

REQUEST FOR LEGISLATIVE ACTION
EXECUTIVE OFFICE

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 20294

Sponsor(s): Crystal Williams

Date: November 4, 2019

OCT 16 2019

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: An Ordinance requesting \$15,507.00 for fringe benefits for seasonal employee's resulting from an audit for the period, September 2017 to January 2018 conducted by Painters District Council No.3.</p>														
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$15,507.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$15,507.00</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td></td> </tr> <tr> <td>From: 001-2701-55010- Regular Salaries</td> <td>From Acct: \$15,507.00</td> </tr> <tr> <td>To: 001-2701-55055-Union Pension</td> <td>To Acct: \$15,507.00</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use:</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$15,507.00	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$15,507.00	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:		From: 001-2701-55010- Regular Salaries	From Acct: \$15,507.00	To: 001-2701-55055-Union Pension	To Acct: \$15,507.00
Amount authorized by this legislation this fiscal year:	\$15,507.00														
Amount previously authorized this fiscal year:	\$														
Total amount authorized after this legislative action:	\$15,507.00														
Amount budgeted for this item * (including transfers):	\$														
Source of funding (name of fund) and account code number:															
From: 001-2701-55010- Regular Salaries	From Acct: \$15,507.00														
To: 001-2701-55055-Union Pension	To Acct: \$15,507.00														
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): Prior resolutions and (date):</p>														
<p>CONTACT INFORMATION</p>	<p>RLA drafted by Katherine Swing, HR Administrator 816-881-1202</p>														
<p>REQUEST SUMMARY</p>	<p>The District Council No. 3 Painters & Allied Trades Fringe Benefits Fund conducted an audit for September 2017 to January 2018. They determined that the fringe benefits for three seasonal employees were underpaid due to a billing error. The vendor acknowledged they were the source of the billing error and as a result the fees for Liquidated Damages (\$2,762.65) and Interest (\$1,095.74) have been waived.</p> <p>\$2,762.65- Liquidated Damages (Waived) \$1,095.74- Interest (Waived) <u>\$15,506.69 Fringe Benefits</u> \$15,506.69</p>														
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>														
<p>COMPLIANCE</p>	<p><input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals</p>														
<p>ATTACHMENTS</p>															

REVIEW	Department Director: <i>Dean L. Suran</i>	Date: <i>10-14-19</i>
	Finance (Budget Approval): <i>If applicable</i> <i>[Signature]</i>	Date: <i>10/16/19</i>
	Division Manager: <i>[Signature]</i>	Date: <i>10-22-19</i>
	County Counselor's Office: <i>[Signature]</i>	Date: <i>10/30/19</i>

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Fiscal Note:


Funds sufficient for this transfer are available from the sources indicated below.

PC# _____

Date: October 16, 2019

RES # 20294

<u>Department / Division</u>	<u>Character/Description</u>	<u>From</u>		<u>To</u>
001 General Fund				
2701 Corrections	55010 Regular Salaries	\$ 15,507		\$ -
2701 Corrections	55055 Union Pension/Insurance	-		15,507
		<u>\$ 15,507</u>		<u>\$ 15,507</u>

 10/16/19
 Budget Officer

Deloris M. Wells

From: Maria Leathers
Sent: Monday, October 14, 2019 8:31 AM
To: Cheryl L. Colter; Deloris M. Wells
Cc: Katherine Swing; Michelle K. Chrisman
Subject: FW: EXTERNAL DC3 Painter Benefits
Attachments: 201910140814.pdf

FYI below.

Cheryl, thank you for your support in getting this resolved.

Best regards,

Maria

From: Mark Myhrman
Sent: Monday, October 14, 2019 8:28 AM
To: Maria Leathers <MLeathers@jacksongov.org>
Subject: EXTERNAL DC3 Painter Benefits

WARNING: This email originated outside of Jackson County.
DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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Mary

As discussed, the Trusteed took action to waive Liquidated Damages and Interest on the audit.

That would leave the principal due of \$15,506.69.

Please let me know if you have questions.

Mark Myhrman
(816) 756-3355

This message was secured by Zix®.

DISTRICT COUNCIL NO.3 PAINTERS AND ALLIED TRADES FRINGE BENEFIT FUNDS

Wilson McShane Corp.
3100 Broadway, Suite 805
Kansas City, MO 64111
(816) 756-3313 Fax (816) 777-2655

July 29, 2019

JACKSON COUNTY
415 E. 12TH STREET
KANSAS CITY, MO 64106

Dear Sir or Madam:

The recent audit by Construction Benefit Audit Corporation shows the amounts below as due and owing the District Council #3 Benefit Funds.

