

THE ACT REPORT

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

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State Constitutional Convention Held

The West Virginia State Building Trades held their constitutional convention on July 21.

Re-elected to the office of President was Steve Burton.

Burton is Business Manager of the Tri-State Building Trades Council.

Also re-elected was Secretary-Treasurer Roy Smith.

The Secretary-Treasurer position is the only full-time elected

position of the State Building Trades.

Elections are held every four years.

Joe Manchin, labor's endorsed candidate for Governor, spoke to the group as well

as Warren McGraw, who is endorsed for re-election to the Supreme Court of Appeals.

The State Building Trades by-laws were changed to allow for a State Building Trades political endorsement process.

"We will continue to participate in the WV AFL-CIO process but now have some guidelines to go by if we want to do something different," said Burton.

Most affiliated locals are also members of the WV AFL-CIO and participate in their endorsement process.

However there had been no process set out if the Building Trades wanted to endorse a candidate that either was different from the AFL-CIO or in races where the AFL-CIO chose not to endorse.

"It's good to review our direction every once in a while," said Jim Black, Business Agent for Sheet Metal Workers Local 33. "We need to refocus as we go along."



MORE THAN 80 people attended the WV State Building and Construction Trades Council's Constitutional Convention held at the Stonewall Jackson Lake State Park. More local unions, councils and workers are members of the State Building Trades than ever before.

Longview Makes Progress

A deal has been worked out between the developers of a \$1 billion power plant and three groups who challenged their air permit.

GenPower, the Massachusetts power plant developer, filed the proposed settlement agreement with the state Air Quality Board on July 29. The agreement was with the Sierra Club, Trout Unlimited and the National Parks Conservation Association.

GenPower has been trying to get permission to build the 600 megawatt coal burning Longview power plant in

Monongalia County.

The developers have committed to use 100% local Building Trades labor to construct the project. As many as 1200 construction workers will be needed.

10 years and then \$300,000 a year for the life of the plant to a new nonprofit group that will work to reduce acid rain greenhouse gas emissions.

According to Tom Wheble,

ested in buying the power this plant will produce," said Wheble. "The response is terrific, we've had companies actually wanting more power than we have to sell."

Longview still faces another air quality permit protest as well as a challenge to their property tax deal with the county.

They also are awaiting a decision from the state Public Service Commission for permission to build the plant but first need to negotiate a deal with Allegheny Power to use their transmission lines.

The company hopes to see construction start in 2005 and operations begin in 2008.

"WE HAVE ALSO BEGUN TO LOOK FOR COMPANIES WHO ARE INTERESTED IN BUYING THE POWER THIS PLANT WILL PRODUCE..."

**TOM WHEBLE, PROJECT MANAGER
GENPOWER/LONGVIEW**

Under the 10-page settlement Longview will reduce emissions of sulfur dioxide and nitrogen oxides.

Longview also agreed to donate \$500,000 a year for the first

Project Manager, the deal is a very positive step for the project.

"We have also begun to look for companies who are inter-

Terramite Workers Vote Union Yes

By a vote of 25 to 10 workers at Terramite Corporation, located near Charleston, have voted to be represented by Operating Engineers Local 132.

The vote took place on August 5.

Workers at Terramite contacted the Operating Engineers in June about union representation.

They had not had a raise in four years and were seeing more and more temporary workers hired by the company.

A supervisor told workers that all employees were considered 'a liability' to the company.

"This was a strong group of workers," said Donnie Huff, Organizing Director for Local 132. "They stuck together from the start."

But the workers success was

not without a fight.

Company owners called in two union-busting lawyers, Fred Holroyd from Charleston and Ronald Morgan from Bristol, Virginia.

Together they waged a harsh anti-union campaign using the standard lines intimidating workers about losing their jobs if they voted for a union.

"They attacked the union, they talked about moving to North Carolina, then they started in about not needing a third party," said Tom Plymale, Business Agent for Local 132.

Local 132 filed charges twice with the National Labor Relations Board (NLRB) having to do with raises promised but not given to employees. In April Terramite promised employees they would get a raise in July but did not deliver. They then told employees they weren't going to get their raise since they had en-

gaged in union activity.

