Organizing Seminar Is Planned

A new organizing strategy called the "Construction Organizing Membership Education Program", or COMEP for short, is sweeping the country - and coming to West Virginia in November.

COMEP was started by the Electrical Workers and adopted by the National Building Trades and has proven to be a tremendously effective organizing tool.

"We are looking for two people from every craft to attend", commented Allen Fisher, Secretary of the West Virginia State Building and Construction Trades Council. "This program is being used all over the country and it works."

The message of COMEP is simple. Organizing enables local unions to win better wages and benefits for their members. COMEP challenges participants to re-examine the underlying mission of unions: to raise the conditions of life and labor.

In order to regain control of the skilled work-force, to recapture market share, and to rebuild (Continued On Page 3)

ACT Holds Annual Conference To Update & Plan At Fairmont

The Affiliated Construction Trades Foundation held its Second Annual Update and Planning Conference at the Fairmont Holiday Inn on October 12.

The purpose of the meeting was to assess ACT's progress to date, and to evaluate new projects. Some of the activities reported on were the prevailing wage program, the statewide positive ad campaign, the Cancer Creek legislative campaign, and the Brown & Root organizing effort.

"We've got a lot more work to do but we are also proud of the progress and success made in the last year," said Steve White, ACT director.

Among the upcoming projects addressed were a "community awareness" video on apprenticeship; a "grass roots" political action program; and cooperative efforts with union contractors to bid more work.

Fed Funds, Pensions Are Probed

ACT's fair contracting program is making progress every day.

Two examples are the ongoing investigations of Frank Irey, Jr. and Mid-Eastern Construction Co. reported in earlier issues of the ACT Report.

In the Irey case, ACT contacted employees of the Marshall University Football Stadium project by mail asking for information regarding Irey's pay practices.

A dozen former employees gave documented information that Irey was denying the return of pension plan contributions. ACT's attorney entered the case and started legal proceedings.

The latest development is an offer of $16,651 from Irey to the twelve employees.

According to Fair Contracting Representative Tim Milne, "Irey's willingness to pay these people just goes to prove what we suspected, his pension plan is a sham.

"Sham benefit plans used to..." (Continued On Page 3)

ACT'S ANNUAL PLANNING CONFERENCE held recently in Fairmont was attended by more than 45 representatives of both affiliated ACT local unions and unaffiliated local unions expressing an interest in joining.

Legal Update

ACT Still Fighting On Pollution

The ACT Foundation is continuing its fight against an attempt by industry to dump dangerous chemicals in West Virginia's waterways.

The case involves the overall water permit for DuPont's Belle site.

About a year ago DuPont applied for a new water permit. ACT sent a copy of the permit application to an environmental consultant for review.

Even though ACT found significant violations of the law in Dupont's permit application, the West Virginia Office Of Water Resources approved it early last spring.

ACT is now challenging DuPont at the Water Resources Board because the permit violates federal law.

"This permit allows for more cyanide to be dumped in the Kanawha River than law allows, yet the state chose to look the other way", commented Stuart Calwell, ACT's lawyer.

ACT filed a court request seeking data from both DuPont and the Water Resource Board. That led to DuPont offering to allow ACT to access to all materials for the purpose of an appeal.

ACT's action against DuPont's request for pre-qualification statements. These are required by the state to insure that contractors who are bidding work have the financial resources and (Continued On Page 4)
Anti-Union CEO Gives Pro-Union Argument

Following is a summary of a speech given by Ted Kennedy, strongly anti-union and former president of Associated Builders and Contractors, and Chairman/CEO of BE&K Inc.

Over several decades, we've seen many changes - changes in owner-architect relationships, changes in owner organization structure, changes in union and merit shop projects mix.

Many changes have been initiated by the word "competitiveness." Some reaped short term benefits, but in the long term they'll be detrimental.

In the recent downturn, labor contractors and corporate engineering departments have not fared well - at all.

Corporate engineering departments have been ripped asunder.

The professional who lied about capital projects have been decentralized, demoted and retired.

All this occurred in the name of "right-sizing" - the current buzzword of corporate America.

"Right-sizing" only moves in one direction - down!

More and more owners have decided capital project execution is relatively simple business.

They believe it's one that needs few professionals and can be done by ad hoc groups assembled for a specific project.

They reason these groups can be disbanded at will and another assembled for the next project. But those who understand the industry know such actions will not lead to long term success.

