

THE ACT REPORT

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TRADES FOUNDATION

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.

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Foreign Steel at Federal Prison

Bell Construction of New York has been using foreign steel at the federal prison site in Gilmer County and ACT is rightfully making a federal case of it.

Workers at the site noticed that some of the heating and cooling pipes were stamped with "Made in Korea," "Made in Turkey" and "Made in Pakistan" so they took photographs and alerted ACT Representative Kerry Davis who suspected a violation of the Buy American Act.

The Buy American Act requires any contractors working on federal projects to buy American-made materials unless they are given special permission, known as a determination, to use foreign materials by the federal agency overseeing the project.

After seeing the evidence in August of 2001, Davis filed a Freedom of Information Act request with the Bureau of Prisons



THIS PIPE FROM KOREA, along with pipe from Pakistan and Turkey was used in building the new Federal Prison in Gilmer County.

in an attempt to find out whether Bell had been granted a determination to use foreign steel.

"After getting no response from the Bureau of Prisons I wrote letters to Senators Rockefeller and Byrd asking them to persuade the bureau to

supply the information," said Davis.

"On April 29th I finally received a letter from the Bureau of Prisons stating that Bell didn't have the determination to use foreign steel.

"It is still undetermined as to whether or not the Korean steel

was used illegally because of a possible loophole in the law."

According to Randy Taylor, Contracting Officer for the Bureau of Prisons, Korea is on a list of countries from which it may be legal to buy materials without a determination.

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ACT REPAYED \$250,000 FOR ACTION IN WORKERS COMP SUITS

New Comp Settlement Nets \$8.4 Million

The state will collect \$8.4 million more in additional unpaid workers compensation premiums.

McDowell County Circuit Court Judge Booker T. Stephens approved the agreement in which Peabody Coal paid \$4,182,571; USX Corp. paid \$2,731,445; Eastern Associated Coal Co. (Hatfield) paid \$1,043,586; and Eastern Associated Coal Co. (Asbury) paid \$456,156 in April.

Bluestone Coal, A.T. Massey and former Gov.

Underwood's previous employer Island Creek Coal were among the first 11 companies that agreed to settle the suit for close to \$50 million in January.

The most recent settlement brings the grand total workers comp debt collected to \$56.6 million with the possibility of more on the way.

Negotiations are underway with at least three other coal operators including Lo-Ming Coal Corp., Baystar Coal Co. Inc. and Eaglehawk Carbon Inc.

ACT got involved when

former Bureau of Employment Programs Commissioner William Viewig attempted to drop the suits against 33 coal operators who owed more than \$406 million in workers compensation premiums left behind by their bankrupt sub-contractors.

At that time, ACT asked the Supreme Court to prevent Commissioner Vieweg from dropping the suits. But by a 3-2 vote the Supreme Court turned ACT down.

Next two important events occurred. Judge Stephens agreed to let ACT intervene in

the existing case against Bluestone. And the make up of the state Supreme Court changed with the election of Joe Albright.

"Judge Stephens took the courageous step for honest businesses and working families by allowing ACT to intervene," said ACT attorney Stuart Calwell. "He also permitted ACT to add all of the coal companies into the Bluestone case — it was the only easy way to get at the truth of the matter."

Continued on p. 4

WEST VIRGINIA AND PARTS OF VIRGINIA, OHIO, KENTUCKY AND MARYLAND INCLUDED

Painters Form New District Council 53

Painters' locals in the mid-Atlantic region have united to form the Painters and Allied Trades District Council 53.

The new council will consist of 11 painters' locals and dry-wall finishers', glazers' and hydrojet workers locals.

The 1,500-member council's territory will cover all of West Virginia and parts of Virginia, Kentucky, Ohio, and Maryland.

The council will be headquartered in Charleston at the old West Virginia State Building Trades office.

Heading up the Council will be Business Manager Clarence Mitchell.

Mitchell spent 12 years as an international representative for the Painters Union

and 21 years as Business Agent for the Charleston local.

'WE HOPE TO INCREASE ORGANIZING EFFORTS AND SERVE OUR EXISTING MEMBERS BETTER THROUGH THE NEW COUNCIL.'
DANIEL POLING, BUS. REP., PAINTERS DIST. COUNCIL 53

"United we can be a more efficient operation, providing more for our members and a

better structure to grow our organization," said Mitchell.

All of the agents from the founding locals are working as either business agents or organizers with the Council.

