

COURT RULES VIEWEG VIOLATED LEGAL RESPONSIBILITY

Judge Backs ACT in \$400 Million Comp Case

ACT won another round in its marathon fight to keep the workers compensation suits against 21 major coal operators alive.

On October 1 McDowell County Circuit Court Judge Booker T. Stephens ruled that former Commissioner of the Bureau of Employment Programs (BEP), William Vieweg dismissed the case against Blue-stone Coal and other companies who used contractors "without substantial cause, irresponsibly and without any rational basis."

The ruling allows the state to pursue lawsuits to collect \$400 million in workers compensation debt accrued by the coal operators' bankrupt subcontractors.

"We are one step closer to holding these companies accountable to taxpayers and injured workers," said Vince Trivelli, ACT lawyer.

The suits were filed in 1996. However Vieweg announced his

asserted Vieweg knowingly didn't do what was in the best interest of the state of West Virginia. Vieweg's action especially disregarded ensuring the lowest possible workers comp rates with maximum benefits to

tails of the coal companies contracts with their subcontractors before dismissing the cases.

In addition he didn't talk to BEP lawyers before deciding to drop the 21 lawsuits forgiving a \$400 million debt.

According to Stephens, Vieweg should have pursued this debt to help pay down the \$2.2 billion Workers Compensation Fund debt.

"We are now back to our same posture prior to their dismissal," said Robert J. Smith, BEP Commissioner. "We are glad to have the opportunity to do this."

"The defense may appeal Judge Stephens' decision to the State Supreme Court," said Trivelli. "But ACT will continue the fight as long as it takes."

'WE ARE ONE STEP CLOSER TO HOLDING THESE COMPANIES ACCOUNTABLE'

VINCE TRIVELLI, ACT LAWYER

decision to dismiss them in May 1999 just as they were ready to go to trial.

Stephens agreed with ACT's argument that Vieweg violated his legal responsibilities by dismissing the 21 cases. Stephens

injured workers.

"The Judge made the right decision," said Trivelli.

"We are glad the state can now go after these debts."

In a July deposition Vieweg admitted he didn't know the de-

WV State Building Trades Awarded \$900,000 In Grants For Worker Training

State grants for worker education are back on track and worth more than ever.

Organized labor has received three new grants totaling \$900,000 from the state for additional member education.

Of the total, a grant worth \$300,000 is under Construction Works of West Virginia (CWWV), formerly Construction Trades Training and Advancement Program. This training grant will be used for improving the skills of workers currently employed in the industrial sector.

Another \$300,000 grant, also under CWWV, will be used to train displaced building trades workers who need to learn new skills in order to find jobs.

The remaining \$300,000 is a grant for the Workforce Invest-

ment Labor Liaison Project to place peer support workers in union plants and factories who

will help laid off workers or workers who are victims of corporate downsizing.

The peer support workers will help the affected union workers

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THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council, with offices in Charleston and Clarksburg. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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

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United We Stand



JOB STEWARDS AT AEP PRO SERVE'S John Amos project are among the many who gave \$60,000 for the families of victims of the Sept. 11 attacks. See full story p 3.

Carpenters Form New Mid-Atlantic Council

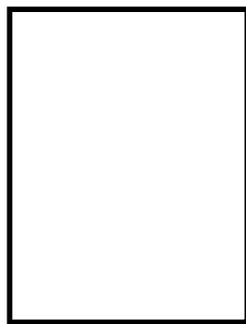
West Virginia carpenters and millwrights are now part of the new Mid-Atlantic Regional Council of Carpenters.

The new council, formed in September includes West Virginia, Maryland, Virginia, and Washington, D.C. and is headquartered in Forrestville, MD.

Leading the Council as Executive Secretary is Bill Halbert. Halbert is former Business Manager of the Baltimore Council of Carpenters and an International Representative for the Carpenters.

Halbert has a team of assistant secretaries responsible for each

state in the Council. Heading up the West Virginia District will be



Dick Ullum is not new to the state. Raised in Calhoun County Ullum began as a Millwright in 1974. After serving as business agent for Millwright Local 1755 for 12 years Ullum was hired as an International Representative for the Carpenters Union in 1995.

H. C. "Dick" Ullum, Assistant Executive Secretary.

Ullum is not new to the state.

