Carpenters of Morgantown and Clarksburg and Cement Masons of Morgantown

Still Growing: Three New Locals Join

Cement Masons Local 711 of Morgantown, voted to unite with ACT at their May meeting.

Business Agent Bob Ghude said the local has 63 members, all active, with more than 60 percent working, and "we're just proud to be on board."

The members of Local 711 focus mainly on cement finishing and plastering on commercial and light residential projects with some industrial work thrown in.

The organization also maintains an apprenticeship program requiring 4,000 on the job hours to attain journeyman status, plus 288 of related classroom instruction. Currently, Local 711 has five apprentices enrolled in the program.

Ghude said his members voted to join because they were "hoping to find out

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Council Considering State-Wide ACT Participation

ACT has delivered real success for union building trades workers across the state. Given the money needed to fight back, ACT has shown that union construction workers are a force to be dealt with.

The problem? Not all union construction workers are members of ACT.

"We never leave any craft out of a commercial or promotional effort ACT is involved in. But only a little more than half of the membership in the state pays into ACT," commented Steve White, ACT director.

"The addition of four new locals last month has been a tremendous boost for ACT. Our goal now is to get everyone participating."

A proposal has been discussed with the West Virginia State Building Trades to make participation in ACT a requirement of being in the Building Trades.

ACT has the money to do what the Building Trades could not do in the past. Advertising, hiring technical consultants and taking cases into court, are all expensive tasks that ACT does every day with the funds members have put into the ACT Foundation.

"Every quarter goes to fighting for more jobs for our members and against powerful anti-union forces," commented ACT President Bruce Tarpley.

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$400 Million Toyota Plant Will Be Built Union

Union officials in West Virginia have reason to believe the new Toyota plant slated for Buffalo in Putnam County will be built with union construction workers.

"When they were asked at the press conference announcing the selection of the Buffalo site if it would be built union, they said yes," said Steve White, ACT director.

White attended the conference with Roy Smith, secretary treasurer of the West Virginia State Building and Construction Trades Council.

Smith said because Toyota has successfully negotiated project agreements with building trades crafts for their most recent developments, including Georgetown, Ky., and

Princeton, Ind., there’s no reason to think it won’t continue to do work with negotiated project agreements.

Although Toyota had not intended to build the plant in Kentucky with union workers, the local Building Trades Council

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Election Results Positive

A
ter the 1995 Legislature gutting Workers' Comp, the AFL-CIO vowed not to back anyone who voted for it. For the primary election May 14, the AFL-CIO endorsed 70 Senate and House of Delegates candidates who did not hold office, 33 of which won their primaries. It backed only 21 current legislators of which 20 won.

These 53 winners included 31 who are themselves union members.

"The press went wild after the vote claiming labor was beat at the polls but the fact is we did pretty good," said ACT Legislative Representative Raymond "BB" Smith.

One reason for the confusion was labors vow not to endorse candidates who voted for the gutting of Workers Compensation was interpreted as targeting all these legislators.

"We didn't target every legislator who voted wrong on the Workers Comp bill. The press

Raymond "B.B." Smith
ACT Legislative Representative

made that up to sell newspapers," commented Smith. "We did hold the line and only endorse our friends.

"That meant no contributions or volunteer efforts for those who voted against us on comp," said Smith. Building trades members fared well in House of Delegate races across the state with incumbents Gary Tills, Laborers District Council of West Virginia winning in the Putnam, Mason, Jackson county district and Larry Linch, Carpenters District Council of North Central West Virginia winning in Harrison County. Bill Thomas, ACT industrial representative, ran in the 32nd district, home of notorious "Four Horsemen" and won one of four democratic nominations.

Kenny Livingston, a Boilermaker from Tyler County, and Joe Weiland, a member of Laborers Local 1353 won in Roane County.

Of course the biggest victory was Labor-backed Charlotte Pritt who beat Sen Joe Manchin, D-Marion, for the Democratic nomination for governor despite being outspent two to one.

