

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 1729, 1621 & 1436**  
**99TH GENERAL ASSEMBLY**

4813S.11T

2018

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**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.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 290.095, 290.210, 290.220, 290.230, 290.235, 290.240, 290.250, 290.257, 290.262,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

290.095. 1. No contractor or subcontractor may directly or indirectly receive a wage subsidy, bid supplement, or rebate for employment on a public works project if such wage subsidy, bid supplement, or rebate has the effect of reducing the wage rate paid by the employer on a given occupational title below the ~~prevailing~~ wage rate ~~as provided in section 290.262~~ **required to be paid for such project pursuant to sections 290.210 to 290.340.**

2. In the event a wage subsidy, bid supplement, or rebate is lawfully provided or received under ~~subsections~~ **subsection 1** ~~or 2~~ of this section, the entity receiving such subsidy, supplement, or rebate shall report the date and amount of such subsidy, supplement, or rebate

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 to the public body within thirty days of receipt of payment. This disclosure report shall be a  
10 matter of public record under chapter 610.

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

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

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

6 ~~——(2)~~ (2) "Collective bargaining agreement" ~~[means]~~, any written agreement or understanding  
7 between an employer or employer association and a labor organization or union which is the  
8 exclusive bargaining representative of the employer's or employer association's employees  
9 pursuant to the terms of the National Labor Relations Act and which agreement or understanding  
10 or predecessor agreement or understanding has been used to determine an occupational title wage  
11 rate;

12 ~~[(3)]~~ (2) "Construction" ~~[includes]~~, construction, reconstruction, improvement,  
13 enlargement, alteration, painting and decorating, or major repair;

14 ~~[(4)]~~ (3) "Department" ~~[means]~~, the department of labor and industrial relations;

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

20 ~~[(6)]~~ (5) "Locality" ~~[means]~~, the county where the physical work upon public works is  
21 performed;

22 ~~[(7)]~~ (6) "Maintenance work" ~~[means]~~, the repair, but not the replacement, of existing  
23 facilities when the size, type or extent of the existing facilities is not thereby changed or  
24 increased;

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

30 subcontractor which may be reasonably anticipated in providing benefits to ~~[workmen]~~ **workers**  
 31 and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan  
 32 or program which was communicated in writing to the workmen affected, for medical or hospital  
 33 care, pensions on retirement or death, compensation for injuries or illness resulting from  
 34 occupational activity, or insurance to provide any of the foregoing, for unemployment benefits,  
 35 life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay,  
 36 for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe  
 37 benefits, but only where the contractor or subcontractor is not required by other federal or state  
 38 law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor  
 39 to make payment in accordance with the prevailing wage determinations of the department,  
 40 insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of  
 41 payments in cash, by the making of irrevocable contributions by the assumption of an  
 42 enforceable commitment to bear the costs of a plan or program as provided herein, or any  
 43 combination thereof, where the aggregate of such payments, contributions and costs is not less  
 44 than the rate of pay plus the other amounts as provided herein;

45 ~~[(9) "Previous six annual wage order reporting periods" means the current annual wage~~  
 46 ~~order reporting period under consideration for wage rate determinations and the five immediately~~  
 47 ~~preceding annual wage order reporting periods;~~

48 ~~———(10)~~ **(8)** "Public body" ~~[means]~~ , the state of Missouri or any officer, official, authority,  
 49 board or commission of the state, or other political subdivision thereof, or any institution  
 50 supported in whole or in part by public funds;

51 ~~[(11)]~~ **(9)** "Public works" ~~[means]~~ , all fixed works constructed for public use or benefit  
 52 or paid for wholly or in part out of public funds. It also includes any work done directly by any  
 53 public utility company when performed by it pursuant to the order of the public service  
 54 commission or other public authority whether or not it be done under public supervision or  
 55 direction or paid for wholly or in part out of public funds when let to contract by said utility. It  
 56 does not include any work done for or by any drainage or levee district;

57 ~~[(12) "Workmen" means]~~

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

60 **(11) "Workers",** laborers~~[-workmen]~~ and mechanics.

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

290.230. 1. **(1) Except as otherwise provided in this section,** not less than the  
2 prevailing hourly rate of wages for work of a similar character in the locality in which the work  
3 is performed~~], and not less than the prevailing hourly rate of wages for legal holiday and~~  
4 ~~overtime work,~~ **or the public works contracting minimum wage, whichever is applicable,**  
5 shall be paid to all ~~[workmen]~~ **workers** employed by or on behalf of any public body engaged  
6 in the construction of public works, exclusive of maintenance work.

