In Legislature

ACT Fights Off Industry, Wins Study Of CPA

The ACT Foundation’s Community Protection Act will undergo a year-long study by the West Virginia Legislature.

That was the outcome of intense fighting between the West Virginia Manufacturers Association and ACT during the final two weeks of the Legislature’s 1994 regular session.

It was a victory for ACT.

Both industry and non-union contractors wanted nothing to do with even studying whether there might be a community hazard to allowing unskilled outside construction workers to build highly dangerous industrial facilities in West Virginia.

And that’s exactly what ACT’s Community Protection Act (CPA) is targeted against.

Under the proposal, outside contractors employed by industry to build dangerous facilities would have to hire only those workers whose skills in their trades have been certified by the State Labor Commissioner.

The concept is a new one in the building and construction industry. Devised by ACT, its intent is to insure the safety of communities located near dangerous facilities such as chemical and power plants by requiring that those who build such facilities have their skills certified by the state labor commissioner.

PROTESTING FOR THEIR RIGHT to a union recognition election are Brown & Root construction workers and Charleston Building and Construction Trades Council officials. They picketed the NLRB headquarters in Washington, D.C. on March 10.

Brown & Root 'Non-Vote' Taken To NLRB's Office

On March 10 local construction workers carried their fight for union representation at Brown & Root Construction to Washington, D.C.

Joined by building trades members from DC, the group demonstrated at the National Labor Relations Board to protest the board’s failure to set a date for a Brown & Root union recognition election after nearly a year.

The Charleston Building and Trades Council petitioned in late March, 1993, for an election among workers employed by Brown & Root, one of the world’s largest construction corporations, at three local chemical plants - Union Carbide, Rhone-Poulenc and DuPont.

“We went through months of NLRB hearings and jumped through all their procedural hoops a long time ago. Twelve months is too long to wait for an election date. Justice delayed is justice denied,” said Steve Midkiff, an organizer for the Charleston Building and Construction Trades Council.

“The last time I checked, West Virginia was still part of the United States. We’re confident we can win this election. All we’re asking for is the chance to vote,” Midkiff said.

After demonstrating outside the office the group moved inside and met with NLRB officials for thirty minutes. They were promised that the Charleston Trades election petition would receive priority treatment.

According to Building Trades business manager Bubby Casto the election effort may now be on track. “We’ve heard from sources inside the NLRB that our case is finally moving forward. The guys on the job have put up with intimidation and harassment but they are hanging in there. If we can get a fair election we will win,” commented Casto.

Chemical Plants Lose Special Rates

ACT Fights Pollution Tax Break

Does global competition justify tax breaks for polluted land? Don’t try that argument in Kanawha County.

Last month both Union Carbide and Rhone Poulenc learned that the assessments on their land would be raised by about $18 million.

The increased assessments will bring in about $600,000 in additional taxes.

Union Carbide and Rhone Poulenc have been discounting their property taxes for years because of pollution.

But Commissioners Duke Bloom and Bill Reese didn’t buy the argument that polluted land deserved a tax break.

At a board of equalization and review meeting Commission President Bloom said, “I have a problem with someone being able to contaminate their own property and pull their support up and get reduced taxes...

“If they’re required to clean up their property, that’s their responsibility. And we should consider in detail any evidence of contamination, including what contaminants are there, plans for clean up, monitoring and EPA monitoring and whether they’re contaminating in our water table.”

Property taxes have been on the rise for all state residents as reappraisals move forward.

However, ACT discovered that many large corporations are getting tax breaks while the average citizen is paying more.

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North-Central Building Trades Council Believes 'Definitely ACT Is The Answer'

The North Central West Virginia Building and Construction Trades Council, AFL-CIO has jurisdiction in 19 counties, including the Eastern panhandle covering 8,303 square miles.

There are 42 local unions with jurisdiction in this council area, which also is allied with 13 other labor organizations, including the Affiliated Construction Trades Foundation.

Charles Finkenbinder, business manager, estimates an average of 150 members in each local union for a total of roughly 6,000 to 8,000 members.

ACT Watches Cancer Creek Die Slow Death

The Cancer Creek Bill died a slow death during the recent regular session of the West Virginia Legislature.

