

Approved 2-16-84 Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntten at
Chairperson

1:30 ~~am~~/p.m. on Wednesday, February 8, 1984 in room 514-S of the Capitol.

All members were present except: Representative Hoy (excused)

Committee staff present: Lyn Goering, Legislative Research
Gloria Timmer, Legislative Research
Sherry Brown, Legislative Research
Jim Wilson, Office of the Revisor
Dave Hanzlick, Administrative Assistant
Nadine Young, Committee Secretary

Conferees appearing before the committee:

Senator Bogina
Glenn Coulter, Manager of Kansas Contractors Association
Charles Stryker, President of Anco Construction Company
R. D. Anderson, Contractor
Ken Landeck, General Contractors Association
Stu Entz, Attorney
Mrs. Pat Baker, Association of School Boards
Tom Slattery, Association of General Contractors
Warren Corman, Architect for Board of Regents
Ernie Mosher, Kansas League of Municipalities
Fred Allen, Kansas Association of Counties
Joe Pashman, Homebuilders Association of Kansas
Representative Branson
Mike Harder, Department of Administration
Stan Koplik, Board of Regents
Charles Carey, Mechanical Contractors Association
John Meyers, Governor's office
Wayne Maichel, AFL-CIO of Kansas
Carl Ossmann, Architect
Scott Lambers, Legislative Assistant
Barbara Sabol, Department of H&E
Others Present (Attachment I)

Chairman called the meeting to order at 1:30 p.m.

A hearing was held for proponents and opponents on HB 2797, an act concerning HOURS AND WAGES FOR PUBLIC WORK; Amending K.S.A. 44-201 and 44-202 and repealing the existing sections; also repealing K.S.A. 44-203, 44-204 and 44-205.

Proponents

Senator Bogina addressed the committee concerning HB 2797. He said he became involved as the result of an incident of the Davis-Bacon wage determination impact upon the roof repair project at Emporia State University, which resulted in his introducing this bill. His written testimony, along with various documents of facts and figures which support his testimony, is attached. (Attachment II).

Representative Farrar handed out copies of documentation from the Kansas Register which gives some case histories concerning this proposed bill as it relates to some specific state construction projects. (Attachment III).

Glenn Coulter, Manager of Kansas Contractors Association, presented testimony (Attachment IV) in favor of passage of HB 2797. He believes wages should be set by the free give and take of the market, either between management and unions who negotiate, or between management and craftsmen who prefer to work open shop.

Charles Stryker, President of Anco Construction Company, addressed the committee. He said, "we are open shop contractors and I speak as a taxpayer and representative of the Contractor's Association. He said there had been a 100% average rate increase in public work projects in Shawnee County and 104% increase for DOT employees, pointing out the tremendous cost to the taxpayers. Referring to the recent incident involving city commissioners and the civic center project, he said that presently Shawnee County Commissioners believe they are

CONTINUATION SHEET

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required to implement the latest prevailing wage rate and to comply with the Davis-Bacon act.

Representative Dyck asked who establishes the Davis-Bacon act. Stryker replied that the union collective bargaining unit takes the local established union wage rate, and this rate is used to comply with the Davis-Bacon act.

Representative Mainey said he didn't feel that the Davis-Bacon act was the real issue here. It is the federal prevailing wage, but not the state's prevailing wage. He said the county commissioners did not have an option in the matter and no other choice but to use what they did.

Ron Andersen also spoke in support of HB 2797 on behalf of R. D. Andersen Construction Company. He defended the allegation that some people are calling it a "contractor's bill". He emphasized that it is a "taxpayer's bill".
(Attachment V).

Ken Landeck, representing general contractors, also testified in support of HB 2797, saying that people should be paid on their ability and what the market demands. He said that as a contractor, he does not fear the out of state contractors, because "we are already here and can compete with them". He stated that most of the new employees in new construction are hired and trained by open shop. When wages get so high, contractors cannot afford to hire them, a lot of people are going to be out of work and the economy will suffer.

Stu Entz, Attorney, speaking for general contractors, stated that his comments would merely second what has already been said. He feels the problem as he sees it is an effort to take Statute 44-201 and change it into something it has never been, and make it a prevailing wage law. He takes the position that the legislature should determine what it means and attempt to establish a proper method. He believes it to be a very old law that no longer applies and is very outdated.

Mrs. Pat Baker, representing the Association of School Boards, also testified in support of passage of this bill. She said that repeal of Statute 44-201 would benefit the schools and taxpayers, and it is very important they have the flexibility to engage in projects without outside control.

Chairman recognized Tom Slattery, Executive Vice President, Association of General Contractors, who presented written testimony in support of HB 2797 (Attachment VI). He said, "we believe projects should be awarded on the basis of the lowest responsible competitive bid and that the law of supply and demand satisfactorily determines wages paid to various classes of workers.

Rob Hodges, representing KCCI, provided written testimony (Attachment VII), although he did not appear personally.

Joe Pashman, testified in favor of passage of HB 2797 on behalf of the Homebuilders Association of Kansas (Attachment VIII).

Ernie Mosher, Kansas League of Municipalities, also supports passage of this bill. (Attachment IX).

Fred Allen spoke on behalf of Kansas Association of Counties, saying that he merely joins with previous speakers in supporting passage of this bill.

Warren Corman, architect for Board of Regents, presented brief testimony, neither for nor against passage of HB 2797. He stated that in his 34 years experience as architect, he had never seen a government regulation that reduced the cost of any building. He believes that the free enterprise system can do more for construction costs than any legislation.

Scott Lambers, Legislative Assistant from Overland Park, said that "as part of our legislative program, we merely want to make a statement to say we support passage of this new legislation.

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Carl Ossmann, Architect, stated that he was a former employee of the state architects office, and made a brief statement saying there was evidence in the files that support some of the facts and figures in testimony heard here today.

Chairman moved on to hear the Opponents for HB 2797.

Charles Carey, Executive Director of Mechanical Contractors Association, expressed opposition to the repeal of K.S.A. 44-201 (Attachment X).

John Meyers testified in opposition of HB 2797, on behalf of the Governor's office. He pointed out that many of the facts have already been stipulated but we come to different conclusions. He said before we do anything we need to justify and define what we need in terms of a wage survey. He said the controversy seems to be revolved around the fact that some of the wage rates are not truly representative of what the going rate is. "I think this is an example of where Davis-Bacon fits that description, so in fact that argument may be valid". Meyers said he believes the real argument in any survey is with the results and not the concept -- the question is, how do we compute what the prevailing wage is in a locality? He said to his knowledge, a survey has never been done in most localities in Kansas; and if in fact we can determine what the fair wage might be across the state in the different localities, and there is still argument of the outcome; then it's not this year's bill to repeal. It should be next year or after a determination is made that we do have a survey with satisfactory results."

Wayne Maichel, speaking for Kansas AFL-CIO, provided written testimony in opposition to repeal of K.S.A. 44-201. (Attachment XI).

This concludes the conferees on HB 2797. Chairman announced there would be no final action taken on HB 2797 this date.

Chairman Buntin turned to HB 2690, an act relating to the state centralized system of payroll accounting and records; concerning the coordination of records maintained by other state agencies with such system; amending K.S.A. 1983 Supp. 75-5501 and repealing the existing section.

Representative Jessie Branson addressed the committee and furnished written testimony (Attachment XII) which states her support of HB 2690, amending K.S.A. 1983 Supp. 75-5501 to exempt the Regents institutions from KIPPS (the Kansas Integrated Personnel Payroll System).

Mike Harder, Department of Administration, addressed the committee relating to some of the problems with the implementation of KIPPS at KU. He said his department had come to two conclusions: 1. As useful as the KIPPS system is for many state agencies, it is not perfected to the point that it accommodates all the respective problems in the regents institutions. We need to take a careful look into the KIPPS system to make it more proficient. 2. The resolution to the problem is connected with what the legislature chooses to do with respect to upgrading the Univac equipment. Harder said "we might want to consider putting the Regents on a separate system, and that adoption of this bill would be premature at this time. We need time to deal with the various problems and need to evaluate a lot of aspects of data processing that is relevant to the issue."

Representative Solbach asked when would it be appropriate for the legislature to consider. Harder replied that it would be difficult to project -- we are not going to have a complete analysis before end of this session.

Representative Miller asked if the problem relating to capacity is fixable. Harder stated that "if we don't upgrade the Univac computer before going to the Santa Fe building, that no agency should be allowed to go to KIPPS".

Chairman turned to HB 2778, an act concerning the department of health and environment; relating to certain fees; amending K.S.A. 65-171d and K.S.A. 1983 Supp. 65-3431 and repealing the existing sections.

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Representative Duncan reviewed the committee on the findings of the subcommittee this past summer. He said that during review of rules and regulations relating to the above, we discovered that the agency really did not have the proper fee authority that is normally granted to agencies that are fee agencies. He feels it is very necessary to continue the implementation of SB 414 at this time.

After some discussion, Representative Duncan said it might be appropriate to hold up on HB 2778 for a while and possibly consider it in the subcommittee when we have that agency present.

Barbara Sabol distributed copies of Page 4 and 9 of HB 2778 showing the language that has been inserted, constituting the proposed amendment. (Attachment XIII).

After further discussion, Representative Arbuthnot, sitting in for the Chairman, stated that he would recommend to Chairman Bunten that this bill be assigned to Representative Duncan's committee for further clarification.

Vice Chairman Arbuthnot announced that there would be no committee meeting tomorrow so that subcommittees could meet.

Meeting adjourned at 4:00 p.m.

P. S. (Attachment XIV) -- Testimony from National Electrical Contractor's Association, Inc. (Topeka Chapter) was provided to this office after typing of Minutes.

GUESTS -- 1984

2-8-84

Name	Address	Representing
1. <u>RONALD D. ANDERSEN</u>	<u>3441 SW Mike Vickin</u>	<u>R.D. Andersen Const</u>
2. <u>BOB ALBER</u>	<u>416 E 95 KCMO</u>	<u>ALBER ELECTRIC</u>
3. <u>Jack Paulmann</u>	<u>15012 W. 150th, Olathe</u>	<u>Associated Builders & Contractors</u>
4. <u>Deanna Turick</u>	<u>Topeka</u>	<u>Shawnee County</u>
5. <u>Edward Wilepp</u>	<u>"</u>	<u>Retired</u>
6. <u>Charles D. Carey J</u>	<u>"</u>	<u>Mech. Contr. Assoc. of KS</u>
7. <u>Stephen A. Hickley</u>	<u>Wichita</u>	<u>Shawnee County ABC</u>
8. <u>KEN LANDECK</u>	<u>2517 W 25 ST. No ⁶⁷²⁰⁴ Wichita</u>	<u>Associated Builders & Contractors</u>
9. <u>DON WILLIAMS</u>	<u>1999 N. Duwong - St 100</u>	<u>Assoc. Builders & Contr. Inc</u>
10. <u>CARL F. COOPER</u>	<u>650 Westlane Dr ^{Wichita} Wichita</u>	<u>WHEATLAND Co. Inc.</u>
11. <u>Stu Entz</u>	<u>Topeka</u>	<u>self</u>
12. <u>Mark Dohrer</u>	<u>550 N imc Apt 213 Wichita</u>	<u>Mid-States Const Co. Inc.</u>
13. <u>DENNIS A BEARDEN</u>	<u>3201 CASADO WICHITA</u>	<u>PENTA CONSTRUCTION Co. Inc.</u>
14. <u>ELMER J. CRAMER</u>	<u>3021 RANDOLPH TOPEKA</u>	<u>IBEW LU #226 TOPEKA</u>
15. <u>GARY BIGHAM</u>	<u>RT 1 MERIDEN</u>	<u>IBEW LU #226 TOPEKA</u>
16. <u>GARY D. McCUNE</u>	<u>315 BROADMOOR</u>	<u>I.B.F.W LU #226 CITY</u>
17. <u>Michael K. Hafenstein</u>	<u>38315. Park Ave. lot #A68</u>	<u>I.B.F.W. Local Union #226</u>
18. <u>Jerry Sloan</u>	<u>Topeka</u>	<u>Off. of Jud. Admin.</u>
19. <u>E. R. Turner</u>	<u>"</u>	<u>IBEW 226</u>
20. <u>Judy Branch</u>		<u>sec. San Baguna</u>
21. <u>PHIL ROBEY</u>	<u>EDWARDSVILLE</u>	<u>TOTAL ELEC</u>
22. <u>SCOTT LAMBERS</u>	<u>OVERCANO PARK</u>	<u>OVERCANO PARK</u>
23. <u>Skip Herd</u>	<u>Topeka</u>	<u>KDHR</u>
24. <u>Bob West</u>	<u>"</u>	<u>Nat'l Elect. Contractors Assn</u>
25. <u>JOE PASHMAN</u>	<u>2412 PEPPERWOOD</u>	<u>HOME BUILDER ASS KANSAS</u>

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GUESTS -- 1984

Name	Address	Representing
1. <u>Bernard Kauder</u>	<u>800 E. 28th</u>	<u>LOCAL 165</u>
2. <u>Art Fletcher Jr</u>	<u>411 Aquarius Silver Lake</u>	<u>Local # 165</u>
3. <u>John Geim</u>	<u>3109 Lincoln</u>	<u>" " "</u>
4. <u>John Gregg</u>	<u>138 W. 12th Emporia</u>	<u>self</u>
5. <u>Jerry Powell</u>		<u>DHR</u>
6. <u>Don Gallo</u>	<u>2030 E 31st</u>	<u>IBEW 1727L</u>
7. <u>Jack Z. Mida</u>	<u>2438 Hillcrest</u>	<u>Topeka Ks 66604</u>
8. <u>DAW CARROLL</u>	<u>Dept of Admin</u>	<u>Sheet Metal LOCAL 177</u>
9. <u>Jim DeBart</u>	<u>Lawrence Ks</u>	<u>1324 Abolition</u>
10. <u>Jim Sargent</u>	<u>TOPEKA</u>	<u>BUSSET</u>
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STATE OF KANSAS

AUGUST BOGINA, JR., P. E.
SENATOR, TENTH DISTRICT
JOHNSON COUNTY
13513 WEST NINETIETH PLACE
LENEXA, KANSAS 66215



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN JOINT COMMITTEE ON STATE BUILDING
CONSTRUCTION
CHAIRMAN CORRECTIONS SYSTEM REVIEW COMMISSION
MEMBER EDUCATION
LOCAL GOVERNMENT
PUBLIC HEALTH AND WELFARE
WAYS AND MEANS

FEBRUARY 8, 1984

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I BECAME INVOLVED WITH THE INTRODUCTION OF HB 2797 PRIMARILY BECAUSE OF THE INCIDENT OF THE DAVIS-BACON WAGE DETERMINATION IMPACT UPON THE ROOF REPAIR PROJECT AT EMPORIA STATE UNIVERSITY. THIS PRONOUNCED NEGATIVE IMPACT AND SUBSEQUENT RESEARCH HAS PROVEN THAT WE MUST BE CONCERNED ABOUT THE EFFECT OF THE GOVERNOR'S EXECUTIVE ORDER NO. 84-68 AND THE HIDDEN TAX BURDEN THIS WILL EXERT UPON THE CITIZENS OF KANSAS.

DURING THE 1982 SESSION, THE LEGISLATURE MADE APPROPRIATIONS FROM THE FEDERAL REVENUE SHARING FUND TO REPLACE THE BRENKELMAN HALL ROOF AT E.S.U. THE ARCHITECTURAL DIVISION OF THE DEPARTMENT OF ADMINISTRATION PREPARED BIDDING DOCUMENTS FOR A COMBINED PROJECT OF THIS ROOF AND FIVE SMALLER ROOFS. ERRONEOUSLY THE BIDDING DOCUMENTS FAILED TO SPECIFY THAT THE DAVIS-BACON PREVAILING WAGE REQUIREMENTS WOULD BE IN FORCE BECAUSE OF THE PRESENCE OF THOSE FEDERAL FUNDS. THE PROJECT WAS ADVERTISED AND A BID AWARDED FOR ALL SIX ROOFS. THE CONTRACTOR COMPLETED ONE ROOF, HAD PURCHASED MATERIALS FOR AND HAD BEGUN WORK ON THE BRENKELMAN HALL ROOF, WHEN A PICKET APPEARED ON THE JOB SITE PROTESTING THE ABSENCE OF DAVIS-BACON WAGES. IT IS INTERESTING AND SOMEWHAT QUESTIONABLE AS TO HOW THE PICKET KNEW FEDERAL REVENUE FUNDS WERE APPROPRIATED FOR THAT ROOF, BECAUSE IT IS DOUBTFUL THAT MANY, IF ANY, LEGISLATORS WHO WERE ACTIVE IN RECOMMENDING THAT APPROPRIATION WOULD HAVE BEEN AWARE OR REMEMBERED THIS FACT. AFTER IT WAS DETERMINED THAT THE PICKET PROTEST WAS CORRECT, THE DIVISION OF ARCHITECTURAL SERVICES REQUESTED A "WAGE DETERMINATION UNDER THE DAVIS-BACON AND RELATED ACTS" FROM THE U.S. DEPARTMENT OF LABOR. THIS WAGE DETERMINATION FOR LYON

II

COUNTY, KANSAS, WOULD HAVE CAUSED THE CONTRACT TO INCREASE BY 32.41%. IN THIS CASE THIS PROBLEM IS SOLVED WITH THE PASSAGE OF SB 577, WHICH WOULD LAPSE THE FEDERAL REVENUE SHARING FUNDS AND APPROPRIATE EDUCATION BUILDING FUNDS. WHEN REPRESENTATIVES OF THE ADMINISTRATION WERE QUESTIONED ABOUT THE OBVIOUS EXCESSIVE RATES, THEY ANSWERED THAT THE "DETERMINATION" WAS ERRONEOUS. WHEN THEY WERE ASKED WHY THEY DID NOT APPEAL THE "DETERMINATION", THEY ANSWERED IT WOULD NOT HAVE DONE ANY GOOD TO DO SO. THE GOVERNOR HAS REQUESTED THE LAPSE AND REAPPROPRIATION OF FUNDS IN THE EMERGENCY SUPPLEMENTAL BILL (SB 577), THEREFORE HE MUST AGREE THAT THIS SITUATION IS INTOLERABLE.

THE E.S.U. ROOF PROJECT FIASCO IS REAL, THE EVENTS AT THE JOINT BUILDING CONSTRUCTION COMMITTEE HEARING ON JANUARY 6, 1984, ARE ACCURATE AND SB 577 HAS PASSED THE SENATE. I SUBMIT, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THAT THIS SCENARIO IS WHAT ACTUALLY WILL HAPPEN TO EVERY STATE, CITY, COUNTY, TOWNSHIP, SCHOOL DISTRICT, COMMUNITY COLLEGE, WATER DISTRICT, FIRE DISTRICT PUBLIC WORKS PROJECT IN OUR STATE, IF HB 2797 IS NOT PASSED. ALSO THE WAGE RATES OF EACH STATE, COUNTY AND MUNICIPAL EMPLOYEE ENGAGED IN PUBLIC WORKS CONSTRUCTION, RECONSTRUCTION OR REPAIR COULD BE AFFECTED.

I HAVE TABULATED THE ANNUAL PUBLIC IMPROVEMENT EXPENDITURES, WHICH WERE OBTAINED FROM AUTHENTIC SOURCES. THE AMOUNTS SHOWN ARE DELIBERATELY CONSERVATIVE. I HAVE HAD PERSONAL CONTACTS WITH CONTRACTORS ACROSS THE STATE TO ASSESS THE IMPACT OF THE DETERMINATION OF A "PREVAILING WAGE" FOR PUBLIC WORKS PROJECTS. THE KANSAS DEPARTMENT OF TRANSPORTATION HAS, FOR SOME TIME, INCLUDED A PREVAILING WAGE DETERMINATION IN THE BID DOCUMENTS FOR ALL NON-FEDERAL HIGHWAY PROJECTS. IN MANY CASES THE DAVIS-BACON WAGES ARE ALSO THE STATE PREVAILING WAGE RATES. WHERE THEY ARE NOT THE SAME, THE DAVIS-BACON WAGES WILL AFFECT THE STATE DETERMINATION BECAUSE THEY ARE INCLUDED IN THE COMPILATION. DURING MY ENGINEERING CAREER, I HAVE HAD A CERTAIN AMOUNT OF EXPERIENCE PREPARING DESIGNS AND SPECIFICATIONS FOR DAVIS-BACON RELATED PROJECTS. IN EVERY CASE THE PUBLISHED

RATES WERE IN EXCESS OF THOSE THAT ACTUALLY EXISTED IN THE AREA. THEREFORE, EVEN IF AN HONEST ATTEMPT IS MADE TO DETERMINE THE PREVAILING WAGES IN EACH "LOCALITY", THE DAVIS-BACON RATES WILL HAVE A PROFOUND INFLUENCE OR ACTUALLY DICTATE THE STATE DETERMINATIONS.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I HAVE DETERMINED A WEIGHTED AVERAGE, USING EMPIRICAL MEANS, OF ADDITIONAL CONSTRUCTION COSTS OF PUBLIC WORKS THAT COULD OCCUR IF HB 2797 IS NOT PASSED. BASED UPON KDOT BIDS OF PROJECTS AND OTHER FACTORS, I BELIEVE WE COULD EXPECT A 17% OVERALL INCREASE IN COSTS. APPLYING THIS RATE TO THE ANNUAL AMOUNT OF PUBLIC WORKS PROJECTS RESULTS IN \$94,400,000 ADDITIONAL COSTS OR IN MOST CASES THAT MUCH LESS CAPITAL IMPROVEMENTS. IF YOU BELIEVE 17% IS TOO HIGH, TRY 10% OR EVEN A RIDICULOUSLY LOW 1%.

IF INCREASED TAXES FOR CAPITAL IMPROVEMENTS AREN'T CONVINCING, THE ECONOMIC RIPPLE EFFECT COULD BE MEANINGFUL. ECONOMISTS HAVE DETERMINED THAT FOR EACH ONE MILLION DOLLARS OF NEW CONSTRUCTION, 63 NEW JOBS ARE DEVELOPED SOMEWHERE IN THE STATE. THIS FACT WOULD RELATE TO 5,920 NEW JOBS (94 x 63), BASED UPON MY CALCULATIONS. THERE COULD BE NEW TAXPAYERS FUELING OUR ECONOMY.