	<u>Fringes</u>	<u>Liquidated Damages</u>	<u>Interest</u>
Health & Welfare	\$2,092.40	\$418.48	\$166.90
Pension	\$11,297.39	\$2,259.48	\$894.72
LMCF	\$211.69	\$42.34	\$17.06
Finishing Trades Institute	\$211.69	\$42.35	\$17.06
Industry Advancement Fund	\$550.39		
Supplemental Dues	\$1,143.13		
Totals:	<u>\$15,506.69</u>	<u>\$2,762.65</u>	<u>\$1,095.74</u>
Total Amount Due:	<u>\$19,365.08</u>		

Please remit your check for the amount due payable to the "District Council #3 Painters and Allied Trades Fringe Benefits Program" and send to Wilson McShane at the above address. If this money is not remitted within ten (10) days from the date of this letter it may be necessary to institute legal proceedings against you in the United States District Court. If a lawsuit is filed, in addition to the above amounts, the Trustees will require that you pay reasonable attorney's fees and court costs. If you have a problem complying with this demand please call us immediately at 816-756-3313, otherwise please remit your check.

Sincerely,

Contributions Department
Wilson McShane Corp.
Administrator for the Funds

Contributions submitted in response to this letter are not deductible as charitable contributions for federal income tax purposes.

Maria Leathers

From: Lesley Myracle <lmyracle@wilson-mcshane.com>
Sent: Monday, August 12, 2019 10:59 AM
To: Maria Leathers
Cc: Mike Eischen
Subject: EXTERNAL Jackson County Audit secure
Attachments: Jackson County Audit.pdf

WARNING: This email originated outside of Jackson County.

DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Maria,

Please see the backup for the audit per our phone conversation. Again, I do apologize for the miscommunication regarding the correct fringe rates at the time these charges occurred. Please let feel free to contact me if you need anything else.

Thank You,

Lesley Myracle
Accounts Receivable/Collections Manager
Wilson-McShane Corporation
3100 Broadway, Suite 805
Kansas City, MO 64111
Direct: 816-777-2653
lmyracle@wilson-mcshane.com

This message was secured by Zix(R).

Maria Leathers

From: Frank Carpenter <fcarpenter@iupatdc3.com>
Sent: Monday, August 12, 2019 8:57 AM
To: Maria Leathers
Subject: EXTERNAL Seasonal employees

WARNING: This email originated outside of Jackson County.
DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To whom it may concern,
Due to a miscommunication from Wilson McShane, the seasonal employees weren't paid full wages and benefits instead they were paid the reduced rates applied to the members working under the maintenance agreement. The seasonal employees should have been paid full wages and benefits from September 2017 to January 2018. If you have any questions, please let me know.

Thanks,
Frank

Frank Carpenter
Business Representative
IUPAT District Council 3
Office: 816-358-2440
Cell: 816-215-5517

CONTRIBUTION SCHEDULE

TRADE: PAINTERS - KANSAS CITY AREA

CONTRACTOR: JACKSON COUNTY

AUDIT PERIOD: 1/1/17-12/31/19

RUN DATE 07/18/19

	HOURS	WELFARE	PENSION	APPREN.	STAR	ADV.	FTI	LMC	CISAP	ISA	CONTRIBUTION TOTAL W/O DUES	MKT DUES	SUPP DUES	TOTAL \$
2/1/18-2/28/17														
JM WITH DUES	5.60	5.46	0.51	0.01	0.25	0.10	0.10	0.10	2.00	19.08	0.54	3.60		
JM WITHOUT DUES														
JM WITH DUES w/o ISA														
JM WITHOUT DUES w/o ISA														
CONTRIBUTION SHORTAGES		248.59			550.39	211.69	211.69	211.69		1,262.36				1,262.36
TOTAL		248.59			550.39	211.69	211.69	211.69		1,262.36				1,262.36
4/1/17-3/31/18														
JM WITH DUES	5.60	3.75	0.51	0.01	0.26	0.10	0.10	0.10	2.00	19.37	0.54	3.60		
JM WITHOUT DUES														
JM WITH DUES w/o ISA														
JM WITHOUT DUES w/o ISA														
CONTRIBUTION SHORTAGES		2,032.22	10,160.33							12,192.55	1,143.13			13,335.68
TOTAL		2,032.22	10,160.33							12,192.55	1,143.13			13,335.68
4/1/18-3/31/19														
JM WITH DUES	5.60	10.05	0.51	0.01	0.27	0.10	0.10	0.10	2.00	19.88	0.54	3.60		
JM WITHOUT DUES														
JM WITH DUES w/o ISA														
JM WITHOUT DUES w/o ISA														
CONTRIBUTION SHORTAGES		60.16	846.47							906.63				906.63
TOTAL		60.16	846.47							906.63				906.63
GRAND TOTAL - KC		2,092.40	11,297.38			550.39	211.69	211.69		14,363.56	1,143.13			15,506.68
TOTAL ALL AREAS		2,092.40	11,297.38			550.39	211.69	211.69		14,363.56	1,143.13			15,506.68
MOURNEY TOTALS - EMOA														
ADPTS FROM DUES & OHT		2,092.40	11,297.39			550.39	211.69	211.69		14,363.56	1,143.13			15,506.68