Raised in Calhoun County Ullum began as a Millwright in 1974. After serving as business agent for Millwright Local 1755 for 12 years Ullum was hired as an International Representative for the Carpenters Union in 1995.

Under Ullum's leadership the Millwrights were one of the first unions in the state to join the ACT Foundation.

"I've always been a big supporter of ACT," said Ullum.

The formation of the multi-state council is part of a major reorganization the Carpenters Union has been undergoing over the past ten years. Not unlike other labor organizations consolidation is part of the plan.

"I am excited about the possibilities this new organization brings," said Ullum. "The new council allows us to reduce our administrative overhead and focus on organizing, training and servicing."

Currently there are about 2,900 members in West Virginia from eight carpenter locals and one millwright local. The new Council has opened an office in Parkersburg.

One of the first actions Ullum took was to hire two new organizers. "We are committed to representing all carpenters and millwrights in our area."

Ullum is also planning to make training a top priority and is looking to build a new state-wide training facility for carpenters.

"Our millwright training program has received national recognition, we intend to do the same for carpenters."

While Ullum is excited about the future of the council he also acknowledges there are challenges.

In the next few months a decision will be made in Washington that will perhaps decide if the Carpenters in the U.S. and Canada rejoin the AFL-CIO or remain unaffiliated.

The Carpenters disaffiliated earlier this year claiming AFL-CIO resources were not being used properly.

Talks have been underway to see if differences can be resolved with an early December AFL-CIO convention as the expected deadline for results.

Survey Results Confirm Desire For Building Trades Credit Union

Survey says: "Yes we want a credit union."

An overwhelming majority of the 727 respondents to the survey were in favor of a West Virginia State Building Trades Credit Union.

"Establishing a credit union through the State Building Trades would be very beneficial to all our members," said George

Pinkerman, Business Manager for Boilermakers 667.

"Union members' money would be maintained within the state, helping the local economy," added Pinkerman.

The majority of those responding positively to the survey were interested in savings ac-

counts, checking accounts and/or auto loans.

Slightly more than 200 positive responses were received for each of the other services offered on the survey.

Those services include:

- Signature loan
- Payroll Deduction
- Mortgage
- Christmas/Vacation savings
- Retirement
- Credit Cards

"The showing of interest in a credit union lets us move for-

ward with the project," said Steve White, ACT Director. "I would like to thank all of those who took the time to respond. We are now asking each local to pass a resolution in support as well."

According to the survey the biggest concern, by far, was the location of the credit union.

White points out that

no matter where the credit union gets located it will not be like a full service bank when it gets started.

"We will start small and build," said White.

If you are interested in participating or need more information contact your local business agent.

'UNION MEMBERS' MONEY WOULD BE MAINTAINED WITHIN THE STATE'

GEORGE PINKERMAN, BOILERMAKERS 667

TRAINING

FROM PG. 1

adjust to their situation and to find new jobs.

Some of the money from that grant is earmarked for training Workforce Investment Board members. The Board, appointed by the Governor, administers training grants and programs.

"We help the board members to understand WIA policies and regulations and make sure the voice of West Virginia workers is heard," said Sheryl S. Johnson, Workforce Investment Labor Liaison Project Liaison.

As with any new program learning how, when and where to apply for funding is difficult. Johnson's role is to help local training programs understand the new system and how to request funding from local Workforce Investment Boards.

"We can use all the help we can get for training workers," said Mark Smithson, Business Manager for Plaster and Ce-

ment Masons Local 887.

"Because of the hard work of our secretary Tracy Funfstuck we were able to get money in the past, but the paper work burden was incredible," added Smithson. "Hopefully the new structure will cut the red tape making this funding more accessible."

For the last two years funding for craft programs has dried up making it difficult for programs to meet the needs of members in search of work.

"We are now taking advantage of the state wide grants that Gov. Wise has made available, which is much simpler for the locals because all the funding comes from one source," said Johnson. "It is very beneficial to workers that are in need of training."

If you have any questions about any of these programs contact Sheryl Johnson at 346-1367.



