



THE ACT REPORT

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ACT Wins Cancer Creek Fight, Year-Long 'Study' Is Scheduled

ACT won again in the legislative battle over the "Cancer Creek Bill."

After weeks of negotiations with Governor Gaston Caperton, the administration reached an agreement with ACT officials to retain the state's present water pollution regulations for at least one year.

During that year, according to the agreement, Caperton will appoint a special study committee to investigate the state's water pollution regulations. The committee is expected to report the results of its findings to next year's legislative session.

ACT President Bruce Tarpley praised the agreement. "For the first time the building and construction trade unions will be sitting down at the table down with the representatives of a number of major industries," Tarpley said. "They're the people who provide the work for our members."

"That's never happened before. We will demand full participation at that table for our members."

Meeting with Caperton and administration officials during the legislative session to hammer out the agreement were ACT Executive Director Allen Fisher, Director Steve White, ACT Attorney Stuart Calwell and Steve Burton, Tri-State Building & Construction Trades Council business manager.

"Without ACT having fought the battle it did there's no doubt whatsoever that weakened water pollution regulations would not be state law and up to eight times more cancer-causing industrial chemicals would be dumped into our water streams," Burton said.

"No one else had even taken up the fight. And while the state's environmental community did join ACT in the fight, no one else except ACT had the

financial resources to conduct it. Added Fisher: "That's what true union 'solidarity' can achieve and did achieve. For the first time in a long time the building and construction trades were a major player at the table. "Caperton, other state officials and the Legislature came to learn this. "

More than a year ago West Virginia's Water Resources Board proposed loosening the state's water pollution regulations to permit industry to dump increased amounts of cancer-causing chemicals in state streams. The state's proposal was aimed at loosening standards to

(Continued On Page 4)

(Continued On Page 4)

(Continued On Page 4)

(Continued On Page 4)

(Continued On Page 4)

(Continued On Page 4)



ACT OFFICIALS WELCOMED nearly 100 guests, including Delegates and Senators from all over the state, to their second annual Legislative Reception held at the Holiday Inn Charleston House on March 10. Above are (from left) ACT's Bill Thomas, State Sen. Don McNaughton and ACT President Bruce Tarpley.

Four More Locals Join ACT In March

Four more locals have been added to ACT's ranks in the past month.

The Cement Masons Local 181 of Parkersburg, IBEW locals 466 and 968 of Charleston and Parkersburg, and the construction division of the Teamsters local 175 out of Charleston have all voted to join ACT.

The IBEW members are still working with contractors and their international union to finalize the details.

ACT Shines Light

First Bidder Balks, Second Walks

George Hyman Construction Co. of Bethesda, Maryland, was the low bidder on the \$50 million Beckley Regional Jail project but bailed out of it because ACT exposed Hyman bid mistakes and misuse of prevailing wage rates.

In an unprecedented move, the non-union contractor protested its contract award to build the Beckley Regional Jail.

Hyman was the low bidder,

but during the bid review was unable to correct bidding mistakes and get sub-contractors at the price it quoted.

ACT officials have suggested the mistakes are an excuse to reject the bid, the real reason for the withdrawal was Hyman's inability to meet the prevailing wage rate.

In the bid, both the low rate for highway and building construction apparently had been

used, which ACT officials had pointed out.

Almost 100 days after the bid was opened, Hyman was awarded the project. But it immediately protested its own bid award, a move which federal officials at the Government Accounting Office said has never been previously done.

Hyman was able to negotiate the withdrawal of its pro-

(Continued On Page 4)

Inside The Act Report

Brown & Root	Pg. 3
Worker Certification	Pg. 4
Workers Mem. Day	Pg. 4
Laborers	Pg. 3
Ironworkers	Pg. 3
President's Column	Pg. 2
Director's Column	Pg. 3

Winning Is Fun!

By Bruce Tarpley
ACT President

The day Governor Gaston Caperton agreed to put on hold for a year the West Virginia Water Resources Board's plans to lower the state's water pollution regulations, the Affiliated Construction Trades Foundation proved it works.

