Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

ORDER OF COMMISSION

In the matter of Objection No. 119 filed by International Union of Painters and Allied Trades District Council #58 on April 7, 2015, to Annual Wage Order No. 22, pertaining to the wage rate for the occupational title of Painter in the Missouri County of Mississippi – Section 067, issued by the Division of Labor Standards, Department of Labor and Industrial Relations; filed with the Secretary of State on March 10, 2015.

On April 7, 2015, an objection to Annual Wage Order No. 22 was filed on behalf of International Union of Painters and Allied Trades District Council #58 (Objector), with the Labor and Industrial Relations Commission (Commission).

The Objector and the Division of Labor Standards have agreed upon the wage rate, overtime schedules, and holiday schedules for the occupational title of Painter in Mississippi County. The consensus wage rate, overtime schedules, and holiday schedules are reflected in the attached stipulation filed by the parties on May 4, 2015.

The Commission accepts the wage rate, overtime schedules, and holiday schedules reflected in the stipulation, and orders those rates and schedules to be the prevailing rates and schedules for the occupational title of Painter in Mississippi County.

Given at Jefferson City, Missouri, this 7th of May 2015.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

John J. Larsen, Jr., Chairman

James G. Avery, Jr., Member

Curtis E. Chick, Jr., Member

Attest:

Secretary

FILED

MAY -4 2015

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
STATE OF MISSOURI

In the matter of:

Objections Filed By
International Union of Painters and Allied Trades District Council #58 ("Objector")
Annual Wage Order No. 22 Section 067
Issued by the Division of Labor Standards for Mississippi County
Objection No. 119

STIPULATION OF FACT

Come now the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, and the undersigned Objector, and in resolution of Objector's objection, stipulate to the following:

1. That the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, gathered information to establish the prevailing wage rates for Annual Wage Order No. 22 Section 067 to be issued pursuant to Section 290.262, RSMo, and that said wage order was filed with the Secretary of State on March 10, 2015. The prevailing wage rate for the occupational title of Painter was set in accordance with information on file.

2. That the above-mentioned survey information has been maintained continuously and has been updated with additional information as it has become available, and the rates issued in the above-stated Annual Wage Order reflects the information which was available to the Division of Labor Standards at the time of issuance and filing with the Secretary of State on March 10, 2015.

3. That pursuant to Section 290.262, RSMo, the Department of Labor and Industrial Relations, Division of Labor Standards, is charged with determining the prevailing rates in each locality, and to do so the Department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within a locality.

4. That after conducting its survey and with further information received (See Exhibit A attached hereto and made a part hereof), the Department has determined that to accurately reflect the building construction wage rate for Painter in Mississippi County the previously issued rate should be altered as set forth below:

OCCUPATIONAL TITLE	BASIC HOURLY RATE		TOTAL FRINGE BENEFITS
Painter	$22.54	+	$10.90
Overtime Rate Schedule	No. 127		
Holiday Rate Schedule	No. 62		

WHEREFORE, the parties pray the Commission issue an order finding that the prevailing rate for Mississippi County is as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for Mississippi County setting forth the above-referenced wage rate for Painter.

CHRIS KOSTER
Attorney General

/s/ Jonathan M. Hensley
Jonathan M. Hensley
Assistant Attorney General

Missouri Bar No. 59810
Post Office Box 899
Jefferson City, Missouri 65102
(573) 751-9163
jonathan.hensley@ago.mo.gov

ATTORNEYS FOR MISSOURI
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS

James P. Faul
Attorney at Law
Missouri Bar No. 58799
4399 Laclede Avenue
St. Louis, MO 63108
Telephone (314) 531-1054
Facsimile (314) 531-1131
ATTORNEY FOR OBJECTOR
International Union of Painters and Allied
Trades District Council #58

Dated:

May _____ 2015

DIVISION OF LABOR STANDARDS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
Loyd Slinkard Painting Company, Inc.
4680 MO - 74
Cape Girardeau, MO 63701

Please Select One:
☒ Collective Bargaining Agreement Rate
☐ Non-Collective Bargaining Agreement Rate

