



THE ACT REPORT

VOLUME 3, NUMBER 7

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

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PICKETING AGAINST Gals Inc. and Southerland Associates, two North Carolina contractors at the BASF facility in Huntington were (from left) Tim Betts, Dewayne Malcom and Stoney Brewny. All three are members of Cement Masons Local 887, Charleston/Huntington.

Tri-State Trades' 'Information' Picket Targets Two N.C. Firms

The Tri-State Building and Construction Trades Council recently coordinated a 'public information' picket to get the word out about substandard contractors working at the BASF facility in Huntington.

Tri-State targeted Southerland Associates and Gals, Inc.,

both of North Carolina.

"Those contractors are trying to lower the living standards of working men and women in our area," said Tom Williams, business agent for the Tri-State Building Trades.

"They are generating substandard wages, benefits

and conditions. We want to stop them before they get established," Williams said.

Gals is not registered in West Virginia, it has no business license or contractor's license.

ACT Fair Contracting Representative Tim Millne joined
Continued on page 2

Texas Giant Withholds Injury Reports

OSHA Fines Brown & Root

Brown & Root Inc. was fined \$3,000 the last week of June for failing to provide workers with lists of work place injuries, as required under federal law.

It was reported in the last issue of the ACT Report that the company turned over OSHA 200 logs that were cut in half.

Steve Midkiff, organizer for the Charleston Building and Construction Trades Council, contacted the Occupational Safety and Health Administration (OSHA), and demanded that they enforce the law and get the entire logs.

OSHA did get the logs and levied the fine against Brown & Root for their refusal to

comply with the law. The logs must be posted at work places at certain times during the year, and must also be provided to employees upon request.

ACT has since been given an opportunity to study the entire logs, and have found several questionable figures.

The logs are from 1993 for
Continued on page 3

Challenges Are Prepared

B&R Fudges On Eligible Union Voters

The Brown & Root union election date set for July 28 is quickly approaching, and the company is attacking with all forces.

Two days after the National Labor Relations Board deadline, Brown & Root turned over a list of eligible voters to the Charleston Building Trades.

The list had more than 800 names, but Building Trades officials quickly noticed two problems. First, a number of the voters were listed at the same address.

"We noticed that about 20 ballots were going to a post office box in Carrollton, Ky, and about 20 were going to a box in Dunbar," said Bubby Casto, Business Manager of the Charleston Building Trades.

"We soon realized that they were the addresses for Brown & Root offices."

Casto immediately protested to the NLRB who agreed that the ballots should go to home addresses, and which required more time to get.

"We told the NLRB if they're going to send ballots to the company, then send the rest of them to us and we'll get them distributed," said Casto.

The second problem was that Brown & Root left approximately 200 people off their list of eligible voters and added almost 100 supervisors.

The list they sent 'looks like a supervisors list' with foremen and big wigs, who the board already agreed are not eligible to vote, Casto said.

Building Trades officials estimate Brown & Root left approximately 200 people off its list of eligible voters.

One of the positives in the upcoming election is that the 47 Boilermakers who won a NLRB ruling against Brown & Root will be able to vote.

It was found that Brown & Root violated federal labor laws when it refused to hire the workers in 1989 because

Continued on page 4

Inside The ACT Report

Painters LU 1144	Pg. 2
Edgewood	Pg. 3
Planning Conf.	Pg. 2
Pulp Mill	Pg. 4
Prevailing Wage	Pg. 3
Violations	Pg. 2

134 Members Cover Eight Counties

Parkersburg Painters Are Pleased With ACT

Parkersburg Painters Local 1144 is a mixed local made up of painters, hydroblasters, glazers and inside glass workers.

The local has an eight-county jurisdiction including Jackson, Pleasant, Ritchie, Roane, Tyler, Wirt, Wood, and Calhoun.

The members who are painters voted to join ACT about six months ago, but they opted to wait for the new contract to start before joining to make it easier with the bookkeeping.

So, as of June 1 when the new contract kicked in, ACT officially had 134 new members.

