

HB 320 -- Prevailing Wages

Sponsor: Fisher

This bill changes the laws regarding Missouri's prevailing wage as it relates to public works construction. In its main provisions, the bill:

(1) Revises the definition of "locality" for the purposes of determining the prevailing wage for an occupational title to mean the county in which the work is performed. Currently, locality may encompass two or more counties adjacent to the one in which the construction is to be performed if there is not enough skilled workmen for the job;

(2) Revises the definition of "prevailing hourly rate of wages" to be the average rate of wages paid within the locality and removes the provision which allows for the consideration of wage rates established by collective bargaining agreements;

(3) Removes the requirement that contributions by a contractor or subcontractor be irrevocably made to a trustee or third person and requires that the contributions be to a fund, plan, or program to qualify as part of the prevailing wage calculation;

(4) Specifies that the prevailing hourly rate of wages in a particular locality will be the median hourly estimated wage for the construction and extraction occupational code most closely resembling the occupational title as published in the latest United States Bureau of Labor Statistics by the Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate or the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code if the Department of Labor and Industrial Relations is unable to determine the prevailing hourly rate for a particular occupational title by means of wage surveys;

(5) Specifies that when the department finds a violation of the provisions regarding prevailing wages, it will provide a notice of violation to the employer instead of a notice of penalty and removes the provision specifying that a prevailing wage penalty will not be due until 45 days after the date of the notice of the penalty;

(6) Prevents the department from initiating an administrative, civil, or criminal action against an employer if the employer pays back wages prior to the department initiating an action to enforce a monetary penalty;

(7) Removes the provision allowing the prevailing wage for each

title to be annually adjusted due to fluctuations in wages in a collective bargaining agreement;

(8) Removes the provision requiring certain contractor and subcontractor signage on motor vehicles and other motorized equipment used in connection with the project; and

(9) Removes the provision imposing a term of imprisonment for up to six months for a person violating any provision regarding prevailing wages.