

# THE ACT REPORT

VOLUME 11 NUMBER 4  
APRIL 2002

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.

Charleston - (304) 345-7570  
Clarksburg - (304) 624-0682  
www.actwv.org

## INSIDE

**New Study** Pg. 2  
**New Website** Pg. 2  
**Election** Pg. 3  
**Candidates** Pg. 3  
**Harco** Pg. 4

# Operators Protest Illegal Actions On Corridor H Highway Project

**I**nterrogation, harassment and threats of job loss are just a few complaints filed with the National Labor Relations Board (NLRB) against Tenn. based Mountain States Infrastructure LLC on a Corridor H project.

The complaints are the result of an 11-week organizing campaign by the Operating Engineers at Odom Construction LLC, which was changed to Mountain States Infrastructure LLC midway through the campaign.

The company is a subsidiary of Jones Brothers Inc. of Lebanon, Tenn.

With the help of ACT's Larry Young, members of the Operating Engineers and the Laborers recently picketed the Corridor H job site to protest the alleged unfair labor practices



**UNION WORKERS PICKET against unfair actions of Mountain States Infrastructure. Mountain is building the \$30 million project in Hardy County.**

committed against union sympathizers and members.

After a week of picketing, the union members and the company agreed to an unconditional return to work.

"Even though the picket has ended this campaign is far from over, said Donnie Huff, Director of Organizing for the Operating Engineers Local 132. "The NLRB complaints are still

pending and we plan to file several more complaints very soon."

In a separate matter the Operating Engineers helped work-  
*Continued on p. 4*

## Local Elections Important to Workers

**I**t's critical that our members pay attention to elections at the local level.

That's the message Steve Burton, Business Manager for the Tri-State Building and Construction Trades Council, wants to send to all working families.

According to Burton, County Commission and School Board races are two of the most important elections for workers to focus on.

For example, Burton points to his home county of Wayne where County Commissioners have acted against the interests of local working families on a

series of occasions.

"When faced with a choice about Constellation Power and their use of out-of-state workers the County Commission turned their backs on us," said Burton.

He also points to recent dispute over workers at a senior center and the use of out-of-state workers at a Wal-Mart, both times the Commission chose to ignore requests for help from working families.

"Local workers need to use their votes to keep our elected officials accountable, especially Wayne County Commissioner Jim Booten."

Burton is referring to the

\$110 million construction project in Wayne County built with out-of-state workers. Wayne County Commissioners approved the issuance of Industrial Revenue Bonds that ended up costing the county \$1 million a year for twenty years.

"Booten not only ignored the fact that Constellation was hiring imported workers when they promised to hire locally, but also planned to use the payment in lieu of taxes scheme to keep Wayne County Schools from getting it fair share of the proceeds.

Now the county is laying off school personnel.

According to a report by the

Wayne County Assessor, the County Commission has cost the county at least \$42 million in tax revenue by giving big corporations tax breaks in recent years.

"I can't think of a more important reason to get out and vote than protecting your job and how your taxes are spent" said Burton. And it's not just construction workers who should take notice.

"This situation is not unique to Wayne County. All union members throughout the state need to pay close attention to local elections as well as state and national ones" added Burton.

# Union Apprenticeship Programs Out Perform All Non-Union Counterparts

## How will the construction industry meet the skills shortage predicted in the near future?

A recent study by the West Virginia University Institute for Labor Studies, commissioned by the ACT Foundation, has found that union apprenticeship programs out performed their non-union counterparts in every category.

All of the non-union apprenticeship and training programs in West Virginia combined to graduate only two students in a decade.

The anti-union Associated Building Contractors (ABC),

graduated no apprentices, while union programs have successfully trained more than 1100 construction workers in that same 10-year period.

Union programs also out performed non-union programs when looking at enrollment of women and minorities.

Women represented seven percent of those enrolled in union programs, roughly equal to the percentage of women found in the construction industry nationally.

Non-union programs only admitted three women or less than three percent of all students. Not one woman has ever

graduated from a nonunion apprenticeship program.

For male minority enrollment union programs had four percent, roughly equal to the percent of minorities in the state's population.

Non-union programs have never enrolled a single male

minority.

"This study really shows the difference between a valid union apprenticeship program and non-union programs," said David Mullins, Training Coordinator for the Operating Engineers Local 132.

"In my opinion, non-union

programs are used to circumvent prevailing wage laws by mis-classifying workers as apprentices, particularly with federal highway projects."

