

FILED

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

APR - 4 2019

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the Matter of: **Objection to Annual Wage Order No. 26, Issued in March 2019, as it Pertains to the Occupational Title of "Glazier" in Cape Girardeau County, Missouri, Wherein the Objector performs building and construction**

On Behalf of: **Cape Paint & Glass Company, Inc.**

Objector.

OBJECTION

COMES NOW the Cape Paint & Glass, Inc., a/k/a Cape Paint & Glass Company ("Objector") and files its Objections to Annual Wage Order No. 26, issued in March 2019 by the Missouri Division of Labor Standards, and for its Objection states as follows:

1. Objector is a business in good standing located in Cape Girardeau, Missouri who performs and provides building and construction services the Occupational Title of "Glazing," as defined in 8 C.S.R. 30-3.060, throughout Cape Girardeau Missouri of the type covered by R.S.Mo. § 290.210, *et seq.* (the "Missouri Prevailing Wage Law"). Businesses have historically been permitted to represent its business interests before the Labor and Industrial Relations Commission, on matters of Objections to proposed Annual Wage Orders.

2. Cape Girardeau is subject to the Missouri Prevailing Wage Law.

3. A review of the hours submitted on a project by a contractor working in Cape Girardeau County, Missouri reveals that the basic hourly rates and total fringe benefits in proposed Annual Wage Order No. 26 are incorrect in that they do not take into consideration those hours worked as a glazier Cape Girardeau County, Missouri.

A. The rate in proposed Annual Wage Order No. 26 for the “Glazier” Occupational Title in Cape Girardeau County is \$23.12. The Division of Labor Standards used this rate because fewer than 1,000 hours were submitted pursuant to R.S.Mo. § 290.257.2.

B. In 2018, 4,274.5 hours of work designated as “Glazier” construction work was performed by Objector’s employees within Cape Girardeau County. During the period of January 1, 2018 through July 31, 2018, Objector paid its employees at the rate of \$21.88 in wages and \$12.50 in fringe benefits. All hours were submitted pursuant to Objector’s collective bargaining agreement with Objector’s employees’ union, the Painters District Council No. 58. As such, all the aforementioned hours should be considered a single rate with the greater rate prevailing under R.S.Mo. § 290.262.8. 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 Cape Girardeau County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Cape Girardeau County at such rates. Such workmen, in fact, have performed such work at such rates, as evidenced in the attached contractor surveys. 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. These 4,274.5 hours are reflective of the objected 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 Cape Girardeau County for the “Glaizer” 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 REYES-JONES, LLC



JAMES P. FAUL, No. 58799
4399 Laclede Avenue
St. Louis, Missouri 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131
jfaul@hrjlaw.com

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 by placing same, postage prepaid, in the U. S. Mail this 27th day of March, 2019:

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





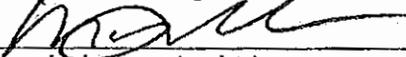
MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION											
Contractor's Name, Address, and Telephone Number CAPE PAINT & GLASS COMPANY 15 N. MIDDLE ST. CAPE GIRARDEAU,					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>01 / 01 / 2018</u> Ending <u>07 / 31 / 2018</u>					County <u>MISSISSIPPI COUNTY</u>						
F-mail _____					Description _____						
					Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway						
					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	
GLAZIER		2	21.88	6.51	5.79		.10	.10			

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

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 3/28/19
 Printed Name Mike Dannenmueller
 Title President

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 CAPE PAINT & GLASS COMPANY 15 N. MIDDLE ST. CAPE GIRARDEAU,	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>01 / 01 / 2018</u> Ending <u>07 / 31 / 2018</u>	County <u>WAYNE COUNTY</u> Description _____ Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> 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
GLAZIER		16	21.88	6.61	5.79		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

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 of Contractor's Representative Who Prepared This Report
 Signature of Preparer of This Report

Date 3/28/19
 Printed Name Mike Dannermueller
 Title President

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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701					Project Name:				
Dates of Work Reported Below Beginning <u>8 / 01 / 2018</u> Ending <u>8 / 31 / 2018</u>					County <u>CAPE GIRARDEAU</u>				
Email <u>mike.cpglass@att.net</u>					Description _____ Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway				
Website _____									
Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	571	21.88	6.51	5.79		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 8/28/19
 Signature /s/ [Signature]
 Printed Name Mike Dannenmueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: 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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701				Project Name:					
Dates of Work Reported Below Beginning <u>08 / 01 / 2018</u> Ending <u>08 / 31 / 2018</u>				County <u>SCOTT</u>					
Email <u>mike.cpglass@att.net</u>				Description _____ Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway					
Website _____									
Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	34.50	21.88	6.51	5.79		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 3/28/19
 Signature /s/ [Signature]
 Printed Name Mike Dannemueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: 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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701	Project Name: County <u>WAYNE</u>
Dates of Work Reported Below Beginning <u>8 / 01 / 2018</u> Ending <u>8 / 31 / 2018</u>	Description Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
Email <u>mike.cpglass@att.net</u>	Website

Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	18.00	21.88	6.51	5.79		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 3/28/19
 Signature /s/ [Signature]
 Printed Name Mike Dannenmueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: 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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701					Project Name:				
Dates of Work Reported Below Beginning <u>09 / 01 / 2018</u> Ending <u>12 / 31 / 2018</u>					County <u>CAPE GIRARDEAU</u>				
Email <u>mike.cpglass@att.net</u>					Description _____				
					Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway				
Website _____									
Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	1583	21.88	6.81	6.38		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 3/28/19
 Signature /S/ 
 Printed Name Mike Dannenmueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: 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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701				Project Name:					
Dates of Work Reported Below Beginning <u>09 / 01 / 2018</u> Ending <u>12 / 31 / 2018</u>				County <u>SCOTT</u>					
Email <u>mike.cpglass@att.net</u>				Description _____					
				Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway					
				Website _____					
Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	100.50	21.88	6.81	6.38		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 3/28/19
 Signature /s/ [Signature]
 Printed Name Mike Dannemueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: 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 Phone Number CAPE PAINT & GLASS, INC. 15 NORTH MIDDLE CAPE GIRARDEAU, MO 63701	Project Name: County <u>STODDARD</u>
Dates of Work Reported Below Beginning <u>09 / 01 / 2018</u> Ending <u>12 / 31 / 2018</u>	Description Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
Email <u>mike.cpglass@att.net</u>	Website

Occupational Title(s)	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Glazier	32.00	21.88	6.81	6.38		.10	.10		

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

I am the Contractor for the above-named project. 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 Sections 290.340, 570.090, 575.050, and 575.060, RSMo.

Date 3/28/19
 Signature [Signature]
 Printed Name Mike Dannenmueller
 Title President

Email completed form to: prevailingwage@labor.mo.gov
 Or
 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
 Email: prevailingwage@labor.mo.gov
 Website: www.labor.mo.gov/DLS