

ORDER OF COMMISSION

In the matter of Objection Nos. 075 and 076 filed by Local No. 396, International Association of Bridge, Structural and Ornamental and Reinforcing Ironworkers of St. Louis and Vicinity, AFL-CIO on April 6, 2011, to Annual Wage Order No. 18, pertaining to the wage rate, total fringe benefit, and the overtime and holiday schedules for the occupational title of Iron Worker/Building Construction in the Missouri Counties of Bollinger – Section 009 and Warren – Section 113; issued by the Division of Labor Standards, Department of Labor and Industrial Relations; filed with the Secretary of State: March 10, 2011.

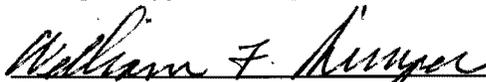
On April 6, 2011, objections to Annual Wage Order No. 18 were filed on behalf of Local No. 396, International Association of Bridge, Structural and Ornamental and Reinforcing Ironworkers of St. Louis and Vicinity, AFL-CIO (Objector), with the Labor and Industrial Relations Commission (Commission).

The Objector and the Division of Labor Standards have agreed upon the wage rate, total fringe benefit, and overtime and holiday schedules for the occupational title of Iron Worker engaged in building construction in Bollinger and Warren Counties. The consensus wage rate, total fringe benefit, and overtime and holiday schedules are reflected in the attached stipulation filed by the parties on May 3, 2011.

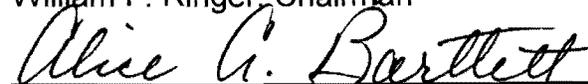
The Commission accepts the wage rate, total fringe benefit, and overtime and holiday schedules reflected in the stipulation, and orders those rates and schedules to be the prevailing rates and schedules for the occupational title of Iron Worker engaged in building construction in Bollinger and Warren Counties.

Given at Jefferson City, Missouri, this 24th of May 2011.

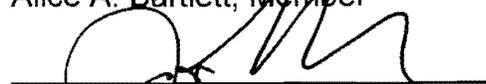
LABOR AND INDUSTRIAL RELATIONS COMMISSION



William F. Ringer, Chairman

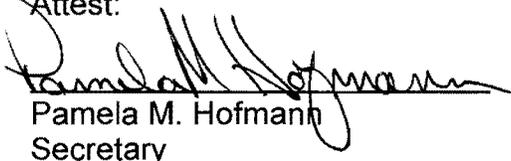


Alice A. Bartlett, Member



John J. Hickey, Member

Attest:


Pamela M. Hofmann
Secretary

RECEIVED & FILED

MAY 24 2011


SECRETARY OF STATE
COMMISSION DIVISION

FILED

BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
STATE OF MISSOURI

MAY - 3 2011

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

In the matter of:

Objections Filed By

Local No. 396, International Association of Bridge, Structural and Ornamental and Reinforcing
Ironworkers of St. Louis and Vicinity, AFL-CIO
Annual Wage Order No. 18 Sections 009 and 113
Issued by the Division of Labor
Standards for Bollinger and Warren 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 prevailing wage rates for Annual Wage Order No. 18 Sections 009 and 113 to be issued pursuant to Section 290.262, RSMo, and that said wage order was filed with the Secretary of State on March 10, 2011. The prevailing wage rate for the occupational title of Iron Worker 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, 2011.
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 building construction wage rate for Iron Worker in Bollinger and Warren Counties the previously issued rate should be altered as set forth below:

OCCUPATIONAL TITLE	BASIC HOURLY RATE	TOTAL FRINGE BENEFITS
Iron Worker	\$31.98	+ \$18.275
Overtime Rate	No. 11	
Holiday Rate	No. 8	

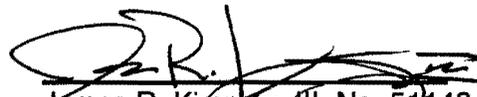
WHEREFORE, the parties pray the Commission issue an order finding that the building construction wage rates are as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for Bollinger and Warren Counties setting forth the above-referenced wage rate for Iron Worker.

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

ATTORNEY FOR MISSOURI
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS


James R. Kinnery, III, No. 51148
Bartley Goffstein, L.L.C.

