

MAY 13 2010

ORDER OF COMMISSION

In the matter of Objection Nos. 006-121 filed by BAC Local Union Administrative District Council of Eastern Missouri (Objectors) on April 8, 2010, to Annual Wage Order No. 17, pertaining to the occupational title of Bricklayers and Stone Mason in the counties of Adair – Section 001, Andrew – Section 002, Atchison – Section 003, Audrain – Section 004, Barry – Section 005, Barton – Section 006, Bates – Section 007, Benton – Section 008, Bollinger – Section 009, Boone – Section 010, Buchanan – Section 011, Butler – Section 012, Caldwell – Section 013, Callaway – Section 014, Camden – Section 015, Cape Girardeau – Section 016, Carroll – Section 017, Carter – Section 018, Cass – Section 019, Cedar – Section 020, Chariton – Section 021, Christian – Section 022, Clark – Section 023, Clay – Section 024, Clinton – Section 025, Cole – Section 026, Cooper – Section 027, Crawford – Section 028, Dade – Section 029, Dallas – Section 030, Daviess – Section 031, Dekalb – Section 032, Dent – Section 033, Douglas – Section 034, Dunklin – Section 035, Franklin – Section 036, Gasconade – Section 037, Gentry – Section 038, Greene – Section 039, Grundy – Section 040, Harrison – Section 041, Henry – Section 042, Hickory – Section 043, Holt – Section 044, Howard – Section 045, Howell – Section 046, Iron – Section 047, Jackson – Section 048, Jasper – Section 049, Jefferson – Section 050, Johnson – Section 051, Knox – Section 052, Laclede – Section 053, Lafayette – Section 054, Lawrence – Section 055, Lewis – Section 056, Lincoln – Section 057, Linn – Section 058, Livingston – Section 059, McDonald – Section 060, Macon – Section 061, Madison – Section 062, Maries – Section 063, Marion – Section 064, Mercer – Section 065, Miller – Section 066, Mississippi – Section 067, Moniteau – Section 068, Monroe – Section 069, Montgomery – Section 070, Morgan – Section 071, New Madrid – Section 072, Newton – Section 073, Nodaway – Section 074, Oregon – Section 075, Osage – Section 076, Ozark – Section 077, Pemiscot – Section 078, Perry – Section 079, Pettis – Section 080, Phelps – Section 081, Pike – Section 082, Platte – Section 083, Polk – Section 084, Pulaski – Section 085, Putnam – Section 086, Ralls – Section 087, Randolph – Section 088, Ray – Section 089, Reynolds – Section 090, Ripley – Section 091, St. Charles – Section 092, St. Clair – Section 093, Ste. Genevieve – Section 094, St. Francois – Section 095, St. Louis City – Section 096, St. Louis County – Section 100, Saline – Section 101, Schuyler – Section 102, Scotland – Section 103, Scott – Section 104, Shannon – Section 105, Shelby – Section 106, Stoddard – Section 107, Stone – Section 108, Sullivan – Section 109, Taney – Section 110, Texas – Section 111, Vernon – Section 112, Warren – Section 113, Washington – Section 114, Wayne – Section 115, Webster – Section 116, Worth – Section 117 and Wright – Section 118; issued by the Division of Labor Standards, Department of Labor and Industrial Relations, filed with the Secretary of State: March 10, 2010.

On April 8, 2010, objections to the above-referenced Annual Wage Order No. 17 were filed on behalf of BAC Local Union No. 15 and BAC Administrative District Council of Eastern Missouri (Objectors), with the Labor and Industrial Relations Commission (Commission). On April 15, 2010, Objectors filed an amendment to said objections. A prehearing in the matter had been set for May 3, 2010, and a hearing had been set for May 19, 2010.

At the prehearing on May 3, 2010, objectors specifically objected to the failure of Annual Wage Order No. 17 to include, in the work description of the occupational title of Bricklayers and Stone Mason, the installation of air and/or vapor barriers, materials and/or systems to masonry walls, and waterproofing. 8 CSR 30-3.060(8)(c)(4) and 8 CSR 30-3.060(8)(c)(6).

Order

BAC Local Union No. 15 and BAC Administrative District Council of Eastern Missouri

Obj. Nos. 006-121 to Annual Wage Order No. 17

Page 2

---

Objectors indicated that they made the aforementioned objections because they believe that individuals working under the wage rate and occupational title of "Bricklayers and Stone Mason" typically install air and/or vapor barriers, materials and/or systems to masonry walls, and perform waterproofing. Objectors contended that the omission of said activities from the work description precludes said activities from being covered under Annual Wage Order No. 17.

Objectors submitted multiple affidavits and other documentation supporting their position.

