

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 1729, 1621 & 1436

AN ACT

To repeal sections 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, RSMo, and to enact in lieu thereof twenty new sections relating to public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 290.095, 290.210, 290.220, 290.230,
2 290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290,
3 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and
4 630.546, RSMo, are repealed and twenty new sections enacted in
5 lieu thereof, to be known as sections 290.095, 290.210, 290.220,
6 290.230, 290.235, 290.240, 290.250, 290.257, 290.262, 290.263,
7 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320,
8 290.325, 290.330, and 630.546, to read as follows:

9 290.095. 1. No contractor or subcontractor may directly or
10 indirectly receive a wage subsidy, bid supplement, or rebate for
11 employment on a public works project if such wage subsidy, bid
12 supplement, or rebate has the effect of reducing the wage rate
13 paid by the employer on a given occupational title below the
14 [prevailing] wage rate [as provided in section 290.262] required

1 to be paid for such project pursuant to sections 290.210 to
2 290.340.

3 2. In the event a wage subsidy, bid supplement, or rebate
4 is lawfully provided or received under [subsections] subsection 1
5 [or 2] of this section, the entity receiving such subsidy,
6 supplement, or rebate shall report the date and amount of such
7 subsidy, supplement, or rebate to the public body within thirty
8 days of receipt of payment. This disclosure report shall be a
9 matter of public record under chapter 610.

10 3. Any employer in violation of this section shall owe to
11 the public body double the dollar amount per hour that the wage
12 subsidy, bid supplement, or rebate has reduced the wage rate paid
13 by the employer below the [prevailing] wage rate [as provided in
14 section 290.262] required to be paid for such project pursuant to
15 sections 290.210 to 290.340 for each hour that work was
16 performed. It shall be the duty of the department to calculate
17 the dollar amount owed to the public body under this section.

18 290.210. As used in sections 290.210 to 290.340, unless the
19 context indicates otherwise, the following terms shall mean:

20 (1) ["Adjacent county", any Missouri county of the third or
21 fourth classification having a boundary that, at any point,
22 touches any boundary of the locality for which the wage rate is
23 being determined;

24 (2) "Collective bargaining agreement" [means], any written
25 agreement or understanding between an employer or employer
26 association and a labor organization or union which is the
27 exclusive bargaining representative of the employer's or employer
28 association's employees pursuant to the terms of the National

1 Labor Relations Act and which agreement or understanding or
2 predecessor agreement or understanding has been used to determine
3 an occupational title wage rate;

4 [(3)] (2) "Construction" [includes], construction,
5 reconstruction, improvement, enlargement, alteration, painting
6 and decorating, or major repair;

7 [(4)] (3) "Department" [means], the department of labor and
8 industrial relations;

9 [(5)] (4) "Labor organization" or "union" [means], any
10 entity which has been designated pursuant to the terms of the
11 National Labor Relations Act as the exclusive bargaining
12 representative of employees of employers engaged in the
13 construction industry, which entity or affiliated entity has ever
14 had a collective bargaining agreement which determined an
15 occupational title wage rate;

16 [(6)] (5) "Locality" [means], the county where the physical
17 work upon public works is performed;

18 [(7)] (6) "Maintenance work" [means], the repair, but not
19 the replacement, of existing facilities when the size, type or
20 extent of the existing facilities is not thereby changed or
21 increased;

22 [(8)] (7) "Prevailing hourly rate of wages" [means] or
23 "prevailing wage rate", the wages paid generally, to workers
24 engaged in work of a similar character in the locality in which
25 the public works is being performed, [to workmen engaged in work
26 of a similar character] including the basic hourly rate of pay
27 and the amount of the rate of contributions irrevocably made to a
28 fund, plan or program, and the amount of the rate of costs to the

1 contractor or subcontractor which may be reasonably anticipated
2 in providing benefits to [workmen] workers and mechanics pursuant
3 to an enforceable commitment to carry out a financially
4 responsible plan or program which was communicated in writing to
5 the workmen affected, for medical or hospital care, pensions on
6 retirement or death, compensation for injuries or illness
7 resulting from occupational activity, or insurance to provide any
8 of the foregoing, for unemployment benefits, life insurance,
9 disability and sickness insurance, accident insurance, for
10 vacation and holiday pay, for defraying costs of apprenticeship
11 or other similar programs, or for other bona fide fringe
12 benefits, but only where the contractor or subcontractor is not
13 required by other federal or state law to provide any of the
14 benefits; provided, that the obligation of a contractor or
15 subcontractor to make payment in accordance with the prevailing
16 wage determinations of the department, insofar as sections
17 290.210 to 290.340 are concerned, may be discharged by the making
18 of payments in cash, by the making of irrevocable contributions
19 by the assumption of an enforceable commitment to bear the costs
20 of a plan or program as provided herein, or any combination
21 thereof, where the aggregate of such payments, contributions and
22 costs is not less than the rate of pay plus the other amounts as
23 provided herein;