Attorneys at Law
4399 Laclede Avenue
St. Louis, Missouri 63108
(314) 531-1054

ATTORNEY FOR OBJECTORS
Local No. 396, International Association of
Bridge, Structural and Ornamental and
Reinforcing Ironworkers of St. Louis and
Vicinity, AFL-CIO

Dated:

May 3rd, 2011

Ironworker Local Union 396 2500 59 TH St., St. Louis, MO 63110 (314) 647-3008			Type of construction: <input type="checkbox"/> Building type varies <input type="checkbox"/> Heavy County BOLLINGER <input type="checkbox"/> Highway					
Dates of work reported below Beginning 1/1/2010 Ending 12/31/2010			Type of contract: _____ Date of this report 4/12/11 General Subcontract					
Ironworker Class.	Total Hours	Hourly Rate	Fringe Benefit Payments					
			Welfare	Pension	Annuity	Appr. Tr.	CISAP	Impact
January	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
February	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
March	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
April	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
May	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
June	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
July	0	\$30.98	\$6.36	\$6.45	\$4.30	\$5.50	N/A	\$24
August	0	\$31.98	\$6.36	\$6.95	\$4.30	\$6.60	N/A	\$24
September	0	\$31.98	\$6.36	\$6.95	\$4.30	\$6.60	N/A	\$24
October	0	\$31.98	\$6.36	\$6.95	\$4.30	\$6.60	N/A	\$24
November	13	\$31.98	\$6.36	\$6.95	\$4.30	\$6.60	N/A	\$24
December	0	\$31.98	\$6.36	\$6.95	\$4.30	\$6.60	N/A	\$24
TOTAL 13			Name & Address of Subcontractor					
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 30-060. I further recognize that any false statement of declaration made herein is punishable under Sec. 575.060, RSMo 1994, as a class B misdemeanor. <i>Suzan Schaeffer</i> (Please check appropriate box) <input checked="" type="checkbox"/> Signature of Contractor's Representative who prepared this report. <input type="checkbox"/> Signature of Preparer of this report Date <u>04/13/2011</u> Mail to: Missouri Division of Labor Standards P.O. Box 449 Jefferson City, MO 65102-0449			D & S Fence					
			2800 Sunnyside Rd.					
			Festus, MO 63028					

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker			\$30.76	55	60	\$18.11
Boilermaker			\$32.30	57	7	\$20.01
Bricklayers - Stone Mason			\$27.22	75	40	\$8.42
Carpenter			\$21.88	62	43	\$12.19
Cement Mason			\$20.40	81	7	\$15.00
Electrician (Inside Wireman)			\$30.30	82	71	\$9.06 + 37.5%
Communication Technician			\$27.40	44	47	\$8.43 + 29%
Elevator Constructor		a	\$40.945	26	54	21.505
Operating Engineer						
Group I			\$26.52	86	66	\$19.19
Group II			\$26.52	86	66	\$19.19
Group III			\$25.27	86	66	\$19.19
Group III-A			\$26.52	86	66	\$19.19
Group IV			\$24.29	86	66	\$19.19
Group V			\$27.22	86	66	\$19.19
Pipe Fitter		b	\$34.00	91	69	\$21.43
Glazier			\$21.33	89	50	\$10.24
Laborer (Building):						
General			\$19.56	49	7	\$8.89
First Semi-Skilled			\$20.88	49	7	\$8.89
Second Semi-Skilled			\$19.88	49	7	\$8.89
Lather			\$21.88	62	43	\$12.19
Linoleum Layer & Cutter			\$21.88	62	43	\$12.19
Marble Mason			\$27.22	75	40	\$8.42
Millwright			\$21.88	62	43	\$12.19
Iron Worker			\$31.98	11	8	\$18.275
Painter			\$19.69	106	62	\$10.39
Plasterer			\$21.15	121	20	\$9.30
Plumber		b	\$34.00	91	69	\$21.43
Pile Driver			\$21.88	62	43	\$12.19
Roofer			\$20.25	15	73	\$9.52
Sheet Metal Worker			\$35.34	32	25	\$20.66
Sprinkler Fitter			\$30.84	33	19	\$16.95
Terrazzo Worker			\$27.22	75	40	\$8.42
Tile Setter			\$27.22	75	40	\$8.42
Truck Driver - Teamster						
Group I		c	\$26.22	103	77	\$9.40
Group II		c	\$26.38	103	77	\$9.40
Group III		c	\$26.37	103	77	\$9.40
Group IV		c	\$26.49	103	77	\$9.40
Traffic Control Service Driver			\$26.415	22	55	\$9.045
Welders - Acetylene & Electric		*				

Fringe Benefit Percentage is of the Basic Hourly Rate

Attention Workers: If you are not being paid the appropriate wage rate and fringe benefits contact the Division of Labor Standards at (573) 751-3403.

REPLACEMENT PAGE
BOLLINGER COUNTY
OVERTIME SCHEDULE - BUILDING CONSTRUCTION

FED: Minimum requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week.

