

FILED

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI

APR - 7 2015

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the Matter of: **Objection to Annual Wage Order No. 22, Issued in March 2015, as it Pertains to the Occupational Title of “Painter” in New Madrid County, Missouri, Which County is a Third Class Missouri County Within the Geographic Jurisdiction of the International Union of Painters and Allied Trades District Council #58**

On Behalf of: **International Union of Painters and Allied Trades District Council #58**

Objector.

OBJECTION

COMES NOW the International Union of Painters and Allied Trades District Council #58 (hereinafter “Objector” or “PDC 58”), and files its Objections to Annual Wage Order No. 22, issued in March 2015 by the Missouri Division of Labor Standards, and for its Objection states as follows:

1. Objector is an unincorporated association representing members who perform work in the construction trades and specifically under the Occupational Title of “Painter,” as defined in 8 C.S.R. 30-3.060, throughout the eastern half of the State of Missouri of the type covered by Section 290.201, R.S.Mo., *et seq.* (the “Missouri Prevailing Wage Law”). These individual bargaining unit members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent, the Objector has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of Objections to proposed Annual Wage Orders.

2. New Madrid County is a Missouri Third Class County, as described and incorporated in the Missouri Prevailing Wage Law.

3. A review of the certified payroll submitted on a project by contractors working in New Madrid County, Missouri reveals that the basic hourly rates and total fringe benefits in proposed Annual Wage Order No. 22 are incorrect in that they do not take into consideration those hours worked in painting in New Madrid County, Missouri.

A. The rates in proposed Annual Wage Order No. 22 for the “Painter” Occupational Title in New Madrid County are \$25.99 per hour, with \$13.65 fringe benefits. There is a pending motion to amend which would change the proposed Wage Order to reflect \$30.80 per hour, with \$13.56 fringe benefits.

B. In 2014, one-thousand six-hundred thirty-one (1,631) hours of work designated as “Painter” work for purposes of construction work was performed by employees of Loyd Slinkard Painting Company, Inc. within New Madrid County at the rate of \$22.54 in wages and \$10.90 in fringe benefits. Objector is prepared to present evidence in the forms of payroll and contractor surveys to establish the following hours actually worked and the foregoing rate in New Madrid County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in New Madrid County at such rates. Such workmen, in fact, have performed such work at such rates, as evidenced in the attached documentation. Workers performed at these rates in these localities to a greater extent than work performed at the published rate in the objected to proposed Annual Wage Order, and such work has been performed to a greater extent at all times pertinent to the Annual Wage Order at issue.

D. In addition, the same review reveals the overtime and holiday schedules should be 104 and 12, respectively, in New Madrid County, as applied to the “Painter” classification, being the only hours submitted for the relevant period for Annual Wage Order No. 22 and the

Occupational Title "Painter" were worked under a collective bargaining agreement with these overtime and holiday schedules.

E. These one-thousand six-hundred thirty-one (1,631) hours are reflective of the objective hours that prevail in the geographic jurisdiction at issue and performed under an appropriate collective bargaining agreement.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission consider favorably the Objection of Objector and revise the basic hourly rate and total fringe benefit in New Madrid County for the "Painter" classification, as described herein, to reflect the prevailing practices throughout the geographic jurisdiction in question, and for such other changes as are deemed appropriate.

Respectfully submitted,

HARTNETT GLADNEY HETTERMAN, L.L.C.



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CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing were served on the Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P. O. Box 599, Jefferson City, MO 65102-0599, *via facsimile at 573-751-7806* and by UPS, and copies were served on the following individuals by placing same, postage prepaid, in the U. S. Mail this 7th day of April, 2015.

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