24 [(9) "Previous six annual wage order reporting periods"
25 means the current annual wage order reporting period under
26 consideration for wage rate determinations and the five
27 immediately preceding annual wage order reporting periods;

28 (10)] (8) "Public body" [means], the state of Missouri or

1 any officer, official, authority, board or commission of the
2 state, or other political subdivision thereof, or any institution
3 supported in whole or in part by public funds;

4 [(11)] (9) "Public works" [means], all fixed works
5 constructed for public use or benefit or paid for wholly or in
6 part out of public funds. It also includes any work done
7 directly by any public utility company when performed by it
8 pursuant to the order of the public service commission or other
9 public authority whether or not it be done under public
10 supervision or direction or paid for wholly or in part out of
11 public funds when let to contract by said utility. It does not
12 include any work done for or by any drainage or levee district;

13 [(12) "Workmen" means]

14 (10) "Public works contracting minimum wage", the wage rate
15 determined by the department pursuant to section 290.257;

16 (11) "Workers", laborers[, workmen] and mechanics.

17 290.220. It is hereby declared to be the policy of the
18 state of Missouri that a wage of no less than the prevailing
19 hourly rate of wages for work of a similar character in the
20 locality in which the work is performed or the public works
21 contracting minimum wage, whichever is applicable, shall be paid
22 to all [workmen] workers employed by or on behalf of any public
23 body engaged in public works, exclusive of maintenance work.

24 290.230. 1. (1) Except as otherwise provided in this
25 section, not less than the prevailing hourly rate of wages for
26 work of a similar character in the locality in which the work is
27 performed[, and not less than the prevailing hourly rate of wages
28 for legal holiday and overtime work,] or the public works

1 contracting minimum wage, whichever is applicable, shall be paid
2 to all ~~workmen~~ workers employed by or on behalf of any public
3 body engaged in the construction of public works, exclusive of
4 maintenance work.

5 (2) For all work performed on a Sunday or a holiday, not
6 less than twice the prevailing hourly rate of wages for work of a
7 similar character in the locality in which the work is performed
8 or the public works contracting minimum wage, whichever is
9 applicable, shall be paid to all workers employed by or on behalf
10 of any public body engaged in the construction of public works,
11 exclusive of maintenance work. For purposes of this subdivision,
12 "holiday" shall include each of the following:

- 13 (a) January first;
- 14 (b) The last Monday in May;
- 15 (c) July fourth;
- 16 (d) The first Monday in September;
- 17 (e) November eleventh;
- 18 (f) The fourth Thursday in November; and
- 19 (g) December twenty-fifth;

20
21 If any holiday falls on a Sunday, the following Monday shall be
22 considered a holiday.

23 (3) For all overtime work performed, not less than one and
24 one half the prevailing hourly rate of wages for work of a
25 similar character in the locality in which the work is performed
26 or the public works contracting minimum wage, whichever is
27 applicable, shall be paid to all workers employed by or on behalf
28 of any public body engaged in the construction of public works,

1 exclusive of maintenance work or contractual obligation. For
2 purposes of this subdivision, "overtime work" shall include work
3 that exceeds ten hours in one day and work in excess of forty
4 hours in one calendar week; and

5 (4) A thirty minute lunch period on each calendar day shall
6 be allowed for each worker on a public works project, provided
7 that such time shall not be considered as time worked.

8 2. Only [such workmen as] workers that are directly
9 employed by contractors or subcontractors in actual construction
10 work on the site of the building or construction job shall be
11 deemed to be employed upon public works.

12 3. Any [such workman] worker who agrees in writing to
13 volunteer his or her labor without pay shall not be deemed to be
14 employed upon public works, and shall not be entitled to the
15 [prevailing hourly rate of wages] wage rates required pursuant to
16 sections 290.210 to 290.340. For the purposes of this section,
17 the term "[workman] worker who agrees in writing to volunteer his
18 or her labor without pay" shall mean a [workman] worker who
19 volunteers his or her labor without any promise of benefit or
20 remuneration for such voluntary activity, and who is not a
21 prisoner in any jail or prison facility and who is not performing
22 community service pursuant to disposition of a criminal case
23 against him or her, and is not otherwise employed for
24 compensation at any time in the construction or maintenance work
25 on the same public works for which the [workman] worker is a
26 volunteer. Under no circumstances may an employer or a public
27 body force, compel or otherwise intimidate [an employee] a worker
28 into performing work otherwise paid [by] at a prevailing wage

1 rate or at a public works contracting minimum wage rate as a
2 volunteer.