DURING THE PAST INTERIM, I HAD THE PRIVILEGE OF CHAIRING THE COMMITTEE CHARGED WITH THE TASK OF DETERMINING THE INFRASTRUCTURE NEEDS OF OUR STATE UNTIL THE YEAR 2000. THE COMMITTEE FOUND THAT MOST STATE AGENCIES HAVE NOT PROJECTED THEIR MAINTENANCE NEEDS BEYOND A FIVE YEAR PROGRAM. USING THOSE FIVE YEAR PROJECTIONS PLUS THE INFORMATION OF NEEDS TO THE YEAR 2000 FURNISHED BY THOSE AGENCIES THAT HAD DEVELOPED THIS PLANNING PROCESS, IT WAS DETERMINED THAT AN EXPENDITURE OF \$3.98 BILLION WOULD BE NECESSARY TO MAINTAIN THE CAPITAL IMPROVEMENT SUPPORT OF OUR STATE GOVERNMENT. IF WE USE THIS AMOUNT AND THE 17% FACTOR, 577 MILLION ADDITIONAL DOLLARS MUST BE PAID BY OUR TAXPAYER AND 36,350 NEW JOBS WILL BE LOST IF HB 2797 IS NOT PASSED. THESE INFRASTRUCTURE DEMANDS DO NOT INCLUDE THE LOCAL UNITS OF GOVERNMENT WHO HAVE MANY FACILITIES THAT ARE, BECAUSE OF AGE, "WEARING OUT" AND WILL SOON REACH THE END OF THEIR USEFUL LIFE. THEREFORE, ANY FACTOR ONE WOULD CARE TO USE WILL RESULT IN A VERY SIGNIFICANT IMPACT UPON THE TAXPAYERS IN OUR STATE NOW AND

IN FUTURE GENERATIONS.

DO NOT BE MISLED OR BELIEVE THAT THE QUALITY OF THESE PROJECTS WILL BE DIMINISHED BECAUSE THE DETAILED PLANS AND SPECIFICATIONS WILL GOVERN THE CONSTRUCTION AND PERFORMANCE OF THE END PRODUCT REGARDLESS OF THE WAGE RATE. THE CONSTRUCTION SPECIFICATIONS FOR THE BRENKELMAN HALL ROOF PROJECT WOULD HAVE BEEN EXACTLY THE SAME EXCEPT FOR THE INSERTION OF THE PREVAILING WAGE RATE DETERMINATION. ALSO THE KDOT SPECIFICATIONS AND END PRODUCTS WILL NOT CHANGE UNDER EITHER CASE.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THERE IS ABSOLUTELY NO QUESTION THAT ALL CONSTRUCTION COSTS IN THE STATE WILL INCREASE IF THE PROVISIONS OF THE 1890'S STATUTE 44-201 ET SEQ ARE ALLOWED TO BE IMPLEMENTED. ALSO, I BELIEVE, THAT THERE IS OVERRIDING PROOF THAT A VOTE AGAINST HB 2797 IS AN AGREEMENT THAT THE TAXPAYERS OF KANSAS SHOULD BE SADDLED WITH THIS UNNECESSARY ADDITIONAL COST FOR THEIR NEEDED MUNICIPAL AND GOVERNMENTAL FACILITIES. THE CITIZENS OF OUR STATE EXPECT THEIR ELECTED OFFICIALS TO NOT ADD TO THEIR TAX BURDENS BY INCREASING THE COSTS OF THOSE NEEDED PUBLIC WORKS PROJECTS. THEY, THE BLUE COLLAR WORKERS, WHITE COLLAR WORKERS, FARMERS, FACTORY WORKERS, EXPECT US TO HELP DEVELOP JOBS AND OUR ECONOMIC FUTURE AND NOT DETRACT FROM THEIR OPPORTUNITY TO BE A PART THAT FUTURE. THEY HAVE A RIGHT TO EXPECT THIS, THEY DESERVE NO LESS. I URGE YOUR FAVORABLE SUPPORT OF AND VOTE ON HB 2797.

THANK YOU.

TABULATION AND CALCULATIONS

SENATOR GUS BOGINA

Construction Contracts For Public Works In Kansas
(Most Recent Year Available)

State Highway (now federal)	\$ 84,500,000
Regents Institutions	23,870,000
State Hospitals & Institutions	9,190,000
Fee Funds	4,100,000
General Fund	20,750,000
Unified School Districts	52,000,000
Community Colleges	7,200,000
Cities and Counties	345,000,000
(roads and streets, sanitary sewers, storm drainage, municipal buildings)	
Quasi-Municipal	5,500,000
(water districts, fire districts)	
Miscellaneous	3,000,000
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TOTAL	\$555,110,000

(Data obtained from state appropriations, State Board of Education,
League of Municipalities and County Engineers Association.)

Approximate Labor Costs In Construction Projects
(As Percentage of Bid Price)

Roadway and Paving (new)	24%
Renovation, Reconstruction, Repair	35%
Bridge Restoration	65%
Building Construction	40%

Contract Cost Increases Because Of Davis-Bacon Influence

Road, Bridge, Street, Highway (new)	15-38.5%
Renovation, Reconstruction, Repair	22-45%
Buildings	8-25%

(Information from a cross section of actual bids across the state
during the past year.)

EMPORIA STATE UNIVERSITY

1200 COMMERCIAL / EMPORIA, KANSAS 66801 / TELEPHONE 316-343-1200



December 22, 1983

Mr. David Monical, Principal Analyst
Legislative Research Department
Statehouse, Room 545N
Topeka, KS 66612

Re: Federal Revenue Sharing Fund Appropriation - "Replace Breukelman
Hall Roof" (11004-65)

Dear David:

As I indicated to you on the phone yesterday, a problem has arisen in connection with the Breukelman Hall reroofing project.

When discussions were underway earlier this fiscal year concerning several reroofing projects on campus, it was decided to combine them all into one contract in order to secure the most favorable bid. This was done; the specifications were prepared; the contract was signed in late summer; and work began this fall. Unfortunately, no provision was made in the specifications for the payment of prevailing wages on the Breukelman Hall project since it was financed with Federal revenue sharing funds.

After the first portion of the project was completed and work commenced on Breukelman Hall, pickets appeared at the edge of the campus. Shortly thereafter, the weather closed the entire project down. Since then, we have been in contact with the office of the Director of Architectural Services and various other state offices. No solution seems to be emerging. Therefore, we feel the need to involve the Joint Committee on State Building Construction.

Since becoming aware of the problem, we have requested the U.S. Department of Labor's prevailing wage determination for the Emporia vicinity. A copy of that determination is attached. They determined that the prevailing wage for beginning roofers in Lyon County was \$14.66/hr. (not including fringe benefits). After receipt of this determination, we surveyed the only two legitimate built-up roofing contractors as to the wages they pay their employees. Those responses are listed below:

COMPANY:	Geo. Groh & Sons	Emporia Roofing
Position	Wage	Wage
Roofer & Sheetmetal Laborer	\$5.25/hour	\$5.50-5.75/hour
Sheetmetal Laborer	\$5.85/hour	----
Roofing Laborer	\$5.41/hour	----
Roofing Laborer (beginning)	----	\$5.00/hour
Journeyman Level Roofer	----	\$6.75-8.00/hour
Roofing Foreman	\$6.00-8.00/hour	----

Mr. Monical
 Page 2
 December 22, 1983

It is our understanding that the roofing contractor, Weathercraft, Inc., is paying his employees comparable wages to those listed above. Furthermore, Weathercraft has advised us that his labor costs would likely nearly double if he were required to pay the wages as determined by the Department of Labor. Listed below are the current contracted project costs and the labor costs included in each portion.

CCR No.	Project Title	As Originally Contracted		Total Project Cost With Change Order #1 & Proposed Change Order #2
		Labor Cost*	Total Project Cost	
A-4579	Replace Breukelman Hall Roof	\$ 44,885	\$129,096	\$155,893
A-4290(d)	Reroof Portion of Physical Education Bldg.	10,907	25,807	29,349
A-4574	Reroof Plumb Hall	26,318	64,848	65,348
A-4769	Reroof Portion of W.A.W. Library	5,413	19,886	19,886
A-4635	Reroof Married Student Apts "B" and "C"	19,260	47,192	47,192
A-4805	Reroof Morse Hall Northeast	10,949	45,554	45,554
TOTAL		\$117,732	\$332,383	\$363,222

*These labor costs identified by the contractor in a routinely requested cost breakdown after the contract is awarded.

A doubling of the labor costs on Breukelman Hall alone would cost at least \$44,885 extra. There is a possibility that the Davis-Bacon Act could be interpreted such that the prevailing wage determination would not only apply to the Breukelman Hall work, but also to the entire project. Such an interpretation would appear to cost at least an extra \$117,732.

Listed below are the balance of funds that we expect to have available in each of the project accounts upon completion of this contract (after change order #2 is processed and assuming that there are no payments for wage adjustments).

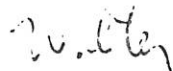
Mr. Monical
Page 3
December 22, 1983

CCR No.	Project Title	Expected Balance	Funding Source
A-4579	Replace Breukelman Hall Roof	\$14,107	Federal Revenue Sharing - Line Item Appropriation
A-4290	Reroof Physical Education Building	43,651	Educational Building Fund - Line Item Appropriation
A-4574	Reroof Plumb Hall	-0-	Educational Building Fund - Major Repairs, Special Maintenance & Remodeling
A-4769	Reroof Portion of W.A.W. Library	-0-	Educational Building Fund - Major Repairs, Special Maintenance & Remodeling
A-4635	Reroof Married Student Apts "B" and "C"	-0-	Residence Hall Maintenance & Equipment Reserve Fund
A-4805	Reroof Morse Hall Northeast	-0-	Residence Hall Maintenance & Equipment Reserve Fund
	TOTAL	\$57,758	

If the federal wage determination stands as is and its applicability is limited to the Breukelman Hall reroofing, the expected balance in Projects A-4579 and A-4290 would cover the required wage increase. However, legislative approval would be needed to transfer funds from the physical education building project to the Breukelman Hall project. Obviously, there are insufficient funds to cover the required wage increase should it be determined Davis-Bacon applies to the entire job.

Attached are some of the options that could be selected at this stage, and some of the pros and cons of each option. Since some of the options listed require legislative action, we felt that it might be appropriate for these options to be reviewed at the January 6 meeting of the Joint Committee on State Building Construction. If you concur, would you please make the necessary arrangements for it to be placed on the agenda, or advise us further in this matter.

Sincerely,


Walter G. Clark
Business Manager

ls

Enclosures

cc: Senator Bogina
Warren Corman
Dan Carroll

U. S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D. C. 20210

WAGE DETERMINATION UNDER THE DAVIS-BACON AND RELATED ACTS

SPECIAL PROJECT DECISION

The case is before the Department of Labor pursuant to a request for the wage rates prevailing as of July 13, 1983 in Lyon County, Kansas. On the basis of evidence and other data assembled by the Department of Labor for this area, it appears that the prevailing wage rates and fringe benefits payments in this locality were as shown on the attached schedule.

The contracting officer shall require that any class of laborers and mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the Federal agency to this office. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the contracting officer shall be referred to the undersigned for determination.

/s/ Sylvester E. Green

Director, *ACTING*
Bureau of Government
Contract Determinations
Wage and Hour Division

Department, Agency or Bureau: Dept. of Administration Division of Architectural Services	Decision No: S- S-83-KS-376
Location of Project (City or Other Description): Emporia State University	Date of Issuance: November 30, 1983
State: Kansas County: Lyon	Reflects Wage Rates as of: July 13, 1983
Description of Work: Reroof various buildings - Emporia State University, Emporia, Kansas	
State of Kansas Project Nos. A-4574, A-4579, A-4635, A-4769.	

U. S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION

REQUEST FOR DETERMINATION
AND RESPONSE TO REQUEST

(Davis Bacon Act as Amended
and Related Statutes)

OR DEPARTMENT
OF LABOR USE

Response To Request

Use area determination
Issued for this area

The attached decision
noted below is applicable
to this project

Decision Number


Date of Decision

Expires

Supersedes Decision Number

Approved

RECEIVED BY
DEC 2 11 31 AM '83
STATE ARCHITECT

Requesting Officer (typed name and signature)
HARLAN C. COUNTER 

Department, Agency, or Bureau
DEPT. OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

Phone Number
913/233-9367

Date of Request
NOVEMBER 17, 1983

Est. Advertising Date
JUNE 24, 1983

Est. Bid Opening Date
JULY 13, 1983

Prior Decision
Number (if any)

Est. \$ Value of Contract
 Under 1/2 Mil. 1 to 5 Mil.
 1/2 to 1 Mil. Over 5 Mil.

Type of Work
 Bldg. Highway
 Resid. Heavy

Location of Project (city or other description)
EMPORIA STATE UNIVERSITY

County LYON

State KANSAS

Address to which wage determination should be mailed. Must be
complete and include ZIP Code. (Print or type)

HARLAN C. COUNTER - CHIEF ARCHITECT
CONTRACT DOCUMENT SECTION
DIVISION OF ARCHITECTURAL SERVICES
625 POLK STREET
TOPEKA, KANSAS 66603-3288

Wage Survey by Agency Attached
 YES NO

Wage Survey by Agency In Progress
 YES NO

Description of Work (Be specific) (Print or type)
Reroof Various Buildings - Emporia State University
Emporia, Kansas
STATE OF KANSAS PROJECT NO'S
A-4574, A-4579, A-4635, A-4769

CHECK OR LIST CRAFTS NEEDED
(Attach continuation sheet if needed)

- Asbestos workers
- Boilermakers
- Bricklayers
- Carpenters
- Cement masons
- Electricians
- Glaziers
- Ironworkers
- Laborers, (specify classes)
- Building Constr'n
- Lathers
- Marble & tile setters, terrazzo workers
- Painters
- Piledrivers
- Plasterers
- Plumbers
- Roofers
- Sheet metal workers
- Soft floor layers
- Steamfitters
- Welders--rate for craft
- Truck drivers
- Power equipment operators, (specify types)
- Other crafts

LYON COUNTY, KANSAS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	\$12.45	\$1.00	\$.75		\$.05
Electricians	15.15	1.15	3%+.85		.13
Laborers, general	8.23	1.00	.50		.05
Painters:					
Brush, Roller	13.25	.95			
Spray	13.75	.95			
Plumbers & Pipefitters	15.83	1.30	1.00		.04
Roofers	14.66		1.15	a	.14
Pitch	15.76		1.15	a	.14
Sheet Metal Workers	14.68	3%+.90	1.89		.14
Truck Drivers:					
Station wagons, pickups, flat beds and dump 5 tons or less	11.04 11.19	.70 .70	.50 .50		

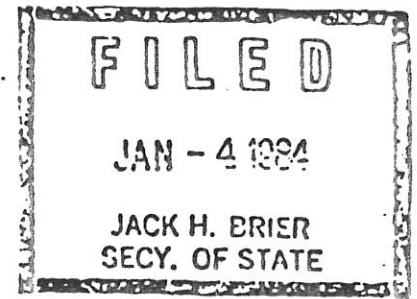
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a - after 6 months of employment \$.26; after 5 years; \$.52.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

STATE OF KANSAS



OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612-1590

John Carlin Governor

EXECUTIVE ORDER NO. 84-68

CONCERNING PAYMENT OF WAGES

Executive Department
State House
Topeka, Kansas

WHEREAS, the State of Kansas supports the principle that persons employed on public projects shall be paid fair compensation for their labors; and

WHEREAS, this principle has been embodied in the statutes of the State of Kansas since 1891; and

WHEREAS, in contracts for public works, K.S.A. 44-201 mandates government entities to require contractors to pay the current rate of per diem wages to their laborers; and

WHEREAS, no provision has been made in the statutes to determine the appropriate rate of wages for public works projects in the various localities of this State.

NOW, THEREFORE, pursuant to the authority vested in me as as Governor and chief executive of the State of Kansas and Article 1, Section 4 of the Constitution of the State of Kansas, I do hereby order and direct the Secretary of Human Resources to provide me information as to the ability of the State of Kansas to devise appropriate means and methodologies to determine the wages required by K.S.A. 44-201 for the various localities in this State, including costs, specific methodology and viable alternative methods to make such a determination. Such reported information shall be submitted for my review and approval and shall include a recommended method for periodically determining the wages required to be paid on public works projects in the various


John Carlin
Executive Order No. 84-68
Page Two

localities of this State.

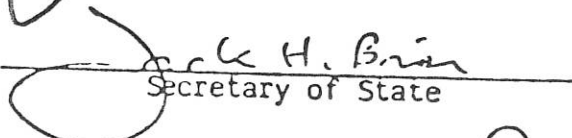
This document shall be filed with the Secretary of State as Executive Order No. 84-68, and shall become effective immediately.

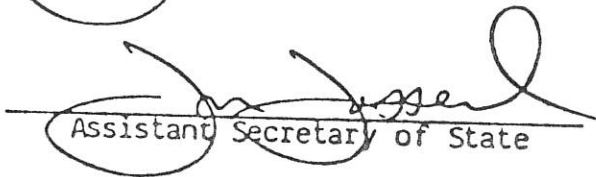
THE GOVERNOR'S OFFICE

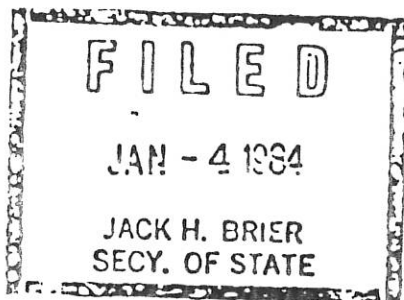
By the Governor



January 4, 1984


Secretary of State


Assistant Secretary of State



state employment service office. Upon registering, such crew chief shall furnish to such office a list of names and social security numbers of all migrant workers he serves in his capacity as crew chief and the names of those for whom recruitment is being done.

History: L. 1974, ch. 202, § 3; July 1.

44-128. Availability of information furnished. Any information filed with the local Kansas state employment service office pursuant to the provisions of K.S.A. 44-127 shall be made available to the public upon request.

History: L. 1974, ch. 202, § 4; July 1.

44-129. Violation of act. Any violation of this act shall be a class C misdemeanor. Any crew chief found to be in violation of this act shall cease to operate as a crew chief in this state for a period of two (2) years.

History: L. 1974, ch. 202, § 5; July 1.

Article 2.—EIGHT-HOUR DAY ON PUBLIC WORK

44-201. Eight-hour day; exceptions; payment of current rate of per diem wages where work performed. "The current rate of per diem wages" for the intents and purposes of this act shall be the rate of wage paid in the locality as hereinafter refined to the greater number of workmen, laborers or mechanics in the same trade, occupation or work of a similar nature. In the event that it be determined that there is not a greater number in the same trade, occupation or on similar work paid at the same rate, then the average rate paid to such laborers, workmen or mechanics in the same trade, occupation, or work shall be the current rate. The "locality" for the purpose of this act shall be the county wherein the physical work is being performed: *Provided*, That where cities of the first or second class are located in said counties, each such city shall be considered a locality.

Eight hours shall constitute a day's work for all laborers or other persons employed by or on behalf of the state of Kansas or any municipality of said state, except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. Laborers or other persons so employed, working to exceed eight hours

per calendar day, shall be paid on the basis of eight hours constituting a day's work. Not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers or other persons so employed.

And laborers and other persons employed by contractors or subcontractors in the execution of any contract or contracts with the state of Kansas or any municipality thereof shall be deemed to be employed by or on behalf of the state or such municipality so far as the hours of work and compensation herein provided are concerned.

That the contracts hereafter made by or on behalf of the state of Kansas or by or on behalf of any county, city, township or other municipality of said state with any corporation, person or persons which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight (8) hours in any one calendar day except in cases of extraordinary emergency (as defined in this act); such contract shall contain a provision that each laborer, workman or mechanic employed by such contractor, subcontractor or other person about or upon such public work shall be paid the wages herein provided: *Provided further*, That the provisions of this act in regard to hours worked per calendar day shall not apply to the construction, reconstruction, maintenance, or the production of local materials for: Highways, roads, streets, and also the structures and drainage in connection therewith; sewer systems; waterworks systems; dams and levees; canals; drainage ditches; airport grading, drainage, surfacing, seeding, and planting.

History: R.S. 1923, 44-201; L. 1931, ch. 214, § 1; L. 1947, ch. 286, § 1; April 7.

Source or prior law:

L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1.

Revision note, 1923:

Revised and written into two sections combining the provisions of L. 1919, ch. 134. Laws 1919, ch. 134, relating to first-class cities, omitted as being covered by 44-201, 44-202.

Revisor's Note:

L. 1913, ch. 220, § 1 was also amended by L. 1923, ch. 157, § 1, see 44-203.

Research and Practice Aids:

States—108½.
 Hatcher's Digest, Master and Servant §§ 6 to 8; Workmen § 1.
 C.J.S. States §§ 119, 125 et seq.

Law Review and Bar Journal References:

Annotation No. 13 cited in 1955-56 survey of Kansas law, Earl B. Shurtz, 5 K.L.R. 210, 227 (1956); Robert J. Fowks, 5 K.L.R. 277, 282 (1956).
 Survey of labor law, Robert J. Fowks, 10 K.L.R. 255 (1961).
 Mentioned in "Survey of Kansas Law: Municipal Corporations," Richard H. Seaton, 27 K.L.R. 269, 274 (1979).

CASE ANNOTATIONS**Annotations to L. 1891, ch. 114, § 1:**

1. Section not applicable to work done under contract. *Billingsley v. Comm'rs of Marshall Co.*, 5 K.A. 435, 436, 49 P. 329.
2. Provisions of this section not applicable to employees at penitentiary. *The State, ex rel., v. Martindale*, 47 K. 147, 27 P. 852. Questioned: *State v. Ottawa*, 84 K. 100, 105, 113 P. 391.
3. Ordinance requiring street service or pecuniary consideration invalid, when. *In re Ashby*, 60 K. 101, 107, 55 P. 336.
4. Section held valid as to employees of state or its agents. *In re Dalton*, 61 K. 257, 59 P. 336.
5. Employee accepting regular wages estopped from claiming extra pay. *Beard v. Sedgwick County* 63 K. 348, 65 P. 638.
6. Employees of contractor making city improvements come under this section. *The State v. Atkin*, 64 K. 174, 67 P. 519. Affirmed: *Atkin v. Kansas*, 191 U.S. 207, 24 S.Ct. 124, 48 L.Ed. 148.
7. Provisions of this section applicable to a school district. *The State v. Wilson*, 65 K. 237, 69 P. 172.
8. Section applies to employees operating Ottawa water and electric-light plant. *The State v. Ottawa*, 84 K. 100, 107, 113 P. 391.
9. Occasions when employees worked more than eight hours exceptions. *The State, ex rel., v. Construction Co.*, 99 K. 838, 840, 162 P. 1175.

