

Non-Tax Payer Gets State Bid

In spite of ACT's protest of five highway construction contracts awarded to Cary Construction, Inc., the West Virginia Division of Highways (DOH) let the awards stand.

ACT objected because Cary was prohibited by a court order from doing business in the state for not paying its corporate taxes.

ACT also discovered Cary has numerous problems with federal, state and city agencies, including liens in excess of \$100,000. All these are grounds for not awarding state contracts.

ACT asked that \$400,000 in Cary contracts be voided.

In a letter to ACT, DOH Commissioner Fred VanKirk said the state's interests are protected by performance and payment bonds required of every contractor.

But regulations require a contractor must be found both responsible and their bid responsive (accurate) for the DOH to

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Boilermaker 'Fight Back' Works, Organizer Gets \$50,000 Award

A West Virginia union member was recently awarded \$50,000 as part of a \$2 million settlement with Oregon-based Willamette Industries and four of its sub-contractors at the company's Johnsonburg, Pa., construction worksite.

Bill Murphy, who works out of the International Brotherhood of Boilermakers Local 667, and two other Boilermakers from Pittsburgh, each received the \$50,000 settlement. The three hired on to a non-union job and started a union organizing campaign.

Another 240 workers from different crafts were awarded \$7,500 each as discrimination compensation, in lieu of employment on the job site. Each submitted applications and was denied a job for belonging to a union.

Willamette, Southern Industrial Construction Co. of North Carolina, Triad Electrical &

Controls Inc. of Louisiana, and ECI Inc. of Delaware were named in 25 separate cases where charges of unfair labor practices

vania Building Trades Council.

The unions charged that Willamette and its sub-contractors conspired to keep union

applications from union members for hundreds of job vacancies during the past two years.

Many of the charges allege



VICTORY IS SWEET for three boilermakers awarded \$50,000 each in a union discrimination suit. The winners were (from left) Bill Murphy who works out of Local 667, and J.D. Howell and Ernest Patterson, both members of Pittsburgh Local 154.

were brought by the International Brotherhood of Boilermakers, and seven other crafts from the North Central Pennsyl-

activities at a minimum, or outlaw them altogether, at the Johnsonburg expansion site by collectively refusing to accept

that the sub-contractors engaged in the anti-union activities after being persuaded to do so by Willamette.

Murphy worked for Southern Industrial Construction Co. from

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Plants Will Be Required to Hire Skilled Workers

ACT Backs 'Community Protection'

A bill to make certain that those who build West Virginia's dangerous industrial plants are qualified will be the ACT Foundation's primary legislative goal during the 1994 Legislative session just begun in Charleston.

Called the "Community Protection Act," the ACT-backed bill is a re-write of a similar measure introduced late in the 1993 session. It was then called the Worker's Certification Bill.

The bill's name was changed, said ACT Director Steve White, because "worker certification"

didn't accurately reflect its purpose.

"It's true ACT's proposed new law will force construction contractors who are engaged to build new chemical and electric power plants to hire only certifiably trained and skilled workers.

"But the goal of the bill is to protect the communities where these facilities are built from the dangerous consequences which often result from the use of untrained, unskilled construction workers."

The bill is also supported by

the West Virginia State Building Council, AFL-CIO, and the West Virginia Environmental Council.

ACT conducted a public opinion poll early last year to determine how West Virginians feel about construction, the environment and the chemical industry.

Of those polled, 97 percent said they believe workers should receive training before being allowed to work in chemical plants which produce highly dangerous chemicals.

Currently, no training is re-

quired for chemical industry construction workers.

"The fact is that for years West Virginia's industry, particularly the chemical industry, was built by a trained, qualified construction workforce," White said.

"That's why this state has been so fortunate to not have any major disasters such as those in India or Texas where many, many lives were taken.

"But in recent years there's been a disturbing trend by some

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Harrison School Officials Asked To Get New Bids

Despite ACT's request that the Harrison County Board of Education re-bid its \$7 million Robert C. Byrd High School project, the board gave the bid to Tmaro Corp.

"The award does not serve the best interests of Harrison County taxpayers," said Tim Millne, ACT's Fair Contracting Representative.

"It's not what competitive bidding is supposed to be about."

All bids for the project were over budget. To avoid re-bidding, the architect negotiated with the three lowest bidders.

As a result of the negotiations, Carlton Inc. ended up the low

bidder. But the architect surprisingly recommended the board select the original low base bid, even though it was still over budget.

Reductions in the cost of the project amounting to approximately \$700,000 were to be negotiated at some future date.

"This action is ludicrous and completely demeans the process of competitive bidding," Millne said.

"Since all the bids were over budget, and the architect and board chose not to negotiate with all bidders, the only fair alternative is to reject all of the bids and solicit new ones."

