



**UNLOADING SUPPLIES** are members of Laborers Local 543 of Huntington at Cabell Midland High School (right photo) at Ona now under construction. In the left photo are (from left) Rick Parsons, William Brammer, an unidentified employee of L&L Installation, and Steve Fulks. The project is financed with \$5.8 million of West Virginia School Building Authority money and is being built around the existing Ona Middle School. It's been under construction since June, 1992, and is projected to be finished in time for the 94-95 school year. The new school will combine the students of Ona and Barboursville High Schools with an estimated enrollment of 2,200.

## ACT Seeks Hearings On Pollution

In continuing its fight against pollution, ACT has filed comments with the Division of Water Resources on Rhone-Poulenc's National Pollution

Discharge Elimination System (NPDES) permit for the Institute plant.

The comments came as a formal request for a public hearing

on the permit, which gives individual dischargers the permission to release into the waters. The permit requirement was developed under the federal

Clean Water Act.

Regulations provide that a public hearing be held when a "significant degree of public interest" is found.

In a letter to Dr. Eli McCoy, former head of the Office of Water Resources, a lawyer in ACT attorney Stuart Calwell's office wrote:

"I would think that considering the events which have transpired in the last six months; the explosions, the leaks, the compliance ruling by EPA, the organization of a citizens investigatory committee... that you would agree that there is a significant degree of public interest in the Office of Water Resources' regulation of permittee [Rhone Poulenc]."

Citizen groups also asked for a public hearing on this matter.

The comments filed by ACT raised "substantial new questions" regarding the permit and provide a basis for the Chief to revise the permit.

The comments refer to a re-  
(Continued On Page 2)

## 'Building Better Community' Series Of TV Spots Increased

ACT is spreading the word about the positive aspects of unions by continuing to run a positive ad campaign across the state.

The theme of the campaign is "Building a Better Community," which plays on two themes - building actual structures, and contributing to the community in a variety of other ways.

Recently, several new commercials have been made for the

series. The latest two feature Linda Fisher, the wife of Mike Fisher, a pipefitter out of ACT affiliate Plumbers & Pipefitter Local 625 and Bill McCormick, Jr., son of Billy McCormick, a union boilermaker and member of Local 667.

Fisher was filmed in a Stone & Thomas store touting the benefits of shopping locally.

The company is a West Virginia-owned chain and all of their

stores have been built with union labor.

This particular ad is about "building a better business community too".

"It's important for business owners to know that if companies hire local union labor, they are eventually going to spend their money at those companies. But if they hire non-union imported workers, those people go

(Continued On Page 4)

### Inside The ACT Report

|                     |       |
|---------------------|-------|
| Contractor's Survey | Pg. 2 |
| Laborers LU1353     | Pg. 2 |
| FOIA                | Pg. 3 |
| Trades Sign Accord  | Pg. 3 |
| B&R Notice          | Pg. 3 |
| Bricklayers LU 5    | Pg. 4 |
| Cancer Creek        | Pg. 4 |
| Krwi Investigation  | Pg. 4 |

# Union Contractors' ACT Survey Completed; New Work Areas Targeted For Members

The Affiliated Construction Trades foundation recently completed a contractor survey in cooperation with the West Virginia Construction Council.

The survey was sent to 350 union contractors and the response was better than average with approximately 15 per cent, or 50 responses. The usual survey response is five per cent.

"We wanted to work with the council's members to get more information useful to both of us," said ACT Director Steve White. "Information such as what types of projects they bid or don't bid, and what areas of the state or types of work should be targeted."

"Our next step is to work with union and contractor representatives to analyze the survey results," he added.

Eventually, the information gathered will be used to help locals work with union contractors and increase work successfully bid.

## Pollution

(Continued From Page 1) port which lists several incorrect calculations of discharges, and the correct numbers that should be on the permit.

In a related matter, ACT officials are upset by the pace of the probe into Rhone-Poulenc's August explosion. Prima-Tech, the company selected to conduct the independent investigation, said the report will be ready late November.

"The purpose of the Independent Review Committee is to enable the community to be assured a valid investigation is being conducted," said Bill Thomas, ACT's industrial representative and secretary of the committee.

"We've been waiting for six weeks for a report from the consultant, and that bothers me. We're keeping an open mind and hope they will deliver.

"I think it's a good way to determine how contractors see the industry," said Jim Cerra, president of the West Virginia

Construction Council.

"That's important to West Virginia contractors, and will eventually help both labor and

management focus attention on the real world bidding problems with the goal of solving them."