Building Trades Come Together To Help September 11 Victims



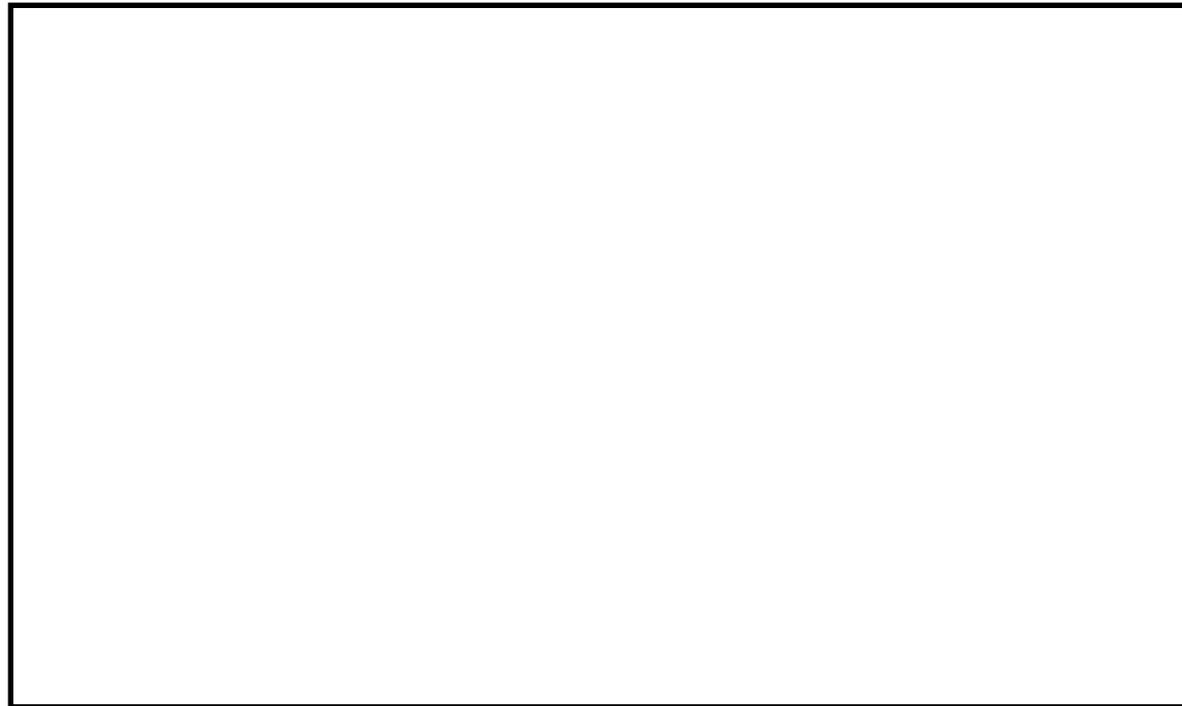
Union workers came together in this time of need to help Building Trades families in New York and Washington D.C. struck by tragedy on September 11.

On October 2 craft workers, supervisors and management of AEP Pro-Serve came together to send more than \$60,000 for the relief effort stemming from the September 11th terrorist attacks.

The effort was spearheaded by employees of the Pro-Serve SCR Team, many of whom donated a day's pay to the fund. Tom Tallent, area manager for AEP Pro-Serve helped coordinate the effort.

Craft workers, supervisors and vendors at AEP sites in West Virginia, Ohio, Kentucky and Indiana quickly followed suit.

"We wanted to do our part and I am extremely proud of all the crafts, contractors and vendors who showed their generos-



HANDING A \$1000 CHECK from the North Central WV Building Trades to Karen Shuster of the American Red Cross is Bill Dean of Iron Workers Local 549. Also present are (from left) Rita McCrobie, Recording Secretary, Natalie Stone, Executive Secretary, Leroy Hunter Jr., Bricklayers Local 15 and Kerry Davis, ACT Representative.

ity," said Tallent.

The money will be sent to funds set up by the New York Building Trades to help the families of trades workers killed in the attack.

"There were plumbers, carpenters, electricians and many

other trades workers killed in these attacks," said T.L. Ranson, Business Manager for the Plumber/Pipefitters Local 625.

About 1,900 craft workers are currently working for AEP Pro-Serve at AEP sites including John Amos and Mountaineer in WV; Kyger Creek/Gavin, Muskingum River, Cardinal, in Ohio; Clifty Creek, in Indiana; and Big Sandy in KY.

"I hope the money will help the families of fallen construction workers and help with the clean-up effort," said Mike Fisher, a spokesman for AEP Pro-Serve.

The North Central West Virginia Building Trades and its members have helped the relief effort by donating to both the Red Cross and the National Building Trades Family Relief Fund.

ing donations from their general funds.

