

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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MANCHIN WINS, KERRY/McGRAW LOSE

Big Coal Buys Court with \$5 Million

Labor's endorsed candidate for Governor, Joe Manchin, easily won over challenger Monty Warner.

However, in a major upset Labors' endorsed candidates for President and WV Supreme Court suffered defeats.

John Kerry's loss in West Virginia surprised many who thought the race would be closer.

"Labor worked hard to support Kerry, and I know the majority of our members supported him," said Roy Smith, Secretary Treasurer of the WV State Building Trades.

"But our membership is not big enough to carry the whole state."

Exit polls showed that 58 percent of labor union members voted for Kerry in WV.

New Approach Pays Off at DuPont

Creating new work opportunities is the measure by which we often gauge our efforts.

That being said, the Parkersburg-Marietta Building Trades can claim success in their efforts to work with local contractors and DuPont at their Washington Works plant.

A new approach to supplying craft manpower needed for shutdown work at DuPont's Washington Works plant has created significant new manhours for local building trades workers.

In the past DuPont has done similar shutdown work with their own maintenance forces. Workers from across the DuPont system would be brought in to the Washington

The WV Supreme Court race became a national story when it was learned coal baron Don Blankenship of A.T. Massey Coal poured \$3.5 million into Warren

of money put into efforts, such as mailings from the secretive group Citizens Against Lawsuit Abuse, (CALA) are unknown. CALA did not disclose how

tions. "The court has been bought by corporate interests" said Smith. "It's a sad day for the state."

In other races across the state Labor met mixed results.

Congressmen Mollohan and Rahall easily won their races but Eric Wells, the challenger to Shelly Capito lost in the Second Congressional District.

Overall Labor endorsed 72 candidates for state or national offices.

Of those endorsed, 50 won.

However, building trades members did not fare too well.

Charlene Marshall, a member of the Laborers District Council won a House of Delegates seat in Monongalia County.

But Dave Mullins of Operating Engineers Local 132 was

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We Thank You For Listening And Participating

The elections are over, with mixed results.

However, the biggest success was the outstanding response of members to listen to the issues and take part in the process.

We are proud of the involvement and teamwork shown by affiliated locals and members in this years election activity.

We know record numbers of building trades members voted and took Labor endorsements to heart.

From your WV State Building Trades Executive Board

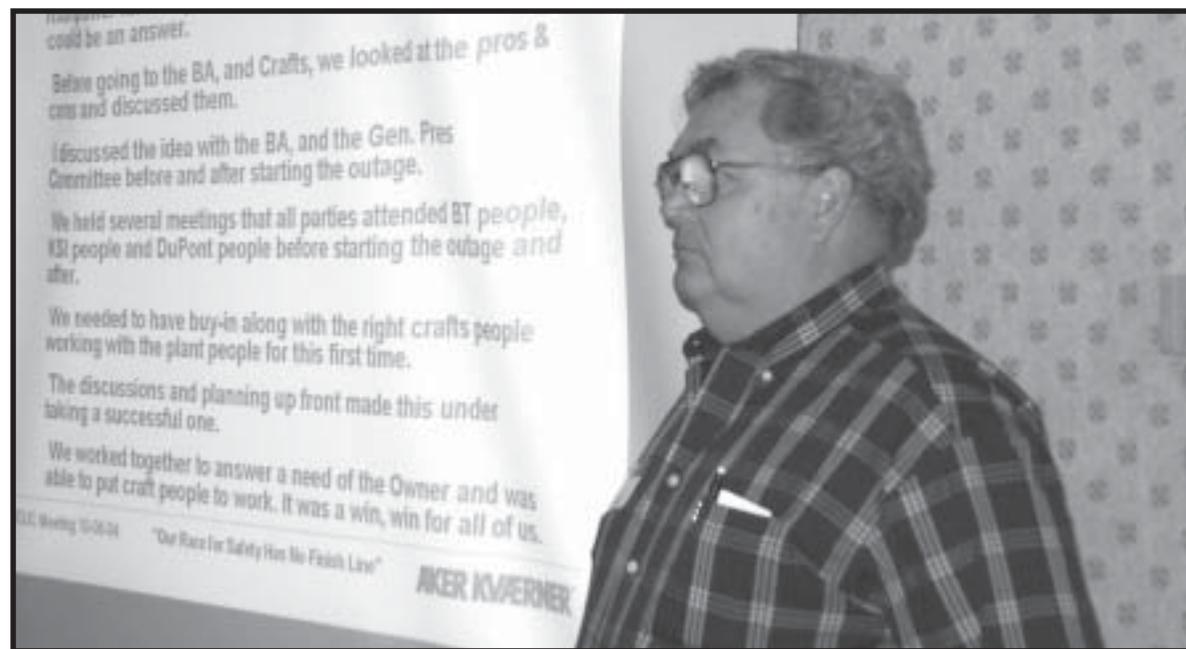
McGraw's opponent Brent Benjamin's campaign.

