

Crane Operator Certification Gets Legislative Support

Legislation requiring crane operators to be certified is receiving broad support in both the House of Delegates and State Senate.

The bill, H.B. 4105, has already passed out of the House Labor and Industry Committee and is now under consideration before the Government Organization Committee.

The proposed bill would require the Commissioner of Labor to begin a program of crane operators' certification based on national standards. Crane operators, with limited exceptions, would be required to meet the following criteria in order to receive certification:

- ◆ Be at least 18 years of age.

- ◆ Pass a written examination.
- ◆ Pass a practical demonstration.

commercial motor vehicles. There will be some grandfathering provisions to

four years. If passed certification will be required January 1, 2000.

The legislation prohibits a person from operating a crane with a lifting capacity of ten thousand pounds or more without certification.

"This is just common sense legislation" said Delegate Gary Tillis-D (Putnam.)+

"We require a license to operate a car in West Virginia we should require certification for crane operators. This is a safety issue for all the crafts at a worksite."

West Virginia's construction industry has the second highest fatality rate in the nation. The last two years a number of deaths have occurred on bridge jobs.

Similar legislation has already been enacted in 12 states and 5 major cities.

There is also a growing movement for national standards led by the National Commission for the Certification of Crane

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LOBBYING FOR THE CRANE Certification Bill are Sam Canterbury, Shelva Smith, Rick Zwolensky and Earl Yost.

- ◆ Present physicians make certification simpler for those who can show 2,000 hours of experience in the previous

5 Get \$3,500 In Back Pay

Five Pizzagalli Construction employees who were victims of Davis-Bacon Act violations will receive a total of \$3,500 for back wages.

An agreement reached with Pizzagalli Construction Co., Inc. allowed the Federal Bureau of Prisons to release the \$3500 from contract funds due the contractor to the U.S. General Accounting Office.

While working on a building project at the Federal Correction Facility in Beckley, five employees of Pizzagalli, based in Vermont, were misclassified and not paid correct wages.

The employees would work

one day as laborers and the next as carpenters, but they continued to be paid the same wage each day.

According to the Davis Bacon Act, the employees must be paid the prevailing wage according to their classification.

ACT's Pauline Hanson assisted the employees in filing charges against the contractor, and played a role in getting the employees the money due them.

This process went on for years, but Hanson never gave up.

"We've been after the Federal Labor Department for almost four years now and they finally have gotten some of the money owed," Hanson said.

"It's a shame these workers

and their families had to wait so long, they really should have gotten more."

WVU Plans Include Project Agreement

As West Virginia University prepares for three new major construction projects, it plans to require the project managers to sign project labor agreements. These projects total approximately \$90 million.

WVU predicts the project labor agreements will be used with other major construction projects in its 'master plan.'

WVU is currently planning about \$220 to \$225 million worth of construction in the next 15 years.

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

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Tucker County Commission Sued For Tax Squandering, Price Gouging, Favoritism

ACT and Jim Nelson of Nelson Excavating, Inc. filed a suit in late January against Tucker County Commission for violations of state law during the construction of flood control projects.

The suit alleges the commission entered into contracts for the construction of flood control projects which were funded either wholly or partially by the state without submitting them for competitive bidding.

ACT and Nelson Excavating are asking the court to require the commission to make future contracts for the projects available for bid.

"We are not asking that the commission get the money back it has already spent," said Marvin "Bud" Parsons, Business Agent for Operating Engineers and a citizen of Tucker County.

"We are asking that it stop ignoring the law and put all future

work out to bid as required."

"We should not have to resort to filing a lawsuit just to force officials to abide by the law."

In addition, the suit charges favoritism in hiring, price gouging, hiring on a political basis, unlawful discrimination, and tax money squandering.

facturing Company, where the County claimed only to be purchasing materials for the multi-million dollar project. However, purchases of materials over \$5,000 weren't made available for bid.

According to the suit, state law requires all purchases of commodities over \$5,000 be

without competitive bidding.

The commission also claimed the grants would be used to hire minorities, the unemployed and the underemployed.

During the months of April and May, 10 people were hired and none of them is a member of a minority, nor does any of them meet federal guidelines as being unemployed or underemployed.

Before the suit was filed, Nelson and Parsons sent a letter to the Tucker County voters informing them of the conduct of the commission and asking for any information they may have about the situation.

In a special session in July 1997, the WV Legislature approved \$18 million for flood victims. Tucker County Commission received \$1.5 million, the largest individual grant from that amount.

The commission was also awarded \$2 million from the US Economic Development Administration.

According to the suit, in March 1997 the commission passed a resolution that it was "...prepared to administer the project under force account procedures..." and asked to begin the projects early.

In the suit ACT and Nelson state "... the Respondents engaged in a deliberate and willful course of conduct to skirt the law and avoid the competitive bidding process... The defendants created a fictional "force account" exception to competitive bidding which they then relied on as justification for not bidding the project."

