

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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PENSION POWER AT WORK

American Water Fight Goes 'All The Way To The Top'

On May 7, ACT Director Steve White, along with G.E. Pierce of Laborers Local 579 in Missouri, attended an annual meeting for American Water Works Company in Voorhees, New Jersey.

The purpose of the trip was to take the fight for local workers to the corporate headquarters of West-Virginia American Water Company.

Both White and Pierce pushed American Water to implement standards for hiring contractors.

"We wanted to make sure the

company executives knew about the problems local construction workers were having in both West Virginia and Missouri," said

executives, board members and stockholders White explained how terrible the problem is in West Virginia.

"WE HAVE RIGHTS NOT ONLY AS WORKERS AND RATE PAYERS, BUT ALSO AS SHAREHOLDERS."

G.E. PIERCE, BA
LABORERS LOCAL 579, ST. JOSEPH, MISSOURI

Pierce, business manager for the St. Joseph Laborers Local.

"We have rights not only as workers and rate payers but also as shareholders."

Before a crowd of company

"We have the highest unemployment, and the lowest income in the nation, and West-Virginia American is supporting an invasion of out-of-state workers and companies," White said.

White detailed how West Virginia American hired 3-D Construction, from Kentucky, for two treatment plants and Adams Robinson Construction, from Ohio, for a third. Both companies imported a large part of their subcontractors and workers.

"Our members want to feed their families and have health care for their kids, it is not asking too much that American Water and its companies impose some basic standards for the contractors they hire."

Pierce also spoke and pointed out that workers in West Vir-

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Johnson Boiler Workers Want Union

An organizing campaign is underway with Johnson Boiler Works employees in Wheeling by Plumbers and Fitters Local 83.

For the past six months, Local 83, along with UA organizer Tim Jividen, has been attempting to organize the 22 employees at Johnson Boiler. ACT's Jim Lewis is supplying research and strategy support.

As expected, the campaign has had several obstacles tossed in its way. Inside organizers Joe McAninch and Ed Tolpa were hit first.

Once owners Dave and Tom West found out about the organizing campaign, McAninch and Tolpa were purposely kept from the other employees and their access to the prevailing wage jobs the company does was

completely denied.

On May 5 Local 83 scheduled a meeting with Johnson Boiler employees and their wives

fired. His insurance was cut off the next day.

Johnson Boiler said he was fired because he refused to go

months pregnant, alone.

Union officials said the firing was clearly directed at McAninch's organizing efforts.

The also question firing an employee whether the company was trying to avoid health insurance costs.

Members of Local 83, as well as Johnson Boiler employees when they can, are picketing the office and a federal courthouse project in downtown Wheeling in support of McAninch.

"We plan to hit every place Johnson Boiler is working to show our support for Joe," said John Hickey, business agent for Local 83.

"We want Johnson Boiler employees to know we will stand

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LOCAL 83 MEMBERS Jim Niehaus (left) and Joe Kochy (right) along with Joe McAninch (middle) protest at Johnson Boiler Works' office to get McAninch's job back.

to discuss the campaign.

The day before the meeting was to be held, McAninch was

out of town to work. McAninch said he did not feel comfortable leaving his wife, who is eight

IN JAPANESE NEWSPAPER

ACT Gets International Recognition

One of ACT's main goals is to get more and better press coverage for union building trades workers.

That effort has been paying off. In fact ACT has received international recognition in a recent article published in Japan's second largest daily paper, the Asahi Shimbun.

Tom Ichimura, a reporter from the Tokyo newspaper, interviewed ACT Director Steve White about the use of computers and the internet.

Most of the story covered ACT's fight against the proposed Mason County pulp mill.

The article ran in the April 4 edition of the Tokyo daily which

reaches 8.5 million readers.

Ichimura was writing a story on how the internet was used differently in the U.S. compared to Japan.

He was particularly interested in how an ordinary citizen in the U.S. could access government and business records on the internet.

During the pulp mill fight, ACT was able to look at records from Parsons & Whittemore's Alabama plant, via the internet.

A group called OMB Watch produces the Right To Know Network which provides Toxic Release Inventory Data on their website.

ACT found out what chemicals were being released and if the Alabama plant was using

modern technology.

Company officials said the proposed mill in Apple Grove would use the same technology as their Alabama mill.

The information discovered from this website was important to ACT's claim the company was lying about not using chlorine in their proposed new plant.

In Japan, government data is not as

readily available.

Another important advantage to U.S. workers is the Freedom

of Information Act, a law that requires access to government documents.

"I think it is this law that makes the U.S. different," said White.

"Without a mandate to give out the information I doubt we would be seeing the access on the internet today."

White also talked to Ichimura about the different attitudes of Japanese and U.S. Companies in recent projects.

"Because of the approach Toyota and NGK Spark Plug took to business here West Virginia workers were treated fairly and with respect," said White.