And some of the programs that the district council has in place, ACT will complement," he said. He said he doesn't think the average member believes that by affiliating with ACT, they will be able to go out tomorrow and organize every non-union contractor in the area.

"At the same time they understand the need to get the unorganized into the union and to police non-union contractors for paying correct wages," Linch said. "ACT has programs in place that show they are effective.

"A union is a group of like-minded people forming together to have a say in their working conditions and dignity -- and ACT is just a continuous step in that process," he said.

"It brings the trades together and focuses the fight where there is a majority of nonunion rather than union contractors."

West Virginia AFL-CIO Endorsed Primary - Winning Candidates

STATEWIDE

Gubernatorial: Charlotte Pritt
U.S. Senate: Jay Rockefeller

Attorney General: Darrell McGraw
Robin Davis (Supreme Court unexpired term)

CONGRESSIONAL

1st District: Alan B. Mollohan
2nd District: Bob Wise
3rd District: Nick Joe Rahall

STATE SENATE

3rd: Louis F. Flade
6th: John Pat Fanning
8th: David Grubb
14th: Jon Blair Hunter
16th: Herb Snyder

STATE HOUSE OF DELEGATES

1st: Jeff Davis
   Loretta Price (R)
3rd: Tal Hutchins
   Paul Rusen
4th: Kenneth D. Tucker
   Scott G. Varner
6th: Kenneth R. Livingston
7th: Paul Janes
9th: Larry Godfrey
10th: Sam Henry
   Fred Gillespie (R)
11th: Joseph L. Weiland II
   Gary Tills
15th: David Bell (R)
   Margarette Leach
   Mark Forest Underwood
16th: Susan Hubbard
   Joe Hutchinson
17th: Jerry "Mike" Damron
18th: Larry Jack Heck
19th: Grant Preece
20th: Tracy Dempsey
21st: Ernie Kuhn
23rd: Joe Sparks
25th: Richard D. Flanigan
26th: Mary Pearl Compton
27th: Virginia Mahan
   Warren R. McGraw II
29th: Tom Louisos
30th: Pam Nixon
   Larry L. Rowe
   Sharon Spencer
32nd: Bill Thomas
   Debra Whanger
   David R. Workman
34th: Brent Boggs
41st: Ron A. Fragale
   Larry Linch
43rd: Mike Caputo
   Nick Fantasia
   Paul E. Prunty
44th: Bob Beach
   Eugene Claypool
   Barbara Fleischauer
46th: David "O.B." Collins
51st: Larry D. Miller
54th: Laura R. Rose
56th: Dale Manuel

*Indicates building trades members.
ACT Busts Kentucky Paver Second Year In A Row

Last year ACT representative Steve Montoney caught Spartan Inc., of Burlington, Ky., doing work on I-79 without a contractors license.

The company was also not in compliance with several Division of Labor regulations including lack of a wage bond.

While driving on the same highway a couple of weeks ago Montoney spotted the same company putting in drainlines for new paving.

"I called the DOL and was told Spartan had been cited twice before and had never come into compliance with DOL regulations.

"Lee Powell, compliance officer for the DOL in Harrison Co. found out same thing -- Spartan was in violation with its wage bond."

Powell gave the company a five-day cease and desist order until they came into compliance and got the proper wage bond and licenses.

"Lee really came down hard on them," Montoney said. "He could have gone even further -- like putting them in jail. But they came into compliance in time."

ACT Forces Bid On WVU Sub-Contract

Due to ACT’s investigation, a contractor on the Robert C. Byrd Health Sciences Center in Morgantown was forced to bid out a subcontract.

Steve Montoney, ACT’s northern representative, attended a pre-bid for the project which included pointing up bricks, repairing the roof, and some asbestos removal involved.

"Bidders were told they had to have pre-qualification statements to the office ten days in advance, to be able to bid," Montoney said. "They wanted a really top-notch job."

