

## COMPANIES' LAWYER WRITES BEP PROPOSAL

# Depositions Prove Coal Ruled

**A deposition by former Bureau of Employment Programs (BEP) Commission William Vieweg revealed that big coal lawyers drafted the paperwork to dismiss the lawsuits against 21 coal companies which now owe more than \$400 million in workers compensation premiums.**

Vieweg also reluctantly revealed that both former BEP Executive Director Ed Burdette and former BEP General Counsel Gene Dickinson urged him not to drop the lawsuits.

Vieweg has tried to keep his deposition secret but ACT attorneys were successful in blocking

the effort.

Dickinson's deposition revealed that Tim Huffman, a lawyer at Jackson & Kelly which represents the West Virginia

Vieweg was in bed with the coal companies -- now these depositions prove it," said Stuart Calwell, ACT Attorney.

Dickinson testified he first

the suits had already been struck between Bill Raney, president of the West Virginia Coal Association and West Virginia AFL-CIO President Jim Bowen.

However Bowen denied any deal was made. "I believed Vieweg when he told me the coal suits were worthless. Vieweg misled a lot of people, including the Performance Council."

Dickinson also testified that in March and April of 1999 Vieweg received a detailed analysis of the lawsuits from L. Thomas Galloway a Bolder, Col., lawyer hired by the BEP to help prepare the lawsuits.

Dickinson said Vieweg instructed him to return the two

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**' WE ALWAYS SUSPECTED  
VIEWEG WAS IN BED WITH THE  
COAL COMPANIES '**

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**STUART CALWELL, ACT ATTORNEY**

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Coal Association as well as many of the coal company defendants, drafted the proposal to dismiss the lawsuits that was adopted by the BEP Performance Council on March 12, 1999.

"We always suspected

learned of the proposal on Feb. 11, 1999.

He said he immediately talked with Vieweg, urging him "not to do this." But he said Vieweg told him there was nothing he could do about it.

Vieweg said a deal to drop

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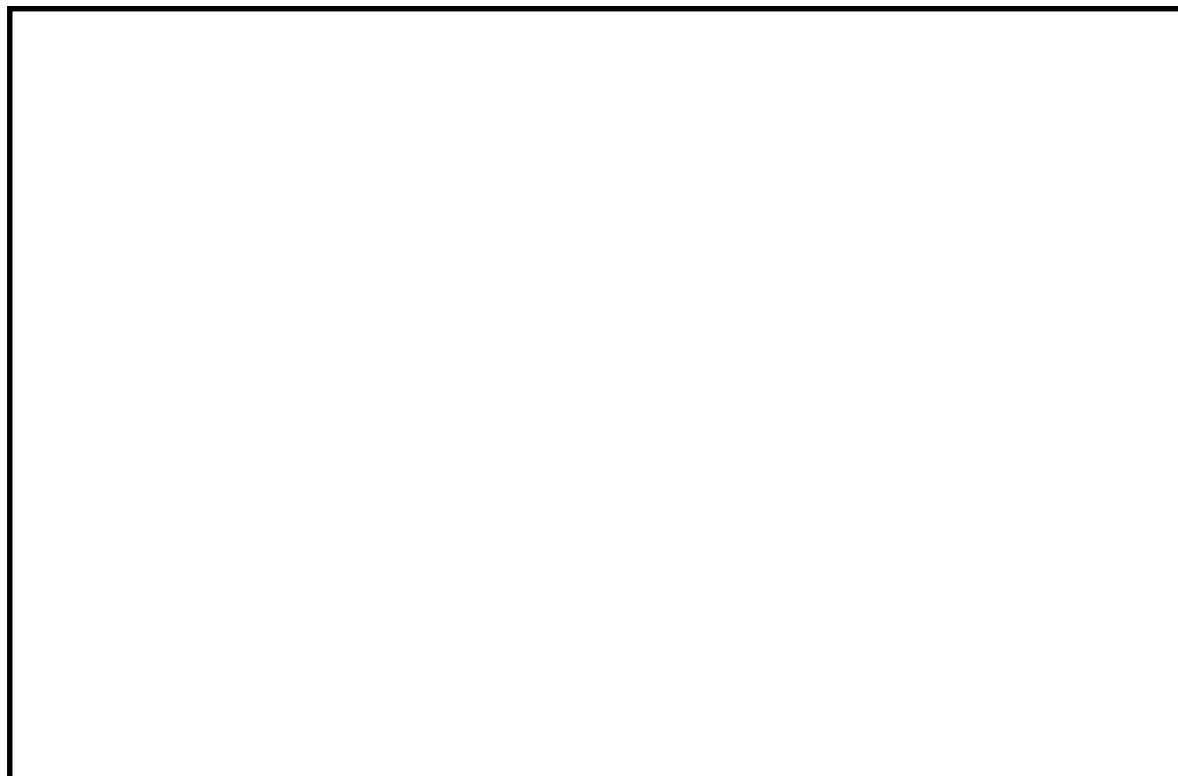
## ***Painters Learn, Compete and Display***

