

NATIONAL BUILDING TRADES SAY 'DISAFFILIATES CAN'T BELONG'

# SEIU, Teamsters, UFCW Drop Out, Carpenters Stay Out of National AFL-CIO

**L**abor turmoil from the AFL-CIO has quickly spread to the Building Trades.

At the July AFL-CIO national convention John Sweeney was re-elected, unopposed, to the top position of president.

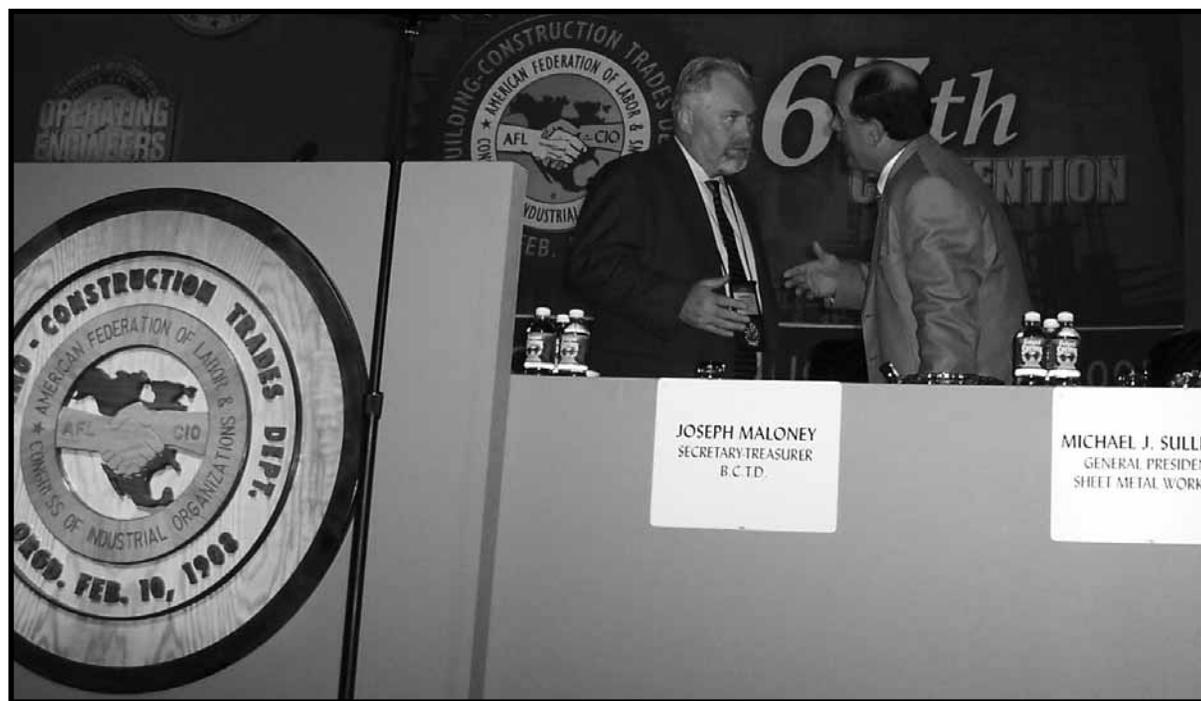
Sweeney's own Service Employers International Union, now headed by Andy Sterns, led the charge to leave the AFL-CIO.

The Teamsters and United Food and Commercial Workers quickly followed.

The convention was also a deadline for the Carpenters Union to re-affiliate. They chose not to.

The Carpenters Union has been out of the AFL-CIO since 2001.

Less than a month later the



TALKING DURING A BREAK in the convention are (right) Steve Burton, Business Manager of the Tri-State Building Trades Council and Joe Maloney, Secretary-Treasurer of the National Building Trades Department.

first ramifications of the withdrawals were felt at the National Building Trades Department Convention.

In his speech to the delegates Building Trades President Ed Sullivan made it clear that members of the Carpenters and

Teamsters cannot hold office, can not vote and can not pay into state and local building *Continued on p. 4*

## Non-Responsible Company Loses Bid

**T**he West Virginia Department of Administration denied low bidder Trimat Construction the contract to build Lakin Corrections Center in Mason County.

Instead they awarded to Wesam Construction after determining Ohio based Trimat was not a responsible bidder.

The \$5.75 million project was first bid in November of 2004. In January the Purchasing Division made the decision to reject Trimat's bid based on

documentation provided by the ACT Foundation and the Regional Jail Authority.

