



THE ACT REPORT

VOLUME 5, NUMBER 3

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION



MARCH, 1996

Legislature Kills W.Va. Jobs Act; House Leaders Even Nix Study

"We've walked on eggshells long enough," said ACT legislative representative Raymond "B.B." Smith.

"It's time to take the legislature to task and show what working people can do."

Smith was referring to the last day of the session when the West Virginia Jobs Act went down for the final count.

According to Smith, the House of Delegates didn't take

any action on the Senate resolution which would have guaranteed a study and the bill brought back for consideration next year.

The bill requires 90 percent of the workers on state tax-funded construction projects to be hired from the local work force.

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

"That means the Jobs Act

will not be getting a study resolution in the interim. But we have other options -- it may be brought up in the interims anyway," he said.

"The good news is the Senate passed our resolution. However, I'm very concerned about the House of Delegates members who wouldn't even take the Jobs Act into consideration -- they're obviously not interested in jobs for West Vir-

ginians."

The leadership in the House let working men and women get down, Smith said, because it failed to act on the study resolution.

"We weren't asking for blood, and as far as I'm concerned it's a slap in the face to the labor movement."

ACT has already begun a series of television and newspaper advertisements aimed at informing the public about the Jobs Act and its benefits.

The ad also focuses on a lack of concern by the Legislature about jobs for state citizens.

"Every politician promises to create jobs when running for

office. But when it came down to doing something concrete, like the Jobs Act, they let us down," said Smith.

ACT will continue to work on the Jobs Act over the next year and it will have to be reintroduced.

"But at this point in time we need to concentrate on electing people who are labor-friendly," he said.

That's where the registration and "Get Out the Vote" drive comes in.

"I find it unbelievable they wouldn't give us a study resolution," Smith said, "that's the reason we need to change some faces in the legislature."

No Action Taken On Comp; Legislators Refused Data

In spite of a huge turnout by union members at a rally demanding action on Workers Compensation in mid-February, the Legislature didn't address the issue this year.

Meanwhile, several legislators

may file suit against Gov. Caperton's administration to get documents relating to actuarial studies and unpaid premiums.

Legislative leaders blocked workers compensation legislation from getting out of commit-

tee.

And those few legislators who tried to fix last year's bill faced a stonewalling Caperton Administration.

In an unprecedented move, a group of legislators -- led by Del. Barbara Fleischauer, D-Monongalia, sought to use the Freedom of Information Act (FOIA) to get information from the West Virginia Division of Employment Programs.

Defying state law, the information was never turned over. This may force legislators to file suit against Director Andy Richardson and the Division of Employment programs.

Although the legislature did nothing this session, the fight over Workers Compensation is far from over.

The problem was taken to the State Supreme Court in early March. It will make a ruling some time this year.

During last year's session, the

ACT, DOL Investigate Plant Specialty Contract, Rebid Goes To Union Co.

Recently, a specialty contract at the Pleasants Power Station near St. Mary's held by a non-union repair company from Pennsylvania expanded into a lot more, arousing the suspicion of a local labor leader.

E.M.S. Apparatus Repair Division of Altoona, Penn., held a contract to clean motors at the plant since around 1985, according to Mark Estlack, business agent at Millwrights Local 1755 in Parkersburg.

"It was my understanding when E.M.S. originally came, their contract was strictly for the purpose of cleaning motors," Estlack said. "But every time the contract came up, their work expanded in scope. Around

November of last year, we noticed that their work had ex-

Continued on page 2



PRESENTING AN OVERVIEW of the ACT Foundation recently was Bill Thomas, ACT's industrial representative. Thomas attended the Cement Mason's statewide conference held in Charleston last month.

Inside The ACT Report

1995 Expenditures	Pg. 2
Woodrums Hearing	Pg. 2
Ky. Wage Law	Pg. 2
Taking ACTION	Pg. 3
Supreme Court	Pg. 3
AFL-CIO COPE	Pg. 4
VOTE!	Pg. 4

Power Plant Contract Re-Bids

Continued from page 1
panded into bearings and coupling alignments, and other millwrights and electrician work. That's when we took a good hard look at them."

Estlack said he contacted Pauline Hanson, ACT research analyst, who got the scoop on the company from the wage and hour division of the Division of Labor (DOL).

"DOL told us E.M.S. had

been granted a waiver on its contracting and business license," he said.

"They told us it was because its contract was intended to be for the purpose of doing strictly small repair work such as office equipment, like copying machines."

