

THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council, with offices in Charleston and Clarksburg. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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INSIDE

COMP	Pg. 2
ANTI-UNION	Pg. 2
TV	Pg. 2
LOWES	Pg. 3
KSC	Pg. 3
AFL-CIO	Pg. 4

FOR UNFAIR LABOR PRACTICES & POOR WORKING CONDITIONS

Workers Strike At Federal Project Near Martinsburg

Construction workers for CCI Construction Co. are on strike at the Federal Cold Water Aquaculture Center near Martinsburg.

CCI, of Camp Hill, Pennsylvania, is working on a \$14 million federally-financed project, in West Virginia's Eastern Panhandle.

Three workers went on strike in late October when their demands for lunch breaks, payment of fringe benefits and safety concerns fell on deaf ears. CCI responded by reprimanding the strik-

ing workers.

"Punishing workers for exercising their right to organize is against the law", said Rick Wil-

liams, director of the North Central WV Building Trades.

Williams filed unfair labor practice charges on behalf of the

workers.

The National Labor Relations Board is currently investigating those charges.



STRIKING OUTSIDE THE FEDERAL FISH HATCHERY NEAR Martinsburg are Mike O'Hara, organizer for IUOE Local 132, Larry Young, ACT Representative, and Gary Long and Boyd Pennington of Laborers Local 679.

Because this is a federal project, CCI should be following prevailing wage and worker classification laws as well as making certain employees are getting fringe benefits.

According to one of the striking workers, ACT Representative Larry Young, none of these requirements were being followed.

"All employee

CONTINUED ON
PAGE 3

ACT Asks Judge For Declaratory Judgement In Dispute With WVU

The ACT Foundation has gone to court asking for a declaratory judgment against West Virginia University in a case involving the construction of a new administration building.

ACT wants the judge to rule whether the project should be treated as public or private.

The university says the construction project is privately-funded and does not need to follow the guidelines of a public

project.

The WVU Foundation, a private organization, will finance

will be owned by WVU, was designed by WVU, and will house WVU's administrative

funded institution.

"We believe the construction of this building should be treated as any other project involving public funds," said ACT Director Steve White.

"The project should be put out for bid, all open records laws should apply, and construction workers should be paid the prevailing wage."

The request for the declaratory judgment was filed on October 15th.

WVU must respond within 30 days.

"WE BELIEVE THE CONSTRUCTION OF THIS BUILDING SHOULD BE TREATED AS ANY OTHER PROJECT INVOLVING PUBLIC FUNDS."

STEVE WHITE, DIRECTOR
ACT FOUNDATION

the project and lease it to WVU, at the end of the lease WVU will own the building.

ACT argues the new building

personnel.

That makes the construction of this building a public project because WVU is a publicly-

Judge Will Hear ACT's Argument To Intervene In The Dismissal Of Comp Lawsuits

State Workers Compensation leaders asked Mingo County Circuit Court Judge, Michael Thornsby, to let the state drop a

ruling earlier this year in which several justices urged ACT to seek relief in the Circuit Courts.

Judge Thornsby asked ACT lawyers, John Skaggs and Stuart Calwell, to present find-

"WE FEEL THAT ACT AS WELL AS ANY OTHER LEGITIMATE BUSINESS IN WEST VIRGINIA HAS EVERY RIGHT TO QUESTION THE DISMISSAL OF THESE CASES."

**JOHN SKAGGS
ACT ATTORNEY**

law suit against Island Creek Coal Company aimed at collecting unpaid workers compensation premiums.

Instead Judge Thornsby decided on November 1st to hear ACT's argument about why it should be allowed to intervene.

The suit is one of two separate suits brought by the West Virginia Workers Compensation Division to collect unpaid premiums from contractors who mined coal for Island Creek.

Together the suits seek to collect \$47 million in unpaid premiums and penalties.

Both Governor Cecil Underwood and his appointee Workers Compensation Commissioner William Viewig have worked for Island Creek.

