Some Progress’ Is Made On ACT W.Va. Jobs Bill

The regular session of the 72nd Legislature of West Virginia ended March 11 with ACT ‘making some progress’ on its proposed West Virginia Jobs Act.

The West Virginia Jobs Act would require 90 percent of the workers hired on publicly-financed or assisted jobs to be local workers.

For projects close to West Virginia borders, residents from neighboring states would be included in the local labor force.

“We don’t want to put up walls at our borders,” said ACT President Bruce Tarpley.

“We just want local people to have the first shot at much needed construction jobs, especially jobs created by our own tax dollars.”

The bill was introduced by Sen. David Grubb, D-Kanawha, and Del. Larry Linch, D-Harrison.

Legislative representative B.B. Smith said “ACT is making some progress on the proposal even though it didn’t pass this session.”

In the Senate, the Jobs Act unanimously passed the Labor Committee, chaired by Sen. Don Macaulay, D-Wetzel, “with no problem,” according to Smith. It was then referred to the Finance Committee, chaired by Sen. Oshel Craig, D-Putnam. It was on the committee’s agenda for three days but no action was taken.

“On the third day Sen. Bill Sharpe of Lewis County made a motion to table the bill which was approved. That means there could be no discussion and it couldn’t pass this year. Sharpe killed it.”

ACT Legislative Representative B.B. Smith

Montoney Tells Upshur About TJM Concerns

Steve Montoney, ACT’s northern representative, regularly attends government meetings in Upshur County acting as a watchdog over construction projects.

Lately he’s been going to more and more meetings.

Montoney has attended the last several Upshur County Commission meetings in order to voice ACT’s concern over hiring practices and tax giveaways at Trus Joist MacMillan (TJM).

“We don’t want to thin set quiet and just let the whole thing blow over,” Montoney said. “We’re going to attend those meetings for as long as it continues on page 2.

Labor-Backed Talk Show Is Hit With Listeners, Will Go Weekly

State Sen. David Grubb, D-Kanawha, recently scored a hit with Kanawha Valley talk show listeners.

Grubb has been hosting “Talking Back” on WQBE AM 950 on Saturday mornings since January. Recently, the station decided to upgrade the show to five days a week, airing from five to six p.m. beginning March 20.

The program was started by ACT along with the LEAD program (a labor-management construction safety group), the United Mine Workers of America, the West Virginia State Employees Union and the West Virginia Education Association.

“We thought the time had come for working men and women to have a forum to air their views,” said Steve White, ACT director.

The Kanawha Valley’s talk radio shows generally have a conservative leaning and were credited with aiding conservative candidates at the polls last fall.

“Talking Back” is an alternative to the right-wing social and economic agenda of the many local and national talk shows now airing, White said.

John Gush, WQBE station manager, said the phones start ringing before Grubb gets in and continue to ring after he leaves.

“The only indication we get whether or not a show is doing Continued on page 3.

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"Some Progress Is Made' On Jobs Act

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The Vendor Preference Bill would give West Virginia companies a 7.5 percent preference on state contracts.

"We had a bill that was good for West Virginia business and workers but it was killed by the Chamber of Commerce and the Contractors Association of West Virginia (CAWW)," said Steve White, ACT director. (CAWW should not be confused with the union contractors association, the W.Va. Construction Council.)

"When you look at the Workers Compensation vote and the fate of the West Virginia Jobs Act you can really see who your friends and enemies are," White said.

"Working men and women are fortunate to have two building trades members in the House. Del. Gary Tillis, D-Putnam, and Del. Linch are very effective in working with other delegates.

"They led the battle against the Workers Comp attack and got the the Jobs Act moving along," he said.