Annotations to L. 1931, ch. 214, § 1:

10. Provisions regulating wages not basis for criminal liability; section discussed. *State v. Blaser*, 138 K. 447, 448, 450, 452, 26 P.2d 593.
11. Section discussed in holding 19-242 constitutional. *State v. Rogers*, 142 K. 841, 849, 52 P.2d 1185.
12. Purpose and object of act discussed in workmen's compensation case. *Workman v. Kansas City Bridge Co.*, 144 K. 139, 140, 58 P.2d 90.
13. Act held inapplicable to prisoners under 62-2109. *Dice v. Board of County Commissioners*, 178 K. 523, 524, 289 P.2d 782.
14. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. *Topeka Bldg. & Construction Trades Council v. Leahy*, 187 K. 112, 113, 114, 115, 116, 353 P.2d 641.
15. Section construed and held constitutional. *Andersen Construction Co. v. Weltmer*, 223 K. 808, 809, 557 P.2d 1197.
16. Section construed; requirement that contractor pay the "current rate of per diem wages" without enumerating specific wage rates held proper. *Andersen Constr. Co. v. Weltmer*, 224 K. 191, 577 P.2d 1197.
17. Municipality not prohibited from specifying

wage rated above "floor" set hereunder and including them in specifications and contract. *Andersen Construction Co. v. City of Topeka*, 228 K. 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 612 P.2d 595.

44-202. Same; penalty. Any officer of the state of Kansas or any municipality thereof, having charge of or control over any such public work, who shall violate the provisions of the next preceding section, shall upon conviction thereof be deemed guilty of a misdemeanor and punished by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment.

History: R.S. 1923, 44-202; Dec. 27.

Source or prior law:

L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1.

Revision note, 1923:

See Revision Notes, 1923 under 44-201.

Research and Practice Aids:

Hatcher's Digest, Criminal Law § 1; Master and Servant § 8.

CASE ANNOTATIONS

1. History of section discussed in construing 44-201. *States v. Blaser*, 138 K. 447, 453, 26 P.2d 593.
2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. *Topeka Bldg. & Construction Trades Council v. Leahy*, 187 K. 112, 115, 353 P.2d 641.

44-203. Same; eight-hour day; exceptions. That eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed or who may hereafter be employed by or on behalf of the state of Kansas, or by or on behalf of any county, city, township or other municipality of said state, except in cases of extraordinary emergency, which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons so employed by or on behalf of the state of Kansas, or any county, city, township or other municipality of said state.

And laborers, workmen, mechanics and

other persons employed by contractors or subcontractors in the execution of any contract or contracts with the state of Kansas, or with any county, city, township or other municipality thereof, shall be deemed to be employed by or on behalf of the state of Kansas, or of such county, city, township or other municipality thereof: *Provided further*, That any cities of the second or third class owning or operating municipal light and water plants be and the same are hereby exempted from the provisions of this act: *Provided further*, That this act shall not apply to township or county work in dragging or grading dirt roads: *Provided further*, That the provisions of this act in regard to hours worked per calendar day shall not apply to the construction, reconstruction, maintenance, or the production, of local materials for: Highways, roads, streets, and all the structures and drainage in connection therewith; sewer systems, waterworks systems, dams and levees, canals, drainage ditches, airport grading, drainage, surfacing, seeding and planting.

History: L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1; L. 1923, ch. 157, § 1; R.S. 1923, 44-203; L. 1947, ch. 286, § 2; April 7.

Revisor's Note:

Laws of 1923, ch. 157, § 1; amended L. 1913, ch. 220, § 1, which was also revised in 1923 and appears as 44-201, as amended by L. 1931, ch. 214, § 1.

Research and Practice Aids:

Hatcher's Digest, Master and Servant §§ 6 to 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. History of section discussed in construing 44-201. State v. Blaser, 138 K. 447, 454, 26 P.2d 593.

2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 113, 114, 115, 353 P.2d 641.

44-204. Contracts of state or municipality, basis. That all contracts hereafter made by or on behalf of the state of Kansas, or by or on behalf of any county, city, township, or other municipality of said state, with any corporation, person or persons, for the performance of any work or the furnishing of any material manufactured within the state of Kansas, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work

more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in sections 44-201 and 44-203 of the Session Laws of 1947.

History: L. 1891, ch. 114, § 2; R.S. 1923, 44-204; L. 1947, ch. 286, § 3; April 7.

Research and Practice Aids:

Hatcher's Digest, Master and Servant § 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. Cited in discussing criminal liability under 44-201. State v. Blaser, 138 K. 447, 448, 453, 26 P.2d 593.

2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 115, 353 P.2d 641.

44-205. Penalty for violating 44-203 and 44-204. That any officer of the state of Kansas, or of any county, city, township or municipality of said state, or any person acting under or for such officer, or any contractor with the state of Kansas, or any county, city, township or other municipality thereof, or other person violating any of the provisions of this act, shall for each offense be punished by a fine of not less than \$50 nor more than \$1,000, or by imprisonment not more than six months, or both fine and imprisonment, in the discretion of the court.

History: L. 1891, ch. 114, § 3; May 20; R.S. 1923, 44-205.

Research and Practice Aids:

Hatcher's Digest, Criminal Law § 1; Master and Servant § 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. Cited in discussing criminal liability under 44-201. State v. Blaser, 138 K. 447, 453, 26 P.2d 593.

2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 115, 353 P.2d 641.

Article 3.—PAYMENT OF WAGES

44-301.

History: R.S. 1923, 44-301; L. 1931, ch. 215, § 1; Repealed, L. 1973, ch. 204, § 15; July 1.

Source or prior law:

L. 1893, ch. 187, § 1; L. 1915, ch. 165, § 1.

Revisor's Note:

New act, see 44-313 et seq.

CASE ANNOTATIONS

1. Employee may waive right by making settlement. Howell v. Machine Co., 86 K. 537, 121 P. 366.

hours

MEMORANDUM

TO: Joint Committee on State Building Construction

FROM: James A. Wilson, Senior Assistant Revisor

RE: K.S.A. 44-201 to 44-205, inclusive (Eight-Hour Days on Public Work Law) -- Summary of Statutory History

L. 1891, Ch. 114, Sections 1 to 4

The law generally provided in section 1 that eight hours would constitute a day's work for workers employed by or on behalf of the state or any local government except "in cases of extraordinary emergency which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. . . [except] that in all such cases the [worker] shall be paid on the basis of eight hours constituting a day's work. . . ."

It provided further that not less than the "current rate of per diem wages in the locality where the work is performed" was to be paid persons so employed. Workers employed by contractors or subcontractors under contracts with the state or any local government would be "deemed to be employed by or on behalf of "such entities.

Section 2 provided that all contracts with the state or any local government for "the performance of any work or the furnishing of any materials manufactured within. . . Kansas" would be considered to be made on the basis of a day's work constituting eight hours. It was declared unlawful to "require or permit" workers under such contracts to work more than eight hours per day, except under the conditions permitted by section 1.

Section 3 imposed a penalty upon any officer of the state or any local government or any other person violating any provisions of the act. The penalty was a fine of from \$50 to \$1,000 or up to six months' imprisonment, or both.

The remaining substantive section provided an exemption for existing contracts.

L. 1913, Ch. 220, Section 1

This act amended section 1 of the 1891 enactment to provide an exemption for cities of the second and third class which own and operate municipal light and water plants. This language appears in the current provisions of K.S.A. 44-203.

Laws of 1923

The law was amended twice in 1923. The first amendment was by the enactment of the Revised Statutes of 1923. The Revision Commission had rewritten and consolidated the law into two sections which appear now as K.S.A. 44-201 and 44-202. K.S.A. 44-202 declared that violations of K.S.A. 44-201 would constitute a misdemeanor and prescribed the penalty therefor.

The second amendment was by L. 1923, ch. 157, section 1, which inserted an additional exemption. Township or county work in dragging or grading dirt roads was exempted. This language appears in the current provisions of K.S.A. 44-203. The conflict was resolved by publishing both acts.

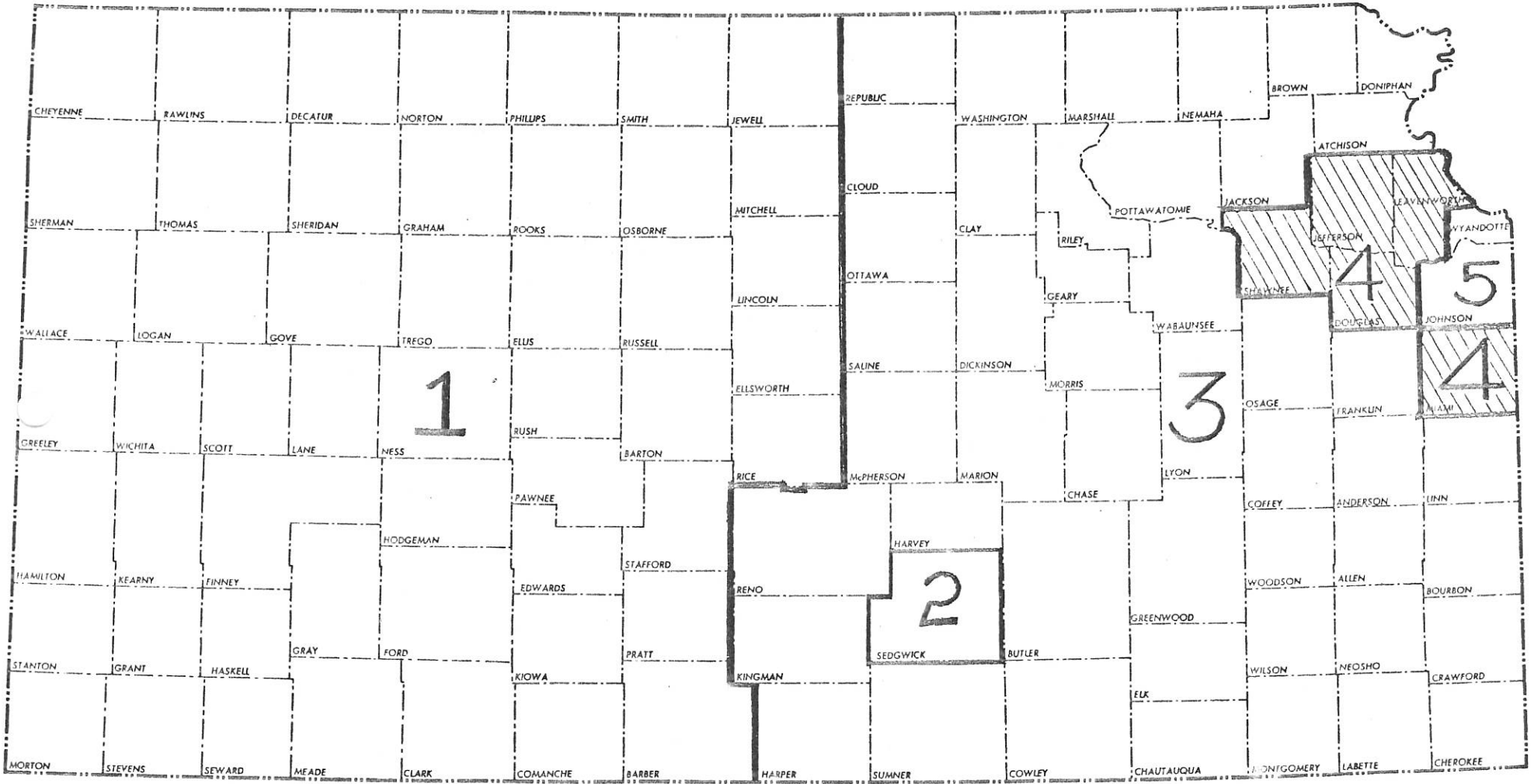
L. 1931, Ch. 214, Section 1

This act amended K.S.A. 44-201 to insert the current definitions of the "current rate of per diem wages" and "locality." The section was also amended by inserting commas so that it slightly expanded or clarified the exceptions to read: . . . except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life."

L. 1947, Ch. 286, Sections 1 and 2

This act amended both K.S.A. 44-201 and 44-203 (the "twin" sections occasioned by the 1923 enactments) to provide that the provisions of the law regarding hours worked per calendar day would not apply, generally, to construction and maintenance, or the production of local materials for, roads and highways, sewer and waterworks systems, dams, levees, canals, drainage ditches and airport runway areas.

KANSAS



SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita

DECISION NO.: KS83-4028

DATE: April 15, 1983

Supersedes Decision No. KS82-4009 dated March 26, 1982, in 47 FR 13105

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, Tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA I

	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	\$6.26	
Asphalt Paving Machine Operator	6.80	
Asphalt Plant Operator	7.10	
Asphalt Raker	6.00	
Backhoe Operator	7.78	
Batching Plant Scaleman	5.32	
Blowing Mechanism or Mulch Seeder Operator	6.00	
Brick, Block and Stonesetter	8.20	
Bulldozer Operator (Push Cat)	7.55	
Carpenter	8.00	
Carpenter (rough)	6.16	
Concrete Finisher	6.94	
Crane or any Machine Power Swing	7.75	
Crusher and Screening Plant Operator	6.58	
Distributor Operator	6.485	
Electrician	7.94	
Form Liner and Setter	5.60	
Front End Loader Operator	6.49	
Laborer (Construction)	5.064	
Mechanic	7.29	
Mechanic Helper	7.00	
Motor Grader Operator (finish)	7.31	
Motor Grader Operator (rough)	6.70	
Motor Scraper Operator	7.55	
Painters (Structural Steel & Bridge)	8.00	
Paving Equipment Operator	7.71	
Post Driver and/or Auger Operators	6.50	
Reinforcing Steel Setter	6.67	
Roller/Compactor Operator (self-propelled)	6.00	
Rotary Broom Operator	6.00	
Rotomill Operator	6.975	
Sandblaster (Structural Steel & Bridge)	8.00	
Serviceman (Equipment)	5.947	
Spreader Box Operator (self-propelled)	6.00	

Tank Heater Attendant
 Tractor Operator (80 HP or less)
 Tractor Operator (80 HP or more)
 Trenching Machine Operator
 Truck Driver (Single Axle)
 Truck Driver (tandem Axle)
 Truck Driver (triple Axle & Semi)

Basic Hourly Rates	Fringe Benefits
\$4.25	
5.25	
5.655	
6.50	
4.87	
5.38	
6.00	

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas

DECISION NO.: KS83-4029

Supersedes Decision No. KS82-4010 dated March 15, 1982, in 47 FR 13106

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

COUNTY: Sedgwick

DATE: April 15, 1983

AREA II

- Asphalt Paver Screed Operator
- Asphalt Paving Machine Operator
- Asphalt Plant Operator
- Asphalt Raker
- Backhoe Operator
- Bulldozer Operator (Push Cat)
- Carpenter
- Carpenter (rough)
- Concrete Central Mix Plant Operator
- Concrete Finisher
- Concrete Saw Operator
- Crane or any Machine Power Swing
- Distributor Operator
- Electrician
- Form Liner and Setter
- Front End Loader Operator
- Laborer (Construction)
- Mechanic
- Mechanic Helper
- Motor Grader Operator (finish)
- Motor Grader Operator (rough)
- Motor Scraper Operator
- Painters (structural steel & bridge)
- Paving Equipment Operator
- Pavement Breaker Tamper Operator (self-propelled)
- Reinforcing Steel Setter
- Roller/Compactor Operator (self-propelled)
- Rotomill Operator
- Sandblaster (structural steel & bridge)
- Servicemen (equipment)
- Tractor Operator (80 HP or less)
- Tractor Operator (80 HP or more)
- Truck Driver (single axle)
- Truck Driver (tandem axle)
- Truck Driver (triple axle and Semi)

Basic Hourly Rates	Fringe Benefits
\$7.75	
7.33	
7.00	
6.50	
7.85	
8.85	
8.86	
7.85	
7.88	
8.508	
6.03	
8.435	
6.75	
11.50	
8.078	
7.696	
5.25	
8.00	
7.50	
8.30	
7.650	
7.75	
8.00	
8.00	
5.00	
6.55	
7.75	
5.75	
8.00	
7.425	
6.859	
7.733	
6.65	
6.292	
8.00	

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

SUPERSEDEAS DECISION

STATE: Kansas

AREA III Pg. 1 of 2

COUNTIES: Allen, Anderson, Atchinson, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson

HIGHWAY CONSTRUCTION - Geary, Riley, Labette and Saline Counties ONLY

DATE: April 15, 1983

DECISION NO. KS83-4030

Supersedes Decision No. KS82-4011 dated March 15, 1982, in 47 FR 13107
 DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA III

- Asphalt Paver Screed Operator
- Asphalt Paving Machine Operator
- Asphalt Plant Operator
- Asphalt Raker
- Backhoe Operator
- Batching Plant Scaleman
- Blowing Mechanism or Mulch Seeder Operator
- Brick, Block and Stonesetter
- Bulldozer Operator (Push Cat)
- Carpenter
- Carpenter (rough)
- Concrete Central Mix Plant Operator
- Concrete Finisher
- Concrete Saw Operator
- Crane or any Machine Power Swing
- Crusher and Screening Plant Operator
- Distributor Operator
- Electrician
- Form Liner and Setter
- Front End Loader Operator
- Laborer (Construction)
- Mechanic
- Mechanic Helper
- Motor Grader Operator (finish)
- Motor Grader Operator (rough)
- Motor Scraper Operator
- Paving Equipment Operator
- Piledriverman
- Post Driver and/or Auger Operator
- Reinforcing Steel Setter
- Roller/Compactor Operator (self-propelled)
- Rotary Broom Operator

Basic Hourly Rates	Fringe Benefits
7.00	
9.00	
9.50	
7.33	
7.44	
4.75	
5.00	
6.28	
7.70	
7.88	
6.685	
7.30	
7.978	
6.121	
7.83	
5.00	
7.09	
8.27	
6.57	
9.17	
5.79	
7.70	
6.13	
11.23	
7.72	
7.70	
9.00	
6.87	
7.00	
5.76	
8.14	
5.00	

DECISION NO. KS83-4030

AREA III Pg. 2 of 2

- Rotomill Operator
- Sandblaster (Structural Steel & Bridge)
- Serviceman (equipment)
- Spreader Box Operator (self-propelled)
- Steelworker (Structural)
- Tractor Operator (80 HP or less)
- Tractor Operator (80 HP or more)
- Trenching Machine Operator
- Truck Driver (Single Axle)
- Truck Driver (Tandem Axle)
- Truck Driver (Triple Axle and Semi)
- Welder

	Basic Hourly Rates	Fringe Benefits
	5.00	
	4.54	
	7.99	
	7.70	
	10.15	
	6.152	
	6.12	
	5.35	
	5.683	
	6.18	
	8.04	
	7.98	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract c clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. KS83-4030 - MOD. #1

- (48 FR 16409 - March 15, 1983)
- Allen, Anderson, Atchinson,
 - Bourbon, Brown, Butler,
 - Chase, Chautaugua, Chero-
 - kee, Clay, Cloud, Coffey,
 - Cowley, Crawford, Dickin-
 - son, Doniphan, Elk, Frank-
 - lin, Geary, Greenwood,
 - Harper, Harvey, Jackson,
 - Kingman, Labette, Linn,
 - Lyon, Marion, Marshall,
 - McPherson, Montgomery,
 - Morris, Nemaha, Neosho,
 - Osage, Ottawa, Pottawato-
 - mie, Reno, Republic, Riley,
 - Saline, Sumner, Wabaunsee,
 - Washington, Wilson, and
 - Woodson Counties, Kansas

	Basic Hourly Rates	Fringe Benefits
ADD: Painters (structural steel & bridge)	\$7.25	

SUPERSEDEAS DECISION

AREA 4

STATE: KANSAS

COUNTIES: Douglas, Jefferson,
Leavenworth, Miami and Shawnee

DECISION NO.: KS83-4066

DATE: September 9, 1983

Supersedes Decision No. KS83-4015 dated February 4, 1983 in 48 FR 5443.

DESCRIPTION OF WORK: Highway Construction.

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
<u>CARPENTERS & PILEDRIVER-MEN:</u>			<u>LABORERS (Cont'd):</u>		
Zone 1	\$11.20	1.80	Zone 2		
Zone 2	16.05	2.67	Group 1	\$ 8.45	2.30
Zone 3	SEE MOD. # 1	1.80	Group 2	8.60	2.30
<u>CEMENT MASONS:</u>			Group 3	8.70	2.30
Zone 1	SEE MOD. # 2	1.95	Group 4	8.85	2.30
Zone 2	12.50	1.05	Zone 3		
Zone 3	12.20	1.05	Group 1	9.05	2.05
<u>ELECTRICIANS:</u>			Group 2	9.20	2.05
Zone 1	16.18	10%+ 2.51	Group 3	9.30	2.05
Zone 2	15.55	3%+ 2.13	Group 4	9.45	2.05
<u>IRONWORKERS</u>			Zone 4		
<u>LINE CONSTRUCTION:</u>			Group 1	8.00	2.30
Zone 1:			Group 2	8.15	2.30
Lineman	18.28	3-1/2% +1.06	Group 3	8.25	2.30
Lineman Operator	17.02	3-1/2% +1.06	Group 4	8.40	2.30
Groundman Powderman	12.68	3-1/2% +1.06	<u>POWER EQUIPMENT OPERATORS</u>		
Groundman	12.05	3-1/2% +1.06	<u>Zone 1: Leavenworth</u>		
<u>Zone 2:</u>			<u>County</u>		
Lineman	15.97	3-1/2% +.65	Group 1	14.00	3.77
Cable Splicers	16.77	3-1/2% +.65	Group 2	13.75	3.77
Groundman	9.67	3-1/2% +.65	Group 3	SEE MOD. # 2	3.77
Powderman	13.19	3-1/2% +.65	Group 4		
Line Truck & Equip- ment Operator	13.19	3-1/2% +.65	a	9.03	3.77
<u>LABORERS:</u>			b	12.05	3.77
Zone 1			<u>Zone 2: Jefferson,</u>		
Group 1	7.65	2.30	<u>Miami, Douglas</u>		
Group 2	7.80	2.30	<u>& Shawnee Cos.:</u>		
Group 3	7.90	2.30	Group 1	12.87	2.70
Group 4	8.05	2.30	Group 2	12.62	2.70
			Group 3	12.37	2.70
			Group 4	12.02	2.70
			Group 4A	12.12	2.70

	Basic Hourly Rates	Fringe Benefits
<u>TRUCK DRIVERS</u>		
<u>Zone 1: Leavenworth & Miami Counties:</u>		
Group 1	\$12.66	3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50
<u>Zone 2: Douglas, Shawnee and Jefferson Counties</u>		
Group 1	9.40	1.75
Group 2	9.50	1.75
Group 3	9.65	1.75

SEE MOD. # 1

ZONE DESCRIPTIONS

CARPENTERS AND PILED RIVERMEN:

- Zone 1: Douglas, Shawnee and Jefferson Counties
- Zone 2: Leavenworth County
- Zone 3: Miami County

CEMENT MASONS:

- Zone 1: Leavenworth and Miami Counties
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Jefferson County

ELECTRICIANS:

- Zone 1: Leavenworth County (Delaware, High Prairie & Kickapoo Townships) City of Leavenworth & Fort Leavenworth Military Reservation
- Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:

- Zone 1: Leavenworth County, north of Fairmont Strainger, and Tanganoxie Townships
- Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:

- Zone 1: Jefferson County
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Leavenworth County
- Zone 4: Miami County

ZONE DESCRIPTIONS - (Cont'd)

TRUCK DRIVERSZone 1:

- Group 1 - One Team; Station Wagons; Pickup Trucks; Material trucks, single axle; Tank Wagon Drivers, single axle
- Group 2 - Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Insley Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment
- Group 3 - A-frame; Lowboy; Boom Truck Drivers
- Group 4 - Mechanics and Welders
- Group 5 - Oilers and Greasers

Zone 2:

- Group 1 - Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle
- Group 2 - Tandem Trucks; Warehousemen or Partsman; Mechanic Helpers and Servicemen.
- Group 3 - Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Atheys, Dumpsters and similar off-road equipment and mechanics on such equipment

CLASSIFICATION DEFINITIONS

LABORERS

- Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers
- Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Gradenen; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator
- Group 3 - Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)
- Group 4 - Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Guniting Nozzleman; Sanitary Sewer pipe Layer; Steel Plate Structure Erectors

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORSZone 1: Leavenworth County;

Group 1 - Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4:

a - Oilers

b - Oiler driver, all types

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORSZone 2: Jefferson & Miami Counties:

Group 1 - Asphalt Paver & Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, Self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

POWER EQUIPMENT OPERATORSZone 3: Douglas & Shawnee Counties:

Group 1 - Asphalt Paver and Spreader; Backhoe, Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixer-Mobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operators, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Zone 3: Douglas & Shawnee Counties (Cont'd):

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 H.P.; Self-propelled Operator, other than asphalt siphons and jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow; Disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION #KS83-4066-Mod.#1
(48 FR 40838-September 9, 1983)

Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters: Zone 3	\$15.14	\$ 1.80
Truck Drivers: Zone 1 (Leavenworth & Miami Cos)		
Group 1	12.76	3.75
Group 2	12.96	3.75
Group 3	13.27	3.75
Group 4	13.42	3.75
Group 5	12.54	3.75

DECISION #KS83-4066-MOD#2
(48 FR 40838-September 9, 1983)

Douglas, Jefferson, Miami, Leavenworth and Shawnee Counties, Kansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Cement Masons: Zone 1	\$15.17	\$1.95
<u>POWER EQUIPMENT OPERATOR OPERATORS:</u>		
<u>Zone 1: Leavenworth County</u>		
GROUP 1	14.10	3.92
GROUP 2	13.85	3.92
GROUP 3	13.15	3.92
GROUP 4		
a	9.13	3.92
b	12.15	3.92

SUPERSEDEAS DECISION

AREA #5

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Missouri; Johnson & Wyandotte Cos., Kansas

DECISION NO: MO83-4043

DATE: June 3, 1983

Supersedes Decision NO. MO82-4013 dated April 9, 1982 in 47 FR 15497.