According to Harold Stephens, business representative, there are 36 retired and 95 active members. Of those, 82 are working, which makes 86 per cent employed.

Members do all types of painting work as well as dry wall finishing and vinyl work on industrial, residential and commercial projects.

The local supports five apprentices who must complete approximately four years of training, including 144 hours of classroom training and 700 hours of on-the-job training per year.

"It's a dual process," Stephens explained. "They are paid on a percentage scale based on the amount of classroom plus on-the-job hours they have completed."

For graduation to journey-

man the apprentices must have a total of 576 classroom hours and 5,000 actual working hours, he said.

"We send guys out to work on steel, bridges, stacks and tanks. They have to know what they're doing, and be well trained," he said.

Eventhough Local 1144 has been a part of ACT for a little over a month, they have already seen some benefits from

their membership.

Since they voted to join about six months ago, ACT helped keep the Belleville dam project alive which will send a lot of work to members of Local 1144 as well as other locals in the area.

"When we heard about that it really made the men feel good. It has had a very positive reaction among the local members and we are looking

forward to a good relationship with ACT," he said.

When asked how he thought ACT helps individual members, Stephens said:

"From my standpoint, more jobs, anything to sell the trades, as well as creating a fair playing field for our contractors to bid, is an advantage to the men. It all boils down to -- anything to keep them working."

Stephens said another advantage ACT has to offer is one a lot of locals in northern West Virginia are citing: organizing Brown & Root before it spreads up there.

"I think DuPont would welcome Brown & Root with open arms if there wasn't an organizing drive on in Charleston."

"Our men are satisfied with ACT. I haven't had one negative comment from them."

ACT CONDUCTS 3RD PLANNING MEETING



The ACT Foundation held its Third Annual Update & Planning Conference at Huntington's Radisson Hotel on June 22. Highlighting the conference's actions was a decision to support member locals to become more politically involved by establishing political action committees (PACs) and maintain contact with local elected officials. The conference also voted to put more effort into ACT's prevailing wage program.

NC Firms

Continued from page 1

the picketers on their second day. He began contacting city and state agencies about the violations. By noon that day the State Labor Department shut down the job.

No social security numbers could be found for the personnel, so the DOL turned the personnel files over to the Department of Immigration.

"These state agencies are only slapping offenders on the wrist," Millne said.

ACT is beginning to demand stricter punishment.

"We want fines levied and jail terms dispensed and carried out. Especially against multi-offenders who do this kind of thing over and over again and never have to pay the price for it."

"We're going to send a message to those SOBs who think they can come into West Virginia and screw us over and get away with it," he said.

Commercial Sector Violations Uncovered By ACT

Company	Project	County	Violation	Agency Notified
Fortney-Weygandt Cons. Co.	Red Lobster	Wood	No Certificate of Authority	Secretary of State
Restaurant Specialists, Inc.	Taco Bell	Wood, Kanawha	No Certificate of Authority or Business License	Secretary of State, DOL
Recco Corp.	Kroger Store	Monongalia	No Certificate of Authority or Contractors License	DOL, Worker's Comp.

Industrial Sector Violations Uncovered By ACT

Gals, Inc.	BASF Facility	Cabell	No Cert. of Auth./Wg. Bond	City Bldg. Inspector, DOL
Subcontractors with Viola	Georgia Pacific Site	Fayette	No Wage Bond	Department of Labor

ACT Researcher Exposes Use Of Tax Funds To Support Shoddy Work, Illegal Contractors

The \$15 million Edgewood Summit retirement community on Charleston's West side has been under close scrutiny by ACT since it was first proposed.

After notification by ACT, the state Division of Labor ordered the project stopped in May because the principal contractor, MW Builders Inc. of Atlanta Georgia, did not have a \$32,000 wage bond for its workers.

Lewis McManus, who serves on the Edgewood Summit Board of directors, told a reporter that no one with MW Builders was aware that the bond hadn't been paid.