County Mississippi

Description Painting

Type of Construction: ☒ Building ☐ Heavy and Highway

Dates of Work Reported Below
Beginning 1 / 1 / 2014 Ending 12 / 31 / 2014

E-mail _____ Website _____

Occupational Title(s)	No. of Employees	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
				H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Painter		21	22.54	10.90	←					→

Certification

To the best of my knowledge, information and belief, I hereby certify that the number of hours, basic hourly rate, and fringe benefit payments listed above are true and correct and that the type of work performed by the number of employees identified above, relative to the Occupational Title(s) reported, is consistent with 8 CSR 30-3.060. I further recognize that any false statement or declaration made herein is punishable under Section 290.340, 570.090, 575.050, and 575.060, RSMo.

_____

Date 04/06/2015

(Please check appropriate box)
☐ Signature of Contractor's Representative Who Prepared This Report
☒ Signature of Preparer of This Report

Printed Name Dave Doerr

Title PDC 58 Business Agent

Mail or fax completed form to:
Missouri Department of Labor and Industrial Relations
DIVISION OF LABOR STANDARDS
Attn: Prevailing Wage Section
P.O. Box 449
Jefferson City, MO 65102-0449

Contact Information:
Phone: 573-751-3403
Fax: 573-751-3721
E-mail: prevailingwage@labor.mo.gov
Website: www.labor.mo.gov/DLS

RECEIVED
APR 08 2015
DIVISION OF LABOR STANDARDS
ADMINISTRATION

LS-04 (11-13) AI

EXHIBIT A

DIVISION OF LABOR STANDARDS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
Midwest Painting & Wallcovering
2121 Bessie
Cape Girardeau, MO 63701

Please Select One:
☒ Collective Bargaining Agreement Rate
☐ Non-Collective Bargaining Agreement Rate

County Mississippi

Description Painting

Type of Construction: ☒ Building ☐ Heavy and Highway

Dates of Work Reported Below
Beginning 1 / 1 / 2014 Ending 12 / 31 / 2014

E-mail

Website

Occupational Title(s)	No. of Employees	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
				H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Painter		54	22.54	10.90	✓					

Certification

To the best of my knowledge, information and belief, I hereby certify that the number of hours, basic hourly rate, and fringe benefit payments listed above are true and correct and that the type of work performed by the number of employees identified above, relative to the Occupational Title(s) reported, is consistent with 8 CSR 30-3.060. I further recognize that any false statement or declaration made herein is punishable under Section 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 04/06/2015

Printed Name Dave Doerr

Title PDC 58 Business Agent

(Please check appropriate box)
☐ Signature of Contractor's Representative Who Prepared This Report
☒ Signature of Preparer of This Report

Mail or fax completed form to:
Missouri Department of Labor and Industrial Relations
DIVISION OF LABOR STANDARDS
Attn: Prevailing Wage Section
P.O. Box 449
Jefferson City, MO 65102-0449

Contact Information:
Phone: 573-751-3403
Fax: 573-751-3721
E-mail: prevailingwage@labor.mo.gov
Website: www.labor.mo.gov/DLS

