

THE ACT REPORT

VOLUME 6, NUMBER 3
MARCH, 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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Session Without Direction

Gary Tillis, D-Putnam, is a former fair contracting representative for the ACT foundation and currently serves as assistant business manager of the West Virginia Laborers District Council when the legislature is not in session.

Needless to say, Tillis is a champion of working men and women.

In last month's issue of the ACT Report, Tillis said that this session would probably be a "defensive" one.

Both Tillis and Larry Linch, D-Harrison, were concerned with keeping a hold on the gains labor has made in the past.

"I don't want Labor to take any backward steps," Tillis

said.

But so far this session, it appears there have been no significant attacks on major issues of concern to Labor.

A right-to-work bill has come up but hasn't garnered a lot of support.

"Ron Walters [R-Kanawha] visited a classroom in his district and told the students he would introduce five bills if they came up with them," Tillis said. "One of them they came up with was a right-to-work bill for part-time employees."

Tillis said even though it has been introduced, it doesn't seem to be moving.

Still In Committee

Jobs Act Supported In House

The West Virginia Jobs Act is now House Bill #2307 and has been assigned to the House Committee on Government Organization.

Already, almost two thousand letters have been mailed to members of the legislature. Now that the bill has been assigned to a committee, legislators in that committee are the focus.

"Now we really need to get our message to those legislators," said ACT's Legislative Representative B.B. Smith.

If the Jobs Act is passed in the Government Organizations Committee it will then have to go to the Finance Committee

before being voted on by the full House. "We have been given a very tough road, two committees, on this simple bill," said Smith. "The Jobs Act is a good test of those who say they are friends of working families."

Smith continues to emphasize that ACT's local political action committees are key to legislative lobbying.

"I really appreciate all that the membership has been doing to help get the Jobs Act passed but I want to say -- We can't stop now!"

Smith said now that the bill is in committee it is more important than ever to make legislators aware of the bill's backing by the voting public."



ADDRESSING THE HOUSE OF DELEGATES is Gary Tillis, D-Putnam. Tillis is one of seven House sponsors on the West Virginia Jobs Act.

No prevailing wage, nor initiative referendum and recall legislation has been introduced either, he said.

So far, the only thing that has passed the House that is "bad news" for construction workers is the Audit Privilege,

also known as the "Dirty Secrets" bill.

"As far as I'm concerned, I don't think this bill is a good idea," Tillis said. "It undermines the public's right to know and compromises the

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Organizing Effort Aimed At Southern West Virginia

ACT is evaluating a program aimed at organizing Southern West Virginia, according to ACT representative Bill Thomas.

In early January, ACT held meetings with interested business agents from the Charleston Building Trades representing that part of the state.

"There is a tremendous amount of construction work being done, in the Southern region, but very little of it is union," Thomas said.

The business agents decided

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Call
1-800-642-8650
to get your
legislator's number.

Audit Privilege Legislation

"Dirty Secrets" Bill Is 'Bad News' For Public

The 'Dirty Secrets' bill is moving swiftly through the legislature to the dismay of many concerned citizens, including ACT officials, the U.S. Environmental Protection Agency, and U.S. District Attorney Rebecca Betts.

Stuart Calwell, ACT's attorney, is one of many who thinks the bill is 'bad news' for state residents.

The bill declares protection of the environment and human health is enhanced by encouraging voluntary compliance, yet it makes the self-audits secret and inadmissible in civil, criminal and administrative proceedings unless companies lose the privilege.

"In fact, I think the union would applaud a voluntary

safety audit and unions ought to support that idea. If a company decides on its own to clean up a problem, that's great. But keeping it secret -- that's an entirely different story. It raises the question -- what do they have to hide?"

When asked how the bill affects construction workers, or any industrial worker for that matter, Calwell said it does so mainly on the job site and in the courtroom.

"This bill seals up investigatory information and if that information would be relevant to a lawsuit that a construction worker might have -- it would be difficult, if not impossible, to get that information," Calwell explained.

For example, Calwell said, a company could undertake an

audit of asbestos materials on its premises and it would not be available to a person who was pursuing a claim for occupational disease -- even though it might be important to know

"If a company decides on its own to clean up a problem, that's great. But keeping it secret -- that's an entirely different story. It raises the question -- what do they have to hide?"

