Challenges Are Prepared
B&R Fudges On Eligible Union Voters

The Brown & Root union election date set for July 28 is quickly approaching, and the company is attacking with all forces.

Two days after the National Labor Relations Board deadline, Brown & Root turned over a list of eligible voters to the Charleston Building Trades.

The list had more than 800 names, but Building Trades officials quickly noticed two problems. First, a number of the voters were listed at the same address.

"We noticed that about 20 ballots were going to a post office box in Carrollton, Ky., and about 20 were going to a box in Dunbar," said Bubby Casto, Business Manager of the Charleston Building Trades.

"We soon realized that they were the addresses for Brown & Root offices."

Casto immediately protested to the NLRB who agreed that the ballots should go to home addresses, and which required more time to get.

"We told the NLRB if they're going to send ballots to the company, then send the rest of them to us and we'll get them distributed," said Casto.

The second problem was that Brown & Root left approximately 200 people off its list of eligible voters.

The list they sent 'looks like a supervisors list' with foremen and big wigs, who the board already agreed are not eligible to vote, Casto said.

Building Trades officials estimate Brown & Root left approximately 200 people off its list of eligible voters.

One of the positives in the upcoming election is that the 47 Boilermakers who won a NLRB ruling against Brown & Root will be able to vote.

It was found that Brown & Root violated federal labor laws when it refused to hire the workers in 1989 because

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Texas Giant Withholds Injury Reports

OSHA Fines Brown & Root

Brown & Root Inc. was fined $3,000 the last week of June for failing to provide workers with lists of work place injuries, as required under federal law.

It was reported in the last issue of the ACT Report that the company turned over OSHA 200 logs that were cut in half.

Steve Midkiff, organizer for the Charleston Building and Construction Trades Council, contacted the Occupational Safety and Health Administration (OSHA), and demanded that they enforce the law and get the entire logs.

OSHA did get the logs and levied the fine against Brown & Root for their refusal to comply with the law. The logs must be posted at work places at certain times during the year, and must also be provided to employees upon request.

OSHA has since been given an opportunity to study the entire logs, and have found several questionable figures.

The logs are from 1993 for

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Inside The ACT Report

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Parkerburg Painters Local 1144 is a mixed local made up of painters, hydroblasters, glazers and inside glass workers.

The local has an eight-county jurisdiction including Jackson, Pleasant, Ritchie, Roane, Tyler, Wirt, Wood, and Calhoun.

The members who are painters voted to join ACT about six months ago, but they opted to wait for the new contract to start before joining to make it easier with the bookkeeping.

So, as of June 1 when the new contract kicked in, ACT officially had 134 new members.

According to Harold Stephens, business representative, there are 36 retired and 95 active members. Of those, 82 are working, which makes 86 percent employed.

Members do all types of painting work as well as dry wall finishing and vinyl work on industrial, residential and commercial projects.

The local supports five apprentices who must complete approximately four years of training, including 144 hours of classroom training and 700 hours of on-the-job training per year.

"It’s a dual process," Stephens explained. "They are paid on a percentage scale based on the amount of classroom plus on-the-job hours they have completed."

For graduation to journeyman the apprentices must have a total of 576 classroom hours and 5,000 actual working hours, he said.

"We send guys out to work on steel, bridges, stacks and tanks. They have to know what they're doing, and be well trained," he said.

Even though Local 1144 has been a part of ACT for a little over a month, they have already seen some benefits from their membership.

Since they voted to join about six months ago, ACT helped keep the Bellefonte dam project alive which will send a lot of work to members of Local 1144 as well as other locals in the area.

"When we heard about that it really made the men feel good. It has had a very positive reaction among the local members and we are looking forward to a good relationship with ACT," he said.

When asked how he thought ACT helps individual members, Stephens said:

"From my standpoint, more jobs, anything to sell the trades, as well as creating a fair playing field for our contractors to bid, is an advantage to the men. It all boils down to anything to keep them working."

Stephens said another advantage ACT has to offer is one lot a locals in northern West Virginia are citing: organizing Brown & Root before it spreads up there.

"I think DuPont would welcome Brown & Root with open arms if there wasn’t an organizing drive on in Charleston."

"Our men are satisfied with ACT. I haven’t had one negative comment from them."

**ACT Conducts 3rd Planning Meeting**

The ACT Foundation held its Third Annual Update & Planning Conference at Huntington’s Radisson Hotel on June 22. Highlighting the conference’s actions was a decision to support member locals to become more politically involved by establishing political action committees (PACs) and maintain contact with local elected officials.

The conference also voted to put more effort into ACT’s prevailing wage program.