EXCEPTION SHEET
 Trade: Painters
 Audit Year: 2018

Employer: JACKSON COUNTY
 Audit Period: 1/1/17-12/31/18

Audit File No: 001-18

Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total Hours	Total Dollars
1 Contribution Shortages														
	\$ 2,650.27	\$ 240.00	\$ 240.00	\$ 242.26	\$ 245.01	\$ 351.20	\$ 50.18	\$	\$	\$	\$	\$		\$ 3,968.92
	Total Hours With Dues 2018:													
	Total Contributions With Dues 2018:													

Employer: JACKSON COUNTY

Audit File No: 001-18

Trade : Painters

Audit Period: 1/1/17-12/31/18

Page 3 of 3

Total of all Pages

TOTAL Hours

TOTAL Dollars

\$ 15,506.69

7/15/2019 9:00 AM



JACKSON COUNTY
Human Resources Department

415 East 12th Street, First Floor
Kansas City, Missouri 64106
www.jacksongov.org

(816) 881-3135
Fax: (816) 881-3474

August 12, 2019

Leslie Myracle, AR Manager
Wilson McShane Corporation
3100 Broadway, Suite 805
Kansas City, MO

Re: District Council No.3 Painters Fringe Benefits

Dear Sir or Madam:

Jackson County, Missouri recently received a letter regarding past fringes. We are working to get these charges paid. Due to the circumstances, we are asking if you would waive the Liquidated Damages and the Interest that is due.

Your consideration to this matter would be greatly appreciated. If you have any questions, please feel free to contact me at 816-881-3140.

A handwritten signature in black ink, appearing to read "D-D-D", is written over the text.

Dennis Dumovich, HR Director
Jackson County Missouri

Maria Leathers

From: Lesley Myracle <lmyracle@wilson-mcshane.com>
Sent: Monday, August 12, 2019 11:42 AM
To: Maria Leathers
Subject: EXTERNAL RE: Waiver Letter for Liquid damages & waiver for District Council No.3 Painters Fringe Benefits

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Hi Maria,
I sure will, it will not be until after the next Collection Committee meeting which is in late September so you can pay the contribution part now and then wait for the decision on the other.

Thank You,

Lesley Myracle
Accounts Receivable/Collections Manager
Wilson-McShane Corporation
3100 Broadway, Suite 805
Kansas City, MO 64111
Direct: 816-777-2653
lmyracle@wilson-mcshane.com

From: Maria Leathers <MLeathers@jacksongov.org>
Sent: Monday, August 12, 2019 11:14 AM
To: Lesley Myracle <lmyracle@wilson-mcshane.com>
Subject: FW: Waiver Letter for Liquid damages & waiver for District Council No.3 Painters Fringe Benefits

Oh, Leslie, if you would please email me to let me know the approval of the interest and liquid damages.

Again, thank you,

ML

From: Maria Leathers
Sent: Monday, August 12, 2019 11:05 AM
To: lmyracle@wilson-mcshane.com
Cc: Dennis Dumovich <DDumovich@jacksongov.org>
Subject: Waiver Letter for Liquid damages & waiver for District Council No.3 Painters Fringe Benefits

Attached please find the waiver request for the Liquid damages and interest. Thank you for your prompt attention to this matter.