Mullins credits the many craft unions around the state for their investment in appren-

*Continued on p. 3*

## Election Rules Benefit Workers

### Recently, the State Building Trades Executive board invited Secretary of State Joe Manchin to speak about election laws.

He described a change in the absentee voting policy that affects working men and women who work out-of-town. "No Excuse" absentee voting will now be permitted. This means a voter no longer has to have a specific reason for being un-

able to vote on Election Day in order to obtain an absentee ballot.

Anyone can vote starting 15 days prior to Election Day. Absentee voters must fill out applications but no questions are asked as to why the voter can't be at the polling place. Another recent change to voting laws allows people to register to vote up to 20 days prior to Election Day rather than the previously allowed 30 days.

Manchin also compared the

number of people who voted in the last election to the number of people who were registered to vote. Four years ago in the 1998 general elections only forty percent of registered voters made it to the polls.

"Those numbers prove that far more people need to take advantage of the privilege of participating in the political process," said Natalie Stone, Executive Secretary for the North Central WV Building Trades.

## ACT & Trades Start Website

### ACT has a website!

The new website, [www.actwv.org](http://www.actwv.org), has several features such as an on-line version of the ACT Report and access to a contractor/project database.

Another useful tool on the site is the "library" page. It includes links to laws and reports, government sites, database links, international unions, and related sites.

The site also includes a "press" page where various reports and studies are posted. For example, right now it contains a summary of the West Virginia Legislature's Budget Digest report.

Another great feature of the

site is the "Contact" page which has complete list of ACT staff members and their email addresses.

The site is for both ACT and the West Virginia State Building Trades Council. You can also get to the web site using [www.wvsbt.org](http://www.wvsbt.org).

Contact information for the State Building Trades executive board and affiliated labor councils and locals can be found on the "About Us" page along with links to most member web sites.

"Information is power and we are trying to make sure our resources are available to members 24/7," said Steve White, ACT Director.

**EXPLAINING NEW VOTING laws Is Secretary of State Joe Manchin at the WV State Building Trades Executive Board Meeting.**

# WV AFL-CIO Endorsed Candidates

## U.S. Senate: Jay Rockefeller

Stephens

17th: Richard Thompson; Don Perdue

18th: Earnie Kuhn

19th: Greg Butcher; Lidella Wilson Hrutkay; Jeff Eldridge; Bill Wright

20th: Jack Vance

21st: Harry Keith White

22nd: Rick Staton; Richard Browning

23rd: Emily Yeager

25th: Richard Flanigan; Mark Wills

26th: Gerald L. Crosier

27th: Virginia Mahan; Randolph McGraw; Sally Susman; Clyde McKnight, Jr.

28th: Tom Campbell; Tommy Scarles; Ray Canterbury (R)

29th: Tom Louisos; David Perry

30th: Bonnie Brown; Bobbie Hatfield; Ray Keener; Beth Fouty Young; John "JJ"

Jones; Priscilla M. Haden (R)

31st: Carrie Webster

34th: Brent Boggs

35th: Sam Argento

36th: Thomas C. Clark

37th: Steve Montoney; Jamie Fox

39th: Bill Hamilton (R)

40th: Mary Poling

41st: Ron Fragale; Jesse Corley; Rebecca White; Kenneth Gorby

42nd: Tom Coleman

43rd: Mike Caputo; A. James Manchin; Vern Swisher

44th: Barbara Fleischauer; Gene Claypole; Nancy Houston; Bob Wright

46th: Stan Shaver

58th: Dale Manual

## U.S. House of Representatives

1st District: Alan Mollohan

2nd District: Jim Humphreys

3rd District: Nick Joe Rahall

## State Senate

1st: Ed Bowman

2nd: Larry Edgell

3rd: Jim Ball

4th: Oshel Craigo

5th: Marie Redd

6th: Truman Chafin

7th: Tracy Dempsey

8th: John Mitchell

9th: Bill Wooton

10th: Mary Pearl Compton

11th: Randy White

12th: Joe Minard

13th: Charlene Marshall

14th1: Wayne Spiggle

16th: John Unger

17th: Brooks McCabe

## House of Delegates

1st: Joe DeLong; Randy Swartzmiller

2nd: Roy Givens; Jack Yost

3rd: Rick Altman; Tal Hutchins

4th: Scott Varner; Ken Tucker

5th: Dave Pethel

9th: Jim Marion

10th: Shuan Butcher; John Edward Beary; John Ellem (R)

12th: Carroll Jett

13th: Dale Martin; Brady Paxton

14th: Jim Ferguson

15th: Margarette Leach; Kevin Craig

16th: Susan Hubbard; Dale

## Participation Key to Politics

**L**et your voice be heard by making sure you and your family vote on Election Day for those candidates who support West Virginia's working families.