3 [2.] 4. When the hauling of materials or equipment includes
4 some phase of construction other than the mere transportation to
5 the site of the construction, [workmen] workers engaged in this
6 dual capacity shall be deemed employed directly on public works.

7 5. (1) The provisions of sections 290.210 to 290.340 shall
8 not apply to the construction of public works for which either
9 the engineer's estimate or the bid accepted by the public body
10 for the total project cost is in the amount of seventy-five
11 thousand dollars or less.

12 (2) The total project cost shall be based upon the entire
13 project and not individual projects within a larger project.

14 (3) The total project cost shall include the value of work
15 performed on the project by every person paid by a contractor or
16 subcontractor for that person's work on the project. The total
17 project cost shall additionally include all materials and
18 supplies purchased for the project.

19 6. A public body shall not divide a project into multiple
20 contracts for the purpose of lowering the total project cost
21 below the threshold described in subsection 5 of this section.

22 7. For any public works project for which either the
23 engineer's estimate or the bid accepted by the public body for
24 the total project cost is in the amount of seventy-five thousand
25 dollars or less that becomes subject to a change order that
26 increases the total project cost in excess of seventy-five
27 thousand dollars, the provisions of sections 290.210 to 290.340
28 shall apply only to that portion of the project that was in

1 excess of seventy-five thousand dollars.

2 8. Notwithstanding any provision of law to the contrary,
3 for the purposes of construction of public works for which either
4 the engineer's estimate or the bid accepted by the public body
5 for the total project cost is in the amount of ten thousand
6 dollars or less for all occupational titles, public bodies shall
7 be exempt from any law requiring the use of competitive bids.

8 290.235. 1. Employers may use entry-level workers and
9 federally-registered apprentices for on-the-job training periods.
10 The wage rate for on-the-job training workers shall be equal to
11 fifty percent of the applicable wage rate for a journeyman worker
12 under the appropriate occupational title for a specific locality.

13 2. The combined total of entry-level workers and federally-
14 registered apprentices shall not exceed a one to one ratio with
15 the number of journeyman workers in any occupational title on a
16 public works project subject to sections 290.210 to 290.340.

17 290.240. 1. The department shall inquire diligently [as
18 to] into complaints regarding any violation of sections 290.210
19 to 290.340, shall institute actions for penalties herein
20 prescribed, and shall enforce generally the provisions of
21 sections 290.210 to 290.340. Complaints regarding any violation
22 of sections 290.210 to 290.340 shall be filed with the
23 department. The following interested parties are the only
24 parties allowed to file such complaints with the department:

25 (1) Any decision-making public servant for a public body
26 for which a public works project is being performed, if the
27 complaint is against the contractor or subcontractor for the
28 project;

1 (2) Any contractor, if the complaint is against his or her
2 subcontractor for work performed on behalf of a public body;

3 (3) Any subcontractor, if the complaint is against his or
4 her contractor for work performed on behalf of a public body; and

5 (4) Any worker who alleges a violation of his or her rights
6 under sections 290.210 to 290.340.

7 2. The department may establish rules and regulations for
8 the purpose of carrying out the provisions of sections 290.210 to
9 290.340.

10 290.250. 1. Every public body authorized to contract for
11 or construct public works before advertising for bids or
12 undertaking such construction shall request the department to
13 determine the [prevailing rates of wages for workmen for the
14 class or type of work called for by the public works,] applicable
15 wage rates in the locality where the work is to be performed.

16 The department shall determine the [prevailing hourly rate of
17 wages] applicable wage rates in the locality in which the work is
18 to be performed [for each type of workman required to execute the
19 contemplated contract and] as provided in section 290.257. Such

20 determination or schedule of the [prevailing hourly rate of
21 wages] wage rates shall be attached to and made a part of the
22 specifications for the work. The public body shall then specify
23 in the resolution or ordinance and in the call for bids for the
24 contract [what is] the [prevailing hourly rate of wages] wage
25 rates in the locality [for each type of workman] needed to

26 execute the contract [and also the general prevailing rate for
27 legal holiday and overtime work]. [It shall be mandatory upon]
28 The contractor to whom the contract is awarded and [upon] any