Terramite builds equipment such as different size backhoes,

concrete roller screeds, and road sweepers. They are located in Cross Lanes.

Bargaining for a contract will begin once the NLRB certifies the election.



WORKERS AT TERRAMITE Corp. celebrate their union election victory at a cookout with members of Operating Engineers Local 132.

Building Trades Try to Stop Document Destruction

ABC Grant Investigation Continues

A new batch of documents sheds more light onto state grants given to the anti-union Associated Builders and Contractors, West Virginia Chapter.

The new documents came from an investigation by the state Economic Development Office which was started after the ACT Foundation uncovered a questionable lack of documentation concerning \$155,000 in state grant money.

One new document revealed by a recent ACT Freedom of Information request uncovered a May 2003 audit of the largest grant, \$120,000 given in 2001.

The audit, performed by ac-

counting firm Gibbons and Kawash detailed a number of problems with the ABC's record keeping.

In a sample of 40 checks only eight were found to be properly documented.

Another review of participant eligibility was only half way complete when the accountants determined that every single file failed to meet the required documentation.

Numerous items where documents were missing or proper

procedures not followed were noted in the three page report.

The audit was done about one year before ACT's investigation revealed the problem but no action was taken by the state to

New documentation also brought to light the ABC's justification for the grant.

The earliest documents are dated September 7, 2000 when then ABC Executive Director

Tom Hardiman wrote to Mike Smith, Assistant Director of the Governor's Workforce Investment Office, during the last few months of the Underwood administration.

In the letter Hardiman's explains why the grant money is needed.

He wrote, "Companies that utilize bona fide apprentices only have to pay those apprentices a percent of journeyman's prevailing wages."

"This was the main reason behind ABCWV seeking and obtaining approval from the U.S. Department of Labor to develop and implement an alternative to union-only apprenticeship programs."

"The documents speak for themselves," said Dave Mullins, Training Director for Operating Engineers Local 132.

"The ABC doesn't care about training workers, they just want to pay workers less money."

"THE ABC DOESN'T CARE ABOUT TRAINING WORKERS, THEY JUST WANT TO PAY WORKERS LESS MONEY. WE'VE SAID IT BEFORE BUT NOW WE HAVE THE ABC PUTTING IT ON PAPER"

DAVE MULLINS, TRAINING DIRECTOR
OPERATING ENGINEERS LOCAL 132

force the ABC to account for or correct the problems.

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WV Pipe Trades Support Fired Workers

Members of Plumbers and Pipefitters Local 625 in Charleston took to the streets on July 30 to protest the illegal firing of three workers who were trying to organize at their workplace.

Employees of Precision Pump and Valve Service, located near Charleston, contacted Tim "Squirrel" Jividen, Lead Organizer for the WV State Pipe Trades, about a pension plan and other benefits.

Jividen first met with the workers in early June. Then, later in the month, met with the company owner Barry Kemerer to work out an agreement.

"We have strong support of the workers and I tried to point out how a union could benefit the employer as well," said Jividen.

Jividen's offer was turned down so he started the process of petitioning the NLRB for an election.

That's when things started to get ugly.

Not long after Jividen's last conversation with the owner on July 7th, the company started firing employees.

Chris Shannon had been with the company for six years and was recently told he and the company had a bright future.

Bryan Bragg was called on Tuesday evening and told to come in after work the following day which was Wednesday, his day off. When he arrived he was told to get his stuff and clean out his locker because they were letting him go and doing away with his department.

Bragg consistently had notes on his pay stub thanking him for his good work record and being such as asset to the company.

Lloyd Smith was picked at random for a drug test. He passed it, and he was still fired.

The company just recently ran an ad for new workers.

All three workers had openly been in support of a union and had worn Local 625 hats on the job.

Kemerer denied that the firings were because of the workers union activity.

Charges have been filed with the National Labor Relations Board claiming the firings were illegal and based solely on the workers wanting a union.

"This is America and its against

the law to punish workers just because they want a union," said Jeff Perry, Business Manager for Local 625.

"And the facts are pretty clear, this company is out to punish workers who want a union."

After the firings occurred Perry and Business Agent Steve Frazier

wasted no time to come to the workers defense.