NO. 11: Means eight (8) hours shall constitute a day's work, with the starting time to be established between 6:00 a.m. and 8:00 a.m. from Monday to Friday. Time and one-half (1½) shall be paid for first two (2) hours of overtime Monday through Friday and the first eight (8) hours on Saturday. All other overtime hours Monday through Saturday shall be paid at double (2) time rate. Double (2) time shall be paid for all time on Sunday and recognized holidays or the days observed in lieu of these holidays.

NO. 15: Means the regular working day shall be scheduled to consist of at least eight (8) hours, but no more than ten (10) consecutive hours, exclusive of the lunch period. The regular working day may be scheduled to commence at any time between the hours of 5:00 a.m. and 10:00 a.m. All work performed in excess of forty (40) hours in one work week, or in excess of ten (10) hours in one work day shall be paid at the rate of one and one-half (1½) times the regular hourly wage scale. Any work performed on a Saturday shall be paid for at the rate of one and one-half (1½) times the regular hourly wage scale unless such Saturday work falls under the category of Saturday Make-Up Day. Any work performed by Employees anywhere on Sunday or recognized holidays, shall be paid for at the rate of double (2) time the regular wage scale. If, during the course of a work week, an Employee is unable to work for any reason, and, as a result, that Employee has not accumulated forty (40) hours of compensable time at the straight time rate, the Employer, at his option may offer the Employee the opportunity to work on Saturday at straight time; provided, however, if during the period worked by said Employee on Saturday, the Employee's compensable time at the straight time rate exceeds forty (40) hours, all time worked in excess of the forty (40) hours will be paid at the rate of one and one-half (1½) times the regular hourly wage scale.

NO. 22: Means a regular work week of forty (40) hours will start on Monday and end on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof may be worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A workday is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time may be advanced or delayed if mutually agreed to by the interest parties. For all time worked on recognized holidays, or days observed as such, double (2) time shall be paid.

NO. 26: Means that the regular working day shall consist of eight (8) hours worked between 6:00 a.m., and 5:00 p.m., five (5) days per week, Monday to Friday, inclusive. Hours of work at each jobsite shall be those established by the general contractor and worked by the majority of trades. (The above working hours may be changed by mutual agreement). Work performed on Construction Work on Saturdays, Sundays and before and after the regular working day on Monday to Friday, inclusive, shall be classified as overtime, and paid for at double (2) the rate of single time. The employer may establish hours worked on a jobsite for a four (4) ten (10) hour day work week at straight time pay for construction work; the regular working day shall consist of ten (10) hours worked consecutively, between 6:00 a.m. and 6:00 p.m., four (4) days per week, Monday to Thursday, inclusive. Any work performed on Friday, Saturday, Sunday and holidays, and before and after the regular working day on Monday to Thursday where a four (4) ten (10) hour day workweek has been established, will be paid at two times (2) the single time rate of pay. The rate of pay for all work performed on holidays shall be at two times (2) the single time rate of pay.

NO. 32: The regular working day shall consist of seven and one-half (7½) hours of labor on the job between eight (8) a.m. and four (4) p.m. and the regular working week shall consist of five (5) consecutive seven and one-half (7½) hour day's of labor on the job beginning with Monday and ending with Friday of each week. The normal work week is 37½ hours. All full-time or part-time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. All work performed during regular work hours on Saturdays shall be paid at time and one-half (1-1/2). All work performed outside of regular working hours and performed during the regular work week, shall be at double (2) times the regular rate, except that the first two (2) hours following the regular work day shall be paid at one and one-half (1½) times the regular rate. And, a flexible starting time as early as 7:00 a.m. may be implemented when mutually agreed upon by the interested parties. An early starting time of 6:00 a.m. may be used during summer months to avoid excessive afternoon temperatures. This early starting time to be used when mutually agreed upon by the interested parties. SHIFT RATE: Shift work would start after 4:00 p.m. to 6:00 a.m. The first 7½ hours would be at 115% of the basic wage rate. Overtime Monday through Friday would be at 1 ½ of base shift rate. Saturday first 7 ½ hours of work – 1½ of base shift rate. Saturday – work after 7½ hours – 2 times the basic wage rate. Sunday and Holidays – 2 times the basic wage rate. All work performed on recognized holidays and Sundays shall be paid double (2) time. Appropriate overtime rates to be based on fifteen minute increments.

**REPLACEMENT PAGE
BOLLINGER COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION**

NO. 7: The following days are assigned days and are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This is applied to protect Labor Day. When a holiday falls during the normal workweek, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for this eight (8) hours is too paid to the workman unless worked. If workman are required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive double (2) the regular rate of pay for such work.

