

ORDER OF COMMISSION

In the matter of Objection No. 124 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 Shannon – Section 105, 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).

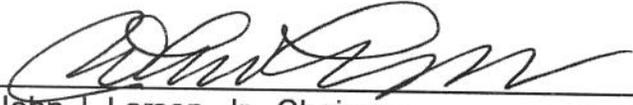
The Objector and the Division of Labor Standards have agreed upon the wage rate, overtime schedules, and holiday schedules for the occupational title of Painter in Shannon County. The consensus wage rate, overtime schedules, and holiday schedules are reflected in the attached stipulation filed by the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

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

LABOR AND INDUSTRIAL RELATIONS COMMISSION

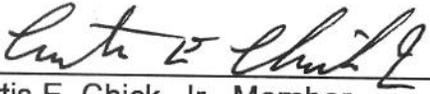




John J. Larsen, Jr., Chairman



James G. Avery, Jr., Member



Curtis E. Chick, Jr., Member

Attest:



Secretary

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
STATE OF MISSOURI

FILED

MAY - 4 2015

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the matter of:

Objections Filed By
International Union of Painters and Allied Trades District Council #58 ("Objector")
Annual Wage Order No. 22 Section 105
Issued by the Division of Labor Standards for Shannon County
Objection No. 124

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 105 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 Shannon 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 Shannon County is as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for Shannon 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



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 Shannon

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

Description Painting

Type of Construction: Building Heavy and Highway

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		8	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 § 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.

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

Date 04/06/2015
 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

EXHIBIT A

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker (H & F) Insulator			\$24.97	56	28	\$11.00
Boilermaker			\$32.21	126	7	\$29.20
Bricklayer and Stone Mason			\$27.60	24	74	\$15.70
Carpenter			\$23.42	62	43	\$15.05
Cement Mason			\$30.43	23	5	\$7.91
Communication Technician			\$31.04	28	7	\$12.52 + 13%
Electrician (Inside Wireman)			\$24.65	21	48	\$11.70 + 10%
Electrician (Outside-Line Construction\Lineman)			\$41.08	43	45	\$5.00 + 36.5%
Lineman Operator			\$35.46	43	45	\$5.00 + 36.5%
Groundman			\$27.42	43	45	\$5.00 + 36.5%
Elevator Constructor		a	\$44.37	26	54	\$28.385
Glazier			\$22.85	36	52	\$6.21
Ironworker			\$27.50	50	4	\$27.35
Laborer (Building):						
General			\$23.26	110	80	\$12.09
First Semi-Skilled			\$25.16	110	80	\$12.09
Second Semi-Skilled			\$13.00	FED		\$0.40
Lather		b	\$28.86	74	41	\$14.95
Linoleum Layer and Cutter			\$30.33	92	26	\$14.95
Marble Mason			\$21.55	124	74	\$12.79
Marble Finisher			\$14.01	124	74	\$9.21
Millwright			\$35.67	77	41	\$15.25
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		b	\$28.86	74	41	\$14.95
Pipe Fitter		c	\$35.75	91	69	\$26.68
Plasterer			\$30.56	67	3	\$17.08
Plumber		c	\$35.75	91	69	\$26.68
Roofer \ Waterproofer			\$23.00	15	73	\$10.87
Sheet Metal Worker			\$28.87	4	24	\$13.15
Sprinkler Fitter - Fire Protection			\$31.75	33	19	\$18.90
Terrazzo Worker			\$28.73	124	74	\$14.38
Terrazzo Finisher			\$18.68	124	74	\$14.38
Tile Setter			\$17.50	FED		\$1.41
Tile Finisher			\$14.01	124	74	\$9.21
Traffic Control Service Driver			\$26.415	22	55	\$9.045
Truck Driver-Teamster						
Group I			\$14.00	FED		\$0.37
Group II			\$14.00	FED		\$0.52
Group III			\$13.50	FED		\$8.65
Group IV		d	\$26.535	35	36	\$8.65

Fringe Benefit Percentage is of the Basic Hourly Rate

**Annual Incremental Increase

**REPLACEMENT PAGE
SHANNON COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE**

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
SHANNON COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION**

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. 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.

NO. 69: All work performed on New Year's Day, Memorial Day, July Fourth, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day shall be compensated at double (2) their straight-time hourly rate of pay. Friday after Thanksgiving and the day before Christmas are also holidays, however, if the employer chooses to work the normal work hours on these days, the employee will be paid at straight-time rate of pay. If a holiday falls on a Saturday, the holiday will be observed on Saturday; if a holiday falls on a Sunday, the holiday will be observed on the following Monday.

NO. 73: The following days are recognized as holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day (or mutually agreed date of the Friday after Thanksgiving Day may be substituted for Veteran's Day), Thanksgiving Day and Christmas Day, or in the event that any of said Holidays falls on Sunday, then the day or days generally recognized as such. Any work performed anywhere on any of the aforesaid Holidays, or on the day or days recognized and observed as such, shall be paid for at double (2) time the regular hourly rate.

NO. 74: All work performed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) time of the hourly rate of pay. In the event one of the above holiday's falls on Saturday, the holiday shall be celebrated on Saturday. If the holiday falls on Sunday, the holiday will be celebrated on Monday.

NO. 80: The following days shall be recognized as Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. In the event that any of these Holidays fall on a Saturday, the preceding Friday shall be observed; if on a Sunday, the following Monday shall be observed. No work shall be performed on these days except in emergency to protect life or property. All work performed on these holidays shall be compensated at double the regular hourly rate for the work performed. Overtime shall be computed at half hour intervals.