

**FILED**

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

APR 03 2020  
LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

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**In the Matter of:      Objection to Annual Wage Order No. 27, Issued in March 2020, as it  
                                  Pertains to the Occupational Title of "Roofer" in Lincoln County,  
                                  Missouri, Which County Within the Geographic Jurisdiction of the  
                                  United Union of Roofers, Waterproofers and Allied Workers Local No.  
                                  2**

**On Behalf of:           United Union of Roofers, Waterproofers and  
                                  Allied Workers Local No. 2, Objector.**

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**OBJECTION**

COMES NOW the **United Union of Roofers, Waterproofers and Allied Workers Local No. 2** ("Objector") and files its Objection to Annual Wage Order No. 27, issued in March 2020 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 "Roofer," as defined in 8 C.S.R. 30-3.060, throughout the eastern half of the State of Missouri of the type covered by RSMo. § 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.       Lincoln County is subject to the Missouri Prevailing Wage Law.

3.       A review of the hours submitted on a project by a contractor working in Lincoln County, Missouri reveals that the basic hourly rates and total fringe benefits in proposed Annual

Wage Order No. 27 are incorrect in that they do not take into consideration those hours worked in roofing in Lincoln County, Missouri.

A. The rate in proposed Annual Wage Order No. 27 for the "Roofer" Occupational Title in Lincoln County is \$23.82. The Division of Labor Standards used this rate because fewer than 1,000 hours were submitted pursuant to RSMo. § 290.257.2.

B. In 2019, 4,647 hours of work designated as "Roofer" construction work was performed by employees of Lakeside Roofing, Co., Inc. within Lincoln County. During the period of July 2, 2019 through December 31, 2019, Lakeside Roofing, Co., Inc. paid Roofers at the rate of \$33.30 in wages and \$18.52 in fringe benefits. All hours were submitted pursuant to Lakeside Roofing Co., Inc.'s collective bargaining agreement with Objector which contains a mid-year increase in the hourly rate. As such, all the aforementioned hours should be considered a single rate with the greater rate prevailing under RSMo. § 290.262.8. Objector is prepared to present evidence in the forms of payroll and contractor surveys to establish the hours actually worked and the foregoing rate in Lincoln County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Lincoln 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 4,647 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 in Lincoln County for the "Roofer" 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

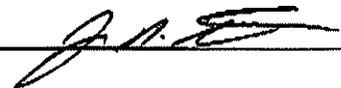
  
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Attorneys for Objector

### 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 3rd day of April, 2020:

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

  
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3/19/2020

Missouri Labor | Contractor's Wage Survey Form - Thank You / Print Preview # 37785

Thank You for using our online Contractor's Wage Survey Form, your survey was successfully submitted

Registration Information										
Name:	Lilli Sirko			Job Title:	Office Manager					
Company Name / Organization:	Lakeside Roofing Co., Inc.									
Address:	2205 Vandalia									
City, State - ZIP:	Collinsville, IL - 62234									
Primary Phone:	(618)344-2800			Secondary Phone:	0					
E-mail Address:	lilli@lakesideroofing.com			Website:	http://lakesideroofing.com					
Project Details										
Selected CBA:	<input checked="" type="checkbox"/> Collectively Bargained Agreement				<input type="checkbox"/> Non-Collectively Bargained Agreement					
County:	LINCOLN									
Description:	Roofing									
Type of Construction:	<input checked="" type="checkbox"/> Building				<input type="checkbox"/> Heavy and Highway					
Dates of Work Reported:	Beginning: 7/2/2019				Ending: 12/31/2019					
Survey Details										
Occupational Title	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments							
			H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other	Expl.
Roofers	4647	\$33.30	\$9.100	\$4.050	\$0.000	\$0.410	\$4.850	\$0.000	\$0.110	Industry advancement & R & E
Additional Information / Documentation										
Attach other information related to this survey: No Attachments were sent										
Signature of person submitting survey										
By entering my name Lilli Sirko and submitting this electronically, I do hereby affirm under penalties of perjury that the above-stated information is true and correct to the best of my knowledge, information, and belief. Date Submitted: 3/19/2020 10:43:14 AM										