**Stuart Calwell
ACT Attorney**

how much or who the manufacturer was.

"The audit would be difficult for a construction worker to get even though it would be used against the asbestos manufacturer not necessarily the company emitting it.

"For years lawsuits were filed in West Virginia against the manufacturer of the asbestos product," Calwell said.

Because of legal battles asbestos clean up is now handled as a deadly task, strict procedures and training requirements provide workers protection they were denied for many years.

"About four years ago, my law firm filed the very first case in West Virginia, and perhaps the United States, alleging that the premises owner knew of the risks and hazards of asbestos on their property."

So this legislation may have an adverse impact on those cases, he said.

"This is not a labor issue -- it's a human issue," Calwell said. "Whether you're in a union or not you have to drink the water and breathe the air that chemical emissions are affecting. They threaten the health of our children -- and

basically this bill seals what chemical plants put into the same air and water our children breathe and drink."

EPA Regional Administrator W. Michael McCabe wrote to the House Judiciary Committee in late January stating "an audit privilege law would greatly complicate criminal and civil discovery, and frustrate public access to information."

McCabe wrote an audit privilege "invites secrecy, instead of the openness needed to build public trust in the regulated community's ability to self-police."

McCabe also wrote to Gov. Underwood asking him to veto the bill.

The EPA is threatening to take over some of the state's environmental regulatory programs if this bill passes.

Unfortunately, Calwell said

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If you would like to contact your legislator about the Jobs Act, the House Government Organization Committee Members are:

1. Vicki Douglas
D-Berkeley
2. David "O.B." Collins
D-Tucker
3. Greg A. Butcher
D-Logan
4. Eugene Claypole
D-Monongalia
5. Jeff Davis
D-Hancock
6. Rick Everson
D-Barbour
7. Nick Fantasia
D-Marion
8. Richard Flanigan
D-Mercer
9. Larry Jack Heck
D-Wayne
10. Earnie Kuhn
D-Boone
11. Tom Louisos
D-Fayette
12. Warren R. McGraw II
D-Raleigh
13. Paul E. Prunty
D-Marion

14. Ron Thompson
D-Raleigh
15. Kenneth Tucker
D-Marshall
16. Scott Varner
D-Marshall
17. Harry Keith White
D-Mingo
18. Carroll Willis
D-Greenbrier
19. Tom Azinger
R-Wood
20. Shelly Moore Capito
R-Kanawha
21. Kelly Given
R-Putnam
22. Steve Harrison
R-Kanawha
23. John Overington
R-Berkeley
24. Douglas Stalnaker
R-Lewis
25. James E. Willison
R-Tyler

**Call 1-800-642-8650
to leave them a message.**

Where Your Quarter Goes

ACT Expenditures for 1996

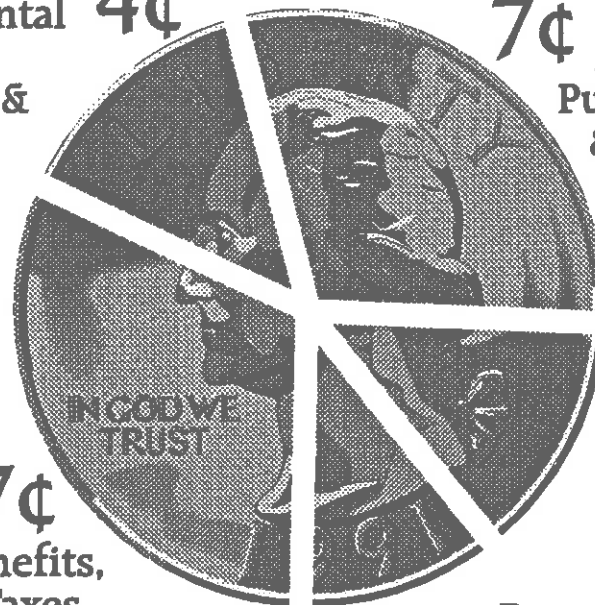
Environmental
Studies,
Research &
Legal 4¢

7¢ Advertising,
Public Relations
& Legislative

7¢ Salaries, Benefits,
& Payroll Taxes

4¢ Income
Not Yet
Spent

3¢ Rent, Supplies,
Travel & Miscellaneous



BEWARE: Contractors Bidding On Flood Clean-Up May Be Unlicensed

Recent flooding in Southern West Virginia brought with it a warning: beware of contractors bidding on clean-up contracts.