Best regards,

Maria Leathers, HR Office Administrator
Jackson County, Missouri
415 E. 12th Street- Rm 104
Kansas City, MO 64106
Office: 816-881-1201
Fax: 816-881-3474

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DISTRICT COUNCIL NO. 3

Trust Funds

3100 Broadway, Suite 805
Kansas City, MO 64111
816.756.3313 toll Free 866.756.3313

Received
105 LCO
OCT 2017
Human Resources

October 12, 2017

Jackson County Missouri Dept. of Finance
ATTN: Maria Leathers
415 E. 12th Street, Suite #104
Kansas City, MO 64106

Account Number: 0460
CBA: CT

**** NOTICE OF CREDIT ****

A review of your account for the month(s) listed below indicated overpayments. After you complete your next remittance report, subtract this credit from your total due and enclose a copy of this letter with your report.

<u>Work Month</u>	<u>Amount</u>
SEPT 2017	\$534.60

***The Credit is due to the following:**

I have enclosed a copy of your recent report with the correct rates for the classes you have listed. I don't know what you mean by seasonal work? There isn't a class for that under your Collective Bargaining Agreement? Please call me with questions, thanks.

TOTAL CREDIT: \$ 534.60

If you have any questions regarding this credit, do not hesitate to contact the Fund office.

Thank you,

Wilson-McShane Corporation
Administrator for the Funds

sms



NO MORE FORMS

DISTRICT COUNCIL No. 3 FRINGE BENEFITS PROGRAM

EMPLOYEES THIS MONTH

KANSAS CITY AREA

ANNUAL REPORT

MONTHLY REMITTANCE REPORT

Jackson County, Missouri
 415 E 12th Street, 1st Floor, RR
 Kansas City, MO 64106
 STATE ZIP

FED. I.D. NO. 44-6000524

REPORT FOR MONTH Sept, 2017

PHONE _____ PAGE NO: 1 OF 1

Received
 OCT 10 2017
 Human Resources

BE SURE COUNTY DESIGNATION IS WHERE WORK IS PERFORMED

ONE CHECK PAYABLE TO PAINTER FRINGE BENEFIT PROGRAM
 CHECK AND 2 COPIES OF REPORT TO: 3100 BROADWAY
 SUITE 805
 KANSAS CITY, MO 64111

EFFECTIVE JANUARY 1, 2017

ON SEPARATE SHEETS, EMPLOYEES RECEIVING DISABILITY PAYMENTS FROM WORKERS' COMPENSATION

EMPLOYEE LAST NAME	FIRST	MIDDLE INITIAL	SOCIAL SECURITY NO.	TOTAL JNYMN HRS	TOTAL APPR HRS	3.25% DUES PAID	GROSS WAGES	OPTIONAL ISA	PREVAIL WAGE HRS
Smith, Casey		2101	488-92-9731	176.00					
Baker, John C.		1204	499-82-1705	160.00					
Martin, Lee C.		1210	497-66-4328	172.80					
Chaney, Jr., Terry		1602	389-84-9667	160.00					
Wright, Robert C.		1602	495-06-8772	160.00					
Brown, Gary		2701	499-80-0499	29.50	Seasonal				
Herrera, Andrew		2701	500-66-0012	32.00	1st yr App				
Beatty, Kevan		2701	500-98-9456	32.00	Seasonal				
				922.30					
EMPLOYER CERTIFICATE				922.30					

RECEIVED
 OCT 10 2017

EMPLOYER CERTIFICATE
 I, THE EMPLOYER HEREBY CERTIFY THAT IT IS MANDATORY
 TO THE SE FUND; (2) THAT THE CONTRIBUTIONS REPORTED
 AND RECEIVED; (3) THAT ALL OF THE INDIVIDUALS LISTED
 EMPLOYED; (4) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (5) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (6) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (7) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (8) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (9) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED; (10) THAT NONE OF THE INDIVIDUALS LISTED
 EMPLOYED.

5
 2
 1

④ TOTAL HOURS THIS PAGE	922.30				
⑤ SUMMARY OF TOTAL HOURS REPORTED	922.30				
⑥ Employer JOURNEYMAN CONTRIBUTION	@ \$15.56	PER HOUR	\$ 12,896.13		
⑥ Seasonal 2nd-3rd LEVEL APPRENTICE	@ \$17.86	PER HOUR	4,098.39	568.88	
⑥ 1st LEVEL APPRENTICE	@ \$9.63	PER HOUR	308.16	266.96	
⑦ AUTHORIZED DUES CHECK OFF @ 3.25% OF GROSS WAGES	\$				
⑦ SUPPLEMENTAL DUES CHECK OFF	@	PER HOUR	\$		
⑧ OPTIONAL ISA = TOTAL HOURS WORKED X 2.00			\$ 14,302.68		
⑨ TOTAL REMITTED					

PRINTED NAME _____