

# THE ACT REPORT

VOLUME 12 NUMBER 4  
APRIL 2003



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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## ACT Questions City's Bid Procedures for \$2 Million Ripley Municipal Project

**B**uilding Trades Representatives are calling Ripley City Council's bid process questionable.

On April 1, in a 4-2 vote the Ripley City Council decided not to accept Ohio based, Trimat Construction as the low bidder for a new \$2 million city building.

The vote came after Walter 'Fuzz' LaRue, ACT Representative, brought a pile of information to the city about Trimat and its owner Maurice Toler, before their meeting.

At the meeting Scott Brewer, service representative for the carpenters, told council members of the company's questionable past.

"I asked the council to take a look at the history of this company for the sake of the Ripley taxpayers," said Brewer. "I also told them it has been my

experience, after 20 years in the construction business, that very low bids often mean poor quality."

However, at an April 8 meeting the council decided to ignore trades members' advice by giving Trimat one week to meet with the architect for value engineering to see if the company could lower their bid.

Trimat doesn't look like a responsible bidder, according to LaRue.

ACT members obtained documents that show Trimat and owner Maurice Toler had problems, including bribery charges, court battles over projects they have built and problems with payments of taxes with the state of Ohio and the federal government.

Toler was accused of giving the former state director of the federal Department of Housing and Urban Development a

### Trimat Construction: Responsible Bidder?

- Business license revoked two times in the past 10 years by the Ohio Tax Department
- 1994 and 1998: 2 tax liens by the Ohio Bureau of Employment Services, for \$4,896 and \$4,227
- 1997: federal tax lien worth \$348,402
- M. Toler, owner, pled guilty to bribery and filing false tax returns

\$5,000 bribe and other items in exchange for help in winning a HUD contract to build a Nitro housing project. Toler was sentenced on October, 1991 to three months of work release, five years of probation, 158 hours of community service and was required to repay HUD \$180,688, according to a December 1994 Charleston Gazette article.

The West Virginia State Board of Investments lost

\$688,834 in two loans to a partnership involving Toler, according to the same Gazette article.

Toler and his company M and T Construction and Excavating, Inc., was then barred from any HUD jobs until September of 1994.

In May of 1991 Trimat Construction, Inc., was created. Maurice Toler is the agent, Dorothy Toler is the incorporator.

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## Iron Workers Picket Questionable Contractor at Charleston Fire Station

**M**embers of Iron Workers Local 301 manned a picket at the Orchard Manor fire station project in Charleston.

West Virginia Steel, usually just a supplier, has the contract for the steel erection. Yet, their workers comp rate is for steel fabrication.

Workers on site say they are employed by Raleigh Mine and Industrial Supply. That company doesn't have a contractor's license to do steel erection.

Raleigh Mine and Industrial Supply is the parent company

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RALEIGH MINE AND INDUSTRIAL SUPPLY performs steel erection at the Beckley Church of God. The company is currently under investigation by the DOL.

## Trades Councils To Hold Meetings Seeking Feedback

**ACT and Building Trades leaders need feedback from the members.**

And members deserve to know where their dues are going.

Town hall style meetings are being held at building trades halls around the state to accomplish that goal.

The Parkersburg-Marietta

ACT and the Building Trades fight for members and to explain how they are structured.

Two, is to let members ask any questions they have.

Three, the feedback will be used to improve the organization.

"We need the members input on what we can do to better serve their needs and these meetings are a great way to do

*'I THINK WE ALL UNDERSTAND THAT ACT AND THE STATE BUILDING TRADES ARE VERY VALUABLE AND NEED TO BE MAINTAINED.'*

KEN WINTERS, ORGANIZER, IBEW 968

Building Trades hosted the first meeting.

"I think it is a great idea to have these meetings," said Ken Winters, President and Organizer for IBEW 968.

"These meetings show that ACT wants to make sure all the members understand the purpose and value of the foundation."

ACT and the West Virginia State Building Trades are holding these meetings for several reasons, according to Roy Smith, Secretary-Treasurer, West Virginia State Building Trades.

One is to explain exactly how

that," said Smith.

About 26 people attended the meeting, according to Winters.

"I think we all understand that ACT and the State Building Trades are very valuable and need to be maintained, especially for what they do at the legislature," said Winters. "The only real concern brought up was the cost.

"ACT helps not only members but also non-members and the taxpayers of West Virginia."

Meetings will be scheduled throughout the year in other building trades areas.

## SELF-INSURED COMPANIES SAY THEIR COMP DEBT IS \$0

### WV 6th Most Dangerous State

**W**est Virginians are sixth most likely to die on the job in the United State according to a recent report from ACT.

Only Alaska, Wyoming, Montana, Mississippi, and South Dakota have a more dangerous work environment than West Virginia.

The number six ranking is based on the number of fatalities per 100,000 workers.

West Virginia has 7.72, according to the U.S. Department of Labor.

ACT did the study in response to reports that West Virginia had more people on

#### Deaths Per 100,000 Workers

1. Alaska 20.05
2. Wyoming 14.73
3. Montana 12.56
4. Mississippi 8.53
5. S. Dakota 8.40
6. W. Virginia 7.72

workers compensation than other states.

