



THE ACT REPORT

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Building On The Past



HONORED FOR MANY YEARS of membership with Carpenters Local 1207 are from left rear, John Jarrett, business manager of the Chemical Valley District Council of Carpenters; Jason McPeck, 30 years; front left, David Armstead, local president; Bill Kelly, 40 years; Bill Fink, 30 years; Richard Carte, 25 years; and Bob Sutphin, 25 years.

Union Sympathizer Fired At Woodrums, Supporters Picket

Two union sympathizers who sought to organize a downtown Charleston renovation project were fired by the contractor recently.

And within minutes building trades union workers picketed the site.

ACT has reversed the tide," said Bill Thomas, ACT industrial representative.

"The wheels of progress are starting to turn now as far as union activity goes--even though they turn slowly."

In talking about how ACT has reversed the tide, Thomas referred to the mid-July picketing outside the Woodrum Building renovation project on Virginia Street in Charleston.

"We intend to intensify these types of activities and have several other projects under way around the state," he said.

About 25 union construction workers, members of the Charleston Building & Construction Trades Council, picketed the Woodrum Building after two non-union carpenters

ACT's fair contracting representative.

Tillis said the two wanted a letter to present to their boss for proof that they weren't fired for other reasons. The letter

'ACT has reversed the tide. The wheels of progress are starting to turn now, as far as union activity goes, even though they turn slowly.'

Bill Thomas,
ACT Industrial Representative

were fired from the project for telling their boss they planned to organize a union.

The men had previously contacted the Charleston Building & Construction Trades Council about concerns over safety and overtime pay.

The Woodrum project was being monitored by Gary Tillis,

was provided by Willard "Bubby" Casto, business manager of the council.

"We knew they were going to present the letter at 11 a.m. so we had our men there then to show our support," Tillis said.

Carpenters are the principle craft involved in the organiz-

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Legislative Committees Planned

Preparations Being Made For Elections

It may be hard to believe, but the 1996 elections are not far off -- and for ACT that means a lot of preparations are being made even now.

Next year's elections are especially important to organized labor in West Virginia.

In that regard, ACT is developing a new, multi-pronged legislative program, according to B.B. Smith, ACT's legislative representative.

Smith has spent the last several months getting locals to form volunteer legislative action committees.

The committees will allow ACT members to contact their legislators and discuss their views in a grassroots format.

"If we aren't registered to vote we have no political power," commented Smith.

To start, each local is checking county voter registration records to find members who are not registered.

The next step is to encourage
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ACT Gets Canaan Audit, Stops Work At Ski Resort

A construction project on eight luxury cabins at Canaan Valley Resort Park was shut down by the Division of Labor in late June after a request for an audit by Steve Montoney, ACT's northern representative.

Montoney had begun investigating the project, which includes a \$7 million ski lodge, in April

He was contacted by Kenny Bible of Kenny Bible Construction, who asked about prevailing wage on the eight cabins.

Bible is a sub-contractor to Ken Auvil Homes, Inc. and was brokering his men on an hourly wage and wanted to know what he had to charge Auvil, Montoney said.

Harry Trushell Construction

Inc. is the general contractor on the project.

"Auvil told him that he had an attorney investigating the issue and felt he didn't need to pay prevailing wage since the cabin units are prefabricated, but Bible's employees were working on the job site building decks for these units," Montoney said. "Another sub-

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Ritchie Dam And Water System Construction Gets ACT Support

ACT has thrown its hat in the ring in support of the \$40 million Hughes River Watershed Lake Project in Ritchie county.

Steve Montoney, ACT's northern representative, spoke at the June 19th meeting of the project's planning committee.

Montoney told the committee ACT promotes jobs for West Virginia residents, especially for projects such as this lake project.

The project is 100 percent federally funded by the Appalachian Regional Fund, and backed by Sen. Robert C. Byrd, D-W. Va.

"The economy is terrible down there," Montoney said. "The biggest construction projects they've had in the last couple of years have been road paving, so a job of this size would be a big boost to the economy."

If completed, the project would create a dam and 305 acre lake which would provide flood control and a treatment system for the towns of Ellenboro, Harrisville, Pennsboro and Cairo.

However, the Sierra Club, the Hughes River Watershed Association, the West Virginia

Rivers Coalition and the West Virginia Citizen Action Group have filed suit in federal court to stop the project.

They contend the U.S. Natural Resources Conservation Service failed to consider cheaper, more environmentally sensitive ways to provide flood control and drinking water.