Siding with Blankenship was an alliance of business and doctors that pushed the disclosed amounts of contributions well over the \$5 million mark.

Yet the disclosed funds don't tell the whole story. The amount

much they spent or where their money came from, but they clearly attacked McGraw with mass mailings to voters.

A report by the watchdog group Public Citizen a few years ago revealed how CALA was started and funded by big tobacco and other large corpora-



SAM DAVIS of the Parkersburg-Marietta Building Trades presented the story of the Dupont/Kvaerner/Trades project to members of the Appalachian Construction Users Council at their meeting in September of this year.

Works plant.

But early last year discussions began with local union leaders, contractors and DuPont to see if

another approach might be tried.

A series of meetings took place during the first half of the year that produced a proposal.

Instead of drawing from plant maintenance employees at other DuPont locations an agreement was worked out

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Electrical Workers Local 466 Opens New Office

IBEW Local 466, based in Charleston, has opened a new satellite office in Princeton, WV.

The Electricians celebrated the new office with an open house held on Saturday, November 6.

At the southern tip of WV the new office is a result of a recent consolidation of the old IBEW Local 637 in Roanoke into Local 466 Charleston, Local 26 Washington DC and Local 596 Clarksburg.

Almost one hundred people attended the open house. New members and their families got to meet 466's leadership and membership.

Local elected officials and other union members stopped by as well.

Local 466 gained the southern WV counties of Mercer, McDowell, Monroe, and Greenbrier as well as eight counties in southwestern Virginia.

"We now go from Gilmer County down to the North Carolina border," said Dave Efaw, Business Manager for Local 466.

Local 26 ended up with 22 new Virginia Counties and Local 596 gained Pocahontas and Pendleton Counties. Local 26 also has set up a satellite office,

theirs is in Roanoke.

As a result of the restructuring Local 466 ended up with 94 new members including apprentices and a maintenance unit at The Greenbrier.

The restructuring started in July of this year and took a number of months to complete according to Efaw.

Union market share has been very low in the area, perhaps only a few percent, so the initial efforts have been aimed at letting workers and contractors know about the IBEW.

The local hired Tom Keatley, Jr., a former member of the Roanoke Local who lives in Princeton, as a Business Agent/Organizer.

Keatley and organizer Bert McDermitt Jr., have been going around to local job sites talking with workers and contractors.

The challenges of the new territory are great, not only because of the size of the territory but because of different laws in Virginia.

Virginia does not have a prevailing wage law and it is a right-to-work state. Both factors make it hard for workers and local contractors to find a level playing field.

"Without prevailing wage local contractors are under constant challenge from out-of-state firms," said Efaw. "And the



STANDING IN FRONT of the new IBEW 466 office in Princeton is (from left) Wayne Rebich, ACT Representative; Dave Efaw, Business Manager; and Tom Keatley, Jr., Organizer.

right-to-work laws just make it harder to exist."

But in many ways the transition makes sense because Local 466 had already been active in the southern part of the state. One notable campaign involved an organizing campaign with K. W. Electric from Oak Hill, Fayette County.

In 2002 McDermitt, started talking with employees about joining the union. McDermitt had already talked with the company owners but they said they would shut down before going union.

Eventually one of K. W.

Electric's workers joined the Local and while still on the job for K. W. let his boss know he was going to join the union.

Soon after the employee was laid off, but the very next day the employer hired a union salt.

The new employee quickly earned a pay raise and was clearly appreciated by his employer, until he openly started to organize.

The next day he was fired.

Charges were filed with the National Labor Relations Board and the NLRB issued a complaint.

An Administrative Law Judge

(ALJ) ruled the first lay off was legal since the job was close to an end but the second layoff was illegal.

The employer appealed the case to the full Board in Washington, DC.

Not only did they lose their appeal of the second worker, the Board reversed the decision of the ALJ and ordered back pay for the first worker as well.

"We have not seen K.W. Electric in our area since that case. But we now cover a larger area I am sure we will run into them again soon," said McDermitt.

National Building Trades Call for Investigation of ABC

A new report issued last month by the Building and Construction Trades Department of the AFL-CIO concludes that anti-union contractor groups in at least 19 states, including West Virginia, may be illegally using training programs to subsidize their operations.

The report looks at IRS filings from the Associated Builders and Contractors local chapters and training programs.

Documented are a variety of violations of both IRS and ERISA (Employee Retirement Income Security Act) laws.