1 subcontractor under [him to] the contractor shall pay not less
2 than the specified wage rates to all [workmen] workers employed
3 by them in the execution of the contract. The public body
4 awarding the contract shall cause to be inserted in the contract
5 a stipulation to the effect that not less than the [prevailing
6 hourly rate of wages] specified wage rates shall be paid to all
7 [workmen] workers performing work under the contract. The
8 [employer] contractor shall forfeit as a penalty to the [state,
9 county, city and county, city, town, district or other political
10 subdivision] public body on whose behalf the contract is made or
11 awarded one hundred dollars for each [workman] worker employed,
12 for each calendar day, or portion thereof, such [workman] worker
13 is paid less than the [said stipulated] specified wage rates for
14 any work done under [said] the contract, by [him] the contractor
15 or by any subcontractor under [him] the contractor, and the
16 [said] public body awarding the contract shall cause to be
17 inserted in the contract a stipulation to this effect. [It shall
18 be the duty of such] The public body awarding the contract, and
19 its agents and officers, [to] shall take cognizance of all
20 complaints of all violations of the provisions of sections
21 290.210 to 290.340 committed in the course of the execution of
22 the contract, and, when making payments to the contractor
23 becoming due under [said] the contract, [to] shall withhold and
24 retain therefrom all sums and amounts due and owing as a result
25 of any violation of sections 290.210 to 290.340. [It shall be
26 lawful for] Any contractor [to] may withhold from any
27 subcontractor [under him] sufficient sums to cover any penalties

1 withheld [from him] by the awarding public body on account of
2 [said] the subcontractor's failure to comply with the terms of
3 sections 290.210 to 290.340, and if payment has already been made
4 [to him], the contractor may recover from [him] the subcontractor
5 the amount of the penalty in a suit at law.

6 2. In determining whether a violation of sections 290.210
7 to 290.340 has occurred, and whether [the] a penalty [under
8 subsection 1 of this section] shall be imposed pursuant to
9 subsection 1 of this section, [it shall be the duty of] the
10 department [to] shall investigate any [claim of violation]
11 complaint made by an interested party listed under section
12 290.240. Upon completing such investigation, the department
13 shall notify the employer of its findings. If the department
14 concludes that a violation of sections 290.210 to 290.340 has
15 occurred and a penalty may be due, the department shall notify
16 the employer of such finding by providing a notice of penalty to
17 the employer. Such penalty shall not be due until forty-five
18 days after the date of the notice of the penalty.

19 3. The employer shall have the right to dispute such notice
20 of penalty in writing to the department within forty-five days of
21 the date of the notice. Upon receipt of this written notice of
22 dispute, the department shall notify the employer of the right to
23 resolve such dispute through arbitration. The state and the
24 employer shall submit to an arbitration process to be established
25 by the department by rule, and in conformance with the guidelines
26 and rules of the American Arbitration Association or other
27 arbitration process mutually agreed upon by the employer and the
28 state. If at any time prior to the department pursuing an

1 enforcement action to enforce the monetary penalty provisions of
2 subsection 1 of this section against the employer, the employer
3 pays the back wages as determined by either the department or the
4 arbitrator, the department shall be precluded from initiating any
5 enforcement action to impose the monetary penalty provisions of
6 subsection 1 of this section.

7 4. If the employer fails to pay all wages due as determined
8 by the arbitrator within forty-five days following the conclusion
9 of the arbitration process, or if the employer fails to exercise
10 the right to seek arbitration, the department may then pursue an
11 enforcement action to enforce the monetary penalty provisions of
12 subsection 1 of this section against the employer. If the court
13 orders payment of the penalties as prescribed in subsection 1 of
14 this section, the department shall be entitled to recover its
15 actual cost of enforcement from such penalty amount.

16 5. Nothing in this section shall be interpreted as
17 precluding an action for enforcement filed by an aggrieved
18 employee as otherwise provided in law.

19 290.257. 1. (1) In determining the prevailing wage rate,
20 the department shall accept and consider information submitted in
21 either paper or electronic format regarding local wage rates for
22 construction projects that occurred during the year preceding the
23 annual wage order to be issued, provided that information
24 regarding local wage rates for entry-level workers and federally-
25 registered apprentices shall not be considered.

26 (2) (a) The prevailing wage rate for each occupational
27 title shall be equal to the weighted average wage for that
28 occupational title.

1 (b) For purposes of this subdivision, the following terms
2 shall mean:

3 a. "Reported wage sum", for each occupational title, the
4 sum of every product of each reported wage rate, which shall
5 include fringe benefits, multiplied by the total number of
6 reportable hours at such wage rate; and

7 b. "Weighted average wage", the reported wage sum for each
8 occupational title divided by the total number of reportable
9 hours for that occupational title.

10 2. The department shall annually calculate the public works
11 contracting minimum wage in each locality. The public works
12 contracting minimum wage shall be equal to one hundred twenty
13 percent of the average hourly wage in a particular locality, as
14 determined by the Missouri economic research and information
15 center within the department of economic development, or any
16 successor agency.

17 3. A final determination of the prevailing hourly rate of
18 wages and the public works contracting minimum wage applicable to
19 every locality to be contained in an annual wage order shall be
20 made annually on or before July 1, 2019, and July first of each
21 year thereafter. The wage order shall remain in effect until
22 superseded by a new annual wage order. The department shall, by
23 March 10, 2019, and March tenth of each year thereafter, make an
24 initial determination of the prevailing wage rate for each
25 occupational title within the locality as well as an initial
26 determination as to the public works contracting minimum wage.
27 Objections may be filed as to any initial determination as
28 provided in section 290.262.