The apparent low bidder was E.V. McCracken Construction.

"Others who had bid on the job had to provide pre-qualification statements, but the subcontractors didn’t, even though there were several responsible union contractors bidding on the same work,” he said.

Montoney sent a letter to Harold Harper, special assistant to the vice president, in charge of this project through WVU.

The reply was that the subcontractor was not required to provide a pre-qualification.

However, McCracken then said that "we will have a chance to review it."

A Constitutional Convention for the State Building Trades will be held on June 27 in Morgantown.

Highlighting the convention will be election of officers and amendments to the constitution.

Putnam's $400 Million Toyota Plant To Be Built With Union Labor

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"Our ACT locals are carrying a heavy load and it's time for everyone to participate."

Another significant change being discussed is a restructuring of the State Building Trades Executive Board. Hand-in-hand with the consolidation of ACT and the building trades is a proposal to change the building trades executive board so that each craft gets a seat, similar to the ACT executive board.

"If adopted each craft will pick their own representative to sit on the executive board," commented Steve Burton, Business Manager of the Tri-State Building Trades and also a member of both the ACT and the State Building Trades Executive Boards.

"No one will be without representation. The executive board will meet at least monthly and not more than two full meetings per year, by local chapters of the Building Trades.

Overall the feedback to the idea is positive said Roy Smith, Secretary Treasurer of the State Building Trades. "We are building a fighting machine, it will take leadership, hard work and sound policies to win back a voice in our industry but we are committed to the cause," commented Smith. "We will either succeed or go down fighting, we refuse to just wither away."

A proposed amendment to incorporate ACT into the State Building Trades has been distributed by Smith so all locals will have a chance to review it.

Delegates to the convention come from affiliated local unions with jurisdiction in West Virginia. All locals get a minimum of two delegates with additional delegates allowed for locals with large membership.

Morgantown Cement Masons

Continued from page 1

where some of these jobs are so we can pick up more work.

He said monitoring jobs for prevailing wage compliance was very vital part of ACT’s work.

"Monitoring jobs is a great thing they do," Ghuste said.

"Getting our men their fair share that they’re supposed to be paid is very important. Too often these people are supposed to pay a good rate by law but don’t.

Getting ACT involved and on their case is very helpful, he said.

And of course politics plays a serious role too.

"We supported Charlotte Pritt for the primary," Ghuste said.

"Her nomination was a blessing for my guys."

ACT officials are constantly on the lookout for more locals and want to encourage ACT members to try to spread the good word about its accomplishments to other union members.

Watch your mailbox for a new card ACT will be mailing in the next couple of weeks for you to hand out on the job to union members who are not yet ‘part of the solution.”

DISCUSSING WHAT WORKS AND WHAT DOESN'T with ACT employees are the Trustees of Laborers’ & Employers Cooperation Education Trust (LECET) of Southwestern Illinois.

The group visited ACT’s Charleston office in late May to learn more about its programs and operations. LECET’s President, Ron Shevlin, (right) said ACT’s research and knowledge of all applicable construction industry laws is “astounding.”
Workers Comp Policy Promotes Low Wage Workers And Employers

While most people are aware of the drastic changes made to West Virginia’s Workers Compensation System last year, few know of the ongoing bias against union contractors and construction workers.

The problem: Workers Compensation penalizes high wages and rewards low wages.

Union Contractors on average pay twice as much for workers compensation than nonunion contractors. Yet the unionized sector has the best safety programs, and the only training programs in the industry.

“Our state policy promotes low wages,” said ACT director Steve White. “They are pushing in the wrong direction.”

That’s because comp is a payroll tax. All companies start out at the same rate for workers compensation based on the type of work they do. For example, a general contractor classification starts at about 15 percent of payroll.

To calculate a premium you multiply the payroll by the classification rate. For each $100 of wages a general contractor must pay $15 to Workers Comp.

