

# THE ACT REPORT

VOLUME 13 NUMBER 3  
MARCH 2004



A PUBLICATION OF  
THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION

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.

Charleston - (304) 345-7570  
Toll Free - (800) 930-9675  
www.actwv.org



## INSIDE

Bad Medicine	Pg. 2
Bond Approved	Pg. 2
Credit Union	Pg. 2
Power Plant	Pg. 3
Watch Pays Off	Pg. 3
Career Trades Show	Pg. 4

# 2004 Legislative Session Over

The 2004 legislative session is over with labor neither accomplishing major changes nor suffering huge defeat.

It's not for lack of effort.

Early in the session a bill to force public agencies to accept low bidders, regardless of their track record, was on ACT's radar.

S.B.694 started as a bad bill, but through long negotiations evolved into a modest gain for union construc-

tion workers.

Low bid is not always the best bid, and not the only factor to consider under current law.

Public bids must be awarded to the 'lowest responsible' bidder.

Defining responsible has been an effort many agencies avoid but for years agencies like the State School Building Authority have worked to develop sensible criteria like track record for timeliness and quality, participation in drug testing, apprenticeship and

benefits plans, and legal compliance to help define a responsible contractor.

It was exactly this type of criteria that was used to pass up two bidders and award the Cabella's site preparation contract to a union company last year.

In the Cabella project, the County Commission and the Building Trades had worked together to develop the list of standards.

The list of standards ensures that there will be a level

playing field based on high standards.

S.B.694 now makes it clear a list of standards is legal, as long as it is included in the bid documents.

"We have a clear law that allows our Building Trades Councils to continue to push for high standards for public contracts," said Steve White, ACT Director.

"We now will work on providing public agencies with model language to de-

*Continued on p. 3*

## Labor & Management Meet

Business agents and contractors got together to discuss ways to be more active in the Eastern Panhandle construction industry.

The meeting was held in Martinsburg on February 24. Twenty-one contractor representatives enjoyed lunch and open dialogue with about 30 business agents.

Natalie Stone, Executive

Secretary of the North Central WV Building Trades, who helped organize the meeting, was very pleased with the turnout. "The luncheon provided an opportunity for labor and management to talk. It was a very positive meeting," said Stone.

According to ACT Representative Larry Young, the biggest problem in this area of the state is the lack of union contractors to bid on projects.

Meeting organizers distributed lists of projects that were going to bid in the near future.

Contractors had a chance to ask questions and get to know the business agents in attendance. Jason Kitzmiller with ALL Construction, enjoyed the luncheon. "The luncheon was very informative," said Kitzmiller. "The union leaders that were present are headed in the right direction."

Kitzmiller said he plans to

attend the next luncheon, which will be on June 24th.

A representative from Eastern Steel addressed concerns about the state of our nation and the increase in illegal workers in the country. He also discussed threats from foreign steel and loss of jobs to other countries.

According to Thomas Hayes, Business Agent, Plumbers and Steamfitters Local 486, Baltimore, it is very important to address the boom that is occurring along the Highway 81 corridor. "We had seven contractors show up, some of which had never worked in the area," said Hayes. "We are excited at the show of interest."

Bill Duvall, Business Manager, Carpenters Local 1024, Cumberland, is working to make sure that the success of the meeting is continued by chairing a subcommittee formed at the meeting. Duvall said, "If everything discussed at the meeting is implemented, everyone [contractors, union, public, local and state government] will benefit."

Duvall added, "The Labor-Management team always works when they are together."



NORTH CENTRAL WV Building Trades President Darwin Snyder leads the discussion at the labor-management construction industry meeting held in the Eastern Panhandle.

# Doctors Prescribe Bad Medicine?

You haven't felt well in a few days, so you make an appointment to see your trusted family doctor.

You hopefully get some medical advice, but these days you also might get some advice you didn't bargain for.

Doctors across West Virginia are putting up anti-Supreme Court fliers in their medical offices. Their target is a clear friend of working families Justice Warren McGraw.