Earlier this year the ACT

Foundation uncovered the misuse of state grant funds by the WV Chapter of the ABC.

This new report focuses on the relationship between the ABC chapters and their training programs.

Many of the training programs paid large sums to the ABC chapters for office space, personnel and administrative services.

While the law allows for 'related party transactions' these payments must be disclosed and the compensation cannot exceed the value of the services provided.

Companies paying into the training trusts get a tax deduction they would not get by paying into the ABC Chapter. If the money earmarked for training is diverted to other purposes then

federal tax laws may have been violated.

In West Virginia records show the ABC's WV Construction Education Trust paid as much as \$259,250 to the Chapter between 1997 and 2002.

This means more than 60% of money earmarked for training went to the Chapter.

The WV training program only enrolled 27 apprentices from

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DuPont

CONTINUED FROM P. 1

for local building trades workers to work under the direct supervision of DuPont supervisors.

Kvaerner Songer, the contractor already on site, participated by handling the payroll manpower, the flow of people, and would of handled any grievances. They also helped coordinate meetings prior to and after the outages.

A number of concerns were identified during the discussions.

Local workers were not clear about the chain of command and

the lack of traditional craft supervision.

Contractors didn't want to lose their traditional work opportunities.

And DuPont employees didn't want their jobs threatened by the Trades.

But a willingness to deal with these issues and try a new approach made the project happen.

During the summer and again in October local crews worked for two shutdowns lasting two to three weeks.

Around 55 building trades workers were on the job each time.

At a recent meeting of the Appalachian Construction Users

Council, an industry group of major construction users, Sam Davis, along with counterparts from DuPont and Kvaerner Songer presented their results.

"In the end all parties involved are very pleased," said Davis.

"We got work we normally did not get, we accomplished all tasks we were asked to do, we had a perfect safety record, no grievances, and we completed the shutdown ahead of schedule and under budget."

The issues of concern prior to the project, because they were discussed and addressed, never turned into a problem according to Davis.

ABC

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1990 to 1999.

In Indiana the ABC Apprenticeship Trust paid \$889,465 for "staff time," \$376,542 for "rent," and \$261,268 to a "training facility" between 1997 and 2002. The group failed to disclose who received the money, however

the state ABC Chapter reported \$361,769 in revenue from 2001 and 2002 from an unnamed apprenticeship trust.

In Ohio the amount paid by the training trust was \$779,650 for "administrative fees" making up 46% of total expenses for 1999 through 2002.

The Ohio program was set up as a nonprofit foundation so that contributions are tax deductible.

"This report makes you wonder if the training trusts were simply used as illegal tax shelters to fund the ABC Chapters," said Joe Dalton, Apprenticeship Coordinator for the WV District Council of Bricklayers.

The Building Trades has asked federal and state regulators to investigate the movement of money between ABC Chapters and training programs.

Trades Win Media Awards

The ACT Foundation has won a second place national award for best labor television commercials.

And the West Virginia Works TV show has won an award for best Labor TV programming.

Both awards came from the International Labor Communications Association, the AFL-CIO's professional association of labor journalism.

ACT won second place in the 'Television, Film and Radio' awards category for its TV commercial called People Power. The ad positions West Virginia as the place where "Wall Street

meets Main Street" and focuses on union building trades workers who build electric generating facilities powered by wind, hydro, gas and coal.

The West Virginia Works television program won a second place award in the 'Half-Hour Broadcast Series' category for its "West Virginia Works' Greatest Hits, Vol. 1", which featured "Redneck Justice", about the sheet metal workers conflict with an outlaw contractor and "Coalfield Chronicle", a report on bad mining practices in southern West Virginia.

West Virginia Works was started by the ACT Foundation

and is now sponsored by a number of organizations including the WV AFL-CIO, the United Mine Workers of America and beginning in October, the American Federation of Government Employees.

"We're proud of the national recognition the ILCA has given us," said Eric Spelsberg host and producer of West Virginia Works. "But it's the continuing support of Building Trades members that made it possible."

You can watch ACT commercials on-line at the web site www.actwv.org.

See page four for the times and stations to watch WV Works.

WV AFL-CIO Endorsements

Below are the list of endorsed candidates who won and lost in the general election. A late endorsement of Larry Barker in the 18th Delegate District was not on this list. Barker won his race for House of Delegates in Boone County.