Currently the Parkersburg and Huntington locals are

members of the ACT Foundation and State Building Trades.

"We hope to increase organizing efforts and serve our existing members better through the new council," said Daniel Poling, Business Representative for Painters District Council 53. "We also want to try to increase wages, benefits and working conditions for our members by standardizing agreements throughout the region."

ACT, U.S. Dept. of Labor Sign Agreement

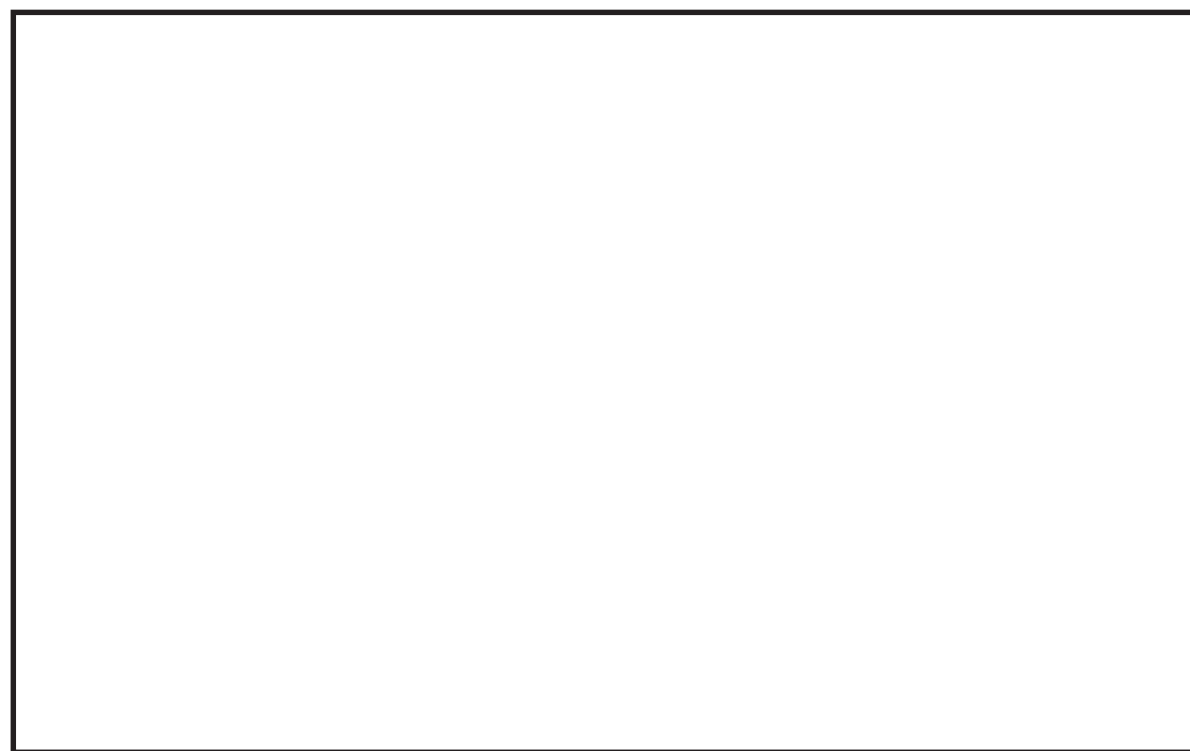
The ACT Foundation and the United States Department of Labor (DOL) have teamed up to ensure workers are informed of their rights under federal law and that those rights are protected.

Recently, ACT Director Steve White and DOL Wage and Hour Division District Director Richard J. Clougherty signed a Partnership in Compliance Agreement.

The aim of the agreement is to foster a close working relationship between ACT and the DOL with respect to compliance by employers with federal Davis-Bacon requirements, wage payments, overtime payments, Family and Medical Leave Act benefits, and federal child labor regulations.

In order to achieve these goals both ACT and the DOL have agreed to take the following steps:

1. The DOL will educate ACT staff members on the



RICHARD J. CLOUGHERTY District Director of the DOL (Center), Leo Petrone, from the Foundation for Fair Contracting of Western PA (right) and ACT's Steve White meet in Pittsburgh DOL headquarters to sign Agreement.

rights and responsibilities of workers and employers through on-site training and materials for ACT representatives.

2. ACT staff will give out the DOL's wage and hour toll-free number to workers on job sites in an effort to answer any questions the workers might have

about employment rights.