Among other things, the fliers' falsely imply that if Justice McGraw is defeated auto insurance and homeowner's insurance costs will go down.

Has this happened to you?

It happened to Gary Tillis, Business Manager of the Laborers District Council. Tillis was surprised to find a flier in his doctor's office.

"I went to my Doctor for health care not politics," said Tillis. "I let him know I didn't appreciate the political propa-

ganda."

Steve White, ACT Director, has filed charges with the WV Secretary of State's office. The flier White saw in his former doctor's office did not contain a disclaimer, which is required by law.

When White challenged his doctor about the flyer the doctor dropped White as a patient.

"My doctor chose to bring politics into the patient room, I simply took him up on the topic and since I did not agree with him he dropped me as a patient."

It appears Doctors are leading the fight to carry out a big business agenda aimed at taking over the court system.

Insurance companies are quick to reinforce the doctor's message claiming it is the Supreme Court, not their own profit motivated actions, that is causing premiums to rise.

Legislative attempts to limit jury trials and law suit awards continue to be on top of the business agenda.

This year's Supreme Court race is seen as a key election because only one more business

vote is needed for the business community to control the court.

If you have encountered a

similar flyer at your doctor's office please call the ACT Foundation with details.



UNION CONSTRUCTION workers know who their friends are in the Supreme Court. In a show of support for the re-election of Supreme Court Justice Warren McGraw, a rally was held March 1 in Clarksburg at the IBEW Hall.

## Mason County Citizens Approve School Bond

With the cooperation and effort of the Tri-State Building Trades Council and its member crafts, the voters of Mason County voted to approve their local \$12 million school bond issue.

Approval of the bond measure means that Mason County will now receive an additional \$13.4 million from the School Building Authority.

The \$25 million dollars will fund a long list of school projects including improvements to Point Pleasant, Wahoma, and Hannan High Schools.

Dave McComas, Laborers Local 543, said, "Approval of

the bond issue is good for all of Mason County." McComas is enthusiastic not only because the bond passed but because the county school board took action before the vote to make sure local workers and contractors got a fair chance to get the work the bond will create.

The Mason County School Board passed unanimously a resolution that only responsible contractors will be hired.

"We can rest assured that work on these schools will be done by a contractor who hires local workers, has apprenticeship and drug testing programs, pays into a pension plan, and is a good corporate citizen with a proven track

record," said McComas.

McComas credits the citizens of Mason County, especially those from New Haven, Point Pleasant, and Ashton for the bond's passage.

The Building Trades also gave special credit to Carpenter Agent Jeff Clendenen.

The bids for projects will likely go out late this year or early in 2005.

Across the state, local bond issues will be held during 2004. The School Board Authority projects are contingent on local communities approving the bonds. If all communities pass their bond issues, over \$400 million dollars of projects will take place.

### UNION TRADES FEDERAL CREDIT UNION

**"Spring Is Here - Need A Loan?"**

**Vacation • Home Improvement  
Lawn Equipment • Motorcycles  
4 Wheelers • Boats • Campers**

*Not just another bank or credit union.  
WE UNDERSTAND UNION PEOPLE.*

*For over 30 years we have served only UNION MEMBERS. Make UNION TRADES FEDERAL CREDIT UNION your financial home.*

Charleston - M-F 8:30 - 4:30, Sat. 9:00 am to Noon  
344-0194 or toll free 1-800-450-8530

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

# Longview Power Plant One Step Closer

The WV Department of Environmental Protection approved GenPower's air permit for the proposed state-of-the-art Longview power plant on March 3.

The authorization moves the project one more important step closer to being built.

"We are excited the DEP issued the permit," said Darwin Snyder, president of the North Central WV Building Trades. "The next step is approval from the Public Service Commission."

GenPower still needs approval from the state PSC before it can begin construction. On March 31st, the PSC will hold two public hearings at the Erikson Alumni Center on Patterson Drive in Morgantown. The hearing times are 2:00 p.m. and 7:00 p.m.

"We need to have several

members come out and speak," said Mark Estlack, Business Agent for Millwrights Local 1755. "Even something as simple as 'I support the project' would help. We must make our voice heard."

