

APR - 6 2012

**BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI**

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**IN RE:**                    **Objection to Annual Wage order No. 19, Issued on March 9, 2012, as it pertains to the Occupational Title of "Electrician" (Outside-Line Construction/Lineman) For All Counties Within the State of Missouri.**

**On Behalf Of:**        **International Brotherhood of Electrical Workers Local No. 53;  
International Brotherhood of Electrical Workers Local No. 2;  
International Brotherhood of Electrical Workers Local No. 702;**

**Objectors.**

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**OBJECTION TO ANNUAL WAGE ORDER NO. 19**

COMES NOW the International Brotherhood of Electrical Workers Local No. 53, the International Brotherhood of Electrical Workers Local No. 2, and the International Brotherhood of Electrical Workers Local No. 702 (hereinafter collectively referred to as "Objectors") and files its Objection to Annual Wage Order No. 19 and states therefor as follows:

1. The International Brotherhood of Electrical Workers Local No. 53 is an unincorporated association representing members who perform work in the electrical industry, specifically under the Occupational Title of Electrician throughout the Western half of the State of Missouri of the type covered by Section 290.210 RSMo., et seq. (the "Missouri Prevailing Wage Law").
2. The International Brotherhood of Electrical Workers Local No. 2 is an unincorporated association representing members who perform work in the electrical industry, specifically under the Occupational Title of Electrician throughout the Eastern half of the State of Missouri, with the exception of the southeastern portion of the state covered by

IBEW Local 702, of the type covered by Section 290.210 RSMo., et seq. (the “Missouri Prevailing Wage Law”).

3. The International Brotherhood of Electrical Workers Local No. 702 is an unincorporated association representing members who perform work in the electrical industry, specifically under the Occupational Title of Electrician throughout the Southeastern section of the State of Missouri of the type covered by Section 290.210 RSMo., et seq. (the “Missouri Prevailing Wage Law”).
4. Attached hereto as *Exhibit 1* is a jurisdiction map establishing the jurisdiction of the Objectors, respectively.
5. Objectors specifically object to the failure of Annual Wage Order No. 19 to include in the occupational title of work description of “Electrician–Outside-line construction/lineman” (8 CSR 30-3.060(G)(2)) the trimming and removal of trees, stumps, limbs, brush and other related tasks in and around electrical systems as more fully set forth in the exhibits attached to this Objection. This work, as more fully described in *Exhibit 2*, is new Construction work as defined by § 290.210(1) RSMo, and is, therefore, properly included in the Annual Wage Order’s definition of “Electrician.”
6. A review of the applicable collective bargaining agreements, which must be considered pursuant to § 290.260 RSMo., and construction practices throughout the State of Missouri reveals that changes must be made in the occupational title of work description to bring the proposed Annual Wage Order into conformity with general practice and collective bargaining agreements of Objectors. It is proposed that the language contained in *Exhibit 2*, attached hereto, be adopted to replace the existing occupational title of work

description for “Electrician – Outside-line construction/line man” under 8 C.S.R. §30-3.060(G)(2).

7. The foregoing proposed changes to Annual Wage Order No. 19 are reflective of the Objectors’ collective bargaining agreements with signatory employers, which agreements prevails throughout the geographic jurisdiction at issue. *See Exhibit 3, 4 & 5 and Attachments thereto.*
8. The Annual Wage Order No. 19 does not contain the correct wages paid for the type of work performed by Electrician employees performing Lineman Tree Trimmer and Groundman Tree Trimmer work, which is the Basic Hourly Rate, plus total fringe benefits and overtime and holiday rates as set forth in *Attachments to Exhibits 3, 4, and 5*, attached hereto. Therefore, by revising the occupational title there must be an additional wage rate established for Electricians in Annual Wage Order No. 19.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission consider favorably the Objection of Objectors and revise the occupational title of Electrician in Annual Wage Order No. 19 as to Tree Trimming in the subject counties to reflect the collective bargaining agreements, and prevailing practices throughout the jurisdiction in question, and for such other changes as are deemed appropriate.

