Legislature Kills W.Va. Jobs Act; House Leaders Even Nix Study

“We’ve walked on eggshells long enough,” said ACT legislative representative Raymond “B.B.” Smith.

“It’s time to take the legislature to task and show what working people can do.”

Smith was referring to the last day of the session when the West Virginia Jobs Act went down for the final count.

According to Smith, the House of Delegates didn’t take any action on the Senate resolution which would have guaranteed a study and the bill brought back for consideration next year.

The bill requires 90 percent of the workers on state tax-funded construction projects to be hired from the local work force.

That includes workers living within West Virginia and all bordering counties of neighboring states.

“That means the Jobs Act will not be getting a study resolution in the interim. But we have other options—it may be brought up in the interim anyway,” he said.

“The good news is the Senate passed our resolution. However, I’m very concerned about the House of Delegates members who wouldn’t even take the Jobs Act into consideration — they’re obviously not interested in jobs for West Virginians.”

The leadership in the House let working men and women down, Smith said, because it failed to act on the study resolution.

“We weren’t asking for blood, and as far as I’m concerned it’s a slap in the face to the labor movement.”

ACT has already begun a series of television and newspaper advertisements aimed at informing the public about the Jobs Act and its benefits.

The ad also focuses on a lack of concern by the Legislature about jobs for state citizens.

“Every politician promises to create jobs when running for office. But when it came down to doing something concrete, like the Jobs Act, they let us down,” said Smith.

ACT will continue to work on the Jobs Act over the next year and it will have to be reintroduced.

“But at this point in time we need to concentrate on electing people who are labor-friendly,” he said.

That’s where the registration and “Get Out the Vote” drive comes in.

“I find it unbelievable they wouldn’t give us a study resolution,” Smith said, “that’s the reason we need to change some faces in the legislature.”

No Action Taken On Comp; Legislators Refused Data

In spite of a huge turnout by union members at a rally demanding action on Workers Compensation in mid-February, the Legislature didn’t address the issue this year.

Meanwhile, several legislators may file suit against Gov. Caperton’s administration to get documents relating to actuarial studies and unpaid premiums.

Legislative leaders blocked workers compensation legislation from getting out of committee.

And those few legislators who tried to fix last year’s bill faced a stonewalling Caperton Administration.

In an unprecedented move, a group of legislators — led by Del. Barbara Fleischauer, D-Monongalia, sought to use the Freedom of Information Act (FOIA) to get information from the West Virginia Division of Employment Programs.

Defying state law, the information was never turned over. This may force legislators to file suit against Director Andy Richardson and the Division of Employment programs.

Although the legislature did nothing this session, the fight over Workers Compensation is far from over.

The problem was taken to the State Supreme Court in early March. It will make a ruling sometime this year.

During last year’s session, the

ACT, DOL Investigate Plant Specialty Contract, Rebid Goes To Union Co.

Recently, a specialty contract at the Pleasant Power Station near St. Mary’s held by a non-union repair company from Pennsylvania expanded into a lot more, arousing the suspicion of a local labor leader.

E.M.S. Apparatus Repair Division of Altoona, Penn., held a contract to clean motors at the plant since around 1985, according to Mark Estlack, business agent at Millwrights Local 1755 in Parkersburg.

“It was my understanding when E.M.S. originally came, their contract was strictly for the purpose of cleaning motors,” Estlack said. “But every time the contract came up, their work expanded in scope. Around

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Presenting an overview of the ACT Foundation recently was Bill Thomas, ACT’s industrial representative. Thomas attended the Cement Mason’s statewide conference held in Charleston last month.
Power Plant Contract Re-Bids

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panied into hearings and cou-
pling alignments, and other mill-
wrights and electrician work.
That's when we took a good
hard look at them."

Estlack said he contacted
Pauline Hanson, ACT research
analyst, who got the scoop on
the company from the wage and
hour division of the Division of
Labor (DOL).

"DOL told us E.M.S. had been
granted a waiver on its
contracting and business license," he
said.

"They told us it was because
its contract was intended to be
for the purpose of doing strictly
small repair work such as office
equipment, like copying
machines."

He said according to the DOL
the company did not have a busi-
ness or contractors' license and
it hadn't paid for employee
workers' compensation and un-
employment benefits.

Estlack said the last he heard,
the DOL was going to force
E.M.S. to make right on their
licenses, and backpay the em-
ployee benefits since it got the
contract in the mid 80's.

"All I know is the very next
contract was let in late February
and it went to another company
-- Westinghouse Apparatus
Repair -- which usually works
union," he said.

