

Rite Aid's Non-Union Building Challenged

A dispute is brewing between Rite Aid Pharmacies and the State Building Trades over construction practices.

Roy Smith, secretary-treasurer of the West Virginia Building & Construction Trades Council, recently wrote a letter to trustees of state local union health and welfare funds.

The issue was the non-union construction of Rite Aid stores across the state in the last few years. Rite Aid is a chain of pharmacies which has 135 stores in West Virginia and 2,829 in the United States in 1995.

The company has been solicited.
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FOIA Case Makes State Disclose \$738 Million Tax Break To Mill

Thanks to a case brought on by *The Charleston Gazette* against the West Virginia Development Office, the public is privy to a lot of new, and some say scandalous, information concerning the proposed Mason County pulp mill.

The *Gazette* sued the development office last May after the office refused to release all its records on the controversial mill.

"What they found out was incredible," said Steve White, ACT director.

A ruling by Kanawha County Judge Herman Canady in January made the release possible. The state Supreme Court rejected, 5-0, a last-ditch effort by development office attorney Don

Darling. He sought to keep records secret until after a months-long appeal.

The documents reveal devel-

cal year.

It is also one-third of the state budget and, if eventually awarded, would appear to be

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Steve White, ACT Director

opers of the proposed mill could receive up to \$738 million in tax break -- \$1.2 million for every worker it hires. The credits would be for a 10-year period.

According to state budget figures, the amount is roughly equal to the total amount of consumer sales taxes collected in West Virginia during the 1994-95 fis-

the largest super tax credit ever.

"I'm appalled, and the taxpayers of West Virginia should be, too," White said.

"I know we can get a better deal than this. If Parsons & Whittemore won't commit to hiring local people I don't think it should get a dime -- no tax break, no nothing. It is coming

for the trees, river and infrastructure. Why are we paying for the mill and getting so little in return?"

Development office officials are disputing the figure claiming the company will never actually get that much money. They said between \$100 and \$150 million will be the amount awarded, but the documents to back this up are secret.

Also revealed in the documents:

Extensive notes regarding Governor Caperton's support for non-union construction.

State development officials were involved in company ef-

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How Much Pollution Is Allowed?

ACT Wins 3-Year Fight Over duPont's Permits

ACT has won an appeal against the state Environmental Quality Board on a permit challenge concerning Dupont's

chemical plant in Belle.

The case involved a water permit duPont holds that allows it to dump cyanide into the Kanawha River.

ACT first appealed the permit to the state Environmental Quality Board (EQB) because the state Division of Environmental Protection (DEP) allowed too much cyanide to be released into the river. "It was in violation of the Clean Water Act," commented ACT attorney Stuart Calwell.

However, the Environmental Quality Board sided with the DEP. "We have found the state boards are filled with political appointees who represent business and are often hostile to us",

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RECEIVING A \$500 CHECK the week before Christmas are 12 members of Operating Engineers Local Union 132. They were among 54 union members from the Charleston Building Trades who won their suit against Tennessee based Construction Concepts, the anti-union builder of the Charleston Hampton Inn. Also participating in the \$27,000 settlement were members of Iron Workers Local 301, Carpenters Local 1207, Plumbers and Pipefitters Local 625 and IBEW Local 466. The Charleston Building and Construction Trades Council staged a series of protests in late 1994 with more than 100 building trades members picketing the job site.

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COMET and Fight Back Programs On The Rise

Organizing Increasing In W.Va., U.S. After Court's OK Of Union 'Salting'

Some call it COMET.

Some say "Fight Back"

Anyway you look at it, organizing is increasing among area locals.

The U.S. Supreme Court's unanimous decision supporting union members rights to "salt" jobs and organize has renewed interest in training and education on organizing.

Bill Thomas, ACT's industrial sector representative, was trained in the "train the trainer" program in 1993 and is responsible for organizing training for the ACT membership.

The basic message in a COMET or Fight Back pro-

gram is to talk about the reasons locals should or should not organize, and when we choose to organize how best to do it.

A basic feature of today's organizing is for union members to apply for and work at non-union job sites.

Thomas said what's different about this program is it goes from the members up.

"The program is education for the members, not for the leadership," he said.