Respectfully Submitted,  
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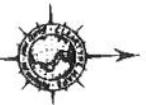
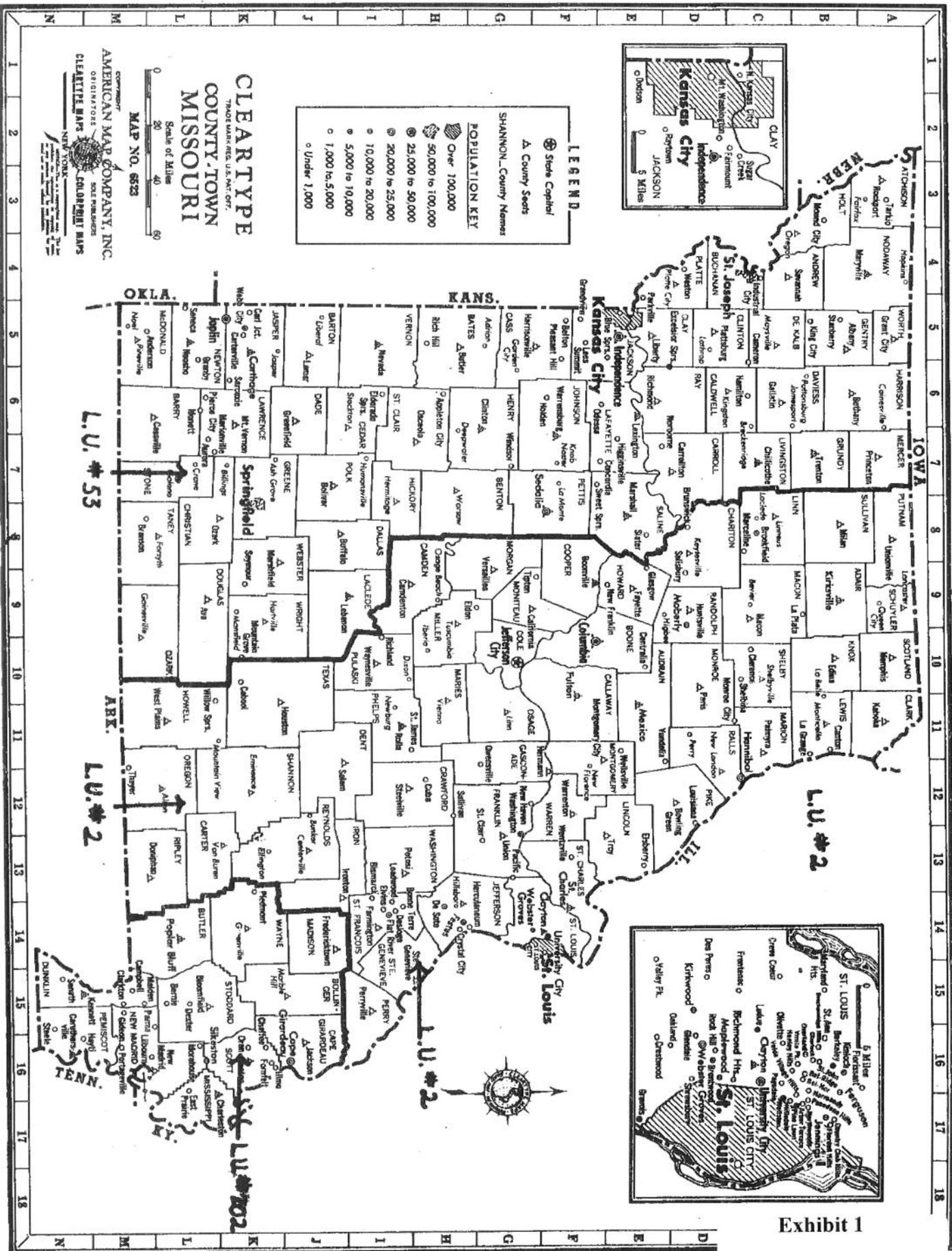
## CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of April, 2012, the original and two (2) copies of the foregoing **Objection to Wage Order No. 19** was sent by UPS Overnight mail to the Labor and Industrial Relations Commission, 3315 West Truman Blvd. Room 214, P.O. Box 599, Jefferson City, MO 65102-0599, and copies were served on the same day via UPS Overnight Mail to the Division of Labor Standards, 3315 W. Truman Boulevard, Room 205, Jefferson City, MO 65109.



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Exhibit 1



L.U. # 53

L.U. # 2

L.U. # 2

L.U. # 2

L.U. # 2

**Revision to Lineman Occupational Title Regulation  
8 CSR 30-3.060(G)(2), New Section (E)**

Rules of Department of Labor and Industrial Relations  
Division 30—Division of Labor Standards  
Chapter 3—Prevailing Wage Law Rules  
8 CSR 30-3.060 Occupational Titles of Work Descriptions

(G) Electrician—Encompasses two (2) subclassifications as follows, Inside Wireman and Outside-Line Construction/Lineman:

1. Inside wireman—Applies to workers who are responsible for installation, assembly, construction, inspection, operation and repair of all electrical work within the property lines of any given property (manufacturing plants, commercial buildings, schools, hospitals, power plants, parking lots). This scope of work shall begin at the secondary site of the transformer when the transformer is furnished by the local utility and the service conductors are installed underground. When service conductors are installed overhead in open air from wooden poles, this scope of work shall start immediately after the first point of attachment to the buildings or structures. The work falling within this occupational title of work description includes:
  - A. Planning and layout of electrical systems that provide power and lighting in all structures. This includes cathodic protection systems utilized to protect structural steel in buildings and parking structures;
  - B. All handling, moving, loading and unloading of any electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site, whether by hand or where power equipment and rigging are required;
  - C. Welding, burning, brazing, bending, drilling and shaping of all copper, silver, aluminum, angle iron and brackets to be used in connection with the installation and erection of electrical wiring and equipment;
  - D. Measuring, cutting, bending, threading, forming, assembling and installing of all electrical raceways (conduit, wireways, cable trays), using tools, such as hacksaw, pipe threader, power saw and conduit bender;
  - E. Installing wire in raceways (conduit, wireways, troughs, cable trays). This wire may be service conductors, feeder wiring, subfeeder wiring, branch circuit wiring;
  - F. Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct banks and manholes incidental to electrical, electronic, data, fiber optic and telecommunication installation;
  - G. Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together and applying tape or terminal caps;
  - H. Installing and modifying of lighting fixtures. This includes athletic field lighting when installed on stadium structures or supports other than wooden poles, or both;
  - I. Installing and modifying of all electrical/fiber optic equipment (AC-DC motors, variable frequency drives, transformers, reactors, capacitors, motor generators, emergency generators, UPS equipment, data processing systems, and annunciator systems where sound is not a part thereof);
  - J. Installing of raceway systems utilizing conduit, conduit bodies, junction boxes, device boxes for switches and receptacles. This also may include wiring systems utilizing other methods and materials approved by the *National Electrical Code* (MC cable, AC cable, BX or flexible metal tubing or electrical nonmetallic tubing);
  - K. Installing of main service equipment, distribution panels, subpanels, branch circuit panels, motor starters, disconnect switches and all other related items;

- L. Installing and wiring of instrumentation and control devices as they pertain to heating, ventilating, air conditioning (HVAC) temperature control and energy management systems, building automation systems, and electrically or fiber optic operated fire/smoke detection systems where other building functions or systems are controlled;
- M. Installing conduit or other raceway greater than ten feet (10') when used for the following: fire alarm systems, security systems, sound systems, closed circuit television systems or cable television systems, or any system requiring mechanical protection or metallic shielding (telephone systems);
- N. Testing continuity of circuit to insure electrical compatibility and safety of components. This includes installation, inspecting and testing of all grounding systems including those systems designed for lighting protection; and
- O. Removing electrical systems, fixtures, conduit, wiring, equipment, equipment supports or materials involved in the transmission and distribution of electricity within the parameters of the building property line if reuse of any of the existing electrical system is required. This may include the demolition and removal and disposal of the electrical system;

2. Outside-line construction/line man—Applies to workers who erect and repair transmission poles (whether built of wood, metal or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables and related auxiliary equipment for high-voltage transmission and distribution powerlines used to conduct energy between generating stations, substations and consumers. The work (overhead and underground) falling within this occupational title of work description includes:

A. Lineman –

**1. Planning, layout, c**Construction, repair or dismantling of all overhead and underground electrical installations **on the ground, from a pole, structure or aerial lift equipment**. The handling and operation of all equipment used to transport men, tools and materials to and from the job site. **The loading and unloading of all materials.** The framing **and setting of all wood, steel aluminum and concrete poles or structures.** **The** trenching, digging and backfilling of vaults, holes and poles and anchors (by hand or mechanical equipment), **building forms, rebar cages and pouring and finishing concrete footings for poles, structures and electrical devices,** guying, fastening to the stub-in on concrete footings **for poles, structures** or pads, assembling of the grillage, grounding of all structures, stringing overhead wire, installing underground wire, splicing, **terminating** and installation of transformers, **voltage regulators, capacitors and sectionalizers or other electrical devices;**

**B2. Planning, layout, c**Construction and repair of highway and street lighting and traffic signal systems, cathodic protection systems and ball field lighting systems;

**BC.** Lineman operator—Operates equipment used on the outside line portion of a project. The lineman operator assists linemen in the performance of their work but does not climb or work out of any type of aerial lift equipment. The lineman operator does not perform any work that requires the use of hand tools; and

**CD.** Groundman—Work performed on the ground to assist the journeymen outside line construction/lineman on work not energized. Groundmen use jack hammers, air drills, shovels, picks, tamps, trenching equipment and other such tools for excavating and/or compacting dirt or rock on the outside line portion of a project but do not use hand tools; and

**D. Lineman Tree Trimmer – Trimming and removal of trees, stumps, limbs, brush and other related tasks in and around electrical systems by use of chainsaws, pruners, polesaws and handsaws only when specifically required to provide clearance and right of way preparation for installation of overhead or underground utility lines. Lineman Tree Trimmer work may be performed on the ground, and in the air only with use of an aerial device operated from a bucket.**

**E. Groundman Tree Trimmer - Assists the Lineman Tree Trimmer in the performance of their work using rakes, chainsaws, chippers and industrial mowers in and around electrical systems only when specifically required to provide clearance and right of way preparation for installation of overhead or underground utility lines. Groundman Tree Trimmer work is only performed on the ground.**

3. The occupational title of electrician may include in a particular wage determination the subclassifications of lineman operator, groundman powder man, groundman, or any combination of these, pursuant to section (6). The description of work and corresponding wage rates shall be established pursuant to the proceedings set forth in section (6);