Take two people doing the same work, one at $10 per hour, the other at $20 per hour. The comp premium is $1.50 for the first, and $3.00 for the second. “That’s twice as much for each hour worked for the same benefits,” White explained.

“Yet high earners are generally better skilled, better trained, and have less accidents on average. They’re paid higher wages for those reasons whether they’re union or not. The comp premium should be less for them, not more,” White commented.

Jim Cerra, president of the West Virginia Construction Council said premiums should be totally based on the hours you work and a true safety record, not the rate of pay.

“People who are skilled craftsmen are taught during their apprenticeship training to be much more safety conscious than people who are hired by so called fly-by-night contractors who breeze in and breeze out of the state. Therefore the current system really penalizes the quality worker and the contractor who hires them.”

Jim Cerra, President of the West Virginia Construction Council

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“The current system really penalizes the quality worker and the contractor who hires them,” Cerra said. “Therefore the current system really penalizes the quality worker and the contractor who hires them.”

Cerra said he could argue strongly in favor of shifting the comp premium system away from a payroll basis. “It’s unfair because it discriminates against contractors who are paying higher wages,” he said.

In fact, he said, it would be beneficial for the construction industry and “a giant step forward” if the state comp rates were based on hours worked rather than payroll.

On a related matter, Cerra’s organization, the West Virginia Contractors Association, recently became interested in a proposed joint labor-management effort to change the system to the Workers Compensation.

“Under this system, any contractor who is signatory to a labor agreement can collectively bargain on a multi-employer basis to establish a local employer specific workers compensation program. A group plan then would be very healthy for the organized segment of construction and would also help to refocus comp on what it was set up for – to get injured workers better care and back to work as soon as possible,” Cerra said.

To help achieve that goal, the West Virginia Construction Council, the ACT Foundation and the West Virginia Building and Construction Trades Council are sponsoring a conference in mid-July to explore possible solutions to the problem.

According to Cerra, the guest speaker will be John Lewis, who has extensive experience in organizing collective bargaining agreements on workers comp and has set up similar programs in Florida and Massachusetts.

“We’re going to have a hard look at what we can do to improve our contractors workers compensation and make union construction more cost effective,” Cerra said, “in compliance with West Virginia law, of course.”

ACT Adds Two New Investigators

ACT hired two new fair contracting investigators in mid-April to carry out the program started by Tim Miline and Gary Tillis, both of whom are now assistant business managers for the Laborers District Council.

Because of their immediate involvement in salting and other organizing efforts, the names of the new hires will not be published until a later issue of the ACT report.

The first new representative is a member of Operating Engineer Local 132 from Huntington area.

The second new hire is a 26-year member of Pipingfitters Local 565 in Parkersburg and lives in the Parkersburg area. He will be working out of the Charleston office.

Both have been undergoing “ACT education.” So far that has been a lot of learning about prevailing wage and public bidding laws, how to use ACT’s contractor/project data bases, and “who the people are I need to see to get information.”

“We are happy to have both of these members on board to keep up the work ACT is committed to,” said ACT director Steve White. “There were a number of excellent candidates, we really have the people within our ranks to do the job. I just wish we could have hired all who applied.”

The two main areas for these two new hires will be prevailing wage monitoring and assisting with COMET/Fightback programs. “These are the two most powerful programs we have and it takes a real effort from the membership, local leadership, building trades councils and ACT to make it work,” said White.

“With good people in the field and our advertising, consulting, legal and public relations support we will continue to deliver results.

“We will catch more cheaters, inform the public about the advantages of local union workers, and make sure that building trades members get a fair chance at the construction jobs in our area.”

WVU Sub-Contract

Continued from page 3 decided that the sub-contracting work must be bid out to pre-qualified contractors as well, and the contract went to Keystone Waterproofing Co. of Penn.

“We were able to break the sub-contract out,” Montoney said.

“We didn’t get the work, but we did get our contractors a chance to bid competitively on this job, which normally they wouldn’t have been able to do.”