No matter how you slice it, no matter what pretty words others might package the "compromise" to study what we have called "The Cancer Creek Bill," ACT won the fight. Hands down!

We did because for the second year in a row and faced with every possible effort by Caperton and some powerful, key legislators to pass Cancer Creek, we won.

That's no small accomplishment by the membership of ACT. This is especially true when you consider that at the outset of the 1993 legislative session almost no one seriously thought ACT had a chance of stopping passage of the Cancer Creek Bill. Except ACT, of course.

As an example of how much so many underrated us, we know for certain that the publisher of The Charleston Gazette, the state's largest newspaper, ruled at the beginning of the session that Cancer Creek would not be a major issue during the session. In fact, if you regularly read the Gazette's stories you notice it didn't even like to call it the "Cancer Creek Bill."

But it did, anyway.

Which only goes to prove, I suppose, that newspaper publishers aren't always right. But then, we knew that all along.

Winning is fun. And it's been a while since the building and construction trades in West Virginia have truly won. Won on their own, too. We certainly had help from others, of course the state AFL-CIO and its president, Joe Powell, plus the Citizens Action Group and the state's environmental movement. But unquestionably without the strength of ACT's membership, both in financial resources and membership numbers, there wouldn't even have been a serious fight over Cancer Creek.

The fact that we were successful in labeling it the "Cancer Creek Bill" in the public mind is also proof why we'll win again if anyone tries to bring it up again during the next legislative session.

ACT and its local building trade unions are now a major player on West Virginia's power scene.

Now that really feels good.

And it's fun, too.

Laborers, Ironworkers Are Major ACT Assets

Beckley Laborers With ACT From Start

Beckley-based Laborers Union Local 453 has been a member of ACT since its inception. Business manager Jim Webb was at the first ACT meeting in Huntington.

"We came on board not long after that," Webb said.

Membership has decreased from over 600 members in 1986 to the present low of 250.

"The economy is to blame for our membership drop," Webb said. "The Reagan administration really worked us over."

All of Local 453's members

work in construction, and are eligible to do building or heavy highway work, not including the 45 retirees who are still members.

The local also has a program similar to apprenticeship. Workers from the local are sent to Mineral Wells to attend special school. They stay at the school and are trained by certified instructors.

When asked what members expect from ACT, Webb said "Exactly what we're getting.

"ACT is really getting the

ball rolling in this area. Tim Millne (ACT's Fair Contracting Representative) put a fire under non-union contractors and has got 'em running scared.

"He helped a lot on the \$50 million Federal Prison job here in Beckley. George Hyman, a non-union contractor, gave up the contract because he knew he was going to be monitored and would have to pay rates and benefits," Webb said.

"ACT really keeps us informed - they're doing nothing but good."

Ironworkers Are Proud Of Quality Work

"The quality of union work is the best kept secret in America," said Dale MacCorkle, business manager of the International Association of Bridge, Structural and Ornamental Iron Workers Local 769 out of Ashland, Kentucky.

"We have a qualified training program - we're certified to do quality work; we follow the Occupational Safety & Health Administration (OSHA) safety standards; we have drug testing - and nobody in the general public knows this," he said.

"The Affiliated Construction Trades Foundation (ACT) is the only way to get this message out to the public, and the only way to secure employment in the future."

The members of Iron Workers 769 voted to join ACT when it first came together. MacCorkle thinks it was a good move.

"It's been a very successful program as far as we are concerned," he said.

The local is also considering expanding their apprenticeship program by graduating some of the trainees and increasing the number when they replace them. Currently there are 20 apprentices in the program who receive extensive training in reinforcing structural steel and ornamental rigging.

"We've had several positive comments from contractors about the quality of work our apprentices perform," MacCorkle said.

"Our members prefer to have good training," he said. "They want to be qualified to do good work."

Although Local 769 is turning out impressive quality work, MacCorkle said members are still concerned about unemployment.

Of the 498 members, 278 are working.

"The non-union factor has taken its toll on some of our jobs," he said.

MacCorkle is convinced that

ACT will help solve this and other problems.