The contractors council, which

represents more than 1,500 firms, promotes and advances construction and related industries.

However, its primary purpose is to finalize a sense of unity and solidarity for a program providing statewide communication and service to every aspect of the industry.

For the survey, the state was divided into five regions: Wheeling/Steubenville; Marietta/Parkersburg; Tri-State; Charleston; and North Central.

An effort was made to make the categories cover all types of work, in order to get an idea of what jobs union contractors bid.

Ten work categories were covered in the poll: highway and bridge; excavation and site preparation; waste water treatment; water and sewer lines; industrial and maintenance; mine reclamation and water shed; asbestos abatement and hazardous waste clean-up; schools - elementary, secondary, college, and university; public buildings - prisons, airports and offices; and private commercial - offices, hotels, retail, restaurants, and hospitals.

Also asked in each category was the dollar amount contractors are interested in bidding.

The results of the survey revealed that the most heavily bid types of work are industrial, private commercial work, public buildings and schools.

Least bid were asbestos abatement, excavation and site preparation, mine reclamation, and water and sewage lines.

"We can use this information to focus on getting more work in areas that union contractors normally don't bid," said ACT President Bruce Tarpley.

"We need to come up with a strategy to improve work opportunities for union members in areas where our union contractors are not bidding.

"If we can work with contractors to bid more work that will mean more work for our people."

## Region Map

**Region 1:**  
Wheeling/Steubenville

**Region 2:**  
Marietta/Parkersburg

**Region 3:**  
Tri-State

**Region 4:**  
Charleston

**Region 5:**  
North Central



UNION CONTRACTOR SURVEY was divided into five regions. Public school construction was most heavily bid. Officials hope to use the survey information to help union contractors successfully bid more projects.

## Laborers Work Load Gets Big Boost, 'Best Year We've Had In Long While'

Laborers Local 1353 of Charleston has had a big increase in work lately, according to business manager Darrell Pauley.

"It's the best year we've had in a long while," Pauley said.

The employment growth is due to an increase in highway work - they have members working on five projects on Rt. 19 in Summersville. The Winfield locks also has helped some with the increase.

And Pauley said he thinks the recent passage of the School Building Bonding Act will help with increasing employment.

"A lot of schools are union built, and at the time the bonds were froze, everything was put on hold," he said. "Now that the freeze has lifted a lot of work should come our way."

The local has 1200 members, including 326

retirees, divided into construction and industrial. The construction division has 550 members with approximately 400 employed.

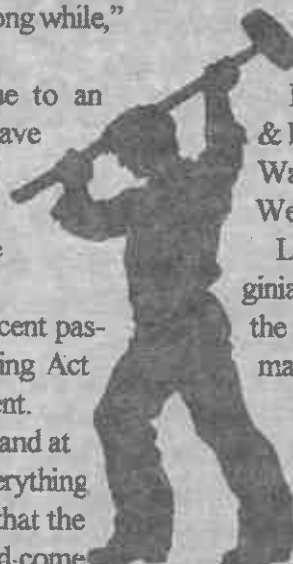
Members in the industrial division work for one of five companies: Peerless Block Co.; Kanawha Brick & Block Co.; West Virginia American Water Co.; Monarch Rubber Co.; or West Virginia Tech.

Local 1353 is part of the West Virginia Laborers District Council covering the entire state. The council business manager is Wetzel "Corky" Harvey.

Members do a variety of types of work in both divisions - construction, building trades, hazardous waste, and heavy/highway.

The Laborers are very committed to training, Pauley said, and they are very

(Continued On Page 3)



Under Co-Op Agreement

# College Credit Given Trades Journeymen For Apprenticeship

Late October saw great progress for worker retraining and education.

Representatives of the construction industry, building trades unions, higher education and the federal government signed a cooperative college credit education accord.

The agreement will allow 43

## Laborers' Workload 'Best Year'

(Continued From Page 2)

proud of the West Virginia Laborers Training Center located in Mineral Wells.

All phases of training are thoroughly covered at the center, including masonry tending, concrete tech, asbestos, general construction, and hazardous waste.

"Most places require 40 hours of hazardous waste training, we require 80," he said.

The facility is also the training center for the Mid-Atlantic region which includes West Virginia, Maryland, Washington, DC, Virginia, and the northern part of North Carolina.

"I know we have qualified people to do any type of work-- road work, construction, building trades, anything" Pauley said.

"ACT has made the public more aware of this and other things going on.

