

BEFORE THE LABOR AND INDUSTRIAL RELATIONS COMMISSION OF MISSOURI

FILED

APR - 5 2019

IN RE: OBJECTIONS TO ANNUAL WAGE ORDER NO. 26 ) ) ) )

LABOR AND INDUSTRIAL RELATIONS COMMISSION

COMES NOW Objector, Operative Plasterers & Cement Masons International Association, Local No. 518 ("Objector"), an unincorporated association, and files its Objections to Annual Wage Order No. 26 ("Objection"), issued March 8, 2019 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 "Cement Mason," as defined in 8 C.S.R. 30-3.060, throughout the western half of the State of Missouri of the type covered by R.S.Mo. § 290.210, 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, the Objector has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of Objections to proposed Annual Wage Orders.

2. Platte County is subject to the Missouri Prevailing Wage Law

3. 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 all hours worked in cement masonry in Platte County, Missouri.

A. The rate in proposed Annual Wage Order No. 26 for the "Cement Mason" Occupational Title in Platte County is \$27.12. 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, more than 1,000 hours of work performed by "Cement Mason" construction work was performed within Platte County. The Department has not included additional work performed by Cement Mason employees within Platte County. Upon information and belief, various employers paid Cement Masons wage rates and fringe benefits that are greater than the wage rates and fringe benefits included in the proposed Annual Wage Order No. 26 during 2018. Objector will present evidence in the forms of payroll and contractor surveys to establish the following hours actually worked and the foregoing rate in Platte County. As such, all the aforementioned hours should be considered a single rate with the greater rate prevailing under R.S.Mo. § 290.262.8.

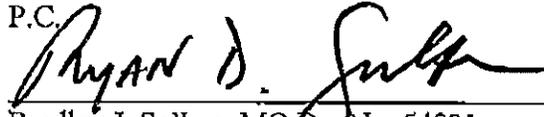
C. Upon information and belief, there are workmen ready, willing and able to perform work in Platte County at the rates as provided in the payroll and contractor surveys to be provided by the Objector. Workers performed at these rates in these localities to a greater extent than work performed at the 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. The payroll hours and contractor surveys to be submitted are more reflective of the hours that should prevail in the geographic jurisdiction at issue and performed under an appropriate collective bargaining agreement.

WHEREFORE, Objector respectfully requests that the Labor and Industrial Relations Commission consider favorably the Objection set forth herein and revise the basic hourly rate and fringe benefits schedule in Platte County for the for the occupational titles of "Cement Mason" classification, in accordance with the evidence to be submitted, to reflect the prevailing practices throughout the geographic jurisdiction in question, and for such other relief as are deemed appropriate.

Respectfully submitted,

ARNOLD, NEWBOLD, WINTER & JACKSON,  
P.C.



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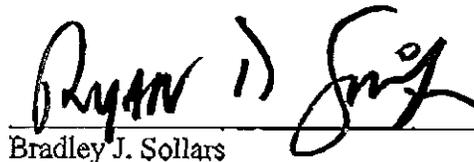
Facsimile: (816) 471-5574

*Attorneys for Objector*

### CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2019, 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, via facsimile at 573-751-7806 and by USPS overnight delivery, and copies were served on the following by placing same, postage prepaid, in the U.S. Mail this 5<sup>th</sup> day of April, 2019:

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



Bradley J. Sollars