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April 8, 2010

SENT VIA UPS NEXT DAY AIR

Labor and Industrial Relations Commission
3315 West Truman Boulevard, Room 214
P.O. Box 599
Jefferson City, MO 65102-0599

FILED

APR - 9 2010

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

Re: Objection to Annual Wage Order No. 17

Dear Sirs/Madam:

On behalf of Local Union No. 518 of the Operative Plasterers' and Cement Masons' International Association, AFL-CIO, an objection is hereby filed regarding Annual Wage Order No. 17, which was issued by the Division of Labor Standards on or about March 10, 2010. This letter and all supporting documents are being filed in triplicate with the Commission.

BUILDING CONSTRUCTION WAGE RATE FOR OCCUPATIONAL TITLE - "CEMENT MASON"

	<u>Rates Listed</u>	<u>Proposed Rates</u>
Jasper County	\$12.50 / \$2.01	\$21.41 / \$9.12

In support of the Union's objections, enclosed please find the following documents:

EXHIBIT A - Agreement between The Builders Association and the Cement Masons Local Union No. 518 of the Operative Plasterers' and Cement Masons' International Association, AFL-CIO, to include the Wage Sheet for the Springfield Area Commercial Cement Masons' Agreement contained within dated March 11, 2009, which became effective March 1, 2009. The term of the Agreement is March 1, 2009 through February 28, 2012.

This CBA establishes the total compensation package for Cement Masons performing work in Greene County, Missouri and Jasper County, Missouri.

EXHIBIT B - Contractor's Report of Construction Wages Rates submitted to the Missouri Department of Labor and Industrial Relations' Division of Labor Standards for the Occupational Title "Cement Masons". The report was submitted by Donco Construction purporting to list the total number of hours worked and the amount of compensation paid to Cement Masons who performed work in Greene County, Missouri from March 1, 2009 through October 31, 2009.

EXHIBIT C - United States Department of Labor Payroll Reports from March 25, 2009 through November 3, 2009 for Donco Construction. The reports detail wages paid to and hours worked by Cement Masons on the construction of the Carl Junction Community Center in Carl Junction, Missouri.

EXHIBIT D - Paycheck stubs for employees Shawn Campbell, Walter Milam and Travis Parker for the weeks ending 4/7/09, 8/18/09, 9/1/09 and 9/8/09. The paycheck stubs from Donco Construction confirm wage rates paid and clarifies hours worked during these weeks by each of these employees on the Carl Junction Community Center project.

EXHIBIT E - Monthly Remittance Reports to the Cement Masons Fringe Benefit Program. The reports detail benefit contributions Donco Construction paid to the Union for hours worked by the Cement Masons on the Carl Junction Community Center project.

EXHIBIT F - Contractor's Report of Construction Wage Rates for the Job Classification of Cement Mason for work performed in Jasper County, Missouri during 2009. The Jasper County Contractor's Reports shows that Donco Construction did not report any hours worked by Cement Masons for the company in Jasper County, Missouri during 2009.

EXHIBIT G - Declaration of Alisha York, Manager of Special Projects and Administration for Donco Construction.

The Union is objecting to the Cement Masons wage rate for Jasper County on the grounds that hours worked by Cement Masons in Jasper County for 2009 were not included in the wage survey for Jasper County prior to determination of the wage rate and certification of the Annual Wage Order. A plurality of 418.87 hours was used to establish a total compensation package for Cement Masons in Jasper County of \$12.50 as the Basic Hourly Rate and a Fringe Benefit Package of \$2.010.

Donco Construction employed Cement Masons as part of the company's 2009 construction of the Carl Junction Community Center located in Jasper County, Missouri. Donco Construction reported these hours as having been worked in Greene County,

Missouri instead of Jasper County, Missouri. Donco Construction has acknowledged this error as is indicated by the company official's Declaration contained herein.

Cement Masons on the Carl Junction Community Center project worked a total of 572.50 hours at a Basic Hourly Rate of \$20.71, with Fringe Benefit Payments totaling \$8.78. The total number of hours worked under this rate in Jasper County should be sufficient to establish a plurality and result in the modification of the Cement Mason wage rate to that which is provided by Wage Order No. 17 for Greene County. The plurality of hours under the \$20.71 Base Hourly Rate/\$8.78 Fringe Benefit Payment for Greene County resulted in the establishment under Annual Wage Order No. 17 of the \$21.41/\$9.12 compensation package requested above.

It is noted that the Union is not requesting any formal reassessment of the wage determination for Greene County since the deletion of the hours that are the subject of this Wage Objection from the 2009 Greene County wage survey are not sufficient to require an alteration of the wage rate for that county.

The undersigned does hereby certify that a copy of this letter of objection, along with a copy of each of the enclosures, has been mailed this date, postage prepaid, via United States Mail, to the Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102-0449. Because the subject of this objection is a General Wage Order rather than a specific wage determination, there is no "requesting party" to whom a copy need be sent.

Thank you for your consideration of this matter. Should you have any questions with regard to the enclosed documents or anything asserted herein, please do not hesitate to contact the undersigned.

Respectfully submitted,



Lori D. Elrod

Enclosures

Cc: Mo. Div. of Labor Stds.
Kevin Sexton, Business Manager, Local Union No. 518