RECEIVED
APR 08 2015
DIVISION OF LABOR STANDARDS
ADMINISTRATION

LS-04 (11-13) AI

EXHIBIT A

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker (H & F) Insulator			$18.00	FED		$1.44
Boilermaker			$32.21	126	7	$29.20
Bricklayer and Stone Mason			$28.48	75	40	$10.16
Carpenter			$23.42	62	43	$15.05
Cement Mason			$26.00	81	7	$13.95
Communication Technician			$20.80	FED		$9.13
Electrician (Inside Wireman)			$33.15	82	71	$10.58 + 39.5%
Electrician (Outside-Line Construction\Lineman)			$46.21	120	45	$5.76 + 29.75%
Lineman Operator			$33.38	120	45	$5.76 + 29.75%
Groundman			$26.41	120	45	$5.76 + 29.75%
Elevator Constructor		a	$44.37	26	54	$28.385
Glazier			$21.78	89	50	$11.25
Ironworker			$24.62	90	61	$19.72
Laborer (Building):						
General			$21.91	49	7	$11.82
First Semi-Skilled			$23.23	49	7	$11.82
Second Semi-Skilled			$22.23	49	7	$11.82
Lather			$23.42	62	43	$15.05
Linoleum Layer and Cutter			$23.42	62	43	$15.05
Marble Mason			$28.48	75	40	$10.16
Marble Finisher						
Millwright			$23.42	62	43	$15.05
Operating Engineer						
Group I			$27.81	86	66	$23.75
Group II			$27.81	86	66	$23.75
Group III			$26.56	86	66	$23.75
Group III-A			$27.81	86	66	$23.75
Group IV			$25.58	86	66	$23.75
Group V			$28.51	86	66	$23.75
Painter			**$22.54**	**127**	**62**	**$10.90**
Pile Driver			$23.42	62	43	$15.05
Pipe Fitter		b	$35.75	91	69	$26.68
Plasterer			$23.50	121	20	$9.55
Plumber		b	$35.75	91	69	$26.68
Roofer \ Waterproofer			$23.00	15	73	$10.87
Sheet Metal Worker			$38.52	32	25	$21.58
Sprinkler Fitter - Fire Protection			$31.75	33	19	$18.90
Terrazzo Worker			$28.48	75	40	$10.16
Terrazzo Finisher						
Tile Setter			$28.48	75	40	$10.16
Tile Finisher						
Traffic Control Service Driver			$26.415	22	55	$9.045
Truck Driver-Teamster						
Group I		c	$26.22	103	77	$9.40
Group II		c	$26.38	103	77	$9.40
Group III		c	$26.37	103	77	$9.40
Group IV		c	$26.49	103	77	$9.40

Fringe Benefit Percentage is of the Basic Hourly Rate

**Annual Incremental Increase

REPLACEMENT PAGE
MISSISSIPPI COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 120: Means five (5) eight (8) hour days shall constitute a day's work, Monday through Friday inclusive. Eight (8) hours shall constitute a regular days' work between the hours of 8:00 a.m. and 4:30 p.m. and forty (40) hours shall constitute a regular work week from Monday through Friday. All time worked in excess of eight (8) hours per day or forty (40) hours per week shall be paid overtime at the rate of time and one-half. A four (4) ten (10) hour day work schedule may be worked Monday through Thursday or Tuesday through Friday. Overtime shall be paid only after ten (10) hours per day or forty (40) hours per week. Double (2) time will be paid for all work done on Sundays and legal holidays.

NO. 121: Means the regular work day shall be either eight (8) or ten (10) hours. The regular work week shall start on Monday and end on Friday, except where the Employer elects to work Monday through Thursday, ten (10) hours per day. All work over eight (8) hours per day (if working five eight hour days) and ten (10) hours per day (if working four ten hours days) and over forty (40) hours per week shall be paid at time and one-half (1½) the regular rate of pay. If a job cannot work forty (40) hours Monday through Friday because of inclement weather or other conditions beyond the control of the Employer, Friday or Saturday may be worked as a make-up day at straight time (if working four ten hour days). Saturday may be worked as a make-up day at straight time (if working five eight hour days). Make-up days shall not be utilized for days lost because of Holidays. All work performed on Sundays and Holidays shall be paid for at two (2) times the regular straight time rate of pay.

NO. 126: Means eight (8) hours per day shall constitute a day's work and forty (40) hours per week, Monday through Friday, shall constitute a week's work. The regular starting time shall be 8:00 a.m. If a second or third shift is used, the regular starting time of the second shift shall be 4:30 p.m. and the regular starting period for the third shift shall be 12:30 a.m. These times may be adjusted by the employer. The day shift shall work a regular eight (8) hours shift as outlined above. Employees working a second shift shall receive an additional $0.25 above the regular hourly rate and perform seven and one-half (7½) hours work for eight (8) hours pay. Third shift employees shall be paid an additional $0.50 above the regular hourly rate and work seven (7) hours for eight (8) hours pay. When circumstances warrant, the Employer may change the regular workweek to four (4) ten-hour days at the regular time rate of pay. All time worked before and after the established workday of eight (8) hours, Monday through Friday, and all time worked on Saturday shall be paid at the rate of time and one-half (1½) except in cases where work is part of an employee's regular Friday shift. All time worked on Sunday and recognized holidays shall be paid at the double (2) time rate of pay except in cases where work is part of an employee's previous day's shift. For all overtime hours worked $25.77 of the fringe benefits portion of the prevailing wage shall be paid at the same overtime rate at which the cash portion of the prevailing wage is to be paid. The remaining $1.24 of the fringe benefit portion of the prevailing wage may be paid at straight time.