This latest effort to stop the dismissal of \$200 million in suits against 'big coal' companies stems from the Supreme Court

ings of fact and conclusions of law within 10 days of the first hearing.

Skaggs told the *Charleston Gazette* on November 2, "If intervention is allowed, the Judge will hold another conference with the lawyers to determine deadlines and take evidence."

Employment Programs Commissioner, William Viewig's lawyers say ACT has no legal authority to intervene in the suits.

ACT argues that as an employer whose workers compensation premiums will rise as a result of the dismissal, it does have a legal right to intervene.

"We feel that ACT as well as any other legitimate business in West Virginia has every right to question the dismissal of these cases," said Skaggs.

"These businesses and the injured workers in the state are the ones who will end up paying this \$200 million debt."

OUTSIDE CHARLESTON'S EMBASSY SUITES HOTEL

Members Protest Anti-Union Speaker

Seventy-five union members protested a union-busting speaker appearing before the Charleston

WV Society of Human Resource Management on November 3rd.

Gordon Jackson, a lawyer

from Memphis, Tenn., is known for his anti-union activities and beliefs.

Jackson has written several

CONTINUED ON PAGE 4



WEST VIRGINIA AFL-CIO PRESIDENT, JIM BOWEN, (center) argues with security as he attempts to lead protesters outside the Embassy Suites Hotel in Charleston.

'West Virginia Works'

**On FOX TV:
FOX 46 - Clarksburg/
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Wellsburg**

19 ILLEGAL WORKERS CAUGHT**Members Protest Use Of Out-of-State Construction Workers At New Lowe's**

Union building trades members picketed at the new Lowe's site in Kanawha City in late October.

The picket was in protest of the use of out-of-state workers by general contractor McWhorter & Co., Inc. out of Alabama.

The ACT Foundation received a tip that workers were being driven to the site in vans from nearby hotels.

After checking into the matter, ACT members found as many as 110 out-of-state workers—including suspected illegal aliens.

Immigration and Naturalization Service (INS) agents were contacted.

However, new rules prevent INS agents from conducting an on-site investigation unless they know for certain illegal aliens are

working there.

So instead the agents acted on the tips from ACT by arrest-

ing 19 suspects at their hotel.

"We think this rule is crazy," said Dave Carte, Field Repre-

sentative for Bricklayers District Council.

"How can the INS agents-

know for certain if illegal aliens are working on any construction project if they are not allowed to investigate?"

"It's sad that using illegal aliens for construction projects is becoming routine practice for many of the businesses in this state."

"Hopefully with our constant monitoring, the word will get out that West Virginians don't approve of this practice."

Because INS agents caught 19 illegals who were working for McWhorter & Co., they are now conducting an investigation at this site.



PICKETING OUTSIDE THE LOWE'S CONSTRUCTION SITE IN Kanawha City are union members, Bill Thomas(left), Joe Durst, Bruce Murphy, Dave Carte, and Herb Smtih.

WORKERS STRIKE IN MARTINSBURG

CONTINUED FROM PAGE 1

fringe packages were withheld," said Young.

"Also, I was hired as a laborer on this job but the supervisors had me doing all types of other trades including operator, ironworker and carpentry work."

However, Young was paid at the laborers rate for all work, which violates federal prevailing wage laws.

In addition to these violations, Young and other workers hired on this project said working conditions were terrible.

"We were only given 15 minutes for lunch and no breaks."

Young, and two other work-

ers informed CCI supervisors they were volunteer union organizers and went out on an economic strike for better working conditions.

representation cards.

In response to the strike, CCI supervisors extended lunchtimes to 30 minutes and allowed two breaks.

"I WAS HIRED AS A LABORER ON THIS JOB, BUT THE SUPERVISORS HAD ME DOING ALL TYPES OF OTHER TRADES INCLUDING OPERATOR, IRONWORKER AND CARPENTRY WORK."

LARRY YOUNG
ACT FOUNDATION

Shortly afterward two other workers joined the strike. Several CCI employees have signed

The walkout for better working conditions turned into an unfair labor practice strike when

CCI reprimanded workers for their union involvement.