"ACT keeps an eye on everything - they make sure that contractors comply with the prevailing wage and they're also heavily involved with the Environmental Protection Agency (EPA)," he said.

"In the long run this will produce a safe environment to work in and more jobs."

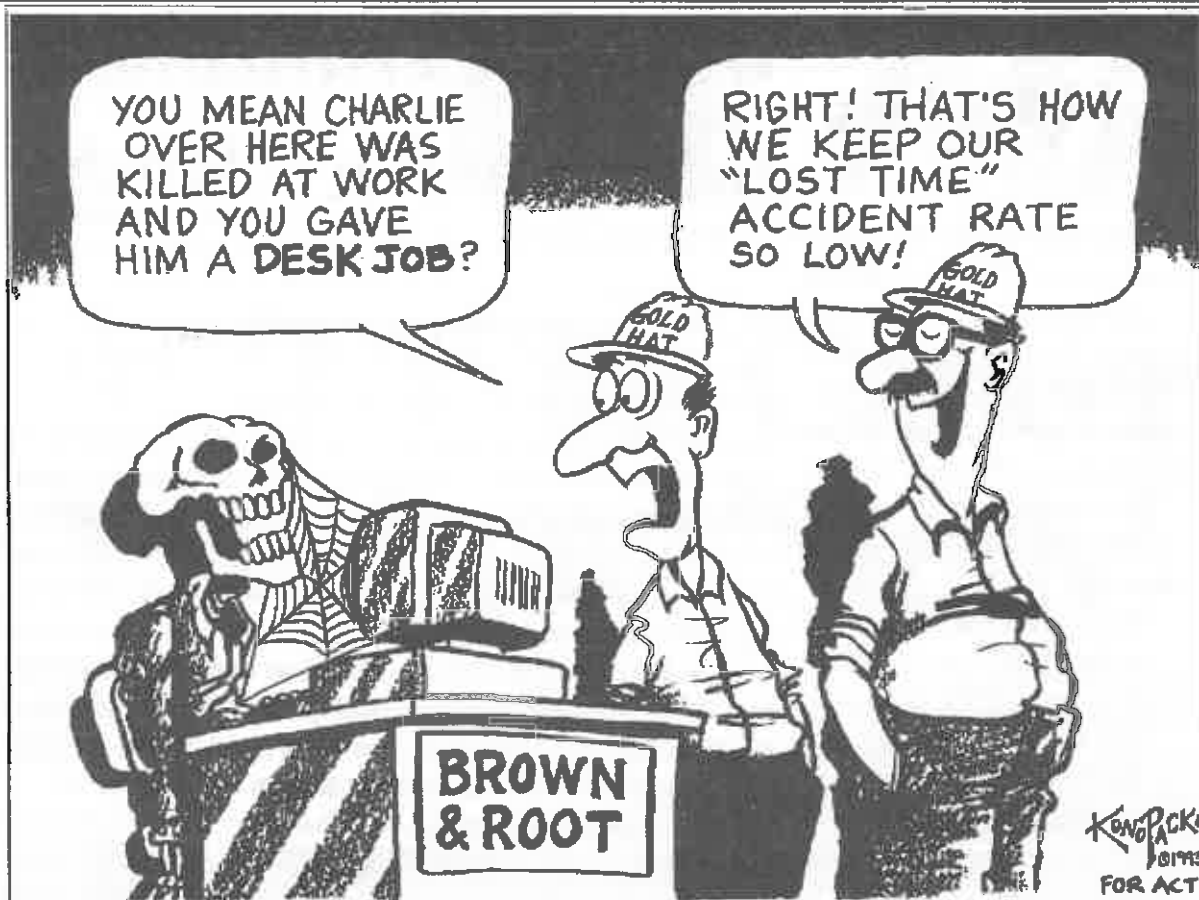
B&R Plague Spreads To Winfield Project

The Brown & Root Construction Company is planning to bid on the Winfield Locks and Dam Project.

ACT officials say this shows that B&R is not only a plague to industrial unions, but more so to construction unions.

"This bid will send shock waves throughout the state," said Bill Thomas.