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

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

22 **(3) For all overtime work performed, not less than one and one half the prevailing**  
23 **hourly rate of wages for work of a similar character in the locality in which the work is**  
24 **performed or the public works contracting minimum wage, whichever is applicable, shall**  
25 **be paid to all workers employed by or on behalf of any public body engaged in the**  
26 **construction of public works, exclusive of maintenance work or contractual obligation. For**  
27 **purposes of this subdivision, "overtime work" shall include work that exceeds ten hours**  
28 **in one day and work in excess of forty hours in one calendar week; and**

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

32 **2. Only ~~[such workmen as]~~ workers that are directly employed by contractors or**  
33 **subcontractors in actual construction work on the site of the building or construction job shall**  
34 **be deemed to be employed upon public works.**

35 **3. Any ~~[such workman]~~ worker who agrees in writing to volunteer his or her labor**  
36 **without pay shall not be deemed to be employed upon public works, and shall not be entitled to**  
37 **the ~~[prevailing hourly rate of wages]~~ wage rates required pursuant to sections 290.210 to**

38 **290.340.** For the purposes of this section, the term "~~[workman]~~ **worker** who agrees in writing  
39 to volunteer his or her labor without pay" shall mean a ~~[workman]~~ **worker** who volunteers his  
40 or her labor without any promise of benefit or remuneration for such voluntary activity, and who  
41 is not a prisoner in any jail or prison facility and who is not performing community service  
42 pursuant to disposition of a criminal case against him **or her**, and is not otherwise employed for  
43 compensation at any time in the construction or maintenance work on the same public works for  
44 which the ~~[workman]~~ **worker** is a volunteer. Under no circumstances may an employer **or a**  
45 **public body** force, compel or otherwise intimidate ~~[an employee]~~ **a worker** into performing  
46 work otherwise paid ~~[by]~~ **at a prevailing wage rate or at a public works contracting minimum**  
47 **wage rate** as a volunteer.

48 ~~[2-]~~ **4.** When the hauling of materials or equipment includes some phase of construction  
49 other than the mere transportation to the site of the construction, ~~[workmen]~~ **workers** engaged  
50 in this dual capacity shall be deemed employed directly on public works.

51 **5. (1) The provisions of sections 290.210 to 290.340 shall not apply to the**  
52 **construction of public works for which either the engineer's estimate or the bid accepted**  
53 **by the public body for the total project cost is in the amount of seventy-five thousand**  
54 **dollars or less.**

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

57 **(3) The total project cost shall include the value of work performed on the project**  
58 **by every person paid by a contractor or subcontractor for that person's work on the**  
59 **project. The total project cost shall additionally include all materials and supplies**  
60 **purchased for the project.**

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

64 **7. For any public works project for which either the engineer's estimate or the bid**  
65 **accepted by the public body for the total project cost is in the amount of seventy-five**  
66 **thousand dollars or less that becomes subject to a change order that increases the total**  
67 **project cost in excess of seventy-five thousand dollars, the provisions of sections 290.210**  
68 **to 290.340 shall apply only to that portion of the project that was in excess of seventy-five**  
69 **thousand dollars.**

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

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

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

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

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

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

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

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

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

290.250. 1. Every public body authorized to contract for or construct public works before advertising for bids or undertaking such construction shall request the department to determine the ~~[prevailing rates of wages for workmen for the class or type of work called for by the public works,]~~ **applicable wage rates** in the locality where the work is to be performed. The department shall determine the ~~[prevailing hourly rate of wages]~~ **applicable wage rates** in the locality in which the work is to be performed ~~[for each type of workman required to execute the contemplated contract and]~~ **as provided in section 290.257**. Such determination or schedule of the ~~[prevailing hourly rate of wages]~~ **wage rates** shall be attached to and made a part of the specifications for the work. The public body shall then specify in the resolution or ordinance and in the call for bids for the contract ~~[what is]~~ the ~~[prevailing hourly rate of wages]~~ **wage rates** in the locality ~~[for each type of workman]~~ needed to execute the contract ~~[and also the general prevailing rate for legal holiday and overtime work]~~. ~~[It shall be mandatory upon]~~ The contractor to whom the contract is awarded and ~~[upon]~~ any subcontractor under ~~[him to]~~ **the contractor**

