

# THE ACT REPORT

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

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# After 11-Years Workers Get \$62k

The definition of persistence in West Virginia would have to include mention of John Bradley, Jr.

On September 30, checks, ranging from \$100 to more than \$11,000, were issued to 43 of 62 eligible workers at the

union hall of Asbestos Workers Local 80 in Winfield.

The checks were the culmination of Bradley's 11-year battle against the Massachusetts Turnpike Authority.

The Mass. Turnpike Authority came to West Virginia in 1990 to conduct fire experiments in old

tunnels off of Interstate 64. The Turnpike Authority contracted with several outfits, one of which was ChemPower.

Prevailing wages were supposed to be paid but there was no classification for the work being done by Bradley.

When several workers, in-

cluding Bradley, were denied their full wages, Bradley began asking questions.

He kept asking for 11 years.

"I can't tell you how many times I heard someone from the Turnpike Authority say our checks would arrive 'in two weeks,'" said Bradley.

More than once, when Bradley thought payment was at hand, the person he was dealing with in Massachusetts disappeared leaving Bradley to start all over.

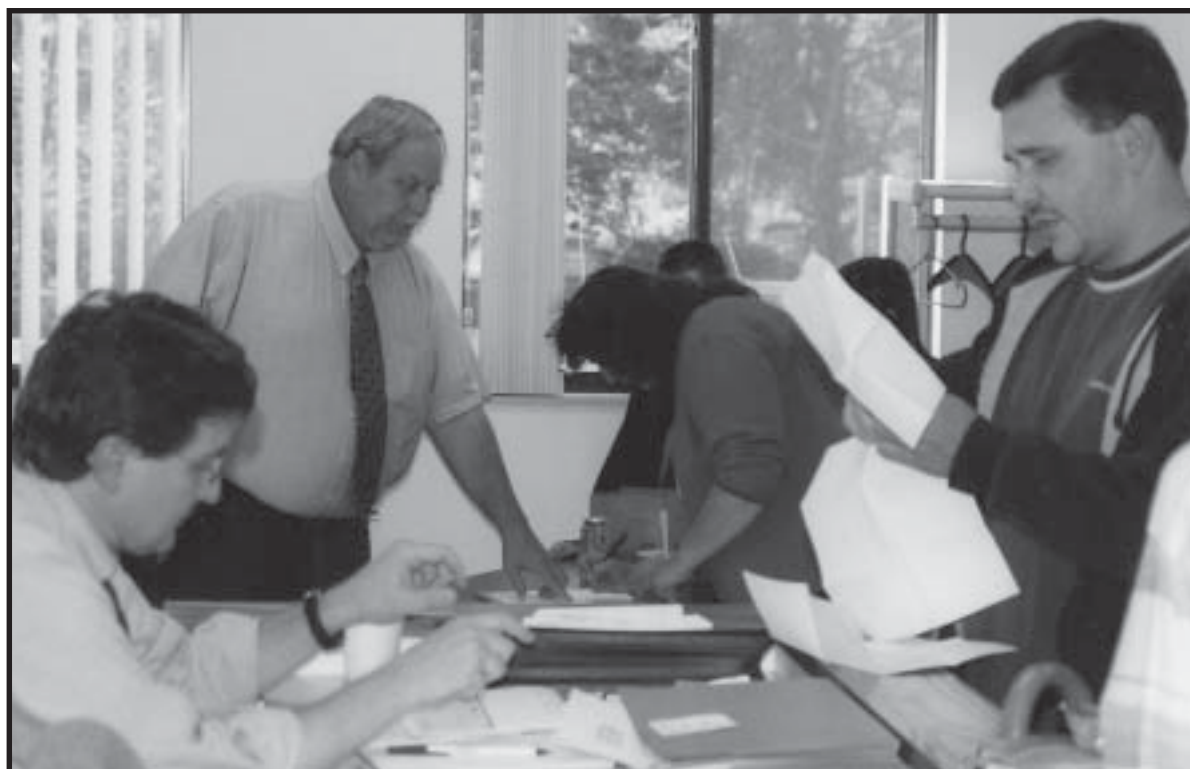
At one point he hired a lawyer but the case was dismissed.

Last year, Bradley asked Steve Pigg, Business Manager of Asbestos Workers Local 80 for help. Pigg enlisted the help of Vince Trivelli, ACT Lawyer.

Most of the work had already been done and Bradley supplied all his papers from years past. The names and amounts for each worker had already been calculated, although the amounts were less than many thought they were owed.

Once Trivelli and ACT were involved, the process moved relatively quickly. Trivelli nego-

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GETTING HIS LONG over due check is John Bradley (right), assisted by ACT attorney Vince Trivelli (left) and Local 80 Business Manager Steve Pigg (second from left).

