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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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PREVAILING WAGE RATES UNDER FIRE ABC Attacks Again

The Associated Builders and Contractors of WV (ABC) has filed an appeal with the WV Supreme Court of Appeals.

Relentless in their drive to lower wages and benefits for local construction workers the ABC is calling on the state's highest court to essentially gut the prevailing wage rate system for public works construction projects.

ABC contends that Kana-wha Circuit Judge Louis "Duke" Bloom made a mistake in his ruling that affirmed Division of Labor Commissioner Jim Lewis' decision

upholding a ruling by an administrative law judge.

In September 2003, Bloom dismissed claims by the anti-worker ABC.

the same arguments as before. Trevilli said of the appeal attempt, "We believe Bloom was correct and we are urging the Supreme Court not to take

anti-working family agenda."

The ABC appeal highlights the importance of the upcoming Supreme Court election. Justice Warren McGraw, who has been endorsed by the WV AFL-CIO, is up for re-election.

Presently, the Court is divided 3-2 in favor of working people. "If we lose Justice McGraw, working people and families will suffer," said Burdette. "The Supreme Court will just be protecting the interests of big business."

McGraw, a Wyoming County native, has served West Virginia working families in all three branches of government, culminating in his election to the Supreme Court of Appeals in 1998.

**"IF WE LOSE JUSTICE MCGRAW,
WORKING FAMILIES WILL SUFFER."**

**RONNIE BURDETTE, BUSINESS MANAGER
OPERATING ENGINEERS LOCAL 132**

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.

According to ACT Lawyer Vince Trivelli, the ABC is using

the appeal."

Ronnie Burdette, Business Manager for Operating Engineers Local 132, said, "The ABC is still up to its old tricks. They are against paying workers a living wage and will waste taxpayer money to push their

Take Back The White House

Labor unions are organizing in an effort to remove the anti-worker Bush Administration from the White House.

Last fall the National AFL-

CIO implemented the Labor 2004 Program, which is an effort to let everyone know the facts about the Bush Administration.

According to the National AFL-CIO's website, despite

Bush's claims of an economic recovery, over 15 million Americans are unemployed, underemployed, or too discouraged to keep looking for a job.

Bush continues to push

programs that benefit only the very top income levels, while under funding programs such as "No Child Left Behind."

Thus far, the Labor 2004 Program has focused on Bush's effort to eliminate overtime pay for hundreds of thousands of working people and the lack of effort by the Bush Administration to protect U.S. jobs.

Now the effort is being felt in West Virginia. At a recent WV State Building Trades Conference National AFL-CIO representative Mike Noonan presented a ten-point plan aimed at communicating with union members about the upcoming election.

Key to the plan is a member-to-member message which includes handbills on a variety of topics to be delivered at job sites.

"There is no task more important than defeating George W. Bush," said Gary

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THE AFL-CIO's Mike Noonan reviews the ten step plan for member registration, education, and voting efforts at the State Building Trades January conference.

Legislative Session Underway

With an election brewing right around the corner this year's legislative session is moving ahead slowly and cautiously.

"Elections make politicians nervous so they are not inclined to make great changes this year," commented Steve White, ACT Director.

White together with State Building Trades Secretary-Treasurer Roy Smith are still busy watching legislation and making sure local union construction workers have a voice.

One bill proposed by the Contractors Association of West Virginia would eliminate any requirements in public contracting other than low bid. The bill is still in draft form, so no bill number has yet been assigned.

The proposed bill would make efforts to raise standards of public works contracting illegal. Initiatives like the 18 points used by the WV State School Bidding Author-

ity, which promote drug testing plans, apprenticeship programs, health and pension plans would be outlawed.

Checking a contractor's past record on job quality, timeliness, and cost overruns would not be allowed. Tax cheaters, labor law violators, environmental criminals, convicted bidders, need not worry because none of these factors would be considered when awarding a project.

Including any standard higher than low bid and a bond could lead to a year in jail!

The bill appears to be a reaction to standards set by the Ohio County Economic Development Authority that led to a union contractor being chosen over a non-union company at the Cabella's project.

However, thanks to the help of many local union repre-

sentatives working with their elected leaders and Senator Brooks McCabe's (D-Kanawha) insistence that Labor have a seat at the negotiating table, a compromise bill may be at hand.

"We still need to get our contractors involved in this

(SB221). This is almost the same bill that nearly passed last year, which the Building Trades supported. It would allow private companies to invest in highway projects, requiring public bidding, prevailing wage rates and local hiring covered by the

WV Jobs Act.

Labor is supporting a bill to reform election financing laws. The 'Clean Elections Act'

(SB270/HB4260) would allow an option for public financed campaigns if a candidate followed strict spending limits and was able to get a large number of \$5 campaign donations.

