

NLRB Takes Beckley Mechanical To Court

The National Labor Relations Board (NLRB) has asked the 4th Circuit Court to make law violator Beckley Mechanical, Inc. follow the law.

Having the NLRB go to a federal court seeking enforcement is a rare action.

According to Randy Gombos, Organizer, Sheet Metal Workers Local 33, Beckley Mechanical refuses to negotiate, in good faith,

with the bargaining representatives from Sheet Metal Workers Local 33. Beckley Mechanical keeps agreeing to settle, but then never follows through on the settlement.

The NLRB's petition validates

these complaints. The petition, filed on October 17, 2003, alleges that Beckley Mechanical is violating an order issued by the Circuit Court in March 2001.

The petition also points out that Beckley Mechanical ignored a consent order given by the Court in November 2002.

Sheet Metal Workers Local 33 has been trying to negotiate a collective bargaining agreement with Beckley Mechanical since they won bargaining rights in 1999.

The NLRB ordered Beckley Mechanical to negotiate with the union after they found numerous violations of labor law by the company during a representation election.

Beckley Mechanical is currently working as plumbing and heating subcontractor for the addition to women's prison in Alderson.

Gombos thinks the situation is pretty ironic. "While one federal agency says that Beckley Mechanical is breaking the law, another one is awarding them mil-

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JOINING MORE THAN 200 union members in a picket at the Federal Court House in Charleston are (left) Scott Largent, of the Utility Workers and Chuck Ranson, member of Plumbers and Pipefitters Local 625. Both were in attendance at a recent WV AFL-CIO Convention. Attendees showed up in large numbers to ask the federal government why federal law violator Beckley Mechanical was awarded federal construction projects.

Hospital Construction Brings Jobs

United Hospital Center's 'certificate of need' means good news for members of the North Central WV Building Trades.

The approval from the state Health Care Authority will allow UHC to build a new \$265 million hospital in Harrison County.

Early in the planning process the North Central WV Building Trades and UHC signed a Project Labor Agreement for the job.

The hospital will be built by all union labor.

"Securing manpower for a project of this size is just as

important as materials or financing," said Darwin Snyder, President of North Central.

And an early commitment by UHC to the trades secured the trades commitment to support the project.

Public support was a key part of UHC's effort to get government approval.

Construction should start in Spring 2004.

According to Natalie Stone, Executive Secretary of North Central, "this is the first time our Building Trades has had a project labor agreement with United Hospital.

We are looking forward to providing quality union workers to

this project."

After months of negotiation, the Health Care Authority approved United Hospital's Certificate of Need in late October.

United Hospital not only had to prove the local community could support a new hospital and they also had to deal with opposition from supporters of Fairmont General in nearby Marion County who are concerned UHC might force their hospital to close.

On the same day the Certificate of Need approval was announced for UHC another important project was breaking ground.

In Morgantown, construction

has begun on a 7-story addition to Ruby Memorial Hospital. The \$75 million expansion project will add operating and ICU rooms to Ruby.

Since Ruby has been built, the Building Trades has done all of the construction and maintenance work.

"We are very excited that both of these projects will be 100% union," said Tom Halfin, Business Agent for Operating Engineers Local 132. "That means local workers, who get decent wages and benefits will get the work and a top quality facility will be built. That's a 'win-win' for our community."

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SUPREME COURT APPROVES GRANT COMMITTEE

ACT Files Suit on One Project, Asks that Rest Go Forward

A WV Supreme Court of Appeals decision has given the green light to millions of dollars worth of construction projects across the state.

The Supreme Court ruled the state Economic Development Grant Committee process was constitutional.

The grant committee now has the authority to issue the bonds for 49 projects. With approximately \$220 million in bonds almost \$500 million in projects will move forward because most projects include private funds in addition to the grants.

The bonds could be issued in mid-December.

Work is already underway in Wheeling where site preparation for a new Cabela's is being done by a union building trades contractor.

In Huntington, the Pullman Square project has already begun. The first phase, a parking garage, is funded with federal money and is 100% union. State grant funds will allow the second phase, retail buildings, to move forward.

