

# THE ACT REPORT

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The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council. Steve Burton, President; Roy Smith, Secretary-Treasurer; Steve White, Director.

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## INSIDE

Greenbrier Dispute	Pg. 2
Endorsements	Pg. 2
School Projects	Pg. 3
NLRB	Pg. 3
Carpenters Picket	Pg. 4
Plumbers License	Pg. 4

## SALE OF \$225 MILLION BOND OK'D

# ACT Lawsuit Blocks Sogefi Grant Money

ACT's lawsuit aimed at stopping a Wayne County project from receiving state funds has succeeded.

The state Economic Development Authority and ACT worked out an agreement on January 9 after two days of negotiations.

The agreement will allow the \$225 million in economic development bonds to be sold and fund all but one of the 48 approved projects.

ACT modified its suit to allow the bonds to be sold and in return the state agreed to an injunction stopping any distribution of money to the Sogefi project.

ACT had filed a lawsuit in early November claiming the money allocated to the Wayne County auto parts plant was illegal. Sogefi, an Italian company, owns the plant.

In court on November 22 the state argued ACT had to give 30 days notice before suing, a notice that had been waived in prior cases regarding the same bonds.

Beaten but not defeated ACT filed notice and then refiled the suit in late December.

ACT's lawsuit alleges that Sogefi does not have a public partner. All companies that applied for the grant money had to have a public partner.

Sogefi originally claimed their partner to be Our Jobs, Our Children, Our Future, Inc. In the past, Our Jobs, also known as

HADCO, has denied being a public agency in response to numerous Freedom of Information requests.

After the applications were closed Our Jobs was removed from the application and the Wayne County Economic Development Authority was added. The Wayne County EDA has also denied FOIA requests saying they are not a public entity. ACT lawyers deposed Wayne County Commissioners regarding the project and all three claimed they knew little if anything about the project.

The Tri-State Building Trades had picketed the project in November of 2002 when County funds were used to build the

project but advertising, bidding, and wages laws were ignored.

As the bond package neared completion bond lawyers decided ACT's suit jeopardized the sale. With the sale in question attention turned to the Sogefi project and ACT's suit.

The agreement will allow all of the remaining projects such as the Charleston ballpark, the Cabella's sporting store in Wheeling, and in Huntington, the Marshall University Biotechnology Development Center to go forward.

"It was never our intention to block the issuance of all the bonds," said Steve White, ACT Director. "We just wanted to keep the project that was approved illegally from getting public money."

# Cement Masons Provide Training Programs

Cement Masons Local 887 of Charleston, Huntington, and Parkersburg recently held several upgrading programs for their Apprentices and Journeyman.

During the Fall of 2003, Robert Finley, instructor with Local 877, was able to offer members a variety of programs thanks to grant money made available through Construction Works of

West Virginia, Inc., a subsidiary of the West Virginia State Building Trades Council.

Members learned stenciling in Charleston and had the opportunity to learn, study, and operate the Copperhead

walk-behind laser screed machine as well as the Diesel Turbo-Rider Troweling Machine in St. Mary's, West Virginia.

"I am very proud of all our members who participated in these upgrading programs," said Mark Smithson, Business Manager for Local 877. "Union workers know that dedication and commitment to learning the latest technology is how we compete in today's market place."

Smithson added, "The grant funds are available to all crafts belonging to the Building & Trades. Despite the paperwork and record keeping, these programs are very successful."

Workers are finding more projects require knowledge of the Copperhead and Troweling machines. Membership had requested more training on these machines. About 18 members participated in the program.



FINISHING UP A COURSE in stenciling in Charleston are members of Cement Masons Local 887.

## SANTA VISITS MAIN ENTRANCE

# Operating Engineers 132 Take Dispute to Greenbrier

On December 17 and 18, members of Operating Engineers Local 132 picketed the entrance to Kate's Mountain Road on Route 60 near the world-famous Greenbrier.

On December 23 and 24 organizers Donnie Huff, Rodney Marsh, and Todd Mullins, dressed as Santa, and ringing cow bells, handbilled at 300 West Main Street, the main entrance to The Greenbrier Resort.

The Operating Engineers are frustrated over relations with Lynch Construction and The Greenbrier. The Operating Engineers had a contract with Lynch Construction that Lynch canceled on December 7, 2003.

According to Huff, once the contract was terminated, Lynch

subjected employees to sub-standard wages and working conditions.

The Operating Engineers are asking Lynch to sign another maintenance and new construction agreement.

"We are going to do everything legally possible to secure this work for the operating engineers. Of course, our workers should be paid a living wage and treated with respect," said Marsh.