Tucker County has until mid-February to respond to the charges.

"WE SHOULDN'T HAVE TO FILE A SUIT JUST TO GET OFFICIALS TO ABIDE BY THE LAW

MARVIN "BUD" PARSONS
OPERATING ENGINEERS BA

The suit identifies two flood projects. The first included dredging and dike building near the city of Parsons, totaling \$750,000, in which jobs over \$25,000 were not contracted out.

The second project was the construction of a flood wall surrounding the Kingsford Manu-

based on competitive bids, and all construction contracts over \$25,000 be placed on bid.

The suit alleges the commission used state funds to pay for more than \$350,000 in materials used for the Kingsford project without competitive bids.

In March 1997, Blain Engineering was hired for its services

CRANE OPERATOR CERTIFICATION

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Operators, which has support from all aspects of the construction industry.

The Crane Operator Certification Act, was sponsored by Delegates Kuhn-D (Boone), Manuel-D (Jefferson), Seacrist-D (Kanawha), Tillis-D (Putnam), Pettit-D (Hancock), Linch-D (Harrison) and Willison-R (Tyler). In the Senate twenty-five of thirty-four Senators cosponsored the bill. Senators Craigo-D (Putman), Buckalew-R (Kanawha) and Jackson-D (Lincoln) were lead sponsors.

"We want the highest skilled and most qualified people operating cranes," commented Operating Engineers Local 132 Business Manager Bruce Tarpley. "This bill will make a safer environment for everyone."

While the Crane Operator Certification is receiving broad support the WV Jobs Act is barely crawling according to ACT Director Steve White. "Everyone says they support local jobs, but there are powerful forces against the Jobs Act and we can't get it moving."

The WV Jobs Act would

require the hiring of local construction workers for projects financed with taxpayer funds.

ACT is also working with a broad coalition of groups to fight changes in our legal system proposed by big business. The changes would limit the payouts from law suits and make it very difficult if not impossible to go to court at all. "If this law is passed suits like we have seen in the asbestos cases would not exist," said White. "This would give companies a green light to kill, maim and otherwise injure workers and citizens."

FOR NON-COMPLIANCE

2,784 CONTRACTOR LICENSES REVOKED

Two thousand seven hundred eighty four (2,784) contractor licenses have not been renewed, as a result of actions taken by the West Virginia Division of Labor.

A recent report from the West Virginia Division of Labor shows the West Virginia contractors licensing law, now in it's sixth year is an effective compli-

ance tool for many state agencies.

The contractors were not in compliance with at least one state agency including, Tax Division, Worker's Compensation, Employment Security, Secretary of State or Division of Labor.

Also because of the Labor Division compliance verification for license re-

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IN SCAFFOLD TRAINING COURSES

Boilermakers Take Safety Initiative

One hundred seventy-five (175) members of Boilermakers Local 667 have taken a Hazard Recognition Training Course in an effort to update safety skills.

One of the main issues covered in this five hour course is scaffold training.

Boilermakers Local 667 is taking the lead by being the first Boilermakers local in the nation currently undergoing this much needed training.

Most members feel the courses are necessary and helpful.

"Many of us do the same

things everyday and accidentally overlook some basic safety rules," said Clarence "Bull" Clonch, a member of Boilermakers Local 667,

"I think the courses are absolutely useful in refreshing my memory about how to be safe



BRUSHING UP ON SAFETY SKILLS are members of Boilermakers Local 667

on the job." Clonch also said the accident rate has decreased since the development of these safety

their training each year.

Level Three has already been developed and MOST is work-

courses.

The course was developed by the Mobilization Optimization Stabilization and Training Program, or MOST. The men and women are taking the Level Two part of the course and will continue to update

ing on Levels Four and Five.

Each level in the Hazardous Recognition Training Course is a part of process safety management under OSHA regulations and is approved by OSHA.

Once each level of the course is completed, the members receive a certificate. Their names are put on a computer database so contractors and/or any other interested person can see who has, or has not, had the appropriate training.

"The safety of our members comes first," said Boilermakers Business Manager Ron Bush. "We're proud that the MOST program gives Boilermakers a boost when it comes to safety initiatives."

PROJECT AGREEMENT

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"We are looking forward to this unique opportunity to work with the North Central Building and Construction Trades Council. By working together we are better able to ensure our facilities are well constructed and are completed on time and under budget," said Scott C. Kelley, WVU Vice President for Administration, Finance, and Human Resources.

The project agreement gives contractors a set of rules to follow. Any contractor, in state or out-of-state, union or non-union, can bid on the jobs.

However, any contractor awarded a job must use local workers from the union halls or require their current employees to join a local union within seven days of beginning work. The workers are to remain a part of the union until the job is completed.