According to Dave McComas, Laborers Local 543 Huntington, the Supreme Court's decision is "very exciting for the Building Trades. The release of project money will make for a good Christmas and a better new year."

McComas also points to the Marshall University Biotechnology Development Center which

was funded by the grant committee and will provide another large construction project for local workers.

In Charleston, union contractor BBL-Carlton was hired as the construction manager of the new minor league ballpark. The ballpark will be constructed in the city's East End.

But the good news may not last if the bond issue is not corrected.

Unfortunately, an approved project in Wayne County by Italian company Sogefi is in direct violation of the rules set up the grant committee. In response, ACT filed suit to prevent the 'one bad apple from spoiling the whole barrel.'

All companies that applied for the grant money had to have a

public partner. Sogefi, Inc. claims that Our Jobs, Our Children, Our Future, Inc. is its public partner. In the past, Our Jobs, also known as HADCO, has denied being a public agency in response to numerous Freedom of Information requests.

ACT's suit alleges that Our Jobs, Our Children, Our Future, Inc. is "not a public body; rather it is a private, non-profit corporation, duly organized under the general corporation laws of the State of West Virginia."

West Virginia Code states, "No grant may be awarded to an individual or other private person or entity. Grants may be awarded only to an agency, instrumentality or political subdivision of this state or to an agency or instrumentality

of a political subdivision of this state."

At the last minute Our Jobs was removed from the application and the Wayne County Commission was added.

ACT lawyers deposed Wayne County Commissioners regarding the project and all three claimed they knew little if nothing about the project.

"These folks can't have it both ways," said Steve Burton, Business Manager of the Tri-State Building Trades. "They already argued their organization was not public when we sent FOIA letters, now they want our tax dollars and they are changing their tune. We should not let this one bad project ruin the rest."

Labor Endorses McGraw for Re-Election

The WV AFL-CIO has announced its endorsement of Warren Randolph McGraw for re-election to the Supreme Court of Appeals of West Virginia.

The action took place during the AFL-CIO's convention held October 28 & 29.

"It is clear from past cases that this court is split 3-2 in favor of people," said Kenny Perdue, Secretary-Treasurer of the WV AFL-CIO. "And it is just as clear keeping Warren McGraw in the Supreme Court is the only way to keep this court friendly to working families."

McGraw has been a long-time friend of labor, dating back to his years as a member of the House of Delegates and president of the State Senate. He has carried a pro-worker perspective onto West Virginia's high court, recently casting the deciding vote in an important case

preventing large self-insured companies from shifting \$500 million in workers compensation debt to small businesses.

The labor endorsement came after a meeting of statewide members of the AFL-CIO's COPE committee. Most endorsements take place after final date for a candidate to file, mid-January.

The AFL-CIO's early endorsement of McGraw reflects the growing emphasis on this important election. McGraw has been targeted nationally by the US Chamber of Commerce and was recently featured on the cover of the February edition of Forbes magazine with a target placed on his head.

"Business unfairly tries to blame this court for our workers compensation mess, for our bad economy, for all of our problems," said Roy Smith, Secretary Treasurer of the WV State Building Trades.

"The truth is this court has

helped small business and workers by stopping big businesses attempts to shift their bills illegally to us."

McGraw brings a real worker's perspective to the bench:

he has worked as an open-hearth steel worker for U.S. Steel Corporation and a chemical worker for Union Carbide before going into the legal practice.

The Wyoming County native has served West Virginia working families in all three branches of government, culminating in his election to the Supreme Court of Appeals in 1998.



GEARING UP TO SUPPORT Darrell McGraw for the state supreme court members of the painters District Council 53 are painting signs. From left, Gary Strope, Denver Abicht, Jerry Huffman, Homer Williamson, Gerald McMillian, Clarence Mitchell, and Dan Poling.