Gov. Wise proposed a bill to change the Freedom of Information Laws (HB4020) to restrict what information can be released to guard against identity theft.

Sounds like a good idea but

the bill also would have stopped any government agency from giving out an address of an individual.

This would have stopped many important information sources such as checks of payrolls on prevailing wage jobs, corporate owner information from the Secretary of State's office and voter registration lists.

With the help of the Wise administration and Senator Jeff Kessler (D-Marshall) this problem was corrected.

Plenty of work has taken place on a Plumbers Licensing bill. The bill has been reworked by a number of interested 'stake holders' including the State Fire Marshal, the Division of Labor, contractor groups, and of course the United Association of Plumbers and Pipefitters.

"More than half the states have some sort of plumbers license," said Gary Yarnell,

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CHECKING A CONTRACTOR'S PAST RECORD ON JOB QUALITY, TIMELINESS, AND COST OVERRUNS WOULD NOT BE ALLOWED.

issue," said White. "Many belong to the same association that proposed this bill. Our contractors know that competing against the change order artists and the shoddy contractors is tough enough. To stop a public agency from requiring quality contractors only helps the worst contractors."

Other bills being watched include the Public-Private Transportation Act of 2004

Organizing Class Held

Despite bad weather, organizers from all trades held a statewide meeting in Clarksburg on January 26.

According to Larry Young, ACT Representative, there were several meeting goals. The meeting provided a forum for organizers to share information with each other, to find new resources, to keep everyone on the same page, and to work together as a group.

Larry Walker, with the WV Division of Labor, was the guest speaker. Walker discussed labor laws in West

Virginia and took questions from the audience.

Gary Barnes, Organizer with the IBEW 596, said, "The speakers at the meeting were very informative and knowledgeable. I am following up on everything I learned."

Former Secretary of Tax and Revenue, Brian Kastic updated the group on the status of the Tax Incremental Financing (TIF) money. He explained how it would work, including what to look for when projects come out and what's supposed to be done.



4 TRADES COUNCILS FOR MANCHIN, 1 FOR JACKSON

COPE in Process of Endorsing

The deadline to file to run for political office was January 31, 2004. And for most races the filing deadline starts the endorsement process of the WV AFL-CIO and member unions.

The WV AFL-CIO's Committee on Political Education (COPE) has sent all candidates for the WV House and Senate a questionnaire regarding the many issues of concern to workers. Questions include a candidates view about prevailing wage rates, health care, public employee rights, education and economic development.

Questionnaires are due back on February 21st. Local labor councils will then interview all candidates that returned a questionnaire.

Interview committees will review responses to the questionnaires and voting records with the candidates.

Those committees' will then report back to their local labor

councils that will vote to do one of the following: Endorsement – 2/3's of the members have to agree; No Endorsement – no one is supposed to work for candidate; or No Action – labor councils nor AFL-CIO will support candidate, but each local can support whichever candidate they chose.

The actions of the local councils are then reported to the full state COPE committee on March 27th.

The COPE committee will again consider every candidate that filled out a questionnaire and was interviewed. Usually, COPE approves the local councils' decisions, but not always.

To be endorsed, a candidate must receive 2/3's of the votes.

Much activity has already taken place for many state wide offices as well as federal elections.

Supreme Court Justice Warren McGraw was endorsed for re-election in October. "With Warren McGraw's track record as a friend to working

families we knew early on we had the candidate we wanted," said Roy Smith, Secretary-Treasurer of the WV State Building Trades.

The same goes for U.S. House members Nick Joe Rahall and Alan Mollohan.

The WV AFL-CIO COPE committee met in December to interview candidates for the Governors race. No candidate was able to get the required two-thirds vote for endorsement.

Councils within the state building trades have taken votes on the Governor candidates resulting in four councils supporting Joe Manchin (Charleston, North Central WV, Parkersburg and Upper Ohio Valley) and the Tri-State Building Trades supporting Jackson.

"Our members clearly believe Joe Manchin is the one to support for Governor" said Darwin Snyder, Business Manager of the North Central WV Building Trades.

In November the WV State Building Trades Executive Council endorsed Delegate Joe

DeLong for Secretary of State. The Secretary of State's race is usually not considered by the WV AFL-CIO/COPE Committee.

However, as the filing deadline approached DeLong decided not to run for this office but to aim for re-election to his House of Delegates position.

The state building trades usually does not make endorsements separate from the state COPE/WV AFL-CIO. However, the State Building Trades Executive Board has formed a committee to work on procedures for a state building trades endorsement process.

"We will put a process in place to make future endorsements," said Bill Dean, Business Manager for the Upper Ohio Valley Building Trades.

