

## More Than \$400,000 in Contracts Cited

# ACT Protesting Unjust Awards

The Affiliated Construction Trades Foundation has protested the award of five highway construction contracts to Cary Construction, Inc., also known as CCI, based in Charleston.

ACT has requested that the contracts be awarded to the next

lowest responsible bidder and that Cary's certificate of prequalification be suspended.

Cary was identified by the Division of Highways on October 26 as the "apparent low bidder" on over \$400,000 in highway construction contracts.

However, ACT's Fair Contracting Division discovered Cary was under an injunction prohibiting it from transacting business within West Virginia.

In 1992 the Secretary of States office had Cary's authority to do business revoked because of

nonpayment of corporate taxes.

ACT also discovered that Cary has numerous other problems with federal, state and city agencies.

Liens on record in the Kanawha County clerk's office include federal tax liens in excess of \$50,000. There is also a lien for nonpayment of employment security tax and workers compensation liens for over \$45,000.

Additional liens include more than \$6,000 owed to the City of Charleston and state liens for nonpayment of corporate income tax.

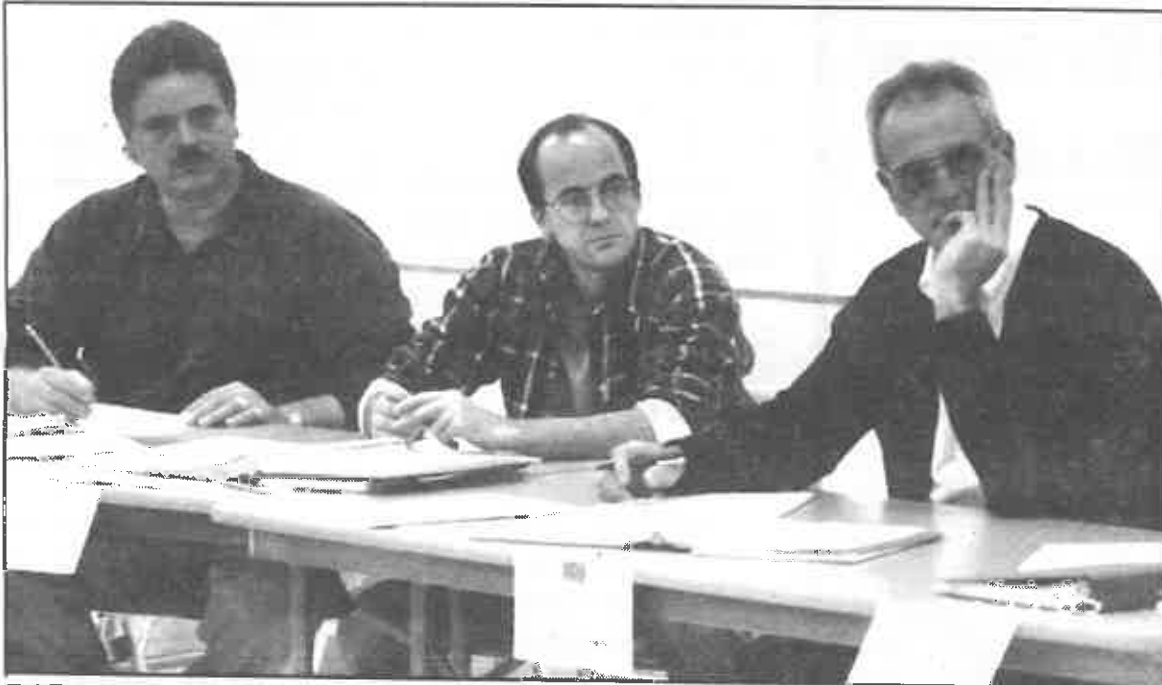
The combination of illegal

business registration and numerous tax liens are grounds for suspension of a certificate of prequalification to bid.

The Division of Highways, (DOH) however, refused to take any action. Instead the DOH has simply given Cary time to pay the reinstatement fees for his Secretary of State registration and awarded him the jobs.

"This case stinks" said Tim Millne, ACT's fair contracting representative. "How can he be considered a responsible bidder? If he's a responsible bidder, I'm an astronaut."

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**PARTICIPATING** in a program designed to help local union organizing were (from left) Harold Rhodes of Painters Local 1144 in Parkersburg, Doug Hennen with WVU's Labor Studies Program, and Larry Hagerman of Plumbers & Pipefitters LU 625 in Charleston.