The Environmental Protection Agency and the U.S. Fish and Wildlife Service have also voiced concerns.

A United States District Court judge in Clarksburg ordered an attorney for the opponents of the project to file briefs by July 6th.

The defendants have been

given until July 17th to respond to the briefs. A hearing date will then be set after the submissions from both sides.

"The bottom line is we need flood control in that area. We support the project because it makes sense and will create much needed jobs," Montoney said.

ACT's Hanson Tracks Taxes, Land Deals; Finds Mistakes That Cost Taxpayers Money

Pauline Hanson, ACT's research analyst, tracks West Virginia taxes to make sure they're going where they're supposed to. Sometimes she saves taxpayers' money by pointing out mistakes to public officials.

For example, the city of Charleston will receive \$195,000 for a city building

permit for the new federal courthouse that it wasn't aware it was entitled to.

That was before Hanson brought the matter to their attention.

The fee is based on the project's estimated cost, which is about \$60 million.

"I told them they were entitled to this money, but I had to

prove it first," Hanson said. Hanson referred to a letter from the office of Sen. Robert Byrd for support.

An official from the General Services Administration wrote to Byrd: "Although we agree... that a state may not use its licensing power to interfere with the federal government's sovereign right to select contractors, we note that federal construction contractors are generally required to comply with the laws."

The almost missed permit fee is just the latest in a series of questionable transactions involving taxpayer assets Hanson has been investigating.

She also checks up on land deals the state sets up. She recently discovered the state Armory Board is looking at trading timber rights to 1,250 acres of state-owned land for a 50-year lease of 2,400 acres at a loss of more than \$460,000.

State Auditor Glen Gainer said tax records indicate the land the state lease is worth just \$340,000.

Chief State Forester Bill Maxey said the first timber harvest would be worth almost \$800,000. And that, he added, doesn't include a possible second and third timbering before the 50-year arrangement is up.

"It bothers me when they try to give everything away," said Hanson.

Others include the 1991 sale of the Andrew S. Rowan Memorial Home in Monroe County which netted a loss of \$615,000 for the Department of Health and Human Resources.

The facility was valued at more than \$4 million, but was sold to the Monroe County Building Commission for \$1.

The Building Commission took out a \$1.4 million loan for development, but defaulted and the property was foreclosed.

"The state used to own the building, but now a bank owns it," Hanson said.

Another case that Hanson investigated was the 1991 transfer of Denmar State Hospital to Pocahontas County.

"The county lost out on that deal," she said.

When the state wanted to build a new prison on the site, the county bought the land back in 1993 for \$495,000 -- almost twice as much as the selling price a year earlier.

Hanson said ACT investigates these cases because public tax dollars are involved.

"We try to investigate any publicly funded job. If taxes are involved the public has a right to know what's going on."

Canaan Work Stopped

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contractors' men and others are laying up the footings and none are being paid prevailing wages although the architect, Omni Associates, said it was in the specifications to pay state wages."

The cabins must be built with prevailing wage because they are on state property, Montoney said.

"The concessions at the lodge and cabins are contracted out by the state, so that's another reason why those workers should be paid prevailing wage."

The entire project is being built by Guest Services Inc., the concessionaire that operates Canaan Valley Resort State

Park.

Montoney visited the cabin job site in late May and talked to Debbie Demyan, Construction Inspector of State Parks and Ken Auvil of Auvil Homes.

"Although West Virginia prevailing wage rates were incorporated in the specifications, everybody seemed unclear as to whether they apply to the subcontractors," Montoney said.

"So I asked Shelby Leary (Commissioner of Labor) to send a compliance officer. Dusty Perdue, the compliance officer who inspected, had the state put a stop payment on its money until all of the subcontractors came into compliance with state law and pay their

workers prevailing wage."

Montoney said the job was shut down for a couple of weeks.

"I heard that the HVAC contractor said he didn't bid the project at prevailing wage so he pulled out of the job."

Montoney said that Harold Elbin, CEO for the general contractor, Harry Trushell has hired other carpenters to finish the job.

"I have good indication that this is yet another attempt to sidestep prevailing wage," he said.

The cabins were slated to be completed July 1, but are still under construction due in part to the shut down and other problems on the site.

Permit Request And Plans Differ

State DEP Officials Indicate Pulp Mill Plans Seem Not To Match Developer's Statements

What do they want to build at the proposed pulp and paper mill at Mason County's Apple Grove?