Thomas has worked with both Operating Engineers Local 132 and Laborers Local 1353 to put together organizing classes recently. About 30 members of

Local 132 attended the meeting in early January, among them Gary Duffield, of Duck Creek in Clay County.

It was Duffield's first time at an organizing class he said, and it was "refreshing my memory about organizing."

James Ellison, a 24-year member of Local 132 of Glenside, W.Va., said he heard about COMET programs through his business agent.

It was his second time to participate in an organizing program.

"I've worked as an organizer before," Ellison said. "It definitely works by having these classes. So many don't know

what organizing is, and this helps them to learn the legal side of the issue."

Robin Young of Sissonville

Building Trades suit settlement against Tennessee-based Construction concepts, an anti-union building of Charleston's Hamp-

'If we can get our members involved in organizing we can't be beat, but we have lost some areas and we've got to do something soon.'

Darrell Pauley

Laborers Local 1353 Business Agent

and Donna Statts of So. Charleston, both 15-year members of Local 132 also attended for the first time.

Both were among 54 members who received a Charleston

ton Inn., just before Christmas.

"We basically applied the same program we're learning about right now in COMET," Statts said.

Thomas points out that ACT's role is to assist locals in organizing with training, research and technical support.

"It's each local's responsibility to organize, not ACT's," said Thomas.

"Some building trades councils are already heavy into training so we want to help coordinate efforts with other areas.

"Some locals need help getting organizing training started so we help there, whatever it takes to get the job done."

According to Laborers Local 1353 Business Agent Darrell Pauley, organizing is the key to his member's future.

"If we can get our members involved in organizing we can't be beat, but we have lost some areas and we've got to do something soon."

He points to the lack of work for union members in the Summersville area which has seen tremendous growth over the last few years.

"If we don't organize we won't have much left to fight for," said Pauley.

For more information about organizing, COMET and Fight Back programs contact your business agent.

Rite Aid Faces Heat From W.Va. Unions

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 iting help from union officials, requesting their members to have their prescriptions filled at Rite Aid pharmacies.

"They used to deal with us quite a bit in certain areas, but in

recent times it's been very difficult to locate a Rite Aid store in West Virginia that had any union people working on it," said Smith.

"The fact is Rite Aid in recent years seemed to avoid union

contractors. Whether it was deliberate or accidental doesn't matter, it had the same result."

After a series of meetings with Rite Aid officials and a number of unanswered letters from Smith, the decision was made to

contact health and welfare trustees to get their input.

Smith asked the trustees to go to their local's next meeting and discuss this issue with the members.

"I asked them to please discuss our feelings on this and to consider a plan where participants would avoid shopping at Rite Aid and why," he said.

Since then Smith said he has been contacted by a new set of Rite Aid officials who expressed a renewed interest in union labor.

Smith is waiting to see what if anything Rite Aid proposes.

"The point is -- our union members have health insurance, and Rite Aid is glad to take their insurance cards, but it won't give them jobs," Smith said.

"We think that's a hypocritical stance and we aren't going to help them in any way."

"I think we've got their attention. I'm hopeful this will have a positive impact for our members."

WORKERS COMP RALLY

February 15 -- 11:00 A.M.

State Capitol Grounds

Sponsored by the West Virginia AFL-CIO.

Come and show support for the many West Virginians hurting from the Legislature's recent cuts to workers' compensation.

Show them we mean business.

FOIA Case Discloses \$738 Million Mill Tax Break

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 forts to find judges willing to use injunctions and restraining orders against picketers.

One page of notes spoke of how "ARP (Alabama River Pulp, Parsons & Whittemore's division in Alabama) is a general contractor -- has a 'merit shop' construction activity."

Another document talked about how Alabama wages were \$6 to \$8 per hour cheaper than Mason County wage rates. Parsons & Whittemore estimated local labor would cost them \$25 million more on construction costs.

A consultant, Hart Associates, was hired to do a report on merit-shop construction.

The consultant "met with law enforcement officials in Mason County and with the circuit court judge to ascertain his status on injunctions/restraining orders," said Steve Burton, Business Manager of the Tri-States Building Trades.

"It's staggering to learn Gov. Caperton was asked and gave support to bring in hundreds of out-of-state construction workers as early as 1989.