14 **shall** pay not less than the specified **wage** rates to all ~~[workmen]~~ **workers** employed by them in  
15 the execution of the contract. The public body awarding the contract shall cause to be inserted  
16 in the contract a stipulation to the effect that not less than the ~~[prevailing hourly rate of wages]~~  
17 **specified wage rates** shall be paid to all ~~[workmen]~~ **workers** performing work under the  
18 contract. The ~~[employer]~~ **contractor** shall forfeit as a penalty to the ~~[state, county, city and~~  
19 ~~county, city, town, district or other political subdivision]~~ **public body** on whose behalf the  
20 contract is made or awarded one hundred dollars for each ~~[workman]~~ **worker** employed, for each  
21 calendar day, or portion thereof, such ~~[workman]~~ **worker** is paid less than the ~~[said stipulated]~~  
22 **specified wage** rates for any work done under ~~[said]~~ **the** contract, by ~~[him]~~ **the contractor** or by  
23 any subcontractor under ~~[him]~~ **the contractor**, and the ~~[said]~~ public body awarding the contract  
24 shall cause to be inserted in the contract a stipulation to this effect. ~~[It shall be the duty of such]~~  
25 **The** public body awarding the contract, and its agents and officers, ~~[to]~~ **shall** take cognizance  
26 of all complaints of all violations of the provisions of sections 290.210 to 290.340 committed  
27 in the course of the execution of the contract, and, when making payments to the contractor  
28 becoming due under ~~[said]~~ **the** contract, ~~[to]~~ **shall** withhold and retain therefrom all sums and  
29 amounts due and owing as a result of any violation of sections 290.210 to 290.340. ~~[It shall be~~  
30 ~~lawful for]~~ Any contractor ~~[to]~~ **may** withhold from any subcontractor ~~[under him]~~ sufficient sums  
31 to cover any penalties withheld ~~[from him]~~ by the awarding **public body** on account of ~~[said]~~ **the**  
32 subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment  
33 has already been made ~~[to him]~~, the contractor may recover from ~~[him]~~ **the subcontractor** the  
34 amount of the penalty in a suit at law.

35         2. In determining whether a violation of sections 290.210 to 290.340 has occurred, and  
36 whether ~~[the]~~ a penalty ~~[under subsection 1 of this section]~~ shall be imposed **pursuant to**  
37 **subsection 1 of this section**, ~~[it shall be the duty of]~~ the department ~~[to]~~ **shall** investigate any  
38 ~~[claim of violation]~~ **complaint made by an interested party listed under section 290.240**.  
39 Upon completing such investigation, the department shall notify the employer of its findings.  
40 If the department concludes that a violation of sections 290.210 to 290.340 has occurred and a  
41 penalty may be due, the department shall notify the employer of such finding by providing a  
42 notice of penalty to the employer. Such penalty shall not be due until forty-five days after the  
43 date of the notice of the penalty.

44         3. The employer shall have the right to dispute such notice of penalty in writing to the  
45 department within forty-five days of the date of the notice. Upon receipt of this written notice  
46 of dispute, the department shall notify the employer of the right to resolve such dispute through  
47 arbitration. The state and the employer shall submit to an arbitration process to be established  
48 by the department by rule, and in conformance with the guidelines and rules of the American  
49 Arbitration Association or other arbitration process mutually agreed upon by the employer and  
50 the state. If at any time prior to the department pursuing an enforcement action to enforce the

51 monetary penalty provisions of subsection 1 of this section against the employer, the employer  
52 pays the back wages as determined by either the department or the arbitrator, the department  
53 shall be precluded from initiating any enforcement action to impose the monetary penalty  
54 provisions of subsection 1 of this section.

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

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

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

6 **(2) (a) The prevailing wage rate for each occupational title shall be equal to the  
7 weighted average wage for that occupational title.**

8 **(b) For purposes of this subdivision, the following terms shall mean:**

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

12 **b. "Weighted average wage", the reported wage sum for each occupational title  
13 divided by the total number of reportable hours for that occupational title.**

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

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



26 wage. Objections may be filed as to any initial determination as provided in section  
27 290.262.

28 4. (1) If the total number of reportable hours that are paid pursuant to a collective  
29 bargaining agreement and the total number of reportable hours that are not paid pursuant  
30 to a collective bargaining agreement equal or exceed, in the aggregate, one thousand hours  
31 for any particular occupational title within a locality, workers engaged in that occupational  
32 title in such locality shall be paid the prevailing wage rate determined by the department  
33 pursuant to this section.