He said according to the DOL the company did not have a business or contractors' license and it hadn't paid for employee

workers compensation and unemployment benefits.

Estlack said the last he heard, the DOL was going to force E.M.S. to make right on their licenses, and backpay the employee benefits since it got the contract in the mid 80s.

"All I know is the very next contract was let in late February and it went to another company -- Westinghouse Apparatus Repair -- which usually works

union," he said.

Estlack is doing all he can to secure jobs for his members. He said the contract Westinghouse secured was for eight to ten jobs, including both millwrights and electricians.

"The big gain for us is we're in the process now of negotiating an agreement for the work pertaining to millwrights," he said.

"Even if we don't this contract, at least we had the oppor-

tunity that we would not have had without this action," he said.

Estlack said ACT helps in situations like this when quick action is necessary.

"ACT gave us access to quick information and also access to the people we needed to talk to in the state," Estlack explained.

"They also provided us with advice about how to make things tough for these guys who don't play by the rules."

Kentucky Win Gets Wage Law

Kentucky union workers have learned their votes and political activity truly counts.

The Kentucky Legislature, at the behest of newly-elected Gov. Paul Patton, recently re-established a "prevailing wage" law in the Bluegrass State.

Kentucky previously had a prevailing wage law -- which requires local wage rates to be paid on publicly-funded construction projects. Often this prevents contractors from passing over trained, skilled workers by hiring unskilled workers at low wages.

However, the Kentucky law was abolished by the state Legislature in 1982.

Patton was elected last year with the strong backing of Kentucky labor organizations.

Steve Burton, business manager of the Tri-State Building and Construction Trades Council which includes the Ashland area of Kentucky, said organized labor was significantly responsible for Patton's election.

"It was a long, hard-fought campaign but we won," Burton said. "And this latest victory shows us how important our efforts were."

"Quite frankly, without organized labor's backing I don't believe Patton would have been elected. And without Patton being elected we wouldn't now have a prevailing wage law in Kentucky."

Workers Compensation Woes

Continued from page 1
Legislature made it harder for injured workers to qualify for benefits. The case before the Supreme Court was filed by some workers affected by the new law in order to overturn the legislation.

The plaintiffs claimed the new law unfairly created two classes of people because it allows workers with more than 50 percent medical impairment to apply for permanent total disability benefits, but denies all

workers with less than 50 percent impairment the same opportunity.

Most blue-collar workers, with only high school educations, are very unlikely to ever work again after they receive serious injuries, even if their injuries represent less than 50 percent "impairment".

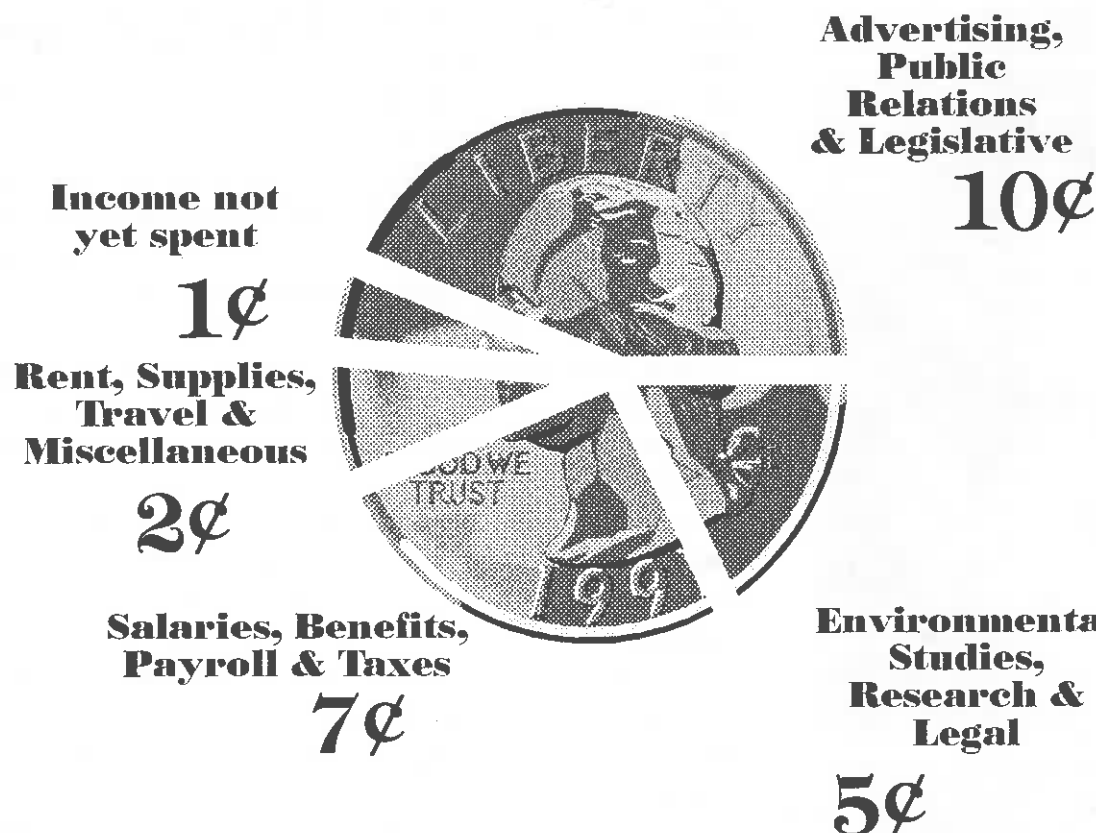
An example was used of a coal miner who loses both legs as compared to a lawyer who suffers the same fate. The miner is unlikely to ever mine coal again,

