DIVISION OF LABOR STANDARDS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI PUBLIC WORKS PROJECTS CONTRACTOR CHECK-OFF LIST

The Division of Labor Standards (DLS) is providing this check-off list to assist contractors in being compliant with Missouri's labor laws applicable to public construction projects. The Prevailing Wage Law requires that not less than the locally prevailing wages be paid to workers on every construction project in the state that is for the public use or benefit or that uses public funds. Failure to comply with the Prevailing Wage Law may constitute a misdemeanor for the employer and for the public official that does not fulfill the responsibilities it imposes. The Construction Safety Training Act mandates that all employees working on the site of public works construction projects must have received safety training.

I
Before Contract Is Let

☐ The annual wage order obtained from the DLS website (www.labor.mo.gov/DLS/PrevailingWage) must be made a part of the specifications for the work to be performed under the contract (Section 290.250 and 290.325, RSMo).

II
While Contract Is Being Performed

☐ All workers performing work under a public construction contract must be paid not less than the prevailing hourly rate of wages (as set out in the annual wage order attached to and made part of the specification for work under the contract). (Section 290.250, RSMo).

The contractor will forfeit a penalty to the contracting public body of $100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor (Section 290.250, RSMo). For detailed information on rules and occupational titles, see 8 CSR 30-3.010 through 3.060.

☐ The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour construction safety training program required under Section 292.675, RSMo, if they have not previously completed the program and have documentation of having done so.

The contractor will forfeit a penalty to the contracting public body of $2500 plus an additional $100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. (Section 292.675, RSMo).

☐ A legible list of all prevailing wage rates **must remain posted** in a prominent and easily accessible place at the worksite by each contractor and subcontractor on the project. The notice must be posted during the full time that any worker is employed on the job (Section 290.265, RSMo).

☐ The payroll records required to be so kept shall be open to inspection by any authorized representative of the contracting public body or of DLS at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made (Section 290.290, RSMo). DLS provides a Contractor Payroll Records form (LS-57) for contractors and subcontractors to use to assure provision of the payroll information required (8 CSR 30-3.010[7]).

III
Before Contract Is Fully Paid

☐ Before final payment can be made, the general contractor and all subcontractors **must** file an **Affidavit of Compliance** (PW-4) with the contracting public body. The affidavit must affirm under oath that the party has fully complied with Missouri Prevailing Wage Law, and the public body must verify that the correct wages were paid. No payment can be legally made by the public body to the contractor(s) until the affidavit is filed in proper form and order with the public body (Section 290.290 and 290.325, RSMo).

☐ It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of any such subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made to him, the contractor may recover from the subcontractor the amount of the penalty in a suit at law (Section 290.250.1, RSMo).

Failure to comply with the requirements of the Prevailing Wage Law can result in civil action, including an injunction stopping work on a project, and in criminal fines of up to $500 and up to six months imprisonment for **each day** there is a violation.

Missouri Department of Labor and Industrial Relations
Division of Labor Standards
Prevailing Wage Section
P.O. Box 449
Jefferson City, MO 65102-0449
Phone: 573-751-3403
Fax: 573-751-3721

Email: prevailingwage@labor.mo.gov

Website: www.labor.mo.gov/DLS/prevailingwage/

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