34 (2) If the total number of reportable hours that are paid pursuant to a collective  
35 bargaining agreement and the total number of reportable hours that are not paid pursuant  
36 to a collective bargaining agreement do not equal or exceed, in the aggregate, one thousand  
37 hours for any particular occupational title within a locality, workers engaged in that  
38 occupational title in such locality shall be paid the public works contracting minimum  
39 wage.

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

43 6. (1) The different types of occupational titles to which sections 290.210 to 290.340  
44 shall apply shall be limited to, and shall include, all of the following:

45 (a) Asbestos worker;

46 (b) Boilermaker;

47 (c) Bricklayer;

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

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

51 (f) Communications technician;

52 (g) Electrician;

53 (h) Elevator constructor;

54 (i) Glazier;

55 (j) Ironworker;

56 (k) General laborer, including first semi-skilled laborer and second semi-skilled  
57 laborer;

58 (l) Mason, which shall include marble mason, marble finisher, terrazzo worker,  
59 terrazzo finisher, tile setter, and tile finisher;

60 (m) Operating engineer, which shall include operating engineer group one,  
61 operating engineer group two, operating engineer group three, operating engineer group  
62 three-A, operating engineer group four, and operating engineer group five;

- 63           **(n) Outside lineman, lineman operator, groundman, lineman tree trimmer,**  
64 **groundman tree trimmer, and any combination thereof;**
- 65           **(o) Painter;**
- 66           **(p) Plumber, which shall include pipe fitter;**
- 67           **(q) Roofer;**
- 68           **(r) Sheet metal worker;**
- 69           **(s) Sprinkler fitter; and**
- 70           **(t) Truck driver, which shall include truck control service driver, truck driver**  
71 **group one, truck driver group two, truck driver group three, and truck driver group four.**
- 72           **(2) Each occupational title listed in subdivision (1) of this subsection shall have the**  
73 **same meaning and description as given to such occupational title in 8 CSR 30-3.060.**

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

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

16 ~~————— 3. With respect only to localities that are counties of the third and fourth classification~~  
17 ~~and any county of the second classification with more than fifty-eight thousand but fewer than~~  
18 ~~sixty-five thousand inhabitants, the prevailing wage rate for an occupational title within such~~  
19 ~~locality shall be determined in the following manner:~~

20 ~~————— (1) The total number of hours worked that are not paid pursuant to a collective~~  
21 ~~bargaining agreement for the time period in that occupational title in the locality and the total~~  
22 ~~number of hours worked that are paid pursuant to a collective bargaining agreement for the time~~  
23 ~~period in that occupational title in the locality shall be considered;~~

24 ~~————— (2) If the total number of hours that are not paid pursuant to a collective bargaining~~  
25 ~~agreement, in the aggregate, exceeds the total number of hours that are paid pursuant to such an~~  
26 ~~agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid~~

27 ~~that is not paid pursuant to a collective bargaining agreement as measured by the number of~~  
28 ~~hours worked at such rate for that occupational title within the locality;~~

29 ~~—— (3) If the total number of hours that are paid pursuant to a collective bargaining~~  
30 ~~agreement, in the aggregate, exceeds the total number of hours that are not paid pursuant to such~~  
31 ~~an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly~~  
32 ~~paid that is paid pursuant to a collective bargaining agreement as measured by the number of~~  
33 ~~hours worked at such rate for that occupational title within the locality;~~

34 ~~—— (4) If no work within a particular occupational title has been performed in a locality at~~  
35 ~~any wage rate, the prevailing wage rate for that occupational title in that locality shall be~~  
36 ~~determined in the following manner:~~

37 ~~—— (a) If wages were reported for an occupational title within a locality within the previous~~  
38 ~~six annual wage order reporting periods and the prevailing wage rate was determined by a~~  
39 ~~collective bargaining agreement by hours worked pursuant to such agreement in the most recent~~  
40 ~~annual wage order reporting period where such wages were reported, then the wage rate paid~~  
41 ~~pursuant to the current collective bargaining agreement shall be the prevailing rate for that~~  
42 ~~occupational title within the locality;~~

43 ~~—— (b) If wages were reported for an occupational title within a locality within the previous~~  
44 ~~six annual wage order reporting periods and the prevailing wage rate was not determined by~~  
45 ~~hours worked pursuant to a collective bargaining agreement in the most recent annual wage order~~  
46 ~~reporting period where such wages were reported, then the wage rate paid in the most recent~~  
47 ~~annual wage order reporting period when such wages were reported shall be the prevailing wage~~  
48 ~~rate for that occupational title within the locality;~~

