

SS#2 HB 34 -- PREVAILING WAGES

This bill changes the way that the Department of Labor and Industrial Relations determines the prevailing hourly rate of wages on public works projects. In its main provisions, the bill:

(1) Defines "adjacent county," "collective bargaining agreement," "labor organization" or "union," and "previous six annual wage order reporting periods" as they relate to prevailing wages on a public works project;

(2) Repeals the provision requiring an irrevocable contribution by a contractor or subcontractor to be made to a trustee or third person pursuant to a fund, plan, or program for it to be taken into account in determining the prevailing hourly rate of wages and specifies that any irrevocable contribution to a fund, plan, or program must be taken into account;

(3) Requires the department to accept and consider information regarding local wage rates that is submitted in an electronic or paper format;

(4) Specifies that for construction work, other than work for the Highways and Transportation Commission within the Department of Transportation, the prevailing rate for an occupational title in a locality, other than third and fourth classification counties and Newton County, will be the wage rate that the department determines to be the most commonly paid as measured by the number of hours worked at each wage rate for that occupational title in the locality. When no wages have been reported, the department must ascertain and consider the applicable wage rates established by collective bargaining agreements, if any;

(5) Specifies that for construction work other than work for the commission:

(a) The prevailing rate for an occupational title in a locality in third and fourth classification counties and Newton County will be determined after considering the total number of hours worked for the time period in that occupational title that are not paid pursuant to a collective bargaining agreement and the total number of hours worked that are paid pursuant to a collective bargaining agreement. If the total number of hours that are not paid pursuant to a collective bargaining agreement in the aggregate exceeds the total number of hours that are paid pursuant to a collective bargaining agreement in the aggregate, the prevailing rate will be the wage most commonly paid that is not paid pursuant to a collective bargaining agreement as measured by the number of hours worked at that wage rate for that occupational title in the

locality. If the total number of hours that are paid pursuant to a collective bargaining agreement in the aggregate exceeds the total number of hours that are not paid pursuant to a collective bargaining agreement in the aggregate, the prevailing rate will be the wage most commonly paid that is paid pursuant to a collective bargaining agreement as measured by the number of hours worked at that wage rate for that occupational title in the locality; and

(b) If no work has been performed within a particular occupational title during the reporting period in the locality at any wage rate, the prevailing rate for that occupational title will be determined as follows:

(i) If wages were reported for an occupational title within the previous six annual wage order reporting periods and the prevailing wage rate was determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where wages were reported, the current collective bargaining agreement wage rate will be the prevailing wage rate for that occupational title in that locality;

(ii) If wages were reported for an occupational title within the previous six annual wage order reporting periods and the prevailing wage rate was not determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where wages were reported, the wage rate paid in the most recent annual wage order reporting period when wages were reported will be the prevailing wage rate for that occupational title in that locality;

(iii) If no wages were reported for an occupational title within the previous six annual wage order reporting periods, the department must examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods will be used to determine the prevailing wage rate; or

(iv) If no wages were reported for an occupational title within any adjacent Missouri county within the previous six annual wage order reporting periods, the rate paid pursuant to the current collective bargaining agreement will be the prevailing wage rate for that occupational title in that locality; and

(6) Specifies that only an annual wage order for a particular occupational title in a locality that is based on the number of hours worked under a collective bargaining agreement can be altered

once each year. Currently, any annual wage order for a particular occupational title in a locality may be altered once each year.