NO. 8: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, or the days observed in lieu of these holidays, shall be paid at the double time rate of pay.

NO. 19: All work done on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day shall be paid at the double time rate of pay. The employee may take off Friday following Thanksgiving Day. However, the employee shall notify his or her Foreman, General Foreman or Superintendent on the Wednesday preceding Thanksgiving Day. When one of the above holidays falls on Sunday, the following Monday shall be considered a holiday and all work performed on either day shall be at the double (2) time rate. When one of the holidays falls on Saturday, the preceding Friday shall be considered a holiday and all work performed on either day shall be at the double (2) time rate.

NO. 20: The following days or assigned days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day (to be observed November 11), Thanksgiving Day, and Christmas Day. If a holiday falls on Sunday, it shall be observed on the following Monday. If a holiday falls on Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for these eight (8) hours is to be paid the workman unless worked. If workmen are required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive the double regular rate of pay for such work.

NO. 25: All work done on New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day, Presidential Election Day, or days locally observed as such, and Saturday and Sunday shall be recognized as holidays and shall be paid at the double (2) time rate of pay. If a named holiday falls on a Saturday, the holiday will be observed on the preceding Friday. When a named holiday falls on Sunday, the Monday after will be observed as the holiday. Appropriate overtime rates to be based on fifteen minute increments.

NO. 40: The employer agrees to recognize the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, and is worked, the following work day will be double time wages for the holiday.

NO. 43: All of the following days or assigned days are recognized as holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Veteran's Day (November 11th), Thanksgiving Day, and Christmas Day. If a holiday falls on Sunday, it shall be observed on the following Monday. If a holiday falls on Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for these eight (8) hours is to be paid the employee unless worked. If the employee is required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive double (2) the regular rate of pay for such work.

NO. 47: The following holidays are recognized: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day. When a holiday listed above falls on Saturday, it shall be celebrated on the Friday preceding the holiday. When a holiday falls on Sunday, the following Monday shall be observed. Holidays referred to above shall be paid for at the double (2) time rate of pay when worked.

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker			\$36.26	55	60	\$18.11
Boilermaker			\$32.30	57	7	\$20.01
Bricklayers-Stone Mason			\$29.75	72	5	\$18.76
Carpenter		b	\$33.23	77	41	\$12.40
Cement Mason			\$27.88	80	6	\$14.21
Electrician (Inside Wireman)			\$30.30	82	71	\$9.06 + 37.5%
Communication Technician			\$27.40	44	47	\$8.43 + 29%
Elevator Constructor		a	\$40.945	26	54	\$21.505
Operating Engineer						
Group I			\$29.67	3	66	\$19.13
Group II			\$29.67	3	66	\$19.13
Group III			\$27.77	3	66	\$19.13
Group III-A			\$29.67	3	66	\$19.13
Group IV			\$24.31	3	66	\$19.13
Group V			\$24.31	3	66	\$19.13
Pipe Fitter		c	\$34.00	91	69	\$21.43
Glazier			\$31.68	87	31	\$20.63 + 13.2%
Laborer (Building):						
General			\$28.08	118	57	\$11.05
First Semi-Skilled			\$30.06	114	27	\$10.92
Second Semi-Skilled			\$28.07	5	3	\$10.92
Lather			USE CARPENTER RATE			
Linoleum Layer & Cutter			\$28.93	92	26	\$12.15
Marble Mason			\$30.02	76	51	\$12.08
Millwright			\$33.23	77	41	\$12.40
Iron Worker			\$31.98	11	8	\$18.275
Painter			\$29.00	104	12	\$12.33
Plasterer			\$27.81	67	3	\$14.73
Plumber		c	\$34.00	91	69	\$21.43
Pile Driver			USE CARPENTER RATE			
Roofer			\$28.65	15	73	\$14.50
Sheet Metal Worker			\$35.34	32	25	\$20.66
Sprinkler Fitter			\$30.84	33	19	\$16.95
Terrazzo Worker			\$29.90	116	5	\$10.73
Tile Setter			\$30.02	76	51	\$12.08
Truck Driver-Teamster						
Group I		d	\$27.275	35	36	\$8.65
Group II		d	\$27.385	35	36	\$8.65
Group III		d	\$27.425	35	36	\$8.65
Group IV		d	\$27.495	35	36	\$8.65
Traffic Control Service Driver			\$27.425	22	55	\$9.045
Welders-Acetylene & Electric		*				

Fringe Benefit Percentage is of the Basic Hourly Rate

Attention Workers: If you are not being paid the appropriate wage rate and fringe benefits contact the Division of Labor Standards at (573) 751-3403.