

FILED

APR - 7 2015

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

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**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 Miller 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.**

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**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.        Miller 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 Miller 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 Miller County, Missouri.

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

B. In 2014, one-thousand two-hundred sixty-three (1,263) hours of work designated as “Sprinkler Fitter - Fire Protection” work for purposes of construction work was performed by employees of Miller Fire Sprinkler Co., Inc., and Ozark Fire Sprinkler Co., Inc., within Miller County at the rate of \$31.75 in wages and \$18.90 in fringe benefits under 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 Miller County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Miller 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 Miller County, as applied to the “Sprinkler Fitter - Fire Protection” classification, being the one-thousand two-hundred sixty-three (1,263) hours submitted for the

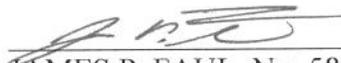
relevant period for Annual Wage Order No. 22 were worked pursuant to a collective bargaining agreement with specific overtime and holiday schedules.

E. These one-thousand two-hundred sixty-three (1,263) 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 Miller 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.

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

  
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**DIVISION OF  
LABOR  
STANDARDS**

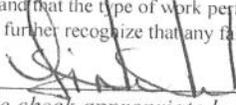
MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**CONTRACTOR'S WAGE SURVEY**

<b>PROJECT INFORMATION</b>	
Contractor's Name, Address, and Telephone Number MAINLINE FIRE PROTECTION 505 EMPIRE DR JEFFERSON CITY, MO 65109	Please Select One: <input checked="" type="checkbox"/> Collective Bargaining Agreement Rate <input type="checkbox"/> Non-Collective Bargaining Agreement Rate
Dates of Work Reported Below Beginning <u>10 / 03 / 2014</u> Ending <u>10 / 10 / 2014</u>	County <u>MILLER</u> Description <u>CAMDEN ON THE LAKE INSPECTION</u> Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
E-mail <u>LORI.NEWTON@WSFP.US</u>	Website <u>WSFP.COM</u>

Occupational Title(s)	No. of Employees	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
				H & W	Pension	Vacation	App Tr.	Suppl.	Holiday	Other
SPRINKLER FITTER	1	12	31.75	8.52	5.75		.45	4.18		.75

**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.

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

Date 03/23/2015  
 Printed Name LORI NEWTON  
 Title OFFICE MANAGER

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)



**DIVISION OF  
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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 *Miller Co.*

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

Description *School of the Osage*

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
<i>Sprinkler Fitter</i>	<i>4</i>	<i>1,207</i>	<i>31.75</i>	<i>8.52</i>	<i>5.75</i>	<i>0</i>	<i>.45</i>	<i>4.18</i>	<i>0</i>	<i>0</i>

**Certification**

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



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**CONTRACTOR'S WAGE SURVEY**

<b>PROJECT INFORMATION</b>	
Contractor's Name, Address, and Telephone Number Ozark Fire Sprinkler Co., Inc. 19098 Dwyer Road Warsaw, MO 65355	Please Select One: <input checked="" type="checkbox"/> Collective Bargaining Agreement Rate <input type="checkbox"/> Non-Collective Bargaining Agreement Rate  County <u>Miller</u>
Dates of Work Reported Below Beginning <u>1/1/14</u> Ending <u>12/31/14</u>	Description <u>Eldon Multi-Purpose Bldg.</u> Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
E-mail <u>teddiej@ozarkfs.com</u>	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
Sprinkler Fitter	2	19	31.75	8.52	5.75	0	.45	4.18	0	0

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





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

County Miller

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

Description Miller County NH

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>9</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**

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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

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 Missouri Department of Labor and Industrial Relations  
 DIVISION OF LABOR STANDARDS  
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 P.O. Box 449  
 Jefferson City, MO 65102-0449

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