

# THE ACT REPORT

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The ACT Foundation is an association of West Virginia building and construction trades unions, with offices in Charleston and Clarksburg. Bruce Tarpley, President; Randy May, Vice President; T.L. Ranson, Secretary Treasurer; Roy Smith, Executive Director; Steve White, Director.

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## INSIDE

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# Coldwater Project Signs With Union

**L**ocal construction workers are close to an important victory at the new \$40 million Coldwater Creek warehouse in Parkersburg.

Although the construction manager, Clayco Construction, is from Missouri, an agreement has been signed with the Carpenters and Laborers insuring local workers will be used on the job.

A number of subcontracts are still to be let, and it is not clear whether local workers will continue to get all the jobs but local trades officials are hopeful.

Sam Davis, Business Manager of Building Trades in Parkersburg said he was "... very pleased with the way things are going."

"I have to thank the local development authority for pushing the use of local contractors and workers," Davis said, "We couldn't have done this without them."

Shortly after the project was announced last Fall, Jacksonville

## Crane Bill Passes; Jobs Act Pilot Project To Begin

**L**egislation establishing crane operator certification and a Jobs Act pilot project were among bills passed in the final days of the West Virginia Legislature.

Both pieces of legislation were supported by ACT.

The Crane Operators Certification Act sets in place minimum requirements for operators of cranes with a capacity of 10,000 pounds or more in the construction industry.

Requirements include passage of a written examination, a practical demonstration and a physician's statement certifying the operator is physically quali-

fied to drive a commercial motor vehicle.

Operators with over 2000 hours of on-the-job experience operating a crane in the four years preceding their application will be exempted from the practical demonstration if they apply for their license prior to Jan. 1, 2000, and meet all the other requirements.

Exemptions from the certification requirement include, those operating a crane as part of an agricultural or timber harvesting enterprise, employees of manufacturing and industrial companies, and persons enrolled in approved training or apprenticeship programs working under

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Florida based Haskell Construction announced they had the job. Haskell earned a reputation for using out-of-state workers and contractors at a postal facility they built in Charleston a few years ago.

Haskell's announcement set off a rapid response from the ACT Foundation with a series of newspaper ads alerting the public to the

problem of out-of-state workers financed by tax funds.

This was followed by a state-wide call-in effort led by ACT, resulting in a massive number of phone calls by people upset about Coldwater's choice of contractors.

"Because this is a mail order company, their business depends on phone calls," said ACT Representative Jim Lewis,

"We tied up their phone lines and forced them to listen."

The warehouse will be constructed in Pettyville Industrial Park, which could become the largest industrial park in the state.

Coldwater Creek is the first tenant.

With the exception of the site work, it appears the entire project may be built with union workers.

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## Illegal Aliens Are Caught

**Nineteen suspected illegal aliens working on the Nitro Wal-Mart project were arrested on Monday, Feb. 23 by U.S. Immigration and Naturalization Service (INS). One short week later, another six illegal aliens were arrested at the construction site of a truck stop also in Nitro.**

**The first group arrested were all Mexican and had been working for Hollis Roofing, a subcontractor out of Mississippi, for several months.**

**INS was tipped off by the ACT Foundation which had been contacted a number of times from members of the Ironworkers and Carpenters union as well as citizens complaining about the construction jobs lost to out-of-state workers. However, INS had a hard time actually catching the aliens on the site.**

**The extra help INS needed came from the West**

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## 'AN INJURY TO ONE I

## KANAWHA STONE COMPANY U

**W**hen Phil Selman, an eight year employee of Kanawha Stone Co. (KSC), was permanently laid off for his attempt to organize the employees, members from unions in the Charleston and Huntington areas came out in force to support him.

Pickets were set up at KSC's job sites in



THE LABOR movement was founded on the principle, "an injury to one is an injury to all." Local trades workers from Wayne County showed up at KSC's project to support fired organizer Phil Selman.

Kanawha and Wayne Counties in support of Selman.

"Selman lost his job because of his organizing effort and that's just not fair," said Donnie Huff, ACT Representative.

"We are standing together in solidarity for one of our own."

Roy Snodgrass, IUOE Local 132 Business Agent said he was "...determined to see this campaign through until the end and until Phil [Selman] gets his job back."

"I want KSC employees to know that we will stand

up for them and see that their rights are protected," he added.

At the Dudley Farms site on Corridor G in Charleston across from Southridge Center, members of Teamsters Local 175, Laborers Local 1353, Operators Local 132, and Carpenters Local 1207 have formed the picket line.

Members of Teamsters Local 505, Laborers Local 543, Carpenters Local 302 and Operators Local 132 are picketing the Tolsia Highway US Rt. 52 project in Wayne County.

These projects together total several million dollars.

There had been mass picket-

## CRANE CERTIFICATION BILL, JOBS ACT PILOT

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the supervision of a certified operator.

"This is a very positive step towards improving safety from the standpoint of assuring the most qualified and trained individuals are operating cranes and will help protect everyone on a work site," said Operating Engineers Local 132 Business Manager Bruce Tarpley.