"Anyone who doubts that we are in the fight for our very existence is asleep at the wheel."



Casto Believes Building Trades Will Organize Brown & Root

The Charleston Building and Construction Trades Council is moving forward with their organizing efforts of over 600 Brown & Root construction workers in the Charleston area.

The Charleston Building Trades has petitioned the National Labor Relation Board for an election.

The next step is a hearing called by the NLRB on April 27 where hopefully an election date will be set.

Bubby Casto, Business Manager for the Charleston Building Trades is confident a victory is at hand.

"I think we've got a better shot at organizing B&R than anybody else has in the past," Casto said.

"Brown & Root has made many people angry here, but they gave us an edge. They made the mistake of hiring local workers who support us.

"We are very confident about the Brown & Root organizing

process -- we think West Virginia will once again make labor union history," said Bill Thomas, the Affiliated Construction Trades Foundation's industrial sector representative.

Thomas said the ACT Foundation's role is to assist the Building Trades by creating a positive climate for organizing and providing research information.

Brown & Root has been saturating the media by running newspaper and radio advertisements defending their work practices.

The issues they covered - their record of local hiring and their safety record are rather suspect, according to ACT officials.

"The numbers they quote for local hiring has jumped around from 80 to 60%, depending on which ad you see," said Steve White, ACT director.

Brown & Root's so-called safe work practices are not all they claim, either.

"Occupational Safety and Health Administration (OSHA) documents indicate from 1980 to 1992 Brown & Root reported 47 work-place deaths," Thomas said.

"But over the same period, a unionized competitor reported only 6," he said.

According to an article in the Washington Post dated March 20, 1987, the California OSHA cited Brown & Root for falsifying their injury records also:

"In recent months, OSHA has levied heavy penalties against several companies . . . including the Brown & Root Construction Company which OSHA charges failed to report 45 injuries from chemical burns to crushed hands at one job site."

Thomas said that these and other work place practices are finally coming back to haunt Brown & Root.

"It's time for them to face the music," he said.

On To Brown & Root!

By Steve White
ACT Director

Cancer Creek is almost over and now it is time to focus on Brown & Root. The Charleston Building Trades has taken the initiative to organize Brown & Root workers. ACT will be right there with them to create a fair climate to support their organizing effort.

Why is ACT helping non-union workers rather than getting jobs for the union members who are paying for ACT?

Brown & Root is like a cancer that will spread across the state if nothing is done to stop them. What are the options? We know that the traditional tactic of picket lines will not be effective. Pickets are not effective because we no longer control the work force needed to get the construction work done in this area. By organizing the Building Trades is getting to the "root" of the problem.

Brown & Root is building up a huge work force that will be used to take work away from union contractors. It won't be long before they convince other plants to use their services. However, if they are organized what advantage will they be able to offer new companies? ACT supports the Building Trades because we know if nothing is done our members will lose work.

What can you do to help?

You can help the organizing effort by applying for, and going to work at Brown & Root. When the Building Trades wins the election you will be right there with a union job. If Brown & Root doesn't hire you then we will have further evidence of their lie about hiring local workers.

If you know anyone who is working for Brown & Root encourage them to get on board with the organizing effort. Contact the building trades and let them know who the worker is and how to get in touch with them.

What can ACT do?

We want to make sure that the companies who chose to hire Brown & Root are held accountable for their actions. Union Carbide, Dupont and Rhone Poulenc are the culprits who brought in Brown & Root. They knew about Brown & Root's "safety record", the way they treat workers and the low standards of workmanship they push their work force into. This is nothing less than an attack on all working people in the state of West Virginia at a time when people are desperate for jobs.

ACT will continue to make public the issues of fairness, safety and local economic development. We will also pursue all legal avenues to make sure that the companies who cheat workers don't get away with cheating on the environment, tax commitments, public safety and other aspects of business activity.

In Raleigh County

1st Bidder Balks, 2nd Walks

(Continued From Page 1)
test in return for its bid bond.