After Months Of Being On Hold

B&R Election Date Not Set

The Charleston Building & Construction Trades Council filed for a union election on behalf of Brown & Root workers in March of last year.

Although it has been nearly a year and the election still hasn't happened, the dedicated organizers have not given up.

Recently the Charleston Building Trades produced a newspaper advertising campaign appealing to former B&R workers to come forward so they can vote in the election.

The ad explains that the "Daniels Rule" gives laid off employees the right to vote in the upcoming election and fight for call-back rights.

"We haven't given up the fight, and we never will," said Bubby Casto, business manager of the Charleston Building Trades.

"I will admit it's getting a little tiresome waiting for something to happen, but we'll never stop fighting."

In a related story, it was re-

cently reported in the *New York Times* that Brown & Root had taken advantage of legal loopholes to evade sanctions and do business with Libya.

The rules governing the sanctions are so loose that officials have had to cancel or back down from several investigations of companies suspected of illegally doing business abroad, the *Times* said in its report.

Houston-based Brown & Root Inc. shifted work in Libya to a British subsidiary to evade sanctions that the United States imposed in 1986, the newspaper said.

Asked if the shift was made because of the sanctions, Darren Guy, head of operations for Brown & Root's British subsidiary, replied "Presumably, yes."

Additionally, Brown & Root's parent company, Halliburton, twice has been charged with violating the United States' trade sanctions against Libya.

If you know someone who is working or previously worked

'Cancer Creek' Big Motivator

Tri-State Council's Leader Was Key In ACT's Startup

The Tri-State Building & Construction Trades Council has 25,000 members covering 33 West Virginia, Ohio and Kentucky counties.

Steve Burton, Tri-State business manager and member of Carpenters Local 302 based in Huntington, is one of the leaders who helped to begin ACT.

Burton explained the ACT Foundation is rooted in the Cancer Creek campaign.

"We had a meeting to discuss the building of a proposed paper mill for Mason Co., WV," Burton explained.

"The business agents all said that they would like to have a

paper mill built in Mason County. But they expressed concern about a safe environment; how it would affect their source of water and whether it would be built using West Virginians.

"At this time there was a lot of talk about an organization like ACT. We decided that this would be its maiden voyage.

"There was no financing so we passed the hat among local unions, and they were very generous. More than \$110,000 was collected and a pledge was made by that group of agents representing their members, that we would maintain credibility at all costs and would hire competent professionals.

"The members began believing it could work when the Legislature backed off in the first legislative session following the formation of Cancer Creek.

"The Legislators started to believe that the Cancer Creek campaign had merit and had raised important questions that

need answering. The state was not prepared, and is still not prepared to this day, to answer those questions," he said.

"There has never been a time that we didn't want the paper mill; we just wanted it built environmentally sound, using modern technology, and with the most qualified West Virginia craftspeople."

"In the beginning some issues arose that made it very clear that an organization (that would later be called ACT) would be a necessity if the unionized construction industry as we know it was to grow and prosper.

Three years have passed and ACT is still a player in the Cancer Creek fight.

Burton believes that the formation of ACT was a great starting point for a new era in the labor movement, the success of which depends on the members.

"ACT gave us hope--at least we've got the money, now we

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COME & ATTEND

THE ACT FOUNDATION'S ANNUAL CONSTITUTIONAL CONVENTION



THURSDAY



FEBRUARY 10, 10:00AM

CHARLESTON HOUSE HOLIDAY INN

MEETING OPEN TO ALL ACT MEMBERS

FOR FURTHER INFORMATION CONTACT YOUR LOCAL BUSINESS AGENT

ACT Wins Kiwi Workers \$10,000 In Back Wages

An investigation by ACT has led to former employees of Kiwi Construction Inc. receiving more than \$10,000 in back wages.

The investigation, reported in last November's ACT Report, found that Kiwi paid some employees as little as \$6 hourly in cash.

This led to the West Virginia Division of Labor auditing Kiwi's construction project on Brook-

haven Elementary School in Monongalia County.

Kiwi had been hired as a subcontractor to Kyle Construction Co. on the Brookhaven project.

Tim Millne, ACT's fair contracting representative, contacted employees asking if they were being paid prevailing wages as required by law. His investigation and detailed documentation led to a complete audit of

Kiwi by the Division of Labor.

"Davis-Bacon and West Virginia compliance says workers get a certain wage, and it's considerably more than six bucks an hour," Millne said.

The DOL came up with a \$10,000 settlement that Kiwi had to pay eight of its workers, based on the hours they worked and their classification.

ACT's Fair Contracting Program had been fighting with county officials over the Brookhaven project for months.

Monongalia Schools Superintendent Jack Dulaney initially refused to provide certified payrolls for construction companies working for the county.