President	10th: Patrick Radcliff; John Ellem (R)
John Kerry	
Governor	13th: Dale Martin; Brady Paxton
Joe Manchin	
Justice of the Supreme Court of Appeals	16th: Susan Hubbard; Dale Stephens; Bobby Nelson
Warren McGraw	17th: Richard Thompson; Don Perdue
U.S. House of Representatives	19th: Greg Butcher; Lidella Wilson Hrutkay; Jeff Eldridge
First District: Alan Mollohan	
Second District: Eric Wells	21st: Harry Keith White
Third District: Nick Joe Rahall	22nd: Richard Browning
	23rd: Clifton Moore
Attorney General	25th: Michael Magann
Darrell McGraw	27th: Virginia Mahan; Sally Susman; John Wooten
State Senate	28th: Tommy Searles
1st: Andy McKenzie (R)	29th: Tom Louisos
2nd: Jeff Kessler	30th: Bonnie Brown; Bobbie Hatfield; Mark Hunt
4th: David Mullins	
5th: Bob Plymale	31st: Carrie Webster
6th: John Pat Fanning	32nd: Jon Cain, Sr.; Curtis Robinson
8th: Margaret Workman	
9th: Billy Wayne Bailey	34th: Brent Boggs
10th: Anita Skeens Caldwell	35th: Sam Argento
11th: Shirley Love	39th: Bill Hamilton (R)
14th: Jon Blair Hunter	40th: Mary Poling
15th: Clark Barnes (R)	41st: Ron Fragale; Richard Iaquinta; Tim Miley
16th: Gregory Lance	
17th: Rusty Webb (R)	42nd: Diane Parker
House of Delegates	43rd: Mike Caputo; Tim Manchin; Linda Longstreth
1st: Joe DeLong	
2nd: Jack Yost	44th: Barbara Fleischauer; Charlene Marshall
3rd: Orphy Klempa	
4th: Ken Tucker; Scott Varner	46th: Stan Shaver
5th: Dave Pethal	53rd: Jerry Lynn Burton
9th: Jeff Lewis	54th: Walter Duke (R)
	58th: Locke Wysong

Greenbrier Power Project Moves Forward

The proposed \$215 million Western Greenbrier Co-Generation project is moving forward.

That message was delivered to members of the Charleston Building Trades at a meeting with representatives of the project development team on Nov. 4.

The 90 megawatt power plant is to be built in Rainelle, WV thanks to a \$107 million "Clean Coal Initiative" federal grant.

The project received funding because of its innovative approach to using waste from coal

mining, called gob, to make electricity, steam and manufactured products using the ash.

While the sizable federal grant was key to the project much work has been done to secure the additional funding needed to get the project off the ground.

An initial \$6 million was raised to match the first \$6 million from the grant needed to do engineering and design work.

Western Greenbrier brought in two partners to help at this phase, international engineering Parsons E & C and Alstom, a boiler manufacturer.

Representatives from both

companies were at the meeting and explained their role, the circulating fluidized bed boiler to be used, and other project details.

Now the project is moving to the next phase where fixed price construction bids are needed.

Western Greenbrier Co-Generation has committed to using local union trades on the project and is very positive about the partnership with local workers.

Project Manager Shaun Allen emphasized his desire to work with the trades on productivity, jurisdiction and safety issues.

Allen is no stranger to the area having overseen the successful

Summersville Hydro-Electric project a few years ago working then for Black & Veatch.

If all goes well the project could start in 18 months. Construction is expected to take between 27 and 33 months to complete.

Long range plans call for a series of similar facilities if this first one can prove its worth.

West Virginia has millions of

tons of waste coal that currently create significant environmental damage to ground water supplies and cost the state millions to monitor and repair.

"We hope this project will be a model for future power plant development using the many tons of waste coal we have in this state," said Mike Matthews, Business Manager of the Charleston Building Trades.

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WAYNE BROWN, (standing) of Western Greenbrier Co-Generation, LLC gives an update on their project to about 20 members of the Charleston Building Trades Council. Seated behind Brown are (from left) Mike Matthews, Council Business Manager; Don Mylchreest, Chris Nelson and Steve McNary with Alstom Power.

Big Coal

CONTINUED FROM P. 1

unable to unseat incumbent Karen Facemyer in the Fourth Senate District.

Orphy Klempa, Carpenters Local 3, lost his bid for the House of Delegates in Ohio

County.

And Diane Parker, of the Laborers, also lost her effort to gain a Delegate seat in Taylor County.

Some non-candidate issues were also on the ballot.

A constitutional amendment supported by Labor that gives a bonus to recent veterans passed.

In Wood County with the help of the local building trades a \$35 million school bond was passed.

The bond proceeds will be matched by \$15 million from the state School Building Authority to renovate, modernize and expand the counties three high schools.



It's that time of year again...time to start thinking of all those Christmas presents you need to buy. Let Union Trades help you with all your Christmas purchases.

We offer a 10 month Christmas Loan at a low rate of 7%. To prepare for next year we also have Christmas Clubs.

Contact our office today and let Union Trades make your holidays brighter.

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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