

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

**PROPOSED AMENDMENT**

**8 CSR 30-5.030 Awards by the Arbitrator.** The division proposes to amend sections (1), (2), (3), and (5).

*PURPOSE: This amendment serves to reduce unnecessary restrictive language in the purpose of the rule, as well as the rule itself.*

*PURPOSE: This rule establishes guidelines as to when an arbitrator's award [must] **should** be rendered and the form in which it [must] **should** be rendered, the result of a resolution of the controversy prior to an arbitrator's award, the release of arbitration documents for judicial proceedings and a party's recourse for an arbitrator's failure to follow 8 CSR 30-5.010 through 8 CSR 30-5.030.*

(1) Time of Determination.

(A) The arbitrator shall issue the arbitration award promptly and, unless otherwise agreed to by the parties, no later than thirty (30) days from the date of closing the hearings or no later than thirty (30) days after receipt by the arbitrator of the briefs and any attached exhibits. All awards made by the arbitrator are final and binding.

(B) The determination [*shall*] **will** be deemed to be rendered on the date it is postmarked or otherwise transmitted to the parties by the arbitrator, whether by regular mail or electronically. Decisions cannot be rendered by telephone.

(C) If a determination is transmitted electronically or by facsimile, the arbitrator shall promptly deliver an original to the parties.

(2) Form of the Arbitration Award. The arbitration award shall be in writing and shall be signed by the arbitrator. A party shall advise the arbitrator in writing, by no later than the conclusion of the hearing, whenever it would like the arbitrator to accompany the arbitration award with an opinion explaining the reasoning for the award. All costs incurred as a result of the opinion shall be paid by the party who requested the opinion. If both parties request the opinion, all costs incurred as a result of the opinion [*shall*] **will** be divided evenly between the parties.

(3) Resolution Prior to Arbitrator's Award. If at any time prior to the arbitrator rendering an award in the matter the employer pays the back wages as determined by the department, the matter [*shall*] **will** be deemed resolved and the proceedings [*shall*] **will** conclude. All costs shall be paid in accordance with 8 CSR 30-5.020(3) and (4) and section (2) of this rule.

(5) Failure to Comply with Determination of Arbitrator. If the employer fails to pay all wages due as determined by the arbitrator within forty-five (45) days following the date the arbitrator's award is rendered, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of 290.250.1,

RSMo. If the court orders payment of the penalties as prescribed in 290.250.1, RSMo, the department *[shall]* **will** be entitled to recover its actual cost of enforcement from such penalty amount.

*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.*