



THE ACT REPORT

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ACT Urges Members To Recruit

In an effort to get more local unions involved, ACT recently mailed its members hand-out cards for distribution on the job.

Each ACT member received

three cards in the mailing along with a letter encouraging them to try to get more building trades workers involved in the ACT program.

The card included a listing of the 34 locals participating in ACT, projects ACT has monitored, what ACT does for members, and how joining ACT will

improve a union construction workers' life.

"Only a little more than half of the union building trades membership in West Virginia belongs

to ACT," said Steve White.

"The work we do benefits all union construction workers," he said.

"Imagine the impact we would have if we doubled our membership and every union building trades worker in the state participating in ACT. We could buy more advertising and fight more fights for more jobs. It's money that makes the difference."

White said many don't participate because they simply don't understand what ACT does for them.

"Hopefully, we can get our membership involved in recruiting other union members, who can only gain from the growth."

"All we ask for is an opportunity to go to their local union meeting and present what ACT is all about."

Convention Sparks New ACT Interest From Many Locals

ACT & Building Trades Stay Separate

A proposed amendment to make membership in the Affiliated Construction Trades Foundation a requirement of the state building trades failed at last month's convention.

The convention, held in Morgantown on June 27 & 28, was attended by approximately 100 building trades delegates.

Prior to the meeting delegates received a package of proposed

amendments to the constitution which require a two-thirds vote.

The most significant proposal was a revised constitution that would have raised building trades dues by 20¢ and dedicated that increase to the ACT Foundation.

This would have resulted in a 5¢ decrease for those members already paying into ACT.

"Our goal was to have every-

one paying into ACT," commented Steve White, ACT director.

"All we heard from the opponents was how great ACT was."

"The bottom line is everyone is happy to get the benefits of ACT, some just want it for free."

"Actually in some ways we come out stronger after the convention," said White.

"Many locals have come to us asking for more information and presentations at their meetings.

We can see some real opportunities to grow."

Also suggested was a restructuring of the State Building Trades executive board.

Proposed was a seat on the executive board for each craft in the building trades.

Right now the state building trades executive board is made up of the presidents and vice presidents of local building trades.

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Iron Workers 301 Start Fund For Accident Victims

An accident June 18 at a downtown Charleston parking building killed a member of Iron Workers Local 301

and severely injured another.

Both were members of ACT.

Freddie Searls, 57 of Hamlin, was pulled from the rubble by members of Iron Workers 301 that evening about three hours after a 10-ton pre-fabricated concrete beam fell on him.

The other worker, Claude McCormick, 52, of Charleston, suffered a broken back and ribs and was released from General Division, CAMC June 25.

Officials from the Occupational Safety and Health Administration were on the scene that same evening.

Steven Sowards is the chief investigator for the agency.

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PROTESTING UNFAIR LABOR PRACTICES by B.F. Foster Co. are members of Operating Engineers Local 132 and Laborers Local 1353, near the Elk Two-Mile Watershed Project in Kanawha County.

Jobs Act Back On 'Front Burner' Local Hiring Garner Support

ACT's legislative representative Raymond "B.B." Smith, has put the West Virginia Jobs Act "back on the front burner," after concentrating on the primary election.

Three more counties have passed a resolution to support local hiring on publicly funded projects, for a total of 32 counties.

Summers County voted June

17 and Monroe and McDowell Counties voted in early July.

"I'm concentrating on getting support from the remaining County Commissions for local hiring," Smith said.

ACT has a bill designed to accomplish local hiring. The

West Virginia Jobs Act would require 90 percent of the work-

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*- Raymond "B.B." Smith
ACT Legislative Representative*

ers on construction projects to be hired from the local work-

force. That includes workers living within West Virginia and all bordering counties of neighboring states.

Smith said he is considering going to county Boards of Education asking for a similar resolution on local hiring.

"We hope to attend meetings at all of the Boards of Education to talk about local hiring and ask for support, just like we have

done at the County Commissions," he said.