## Parkersburg Painters Added To ACT Roster

Painters Local 1144 of Parkersburg recently voted to join the membership of ACT in its fight for more jobs and a level playing field for fair contractors.

The November 17 vote was about two to one in favor of joining.

In addition to the 128 active painters joining ACT, the split local also includes hydroblasters, inside glass workers, and glazers.

Harold Stephens, business agent of LU 1144, attended the ACT Foundation's mid-October

Update and Planning Conference in Fairmont to find out more about what the Foundation had to offer.

"I liked what I heard about ACT at the conference," he said.

Stephens said his membership had actually been considering joining since Allen Fisher, of the West Virginia Building and Construction Trades Council, and Bill Thomas, ACT's industrial representative, made the rounds pitching ACT to Locals across the state.

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## 18 Trades Members Participate In Union Organizing Program

The West Virginia Building Trades together with the ACT Foundation hosted a "COMEP - Train the Trainer" course Nov. 21-24 at the Laborers training site in Mineral Wells.

COMEP is short for "Construction Organizing Member-

ship Education Program."

Approximately 18 members from a wide variety of crafts attended the three and one-half day course.

The purpose of the course was to discuss why organizing is important for our membership and to give participants the tools needed to bring this discussion to the local level.

Each participant is now certified to present the COMEP program to other union members.

"It was very informative,"

said Bill Thomas, ACT's industrial sector representative. "We're looking forward to implementing the program with the help of the building trades.

"The COMEP Program is education for the members, not for the leadership," he said.

Thomas said that what's different about this program is it goes from the members up.

But labor leaders in West Virginia can help by spreading the word about this program, and how it will help us regain work."

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## Check Labels, Buy American

# Red China 'Toycott' Urged By AFL-CIO

The Friday after Thanksgiving, unionists, students and human rights activists were leafletting outside toy stores in major cities throughout the United States urging consumers to participate in a world-wide "toycott" against Communist China.

The "toycott" is organized by Frontlash, the AFL-CIO youth



support group, and intends to call attention to human rights violations by the Chinese government. The "toycott" asks unionists to check the labels on toys and reject those made in China.

Calling on shoppers to buy union-made and U.S. made toys instead, the effort also is aimed at pressing U.S. and multinational toy manufacturers to shift their production out of China in protest of the widespread human rights violations there.

Unionists are systematically

jailed, even killed for trying to organize. Tibetan monks, Catholic priests and nuns are jailed for practicing their religions. Political prisoners routinely are forced to make products for export.

China is the world's single largest toy producing country, making approximately 20 percent of the world's total. Its 1992 shipments totaled \$5.5 billion and the government relies on toy revenues to continue its repressive practices.

The U.S. meanwhile, is the world's largest toy market, with

annual sales of \$19 billion. Some 55 percent of the dolls and 40 percent of other toys are imported from China.

"As the single largest buyer of Chinese-made toys, the U.S. consumer has a potentially powerful

voice with which to tell the Chinese government that Americans will not participate in its human rights atrocities through these purchases," said Cheryl Graeve, Frontlash executive director.

## Cabin Creek Quilters To Boycott Wal-Mart

Wal-Mart is having trouble with more than just union construction workers this holiday season.

Wal-Mart is also on the wrong foot with Cabin Creek Quilts, a co-op of quilters that has called for a Wal-Mart boycott.

The quilters recently learned Wal-Mart stocked a new brand of quilts called Cobble Creek.

Cabin Creek claims the Cobble Creek name and logo (which pictures a cabin and a creek) are too close for a customer to tell the difference.

Cabin Creek's director, James Thibeault said, "American Pacific Enterprises is in an agreement with us for the first American-made reproduction for the Smithsonian Collection. Earlier this year their owner visited here and was photographed with Cabin Creek members. They offered us technical assistance. They said they understood the fragile nature of our business as a result of Chinese imports.

Naturally we're surprised to see this label at Wal-Mart."

Cabin Creek wants Cobble Creek off Wal-Mart shelves.

Building trades groups across the state have been fighting with Wal-Mart about their use of out-of-state, nonunion labor for the construction of new stores.

## Painters Join

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Thomas visited the Local again at Stephens request.

"Bill did an excellent job covering everything," Stephens said.

