

THE ACT REPORT

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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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Governor's Tax Plan Good For Rich And Big Business

Gov. Underwood's proposed tax reform plan would end up costing working-class families more in taxes while businesses and the wealthy would pay less.

ACT recently released a study, by the Midwest Center for Labor Research (MCLR), of Underwood's tax plan and that's what it revealed.

The middle 1/5 of West Virginians, or families with an average income of \$35,600/year, would pay \$246 dollars more in taxes each year in taxes

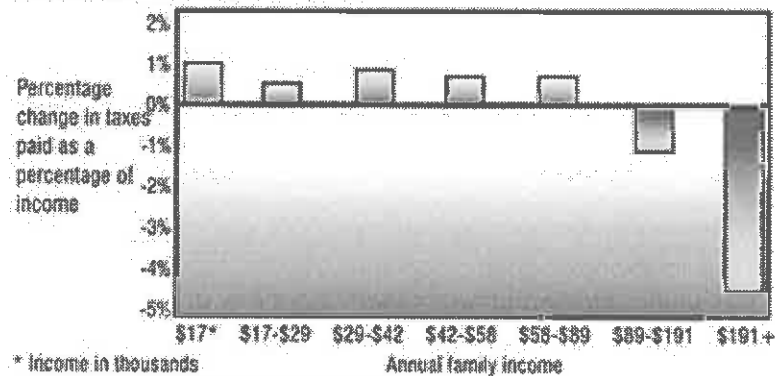
The top one percent of families, those with an average income of \$397,000/year, would pay \$17,500 less in taxes.

"The bottom line is, at the end of the day, working families will pay more and the wealthiest

The Governor's proposed plan includes replacing most state business taxes with a single busi-

Underwood tax plan: Winners and losers

Under a tax plan proposed by Gov. Cecil Underwood, working families averaging \$35,600 a year would pay \$246 more in taxes. The top 1 percent of families averaging \$397,000 a year would pay \$17,503 less.



residents of our state will be paying less," said ACT Director Steve White.

"This is moving in the wrong direction."

ness tax, creating a general excise tax instead of the state consumer sales tax, and eliminating property taxes on cars, boats and airplanes.

Beckley Mech Must Bargain With Union

Because Beckley Mechanical violated almost every law in the book during an election for union representation, a judge has ordered them to negotiate with Sheet Metal Workers Local 33, even though the union lost the election.

Administrative Law Judge Benjamin Schlesinger has decided to grant Local 33 a Bargaining Order in its case against Beckley Mechanical.

Based on the several complaints issued by the National Labor Relations Board (NLRB) against Beckley Mechanical in Dec. 1998, the judge ruled Lo-

cal 33 did not receive a fair election.

He went on to say Local 33 could not conduct a fair re-election because of previous threats

down and they would lose their jobs.

Therefore, the only solution was to grant the bargaining order.

"DECISIONS SUCH AS THESE ARE RARE AND WE CONSIDER THIS A MAJOR VICTORY."

DAVID MAINS
ORGANIZER, LOCAL 33

made by the company.

The most damaging evidence against Beckley Mechanical was a letter sent to employees by the owner.

The letter, in effect, told employees if they voted for the union the company would shut

Judge Schlesinger quoted from a similar case involving Jim Baker Trucking Co., where the Board ruled "... since most employees are dependent on their jobs for their livelihood, threatening to eliminate their place of

Underwood himself passed out flyers proposing the elimination of property taxes on cars at the DMV as people were waiting in line.

However, the MCLR study shows eliminated car taxes will quickly be replaced by higher taxes in other areas.

According to the study:

1. The proposed plan would make West Virginia's tax system more regressive.

As of now, the poorest in the state pay 10.6 percent of their income in taxes and the richest pay 7.9 percent.

The new plan would change these numbers to 11.6 percent and 3.5 percent respectively.

2. Under the Governor's plan, the tax revenue would remain the same, but the changes would produce clear winners and losers.

The study said "The winners are owners of businesses, who would enjoy a \$348 million tax reduction the first year.

"Forty-one percent of this tax reduction would go to just the wealthiest 20 percent of the taxpayers.

"The losers are the bottom 80 percent of families.

"Married families would pay \$51 million in new taxes while the upper 20 percent of the families would pay \$56 million less."