While ACT focused on the Community Protection Act during the session, ACT representatives nevertheless also closely watched the Cancer Creek issue.

At one point midway through the session, industry made a side attack to include language called "party" in a massive bill reorganizing the Department of Environmental Protection (EPA).

Had industry had its version of parity, it would have paved the way for Cancer Creek type laws.

This was headed off, although a weakened version of parity did pass.

Several of the local unions are ACT members, and Finkenbinder is also a member through the Building Trades Council.

He said that ACT helps in a variety of ways: research, manpower, legislative, advertising, and money--things that every Local needs more of.

"ACT helps with researching various projects as to whether or not the companies are paying prevailing wage. They have the time and the manpower to research projects," he said. "That really gives this council a boost."

Finkenbinder said he is particularly impressed with the prevailing wage program.

"This is something we have needed to do for a long time but the local councils didn't have time to cover all the projects. The prevailing wage monitoring has helped us a lot with letters and investigations."

According to Finkenbinder, his local unions and members have the same problems as union members all over the country, with the constant battle with the non-union element.

He said one of the biggest fears is that anti-union Brown & Root will spread up to his area. He hopes with the help of ACT and the Charleston building trades it won't get into his area.

"I hope they keep the anti-union contractors out of the state," he said. "I know a lot of us are counting on it."

Finkenbinder believes actions at the Legislature are important for the council right now.

Inquiry Turns Up Low Wage Rates

ACT's fair contracting program can help on union jobs too.

Tim Milne, ACT's fair contracting representative, worked with Dwight Sutton of Teamsters Local 175 to cut through miles of red tape on the Winfield Lock and Dam project.

Employees of Wayne Bayless Trucking, a signatory company, were not getting the prevailing rate on the project. Federal prevailing wage law is very complicated when Teamsters are involved. Sometimes the rates apply and sometimes they don't.

Milne first contacted the US Army Corps of Engineers in January and again in February about the Winfield project requesting payrolls and a clarification on the teamster rates.

In the process of locating the documents for Milne, the government discovered that the employer had received the wrong information on wage rates.

"Our main goal is to catch cheaters," commented Milne. "But we can play a role helping fair contractors get the right wage determinations too."

When the errors were discovered, the company immediately corrected them. Seven employees were reimbursed over $12,000 in back pay.

"These federal jobs can be a paper nightmare for employees, contractors and unions," said Sutton. "ACT helped us all get to the bottom of the problem and we easily reached a solution that satisfied everyone."

Boilermakers' McCormick Gets Top Post

James McCormick, business manager of Boilermakers Local Union 667, has been named assistant to International President Charles W. Jones.

McCormick replaces retiring International Representative A.E. Walser of Kernersville, North Carolina.

Handling grievances, job and jurisdiction disputes, arbitration, contract negotiations, and otherwise helping President Jones will be among his new duties which will begin April 1.

Locals he will represent include Local 667 of Winfield, W. Va., Local 154 of Pittsburgh, Pa., Local 30 of Greensboro, NC., Local 105 of Chillicothe, Ohio, and Local 40 of Elizabeth Town, Ky.

The International Boilermakers Union has about 80,000 members, of which 25,000 are construction workers.

Assistant Agent Ron Bush will take over the duties of Business Manager of Local 667 until elections are held this spring.
Penalty Largest In State History

Rhone-Poulenc Hit By $1.6 Million Fine

Six months after the explosion that claimed the life of a Rhone-Poulenc worker, the Department of Labor’s Occupational Safety and Health Administration (OSHA) hit the company with the largest safety fine in West Virginia history, $1.6 million.

After 1980 Merger

Parkersburg/Marietta Council Maintains Balance For States

In 1980, the Parkersburg and Marietta Building & Construction Trades Councils merged into the Parkersburg/Marietta Building & Construction Trades Council.

Since then, the council has tried to maintain an even split with the officers -- if the president is from West Virginia, then the vice president is from Ohio. “We try to be equal from both sides,” said John Seafier, business manager.

The council covers six counties in Ohio, and eight in West Virginia, and has about 50 affiliates in good standing. Seafier estimates the membership to be around 5,000 people. Eight locals are ACT members.