Workers Comp Bill Opposed Reduced Benefits In House

| Robert Beach | Tal Hutchins | Warren R. McGraw II |
| O.B. Collins | George Kallai | Ernest Moore |
| Mary Pearl Compton | Steven Kominar | Grant Preece |
| Tracey Dempsey | Ernest H. Kuhn | Paul P. Prunty |
| Richard H. Everson | Margarette R. Leach | Gary O. Tillis |
| Barbara Fleischauer | Larry A. Linch | Tom Tomblin |
| Ron Fragale | Tom Louisos | Scott G. Varner |
| Larry Jack Heck | Sam Love | David E. Whitman |
| Susan Hubbard | Dale Manuel | Emily W. Yeager |

Supported Reduced Benefits In House

| Kenneth Adkins | Joe Farris | Elizabeth Osborne |
| Jon Amores | Eustace Frederick | John Overington |
| Bill Anderson Jr. | Brian Gallagher | Bruce N. Petersen |
| Bob Ashley | Kelly Given | Tamara Pettit |
| Tom Azinger | Roy Givens | John Pino |
| Homer Ball | Dan Greear | Roman W. Prezioso |
| J.D. Beane | Mike Hall | Bill Proudfoot |
| Jack Bennett | Steve Harrison | Robert P. Pulliam |
| Eric T. Blass | Donald Haskins | Dale Riggs |
| Larry Border | Dick Henderson | James J. Rowe |
| Richard Browning | Mark A. Hunt | Arnold W. Ryan |
| Marjorie Burke | Evans H. Jenkins | Rudy Seacrist |
| Ann Calvert | Arley R. Johnson | Jody G. Smirl |
| Samuel J. Cann | Jerry K. Kelley | Vic Sprouse |
| Robert Chambers | Edward B. Kime | Douglas K. Stilnaker |
| Charles Clements | Robert Kiss | Rick Staton |
| Vicki Douglas | Ottis Leggett | Joseph B. Talbott |
| John Doyle | Greg D. Martin | Carl C. Thomas |
| Danny L. Ellis | Joe Martin | Ron Thompson |
| Timothy R. Ennis | Jerry Mezzetta | Charles S. Trump IV |
| Allen V. Evans | Harold Michael | Bill Wallace |
| Karen L. Facemyer | Peggy Miller | Ronald Walters |
| Larry Faircloth | Jay Neshitt | Barbara Warner |
| Nick Fantasia | Clinton Nichols | Larry A. Williams |
| | | James M. Wilson |

"Workers Comp Bill Staying On Agenda

Even though Workers Compensation legislation was passed to decrease injured workers' benefits, ACT isn't going to let it blow over.

In an effort to inform the public, ACT placed half-page ads in 31 state newspapers reporting how local legislators voted on this issue so vital to workers.

"We want to keep this issue on the front burner," said Raymond "B.B." Smith, ACT legislative representative.

"They want to balance the Workers Comp fund on the backs of injured workers while millions of dollars owed the fund are going uncollected.

"We supported changes in the law, but not this one-sided approach. We plan to come back with improvements for the next legislative session.

"This includes going after deadbeat companies."

Recent reports in The Charleston Gazette noted two coal operators who owe more than $35 million to the Workers Compensation Fund.

Congressional GOP Attacks Davis-Bacon

U.S. House of Representatives Speaker Newt Gingrich has a "Contract For America" plan to cut the federal budget.

But Tim Milline, ACT's fair contractive representative, argues passing Gingrich's "Contract" will end up costing the federal government more money, not less.

"How are we going to pay for the "Contract with America"?" asks Milline.

"They want to do away with programs like Davis-Bacon. "But if they do, construction work will end up costing more for producing less."

The Davis-Bacon Act -- also known as the prevailing wage law -- preserves local area wages and labor standards when awarding contracts for federal construction work.

Enacted in 1931, the law states that contractors for federal projects must pay their workers no less than the wage rates prevailing in the local area for each craft, as determined by the U.S. Department of Labor (DOL).

Some lawmakers argue construction workers aren't worth what they're being paid and those Davis-Bacon wages are too expensive for the federal government to pay.

"That's ludicrous," Milline
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Continued from page 1 takes.”