3. The elimination of property taxes on cars, boats and planes would help the rich more than the poor and middle class.

Right now those families which make \$10,000/year pay only 0.2 percent in this tax while families making over \$35,000 pay 0.5 percent.

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ACT Becomes Part Of Building Trades

On March 25 the final step was taken in the consolidation of ACT and the WV State Building and Construction Trades Council.

Both Building Trades' and ACT delegates voted for the final time at special conventions and work has begun on the consolidation process.

Each organization adopted the same constitution which makes ACT a division of the State Building Trades.

In addition the new constitution provides representation for each craft on the new Executive Board.

Dues will be earmarked, 2¢ to the traditional functions of the

ACT and the State Building Trades there will be a 2¢ reduction.

New members will see a 23¢ increase.

"With all building trades members pulling together we expect our budget to increase 50 percent," said ACT Director Steve White.

"And that means we can do more programs and cover a wider area."

Two new initiatives are already underway.

A new ACT representative was recently hired to work in the Eastern Panhandle area.

"We see the Eastern Panhandle continue to grow with little or no union participation," said White.

West Virginia.

"We have an important story to tell," said Roy Smith, Secretary-Treasurer of the State Building Trades.

"People need to be reminded of how hard it is for working families to make a living and also about the contribution unions make to helping those families.

"A half-hour show will let us show things our 30-second commercials can't."

Six shows will be produced and run on cable TV this year to test the show.

If the show is successful, the

format will expand and more stations will begin airing the program.

Overall the consolidation of ACT and the Building Trades will mean more hard work and more innovative approaches to the many problems facing construction workers.

"ACT has become a division of the Building Trades and will continue functioning as it always has," said ACT President, Bruce Tarpley.

"We can't look back on our past successes, we must be ready for the future."

BECKLEY MECH

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employment is sufficiently serious to justify a bargaining order, even standing alone."

The organizing drive began at Beckley Mechanical in March 1998 by Randy Gombos and David Mains.

The campaign slowed down until June because of employee resistance and employer interrogation.

In September, after the majority of employees signed cards, Gombos and Mains filed for an election with the NLRB.

The election was lost on Oct. 7 by a 14-7 vote.

The letter and continued threats by Beckley Mechanical's owner led to the charges filed and complaints issued.

The bargaining order was ordered effective as of Sept. 2, when Local 33 first asked the company to recognize it as a bargaining agent.

In addition to the bargaining order, Beckley Mechanical will post a notice to employees at its office, all job sites and provide a signed copy to Local 33 to post at the union hall.

Beckley Mechanical will mail the notice to all employees as well.

Beckley Mechanical can appeal the bargaining order, however, the United States District Court for Southern District of WV has issued injunctive relief.

This will allow negotiations between Beckley Mechanical and Local 33 to take place even during the appeals.

"We are very excited about this decision," said Mains.

"Especially the fact that the injunctive relief enables us to negotiate even during the appeals process.

"Decisions such as these are rare and we consider this a major victory."

Local 33 Wins Ruskin Election 76-34

Workers at Ruskin Manufacturing in Fairmont voted overwhelmingly for union representation by Sheet Metal Workers Local 33.

The vote was 76-34 in favor of the union.

The Fairmont shop is one of six Ruskin plants in the country. The plants are all production shops rather than building trades shops.

Ruskin manufactures louvers and dampers for HVAC systems.

The five shops besides the one in Fairmont are already union with the Sheet Metal Workers according to Randy Gombos, organizer for Local 33.

Ruskin opened the Fairmont plant with the intention of keeping it non-union.

From the beginning Local 33 organizers were faced with hostile employers determined to keep their shop nonunion.

"We must have filed a dozen unfair labor practice charges," said Gombos.

"Everything from interrogation and illegal termination to surveillance was attempted."

"The fact that we were victorious even though Ruskin fought us every step of the way says a lot for the men who worked on this campaign," said Gombos.

Gombos also credits fellow organizer David Mains for his efforts.

"I'm not sure we would have been successful without him."

"ACT HAS BECOME A DIVISION OF THE BUILDING TRADES AND WILL CONTINUE FUNCTIONING AS IT ALWAYS HAS. WE CAN'T LOOK BACK ON OUR PAST SUCCESSES, WE MUST BE READY FOR THE FUTURE."

**BRUCE TARPLEY
ACT PRESIDENT**

State Building Trades and 23¢ to continuing ACT programs.