All of these funds are being collected by the NCBT and one check will be presented to the National Building Trades Family Relief Fund on behalf of all the members who made donations.

"I think it's great to see our union brothers and sisters uniting to help those in need," said Natalie Stone, Executive Secretary for the NCBT.

The Parkersburg-Marietta Building Trades sent a check for \$12,800 to the National Building Trades relief fund. This donation was made possible by the employees at both the Duke and PSE job sites in Beverly and Waterford Ohio and Flour Constructors, PSEG Global and Duke Energy.

The employees contributed by donating their safety awards. Because of the workers outstanding record, contributions reached \$7,800 of the total.

"The Business agents also

CONTINUED ON PAGE 4



VOLUNTEERS WASH CARS at the Kanawha Valley Labor Council fund raiser.



T.L. RANSON AND JEFF PERRY of Pipefitters 625 collect donations in front of the Charleston Town Center Mall.

JUDGE THROWS OUT TWO OF THREE COUNTS**Labor Ready Case Yields Mixed Results**

New developments in Labor Ready's law suit against the Tri-State Building Trades, ACT and two dozen individuals and local unions brings both good and bad news.

The good news is Federal Judge John Copenhaver, Jr. has finally ruled that the National Labor Relations Board has jurisdiction in the dispute. Copenhaver dismissed two of the three charges in the case.

The bad news is Copenhaver refused to dismiss all the charges against the Trades even though Labor Ready has no credible evidence to show any wrong doing.

The fight began in 1996 when the Tri-State Building Trades attempted to organize Labor Ready employees and the construction projects they were on.

A series of Unfair Labor Practice charges were filed by both the Trades and Labor Ready. All of Labor Ready's charges against the Trades were thrown out. But the Trades have prevailed against Labor Ready in a number of charges.

In retaliation for going to the NLRB Labor Ready went to Federal Court in 1998 and sued the Trades.

When asked to support their claims of violence, damages and illegal acts Labor Ready has not only been unable to provide

evidence, they have been caught using faulty evidence.

For example, in a sworn affidavit

'THEY DON'T HAVE A SHRED OF EVIDENCE AND THE NLRB HAS ALREADY RULED THEIR SUIT IS ILLEGAL'

STEVE WHITE, ACT DIRECTOR

Labor Ready employee Gerald Nelson claimed union workers abused and intimidated

him. However, time cards show Nelson was not at the site during the picketing. Nelson later recanted his affidavit stating it was not true.

"They don't have a shred of evi-

dence and the NLRB has already ruled their suit is illegal", commented ACT's Steve White. "We do not understand why Judge Copenhaver will not throw this case out."

While the case has been narrowed ACT members are still being forced to defend themselves against flimsy charges.

ACT attorney Mary McQuain has asked Copenhaver to reconsider his decision to keep the case alive. "In short the plaintiffs [Labor Ready] have failed to set forth any set of circumstances capable of surviving summary judgement," writes McQuain.

As it stands currently the case is set to go to trial in March of 2002.

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a new time & station!
WOAY 4 Oak Hill
Sunday 11 a.m.**

ACT Foundation
600 Leon Sullivan Way
Charleston, WV 25301
(304) 345-7570

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DONATIONS

FROM PG. 3

donated \$400 to the Red Cross and \$1000 of the 12,800 total came from our building trades council," said Sam Davis, Business Manager of the Parkersburg-Marietta Building Trades.

"With this donation we will show that we can come together for the good of all,"

The Kanawha Valley Labor Council, with support from the Charleston Building

Trades, raised more than \$2,000 for the victims.

Mike Matthews, President of the KVLC and Business Manager for the Charleston Building Trades, called the event a success.

The September 29 fund raiser included a car wash, baked goods and hot dog sale, rummage sale and a raffle.

"The KVLC would like to thank all of those who participated," said Matthews.

CABLE CHANNEL 9

Steubenville, Follansbee & Wellsburg
Saturdays @ noon

CABLE CHANNEL 10

Wheeling, St. Clairsville & Moundsville
Saturdays @ noon

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WOAY 4--New!
Oak Hill
Sundays @ 11:00am

FOX 11 Charleston,
Huntington, Parkersburg,
Beckley, Bluefield
Sundays @ 11:30am

WDTV 5
Clarksburg & Morgantown
Saturdays @ noon