3. ACT will notify the DOL of any violations to the Davis-Bacon, minimum wage, prevailing wage, fringe benefit, overtime, family leave or child labor laws ACT representatives discover.

4. Any information provided to the DOL will be considered

confidential to the extent allowed by law.

Any worker who provides information will be notified of the confidentiality.

"This agreement is beneficial to both parties in a couple of different ways," said Clougherty.

"One, this agreement will

arm ACT with better information making it a better watchdog for us. In turn, we can help them level the playing field between employers and employees as well as help those companies that abide by the law."

"The second thing this agreement does is memorialize both parties' commitments."

The ACT/DOL agreement copies a similar agreement worked out last year by the Foundation for Fair Contracting of Western Pennsylvania.

The Pittsburgh based group has a similar function as ACT's Fair Contracting program, to be a watchdog of public construction projects.

"We saw the good relationship the Trades have with the DOL in Pittsburgh and we wanted to build a similar tie here," said White.

White credits Leo Petrone, the Administrator of the Foundation for Fair Contracting, for leading the way and assisting ACT. "We couldn't have done it without his help."

WV AFL-CIO Endorsed Winners

U.S. Senate: Jay Rockefeller	14th: Jim Ferguson
	15th: Margarette Leach; Kevin Craig
U.S. House of Representatives	16th: Susan Hubbard; Dale Stephens
1st District: Alan Mollohan	17th: Richard Thompson; Don Perdue
2nd District: Jim Humphreys	18th: Earnie Kuhn
3rd District: Nick Joe Rahall	19th: Greg Butcher; Lidella Wilson Hrutkay; Bill Wright
State Senate	21st: Harry Keith White
1st: Ed Bowman	22nd: Rick Staton; Richard Browning
2nd: Larry Edgell	23rd: Emily Yeager
3rd: Jim Ball	25th: Mark Wills
4th: Oshel Craigo	26th: Gerald L. Crosier
6th: Truman Chafin	27th: Virginia Mahan; Randolph McGraw; Sally Susman
7th: Tracy Dempsey	28th: Tom Campbell; Ray Canterbury (R)
8th: John Mitchell	29th: Tom Louisos; David Perry
9th: Bill Wooton	30th: Bonnie Brown; Bobbie Hatfield; Ray Keener; Priscilla M. Haden (R)
10th: Mary Pearl Compton	31st: Carrie Webster
11th: Randy White	34th: Brent Boggs
12th: Joe Minard	39th: Bill Hamilton (R)
16th: John Unger	40th: Mary Poling
17th: Brooks McCabe	41st: Ron Fragale
	42nd: Tom Coleman
House of Delegates	43rd: Mike Caputo; A. James Manchin
1st: Joe DeLong; Randy Swartzmiller	44th: Barbara Fleischauer; Gene Claypole; Nancy Houston
2nd: Jack Yost	46th: Stan Shaver
3rd: Rick Altman; Tal Hutchins	58th: Dale Manual
4th: Scott Varner; Ken Tucker	
5th: Dave Pethtel	
9th: Jim Marion	
10th: Shuan Butcher; John Edward Beary; John Ellem (R)	
12th: Carroll Jett	
13th: Dale Martin *; Brady Paxton * possible recount	

Teen & Trades Dedicate Willow Island Memorial

The grandson of a fallen Pleasants County construction worker has realized his dream of building a memorial for all 51 victims of the 1978 cooling tower collapse at Willow Island.

Fourteen year-old Anthony Lauer, who lost eight family members in the cooling tower collapse, raised more than \$50,000 to finance the project.

"After finding that there was nothing in the history books about Willow Island, I wanted make sure the workers would always be remembered," said Lauer.

Three hundred people, including many family members of the victims, were in attendance at the recent memorial park dedication where Gov. Bob Wise honored Lauer with the Distinguished West Virginian Award.

Wise also sent Lauer a \$3,000 check to help pay for benches, landscaping and lights. A concrete replica of the

cooling tower was built in the shadow of the reconstructed cooling tower on land donated by Allegheny Power.

tor.

"I would like to thank all of the businesses and construction workers who donated their

time and money to this worthwhile project.

"A thank you is in order for the Pleasants County Commission as well because they agreed to clean and maintain the park around the memorial."

According to Davis, members of the Parkersburg-Marietta Trades as well as the West Virginia State Building Trades donated time, money and equipment to get the park built.