More recognition, TV ads, contact with attorneys, and prevailing wage monitoring are among the things Stephens said ACT will provide his members.

"In the long term I believe ACT is going to make a difference in our work," he said.

"I know we can't sit back any more, and just hope things get better. We had to do something about it. ACT can make the difference for us."

## Still Time To Get More Union Votes At B&R

If you know someone who has worked for Brown & Root for 30 days in the last year or 45 days in the last two years, he or she may be able to vote in the upcoming union election.

Please call the Charleston Building & Construction Trades Council, at 343-6952, so it can contact all current and past workers about their rights.

The NLRB has yet to set an election date, but time is on the Union's side!

We need their votes for Union representation!



## AFL-CIO National Boycott List

**Kawasaki Rolling Stock, U.S.A.**  
Motorcycles  
Transport Workers Union of America

**Lakewood Engineering & Mfg., Inc.**  
Electric fans and heaters for homes  
International Brotherhood of Teamsters

**Louisiana-Pacific Corp.**  
Brand name wood products: L-P Wolmanized, Cedartone, Waferwood, Fiberpine, Oro-Bond, Redex, Sides, Ketchikan, Pabco, Xonolite  
United Brotherhood of Carpenters & Joiners of America, and International Woodworkers of America

**Mohawk Liqueur Corp.**  
Mohawk labeled gin, rum, peppermint schnapps, and cordials  
Distillery, Wine & Allied Workers International Union

**R.J. Reynolds Tobacco Co.**  
Cigarettes: Camel, Winston, Salem, Doral, Vantage, More, Now, Real, Bright, Century, Sterling, YSL/Ritz; Smoking Tobaccos: Prince Albert, George Washington, Carter Hall, Apple, Madeira Mixture, Royal Comfort, Top, Our Advertiser; Little Cigars: Winchester  
Bakery, Confectionery & Tobacco Workers International Union

**Rome Cable Corp.**  
Cables used in mining and construction industry  
International Association of Machinists & Aerospace Workers

**Silo, Inc.**  
National retailers of electronic equipment and appliances  
International Brotherhood of Teamsters

**Southwire Co.**  
Commercial and industrial wire and cable  
Do-it-yourself brand Homewire  
International Brotherhood of Electrical Workers

**Star Dental Products**  
Dental hand tools  
International Association of Machinists & Aerospace Workers

**F.L. Thorpe & Co.**  
Black Hills Gold Jewelry  
United Steelworkers of America

**United States Playing Card Co.**  
Brand names: Bee, Bicycle, Tally Ho, Aviator and Congress  
Retail, Wholesale & Department Store Union

### Ace Drill Corp.

Wire, jobber & letter drills, routers and steel bars  
United Automobile, Aerospace & Agricultural Implement Workers of America International Union

### Acme Boot Company

Western-style boots: Acme, Dan Post, Dingo labels  
United Rubber Workers

### Alitalia Airlines

Air transportation for passengers and freight  
International Association of Machinists & Aerospace Workers

### Brown & Sharpe Mfg. Co.

Measuring, cutting and machine tools and pumps  
International Association of Machinists & Aerospace Workers

### Bruce Church, Inc.

Iceberg Lettuce: Red Coach, Friendly, Green Valley Farms, Lucky  
United Farm Workers of America

### California Table Grapes

Table grapes that do not bear the UFW label on the carton or crate  
United Farm Workers of America

### Deckers Corporation

Sandals: Deckers, Sensi, Tava  
International Association of Machinists & Aerospace Workers

### Diamond Walnut Co.

Canned and bagged walnuts & walnut pieces  
International Brotherhood of Teamsters

### Goody's Family Clothing, Inc.

Retail clothing stores  
Amalgamated Clothing and Textile Workers Union

### Holly Farms

Chickens and processed poultry products  
International Brotherhood of Teamsters

Union Label and Service Trades Department, AFL-CIO November/December 1993

# Rhone-Poulenc Officials Finally Slate Overdue Report On August Explosion

The long overdue report from Rhone Poulenc about the August 18 explosion at the Institute plant, is scheduled for December 17, almost four months since the disaster claimed the life of one worker and injured 30 others.

The Review Committee has not heard from the consultant hired to review Rhone Poulenc's investigation, or the company in almost three months. Repeated requests for more information regarding the investigation have been denied according to Bill Thomas, ACT's industrial sector representative and secretary of the committee.