"Business leaders point to the high number of workers on compensation as some sort of proof that these workers are

cheating," said Steve White, ACT director. "But the facts show West Virginia is a dangerous place to work."

White alludes to a recent study done in Oregon that ranked West Virginia's compensation premium rates 23rd highest.

"We have average premiums and one of the highest fatality rates. Workers are not the problem."

What is too often overlooked is the premium payments not made by business, White said.

He points to default lists published by the workers compensation fund that show more

*continued on p. 4*

## New Electronic Sign Spreads ACT's Message To Motorists



GETTING THE MESSAGE OUT is what ACT is all about. This new electronic, scrolling, 2-sided sign located just inside the Parkersburg city limits gives motorists on Route 95 important messages. The billboard tower is owned by the Parkersburg-Marietta Building Trades. The site is donated by Millwrights Local 1755.

*The ACT Report  
is on the Web*

[www.actwv.org/newsletter.mx](http://www.actwv.org/newsletter.mx)

## ONE OF THE FIRST IN THE U.S. TO TEST NEW TECHNOLOGY

# Parkersburg-Marietta Trades To Use Smart Cards

**How many certification or ID or drug cards do you carry to go to work these days?**

The Parkersburg-Marietta Building Trades Education and Development Fund is trying to make certification card clutter a thing of the past.

The fund has agreed to be one of the first in the country to use the new smart cards.

This smart card is like a credit card with a computer chip.

The computer chip will hold data such as a worker's drug testing certification, hepatitis vaccinations, OSHA Training certification and pulmonary function test results.

"These cards will help our members and their employers," said Sam Davis, Business Manager for the Parkersburg-Marietta Building Trades.

"It will eventually eliminate

the need for workers to carry around many different certification cards and give the contractors they work for instant access to all the information they need about employees before they begin work."

The contractors will receive computers fitted with readers for the smart cards.

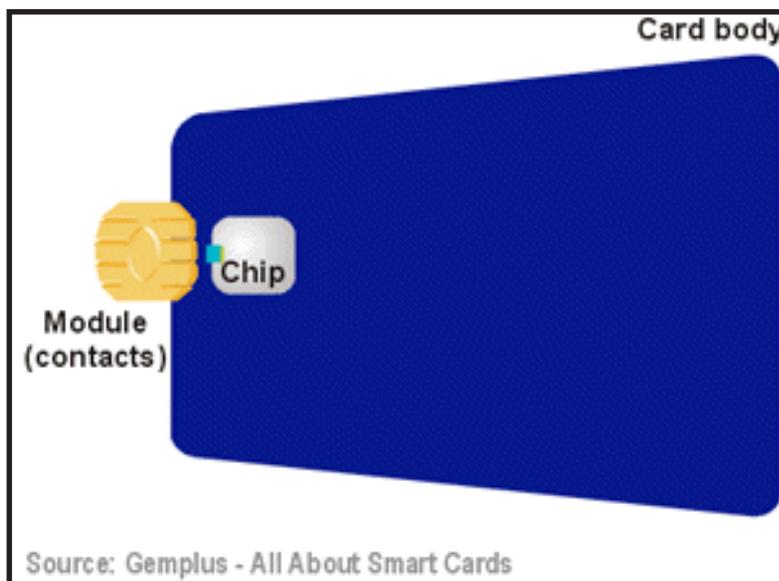
These computers will serve two purposes.

One, they will allow the contractor instant access to relevant information on each employee's card.

Two, the computer will be part of a network, which will automatically update the information on the cards.

"If workers are worried about the security of the new technology, they shouldn't be," said Davis.

Anyone who needs to look at the contents of the card will have to have the personal iden-



ANATOMY OF A SMART CARD, on which many documents are stored saving time, money and space.

tification number (PIN), which the owner of the card will have to give them.

"In other words, if a worker doesn't want someone to look at the contents of the card all they have to do is not give that person their PIN," said Davis.

Security measures for anyone who needs to put data onto

the card are even tighter.

A person who is authorized to enter data onto the card will have to enter two PINs, the one the worker will give them and one that authorizes them to enter data.

The PIN used to authorize data entry will not be given to the owner of the card in order

to prevent the placement of fraudulent data on the card.

"About 1,000 of our members will receive their smart cards in about one month," said Davis. "We hope to issue smart cards to all of our members eventually."

Davis also said he hopes to put other information on the card such as plant certifications and medical histories.

Apprenticeship information can also be included if the other crafts get on board.

"Paper documents identical to the data on the cards will be issued with the cards until all the contractors are equipped with card readers," added Davis.

"The bottom line is we want our workers and contractors to have the information they need quickly so we can spend more time getting the job done."

# Ohio Executive Order Mandates Drug Programs

**Ohio Governor Bob Taft has signed an executive order requiring all contractors that bid on state projects to have a state approved drug-testing program in place as of July 1, 2003.**

The executive order cites lower construction cost and lower accident rates at construction sites with drug programs as the reason for the policy.