The day after the men were reprimanded, CCI sent each of them a letter saying the reprimand had been rescinded.

CCI also notified other employees of their rights under the National Labor Relations Act.

"We figured CCI supervisors knew they had acted illegally and this was a way to try and save themselves," said Young.

Bud Parsons of Operating Engineers Local 132 and Gary Long and Tim Millne of Laborers Local 679 also played a major role in the CCI organizing campaign and in helping man the picket lines.

Board Appeals KSC Decision

The National Labor Relations Board (NLRB) is appealing part of the decision handed down by Administrative Law Judge, Karl L. Buschmann last month in the case against Kanawha Stone Company (KSC).

In the original charge, filed by Operating Engineers Local 132, KSC was accused of refusing to hire union members who had put their names on a list to be considered for future employment.

KSC's defense was that it was not hiring at the time the union members applied and referred to sign posted in the window of the main office.

CONTINUED ON PAGE 4

WV AFL-CIO Announces Early Endorsements For 2000 Election

The West Virginia AFL-CIO announced five early endorsements for the year 2000 elections at its annual convention on October 21.

The following endorsements were made:

Governor

• **Bob Wise**
(Current 2nd District Rep)

U.S. Senate

• **Robert C. Byrd**
(Incumbent)

U.S. House of Representatives

• **Jim Humphreys**
(2nd District)
• **Allan Mollohan**
(Incumbent 1st District)
• **Nick Joe Rahall**
(Incumbent 3rd District)

The endorsement decisions were made after the state Committee On Political Education (COPE) met with each of the candidates for governor and for the United States Senate and House of Representatives.

The results of the COPE meetings were presented to

the general convention and the members voted on their recommendations.

The COPE Committee is made up of 75 members from different unions and other organizations around the state.

All the endorsed candidates are Democrats.

All but Humphreys currently hold an elective office.

Humphreys, an attorney from Kanawha

County, formerly served in the West Virginia Legislature's House of Delegates and Senate.

"The race has already begun for these positions and early endorsements allow us to start working now," said Kenny Perdue, Secretary-Treasurer of the West Virginia AFL-CIO.

Endorsements for other statewide and local races will be made as the election gets closer.

ANTI-UNION SPEAKER

CONTINUED FROM PAGE 2

books on the subject of union-busting.

Some of the most notable include *How to Stay Union Free* and *How to Win NLRB Elections*

versity of Charleston.

A Charleston WV Society of Human Resource Management spokesperson said Jackson was speaking to their guests about how to be a better manager and not about the subject of union-busting at all.

"WE DON'T APPRECIATE LOCAL BUSINESSES SPONSORING SUCH AN OBVIOUS ANTI-UNION SUPPORTER."

**JIM BOWEN, PRESIDENT
WV AFL-CIO**

and Defeat Unions.

"We don't appreciate local businesses sponsoring such an obvious anti-union supporter," said West Virginia AFL-CIO President Jim Bowen.

Columbia Gas Transmission was billed as the lead sponsor.

Other sponsors included Charleston Area Medical Center's (CAMC) Corporate Health Services, SDR Plastics and the Uni-

Labor supporters argue that his current message is not the issue.

"What's important is not what he spoke about this time, it's what he stands for in general," said Bowen.

"The fact these area businesses have brought Jackson here sends us a strong message about how local businesses feel about unions."

The rally was sponsored by the Kanawha Valley Labor Council and the West Virginia AFL-CIO.

NLRB APPEAL

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KSC also said it never considered applicant lists as a means of hiring.

The judge agreed that the union members were not offered jobs because the company was not hiring and not because of their union affiliation.

The judge also referenced the fact that other union members were currently working for KSC.

The NLRB appeal says the sign posted

in the office was there for more than a year and many people were hired by KSC even though the sign was there.

Local 132 and the NLRB also say the union members currently working for KSC have not been discriminated against because they have never been involved in any union organizing attempts.

The appeal also disputes the statement that KSC does not ever use applicant lists as a means of hiring.

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