**More than 375 people from across the U.S. and Canada were in Huntington last month to learn the latest safety and educational techniques in the painting, glazing, drywall and decorating industry.**

The "train-the-trainer" event was put on by the International Union of Painters and Allied Trades and their Joint Apprenticeship Committee, and was held at Marshall University.

According to event organizer Richard Hackney, this was the sixth year the program was hosted by Marshall. Hackney, himself a West Virginia native, is in charge of organizing the event for the Painters.

"We have 17 classes in anything from lead abatement and air monitoring to instructional train-



Gerald McMillion with Painters Local 813 shows off the craftsmanship in a glass etching exhibit, one of many entries for competitions judged at the Painter Instructor Training Program held in Huntington.

ing techniques," said Hackney.

"These folks then go back to

their locals and teach our 145,000 members the latest in

technology, safety and skills."

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# **THE ACT REPORT**

**VOLUME 10, NUMBER 8  
AUGUST 2001**

**A PUBLICATION  
OF THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION**

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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# Carpenters 1911 Gives \$10,000 to Flood Relief

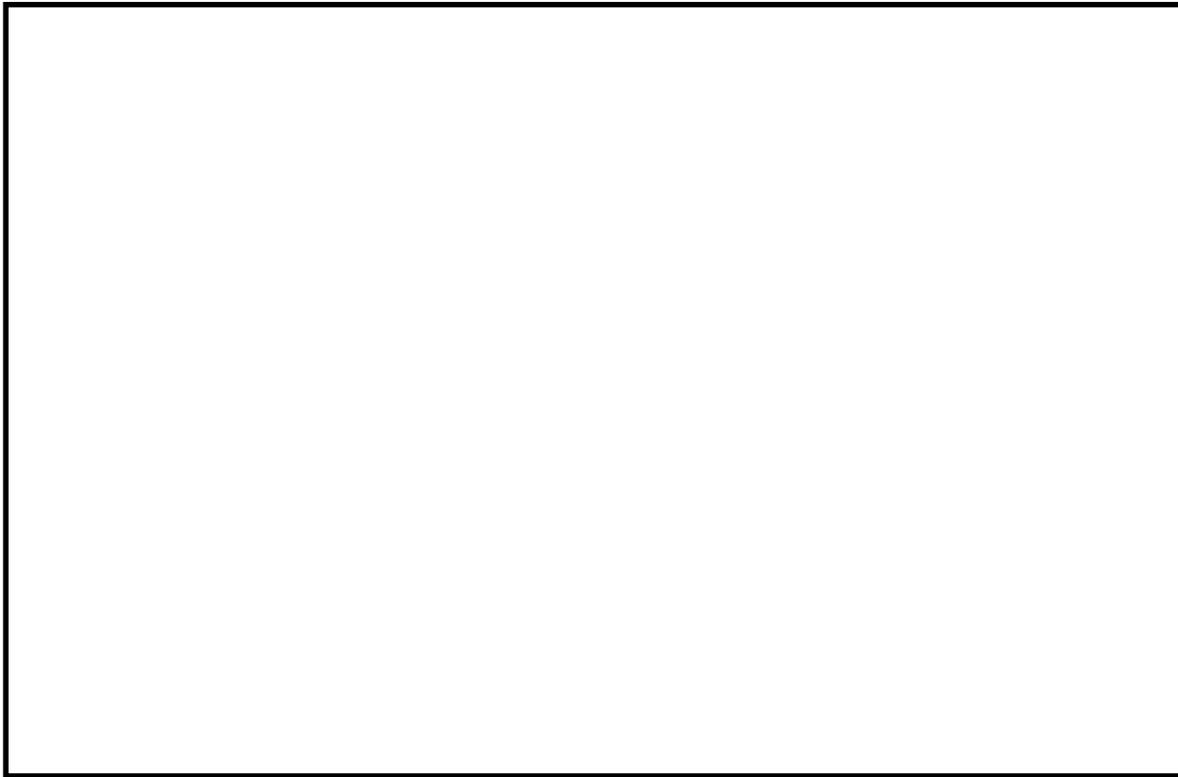
**T**he members of Carpenters Local 1911 of Beckley, West Virginia are doing their part to help flood victims in the southern part of the state by making a \$10,000 donation to the Red Cross.

