6 RESIGN FROM UPSHUR DEVELOPMENT AGENCY

On October 13, six members of the Upshur County Development Authority resigned.

All cited a recent advisory opinion issued by the West Virginia Ethics Commission.

The commission concluded that bank employees who own stock in the bank cannot sit on an agency and direct that agency to do business with their bank.

ACT had uncovered the violation when investigating the transaction between the development authority and Truss Joist McMillan (TJM), the builder of a new wood products mill.

Dennis Klingensmith, chief executive officer of Bank One and a member of the board was the sole signature on a land deal for the TJM property.

“When you are handling public money you can’t be both buyer and seller when your company stands to make a profit from the deal,” said Steve Montoney, ACT’s northern representative.

Montoney credits ACT researcher Pauline Hanson for getting the Ethics Commission involved.

“She called them to get their opinion on the issue and found that there were more problems than we imagined,” he said.

Montoney has been working with building trades leaders to get job opportunities for local construction workers on the $80 million project.

The development authority has proven to be more problem than help in this regard.

“Every time we asked for simple information we ran into a stone wall. These people were making up their own rules and would not tell anyone what was going on,” Montoney said.

The owners have yet to announce a general contractor for the project.

ACT Digs Into Enforcement To Punish Contractor Cheaters

ACT is breaking records when it comes to going after those who break laws.

Tim Millne, ACT’s Fair Contracting representative, uncovered Hastings Viatech, a Michigan-based contractor at Pittsburgh Plate Glass (PPG) in New Martinsville.

“We challenged the law and won. We got the Contractors Licensing Board to enforce a law never before enforced,” Millne said.

Hastings was working without a contractor’s license, secretary of state registration, wage bond and had other violations of state law.

Millne’s investigation resulted in a cease and desist order for Hastings Viatech.

“PPG brought in Hastings on a scheduled shut down. They broke practically every law to allow them to work in West Virginia,” Millne said.

However, the fine for Hastings Viatech was reduced to $1,000 after some political strings apparently were pulled.

Millne brought the matter Continued on page 2

In Pocahontas County

ACT Discovers Hospital Project Pays Low Wages

ACT’s northern representative Steve Montoney recently uncovered some unlawful practices on the Pocahontas County Hospital project.

The prevailing wage is not being paid to construction workers on this publicly funded job.

The general contractor, Branch and Associates, Inc., is from Roanoke, Virginia, and the sub-contractors are mostly out-of-state, one from Kentucky, and three from Virginia.

Montoney began the investigation at the Grant County Hospital when he learned that Senator Walt Helmick had been trying to lower the prevailing wage.

“Sen. Helmick was trying to lower the prevailing wage to the Virginia rate”, Montoney said.

“We think he is trying to bring in this Virginia contractor. That was the reason we began the investigation.”

Montoney began to look at other projects Helmick was involved in and came across the Pocahontas Hospital where Helmick was a member of the board.

Montoney found that the hospital project in Pocahontas County is funded with public money, including a grant from the governor. It is also funded with money from the Federal Emergency Management Agency that was to repair flood damage at the old hospital.

The federal agency agreed Continued on page 3

BE&K Not Bid Winner For Mill

Rust Engineering has been chosen by the Weyerhaeuser Company for the design phase of its new orient strand board mill in Braxton County.

The September ACT Report noted that the anti-union construction company from Alabama, BE&K, was one of three invited bidders for this first phase of the $110 million project. Continued on page 2
Bhopal Service Slated

During the night of December 3-4, 1984, a Union Carbide Corporation plant in Bhopal, India spewed 40 tons of deadly methyl isocyanate [MIC] - a poison and carcinogen - into the air over a sleeping city of 800,000.

The worst industrial accident ever, Union Carbide's release of MIC killed as many as 10,000 people while blinding, disabling and injuring hundreds of thousands more.

Union Carbide management continues to blame the disaster on "a disgruntled Indian employee." Many believe the deaths and injuries at Bhopal where the inevitable result of Union Carbide Corporation's decisions on factory design and construction as well as on cutbacks in maintenance, staffing and employee training.

Communities Concerned about Corporations, a national coalition of community groups, plans to commemorate the 10th Anniversary of the Bhopal Disaster with a two-day national citizens gathering at the West Virginia State College Capitol Theatre in Charleston on Nov. 11-13.

Charleston was chosen as the site for the 10th anniversary commemoration because the sister plant of Union Carbide's Bhopal factory still produces and stores huge quantities of MIC in the nearby town of Institute.

"Many of the same attitudes that caused the disaster in India threaten Institute, West Virginia and other communities today," said Chris Bedford, Chair of Communities Concerned about Corporations.

"Union Carbide, Rhone Poulenc, DuPont and other petrochemical corporations continue to use contractors like Brown & Root which hire mainly low skilled, inadequately trained workers.

"These contract maintenance corporations have been involved in a number of recent major petrochemical disasters. These corporations continue to blame individual workers for management mistakes."