## TRADES AND CONTRACTORS JOIN FORCES

# Prevailing Wage Challenge Denied

Local construction workers and companies win!

Kanawha Circuit Judge Louis "Duke" Bloom dismissed as baseless claims by the anti-worker Associated Builders and Contractors of WV's (ABC) attacking state prevailing wage rates.

The ABC was trying to force the Department of Labor to change the way prevailing wage rates are calculated by not allowing union collective bargaining agreements to be used as data.

The court challenge had kept the state rates frozen at the 2002 level.

During a September 18 hearing, Judge Bloom affirmed from the bench the Division of Labor Commissioner Jim Lewis' May decision upholding a ruling by an administrative law judge.

Judge Bloom signed the Order on September 30. Commissioner Lewis put the 2003 prevailing wage rates into effect as of October 3.

Williard "Bubby" Casto, Jr., Iron Workers Local 301, attended every court proceeding.

Casto is glad "his guys will finally get their raise this year."

"This is just a case of good wages or low wages," said Casto. "The ABC just wants to keep wages down so their contractors can make more money."

"They're too cheap to have training programs so they have a harder time competing based on skills and productivity."

According to ACT Lawyer Vince Trivelli, the ABC failed to meet any of the requirements for overturning an administrative law judge who had already heard the

ABC's argument.

The ABC, which has now lost twice, has four months to appeal the ruling to the state supreme court.

Several contractors associations joined ACT in the lawsuit. The Kanawha Valley Builders, Parkersburg-Marietta Contractors, the National Electrical Contractors-WV Chapter, the North Central Contractors, and Project Best (a labor-management group in the Northern Panhandle) all submitted "Friend of the Court" briefs.

# Union Workers at Cabela Site

Despite controversy, Cast & Baker Corp. a union contractor, began work on the Cabela site earlier this month.

The Ohio Valley Economic Authority (OVEA) upheld their bid criteria and awarded Cast & Baker the \$5 million-dollar contract on September 24th. Two contractors had a lower bid, but did not meet the bid requirements of the Authority.

Key to the bid requirements was a commitment to hire local workers and having a valid apprenticeship program.

Neither Kanawha Stone Company, the lowest bidder, nor Alex E. Paris Contracting Company, the second lowest bidder, answered all the questions in the bid package or met all the requirements. As a result, they were not awarded the job.

Alex E. Paris, a Steelworker contractor from Pennsylvania, filed a lawsuit claiming they should have gotten the job and that the bid requirements were unfair.

The presiding judge threw out the case. The judge ruled the OVEA has wide discretion on what they can do.

Mike O'Hara, Business Agent for Operating Engineers Local 132 is happy "the Ohio Valley Economic Authority stuck to the rules."

"They required local workers and apprenticeship programs because it keeps the money close to home and helps our community," said O'Hara. "Low bidders who take the money out

of our communities pretend to save us money but really end up costing us."

The Cabela site includes a

over 1 million square feet.

The 175,000 squarefoot retail store, which will contain a television broadcast studio,

wildlife museum, giant aquarium, a 36-foot-high mountain replica with waterfalls and ponds stocked with live trout, will employ 400 people.

And, more is to come. The entire project will be between \$30 and \$40 million.

200 contractors were pre-qualified last week for the next phase. 150 were union contractors.

Bill Dean, President of the Upper Ohio Valley Building Trades and Business Manager for Iron Workers Local 549,

gives credit to Orphey Klempa and Tom Cerra, co-chairs of Project Best (a labor management group in the northern panhandle).

Klempa and Cerra were on the committee that decided on the best responsible bidder. "They understood the bid requirements and helped the authority make the right decision," said Dean. According to Dean, future bid packages will have the same criteria. The same committee will look at bids.

Cabela's stores have become top tourist attractions. According to ACT representative Fuzz LaRue, "Cabela's has a reputation for being a big tourist attraction wherever they are located. This project is huge for this area and it will bring a lot more projects, just like it has in other states."

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**"THEY REQUIRED LOCAL WORKERS AND APPRENTICESHIP PROGRAMS BECAUSE IT KEEPS THE MONEY CLOSE TO HOME AND HELPS OUR COMMUNITY."**

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**MIKE O'HARA, BUSINESS AGENT  
OPERATING ENGINEERS LOCAL 132**

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distribution center and store both located in Wheeling on a 110-parcel of land at mile marker 10 near the Dallas Pike Exit of Interstate 70.

The 400,000 square-foot distribution center will employ at least 350 people, 200 of which will be full time. According to the Cabela website, the distribution center is expected to grow to

# Home Depot Workers Enjoy Hot Dog Roast

When reaching out to non-union workers it doesn't hurt to have food in hand.