**SHOW YOUR SUPPORT!**

Wednesday, March 31st

Erikson  
Alumni Center  
Patterson Drive,  
Morgantown

2:00 p.m. and 7:00 p.m.

ACT has intervened in support of the project and intends to show the positive economic impact from the construction of the plant and the use of local workers.

Part of the evidence will be the signed commitment from project developers GenPower to use local union building

trades workers for the \$950 million project.

ACT has also intervened in a lawsuit brought by a few Monongalia County citizens who are trying to stop the project by challenging the property tax agreement made by the County School Board and County Commission.

Last year an agreement valued at more than \$100 million was negotiated for property tax payments making the Longview project the largest property tax payer in the county. The suit argues \$100 million is not enough.

Members statewide can send support letters to:

WV Public Service  
Commission

Attn: Sandra Squires,  
Executive Secretary  
PO Box 812

Charleston, WV 25323  
Case # 03-1860-E-CS-CN

## Union's Constant Watch Pays Off - Owner Reacts Quickly

Astech, the demolition contractor involved in the controversial Kanawha Hotel dumping and workers comp scandal has been tossed off of a Charleston project.

The company left the job on March 10 thanks to the persistence of local union representatives.

During a recent jobsite visit, local organizers from several different union crafts discovered Astech was working on the Fifth Third Bank site (the old Teamsters Hall in Kanawha City).

Organizers noticed the company did not have a permit

posted. The Charleston Building Department was notified and they immediately sent an inspector to the site to investigate, the result was a cease and desist order issued.

The organizers then contacted Business Manager Craig Harvey, Laborers Local 1353 and informed him of the situation. Harvey called Fifth Third Bank management and told them about the connection between Astech and Tenth Diamond.

Tenth Diamond lists the same officers as Astech and owes the state worker's compensation fund over \$800,000. Astech has been leasing employees from

their apparent sister company, a fact which was uncovered when the Kanawha Hotel was demolished last year.

As soon as Fifth Third management learned that Astech was not a responsible company they stopped the job immediately. Fifth Third management has hired Astar, a responsible, 100% union contractor.

Harvey thinks Fifth Third Bank learned a valuable lesson. "Owners need to be cautious when choosing a contractor," said Harvey. "Fifth Third did the right thing by removing Astech from the job so quickly and we appreciate that."

## Legislative

*CONTINUED FROM P. 1*

fine responsible bidders and spread the success of the Cabella's project to other areas."

ACT was successful in helping two bills pass aimed at stopping cheaters in the construction industry.

S.B.100, introduced by Sen. Larry Rowe (D-Kanawha), stops anyone who owes the state, or a county or city \$1,000 or more from getting a public contract.

Current law set the amount at \$5,000 and only included state debt.

"Companies who owe workers compensation or tax bills more than \$1000 will be unable to get public works construction jobs," said Roy Smith, Secretary-Treasurer of the WV State Building Trades.

S.B.71 cleans up legislation passed last year that makes it the employers responsible for making sure all employees are properly identified.

This will help insure workers are legal and on the payroll.

Perhaps the biggest disappointment of the session was the diversion of \$24 million from state School Building Authority funding to go to fix the state budget shortfalls.

While promises were made that these funds will not be taken next year it is clear the budget fights will get worse during next year's session.

Efforts to pass a plumbers licensing bill failed, but not before much progress was made on the issue.

The bill was rewritten to include sprinkler fitters and ended up being similar to the electrician licensing law.

Time basically ran out for S.B.625 but next year it should return and is now ready to go.

The public-private transportation bill passed the Senate but was killed in the House Finance Committee once again.

The bill would have allowed private funds to be used to build public roads, then paid off with tolls or other mechanisms.

Highways officials just don't want additional private funding because it would allow public access to spending decisions.

A bill to clean up election law failed to make much progress. The 'Clean Elections' bill would allow an alternate financing system for candidates who did not want to take large contributions for big business.

Instead they could collect a large number of small donations and then be given public funding to run their campaign.