Construction is complex. It's special and requires professional skills that are not quickly transcribed.

It requires full time professionals, not part time people.

We seldom point out the effect that poor projects have on costs per share of earnings - the media in which the CEO works.

Contractors judge themselves as on budget, over budget or below budget.

If those without construction experience make the evaluations, they have no other yardstick except dollars or the bid sheet.

And that is a prime result of all the "right-sizing." But engineers and contractors go right along with this short term nonsense.

We cut our multipliers, reduce profits, and eliminate the overhead. Ultimately, we mortgage our future and the entire industry's. We shift the cost of benefits to our employees and eliminate any wage increases.

We retire the older, more expensive talent. We reclassify people as probationary to avoid paying benefits.

We abandon any meaningful retirement plan except social security.

All of these steps are taken in the name of “competitiveness and a free market.”

But if they have a heart attack, we'll probably have to take the cost of the burial.

Job security is as long as the sun is shining and there's a weld to be made. But if either stops, a worker's severance pay is just as long as it takes you to get to the gate. We'll train workers - on their own time - and send them to jobs that are hot, cold and certainly dirty.

They'll be exposed to one of the more dangerous occupations.

But if the law doesn't protect them, in all likelihood employers won't either.

And for all this "compassion" what do we ask in return? Enthusiasm, loyalty, hard work and initiative. Oh yes, we'll also give employees a belt buckle and ball cap if they don't get hurt.

Yow! Hol' Way to go!

All the while owners sit there watching us degrade our most valuable commodity - our people.

As wages fall, benefits disappear and more leave the industry, owners take refuge by saying:

"It's the American Way, the competitive market place, the free enterprise system in action."

BALONEY!!

As long as owners believe efficiency and cost-effectiveness are directly related to low wages and minimal fringe benefits, we are going to have high turnover and a constantly changing workforce.

As long as contractors continue to treat their employees as seasonal harvest hands, they cannot expect to maintain a workforce of skilled 20-year veterans.

The truly skilled will continue to leave the industry when we offer them no career future.

Contractors or owners who (Continued On Page 3)

We are, without a doubt, the biggest whores in the business.

And if we contractors and engineers are the biggest prostitutes, owners are the pimps and procurers.

-- Ted Kennedy, Chairman and CEO of BE&K Inc.

Local Union 899
Carpenters Leader In Youth Study Program

The apprentices at Carpenters Local 899 of Parkersburg are getting younger every year and that trend may be spreading across the country.

Local 899 has been working with the Registered Youth Apprenticeship program since last year.

The program tests and processes high school students between their 11th and 12th grade years who then work as a co-op their senior year.

Once the student graduates, he or she moves into the regular apprenticeship program at the local, which presently has 11 apprentices.

Apprentices must complete 44 hours of classroom training per year plus 8,000 hours of on-the-job training. The "Youth Apprentices" hours worked their senior year are applied toward the requirements.

So far only three high school students have participated, but the program is gaining national recognition.

"Last year, Governor Caper- ton came up to meet the first Youth Apprentice," said Earl Johnson, business representative of Carpenters 899.

"The program was really good for him, his grades improved from a 2.5 or 2.9 up to a 4.0, and his whole attitude changed. He really impressed a lot of people."

West Virginia was among five states given grants by the Federal Bureau of Apprenticeship Training to develop a national "School to Work" program as part of President Clinton's economic revival plan. "This program may serve as the pilot program for other states to follow," Johnson said.

The program benefits more than just the student, he said.

"It gives the vocational schools the opportunity to offer students on-the-job training, rather than the usual mainstreaming into the construction industry, and it gives us the opportunity to attract some younger people as opposed to the national average age of apprentices of 27."

Local 899 has 240 members with 165 active and the rest retired or disabled. Of the active members approximately 100 are working. The Local covers Wood, Wirt and Calhoun counties and parts of Jackson, Roane and Ritchie.

Johnson said his member appreciated the efforts of ACT.

"Our members perceive ACT as an organization to bring back the respect organized labor in West Virginia has had in the past," he said.
ACT Probes Cause Contractors' Woes

(Continued From Page 1)

be Irey's competitive edge, but no longer.

In the Mid-Eastern Construction case ACT continues to stop
the firm from getting work.

In October of 1992, J. Robert
Haddox, Mid-Eastern's owner,
was convicted of violations of
the Davis Bacon Act.