The new constitution goes into effect June 1.

"We wanted to give locals who had not been participating time to negotiate the increase into upcoming agreements," said State Building Trades President Steve Burton.

For those already paying into

"Wages are low and the demand for workers is high so now is the time to organize."

White also noted that many non-union contractors active in the eastern Panhandle area are going after work in other parts of the state.

Also underway is a plan to develop a half-hour television show about working families in

Eastern Panhandle Organizing Drive

Local building trades leaders affiliated with the North Central West Virginia Building Trades met in Martinsburg last month to discuss ways to organize in the Eastern Panhandle.

The Eastern Panhandle has seen a gradual decline in union construction work. It is most evident now with the 'building boom' taking place there recently.

Most of the companies in the area are paying low wages and no benefits.

"We have noticed a major non-union influence in the construction work in the Eastern Panhandle," said Rick Williams, business manager for North Central Building Trades.

"We would like to find a way to open up these jobs to union members.

"We also would like to encourage more workers in the area to join unions.

"We think offering the current workers higher wages and benefits will give us an edge on the organizing effort."

The meeting included about 25 people from West Virginia, Pennsylvania and Maryland. Representatives from three fair contracting groups in the region explained their programs.

Also present was Stephen Lerner, assistant to President Georgine of the Building Trades Division, AFL-CIO in Washington, DC.

Lerner spoke about 'Milestones to Organizing' which outline things the council can do to

get people involved in organizing.

During the meeting a committee was formed to look at the construction market in the Eastern Panhandle and determine from where the workers and contractors were coming.

"We know it will take a while before we see a change in this area," said Williams.

"But we are excited by the possibilities and what we could potentially accomplish.

"We have talked to officials in the area from the County Commission and the Economic Development Authority to let them know who we are.

"We want them to know that we intend to focus on raising wages, skills and working conditions for area construction workers."

Mid-South Faces NLRB Charges

At the site of a new CVS Pharmacy in Ashland, Ky., 11 workers were terminated shortly after they announced their union affiliation to Mid South Construction last August.

Mid-South, of Jamison, AL, was the general contractor on the job.

Tri-State Building Trades had been informally picketing the CVS site prior to the men being hired and continued after.

The 11 men, including members of the Laborers and Cement Finishers Unions, as well as ACT's Donnie Huff and Steve Montoney, began work at the site on Aug. 6, 1998.

On that same day, Huff informed the company owner, Richard Hately, of the employees' desire to be represented by

Tri-State.

All of the men were immediately terminated.

Two union carpenters inquired about obtaining jobs with Mid-South's owner, but were turned away because of their suspected union affiliation.

However, neither admitted to Hately their union affiliation.

"We also found out the super on the job was told by Hately not to hire union," said Tom Williams of Tri-State Building Trades.

"Hately was open about his feelings toward unions.

"He said unions were 'like a religious cult' that people follow blindly."

Tri-State Building Trades filed charges on Jan. 18 of this year with the National Labor Relations Board (NLRB) for discrimination in hiring and unlawful discrimination.

Suspected Illegal Aliens Found In LVI Van

Laborers in Charleston hit the streets to protest the use of out-of-state workers and illegal aliens for a downtown asbestos removal project.

Bell Atlantic hired LVI Environmental Services from Rockville, MD to do asbestos removal at its MacCorkle Ave. headquarters.

LVI Environmental brought in perhaps as many as 40 workers from out-of-state, including illegal aliens.

Laborers Local 1353 recently ran ads in the newspaper criticizing Bell Atlantic for its use of LVI because the Maryland contractor is not using any West

Virginia workers.

Union members also handbilled at a number of Bell Atlantic locations.

"We've learned a lot about Bell Atlantic and their President Dennis Bone," said Gary Tillis, Business Manager for the Laborers District

Council of West Virginia.

"Do these workers have health care?

"Bone sits on the Board of CAMC, he knows workers from out-of-state without health insurance puts a burden on our community.

"He also knows union members have pulled their weight paying bills at CAMC."

Tillis also points out that Bone,

"WE DON'T THINK IT'S FAIR TO ASK LOCAL WORKERS TO COMPETE AGAINST ILLEGAL ALIENS FOR JOBS."

**CRAIG HARVEY
LABORERS LOCAL 1353**

as head of the area Business Roundtable, recently called for more training for local workers as a important step in building our economy.