1 4. (1) If the total number of reportable hours that are
2 paid pursuant to a collective bargaining agreement and the total
3 number of reportable hours that are not paid pursuant to a
4 collective bargaining agreement equal or exceed, in the
5 aggregate, one thousand hours for any particular occupational
6 title within a locality, workers engaged in that occupational
7 title in such locality shall be paid the prevailing wage rate
8 determined by the department pursuant to this section.

9 (2) If the total number of reportable hours that are paid
10 pursuant to a collective bargaining agreement and the total
11 number of reportable hours that are not paid pursuant to a
12 collective bargaining agreement do not equal or exceed, in the
13 aggregate, one thousand hours for any particular occupational
14 title within a locality, workers engaged in that occupational
15 title in such locality shall be paid the public works contracting
16 minimum wage.

17 5. For purposes of this section, the term "reportable
18 hours" shall mean hours reported by a contractor for work
19 performed under such contractor in a particular occupational
20 title within a particular locality.

21 6. (1) The different types of occupational titles to which
22 sections 290.210 to 290.340 shall apply shall be limited to, and
23 shall include, all of the following:

24 (a) Asbestos worker;

25 (b) Boilermaker;

26 (c) Bricklayer;

27 (d) Carpenter, which shall include pile driver, millwright,
28 lather, and linoleum layer;

1 (e) Cement mason, which shall include plasterer;

2 (f) Communications technician;

3 (g) Electrician;

4 (h) Elevator constructor;

5 (i) Glazier;

6 (j) Ironworker;

7 (k) General laborer, including first semi-skilled laborer
8 and second semi-skilled laborer;

9 (l) Mason, which shall include marble mason, marble
10 finisher, terrazzo worker, terrazzo finisher, tile setter, and
11 tile finisher;

12 (m) Operating engineer, which shall include operating
13 engineer group one, operating engineer group two, operating
14 engineer group three, operating engineer group three-A, operating
15 engineer group four, and operating engineer group five;

16 (n) Outside lineman, lineman operator, groundman, lineman
17 tree trimmer, groundman tree trimmer, and any combination
18 thereof;

19 (o) Painter;

20 (p) Plumber, which shall include pipe fitter;

21 (q) Roofer;

22 (r) Sheet metal worker;

23 (s) Sprinkler fitter; and

24 (t) Truck driver, which shall include truck control service
25 driver, truck driver group one, truck driver group two, truck
26 driver group three, and truck driver group four.

27 (2) Each occupational title listed in subdivision (1) of
28 this subsection shall have the same meaning and description as

1 given to such occupational title in 8 CSR 30-3.060.

2 290.262. 1. [Except as otherwise provided in section
3 290.260, the department shall annually determine the prevailing
4 hourly rate of wages in each locality for each separate
5 occupational title. In doing so, the department shall accept and
6 consider information regarding local wage rates that is submitted
7 in either paper or electronic formats. A final determination
8 applicable to every locality to be contained in an annual wage
9 order shall be made annually on or before July first of each year
10 and shall remain in effect until superseded by a new annual wage
11 order or as otherwise provided in this section. The department
12 shall, by March tenth of each year, make an initial determination
13 for each occupational title within the locality.

14 2. The prevailing wage rate for an occupational title in a
15 locality shall, with the exception of localities that are
16 counties of the third and fourth classification and any county of
17 the second classification with more than fifty-eight thousand but
18 fewer than sixty-five thousand inhabitants, be the wage rate most
19 commonly paid, as measured by the number of hours worked at each
20 wage rate, for that occupational title within that locality. In
21 determining such prevailing wage rates, the department shall
22 ascertain and consider the applicable wage rates established by
23 collective bargaining agreements, if any, when no wages were
24 reported.

25 3. With respect only to localities that are counties of the
26 third and fourth classification and any county of the second
27 classification with more than fifty-eight thousand but fewer than
28 sixty-five thousand inhabitants, the prevailing wage rate for an

1 occupational title within such locality shall be determined in
2 the following manner:

3 (1) The total number of hours worked that are not paid
4 pursuant to a collective bargaining agreement for the time period
5 in that occupational title in the locality and the total number
6 of hours worked that are paid pursuant to a collective bargaining
7 agreement for the time period in that occupational title in the
8 locality shall be considered;

9 (2) If the total number of hours that are not paid pursuant
10 to a collective bargaining agreement, in the aggregate, exceeds
11 the total number of hours that are paid pursuant to such an
12 agreement, in the aggregate, then the prevailing wage rate shall
13 be the rate most commonly paid that is not paid pursuant to a
14 collective bargaining agreement as measured by the number of
15 hours worked at such rate for that occupational title within the
16 locality;