"And on the overall picture, ACT has made union contractors more competitive. They're able to bid jobs evenly with non-union contractors.

"So far, other locals have seen a turnaround on jobs. Brown & Root has been getting all of the work at some chemical plants. But at Carbide and Rhone Poulenc, we've recently seen some contractors getting back in there."

credit hours to be awarded from apprentice programs toward an Associate's Degree in Occupational Development from West Virginia State College.

What is unique about the program at West Virginia State is the agreement with the Charleston Building Trades Council which enables any member of its affiliates to take part.

At other schools, the agreement was arranged through a local union of a certain craft, so only that local's members could take part.

The agreement stipulates that a journeyman wishing to achieve the Occupational Training Degree must take the ACT (American College Test) and satisfactorily complete an additional 21-22 credits of general education requirements which includes English, Math, Social Sciences and Natural Sciences.

The West Virginia State Building and Construction Trades Council, AFL-CIO, through its Construction Trades Training and Advancement Program (CTTAP) is making funds available for tuition, books and fees for journeymen wishing to complete the degree.

CTTAP has sponsored similar programs at other schools in West Virginia and has, to date, enabled seventeen members of Building Trades affiliates to receive college degrees through its assistance.

Dana Daugherty, West Virginia Director of the U.S. Bureau of Apprenticeship and Training is a big supporter of the program.

"Worker retraining and education are central to the Clinton administration's efforts to enhance American competitiveness," Daugherty said.

"In the process, West Virginia has become a leader in worker advancement."



**PUBLIC FUNDED CONSTRUCTION** makes up a large portion of work available to construction workers. The Freedom Of Information ACT is an important tool in enabling the building and construction trades union to ensure a level playing field for fair contractors.

## On Government-Paid Projects

# Freedom Of Information Law Lets 'Average Joe' Check Books

Imagine a construction project being built with taxpayer's money -- your money.

The contractor is from out of state, who claims he's using mostly in-state workers.

Not so hard to imagine is it?

Say you want proof of where the employees are from, and how much money they're making. Don't think you can get that information because you're an "Average Joe?"

Think again.

The Freedom of Information Act (FOIA) requires state and federal agencies to make public any and all information that is a matter of public record.

That means you.

Even though the contractor is not a public agency, its contract is being paid for by taxpayer's money, so the information must be provided.

"Most taxpayers aren't even aware the Freedom of Information Act exists," said Tim Millne, ACT's fair contracting representative.

"And our rights as taxpayers are often challenged by state agencies, for example the boards of education, and the jail author-

ity. In the past, I've asked for payrolls of contractors for both in the field of public works -- these are taxpayer financed projects -- and they refused."

Millne challenges such refusals with FOIA.

"They don't think the general public is smart enough to know what's going on, or how to challenge them, but we do. And we're using it (FOIA) to the fullest extent of the law."

When a request is made under FOIA, the actual statute which applies must be named, or the request can be denied.

If the agency doesn't grant the information, it has to report which law allows it to deny the request.

In other words, it's sometimes a difficult and drawn-out process.

Nevertheless, federal and state forms of FOIA are often the basis for many of the prevailing wage program's cases.

"FOIA and the Sunshine Law (which is the state FOIA) are the 'nuts and bolts' of almost all of our investigations. We use them constantly to get the information we need. Information that we might not be able to get otherwise," Millne said.

"I've said it a hundred times. We chase unfair contractors, but we have to chase the awarding agencies, too. FOIA is what keeps them in line."

## Who Worked For B&R? Time Is On Union's Side

If you know someone who has worked for Brown & Root for 30 days in the last year or 45 days in the last two years, he or she may be able to vote in the upcoming union election.

Please call the Charleston Building & Construction Trades Council, at 343-6952, so it can contact all current and past workers about their rights. Time is on the Union's side!

We need their votes for Union representation!

# Clarksburg Office Important Part Of ACT Team; Advertising Leads To Kiwi Construction Scrutiny

"People are beginning to know who to call," said Carl Cox, ACT's northern representative. "Our advertising is beginning to pay off."

ACT's office in Clarksburg opened in late September, and Cox is already an important part of the ACT team.

ACT received a call from an employee of Kiwi Construction Co., a sub-contractor to Kyle Construction Co., on Brookhaven Elementary School in Monongalia County.

The man, whose identity is being kept confidential due to pending lawsuits, said he was working for six dollars an hour, cash. Prevailing wage is about nine or ten dollars more, including fringe benefits.