Estlack is doing all he can to
secure jobs for his members.
He said the contract West-
inghouse secured was for eight
to ten jobs, including both mill-
wrights and electricians.

"The big gain for us is we're
in the process now of negoti-
ating an agreement for the work
pertaining to millwrights," he said.

"Even if we don't this con-
tract, at least we had the oppor-
tunity that we would not have
had without this action," he said.

Estlack said ACT helps in
situations like this when quick
action is necessary.

"ACT gave us access to quick
information and also access to
the people we needed to talk to
in the state," Estlack explained.

"They also provided us with
advice about how to make things
tough for these guys who don't
play by the rules."

Kentucky Win
Gets WageLaw

Kentucky union workers have
learned their votes and political
activity truly counts.

The Kentucky Legislature, at
the behest of newly-elected Gov.
Paul Patton, recently re-
established the "prevailing wage" law in
the Bluegrass State.

Kentucky previously had a
prevailing wage law -- which
required local wage rates to be
paid on publicly-funded con-
struction projects. Often this
prevents contractors from pass-
ing over trained, skilled workers
by hiring unskilled workers at
low wages.

However, the Kentucky law
was abolished by the state Leg-
islature in 1982.

Patton was elected last year
with the strong backing of Ken-
tucky labor organizations.

Steve Burton, business man-
ger of the Tri-State Building
and Construction Trades Coun-
cil which includes the Ashland
area of Kentucky, said orga-
nized labor was significantly re-
sponsible for Patton's election.

"It was a long, hard-fought
campaign but we won," Burton
said. "And this latest victory shows us how important our ef-
forts were."

"Quite frankly, without orga-
nized labor's backing I don't
believe Patton would have been
elected. And without Patton
being elected we wouldn't now
have a prevailing wage law in
Kentucky."

Workers Compensation Woes

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Legislature made it harder for
injured workers to qualify for
benefits. The case before the
Supreme Court was filed by
some workers affected by the
new law in order to overturn the
legislation.

The plaintiffs claimed the
new law unfairly created two
classes of people because it
allows workers with more than
50 percent medical impairment
to apply for permanent total
disability benefits, but denies all
workers with less than 50 per-
cent impairment the same op-
portunity.

Most blue-collar workers,
with only high school educa-
tions, are very unlikely to ever
work again after they receive
serious injuries, even if their
injuries represent less than 50 per-
cent "impairment".

An example was used of a
coal miner who loses both legs
as compared to a lawyer who
suffers the same fate. The miner
is unlikely to ever mine coal again,
while the lawyer could continue
to practice law.

The workers' lawyer also
told the court West Virginia is
the only state using a medical
impairment threshold to block
injured workers from applying
for disability benefits.

Even the American Medical
Association cautions against using
their impairment standards to
derive disability percentages
without looking at other factors
such as age, occupation, and
education.

Hearing Is Set
On Woodrums

The hearing involving National
Labor Relations Board (NLRB)
charges on behalf of 31 workers
against a contractor on the
Woodrums Building is sched-
uled for March 19.

"People tend to forget when
there's a long stretch between
the charges and the hearing," said
ACT Industrial Representa-
tive Bill Thomas.

"We don't want anyone to
forget about this case."

The charges were filed in Sep-
ember of last year and involve
River Valley Construction of
Proctorville, Ohio, and its ref-
sal to hire workers because of
their union affiliation.

River Valley was replaced by
Carlton Construction, union
carrier from Charleston.

Estlack also said ACT helped
in situations like this when quick
action is necessary.
AFL-CIO Endorsements

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the state COPE committee for endorsement.

The endorsements are based on COPE voting records, candidates’ questionnaires and their interviews.

As far as the labor endorsement being beneficial goes, she said, past history reflects the AFL-CIO endorsement can be a big plus in a candidates race because labor usually has a big turnout.

“The bulk of union membership in West Virginia is represented by the AFL-CIO,” said Jarvis.

After the endorsements are made, the AFL-CIO begins the mailing, phone banking, plant gate visiting, and door-to-door canvassing on behalf of the candidates.

Then it is up to the union members and their families to be registered and to vote.

“They are the ones who make the decision of which candidate will be elected to office,” she said.

“We need more local unions to become affiliated with the labor councils,” she said.

“We also need to educate our members on the importance of politics -- why they should be registered to vote, and why they should vote.

“If we do this, the better off the Labor movement will be,” Jarvis said.

“The labor movement is you and me . . . us.”

Other Endorsements

Last fall, the COPE committee recommended for endorsement U.S. Sen. Jay Rockefeller, Congressmen Alan Mollohan, Bob Wise, and Nick Joe Rahall.