49 ~~—— (c) If no wages were reported for an occupational title within a locality within the~~  
50 ~~previous six annual wage order reporting periods, the department shall examine hours and wages~~  
51 ~~reported in all adjacent Missouri counties during the same periods. The most recent reported~~  
52 ~~wage rate in a given wage order period in the adjacent Missouri county with the most reported~~  
53 ~~hours actually worked for that occupational title in the wage period during the previous six~~  
54 ~~annual wage order reporting periods shall be used to determine the prevailing wage rate;~~

55 ~~—— (d) If no wages were reported for an occupational title within any adjacent Missouri~~  
56 ~~county within the previous six annual wage order reporting periods, then the rate paid pursuant~~  
57 ~~to the current collective bargaining agreement shall be the prevailing wage rate for that~~  
58 ~~occupational title within the locality.~~

59 ~~——4.] A certified copy of [the] any initial wage determinations [so] made pursuant to~~  
60 ~~section 290.257 shall be filed immediately with the secretary of state and with the department~~  
61 ~~in Jefferson City. Copies shall be supplied by the department to all persons requesting them~~  
62 ~~within ten days after the filing.~~

63           ~~[5-]~~ **2.** At any time within thirty days after the certified copies of the determinations have  
64 been filed with the secretary of state and the department, any person who is affected thereby may  
65 object in writing to a determination or a part thereof that he **or she** deems objectionable by filing  
66 a written notice with the department, stating the specific grounds of the objection. If no  
67 objection is filed, the determination is final after thirty days.

68           ~~[6-]~~ **3.** After the receipt of the objection, the department shall set a date for a hearing on  
69 the objection. The date for the hearing shall be within sixty days of the receipt of the objection.  
70 Written notice of the time and place of the hearing shall be given to the objectors at least ten days  
71 prior to the date set for the hearing.

72           ~~[7-]~~ **4.** The department at its discretion may hear each written objection separately or  
73 consolidate for hearing any two or more written objections. At the hearing the department shall  
74 first introduce in evidence the investigation it instituted and the other facts which were  
75 considered at the time of the original determination which formed the basis for its determination.  
76 The department, or the objector, or any interested party, thereafter may introduce any evidence  
77 that is material to the issues.

78           ~~[8-]~~ **5.** Within twenty days of the conclusion of the hearing, the department shall rule on  
79 the written objection and make the final determination that it believes the evidence warrants.  
80 Immediately, the department shall file a certified copy of its final determination with the  
81 secretary of state and with the department and shall serve a copy of the final determination on  
82 all parties to the proceedings by personal service or by registered mail.

83           ~~[9-]~~ **6.** This final decision of the department of the prevailing wages in the locality for  
84 each occupational title is subject to review in accordance with the provisions of chapter 536.  
85 Any person affected, whether or not the person participated in the proceedings resulting in the  
86 final determination, may have the decision of the department reviewed. The filing of the final  
87 determination with the secretary of state shall be considered a service of the final determination  
88 on persons not participating in the administrative proceedings resulting in the final  
89 determination.

90           ~~[10-]~~ **7.** At any time before trial any person affected by the final determination of the  
91 department may intervene in the proceedings to review under chapter 536 and be made a party  
92 to the proceedings.

93           ~~[11-]~~ **8.** Any annual wage order made for a particular occupational title in a locality, that  
94 is based on the number of hours worked under a collective bargaining agreement, may be altered  
95 once each year, as provided in this subsection. The prevailing wage for each such occupational  
96 title may be adjusted on the anniversary date of any collective bargaining agreement which  
97 covers all persons in that particular occupational title in the locality in accordance with any  
98 annual incremental wage increases set in the collective bargaining agreement. If the prevailing  
99 wage for an occupational title is adjusted pursuant to this subsection, the employee's

100 representative or employer in regard to such collective bargaining agreement shall notify the  
101 department of this adjustment, including the effective date of the adjustment. The adjusted  
102 prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this  
103 section. The wage rates for any particular job, contracted and commenced within sixty days of  
104 the contract date, which were set as a result of the annual or revised wage order, shall remain in  
105 effect for the duration of that particular job.

106 ~~[12.]~~ **9.** In addition to all other reporting requirements of sections 290.210 to 290.340,  
107 each public body which is awarding a contract for a public works project shall, prior to beginning  
108 of any work on such public works project, notify the department, on a form prescribed by the  
109 department, of the scope of the work to be done, the various types of craftsmen who will be  
110 needed on the project, and the date work will commence on the project.

