

ORDER OF COMMISSION

RECEIVED & FILED

JUN 10 2014

In the matter of Objection No. 005 filed by Laborers Local Union No. 579, on April 9, 2014, to Annual Wage Order No. 21 issued by the Department of Labor and Industrial Relations, Division of Labor Standards, filed with the Missouri Secretary of State on March 10, 2014, pertaining to the wage rate for the occupational title of Painter in the Missouri County of Buchanan – Section 011.

SECRETARY OF STATE
COMMISSIONER
DIVISION

On March 10, 2014, the Missouri Department of Labor and Industrial Relations, through its Division of Labor Standards (DLS), filed Annual Wage Order Number 21 (AWO 21) with the Missouri Secretary of State as required by § 290.262 RSMo.

On April 9, 2014, Laborer's Local Union No. 579 (objector) filed its Objection to Annual Wage Order No. 21, which we have designated and refer to herein as *Objection No. 5*. By its *Objection No. 5*, objector alleges, in part:

Objector specifically objects to the failure of Annual Wage Order No. 21 to provide for the correct wages paid for building construction work done by painter employees, which is the Basic Hourly Rate plus total fringe benefits and overtime and holiday rates as set forth on Exhibit "A". Objector believes that due to a clerical error, the Annual Wage Order No. 21 includes an incorrect wage rate for painter employees in Buchanan County, Missouri.

Commission Rule 8 CSR 20-5.010(1) provides, in relevant part:

(1) Objections. Within thirty (30) days after the certified copy of a wage order has been filed with the secretary of state and the commission, any person who may be affected by the wage order may object, in writing, to the wage order, or any part thereof that the party considers objectionable by filing the objections in triplicate with the commission. If the objection is to a wage rate, the objector shall set forth in writing, the specific grounds of objection and not merely a conclusion that the wage rate is too high or too low, but shall set out in detail how the objector reaches the conclusion that the rate is either too high or too low...

This Commission adopted the above regulation for the purpose of ensuring that interested parties can easily determine the nature and basis of an objection to a wage order. *Objection No. 5* does not achieve that purpose.

By its *Objection No. 5*, objector does not inform this Commission or potential interested parties whether objector thinks AWO 21 overstates or understates the painter wage rate for Buchanan County. Consequently, it is impossible to determine from the face of *Objection No. 5* whether objector is asking us to increase or decrease the painter wage rate for Buchanan County. We rule that, at a minimum, a wage rate objection containing the specificity required by our regulation will inform the reader what relief the objector is requesting. *Objection No. 5* does not do so.

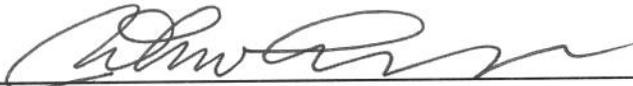
Objector alleges that the painter wage rate for Buchanan County is incorrect "due to a clerical error" but objector does not specifically identify the error or who made the error. We can think of many errors that arguably may be categorized as "clerical errors." Did DLS misread or overlook painter hours properly submitted by some entity on a wage survey or surveys? Did DLS transpose digits in the painter wage rate when compiling AWO 21? Did a contractor transpose digits in a wage survey? We rule that under the above regulation, a compliant objection founded upon a clerical error will, at a minimum, inform the reader who made what error. *Objection No. 5* does not do so.

For the forgoing reasons, we conclude that *Objection No. 5* fails to satisfy 8 CSR 20-5.010(1). We dismiss *Objection No. 5*. We cancel the pre-hearing conference scheduled for May 6, 2014. We cancel the hearing scheduled for June 2 through June 3, 2014. We direct the Secretary to the Commission to remove *Objection No. 5* from the pre-hearing and hearing dockets.

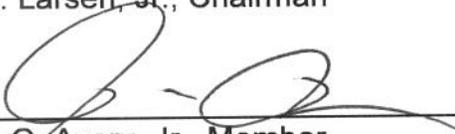
Given at Jefferson City, State of Missouri, this 24th day of April, 2014.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

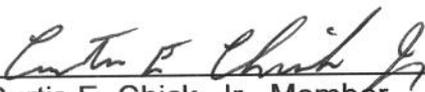




John J. Larsen, Jr., Chairman



James G. Avery, Jr., Member



Curtis E. Chick, Jr., Member

Attest:



Secretary