This money will be used for supplies to help flood victims until they can get back on their feet.

The Carpenters decided to make the donation after Phillips Machine of Beckley made a donation of \$10,000 and challenged other companies and organizations to do the same.

"We've seen the devastation this flood has brought to our region and it is a terrible sight," said Ronnie Pack, President of Carpenters Local 1911. "We just felt we had to do more to help rebuild our communities."

ACT's Southern Representative, Wayne Rebich, who helped put the project together, said, "This is what the union is all about. They used their hard earned money to make certain people in surrounding communities could rebuild their lives."



Ronnie Pack, President of Carpenters Local 1911 (on right) presents a check for \$10,000 to Martin Williams of the Raleigh County Red Cross.

## ACT Needs Your Help To Start State Building Trades Credit Union

**H**ave you returned your credit union survey yet?

The State Building Trades is trying to establish a credit union for its members and their families.

The survey was sent out in early August to all ACT members to determine member interest.

If you are interested in participating please return the survey.

"Some locals have already sent these surveys to their members, but we wanted to make sure every member had a chance to let us know how they feel about a credit union," said Roy Smith, Secretary Treasurer of the West Virginia State Building Trades.

"If you already filled out the survey through your Local you do not have to do so again."

And if you are interested and didn't get a survey, or have any other questions, contact your business agent.

There are a few locals that already have credit unions, but the vast majority of building trades members do not.

And if you already participate

in a credit union there is no problem belonging to two.

Member interest must be established before the State Building Trades can proceed with the National Credit Union Administration in forming the cooperative.

A credit union is a not-for-profit financial cooperative owned by people with a common bond who pool their savings and make loans to each other.

All deposits up to \$100,000 are guaranteed by the National Credit Union Administration.

Because it is not-for-profit credit union loans and other services are often less expensive than banks.

Any profit will be returned to the members in the form of dividends.

The credit union will be run by an elected board of directors, so the members have total control over their assets.

"Our members have already shown a great interest in a credit union," commented George Pinkerman, Business Manager of Boilermakers Local 667.

## COMP DEPOSITIONS

*CONTINUED FROM PG 1*

volumes of information to Galloway, and Vieweg prevented the Performance Council from ever reading Galloway's memorandum.

The depositions have also revealed another key part of Vieweg's argument to drop the

case was false. Vieweg claimed repeatedly that the coal industry would pay the coal debt, not other industries, because the rates coal paid included the debt payment.

Depositions from ACT's actuary and from the BEP sharply contradicted Vieweg's claim

and showed how the evidence was clear, all companies are paying for the coal debt.

"In their entirety these depositions established that Vieweg lied about the coal companies paying back the debt," said Calwell.

"The depositions also estab-

lish that he lied about researching the case before he dismissed it.

"Since he didn't do the research, he obviously lied about the reasons the cases should be dismissed."

"The depositions prove Vieweg breached his fiduciary

duty, so we are hoping Judge Stevens will set aside all dismissals and settlements and allow the BEP to proceed with the cases," Calwell added.

McDowell County Circuit Court Judge Booker Stevens has set the next hearing date for September 26th.

# AFL-CIO Fights Bush Repeal With Ad, Letters

**Working families play by the rules. Why shouldn't corporations?**

That's the question the national AFL-CIO asked President Bush in an ad that ran in several national newspapers recently. The ad protested the Bush Administration's proposed repeal of the Contractor Responsibility Rule.

