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APR - 2 2014

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI

In the Matter of: **Objection to Annual Wage Order No. 21, Issued in March 2014, as it Pertains to the Occupational Title of "Plumber" in Howell County, Missouri, Which County is a Third Class Missouri County Within the Geographic Jurisdiction of Local No. 562, United Association of Plumbers and Pipefitters, AFL-CIO**

On Behalf of: **Local 562, United Association of Plumbers and Pipefitters, AFL-CIO,**

Objector.

OBJECTION

COMES NOW United Association of Plumbers and Pipefitters, AFL-CIO (hereinafter "Objector" or "Local 562"), and files its Objections to Annual Wage Order No. 21, issued in March 2014 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 "Plumber," as defined in 8 C.S.R. 30-3.060(R), throughout the eastern half of the State of Missouri of the type covered by Section 290.201, R.S.Mo., *et seq*. (the "Missouri Prevailing Wage Law"). These individual union 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. Howell 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 at Glenwood School at 829 East Main Street, West Plains, Missouri, in Howell County, performed by Plumbers employed by Negri Plumbing, LLC, reveals that the basic hourly rates and total fringe benefits in proposed Annual Wage Order No. 21 are incorrect, in that they do not take into consideration those hours worked in plumbing at the Glenwood School in Howell County.

A. The rates in proposed Annual Wage Order No. 21 for the "Plumber" Occupational Title in Howell County is $12 per hour, with $0.00 fringe benefits.

B. Between the weeks ending November 15, 2013 and December 27, 2013, ten (10) hours of work designated as "Plumber GS" work for purposes of construction work performed by employees of Negri Plumbing, LLC, 2324 Cory Road, West Plains, Missouri 65775, on the project at Glenwood School, 829 East Main Street, West Plains, Missouri 65775, within Howell County, (certified payroll submitted for plumbing work on that job verified that a rate of pay of $52.55 per hour for plumbing work was paid). Objector is prepared to present evidence in the form of certified payroll and contract and RFP materials on this job to establish the following hours actually worked and the foregoing rate in Howell County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Howell County at such rates. Such workmen, in fact, have performed such work at such rates, as evidenced in the attached certified payroll. 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. In addition, the same review reveals that no change must be made to the overtime and holiday schedules in Howell County, as applied to the "Plumber" classification, being the only hours submitted for the relevant

period for Annual Wage Order No. 21 and the Occupational Title "Plumber." These ten (10) hours are reflective of the objected hours that prevail in the geographic jurisdiction at issue.

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 Howell County for the "Plumber" 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,

BARTLEY GOFFSTEIN, L.L.C.

JAMES P. FAUL, No. 58799
4399 Laclede Avenue
St. Louis, MO 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131
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, and copies were served on the following individuals by placing same, postage prepaid, in the U. S. Mail this 3rd day of April, 2014.

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

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions, Form WH-347 Inst.)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Name of Contractor [ ] or Subcontractor [X]
Negri Plumbing LLC