**West Virginia Economic Development Grant Committee
GRANTS AWARDED - by County - 8/20/03**

County	Description	Grant Awarded
Barbour	Belington Industrial Park	650,000
Berkeley	Downtown Redevelopment	2,750,000
Berkeley	Airport Terminal	1,266,000
Cabell	Biotechnology Development Center	12,500,000
Cabell	Sogefi	990,000
Cabell	Pullman Square	10,600,000
Fayette	Business/Industrial Site	2,000,000
Greenbrier	Greenbrier Valley Theater	250,000
Hamshire	Hotel, Conference, and Wellness Center	5,400,000
Hardy	Land Purchase by local government	1,000,000
Hardy	Waste Water Treatment Plant	5,000,000
Harrison	Charles Pointe	6,000,000
Harrison	Development Projects in Downtown Clarksburg	4,358,500
Jefferson	New High School	6,000,000
Kanawha	The Clay Center	3,000,000
Kanawha	Creation of a Biotechnology Incubator	1,500,000
Kanawha	Baseball Park	12,000,000
Kanawha	Expansion of jobs & businesses, recruitment of new businesses & local capacity building	133,000
Lewis	Stonewall Jackson Resort	3,500,000
Lewis	New State Fire Academy at Jackson's Mill	2,000,000
Logan	Hospital	1,000,000
Logan	Lodge and Rec Center	10,000,000
Marion	Parking Garage	2,000,000
Marion	I-79 Technology Park Project	14,750,000
Marshall	Improvements & New Construction to Grand Vue Park	2,160,000
Mason	Point Pleasant Riverfront Park	1,200,000
McDowell	McDowell County Correctional Facility	5,200,000
Mercer	Southern WV Technology Center	2,000,000
Mercer	Updates to Baseball Stadium	250,000
Mingo	Expansion of the Mingo County Wood Products Industrial Park & BELO Industrial Park	4,500,000
Monongalia	Medical Research Facility	10,000,000
Monongalia	Public Theater and Marina	13,900,000
Monongalia	Downtown Development	5,000,000

Monongalia	Reclaimed Surface Mine Development at Chaplin Hill	1,200,000
Monongalia	Development of Biometric Technology	2,300,000
Ohio	Industrial Park Development	35,000,000
Ohio	Lodge Expansion	2,500,000
Putnam	Business Park	3,228,302
Putnam	Putnam Business Park	1,570,000
Putnam	New Construction & Renovation at WV Steel Poca Facility	300,000
Putnam	Construction of Steel Building for New Business	100,000
Raleigh	X-Quad Commerce Center	12,000,000
Randolph	Tourism Developments	1,500,000
Summers	Hydroelectric generating facility at Bluestone Dam	2,500,000
Tucker	Industrial Park/Enhanced 911/ Five Rivers Library/Parsons Commerce Center/ Thomas Revitalization	500,000
Wood	Riverfront Park	3,000,000
Wood	Electronic Recycling Center	4,300,000
Wyoming	Lodge Expansion for Twin Falls Resort State Park	3,000,000

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Rost Enterprises Pays Up New Local Joins ACT/SBT

Darwin Snyder, Business Manager, IBEW 596, and Dave Efaw, Business Manager, IBEW 466, used the power of the Union to secure over \$700,000 in unpaid benefits from Rost Enterprises, Inc.

Pittsburgh based Rost Enterprises got into financial trouble at two work sites in West Virginia.

They were the electrical subcontractor at both the Hazelton prison in Preston County and the Clay Center in Charleston.

Rost didn't pay health care, pension, and other fringe benefits from April 2003 through July 2003. Over 120 employees at the two different work sites were being cheated.

By using the collective bargaining agreement, Federal Department of Labor, state law and

some legal resources Snyder and Efaw were able to force Rost, and their bonding company, Great American Insurance Company, to make good on the debts owed to members.

Proceedings were initiated through the union contract for a hearing in front of a Labor-Management committee where the union prevailed.

However Rost claimed they were unable to pay because they themselves were not being paid by various General Contractors for work they had performed.

An investigation was requested of the U.S. Department of Labor on the Hazelton job since federal money was used.

And a claim was ultimately filed against Rost's bonding company to compel payment.

Snyder secured \$610,000 for 95 employees at the Federal prison in Hazelton. Efaw col-

lected over \$100,000 for about 20 employees at the Clay Center site.

Now, these workers will receive their health insurance, vacation, and all other benefits.

“This is the reason we have unions,” said Efaw. “Our collective bargaining agreement enables us to collect this money, and if that fails we have the resources to hire attorneys and pursue all legal avenues of payment.”