But ACT took the Monongalia school board to court and the board gave up.

ACT had won.

"We're proving non-union cheaters don't save money," Millne said. "And that makes unions even more competitive."

State Native Gets \$50,000

Boilermakers' Program Works

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January 7 to February 4, 1992 at Willamette's Johnsonburg job site.

"When they found out I was union, they stuck me 50 ft. up in the air to weld. It was so cold, I froze to the pipe I was welding," Murphy said.

He was subsequently fired for solicitation on private property against company rules.

Murphy maintains he was simply handing out leaflets for a union meeting.

He said the company doesn't know it, but the money he was awarded may be used to fight against them in the future.

"I'm going to invest the money for my kids' education. I have a thirteen-year-old daughter, and an eight year old son. I want my daughter to become a labor lawyer," he said.

Murphy also said that he hopes other union members in similar

situations will take hope from his case.

"If they're in the same situation, they should stick with it. And if the company is violating federal law, they shouldn't give up, because they can do something about it."

According to Bill Thomas, ACT's Industrial Representative, Murphy got involved in the union movement when he worked for Brown & Root in the Kanawha Valley.

"Bill Murphy worked with us on Brown & Root and then went out to organize," said Thomas.

"Bill has shown we just don't have to take it, that union members can fight back and win."

Like the Fight Back program the Building Trades with ACT have initiated COMEP, the Construction Organizing Membership Education Program, as a way to regain the strength of construction unions in the state.

Tri-State Leader

(Continued From Page 2)

have to get back to the basics -- the fundamentals.

"ACT's success does not depend on any one thing," he said.

"We need the legal expertise, the research and the advertising. But the business managers and the members have to go back to the basics."

Burton would like to stress to the members that ACT cannot work without their support.

"If you're asked to attend county school board meetings, county commission meetings, whatever, it is a must that you participate in your towns and communities.

"Participation enables you to demand more. But you shouldn't plan on demanding more unless you give more.

"And I don't mean money -- I mean time and physical support."

Local Union 887 In Charleston

Plasterers/Masons Gain Members With Merger

Plasterers & Cement Masons Local 887 of Charleston merged with Huntington-based Local 249 last September and welcomed about 40 new members.

Mark Smithson, Local 887 business manager said it all happened so fast it was a shock.

"We received notice they wanted to merge. So we attended a meeting, and after about a half an hour, they voted to merge," he said.

Smithson said Local 249 members liked the health, welfare and pension plans of Local 887, which they did not have.

The newly consolidated Local now consists of 160 members, including retirees.

Right now, 50 to 60 of the members are working, he said.

"They're doing mostly plant

work, everything else is slow because of the weather," he said.

"This weather is killing us.

"But a lot of the men are on call, and will be working when the weather gets better."

Members of Local 887 do all kinds of work - concrete finishing, sidewalks, curb and gutter, garage floors, just about anything to do with concrete.

Smithson is currently working on another upgrading program for the membership.

Some members are taking a class through the Construction Trades Training & Advancement Program. They receive ACI Concrete Slab & Flatwork certification upon completing the course.

Although the class is designed for journeymen with a prerequi-

site of 4,000 work hours, Smithson encouraged his apprentices to take it. "I told them, it won't hurt, and even though you won't receive certification, you're going to learn something.



There are 15 apprentices in the Local's program, which requires 4,000 hours over 3 years for graduation.

Members appreciate having good programs, such as the ap-

prenticeship and health and welfare, Smithson said.

"They really like our savings plan," he said.

"In the winter they have to take money from savings to carry them through. So we have a savings program that for each hour worked, \$1.75 is put in. Also, contractors put \$2 for every hour worked into their pension, which is an IRA. So, really, for every hour worked, they have \$3.75 saved."

Smithson represents the Plasterers and Cement Masons on the ACT board of directors.

"The ACT program has done an excellent job combatting non-union contractors," he said. "It's

been very beneficial.

"When funds are combined into one organization, we get to make sure contractors abide by the law."

Going to the root of the problem and actually changing the laws is an important part of ACT's approach, he said.

Solidarity is also very important to unions.

"By having a strong union, you can have better craftsmanship, and more experienced people, which means more work," he pointed out.

Smithson said he is proud of his members and their attitude toward their local.

"We have a good rapport, and good meeting attendance which lets me know the men are behind me, which means a lot."

Investigation Into August Explosion

Rhone-Poulenc Still Hides Report

Despite claims that Rhone-Poulenc wants to be open with the public, the company refused to release a complete report of the investigation into its Aug. 18 explosion at a Community Liaison Committee meeting.

Rhone-Poulenc chose to release their investigation results, four months after the explosion on a Friday evening, the week before Christmas.

