NLRB Says ‘Wrongful Firing’

Two Workers Share $5,000 Settlement

Two workers who were wrongfully terminated while working on First Sentry Bank in Huntington reached a final settlement.

Each was recently awarded back pay in the amount of $2,500.

Tri-State Building Trades organizer Tom Williams represented the two before the National Labor Relations Board. Williams met with Rush Industries and DECO Inc. owners Harold Denning and Rich DeHart.

“I’m very pleased to have met with such a favorable outcome concerning this situation,” said Williams. “It’s a good way to end a bad occurrence—in this case, a wrongful termination of employment.”

This situation occurred when two “salts” were hired by Rush Industries. “Salts” refer to undercover unionists who seek to organize non-union jobs.

When questions of pay and union activity arose, the salts were fired.

Once fired, they filed an unfair labor practice charge.

The charge alleged the two companies were in fact joint employers, who were responsible for violating employees rights to unionize.

It was then discovered that another company, DECO Industries, was also an employer joined with Rush Industries and C.D. Corporation.

First Sentry Bank is still waiting for its new building, now well past its scheduled completion date.

Pickets let the public know about the problems at the site last summer, but bank representatives.

Steve Burton
Tri-State Building Trades

‘All along these companies were saying they did nothing wrong. Now they will pay $5,000.’

In Embassy Suites Case

Ruling Says ‘Rights’ Violated

The National Labor Relations Board has determined three construction workers, who helped build the Embassy Suites in downtown Charleston, were wrongly terminated from their jobs.

The $33 million dollar 253-room hotel opened its doors for business in early Dec., costing millions of dollars more than original estimates and months after the first deadlines.

Soon after metal stud and drywall work began in January 1997, several carpenters went to work for non-union Cleveland Construction at the hotel project. Carpenters Local 1207 recruited three men—Dewey Bruce Murphy, Raymond DeNuzzo and Michael George—to get jobs at the hotel site and organize employees there.

“These men had to convince the contractor they were not local workers before they were hired,” said Bob Sutphin business agent for Carpenters Local 1207.

“We knew they wouldn’t hire local people, too many had already tried.”

The site had been picketed for months because general contractor McDevitt-Street-Bovis of Altamonte, Fla. and many of its subcontractors refused to hire local workers.

The hotel project was built on

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SHODDY CONSTRUCTION at Charleston’s Embassy Suites included these out-of-line nine-story concrete elevator shafts.

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## AFL-CIO Boycott List

### Building Materials & Tools
- **Brown & Sharpe Mfg. Co.**
  - Measuring, cutting, and machine tools and pumps -- Machinists
- **Rome Cable Corp.**
  - Cables used in construction and mining -- Machinists
- **Southware Co.**
  - Commercial and industrial wire and cable; Do-it-Yourself brand home wire -- Electrical Workers

### Food & Beverages
- **California Table Grapes**
  - Table grapes that do not bear the UFW label on their carton or crate -- Farm Workers
- **Diamond Walnut Co.**
  - Diamond brand canned and bagged walnuts and walnut pieces -- Teamsters
- **Farmland Dairy**
  - Milk sold under the Farmland Dairy label in stores in Connecticut, New Jersey, and New York -- Teamsters
- **Tyson/Holly Farms Chicken**
  - Chicken and processed poultry products -- Teamsters

### Furniture
- **Telescope Casual Furniture Co.**
  - Lawn, patio, other casual furniture. Brand name: Telescope -- Electronic Workers

### Transportation & Travel
- **Alitlia Airlines**
  - Air transport for passengers and freight -- Machinists
- **Best Western-Grosvenor Resort**
  - Hotel in Buena Vista, Fl.; located at Disney World, but separately

### Others
- **Black Entertainment Television**
  - BBT cable television, Action pay-per-view, Bel on jazz -- Electrical Workers
- **R.J. Reynolds Tobacco Co.**
  - Cigarettes: Best Value, Camel, Century, Doral, Eclipse, Magna, Monarch, More, Now, Salem, Sterling, Vantage, and Winston; plus all Moonlight Tobacco products -- Bakery, Confectionery, & Tobacco Workers

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### Safety Review On Highway Construction Slated

**Continued from page 1**

Construction of the Cheylan Bridge.

- George W. Robertson, 40, of Prichard was killed Oct. 25, 1996 when he fell about 120 feet during construction of the Holden Bridge in Logan.
- Caval Howard, 47, of Salyersville, Ky., was killed April 25, 1996 while working on a U.S. 51 bridge project near Chattaroy in Mingo County.
- Greg Gentry, 28, of Stephens, Ky., and Ken Perry, 48, of Fort Gay were killed July 2, 1997 when the I-64 bridge they were demolishing in Kenova collapsed.

Led by the Laborers Union and the State Building Trades, meetings have been held with the West Virginia DOH to find solutions.

“We have brought in the best safety people from our International to put solutions on the table for DOH to consider,” said Gary Tillis, Business Manager for Laborers District Council of West Virginia. Many of the suggestions labor is pushing revolve around education, preparation and enforcement.

“We think bidders should be required to provide a comprehensive safety and health program that includes management commitment, assignment of responsibility, hazard identification and control, employee training and record keeping and hazard analysis,” said Tillis.

Tillis, along with Steve Burton of the Tri-State Building Trades and Roy Smith of the State Building Trades, have met with Department of Transportation Secretary Richard Jeminola.