**Commercial Sector Violations Uncovered by ACT**

<table>
<thead>
<tr>
<th>Company</th>
<th>Project</th>
<th>County</th>
<th>Violation</th>
<th>Agency Notified</th>
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</thead>
<tbody>
<tr>
<td>Fortney-Weygandt Cons. Co.</td>
<td>Red Lobster</td>
<td>Wood</td>
<td>No Certificate of Authority</td>
<td>Secretary of State</td>
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<tr>
<td>Restaurant Specialists, Inc.</td>
<td>Taco Bell</td>
<td>Wood, Kanawha</td>
<td>No Certificate of Authority or Business License</td>
<td>Secretary of State, DOL</td>
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<tr>
<td>Recco Corp.</td>
<td>Kroger Store</td>
<td>Monongalia</td>
<td>No Certificate of Authority or Contractors License</td>
<td>DOL, Worker’s Comp.</td>
</tr>
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**Industrial Sector Violations Uncovered by ACT**

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<tr>
<th>Company</th>
<th>Project</th>
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<th>Violation</th>
<th>Agency Notified</th>
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</thead>
<tbody>
<tr>
<td>Gals, Inc.</td>
<td>BASF Facility</td>
<td>Cabell</td>
<td>No Cert. of Auth/Wg Bond</td>
<td>City Bldg. Inspector, DOL</td>
</tr>
<tr>
<td>Subcontractors with Viola</td>
<td>Georgia Pacific Site</td>
<td>Fayette</td>
<td>No Wage Bond</td>
<td>Department of Labor</td>
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</tbody>
</table>
ACT Researcher Exposes Use Of Tax Funds To Support Shoddy Work, Illegal Contractors

The $15 million Edgewood Summit retirement community on Charleston’s West side has been under close scrutiny by ACT since it was first proposed. After notification by ACT, the state Division of Labor ordered the project stopped in May because the principal contractor, MW Builders Inc. of Atlanta, Georgia, did not have a $32,000 wage bond for its workers.

Lewis McManus, who serves on the Edgewood Summit Board of directors, told a reporter that no one with MW Builders was aware that the bond hadn’t been paid.

“It is their responsibility to know about wage bonds and other law requirements, so just being unaware of it isn’t a good enough excuse not to have one,” said ACT researcher Pauline Hanson.

Recently, Hanson turned up more problems that again put a halt to construction. Two subcontractors had no contractors license and no wage bond. BR Brick & Masonry Inc. and Houston Stafford Electric, both out of Texas, tried to get by without complying with all West Virginia laws.

Hanson also helped expose shoddy construction, cracks and bowing in retaining walls. Charleston’s Building Commissioner is holding up the project until a structural engineer reports on what happened and what should be done to correct the problem.

The project is scheduled to be finished by February 1995. Hanson has investigated the project with the help of Danny Barnhouse, a third year apprentice with the Sheed Metal Workers Local 33 and a participant in its Youth-to-Youth program.

“It is their responsibility to know about wage bonds and other law requirements, so just being unaware of it isn’t a good enough excuse not to have one,” Hanson said. “It’s a crime that our economic development money, taxpayers money, is used to bring in out-of-state contractors and workers when jobs are desperately needed for West Virginians.”

The complex is being financed with $15 million in bonds obtained through the West Virginia Economic Development Authority which retains ownership until the bonds are paid.

The project is being developed by Greystone Communities, Inc. which is owned in part by Brown & Root. Greystone will lease the facility from the Authority until it is paid for in 1999.

“Prevailing wages should be paid on this project,” said Tim Milne, ACT’s fair contracting representative.

“And certified payrolls and other information should be provided to those who ask for them, because it’s being funded with public money.

“I consider a $15 million economic development loan from the state, enough justification in getting information for taxpayers about this project.

“We plan on holding their feet to the fire on this one.”

Current Prevailing Wage Investigations

<table>
<thead>
<tr>
<th>Company</th>
<th>Project</th>
<th>County</th>
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</thead>
<tbody>
<tr>
<td>C.J. Mahan, Inc.</td>
<td>Highway</td>
<td>Cabell, Nicholas</td>
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<td>MEC, Inc.</td>
<td>Highway</td>
<td>Preston</td>
</tr>
<tr>
<td>Gobel, Inc.</td>
<td>Highway</td>
<td>Fayette</td>
</tr>
<tr>
<td>R.R. DawsonBridge Co.</td>
<td>Highway</td>
<td>Randolph</td>
</tr>
<tr>
<td>Ahern &amp; Associates</td>
<td>Highway</td>
<td>Marion/Lewis/Fayette</td>
</tr>
<tr>
<td>Mountain Enterprises</td>
<td>Highway</td>
<td>Upshur</td>
</tr>
<tr>
<td>Bilco Construction</td>
<td>Highway</td>
<td>Kanawha</td>
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<tr>
<td>Madison Coal &amp; Supply</td>
<td>Elk River Dredging</td>
<td>Cabell</td>
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<tr>
<td>Mountain Enterprises</td>
<td>Board of Education</td>
<td>Mercer</td>
</tr>
<tr>
<td>Jo-Del Construction</td>
<td>VA Hospital</td>
<td>Mercer</td>
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<td>Jo-Del Construction</td>
<td>Byrd Hardwood Center</td>
<td>Lincoln</td>
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<td>Structures, Inc.</td>
<td>County Library</td>
<td>Harrison</td>
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<tr>
<td>Structures, Inc.</td>
<td>Board of Education</td>
<td>Greenbrier</td>
</tr>
<tr>
<td>Court Contractors</td>
<td>Army Reserve Training Ct.</td>
<td>Harrison</td>
</tr>
<tr>
<td>Mechanical Balancing Inc.</td>
<td>Robert C. Byrd H.S.</td>
<td>Cabell</td>
</tr>
<tr>
<td>Spartan Construction Inc.</td>
<td>Highway</td>
<td>Marshall</td>
</tr>
<tr>
<td>Ye neca Construction</td>
<td>City Water System</td>
<td></td>
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B&R Fined

