

PREHEARING ORDER OF COMMISSION

In the matter of Objection Nos. 006-037 filed by BAC Administrative Council of Eastern Missouri (Objectors) on April 9, 2014, to Annual Wage Order No. 21 issued by the Division of Labor Standards, Department of Labor and Industrial Relations, filed with the Secretary of State on March 10, 2014, seeking to add the occupational titles of Marble Finisher, Terrazzo Finisher, and Tile Finisher in the counties of Bollinger – Section 009, Butler – Section 012, Cape Girardeau – Section 016, Carter – Section 018, Clark – Section 023, Crawford – Section 028, Dunklin – Section 035, Franklin – Section 036, Iron – Section 047, Jefferson – Section 050, Lewis – Section 056, Lincoln – Section 057, Madison – Section 062, Marion – Section 064, Mississippi – Section 067, New Madrid – Section 072, Pemiscot – Section 078, Perry – Section 079, Pike – Section 082, Ralls – Section 087, Reynolds – Section 090, Ripley – Section 091, St. Charles – Section 092, Ste. Genevieve – Section 094, St. Francois – Section 095, St. Louis City – Section 096, St. Louis County – Section 100, Scott – Section 104, Stoddard – Section 107, Warren – Section 113, Washington – Section 114, and Wayne – Section 115.

I. Prehearing Conference

On May 6, 2014, pursuant to 8 CSR 20-5.010(3), a prehearing conference was convened on the above-referenced Objections for the purpose of aiding in the disposition of the hearing. Present at the prehearing conference were:

Assistant Attorney General Jonathan Hensley, counsel for the Division of Labor Standards (Division);
Jeff Edmondson, for the Division;
Brenda Hentges, for the Division; and
Bradley Sollars, counsel for BAC Administrative District Council of Eastern Missouri (Objectors).

David Talley and Jessica Carter, staff counsel for the Labor and Industrial Relations Commission (Commission), acted as the Commission's designated representatives and presided over the prehearing conference.

II. Prefiled Testimony and Exhibits

In accordance with the procedure to be followed at the hearing, as set out in 8 CSR 20-5.010(4), the following evidence was submitted:

For Objectors:

The prepared direct testimony of Mike Burns, Business Manager of BAC Local Union No. 18, and referenced exhibits.

A poster entitled "Best Terrazzo Projects" providing photographs of what appear to be various terrazzo projects.

A poster entitled "Outstanding BAC Craftsmanship" providing photographs of what appear to be various marble projects.

For the Division:

The prepared direct testimony of Jeff Edmondson, Program Director for the Division, and referenced exhibits.

The parties indicated they wished to reserve all evidentiary objections, owing to a need to review the materials submitted.

III. Issue for the Hearing

Objectors propose that Annual Wage Order No. 21 provide for three additional occupational titles of work, specifically, those of Marble Finisher, Terrazzo Finisher, and Tile Finisher, in the counties identified above. Objector advances proposed language for the occupational title of work descriptions, as well as basic hourly rates, fringe benefits, and overtime and holiday schedules for each proposed classification. Objector's primary concern is that the proposed occupational titles have been recognized in collective bargaining agreements, and that the existing occupational titles are not sufficient to account for the work performed under the proposed definitions.

The Division takes the position that the existing occupational titles are sufficient, and indicated it generally opposes changes to the occupational titles. The Division also indicated, however, that it neither supports nor opposes the additions sought by objector, so long as the additions do not create overlap among the specific work duties encapsulated by existing occupational titles. The Division indicated its primary concern is the efficient enforcement of the law. The Division also requested specific direction on how to set rates for the proposed titles in the event the Commission sustains the objection.

Given the foregoing, it appears the only issues for hearing are whether objectors can provide descriptions of work for the proposed additional titles that will not overlap with specific work duties encapsulated within existing occupational titles, and whether objectors can provide evidence sufficient to permit the Division to set the applicable rates and schedules for the proposed additional titles for the counties identified by objector.

IV. Hearing

The hearing before the Commission is scheduled for Monday, June 2, 2014, at 8:30 a.m., and Tuesday, June 3, 2014 (if necessary), in Jefferson City, Missouri. The hearing will take place at the Department of Labor and Industrial Relations Building, 3315 West Truman Boulevard, in the second floor conference room.

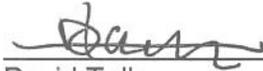
If, in advance of the hearing date, objector is able to satisfy the concerns of the Division as set forth above, the Commission will entertain a joint request to add the proposed occupational titles to Annual Wage Order No. 21. Such request should be accompanied by a written stipulation executed by all parties, as well as replacement pages for the affected counties.

"No direct evidence, other than the testimony and documents filed at the prehearing conference, will be allowed at the hearing, except at the discretion of the Commission." 8 CSR 20-5.010(4)(B)4.

This Order is prepared in accordance with 8 CSR 20-5.010(3)(B) and is hereby executed by the Commission's designated representative.

Given at the City of Jefferson, State of Missouri, this 7th day of May 2014.

LABOR AND INDUSTRIAL RELATIONS COMMISSION



David Talley
Designated Representative