Several union companies helped with the project including JD&E Construction, which helped with planning and the and Smith Concrete which do-

nated half of the concrete for the project.

"We appreciate all of the help we have received so far, but we ask our friends not to forget that we still need money and volunteers to build a nice parking lot and make some other improvements at the memorial park," said Davis.

ANTHONY LAUER (right) presents Sam Davis of the Parkersburg-Marietta Building Trades (left) with a plaque of appreciation in front of the Willow Island Memorial.

Along with Lauer and his mother many local unions and businesses helped see the project from a dream to a reality.

"The monument is very nice," said Sam Davis, Business Manager for the Parkersburg-Marietta Building Trades and project coordina-

Don't forget to visit ACT on the Web!
www.actwv.org

Holley Brothers Kicked Off 17 Projects

Non-union Holley Brothers Construction of Gallipolis, Ohio has been thrown off as many as 17 public utility projects across West Virginia.

And the company's insurance carrier has dropped them for not paying premiums.

The awarding agencies - either private utility companies or local sanitary boards for these 17 projects were unaware of any problems with Holley

Brothers until Erie Insurance Inc. sent letters alerting them the company wasn't insured and should be ordered to halt all work.

The awarding agencies took Erie's advice, informing Holley Brothers its contracts were terminated and the agencies would take possession of any equipment left on the job sites.

The projects range from 40 to 80 percent complete at costs ranging from \$100,000 to \$2 million, according to ACT

Representative Larry Young.

"Mid-State Surety will step up to ensure that all of the projects are completed," said Mid-State Claims Manager Michael Bowen. The claims manager is in the process of contacting the second lowest bidder on each project.

The insurance company isn't the only debt Holley Brothers has neglected.

"Holley owes us an estimated \$1 million for piping material," said Scott Douglas of Hughes Supply.

The company also owes various trucking and land leasing companies large sums of money, according to Young.

Holley Brothers may also be cheating workers and the state of West Virginia.

The company is currently undergoing a statewide audit by the DOL.

The division is investigating claims that Holley Brothers didn't pay fringe benefits and was shorting workers hours on

their paychecks.

The company is also listed in default with both the state workers compensation and unemployment agencies.

"As if the company's financial irresponsibility and the labor law violations weren't enough, many safety hazards were found on the abandoned job sites," said Young.

"Unsecured ditches and

unbarricaded rock piles were found that could put other workers and the public in harm's way."

"It is still unclear whether or not Holley Brothers has filed bankruptcy or exactly what the problem is, but what is clear is that we don't need a contractor like this taking advantage of West Virginia companies or workers."

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THIS ABANDONED work site poses safety risks to the public safety such as a unsecured rock pile.

Foreign Steel

FROM P. 1

"However, Turkey and Pakistan are not on that list so Bell still apparently violated the Buy American Act," said Davis.

Davis has sent another letter to Senators Byrd and Rockefeller asking for help rectifying the situation.

"I don't think we would have gotten this far without the Senators' help and I hope they see it through to a resolution," said Davis.

According to Davis this may not be the first time Bell has used foreign steel building a

federal prison. Davis has learned from a Bell employee who worked at a federal prison in Pennsylvania that the Bureau of Prisons found foreign steel in use without proper permission.

Davis is filing more FOIA requests to document these allegations.

"We have to stop companies who cheat the system by buying cheaper foreign materials," Davis said. "It hurts the American steel industry and allows the cheaters to win bids by undercutting honest contractors."

Comp

FROM P. 1

ACT was prepared to take

the case all the way back to the State Supreme Court if necessary.

"The fact is that Justices McGraw and Starcher were out voted in the old court," Calwell concluded, "but we felt that with the addition of Justice Albright and the uncovering of all the facts that we had a chance to turn the Court around on this issue."

The Wise administration has agreed to reimburse ACT for \$257,000 in legal fees and expenses accrued during the Workers Compensation cases since 1999.

By doing so the state recognizes ACT's major role in keeping the suits alive during the Underwood administration.