"He (Caperton) betrayed us after we helped him get elected in 1988. He then had the nerve to ask for our support in 1992.

"All this time deals were being made in smoke-filled rooms to do us in.

"These documents show the Governor and his development office were involved in a calcu-

lated effort to destroy West Virginia's construction unions.

"Even today our people are being attacked with a plan developed and financed with their own tax dollars."

ACT is preparing for public comment meetings in late January on the latest permits.

"After the Cancer Creek fiasco, the dioxin scam in their water permit and the largest

potential tax give away it's anyone's guess what we will find in the air permits," said White.

Jobs Act

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the resolution.

Montoney and members of Sheet Metal Workers Local 33 North Central region Douglas Burnsworth, Stephen Perdue, D.K. Roach, Jr., Suzanne Morgan, Kenneth Perdue, and Larry Dick have been attending Randolph County Commission meetings lately to try to fend off the threat of the Randolph County Development Authority's fight against the jobs resolution.

"Each meeting since the development authority got involved I've praised the commissioners for their steadfastness, for not giving in to the pressure," Montoney said.

Montoney points out the development authority is going against the very concept, and law, which created them.

"They oppose any bill of this type whatsoever, which is aimed at doing what the development authority is supposed to do," he said.

LINKED WITH BROWN & ROOT

LABOR LEARNS OF VALLEY UNION-BUSTING PLAN

A story coming to light with new documents received about the pulp mill is an extensive plan to break construction unions at Kanawha Valley chemical plants in 1989.

Parsons & Whittemore executives were taken on a tour of West Virginia industrial facilities by state economic development officials on April 12, 1989. Hand-written notes reveal which Rhone-Poulenc, a large manufacturer of agricultural chemicals, had already made the decision to use Brown & Root Construction of Texas at its Institute plant.

Local unions thought they were in negotiations with Rhone Poulenc as late as August, 1989, when there were reports about Brown & Root getting a major contract.

"I think they were just lying to us about negotiating all along. They had their mind made up and the negotiations were just a charade to give them more time to implement their union-busting plan," said John Jarrett with the Chemical Valley District Council of Carpenters. The notes also reveal Rhone-Poulenc plant manager "Rudy Shomo recommends 'to go merit shop' -- go non-union."

In a meeting the same day with Union Carbide officials, Parsons & Whittemore was told "1) Governor must support nonunion activity; 2) Must get law enforcement support; 3) Get local judges endorsement to ascertain if injunctions can be implemented."

"I believe these documents show that even our state economic development people were in on the plan to bring in Brown & Root at Rhone-Poulenc, Union Carbide and duPont," said ACT's Bill Thomas who worked at the state building trades in 1989.

"The fix was in and with state help, or at least approval. They got Brown & Root and West Virginia lost hundreds of construction jobs.

"We always suspected no matter what we did--cut wages or gut contracts--the decisions were already made. We will probably never know the full extent of their plan."

ACT Wins 3-Year Battle Against DuPont

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 said ACT director Steve White. "We knew our information was correct if we could just get a fair

hearing." So ACT appealed again.

This time Kanawha Circuit Judge Lynn Ranson, in an order signed Dec. 14, overturned the state Environmental Quality Board decision on the DuPont permit.

She found that ACT correctly pointed out three technical flaws in the permit issued by the state Division of Environmental Protection when David C. Callaghan was director, according to a circuit court order.

Under state law, DEP deci-

sions on water pollution permits may be appealed first to the board and then to circuit court

and the state Supreme Court.

"We've been fighting this for three years," said Steve White,

ACT director. "We started looking into DuPont's permits mainly because of Brown & Root. We figured that because they were cutting corners on workers, they'd probably be cutting corners elsewhere, too."

"This is perhaps the first time someone, other than a company, has won a case against the Environmental Quality Board, the state DEP and a major corporation," said Calwell. "We hope in the future they will realize we have the experts and qualification to be taken seriously."

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.

Charleston Phone (304) 345-7570
 Clarksburg Phone (304) 624-0692

DETAILS OF RANSON'S ORDER

■ The DEP permit allows the discharge of cyanide in excess of the amount established by the federal Clean Water Act.