Smith said he would also like to appeal to any ACT member who sits on their county Board of Education or has family or co-workers on the Board to please contact the ACT office.

Getting approval from the various county organizations can only help get a local hiring bill passed at the legislature, Smith said.

"Any time you've got people and organizations supporting a bill, it's got to help with the local delegates and senators."

ACT/Trades Stay Separate

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"There is no voting representative of the Painters, Asbestos Workers, Cement Masons, Bricklayers, Iron Workers, Roofers, Sheet Metal Workers or a number of other crafts," said Steve Burton, Business Manager of the Tri-State Building Trades.

"We don't think a building trades can be successful without representation for all crafts."

Further discussion included a resolution to change the number of delegates allowed at the convention.

A proposal was made to allow delegates based on craft membership across the state.

"If you had one big local or many small locals it shouldn't matter," argued Bruce Tarpley, Business manager of Operating Engineers Local 132.

"I think you should add up the active members and base your delegate count on that," he said.

"Instead what you have now is affiliated organizations who pay \$50 per year getting as much voting power as a 300 person local. That doesn't make sense."

In the end all proposed changes failed.

On the second day many del-

egates had already gone home but the business of the convention was not done.

John Jarrett, representing the Chemical Valley District Council of Carpenters, asked that an amendment to restructure voting rights which failed the previous day be reconsidered.

The motion passed but was contingent on the passage of the amendment to include ACT into

"We were accused of a lot of things but they can't accuse us of not trying to lead."

*- Steve Burton, Business Manager
Tri-State Building & Construction Trades Council*

the building trades. Jarrett stopped short of that final move.

"I just wanted to show those who accused us of manipulating the system that we could have done what they accused us of," said Jarrett.

"We were looking for solutions as a building trades and we were shot down by a few who were playing the old games in a new and sophisticated world. They succeeded in accomplishing nothing, that's not much of a victory."

Besides the proposed amendments to the constitution the only other piece of business was the election of officers.

Elected to the President's po-

sition was Steve Burton, a member of Carpenters Local 302 and the Business Manager for the Tri-States Building Trades Council.

Burton was appointed to fill out the term of Everett Sullivan, who retired in April of this year. Burton also holds a seat on the West Virginia AFL-CIO Executive Board.

Elected as Secretary-Treasurer was Roy Smith. Smith a member of the Electricians had been appointed to fill out the term of E. Allen Fisher who retired two years ago.

Elected to Trustee positions were Ron Bush, business manager of Boilermakers Local 667, Bob Sutphin, business agent of Carpenters Local 1207 and Bruce Tarpley, business manager of Operating Engineers Local 132.

"We were accused of a lot of things but they can't accuse us of not trying to lead," said Burton, a strong supporter of the constitutional amendments.

"We didn't hear one suggestion of a better way to go, or any real criticism of the proposed changes. Just a lot of reasons why not to succeed."

Tax Breaks For Out-Of-State Jobs Wrong ACT Argues In Nitro

The city of Nitro recently worked out a deal with THF Realty Inc. to build a Wal-Mart shopping plaza, similar to one it built at South Ridge Center on Corridor G, at what ACT believes to be a drawback to taxpayers.

Bill Thomas, ACT industrial representative, sent letters to Nitro residents encouraging them to become involved in the public comment period.

"The city of Nitro has agreed to some huge concessions for THF," Thomas said. "Even though we had a good turnout at the City Council meeting, and most of the people there were against the idea, I think the deal is still going to go through."

As proposed, THF will receive \$400,000 of the City Business & Occupation tax collections, and 80 percent of anything over that amount for the first twenty years, for a total of no less than \$8 million.

"Not only are the businesses of Nitro upset that this new big facility will get an unfair advan-

tage on taxes, but the people of Cross Lanes, where the property is to be annexed, are upset as well," he said. "The interstate exit at Cross Lanes is overly busy as it is."