Get informed, participate in the election process and get out to vote on May 14.

Building Trades locals participate in the WV AFL-CIO endorsement process.

Questions included candidates' positions on prevailing wages, economic development and apprenticeship.

After hours of interviews and meetings a list of endorsed can-

didates has been announced.

Now that endorsements have been made it is time to go to work on campaigns.

Many Locals are jumping into the action.

Painters Local 813, Huntington, is doing its part by painting election signs for labor-endorsed candidates.

"We have painted at least 50 signs at this point and we are willing to do anything we can to help candidates who help us," said Homer Williams, President and Training Instructor for the Painters Local 813.

Carpenters Local 302 is also helping out in the Huntington area by cutting stakes and sup-

ports for the signs the painters have created.

Union members in the northern part of the state are also very active in the political process.

The North Central Building Trades in conjunction with the Mon-Preston Labor Council and the Marion County AFL-CIO has been working tirelessly in support of Charlene Marshall's campaign for state senate.

Along with hosting a meet the candidate fund raiser they have also posted road signs and registered voters for the upcoming election.

**SEN. MARIE REDD, (D-Cabel) and Gerald McMillian of Huntington Painters Local 813 work together to paint campaign signs for the upcoming primary.**

## Apprenticeship

*CONTINUED FROM P. 2*

nothing. ticeship programs. "Nobody has the total figures," said Mullins, "but I would guess union programs spend around \$2 million each year on apprenticeship programs."

Mullins is also quick to point

out the investment is shared with contractors.

"Union apprenticeship programs are governed by both Labor and Management, that is one of the keys to success."

Union programs cost the apprentices, and taxpayers,

nothing. Union apprenticeship is a success story of labor-management cooperation in the construction industry. The workers get career skills that last a lifetime, employers get a highly productive workforce and the public doesn't foot the bill.

# Charleston Area Locals Uncover Hazards

## OSHA is investigating unsafe working conditions at a non-union Montgomery construction site.

Non-union Harco Construction, St. Albans, won the \$3 million bid to build the Upper Kanawha Valley Tech Center.

Some are asking if Harco was low because it didn't plan to properly abate asbestos and lead.

ACT's investigation turned up disturbing evidence that both asbestos and lead contamination is on the site and asking if workers and the community were exposed to these toxins unnecessarily.

OSHA is responding to complaints filed by ACT and several Charleston area unions alleging that Harco wasn't prop-

erly disposing of asbestos and lead-based paint.

"Apparently these non-union contractors are more interested in saving money than protecting workers and the surrounding community," said Bruce Murphy, Organizer for the Mid-Atlantic Regional Council of Carpenters.

OSHA is also armed with hard evidence that Harco is ignoring the protocol for removing toxic substances from the demolition site.

ACT had samples of paint and floor tiles from the site tested for asbestos and lead.

The tests came back positive.

ACT has also filed a freedom of information request to obtain the project owners' test results. The Project is woned

by the Upper Kanawha Valley Economic Development Corporation, has not responded.

"We just want to see if Harco tested the building before demolition began, if so what did they find," said Steve Keller, organizer for Asbestos Workers Local 80.

Two days after the test results came back members of the Carpenters, Asbestos Workers and other crafts handed out a flyer warning workers and community members of the dangers of asbestos and lead.

The awareness raised by the handbill forced the contractor to hire a union asbestos abatement contractor.

"This is another example of what the crafts can do if we put our energy together," said

Keller. "Working as a team we will make some headway with these open shops."

Union members started watching the project when the low bidder, Harco, was more than \$216,000 lower than its closest competitor.

"We knew we needed to keep an eye on this company," said Bill Thomas, ACT Representative. "Contractors don't leave more than \$200,000 on

the table without planning to cut corners."