"Contests such as the Governors race this year where a decision could not be reached will be covered under our policy."

Take Back

CONTINUED FROM P. 1

Tillis, Business Manager, Laborers' District Council. "Since this project began, our members have given handbills to almost 4,000 laborers and more than 2,500 union members from other Building and Trades unions," reported Tillis.

The handbills contained messages regarding overtime pay and about U.S. jobs going overseas.

Bush is proposing to seriously alter the Fair Labor Standards Act. According to the AFL website, this Act ensures that 80 million workers be paid time and a half if they work more than 40 hours a week.

"U.S. jobs continue to go overseas. Corporations can find lower labor costs, including 250 million children, and weaker environmental safeguards. Bush is doing nothing to reverse these trends," said Tillis.

\$208,276 Back Pay Award

Well over a year ago, the U.S. Department of Labor began investigating Morgan Keller, Inc.

Morgan Keller was renovating the Scarborough Library at Sheppard College in Jefferson County.

Larry Young, ACT Representative, checked payroll records on the job and found problems.

Young got several employees to complain they were not receiving their fringe benefits.

Fringe benefit packages and living wages are mandatory in prevailing wage projects. The DOL agreed, collected the money from the company and recently sent checks to 79 workers.

"Sticking to the process paid off for the 79 workers who just received back payments totaling \$208,276," said Young.

The DOL did an audit and awarded the employees \$104,138 in wages and/or fringe benefits and \$104,138 in damages. According to Young, Morgan Keller found the fringe

benefit package an "employee burden." Instead of going to employees in their paychecks, Morgan Keller used the money for employee picnics.

Morgan Keller, from Frederick, Maryland, was the low bidder in the project to renovate the roof at the Scarborough Library.

Several employees who originally filled out the complaint forms against Morgan Keller stepped out of the process. They hired their own legal counsel. The status of their action is unknown.

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Marriott Uses Illegal Contractors

Due to the efforts of the local building trades organizers, the U.S. Department of Labor (DOL) found that contractors working on the Marriott in downtown Charleston were violating several laws.

Boorhees International from Montana, National Wall Covering Installers from California, and McDonald Association from Maryland are working to update the Marriott. The out-of-state companies are changing all the carpet and wallpaper and installing Internet service in every room.

Organizers Bert McDermit, Electricians 466, and Jerry Huffman, Painters 970, alerted the DOL to the possible violations. The DOL issued five cease and desist

orders, two wage bond violations, and 3 unlicensed contract violations.

According to Wayne Rebich, ACT Representative, McDonald and National Wall did not have licenses to work in West Virginia.

Huffman and McDermit both think the unity of the building trades brought the violations to light. On January 11th, about 30 people came out on a frigid Sunday morning to show the Marriott their displeasure.

"All the trades came together in the freezing cold to tell the Marriott to be responsible and support the local community," said McDermit.

The DOL also issued 11 citations for undocumented workers. A bill passed by the WV Legislature in 2002 requires that employers keep

documentation of workers on the job site.

"The Marriott is a local establishment that wants the local community to use its facilities. It's only fair that they give back to the community by hiring a local workforce," said Rebich.

Only one of the workers was from West Virginia.

Huffman, who visited the work site, found that workers were staying in sleeping bags in demolished rooms. "The humanity issue was the biggest problem for me. Workers were crammed into rooms where the remodeling was taken place. That can't be healthy," said Huffman.

The Marriott was stopped, but temporary workers were back on the site. The undocumented workers are gone.

The City of Charleston also issued cease and desist orders

because neither the Marriott nor its contractors filed for licenses. So, none of the workers were paying the new \$1.00 service fee and the City's B&O Tax was not getting paid.

McDermit wonders if the unlicensed contractors were paying workers comp or unemployment. "The situation

at the Marriott, a respected local business, reminds us all that we have to keep our guard up," said McDermit. "We have to be vigilant to see that contractors follow the law. We also have to keep showing the community that we have qualified, hard workers in all the trades right here in West Virginia."

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COLD TEMPERATURES did not stop this group of Local Union Building Trades workers from showing their displeasure with the Charleston Marriott. Workers were upset that out-of-state workers were imported by illegal companies to take local construction jobs.

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

Legislative

CONTINUED FROM P. 2

Training Coordinator for Plumbers and Pipefitters Local 565, Parkersburg. "It's an important public health and safety issue."

Licensing of sprinkler fitters is also in the draft bill. The Offices of the Fire Marshal and Department of Labor

are looking at ways to jointly administer and enforce the law.

"The bill is still a long way from passage but tremendous progress has been made," said Yarnell.

To find out who your representatives are, just visit the WV Legislative Website:

<http://www.legis.state.wv.us/legishp.html>