17 (3) If the total number of hours that are paid pursuant to
18 a collective bargaining agreement, in the aggregate, exceeds the
19 total number of hours that are not paid pursuant to such an
20 agreement, in the aggregate, then the prevailing wage rate shall
21 be the rate most commonly paid that is paid pursuant to a
22 collective bargaining agreement as measured by the number of
23 hours worked at such rate for that occupational title within the
24 locality;

25 (4) If no work within a particular occupational title has
26 been performed in a locality at any wage rate, the prevailing
27 wage rate for that occupational title in that locality shall be
28 determined in the following manner:

1 (a) If wages were reported for an occupational title within
2 a locality within the previous six annual wage order reporting
3 periods and the prevailing wage rate was determined by a
4 collective bargaining agreement by hours worked pursuant to such
5 agreement in the most recent annual wage order reporting period
6 where such wages were reported, then the wage rate paid pursuant
7 to the current collective bargaining agreement shall be the
8 prevailing rate for that occupational title within the locality;

9 (b) If wages were reported for an occupational title within
10 a locality within the previous six annual wage order reporting
11 periods and the prevailing wage rate was not determined by hours
12 worked pursuant to a collective bargaining agreement in the most
13 recent annual wage order reporting period where such wages were
14 reported, then the wage rate paid in the most recent annual wage
15 order reporting period when such wages were reported shall be the
16 prevailing wage rate for that occupational title within the
17 locality;

18 (c) If no wages were reported for an occupational title
19 within a locality within the previous six annual wage order
20 reporting periods, the department shall examine hours and wages
21 reported in all adjacent Missouri counties during the same
22 periods. The most recent reported wage rate in a given wage
23 order period in the adjacent Missouri county with the most
24 reported hours actually worked for that occupational title in the
25 wage period during the previous six annual wage order reporting
26 periods shall be used to determine the prevailing wage rate;

27 (d) If no wages were reported for an occupational title
28 within any adjacent Missouri county within the previous six

1 annual wage order reporting periods, then the rate paid pursuant
2 to the current collective bargaining agreement shall be the
3 prevailing wage rate for that occupational title within the
4 locality.

5 4.] A certified copy of [the] any initial wage
6 determinations [so] made pursuant to section 290.257 shall be
7 filed immediately with the secretary of state and with the
8 department in Jefferson City. Copies shall be supplied by the
9 department to all persons requesting them within ten days after
10 the filing.

11 [5.] 2. At any time within thirty days after the certified
12 copies of the determinations have been filed with the secretary
13 of state and the department, any person who is affected thereby
14 may object in writing to a determination or a part thereof that
15 he or she deems objectionable by filing a written notice with the
16 department, stating the specific grounds of the objection. If no
17 objection is filed, the determination is final after thirty days.

18 [6.] 3. After the receipt of the objection, the department
19 shall set a date for a hearing on the objection. The date for
20 the hearing shall be within sixty days of the receipt of the
21 objection. Written notice of the time and place of the hearing
22 shall be given to the objectors at least ten days prior to the
23 date set for the hearing.

24 [7.] 4. The department at its discretion may hear each
25 written objection separately or consolidate for hearing any two
26 or more written objections. At the hearing the department shall
27 first introduce in evidence the investigation it instituted and
28 the other facts which were considered at the time of the original

1 determination which formed the basis for its determination. The
2 department, or the objector, or any interested party, thereafter
3 may introduce any evidence that is material to the issues.

4 [8.] 5. Within twenty days of the conclusion of the
5 hearing, the department shall rule on the written objection and
6 make the final determination that it believes the evidence
7 warrants. Immediately, the department shall file a certified
8 copy of its final determination with the secretary of state and
9 with the department and shall serve a copy of the final
10 determination on all parties to the proceedings by personal
11 service or by registered mail.

12 [9.] 6. This final decision of the department of the
13 prevailing wages in the locality for each occupational title is
14 subject to review in accordance with the provisions of chapter
15 536. Any person affected, whether or not the person participated
16 in the proceedings resulting in the final determination, may have
17 the decision of the department reviewed. The filing of the final
18 determination with the secretary of state shall be considered a
19 service of the final determination on persons not participating
20 in the administrative proceedings resulting in the final
21 determination.

22 [10.] 7. At any time before trial any person affected by
23 the final determination of the department may intervene in the
24 proceedings to review under chapter 536 and be made a party to
25 the proceedings.