That warning comes from Steve Montoney, ACT's northern representative because damage from floods early last year in the Northern part of the state are now being repaired.

"I have been to several different pre-bid meetings on flood damage repair in Pendleton County," said Steve Montoney, ACT northern representative.

Montoney said he heard a rumor that an employee of Bennett Trucking, [of Circleville, W.Va.] which is

doing the work on the Stream Bank Stabilization Project on Rt. 55 at Onego tried to draw unemployment but was told there wasn't any money in the fund for that company.

"So I checked them out and discovered that Bennett Trucking, and its predecessor, Bennett and Berg Construction Co., had no contractors license," Montoney said.

He said Pauline Hanson, ACT's research analyst checked further into the company's documentation but was unable to find a record of Bennett's workers compensation, unemployment insurance,

or wage bond.

"That's when the big debate started," Montoney said, "and it seems like we have to prove our point every so often on this issue."

"The big question we find ourselves having to answer over and over again is whether or not contractors working on federally funded projects are governed by state licensing laws," he said.

**Steve Montoney,
ACT Northern Representative**

Montoney explained that the West Virginia Contractor Licensing Act [21-11] requires "that all persons desiring to perform contracting work in this state be duly licensed . . ."

"The big question we find ourselves having to answer over and over again is whether

or not contractors working on federally funded projects are governed by state licensing laws," he said.

"We have precedents that answer that question, includ-

ing documentation from U.S. Senator Robert C. Byrd. Generally, in the opinion of most government agencies a contractor does not

need a license to bid on federal projects, but they must secure a contractors license before they begin construction."

"We believe that contractors working on federally funded flood projects administered through the U.S.D.A. Soil Conservation Service

should also comply with all state codes which do not conflict with federal regulations, such as workers compensation, and the West Virginia Contractor Licensing Act," Montoney said.

Montoney has asked the General Council for the U.S.D.A. Soil Conservation Service and the Federal Agency's Director Bill Doerr, that Bennett Trucking's payments be withheld until all workers' compensation and unemployment insurance accounts are paid in full.

He also requested that the "appropriate state agencies be made aware of contracts which have been performed by Bennett Trucking," Montoney said.

Organizing Effort Aimed At Southern W.Va.

Continued from page 1

it is in our best interest to begin an effort to re-organize building trades crafts in Southern West Virginia, including anything from Charleston to the Virginia line, he said.

The program encompasses a two-pronged approach to develop and implement: First, the standard bottom-up effort to organize workers, and second a full-scale top-down approach -- that is organizing contractors who hire workers.

"We want to take a new approach and show workers and contractors the advantages the Building Trades has to offer," explained Thomas.

"In February we began holding COMET classes for union and non-union workers in

Beckley, and we're very excited about the amount of participation. COMET explains to both union and non-union workers exactly what affects their ability to make a decent wage."

Thomas said the workers who are going through the COMET class now will be the voluntary organizers for the new program for Southern West Virginia.

"It would be impossible for anyone to organize if they don't understand why they're doing it," he said.

"I'm excited about the opportunities this program creates to raise the living standard of our union members in that area."

Part of this program, he said,

is a testing ground for the rest of the state.

"I'm optimistic that it will succeed and then spread throughout the state. It's already exceeded my expectations."

The Charleston Building Trades is working on a simplified agreement that is aimed at commercial construction work. Local agents are getting union and nonunion workers to attend COMET classes and are identifying potential contractor targets.

"We all need to work together," said Thomas.

"If this project is to work we have to be willing to try new things and to build a strong team, everyone has to pull their weight."

URGENT! URGENT! URGENT! AFL-CIO ALERT

The heavy rains that may have only been a nuisance to some of us, have ruined the lives of many of our union brothers, sisters and friends -- many in the areas under the jurisdiction of the Kanawha Valley and South West District Labor Councils. Please help with donations of money and/or bed linens, cleaning supplies, and non-perishable food items.