Thomas said one of the main reasons ACT became involved is because the developer is not making any guarantees to hire local workers for the project.

"This same developer brought contractors from St. Louis, MO and Toledo, OH to build similar projects in the Wheeling and Charleston areas," Thomas said. "ACT is currently working on an organizing effort at the St. Clairesville, OH project near Wheeling."

"It's incredible that we're giving millions of dollars to attract these projects, when out-of-state workers get the jobs."

He said the ACT Foundation supports sound economic development which creates jobs for local workers, improves the quality of our communities and, if needed offers modes tax incentives not huge tax giveaways.

Nets More Than \$2,000 In Backpay For Workers

ACT Stops Harrison Co. Prevaling Wage Challenge

Prevaling wage rates are under attack every day.

Often workers are paid under the wrong classification.

But in Clarksburg ACT's Steve Montoney recently faced a new challenge.

Montoney said Kent Rollins, labor compliance officer for the Region VI Planning & Development Council in Fairmont, sent out an "Area Practice Survey" to assess the work classifications being paid to heavy and highway construction workers.

According to Montoney, the project Rollins was concerned about was the Bridgeport Waste Water Treatment plant, funded

in part with federal money.

Rollins contended it was unclear which craft rate was to be paid for tying re-bar, setting concrete forms or preparing for a concrete pour.

Rollins mailed a survey to area contractors requesting their opinion for which wage rate to pay on several classifications of work.

"We argued that there was no question about work practices; Iron Workers tie re-bar; Car-

penters set forms; and Laborers pour concrete," Montoney said.

"But to make sure we cov-

erage from collective bargaining rates, and follow union jurisdiction."

Montoney had found that on the waste water treatment plant jobs some employees of Breckenridge, Inc. were turned in as Class III Form Setters, but should have been classified as

wages to compensate the people who were paid the wrong rate," he said.

Montoney said in this case, the survey was not valid.

"If there are contractors or awarding agencies that feel the wage rates are too high or the classifications inconsistent with area practice, the proper approach would be to ask for a new wages survey from the DOL," he said.

"If the survey shows lower rates or that a collectively bargained rate is not the prevailing wage rate, only then would an "Area Practice Survey" be needed."

"Eventually he decided to go back to the current U.S. Department of Labor wage rates, which in Harrison County is set from collective bargaining rates, and follow union jurisdiction."

-Steve Montoney, ACT Northern Representative

ered all bases we asked union building trades contractors to fill out the survey," said Montoney.

"Eventually he decided to go back to the current U.S. Department of Labor wage rates, which in Harrison County is set

carpenters. "After going to all this trouble of doing the survey, Rollins found out that what we told him was true," Montoney said.

"Breckenridge agreed and it cost them \$2,613 for back

ACT/Building Trades Picket P-burg Restaurant

On June 21, members of Parkersburg/Marietta Building & Construction Trades Council demonstrated in a pub-

lic information picket at the construction site of the Outback Steakhouse at the Grand Central Mall in Parkersburg. Their

message -- *Don't Back Outback.*

The message was repeated in a half-page ad ACT ran in the

local newspaper.

Jim Lewis, one of ACT's new fair contracting representatives, has been focussing on the construction of the restaurant in Parkersburg.

Outback hired Venture Construction of North Carolina as the general contractor, who in turn hired many out-of-state sub-contractors, such as Cape Construction of Annapolis, Md., Precision Construction of Fairfax, Va., Nuccia Heating & Air Conditioning of Tampa, Fl., J&H Bender Contracting of Virginia Beach, Va., and Pro Set Tile of Cloverdale, Va.

"Outback Steakhouse wants us to support their business, but they haven't helped our community any by giving our local workers jobs," Lewis said.

"So many of the large national chains build their stores and restaurants with cheap out-of-state contractors, while seeking tax abatements, infrastructure improvement, tax relief packages

and other cost saving measures from the community. ACT is merely trying to point this out to the community."