Mid-Eastern was then placed
in the Federal Lists of Parties, a
blacklist, list, which excludes
the company from bidding on
any federally funded projects.

Armed with this information,
ACT had kept Mid-Eastern from
securing many of the state
projects he bids on.

When ACT recently learned
the company was awarded a
sprinkler system project for Davis
& Elkins College Milne
contacted the school and learned
that the project was funded by
the federal Department of
Housing and Urban Development.

Milne informed Davis &
Elkins officials that not only had
Mid-Eastern illegally bid the
project but that the college itself
was in violation of the law by
awarding the project to Mid-
may be subject to debarment
because he apparently knew of
Mid-Eastern's debarment and
still allowed him to get the job.

Mid-Eastern was quickly told
to pass up and get off the project,

ACT is investigating what fur-
ther actions can be taken in this
blatant violation of the law.

According to Milne, "Maybe
Mr. Haddox needs to go to jail,
before the message sinks in to
other contractors - This is what
we do to cheaters!"

'How To' On Unions
Is Slated

(Continued From Page 1)

declining bargaining strength
COMEP shows how focusing
on organizing un-represented
workers can benefit existing
union membership.

Once through the training,
each participant will be certified
to train members in this new
method of organizing.

The West Virginia Building
Trades together with the ACT
Foundation is hosting a
COMEP - Train the Trainer
course Nov. 21-24 at the Labor-
ers training site in Mineral Wells.

Governor Finally Picks Group
To Study 'Cancer Creek' Bill

Governor Caperton has finally
appointed the Cancer Creek
Committee, almost six months
after agreeing to study the con-
troversial bill last session.

The committee's purpose is
to evaluate the environmental
and economic impact of the
New River Valley standards for West Vir-
iginia.

Last year the West Virginia
Water Resources Board
proposed adopting a "harmon-
ous mean flow standard" that
would allow industries to increase
the amount of carcinogens that
could be discharged into state wa-
terways. ACT fought the proposal
and won, with an agreement that
a fair study committee would be
formed.

Consequently, the Legislature
decided to act on the Board's
proposal — calling instead in
House Bill 100 for "further re-
view and study of that issue."

The primary purpose of the
Cancer Creek Committee as
outlined in a letter from Gover-
nor Caperton is "a fact-finder -
that is, to help policy makers
understand the practical envi-
ronmental and economic conse-
quences of various "design flow"

options. It's first and foremost
role, however, is to ensure we
have the facts and figures — de-
bated and tested by people from
differing perspectives — needed
to make an informed policy deci-
sion on this issue."

According to Steve Burton,
Business Manager of the Tri-
State Building Trades another
battle can be expected on the
issue at the next legislative ses-
son.

"We can expect another fight
this time. These people are not
giving up until they have their
way, to do whatever they want
with our rivers," he said. "They
haven't yet realized that we are
not going away either, but they
will."

Included on the committee is
Steve Burton; Joe Powell, head
of the West Virginia AFL-CIO;
Kim Baker, President of the West
Virginia Environmental Council
and ACT ally in the Cancer Creek
fight; as well as three industry
representatives, four members
of the legislature and a non-
voting chairman.

Anti-Union CEO

(Continued From Page 2)

believe this type of workforce
will only help our competitors
need to take a drug test!

Contractors must stand tall
and say: "That's what we need
to pay our professionals; if you
want amateurs, go get 'em."

Owners must respect our
work-force. They must forego
the temptation of believing that
the lowest dollar negotiated is a
feather in their cap.

And contractors must work
with users to convince manage-
ment we truly are a profession
and not a pork belly commodity.

If we do all that - then and only
then - is there hope for the future
of what could be the world's
greatest industry.

Excerpted with special per-
mission from the August 1993
COCKSHAW'S Construction
Labor News & Opinion. For a
FREE sample of COCKSHAW'S
current newsletter, contact:CCI,
P.O. Box 427, Newton Square,
PA 19073; (215)353-0123, FAX
(215) 353-0111.

Local Union 543

"ACT serves as a 'watch-
dog' for fair contracting and un-
fair contractors," said David
McComas, business manager for
Laborers Local 543 of Hunting-
ton.

"I feel confident that we would
have had a lot more workers on
the Marshall football stadium
job had ACT been in place when
it was being bid.

It would have been a whole
different ball game," he said.

The Local covers a six-county
jurisdiction - Cabell, Mason,
Wayne, Lincoln, Logan, and
Mingo and has 752 total mem-
bers with 164 of them retired.