Trimat appealed the decision and a hearing was held on March 11, 2005 to take evidence.

The evidence provided by ACT and presented at the hearing revealed a number of facts.

Trimat is owned by Matthew Toler, at least on paper. But substantial documentation exists to question whether or not Maurice Toler, the father of Matt, and former owner of M & T Construction is not running the company or at least in a significant controlling position.

Why would it matter?

Maurice Toler was convicted of bribing a federal official after pleading guilty to two felony counts in 1990.

The conviction also meant Maurice Toler and his company M & T Construction were banned from bidding Federal construction projects.

West Virginia law is clear, thanks to a bill the ACT Foundation passed a number of years ago, companies banned from federal projects are also banned on state, county and municipal projects.

M & T went out of business

but at about the same time Trimat was formed.

Trimat was supposedly started by Maurice Toler's mother, but at some point she sold the company to her teenage grandson.

Current corporate documents show Matt Toler as the owner, but also show Maurice Toler as the Agent.

Matt Toler admitted his father was a manager of the company, however the relationship was not disclosed on the company's vendor registration form. The form specifically asks

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# Labor-Management Workers Comp Plan Underway

**U**nion contractors are starting to save money on their workers compensation payments thanks to a joint effort by a labor and management group.

Four union contractors have signed up to take advantage of a new drug free workplace discount program.

The program was copied in part from Ohio's drug-free discount.

Companies who have a valid

drug testing policy get a five percent discount in their workers compensation premiums.

The Ohio plan does have critics who say the drug testing policy is not well enforced and is too easy to get. When creating the West Virginia guidelines, labor and management representatives worked to make sure any policy must meet tough standards.

"We made sure the standards in West Virginia were higher and the system less complicated," said Jim Cerra, Executive Director of the Kanawha Valley Build-

ers Association.

"Our LEAD program now meets those standards."

Only contractors who are classified as "General Contractors, under two stories" are eligible for the discount program. The discount is part of a 'pilot program' to measure whether drug testing actually improves on the job safety.

A five percent savings translates into about eight cents per hour for a union general contractor.

Cornerstone Interiors has qualified for the program and will

see the discount applied to their next quarterly premium payment.

"Having a drug free workplace will make our job sites safer, and the discount makes us more competitive," said Glenn Jeffries, President of Cornerstone.

The application period for the program closed on July 1 but will open again on January 1, 2006. The pilot program will last three years.

If the pilot program works then different categories of contractors will be allowed to participate.

The drug testing discount is just one area the group has been working on.

Another discount, of up to five percent, is available to all companies who have a return-to-work program.

The basic idea is to get injured workers back on the job as soon as possible. A key factor is to involve the employee's doctor and look for duties that fit the recovering employee's capabilities.

This 'modified duty program'

can include light duty or part time hours.

Progressive Electric Company has already been approved for their return-to-work program and as of July 1, 2005 will enjoy a 3.5 percent discount of their workers' compensation premiums.

"It makes good business sense, to get workers back to work," said Ted Brady, President of Progressive.

"The key is establishing a dialogue between the worker, the doctor and the employer."

The labor-management group is looking at a number of ways to make sure they remain competitive when the workers compensation system transitions from a state run system to a private one in January 2008.

"Safety is the key, but we are also looking at making the system work for our members, cut down on disputes and help our contractors be more competitive," said Gary Tillis, Business Manager for the Laborers District Council.

the crafts they are working with the many union trades on the project.

Trimat has appealed the Hearing Examiners Decision to the Circuit Court of Kanawha County.

ACT plans to file a friend of the court brief in support of the Department of Administration.

"Trimat and the Toler's have a track record that speaks for itself," said Dick Ullum, Assistance Executive Secretary for the Mid-Atlantic Regional Council of Carpenters.

The Trades had protested the award to Trimat of a new Municipal Building in Ripley in 2003. The job ended up going four months over schedule.

