

APR - 7 2015

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, Issued in March 2015, as it Pertains to the Occupational Title of “Sprinkler Fitter - Fire Protection” in Crawford County, Missouri, Which County is a Third Class Missouri County Within the Geographic Jurisdiction of the Road Sprinkler Fitters Local Union 669**

On Behalf of: **Road Sprinkler Fitters Local Union 669**

Objector.

OBJECTION

COMES NOW the Road Sprinkler Fitters Local Union 669 (hereinafter “Objector” or “L.U. 669”), 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 “Sprinkler Fitter - Fire Protection,” as defined in 8 C.S.R. 30-3.060, throughout 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, parties such as the Objector have historically been permitted to represent the interests of their members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of Objections to proposed Annual Wage Orders.
2. Crawford 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 Crawford 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 Crawford County, Missouri.

A. The rates in proposed Annual Wage Order No. 22 for the “Sprinkler Fitter - Fire Protection” Occupational Title in Crawford County are \$20.00 per hour, with \$1.22 fringe benefits and the Federal Overtime and Holiday rates.

B. In 2014, ninety and one-half (90.5) hours of work designated as “Sprinkler Fitter - Fire Protection” work for purposes of construction work was performed by employees of Ozark Fire Sprinkler Co., Inc., within Crawford County at the rate of \$31.75 in wages and \$18.90 in fringe benefits pursuant to a collective bargaining agreement with L.U. 669. 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 Crawford County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Crawford 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 that change must be made to the overtime and holiday schedules in Crawford County, as applied to the “Sprinkler Fitter - Fire Protection” classification, being the ninety and one-half (90.5) hours submitted herein for the relevant period

for Annual Wage Order No. 22 were worked pursuant to a collective bargaining agreement with specific overtime and holiday schedules.

E. These ninety and one-half (90.5) 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 Crawford County for the "Sprinkler Fitter - Fire Protection" 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.



JAMES P. FAUL, No. 58799
4399 Laclede Avenue
St. Louis, MO 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131
jfaul@hghllc.net

Attorneys for Objector

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.

John E. Lindsey, Director
Division of Labor Standards
3315 West Truman Boulevard
P. O. Box 449
Jefferson City, MO 65102-0449

Sara Dick, Assistant Attorney General
Office of the Attorney General
Broadway State Office Building
221 West High Street, 4th Floor
P. O. Box 899
Jefferson City, MO 65102-0899





**DIVISION OF
LABOR
STANDARDS**

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
Ozark Fire Sprinkler Co., Inc.
19098 Dwyer Road
Warsaw, MO 65355

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

County Lawrence

Dates of Work Reported Below
 Beginning 1/1/14 Ending 12/31/14

Description SWP Lighting

Type of Construction: Building Heavy and Highway

E-mail teddiej@ozarkfs.com 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
<u>Sprinkler Fitter</u>	<u>3</u>	<u>17</u>	<u>31.75</u>	<u>2.52</u>	<u>5.75</u>	<u>0</u>	<u>.45</u>	<u>4.18</u>	<u>0</u>	<u>0</u>

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.

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

Date 3-30-15
 Printed Name Cecilia Johnson
 Title Secretary

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



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
 CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
 Ozark Fire Sprinkler Co., Inc.
 19298 Dwyer Road
 Warsaw, MO 65355

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

County Crawford

Dates of Work Reported Below
 Beginning 1/1/14 Ending 12/31/14

Description Cohen Wood Working

Type of Construction: Building Heavy and Highway

E-mail teddiej@ozarkfs.com 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
<u>Sprinkler Fitter</u>	<u>1</u>	<u>0.5</u>	<u>31.75</u>	<u>2.52</u>	<u>5.75</u>	<u>0</u>	<u>.45</u>	<u>4.18</u>	<u>0</u>	<u>0</u>

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.

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

Date 3-30-13
 Printed Name Cecilia Johnson
 Title Secretary

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



**DIVISION OF
LABOR
STANDARDS**

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
Ozark Fire Sprinkler Co., Inc.
19098 Dwyer Road
Warsaw, MO 65355

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

County Crawford

Dates of Work Reported Below
Beginning 1/1/14 Ending 12/31/14

Description Missouri Baptist

Type of Construction: Building Heavy and Highway

E-mail teddiej@ozarkfs.com 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
<u>Sprinkler Fitter</u>	<u>1</u>	<u>6</u>	<u>31.75</u>	<u>8.52</u>	<u>5.75</u>	<u>0</u>	<u>.45</u>	<u>4.18</u>	<u>0</u>	<u>0</u>

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.

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

Date 3-30-15
Printed Name Cecilia Johnson
Title Secretary

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



**DIVISION OF
LABOR
STANDARDS**

**MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR'S WAGE SURVEY**

PROJECT INFORMATION

Contractor's Name, Address, and Telephone Number
 Ozark Fire Sprinkler Co., Inc.
 19098 Dwyer Road
 Warsaw, MO 65355

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

County Crawford

Dates of Work Reported Below
 Beginning 1/1/14 Ending 12/31/14

Description Aerofil Technology, Inc.

Type of Construction: Building Heavy and Highway

E-mail teddiej@ozarkfs.com 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
<u>Sprinkler Fitter</u>	<u>2</u>	<u>41</u>	<u>31.75</u>	<u>2.52</u>	<u>5.75</u>	<u>0</u>	<u>.45</u>	<u>4.18</u>	<u>0</u>	<u>0</u>

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.

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

Date 3-30-15
 Printed Name Cecilia Johnson
 Title Secretary

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