"Unfortunately, we had more trouble with American based companies, like Parsons & Whittemore."



THIS IS THE ARTICLE as it appeared in the Japanese newspaper Asahi Shimbun.

West Virginia AFL-CIO Endorsed Primary Winners

CONGRESSIONAL

1st District - Alan Mollohan

2nd District - Bob Wise

3rd District - Nick Joe Rahall

STATE SENATE

1st - Edwin Boman (D)

2nd - Jeff Kessler (D) (unexp)

4th - Oshel Craigo (D)

8th - John Mitchell, Jr. (D)

16th - John Unger (D)

2nd - Larry Edgell (D)

3rd - Paul Thornton (D)

7th - Lloyd Jackson (D)

9th - Bill Wooton (D)

17th - Brooks McCabe (D)

STATE HOUSE OF DELEGATES*

1st - Tamera Pettit (D)

11th - Oscar Hines (D)

20th - Tracy Dempsey (D)

Warren McGraw (D)

34th - Brent Boggs (D)

2nd - Roy Givens (D)

12th - Carroll Jett (D)

Harry M. Freeman (D)

Sally Susman (D)

36th - Randy White (D)

3rd - Tal Hutchins (D)

13th - Gary Tillis (D)

Greg Butcher (D)

29th - Tom Louisos (D)

40th - Rick Everson (D)

4th - Scott Varner (D)

14th - Phil Stowers (D)

21st - Earnie Kuhn (D)

John Pino (D)

41st - Larry Linch (D)

5th - Dave Pafhtel (D)

15th - Margarette Leach (D)

22nd - Emily Yeager

30th - Pam Nixon (D)

43rd - Mike Caputo (D)

7th - Paul Janes (D)

16th - Susan Hubbard (D)

Lacy Wright

Larry L. Rowe (D)

Paul Prunty (D)

9th - Sharon Sue Maloney (D)

Jim Ritter (D)

23rd - Joe Sparks (D)

Bobbie Hatfield (D)

44th - Charlene Marshall (D)

10th - Sam Henry (D)

17th - Jerry Mike Dameron (D)

25th - Richard D. Flannigan (D)

Rudy Seacrist (D)

Eugene Claypole (D)

Guy Lowther (D)

18th - Don Perdue (D)

Mark E. Willis (D)

Joe Smith (D)

Barbara Fleischauer (D)

10th - Rick Modesitt (D)

19th - Steven Kominar (D)

26th - Mary Pearl Compton (D)

32nd - Deborah Wanger (D)

46th - David Collins (D)

Harry Keith White (D)

27th Virginia Manhan (D)

Denise Tucker (D)

54th - Laura Rose (D)

Art Ashley (D)

56th - Dale Manual (D)

* bold indicates trades members; italics indicates other union members

Winners are based on preliminary election results. These are subject to change pending the election certification.

FOUR DAYS OF TESTIMONY

3-D Case Goes To Federal Judge

A special administrative law judge heard the case against 3-D Construction Co. of Lexington, Ky. for unfair hiring practices earlier this month.

The original complaint was filed last year by Rick Williams of the North Central West Virginia Building and Construction Trades Council.

The National Labor Relations Board has charged 3-D with intentionally violating federal law by refusing to consider to hire workers who were also union members.

3-D appealed the ruling and the case went before judge Evans for four days of testimony. Over 40 were called to testify.

3-D is also charged with discrimination against employees who were trying to organize while constructing a water treatment plant for West-Virginia American Water Company in Weston.

Eight men, including ACT's Steve Montoney, walked off the job last June because of the unfair hiring practices.

Montoney testified on April 28 that 3-D Superintendent Luke Zakrzewski told some employees he would shut down the job before he would hire union workers.

In addition, 3-D told union members who came looking for work that the company was not hiring.

When Montoney and a friend did not disclose their union interests they were hired, but Zakrzewski asked the men to write previous application/walk-in on the application.

"He [Zakrzewski] said it

would make it easier through the labor laws if he had a reference and didn't have to open up hiring," said Montoney.

This was just another way for 3-D to discriminate against applicants who are union members.

An attorney from the Pittsburgh area for the National Labor Relations Board is representing the workers and the North Central West Virginia Building Trades.

If 3-D is found guilty of discrimination, it could be required to pay those applicants who are union members and were not hired punitive damages by way of a settlement.

3-D could also be forced to pay the striking workers 13 months worth of back wages.

A ruling is not expected for at least six months.

FROM CYBWV LIMITED LIABILITY Co. AND TRUSHELL CONSTRUCTION Co.

Members, Workers Awarded Over \$16,000 in Back Pay

Two members of Carpenters Local 1911 were awarded \$8,000 in back pay following a settlement with CYBWV Limited Liability Company.

An organizing campaign headed by Carpenters Local 1911 and Laborers Local 453 last year at the Courtyard Marriott in Beckley resulted in a strike by the employees and charges filed with the National Labor Relations Board.