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson & Wyandotte Cos., Kansas only.

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
Asbestos Workers	17.29	4.26	Electricians (Cont'd):		
Boilermakers	16.12	2.825	Cass Co., Mo. not including Pleasant Hill:		
Bricklayers & Stonemasons	14.44	3.98	Electricians	16.18	10%+ 2.51
Carpenters:			Zone 2 - Henry, Johnson & Lafayette Cos., Mo. & remainder of Clay, Jackson, Platte & Cass Cos., Mo.:		
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			Electricians (contracts exceeding 2000 man hrs.)	16.18	10%+ 2.51
Carpenters, Lathers, Millwrights & Pile-drivermen	15.05	2.07	Electricians (contracts not exceeding 2000 man hrs.)	15.18	10%+ 2.51
Zone 2 - Henry County, Mo.:			Zone 3 - Ray Co., Mo:		
Carpenters & Lathers	13.55	2.07	Electricians (contracts exceeding 2000 man hrs)	16.18	10%+ 2.51
Millwrights & Pile-drivermen	15.05	2.07	Electricians (contracts not exceeding 2000 man hrs.)	14.58	10%+ 2.51
Zone 3 - Johnson Co., Mo.:			Zone 4 - Johnson & Wyandotte Cos., Kansas	16.18	10%+ 2.51
Carpenters & Lathers	14.075	2.07	Elevator Constructors	16.53	2.465 +a
Millwrights & Pile-drivermen	15.05	2.07	Elevator Constructors' Helpers	70%JR	2.465 +a
Cement Masons (Building Construction):			Elevator constructors' Helpers (Prob.)	50%JR	
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.;			Glaziers	14.72	2.66- 15.485
Johnson & Wyandotte Cos., Kansas:			Ironworkers:		
Cement Masons	15.075	1.95	Zone 1 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Mo.	16.25	4.25
Zone 2 - Henry & Johnson Cos., Mo.	13.98		Zone 2 - Johnson & Wyandotte Cos., Kansas	16.135	4.25
Cement Masons (Heavy & Highway Construction):					
Johnson & Wyandotte Cos., Kansas	15.17	1.95			
Electricians:					
Zone 1 - Western half of Clay & Jackson Cos., Mo. not including Blue Springs; Northern half of Platte Co., Mo.;					
Northwestern portion of					

	Basic Hourly Rates	Fringe Benefits	Line Construction: (Con'd)	Basic Hourly Rates	Fringe Benefits
Laborers:					
Building Construction:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			including C.A.T.V. Work):		
Group 1	12.30	1.85	Cable splicers; air pressure technicians; central office equipment man	10.96	3%+.45
Group 2	12.45	1.85	Telephone lineman & installer repairman;		
Group 3	12.60	1.85	C.A.T.V. terminator; equipment operator (1/4 yd. backhoe & larger & D-4 crawlers & larger:	10.39	3%+.45
Zone 3 - Henry & Johnson Cos., Mo.:			Equipment operator (trenchers & all other equipment)	9.11	3%+.45
Group 1	9.575	2.55	Groundman-winch driver	7.87	3%+.45
Group 2	9.675	2.55	Groundman	6.36	3%+.45
Group 3	9.90	2.55			
Site preparation & grading, Heavy & Highway Construction:			Line Construction (Railroad & Cross Country Transmission Lines):		
Zone 4 - Johnson & Wyandotte Cos., Kansas:			Zone 4 - Wyandotte Co. & Johnson Co.-that portion east of Monticello Olathe & Spring Hill Townships:		
Group 1	12.02	3.30	Lineman	15.62	3-1/2% +1.06
Group 2	12.82	3.30	Lineman Operator	14.45	3-1/2% +1.06
Line Construction:			Groundman, Powderman	10.75	3-1/2% +1.06
Zone 1 - Cass, Clay, Jackson, Platte & Ray Cos., Mo.; Wyandotte & remainder of Johnson Cos., Kansas:			Groundman	10.03	3-1/2% +1.06
Linemen	18.28	3-1/2% +1.06	Pole Treating: Pole treating specialist	16.35	3-1/2% +1.06
Linemen Operator	17.02	3-1/2% +1.06	Pole treating inspector	15.62	3-1/2% +1.06
Groundman	12.05	3-1/2% +1.06	Pole treating truck driver	10.75	3-1/2% +1.06
Zone 2 - Western 3/4 of Johnson Co., Kansas:			Pole treating groundman	10.03	3-1/2% +1.06
Lineman	15.50	3-1/2% +.65	Marble & Tile Setters	16.55	10%
Cable Splicers	16.28	3-1/2% +.65	Marble & Tile Setters Finishers	14.40	
Groundman	9.56	3-1/2% +.65			
Powderman	12.81	3-1/2% +.65			
Line Truck & Equipment Operators	12.81	3-1/2% +.65			
Zone 3 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Mo.; Wyandotte Co. & Johnson Co.-that portion east of Monticello, Olathe & Spring Hill Townships Kansas:					
Line Construction (Telephone & Telegraph Work-					

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
Painters:			Roofers:		
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman AFB), Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			Roofers	16.48	2.71
Brush & Tapers	15.04	1.40	Sheet Metal Workers	16.65	2.63
Spray	16.04	1.40	Soft Floor Layers	11.21	11%+ 1.95
Zone 2 - Johnson Co., Mo. (Whitman AFB only):			Sprinkler Fitters	17.83	2.81
Brush	14.25		Sprinkler Fitters (Henry, Johnson & Lafayette Cos., Mo.)	16.67	2.83
Spray	15.25		Terrazzo Workers:		
Plasterers:			Terrazzo Workers	15.31	10%
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas	17.25		Terrazzo Workers Finishers	13.58	
Zone 2 - Henry & Johnson Cos., Mo.	12.51		Terrazzo Base Machine	13.93	
Pipefitters	17.44	3.22	Truck Drivers:		
Plumbers	17.96	2.70	Building Construction:		
Power Equipment Operators:			Group I	14.085	2.75
Building Construction:			Group II	14.135	2.75
Group I	15.46	3.75	Group III	14.21	2.75
Group II	15.11	3.75	Group IV	14.335	2.75
Group III:			Group V	14.235	2.75
(a)	10.05	3.75	Group VI	14.435	2.75
(b)	13.21	3.75	Group VII	14.285	2.75
(c)	10.85	3.75	Group VIII	14.185	2.75
(d)	13.46	3.75	Truck Drivers:		
Group IV	15.71	3.75	Site preparation & grading, Heavy & Highway Construction:		
Group V	15.36	3.75	Zone 1 - Johnson & Wyandotte Cos., Kansas		
Group VI	15.96	3.75	Group I	12.66	3.50
Group VII:			Group II	12.86	3.50
(a)	15.21	3.75	Group III	13.17	3.50
(b)	14.96	3.75	Group IV	13.32	3.50
(c)	12.96	3.75	Group V	12.44	3.50
Group VIII	16.46	3.75			
Group IX	15.96	3.75			
Site preparation & grading, Heavy & Highway Construction:					
Zone 1 - Johnson & Wyandotte Cos., Kansas:					
Group I	14.10	3.92			
Group II	13.85	3.92			
Group III	13.15	3.92			
Group IV:					
(a)	9.13	3.92			
(b)	12.15	3.92			
Group V	14.35	3.92			

FOOTNOTES: a - Employer contributes 8% of basic hourly rate for over 5 yrs. of service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS - (Building Construction Zone 1):

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; hose man; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzle men; wagon and churn drill operators

LABORERS: (Zone 3):

Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; signal men; all other general laborers

Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders or pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man

Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tampers; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzle men; head pipe layer or sewer work; man working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS: (Site Preparation)

Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, Air tool operators; cement handler (bulk or sack); chain or concrete saw; deckhands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only); crusher feeder; men handling creosote ties or

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS: (Site Preparation) (Cont'd):

creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used

Group 2 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gun-nite nozzlemen; rubbing concrete; air tool operator in tunnels; Manhole builder (brick or block); dynamite and powder man

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tander; compressors sigle, truck mounted; elevator; finishing machine

Group III -

- (a) Oilers
- (b) Fork lift-masonry
- (c) Oiler driver
- (d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -

Clanshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd):Group V

Hoists-each additional drum over 1 drum

Group VI

Crane or rigs, over 200 ft. of boom

Group VII

Ready Mixed Concrete Plants;

(a) Crane operator

(b) Loader operator & plant man

(c) Conveyor Operator

Group VIII

Master Mechanic

Group IX

Crane-tower or climbing

POWER EQUIPMENT OPERATORS: (Site Preparation)

- Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2
- Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydraulic hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.
- Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

CLASSIFICATIONS DEFINITIONS (Cont'd)**POWER EQUIPMENT OPERATORS: (Site Preparation - Cont'd):****Group IV**

(a) Oilers

(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over; men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

TRUCK DRIVERS - (Building Construction):

Group I - Warehousemen and stock man

Group II - Flat beds; pick-ups; drum trucks, under 10 yds.

Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumfter, euclid, etc.); double bottom units (20 tons capacity and over)

Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

Group VI - Mechanics

Group VII - Transit mix, 5 yds. and over

Group VIII - Transit mix, under 5 yds.

TRUCK DRIVERS - (Site Preparation)

Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

Group III - A-frame, lowboy, and boom truck driver

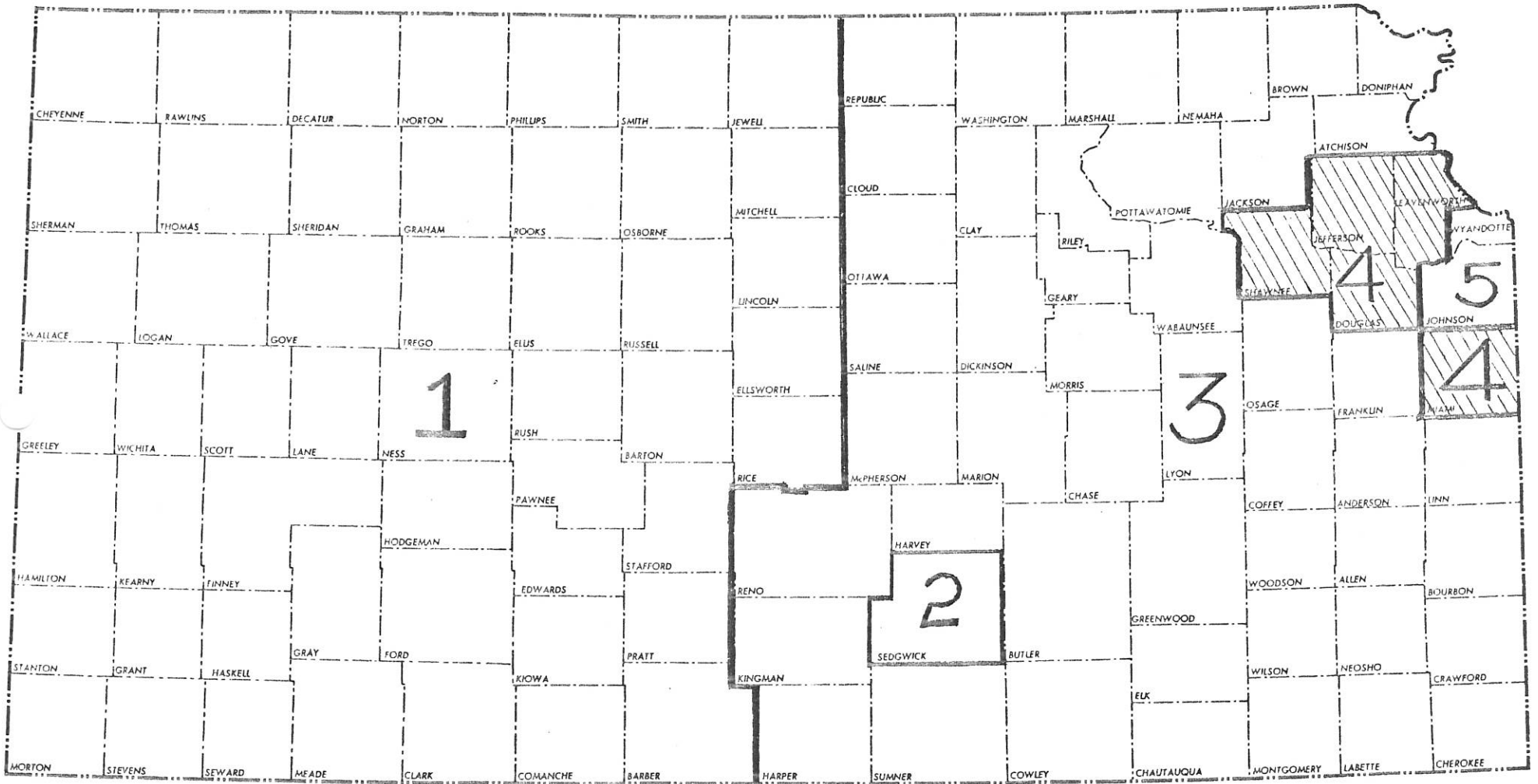
Group IV - Mechanics and welders

Group V - Oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

KANSAS



SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita

DECISION NO.: KS83-4028

DATE: April 15, 1983

Supersedes Decision No. KS82-4009 dated March 26, 1982, in 47 FR 13105

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, Tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA I

	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	\$6.26	
Asphalt Paving Machine Operator	6.80	
Ashphalt Plant Operator	7.10	
Asphalt Raker	6.00	
Backhoe Operator	7.78	
Batching Plant Scaleman	5.32	
Blowing Mechanism or Mulch Seeder Operator	6.00	
Brick, Block and Stonesetter	8.20	
Bulldozer Operator (Push Cat)	7.55	
Carpenter	8.00	
Carpenter (rough)	6.16	
Concrete Finisher	6.94	
Crane or any Machine Power Swing	7.75	
Crusher and Screening Plant Operator	6.58	
Distributor Operator	6.485	
Electrician	7.94	
Form Liner and Setter	5.60	
Front End Loader Operator	6.49	
Laborer (Construction)	5.064	
Mechanic	7.29	
Mechanic Helper	7.00	
Motor Grader Operator (finish)	7.31	
Motor Grader Operator (rough)	6.70	
Motor Scraper Operator	7.55	
Painters (Structural Steel & Bridge)	8.00	
Paving Equipment Operator	7.71	
Post Driver and/or Auger Operators	6.50	
Reinforcing Steel Setter	6.67	
Roller/Compactor Operator (self-propelled)	6.00	
Rotary Broom Operator	6.00	
Rotomill Operator	6.975	
Sandblaster (Structural Steel & Bridge)	8.00	
Serviceman (Equipment)	5.947	
Spreader Box Operator (self-propelled)	6.00	

Tank Heater Attendant
 Tractor Operator (80 HP or less)
 Tractor Operator (80 HP or more)
 Trenching Machine Operator
 Truck Driver (Single Axle)
 Truck Driver (tandem Axle)
 Truck Driver (triple Axle & Semi)

Basic Hourly Rates	Fringe Benefits
\$4.25	
5.25	
5.655	
6.50	
4.87	
5.38	
6.00	

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas

COUNTY: Sedgwick

DECISION NO.: KS83-4029

DATE: April 15, 1983

Supersedes Decision No. KS82-4010 dated March 15, 1982, in 47 FR 13106

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA II

	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	\$7.75	
Asphalt Paving Machine Operator	7.33	
Asphalt Plant Operator	7.00	
Asphalt Raker	6.50	
Backhoe Operator	7.85	
Bulldozer Operator (Push Cat)	8.85	
Carpenter	8.86	
Carpenter (rough)	7.85	
Concrete Central Mix Plant Operator	7.88	
Concrete Finisher	8.508	
Concrete Saw Operator	6.03	
Crane or any Machine Power Swing	8.435	
Distributor Operator	6.75	
Electrician	11.50	
Form Liner and Setter	8.078	
Front End Loader Operator	7.696	
Laborer (Construction)	5.25	
Mechanic	8.00	
Mechanic Helper	7.50	
Motor Grader Operator (finish)	8.30	
Motor Grader Operator (rough)	7.650	
Motor Scraper Operator	7.75	
Painters (structural steel & bridge)	8.00	
Paving Equipment Operator	8.00	
Pavement Breaker Tamper Operator (self-propelled)	5.00	
Reinforcing Steel Setter	6.55	
Roller/Compactor Operator (self- propelled)	7.75	
Rotomill Operator	5.75	
Sandblaster (structural steel & bridge)	8.00	
Servicemen (equipment)	7.425	
Tractor Operator (80 HP or less)	6.859	
Tractor Operator (80 HP or more)	7.733	
Truck Driver (single axle)	6.65	
Truck Driver (tandem axle)	6.292	
Truck Driver (triple axle and Semi)	8.00	

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

SUPERSEDEAS DECISION

STATE: Kansas

AREA III Pg. 1 of 2

COUNTIES: Allen, Anderson, Atchinson, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson

HIGHWAY CONSTRUCTION - Geary, Riley, Labette and Saline Counties ONLY

DATE: April 15, 1983

DECISION NO. KS83-4030

Supersedes Decision No. KS82-4011 dated March 15, 1982, in 47 FR 13107
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA III

Asphalt Paver Screed Operator
Asphalt Paving Machine Operator
Asphalt Plant Operator
Asphalt Raker
Backhoe Operator
Batching Plant Scaleman
Blowing Mechanism or Mulch Seeder Operator
Brick, Block and Stonesetter
Bulldozer Operator (Push Cat)
Carpenter
Carpenter (rough)
Concrete Central Mix Plant Operator
Concrete Finisher
Concrete Saw Operator
Crane or any Machine Power Swing
Crusher and Screening Plant Operator
Distributor Operator
Electrician
Form Liner and Setter
Front End Loader Operator
Laborer (Construction)
Mechanic
Mechanic Helper
Motor Grader Operator (finish)
Motor Grader Operator (rough)
Motor Scraper Operator
Paving Equipment Operator
Piledriverman
Post Driver and/or Auger Operator
Reinforcing Steel Setter
Roller/Compactor Operator (self-propelled)
Rotary Broom Operator

Basic Hourly Rates	Fringe Benefits
7.00	
9.00	
9.50	
7.33	
7.44	
4.75	
5.00	
6.28	
7.70	
7.88	
6.685	
7.30	
7.978	
6.121	
7.83	
5.00	
7.09	
8.27	
6.57	
9.17	
5.79	
7.70	
6.13	
11.23	
7.72	
7.70	
9.00	
6.87	
7.00	
5.76	
8.14	
5.00	

DECISION NO. KS83-4030

AREA III Pg. 2 of 2

- Rotomill Operator
- Sandblaster (Structural Steel & Bridge)
- Serviceman (equipment)
- Spreader Box Operator (self-propelled)
- Steelworker (Structural)
- Tractor Operator (80 HP or less)
- Tractor Operator (80 HP or more)
- Trenching Machine Operator
- Truck Driver (Single Axle)
- Truck Driver (Tandem Axle)
- Truck Driver (Triple Axle and Semi)
- Welder

Basic Hourly Rates	Fringe Benefits
5.00	
4.54	
7.99	
7.70	
10.15	
6.152	
6.12	
5.35	
5.683	
6.18	
8.04	
7.98	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract c clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. KS83-4030 - MOD. #1
 (48 FR 16409 - March 15, 1983)

- Allen, Anderson, Atchinson
- Bourbon, Brown, Butler,
- Chase, Chautaugua, Cherokee, Clay, Cloud, Coffey,
- Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood,
- Harper, Harvey, Jackson,
- Kingman, Labette, Linn,
- Lyon, Marion, Marshall,
- McPherson, Montgomery,
- Morris, Nemaha, Neosho,
- Osage, Ottawa, Pottawatomie, Reno, Republic, Riley,
- Saline, Sumner, Wabaunsee,
- Washington, Wilson, and Woodson Counties, Kansas

Basic Hourly Rates	Fringe Benefits
\$7.25	

ADD:
 Painters (structural steel & bridge)

SUPERSEDEAS DECISION

AREA 4

STATE: KANSAS

COUNTIES: Douglas, Jefferson,
Leavenworth, Miami and Shawnee

DECISION NO.: KS83-4066

DATE: September 9, 1983

Supersedes Decision No. KS83-4015 dated February 4, 1983 in 48 FR 5443.

DESCRIPTION OF WORK: Highway Construction.