26 [11.] 8. Any annual wage order made for a particular
27 occupational title in a locality, that is based on the number of
28 hours worked under a collective bargaining agreement, may be

1 altered once each year, as provided in this subsection. The
2 prevailing wage for each such occupational title may be adjusted
3 on the anniversary date of any collective bargaining agreement
4 which covers all persons in that particular occupational title in
5 the locality in accordance with any annual incremental wage
6 increases set in the collective bargaining agreement. If the
7 prevailing wage for an occupational title is adjusted pursuant to
8 this subsection, the employee's representative or employer in
9 regard to such collective bargaining agreement shall notify the
10 department of this adjustment, including the effective date of
11 the adjustment. The adjusted prevailing wage shall be in effect
12 until the next final annual wage order is issued pursuant to this
13 section. The wage rates for any particular job, contracted and
14 commenced within sixty days of the contract date, which were set
15 as a result of the annual or revised wage order, shall remain in
16 effect for the duration of that particular job.

17 [12.] 9. In addition to all other reporting requirements of
18 sections 290.210 to 290.340, each public body which is awarding a
19 contract for a public works project shall, prior to beginning of
20 any work on such public works project, notify the department, on
21 a form prescribed by the department, of the scope of the work to
22 be done, the various types of craftsmen who will be needed on the
23 project, and the date work will commence on the project.

24 290.263. The [hourly wages] wage rates required to be paid
25 [as prescribed in section 290.250 to workmen] to workers upon
26 public works pursuant to sections 290.210 to 290.340 shall not be
27 less than the minimum wage specified under Section 6(a)(1) of the
28 Fair Labor Standards Act of 1938, as amended.

1 290.265. A clearly legible statement of all [prevailing
2 hourly] wage rates required to be paid to all [workmen] workers
3 employed in order to execute the contract and employed on the
4 construction of the public works shall be kept posted in a
5 prominent and easily accessible place at the site thereof by each
6 contractor and subcontractor engaged in the public works projects
7 under [the provisions of this law] sections 290.210 to 290.340
8 and such notice shall remain posted during the full time that any
9 such [workman] worker shall be employed on the public works.

10 290.270. The finding of the department ascertaining and
11 declaring the prevailing hourly rate of wages and the public
12 works contracting minimum wage shall be final for the locality,
13 unless reviewed under the provisions of sections 290.210 to
14 290.340. Nothing in sections 290.210 to 290.340, however, shall
15 be construed to prohibit the payment to any [workman] worker
16 employed on any public work of more than the prevailing hourly
17 rate of wages or the public works contracting minimum wage.
18 Nothing in sections 290.210 to 290.340 shall be construed to
19 limit the hours of work which may be performed by any [workman]
20 worker in any particular period of time.

21 290.290. 1. The contractor and each subcontractor engaged
22 in any construction of public works shall keep full and accurate
23 records clearly indicating the names, occupations and crafts of
24 every [workman] worker employed by them in connection with the
25 public work together with an accurate record of the number of
26 hours worked by each [workman] worker and the actual wages paid
27 therefor. The payroll records required to be so kept shall be
28 open to inspection by any authorized representative of the

1 contracting public body or of the department at any reasonable
2 time and as often as may be necessary and such records shall not
3 be destroyed or removed from the state for the period of one year
4 following the completion of the public work in connection with
5 which the records are made.

6 2. Each contractor and subcontractor shall file with the
7 contracting public body upon completion of the public work and
8 prior to final payment therefor an affidavit stating that he or
9 she had fully complied with the provisions and requirements of
10 [this chapter] sections 290.210 to 290.340, and no public body
11 shall be authorized to make final payment until such affidavit is
12 filed therewith in proper form and order.

13 3. Each contractor and subcontractor engaged in any
14 construction of public works shall have its name, acceptable
15 abbreviation or recognizable logo and the name of the city and
16 state of the mailing address of the principal office of the
17 company, on each motor vehicle and motorized self-propelled piece
18 of equipment which is used in connection with such public works
19 project during the time the contractor or subcontractor is
20 engaged on such project. The sign shall be legible from a
21 distance of twenty feet but the size of the lettering need not be
22 larger than two inches. In cases where equipment is leased or
23 where affixing a legible sign to the equipment is impractical,
24 the contractor may place a temporary stationary sign, with the
25 information required pursuant to this subsection, at the main
26 entrance of the construction project in place of affixing the
27 required information on the equipment so long as such sign is not
28 in violation of any state or federal statute, rule or regulation.

1 Motor vehicles which are required to have similar information
2 affixed thereto pursuant to requirements of a regulatory agency
3 of the state or federal government are exempt from the provisions
4 of this subsection.

5 4. The provisions of subsection 3 of this section shall not
6 apply to construction of public works for which the contract
7 awarded is in the amount of two hundred fifty thousand dollars or
8 less.