The Contractor Responsibility Rule, which was enacted by Congress and signed by President Clinton last year, makes it harder for chronic corporate lawbreakers to win lucrative federal contracts.

In April the Bush administration suspended the rules, saying contractors weren't allowed enough time to comply with them.

Last June 18 contractors and labor organizations pleaded their cases at a public hearing before the Federal Acquisition Regulatory Council.

Representatives of the contractors said the law was too vague, leaving contracting officers to make broad interpreta-

tions of the law, which may conflict one another.

Labor representatives said the rules actually clarified the already vague procurement law requiring that the federal government do business with contractors

safety violations among them received \$38 billion in federal contracts.

In addition, companies which seriously violate laws concerning consumer protection, worker protection, civil rights and the environment are regularly awarded federal contracts.

Many labor, civil rights and environmental organizations indicated their support for the ad by being listed in it.

Along with the ad, the AFL-CIO encouraged organizations to send comments to the Federal Acquisition Regulatory Council by setting up a special Internet website.

It also encouraged national organizations to send letters of record opposing the repeal.

"ACT has already played a role in this fight by submitting comments to the federal government and by participating in the National Alliance for Fair Contracting," said Steve White, ACT Director.

It is not fair that companies which violate federal labor law get the privilege of making money off of taxpayers."

The decision is now in the hands of the Federal Acquisition Regulatory Council and ultimately the Bush Administration.

**We have a question for President Bush:**



**Working families play by the rules. Why shouldn't corporations?**

You in and you out, we work hard, pay our taxes and play by the rules. And we know if we break these rules, we pay a price. That's why it makes no sense to us that corporations can repeatedly violate our laws and still receive government contracts paid for with our money.

In one year, according to the U.S. General Accounting Office (GAO), 763 federal contractors with 1,171 violations of health and safety regulations among them received \$16 billion in federal contracts. Breaking U.S. laws also didn't prevent \$1 billion from getting \$15 billion in taxpayer-financed projects. Likewise, companies that seriously violate our consumer protection, worker protection, civil rights and environmental laws are regularly awarded with lucrative federal contracts.

They include corporations like a major poultry processor, awarded more than \$20 million in government business from the USA, USDA and the Department of Labor, were penalizing the company for violating safety and health violations, using illegal child labor, breaking the minimum wage law and dumping illegal amounts of toxic substances and other pollutants into local waterways.

And they include companies like a government freight forwarder, awarded a \$11 million Defense Department contract while under prosecution by the Equal Employment Opportunity Commission (EEOC) for discrimination against hundreds of African-American, Hispanic and female workers.

Last year, following an intensive two-year process, new federal rules went forward making it harder for chronic corporate lawbreakers to win federal contracts. Now President Bush is determined to reach through a repeal of the rules with only one public hearing, on June 18th, and public comment permitted only through July 9th.

We urge President Bush to common sense common sense, stoppage that habitually thumb their nose at our law shouldn't get a thumbs up from federal agencies.

**We support Federal Contractor Responsibility Regulations.**

AFL-CIO • American Association of People with Disabilities • American Civil Liberties Union • American Public Health Association • Friends of the Earth • Inverness • Leadership Conference on Civil Rights • League of Conservation Voters • Mexican American Legal Defense & Educational Fund • NLRCP • National Alliance for Fair Contracting • National Labor Party • National American Legal Council • National Education Association • National Environmental Trust • National Citizens League • National Partnership for Women & Families • National Women's Law Center • National Resources Defense Council • National Employment Lawyers Association • OMB Watch • Public Citizen • State Club • U.S. Public Interest Research Group • Women Employed

You may email a comment regarding President Bush's repeal of the responsible contractor rule by going to [www.governorcongress.org](http://www.governorcongress.org) or mail your comment to the Federal Acquisition Regulatory Council, 400, 15th St., Suite 300, Washington, DC 20003. Phone: (202) 401-5000 Fax: (202) 401-5001.

This message paid for by the working men and women of the AFL-CIO.

The AFL-CIO ran this full-page ad in both the New York Times and the Washington Post.

who have "integrity and business ethics."

The ad cites another strong labor argument.