"We're disappointed that Rhone-Poulenc is not keeping up with their end of the bargain," Thomas said.

The committee met with the consultant, Prima-Tech, September 25 to put forth the following requests, none of which have been complied with:

\*Maintenance records for the last six months on the Larvin unit that was damaged in the explosion.

\*All emergency procedure records carried out by Rhone-Poulenc employees and emergency workers, inside and outside the plant.

\*Records of Rhone-Poulenc's recent employee reductions and overtime increases.

\*Inspection and installation records of valves and gauges.

\*Production records on the capacity level of the Larvin unit.

"We never agreed to sit back and wait for a report, we wanted to be part of the investigation review. Giving us no information at all is certainly not the way to develop community trust," Thomas said.

"It's only a week before Christmas and we're just going to have to wait until after the holidays to fully review the report. After four months of waiting, we're not going to rush to judgment on its worth.

## ACT Benefits Parkersburg Plumbers/Fitters

"If ACT could urge the Legislature to pass a law providing for the certification of those who work in dangerous industrial plants, it will make for a safer workplace for all of us," said Randy Henderson, business manager of Plumbers and Pipefitters Local 565 in Parkersburg.

"And a safer work place also would make for a safer community, too. Our neighbors deserve to be protected, and trained, skilled industrial plant workers are their first line of defense."

Henderson said passage of

such a new state law would be another thing he hopes ACT accomplishes.

"ACT already helps us maintain the prevailing wage by monitoring the projects to insure that the proper wage and fringe benefits are being paid, thereby creating a level playing field for our good union contractors."

Local 565 has 359 members, including approximately 130 retirees, and covers a seven county area: Calhoun,

Jackson, Pleasants, Ritchie, Tyler, Wirt and Wood.



Approximately 85 per cent of the active members are currently working.

The members do a variety of work, including heating, instrumentation and process controls in the chemical and power generation industry, computer assisted design in pipe sketching, hazardous worker classification, valve repair, refrigeration mechanics, and "basically everything associated with the piping industry."

The Local has an apprentice program with 26 apprentices enrolled in the five-year program.

Gary Yarnell is the apprentice coordinator, and is currently working in conjunction with the West Virginia State Pipe Trades and all the other plumber and pipefitter locals in the state to put on a state-wide contest.

Each Local will select one or two of their highest scorers for competition in a contest scheduled for the spring of next year.

The contest used to be an annual event, but this will be the first time in several years that the Pipe Trades has held one.

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## S.A. Carpenters Chartered In 1917, Still Strong

Carpenters Local 128 in St. Albans was chartered in 1917 and their building was bought in 1921. "And we've been here ever since," said Johnny Harris, business manager of the 200 member Local.

Harris himself has become a sort of permanent fixture at Local 128. He has been business manager there for 25 years.

In the 1920s, the local had over 600 members, but there was lots of work in the area then, Harris said.

"This local has been a pillar of the workforce in the area, and has been very stable over the years," he said.

However, lack of work in the last seven to ten years has caused them to lose some members, according to Harris.

Approximately 70 per cent of the 140 active members are working in a variety of fields: rough carpentry, bridges, road work, piling, floor tile, and ceilings, "a total mix".

Right now the Local has five

apprentices, but are getting ready to take on about ten more in the spring, and possibly 10 more in the fall, because of an anticipated increase in work.

"We have a substantial amount of work coming to us next year at the Winfield Locks and John Amos power plant."

Apprentices are required to complete 144 class room hours, and 8000 hours of on-the-job training over four years.

Harris said one of the most important things accomplished

for members was maintaining benefit programs -- health and welfare and pensions.

"Right now, our retirees are drawing \$600 to 1200 per month in pensions."

But the biggest problem currently facing members is the lack of work. Even though the Local is located in what Harris calls the 'heart of the industrial area' because it's surrounded by Monsanto, FMC, Union Carbide and Rhone Poulenc, those companies aren't providing the

work they once did.

"When Brown & Root came into Rhone Poulenc four or five years ago, we had 20 to 25 people working there. Now we have very few, only one or two when a union contractor gets a small job there," he said.

ACT has been invaluable with advertising and enlightening the general public, according to Harris.

"Our small local couldn't afford to purchase TV or newspaper  
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## ACT Goes To Court Demanding Access To Payroll Records

ACT has taken two counties and the state Regional Jail Authority to court in order to enforce the Freedom of Information Act and the state prevailing wage law.