BE&K Not Winner

Continued from page 1

ACT notified local politicians about BE&K's track record on out-of-state hiring and their negative impact to the community.

Armed with a study from California, ACT was able to show how much a contractor like BE&K costs communities when it pays substandard wages and benefits and brings a migratory work force.

"It is not clear at this time if Rust will hire locally if they get the construction phase of this project," said Steve White, ACT director.

"However, we are much better off trying to deal with Rust than fighting with BE&K."

ACT Digs Into Enforcement

Continued from page 1

to the attention of the Attorney General's office. Milne asked how many times the Contractors Licensing Board enforced the statute that a company must have a contractors license or be fined $200 for every day they operate without one. The answer? Never.

"I went to the Contractors Licensing Board with a recommendation to enforce statute 21-11-13," Milne said.

"Theyissued a $17,000 fine, $200 a day for 80 days, plus $1,000 for being unlicensed. "If they don't play by the rules, they're going to get bit and bit hard," Milne said.

Milne said this shows how important it is to have representatives at the Contractors Licensing Board meetings.

"I plan on utilizing this section of the law on each contractor with contracts in excess of $25,000.

"If these contractors have three or four jobs and no license, that's six or 800 dollars a day," he said.

AFL-CIO COPE ENDORSED CANDIDATES

* Indicates Building & Construction Trades Union Member

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State Senate

District 7, Lloyd G. Jackson II
District 8, James F. Humphreys

House Of Delegates

District 18, Ron Thompson
District 19, Larry Jack Hecker
District 20, Clyde D. McKnight, Jr.
District 21, Grant Preece
District 22, James "Jim" Gerl
District 23, James J. "Jim" Rowe
District 24, Tracy Dempsey
District 25, Bruce Peterson
District 26, David Whitman
District 27, John Pino
District 28, Ernest C. Moore
District 29, Bonnie Brown
District 30, Richard Browning
District 31, Ramona Gail Cerra
District 32, W. R. "Rick" Staton
District 33, Joe Farris
District 34, Mary Pearl Compton
District 35, Ron A. Fragale
District 36, Richard Seacrest
District 37, Sharon Spencer
District 38, Joe Talbott
District 39, Nick Fantasia
District 40, Robert S. Kiss
District 41, Roman W. Preziosi
District 42, Warren R. McGraw II
District 43, Paul E. Prunty
District 44, Dale Manuel
'Clean Water And Jobs'

Labor, Business Join Forces
Backing Amendment Passage

On the Nov. 8 ballot there will appear an amendment to the West Virginia Constitution which is breaking records when it comes to supporters. Amendment 3, also known as "Clean Water and Jobs," has everyone from Democrats to Republicans, from the coal industry to the Chamber of Commerce, and from labor to business, rallying to pass it.

The amendment would authorize bond sales of $300 million, to be used for water, sewer and industrial development.

Passage of the bond amendment will give hope to the 720,000 West Virginians without public sewers, and the 440,000 West Virginians who lack public water.

Roy Smith, secretary-treasurer of the West Virginia State Building and Construction Trades Council, and a supporter of the bond amendment, described how the amendment would work.

"The amendment would allow the state to sell $300 million in general bonds," Smith said. "The money from the bonds sold would be turned over to a committee in charge of prioritizing the state's needs and dispersing the money in grants, no interest and low interest loans, 80 percent of which is the bonds."

"Most people, after the bond is explained to them, are in favor of its passage," Smith said. "Their biggest fear is of additional taxes, even though that is not the case."

"The $16 million that the Legislature has dedicated toward repayment will be re-paid every year. There will never be an additional tax load on citizens because of this bond." Smith said there are several benefits if the bond amendment is passed.

"To start it will mean an opportunity for additional work and more importantly a better, safer and healthier community for West Virginians to live in. It also offers an opportunity for the future," he said. "The state building trades certainly believes it is in our favor," he said.

"I encourage members to read about the Amendment and seriously consider voting yes."

Paying Low Wages

Continued from page 1

the money could go to a new hospital when it was found the old one was beyond repair.

When confronted with these discrepancies, hospital Director Al Lawson denied the hospital was required to pay prevailing wage.

"Their argument was the federal money was for equipment, and in 1985 they floated private bonds using the hotel tax to generate revenue for the new hospital. But the place was still funded with public money," Montoney said.

At the job site, Montoney said he only saw two West Virginia license plates.

"I guess they were the only two West Virginians working there," he said.

The information Montoney uncovered was turned over to the Division of Labor.

"We didn't start this whole thing to get more money for out-of-state workers, and we definitely don't want to stop the hospital from being built," Montoney said.

"We just want them to obey the laws and give consideration to West Virginia workers. I know our skilled union people can compete with any one dollar for dollar," Montoney said.

"Apparently Sen. Helmick has decided to take the law into his own hands," said Steve White, ACT Director.

"There is no evidence that lowering the prevailing wage rates saves the taxpayer anything. It only puts money in the contractors pocket and encourages sub-standard work."