ADDRESS 2324 Quarry Rd
West Plains, MO 65775

OMB No.: 1215-0149

PAYROLL NO. 1

FOR WEEK ENDING 11/15/2013

PROJECT AND LOCATION
fccl gleenwood
829 E. Main St
West Plains, MO 65775

PROJECT OR CONTRACT NO.
Gleenwood School

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) Exemptions / Marital Status / (3) Work Classification		(4) Day and Date: SAT 11/9	SUN 11/10	MON 11/11	TUE 11/12	WED 11/13	THU 11/14	FRI 11/15	(5) Total Hours	(6) Rate of Pay	Cash in lieu of fringe Benefit	(7) Gross Amount Earned This Job / All Jobs	(8) DEDUCTIONS		(9) NET WAGES PAID FOR WEEK
			Hours Worked Each Day													
Alex Gerasimov 4758 PR 5127 Willow Spring, MO 65793 [redacted] (417)252-0647	Exemptions:0 Marital Status:S PLUMBER GS	R	0.00	0.00	0.00	0.00	0.00	3.00	0.00	3.00	52.55		157.65	FICA W/H TAX State Total:	8.91 11.77 1.00 21.68	135.97
TRAVIS L MENCL 715 ALLEN ST WEST PLAINS, MO 65775 [redacted] (417)293-1810	Exemptions:0 Marital Status:S PLUMBER GS	R	0.00	0.00	0.00	2.00	0.00	0.00	0.00	2.00	52.55		105.10	FICA W/H TAX Total:	5.94 6.51 12.45	92.65

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspects of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA. U.S. Department of Labor, Romm N3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date 11/15/2013

I, Ray Gobel
(Name of Signatory Party) (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Negri Plumbing LLC on the Gleenwood School ;
(Contractor or Subcontractor) (Building or Work)

that during the payroll period commencing on the 9 day of NOVEMBER 2013 , and ending the

15 day of NOVEMBER 2013

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Negri Plumbing LLC from the full
(Contractor or Subcontractor)
weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

See deductions

(2) That any payrolls otherwise under this contract required to be submitted for the above period are corect and complete; that the wage rates for laborers or mechanics contained therein are not less that the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

[ ] --- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payment of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

[X] --- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Ray Gobel	Ray Gobel

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions, Form WH-347 Inst.)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1215-0149

Name of Contractor [ ] or Subcontractor [X]
Negri Plumbing LLC

ADDRESS 2324 Quarry Rd
West Plains, MO 65775

PAYROLL NO. 2

FOR WEEK ENDING 11/22/2013

PROJECT AND LOCATION
fcci gleenwood 829 E. Main St
West Plains, MO 65775

PROJECT OR CONTRACT NO.
Gleenwood School ;

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) Exemptions / Marital Status / (3) Work Classification		(4) Day and Date: SAT 11/16	SUN 11/17	MON 11/18	TUE 11/19	WED 11/20	THU 11/21	FRI 11/22	(5) Total Hours	(6) Rate of Pay	Cash in lieu of fringe Benefit	(7) Gross Amount Earned This Job / All Jobs	(8) DEDUCTIONS		(9) NET WAGES PAID FOR WEEK
			Hours Worked Each Day													
Alex Gerasimov 4758 PR 5127 Willow Spring, MO 65793 [redacted] (417)252-0647	Exemptions:0 Marital Status:S PLUMBER GS	R	0.00	0.00	1.00	0.00	0.00	0.00	0.00	1.00	52.55		52.55	FICA W/H TAX Total:	2.97 1.26 4.23	48.32
TRAVIS L MENCL 715 ALLEN ST WEST PLAINS, MO 65775 [redacted] (417)293-1810	Exemptions:0 Marital Status:S PLUMBER GS	R	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.50	52.55		26.28	FICA Total:	1.48 1.48	24.80
Jacob A Trent 516 Joe Jones Blvd West Plains, MO 65775 [redacted] (417)293-4361	Exemptions:1 Marital Status:M PLUMBER GS	R	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.50	52.55		26.28	FICA Total:	1.48 1.48	24.80

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspects of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA. U.S. Department of Labor, Romm N3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date 11/22/2013

I, Ray Gobel
(Name of Signatory Party) (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Negri Plumbing LLC on the Gleenwood School ; ;
(Contractor or Subcontractor) (Building or Work)

that during the payroll period commencing on the 16 day of NOVEMBER 2013 , and ending the

22 day of NOVEMBER 2013

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Negri Plumbing LLC from the full
(Contractor or Subcontractor)
weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

See deductions

(2) That any payrolls otherwise under this contract required to be submitted for the above period are corect and complete; that the wage rates for laborers or mechanics contained therein are not less that the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training. United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ --- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payment of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ --- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Ray Gobel	Ray Gobel

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions, Form WH-347 Inst.)

