

JUN 21 2012

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION**ORDER OF COMMISSION**SECRETARY OF STATE  
COMMISSIONS DIVISION

In the matter of Objection Nos. 122-237 filed by International Brotherhood of Electrical Workers Local No. 53, International Brotherhood of Electrical Workers Local No. 2, and International Brotherhood of Electrical Workers Local No. 702 (Objectors) on April 6, 2012, to Annual Wage Order No. 19, pertaining to the occupational title of Electrician (Outside-Line Construction/Lineman) 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 9, 2012.

On April 6, 2012, objections to the above-referenced Annual Wage Order No. 19 were filed on behalf of International Brotherhood of Electrical Workers Local No. 53, International Brotherhood of Electrical Workers Local No. 2, and International Brotherhood of Electrical Workers Local No. 702 (Objectors), with the Labor and Industrial Relations Commission (Commission). Motions to Intervene were subsequently filed by Eastern Missouri Laborers' District Council and its affiliated Local Unions, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Local No. 396, Operating Engineers Local No. 513, Plumbers and Pipefitters Local No. 562, Sheet Metal Workers Local No. 36, and Sheet Metal Workers Local No.

2. A prehearing in the matter was held on May 15, 2012, and a hearing was set for June 4, 2012.

At the hearing on June 4, 2012, the Commission received a stipulation in which the Objectors, the Division of Labor Standards, and the Eastern Missouri Laborers' District Council and its affiliated Local Unions agreed to the addition of two new subcategories to the definition of Electrician (Outside-Line Construction/Lineman), "Lineman Tree Trimmer" and "Groundman Tree Trimmer." The parties stipulated that the following definitions shall apply to the two subcategories:

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 high voltage electric utility lines, and excluding the clearance of right of ways related to Heavy/Highway Construction or other public projects not directly related to the installation of electrical utility lines. Lineman Tree Trimmer work may be performed on the ground, and in the air.

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 high voltage electric utility lines, and excluding the clearance of right of ways related to Heavy/Highway Construction or other public projects not directly related to the installation of electrical utility lines. Groundman Tree Trimmer work is only performed on the ground.

The Commission accepts the aforementioned additions to the work description, and orders that said language apply solely as between Objectors, the Division of Labor Standards, and the Eastern Missouri Laborers' District Council and its affiliated Local Unions for the duration of Annual Wage Order No. 19.

There is no evidence before the Commission concerning the prevailing wage rates to be applied to the aforementioned subcategories and, therefore, the Commission makes no finding regarding the same.

The Commission specifically finds that this order does not amend the Missouri Code of State Regulations, 8 CSR 30-3.060, nor does it apply to any parties other than Objectors, the Division of Labor Standards, and the Eastern Missouri Laborers' District Council and its affiliated Local Unions.

Order

International Brotherhood of Electrical Workers Local No. 53, International Brotherhood of Electrical Workers Local No. 2, and International Brotherhood of Electrical Workers Local No. 702  
Obj. Nos. 122-237 to Annual Wage Order No. 19

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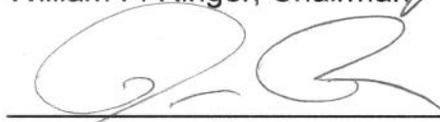
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A copy of the stipulation is attached solely for reference.

Given at Jefferson City, Missouri, this 21<sup>st</sup> of June 2012.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

  
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William F. Ringer, Chairman

  
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James Avery, Member

  
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Curtis E. Chick, Jr., Member

Attest:

  
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Pamela M. Hofmann  
Secretary

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
STATE OF MISSOURI

In the matter of:

Objection Filed By  
International Brotherhood of Electrical Workers, AFL-CIO  
Local 53, Local 2 & Local 702  
Annual Wage Order No. 19  
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 Electrician (Outside Lineman – Heavy) 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 Electrician – Outside Line Construction/Lineman 8 CSR 30-3.060(8)(G)(2) by adding two new subcategories. The Department believes that the proposed changes more clearly describe the work falling within the Occupational Title of Electrician (Outside Lineman – Heavy). The Division, objectors, and all interveners propose that the Occupational Title work description language for Electrician (Outside Lineman – Heavy) 8 CSR 30-3.060(8)(G)(2) be changed by adding 8 CSR 30-3.060(8)(G)(2)(D) and 8 CSR 30-3.060(8)(G)(2)(E) be added to read as follows:

**8 CSR 30-3.060(8)(G)(2)(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 high voltage electric utility lines, and excluding the clearance of right-of-ways related to Heavy/Highway Construction or other public projects not directly related to the installation of electrical utility lines. Lineman Tree Trimmer work may be performed on the ground, and in the air.**

**8 CSR 30-3.060(8)(G)(2)(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 high voltage electric utility lines, and excluding the clearance of right-of-ways related to Heavy/Highway Construction or other public projects not directly related to the installation of electrical utility lines. Groundman Tree Trimmer work is only performed on the ground.**

4. The Division, objectors, and all interveners also propose that separate prevailing wage rates be determined for both of the two new subcategories.

5. The rates as determined for AWO No. 19 are reflected in the collective bargaining agreements for International Brotherhood of Electrical Workers, AFL-CIO Local 53, Local 2 and Local 702.

6. Wherefore, the parties pray the Commission issue an order adopting the aforementioned changes to the occupational title of Electrician (Outside Lineman – Heavy). The parties' further request that the order indicate that these definitions are to be used in conjunction with Annual Wage Order No. 19 and the Occupational Title Rule, 8 CSR 30-3.060 be amended pursuant to Section 290.240.2 RSMo to reflect the change.

CHRIS KOSTER  
Attorney General



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Local 53, Local 2 & Local 702



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