Tarpley believes a lot of credit for getting the bill into law goes to the union heavy and highway contractors association, Constructor's Labor Council of West Virginia, as well as the many bill sponsors including Del. Earnie Kuhn, D-Boone; Del. Gary Tillis, D-Putnam; Del. Larry Linch, D-Harrison; Del. Tamara Pettit, D-Hancock; Sen. Oshel Craigo, D-Putnam; Sen. Don Macnaughton, D-Wetzel and Sen. Jack Buckalew R-

Kanawha.

"We also appreciate the many union members, both from the crafts and other unions, who helped us get this bill passed," Tarpley said.

While the West Virginia Jobs Act again failed to gain enough legislative support to become law, ACT was successful in getting legislation

passed to create a pilot program to evaluate the impact of requiring the employment local workers in publicly funded construction projects.

The bill as passed will require at least two Division of Highway projects and at least one School Building Authority project to employ at least 90 percent of the

hourly workers from the local labor market.

The Commissioner of Labor will then have one year from the beginning of the last project to evaluate the data provided by

"reforms" to workers compensation but did pass two resolutions requiring an actuarial study of the disability threshold limits imposed by the 1995 legislation.

"An actuarial study done by the Fund found the thresholds could be reduced," said West Virginia AFL-CIO President Jim Bowen. "The ACT Foundation performed a similar study which came

to the same conclusion." "These resolutions will now require an independent study of this issue to be presented to the legislature before their next regular session in 1999."

Other legislative efforts affecting workers included:

West Virginia State Employees Union convinced legislators

to change certain provisions of the state's grievance procedure.

The Communication Workers were handed a defeat on their efforts to make it easier to get a live operator for directory assistance calls instead of a computer operated system.

The United Mine Workers were successful in gaining legislative approval to be allowed to mine around plugged methane gas wells.

Labor lobbyists working with a variety of other groups were able to stop measures to enact tort reform which would have protected companies from lawsuits at the expense workers and consumers.

Deregulation of utilities was forced into a study committee.

"The real difference this session was the team work of all AFL-CIO groups in their lobbying efforts," said Bowen.

**'THIS IS A VERY POSITIVE STEP TOWARDS IMPROVING SAFETY...IT WILL HELP PROTECT EVERYONE ON THE WORKSITE'**

**BRUCE TARPLEY  
ACT PRESIDENT & BUSINESS MANAGER IUOE 132**

the agencies and add his analysis and evaluation of the benefit of the pilot projects in providing additional jobs for West Virginia workers.

Overall, this legislative session was a mixed bag for labor in general.

The House and Senate both refused to revisit the so-called

# 'S AN INJURY TO ALL'

# UNFAIR TO LAID OFF EMPLOYEE

ing at each of the sites until an injunction was sought by Kanawha Stone.

The picketers agreed to limit the number of people at each site. Seven people would picket in Wayne County and 10 at Southridge.

Everyone involved in the campaign, including Ronnie Adkins of Teamsters Local 505 and Randy May of Carpenters Local 302, has spent countless hours supporting our cause said Huff.

"It is important to the labor movement in our state to see this much support from union members as well as full time organizers."

ACT has also been instrumental in gathering information and assisting the business agents and business managers in this campaign.

On Feb. 17, unfair labor practice charges were filed with the National Labor Relations Board on behalf of Selman by IUOE Local 132.

"All I want is my job back so I can support my family," said

Selman.

After meeting with Operating Engineers Business manager Bruce Tarpley in early Sept. Selman agreed to sign a representation card and committed to being a voluntary union organizer.

An organizing committee was formed consisting of Teamsters Local 175, IUOE Local 132, Laborers District Council, Chemical Valley District Council of Carpenters, and later Teamsters Local 505.

Among the full time organizers was Bo Means of IUOE Local 132 and Tim Millne of Laborers District Council. Randy Atkins, Business Agent Teamsters Local 175, also committed to helping out with the campaign in any way.

Selman spoke to KSC employees about organizing through early Nov.

On Nov. 10, Selman attended a KSC supervisors' meeting where an effort was made to deter the organizing campaign. Selman suspected the supervi-

sors knew he was a voluntary union organizer.

On Nov. 18, Selman informed his direct supervisor, George Phipps, that he was one of a few employees who were voluntary organizers.

Later that day, Art King, president of KSC, held an anti-union meeting, with employees present. Selman identified himself to King as a voluntary union organizer at this meeting.

King went on to say he did not want cards to be signed so that the issue could go no further.

In the following weeks, KCS sent a letter to employees informing them of their duty to see that KSC did not become union.

After his shift was over on Jan. 19, Selman joined Means, Millne, as well as, ACT representatives and other union members in handbilling and talking to the employees of KSC.

The following day, Selman was laid off.

Meanwhile, three workers who were previously laid off, were called back to work by KSC to do the same type of work as Selman.

Selman's layoff, however, remained permanent.

Around the same time, on two occasions union members went to KSC offices seeking employment and asking for applications.