That's why union leaders served hot dogs to non-union workers at the Vienna Home Depot site on October 7.

According to Kenny Winters, Organizer, IBEW 968, 13 workers joined union representatives for lunch.

"The main purpose of our visit was to let those workers know we aren't against them. We want them to enjoy the same wages and benefits we do," said Winters.

Winters has been trying to convince Home Depot general contractor White-Spinner and its many sub-contractors to hire union workers and offer decent pay and benefits.

The owners and contractors were aware of the hot dog roast. They witnessed all the union reps handing out literature.

Winters definitely feels the event was a success. "It paid off. We will reap benefits in the future. We are very satisfied with what happened," reported Winters.

But more work needs to be done. Some workers feared retaliation for approaching union reps, and therefore passed on lunch. However, Winters was able to speak with many of these workers later that evening.

The Parkersburg-Marietta Building Trades, including all the crafts, has been involved in a variety of activities at the site. Union organizers have had large rallies, placed ads in the paper, and had pickets on site.

There are approximately 50 to 75 workers on site. According to

Sam Davis, Parkersburg-Marietta Building & Construction Trades,

most are non-union and some are from out-of-state.



*HAVING LUNCH and talking about the job at Home Depot is a little easier when food is provided by the Parkersburg-Marietta Building Trades.*

## Building Trades Support Chandler for KY Governor

The Kentucky Building Trades supports Former Kentucky Attorney General Ben Chandler for Governor in a race to be decided in November.

“Chandler’s positions and goals line up with organized labor,” says Steve Burton, Tri-State Building Trades. “If we win, the building trades agenda will prevail.”

Kentucky has lost 67,000 jobs since George W. Bush

became President. Chandler’s Republican opponent was “hand picked by President Bush,” says Burton.

The race, which is a dead heat, is said to be a reflection of the upcoming presidential race.

Burton is working hard to see that Labor gets out to vote on November 4.

Union members are busy with grass roots campaigning, including phone banks, door-to-door, writing articles in the Tri-State newsletter, and pro-

moting Chandler through word of mouth.

Jim McCorkle, Ironworkers Local 769 in Ashland, Kentucky, notes “Fletcher has already said he’ll do away with collective bargaining for state employees.”

Chandler is making a visit to a Northeast Kentucky gun club on October 17th.

McCorkle is hoping to get a good turn out at the event to build up the excitement. “If our people don’t get out to vote, we’ll lose.”

### UNION TRADES FEDERAL CREDIT UNION

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(No rollovers, call for details.)

*Special Offer Ends October 31*

#### New Expanded Hours

Charleston - M-F 8:30 – 4:30, Sat. 9:00 am to Noon  
344-0194 or toll free 1-800-450-8530

Parkersburg - M-F 8:30 to 4:30, Thursday until 6:00 pm.  
485-1421 or toll free 888-524-1421

### PRESTON PRISON GOES UNION – ALMOST

## Davis-Bacon Rates – Project By Project

ACT Representative Larry Young has heard many excuses.

But they all add up to the same thing.

The Bush Administration’s Department of Labor can’t, or won’t, update Federal Davis-Bacon wage rates.

Often referred to as prevailing wage rates, the Federal rates for construction are not being updated, and some are years out of date.

The excuse is the computer system isn’t working.

But through hard work and persistence Young was able to get one large project updated in time for a bid. And that may have made the difference.

The Hazelton Women’s Prison in Preston County went to bid earlier this month and the contract went mostly union, with a major electrical sub-contract the exception.

P.J. Dick Construction from Pittsburgh was the low bidder for the \$70 million project.

It appears they have chosen to use Farfield Electric, a major non-union company from Pennsylvania, as their electrical sub-contractor.

One thing is sure, the wage rates that must be paid are up to date.

When the Hazelton bid package was advertised, Easley & Rivers, an interior systems company based in Morgantown, noticed the wage rates were low.

They called Scott Brewer with the Mid-Atlantic District Council of Carpenters who in turn called ACT to see what could be done.

Every year Young gets rates from all the crafts in every

county. He then provides this information to the DOL.

Even though DOL had the correct information they were unable to enter it into their computer system, which has been broken since spring.

***“WE HAVE TO BE VIGILANT...THE  
NON-UNION CONTRACTORS DON’T  
CARE IF THE WAGE RATES ARE  
CURRENT OR NOT.”***

LARRY YOUNG, ACT REPRESENTATIVE

Young persisted, with calls to DOL officials, contacts to members of congress and the National Building Trades.

Young was able to obtain a letter from the DOL with updated prevailing wage rates that became part of the bid package.

Unfortunately, the letter only applies to the Hazelton Prison project.

“We have to be vigilant,” said Young. “The non-union contractors don’t care if the wage rates are current or not.”