A multiple-stack facility similar to what the developer, Parsons & Whittemore, operates in Alabama?

Or a single-stack plant which Parsons & Whittemore say they want to build in West Virginia -- but which state officials say they're not certain it's true.

In mid-June, Dale Farley, chief of air quality for the state Division of Environmental Protection, and Mansour Alaeddini, an air quality engineer, flew to Monroe county, Ala.

Parsons & Whittemore operates a huge complex there similar to the one planned for Apple Grove, Mason county.

According to *The Charleston Gazette*, the two noticed during their visit that the facility releases pollution through multiple stacks on different parts of the facility.

The Gazette obtained a letter from Farley to C. Kenneth Goddard, a vice president of Parsons & Whittemore, outlining the agency's remaining questions.

According to the letter, Parsons & Whittemore submitted a permit application which showed all air pollution being routed to and released from one central smokestack.

"Such a design would be substantially different from the facility design in Alabama. However, it was not clear to us from our discussions that your staff was comfortable that this was the intended design," Farley wrote.

He continued:

"It is my understanding that your company and consultant will give further consideration to this matter and clearly confirm the details of your stack

design."

"The permit they asked for and what they plan to build seem to be two different things entirely," said ACT Director Steve White.

Parsons & Whittemore has repeatedly failed to address several questions raised by permit writers at the DEP Office of Air Quality.

The company must obtain an air pollution permit before it can begin construction of the Mason County mill.

Among the outstanding is-

sues listed in the three page letter:

- Parsons & Whittemore has not provided complete emissions inventory data and emissions factors for toxic air pollutants, including methylene chloride, carbon tetrachloride, chloroform and formaldehyde.

This lack of information has complicated DEP's efforts to establish pollution limits on those chemicals and on hydrogen chloride.

Farley wrote that Parsons & Whittemore must provide this

information.

- DEP again asked for an analysis of the wastewater treatment plant sludge that will be burned in the mill's power boiler.

Such an analysis would help the agency determine how much dioxin will be released into the air by the sludge burner.

- The DEP asked what "additional measures with respect to facility design and operation [will be] part of a comprehensive program to prevent objectionable odors."

"The issue of dioxin to be released into the waterways of Mason county is an issue that has yet to be settled in the public's eye, yet now they have problems with air pollutions as well," White commented.

"Parsons & Whittemore is so un-cooperative, it is ACT's concern that it will continue to stonewall on these issues.

"We continue to push for a commitment to hire local workers and to use the most modern technology."

A state water pollution permit which allows dioxin to be discharged into the Ohio River has been issued, but is under appeal at the state Environmental Quality Board.

FOIA Bid Rests With Court

The West Virginia Development Office has records which may shed light on special economic deals made to attract a pulp and paper mill.

Trouble is, the Development Office won't let anyone outside that office read those documents.

The Charleston Gazette thinks that's in violation of the state's Freedom Of Information Act.

The Gazette has gone to court, seeking to force the documents into the open.

A Kanawha Circuit judge has been reviewing documents pertaining to the Gazette's suit. A ruling was expected as the ACT Report went to press.

The Gazette sued the Development

Office in May after the office refused to release all of its records on the controversial mill.

According to newspaper reports, *Gazette* Editor James A. Haught said the paper wants to tell its readers what kind of tax breaks, taxpayer funded loans, and other economic incentives the pulp mill might receive.

The Gazette is also seeking a court order that would require state agencies to provide an index of documents they withhold from public release.

"The ACT Foundation deals with Freedom Of Information requests on an almost daily basis," said ACT director Steve White.

Woodrum's

Continued from page 1

ing effort, Tillis said. Members from Pipefitters Local 625 and Cement Masons 887 were also involved.

Bob Sutphin, business agent for Carpenters Local 1207 was very active and took the lead in organizing his membership to get involved in this project.

"We're not going to let jobs slip away from us any more," said Sutphin.

We think we've got a real good case on unfair labor charges," he said.

"It's a case like Hampton Inn but we think the chance of getting these charges to the table before the job is done is better because it's going to take longer to complete," said Thomas.

The National Labor Relation Agency will launch a formal investigation into the allegations of anti-union actions and illegal firings.

Thomas said this is an example of one of the best ways to bring back the union strength.