All contractors must put up a performance bond before they begin public work in West Virginia. This performance bond ensures that if the company does get into financial trouble in the middle of a job, employees can still recover their fringe benefits.

Rost Enterprises is still in business and is working at the Hazelton site.

Glaziers Local 1195 has voted to join ACT and the WV State Building Trades.

Approximately 57 counties in West Virginia, Ohio and Kentucky are covered by Glaziers Local 1195.

The 60 members work mostly on commercial buildings, but also do some residential and industrial structures.

Doyle Hudson, Business Manager, says they will continue to service all counties in West Virginia and work to cover some counties in Virginia.

Glaziers 1195 is an affiliate of the Painters Union and a member of Painters District

Council 53. Clarence Mitchell, Business Manager of Painters DC 53, is working to have all the locals in his council join ACT.

Mitchell believes that West Virginia is located in a strategic position between the stronger union states of the north and the weaker states in the south.

“We are on the borderline between ‘right to work’ and ‘working for rights’.

ACT helps the Union movement stand in the gap.

“We have seven local unions within the IUPAT District Council 53 that are affiliated with ACT.

ACT is on the cutting edge of the union movement. Right now, it's the only game in town,” said Mitchell.

Longview Power Plant on Schedule

Early this month the Monongalia County Commission approved the lease for the \$950 million Longview Power Plant.

On November 13th the Monongalia Economic Development Authority made it official.

The lease means the proposed \$950 million power plant is one step closer to

being built. The last three major issues to be resolved are the air permit, approval by the state Public Service Commission and financing.

To support these steps the North Central WV Building Trades and ACT launched a public ad campaign in Monongalia County. Postcards (see below) were sent to every household. Full-page ads are running in the newspaper.

As the reality of a major construction project moves closer the Trades are revving up their support.

Local Union members are distributing yard signs and bumper stickers.

"We want to make sure our voices are heard," said Mark Estlack, Business Manager for Millwrights Local 1755. "Longview will bring needed jobs, taxes and the

most advanced power generation plant constructed in over 50 years."

According to the Longview Power website, the plant will use cutting edge technology to protect the environment. It will use acid mine drainage water as its primary water source.

There has already been a

law suit filed by a few county residents who oppose the plant. Their claim, that property tax breaks are illegal, will certainly be the first in many suits over this project.

"We will get ACT to intervene in this suit and protect our members interests," said Estlack. "We plan on staying involved all the way through."

Why We Support Longview

\$105 million in property taxes makes Longview the #1 property taxpayer in Monongalia County
Terry Loughry, Morgantown

By using the latest technology, Longview will be the cleanest coal-fired power plant in West Virginia.
Chad Oleksa, Morgantown

The Longview project will pay \$125 million in construction wages for local workers.
Scott Rowan, Morgantown

Monongalia County needs new jobs that pay good wages and benefits. Building Longview will create those jobs for local construction workers.
Frank Rosiak, Morgantown.

LET'S BUILD LONGVIEW!

THIS POSTCARD WAS SENT to every household in Monongalia County with a registered voter. Local construction workers want their voices heard in the debate about the \$950 million Longview project.

NLRB

CONTINUED FROM P. 1

lions in contracts."

Beckley Mechanical is able to secure publicly funded jobs because even lawbreakers are eligible to bid on federal projects under the Bush Administration.

Responsible Contracting Rules had required federal contractors to comply with federal public health, safety, labor, environmental and anti-discrimina-

tion laws. President Bush repealed these rules in April 2001.

Steve White, ACT Director, said, "It's criminal that companies which violate federal labor law get the privilege of making money off taxpayers."

But, without the Responsible Contractor Rules in place, there is nothing to stop a violator like Beckley Mechanical from getting federally funded projects.

Beckley Mechanical has a history of law breaking. According to Gombos, Beckley

Mechanical cheats on prevailing wage by misclassifying employees, and also by hiring employees calling them independent contractors. Then, Beckley Mechanical doesn't pay federal or state taxes, workers comp, or social security on these employees.

Beckley Mechanical has already been ordered to pay \$89,000 to the state for not paying prevailing wage. It also had to pay \$49,500 in back payments to Workers Comp.

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