Candidates for governor were also interviewed, and Charlotte Pritt was endorsed for Governor.

Their endorsements were voted on, and approved, by the 400 labor delegates at the West Va. AFL-CIO’s Twentieth Constitutional Convention in October.

On February 13, the state COPE endorsed Joseph Albright and Arthur Recht for two year terms of the state Supreme Court of Appeals.

ACT Takes Stock Of Taking ACTion Program

The 1996 Legislative Session was the first in which ACT had an active political committee in place.

The committee, called Taking ACTion, was developed by Raymond “B.B.” Smith, ACT’s legislative representative, in order to promote political issues from within the ACT Foundation.

“Taking ACTion gives us a network of volunteers across the state to help with lobbying and other legislative issues,” Smith said.

Smith said more than 150 members volunteered to be a part of the Taking ACTion program.

“It’s hard to say at this point how effective the program was,” Smith said. “We sent out requests to the committee members to make calls and write letters to their legislators for various projects. We haven’t heard back yet how many did that.”

He said that when he told committee members to put the word out for people to show up for public hearings, there was always a large turn out. “We know that those requests were effective.”

MEMBERSHIP INVOLVEMENT is key to communicating with your state legislators.

As far as how many phone calls were made or letters written, Smith said even a few would reinforce ACT’s message.

“When a senator or delegate hears from someone back home, it’s got to help our cause,” he said.

Even though this was the first year for the Taking ACTion program, Smith remains optimistic that the program will continue to grow.

“We plan to utilize our volunteers in the upcoming primary election with trying to get people involved in labor-endorsed candidate’s campaigns, like phone banks, letter writing and hand-billing,” Smith said.
ACT, Building Trades Rely On COPE For Political Endorsements

AFL-CIO COPE Endorsements To Benefit Members, Candidates

With the 1996 legislative session over, political attention now shifts to the primary elections to be held on May 14.

One question often asked is who labor will support this year.

Many candidates seek labor endorsements because of the votes, money and volunteer support unions have traditionally offered. This year will be particularly important given the battles over workers compensation.

"A lot of legislators have decided to side with big business and told labor leaders, 'Your votes don't matter any more.' If we don't inform our members and get them to the polls this year we are in big trouble," said Steve White, ACT director.

The ACT Foundation, like the West Virginia State Building Trades Council, does not endorse candidates for any elections.

Instead the member unions participate in the AFL-CIO endorsement process.

Every election year the AFL-CIO goes through a lengthy process in order to select and endorse those candidates who are "pro-labor."

The key group for endorsements are the various central labor councils across the state.

Margaret Jarvis, VIP director of the state AFL-CIO Committee on Political Education (COPE), is in charge of making sure the process goes smoothly and that the information gets out to the members.

She begins by mailing a questionnaire to all candidates seeking office in the state Senate and House of Delegates races.

This year there were 361 candidates for those seats.

Candidates are asked to address issues important to union members, such as Workers Compensation, Unemployment Compensation, Prevailing Wage, prohibiting the employment of out-of-state strike breakers, the Mason County Pulp Mill, requiring all construction contractors on public projects to pay health, welfare and retirement benefits, and the West Virginia Jobs Act.

Once the candidate returns the questionnaire, copies are mailed to the appropriate labor council in his or her district.

The labor council then contacts the candidates, setting up an interview.

State COPE is a standing committee of the officers and executive board of the West Virginia AFL-CIO. Without the support of local councils it's virtually impossible for a candidate to win labor's backing.

Each council has an interviewing committee made up of delegates from all affiliated unions.

The committee interviews the candidates and votes on recommending pro-labor candidates for endorsement.

The delegates of the entire labor council will then vote on the committee's recommendation.

Both times it will take a two-thirds vote from the committee and council to make endorsement recommendation to the State COPE committee.

"At any point in the process, they can be voted down."

Once the endorsement has been made, the state AFL-CIO will begin notifying their members through mailings and phone calls.

State COPE decides on candidates from the House of Delegates up to the U.S. Senate, whereas the Labor Councils will give final approval on various local races including county commission, sheriff, prosecuting attorney, county clerk, circuit judge, magistrate, assessor, boards of education, and city elections.

It is the labor council's decision whether they want to become involved in those races, Jarvis said.

Jarvis emphasized that all statewide races must go before continued on page 3

Woodrums

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"We attempted an organizing campaign," said Carpenter business agent Bob Sutphin, "and the owner broke several laws in trying to stop the organizing."

"Now we understand the contractor is claiming to be broke," Sutphin said. "But he has hired attorney Fred Holroyd and we doubt he's working for free."

"We're ready, willing and prepared to go to court for this case," Sutphin said.