Lewis said by bringing out-of-state contractors and workers into the area, they cheat our local construction men and women out of decent paying jobs.

"Local construction workers are our community leaders, school bond supporters and tax payers," he said.

Mis-Classification

Continued from page 4 the payrolls. In fact the Corps required all the sub-contractors to re-submit a second set of complete payrolls," he said.

Falsifying federal payrolls can get you debarred from bidding on federal contracts.

"Saying that your employees are owner/operators is just another way of getting around paying the proper wage rate," Montoney said.



ATTENDING SUMMER SCHOOL in Morgantown sponsored by West Virginia AFL-CIO and WVU Institute of Labor Studies are from left Jeff Fitcher of Plumbers & Fitters Local 565, Rita McRobie of Laborers Local 379, Clarence "Bull" Clonch of Boilermakers Local 667, Rick Williams of North Central Building & Construction Trades Council and Dan Poling of Painters Local 1144.

ACT Begins New COMET Program For Non-Union Workers In Parkersburg

The Construction Organizing Education and Training (COMET) Program is adding a new dimension, according to Bill Thomas, ACT industrial representative.

"I think this is probably the most difficult thing we've ever tried," he said. "We intend to hold COMET classes in the Parkersburg area to educate unorganized construction workers."

Jim Lewis, ACT's most recently hired fair contracting representative, said the purpose for the nonunion COMET classes is to "find our common ground, and inform them that the union is not their enemy. Certainly our fortunes and futures are tied together."

If either construction workers succeed, it will be because both union and non-union work together," Lewis said.

The two said this is a "pilot program" in the Parkersburg area and their first step would likely be the development of a working relationship with the non-organized construction workers of Parkersburg, hope-

fully with the end result of seeing how we can help each other.

The program presentation is still in the formation stage, but will hopefully be ready for a trial run the end of July, Lewis said.

"We intend to bring non-union workers together with the union leadership to talk about a connection between their ability to earn a living and same for union workers," he said.

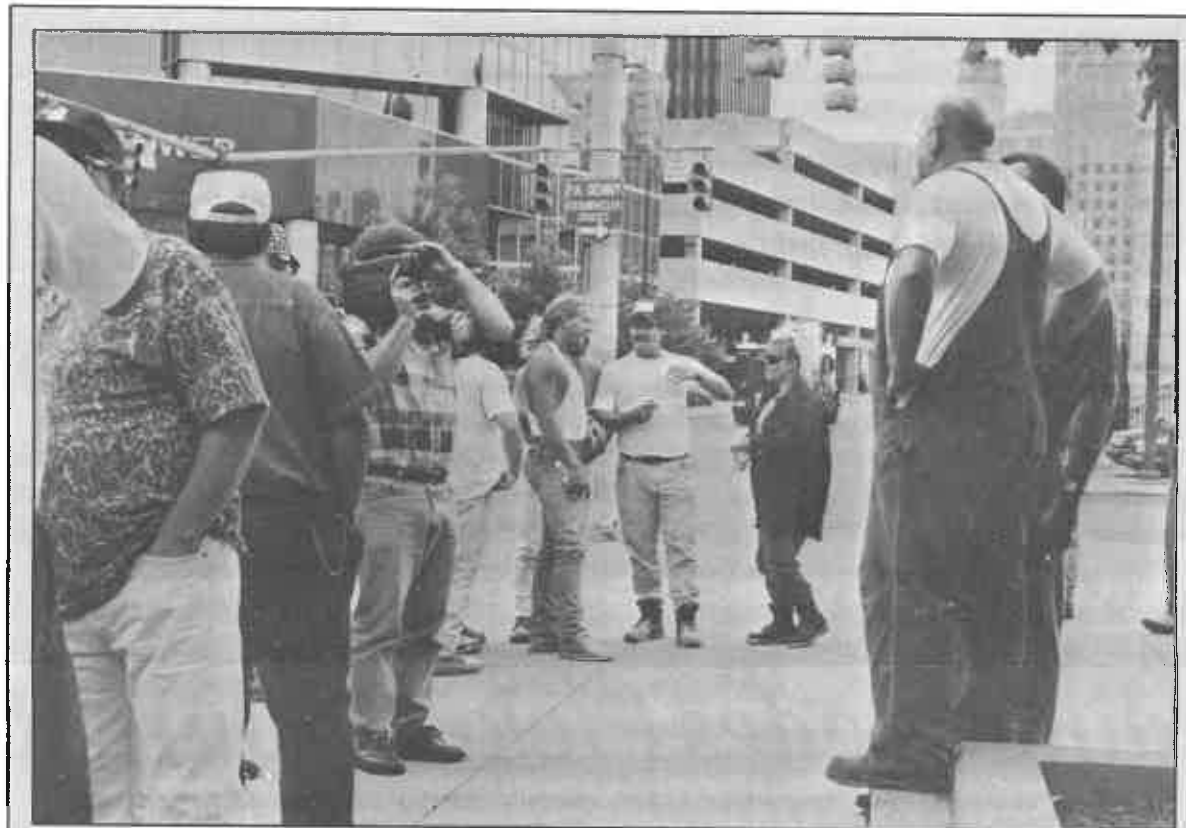
According to Lewis, the basic idea behind this initiative is that "we understand as long as union and non-union workers are competing for jobs, they only serve to drive wages and work-