State Council Chief Says
Vote 'Yes' On Bond

By Roy Smith
State B&CT Council Secretary-Treasurer

Are you wondering why you would want to waste the time to go vote on November 8, 1994? Let me give you one of many good reasons.

When you cast your ballot on November 8th, you will also be asked to approve or reject three constitutional amendments.

Amendment #3 is crucial to all West Virginia, but even more important to ACT members because of the many job opportunities created by its passage.

Amendment #3 titled "Infrastructure Improvement Amendment" allows the State to sell $300 million in general obligation bonds. At least 80 percent of the funds must be used to fund water and sewage projects throughout West Virginia. The remaining 20 percent will fund economic development projects such as industrial park sites and access roads.

The approval of Amendment #3 will not mean new taxes. The Legislature has already allocated $16 million in existing revenue toward the repayment of these bonds, and this funding source cannot be withdrawn.

The money from the sale of the bonds will be allocated to approved applicants in one of three forms. It may be provided as a grant, a no interest loan or a low interest loan. The money that is lent from the fund is deposited into a revolving fund as it is repaid and reused for future infrastructure projects. Several surrounding states are currently using this type system and are enjoying great success because of it.

Every day, it seems, we hear or read of a public water system that has issued a "boil water" advisory to its customers or we hear of a sewage treatment facility cited for environmental violations.

These notices or violations are not from systems that are in great condition. Brothers and Sisters, our status is nearing critical in many areas. It's past critical in some. Even if you turn your faucet on today and receive good clean water, can you feel sure it will be the same tomorrow or the next day?

You've heard of a win-win situation, well this is a win-win-win situation. We win because the $300 million will go a long way toward cleaning up our environment, making life healthier for us and our families. We win because we have greatly enhanced job opportunities. We win because we will have a much better chance of attracting new business to our State. We win because it will not cost us anything. If not, we lose.

So if you were still needing one more good reason to go to the voting booth, now you have it. Support our friends that desperately need your vote and while you're there, cast a vote for yourself.

Vote YES for Amendment #3.
The battle over the proposed Mason County pulp and paper mill is heating up.

Last month it was reported ACT is challenging two environmental permits issued by the state for the mill.

ACT contends the permits were improperly issued and had many violations of state and federal law within them.

Since then the state Division of Environmental Protection, under pressure from the federal Environmental Protection Agency, backpedaled and agreed to reopen the public comment on these permits.

Meanwhile, Sen. Jay Rockefeller expressed an interest in helping secure commitments for local hiring.

ACT Director Steve White, Merit shop, also called an open shop, is a code word of “right to work” proponents. Basically it is the same as a non-union job, with some union sub-contractors.

ACT wants Parsons & Whittemore to hire local people to build the $1.1 billion plant at Apple Grove.

“After meeting with Lane we were satisfied the senator was not a supporter of merit shop,” White said.

“We had a good meeting and left with the understanding I would get back together with Steve Burton of the Tri-State Building Trades and come up with suggestions on how the senator could help.”

Bailey said Rockefeller was misinterpreted in news stories on the merit shop issue.

Bailey said Rockefeller would never say he was satisfied with a merit shop.

Supporters of the Community Protection Act are gearing up for another round in the upcoming legislative session.

A public hearing was held by a joint judiciary committee the first Sunday in October.

The bill was introduced during last year’s session by Sen. Humphreys, D-Kanawha, and Del. Larry Linch, D-Harrison.

The committee is chaired by Humphreys and Del. Bonnie Brown, D-Kanawha.

“The hearing went well,” said Raymond “B.B.” Smith, ACT’s legislative representative.

“At least the legislators are asking questions,” he said.

There were five people testifying for the bill and only one testifying against it.

Those testifying for it were Gary Yarnell, apprentice coordinator for Plumbers and Fitters Local 565 of Parkersburg; Jim Cerra, executive director of the Kanawha Valley Builders Association; Ruth Knabb, a former Rhone-Poulenc employee and a resident of Belle; ACT Director Steve White; and Stuart Calwell, ACT attorney.

The chief opponent to the bill is the manufacturers association. Its representative, Brenda Harper, was the only person to testify against the proposed legislation.

“The reasons she gave against it were it will make it harder for global competition, and it’s already covered in OSHA process safety management rules,” Smith said.

“Our side blew her out of the water,” he said. “Gary [Yarnell] testified that he had no knowledge of what they’re doing, the plant’s going to crash.

He said it’s the same way with the chemical industry.

There are many regulations for training operators and people who are permanent employees, but unless those who welded those pipes together knew what they are doing, that plant is going to explode.

Smith said the issue will be discussed again in December.

“It will only get harder,” said Jim Cerra. “Anytime you’re up against large corporations they’re difficult to fight.

“The Kanawha Valley Builders Association strongly supports the Community Protection Act because we believe in our people.

“They have had safety and apprentice training and are drug tested and we’re willing to put that on the line.”