This effort ensures the employees working on the jobs are paid fair wages and fringe benefits and that the contractors practice fair hiring and abide by certain work rules.

"This project agreement will help boost the economy in Morgantown because it effects the next 10 to 15 years of work," said Rick Williams, Business Manager of the North Central Building and Construction Trades Council.

This levels the contractor playing field Williams explained.

"All contractors have to follow the same guidelines and pay the same wages whether they are in state, out-of-state, union or non-union," he said.

"It's a win-win situation," explains Williams. "The university gets quality work and our members get job opportunities. With this new policy we will have stability and prosperity."

Commercial Builders Must Hire Union

A settlement was reached between Commercial Builders and North Central West Virginia Regional Council of Carpenters last month requiring Commercial to hire union activists as their next employees.

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confirmation by Mike Johnson of the National Labor Relations Board.

In November 1997, it was reported construction workers from Commercial Builders in Morgantown were striking

against unfair labor practices and an investigation was underway.

Several workers were laid off from Commercial Builders as a

result of attempting to organize. Included in the layoffs was A C T ' s Northern Representative

"THE EMPLOYEES CAN NO LONGER BE HASSLED OR THREATENED FOR ORGANIZING."

**STEVE MONTONEY
ACT NORTHERN REPRESENTATIVE**

representative Steve Montoney, who, along with Leroy Stanley, organizer for the Carpenters, encouraged the employees to sign union cards.

According to the settlement,

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SUBCONTRACTOR JOINS WORKERS

Strike Expands at Jeld-Wen

Striking construction workers at Jeld-Wen, a new wood products plant being built in Nicholas County were joined by employees of Wellons Inc., a subcontractor on the project.

Wellons, from Oregon, is a mechanical contractor on the \$22 million project.

Salts from Pipefitter and Boilermaker locals hired onto the Craigsville project last month. After proving their skills on the job they set to work organizing.

"We work in the worst weather, welding in the rain, under water, the conditions are terrible," said one salt. "There are no benefits and safety is a constant problem."

A majority of workers, both union and nonunion, have signed authorization cards

calling for union representation according to ACT's Bill Thomas. "These employees have demanded recognition, they want

this to be a union job," Thomas said.

The project has been hampered by poor management and delays by the

five months it is unclear how Jeld-Wen has not paid workers compensation to the state.

It is also unclear whether they are paying unemployment insurance or other state payroll taxes.

Jeld-Wen workers went on strike last month protesting poor working conditions and low pay. The workers also claim Jeld-Wen broke the law by interrogating and punishing employees regarding their union activities.

Charges have been filed with the National Labor Relations Board and are currently under investigation.

Jeld-Wen workers were told wages up to \$18 an hour were paid in other states but in West Virginia, because jobs are scarce, Jeld-Wen planned to pay in the eight dollar an hour range, no benefits.

Of course Jeld-Wen is eligible for numerous tax credits and other financial incentives.

In addition the 12 acre site was donated by the Nicholas County Building Commission for only ten dollars.

"Here comes a company, who gets tax breaks, incentives and wants our wood products and what do we get in return," asked Thomas.

"Low wages, out-of-state contractors and workers compensation delinquents, it's not a good deal for our tax investments."



STRIKING AGAINST UNFAIR labor practices and for better wages and working conditions are four Jeld-Wen employees at the Craigsville site.

owner/general contractor Jeld-Wen as well as material delays for Wellons. Heavy snows have also been a problem and even collapsed part of a metal building on site.

The problems don't stop there. The West Virginia Workers Compensation Division recently posted a notice at the Jeld-Wen site stating Jeld-Wen, and three other companies, had no West Virginia workers compensation coverage.

With the project underway for over

COMMERCIAL BUILDERS

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Commercial Builders has agreed to post a "Notice to Employees" which informs them of their rights according to Section 7 of the National Labor Relations Act. The agreement also states the notice will be mailed to the employees' homes.

"The employees can no longer be hassled or threatened for organizing, and can file additional charges if something like this were to happen again," said Montoney.

The individuals involved in the settlement must be called back to work as soon as work is available, and if they are not, these men can file additional charges.

The men were not called back to work immediately because Commercial Builders claims it was planning to lay people off for the winter anyway.

"We still plan to organize the employees at Commercial Builders as soon as we can," said Stanley.

"They now know their rights and can't be intimidated anymore."

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CONTRACTOR LICENSES

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newals, \$559,961.26 in unemployment compensation funds was collected from 329 contractors.

"One big success of the law is to put construction companies on a level playing field," commented Roy Smith, Secretary of the West Virginia State Building and Construction Trades

Council and Commissioner of Labor when the law went into effect.

"And I wouldn't be surprised to find that the ACT Foundation helped turn in a number of violators."

There are 18,432 contracting firms, both in state and out-of-state, which currently hold valid West Virginia Contractors Licenses.