You're Invited

ACT Foundation's Annual Update And Planning Conference

1:00 P.M. Tuesday August 22, 1995
Charleston House Holiday Inn
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Open to All ACT Affiliates
And Their Members

For Further Information Contact Your Local Union Business Agent

Fair Contracting Rep Tim Millne Takes New Post With Laborers District Council

Tim Millne, ACT's fair contracting representative, has left the foundation to become assistant business manager for the West Virginia Laborers District Council.

Millne was hired by ACT in October, 1992, to implement a fair contracting program.

Millne said that many good things happened while he worked at ACT.

"I was surrounded by a lot of

\$60 Million Federal Job Goes Union

The contract for the federal courthouse to be built in downtown Charleston has been awarded to a union contractor.

The almost \$60 million job went to Dick Enterprises out of Pittsburgh, PA.

"He asked for no concessions, and was awarded the contract," said Bubby Casto, Business Manager for the Charleston Building Trades, who has been closely following the award proceedings.

Casto said construction should begin in October because there are still plans to be finalized and mobilization to take place, and equipment and materials need to be moved in.

good people," he said. "I can't say enough good things about all of these people, and I will miss them."

He said the biggest success in working with ACT was obtaining more work for the members, and making cheaters pay the price for breaking the law.

"I always tried to put the ACT membership as my top priority. I wanted to help put them to work," he explained.

Millne will be missed by those who believe in a level playing field commented ACT Director Steve White.

"I'm sure there are a few companies who will breath a sigh of relief when they hear Tim is no longer with ACT," White said.

"Tim started the Fair Contracting program from nothing and made ACT a force to be reckoned with. And we won't let those cheaters have any slack because we intend to keep on following what Tim got started."

Part of Millne's new duties include representing many industrial and public employees

throughout the state.

"I'll be handling grievances, mediations and arbitrations, as well as participating in negotiations of future contracts for



Tim Millne

the employees at West Virginia University and WVU Parkersburg, Ruby Memorial Hospital, Greenbriar Resort, American National Rubber, Jackson General Hospital, West

Virginia Wesleyan, Fairmont State, ABB of Lewisburg, and Public Water employees at Salt Rock.

Local 814 of Morgantown, where Millne is based, has the capability of becoming the largest Laborers Local in the state if he and the officers and members are able to organize another 3600 potential members at WVU alone, he said.

When asked if he liked his new job, Millne said "It's so much different than what I have been used to. I don't think I saw more than one or two griev-

ances during my 20-plus years in the building trades. It shows that people everywhere are hurting and there is a need for representation in all walks of life, be it public or private."

conclude by saying "Thank you for entrusting such a great responsibility to me. I extend a special thanks to Stuart Calwell and his very professional staff. Without their willingness to

'Tim started the Fair Contracting program from nothing and made ACT a force to be reckoned with. We won't let those cheaters have any slack because we intend to keep on following what Tim got started.'

Act Director Steve White

Millne is also actively working on organizing at all levels for state employees, but particularly at WVU.

"Looking back at the fair contracting program, I had a lot of ideas I wanted to implement, I'm only sorry I'm not there to see them through," he said.

"However, I will implement some of these ideas as a taxpayer. And I'm going to stay active on all of ACT's issues and write letters to the editors throughout the state."

Millne said he would like to

challenge unchallengeable issues the fair contracting program would not have been a reality."

The ACT Report

A monthly publication of the Affiliated Construction Trades Foundation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

Officers: Bruce Tarpley, President; Dave McComas, Vice President; Willard "Bubby" Casto, Financial Secretary; Roy Smith, Executive Director; Steve White, Director.

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Election Preparations

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them to register.

The second project the committees are undertaking is membership recruitment.

"Members should watch their mail boxes in the next couple of weeks because we will be contacting them about joining their local's legislative committee," Smith said.

The committees will be the core of the program, with committee members being the connection between the legislature and their fellow members.

The committees will provide ACT members with the

information and strategies needed to impact legislators and the decisions they make. This will be an integral part of ACT's political voice, Smith said.

"We hope committee members can be the link that keeps the rest of the members informed about what's going on and what needs to be done," he said.

"The whole plan is to show our strength at the polls in 1996.

"Workers Complete us know who our real enemies are. They think unions don't have the strength to hold them account-

able and we're going to prove them wrong."

Local committees are needed to work on a variety of activities like finding candidates to run for office, helping at election time, lobbying legislators, writing letters to newspapers, and simply keeping their fellow members informed. Part of the plan is to have 100 percent voter registration in each local.

"We have to go back to basics and make sure we vote, and make sure we are informed. That's what democracy is all about," Smith said.

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