290.263. The ~~[hourly wages]~~ **wage rates required** to be paid ~~[as prescribed in section~~  
2 ~~290.250 to workmen]~~ **to workers** upon public works **pursuant to sections 290.210 to 290.340**  
3 shall not be less than the minimum wage specified under Section 6(a)(1) of the Fair Labor  
4 Standards Act of 1938, as amended.

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

290.270. The finding of the department ascertaining and declaring the prevailing hourly  
2 rate of wages **and the public works contracting minimum wage** shall be final for the locality,  
3 unless reviewed under the provisions of sections 290.210 to 290.340. Nothing in sections  
4 290.210 to 290.340, however, shall be construed to prohibit the payment to any ~~[workman]~~  
5 **worker** employed on any public work of more than the prevailing **hourly** rate of wages **or the**  
6 **public works contracting minimum wage**. Nothing in sections 290.210 to 290.340 shall be  
7 construed to limit the hours of work which may be performed by any ~~[workman]~~ **worker** in any  
8 particular period of time.

290.290. 1. The contractor and each subcontractor engaged in any construction of public  
2 works shall keep full and accurate records clearly indicating the names, occupations and crafts  
3 of every ~~[workman]~~ **worker** employed by them in connection with the public work together with  
4 an accurate record of the number of hours worked by each ~~[workman]~~ **worker** and the actual  
5 wages paid therefor. The payroll records required to be so kept shall be open to inspection by  
6 any authorized representative of the contracting public body or of the department at any  
7 reasonable time and as often as may be necessary and such records shall not be destroyed or

8 removed from the state for the period of one year following the completion of the public work  
9 in connection with which the records are made.

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

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

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

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

290.305. No person, firm or corporation shall violate the wage provisions of any contract  
2 contemplated in sections 290.210 to 290.340 or suffer or require any employee to work for less  
3 than the rate of wages so fixed, or violate any of the provisions contained in sections 290.210 to  
4 290.340. Where ~~[workmen]~~ **workers** are employed and their rate of wages has been determined  
5 as provided in sections 290.210 to 290.340, no person, either ~~[for himself]~~ **on his or her behalf**  
6 **or for** any other person, shall request, demand or receive, either before or after such ~~[workman]~~  
7 **worker** is engaged, that such ~~[workman]~~ **worker** pay back, return, donate, contribute, or give

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

290.315. All contractors and subcontractors ~~[required in]~~ **subject to** sections 290.210  
2 to 290.340 ~~[to pay not less than the prevailing rate of wages]~~ shall make full payment of  
3 ~~[such]~~ **the required** wages in legal tender, without any deduction for food, sleeping  
4 accommodations, transportation, use of small tools, or any other thing of any kind or description.  
5 This section ~~[does]~~ **shall** not apply where the employer and employee enter into an agreement  
6 in writing at the beginning of said term of employment covering deductions for food, sleeping  
7 accommodations, or other similar items, provided such agreement is submitted by the employer  
8 to the public body awarding the contract and the same is approved by such public body as fair  
9 and reasonable.

290.320. No public body, officer, official, member, agent or representative authorized  
2 to contract for public works shall fail, before advertising for bids or contracting for such  
3 construction, to have the department determine the ~~[prevailing rates of wages of workmen for~~  
4 ~~each class of work called for by the public works]~~ **wage rates** in the locality where the work is  
5 to be performed as provided in sections 290.210 to 290.340.

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

290.330. The department after investigation, upon complaint **made by an interested**  
2 **party listed under section 290.240** or upon its own initiative, shall file with the secretary of  
3 state a list of the contractors and subcontractors who it finds have been prosecuted and convicted  
4 for violations of sections 290.210 to 290.340 and such contractor or subcontractor, or simulations  
5 thereof, shall be prohibited from contracting directly or indirectly with any public body for the  
6 construction of any public works or from performing any work on the same as a contractor or  
7 subcontractor for a period of one year from the date of the first conviction for such violation and  
8 for a period of three years from the date of each subsequent violation and conviction thereof. No  
9 public body shall award a contract for a public works to any contractor or subcontractor, or  
10 simulation thereof, during the time that its name appears on said list. The filing of the notice of

11 conviction with the secretary of state shall be notice to all public bodies and their officers,  
12 officials, members, agents and representatives.

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

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

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

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