

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration**

PROPOSED AMENDMENT

8 CSR 30-5.010 Filing for Arbitration. The division proposes to amend sections (1) and (4).

PURPOSE: This amendment serves to reduce unnecessary restrictive language as well as eliminate outdated and redundant requirements.

(1) *[An employer shall have forty-five (45) days from the date of notice of penalty for violations of sections 290.210 to 290.340, RSMo, to dispute the notice of penalty. Upon receipt of the written notice of dispute from the employer, the department shall notify the employer of its right to arbitration.]* Within ten (10) days of an employer's notification of the right to arbitration, an employer that wishes to arbitrate the matter shall submit to the department a Request for Arbitration (Request) along with any filing fees required by the arbitration service provider. Request for Arbitration forms may be obtained by contacting the Division of Labor Standards. The date of submission of a Request is the date the Request is postmarked or the date the department receives the Request by facsimile. Within ten (10) days of the department's receipt of a request under this rule, the department *[shall]* **will** mail a copy of the Request along with the department's guidelines for arbitration to the American Association of Arbitration (AAA) or other arbitration service provider if the other arbitration service provider is mutually agreed to by the parties. Included in this information *[shall]* **will** be the department's criteria for arbitrators relating to residence and cost per hour.

(4) For any filing or notice deadlines associated with arbitration under this rule that fall on Saturday, Sunday, or a legal holiday, the filing or notice *[shall]* **will** be deemed timely if accomplished on the next day which is neither a Saturday, Sunday, nor a legal holiday.

AUTHORITY: section 290.240(2), RSMo [2000] 2016. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed July 19, 2007, effective Feb. 29, 2008. Amended: Filed June 19, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Labor Standards, Attn: Matt Cowell, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received

*within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*