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
<u>CARPENTERS & PILEDRIVER-MEN:</u>			<u>LABORERS (Cont'd):</u>		
Zone 1	\$11.20	1.80	<u>Zone 2</u>		
Zone 2	16.05	2.67	Group 1	\$ 8.45	2.30
Zone 3	SEE MOD. # 1 15.04	1.80	Group 2	8.60	2.30
<u>CEMENT MASONS:</u>			Group 3	8.70	2.30
Zone 1	SEE MOD. # 2 14.97	1.95	Group 4	8.85	2.30
Zone 2	12.50	1.05	<u>Zone 3</u>		
Zone 3	12.20	1.05	Group 1	9.05	2.05
<u>ELECTRICIANS:</u>			Group 2	9.20	2.05
Zone 1	16.18	10%+ 2.51	Group 3	9.30	2.05
Zone 2	15.55	3%+ 2.13	Group 4	9.45	2.05
<u>IRONWORKERS</u>			<u>Zone 4</u>		
	16.25	4.25	Group 1	8.00	2.30
<u>LINE CONSTRUCTION:</u>			Group 2	8.15	2.30
<u>Zone 1:</u>			Group 3	8.25	2.30
Lineman	18.28	3-1/2% +1.06	Group 4	8.40	2.30
Lineman Operator	17.02	3-1/2% +1.06	<u>POWER EQUIPMENT OPERATORS</u>		
Groundman Powderman	12.68	3-1/2% +1.06	<u>Zone 1: Leavenworth</u>		
Groundman	12.05	3-1/2% +1.06	<u>County</u>		
<u>Zone 2:</u>			Group 1	14.00	3.77
Lineman	15.97	3-1/2% +.65	Group 2	13.75	3.77
Cable Splicers	16.77	3-1/2% +.65	Group 3	13.05	3.77
Groundman	9.67	3-1/2% +.65	Group 4	9.03	3.77
Powderman	13.19	3-1/2% +.65	a	12.05	3.77
Line Truck & Equip- ment Operator	13.19	3-1/2% +.65	b		
<u>LABORERS:</u>			<u>Zone 2: Jefferson,</u>		
<u>Zone 1</u>			<u>Miami, Douglas</u>		
Group 1	7.65	2.30	<u>& Shawnee Cos.:</u>		
Group 2	7.80	2.30	Group 1	12.87	2.70
Group 3	7.90	2.30	Group 2	12.62	2.70
Group 4	8.05	2.30	Group 3	12.37	2.70
			Group 4	12.02	2.70
			Group 4A	12.12	2.70

		Basic Hourly Rates	Fringe Benefits
<u>TRUCK DRIVERS</u>			
<u>Zone 1: Leavenworth & Miami Counties:</u>			
Group 1	SEE MOD. # 1	\$12.66	3.50
Group 2		12.86	3.50
Group 3		13.17	3.50
Group 4		13.32	3.50
Group 5		12.44	3.50
<u>Zone 2: Douglas, Shawnee and Jefferson Counties</u>			
Group 1		9.40	1.75
Group 2		9.50	1.75
Group 3		9.65	1.75

ZONE DESCRIPTIONS

CARPENTERS AND PILED RIVERMEN:

- Zone 1: Douglas, Shawnee and Jefferson Counties
- Zone 2: Leavenworth County
- Zone 3: Miami County

CEMENT MASONS:

- Zone 1: Leavenworth and Miami Counties
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Jefferson County

ELECTRICIANS:

- Zone 1: Leavenworth County (Delaware, High Prairie & Kickapoo Townships) City of Leavenworth & Fort Leavenworth Military Reservation
- Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:

- Zone 1: Leavenworth County, north of Fairmont Strainger, and Tanganoxie Townships
- Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:

- Zone 1: Jefferson County
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Leavenworth County
- Zone 4: Miami County

ZONE DESCRIPTIONS - (Cont'd)

TRUCK DRIVERSZone 1:

- Group 1 - One Team; Station Wagons; Pickup Trucks; Material trucks, single axle; Tank Wagon Drivers, single axle
- Group 2 - Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Insley Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment
- Group 3 - A-frame; Lowboy; Boom Truck Drivers
- Group 4 - Mechanics and Welders
- Group 5 - Oilers and Greasers

Zone 2:

- Group 1 - Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle
- Group 2 - Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen
- Group 3 - Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Atheys, Dumpsters and similar off-road equipment and mechanics on such equipment

CLASSIFICATION DEFINITIONS

LABORERS

- Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers
- Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Graders; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator
- Group 3 - Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)
- Group 4 - Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Guniting Nozzleman; Sanitary Sewer pipe Layer; Steel Plate Structure Erectors

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORSZone 1: Leavenworth County;

Group 1 - Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4:

a - Oilers

b - Oiler driver, all types

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORSZone 2: Jefferson & Miami Counties:

Group 1 - Asphalt Paver & Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, Self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

POWER EQUIPMENT OPERATORSZone 3: Douglas & Shawnee Counties:

Group 1 - Asphalt Paver and Spreader; Backhoe, Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixer-Mobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operators, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Zone 3: Douglas & Shawnee Counties (Cont'd):

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 H.P.; Self-propelled Operator, other than asphalt siphons and jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow; Disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION #KS83-4066-Mod.#1
(48 FR 40838-September 9, 1983)

Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas

CHANGE:

Carpenters: Zone 3 \$15.14 \$ 1.80

Truck Drivers: Zone 1
(Leavenworth & Miami Cos)

	Basic Hourly Rates	Fringe Benefits
Group 1	12.76	3.75
Group 2	12.96	3.75
Group 3	13.27	3.75
Group 4	13.42	3.75
Group 5	12.54	3.75

DECISION #KS83-4066-MOD#2
(48 FR 40838-September 9, 1983)

Douglas, Jefferson, Miami, Leavenworth and Shawnee Counties, Kansas

CHANGE:

Cement Masons: Zone 1 \$15.17 \$1.95
POWER EQUIPMENT OPERATOR

OPERATORS:

Zone 1: Leavenworth

County

	Basic Hourly Rates	Fringe Benefits
GROUP 1	14.10	3.92
GROUP 2	13.85	3.92
GROUP 3	13.15	3.92
GROUP 4		
a	9.13	3.92
b	12.15	3.92

SUPERSEDEAS DECISION

AREA #5

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Missouri; Johnson & Wyandotte Cos., Kansas

DECISION NO: MO83-4043

DATE: June 3, 1983

Supersedes Decision NO. MO82-4013 dated April 9, 1982 in 47 FR 15497.

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson & Wyandotte Cos., Kansas only.

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
Asbestos Workers	17.29	4.26	Electricians (Cont'd):		
Boilermakers	16.12	2.825	Cass Co., Mo. not including Pleasant Hill:		
Bricklayers & Stonemasons	14.44	3.98	Electricians	16.18	10%+ 2.51
Carpenters:			Zone 2 - Henry, Johnson & Lafayette Cos., Mo. & remainder of Clay, Jackson, Platte & Cass Cos., Mo.:		
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			Electricians (contracts exceeding 2000 man hrs.)	16.18	10%+ 2.51
Carpenters, Lathers, Millwrights & Pile-drivermen	15.05	2.07	Electricians (contracts not exceeding 2000 man hrs.)	15.18	10%+ 2.51
Zone 2 - Henry County, Mo.:			Zone 3 - Ray Co., Mo:		
Carpenters & Lathers	13.55	2.07	Electricians (contracts exceeding 2000 man hrs)	16.18	10%+ 2.51
Millwrights & Pile-drivermen	15.05	2.07	Electricians (contracts not exceeding 2000 man hrs.)	14.58	10%+ 2.51
Zone 3 - Johnson Co., Mo.:			Zone 4 - Johnson & Wyandotte Cos., Kansas	16.18	10%+ 2.51
Carpenters & Lathers	14.075	2.07	Elevator Constructors	16.53	2.465 +a
Millwrights & Pile-drivermen	15.05	2.07	Elevator Constructors' Helpers	70%JR	2.465 +a
Cement Masons (Building Construction):			Elevator constructors' Helpers (Prob.)	50%JR	
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			Glaziers	14.72	2.66- 15.485
Cement Masons	15.075	1.95	Ironworkers:		
Zone 2 - Henry & Johnson Cos., Mo.	13.98		Zone 1 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Mo.	16.25	4.25
Cement Masons (Heavy & Highway Construction):			Zone 2 - Johnson & Wyandotte Cos., Kansas	16.135	4.25
Johnson & Wyandotte Cos., Kansas	15.17	1.95			
Electricians:					
Zone 1 - Western half of Clay & Jackson Cos., Mo. not including Blue Springs; Northern half of Platte Co., Mo.; Northwestern portion of					

	Basic Hourly Rates	Fringe Benefits	Line Construction: (Con'd)	Basic Hourly Rates	Fringe Benefits
<u>Laborers:</u>					
<u>Building Construction:</u>					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			including C.A.T.V. Work):		
Group 1	12.30	1.85	Cable splicers; air pressure technicians; central office equipment man	10.96	3%+.45
Group 2	12.45	1.85	Telephone lineman & installer repairman; C.A.T.V. terminator; equipment operator (1/4 yd. backhoe & larger & D-4 crawlers & larger:	10.39	3%+.45
Group 3	12.60	1.85	Equipment operator (trenchers & all other equipment)	9.11	3%+.45
Zone 3 - Henry & Johnson Cos., Mo.:			Groundman-winch driver	7.87	3%+.45
Group 1	9.575	2.55	Groundman	6.36	3%+.45
Group 2	9.675	2.55			
Group 3	9.90	2.55	<u>Line Construction (Railroad & Cross Country Transmission Lines):</u>		
<u>Site preparation & grading, Heavy & Highway Construction:</u>			Zone 4 - Wyandotte Co. & Johnson Co.-that portion east of Monticello Olathe & Spring Hill Townships:		
Zone 4 - Johnson & Wyandotte Cos., Kansas:			Lineman	15.62	3-1/2% +1.06
Group 1	12.02	3.30	Lineman Operator	14.45	3-1/2% +1.06
Group 2	12.82	3.30	Groundman, Powderman	10.75	3-1/2% +1.06
<u>Line Construction:</u>			Groundman	10.03	3-1/2% +1.06
Zone 1 - Cass, Clay, Jackson, Platte & Ray Cos., Mo.; Wyandotte & remainder of Johnson Cos., Kansas:					
Linemen	18.28	3-1/2% +1.06	Pole Treating: Pole treating specialist	16.35	3-1/2% +1.06
Linemen Operator	17.02	3-1/2% +1.06	Pole treating inspector	15.62	3-1/2% +1.06
Groundman	12.05	3-1/2% +1.06	Pole treating truck driver	10.75	3-1/2% +1.06
Zone 2 - Western 3/4 of Johnson Co., Kansas:			Pole treating groundman	10.03	3-1/2% +1.06
Lineman	15.50	3-1/2% +.65			
Cable Splicers	16.28	3-1/2% +.65	Marble & Tile Setters	16.55	10%
Groundman	9.56	3-1/2% +.65	Marble & Tile Setters Finishers	14.40	
Powderman	12.81	3-1/2% +.65			
Line Truck & Equipment Operators	12.81	3-1/2% +.65			
Zone 3 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Cos., Mo.; Wyandotte Co. & Johnson Co.-that portion east of Monticello, Olathe & Spring Hill Townships Kansas:					
Line Construction (Telephone & Telegraph Work-					

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
Painters:			Roofers:		
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman AFB), Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:			Roofers	16.48	2.71
Brush & Tapers	15.04	1.40	Sheet Metal Workers	16.65	2.63
Spray	16.04	1.40	Soft Floor Layers	11.21	11%+ 1.95
Zone 2 - Johnson Co., Mo. (Whitman AFB only):			Sprinkler Fitters	17.83	2.81
Brush	14.25		Sprinkler Fitters (Henry, Johnson & Lafayette Cos., Mo.)	16.67	2.83
Spray	15.25		Terrazzo Workers:		
Plasterers:			Terrazzo Workers	15.31	10%
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas	17.25		Terrazzo Workers Finishers	13.58	
Zone 2 - Henry & Johnson Cos., Mo.	12.51		Terrazzo Base Machine	13.93	
Pipefitters	17.44	3.22	Truck Drivers:		
Plumbers	17.96	2.70	Building Construction:		
Power Equipment Operators:			Group I	14.085	2.75
Building Construction:			Group II	14.135	2.75
Group I	15.46	3.75	Group III	14.21	2.75
Group II	15.11	3.75	Group IV	14.335	2.75
Group III:			Group V	14.235	2.75
(a)	10.05	3.75	Group VI	14.435	2.75
(b)	13.21	3.75	Group VII	14.285	2.75
(c)	10.85	3.75	Group VIII	14.185	2.75
(d)	13.46	3.75	Truck Drivers:		
Group IV	15.71	3.75	Site preparation & grading, Heavy & Highway Construction:		
Group V	15.36	3.75	Zone 1 - Johnson & Wyandotte Cos., Kansas		
Group VI	15.96	3.75	Group I	12.66	3.50
Group VII:			Group II	12.86	3.50
(a)	15.21	3.75	Group III	13.17	3.50
(b)	14.96	3.75	Group IV	13.32	3.50
(c)	12.96	3.75	Group V	12.44	3.50
Group VIII	16.46	3.75			
Group IX	15.96	3.75			
Site preparation & grading, Heavy & Highway Construction:					
Zone 1 - Johnson & Wyandotte Cos., Kansas:					
Group I	14.10	3.92			
Group II	13.85	3.92			
Group III	13.15	3.92			
Group IV:					
(a)	9.13	3.92			
(b)	12.15	3.92			
Group V	14.35	3.92			

FOOTNOTES: a - Employer contributes 8% of basic hourly rate for over 5 yrs. of service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS - (Building Construction Zone 1):

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; hose man; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

LABORERS: (Zone 3):

Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; signal men; all other general laborers

Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders or pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man

Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tampers; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer or sewer work; man working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS: (Site Preparation)

Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, Air tool operators; cement handler (bulk or sack); chain or concrete saw; deckhands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only); crusher feeder; men handling creosote ties or

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS: (Site Preparation) (Cont'd):

creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used

Group 2 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gun-nite nozzlemen; rubbing concrete; air tool operator in tunnels; Manhole builder (brick or block); dynamite and powder man

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors sigle, truck mounted; elevator; finishing machine

Group III -

- (a) Oilers
- (b) Fork lift-masonry
- (c) Oiler driver
- (d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -

Clanshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd):Group V

Hoists-each additional drum over 1 drum

Group VI

Crane or rigs, over 200 ft. of boom

Group VII

Ready Mixed Concrete Plants;

(a) Crane operator

(b) Loader operator & plant man

(c) Conveyor Operator

Group VIII

Master Mechanic

Group IX

Crane-tower or climbing

POWER EQUIPMENT OPERATORS: (Site Preparation)

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

CLASSIFICATIONS DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Site Preparation - Cont'd):

Group IV

(a) Oilers

(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over; men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

TRUCK DRIVERS - (Building Construction):

Group I - Warehousemen and stock man

Group II - Flat beds; pick-ups; drum trucks, under 10 yds.

Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumfter, euclid, etc.); double bottom units (20 tons capacity and over)

Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

Group VI - Mechanics

Group VII - Transit mix, 5 yds. and over

Group VIII - Transit mix, under 5 yds.

TRUCK DRIVERS - (Site Preparation)

Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

Group III - A-frame, lowboy, and boom truck driver

Group IV - Mechanics and welders

Group V - Oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

Summary of the
"Effect of the Davis-Bacon Act
on Construction Costs in Non-Metropolitan Areas
of the United States"

This report, performed by the Department of Economics at Oregon State University under a grant from the American Farm Bureau Federation, estimated the effect of the Davis-Bacon Act on construction costs in rural areas.

The researchers obtained data by sampling 100 rural counties and by similarly selecting 537 federally-funded and private projects for non-residential buildings. They located contractors on 385 of these projects. The researchers then interviewed contractors for cost and project characteristic information. Useable information was returned for 215 projects, of which 113 were subject to Davis-Bacon and 102 were privately funded.

The results of the data show that the impact of the Davis-Bacon Act increased construction costs in ranges between 26 percent and 38 percent depending on the economic climate.

The Act raises costs primarily by raising wages; however, costs are raised in other ways as well. Work assignments to a particular trade -- not being able to pay a helper classification -- also may have increased costs.

In the sample, contractors on 25 percent of public projects said they had to raise wages above the normal rate due to Davis-Bacon. The average increase due to Davis-Bacon was 34.1 percent for carpenters and 45.2 percent for laborers. In addition, other low-wage contractors may have been discouraged from bidding on the project. The effect was that wages were significantly higher on the Davis-Bacon projects. Depending on the trade, wage rates ranged from 12.9 percent to 23.2 percent higher on the public projects.

The data indicates that Davis-Bacon works contrary to actual intent of the law -- that the Act is not preserving jobs for local contractors. Only 28 percent of the contractors on Davis-Bacon projects were from the same county in which the project was located, compared to 47 percent of the private projects (matched for size and type of project).

That the Davis-Bacon Act increases the cost of public non-residential buildings in rural areas is fairly certain. However, regional estimates show that the 26 percent - 38 percent increase is not uniform. The results apply to non-metropolitan areas only and should not be generalized to urban areas.

Part of the increased costs on the public projects may be due to other government programs which cannot be easily disentangled readily from the effect of Davis-Bacon. Furthermore, repeal of the Act does not mean a 26 - 38 percent reduction in costs unless state prevailing wages are also repealed.

This study is significant in that it is the first known study to measure the impact of the Davis-Bacon Act on public construction projects in rural areas. It is also the most comprehensive economic and statistical study on the effects of Davis-Bacon since the GAO study in 1978. Most of all, this demonstrates, through a purely academic study, that Davis-Bacon is inflationary.

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

DOCKET OF ADMINISTRATIVE HEARINGS

SEPTEMBER 16, 1983—In the Matter of the WIC Contract with United Tribes of Northeast Kansas and Southeast Nebraska, Box 29, Horton, Kansas 66439. Case No. 83-H-36. Bldg. 740, Forbes Field, Executive Conference Room, Room No. 1-C-8, Topeka, Kansas. 9:00 a.m.

SEPTEMBER 20, 1983—In the Matter of Violation of Kansas Water Pollution Control Permit Number M-NE27-0001 Issued to the City of Frontenac and Violation of Kansas Administrative Regulation 28-16-27. Case No. 83-E-45. Bldg. 740, Forbes Field, Executive Conference Room, Room No. 1-C-8, Topeka, Kansas. 10:30 a.m.

SEPTEMBER 22, 1983—In the Matter of the Violation of Open Burning Regulations by Stan's Ace Hardware, Its Successors or Assigns, 6700 Kaw Drive, Kansas City, Kansas 66111. Case No. 83-E-51. Bldg. 740, Forbes Field, Executive Conference Room, Room No. 1-C-8, Topeka, Kansas. 9:00 a.m.

SEPTEMBER 23, 1983—In the Matter of the License Application of Bonnie Wyckoff, 12801 W. 29th, Wichita, Kansas 67223. Case No. 83-B-3. Bldg. 740, Forbes Field, Executive Conference Room, Room No. 1-C-8, Topeka, Kansas. 1:30 p.m.

SEPTEMBER 26, 1983—In the Matter of the Violation of Kansas Water Pollution Control Permit No. M-KS-72-D016 Issued to Shawnee County and Violation of Kansas Administrative Regulation 28-16-28. Case No. 83-E-43. Bldg. 740, Forbes Field, Executive Conference Room, Room No. 1-C-8, Topeka, Kansas. 1:30 p.m.

This docket is issued on September 15, 1983 and the administrative hearings are those scheduled as of this date. Other administrative hearings may be scheduled in this same time period and the above hearings may be rescheduled without further notification. Interested persons may call the Department at (913) 862-9360, ext. 585, to confirm the scheduling of a particular hearing.

BARBARA J. SABOL
Secretary

Doc. No. 001478

State of Kansas

DEPARTMENT OF ADMINISTRATION

NOTICE OF MEETING

A meeting will be held at 10:00 a.m., October 20, 1983, in the Old Supreme Court Chambers, 3rd floor, State Capitol, Topeka, Kansas to discuss the proposed implementation of wage surveys of building contractors to determine wage rates for state building construction projects.

All interested parties are invited to attend. Sample wage survey forms may be obtained from Mr. Skip Herd, Kansas Department of Human Resources, Employment Standards Section, 512 West Sixth Street, Topeka, Kansas 66603-3178. Those unable to attend may send their written comments to Mr. Herd.

PATRICK J. HURLEY
Secretary

Doc. No. 001479

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, SEPTEMBER 26, 1983

#55248

Adjutant General's Department, Topeka—EXTERIOR PAINTING NICKELL BARRACKS, SALINA

#55249

Adjutant General's Department, Topeka—LABOR AND MATERIALS, REPLACE FIRE ESCAPES, SALINA

#55300

Department of Administration, Division of Information Systems and Computing, Topeka—REMOTE JOB ENTRY TERMINALS

#55303

Kansas Department of Human Resources, Topeka—MICROFILM CAMERA

#55304

Kansas Department of Human Resources, Topeka—MICROFILM READER-PRINTER

#55311

Adjutant General's Department, Topeka—FURNISH ALL LABOR, MATERIALS TO REPLACE DRIVEWAYS

TUESDAY, SEPTEMBER 27, 1983

#A-4714

Osawatomie State Hospital, Osawatomie—REPLACE FURNACES IN STAFF COTTAGES, NO'S 4, 5, 6, 7, AND 11

#A-4778

Topeka State Hospital, Topeka—ROOF REPLACEMENT, RAY BUILDING AND CONNECTING CORRIDOR

(continued)

state employment service office. Upon registering, such crew chief shall furnish to such office a list of names and social security numbers of all migrant workers he serves in his capacity as crew chief and the names of those for whom recruitment is being done.

History: L. 1974, ch. 202, § 3; July 1.

44-128. Availability of information furnished. Any information filed with the local Kansas state employment service office pursuant to the provisions of K.S.A. 44-127 shall be made available to the public upon request.

History: L. 1974, ch. 202, § 4; July 1.

44-129. Violation of act. Any violation of this act shall be a class C misdemeanor. Any crew chief found to be in violation of this act shall cease to operate as a crew chief in this state for a period of two (2) years.

History: L. 1974, ch. 202, § 5; July 1.

Article 2.—EIGHT-HOUR DAY ON PUBLIC WORK

44-201. Eight-hour day; exceptions; payment of current rate of per diem wages where work performed. "The current rate of per diem wages" for the intents and purposes of this act shall be the rate of wage paid in the locality as hereinafter refined to the greater number of workmen, laborers or mechanics ~~in the same trade, occupation or work of a similar nature~~. In the event that it be determined that there is not a greater number in the same trade, occupation or on similar work paid at the same rate, then the average rate paid to such laborers, workmen or mechanics in the same trade, occupation, or work shall be the current rate. The "locality" for the purpose of this act shall be the county wherein the physical work is being performed: *Provided*, That where cities of the first or second class are located in said counties, each such city shall be considered a locality.