ACT's prevailing wage representative, Tim Millne, has been working with local Business Agents to document prevailing wage violations at school sites in Monongalia and Harrison counties as well as some projects being built by the Regional Jail Authority.

Millne first went to officials of the counties' school boards and the jail authority asking for copies of certified payrolls for several construction projects. In each instance the agencies told Millne it didn't have those records.

Instead, the agencies told

Millne that only the contractor had payroll information.

"I was amazed to find out that nobody at the state or county government level was even keeping payrolls on some of these prevailing wage jobs," Millne said.

"If no one can find out whether prevailing wages are actually being paid, it's like a green light to cheaters and potentially a terrible waste of tax dollars," commented Millne.

Once again ACT has gone to court to force these agencies to comply with the law.

"It's a shame that we have to spend money to get our state and county government to obey the law," said Millne.

"But we will not sit by and watch cheaters profit while construction workers lose out."

## S.A. Carpenters

(Continued From Page 3)

per ads, as ACT has done. It's one of the most important things they've done for us.

"That was one of the biggest selling points when ACT first started -- that old adage 'there's strength in numbers'.

"When you have 6000 to 7000 members contributing a small part of their paycheck, you can do many more things in a group that you can't do as individuals -- in the political arena, and getting things passed in the legislature.

"We have more clout when

we have the big numbers like that. And that's proven to be true."

Another area that ACT helps with is combatting crooked contractors, Harris said.

"When an out of state contractor comes in here and tries to hoodwink the people and escape without paying wages, they won't come back if they know ACT is looking over their shoulder to make sure they do everything right. And this too, has proven to be true, he said.

"There used to be a lot of contractors from the Columbus, OH area who specialized in fast food restaurants, but I haven't seen them around much lately.

Harris said ACT can monitor dishonest contractors a lot more closely and better than a small local can.

"I can visualize a lot of things that ACT can do for us, and all the trades, he said.

"I'm a firm believer in ACT."

## Cary Awards ACT Protested

Project	County	Award
Box Culvert Replace	Wood	\$202,024
Iager Slab Bridge Repair	McDowell	\$18,940
Patrick St. South Upgrading	Kanawha	\$44,142
Princeton/Bluewell Rd.	Mercer	\$145,716
Stotesbury Bridge #2 Repair	Raleigh	\$14,471

## Illegal Company Gets Bid

(Continued From Page 1)

This is the second time ACT has exposed a highway contract about to be awarded to a company that lacks standing, in spite of assurances by DOH that such mistakes would never happen again.

In January of this year, ACT intervened when a major contract was awarded to Kentucky based Elmo Greer & Sons, Inc.

Greer also was prohibited from doing business in West Virginia for nonpayment of its

"This goes right back to our argument in our on-going suit for access to prequalification statements," Millne said.

ACT has filed a circuit court Freedom of Information Act appeal of the DOH's decision to withhold prequalification applications from the public.

One of the reasons that ACT requested access to the applications is a perception by ACT and others that contractors are not being adequately reviewed before being allowed to bid work.

"Competitive bidding is im-

portant to the construction industry but our Division of Highways has made it a joke.

"With a level playing field we expect the best, but when the rules only apply to some companies and not others you get a bidding system that is out of whack," commented Millne.

"If you have an outstanding parking ticket you can't buy a hand gun in this town.

"But if you owe more than \$100,000 in taxes and are illegally doing business, the DOH doesn't care."

## Parkersburg Plumbers/Fitters

(Continued From Page 3)

Henderson said he thinks ACT has helped his Local a lot, not only with the specific cases, but in general too.

"I know that Bill (Thomas, ACT's industrial representative) came up here and helped me with the prevailing wage program. We had a contractor that was signed, but he wasn't paying fringes, and Bill helped in collecting those," he said.

"Then, too, there is the headway gained in Charleston to keep Brown & Root from spreading up here.

"ACT got their attention -- I think they've put the spotlight on them (B&R) and kept them

from spreading so quick, and hopefully they won't come up here at all."

Henderson supports the

Charleston Building Trades effort to organize Brown & Root.

"Helping others to organize helps us," he said.

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### The ACT Report

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The ACT Foundation wishes our members and their families the best of the season . . .

Happy Holidays!