"It is their responsibility to know about wage bonds and other law requirements, so just being unaware of it isn't a good

enough excuse not to have one," said ACT researcher Pauline Hanson.

Recently, Hanson turned up more problems that again put a halt to construction. Two subcontractors had no contrac-

Charleston's Building Commissioner is holding up the project until a structural engineer reports on what happened and what should be done to correct the problem.

The project is scheduled to

construction jobs to keep track of whether jobs are going to West Virginians or workers from out-of-state.

"Out of a list of 15 subcontractors, only six are from West Virginia, nine are from

development Authority which retains ownership until the bonds are paid.

The project is being developed by Greystone Communities, Inc. which is owned in part by Brown & Root. Greystone will lease the facility from the Authority until it is paid for in 1999.

"Prevailing wages should be paid on this project," said Tim Millne, ACT's fair contracting representative.

"And certified payrolls and other information should be provided to those who ask for them, because it's being funded with public money.

"I consider a \$15 million economic development loan from the state, enough justification in getting information for taxpayers about this project.

"We plan on holding their feet to the fire on this one."

"It is their responsibility to know about wage bonds and other law requirements, so just being unaware of it isn't a good enough excuse not to have one."

ACT Researcher Pauline Hanson

tors license and no wage bond. BR Brick & Masonry Inc. and Houston Stafford Electric, both out of Texas, tried to get by without complying with all West Virginia laws.

Hanson also helped expose shoddy construction, cracks and bowing in retaining walls.

be finished by February 1995.

Hansen has investigated the project with the help of Danny Barnhouse, a third year apprentice with the Sheet Metal Workers Local 33 and a participant in its Youth-to-Youth program.

ACT also monitors con-

out-of-state," Hanson said. "It's a crime that our economic development money, taxpayers money, is used to bring in out-of-state contractors and workers when jobs are desperately needed for West Virginians."

The complex is being financed with \$15 million in bonds obtained through the West Virginia Economic De-

Current Prevailing Wage Investigations

Company	Project	County
C.J. Mahan, Inc.	Highway	Cabell, Nicholas
MEC, Inc.	Highway	Preston
Gobel, Inc.	Highway	Fayette
R.R. Dawson Bridge Co.	Highway	Randolph
Ahern & Associates	Highway	Marion/Lewis/Fayette
Mountain Enterprises	Highway	Wayne and Cabell
Bilco Construction	Highway	Upshur
Madison Coal & Supply	Elk River Dredging	Kanawha
Mountain Enterprises	Board of Education	Cabell
Jo-Del Construction	VA Hospital	Mercer
Jo-Del Construction	Byrd Hardwood Center	Mercer
Structures, Inc.	County Library	Lincoln
Structures, Inc.	Board of Education	Harrison
Court Contractors	Amy Reserve Training Ct.	Greenbrier
Mechanical Balancing Inc.	Robert C. Byrd H.S.	Harrison
Frank Irey Constr. Co.	Marshall Univ. Stadium	Cabell
Spartan Construction Inc.	Highway	Lewis
Yeneca Construction	City Water System	Marshall

B&R Fined

Continued from page 1

Union Carbide's South Charleston and Institute plants, Rhone-Poulenc's Institute plant, and DuPont's Belle plant.

Of the four sites, there was only one "lost time accident", however, there were 79 injuries recorded with a total of 717 days of restricted work duty.

"Brown & Root tries to brag about how safe they are yet they had almost 6000 hours of recorded restricted duty. It's criminal to be satisfied with those injury rates and call their work place safe," Midkiff said. "Their great safety record is only on paper because they put the guys on restricted work duty, rather than calling it an injury," he said.

Midkiff also questioned the

accuracy of the logs. For example, an employee got hit on the neck with a pipe and was knocked unconscious, yet according to the logs, he didn't miss a single day of work. He is investigating a report of an employee who cut his thumb off but is not listed on the logs.

Under the 1970 federal Occupational Safety and Health Act, all employers covered by the law must maintain records of work place injuries.