## UA Local 625 Instructor/Member Graduates



*TERRY L. SNODGRASS, a member of Plumbers and Pipe Fitters Local 625, Charleston, graduated from the National Labor College with a Bachelor of Arts in Health and Safety and Education on June 25.*

*The degree program is coordinated by the George Meany Center for Labor Studies in Maryland and the AFL-CIO Department of Occupational Safety and Health.*

*"Graduating from the NLC with a dual major in Safety & Health and Labor Education fulfills a lifetime dream," said Snodgrass, 52, of Sissonville.*

*"I gained 30 years of experience as a skilled professional with WV Heating and Plumbing. I thought it was about time to be recognized academically for what I have learned in my life and in the classroom."*

*Snodgrass is also a UA Certified Instructor and has worked both to training apprentices and journeymen in a variety of areas at the Local 625's program.*

*"We are very proud of Terry," said Jeff Perry, Business Manager for Local 625. "He worked hard to earn this degree."*

## Trimat

*CONTINUED FROM P. 1*

for past companies associated with managers and owners.

It was documentation of this relationship, plus numerous facts regarding default workers compensation premiums, delinquent subcontractor bills, tax liens, OSHA violations, and other problems, all provided by ACT, that helped convince the Department of Administration doing business with Trimat was not in the best interest of the State. Wesam Construction was awarded the job and is on site currently building the project. Although Wesam is not signatory to all

# Asbestos Legislation Underway - Again

**O**n-again, off-again legislation to address compensation for victims of asbestos exposure is starting to move in the U.S. Senate.

The current system of filing a lawsuit and working through the court system is characterized as slow, costly, unfair and random.

Instead the bill would create a medical trust fund with rules on eligibility that did not require filing suit.

Sponsored by Senators Specter (R-Pennsylvania) and Leahy (D-Vermont) the "Fairness in Asbestos Injury Resolution Act of 2005" aims to streamline the process workers and their families face when they discover they have serious exposure to asbestos.

The approach has been tried before but with the many interests of big business, trial lawyers and injured workers finding an agreed upon compromise has proved difficult if not impossible.

In an August 4, 2005 letter to

both Senator Specter and Leahy, James Grogan, General President of the International Association of Heat & Frost Insulators & Asbestos Workers expresses his support for the effort.

"[We] strongly support your continued efforts towards a bipartisan bill that will ensure true, just and fair compensation to current and future victims of asbestos exposure" Grogan wrote.

However Grogan also expressed his concern about "hostile amendments" that may be offered to undermine core provisions of the bill.

Grogan highlighted six key provision in the bill that had to stay if the Asbestos Workers were to remain in support.

1. Fair compensation to asbestos victims with mesothelioma, lung cancer or those victims who have impairment from asbestosis or asbestos exposure

2. No delay for victims' access to the tort system in state or federal court if the trust fund becomes insolvent

3. Protection for victims from insurance subrogation (insurance companies claiming part of the settlement)

4. An asbestos ban in the United States

5. A program for the medical screening of high risk workers

6. Enforcement provisions to prevent needless exposure to asbestos by uninformed and un-

suspecting workers

Legislation on the state level was introduced in West Virginia earlier this year that claimed to be similar. However, a careful analysis showed many flaws and unexplained details which led to ACT's opposition to the bill.

Similar bills have been passed in Ohio and Florida.

"This is a national problem and the best solution would be a decent bill passed at the federal level," said Steve Pigg, Business Manager for Asbestos Workers Local 80.

"There's only so much money and we want to make sure injured workers, not lawyers or expert witnesses, get their share."

## ACT Wins Best TV Commercial Award

**A**CT has won a first place award for the best labor television commercial of 2005.

The award was from the International Labor Communications Association.

Entries from across the country are judged annually in a variety of categories including newspapers, magazines, websites,

radio and television productions.

ACT won with its commercial "We Should Rebuild West Virginia" which makes the point West Virginia needs more funding for infrastructure projects while billions of tax dollars are being spent overseas for the same projects.

You can view all of ACT's commercials online at the ACT web site [www.actwv.org](http://www.actwv.org).

## WEST VIRGINIA TO GET \$2.6 BILLION

# Congress Passes New \$286 Billion Highway Bill

**A** long overdue federal highway bill, funding \$286 billion in construction, finally passed Congress and was signed into law in August.

The bill is called SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users).

The bill provides funding through 2009 for federal highways and transit programs as well as highway and motor carrier safety.

Most important, the bill retains important Davis-Bacon protections which make sure fair wages are paid to construction workers.

Some efforts were made to take away Davis-Bacon protec-

tion for new "innovative financing mechanisms." However, state infrastructure banks, private activity bonds and rail infrastructure loans will all have Davis-Bacon coverage.

West Virginia will get \$2.6 billion in federal funds during the next five years for highway and bridge construction, maintenance and repair.

