Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

ORDER OF COMMISSION

In the matter of Objection Nos. 181-247 filed by The Plumbing Industry Council on April 9, 2009, to Annual Wage Order No. 16, pertaining to the wage rates to be paid on Saturdays for the occupational titles of Plumber and Pipe Fitter in St. Louis City – Section 096 and in the Missouri Counties of Adair – Section 001, Audrain – Section 004, Bollinger – Section 009, Boone – Section 010, Butler – Section 012, Callaway – Section 014, Camden – Section 015, Cape Girardeau – Section 016, Carter – Section 018, Chariton – Section 021, Clark – Section 023, Cole – Section 026, Crawford – Section 028, Dent – Section 033, Dunklin – Section 035, Franklin – Section 036, Gasconade – Section 037, Grundy – Section 040, Howard – Section 045, Howell – Section 046, Iron – Section 047, Jefferson – Section 050, Knox – Section 052, Lewis – Section 056, Lincoln – Section 057, Linn – Section 058, Livingston – Section 059, Macon – Section 061, Madison – Section 062, Maries – Section 063, Marion – Section 064, Mercer – Section 065 Mississippi – Section 067, Moniteau – Section 068, Monroe – Section 069, Montgomery – Section 070, New Madrid – Section 072, Oregon, -- Section 075, Osage – Section 076, Pemiscot – Section 078, Perry – Section 079, Phelps – Section 081, Pike – Section 082, Pulaski – Section 085, Putnam – Section 086, Ralls – Section 087, Randolph – Section 088, Reynolds – Section 090, Ripley – Section 091, St. Charles – Section 092, Ste. Genevieve – Section 094, St. Francois – Section 095, St. Louis County – Section 100, Schuyler – Section 102, Scotland – Section 103, Scott – Section 104, Shannon – Section 105, Shelby – Section 106, Stoddard – Section 107, Sullivan – Section 109, Texas – Section 111, Warren – Section 113, Washington – Section 114 and Wayne – Section 115 issued by the Division of Labor Standards, Department of Labor and Industrial Relations; filed with the Secretary of State: March 10, 2009.

On April 9, 2009, an objection to the above-referenced Annual Wage Order No. 16 was filed on behalf of The Plumbing Industry Council (Objector), with the Labor and Industrial Relations Commission (Commission). A prehearing in the matter had been set for April 28, 2009, and a hearing had been set for May 12, 2009.

On May 4, 2009, the Commission received a stipulation in which the Objector and the Division of Labor Standards have agreed to the wage rates which should be paid on Saturdays to the respective crafts. These wage rates are reflected in the attached stipulation.

The Commission accepts the rates reflected in the stipulation, and orders those rates to be the prevailing rates for the crafts listed therein.

Given at Jefferson City, Missouri, this 7th of May 2009.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Pamela M. Hofmann
Secretary

RECEIVED & FILED

MAY 07 2009

SECRETARY OF STATE
COMMISSION DIVISION

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
STATE OF MISSOURI

RECEIVED
MAY 4 2009
LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the matter of:

Objections Filed By
The Plumbing Industry Council
Annual Wage Order No. 16 Sections 001, 004, 009, 010, 012, 014, 015, 016, 018, 021, 023, 026, 028, 033, 035, 036, 037, 040, 045, 046, 047, 050, 052, 056, 057, 058, 059, 061, 062, 063, 064, 065, 067, 068, 069, 070, 072, 075, 076, 078, 079, 081, 082, 085, 086, 087, 088, 090, 091, 092, 094, 095, 096, 100, 102, 103, 104, 105, 106, 107, 109, 111, 113, 114 & 115
Issued by the Division of Labor for Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties Missouri

STIPULATION OF FACT

Comes now the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, together with the undersigned parties, and stipulates to the following facts:

1. That the Missouri Department of Labor and Industrial Relations, Division of Labor Standards gathered information to establish the Overtime Schedule for Building Construction for Annual Wage Order No. 16 in Sections 001, 004, 009, 010, 012, 014, 015, 016, 018, 021, 023, 026, 028, 033, 035, 036, 037, 040, 045, 046, 047, 050, 052, 056, 057, 058, 059, 061, 062, 063, 064, 065, 067, 068, 069, 070, 072, 075, 076, 078, 079, 081, 082, 085, 086, 087, 088, 090, 091, 092, 094, 095, 096, 100, 102, 103, 104, 105, 106, 107, 109, 111, 113, 114 & 115 to be issued pursuant to Section 290.262, RSMo, and that said wage order was filed with the Secretary of State on March 10, 2009. The Overtime Schedule rate for the occupational title of Plumber and Pipe Fitter was set in accordance with information on file.

2. That the above-mentioned survey information has been maintained continuously and has been updated with additional information as it has become available, and the rates issued in the above-stated Annual Wage Order reflects the information which was available to the Division of Labor Standards at the time of issuance and filing with the Secretary of State on March 10, 2009.

3. That pursuant to Section 290.262, RSMo, the Department of Labor and Industrial Relations, Division of Labor Standards, is charged with determining the prevailing rates in each locality and to do so the Department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within a locality.

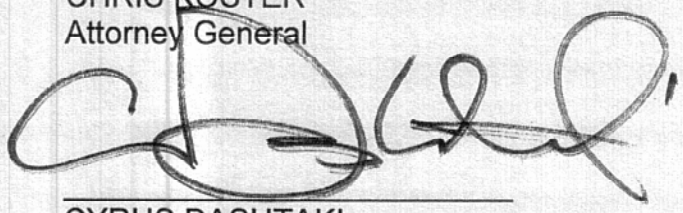
4. That after conducting its survey and with further information received (See Exhibit A attached hereto and made a part hereof), the Department has determined that to accurately reflect the Overtime Schedule for Building Construction for Plumber and Pipe Fitter in Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties Missouri the previously issued Overtime Schedule should be altered as set forth below:

OCCUPATIONAL TITLE Plumber and Pipe Fitter Overtime Rate No. 91

NO. 91: Means eight (8) hours shall constitute a day's work commencing at 8:00 a.m. and ending at 4:30 p.m., allowing one-half (½) hour for lunch. The option exists for the Employer to use a flexible starting time between the hours of 6:00 a.m. and 9:00 a.m. The regular workweek shall consist of forty (40) hours of five (5) workdays, Monday through Friday. The workweek may consist of four (4) ten (10) hour days from Monday through Thursday, with Friday as a make-up day. If the make-up day is a holiday, the employee shall be paid at the double (2) time rate. The employees shall be paid time and one-half (1½) for work performed **on Saturdays,** before the regular starting time or after the regular quitting time or over eight (8) hours per work day (unless working a 10-hour work day, then time and one-half (1½) is paid for work performed over ten (10) hours a day) or over forty (40) hours per work week. Work performed on Sundays and recognized holidays shall be paid at the double (2) time rate of pay.

WHEREFORE, the parties pray the Commission issue an order finding that the Overtime Schedule is as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties setting forth the above-referenced overtime Schedule for Plumber and Pipe Fitter.

CHRIS KOSTER
Attorney General



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Plumbing Industry Council

Dated:

May 4, 2009