Eight hours shall constitute a day's work for all laborers or other persons employed by or on behalf of the state of Kansas or any municipality of said state, except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. Laborers or other persons so employed, working to exceed eight hours

per calendar day, shall be paid on the basis of eight hours constituting a day's work. Not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers or other persons so employed.

And laborers and other persons employed by contractors or subcontractors in the execution of any contract or contracts with the state of Kansas or any municipality thereof shall be deemed to be employed by or on behalf of the state or such municipality so far as the hours of work and compensation herein provided are concerned.

That the contracts hereafter made by or on behalf of the state of Kansas or by or on behalf of any county, city, township or other municipality of said state with any corporation, person or persons which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight (8) hours in any one calendar day except in cases of extraordinary emergency (as defined in this act); such contract shall contain a provision that each laborer, workman or mechanic employed by such contractor, subcontractor or other person about or upon such public work shall be paid the wages herein provided: *Provided further*, That the provisions of this act in regard to hours worked per calendar day shall not apply to the construction, reconstruction, maintenance, or the production of local materials for: Highways, roads, streets, and also the structures and drainage in connection therewith; sewer systems; waterworks systems; dams and levees; canals; drainage ditches; airport grading, drainage, surfacing, seeding, and planting.

History: R.S. 1923, 44-201; L. 1931, ch. 214, § 1; L. 1947, ch. 286, § 1; April 7.

Source or prior law:

L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1.

Revision note, 1923:

Revised and written into two sections combining the provisions of L. 1919, ch. 134. Laws 1919, ch. 134, relating to first-class cities, omitted as being covered by 44-201, 44-202.

Revisor's Note:

L. 1913, ch. 220, § 1 was also amended by L. 1923, ch. 157, § 1, see 44-203.

Research and Practice Aids:

- States—108%.
 Hatcher's Digest, Master and Servant §§ 6 to 8, Workmen § 1.
 C.J.S. States §§ 119, 125 et seq.

Law Review and Bar Journal References:

- Annotation No. 13 cited in 1955-56 survey of Kansas law, Earl B. Shurtz, 5 K.L.R. 210, 227 (1956); Robert J. Fowks, 5 K.L.R. 277, 282 (1956).
 Survey of labor law, Robert J. Fowks, 10 K.L.R. 255 (1961).
 Mentioned in "Survey of Kansas Law: Municipal Corporations," Richard H. Seaton, 27 K.L.R. 269, 274 (1979).

CASE ANNOTATIONS**Annotations to L. 1891, ch. 114, § 1:**

1. Section not applicable to work done under contract. Billingsley v. Comm'rs of Marshall Co., 5 K.A. 435, 436, 49 P. 329.
2. Provisions of this section not applicable to employees at penitentiary. The State, *ex rel.*, v. Martindale, 47 K. 147, 27 P. 852. Questioned: State v. Ottawa, 84 K. 100, 105, 113 P. 391.
3. Ordinance requiring street service or pecuniary consideration invalid, when. *In re* Ashby, 60 K. 101, 107, 55 P. 336.
4. Section held valid as to employees of state or its agents. *In re* Dalton, 61 K. 257, 59 P. 336.
5. Employee accepting regular wages estopped from claiming extra pay. Beard v. Sedgwick County 63 K. 348, 65 P. 638.
6. Employees of contractor making city improvements come under this section. The State v. Atkin, 64 K. 174, 67 P. 519. Affirmed: Atkin v. Kansas, 191 U.S. 207, 24 S.Ct. 124, 48 L.Ed. 148.
7. Provisions of this section applicable to a school district. The State v. Wilson, 65 K. 237, 69 P. 172.
8. Section applies to employees operating Ottawa water and electric-light plant. The State v. Ottawa, 84 K. 100, 107, 113 P. 391.
9. Occasions when employees worked more than eight hours exceptions. The State, *ex rel.*, v. Construction Co., 99 K. 838, 840, 162 P. 1175.

Annotations to L. 1931, ch. 214, § 1:

10. Provisions regulating wages not basis for criminal liability; section discussed. State v. Blaser, 138 K. 447, 448, 450, 452, 26 P.2d 593.
11. Section discussed in holding 19-242 constitutional. State v. Rogers, 142 K. 841, 849, 52 P.2d 1185.
12. Purpose and object of act discussed in workmen's compensation case. Workman v. Kansas City Bridge Co., 144 K. 139, 140, 58 P.2d 90.
13. Act held inapplicable to prisoners under 62-2109. Dice v. Board of County Commissioners, 178 K. 523, 524, 289 P.2d 782.
14. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 113, 114, 115, 116, 353 P.2d 641.
15. Section construed and held constitutional. Andersen Construction Co. v. Weltmer, 223 K. 808, 809, 557 P.2d 1197.
16. Section construed; requirement that contractor pay the "current rate of per diem wages" without enumerating specific wage rates held proper. Andersen Constr. Co. v. Weltmer, 224 K. 191, 577 P.2d 1197.
17. Municipality not prohibited from specifying

wage rated above "floor" set hereunder and including them in specifications and contract. Andersen Construction Co. v. City of Topeka, 228 K. 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 612 P.2d 595.

44-202. Same; penalty. Any officer of the state of Kansas or any municipality thereof, having charge of or control over any such public work, who shall violate the provisions of the next preceding section, shall upon conviction thereof be deemed guilty of a misdemeanor and punished by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment.

History: R.S. 1923, 44-202; Dec. 27.

Source or prior law:

L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1.

Revision note, 1923:

See Revision Notes, 1923 under 44-201.

Research and Practice Aids:

Hatcher's Digest, Criminal Law § 1, Master and Servant § 8.

CASE ANNOTATIONS

1. History of section discussed in construing 44-201. State v. Blaser, 138 K. 447, 453, 26 P.2d 593.
2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 115, 353 P.2d 641.

44-203. Same; eight-hour day; exceptions. That eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed or who may hereafter be employed by or on behalf of the state of Kansas, or by or on behalf of any county, city, township or other municipality of said state, except in cases of extraordinary emergency, which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons so employed by or on behalf of the state of Kansas, or any county, city, township or other municipality of said state.

And laborers, workmen, mechanics and

other persons employed by contractors or subcontractors in the execution of any contract or contracts with the state of Kansas, or with any county, city, township or other municipality thereof, shall be deemed to be employed by or on behalf of the state of Kansas, or of such county, city, township or other municipality thereof: *Provided further*, That any cities of the second or third class owning or operating municipal light and water plants be and the same are hereby exempted from the provisions of this act: *Provided further*, That this act shall not apply to township or county work in dragging or grading dirt roads: *Provided further*, That the provisions of this act in regard to hours worked per calendar day shall not apply to the construction, reconstruction, maintenance, or the production, of local materials for: Highways, roads, streets, and all the structures and drainage in connection therewith; sewer systems, waterworks systems, dams and levees, canals, drainage ditches, airport grading, drainage, surfacing, seeding and planting.

History: L. 1891, ch. 114, § 1; L. 1913, ch. 220, § 1; L. 1923, ch. 157, § 1; R.S. 1923, 44-203; L. 1947, ch. 286, § 2; April 7.

Revisor's Note:

Laws of 1923, ch. 157, § 1; amended L. 1913, ch. 220, § 1, which was also revised in 1923 and appears as 44-201, as amended by L. 1931, ch. 214, § 1.

Research and Practice Aids:

Hatcher's Digest, Master and Servant §§ 6 to 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. History of section discussed in construing 44-201. State v. Blaser, 138 K. 447, 454, 26 P.2d 593.
2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 113, 114, 115, 353 P.2d 641.

44-204. Contracts of state or municipality, basis. That all contracts hereafter made by or on behalf of the state of Kansas, or by or on behalf of any county, city, township, or other municipality of said state, with any corporation, person or persons, for the performance of any work or the furnishing of any material manufactured within the state of Kansas, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work

more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in sections 44-201 and 44-203 of the Session Laws of 1947.

History: L. 1891, ch. 114, § 2; R.S. 1923, 44-204; L. 1947, ch. 286, § 3; April 7.

Research and Practice Aids:

Hatcher's Digest, Master and Servant § 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. Cited in discussing criminal liability under 44-201. State v. Blaser, 138 K. 447, 448, 453, 26 P.2d 593.
2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 115, 353 P.2d 641.

44-205. Penalty for violating 44-203 and 44-204. That any officer of the state of Kansas, or of any county, city, township or municipality of said state, or any person acting under or for such officer, or any contractor with the state of Kansas, or any county, city, township or other municipality thereof, or other person violating any of the provisions of this act, shall for each offense be punished by a fine of not less than \$50 nor more than \$1,000, or by imprisonment not more than six months, or both fine and imprisonment, in the discretion of the court.

History: L. 1891, ch. 114, § 3; May 20; R.S. 1923, 44-205.

Research and Practice Aids:

Hatcher's Digest, Criminal Law § 1; Master and Servant § 8; Municipal Corporations §§ 185, 186.

CASE ANNOTATIONS

1. Cited in discussing criminal liability under 44-201. State v. Blaser, 138 K. 447, 453, 26 P.2d 593.
2. Article analyzed, discussed and construed; private citizen cannot maintain mandamus, when. Topeka Bldg. & Construction Trades Council v. Leahy, 187 K. 112, 115, 353 P.2d 641.

Article 3.—PAYMENT OF WAGES

44-301.

History: R.S. 1923, 44-301; L. 1931, ch. 215, § 1; Repealed, L. 1973, ch. 204, § 15; July 1.

Source or prior law:

L. 1893, ch. 187, § 1; L. 1915, ch. 165, § 1.

Revisor's Note:

New act, see 44-313 et seq.

CASE ANNOTATIONS

1. Employee may waive right by making settlement. Howell v. Machine Co., 86 K. 537, 121 P. 366.

EMPORIA STATE UNIVERSITY

1200 COMMERCIAL / EMPORIA, KANSAS 66801 / TELEPHONE 316-343-1200



December 22, 1983

Mr. David Monical, Principal Analyst
Legislative Research Department
Statehouse, Room 545N
Topeka, KS 66612

Re: Federal Revenue Sharing Fund Appropriation - "Replace Breukelman
Hall Roof" (11004-65)

Dear David:

As I indicated to you on the phone yesterday, a problem has arisen in connection with the Breukelman Hall reroofing project.

When discussions were underway earlier this fiscal year concerning several reroofing projects on campus, it was decided to combine them all into one contract in order to secure the most favorable bid. This was done; the specifications were prepared; the contract was signed in late summer; and work began this fall. Unfortunately, no provision was made in the specifications for the payment of prevailing wages on the Breukelman Hall project since it was financed with Federal revenue sharing funds.

After the first portion of the project was completed and work commenced on Breukelman Hall, pickets appeared at the edge of the campus. Shortly thereafter, the weather closed the entire project down. Since then, we have been in contact with the office of the Director of Architectural Services and various other state offices. No solution seems to be emerging. Therefore, we feel the need to involve the Joint Committee on State Building Construction.

Since becoming aware of the problem, we have requested the U.S. Department of Labor's prevailing wage determination for the Emporia vicinity. A copy of that determination is attached. They determined that the prevailing wage for beginning roofers in Lyon County was \$14.66/hr. (not including fringe benefits). After receipt of this determination, we surveyed the only two legitimate built-up roofing contractors as to the wages they pay their employees. Those responses are listed below:

COMPANY:	Geo. Groh & Sons	Emporia Roofing
Position	Wage	Wage
Roofer & Sheetmetal Laborer	\$5.25/hour	\$5.50-5.75/hour
Sheetmetal Laborer	\$5.85/hour	----
Roofing Laborer	\$5.41/hour	----
Roofing Laborer (beginning)	----	\$5.00/hour
Journeyman Level Roofer	----	\$6.75-8.00/hour
Roofing Foreman	\$6.00-8.00/hour	----

It is our understanding that the roofing contractor, Weathercraft, Inc., is paying his employees comparable wages to those listed above. Furthermore, Weathercraft has advised us that his labor costs would likely nearly double if he were required to pay the wages as determined by the Department of Labor. Listed below are the current contracted project costs and the labor costs included in each portion.

CCR No.	Project Title	As Originally Contracted		Total Project Cost With Change Order #1 & Proposed Change Order #2
		Labor Cost*	Total Project Cost	
A-4579	Replace Breukelman Hall Roof	\$ 44,885	\$129,096	\$155,893
A-4290(d)	Reroof Portion of Physical Education Bldg.	10,907	25,807	29,349
A-4574	Reroof Plumb Hall	26,318	64,848	65,348
A-4769	Reroof Portion of W.A.W. Library	5,413	19,886	19,886
A-4635	Reroof Married Student Apts "B" and "C"	19,260	47,192	47,192
A-4805	Reroof Morse Hall Northeast	10,949	45,554	45,554
TOTAL		\$117,732	\$332,383	\$363,222

*These labor costs identified by the contractor in a routinely requested cost breakdown after the contract is awarded.

A doubling of the labor costs on Breukelman Hall alone would cost at least \$44,885 extra. There is a possibility that the Davis-Bacon Act could be interpreted such that the prevailing wage determination would not only apply to the Breukelman Hall work, but also to the entire project. Such an interpretation would appear to cost at least an extra \$117,732.

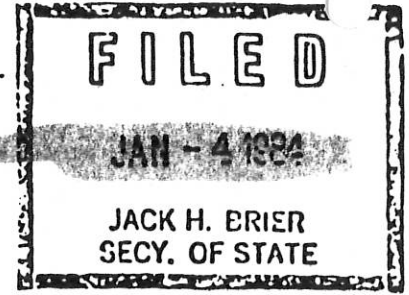
LYON COUNTY, KANSAS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	\$12.45	\$1.00	\$.75		\$.05
Electricians	15.15	1.15	3%+.85		.13
Laborers, general	8.23	1.00	.50		.05
Painters:					
Brush, Roller	13.25	.95			
Spray	13.75	.95			
Plumbers & Pipefitters	15.83	1.30	1.00		.04
Roofers	14.66		1.15	a	.14
Pitch	15.76		1.15	a	.14
Sheet Metal Workers	14.68	3%+.90	1.89		.14
Truck Drivers:					
Station wagons, pickups, flat beds and dump	11.04	.70	.50		
5 tons or less	11.19	.70	.50		
WELDERS: Receive rate pre- scribed for craft perform- ing operation to which welding is incidental.					
FOOTNOTE: a - after 6 months of employment \$.26; after 5 years; \$.52.					

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

STATE OF KANSAS



OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612-1590

John Carlin Governor

EXECUTIVE ORDER NO. 84-68

CONCERNING PAYMENT OF WAGES

Executive Department
State House
Topeka, Kansas

WHEREAS, the State of Kansas supports the principle that persons employed on public projects shall be paid fair compensation for their labors; and

WHEREAS, this principle has been embodied in the statutes of the State of Kansas since 1891; and

WHEREAS, in contracts for public works, K.S.A. 44-201 mandates government entities to require contractors to pay the current rate of per diem wages to their laborers; and

WHEREAS, no provision has been made in the statutes to determine the appropriate rate of wages for public works projects in the various localities of this State.

NOW, THEREFORE, pursuant to the authority vested in me as as Governor and chief executive of the State of Kansas and Article 1, Section 4 of the Constitution of the State of Kansas, I do hereby order and direct the Secretary of Human Resources to provide me information as to the ability of the State of Kansas to devise appropriate means and methodologies to determine the wages required by K.S.A. 44-201 for the various localities in this State, including costs, specific methodology and viable alternative methods to make such a determination. Such reported information shall be submitted for my review and approval and shall include a recommended method for periodically determining the wages required to be paid on public works projects in the various

John Carlin
Executive Order No. 84-68
Page Two

localities of this State.

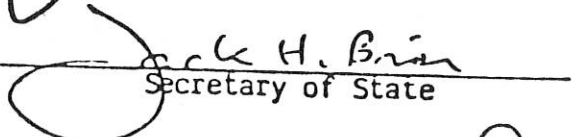
This document shall be filed with the Secretary of State as Executive Order No. 84-68, and shall become effective immediately.

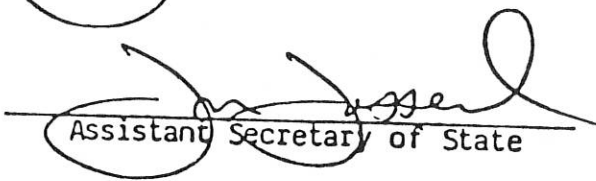
THE GOVERNOR'S OFFICE

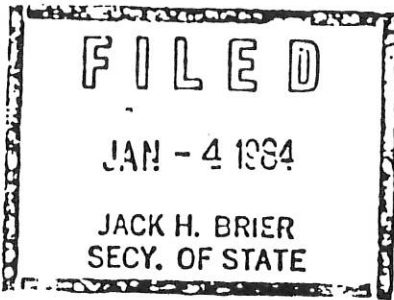
By the Governor



January 4, 1984


Secretary of State


Assistant Secretary of State



MEMORANDUM

TO: Joint Committee on State Building Construction

FROM: James A. Wilson, Senior Assistant Revisor

RE: K.S.A. 44-201 to 44-205, inclusive (Eight-Hour Days on Public Work Law) -- Summary of Statutory History

L. 1891, Ch. 114, Sections 1 to 4

The law generally provided in section 1 that eight hours would constitute a day's work for workers employed by or on behalf of the state or any local government except "in cases of extraordinary emergency which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. . . [except] that in all such cases the [worker] shall be paid on the basis of eight hours constituting a day's work. . . ."

It provided further that not less than the "current rate of per diem wages in the locality where the work is performed" was to be paid persons so employed. Workers employed by contractors or subcontractors under contracts with the state or any local government would be "deemed to be employed by or on behalf of "such entities.

Section 2 provided that all contracts with the state or any local government for "the performance of any work or the furnishing of any materials manufactured within. . . Kansas" would be considered to be made on the basis of a day's work constituting eight hours. It was declared unlawful to "require or permit" workers under such contracts to work more than eight hours per day, except under the conditions permitted by section 1.

Section 3 imposed a penalty upon any officer of the state or any local government or any other person violating any provisions of the act. The penalty was a fine of from \$50 to \$1,000 or up to six months' imprisonment, or both.

The remaining substantive section provided an exemption for existing contracts.

L. 1913, Ch. 220, Section 1

This act amended section 1 of the 1891 enactment to provide an exemption for cities of the second and third class which own and operate municipal light and water plants. This language appears in the current provisions of K.S.A. 44-203.

Laws of 1923

The law was amended twice in 1923. The first amendment was by the enactment of the Revised Statutes of 1923. The Revision Commission had rewritten and consolidated the law into two sections which appear now as K.S.A. 44-201 and 44-202. K.S.A. 44-202 declared that violations of K.S.A. 44-201 would constitute a misdemeanor and prescribed the penalty therefor.

The second amendment was by L. 1923, ch. 157, section 1, which inserted an additional exemption. Township or county work in dragging or grading dirt roads was exempted. This language appears in the current provisions of K.S.A. 44-203. The conflict was resolved by publishing both acts.

L. 1931, Ch. 214, Section 1

This act amended K.S.A. 44-201 to insert the current definitions of the "current rate of per diem wages" and "locality." The section was also amended by inserting commas so that it slightly expanded or clarified the exceptions to read: . . . except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life."

L. 1947, Ch. 286, Sections 1 and 2

This act amended both K.S.A. 44-201 and 44-203 (the "twin" sections occasioned by the 1923 enactments) to provide that the provisions of the law regarding hours worked per calendar day would not apply, generally, to construction and maintenance, or the production of local materials for, roads and highways, sewer and waterworks systems, dams, levees, canals, drainage ditches and airport runway areas.

Summary of the
"Effect of the Davis-Bacon Act
on Construction Costs in Non-Metropolitan Areas
of the United States"

JAN 1982

This report, performed by the Department of Economics at Oregon State University under a grant from the American Farm Bureau Federation, estimated the effect of the Davis-Bacon Act on construction costs in rural areas.

The researchers obtained data by sampling 100 rural counties and by similarly selecting 537 federally-funded and private projects for non-residential buildings. They located contractors on 385 of these projects. The researchers then interviewed contractors for cost and project characteristic information. Useable information was returned for 215 projects, of which 113 were subject to Davis-Bacon and 102 were privately funded.

- * The results of the data show that the impact of the Davis-Bacon Act increased construction costs in ranges between 26 percent and 38 percent depending on the economic climate.
- * The Act raises costs primarily by raising wages; however, costs are raised in other ways as well. Work assignments to a particular trade -- not being able to pay a helper classification -- also may have increased costs.

In the sample, contractors on 25 percent of public projects said they had to raise wages above the normal rate due to Davis-Bacon. The average increase due to Davis-Bacon was 34.1 percent for carpenters and 45.2 percent for laborers. In addition, other low-wage contractors may have been discouraged from bidding on the project. The effect was that wages were significantly higher on the Davis-Bacon projects. Depending on the trade, wage rates ranged from 12.9 percent to 23.2 percent higher on the public projects.

- * The data indicates that Davis-Bacon works contrary to actual intent of the law -- that the Act is not preserving jobs for local contractors. Only 28 percent of the contractors on Davis-Bacon projects were from the same county in which the project was located, compared to 47 percent of the private projects (matched for size and type of project).

That the Davis-Bacon Act increases the cost of public non-residential buildings in rural areas is fairly certain. However, regional estimates show that the 26 percent - 38 percent increase is not uniform. The results apply to non-metropolitan areas only and should not be generalized to urban areas.

Part of the increased costs on the public projects may be due to other government programs which cannot be easily disentangled readily from the effect of Davis-Bacon. Furthermore, repeal of the Act does not mean a 26 - 38 percent reduction in costs unless state prevailing wages are also repealed.

This study is significant in that it is the first known study to measure the impact of the Davis-Bacon Act on public construction projects in rural areas. It is also the most comprehensive economic and statistical study on the effects of Davis-Bacon since the GAO study in 1978. Most of all, this demonstrates, through a purely academic study, that Davis-Bacon is inflationary.

This study is provided compliments of the Merit Shop Foundation, Ltd. 10/82

TESTIMONY BEFORE
HOUSE WAYS AND MEANS COMMITTEE
ON HOUSE BILL 2797 - February 8, 1984

Mr. Chairman and members of the committee.

Thank you for this opportunity to visit with you for a few minutes about House Bill 2797.

My name is Glenn Coulter and I am the manager of the Kansas Contractors Association.

Our members build a large majority of the highways, dams, bridges, paving projects, sewer lines, water purification plants and sewage disposal plants in Kansas.