Drug programs are something construction unions have proven for at least the past 10 years.

Ohio contractors that have state approved drug programs in place have been receiving as

much as a 15 percent reduction in workers compensation premiums.

"Our contractors already have state approved drug testing programs, which qualifies them for a

workers compensation discount," said Sam Davis, Business Manager for the Parkersburg-Marietta Building

Trades.

"Therefore our drug programs are up to the governor's

run the program, however it makes no mention of specific standards or enforcement.

*'EVEN THOUGH THE POLICY MAY NOT BE PERFECT, WE ARE GLAD THE STATE OF OHIO IS FOLLOWING THE UNIONS' LEAD IN TRYING TO MAKE THE CONSTRUCTION INDUSTRY AS SAFE AND AS COST-EFFECTIVE AS POSSIBLE.'*

**SAM DAVIS, BUS. MANAGER, PARKERSBURG-MARIETTA BUILDING TRADES**

standards for bidding on state projects."

The order says the Bureau of Workers Compensation will

run the program, however it makes no mention of specific standards or enforcement.

"I think it is a step in the right direction," said Davis.

"It will be a good program if they let the people who have done this before develop the program

and put some teeth into it with good enforcement.

"The trades may end up policing this policy just as they do

prevailing wage laws and other things designed to protect workers and taxpayers."

A policy like this would be very good for West Virginia, according to Davis.

However it would be very hard to implement because West Virginia contractors have no direct financial incentive to do it, such as discounts on workers compensation premiums, he said.

"Even though the policy may not be perfect, we are glad the state of Ohio is following the unions' lead in trying to make the construction industry as safe and as cost-effective as possible," said Davis.

# North Central Trades Rally Against Lowes

**L**owe's contractor, Vannoy Construction, is at it again.

Undocumented, possibly illegal workers have been found working at the Lowe's construction site on Mall Road in Morgantown.

Lowes is using Vannoy, from North Carolina, for at least the second time in West Virginia.

Union members raised awareness about the contractor's hiring practices when it built a Lowes in Bridgeport.

The North Central West Virginia Building Trades wants the public in Morgantown to know about it, too. On April 3 and 4 the council organized an



*NORTH CENTRAL WEST VIRGINIA Building Trades members stage a "Local Jobs for Local Workers" rally near a Lowes construction site in Morgantown.*

informational rally in which all the crafts participated.

The rally was complete with signs, speeches, a huge inflat-

able rat and media coverage.

Thanks to union members, the Division of Labor (DOL) and the Immigration and Natu-

ralization Service (INS) have been notified. As a result, five workers have already been taken off the job, while about 20 more remain.

The INS is investigating whether or not these workers are eligible to work in the U.S.

"We have had a lot of support from the community on this issue," said Natalie Stone,

Executive Secretary for North Central West Virginia Building Trades. "Many people have thanked us for shedding light on this growing problem.

"It just shows what we can accomplish when all the crafts come together in a joint effort.

When union members from all crafts work together it gets results."

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## Dangerous

*CONTINUED FROM P. 2*

then \$800 million in unpaid premiums.

Another \$600 million of fund debt is due to self-insured companies 'dumping' claims.

Further, a case before the state Supreme Court brought by self-insured companies might cost small employers and workers even more.

## Ripley

*CONTINUED FROM P. 1*

rator.

Trimat has had its business license revoked two times in the past 10 years by the Ohio Tax Department.

Between 1994 and 1998 Trimat had two tax liens from the Ohio Bureau of Employment Services, one for \$4,896 and the other for \$4,227.

In addition, the company has had four prevailing wage complaints against them involving eight workers worth a total of

Self-insured companies allege that they should not have to pay any of the funds \$2.2 billion debt.

"The big companies had the largest hand in creating the debt and now they are in court arguing they have absolutely no obligation to help pay," said White.

"That's outrageous."

\$11,218.

In 1997 a federal tax lien worth \$348,402 was levied against the company.

Although Agsten Construction, a union company from Charleston, was the next lowest bidder, it appears that they will not get a chance to participate in the same bid negotiations as Timat.

"We want to know why the city is willing to do business with Trimat and only Trimat," said Brewer.

Organized labor contends that workers comp should be reformed to include incentives for safe companies and stiffer penalties for reckless ones.

In addition, companies that don't pay their premiums should be held accountable and not be allowed to start new companies, which incur even more debt.

## Iron Workers

*CONTINUED FROM P. 1*

of WV Steel.

In Raleigh County they are doing the same thing at the Baptist Temple in Beckley.

Both the state Division of Labor and the Workers Compensation Division have been notified and investigations requested.

"My members can compete against anyone in the world if we get a fair chance," said Willard "Bubby" Casto, Business Manager for Local 301.

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### WEST VIRGINIA WORKS SHOWTIMES

**WOAY 4**  
Oak Hill  
Sundays @ 11:00am

**WCHS 8**  
Charleston,  
Huntington, Parkersburg,  
Beckley, Bluefield  
Sundays @ 11:00am

**WDTV 5**  
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Morgantown  
Sundays @ 11:00am