At the Feb. 16 meeting Montoney questioned the commission’s sale of property on Hall Road near Buckhannon to TJM.

Montoney protested the county’s sale of the land where TJM is located for $100 after purchasing the lot for $400,000.

The Upshur County Development Authority purchased acreage on the Hall Road for $398,000 and leased about 113 acres to TJM for a one-year period from May 11, 1994 to May 9, 1995.

TJM agreed to pay the county $70,000 rent for the one-year period, and also agreed to purchase the property on May 9, 1995 for $100 if construction is completed at the manufacturing plant.

If the plant is not completed by that date, the agreement stated, TJM would pay the county $440,000 for the land.

“The lease/sale agreement stipulated the plant must be completed by May 9, this year in order to have the land at $100,” Montoney said. “But on Oct. 21 last year the county sold the land to TJM for only $100.”

before they were in production. I don’t feel I get any answers when I come here. A lot of people are getting short changed. We’re getting very

Thomas, ACT industrial representative, and a dozen local union construction workers attended as well. ACT officials have repeat-

that union workers can be screened and ultimately eliminated? Montoney asked.

He said a list of area workers was submitted last July and not one was hired.

Chase Construction, an Arkansas-based company, brought 30 workers with it to the TJM construction site, but fired the only two local workers it had when the company learned they were union workers, according to Montoney.

“They’ve set up company travel trailers for out-of-state workers to live in at $125 per week,” Montoney explained.

“I don’t blame these men for coming here to work. But I do blame TJM for bringing a ‘Mom and Pop’ operation from Arkansas to do the jobs our own area workers can do.

“I also blame the authority for not demanding our local work force be used, but instead assisting an out-of-state company to secure workers.

“We don’t mind giving tax incentives to businesses when they give us a return for our investment. However, we keep pouring public funds, directly and indirectly, into the project with little or no benefit.”

Labor-Backed Talk Radio

Continued from page 1 we are the number of calls we get,” Gush said. “And Sen. Grubb’s show gets a lot.

“I think the show will continue to be very popular. People around here have been looking for a local show to voice their opinions.

“National shows are great, but they don’t address local or state issues, which is what a lot of people are interested in.

“Sen. Grubb does a very good job covering local issues.”

ACT is looking to other parts of the state to start similar shows. “We need to get our message out,” White said.

“The more programs we can get started the better.”

Federal Davis-Bacon Act In Peril

Continued from page 2 said. “All Davis-Bacon does is ensure contractors base their bids on a level of wages and fringe benefits typical to the local area.

“That makes bids for federally funded projects based on a common labor cost, and competition is focused on management, quality, timeliness and productivity.

“Wage rates are based on the typical wages and benefits of the area, regardless of whether they’re union or not,” Milline said.

According to the DOL, 71 percent of wage determinations issued in 1994 were based upon nonunion scales of labor.

A union wage only prevails if most construction workers in a community are union members.

The only broad area where this exists anymore is in heavy and highway construction where the majority of workers are covered by collective bargaining agreements.

“As far as expense goes, the union vs. nonunion argument doesn’t wash,” Milline said.

“Lawmakers have to take productivity into consideration.

“What a job has to be re-
FOIA Requests Disclose Secret Proposals

Mill Seeking $200 Million From State

A recent series of articles in The Charleston Gazette on the proposed Apple Grove pulp and paper mill revealed developers want West Virginia taxpayers to invest $200 million to help fund the project.

The series also revealed owner Parsons & Whittomore wants West Virginia to promise super tax credits, exemptions from property taxes and more than $60 million in road improvements.

This and other restricted information became available after years of attempts by various organizations, including ACT, to get the West Virginia Development Office to release information through Freedom of Information Act requests.

Stuart Calwell, ACT’s lawyer, noted that only half of the documents were released. Those disclosures make him wonder what the documents not released by the Development Office might show.