while the lawyer could continue to practice law.

The workers' lawyer also told the court West Virginia is the only state using a medical impairment threshold to block injured workers from applying for disability benefits.

Even the American Medical Association cautions against using their impairment standards to derive disability percentages without looking at other factors such as age, occupation, and education.

Where Your Quarter Goes



Hearing Is Set On Woodrums

The hearing involving National Labor Relations Board (NLRB) charges on behalf of 31 workers against a contractor on the Woodrums Building is scheduled for March 19.

"People tend to forget when there's a long stretch between the charges and the hearing," said ACT Industrial Representative Bill Thomas.

"We don't want anyone to forget about this case."

The charges were filed in September of last year and involve River Valley Construction of Proctorville, Ohio, and its refusal to hire workers because of their union affiliation.

River Valley was replaced by Carlton Construction, a union contractor from Charleston.

Inside organizers worked with the Carpenters union to document the discrimination. Members of the Laborers, Cement Masons, Pipe Fitters and Carpenters all applied for work but the contractor refused to hire union workers.

Continued on page 4

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; Jay Harrison, Vice President; T.L. Ranson, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

Charleston Phone (304) 345-7570
Clarksburg Phone (304) 624-0682

STATE SUPREME COURT DEMOCRATIC CANDIDATES SEEK ENDORSEMENT

Every election year the West Virginia AFL-CIO State Committee On Political Education (COPE) endorses numerous candidates deemed "labor-friendly."

Following are those who are candidates for an unexpired four-year term on the West Virginia Supreme Court. COPE will be making a decision on whom to endorse on March 23. Only one is to be elected.

Robin Davis

- Democrat
 - Charleston Attorney
 - West Virginia Wesleyan
 - West Virginia University College of Law
 - West Virginia Celebrate Women Award for Outstanding Achievement in 1991.
 - Subscriber to AFL-CIO Lawyers Coordinating Committee.
 - Scholarship in her honor at WVU College of Law to benefit women from the coal mining communities of West Virginia seeking careers in law.
 - Successfully defended unions at the National Labor Relations Board and the West Virginia Human Rights Commission
 - Made out-of-state contractors respect rights and contractual obligations owed to the working people of West Virginia.
- "I believe the court must apply its authority fairly and consistently in the protection of the rights of working men and women, families and businesses in our state."*



Robin Davis

Danny Stagers

- Democrat
 - Keyser and Martinsburg attorney
 - Harvard, bachelor's degree in economics
 - Georgetown University Law School
 - Counsel for the state Judicial Hearing Board since 1986
 - Served as prosecuting attorney for Mineral County 81-85
 - Hearing examiner for the State Human Rights Commission when the commission's cases were backlogged in 1985
 - Taught income tax accounting at Potomac State College and seminars for magistrates and accountants
 - Mineral County Red Cross and Mineral County Chamber of Commerce
- "Too often the system protects the favored few while ignoring the impoverished many," he said.*

Booker T. Stephens

- Democrat
 - Welch, McDowell County Circuit Court Judge
 - West Virginia State College
 - Howard University School of Law
 - Former Assistant Prosecuting Attorney for McDowell County
 - Served two terms House of Delegates - was Chairman of the Standing Committee on Political Subdivision
 - Designated to sit as a member of the West Virginia Supreme Court of Appeals on eight cases since 1985
 - Circuit Court Judge since 1984, Chief Judge since 1990
 - 1995 Layman of the Year by West Virginia Baptist State Auxiliary
- "It is as much the duty of a jury to convict the guilty as it is to protect the innocent."*

AFL-CIO Endorsements

Continued from page 4
the state COPE committee for endorsement.