Meetings with officials from the Greenbrier and Lynch Construction have not gone well. In fact, The Greenbrier filed a National Labor Relations Act complaint against the Operating Engineers.

The complaint was filed on December 23, the same day the Santa's showed up. The Greenbrier accused the Operating Engineers of harassing its employees and customers.

However the Greenbrier withdrew their complaint on December 29. Huff believes

they found out there was no merit to the charges and the NLRB was about to dismiss it.

"We're talking now but if talks don't lead to actions we'll be out front again," said Huff.



TWO SANTAS greet the public at the entrance of the Greenbrier Resort. Both are members of Operating Engineers Local 132.



LETTING HOME DEPOT KNOW what local construction workers thought about their Grand Opening are members of the Parkersburg-Marietta Building Trades. About 55 people turned out at the Wood County store on January 8th to remind Home Depot that more local workers should have been hired on the project. "If they wanted local people to shop here, they should have given local people the chance to work here," said Howard Buskirk, Organizer for Ironworkers Local 787.

## Trades Councils Split Endorsement

Last month, the AFL-CIO's Committee on Political Education (COPE) could not decide on a candidate in the Governor's race.

Even though another meeting of the COPE Committee is planned unions across the state are not waiting.

On January 6, the Tri-State Building and Construction Trades Council voted to endorse Lloyd Jackson for Governor. Steve Burton, Business Manager for the Tri-State Building Trades, said, "We voted on who will be best for labor by looking at past performance."

"Jackson's voting record on

labor issues is three times better than Joe Manchin's. Jackson has never been associated with Right-to-Work initiatives. We are very proud to take a stand on labor issues by endorsing Jackson for Governor," added Burton.

Two days later, on January 8, the Charleston Building Trades and Construction Council voted to endorse Jackson's major opponent Joe Manchin.

"We feel that Joe Manchin can help bring labor back to the table," said Mike Matthews, Business Manager for the Charleston Building Trades. "The Council membership feels that Manchin can make West Virginia a better place to work for all West Virginians."

# \$420 Million in School Building Projects Approved

The state School Building Authority has approved \$180 million in school building projects.

Together with local county spending this money will bring as much as \$420 million in school construction projects statewide.

The SBA gave preference to school boards that said they would help themselves by passing a school bond issue.

The money will be available June 1. Many school boards are already moving forward with the planning.

However, before a local school board collects the money from the SBA, the local share must be secured.

In most cases, a bond issue is on the ballots for the May primary. Mason County will

vote on the bond issue in March.

If voters do not approve the bond issue in a particular county, that money will come back to the School Building Authority. The SBA will then reallocate the money.

Business Manager for the Tri-State Building and Construction Trades, the SBA is giving Monongalia County \$12 million, but the project value is for \$62 million because voters approved a bond for \$50 million.

All of the projects will pay

prevailing wage. "Prevailing wage projects provide the best product for tax payers and enable workers to buy houses, provide for their families, and be productive citizens in their communities," said Burton.

Most of the projects are for new school construc-

tion. For instance, if the bond issues pass, new high schools will be built in Doddridge, Lincoln, Marion, Hancock, Jefferson, Logan, and Mingo. The other projects are renovations or additions.

**"PREVAILING WAGE PROJECTS PROVIDE THE BEST PRODUCT FOR TAX PAYERS AND ENABLE WORKERS TO BUY HOUSES, PROVIDE FOR THEIR FAMILIES, AND BE PRODUCTIVE CITIZENS IN THEIR COMMUNITIES"**

**STEVE BURTON, BUSINESS MANAGER  
TRI-STATE BUILDING AND CONSTRUCTION  
TRADES COUNCIL**

Monongalia and Marion Counties have already approved school bonds and are moving forward on their projects.

According to Steve Burton, a member of the SBA and

Projects in 26 counties awarded by the School Building Authority.

Doddridge	6,124,000.00	New Doddridge Co. High School
Lincoln	4,354,656.00	New Lincoln Co. High School
Marion	3,950,000.00	New Miller/Dunbar Middle School
McDowell	6,409,525.00	Mount View High School
Berkeley	5,505,000.00	New Intermediate School
Braxton	2,285,400.00	Braxton Co. High School Renovations
Clay	500,000.00	New Elementary School
Hampshire	7,248,500.00	New Capon Bridge Middle School
Hancock	16,000,000.00	New Hancock Co. High School
Harrison	8,046,539.00	New Gore Salem Middle School
Jefferson	19,000,000.00	New High School
Kanawha	8,000,000.00	New Sissonville Middle School
Logan	16,000,000.00	New Chapmanville High School
Mason	13,447,439.00	Point Pleasant Middle/High School Consolidation
Mineral	10,000,000.00	New Keyser Middle School
Mingo	6,295,477.00	New South High School
Monongalia	12,000,000.00	New University High School
McDowell	4,500,000.00	Four New Schools
Pleasants	1,364,480.00	Saint Marys Elementary School Renovations
Putnam	2,201,991.00	Winfield High School Renovations
Raleigh	10,632,000.00	Renovations to five High Schools
Randolph	1,750,000.00	Pickens School Addition and Renovations
Taylor	2,750,000.00	New Elementary School
Wayne	2,897,200.00	Kellogg Elementary School Renovations
Wetzel	1,400,000.00	Short Line School Renovations
Wood	7,500,000.00	Renovations to Three High