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Name of Contractor [ ] or Subcontractor [X]
Negri Plumbing LLC

ADDRESS 2324 Quarry Rd
West Plains, MO 65775

OMB No.: 1215-0149

PAYROLL NO. 4

FOR WEEK ENDING 12/06/2013

PROJECT AND LOCATION
Icci gleenwood 829 E. Main St
West Plains, MO 65775

PROJECT OR CONTRACT NO.
Gleenwood School

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) Exemptions Marital Status / (3) Work Classification		(4) Day and Date SAT 11/30	SUN 12/1	MON 12/2	TUE 12/3	WED 12/4	THU 12/5	FRI 12/6	(5) Total Hours	(6) Rate of Pay	Cash in lieu of fringe Benefit	(7) Gross Amount Earned This Job / All Jobs	(8) DEDUCTIONS		(9) NET WAGES PAID FOR WEEK
			Hours Worked Each Day													
Jacob A Trent 516 Joe Jones Blvd West Plains, MO 65775 [redacted] (417)293-4361	Exemptions:1 Marital Status:M PLUMBER GS	R	0.00	0.00	0.00	2.00	0.00	0.00	0.00	2.00	52.55		105.10	FICA Total:	5.94 5.94	99.16

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspects of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA. U.S. Department of Labor, Romm N3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date 12/06/2013

I, Ray Gobel
(Name of Signatory Party) (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Negri Plumbing LLC on the Gleenwood School ;
(Contractor or Subcontractor) (Building or Work)

that during the payroll period commencing on the 30 day of NOVEMBER 2013 , and ending the 6 day of DECEMBER 2013

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Negri Plumbing LLC from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

See deductions

(2) That any payrolls otherwise under this contract required to be submitted for the above period are corect and complete; that the wage rates for laborers or mechanics contained therein are not less that the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ --- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payment of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ --- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Ray Gobel	Ray Gobel

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PAYROLL

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

(For Contractor's Optional Use; See Instructions, Form WH-347 Inst.)

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OMB No.: 1215-0149

Name of Contractor [ ] or Subcontractor [X]
Negri Plumbing LLC

ADDRESS 2324 Quarry Rd
West Plains, MO 65775

PAYROLL NO. 7

FOR WEEK ENDING 12/27/2013

PROJECT AND LOCATION
fcci gleenwood
829 E. Main St
West Plains, MO 65775

PROJECT OR CONTRACT NO.
Gleenwood School ;

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) Exemptions / Marital Status / (3) Work Classification		(4) Day and Date: SAT 12/21	SUN 12/22	MON 12/23	TUE 12/24	WED 12/25	THU 12/26	FRI 12/27	(5) Total Hours	(6) Rate of Pay	Cash in lieu of fringe Benefit	(7) Gross Amount Earned This Job / All Jobs	(8) DEDUCTIONS		(9) NET WAGES PAID FOR WEEK
			Hours Worked Each Day													
Jacob A Trent 516 Joe Jones Blvd West Plains, MO 65775 [redacted] (417)293-4361	Exemptions:1 Marital Status:M PLUMBER GS	R	0.00	0.00	0.00	0.00	0.00	1.00	0.00	1.00	52.55		52.55	FICA Total:	2.97 2.97	49.58

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspects of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA. U.S. Department of Labor, Romm N3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date 12/27/2013

I, Ray Gobel (Name of Signatory Party) , (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Negri Plumbing LLC (Contractor or Subcontractor) on the Gleenwood School : : (Building or Work)

that during the payroll period commencing on the 21 day of DECEMBER 2013 , and ending the

27 day of DECEMBER 2013

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Negri Plumbing LLC (Contractor or Subcontractor) from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

See deductions

(2) That any payrolls otherwise under this contract required to be submitted for the above period are corect and complete; that the wage rates for laborers or mechanics contained therein are not less that the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ --- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payment of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ --- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Ray Gobel	Ray Gobel

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