The endorsements are based on COPE voting records, candidates' questionnaires and their interviews.

As far as the labor endorsement being beneficial goes, she said, past history reflects the AFL-CIO endorsement can be a big plus in a candidates race because labor usually has a big turn-out.

"The bulk of union membership in West Virginia is represented by the AFL-CIO," said Jarvis.

After the endorsements are made, the AFL-CIO begins the mailing, phone banking, plant gate visiting, and door-to-door

canvassing on behalf of the candidates.

Then it is up to the union members and their families to be registered and to vote.

"They are the ones who make the decision of which candidate will be elected to office," she said.

"We need more local unions to become affiliated with the labor councils," she said.

"We also need to educate our members on the importance of politics -- why they should be registered to vote, and why they should vote.

"If we do this, the better off the Labor movement will be," Jarvis said.

The labor movement is you and me . . . us."

Other Endorsements

Last fall, the COPE committee recommended for endorsement U.S. Sen. Jay Rockefeller, Congressmen Alan Mollohan, Bob Wise, and Nick Joe Rahall. Candidates for governor were also interviewed, and Charlotte Pritt was endorsed for Governor.

Their endorsements were voted on, and approved, by the 400 labor delegates at the W. Va. AFL-CIO's Twentieth Constitutional Convention in October.

On February 13, the state COPE endorsed Joseph Albright and Arthur Recht for two twelve year terms of the state Supreme Court of Appeals.

ACT Takes Stock Of Taking ACTION Program

The 1996 Legislative Session was the first in which ACT had an active political committee in place.

The committee, called Taking ACTION, was developed by Raymond "B.B." Smith, ACT's legislative representative, in order to promote political issues from within the ACT Foundation.

"Taking ACTION gives us a network of volunteers across the state to help with lobbying and other legislative issues," Smith said.

Smith said more than 150 members volunteered to be a part of the Taking ACTION program.

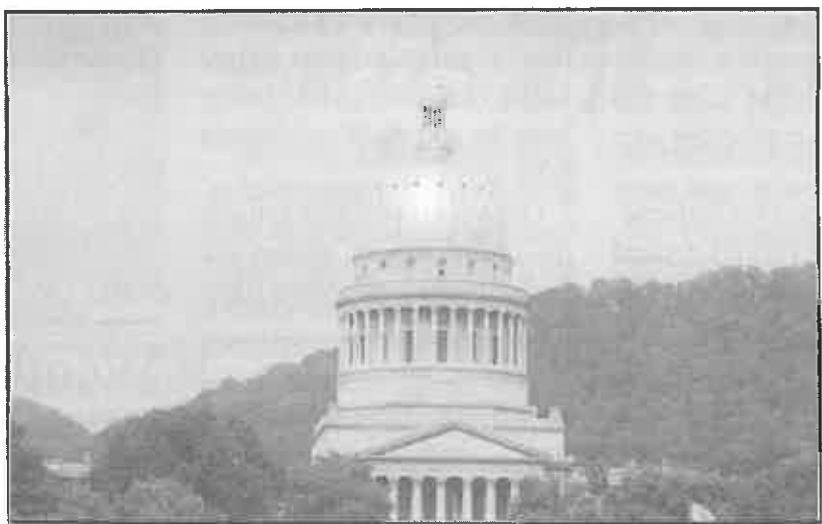
"It's hard to say at this point how effective the program was,"

Smith said. "We sent out requests to the committee members to make calls and write letters to their legislators for various projects. We haven't heard

As for how many phone calls were made or letters written, Smith said even a few would reinforce ACT's message.

"When a senator or delegate hears from someone back home, it's got to help our cause," he said.

Even though this was the first year for the Taking ACTION program, Smith remains optimistic that the program will



MEMBERSHIP INVOLVEMENT is key to communicating with your state legislators.

back yet how many did that."

He said that when he told committee members to put the word out for people to show up for public hearings, there was always a large turn out. "We know that those requests were effective."

continue to grow.

"We plan to utilize our volunteers in the upcoming primary election with trying to get people involved in labor-endorsed candidate's campaigns, like phone banks, letter writing and hand-billing," Smith said.

ACT, Building Trades Rely On COPE For Political Endorsements

AFL-CIO COPE Endorsements To Benefit Members, Candidates

With the 1996 legislative session over, political attention now shifts to the primary elections to be held on May 14.