"The Laborers and participating contractors have invested millions in training," said Tillis.

"Our site in Mineral Wells has turned out plenty of workers trained in the proper way to safely remove asbestos.

"Now they sit unemployed while Bell Atlantic allows its contractor to import workers."

On March 24, Charleston Police pulled over the van owned by LVI for speeding.

After approaching the van the officers discovered what appeared to be seven illegal aliens inside.

INS Agent Frank Beverly was contacted.

Upon his investigation, Beverly confirmed the passengers, six men and one woman, were illegal aliens.

The driver of the van had temporary legal resident status.

All of the suspects have lived in Maryland for some time.

The men and the woman were released on their own recognizance because they all had valid addresses and no criminal records.

They received a summons for a deportation hearing, but no date has been set.

Both LVI and Bell Atlantic, as well as the suspects, were told they could not legally work in the United States.

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Workers Memorial Day, April 28

Workers Memorial Day is approaching and so is the time to remember workers who were killed on the job.

This national event, sponsored by the AFL-CIO, will be observed on Thursday, April 28, 1999.

each year and another six million are injured.

This proves the fight for safe jobs is far from over.

Today unions continue to fight for:

⇒ The right of workers to organize and join unions without employer interference or intimidation.

⇒ An end to employer and Congress-

safety law.

⇒ Stronger whistle-blower protections for workers who report job hazards and injuries.

⇒ An OSHA ergonomics standard and workplace protections to prevent repetitive strain injuries.

⇒ Fair and timely compensation for injured workers.

⇒ The right of workers and unions to speak out for strong job safety laws and to have a full voice in

the legislative and political process.

This year the West Virginia AFL-CIO will be holding a memorial service at its 501 Broad Street office in Charleston at 6:00 p.m. on Thursday, April 28.

All workers as well as their families and the families and friends of workers who have been killed in job related accidents are invited to attend.

Contact the West Virginia AFL-CIO at 304-344-3557 for further information.

MEMORIAL SERVICES WILL BE HELD AT 501 BROAD ST. IN CHARLESTON AT THE AFL-CIO BUILDING BEGINNING AT 6:00PM ON THURSDAY, APRIL 28.

PLEASE JOIN US

For years unions have fought and won battles for safe working conditions and respect and dignity on the job.

However according to AFL-CIO statistics, at least 60,000 workers are killed

sional attacks on workers' safety and health and workers' rights.

⇒ Stronger safety and health protections and enforcement.

⇒ Coverage for all workers under the job

Wheeling Roofer Killed On The Job

On March 31, Pat McIntire of Belmont, Oh. was killed while working on the Egerter Building in Wheeling, WVa.

Part of the four story building collapsed on top of McIntire while he was taking a break.

McIntire was standing in a dump truck which was parked near a chute used to remove debris from the roof when a five-foot section of the building gave way.

The accident happened while his co-workers were tearing apart the roof.

He was taken to Ohio Valley Medical Center where he died shortly after.

McIntire's wife was in the same hospital recovering

from the birth of their first child which happened the day before.

McIntire was a member of Roofers Local 188 in Wheeling and

was employed by Romig Roofing.

Donations can be made to the McIntire family in care of Roofers Local 188, call 304-232-2496 for more information.



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TAX PLAN

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Elimination of these taxes would not save the poorest tax payer much money at all.

"We support simpler and fairer taxes, not increases to poor and middle class families," said White.

"We just studied the impact on working families.

"There still needs to be studies of the

effect on education, small business, seniors and local government.

"Why are we not talking about eliminating the food tax if we are talking about making a more progressive tax system?"

"And why don't we review coal, timber and other resource taxes?"

"Such a resource-rich state would not be so poor if the owners of these resources paid their fair share of taxes."

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LVI spokesman, Burton Fried told *Charleston Newspapers* the van was the property of LVI, but would not say the suspects were LVI employees.

"We do not know who they are and whether they are affiliated with LVI," Fried told one *Gazette* reporter.

ILLEGAL ALIENS

"They haven't yet had a hearing that could concretely demonstrate they are illegal aliens."

"We don't think it's just a coincidence these people were found in an LVI company van," said Craig Harvey of Laborers Local 1353.

"We don't think it is fair to ask local workers to compete against illegal aliens for jobs."