

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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Labor Day 2004 Events a Big Success

Thousands attended the Kanawha Valley Labor Council's Labor Day 'Celebration of Working People' event in Charleston on September 6.

The huge crowd, some reports were as high as 50,000,

got to enjoy a day of entertainment with Willie Nelson as the top attraction.

Other artists included Asleep at the Wheel, Judy Collins, the Indigo Girls, Nanci Griffith, and local talent The Carpenter Ants and Bob Thompson.

Also on hand were many national speakers and labor

leaders such as Rev. Jesse Jackson, Ed Sullivan, president of the Building Trades Department of the AFL-CIO, actor Danny Glover, and presidents of many international unions.

The event also hosted the "Reinvest in America: Put America Back to Work"

campaign, a broad alliance of groups led by Jackson's Rainbow/PUSH Coalition.

The central theme of the rally and speakers was a focus on jobs, health care and the economy.

In his keynote address Jackson urged the crowd to focus on the important issues of putting America back to work, and not to get diverted by divisive social issues.

The mix of fun and political messages made for a very positive event.

"We had a fantastic group of volunteers from our Council that made this years event a great success," said Mike Matthews, Business Manager of the Charleston Building Trades and President of the Kanawha Valley Labor Council.

"Jerry Huffman of the Painters did an outstanding job leading our security team, the crafts really led the way."

Volunteers took care of security, parking, advertising,

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SPEAKING TO the Labor Day crowd is Ed Sullivan, President of the Building and Construction Trades Department of the AFL-CIO.

DOH BLACKBALLS TRADES

Coal Company Gets \$200 Million Road Deal

Trading coal for a highway is being called "a new road building model" for West Virginia.

Unfortunately it's a method that enriches coal companies and bans building trades members from work opportunities.

The WV Division of Highways signed a deal in May committing to pay as much as \$105 million to help coal operator Nicewonder Contracting Inc. to mine 2.5 million tons of coal in Mingo County.

In addition the coal company gets to keep the coal worth an estimated \$100 million.

The deal also allows Nicewonder to do the job without bidding, without Davis-Bacon wage protections, without mining permits and saves them reclamation costs.

ACT has filed an "intent to sue" notice, a thirty day requirement imposed by the legislature two years ago.

"This deal is almost unbelievable if I hadn't seen the paper work myself," said Ronnie Burdette, Business Manager of

Operating Engineers Local 132.

"Another coal company is going to make millions off of taxpayers."

"We pay them \$100 million or more, they don't have to comply with any mining regulations, they get two and a half million tons of coal and construction workers are told they can't even apply for the job."

The project is the Red Jacket Section of the King Coal Highway in Mingo County, approximately 11 miles of new four-lane.

Meetings with Fred Van Kirk,

Secretary of Transportation for West Virginia, have not resolved any of the issues.

"We asked Secretary Van Kirk what legal basis they had to enter into no-bid contracts and gut Davis-Bacon protection," said Gary Tillis, Business Manager for the WV Laborers District Council.

"He pointed to federal code, but our reading of that code does not allow what they are doing."

Federal law does grant exceptions to bidding require-

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New Leadership at West Virginia AFL-CIO

Kenny Perdue has replaced Jim Bowen as President of the WV AFL-CIO.

The move came on August 16 after Bowen retired.

Perdue, who had been Secretary-Treasurer, got the full support of the WV AFL-CIO executive Board to fill Bowen's term. Bowen announced his retirement earlier in the year.

Perdue is 52 years old and a member of Sheet Metal Workers Local 33. He had been business agent of their Clarksburg District prior to being elected to the position of Secretary-Treasurer in 1997.

Both Perdue and Bowen served together for seven years.

"We've been a team, and I hate to see Jim go," said Perdue. "I've watched him serve the working families of West Virginia tirelessly and passionately,

and I've learned from that."

Bowen has been in the labor movement for 50 years playing a prominent role in the successful Ravenswood Strike/Lockout that lasted 20 months.

Replacing Perdue as Secretary-Treasurer is Larry Matheney, a member of the United Steelworkers of America.

Matheney, 56, had been a second district representative on the Executive Board and worked at FMC in South Charleston.

"We're proud to have a building trades person as head of the WV AFL-CIO," commented Steve Burton, Business Manager of the Tri-State Building Trades Council. Burton also sits as a member of the WV AFL-CIO Executive Board.

"The Trades should give their full support to Perdue and Matheney who we've called on to lead us through some impor-

tant times."

Perdue's presidency marks the first time a building trades

member has been president of the WV AFL-CIO since it was started in 1957.

Both Perdue and Matheney will serve until new elections are held in October of 2005.