One question often asked is who labor will support this year.

Many candidates seek labor endorsements because of the votes, money and volunteer support unions have traditionally offered. This year will be particularly important given the battles over workers compensation.

"A lot of legislators have decided to side with big business and told labor leaders, 'Your votes don't matter any more.' If we don't inform our members and get them to the polls this year we are in big trouble," said Steve White, ACT director.

The ACT Foundation, like the West Virginia State Building Trades Council, does not endorse candidates for any elections.

Instead the member unions participate in the AFL-CIO endorsement process.

Every election year the AFL-CIO goes through a lengthy process in order to select and endorse those candidates who are "pro-labor."

The key group for endorsements are the various central labor councils across the state.

Margaret Jarvis, VIP director of the state AFL-CIO Committee on Political Education (COPE), is in charge of making sure the process goes smoothly and that the information gets out to the members.

She begins by mailing a questionnaire to all candidates seeking office in the state Senate and House of Delegates races.

This year there were 361 candidates for those seats.

Candidates are asked to address issues important to union members, such as Workers Compensation, Unemployment Compensation, Prevailing Wage, prohibiting the employment of out-of-state strike breakers, the Mason County Pulp Mill, requiring all construction contractors on public projects to pay health, welfare and retirement benefits, and the West Virginia Jobs Act.

Once the candidate returns the questionnaire, copies are mailed to the appropriate labor

council in his or her district.

The labor council then contacts the candidates, setting up an interview.



INTERVIEWS at local labor councils such as this one, together with candidate questionnaires, are the basis for endorsements by the West Virginia AFL-CIO's COPE. Without the support of local councils it's virtually impossible for a candidate to win labor's backing.

Each council has an interviewing committee made up of delegates from all affiliated unions.

The committee interviews the candidates and votes on recommending pro-labor candidates for endorsement.

The delegates of the entire labor council will then vote on the committee's recommendation.

Both times it will take a two-thirds vote from the committee and council to make endorsement recommendation to the State COPE committee.

Woodrums

Continued from page 2

"We attempted an organizing campaign," said Carpenter business agent Bob Sutphin, "and the owner broke several laws in trying to stop the organizing."

"Now we understand the contractor is claiming to be broke," Sutphin said. "But he has hired attorney Fred Holroyd and we doubt he's working for free."

"We're ready, willing and prepared to go to court for this case," Sutphin said.

State COPE is a standing committee of the officers and executive board of the West Virginia, AFL-CIO, representatives from building trades, industrial, and labor councils, and a representative from most International Unions with membership in the state.

The Committee will meet March 23 to hear the Labor Council's recommendations. They will then vote again (requiring a two-thirds vote) for the endorsement of candidates.

"Each candidate is interviewed and voted on twice by people of their district, and then by the state COPE," Jarvis explained.

"At any point in the process, they can be voted down."

Once the endorsement has been made, the state AFL-CIO will begin notifying their members through mailings and phone calls.

State COPE decides on candidates from the House of Delegates up to the U.S. Senate, whereas the Labor Councils will give final approval on various local races including county commission, sheriff, prosecuting attorney, county clerk, circuit clerk, circuit judge, magistrate, assessor, boards of education, and city elections.

It is the labor council's decision whether they want to become involved in those races, Jarvis said.

Jarvis emphasized that all statewide races must go before

Continued on page 3

VOTE!

Working men and women have a chance to make a real difference this May 14th and again in November by electing candidates who care about working people.

Fights over workers compensation or the West Virginia Jobs Act are almost impossible if legislators won't work with you. Even long standing laws are in trouble with today's political make up.

Attempts have been made in Congress to repeal the Davis-Bacon Act (prevailing wage). If Congress succeeds, it will dramatically cut workers' paychecks, increase injuries on construction jobs, cost the federal government billions in lost taxes and then cost even more because of shoddy construction by unskilled and less productive workers.

Nine states have repealed their "little" Davis-Bacon laws for state-funded construction. There has been discussion by some state legislators to repeal our own prevailing wage rate law.

That is why our local union must conduct voters' registration drives.

If you are not registered to vote please do so. To be eligible to vote on May 14th, you have from now until April 15 to register. Stop by your local union hall or call the ACT office for a voter registration form.

Remember: the job you save may be your own.

Non-Profit
U.S. Postage
PAID
Permit No. 88
Chas., WV 25301

ACT Foundation
523 Central Avenue
Charleston, WV 25302
(304) 345-7570