When the combined councils opened, Seafier and Pam Smith, the secretary, were the only employees. In 1991, Steve Crum was added to as an organizer.

Seafier said that the councils membership has been fortunate, as far as employment goes, for the last five or six years.

“We’ve had about 80 percent employment, not in every craft, but that’s about the average. Right now it’s beginning to decrease.”

The threat of non-union labor is one of the hindrances that his members must overcome.

“That and the attitude of potential clients or owners who look at the bottom line as a dollar sign, and not quality,” he added.

Seafier said the Ohio Valley is still looking pretty good, though. “We’re not going to be hit by the West Virginia to the Ohio side, but that’s okay. We’re still maintaining employment. Our members used to do a lot of work at Dupont, GE, and Ravenswood Aluminum. Now they’re moving to Shell, Amoco, and other plants in Ohio. It’s a matter of shuffling workers around, but they’re still working.”

His council was one of the first to support ACT, he said.

“We financed some mass meetings and communications to get it established.”

Advertising is strong everywhere, he said, and the council has received results from it.

“We’ve had negative comments from industry on the Community Protection Act advertising, and positive comments about our health care and safety training, really a lot of good comments on that, not only from industry, but the community in general,” he said.

As for other benefits that ACT offers, Seafier said that research plays a major role.

“It’s important for various organizations to have a reliable resource to come to for research,” he said.

"Respect Picket Lines!"

A good union member is extremely careful when confronted with a picket line situation.

When a picket line is established on a job where he or she is working:
1. He leaves – he does not talk – just leaves.
2. He reads the picket sign as he leaves.
3. He does not hang around near the job.
4. He knows that once a picket line is established, his Business Agents and other union officials are legally gagged and handcuffed from giving advice pertaining to that job. They can only tell him if the picket line is authorized.
5. He does not allow himself to be drawn into conversations with anyone at the job site.

A Good Union Member Knows His Rights
A. He has the right to work behind any picket line.
B. He has the right to decide for himself whether to walk off a job being picketed.
C. He understands that his trade may be under attack next.
D. He knows that a two gate system means a picket line and he has the right not to work, no matter how many gates the employer sets up.

Know Your Rights!  
Clip and save for later reference.
Allen Fisher Retires

State Labor Commissioner Resigns To Take New Post With State Trades Council

Roy Smith, West Virginia's State Labor Commissioner, has been named secretary-treasurer of the West Virginia State Building and Construction Trades Council.

Smith's resignation from state government was announced March 15. He was to take over his new post with the state building and construction trades council on March 21.

On that date Smith replaces Allen Fisher. Fisher is retiring after 17 years as secretary-treasurer of the state council. He was executive director of ACT since its inception in December, 1991.

Smith now becomes ACT's executive director.

At ACT's constitutional conference in February, Fisher was voted an honorary member of the executive board in acknowledgment of his vision and dedication to service.

B&R Seeks Vote Delay — Again!

The Charleston Building & Construction Trades Council's organizer for Brown & Root has accused the non-union construction giant of trying to further delay a union vote of B&R's Kanawha Valley workers.

Brown & Root officials recently asked the National Labor Relations Board to reopen hearings on the holding of a union recognition election for the corporation's employees at Union Carbide, DuPont and Rhone-Poulenc chemical plants.

"It's a last-ditch attempt to delay the vote," said the Charleston trades council's Steve Midkiff. "We don't want to see that happen."

NLRB officials said the vote has been delayed because new labor board members appointed by President Clinton's administration weren't approved by Congress until recently.

B&R in its new move to get the NLRB to reopen hearings on the election argued a drop in the number of workers it employs at the plant means labor officials should reconsider how many should vote in the election.

Parkersburg/Marietta

(Continued From Page 3)

"Research on permits and actual fundamentals, that kind of technical assistance, has been a lot of help. It gives us a chance to speak about something like water pollution with authority."

"That helps us with the overall cause of putting qualified people to work, rather than focusing only on the dollar as the bottom line."

Seafler said there are several locals in his area reviewing their lack of ACT membership.

"I think the concept behind ACT is exceptionally good," Seafler said.