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Union Carbide’s South Charleston and Institute plants, Rhone-Poulenc’s Institute plant, and DuPont’s Belle plant.

Of the four sites, there was only one “lost time accident”, however, there were 79 injuries recorded with a total of 717 days of restricted work duty.

“Brown & Root tries to brag about how safe they are yet they had almost 6000 hours of recorded restricted duty. It’s criminal to be satisfied with those injury rates and call their workplace safe,” Middick said. “Their great safety record is only on paper because they put the guys on restricted work duty, rather than calling it an injury,” he said.

Middick also questioned the accuracy of the logs. For example, an employee got hit on the neck with a pipe and was knocked unconscious, yet according to the logs, he didn’t miss a single day of work. He is investigating a report of an employee who cut his thumb off but is not listed on the logs.

Under the 1970 federal Occupational Safety and Health Act, all employers covered by the law must maintain records of work place injuries.
ACT Forum On Pulp Mill Highlights Developers' Secrecy, No Job Promises

ACT recently sponsored a public forum at Marshall University, along with several other groups, in order to get more information about the proposed $1.1 billion Apple Grove pulp and paper mill from company and state officials. However, only one of them showed up.

"This mill is a major undertaking for the state of West Virginia," said Steve Burton, business manager for the Tri-State Building and Construction Trades Council. 

"But we can't squeeze any information out of our state officials or the company," he said.

One of the big questions Burton and others want to know is why Parsons & Whithemore will not commit to hiring local people to build and operate the mill.

"I guess they prefer to work in secret," Burton commented.

There is no state agency that is asking for this commitment, or if this mill will be built with state-of-the-art technology.

Public hearings are only required for environmental permits.

Among the public officials who were invited but didn't show were the West Virginia Economic Development Office; the West Virginia Manufacturers Association; Commissioner of Agriculture Gus Douglas; along with Parsons & Whithemore Vice President Ken Goddard.

Attending were Burton, Eli McCoy, Deputy Director of the West Virginia Department of Environmental Protection; Janet Fletcher from the Ohio Valley Environmental Council; Norm Steenstra, director of West Virginia Citizen Action Group; and Pat O'Malley a consultant for ACT from Carpenter Environmental Associates.

The forum was moderated by Dave Peyton of the Huntington Herald-Dispatch.

"It's my understanding that the state is being asked for $100 million to help develop this project, yet no public debate or discussion about hiring West Virginians has been held," Burton said.

Other concerns of the audience of approximately 100 were about whether or not to give the company $100 million, and or super tax credits; how bad the mill will hurt other industries in the state; and how much timber from West Virginia it will use.

"Members of the audience wanted to know if this facility is going to be state-of-the-art or a bulking dinosaur of old technology, but there was no one there to answer their questions," said Burton.

"It's a disgrace that state officials won't answer legitimate questions the public has."

B&R Fudges Voter Lists

Continued from page 1 they favored unionizing the construction giant's operations at Rhone-Poulenc Ag. Co.

The company was ordered to give them back pay and reinstate them, which includes eligibility to vote in this election. While Brown & Root is fighting that decision the NLRB has agreed to let the 47 vote.

For those on the job, the vote will be July 28th, in booths set up on the job site. The polling will begin at Du Pont in Belle, and move to three other area plants throughout the day.

It will include a voters registration list, and employee's names will be checked off as they go in.

For those who are laid off, ballots were mailed July 1, and must be in by July 26.

Those ballots will be mixed in with the ones cast on the job and all will be counted the night of the 28th by the NLRB, with observers from both the union and Brown & Root.

"This is a crucial vote for all construction workers in West Virginia and perhaps the country," said Roy Smith, secretary of the West Virginia State Building and Construction Trades Council.

"We have achieved a major victory to get to this point and win, lose or draw we need to remember that construction workers are fighting for what is right and we won't give up until we win."