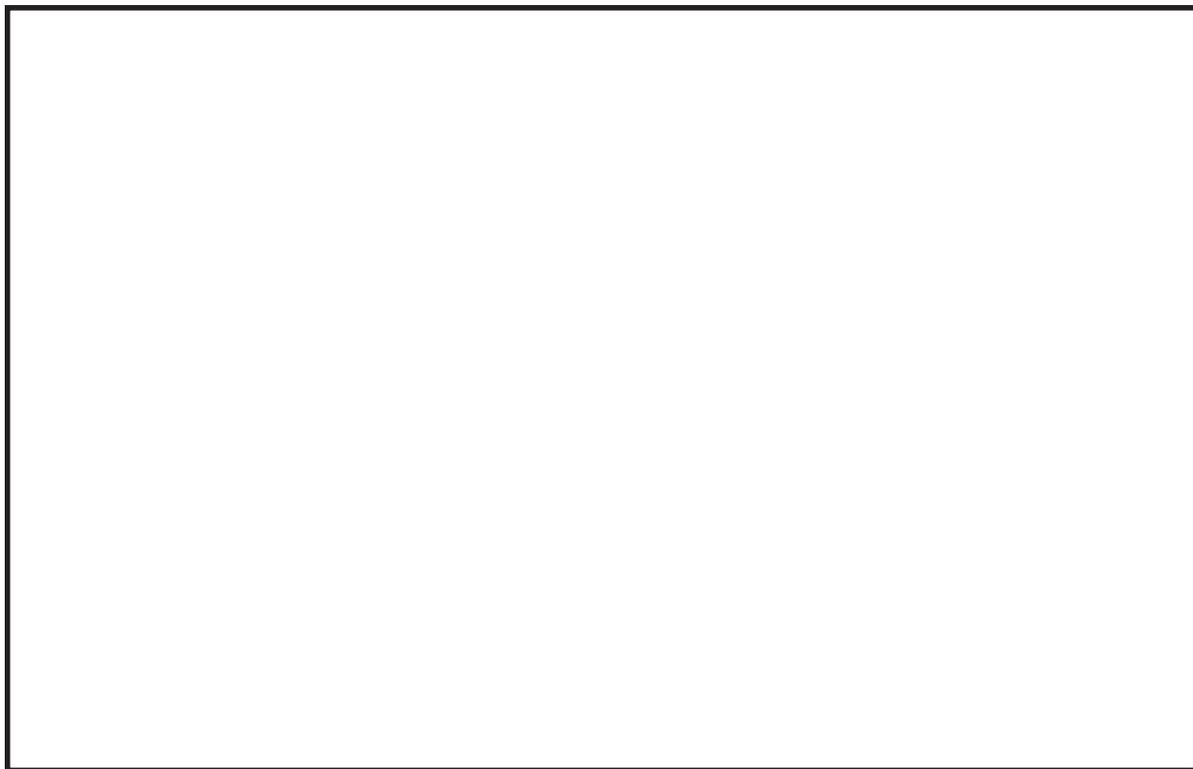
Union leaders tried to warn the owners that you get what you pay for, through meetings with the owner but the company ignored the warning.

"This fight is far from over," said Murphy. "We will continue to fight for the workers and the community until Harco either cleans up its act or gets out of the way."

ACT Foundation  
600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570

Non-Profit Org.  
U.S. Postage  
PAID  
Permit # 1374  
Charleston, WV 25301

## Regional Leaders Visit Parkersburg



**CARPENTERS AND MILLWRIGHTS from the East Coast recently held a meeting in Parkersburg, West Virginia. Top leaders representing West Virginia to Maine also toured the Millwright training facility. Eastern District Vice President Bill Michalowski commented that the West Virginia Millwright training facility was one of the highest quality programs in the country.**

## Operators

*CONTINUED FROM P. 1*

ers stop Mountain from deducting too much money from their checks for their 401K accounts.

The company was deducting \$9.55 from each check when the legal limit is about \$4.50.

"The Operating Engineers' presence will be felt during the construction of the Corridor through contractor recruitment, organizing and checking up on companies to ensure that they're in compliance with state and federal law," said Rodney Marsh, Organizer.

CABLE CHANNEL 9  
Steubenville, Follansbee &  
Wellsburg  
daily @ noon

CABLE CHANNEL 10  
Wheeling, St. Clairsville &  
Moundsville  
daily @ noon

### WEST VIRGINIA WORKS SHOWTIMES

WOAY 4  
Oak Hill  
Sundays @ 11:00am

FOX 11 Charleston,  
Huntington, Parkersburg,  
Beckley, Bluefield  
Sundays @ 11:30am

WDTV 5  
Clarksburg &  
Morgantown  
Sundays @ 11:00am