

APR - 7 2014

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

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**In the Matter of:**      **Objection to Annual Wage Order No. 21, Issued in March 2014, as it Pertains to the Occupational Title of "Painter" in Oregon County, Missouri, Which County is a Third Class Missouri County Within the Geographic Jurisdiction of the International Union of Painters and Allied Trades District Council #58**

**On Behalf of:**          **International Union of Painters and Allied Trades District Council #58**

**Objector.**

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**OBJECTION**

COMES NOW the International Union of Painters and Allied Trades District Council #58 (hereinafter "Objector" or "PDC 58"), 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 "Painter," as defined in 8 C.S.R. 30-3.060, 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 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.      Oregon 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 by contractors working in Oregon County, Missouri 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 painting in Oregon County, Missouri.

A. The rates in proposed Annual Wage Order No. 21 for the "Painter" Occupational Title in Oregon County are \$9.00 per hour, with \$0.21 fringe benefits.

B. In 2013, thirty six (36) hours of work designated as "Painter" work for purposes of construction work was performed by employees of Midwest Painting & Wallcovering, Inc. within Oregon County at the rate of \$21.99 in wages and \$11.81 in fringe benefits. 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 Oregon County.

C. These rates, as described, are not only the appropriate rates, there are also workmen ready, willing and able to perform work in Oregon 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 Oregon County, as applied to the "Painter" classification, being the only hours submitted for the relevant period for Annual Wage Order No. 21 and the Occupational Title "Painter." These thirty six (36) 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 Oregon County for the "Painter" 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 GLADNEY HETTERMAN, L.L.C.



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St. Louis, MO 63108  
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[jfaul@hghllc.net](mailto: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, *via facsimile at 573-751-7806* and by FedEx, and copies were served on the following individuals by placing same, postage prepaid, in the U. S. Mail this 7<sup>th</sup> 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

A handwritten signature in black ink, appearing to read "J. E. Lindsey", is written over a horizontal line.



**DIVISION OF  
LABOR  
STANDARDS**

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

<b>PROJECT INFORMATION</b>	
Contractor's Name, Address, and Telephone Number Midwest Painting & Wall Covering, Inc. 2121 Bessie St. Cape Girardeau, MO 63701 573-335-0057	Please Select One: <input checked="" type="checkbox"/> Collective Bargaining Agreement Rate <input type="checkbox"/> Non-Collective Bargaining Agreement Rate County <u>Oregon</u> Description <u>Alton School, Alton, MO</u> Type of Construction: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
Dates of Work Reported Below Beginning <u>8/19/2013</u> Ending <u>10/9/2013</u>	E-mail <u>midwestpaintinginc@msn.com</u> Website <u>N/A</u>

Occupational Title(s)	No. of Employees	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
				H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other
Journeyman	1	32	21.34 / 21.99	5.81	4.40	1.06	0.44	0.00	0.00	0.10
Foreman	1	4	\$29.50	5.81	4.40	1.06	0.44	0.00	0.00	0.10

**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.

Sara A. Elfrink  
 (Please check appropriate box)  
 Signature of Contractor's Representative Who Prepared This Report  
 Signature of Preparer of This Report

Date 4/4/14  
 Printed Name Tara Elfrink  
 Title Office Manager

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](mailto:prevailingwage@labor.mo.gov)  
 Website: [www.labor.mo.gov/DLS](http://www.labor.mo.gov/DLS)

**Jim Faul**

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**From:** Dave Doerr <ddoerr@pdc2.org>  
**Sent:** Monday, April 07, 2014 11:37 AM  
**To:** Jim Faul  
**Subject:** Fwd: RE: Prevailing wage  
**Attachments:** DLS wage survey.pdf

----- Forwarded message -----

**From:** "MIDWEST PAINTING AND WALLCOVERING" <[midwestpaintinginc@msn.com](mailto:midwestpaintinginc@msn.com)>  
**Date:** Apr 7, 2014 11:30 AM  
**Subject:** RE: Prevailing wage  
**To:** "Dave Doerr" <[ddoerr@pdc2.org](mailto:ddoerr@pdc2.org)>  
**Cc:**

See attachment. The 2 different rates by Journeyman reflect the scale increase last September.

Thank you,  
**Tara Renner-Elfrink**  
**Midwest Painting & Wallcovering, Inc.**  
**Midwest Rental Properties, LLC**  
**2121 Bessie St.**  
**P O Box 218**  
**Cape Girardeau, MO 63701**  
**573-335-0057 phone**  
**573-335-0058 fax**

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