NO. 127: Means the normal work week shall consist of five (5) eight (8) hour days for a total of forty (40) hours, starting on Monday at 8:00 a.m. and ending on Friday at 4:30 p.m. The starting time can be flexible between 6:00 a.m. and 8:00 a.m., and ending at 2:30 p.m. or 4:30 p.m. respectively. All work before the designated starting time and after the quitting time shall be paid for at the rate of time and one-half (1½). An overtime rate of time and one-half (1½) the base hourly rate shall be paid on all hours in excess of eight (8) hours in a day Monday through Friday. Any work started after 12:00 midnight Sunday, will be classified as time and one-half (1½) up to the legal starting time on Monday. Saturdays shall be considered overtime and work done on Saturday shall be paid at time and one-half (1½) the prevailing scale. Sundays and Holidays shall be considered overtime and work done on these days shall be paid at double (2) time the prevailing scale.

REPLACEMENT PAGE
MISSISSIPPI COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION

NO. 43: All of the following days or assigned days are recognized as holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Veteran's Day (November 11th), Thanksgiving Day, and Christmas Day. If a holiday falls on Sunday, it shall be observed on the following Monday. If a holiday falls on Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for these eight (8) hours is to be paid the employee unless worked. If the employee is required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive double (2) the regular rate of pay for such work.

NO. 45: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the day before Christmas, and Christmas Day, shall be paid at the double time rate of pay.

NO. 50: All work performed on Saturdays, Sundays and recognized holidays shall be considered overtime and work performed on these days shall be paid at double (2) the prevailing scale. The holidays of understanding are: New Years' Day, Decoration Day, Independence Day, Veterans Day, Labor Day, Thanksgiving Day and Christmas Day. Should any of these holidays fall on Saturday, the Friday before shall be observed as the holiday. Should any of these days fall on Sunday, then the following Monday shall be observed as the holiday. Under no circumstance shall employees be permitted to work on Labor Day (the first Monday in September).

NO. 54: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day shall be paid at the double (2) time rate of pay. When a holiday falls on Saturday, it shall be observed on Friday. When a holiday falls on Sunday, it shall be observed on Monday.

NO. 55: The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workmen unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make up day when an observed holiday occurs during the work week. Employees have the option to work that make up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

NO. 61: All work performed on recognized holidays shall be paid at the double (2) time rate of pay. No work shall be performed on Labor Day except to save life or property. The following holidays shall be observed: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, to be observed November 11 (or a mutually agreed date of the Friday after Thanksgiving if agreed by other crafts working on project), Thanksgiving Day and Christmas Day. Any holiday which occurs on a Sunday shall be observed the following Monday.

NO. 62: All work performed on holidays shall be considered overtime and work performed on these days shall be paid at double (2) time rate of pay. The holidays of understanding are: New Years' Day, Decoration Day, Independence Day, Veteran's Day, Thanksgiving Day and Christmas Day. Should any of these holidays fall on Saturday the Friday before shall be observed as the holiday. Should any of these days fall on Sunday, then the following Monday shall be observed as the holiday. Under no circumstance shall employees be permitted to work on Labor Day (the first Monday in September).

NO. 66: All work performed on Sundays and the following recognized holidays, or the days observed as such, of New Year's Day, Decoration Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) the hourly rate plus an amount equal to the hourly Total Indicated Fringe Benefits. Whenever any such holidays fall on a Sunday, the following Monday shall be observed as a holiday.