

FILED

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**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the Matter of: Objection to Annual Wage Order No. 22
as it pertains to the Heavy and Highway Wage Rate for Carpenters District Council of
Greater St. Louis and Vicinity in the following Counties:

St. Louis City, St. Louis County, Clark, Crawford, Dent, Franklin, Gasconade, Iron,
Jefferson, Lincoln, Lewis, Madison, Maries, Marion, Montgomery, Phelps, Pike, Pulaski,
Ralls, Reynolds, St. Charles, St. Francois, Scotland, Shannon, Texas, Warren and
Washington and the rest of Missouri Counties except for Cass, Clay, Jackson, Platte and
Ray subject to collective bargaining agreements between the Carpenters District Council
of Great St. Louis and Vicinity and signatory contractors including, but not limited to the
Associated General Contractors (AGC) pertaining to the occupational title of Carpenter.

On Behalf of: Carpenters District Council of Greater St. Louis and Vicinity and its
Affiliated Local Unions

Objector.

OBJECTION

COMES NOW Objector and files its Objection to Annual Wage Order No. 22,
and states as follows:

1. A review of the applicable Heavy and Highway (hereinafter sometimes referred to as "H" or "Heavy") collective bargaining agreements and construction practice in the objected to localities reveals that, under Section 290.262.RSMo., which agreements must be considered in establishing prevailing wages, the wages for the occupational title of Carpenter are incorrect in the Counties of St. Louis City, St. Louis County, in that they do not correspond to the collectively bargained rates for said Counties as established by collective bargaining agreements of the Carpenters District Council of Greater St. Louis and Vicinity, an affiliate of the United Brotherhood of Carpenters' and Joiners of America (UBCJA) (hereafter sometimes referred to as "the

Union") and the Associated General Contractors of Missouri and signatory contractors pertaining to the occupational title of Carpenter.

2. The collectively bargained rates are much higher in these localities for the "H" overtime (OT) No. 11 rate for St. Louis City and County in that No. 11 means that time and one-half (1 1/2) times the regular hourly rate **plus 1.48 times the fringe rate** shall be paid for all overtime hours worked during the week, Monday through Friday, and for all work performed on Saturday. Double time (2) times the regular hourly rate **plus 1.97 times the fringe rate** shall be paid for all time worked on Sunday and recognized holidays. These rates will further increase during the pendency of Annual Wage Order No. 22.

3. Furthermore, the proposed prevailing wage rate does not include the newly negotiated contractual overtime protection as defined in the applicable collective bargaining agreements between the Carpenters District Council of Greater St. Louis and Vicinity and the Associated General Contractors of Missouri. Specifically, overtime work for work performed outside the regular work day for Heavy OT rate for Areas 1, 1A, 2, 2A, 2B, 5 and 7, which includes Counties of Clark, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Lewis, Madison, Maries, Marion, Montgomery, Phelps, Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, Scotland, Shannon, Texas, Warren and Washington. No.23 provides that all hours in a day or 40 hours in a week shall be at the overtime rate of one and one-half (1 1/2) times the regular hourly rate **plus 1.48 times the fringe rate**; and under such circumstances, Saturdays shall be worked at time and 1/2 the regular **hourly rate plus 1.48 times the fringe rate**. Work

performed on recognized holidays or days observed as such, shall also be paid at the double (2) times the **regular hourly** rate of pay **plus 1.97 times the fringe rate**.

4. The Heavy OT rate for Areas 3, 4, 6, 6A, 8, 8A which constitute the remainder of Missouri Counties, except for Cass, Clay, Jackson, Platte and Ray. No. 23 under the applicable collective bargaining agreement for Carpenters means that all work over ten (10) hours in a day or forty (40) hours in a week shall be at the overtime rate of one and one-half (1 1/2) the regular hourly rate **plus one (1) times the fringe rate**. As such, Saturdays shall be worked at one and one-half (1 1/2) times the regular **hourly** rate **plus one (1) times the fringe rate**.

Work performed on Sunday shall be paid at two (2) times the regular **hourly** rate **plus one (1) times the fringe rate**. Work performed on recognized holidays or days observed as such shall also be paid at the double (2) times the **regular hourly** rate of pay **plus one (1) times the fringe rate**.

5. These rates described are not only the collectively bargained rates, but there are also workmen ready, willing and able to perform work in said counties at such rates. Such workmen have, in fact, performed such work at such rates. Work is performed at these rates in these localities to greater extent than is work performed at the published rate in the objected to Annual Wage Order and such work has been performed to a greater extent at all times pertinent to the Annual Wage Order at issue.

WHEREFORE, Objector respectfully requests the Commission find the collectively bargained rates, with pending changes during the term of Annual Wage Order No. 22, to be the rates as established by the collective bargaining agreements of the Carpenters District Council of Greater St. Louis and Vicinity for the occupational title of

Carpenter based upon the hours of work performed within Counties of St. Louis City, St. Louis County, Clark, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Lewis, Madison, Maries, Marion, Montgomery, Phelps, Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, Scotland, Shannon, Texas, Warren and Washington and the remainder of Missouri Counties, and upon a consideration of the requirements of applicable collective bargaining agreements as required under Section 290.262, RSMo.

Respectfully submitted,

GOFFSTEIN LAW, L.L.C.



John H. Goffstein, #19413
225 S. Meramec Avenue, Suite 402
Clayton, Missouri 63105
(314) 932-1919/Facsimile (314) 932-5048
john@goffsteinlaw.com

Attorney for Carpenters District Council
for the Greater St. Louis and Vicinity

CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Certified Mail**; and a copy was served on the following individuals by placing same, postage prepaid, in the U.S. mail, this 6th day of April, 2015.

Christopher Koster, Attorney General
Jonathan M. Hensley, Assistant Attorney General
Division of Labor Standards
P.O. Box 899
Jefferson City, Missouri 65102

John Lindsey, Director
Division of Labor Standards
3315 West Truman Boulevard
Jefferson City, Missouri 65102

A handwritten signature in black ink, appearing to read "John Lindsey", written over a horizontal line. The signature is stylized and somewhat illegible.