## NLRB Launches Toll-Free Information Line

The National Labor Relations Board has launched a toll-free number.

As of Dec. 15, 2003, employees, employers, and unions may call a toll-free telephone number to get information and help from the National Labor Relations Board.

Callers can hear a general description of NLRB's mission, talk with an information officer in any of the agency's 32 regional offices, request NLRB publications or forms,

or receive a referral to other appropriate government agencies.

"The purpose of the [NLRB] is to protect the rights of employees, labor organizations and employers established in the National Labor Relations Act and protect the practice of collective-bargaining when that is the free choice of employees," General Counsel Arthur F. Rosenfeld said.

"That purpose can be better served when individuals have ready and cost-free access to

information about the NLRB and expert and professional responses to their questions."

The toll-free number 1-866-667-NLRB, or 1-866-667-6572, is equipped to accommodate English and Spanish speakers.

Hearing-impaired individuals can use the agency's TTY service by calling 1-866-315-NLRB, or 1-866-315-6572.

Information about NLRB also is available through its Internet site at <http://www.nlr.gov>.

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# Carpenters Picket Fairfield Inn

Workers have a legal right to have a union," said Leroy Stanley of the Mid-Atlantic Regional Council of Carpenters.

Unfortunately SkanskaUSA and Toothman Realty don't seem to be hearing this message.

Skanska, the construction

company, and Toothman, an owner and developer, hired workers through a temporary agency to build the new Fairfield Inn by Marriott in Fairmont.

According to Stanley, two carpenters from West Virginia were fired when it was discovered they were with the union. The workers have been

on strike since December 10th when they were fired.

Stanley also said that before the two union carpenters were fired, bosses intimidated them. Allegedly one of the site managers threw coffee in an organizer's face.

Out of the 12 workers on site, the two fired union employees were the only workers from

West Virginia. The other workers are from North Carolina.

The carpenters are passing out handbills at the site. They have two messages for Marriott.

The messages are simple: Make Skanska and Toothman follow the law and when you work in West Virginia, hire West Virginia workers.

Stanley is urging people to

call the Marriott at 800-932-2198 or email them at [guestrelations@marriott.com](mailto:guestrelations@marriott.com).

The Carpenters have filed charges with the NLRB against Stanska over the firing of the two union workers. The four charges are being investigated.

On January 12th striking workers offered to return to the job but were sent home, with pay.



PROTESTING IN FAIRMONT at the Fairfield Inn construction site are members of the Mid-Atlantic Regional Council of Carpenters.

## Plumbers Want Licensing

Plumbers will be asking law makers to introduce a bill during the 2004 Legislative session.

The plumbers hope this legislation will bring West Virginia in line with surrounding states.

"We want to protect the public in West Virginia," says Gary Yarnell, apprenticeship coordinator for Plumbers & Fitters Local 565, Parkersburg. He adds, "This legislation

will ensure that we have the right people doing the right thing. It will protect the health and safety of consumers."

According to Yarnell, most states have plumbing license requirements. In West Virginia, a few municipalities have certain standards, but there are no statewide requirements.

Plumbing license laws are in place primarily for public safety reasons. Contamination from improperly installed water and waste lines can lead to serious

health hazards. Installation of medical gas lines is also an area of safety concern.

Frank R. (Randy) Ferguson, Ferguson Brothers, a contractor in Huntington, said, "This legislation will be an asset to our state and our contractors."

"Plumbers protect the safety of the nation. We are totally supportive of this legislation, and we'll do whatever we can to support it."

The legislation will require

that all plumbers be licensed and must know and follow the state plumbing code.

Last year the state adopted a plumbing code, but plumbers do not have to follow it. The state code is set by national standards.

If the legislation passes, anyone who can prove hands on experience as a plumber will be eligible for an initial license.

After existing workers are 'grandfathered' new workers who want to receive a plumbers' license will have to pass a test based on the plumbing code.

The plumbing code is constantly improving. Included in the legislation is a provision requiring all licensed plumbers to receive continued education and training.

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