

THE ACT REPORT

VOLUME 6, NUMBER 6
JUNE, 1997



A PUBLICATION
OF THE AFFILIATED
CONSTRUCTION
TRADES FOUNDATION

The ACT Foundation is an association of West Virginia building and construction trades unions, with offices in Charleston and Clarksburg. Bruce Tarpley, President; Steve Burton, Vice President; T.L. Ranson, Secretary Treasurer; Roy Smith, Executive Director; Steve White, Director.

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Unfair Labor Practice Strike Targets Weston Water Facility

As ACT goes to press leafleters are preparing to converge on the offices of West Virginia-American Water Company across the state.

The issue -- an unscrupulous contractor importing out-of-state labor and violating federal labor laws at the water company's \$14 million treatment facility in Weston.

West Virginia-American hired 3-D Enterprises of Lexington, Kentucky as general contractor for the project.

ACT's Steve Montoney,

working with Rick Williams, director of the North Central Building Trades Council, had learned that 3-D was refusing to give union members job opportunities.

"We felt 3-D was anti-union but at first it was hard to prove," said Williams. "3-

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PICKETING IN SUPPORT of striking workers, some who were earning only \$6 per hour at West Virginia-American Water Co.'s facility in Weston are union members of the North Central Building Trades.

Courtyard Marriott in Beckley Picketed

Southern Campaign Gets Underway

The organizing campaign aimed at Southern West Virginia has begun with a bang.

The Courtyard Marriott in Beckley was recently targeted by pickets stemming from an organizing campaign headed

by Carpenters Local 1911 in Shady Springs and Laborers Local 453 of Beckley.

Business manager of Local 1911 Paul Lively,

said the job was salted by a member of his local who held a Construction Organizing Membership Education Training (COMET) class in his home.

"All of them were very interested in trying to do something with the hotel owner to

get better wages, so they decided to go ahead with organizing," Lively said. "The COMET class played a big role in letting people know what was going on."

The hotel is owned by CYBWV Limited Liability Co.

One partner, Charles Wendell, also built the Charleston Hampton Inn a few years ago. That project was the site of organizing activity resulting

in NLRB fines for the builder Construction Concepts.

According to Lively, as the workers were trying to organize the union, the company started threatening and intimidating the workers.

"So the employees decided to put up an Unfair Labor Prac-

tice picket and myself and Jim Webb, business manager of Laborers Local 453, got our members to go down and picket in support of the employees," Lively said.

"We had good participation on the picket and lots of public support," said Webb.

"Our members are fired up and want to do something, anything, to stop the decline of

union work in this area."

Unfair Labor Practice charges were filed by the Carpenters and Laborers unions citing coercion, intimidation and discriminating against pro-union employees, he said.

The NLRB has already taken statements from employees, and their decision is expected soon.

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Scott Depot-based B.F. Foster Salted

Member Awarded \$4,600

A salting operation last year has finally been settled with a member of Operating Engineers Local 132 getting a \$4,600 backpay award.

Charges were filed against Scott Depot-based B.F. Foster Co., by Local 132 last summer on behalf of Daniel Lyons, who was fired because of his union affiliation.

Foster was the general contractor on the Elk Two Mile Watershed project in Kanawha County.

The National Labor Relations Board agreed with the complaint filed that "B.F. Foster implied to an employee that he was being discharged in retaliation for his support for and activities on behalf of a labor organization."

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Wheeling Local Heads Ohio Bid Lawsuit

Plumbers & Pipefitters Local 83 is spearheading a lawsuit in Ohio that would force county school systems to follow the rules governing construction bids.

The dispute centers around the fact that one county allowed a contractor to combine bids on two school projects.

Yet, in another county combined bids were not allowed. Each time local union workers were denied employment opportunities.

Last summer the Union Local School District in Belmont County, Ohio, which is across the river from Wheeling, W. Va. and falls into the jurisdiction of Local 83, was accepting bids for two school projects, a middle/high school and an elementary school.

"Ohio statutes forbid contractors to combine two bids on different projects, although they can combine two different types of subcontract bids on the same project, such as HVAC and plumbing," said Local 83 Business Manager John Hickey.

J.A. Croson Co. of Columbus, Ohio won the combined bids, "he had combined his bids for both projects into one bid and was awarded both of them," Lewis said.

ACT's Jim Lewis said the low bidders on both projects, if you looked at them separately, were union contractors -- Power City Plumbing & Heating and W.G. Tomko & Sons for the plumbing and Geo. P. Frueh Co. on the HVAC, all of the Wheeling area.

Local 83 and ACT joined

forces and went to the Belmont County School Board to protest.

"But the board let the bids stand as they were so, we sent

"If there are rules we have to abide by, we can accept that, but they can't change the rules to let non-union contractors end up with the awards."

**- Jim Lewis,
ACT Representative**

protests to the Ohio State Board of Education in Columbus and they also ruled to let it stand as well because the contractor claimed a minority status," Lewis said.