The DOL is just now starting to enter 2003 rates. According to Young, DOL officials are

not sure when they will get to West Virginia.

Meanwhile some projects are going out for bid at 2001 rates.

Passed in the 1930’s, the Davis Bacon law requires construction wages for federally funded projects to be the same as those that ‘prevail’ in the area of the project. Hence the name prevailing wages.

Unlike the state system where surveys are sent out every year Federal rates only do surveys every three to five years.

However, if the rate from the most recent survey is consistent with local collective bargaining rates then each year when contracts call for wage increases the Davis-Bacon rates are adjusted accordingly.

Brewer is pleased to see correct rates now being used.

“Davis-Bacon allows union contractors to bid on an even playing field with non-union. Our contractors have been paying 2003 rates. The original bid called for 2001 rates for our work, that would have put union contractors at a huge disadvantage,” said Brewer.

For local electricians who are losing job opportunities it is a different story.

According to IBEW 596 Business Manager Darwin Snyder local electricians are gearing up for what they see as a huge fight to protect their work.

# Carpenters Sign Home Depot Contractor

An agreement has been reached between the Carpenter's Union and the general contractor hired by Home Depot.

Joe Elliott, organizer for the Mid-Atlantic Regional Council of Carpenters, met with Home Depot's general contractor, White-Spinner, on October 8.

The agreement provides that White-Spinner and its subcontractors will use union carpenters to perform their carpentry work. The Carpenters have

ensured that only union subcontractors will be hired to finish the remaining work at the Parkersburg site.

The agreement comes after a salting campaign and weeks of picketing the Vienna Home Depot site. White-Spinner called Elliott to see what they could do to abolish the picket line set up by the Carpenters, Electricians, and other Trades.

Elliott said, "Our unfair labor practice picket line was extremely effective. Union subcontractors on the job wouldn't

cross it. Many deliveries would not cross the line either."

Unfair Labor Practice Charges had been filed with the National Labor Relations Board after White-Spinner discriminated against union workers. Back wages were negotiated for three laid-off workers. Charges against White-Spinner were dropped on Friday but charges remain against a local temporary service.

Elliott said, "This agreement lays the groundwork for the future. We hope to have a long-

lasting relationship with Home Depot."

That long-lasting relationship could translate into lots of opportunities for union labor. According to Home Depot officials, up to 15 additional stores will be built in West Virginia over the next few years.

Elliott gives a lot of credit to the Parkersburg-Marietta Build-

ing Trades and in particular the Electricians for the agreement. The Electricians continue to work to reach an agreement with White-Spinner.

Elliott believes White-Spinner wasn't using union workers at the Parkersburg site because the contractor doubted the union's influence. "We certainly showed them otherwise."

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LETTING THE PUBLIC KNOW the value of union construction at the Home and Energy Show, Grand Central Mall in Parkersburg. This display was in conjunction with Plumbers and Pipefitters Local 565 and Logston Mechanical. The focus was on residential and light commercial plumbing. Pictured are (from left in front) Gary Yarnell and Kevin Logston. Back row: Marshall Lamp, Roger Flowers, Ryan Logston and Josh Perkins.

## IBEW 637 Joins ACT/SBT

IBEW 637, with its 450 members, recently voted to join the West Virginia State Building Trades and ACT.

The local, based in Roanoke, VA, covers five West Virginia

Counties: Monroe, Mercer, McDowell, Greenbrier, and Pocahontas.

Dave Unroe, Business Manager, said, "We are looking forward to participating in ACT."

The local will be concentrating on getting contractors more

active in West Virginia, especially Mercer and Greenbrier Counties.

In addition Unroe wants to strengthen the local's affiliation with WV's IBEW locals.

IBEW 637 also represents 30 counties in Southwestern Virginia.

WOAY 4  
Oak Hill  
Sundays @  
11:00am

WCHS 8  
Charleston,  
Huntington, Parkersburg,  
Beckley, Bluefield  
Sundays @ 11:00am

WDTV 5  
Clarksburg &  
Morgantown  
Sundays @ 11:00am

### WEST VIRGINIA WORKS SHOW TIMES SUNDAYS AT 11 AM

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

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

## Workers Get \$62k

CONTINUED FROM P. 1

tiated the handling of the \$61,986 in back wages with interest.

Now that Bradley finally has his money, he can slow down a bit. "It was a long haul. I didn't think it would ever end," said Bradley.

Today, Bradley and Pigg are

searching for 19 workers who are owed money but have not responded to letters or have moved. Pigg is eager to get the remaining workers their money.

"I'm thankful for John's hard work, and that the experience and guidance of ACT saw justice done for a change," said Pigg. "The power of ACT carries a lot of weight."