Director Steve White delivered to a monthly legislative interim meeting.

The Chamber has repeatedly stated West Virginia has the highest Workers' Comp. costs in the nation.

It then implied that the rates West Virginia companies pay were also the highest in the country.

When ACT looked into the basis of its claims an entirely different situation was found.

When actual rates are looked at, West Virginia is below the national average. A study done in Oregon ranks West Virginia rates 39th but what does this mean," asked White?

"It reminds me of the adage 'Fig-

"THE IMPORTANT NUMBERS TO LOOK AT IS WHAT EMPLOYERS ARE ACTUALLY PAYING FOR WORKERS' COMPENSATION COVERAGE."

**STEVE WHITE
ACT DIRECTOR**

among the states.

"The Chamber is using a statistic called the 'average cost per covered employee' prepared by a Washington DC based business group.

"West Virginia does come out at the top,

ures don't lie but liars figure'" said White.

"I could show the Chamber of Commerce statistics that imply our comp costs are the lowest. But that won't solve our problems.

"The important numbers to look at is what employers are actually paying for workers compensation coverage," said White.

"For example, in the area of steel erection West Virginia has the lowest rate of any surrounding state.

"In my opinion, the Chamber of Commerce is misleading the public and the legislature with these figures and now workers are suffering."

Senator Bill Wooton, D-Raleigh, asked Chamber representative if it was true that our rates were not the highest.

Steve Roberts, Chamber president, replied he had never alleged rates were the highest, just costs.

Wooton, who co-chairs the com-

mittee, then asked the state Workers Compensation Division to provide the committee with rate comparisons with other states.

White believes the Chamber is using misleading statistics to confuse legislators and lead them away from real problems with the workers compensation system, like premium collections.

"How did we get into the problems we face today," asked White?

"Well one thing is clear, a group of employers, mostly coal companies, did not pay the premiums they owed.

"Companies ran up huge debts, then went into bankruptcy, then started up new companies. And the problem still exists today."

White points to ACT research which found one West Virginia company, North American Contractors, who racked up a \$109,435 Workers' Comp debt.

"When North American couldn't renew its contractors license because of the debt, two of the company owners simply formed a new company," said White.

"They were given Workers' Compensation coverage, even though the state has the ability to deny coverage."

"Everyone knows this is happening, yet no one is focusing on this part of the problem," said White.

"I think until we collect premiums owed, and go after the hundreds of millions still owed by coal subcontractors and the companies who hired them, the Workers' Compensation program can't be fixed."

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MEMBERS GET BACK PAY

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files not to reinstate the men.

Employee-applicants Ted Mick and Jerry Elder will also receive the money they would have made had 3-D not refused to hire them, and they will be offered employment if a job is available.

Finally, 3-D will have to mail a notice to all its employees informing them of their

rights to engage in union activity and of its illegal activity.

It was not a total victory for the Council. An additional 30 union applicants were not awarded damages of any kind.

"We expect 3-D to appeal the decision," said Montoney.

"If they want to keep throwing away their money, that's their business."



**The ACT Foundation
Wishes You
And Your Family
A Happy
Thanksgiving!**