WARREN MCGRAW, labor's endorsed candidate for the state Supreme Court, (center) is welcomed to the podium at the WV AFL-CIO convention by its new President Kenny Perdue (right) and Secretary-Treasurer Larry Matheney.

Another Longview Win

The state Public Service Commission has granted the Longview power project a site certificate for their \$1 billion coal-fired plant in Monongalia County.

This latest action puts Longview one more important step forward in their quest to build the 600 megawatt unit.

The 252 page ruling was issued on August 27th and included a list of conditions Longview must meet before construction can begin.

The order included a requirement that Longview provide final details on the plant layout and specifications, a noise impact

study, and evidence of financial viability.

The biggest issue still to be resolved is an agreement with Allegheny Power for access to their transmission lines.

Early in the development process Longview believed they had an agreement with Allegheny, but Allegheny changed their mind.

This forced Longview to drop the transmission portion of their permit request. They must re-file it as a separate certificate later this year.

The PSC also reaffirmed the agreement between Longview and union construction workers.

They wrote "the Commission hereby approves the Memorandum Agreement dated July 22, 2002, between Longview and

Building Trades. The Commission anticipates that all representations and commitments made by the parties therein shall be kept by the parties."

Finally, the PSC denied prior motions by those opposing the plant to throw out the application.

Like other portions of the permitting process legal challenges may follow this latest permit.

"We've worked hard to help Longview put this important project together," said Darwin Snyder, President of the North Central WV Building Trades Council.

"We still have some obstacles to overcome but this project gets closer to becoming a reality with every permit it gets."

Road Deal

CONTINUED FROM P. 1

ments for emergencies, if no bidders can be found, or when a 'force account' is used.

A force account however can only be used when the state uses its own forces, the forces of another government agency or a public utility, and there must be special circumstances.

There is also language, never before used in WV, that allows contracts without bidding if there are significant cost savings.

None of these alternative contracting methods change the Davis-Bacon laws.

According to Van Kirk the coal could only be mined economically if Highways subsidize

the coal company and let the 'over burden,' or mountain top removal excess, be used for the road bed rather than be replaced 'to the original contour' as would be required under mining laws.

"It's easy to claim cost savings when you don't figure in the coal on this project," said Tillis.

"They could have put this project out to bid and still got the savings the coal will bring."

Congressman Rahall's office has been asked to help explain the situation.

Nicewonder Contracting is a new company started in November of 2003.

It is related to a number of coal mining companies including Premium Energy Inc., Mate Creek Energy of WV Inc., White Flame Energy Inc., and Twin Star Mining Inc.

WV Battle Ground State In Presidential Race

As is the tradition, elections pick up steam after Labor Day.

This year's presidential race is big news in West Virginia because the state is considered a 'battle ground' state, up for grabs to either candidate.

Former Secretary of Labor Robert Reich, who spoke at the recent WV AFL-CIO convention, asked delegates to focus on important economic issues.

Reich, who served under President Clinton, believes the record of the Bush administration is terrible.

"The good news is that Americans are with us on the big issues," said Reich when referring to such issues as jobs, health care and the deficit.

Reich went on to explain how the average household income has gone down while the richest

parts of America have prospered under the Bush administration.

According to Reich more jobs have been lost in America during the Bush administration than any other president since the great depression.

And the number of Americans without insurance has risen by four million since Bush took office.

"When you look at the track record for the last four years it's bad," said Randy Atkins, Business Agent for Teamsters Local 175.

"We've lost so many jobs, and costs for health care just continue to eat at everyone's paycheck, we can't take much more of this."

To the right are some issues relating to construction workers as reported by the AFL-CIO's America @ Work August 2004 report.

John Kerry	George Bush
Supports Davis Bacon law which requires prevailing wages and benefits on tax funded projects. (Speech to AFL-CIO Building Trades Department, 3/31/04)	Opposes the Davis-Bacon Law and believes prevailing wage laws are "wasteful" and "fraudulent." (Memphis Commercial Appeal, 4/20/00)
Supports union project labor agreements on construction project with federal funds, including energy infrastructure projects. (Engineering News-Record, 2/23/04)	Banned project labor agreements on all construction projects that receive federal funds. (Executive Order 13202, 2/17/02)
Pledges to invest in rebuilding the nation's highways, bridges, schools and water systems creating 10 million U.S. jobs. (Associated Press, 3/25/04)	Threatened to veto 2005 highway construction bill unless Congress slashes it by \$55 billion, costing more than 2.3 million jobs. (Reuters 6/9/04; American Assoc. of State Highway Transportation Officials)
Supports a more effective Occupational Safety and Health Administration (OSHA) and more safety training. (www.johnkerry.com/issues/workers)	Cut funding for workers safety training programs for 2005 by \$7.1 million - 65 percent. (Bush Administration's fiscal year 2005 budget proposal)
Will stop tax breaks to companies that send U.S. jobs overseas. (Associated Press, 3/25/04)	Supports \$60 million tax break to companies that lay off workers and move overseas. (H.R. 2896, 2004; The Washington Post 10/23/03)

New Overtime Rules

A major shift of federal overtime regulations could result in pay cuts for six million American workers.

