

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

EMERGENCY RULE

8 CSR 30-3.010 Prevailing Wage Rates for Public Works Projects. The division is amending section (4).

PURPOSE: The Department of Labor and Industrial Relations determines the prevailing wages of occupational classifications in the construction industry for each Missouri county and the City of St. Louis. Under section 290.262, RSMo, the Department must file its initial prevailing wage determinations with the Secretary of State by March tenth of each year. The Department receives thousands of submissions indentifying wage rates paid for millions of hours worked in the various occupational classifications throughout the state each year. (For use in preparing the 2015 wage order, the Department received reports of wage rates paid for over nineteen million hours of construction work.) In order for it to reasonably be able to consider the impact of the hours submitted, especially considering that the wage rates determined to be prevailing in a county can be dependent on rates paid in an adjacent county under section 290.262.3, RSMo, the Department needs to set a cutoff date by which the submissions must be made so that it can then complete the task of sorting and tabulating the hours submitted, and then assess what wage rates prevail as defined by statute. This amendment sets such a cutoff date.

EMERGENCY STATEMENT: This emergency rule immediately amends an existing rule relating to wage orders by adding a cutoff date by which local wage rates must be submitted to the Department of Labor and Industrial Relations for them to be used by the Department in its annual determinations of prevailing wage rates of construction industry occupational classifications in each Missouri county and the City of St. Louis.

This rule must be implemented immediately to provide notice to contractors, unions, and other interested parties of the cutoff date, to allow these interested parties to gather and submit wage data to the Department in a timely manner for the Department's use in determining which wage rates prevail in each county, which rates will then be included in its next Annual Wage Order. Each year's Annual Wage Order must be filed with the Secretary of State by March 10, as provided in § 290.262.1 & .4, RSMo. The Annual Wage Order sets out the minimum wage rates that must be paid to workers in each occupational title in each county for their work on public construction projects in those counties during the following year. As a result, the Department finds that an early effective date for this rule is necessary to preserve the compelling governmental interest of establishment of a reasonable cutoff date for submission of the wage information it uses to determine local prevailing wages that will provide it the time necessary to sort, tabulate, and assess that information for use in the next wage order. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department believes this emergency rule is fair to all interested persons and parties under the circumstances. This

emergency rule was filed November 10, 2015, effective November 20, 2015, and expires on May 17, 2016.

(4) The annual wage order issued by the department contains the current wage rates prevailing in the locality at the time the annual wage order is issued. Hours worked during the calendar year are used to set the prevailing wage rates in the annual wage order issued in March of the following year. **The department will consider hours submitted for use in its initial determination of the prevailing wage rates to be included in a particular year's wage order only if those hours are received by it, by either paper submission or in electronic format, no later than January thirty-first of that year.** Section 290.262.9, RSMo provides that the annual wage order for a particular occupational title may be altered once each year with an incremental increase. A public body shall specify in the call for bids for each contract the prevailing hourly rate of wages in the locality for each type of worker as set forth in the annual wage order or any replacement page(s) identifying the annual incremental increase issued by the department. The wage rates attached to and made a part of the call for bids for a contract shall remain in effect for the duration of that particular contract.

AUTHORITY: section 290.240.2, RSMo 2000. Emergency rule filed November 10, 2015, effective November 20, 2015, and expires May 17, 2016. A proposed rule covering this same material is published in this issue of the Missouri Register.