So the case was over.

Well, not quite.

"Within two months, nearby Franklin County also had two school projects out for bid so the same union contractors who were low bidders on the projects in Belmont tried it their way -- combined the bids

into one," Lewis explained.

"But they were told by the Franklin County Board of Education that wasn't allowed, and the school contracts were again awarded to non-union contractors."

Hickey wanted to take push the issue and hired a lawyer, with ACT's backing, to pursue the case on behalf of the members of Local 83, Lewis said.

"John and Joe Kochy, 83's organizer and myself thought this case was blatantly against

fair contracting and the rules of state statutes," Lewis said.

"You can't have one set of rules for union contractors in one county and tell them those same rules are a violation in another county," he said.

Lewis said the political climate is not favorable for union contractors in Ohio right now.

"This looked like a political move. "If there are rules we have to abide by, we can accept that, but they can't change the rules to let non-union contractors end up with the awards."

Prevailing Wage Repealed On School Projects In Ohio

Ohio's Legislative session ended last month with bad news for working men and women in the state -- the prevailing wage law was repealed on K through 12 school projects.

Sam Davis, business manager for the Parkersburg-Marietta Building and Construction Trades Council, traveled to Columbus several times to lobby the legislature against the change.

"They pushed it through," Davis said.

"It was almost exactly the same thing that happened in Charleston with workers comp -- nobody had time to react. Bang-bang-bang and it was done."

Davis said to follow the whole thing you had to go back about a year when Governor George Voinovich promised he would not bother prevailing wage rates.

"Then there was a lawsuit

filed in Perry County over school funding and the Ohio Supreme Court ordered the legislature to get money to the schools faster," Davis said.

"So they put together a funding bill to get \$300 million for construction and they tacked a rider onto it excluding prevailing wage rates from it.

According to Davis, when the bill had a vote in the House of Delegates, an amendment was added requiring that 80 percent of all workers be Ohio residents and they had to be a resident for at least the past 18 months.

"The only trouble with that is there's nobody to enforce it unless we make them live by it," he said.

Davis said members have got to realize just what politicians can do to us, "and this is a perfect example.

"This is what happened to us because we didn't have the people to turn out to vote or vote the right way as far as I'm concerned."

Southern Campaign Underway

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"I think this is a very good start to the Southern West Virginia organizing campaign and I'm looking forward to a lot more organizing in the area," Lively said.

Lively points to the help of ACT's Bill Thomas in getting things started in his area.

"We've held eight COMET classes in Beckley and introduced about 70 non-union workers to the benefits of union organizing," Lively said.

Thomas said the classes have been filled by workers talking to workers.

"We asked each non-union worker to please bring someone with them to the COMET meeting," Thomas said.

The same with union workers to please bring a friend -- union or non-union.

"After about four classes we started to get calls from workers who had been through the class and wanted to organize

projects they were working on," Thomas explained.

"The best thing that a local union can be doing is educating its members about the benefits of organizing like with a COMET class," Lively said.



PICKETING THE MARRIOTT in Beckley are members of Carpenters Local 1911 and Laborers Local 453.

NLRB Issues Order For \$2,155 Backpay

St. Albans-based Harco Construction Co., was recently ordered by the National Labor Relations Board to pay \$2,155 in backwages to three employees involved in an organizing campaign.

"We had about 30 union members went to Harco to fill out applications in May of last year," said Gary Tillis, assistant business manager for the Laborers District Council

The applications were returned, Tillis said, because the men had put Laborer as their job skill.

"They were told that wasn't specific enough," Tillis ex-

plained.

Tillis enlisted the help of a worker, who had helped in the Brown & Root campaign, and was interested in joining the Carpenters union.

"Don put in an application four days after the 30 union members, and under skills he put 'anything available, I need a job bad,'" Tillis said.

He was hired in June to work on the LazyBoy Showcase store in St. Albans.

Tillis believes the 30 union workers were not even considered for hire because of their union affiliation, and charges were filed with the National Labor Relations Board about unfair hiring practices.

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Strike Targets Water Facility

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D took some applications then put up a sign saying they were not taking applications. They would turn that sign around at their convenience -- in other words they closed down their regular hiring practices after all the union applicants went in."

After weeks of trying, Montoney and a member of Bricklayers Local 15, were hired in late-May posing as non-union workers.

Montoney asked Williams to contact area business agents to send members to fill out applications when he knew for sure that 3-D was looking to hire. As was expected the union workers were told again that 3-D wasn't hiring.

"The job superintendent Luke Zak-rzewski, saw my

good quality work so he asked me if I knew four people who were good workers. After I knew local union workers had attempted to apply I recom-

"The picket line is still up and is manned by Bricklayers, Carpenters, Operating Engineers, Millwrights, and Electricians."

**- Steve Montoney
ACT Northern Rep.**

mended some local guys and another ACT representative [who routinely salts jobs and cannot be identified]."