The effort has worked in a number of other states and helps grass-roots candidates.

A bill aimed at helping large telemarketers cheat their workers was stopped thanks to the efforts of ACT and a group of lawyers who work on employment issues.

S.B.712 would have lowered the penalty for companies who steal small bits of paid time over a long period.

The telemarketer was caught deducting time from employees whenever they were not on the phone.

Group meetings, restroom breaks and simply waiting for new call numbers were all changed to unpaid time resulting in hundreds of thousands of dollars in stolen wages.

# The Construction Career Trades Show

Crafts apprenticeships, safety workshops, construction seminars, construction equipment vendors, school-to-work program – sound good?

Hundreds of high school students, contractors and the general public experienced this variety of programs at the Parkersburg Construction Career Trades Show on March 11-13.

Management from hospitals, government, manufacturing and

other industry sectors also attended to see what is new in the construction industry and to check out the workshops.

Sam Davis, Business Manager of the Parkersburg-Marietta Building Trades, one of the organizers, is excited about “showing off what the building trades can offer.”

Davis added, “This is the fourth year we’ve done this. It is truly a construction coalition event.”

The event, which is free to the

public, is advertised widely on local radio and television. All local schools receive an invitation as well.

There was a lot of interest in how to get into apprenticeship programs. “We got 15 apprenticeship applications,” said Ken Downey, Business Agent for Roofers Local 242.

Hands-on displays were popular. The Bricklayers had a display where you could try your hand at laying brick. Operating Engineers had a small

crane, trackhoe and backhoe for people to try out.

“Most people have no idea what the building trades and their contractor partners do to train the construction workforce,” said Bob Ford, Business Agent, Sheet Metal Workers Local 33, Parkersburg.

“Labor and management work together to meet industries’

needs. That means private funds not tax payer support, little or no cost to apprentices, on-the-job and classroom training, continued education for journeyman, and federal review.

“That’s how we produce the best trained - highest skilled - most productive construction work force in the world. We have a great story to tell.”



DR. ERIC OTSTOT of Marietta Memorial Hospital instructs participants on how to comply with drug and alcohol testing requirements of Ohio's Drug Free Workplace policy.

## ACT Website Gets Makeover

The ACT Foundation's website - [www.actwv.org](http://www.actwv.org) - looks fantastic!

A new design, with new and expanded information and sound effects makes the site a useful place to find valuable information.

There are several new sections on the site, such as a list of apprenticeship programs. To read a timely article or report of interest, just click on the News

and Highlights box.

You can also follow the link to find out when to tune in to hear “Head on with Bob Kincaid,” the progressive, union-friendly radio show on WWNR.

In case you've missed them on television, you can watch ACT commercials from the site.

You can still download back and current issues of the ACT Report. You can find all the local building trades unions in West

Virginia and surrounding states. There is information about state and federal labor laws.

There are links to a variety of useful websites, such as the U.S. Department of Labor, the WV DOL and the AFL-CIO.

ACT's Walter “Fuzz” LaRue has found several sites that contain good information and action items.

For instance, the AFL-CIO website features a petition that you can sign to stop President

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

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

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

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

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

### WEST VIRGINIA WORKS SHOW TIMES SUNDAYS AT 11 AM

**CABLE CHANNEL 9**  
Steubenville, Follansbee &  
Wellsburg  
daily @ 11:00am &  
11:00pm

**CABLE CHANNEL 10**  
Wheeling, St.Clairsville &  
Moundsville  
daily @ 11:00am &  
11:00pm

Bush's overtime pay take-away. There is also an entire section devoted to Bush's poor record on working family issues. “It's easy to educate yourself about politics by just doing a little research on the Internet,” says LaRue.

From the ACT website you can also see which corporations are registered to do business in the state. The Federal Davis-Bacon rates are also listed by

state, type of work and county.

There is also now a section titled, “Alert! Us to a problem” aimed at making it easier for the public to alert ACT to illegal activities in the construction industry.

A ‘members only’ section links you to ACT's password protected project tracking database which includes current and historical information on projects, contractors and owners.