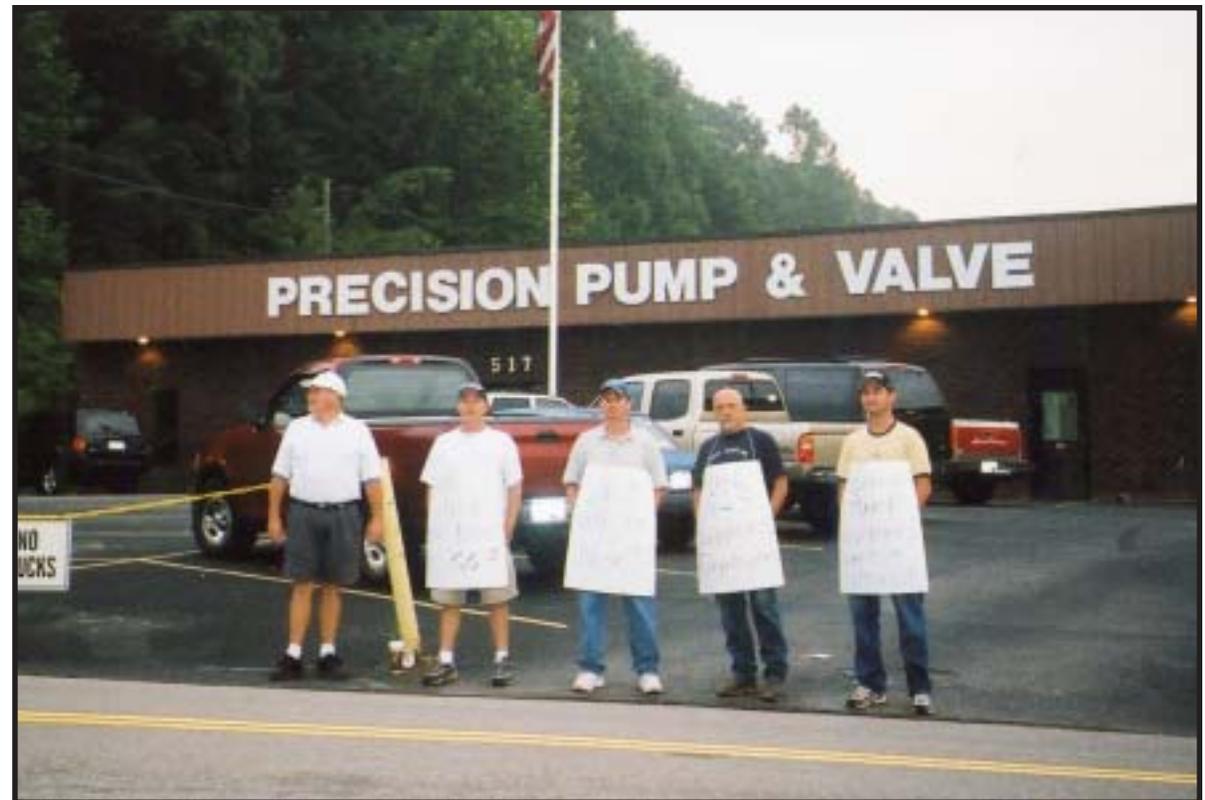
"Our members responded with very short notice," said Perry.

By Friday morning at 5:30 am more than 35 members of Local 625 showed up to picket Precision Pump's office in Cross Lanes.

"This is the thanks Barry

Kemerer gave his hard working employees," said Jividen. "He proved workers need unions today more than ever."

Local 625 members donated \$500 to each fired worker to help them with school supplies needed for their kids. Together the three fired workers have seven children.



PROTESTING AT PRECISION Pump & Valve are (from right) Bryan Bragg, Zeke Bukac, Shane Arbaugh, Chris Shannon, and Howard "Plumb-Bob" Thomas. They were joined by 35 members of Local 625.

Plasterers & Cement Masons Apprenticeship

Plasterers & Cement Masons Local 887's Apprenticeship committee will be accepting applications for cement finishing apprentices during the week of August 23 through 27.

The three year program teaches all aspects of cement finishing including flat work, curb and gutters, and work-

ing with trowel machines.