"Look for our Fiestaware giveaway in June"

CABLE CHANNEL 9
Steubenville, Follansbee &
Wellsburg
daily @ noon

CABLE CHANNEL 10
Wheeling, St. Clairsville &
Moundsville
daily @ noon

WEST VIRGINIA WORKS SHOWTIMES

WOAY 4
Oak Hill
Sundays @ 11:00am

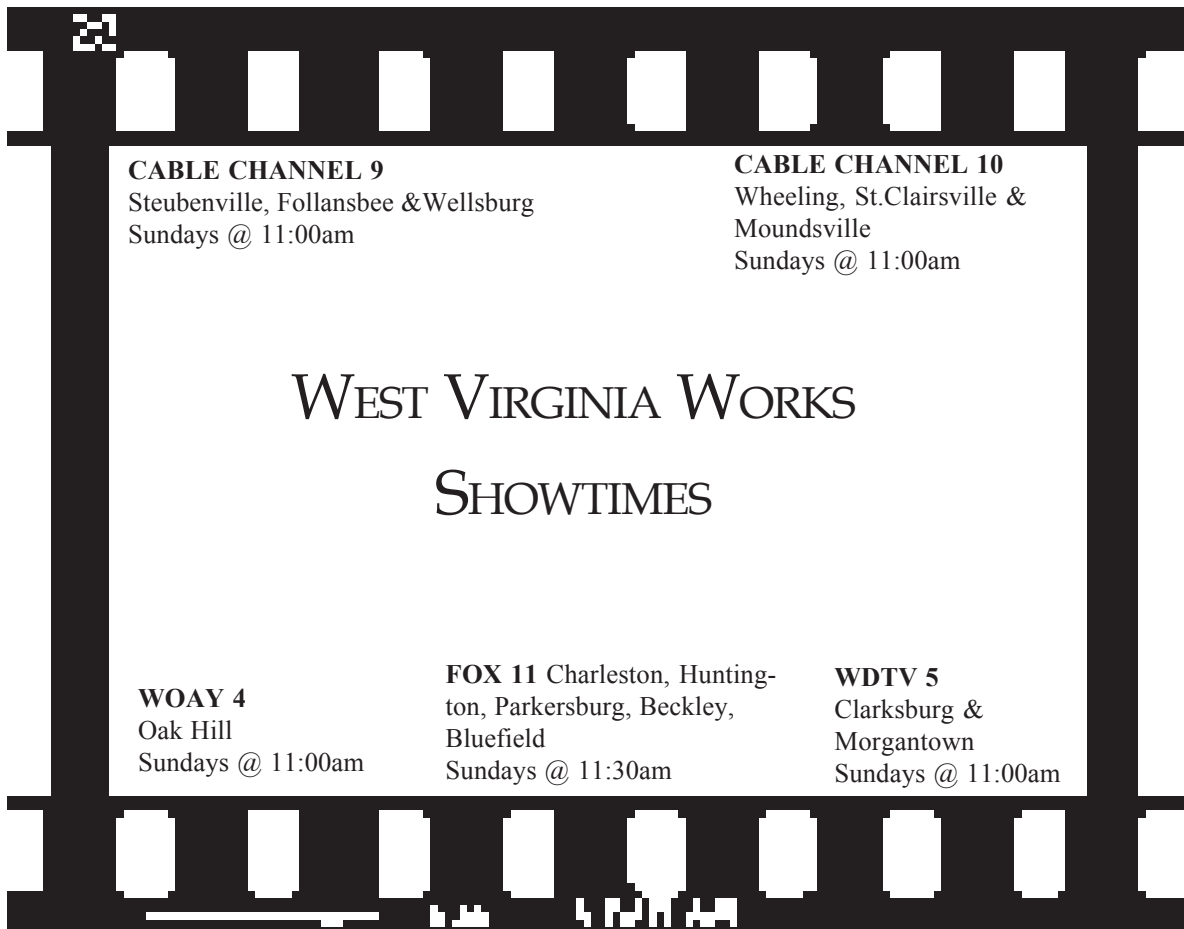
FOX 11 Charleston,
Huntington, Parkersburg,
Beckley, Bluefield
Sundays @ 11:30am

WDTV 5
Clarksburg &
Morgantown
Sundays @ 11:00am

Steel

agreement

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CABLE CHANNEL 9
Steubenville, Follansbee & Wellsburg
Sundays @ 11:00am

CABLE CHANNEL 10
Wheeling, St. Clairsville &
Moundsville
Sundays @ 11:00am

WEST VIRGINIA WORKS

SHOWTIMES

WOAY 4
Oak Hill
Sundays @ 11:00am

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Bluefield
Sundays @ 11:30am

WDTV 5
Clarksburg &
Morgantown
Sundays @ 11:00am