The contract then went to the next eligible bidder, a joint venture of the P.J. Dick Construction Company and Perini Corporation, both union contractors. However, they walked away from the contract, leaving local union workers in the cold. Dick/Perini attempted to discuss changes in the job with the Bureau of Prisons and they were turned down flat. In the end the Federal Bureau of Prisons ruled that Dick/Perini had put conditions on their bid extension, which is against Federal bidding regulations.

The next eligible bidder, a joint venture of two anti-union companies, Pizzagelli from Vermont and BCI-Bell from New York was able to take the job.

Although the job is now in the hands of a non-union con-

tractor, ACT's Fair Contracting Representative, Tim Millne, remains confident about the way the negotiations were handled.

"We achieved the ultimate goal and did what we said we were going to do - we made sure there was a level playing field for all contractors," Millne said.

This is the first major prevailing wage project that ACT pursued, and we were successful, but we can't make Dick/Perini take the job - we need cooperation from union contractors to make this program work."

Dick/Perini has not opted to protest their loss of the bid. In the end the project will end up costing more than \$4 million over the original low bid.

Millne said a lot of influential people acted as ACT's allies in this fight, including US Senators Robert C. Byrd and Jay Rockefeller and US Congress-

man Nick Rahall.

"Everything we did was very methodical. We researched everything and put it into letter form. A copy was made of every letter that went out of here and sent to Hyman and the Federal Bureau of Prisons," he said. "The state and local building trades councils were right in there too."

"We were a bur in his a**."

As far as ACT is concerned, Hyman isn't off the hook yet.

"We know he is going to bid on the Federal FBI building in Parkersburg. We're looking to make sure he doesn't try to slip something by there as well."

ACT is planning to continue it's monitoring activities throughout the prison project.

Worker Certification Bill May Face Study

An ACT-backed bill which would require state certification of the training and skills of construction workers who work in potentially dangerous industries likely will undergo intense study by the most powerful interim committee of the West Virginia Legislature.

Introduced late in the recent regular legislative session in both the House of Delegates and State Senate, the bill seeks to insure that those who build and maintain dangerous facilities are trained and skilled in their trades.

Routinely, a bill with such broad effects in the industrial construction industry undergoes extensive legislative study before being enacted.

"We didn't expect such a bill to be passed the first year it was introduced," said ACT Director Steve White. "That almost never happens."

A resolution sponsored by House Speaker Chuck Chambers, D-Cabell, and Del. Percy Ashcraft, D-Harrison, directing the Legislature's Joint Committee on Government and Finance, composed of the legislative leadership, died in the backlog of pending legislation in the regular session's final minutes.

Chamber said the Joint Committee might take up the study on a motion by Ashcraft. Both are committee members.

ACT Wins Cancer Creek!

(Continued From Page 1)
enable a non-union paper pulp mill to be built at Apple Grove in Mason County.

Even before ACT was officially organized, Burton's Tri-State Building & Construction Trades Council opposed what it labeled the "Cancer Creek Bill."

Burton's Tri-State Council said it opposed the Water Resources Board proposal because the increase in cancer-causing chemicals from all industry,

not just the paper mill, would dump into state streams would pose risk to workers health.

Late last fall ACT went into action in combination with the Tri-State Council.

Armed with a budget of at least \$175,000, ACT began a series of television and newspaper advertisements aimed at informing state residents of the Cancer Creek Bill's health dan-

dangerous campaign led Caperton to meeting with ACT officials and the eventual agreement to once again delay action on the bill.

While this session's bill had not passed when The ACT Report went to press, it's ultimate adoption seemed assured.

It was up for passage in the regular legislative session which

But in the last-minute rush that bill and another were confused and the wrong bill was passed.

Caperton has said the package bill will be passed in a special session he'll call immediately after the Legislature completes work on health care legislation in an extended session.

ACT Foundation

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For The Living

Workers Memorial Day, Wednesday, April 28, 6 p.m.

The West Virginia Building & Construction Trades Council is proud to join in the fight for safe jobs by sponsoring Workers Memorial Day on Wednesday, April 28.

The service is scheduled to begin at 6 p.m. at the State Capitol staging area between the Capitol circle fountain and the Department of Motor Vehicles Building. Be There!