Those interested should go to 3130 7th Avenue in Charleston between 8:00 am and 4:00 pm.

All applicants must have a valid drivers license, a high school diploma or GED and live in the area covered by Local 887.

Local 887's jurisdiction includes 29 counties in southern West Virginia and 19 counties in southwestern Virginia.

From Wood County across to Braxton County and south.

An aptitude test will be required. Applications will also be taken throughout the year on the third Friday of every month, between 8:00 a.m. and 4:00 p.m.

All applicants welcomed without regard to race, color religion, national origin or sex.

For more information contact Tracey Funfstuck at 744-8389.



Fall is fast approaching and the staff at Union Trades would like to help you with your last minute home repairs and back to school expenses.

We offer an attractive rate on our Home Equity loans. And 4-wheeler loans for your hunting and farm needs.

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344-0194 or toll free 800-450-8530

Parkersburg M-F 8:30 – 4:30, Thursday until 6:00 pm.
485-1421 or toll free 888-524-1421

Trades Support Diabetes Research

The Parkersburg-Marietta Building and Construction Trades Council, AFL-CIO hosted their First

Annual 'Fun Shoot' Saturday July 31st.

The clay shoot was held at Paw Paw Creek Sporting Clay Range in Salem, Ohio.

The event was open to everyone, and the money raised was donated to the Dollars-Against-Diabetes campaign.

The Building and Construc-

tion Trades Council of the AFL-CIO started the DAD's campaign years ago and has been a major contributor to research aimed at finding a cure for this deadly disease.

A total of 33 shooters along with twelve different sponsors participated.

The sponsors were companies, individuals and local

unions. The cost per shooter package was \$55.

Parkersburg-Marietta Building Trades Council Business Manager, Sam Davis, felt things went well.

"The course was good and everyone enjoyed themselves," said Davis.

"This is something we plan to do on an annual basis."



BILLY HUTCHINSON (left) Business Agent for Iron Workers Local 787 was one of the winners of the Lewis Class in the First Annual Fun Shoot for DAD's Day with the Parkersburg-Marietta Building Trades Council.

ABC Grant

CONTINUED FROM P. 2

We've said it before but now we have the ABC putting it on paper."

Still missing is the "Statement of Work," a key document that is required of all grants that details specifically how the money is to be used.

However, the purpose of the grant clearly was to expand the ABC's apprenticeship program.

This new fact leads to more questions said ACT Director Steve White.

"We have records from the Federal Bureau of Apprenticeship and Training that show during the same time period the ABC told the state they would

be taking in new apprentices they were in fact kicking students out of the program," said White.

During the same time period as the grant not one new apprentice was registered with the program.

Instead 25 apprenticeship agreements were canceled.

ACT's investigation comes at the same time as a similar investigation by the national Building Trades.

The Building and Construction Trades Department, AFL-CIO uncovered a pattern of poor performance records by ABC's apprenticeship programs across the country.

When the Building Trades called on the Bush Administration to take action the response

was quick, but not what was hoped for.

Instead of clamping down on programs with poor performance records the DOL has instructed their field offices to destroy performance evaluation records.

In an August 3 letter to Labor Department Secretary Elaine Chao, Ed Sullivan, the president of the Building Trades, asked Chao to rescind instructions that agency staff destroy apprentice training program evaluation forms.

According to Sullivan, DOL management at a May 2004 national staff meeting in Las Vegas instructed staff to "Destroy After Use!" three forms used to evaluate apprenticeship program quality.

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11:00pm

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Wheeling, St.Clairsville &
Moundsville
daily @ 11:00am &
11:00pm

LABOR DAY EVENTS - MONDAY SEPTEMBER 6

IN CHARLESTON

Sponsored by the Kanawha Valley Labor Council
From Noon to Dusk

Entertainment by Willie Nelson, Judy Collins and the
Indio Girls among others.

Ends with Fireworks. At Haddad Riverfront Park

IN PADEN CITY

Sponsored by the Marshall-Wetzel-Tyler Labor Council
Labor Rally at 11:00 am - The Old Middle School
Parade at 1:00 pm - Line up at American Legion
Concert at 7:00 pm - City Park
Free Admission to both events.