■ The permit fails to adequately regulate the discharge of chemicals called polynuclear aromatic hydrocarbons.

■ The DEP failed to follow U.S. Environmental Protection Agency mandate to use long-term water flow average to set a mass permit limit. Instead, DEP used a short-term average flow.

Boilermakers Win 'Fight Back' Fight; Marshall Workers Share In Back Pay

A contractor for Pittsburgh Plate & Glass (PPG) in Marshall County has paid a \$4,400 back pay award and sold his company after running afoul of the National Labor Relations Board.

The contractor, Caprice Construction of Knoxville, Tenn., had been caught by the Boilermakers' "Fight Back" program and was forced by the NLRB to make payments of around \$400 to 11 workers who had applied for jobs with the company.

Caprice had been hired to renovate an electrostatic precipitator at the PPG plant, which included doing a lot of Boilermakers work.

Last May, 13 volunteer union organizers, most of whom were from ACT-affiliate Boilermak-

ers Local 667 in Winfield, applied for work but none were hired.

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discrimination and interference in an organizing campaign.

International, went to Tennessee and asked the NLRB to issue an injunction against the

Although it is a victory for the union, it was not a victory for some individuals involved in the case, said Ron Bush, business agent for Boilermakers Local 667.

"We didn't get jobs for our members, which was the main goal, but putting an illegal company out of business was still a gratifying victory," Bush said.

He also said some members were overlooked when it came to getting back pay.

"The NLRB arbitrarily decided that 11 workers, probably those at the top of the list, would receive the payments," Bush said.

"Unfortunately, some that were not selected were those that worked hardest on the case.

"I'm very proud of my members. They fought for their union and their brothers, even though some didn't get to enjoy the same rewards."

'We didn't get jobs for our members, which was the main goal, but putting an illegal company out of business was still a gratifying victory.'

Ron Bush, Boilermakers LU 667 Business Manager

The company had already unknowingly hired about six volunteer organizers including one organizer out of the Boilermakers International office, according to Bill Thomas, ACT's industrial sector representative.

The Boilermakers filed charges against Caprice stating it was in violation of the National Labor Relations Act because of

settlement agreement to shut down operations, but the Boilermakers refused it," Thomas said. "They figured Caprice would likely just go out of business and then come back under some other name."

Caprice then decided to file for bankruptcy instead and sell off its assets, he said.

"Mike Stapp, a lawyer for the

bankruptcy procedure to keep the company from selling off its assets," he said. "So the NLRB made the company open an escrow account in order to provide back pay for the workers."

Thomas said it's not uncommon for companies to try to go out of business just to avoid being organized.

"But legally, they can't do that just to avoid their obligations," he said.

"The Boilermakers' intentions were to organize the company, not drive it out of business."

Jobs Act Near 50% Goal

Barbour County's passage of a resolution to support legislation in favor of hiring local workers for state tax-funded public works projects brought the total of counties endorsing the ACT-backed measure to 27.

That's one short of ACT's goal for a majority.

Raymond "B.B." Smith, ACT's legislative representative said he was confident he would get the 28th county commission to pass a resolution in the com-

ing weeks.

The next step is to start working with legislators to turn the overwhelming public support for legislation into specific language.

"We had a bill last year called the West Virginia Jobs Act that we hope to use as a starting point for this year's legislative session. We have asked for a number of changes in the bill based on recommendations from county commissioners we talked to across the state."

The West Virginia Jobs Act would require 90 percent of the workers on construction projects to be hired from the local workforce.

The bill is coming under fire from a non-union contractors association, the Manufacturers Association and the Chamber of Commerce.

"There is no doubt that powerful interests want to stop any local hiring laws," said Smith. "They seldom show their true colors, that they want to keep control over the work force by forcing people to travel for work. Instead they make up false issues about constitutional problems or economic development obstacles."

A case in point is Randolph County. Smith and Steve Montoney, ACT's northern representative, are concerned with recent attacks by officials of the Randolph County Development Authority for the county commission to rescind its support of

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You're Invited To ACT's Annual Constitutional Convention

10:00 A.M.
Wednesday, January 31
Charleston House
Holiday Inn
600 Kanawha Blvd. E.

*Legislative Reception
Beginning At 5 p.m.*

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