ing conditions down."

Thomas said the program came about after several business managers of ACT locals asked for help with commercial construction.

"We're still not sure which crafts want to participate in this program," Thomas said. "We have seen an interest from the Carpenters, Sheet Metal Workers, Painters, and a few others."

Thomas also is working on COMET classes for building trades members. "Call it what you want, we can educate members about the problems we face and the new organizing techniques like salting," said Thomas. "Union members then have a powerful tool to improve their job opportunities and keep decent working standards in their communities. It really works."



PREPARING TO PUT IN APPLICATIONS at the Embassy Suites in Charleston are local union members. Approximately 90 showed up to apply. Jim Lewis, ACT fair contracting representative, filmed the workers as documentation for possible legal action as they waited nearby the job site in late June. Embassy Suites is building a \$25 million hotel with out-of-state contractors.

Iron Workers Victim Fund

Continued from page 1

The agency has six months to complete the investigation.

An official cause of the accident has not yet been released.

Iron Workers Local 301 is sponsoring a fund for the two members.

So far, more than \$8800 have been raised.

If you would like to contribute to the fund, you can send a check made out to the Freddie Searls Fund or the Claude McCormick Fund to Iron Workers Local 301, 2425 Hampshire Drive, Charleston, WV 25312.

ACT Investigation Changes Corps Mis-Classification

Steve Montoney, ACT's northern representative recently investigated a vehicle maintenance facility and boat

ramp in Clarksburg funded through the Army Corps of Engineers, and came up with some problems he made sure were

corrected.

The main contractor on the job was Talasilia Inc., of Ingomar, Pa.

"The money value on the project was \$1.49 million and their payroll seemed to check out," Montoney said.

He noticed the forms subcontractors were required to fill out for federal jobs have a space for the wage rate, but if the employee is an owner/operator, and therefore paying himself, then the space can be left blank.

"There were a lot of owner/operators on this job, which I found to be strange," Montoney commented. "One of them, Mazzeo's Excavating of Nutter

Fork, WV, had three owner operators, so I checked a little further."

He went to the Secretary of State's office to see how Mazzeo's was listed, and found it was listed as a sole proprietorship, which means it has only one owner.

"How can a sole proprietorship have three owner/operators?" he questioned.

Montoney turned around and took the information right back to the Corps of Engineers.

"The Corps of Engineers' representative, Diane Stevens, went over my claim and she admitted there was something wrong with

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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.

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