“We are encouraged by the fact that Secretary Jeminola came from the U.S. Corps of Engineers, an organization with an excellent record on safety,” said Smith.

Burton suggested looking at how private industry focuses on safety. “Private industry screens contractors on past safety records and how much time has been lost in accidents. The state basically awards contracts to the lowest bidder.”

The Department of Transportation is planning to hold a summit, within the next few weeks, involving labor management and the state agencies to develop new regulations to improve safety in the industry.
Bad For Workers

"Tort Reform" To Go Before '98 Legislature

As the West Virginia Legislature gears up to tackle its 1998 agenda, the idea of "tort reform" is under discussion.

"Tort" refers to any private or civil wrong except a breach of contract for which a wronged person may claim damages.

The question is—just how much is this reform needed and who will really benefit?

"Tort reform as it is being proposed, is clearly bad for most their families could collect for punitive damages would be $250,000 divided among the surviving families."

"The potential for large awards is a deterrent to bad actors out there who would cut corners on workers' safety to make more money," White said. "Construction work is already too dangerous. We don't need laws encouraging unsafe behavior."

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Area business agents, organizers, and members joined to shed some light on a holiday tradition—alight extravaganza in Parkersburg City Park.

Local businesses, groups, and organizations were invited to share in the display of holiday lights.

The displays were officially lit following Thanksgiving Day during a ceremony with the city mayor, labor leaders, local businesses and citizens. The lights stay up until after News Years Day.

Participants used the opportunity to make their own displays. The lights take a variety of shapes and are a real source of joy for helping keep everyone in the holiday spirit.

"The lights take the shape of airplanes, elves, sea serpents, or just about any magical idea," said Dan Poling, an organizer for the Painter's Union.

"We feel this is a good way to get the message out to kids, as well as others, there's more to union workers than the way we're often seen. Community concerns have always been important to us," he added.

This year's light display by local the construction trades workers includes a chalet house, wooden soldiers, candy canes and also, a post office with a mailbox for children to send their letters to Santa.

There's also a festival of lights bulletin board showing the details of upcoming events.
'Tort Reform' Goes Before '98 Legislature

NO-A recent Gazette-Mail report found zero punitive damage awards for product liability cases in Kanawha County since 1993, where as many as one-fourth of all West Virginia lawsuits are filed.

With the above questions answered, one might be curious-just what will the proposed “reform” do for West Virginians?

Drunken drivers for one will be protected by forcing their victims to prove the driver had specific intent to cause their injuries before any punitive damages can be awarded.

It will give added protection to abusive nursing home facilitators by requiring senior citizens who have been objects of neglect and abuse to prove the employer expressly commanded or authorized the exact abusive behavior before they can receive any compensation.

NO-The average punitive award in West Virginia in 1996 was $8,000.

Don’t Punitive damage awards in product liability cases throughout the country imply that our juries are awarding exorbitant amounts here in WV?

It will protectively clothe all wrong doers by limiting the amount of punitive damages that can be awarded to the amount of $250,000 regardless of the number of victims who may have fallen prey to them.

It will tie the hands of the juries by severely limiting their ability to decide what is appropriate for victims in civil cases. It imposes a “one size fits all” solution designed by state legislators.

It will not address one of the biggest court system abuses which is businesses suing businesses. It will help big business in its endeavor to swallow the “smaller fish”.

“The idea behind the reform is that this right is being overly abused in our state by individuals claiming to be victims,” said White.

“But the facts simply do not support this.”

IN EMBASSY SUITES CASE

Worker Rights Violated

Continued from page 1

He also ruled the three must be compensated for loss of pay and benefits they would have earned had they been kept on the job until its completion.

Cleveland Construction has been ordered to turn over all payment records, timecards, social security payments, payroll records, personnel records, and reports for the job.

The records must be made available to the court within 14 days of the ruling.

This will enable a fair settlement to be agreed upon concerning the loss of pay in question.

In addition, Cleveland must post a notice acknowledging the three men did not engage in any unlawful practices and have been vindicated of any wrongful doings.

A written notice must also go out to each employee of the construction company concerning the final verdict in the ruling.

Also, a written notice of the rights of employees to unify for safety and strength must be sent to each employee.

“It’s a shame so many local workers lost job opportunities on this project,” Sutphin said.

“The job was months overdue, it appears over budget, and the quality of many phases of the construction was terrible.”

Two Workers Share $5,000

Continued from page 1

sentatives and their contractors denied wrong doing.

“All along these companies were saying they did nothing wrong,” said Steve Burton, business manager for the Tri-State Building Trades.

“Now they will pay $5,000 and post notices to all employees explaining how they will not break the law again.”

Addressed also, was the right of employees to organize without fear of retaliation of any type for these efforts.

Rush Industries and DECO were ordered to give each worker a copy of this “Right to Organize” policy. The companies must also submit the names and addresses of each employee to Williams who will forward this information to the local union organizers.

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White provided this list of questions concerning this pending call for “reform.”

Is there a lawsuit explosion in West Virginia?

NO-The number of lawsuits filed in 1996 were the lowest in ten years.

Does “tort reform” encourage new business within states?

NO-Across the United States, states without “tort reform” have averaged 5% more new businesses in recent years than those with “tort reform”.

Is “tort reform” needed to prevent juries from awarding excessive punitive damage awards?

NO-The average punitive award in West Virginia in 1996 was $8,000.

Don’t Punitive damage awards in product liability cases throughout the country imply that our juries are awarding exorbitant amounts here in WV?