At the prehearing, the Division asserted it was without sufficient information about the work processes and materials involved in the objectors' proposed change to determine if the objection is well-taken.

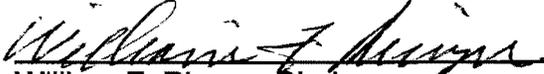
Following the May 3, 2010, prehearing, the Commission received a stipulation in which the Objectors and the Division of Labor Standards have agreed to the inclusion of the aforementioned activities in the work description of Bricklayers and Stone Mason. The changed wording of the occupational title work description language for Bricklayers and Stone Mason is reflected in the attached stipulation.

The Commission accepts the changes to the work description reflected in the stipulation, and orders said language to be included in the occupational title work description for Bricklayers and Stone Mason.

Objection Nos. 006-121 is dismissed. The hearing scheduled for May 19, 2010, is canceled.

Given at Jefferson City, Missouri, this 13<sup>th</sup> of May 2010.

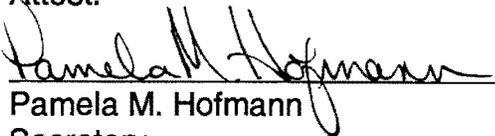
LABOR AND INDUSTRIAL RELATIONS COMMISSION

  
\_\_\_\_\_  
William F. Ringer, Chairman

  
\_\_\_\_\_  
Alice A. Bartlett, Member

  
\_\_\_\_\_  
John J. Hickey, Member

Attest:

  
\_\_\_\_\_  
Pamela M. Hofmann  
Secretary

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
STATE OF MISSOURI

HAND CARRIED  
RECEIVED

MAY 10 2010

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

In the matter of:

Objection Filed By  
*BAC Local Union No. 15 and*  
BAC Administrative District Council  
Of Eastern Missouri  
Annual Wage Order No. 17  
Issued by the Division of Labor  
Standards for 114 Counties and the  
City of St. Louis, 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. The Missouri Department of Labor and Industrial Relations, Division of Labor Standards, gathered information to establish on a statewide basis the work description for the Occupational Title of Bricklayers and Stone Mason in 8 CSR 30-3.060 by grouping together work that is similar in character.
2. 8 CSR 30-3.060(6) permits a party, who is not satisfied with a work description, to assert that a different work description should apply.
3. Objectors requested a change to the definition of Bricklayers and Stone Mason 8 CSR 30-3.060(8)(C)4 and 8 CSR 30-3.060(8)(C)6. The Department believes that the proposed changes more clearly describe the work falling within the Occupational Title of Bricklayers and Stone Mason. The Division and the objectors propose that the Occupational Title work description language for Bricklayers and Stone Mason 8 CSR 30-3.060(8)(C)4 and 8 CSR 30-3.060(8)(C)6 be changed to read as follows:

**8 CSR 30-3.060(8)(C)4 The application of insulation systems and materials, and air and/or vapor barrier systems and materials, by spray, trowel, roller, adhesive or mechanically fastened in or to all masonry walls.**

**8 CSR 30-3.060(8)(C)6 The waterproofing of all types of masonry, which shall include installation and application of air and/or vapor barrier systems and materials by spray, trowel, roller, adhesive or mechanically fastened.**

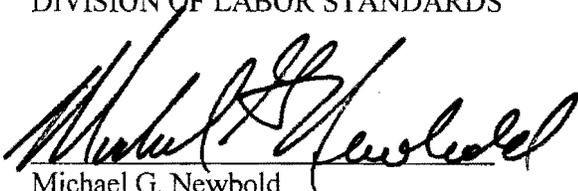
4. Wherefore, the parties pray the Commission issue an order adopting the aforementioned changes to the occupational title of Bricklayers and Stone Mason. The parties further request that the order indicate that these definitions are to be used in conjunction with Annual Wage Order No. 17 and that the Occupational Title Rule, 8 CSR 30-3.060 be amended pursuant to Section 290.240.2 RSMo to reflect the change.

Date: May 10, 2010

CHRIS KOSTER  
Attorney General



Sara E. Dick  
Assistant Attorney General  
Missouri Bar No. 57819  
Post Office Box 899  
Jefferson City, Missouri 65102  
(573) 751-3321  
ATTORNEYS FOR MISSOURI  
DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
DIVISION OF LABOR STANDARDS



Michael G. Newbold  
Attorney at Law  
1125 Grand Boulevard, Suite 1600  
Kansas City, Missouri 64106  
(816) 421-5788  
ATTORNEY FOR OBJECTORS  
*BAC Local Union No. 15 and*  
BAC Administrative District Council  
Of Eastern Missouri