According to the General Accounting Office, in one year 261 federal contractors with 5,121 violations of health and

**Join the fun at the  
2001 Paden City  
Labor Day  
Celebration  
Monday, Sept. 3**

## Schedule:

**Labor Rally 11:00  
(at Pineapple Park)**

**Parade 1:00  
(line up at 12:00)**

**Concert 8:00  
The Marquees**

**Help celebrate America's  
workforce with the Marshall,  
Wetzel, Tyler County Labor  
Council, AFL-CIO**

## PAINTERS

*CONTINUED FROM PG 1*

Those participating in the training can earn college credit toward an associates degree in Applied Science.

Marshall University and the George Meany College of Labor Studies have a cooperative agreement to accept credits from both programs.

While the training is going on there is an international apprenticeship competition in both dry-wall taping and floor covering.

Apprentices compete for top honors in both categories by

participating in both hands-on and written testing.

There also is a display area to show off entries for competitions in marbling, staining, wall coverings, glazing and glass work. Entries are submitted from the U.S. and Canada.

"We're proud to host this event in West Virginia at Marshall," said Gerald McMillion, Business Agent for Painters Local 813.

"The Marshall folks do a great job and we get to show off our state to the entire union."

# Boilermakers Local 667 Beefs Up Apprenticeship Training Program

**With a number of large projects ahead and power companies demanding more skilled qualified Boilermakers, Local 667 is responding through their apprenticeship program.**

"We are graduating more than 40 apprentices each year," said George Pinkerman, Business Manager for Local 667. "We are looking at some big jobs coming up where we will need hundreds if not thousands of workers.

Our apprenticeship program is keeping us competitive and helps us meet industries' needs."

Many other Boilermaker Locals send their apprentices to a national program in

Kansas City, Missouri. But Local 667 has a program right here in West Virginia at their union hall in Winfield.

The four year program has classes covering all aspects of welding, blueprint reading, heavy rigging, and a big emphasis on safety.

"We teach our apprentices that safety comes first," said Jimmy Dingess, Apprenticeship Coordinator for the local.

Dingess explains that apprentices come in for two week extensive classroom training each year. Combined with on-the-job training, apprentices get a well-rounded experience.

"Our program is registered with the Federal Bureau of Apprenticeship and Training, we have to meet high standards."

And Dingess is proud of the retention rate

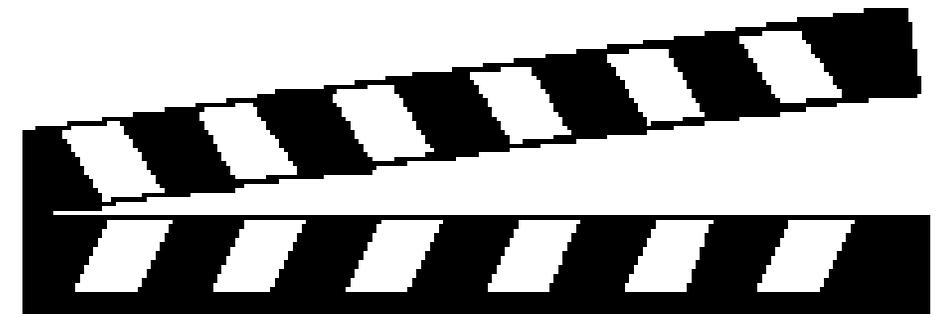
for Local 667's apprenticeship program. Ninety eight percent of apprentices who enter the program go on to graduate.

Dingess also point to many classes available to journeymen to upgrade skill as technology changes.

"Our local has made a big investment in training and we can see it paying off," said Pinkerman. "Producing the most productive workforce is what keeps us in business, and these new members represent the future of this local."



Apprentices working on classroom exercises are, from left, Adam Adkins, Kevin Schupbach, Dan Johnson and Jeremy Cumpston.



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**ACT and the WV State  
Building Trades  
Remind you to  
Enjoy Your Labor Day**

#### CABLE CHANNEL 16

Steubenville, Follansbee & Wellsburg  
Saturdays @ noon

#### CABLE CHANNEL 10

Wheeling, St. Clairsville & Moundsville  
Saturdays @ noon

## WEST VIRGINIA WORKS SHOWTIMES

#### FOX 59

Beckley & Bluefield  
Saturdays @ 12:30pm

#### FOX 11

Charleston,  
Huntington, Parkersburg  
Sundays @ 11:30am

#### WDTV 5

Clarksburg & Morgantown  
Saturdays @ noon