

**ORDER OF COMMISSION**

In the matter of Objection No. 125 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 St. Francois – Section 095, 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 St. Francois 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 St. Francois County.

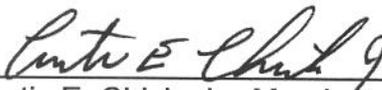
Given at Jefferson City, Missouri, this 7<sup>th</sup> of May 2015.

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 095  
Issued by the Division of Labor Standards for St. Francois County  
**Objection No. 125**

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 095 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 St. Francois County the previously issued rate should be altered as set forth below:

| OCCUPATIONAL TITLE     | BASIC HOURLY RATE | TOTAL FRINGE BENEFITS |
|------------------------|-------------------|-----------------------|
| Painter                | \$24.64           | + \$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 St. Francois County is as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for St. Francois 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](mailto:jonathan.hensley@ago.mo.gov)

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



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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 St. Francois

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               |                  | 1,596.5     | 24.64             | 10.90                           |         |          |          |        |         |       |  |
|                       |                  |             |                   |                                 |         |          |          |        |         |       |  |
|                       |                  |             |                   |                                 |         |          |          |        |         |       |  |
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|                       |                  |             |                   |                                 |         |          |          |        |         |       |  |
|                       |                  |             |                   |                                 |         |          |          |        |         |       |  |

**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.

[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](mailto:prevailingwage@labor.mo.gov)  
 Website: [www.labor.mo.gov/DLS](http://www.labor.mo.gov/DLS)

RECEIVED  
 APR 08 2015  
 DIVISION OF LABOR STANDARDS  
 ADMINISTRATION



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 St. Francois

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E-mail \_\_\_\_\_ Website \_\_\_\_\_

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|-----------------------|------------------|-------------|-------------------|---------------------------------|---------|----------|----------|--------|---------|-------|
|                       |                  |             |                   | H & W                           | Pension | Vacation | App. Tr. | Suppl. | Holiday | Other |
| Painter               |                  | 1458.5      | 24.64             | 10.90                           |         |          |          |        |         |       |
|                       |                  |             |                   |                                 |         |          |          |        |         |       |
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 \_\_\_\_\_  
 (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](mailto:prevailingwage@labor.mo.gov)  
 Website: [www.labor.mo.gov/DLS](http://www.labor.mo.gov/DLS)

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| OCCUPATIONAL TITLE                              | ** Date of Increase | * | Basic Hourly Rates | Over-Time Schedule | Holiday Schedule | Total Fringe Benefits |
|---|---------------------|---|--------------------|--------------------|------------------|-----------------------|
| Asbestos Worker (H & F) Insulator               |                     |   | \$38.06            | 55                 | 60               | \$20.71               |
| Boilermaker                                     |                     |   | \$32.21            | 126                | 7                | \$29.20               |
| Bricklayer and Stone Mason                      |                     |   | \$28.48            | 75                 | 40               | \$10.16               |
| Carpenter                                       |                     | d | \$28.86            | 74                 | 41               | \$14.95               |
| Cement Mason                                    |                     | f | \$29.03            | 80                 | 6                | \$16.51               |
| Communication Technician                        |                     |   | \$30.35            | 44                 | 47               | \$9.53 + 31.50%       |
| Electrician (Inside Wireman)                    |                     |   | \$33.15            | 82                 | 71               | \$10.58 + 39.5%       |
| 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   |                     |   | \$32.78            | 87                 | 31               | \$21.13 + 13.2%       |
| Ironworker                                      |                     |   | \$32.48            | 11                 | 8                | \$23.025              |
| Laborer (Building):                             |                     |   |                    |                    |                  |                       |
| General   |                     |   | \$22.36            | 49                 | 7                | \$12.82               |
| First Semi-Skilled                              |                     |   | \$23.66            | 49                 | 7                | \$12.82               |
| Second Semi-Skilled                             |                     |   | \$22.66            | 49                 | 7                | \$12.82               |
| Lather  |                     | d | \$28.86            | 74                 | 41               | \$14.95               |
| Linoleum Layer and Cutter                       |                     |   | \$30.33            | 92                 | 26               | \$14.95               |
| Marble Mason                                    |                     |   | \$28.48            | 75                 | 40               | \$10.16               |
| Marble Finisher                                 |                     |   |                    |                    |                  |                       |
| 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               |
| <b>Painter</b>                                  |                     |   | <b>\$24.64</b>     | <b>127</b>         | <b>62</b>        | <b>\$10.90</b>        |
| Pile Driver                                     |                     | d | \$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                           |                     |   | \$30.70            | 15                 | 73               | \$16.67               |
| 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                                   |                     |   |                    |                    |                  |                       |
| Truck Driver-Teamster                           |                     |   |                    |                    |                  |                       |
| Group I   |                     | e | \$26.22            | 103                | 77               | \$9.40                |
| Group II  |                     | e | \$26.38            | 103                | 77               | \$9.40                |
| Group III                                       |                     | e | \$26.37            | 103                | 77               | \$9.40                |
| Group IV  |                     | e | \$26.49            | 103                | 77               | \$9.40                |

Fringe Benefit Percentage is of the Basic Hourly Rate

\*\*Annual Incremental Increase

**REPLACEMENT PAGE  
ST. FRANCOIS 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.