9 290.300. Any [workman] worker employed by the contractor or
10 by any subcontractor under the contractor who shall be paid for
11 his or her services in a sum less than the stipulated rates for
12 work done under the contract, shall have a right of action for
13 double whatever difference there may be between the amount so
14 paid and the rates provided by the contract together with a
15 reasonable attorney's fee to be determined by the court, and an
16 action brought to recover same shall be deemed to be a suit for
17 wages, and any and all judgments entered therein shall have the
18 same force and effect as other judgments for wages.

19 290.305. No person, firm or corporation shall violate the
20 wage provisions of any contract contemplated in sections 290.210
21 to 290.340 or suffer or require any employee to work for less
22 than the rate of wages so fixed, or violate any of the provisions
23 contained in sections 290.210 to 290.340. Where [workmen]
24 workers are employed and their rate of wages has been determined
25 as provided in sections 290.210 to 290.340, no person, either
26 [for himself] on his or her behalf or for any other person, shall
27 request, demand or receive, either before or after such [workman]
28 worker is engaged, that such [workman] worker pay back, return,

1 donate, contribute, or give any part or all of said [workman's]
2 worker's wages, salary, or thing of value, to any person, upon
3 the statement, representation, or understanding that failure to
4 comply with such request or demand will prevent such [workman]
5 worker from procuring or retaining employment, and no person
6 shall, directly or indirectly, pay, request or authorize any
7 other person to violate this section. This section [does] shall
8 not apply to any agent or representative of a duly constituted
9 labor organization acting in the collection of dues or
10 assessments of such organization.

11 290.315. All contractors and subcontractors [required in]
12 subject to sections 290.210 to 290.340 [to pay not less than the
13 prevailing rate of wages] shall make full payment of [such] the
14 required wages in legal tender, without any deduction for food,
15 sleeping accommodations, transportation, use of small tools, or
16 any other thing of any kind or description. This section [does]
17 shall not apply where the employer and employee enter into an
18 agreement in writing at the beginning of said term of employment
19 covering deductions for food, sleeping accommodations, or other
20 similar items, provided such agreement is submitted by the
21 employer to the public body awarding the contract and the same is
22 approved by such public body as fair and reasonable.

23 290.320. No public body, officer, official, member, agent
24 or representative authorized to contract for public works shall
25 fail, before advertising for bids or contracting for such
26 construction, to have the department determine the [prevailing
27 rates of wages of workmen for each class of work called for by
28 the public works] wage rates in the locality where the work is to

1 be performed as provided in sections 290.210 to 290.340.

2 290.325. No public body, officer, official, member, agent
3 or representative thereof authorized to contract for public works
4 shall award a contract for the construction of such improvement
5 or disburse any funds on account of the construction of such
6 public improvement, unless such public body has first had the
7 department determine the [prevailing] rates of wages [of workmen
8 for the class of work called for by such public works] required
9 to be paid in the locality where the work is to be performed and
10 such determination has been made a part of the specifications and
11 contract for such public works.

12 290.330. The department after investigation, upon complaint
13 made by an interested party listed under section 290.240 or upon
14 its own initiative, shall file with the secretary of state a list
15 of the contractors and subcontractors who it finds have been
16 prosecuted and convicted for violations of sections 290.210 to
17 290.340 and such contractor or subcontractor, or simulations
18 thereof, shall be prohibited from contracting directly or
19 indirectly with any public body for the construction of any
20 public works or from performing any work on the same as a
21 contractor or subcontractor for a period of one year from the
22 date of the first conviction for such violation and for a period
23 of three years from the date of each subsequent violation and
24 conviction thereof. No public body shall award a contract for a
25 public works to any contractor or subcontractor, or simulation
26 thereof, during the time that its name appears on said list. The
27 filing of the notice of conviction with the secretary of state
28 shall be notice to all public bodies and their officers,

1 officials, members, agents and representatives.

2 630.546. 1. The commissioner of administration is
3 authorized to enter into a lease purchase agreement for the use
4 of facilities to be constructed by a private developer on the
5 grounds of the existing St. Louis state hospital for the use of
6 the department of mental health, provided any facilities to be
7 constructed shall contain provisions for a possible adaptive
8 re-use of the present "dome" building.

9 2. The attorney general shall approve the instrument of
10 conveyance as to form.

11 3. Not less than the [prevailing hourly] rate of wages
12 required to be paid [generally in the locality in which the work
13 is performed] pursuant to sections 290.210 to 290.340 shall be
14 paid by contractors or subcontractors to employees or other
15 workers when such contractors or subcontractors construct
16 facilities for private developers on the grounds of the existing
17 St. Louis state hospital for the use of the department of mental
18 health. Such construction projects shall be considered public
19 works and the determination of the [prevailing hourly] rate of
20 wages for the locality shall be made in accordance with the
21 provisions of sections 290.210 to 290.340.