The charges were for coer-

AMERICAN WATER Co.

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Pierce also spoke and pointed out that workers in West Virginia are not alone.

"We are fighting the same problem in St. Joseph Missouri," said Pierce.

"Missouri Water has brought in a company from Iowa eliminating chances for many local workers to get a job on a project we will pay for through our water bills."

After the formal meeting Pierce and White met with top executives of American Water and discussed the problems and possible solutions.

"We tried to explain that when low dollar bids are all the company considers then things like health care, pensions, and training get dropped," said White.

cion, intimidation and discrimination against pro-union employees.

In addition to paying back pay the company also had to send a notice to all employees saying the men were receiving the money and admitting it violated their rights.

"We proved they broke the law," said ACT's Beckley area representative, Wayne Rebich.

"But this pay out, plus the lawyers fees still let this company off cheap for the things it has done."

A possible solution would be to create a level playing field, by requiring all contractors to

shareholders, customers and workers would benefit.

"There were qualified local



CONFRONTING TOP EXECUTIVES at the American Water Company annual meeting in New Jersey is G.E. Pierce.

meet minimum requirements, like hiring local workers and paying into a health, pension and training program. In the end White and Pierce argued,

contractors in both West Virginia and Missouri who could have built these plants," Pierce said.

"There was no good reason for American Water to go out of state."

Trushell Construction Company of Wheeling, WV will be forced to pay 15 workers \$8,213 in back pay.

Trushell had mis-classified 15 workers, mostly sheet metal workers, and the men were not paid the proper prevailing wage.

Payroll records showed an abundance of laborers when the work being done was that of a sheet metal worker.

Trushell was hired to do renovation and preservation work on the McGrew House in

Kingwood West Virginia.

Payment is currently being withheld from Trushell because of poor construction on this job.

ACT's Steve Montoney and Leroy Stanley of the Carpenters asked for the company to be investigated because of similar problems on previous jobs it had done.

"Trushell has a history of not paying it's workers the prevailing wage," said Montoney.

"I knew this job would probably not be any different, and I was right."

ACT Responds To Gov. Underwood's Attack on Working Families with Ads

In response to Gov. Cecil Underwood's veto of the Jobs Act pilot project, ACT placed an ad in 28 newspapers across West Virginia explaining the consequences of his actions.

Local workers have lost potential jobs and local working families have lost potential income as a result of this vetoed legislation.

Underwood said he was concerned West Virginia workers would be hurt by this law claiming other states had laws on the books that would forbid West Virginians from working across state lines if local workers were a requirement on three state projects.

This is simply not true.

Responding to an ACT request the

Governors office sent references to laws from surrounding states which were sup-

posed to prove the Governors case. The opposite was shown to be the case by

ACT lawyers.

There are no laws by any surrounding state prohibiting West Virginians from crossing state borders to work if the Jobs Act pilot had gone into effect. In fact, some of the laws cited by the Governor had local hiring provisions of their own.

"He has no proof West Virginia workers would be hurt by the pilot project," said ACT President Bruce Tarpley.

"And it is ridiculous to think creating jobs for local workers is a bad idea."

In fact, hiring local workers for local projects has worked well for the federal Appalachian Regional Commission.

"In my opinion, Underwood is more concerned about importing out-of-state workers, even illegal aliens, and the contractors who profit from them than local construction workers and their families."



CHALLENGING GOV. UNDERWOOD to explain why he vetoed a bill for local workers is ACT's Wayne Rebich

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JOHNSON BOILER

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up for their rights."

Local 83 has filed an unfair labor practice charge against Johnson Boiler on behalf of McAninch.

This is one of several charges pending against Johnson Boiler.

The first unfair labor practice charge

was won and Johnson Boiler was forced to post a notice saying it was in violation of employees' rights.

The goal for this latest charge is to get McAninch his job back.

"The owners like to tell the workers how much they care about them," said Jividen.

"But they fired an excellent employee who didn't want to leave his pregnant wife. They

WORKING FAMILIES ARE SUFFERING!

Why Is This Man Smiling?

On April 8th he "vetoed" legislation that would have created hundreds of jobs for local workers!



Broken Promise

The West Virginia Legislature kept their promise to create more jobs for local workers when they passed House Bill 4699. But with a stroke of his pen Underwood broke his promise to create jobs for West Virginia and invited thousands of out-of-area contractors and workers, even illegal aliens, to take our jobs.

Our Tax Dollars

House Bill 4699 would have required three state-funded construction projects to hire a majority of local workers. Seems simple enough, local workers live in our communities and contribute to our economy. They spend their wages locally and pay taxes here.

So with West Virginia's jobless rate among the highest in the nation, why would Underwood kill a bill designed to create hundreds of local jobs?

**Cecil Underwood
Just Doesn't Care
About Working Families!**



Affiliated Construction Trades Foundation