ALL OF THESE ITEMS ARE DESPERATELY NEEDED!

Local union members can drop off items at any union hall, which will be picked up and distributed by United Food Operation (operated by the AFL-CIO).

Donations can be mailed to the following:

SWDLC
P.O. Box 2142
Huntington, WV 25707
(Haghen Endicott
523-2353)

KVLC
P.O. Box 20441
Charleston, WV 25362
(Joanie Matthews
346-1367)

West Virginia AFL-CIO
501 Broad St.
Charleston, WV 25301
344-3557

**Please note flood relief on checks.
Thank you for your help.**

Session Without Direction

Continued from page 1
safety of workers and the surrounding community.”

The bill would allow corporations to perform self audits and then keep the data it gathered secret from the public.

“I know a lot of building trades members work in the chemical industry, and they should have the right to know if the companies are aware when something affects their health.”

Tillis said he thought a self-audit gives too much authority to the company to stamp something privileged information.

“If we are to give companies the privilege of immunity for problems their audits uncover, those same companies should not be relieved of the responsibility to inform the public that may be affected by those hazards.”

Another problem, he said, is the federal Environmental Protection

Agency claiming it will take away regulatory authority from the state Department of Environmental Protection.



CONDUCTING BUSINESS in the House Chamber are members of the West Virginia House of Delegates.

And in spite of this, it passed the House with virtually no opposition.

On a positive note, the West Virginia Jobs Act is still on track, and has been introduced by seven sponsors.

“I know that a lot of Delegates have mentioned they’ve received several letters from their constituents urging them to support the Jobs Act, before it was even introduced,” he said. “If people are that concerned about it before it’s even introduced, I think that show of support impresses delegates.”

Tillis said hopefully, the House

will get a chance to vote on the Jobs Act to at least see where it stands.

The crane bill he has been working on is also on track.

“Basically it’s a test for crane operators through the Division of Labor, for people who operate large cranes,” Tillis explained.

“It’s common sense legislation.”

“It’s getting late enough, that if anything controversial comes up for building trades workers, I think they know it would take a lot of time to get it through. It’s been fairly slow this year compared to the first two sessions I’ve served.”

Tillis notes that the United Mine Workers of America is gearing up for a fight over allowing diesel equipment in mines.

ACT Legislative Rep B.B. Smith continues to urge members to get involved in the legislative process, even if it’s with something as simple as a one- or two-sentence letter.

“It’s not too late to help the Jobs Act along.

“And if it passes it could mean a lot more work for not only our members and their families, but all state residents as well.”

“Dirty Secrets” Bill

Continued from page 2

he estimates it will go through the senate so fast “it will probably break the sound barrier.”

“Cecil Underwood will have to start writing his name right now to get his signature on the bill before it skids across his desk.”

Nevertheless, he thinks all Kanawha County construction workers need to be aware Del. Jon Amores (D-Kanawha) was the champion of this secrecy bill “because he is an ambitious man and he wants to curry favor with industry and the business community.”

“He’s the type of politician that we need to be wary of -- he speaks out of both sides of his mouth and now he

may have shown his true colors,” Calwell said.

He’s an extraordinarily naive person if he believes this legislation was championed by industry in order to be given an opportunity to be honest, he said.

“That’s what industry would have you believe -- that unless they’re given this legislation they can’t be honest.”

**Call 1-800-642-8650
from 8:30 to 4:30 to
leave a message for
your Legislators
about the “Dirty
Secrets” Bill.**

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ACT Has Conference/Reception

ACT’s fifth annual Constitutional Convention and Legislative Reception was held February 27 in downtown Charleston.

The conference covered several topics such as organizing, political action, and getting more locals involved with ACT. The conference was attended by more than 50 representatives of ACT locals.

More than 46 senators and delegates attended the reception with a turn-out of well over 100 additional guests.

“It grows every year,” said ACT Legislative Representative B.B. Smith.

“It is important to create a friendly relationship between legislators and our membership. The reception is an excellent opportunity for us to improve upon that relationship.”