These application drives were an effort to show KSC that a large number of qualified people

are willing to work hard and demonstrate union skills.

"We can do these jobs," said

Huff.

"KSC has no good reason to discriminate against us."

## ILLEGAL ALIENS

*CONTINUED FROM PAGE 1*

Virginia Division of Labor which had recently investigated the Wal-Mart site and worked in cooperation with INS to provide information crucial to their efforts.

The general contractor for the project is R.G. Brinkman Construction of Missouri. Brinkman is building the Wal-Mart, along

blind eye while profits come rolling in.

"And it must be even easier to forget the promises made about jobs after the ink that guarantees all these tax breaks dries."

On Thursday March 4, six more suspected illegal aliens, also Mexican, were arrested at the Pilot Travel Center construction site also in Nitro.

**'I THINK THE REAL CROOKS ARE THE ONES WHO PROFIT FROM USING ILLEGAL WORKERS.'**

**WILLARD 'BUBBY' CASTO  
BUSINESS MANAGER, IRON WORKERS LOCAL 301**

with other stores, for developer THF Realty, Inc., of Missouri.

Nitro promised to give THF the business and occupation tax rebates from all stores at the site for the first 20 years of operation in order to attract this project.

This agreement guarantees THF more than \$7 million in tax rebates over 20 years.

THF maintains it knew nothing about the workers hired by Hollis.

The local supervisor for Hollis was surprised at the arrests, federal agents said.

"I think the real crooks are the ones who profit from using illegal workers," said Willard "Bubby" Casto, Business Manager for Iron Workers Local 301.

"I guess it's easy to turn a

This time it was members of the Laborers Union who were on the lookout.

ACT again called on the West Virginia Division of Labor and INS to investigate and again both coordinated to get the job done.

"We commend both the West Virginia Division of Labor and the INS for a job well done," said Casto.

These men were working for CPD Plaster Corp. in Atlanta, Ga. CPD is a subcontractor for Deerfield Contracting of Cincinnati, Oh.

CPD was also cited for not having a contractors license.

As with the other men arrested, these six will be taken to Philadelphia for deportation hearings.



PICKETING KSC's Charleston site are members of Teamsters 175, Operating Engineers 132, and Laborers 1353.

## IN THE MORGANTOWN AREA

# Out-of-State Contractor Will Manage Construction Of Retirement Community

**Workers in the Morgantown area are upset that a Monongalia General Hospital affiliate has hired Le Cesse Construction Company, a non-union construction company from Rochester, NY, to manage the construction of a \$20 million retirement community in Morgantown.**

The community will be called Village at Heritage Point.

The North Central West Virginia Building and Construction Trades Council has been meeting with Andy Hislop, vice president of Le Cesse, to discuss using local union workers and local contrac-

tors for the construction of Village at Heritage Point.

The plans for the retirement commu-

from its company to act as managers and the rest of the workers will be local.

"Andy [Hislop] told us this project will

**'WE ARE DOING ALL WE CAN TO MAKE SURE THERE IS NO REASON LOCAL WORKERS CAN'T BE USED FOR THIS PROJECT.'**

**RICK WILLIAMS, BUSINESS MANAGER  
NORTH CENTRAL WV BUILDING & CONSTRUCTION TRADES COUNCIL**

nity were made available to local contractors for bidding at the Construction Employers Assn. as of the end of Feb.

Le Cesse assured the North Central Building and Construction Trades Council it only plans to use eight to 10 people

require at least 200-300 people," said Rick Williams, Business Manager of the North Central Building and Construction Trades Council.

"I told him we could supply those workers easily.

"We are doing all we can to make sure there is no reason local workers can't be used for this project," Williams said.

The North Central Trades Council

has also approached Monongalia General, since it is funding the project, about making certain local workers and contractors are used.

Mon Gen's response has been, Le Cesse has the authority to make those decisions.

On March 2, ACT ran an ad in The Dominion Post informing people in the Morgantown area of the Village at Heritage Point project.

The ad said the project would be a real boost for the community if Monongalia General would make certain that both local workers and local contractors were used for the construction.

"We are hoping Mon Gen will help influence Le Cesse in its decisions now that the people know what is going on," said Williams.

"We also hope the ad will encourage the public to let Mon Gen know they want local workers used for the project."



Pipefitter and Boilermaker members join workers at Jeld-Wen's construction site in Craigsville, Nicholas County. Wellons, Inc. employees went on strike last month for better wages and working conditions.

The National Labor Relations Board has been called in to investigate charges of unfair labor practices by Jeld-Wen. The Craigsville project received numerous economic development incentives but is importing contractors and workers from as far away as Oregon.

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## COLDWATER CREEK

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"The site work is separate, and it isn't fair that members of the Operating Engineers lost their fair share of work," said Lewis.

While Clayco has a design build contract for the building, almost half the project is still on the drawing board and

will include the machinery purchases and installation.

An engineering firm, KSA, out of Atlanta, Ga. is in charge of the mechanical part of the project which is estimated to be approximately \$15 million.

ACT will continue to watch the Coldwater project which is set to start this spring.