The new workers started on June 2nd, and on the 3rd they asked for union recognition and named Rick Williams as their collective bargaining agent. On June 4th they put up

a picket line.

"We have nine of the 12 workers for the union, so our support is strong."

Zakrzewski read a prepared statement saying 3-D was not a union company, did not recognize any union as representatives for any of their employees and that their employees had a right to go on strike but 3-D would permanently replace any employee who did not go back to work.

"The picket line is still up and is manned by Bricklayers, Carpenters, Operating Engineers, Millwrights, and Electricians," Montoney said.

"Now we want to see where West Virginia-American Water stands," said Williams. "Are they just finding out about 3-D or is this part of their plan for West Virginia?"

Plumbers & Fitters Local 625 Hosts Apprenticeship Contest



COMPETING are (from left) Brad Britton, a fifth-year apprentice from Parkersburg Local 565, Dave Britton (no relation) a fourth-year apprentice from Charleston Local 625 and Randy Merryman, a fifth year apprentice from Wheeling Local 83. Five locals including Steubenville, Ohio and Baltimore, Md. were represented each with a Pipefitter and Plumber. Contest categories included welding, layout, assembly, plumbing, solder and brazing, rig and signalling, screwed pipe, tube bending and a two-hour written test. They vied for top honors and \$750 in cash as well as hand tools for second and third place. Overall winners were Brad Britton in Pipefitting and Mike Goddard of Baltimore Local 486 in Plumbing.

NLRB May Order New Vote

Jo-Del Election Deadlocked 31 For, 31 Against

The union election at Jo-Del Construction in Huntington has reached an impasse, according to Tom Williams, organizer for Tri-State Building and Construction Trades Council.

The vote was 31 for the union and 31 against. In order to win Tri-State had to get more than fifty percent, ties go to the company.

The NLRB will review charges of illegal actions by the company and may order a new election.

"We had a winner but we believe the company engaged in illegal actions intimidating workers," said Williams.

Jo-Del has been the target of a year long organizing drive involving Tri-State and the Charleston Building

Trades. "We've made a commitment to the work and the workers," said Steve Burton, Business Manager of Tri-State.

Communicating with Jo-Del workers was a real challenge because they were working across the state, from Mason County to Greenbrier County.

"ACT staff working with the agents, like Randy May of Carpenters Local

"The bottom line is if you're not fighting you're losing."

**- Steve Burton
Tri-State Building Trades**

302, Jim Webb of Laborers Local 453 and Paul Lively of

Carpenters 1911, made an all out effort to talk with all workers as much as possible," said Burton.

Burton notes that while the election may be lost there were many significant victories throughout the campaign.

"Our locals have gained some excellent new mechanics, who really tried to

get Jo-Del unionized," he said. "Jo-Del is having problems finishing the work they have and aren't bidding a fraction of the work they had been."

"The bottom line is if you're not

fighting you're losing," said Burton.

If the NLRB issues a new election Williams feels confident of a victory, if not "we will just work toward another election next year."

Political Education Class For Apprentices Goes On The Road



PARTICIPATING are Samuel Miller, Frank Myers, and John Dean.

Steve Cook, Director of the West Virginia Institute of Labor Studies at West Virginia University and Raymond "B.B." Smith, ACT representative developed a political education class for the ACT membership.

The "pilot" program was recently put on in Medina for the apprentices of Operating Engineers Local 132.

"What we plan to do," Smith

said, "is to present this program to apprenticeship classes of ACT locals."

Smith said the purpose of the class is to educate apprentices on the political process, such as how and why candidates are endorsed, and why it's important for unions to support labor-friendly candidates.

"We have to get them more involved with the political process because you can negotiate a heck of a contract but with one stroke of a pen the state legislature can take it away from you."

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Member Awarded \$4,600

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According to the administrative law judge "the company implied to its employees that it 'would not rehire an employee because of the employee's support for and activities on behalf of a labor organization'."

"We were interested in organizing this company and had started talking with the workers," said Bruce Tarpley

Business Manager for Local 132. "Foster is doing a lot of mine reclamation work and that's of interest to us."

Tarpley said Foster and other mine reclamation contractors will be looked at for future organizing efforts.

Foster's office and job site were picketed by members of Local 132 and Laborers Local 1353 in June of last year.

NLRB Issues Backpay Order

Continued from page 3

"Don's application was backdated and stamped with the wrong date, but he wasn't even in town then, he was in South Carolina and he can prove it."

In June Don, along with two other salts, revealed themselves to Harco as volunteer union organizers and were terminated shortly thereafter.

Recently the three organizers re-

ceived checks totalling \$2155. All three are now members of local unions.

Tillis said the ideal would have been to organize Harco but it did educate some people there.

"Although we'd have liked to have organized Harco, the company did have to pay for it and I hope it sent a message to the Harco employees that didn't support us they have rights."