Members do heavy
highway and building
trades work, although they're
"less aggressive in this
industry sector."

"There are a lot of work outages, and
jobs such as furnace rebuilds just
aren't as necessary as before," McComas said.

McComas thought they'd get some construction work on
schools, but the School Building Authority was told they
couldn't sell bonds those plans
were scrapped.

"Hopefully ACT can recover
some of the work we've lost in
the past," he continued.

They know how to deal with
the political system and the state
agencies. That puts all contractors
on a level playing field.

ACT helps with early notifi-
cation as an information source,
he said.

"For example, there's the De-
partment of Highways, and the
Freedom of Information suit
ACT is fighting," McComas said.

"We never had access to
important pre-qualification
information before.

"When ACT gets us information
on bid status and require-
ments we can go to work knocking
out the unfair contractors before
they bid.

Before ACT, what info we
got was too little, too late.

"ACT is a tool we had to have
- a necessity."
Rhone-Poulenc Explosion Still Unexplained

Two months after the August explosion at Rhone-Poulenc there is still no answer as to what really happened.

A consultant has been selected by the review committee set up to oversee Rhone Poulenc’s investigation into the explosion. The disaster claimed the life of one worker, seriously injured two others, and sent 30 area residents to the hospital.

The committee, made up of citizens and various area group representatives, has served its primary purpose of selecting a consultant.

Its next goal is to make sure information on the most important questions about the accident is gathered by the consultant.

Bill Thomas, ACT’s Industrial Representative, was appointed secretary of the committee.

“I’m pleased with the progress made by the committee. At this point we’ll never get an independent investigation, too much time has passed,” he said.

“We just want to get straight answers that have documentation and not just promises.”

Some of the documents the committee has requested includes:

- Maintenance records for the last six months of the Larvin unit that was damaged in the explosion.
- All records of emergency procedures carried out by Rhone Poulenc employees and local emergency workers, inside and outside the plant.

Records of Rhone Poulenc’s recent employee reductions and overtime increases.
- Inspection and installation records of valves and gauges in the Larvin unit.
- Production records and the capacity level of the Larvin and other units.

Thomas said he didn’t know how long it will take but he's looking to getting results.

“We must hold these big chemical companies responsible for their actions.”

B&R Union Vote Is Nearing

The National Labor Relations Board has not yet set a vote date for Brown & Root workers as this issue went to press.

Organizers are “guesstimating” the date to be set sometime at the end of this month. That would put the actual vote a month later around the end of November.

However, ACT and Charleston Construction and Building Trades Council officials are still confident about a successful vote.

“We’re gearing up for a final push,” said Steve McKiff, organ for the Building Trades. “This gives us time to find more eligible voters, with the help of our and ACT’s membership,” he said.

The NLRB also ruled that because of the nature of the construction industry, as opposed to a different type of industry, a legal ruling called “The Daniels Rule” applies.

That rule says anyone who has worked for a company, in this case Brown & Root, for 30 days or more in the last year, or who worked for the company for 45 days or more in the last two years is eligible to vote.

“We’re counting on our membership to help locate people who are eligible to vote in this election,” said Bobby Casto, business manager of Charleston Building Trades.

“Your neighbor, your brother-in-law, someone you go to church with, these people may be able to vote,” he said. “Our strength depends on our members making these contacts.”

There may be as many as 2,500 people Brown & Root hired and used and then laid off in this area.

ACT's Legal Fights Are Moving Ahead

(Continued From Page 1) track record to successfully perform work.

Access to information is a crucial part of ACT’s program. The Freedom of Information Act, state and federal laws which guarantee access to public documents, are the tool used by ACT to get the needed documentation.

The case will be argued in early December.

Union Carbide:

ACT has gone to court twice over Carbide’s Triton Surfactant air permit.

And twice ACT has prevailed, winning a court order allowing ACT to review the company’s records relating to the permit, and again winning a ruling from the Air Pollution Control Commission saying ACT was within its right to challenge Carbide’s permit.

HELP US FIND THEM!

LAID OFF WORKERS ABLE TO VOTE IN BROWN & ROOT UNION ELECTION

If you know someone who has worked for Brown & Root for 30 days in the last year, or 45 days in the last two years, he or she may be eligible to vote in the upcoming election.

Please call the Charleston Building & Construction Trades Council at 343-6952 so it can contact all current and past workers about their rights.

We all need their votes for union representa-