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April 9, 2015

Via Facsimile (751-7806) and U.S. Mail (in triplicate)

Labor and Industrial Relations Commission
3315 W. Truman Blvd., Suite 214
P.O. Box 599
Jefferson City, MO 65102-0599

FILED

APR - 9 2015

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

RE: Objection to Annual Wage Order No. 22 and the Occupational Title Rule
Columbia Curb & Gutter Co. ("CCG")

To whom it may concern:

I represent CCG, a Missouri corporation. Pursuant to 8 CSR 20-5.010, CCG hereby objects to Annual Wage Order 22, filed with the Missouri Secretary of State's Office on May 10, 2015. The Division of Labor Standards issued a Notice of Violation to CCG, dated February 20, 2015 ("Notice"). CCG is exercising its right to dispute the Notice, and CCG also objects to Annual Wage Order 22 and the Occupational Title Rule as applied in the Notice.

(1) CCG objects to Annual Wage Order 22 and the Occupational Title Rule to the extent they require – or are interpreted as requiring – that "shift differentials" or a "premium" be applied in determining wage rates to be paid to workers for hours worked outside of 8:00 a.m. to 4:30 p.m., when the contract requires that the work be performed only during set nighttime hours and the workers perform work only during those set nighttime hours. CCG objects to Annual Wage Order 22 and the Occupational Title Rule to the extent they provide – or are interpreted as providing – that "normal work hours" and/or the "regular work day" may only be 8:00 a.m. to 4:30 p.m., even when the contract provides that the work be performed only during set nighttime hours and the workers perform work only during those set nighttime hours. CCG submits that a "shift differential" – the \$1.50 or \$2.50 per hour premium – should not apply when the "regular work day" for a project consists of set nighttime hours and the workers perform work only during those set nighttime hours.

(2) CCG objects to Annual Wage Order 22 and the Occupational Title Rule to the extent they require – or are interpreted as requiring – that the wage rate for the occupational title of Iron Worker be applied to time spent carrying steel to the area where the work is to be done for

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highway construction projects. CCG objects to Annual Wage Order 22 and the Occupational Title Rule to the extent they provide – or are interpreted as providing – that “Iron Worker” is a more specific title and therefore controls with regard to steel carried on a highway project. CCG submits that the wage rate for the occupational title of general laborer should apply, as 8 CSR 30-3.060 (Section 8-K-2-A), for heavy/highway construction, provides that general laborer includes “...the unloading, handling and carrying of concrete reinforcing bars, by hand, to the areas in which they are used...”

I hereby certify that a copy of this objection is being mailed, on this date, to the Division of Labor Standards.

Thank you for your attention to this matter.

Sincerely,

BRYDON SWEARENGEN & ENGLAND P.C.

By: 

Diana C. Carter

cc: Division of Labor Standards
P.O. Box 449
Jefferson City, MO 65102-0449