The ACT Report

A monthly publication of the Affiliated Construction Trades Foundation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

Officers: Bruce Tarpley, President; Dave McComas, Vice President; Willard "Bubby" Casto, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

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'Can't Squeeze Out Any Information'

ACT Forum On Pulp Mill Highlights Developers' Secrecy, No Job Promises

ACT recently sponsored a public forum at Marshall University, along with several other groups, in order to get more information about the proposed \$1.1 billion Apple

Grove pulp and paper mill from company and state officials.

However, only one of them showed up.

"This mill is a major undertaking for the state of West

Virginia," said Steve Burton, business manager for the Tri-State Building and Construction Trades Council.

"But we can't squeeze any information out of our state

officials or the company," he said.

One of the big questions Burton and others want to know is why Parsons & Whittemore will not commit to hiring local people to build and operate the mill.

"I guess they prefer to work in secret," Burton commented.

There is no state agency that is asking for this commitment or if this mill will be built with state-of-the-art technology.

Public hearings are only required for environmental permits.

Among the public officials who were invited but didn't show were the West Virginia Economic Development Office; the West Virginia Manufacturers Association; Commissioner of Agriculture Gus Douglas; along with Parsons & Whittemore Vice President Ken Goddard.

Attending were Burton, Eli McCoy, Deputy Director of the West Virginia Department of Environmental Protection; Janet Fletcher from the Ohio Valley Environmental Council, Norm Steenstra, director of West Virginia Citizen Action Group; and Pat O'Malley a consultant for ACT from Carpenter Environmental Associates.

The forum was moderated by Dave Peyton of the Huntington Herald-Dispatch.

"It's my understanding that the state is being asked for \$100 million to help develop this project, yet no public debate or discussion about hiring West Virginians has been held," Burton said.



Other concerns of the audience of approximately 100 were about whether or not to

One of the big questions Burton and others want to know is why Parsons & Whittemore will not commit to hiring local people to build and operate the mill.

give the company \$100 million, and or super tax credits; how bad the mill will hurt other industries in the state; and how much timber from West Virginia it will use.

"Members of the audience wanted to know if this facility is going to be state-of-the-art or a hulking dinosaur of old technology, but there was no one there to answer their questions," said Burton.

"It's a disgrace that state officials won't answer legitimate questions the public has."

 UNITED STATES OF AMERICA National Labor Relations Board <small>FORM NLRB-70742 / RC. RM. RD. CASES: 14-84</small> 	
OFFICIAL SECRET BALLOT For certain employees of BROWN & ROOT, INC.	
Do you wish to be represented for purposes of collective bargaining by - CHARLESTON BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO?	
MARK AN "X" IN THE SQUARE OF YOUR CHOICE	
YES <input type="checkbox"/>	NO <input type="checkbox"/>

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.
If you spoil this ballot return it to the Board Agent for a new one.

BROWN & ROOT WORKERS will use a ballot like this in their July 28th vote on recognizing the Charleston Building & Construction Trades Council as their union bargaining unit. The election is being supervised by the National Labor Relations Board.

B&R Fudges Voter Lists

Continued from page 1
they favored unionizing the construction giant's operations at Rhone-Poulenc Ag. Co.

The company was ordered to give them back pay and reinstate them, which includes eligibility to vote in this election. While Brown & Root is fighting that decision the NLRB has agreed to let the 47 vote.

For those on the job, the vote will be July 28th, in booths set up on the job site. The

polling will begin at DuPont in Belle, and move to three other area plants throughout the day.

It will include a voters registration list, and employee's names will be checked off as they go in.

For those who are laid off, ballots were mailed July 1, and must be in by July 26.

Those ballots will be mixed in with the ones cast on the job and all will be counted the night of the 28th by the NLRB, with observers from both the

union and Brown & Root.

"This is a crucial vote for all construction workers in West Virginia and perhaps the country," said Roy Smith, secretary of the West Virginia State Building and Construction Trades Council.

"We have achieved a major victory to get to this point and win, lose or draw we need to remember that construction workers are fighting for what is right and we won't give up until we win."

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