“The Development Office is funded with tax dollars,” Calwell said. “I think people have a right to know how their tax dollars are being spent.”

Rolland Phillips, a state economic developer, objected to the idea.

Phillips was quoted in one article as saying “Stuart Calwell is not an economic developer. Stuart Calwell has not spent 10 years in the development office trying to bring jobs to West Virginia.”

“I don’t work for these people and I can’t have them coming in here and going through my files.”

“It’s comments like that really reveal the arrogance of other West Virginia taxpayer. If we asked for information from a government agency, we ought to be able to get it.”

White said he understood why Phillips and developers didn’t want to release their documents to the public.

“The $200 million loan the mill owners want, but nobody outside of the government knew about, is a pretty good reason for not wanting their files opened to the public,” he said.

“But we’re tired of this ‘hiding behind closed doors’ stuff. Other government agencies have to disclose information especially when so much of our money is involved.”

“I think people have a right to know how their tax dollars are being spent.”

Bill Thomas, ACT’s attorney, said development office documents show the pulp mill developers have been involved for years in local labor relations issues.

Thomas points to the fact that Phillips met with Rudy Shomo of Rhone-Poulenc, Ken Goddard of Parsons & Whittomore, and Thad Epps of Union Carbide just a few months before Rhone-Poulenc announced it would be using Brown & Root for its construction and maintenance.

“I believe Parsons & Whittomore intends to build its plant using Brown & Root or some other union-busting company,” Thomas said.

“If that happens you can expect the same thing as when Brown & Root moved in. Hundreds of workers were imported while local union workers lost their jobs.”

Dioxin was also a topic covered in the Gazette series.

Despite Gov. Caperton’s continued claims the pulp mill will use “state-of-the-art technology,” Phillips admitted it would not be considered state-of-the-art in the worldwide marketplace.

In Canada, the provinces of British Columbia and Ontario -- the two largest paper-producing regions in North America -- have regulations that call for phasing out the use of dioxin producing chemicals in the pulp and paper industry.

In Europe, consumers have pushed the market away from any dioxin producing paper making processes.

Goddard, vice president of Parsons & Whittomore, spoke at a recent Mason County Chamber of Commerce dinner.

In his speech Goddard didn’t commit to either hiring locally or building a state-of-the-art, dioxin free, pulp paper mill.

ACT Disappointed With Out-of-State Companies

Weyerhaeuser Awards Contracts

Engineering and construction contracts have all been awarded for the $110 million plant Weyerhaeuser Company plans to build in Braxton County.

The engineering contract for the oriented strand board plant went to Rust Inc. of Birmingham, Ala.; construction of the building shells went to Carl Nelson Construction of Iowa; and the remainder of the contract went to Casey Industrial of Portland, Ore.

All are non-union. All are out-of-state contractors.

These companies just don’t like to deal with unions, period," said Bill Thomas, ACT’s industrial representative.

Thomas was upset with Weyerhaeuser for its lack of information and communication with local union contractors.

“We’ve been working hard trying to get union contractors to bid on this project,” Thomas said. “It’s really disappointing that a job of this size is going to out-of-state, non-union companies.”

ACT hasn’t been able to find out yet what the contractors plan to do as far as using a local or out-of-state work force.

“We hope they’ll use local people, of course,” Thomas commented. “But the lack of information the company has made available to local contractors has left us doubting whether they want to work with us at all.”

Thomas recounted Weyerhaeuser’s first announcement of the plant when it reported it would hire 70 percent local workers.

“They didn’t specify whether they were talking about permanent or construction workers. There’s a big difference in numbers between the two,” he said.

He estimated peak construction would bring about 250 to 300 jobs to Braxton County, lasting from a year to 18 months.

ACT was concerned when the project was first bid that the contract would go to BE&K Construction Co. of Birmingham, Ala. BE&K is known for its union-busting activities, according to Thomas.

The ACT Report

The ACT Report is a monthly publication of the Affiliated Construction Trades Federation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

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