The official policy of the Kansas Contractors Association is that KSA 44-201 (Prevailing Wage Statute) is not in the best interests of the citizens of Kansas and should be repealed. *we favor passage of House Bill 2797.*

Literally hundreds of unneeded regulations have been placed on the construction industry during the past twenty years--most of them from the federal level and that is one reason the industry is in very serious difficulty. During the past two years more construction companies have gone bankrupt in the United States than other two year periods in our history.

Many members of our Association perform their services under exclusive union agreements and many of them work completely open shop. They bid against each other on a competitive, sealed bid basis and both groups are successful in securing work. In our opinion, this proposed repealer is neither anti-union nor anti-open shop.

We believe that the wages of construction workers should be set by the free give and take of the market place, be it between management and unions negotiating wages and fringe benefits for those who desire to work union, or between management and craftsmen who prefer to work open shop.

Today the construction industry in Kansas--both union and open shop--is paying some of the highest wages in the state. These are skilled men and women whose working conditions are already adequately covered by federal law.

To attempt to revise and expand 44-201 to set up a system of wage surveys and determinations for the cities and counties of Kansas, would require a state bureaucracy and money to fund it which we do not believe the legislature wants to consider. Anyone who has had any dealings whatsoever with the Wage and Hour Division of the U.S. Department of Labor knows of what I speak. The complexity of construction crafts is almost beyond belief. In our area of heavy and highway construction alone, some of the Davis-Bacon wage decisions in Kansas list nearly a hundred crafts.

IV

February 8, 1984

Page 2

It is easy to see what would have to be created to survey payrolls of thousands upon thousands of workers hired by thousands of individual firms and then attempt to establish wages for all of them in scores of localities.

We truly believe that in the long run the citizens of Kansas will be better served if construction wages remain free of encumbrances and artificial barriers.

KSA 44-201 may have been needed 93 years ago. we do not believe it is needed today. —

Thank you very much for the opportunity of appearing before you. I will try to answer any questions you may have.

R.D. Anderson

KSA 44201 was enacted in 1891, 40 years before unions even enjoyed the right to join together; 40 years before the term "Davis-Bacon" even existed. Yet for the last eight years, I have seen continuing efforts to distort this statute, to change it into something it was never intended to be. I have seen organized labor try to make it a "little Davis-Bacon Act" at the expense of the Kansas taxpayers. Shawnee County, my own county, is a good example of those efforts. The county simply adopted Davis-Bacon wages on all construction and, as you know, now holds the dubious honor of having the highest property taxes in the state.

This is a taxpayers bill. But, if my experience is any indication of what you can expect, I'm confident you will hear other stories. The most common smokescreens are:

First: That this is a contractors' bill. It is not a Contractors' bill. The term sometimes used is "fat-cat" contractors trying to make more money at the expense of the working man. Any contractor can bid on any project regardless of whether or not wages are specified. If they are set at \$50.00 per hour, it simply means that the contractor will pay the employees \$50.00 an hour.

Labor costs, hopefully, are a wash to the contractor. If high wages are required, the job is simply bid with such wages. If high wages are not required, he will bid competitively, estimating what the market place will dictate as labor costs. It's a simple equation, the contractor is not taking advantage of the working man, he is obligated to pay whatever wage is prescribed or whatever free market competition will establish. In either event, the taxpayer pays the tab. There is not an advantage or disadvantage to the contractor (other than employee morale). This is not a contractor issue at all, we are simply the first to see the tremendous impact on the taxpayer because we know what the market place labor costs are. We are probably the only ones to even know this fact. That's why we are here.

Without a strong open shop movement, construction costs would have been much higher than they are. In the late 60's and early 70's, unions were demanding and contractors were giving outrageous increases. These abuses contributed to the open shop movement which now does 65 to 70% of all construction work in the United States. Many of the abuses still exist in union agreements.

It took approximately 10 years for the natural economic

forces to correct the inflationary spiral caused by contractors and unions who had a total disregard for the construction user (namely the Kansas taxpayer where public works were concerned). Most of the contractors of the early 70's liked the status quo, some even worked with organized labor against open shop contractors; consequently, the open shop movement was slow to develop in this part of the state.

My company depends on the efforts of my workmen. Many have been with me for many years. By being competitive I have made work available to them 52 weeks out of the year. This has given the taxpayers the best price available on the open market and has given to my employees, steady work year around, year in and year out, at a very comfortable yearly salary. This is a taxpayer issue and has nothing whatsoever to do with contractors taking advantage of workmen.

Second: Another smokescreen that is thrown up is that by not prescribing high labor costs, the taxpayer gets shoddy work. I would submit that the opposite were true. I would invite you to visit the Boots Adams Alumni Center at K. U., Haworth Hall, Summerfield Hall at K. U., Durland Hall, KSU Rec. Center and Nichols Gym, etc. at Kansas State University. I could give you many other examples

of work performed by my company and I would be glad to compare it with other contractors' work in both speed of construction and quality of workmanship. Satisfied employees that have high productivity, produce high quality work, and are motivated much more by job security and fair treatment than by wages paid.

My point is that smokescreens will be thrown up about this bill. "Shoddy work" or "taking advantage of the working man" are trigger words designed to side-step both the real issue presented by this bill and the truth. I would submit that the bill, at best, retains the old original reason for its enactment; it retains the 8-hour law. It simply puts a stop to efforts by some to make the law something that it is not, at taxpayers expense.

The last couple of years various studies have been conducted. The evidence has been overwhelming that there is a tremendous cost saving to the taxpayers with the elimination of artificially established wages.

The Business Round Table, Construction Users' Council, composed of the major users of construction services, in their Construction Industry Cost Effectiveness Project found, over the five year period from 1977 through 1982, a labor cost savings of 22% and a six percent savings

in the total project costs using non-union contractors. The City of Houston, after taking into account the real wage situation and modifying prescribed wages on the September 30 bidding of its municipal waste water treatment plan expansion, saved the taxpayers between \$300,000 and \$500,000 in labor costs or 13% of the job's total price tag.

If you do not choose to take some action on this matter, the Kansas taxpayers may get the same opportunity on Kansas public contracts as they do on Federal work; that is, buy a three cent bolt for \$50.00. This is a taxpayers bill. This is not a contractors bill. Regardless of what Governor Carlin claims he intends to do and regardless of what smokescreens are set up by opponents to this bill, it remains a taxpayers bill.

I would like to point out that we have not discussed the costs necessary to cover the bureaucracy required to take the survey in 105 counties - 650 cities of the first and second class and to administer and enforce the wage determination after implementation.

If the surveys are once made, all units of government would be obligated to include them in their construction work or fear being in violation of state law.

The City of Topeka has been in violation of their own ordinance since November. The November Davis-Bacon wages for brick layers were \$1.50 below the September listing due to a decrease in brick layer schedule rate. The county did not pick this up until last week, thereby including the higher wage on recent county projects, all at taxpayer expense.

I would submit that all taxpayers expect the most for their construction dollars and that any artificial, unnecessary rules or regulations will only add to the bulging tax bill.

The Governor's executive order, if allowed to be played out, would no doubt deal a great injustice to the Kansas taxpayers.

Organized labor doesn't need to be subsidized at taxpayer expense. Competition in the labor market will maintain the balance.

If House Bill 2797 is passed, the winner will be the Kansas taxpayer and this Legislature will have done their part to preserve the free enterprise system in Kansas.

Ronald D. Andersen
R.D. Andersen Construction Co., Inc.
Topeka, Kansas

MR. CHAIRMAN, I'M TOM SLATTERY, EXECUTIVE VICE PRESIDENT, ASSOCIATED GENERAL CONTRACTORS OF KANSAS. AGC OF KANSAS REPRESENTS OVER 200 GENERAL CONTRACTOR AND ASSOCIATE SUBCONTRACTOR AND SUPPLIER MEMBERS THROUGHOUT THE STATE.

I AM HERE THIS AFTERNOON IN SUPPORT OF HOUSE BILL 2797 WHICH WOULD REPEAL THE PROVISIONS OF KSA ~~44-201~~ PERTAINING TO PREVAILING WAGES. THIS LAW WAS ADOPTED LONG BEFORE ANYONE IN THIS ROOM WAS BORN, AND HAS NEVER BEEN IMPLEMENTED OR ENFORCED TO THE BEST OF MY KNOWLEDGE. IT IS RECOGNIZED THAT THE ORIGINAL INTENT OF ~~44-201~~ WAS TO PROTECT IMMIGRANT WORKERS, WORKING ON RAILROAD PROJECTS IN THIS STATE. BY NO STRETCH OF THE IMAGINATION COULD IT BE ARGUED THAT THE INTENT OF THE LAWMAKERS IN ~~1891~~ WAS TO SET PREDETERMINED WAGES FOR STATE PROJECTS UNDER THE CONDITIONS WE LIVE IN TODAY IN ~~1991~~.

AGC BELIEVES THAT PROJECTS SHOULD BE AWARDED ON THE BASIS OF THE LOWEST RESPONSIBLE COMPETITIVE BID AND THAT THE INCLUSION OF PREDETERMINED WAGES IN BID SPECIFICATIONS SERIOUSLY HAMPER THE MECHANISM FOR AWARDING CONTRACTS ON THIS BASIS. WE ALSO BELIEVE THE LAW OF SUPPLY AND DEMAND AND THE CONDITIONS PREVALENT IN THE MARKETPLACE WILL SATISFACTORILY DETERMINE WAGES THAT WILL BE PAID TO VARIOUS CLASSES OF WORKERS.

THIS LAW (~~44-201~~) HAS BEEN DORMANT FOR MANY MANY YEARS AND THAT FACT ALONE SHOULD LEND SUPPORT TO THE NOTION THAT THE BEST ACTION REGARDING THIS LAW WOULD BE IT'S REPEAL.

MANY PEOPLE HAVE ASKED WHAT WOULD BE THE INCREASED COSTS TO THE TAXPAYERS OF KANSAS IF THE LAW WERE IMPLEMENTED. SPECIFIC ANSWERS TO THESE QUESTIONS ARE IMPOSSIBLE TO ARRIVE AT SINCE WE DON'T KNOW HOW THE LAW WOULD BE ENFORCED OR WHAT WAGES WOULD BE IMPOSED. HOWEVER, IN ANY DISCUSSION OF

PREVAILING WAGE LAWS ONE MUST AT LEAST MAKE REFERENCE TO THE FEDERAL DAVID-BACON PREVAILING WAGE ACT. STUDY AFTER STUDY HAS INDICATED THAT THE DAVIS-BACON ACT IS INFLATIONARY AND INCREASES COSTS TO THE TAXPAYERS OF THIS COUNTRY, ANYWHERE FROM ONE TO TWO BILLION DOLLARS ANNUALLY. ALSO AFTER FIFTY YEARS THE U.S. DEPARTMENT OF LABOR HAS NOT BEEN ABLE TO DEVELOP AN EFFECTIVE PROGRAM TO ISSUE AND MAINTAIN CURRENT AND ACCURATE WAGE DETERMINATIONS. WITH ALL DUE RESPECT TO OUR STATE DEPARTMENT OF HUMAN RESOURCES, I QUESTION WHETHER THEIR EFFORTS TO PROVIDE ACCURATE PREVAILING WAGE INFORMATION ON A STATE WIDE BASIS WOULD BE ANY MORE SUCCESSFUL THAN THE U.S. DEPARTMENT OF LABOR HAS BEEN FOR THE PAST FIFTY YEARS.

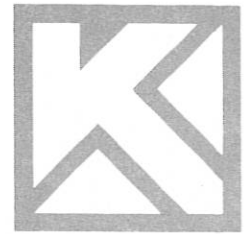
IF 44-201 IS IMPLEMENTED THE WORST POSSIBLE RESULT WOULD BE IF THE DEPARTMENT SHOULD IMPLEMENT DAVIS-BACON WAGES AS STATE PREVAILING WAGES. THIS WOULD CAUSE INCREASED COST IN STATE CONSTRUCTION PARTICULARLY OUTSIDE THE METROPOLITAN AREAS. IF ON THE OTHER HAND A SINCERE STATE-WIDE WAGE SURVEY WAS CONDUCTED, AT BEST IMPLEMENTATION OF THE LAW WOULD PERHAPS PROVIDE A SEMI-ACCURATE DETERMINATION OF WAGES ON A STATE-WIDE BASIS. IF THIS WERE TO OCCUR I SUSPECT THAT IT WOULD BE A DISAPPOINTMENT TO MANY OF THOSE INDIVIDUALS WHO SUPPORT IMPLEMENTATION OF THE LAW.

IN ADDITION TO OUR PHILOSOPHICAL OPPOSITION TO PREDETERMINED WAGES, ENFORCEMENT OF 44-201 WOULD REQUIRE A SUBSTANTIAL INCREASE IN THE BUREAUCY OF THE DEPARTMENT OF HUMAN RESOURCES TO MAINTAIN AND ENFORCE THE LAW. FOR EXAMPLE, IN OTHER STATES WHERE PREVAILING WAGES ARE USED THERE ARE COMMISSIONS OR SUBDIVISIONS OF DEPARTMENTS OF LABOR SET UP FOR JUST THIS PURPOSE. IT WOULD ALSO GENERATE A CONSIDERABLE AMOUNT OF PAPER WORK TO AN ALREADY OVER-PAPERWORKED INDUSTRY. LARGE CONTRACTORS WITH ADEQUATE OFFICE STAFF MAY SEE THAT THE NECESSARY FORMS ARE FILLED OUT AND RETURNED. HOWEVER, THERE ARE MANY SMALL CONTRACTORS WHO HAVE SMALL CREWS AND SPEND THE REGULAR WORKING DAY ON THE JOB. THESE CONTRACTORS ARE DIFFICULT TO CONTACT AND LIKELY WOULD

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

HOUSE COMMITTEE ON WAYS AND MEANS

HB 2797

February 8, 1984

Mr. Chairman and Members of the Committee:

My name is Rob Hodges and I am Executive Director of the Kansas Industrial Council, a major division of the Kansas Chamber of Commerce and Industry. I appreciate the opportunity to appear before the Committee today to present the Chamber's views regarding House Bill 2797; a proposal to repeal a portion of Kansas Statutes Annotated Chapter 44, Article 201.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses plus 215 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

VII

KCCI has a policy position established by our Board of Directors in 1980, numbered HR-26, which reads as follows:

(HR-26) Prevailing Wage Law. KCCI believes that the federal and Kansas statutes dealing with the payment of prevailing wages on public works projects are inflationary, difficult to administer, antiquated in the light of more recent laws designed to protect the employee, and therefore, these statutes should be repealed.

Another policy which I think is germane to the issue under consideration today is numbered HR-11 in our policy book and reads as follows:

(HR-11) Wage Rate, Benefits, and Hours Regulations. The Chamber supports the principle that wage rates, benefits, and hours of work be determined by direct negotiation between employer and employees rather than through arbitrary government imposed standards.

That policy was initiated in 1953 and I believe serves to underscore the position which speaks directly to the prevailing wage policy.

KCCI policy concerning the prevailing wage statutes was established after consideration of the original legislative intent of this law and after consideration of more recent laws affecting the employer-employee relationship.

As we understand the original legislative intent of the law, it was enacted to serve as a deterrent to the hiring of immigrant workers willing to work excessive hours at substandard wages. From what can be gleaned from history, it appears that the immigrant worker problem was significant in the late 1800's, and that this

legislation probably addressed a real need at that time. Nearly one hundred years later, it appears antiquated in the light of more recent laws. Some examples of changes in employer/employee matters include workers' compensation laws, unemployment compensation laws, minimum wage and maximum hours statutes, equal employment opportunity laws, overtime pay provisions, and others.

The advent of these newer laws appears to have overshadowed the original necessity for the Prevailing Wage statutes. However, a recent Executive Order from the Governor, as well as some court cases in the past few years, have brought the issue back to the attention of Kansas employers, Kansas workers, and the Kansas taxpayers who ultimately finance the cost of any and all state projects.

The Kansas Supreme Court has ruled that the requirements of K.S.A. 44-201 set a floor under which wages may not fall, but it has also ruled that the authority for determining those rates has not been given to anyone. The Executive Order mentioned before has asked that the Secretary of the Kansas Department of Human Resources provide the Governor with information about the States' ability to devise and determine the wages required by K.S.A. 44-201, including costs for doing so, specific methodology, and viable alternative methods to make a determination. Apparently the Governor is nearing a decision that, after nearly a hundred years, it's time to put 44-201 to work.

HB 2797 seeks to strike all reference in the statute to "the current rate of per diem wages." My dictionary defines per diem to mean "by the day" or "for each day." Because the statute also specifies that "eight hours shall constitute a day's work for all laborers or other persons employed by or on behalf of the state of Kansas or any municipality of said state," the statutes combine to set an hourly wage rate which would be applicable in each city and/or county of the state. Since HB 2797 would delete these provisions from the statute, KCCI policy supports such legislation.

While I have no figures to present to the Committee today, I am confident that implementation of K.S.A. 44-201 would prove to be inflationary. To pay for the increased costs, taxes would have to be raised. If wage inflation comes about because of an agreement between an employer and his employees, it may be assumed that the best interests of those who will pay the bill have been taken into consideration. Implementation of a program of prevailing wages in Kansas would not necessarily serve the best interests of the Kansas taxpayer.

KCCI does not believe that repeal of sections of K.S.A. 44-201 would result in an influx of foreign labor, working at slave wages, to take jobs away from deserving Kansans. We do believe that repeal of those sections of K.S.A. 44-201 specified in HB 2797 would protect the interests of Kansas taxpayers, while not penalizing Kansas workers. We urge the Committee to report HB 2797 favorably for passage. Let's let the marketplace determine the value of a person's talents, not a set of government standards.

I thank you for your time and will attempt to answer any questions you may have.

TESTIMONY BEFORE
HOUSE WAYS AND MEANS COMMITTEE
FEBRUARY 8, 1984
BY
JOE PASHMAN
HOME BUILDERS ASSOCIATION OF KANSAS

MY NAME IS JOE PASHMAN, I AM VICE PRESIDENT OF THE HOME BUILDERS ASSOCIATION OF KANSAS. MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, WE HAVE HEARD ALOT TODAY ABOUT THE TAXPAYER AND HOW DETRIMENTAL THE ENFORCEMENT OF THE PREVAILING WAGE WOULD BE TO THE TAXPAYER. WE AGREE WITH THAT.

I WOULD LIKE TO REMIND YOU THOUGH THAT I THINK THIS GOES FAR DEEPER THAN JUST A TAXPAYER PROBLEM. I THINK IT IS A PROBLEM FOR ALL CONSUMERS IN KANSAS.

AS A RESIDENTIAL HOMEBUILDER AND DEVELOPER IN TOPEKA, I KNOW THAT THE ENFORCEMENT OF THE PREVAILING WAGE WOULD HAVE A HIGH COST FACTOR IN THE DEVELOPMENT OF RESIDENTIAL LAND AND IN CONSTRUCTION OF A HOUSE. IN FACT, I BELIEVE THE ENFORCEMENT OF THE PREVAILING WAGE ACT WOULD INCREASE THE CONSUMER COST ACROSS THE WHOLE STATE OF KANSAS. IF, IN FACT, WE ARE INCREASING THE WAGES OF A PORTION OF THE WORK FORCE IN KANSAS UP TO 50% AND 100% IN SOME CASES, WE BELIEVE IT MUST HAVE A RIPPLING EFFECT THROUGHOUT THE LABOR MARKET IN KANSAS.

WE ALSO BELIEVE THAT WE HAVE THE RIGHT TO WORK LAW ENFORCED IN KANSAS RIGHT NOW, AND THE ENFORCEMENT OF THE PREVAILING WAGE LAW AT THIS TIME IS REALLY NOTHING MORE THAN AN ATTEMPT TO COME IN THE BACK DOOR ON THOSE RIGHT TO WORK LAWS.

WE URGE PASSAGE OF HB 2797.

VIII



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

Statement on HB 2797--Prevailing Wage Rate Law
To House Committee on Ways and Means
By E.A. Mosher, Executive Director
February 8, 1984

I want to emphasize at the outset that the League does not have a formal, official position on HB 2797. However, to the extent the bill is designed to prevent some state agency or federal agency from determining the wage rates municipal contractors must pay, we support this intent. This position is based on the League's convention-adopted Statement of Municipal Policy, which provides: "We oppose the enactment of state legislation to . . . require payment of state or federally determined prevailing wage rates for municipal public works contracts. The implementation of the provisions of K.S.A. 44-201 should remain the responsibility of the contractor."

It should be noted that this policy statement was first adopted at our city convention in 1978. It was obviously not directed at the Governor's Executive Order of January 4, 1984. Instead, it is a general expression of opposition to the implementation in non-federal aid contracts of federally determined "Davis-Bacon" wages as well as to some state agency telling cities what their contractors must pay to each and every employee.

The Kansas prevailing wage rate law has been in existence for a great many years. Local units subject to the act have learned to live with it by requiring in specifications that the contractor must meet its terms. This implementation has been, in effect, a contractor requirement, and that's where we think the responsibility should continue to lie. It is our understanding that, at least since 1916 (see State v. Construction Co., 99 Kan. 838 (1916) and State v. Blaser, 138 Kan. 447 (1933)), the burden of proving whether less than the prevailing wage rate is paid is a responsibility of the plaintiff.

It is our understanding that the existing prevailing wage rate law does not apply to cities of the second and third class with municipal water systems, although some of these cities have included the standard contract specification. Attached is a memorandum outlining the impact of the existing law, based on this assumption. You will note the bottom line--that of the 627 cities in Kansas, only 115 are technically required to conform to the Act. Further, I would note that the provisions of the law are not uniformly applicable to all cities.

EAM:grs

Attachment



APPLICATION OF K.S.A. 44-201 TO
KANSAS CITIES

K.S.A. 44-201, et seq., commonly referred to as the Kansas eight-hour day--prevailing wage law, does not apply to all Kansas cities.

The last clauses of K.S.A. 44-201 and 44-203 provide that the eight-hour day provisions do not apply to various public works, including highways, sewer and water systems.

Another clause of K.S.A. 44-203 provides "That any cities of the second or third class owning or operating municipal light and water plants be and the same are hereby exempted from the provisions of this act."

There are about 130 municipal electric systems and 532 municipal water systems in Kansas. All of the city electric system cities also have city water systems. While only five cities over 300 population are not now served by a central water system, there are at least 26 cities served by a non-municipal system (e.g., in Johnson county).

Assuming "and" in the above quoted clause means "and/or", the net general effect of the exemption is that the existing prevailing wage rate law applies primarily to: (1) larger cities (of the first class); (2) very small cities (generally of less than 300 population); and (3) certain cities of the second and third class without a municipal water system.