On August 23 the Bush administration's overtime pay changes went into effect.

The changes mostly affect professionals and mid-level supervision such as team leaders, working supervisors, and assistant managers.

The rules will affect a large number of workers who earn between \$23,660 and \$100,000.

While some new workers will get overtime coverage the number is unclear with estimates as high as 1.3 million but as low as 384,000 new workers.

The rules can not change existing collective bargaining agree-

ments. These changes came in spite of two recent votes by the U.S. Senate to ban overtime cuts.

The changes will take away the protection of the 40 hour work week for this large group of employees.

At this time hourly construction workers are not directly affected but some wonder if such changes are not already in the works.

Currently time-and-a-half premium pay accounts for about 25 percent of the income for those who work overtime.

"It's a slap in the face of every working man and women in America," said Bill DuVall, Business Manager for Carpenters Local 1024, Cumberland, MD.

"When people go to the polls I hope they remember who was responsible for taking away their basic overtime rights in 2004."

Labor Day

CONTINUED FROM P. 1

clean-up, voter registration and fundraising.

The Charleston event may have been the largest but the Paden City Labor Day festival enjoys the distinction of being the longest running labor day event in the state.

"We had a good crowd for our parade and rally," said Raymond "BB" Smith, ACT's legislative representa-

tive and president of the Marshall-Wetzel-Tyler Labor Council.

Also featured was music from The Challengers and a laser show.



BOILERMAKER 667 MEMBERS J.R. Bonnett (left) and Jeff Morris toss candy to the crowd while Shelva Smith drives in the Paden City Labor Day Parade.

Carpenters Win at Home Depot Project

It started as a sad but familiar story, out-of-state contractors take local jobs and break labor laws.

This time it was at a new project for the giant retailer Home Depot being built in Putnam County.

But through organizing, pickets and hard work the Carpenters Union has turned a bad story into a good one by convincing the general contractor to sign their statewide agreement.

When the project started this summer general contractor J.R. Heineman & Sons, from Saginaw, Michigan teamed up with a local Labor Ready office to see how low they could drive down wage rates for local construction workers.

In August Randall May, an organizer for the Mid-Atlantic

Regional Council of Carpenters, got hired on the job.

At first he thought he was working directly for Heineman but was paid by Labor Ready.

The day after nine electricians were tossed off the project for not having licenses, May gave his boss a letter explaining that he

in the unlicensed electricians," said May. "I told them if they went by the law they wouldn't have a problem."

By the end of the next day May was fired. His boss told him "thank your Brotherhood for this."

Unfair Labor Practice Charges were filed with the National Labor Relations Board against both Heineman and Labor Ready and an unfair labor practice strike was

was an organizer for the Carpenters Union.

It was only a few hours later his boss told him a raise that had been promised was now gone because of May's letter.

Later that day May was told if he gave up his organizing he would get his raise.

The next day May was called into a meeting and accused of disrupting the job.

"They accused me of turning

established.

After two weeks of pickets, through the rain and on weekends a deal was reached with Heineman on Sept. 9.

"They signed our statewide agreement," said Dick Ullum, Assistant Executive Secretary for the Carpenters Council.

"And we were able to get a contract for installing storage racks turned around as well."

The storage rack work meant

8,000 manhours for union carpenters who did the Parkersburg Home Depot job.

It was just last year that a similar problem took place near Parkersburg.

Home Depot was using a company called White-Spinner out of Alabama to build their store.

Eventually White-Spinner

signed with the Carpenters and the expectation was the next job would be done union.

Home Depot has plans for more stores in the state.

"We want to thank all the crafts and truckers that supported us," added Ullum.

"We also had help from the Carpenter in Michigan where this company was based."

**BY THE END OF THE NEXT DAY
MAY WAS FIRED. HIS BOSS TOLD
HIM "THANK YOUR
BROTHERHOOD FOR THIS."**

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MANNING THE PICKET line are members of the Mid-Atlantic Regional Council of Carpenters in front of the Home Depot store being built in Putnam County.

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Huntington, Parkersburg,

Beckley, Bluefield

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WDTV 5

Clarksburg &

Morgantown

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