The bill includes:

- \$404 million each year for highway construction. Most federal funds will be matched by a 20 percent contribution from the state - roughly \$400 million more.

- \$432 million for ongoing work on the Appalachian Corridor highway system.

- \$150 million specifically earmarked for new highway construction projects, including \$87 million for U.S. 35 in Putnam

and Mason counties.

According to newspaper reports Sen. Robert C. Byrd, played a central role in getting the additional \$87 million added to make US 35 into a four lane highway.

Reports quoted Byrd saying, "These funds help to protect lives and reduce the risk of traffic accidents.

"I am proud of our work in this legislation and believe that the funding in this bill will make a real difference in the lives of all West Virginians."

The Department of Transportation estimates that 47,500 new jobs are created for every \$1 billion spent on transportation nationally.

The \$404 million in annual federal funds is an increase of more than 30 percent from the last federal highway bill.

## The WV State Building Trades

Will be holding its  
ANNUAL CONVENTION  
on Wednesday  
September 14, 2005

10 a.m. at  
Stonewall Jackson Lake  
State Park  
Lewis County, WV

For more information, Contact your Local Union.

## \$6 MILLION 'HOSPICE HOUSE' PROJECT UNDERWAY

# Trades Donate \$22,400 to Huntington Hospice

**T**ri-State Building Trades Council and member unions donated \$22,400 to Hospice of Huntington on July 29th.

The money will go towards the construction of a new inpatient facility called 'Hospice House.'

Hospice is a special way of caring for a patient whose dis-

ease cannot be cured.

An interdisciplinary team of physicians, nurses, home health aides, social workers, volunteers and clergy provide care designed to relieve symptoms such as pain, other physical discomforts, and emotional stress.

The focus of hospice care is home care. However, inpatient care is used when pain and other symptoms cannot be con-

trolled in the home care setting.

Three percent of all patient days are inpatient days.

Neighborgall Construction Company of Huntington was selected as the general contractor for the \$6 million project.

Construction began in April and is expected to be complete within 12 months.

According to Hospice President and CEO Charlene Farrell

the project is on schedule and the quality workmanship of the union crafts has "exceeded my expectations."

Farrell also complimented the work ethic of the trades "these guys work hard all day."

"We're pleased to contribute to such a worthy cause," said Steve Burton, Business Manager

of the Tri-State Building and Construction Trades Council.

"Hospice is all about people, people being able to live and die in dignity.

"That's why it's so easy for the Building Trades and its affiliates to participate, because we are about people and dignity at all stages of life."



STEVE BURTON OF the Tri-State Building Trades presents Charlene Farrell, President and CEO of Hospice of Huntington with a check while members of the Tri-State Building Trades Council look on.

## 'Disaffiliates'

*CONTINUED FROM P. 1*

trades councils.

Sullivan pointed out that the National Building Trades technically is a department of the AFL-CIO.

The AFL-CIO constitution states that only unions affiliated at the national level are permitted to affiliate with AFL-CIO trade and industrial departments at the national, state and local level.

The Carpenters Union had been allowed to maintain mem-

bership up to this time in the Building Trades Department while they were out of the AFL-CIO.

Sullivan stressed that maintaining job site peace was essential.

He said the department would be developing "policies and procedures" to maintain industry stability.

Sweeney also spoke to the convention.

He said the AFL-CIO recognized that in many areas of the country there are no disagreements among the unions and said they were looking to

develop ways for unions to directly affiliate with local and state councils.

The "Solidarity Charters" have not been finalized. It was not clear what affiliations the charters would cover.

State AFL-CIO's and Central Labor Councils will also be affected.

In a meeting after the convention Secretary-Treasurer Joe Maloney fielded questions from state and local council leaders.

Some were very upset at the direction the department was going and flatly stated they would

not obey.

Others were equally mad at the Carpenters for choosing to leave and were quick to support the strict actions.

Maloney said that if the AFL-CIO did not develop their Solidarity Charters quickly enough then the Building Trades would do so.

Questions about how to handle national agreements, contract disputes and project labor agreements were also discussed.

"There are no easy answers,"

said Roy Smith, Secretary-Treasurer of the West Virginia State Building Trades.

"We are looking at some tough decisions ahead."

As the *ACT Report* goes to press, the West Virginia State Executive Board had not met to discuss the events.

However, motions to follow the direction of the national Building Trades have already passed at both Charleston and Parkersburg Building Trades Council meetings.

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