The following lists those cities of over 300 population that are not exempt (note assumption above):

Cities of the first class (24):

Atchison	Liberal
Coffeyville	Manhattan
Dodge City	Newton
Emporia	Olathe
Fort Scott	Overland Park
Garden City	Parsons
Hutchinson	Pittsburg
Junction City	Prairie Village
Kansas City	Salina
Lawrence	Shawnee
Leavenworth	Topeka
Lenexa	Wichita

Cities of the second class (9 of 86):

Caldwell	Leawood
Derby	Merriam
Fairway	Mission
Great Bend	Roeland Park
Lansing	

Cities of the third class over 300 (16 of 276):

Americus	Edwardsville
Andale	Garden Plain
Auburn	Maize
Basehor	Mission Hills
Bentley	Pawnee Rock
Coldwater	Scott City
Countryside	Westwood
Eastborough	Westwood Hills

In addition, all but 66 of the 241 cities of the third class of under 300 population have city water systems.

In summary, about 49 of the 386 cities of over 300 population are not exempt, while 337 are exempt. Of the 241 cities of less than 300 population, about 175 have a city water system and are exempt and 66 do not. In total, about 115 cities are under the prevailing wage rate law while 512 are exempt.

Chas Carey

MECHANICAL CONTRACTORS Association of Kansas, Inc.

Phone 913-354/1130

500 Kansas Avenue, Topeka, Kansas 66603



Feb. 8, 1984

House Ways and Means Committee: Chairperson, Buntin; Vice-chairperson, Arbuthnot; Members: Chronister, Duncan, Dyck, Farrar, Heinemann, Hoy, Louis, Lowther, Meacham, D. Miller, Rolfs, Luzzati, Bussman, Hamm, Helgerson, Mainey, Shriver, Solbach, Teagarden, Turnquist, Wisdom.

Re: Opposition to repeal of KSA 44-201 and HB 2797.

On behalf of the majority of the Members of the Mechanical Contractors Association of Kansas, I wish to express our opposition to the repeal of KSA 44-201, the repeal of "The current rate of per diem wages" sometimes referred to as the "prevailing wages in a locality".

I have reason to believe that the majority of my contractors seek to compete with "each others capability" and not by gaining a competitive edge by paying a differential wage. Instead they seek to compete on the basis of their management skill regarding greater productivity from men and machines, their coordination of work, their purchasing "no how", their utilization of labor saving equipment and techniques, their willingness to reduce their profit, this type of competition.

For a contractor to compete by coercing his employees to work for less than his competitors is avoidance of competition on the same basis. Such a method allows two avenues for the coercive contractor. One is that it allows more profit for the coercive contractor at the expense of labor. The other avenue is that it would allow inefficient coercive contractors to compensate for their lack of "contracting ability" with a subsidy "paid for" out of labor's hide.

The concept of the "prevailing wage in a locality", as I perceive it, is a norm for the wages in that locality. This norm is without reference to union or nonunion. Those who oppose the prevailing wage to improve their own profitability or competitiveness may try to portray the issue as strictly a union, nonunion issue. With this approach increased opposition to "prevailing wages" can be enlisted from those who are anti-union. This of course will tend to obscure the validity and justification for KSA 44-201.

The desire by unions to support the existing KSA 44-201 does not reduce the issue to just a union vs. nonunion matter. The basic philosophy of organized labor obligates the union to support that which is just and reasonable for even unorganized labor in areas where there are no local unions.

An individual has limited power to bargain for prevailing wages against an unscrupulous contractor and even less power during high unemployment. The "prevailing wage law" provides some protection for our blue collar Kansas workers in this respect. Years ago when the law was passed it seemed the legislature was concerned about the exploitation of our workers on public work. So they took steps to not allow contractors the sole authority to establish their own individual wage levels. Hopefully this concern still exists today.

(over)

Some ask why the State should only protect construction workers? A response could be that the State does protect the wage level of many other workers with their work classification system which tends to set a wage norm.

We may debate the methodology of determining the prevailing wage of a locality, however this does not and should not revoke the concept and need for KSA 44-201. Yes, there is some cost for surveys. Perhaps we should do away with our judicial system and the protection it provides because it has a cost factor, if cost is more important than justice.

I would submit that claims for cost saving from repeal of KSA 44-201 may well be exaggerated. Consider if you will that jobsite work and total manhours is shrinking as a result of factory assembled units, labor saving devices and techniques on the jobsite, and changes in construction technology. Also a considerable amount of specialized labor is needed in many projects and all contractors will use these same specialists with no differential in their labor costs. In addition, the likelihood that a contractor will pass on to the State County or City all of the savings he can gain by suppressing his wage level below that of the norm is unrealistic. Of course we don't want to waste money in construction but the sweat of a worker's brow and the skill of a worker's hands isn't just an "inanimate economic commodity".

All due respect to supply and demand and competition setting labor's wages, there are some human factors that economics alone cannot evaluate. Pursuit of the lowest possible cost is a philosophy that has no conscience.

Respectfully Submitted,

Charles D. Carey, Jr.

Charles D. Carey, Jr.
Executive Director

TESTIMONY ON H.B. 2797

KANSAS AFL-CIO

Kansas enacted the first prevailing wage law in the country for state construction in 1898. Today, only 14 states are without such legislation. The federal government began hearings in 1898 on maintaining local labor standards in construction work, but no federal legislation resulted until 1931 when economic and social conditions of the depression finally swung the balance.

These laws were enacted to prohibit wage differentials from becoming a major competitive advantage in bidding on government construction contracts and to avoid a depression of local labor markets by outside contractors who paid low wages to imported laborers. They insured that the economic power of the government, as an employer, would not contribute to the depression of local wage conditions. Most of the reasons for mandating a prevailing wage law are still valid today, if the prevailing wage is fairly determined and is the actual wage paid in a community. The result of setting a fair prevailing wage by district should be a maintenance of the status quo for Kansas, neither causing an inflationary effect nor deflating the local labor market. The effect of not pegging a prevailing wage would be to invite some of the abuses which led to the original laws and to make wages a major determining factor in the awarding of contracts.


In the words of Representative Bacon, a Republican U.S. Congressman who co-sponsored the original Davis-Bacon Act, "this act was intended to combat the practice of certain itinerant, irresponsible contractors with itinerant, cheap, bootleg labor who have been going around throughout the country picking off a contract here and a contract there." It was felt that low wages would result in cheap, irresponsible laborers and contractors.

The Kansas and federal laws have fixed a floor under wages on public projects and have worked to promote the health, safety and welfare of laborers. The purpose was purely remedial to correct abuses and for the public good. To go back now could create much confusion and chaos and lead to new abuses which will need addressing by future Legislatures. To abolish the principle for which the act stands will work to the detriment of the people the statute seeks to protect and create uncertainty where stability and predictability now exist.

A major policy underlying KSA 44-201 is that workers employed on public projects should receive the same wages as workers doing the same tasks on a substantially similar private project. It insures that workers engaged in public projects are not penalized by receiving a lower wage than workers in the private sector.

In considering the fate of this law, it should be remembered that neither the federal nor the state prevailing wage laws were enacted for the benefit, advantage or convenience of contractors. These laws were enacted for the benefit of workers and laborers and as an expression of public policy that the payment of low wages should not give a contractor an advantage in bidding or securing public contracts. Another strong argument for Kansas having a prevailing wage law is the fact it helps keep Kansas taxpayers' money in Kansas. A fair wage law in Kansas prevents out-of-state unscrupulous contractors from bringing their cheap labor into Kansas and taking the wages earned by these workers and the profits out of Kansas. These workers don't pay taxes in Kansas, don't buy car tags in Kansas; in other words, Kansas Taxpayers' dollars leave Kansas. It is in this light that this issue should be reviewed by the Legislature.

(more)



H.B. 2797
February 8, 1984
pg. 2

In closing, the current system and the quality of work and workers in Kansas is very good. We should not invite a reduction in that quality and the loss of local jobs by turning our backs on a public policy that has stood Kansas in good stead for nearly 100 years. Construction workers, fair contractors and taxpayers all want and need prevailing wage laws.

#



The Heavy Constructors Association

of The Greater Kansas City Area

June 16, 1981

To: All Contractor Members

Re: Kansas Department of Transportation (KDOT)
Prevailing Rate of Wage

Gentlemen:

It has been a long standing practice for the Kansas Department of Transportation (KDOT) and its predecessor the Kansas State Highway Commission (KSHC) to place prevailing wage rate requirements in all project bid proposals.

On May 14, 1981 in Federal Register Vol. 46 No. 93 (copy enclosed), the Federal Highway Administration (FHWA) provided notice that prevailing wage rates will no longer be required for resurfacing, restoration, and rehabilitation projects. This action shifted the responsibility for payment of prevailing wage rates to Kansas Statute 44-201 (copy enclosed).

We have been advised that KDOT is researching the possibility of continuing their practice of placing the prevailing wage rate requirements in all project bid proposals as an adjunct to Kansas Statute 44-210. This would be done to remain in compliance, and keep continuity with past procedures, as a fair and accurate requirement on the construction industry.

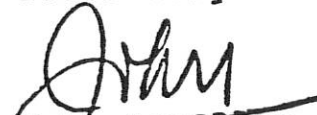
This is to urge that you write a letter to the State of Kansas stating your wishes and reasons for the continuation of this practice regarding prevailing wage rate requirements in all project bid proposals.

The letter should be mailed to: Mr. Patrick J. Hurley
Secretary of Administration
State of Kansas
Second Floor, Statehouse
Topeka, Kansas 66612

with a copy to the Association office for our file.

Contact the Association office if you have any questions regarding this matter.

Yours very truly,


John A. Olson
Secretary-Manager

JAO:ma
enclosures

bcc: Dan Watkins
James L. Hutton



CONSTRUCTION COMPANY 1134 SOUTH 12th STREET P.O. BOX 3270 KANSAS CITY, KANSAS 66103 (913) 321-6772

June 16, 1981

The Honorable John Carlin
Governor of the State of Kansas
Topeka, Kansas

Dear Governor Carlin:

On June 15, 1981, Mr. Dan Watkins, Chief Counsel of the Kansas Department of Transportation, met with several members of the Heavy Constructors Association to discuss the ramifications of the Federal Order Number 23 U.S.C.113 (3R) projects. Dan did an outstanding job of delineating the effects of this order.

We view the effects of this order with great concern. It can devastate a community with disruption of the construction firms located in the community and, also, its citizens, particularly those citizens employed in the construction industry.

Failure to have predetermined wages invites the use of nomadic labor's influx into a community which leads to the unemployment of its own citizens. Further, this disruption leads to attendant problems of increased crime, community strife and many other problems. The State of Florida, specifically the Miami area, serves as an excellent analogy.

Upon further discussion, Dan informed us of K.S.A. 44-201, which allows you, as Governor, to set a realistic community predetermined wage. He further stated that this has never been done in the building construction segment of our industry but has in the highway segment.

Assuming that you could utilize the districts, as set forth by KDOT, and set fair, realistic prevailing wages for each district, and do it for building and highway segments of our industry, that would be the best possible solution to the problem.


We realize that this would be a difficult act for you. It would be politically dangerous, and it could serve as a tremendous source of negative pressure and response. Nevertheless, it would be the fair and courageous thing for you to do.

The Honorable John Carlin
Page 2
June 16, 1981

We want to assure you that should you undertake to accomplish the establishment of fair, realistic prevailing wages, we stand ready to assist you to the maximum of our capability in defending your position. Additionally, we stand ready to help you at any time in the future, officially or personally, in your continued effort to the right thing for the State of Kansas, and its citizens.

Very sincerely yours,

J. A. TOBIN CONSTRUCTION CO.



Patricia A. O'Rourke
Chairperson of the Board



J. K. Price
President



Bill Williams

pc

Engineers and Contractors



June 17, 1981

Mr. Patrick J. Hurley
Secretary of Administration
State of Kansas
Second Floor, Statehouse
Topeka, Kansas 66612

Dear Mr. Hurley:

We understand the recent FHWA ruling contained in Federal Register Vol. 46, No. 93 provides that Davis-Bacon wage rates will no longer apply to resurfacing, restoration and rehabilitation projects.

Consequently, we urge you to continue your department's practice of determining wages and to make those determinations applicable to all 3R projects advertised for bidding throughout the state.

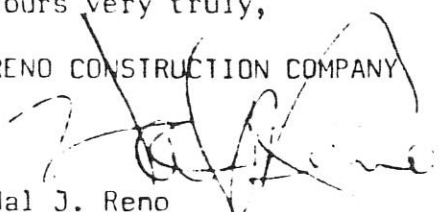
Not to do so will result in out-of-state contractors bidding and being awarded these contracts based upon their ability to bring in employees, largely from the south, at wage rates far below what Kansas contractors would be paying Kansas residents who are their employees.

The result would be a tremendous loss of earnings for Kansas corporations and increased unemployment for Kansas taxpayers.

Please continue the practice of making the payment of predetermined prevailing wage rates a requirement in all KDOT project bid proposals.

Yours very truly,

RENO CONSTRUCTION COMPANY



Hal J. Reno
President

HJR:jh



JOHN A. OLSON
9910 EL MONTE
OVERLAND PARK, KANSAS 66207

June 22, 1981

Mr. Patrick J. Hurley
Secretary of Administration
State of Kansas
Second Floor, State House
Topeka, Kansas 66612

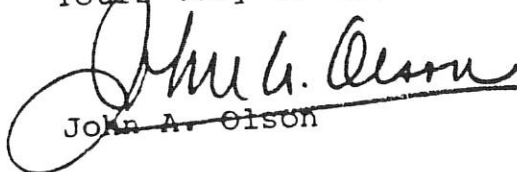
Dear Secretary Hurley:

On May 14, 1981, the Federal Register, Vol. 46, No. 93, revised federal regulations pertaining to prevailing wage determinations in contract bid proposals. It is my personal opinion, this action has placed greater responsibility for prevailing wage compliance in construction bid proposals under our Kansas Statute 44-210.

Kansas Statute 44-210 states: "Contracts made by the state of Kansas, or any county, city township, or municipality shall contain a provision that each laborer, workman, or mechanic employed upon such public work shall be paid the wages herein provided."

As one Kansan to another, it is my personal opinion, Kansas Statute 44-210 requires the continued placing of prevailing wage determination provisions in all contract bid proposals, regardless of the action taken by a federal regulation. To do otherwise would create havoc for the construction contractors and craftsman.

Yours very truly,


John A. Olson

JAO:ma

JESSIE M. BRANSON
REPRESENTATIVE, FORTY FOURTH DISTRICT
800 BROADVIEW DRIVE
LAWRENCE, KANSAS 66044
(913) 843-7171



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER EDUCATION
PENSIONS, INVESTMENTS AND BENEFITS
PUBLIC HEALTH AND WELFARE

February 8, 1984

TO: Rep. William Bunten, Chairman,
and Members of the Committee on Ways & Means

FROM: Rep. Jessie Branson

RE: Support of HB 2690

HB 2690 amends KSA 1983 Supp. 75-5501 to exempt the Regents Institutions from KIPPS (the Kansas Integrated Personnel Payroll System).

Members of the committee are no doubt aware that the legislative intent of 75-5501 was to centralize all state agencies under KIPPS for payroll purposes. By 1983 the majority of state agencies had come on line, with the exception of the Regents Institutions and other state institutions.

The Regents had been on the state central payroll system for a number of years. It was the change to a new computer system which "fouled up the works," and when the University of Kansas came under KIPPS November 1, 1983, severe problems occurred.

XII

--Hundreds of employees either received no pay checks, or insufficient pay checks, or pay checks with incorrect deductions, etc.

--Obviously these employees became extremely angry, and when the problems persisted with the December pay checks, they became even more upset. Real hardships had been created. In short, we had a disaster -- one which was extremely time-consuming for the University and nearly impossible to correct.

--As a legislator who represents a district with a large number of these University personnel -- I became acutely aware that pay checks are very dear to the hearts of employees.

A university payroll -- particularly that of a large teaching and research institution such as KU -- is incredibly complex.

--There are various kinds of employees - faculty, students, and classified

--There are various sources of funding, including state and federal government, various grants, private sources, etc.

--Many faculty and students have more than one appointment

--Some employees are full-time, some are part-time

--Employees are paid on different cycles

When the payroll difficulties developed at KU, it became apparent that KIPPS had not been designed carefully enough to handle a system of payroll accounting for the Regents Institutions, and in terms of both personnel and equipment, it would be very costly to give KU the capability to fully participate in KIPPS.

At the same time, we learned that KIPPS was operating at a dangerously high level -- around 99% of capacity.

Under the circumstances, it seemed sheer folly to bring all the Regents Institutions on, and I felt that it was important to introduce this bill in order to bring to the attention of the Legislature the problems involved.

--I know that in other states, such as California, the Regents have their own system, and that this is working very well.

At this point, the payroll problem at KU has been alleviated

--as I understand it, only a few payroll checks have been reported incorrect for February

--This alleviation is the result of strong, capable and tedious effort -- and I'm sure many sleepless nights -- on the part of the Secretary of Administration, Mike Harder, and his assistant, Professor Russell Getter.

--Through complicated undertakings the Secretary has been able to effect a number of modifications to make it less difficult for KU to survive, at least temporarily, under KIPPS.

I know that various options in dealing with this problem are being brought by the Secretary before Rep. Meacham's committee on Communications, Computers and Technology. I realize that the situation is involved. But I would urge you to give strong consideration to allowing the Regents to have a separate system, especially designed for their needs.

Thank you very much for your time today.

JMB:pm



0119 however. The appellant has the right to apply to the secretary for
 0120 a stay, which the secretary in ~~his~~ *the secretary's* discretion may
 0121 grant. Upon receipt by the secretary of the notice of appeal, he
 0122 ~~the secretary~~ shall, within ~~fifteen (15)~~ 15 days, file with the clerk
 0123 of the district court a certified transcript of all files and proceed-
 0124 ings relating to the order or decision appealed from. The review
 0125 shall be conducted by the court without a jury and shall be *de*
 0126 *novo*, except that in cases of alleged irregularities in procedure,
 0127 testimony thereon may be taken in the court. The court may
 0128 affirm the order or decision of the secretary, or may reverse or
 0129 modify ~~said~~ *the* order. Appeals may be taken ~~to the supreme~~
 0130 ~~court~~ from the order or decision of the district court in the same
 0131 manner as in other civil cases. ~~The secretary shall fix fees to~~
 0132 ~~cover the cost of services rendered under this act.~~

0133 (f) The secretary may adopt rules and regulations establish-
 0134 ing fees for the following services:

0135 (1) Plan approval, monitoring and inspecting petroleum
 0136 products storage tanks. The annual fee shall not exceed \$30;

delete

3 for each tank in place

0137 (2) permitting, monitoring and inspecting salt solution min-
 0138 ing operators. The annual fee shall not exceed \$1,950;

per company,

0139 (3) permitting, monitoring and inspecting hydrocarbon
 0140 storage wells and well systems. The annual fee shall not exceed

per company

0141 \$1,875.

0142 Sec. 2. K.S.A. 1983 Supp. 65-3431 is hereby amended to read

(4) permitting, monitoring and inspecting oil and gas
 lease salt water and oil storage, disposal and
 emergency facilities. The fee shall not exceed
 \$.012 for each barrel of oil and \$.0036 for each
 1000 cubic feet of gas produced and removed from
 the lease each month.

0143 as follows: 65-3431. The secretary is authorized and directed to:

0144 (a) Adopt such rules and regulations, standards and procedures
 0145 relative to hazardous waste management as shall be necessary to
 0146 protect the public health and environment and enable the sec-

0147 retary to carry out the purposes and provisions of this act.

0148 (b) Report to the legislature on further assistance needed to
 0149 administer the hazardous waste management program.

0150 (c) Administer the hazardous waste management program
 0151 pursuant to provisions of this act.

0152 (d) Cooperate with appropriate federal, state, interstate and
 0153 local units of government and with appropriate private organi-
 0154 zations in carrying out the duties under this act.

0155 (e) Develop a statewide hazardous waste management plan.

0304 The fees shall be for monitoring facilities both during and after
 0305 operation, for monitoring generators of hazardous waste in Kan-
 0306 sas and for monitoring the transportation of hazardous wastes
 0307 generated in Kansas to hazardous waste facilities for storage,
 0308 treatment and disposal. The fees shall be sufficient to reimburse
 0309 the cost of the state in performing these monitoring responsibil-
 0310 ities, except that the fee established under this subsection (u) for
 0311 each hazardous waste disposal facility or for each radioactive
 0312 hazardous waste disposal facility shall be not less than \$1,500
 0313 more than ~~\$2,250~~ annually. In setting fees, the secretary may
 0314 exempt those fees which would be payable on treatment proc-
 0315 esses which recover substantial amounts of either energy or
 0316 materials from hazardous wastes. The secretary shall remit any
 0317 moneys collected from such fees to the state treasurer. Upon
 0318 receipt of any such remittance, the state treasurer shall deposit
 0319 the entire amount thereof in the state general fund. Nothing in
 0320 this subsection shall be construed to relieve a permit holder,
 0321 licensee or other person responsible for the operation or long-
 0322 term care of a facility of any monitoring duty or requirement in
 0323 effect on the effective date of this act or any such duty which may
 0324 be imposed as a condition of any future permit or license issued
 0325 under authority of this act or K.S.A. 48-1607 and amendments.
 0326 thereto.

0327 (v) (1) Adopt rules and regulations establishing a schedule of
 0328 fees to be paid to the secretary by licensees operating radioactive
 0329 hazardous waste storage or disposal facilities under a license
 0330 issued by the secretary under the authority of K.S.A. 48-1607 and
 0331 amendments thereto. In establishing fees, the secretary shall
 0332 give consideration for contamination, cost of storage or disposal,
 0333 estimate future receipts and estimated future expenses to the
 0334 state for maintenance, monitoring and supervision for such fa-
 0335 cilities. Fees shall be in an amount not to exceed \$1 per cubic
 0336 foot of radioactive hazardous waste or material. Fees shall be
 0337 collected from each licensee who operates a radioactive hazard-
 0338 ous waste storage or disposal facility licensed under the author-
 0339 ity of K.S.A. 48-1607 and amendments thereto. No educational
 0340 institution shall be required to pay any such fee. Each licensee

shall not be more than \$700 annually for storage facilities, \$1,000 annually for treatment facilities, \$500 annually for transporters, \$5,000 annually for generators, and

delete

3,000

plus not more than \$.10 per cubic foot of waste disposed.



NECA

KANSAS (TOPEKA) CHAPTER
NATIONAL ELECTRICAL
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Manager

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Treasurer

LeRoy Dringmann
Amerine Electric Co., Inc.
P.O. Box 69
Great Bend, Kansas 67530
(316) 792-2123

February 13, 1984

Chairman and Members,
House Ways and Means Committee:

Dear Committee Member:

The electrical contractor members of N.E.C.A. stand in opposition to H.B. 2797, the repeal of prevailing wages on public works.

Our member electrical contracting firms employ up to 2,000 electricians across the state of Kansas, both union and non-union. We do not feel this is a union-non-union issue, but rather an issue which concerns the fair treatment of the men and women who work for us.

We would appreciate your support against this bill.

Sincerely,

Robert A. West
Executive Manager

RAW/kjm

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