"After sitting through a three hour meeting waiting for the report, it became obvious they weren't going to tell us much of value," said Bill Thomas, ACT Industrial Representative and committee member.

The company released what it

called an executive summary, and a media fact sheet, about the accident that killed plant worker, 43-year-old Robert Ruby of Sod, and critically injured two others.

Central to the explanation was the theory that a faulty flow meter caused the explosion, a theory which the meter manufacturer denied. Numerous questions about the installation and maintenance of the Larvin unit were deemed "not relevant" and never answered.

"The process might be a step forward, given the fact that we actually got them to release something," Thomas said, "but the results are just a paint job.

"They didn't answer the

community's concerns, they didn't even address its concerns."

Since the December 17 meeting, Senator James Humphreys, D-Kanawha, has announced that he will seek legislation requiring West Virginia industries to release investigative results of all accidents causing death or serious injury.

"Rhone-Poulenc's refusal to make full public disclosure of the investigation's findings displays an extraordinary insensitivity on the corporation's part toward the concerns of its employees and the community," Humphreys said.

"Unfortunately, that refusal

inevitably leads to the suspicion Rhone-Poulenc is hiding something. It suggests that the investigation uncovered something they are terribly fearful of revealing to the public."

Under Humphreys' proposed legislation whenever anyone is killed, or injured sufficient to require hospitalization of three days or more, as a consequence of an industrial accident the results of any investigation into its cause must be made public as a matter of law.

"I applaud Senator Humphreys. I'd like to see the legislature go forward with his ideas to establish a genuine process whereby the community can find out what's going on," Thomas said.

Thomas said another criticism he has of Rhone-Poulenc's report, besides being inadequate, is the company's placing blame

on the Kanawha Valley Emergency Services.

"I think they're trying to confuse the issue, to get the community focus off Rhone-Poulenc and on somebody else," he said.

"I think Rhone-Poulenc worked for three months to develop a scenario that can be neither proved or disproved. It's a typical response from them, they always find scapegoat."

The Occupational Safety and Health Administration (OSHA) report is due out no later than February 18, which will be six months from the date of the accident.

"I think it will be interesting to see if OSHA buys Rhone-Poulenc's claim of a mysterious chain of events," Thomas commented.

The Community Liaison Committee is continuing to meet and analyze the results they have.

TV Ads Targeting Community Protection

ACT Plans Major PR Blitz, 'Cancer Creek' Unresolved

ACT once again plans a major public relations, lobbying and advertising campaign during the 1994 West Virginia Legislative session.

The campaign will be similar to ACT's 1993 public relations blitz urging the Legislature to oppose passage of the industry-backed "Cancer Creek Bill."

Only this year ACT's media program will target both Cancer Creek and ACT's proposed "Community Protection Act."

Cancer Creek would allow industry to increase the amount of cancer-causing chemicals it is currently dumping into state

waterways. ACT fought it during the 1993 session by spending more than \$200,000.

Because of that advertising the Legislature, after Gov. Gaston Caperton agreed, directed a review of state water pollution regulations by an independent special committee. The committee's results, as yet uncompleted, are to be reported back to the Legislature.

However, the chairman of the committee recently resigned before the last pre-legislative meeting scheduled for January 10. The meeting was canceled.

And so the status of the Cancer Creek bill is somewhat uncertain, according to Steve Burton, business manager of the Tri-State Building Trades, and a member of the governor's special committee.

"The ability ACT has now to educate their members and the public has made some people decide they're not going to do anything about it because this is

an election year," Burton said.

But he added that whether or not Cancer Creek emerges as an important issue this session, it shouldn't be taken for granted.

"The Cancer Creek issue will always bear watching," he said. "We don't want to get into a false sense that nothing's going to happen."

Cary

(Continued From Page 1) make an award. Bonding alone fulfills neither requirement.

"Allegedly, Cary lost a job on the Wood County Airport last September because of bonding problems," said Tim Millne, ACT's Fair Contracting Representative. "If that's the case, why is he still awarded jobs?"

The Legislature is reviewing the rules and regulations of the Division of Highways.

"It's time to make some changes so fair contractors can compete on a level playing field," Millne said.

Community

(Continued From Page 1) West Virginia industries to go on the cheap and employ contractors who hire migrant construction workers with little or no training whatsoever.

"And the result of this emphasis on economy over quality construction is becoming apparent. More and more, industries have experienced dangerous, life-threatening accidents."

White said it's only a matter of time before the 'Big One' occurs. And he said when it does the state will be shocked by the number of injuries and deaths.

"But this is avoidable," he continued. "West Virginia industries avoided it for decades by hiring trained, skilled workers. It can do so again by doing the same. That's what 'Community Protection' requires."

The ACT Report

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