Tim Millne, ACT's fair contracting representative, sent the man an employee questionnaire, a standard form used in prevailing wage cases. When the form was returned, Millne thought the man had a valid case and immediately faxed a copy to the Department of Labor.

"The Department of Labor has been hoping Kiwi would re-surface on a prevailing wage charge," Millne said. "Apparently they were under investiga-

tion before when the building which housed all their files 'conveniently' burned down."

"Davis-Bacon and West Virginia compliance says workers get a certain wage, and it's considerably more than six bucks an hour," he said.

The Department of Labor has ordered a complete audit on Kiwi Construction. ACT's Fair Contracting Program has been fighting with county officials over the Brookhaven project for months.

Monongalia Schools Superintendent Jack Delaney has refused to provide certified payrolls for construction companies working for the county.

Although contractors are not subject to the Freedom of Information Act, public authorities are. Millne believes it is their responsibility to provide information to the public when requested.

"Instances like Kiwi Construction show you have to provide certified payrolls, otherwise these contractors have no reason to comply with Davis-Bacon, or do anything else according to the law," Millne said.

"ACT plans to insure Mr. Delaney follows the law."

## Local Union 5 In Huntington

# Small Bricklayers' Local Gains Strength From ACT

"We contribute a small amount of money, but when it's pooled with all the other Locals in ACT, it has more strength," said Billy Joe Smith, business agent for Bricklayers Local 5 of Huntington.

"It's nice to know that you have something like that backing you up," he said.

"It makes us feel stronger."

The Local has 95 members, including 35 retirees. Approximately 75 per cent of the active members are working. LU 5's jurisdiction covers Cabell, Lincoln, Mason, Mingo, and Wayne counties.

Besides bricklaying, the members also do blocklaying, ceramic and quarry tile, marble, terrazzo and refractory work.

The officers of the local are

Billy R. Steele, president; Larry Wilkes, vice president; Joe Overby, recording secretary; Billy White, treasurer; and Jesse Arthur, sergeant at arms.

Bricklayers Local 5 is one of 6 locals in the Bricklayers District Council of West Virginia. The District Council covers the entire state and is run by Leroy Hunter who is based in Fairmont.

The local also maintains five apprentices who are required to complete three years or 6,000 hours of training.

Smith said the economy is one of the bigger problems faced by his members right now, and the non-union element.

"There's not much work in Huntington right now," he said. "A lot of our members have had

to go out of town to find work."

Health care is also important to members, but would be provided for if they only had jobs, so jobs have to come first he said.

According to Smith, ACT helps in a variety of ways - getting information from the Department of Labor and keeping up the prevailing wage rate.

"And advertising is one of the main things they do that helps us. If they have the resources, I don't think they can spend too much money on advertising," he said.

"If we don't tell people about our positive points, nobody will. They'll only get the bad end of things in the newspaper and media. They never report on the good things we do. So we have to let people know ourselves."

## 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; Earl Johnson, Vice President; Samuel Saul, Financial Secretary; Allen Fisher, Executive Director; Steve White, Director.

Charleston Phone (304) 345-7570  
Clarksburg Phone (304) 624-0682

# New Act TV Ads Star Real People

(Continued From Page 1)

home to spend their money. It's neighbors helping neighbors," commented Bruce Tarpley, ACT President and Business Manager of Operating Engineers Local 132.

The other ad, which features Bill McCormick, Jr., focuses on health care benefits provided by unions.

McCormick's father had heart bypass surgery that was paid for by his union insurance. The ad was filmed during the Boilermakers annual picnic.

The closing shot of the whole ad series will feature Boilermakers and their families in a group shot.

Next on the agenda is a commercial featuring two retirees from from ACT-member local unions.

That up-coming ad will focus on how building and construction trade unions plan for the future by providing for members even after they retire.

The series of ads began in early September and will run for nine months.

Don't forget to watch for them between 6 and 8 p.m. Monday through Friday on the following stations: WCHS of Charleston, WOAY of Oak Hill, WOWK of Charleston/Huntington, WDTV of Bridgeport, WTRF of Wheeling, and WTAP of Parkersburg.

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## Cancer Creek Study Finally Under Way

The committee appointed by Gov. Gaston Caperton to study the Cancer Creek bill finally met for the first time Oct. 25.

ACT's fight against the proposal led to creation of the study committee.

Little was done, however, be-

cause the committee spent its time simply organizing.

The committee did, however, decide to take testimony at its next meeting on Nov. 17.

The committee is charged with reporting its findings at the January legislative session.