

**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 wage order provided by DLS 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 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.

The Division of Labor Standards is available to answer questions and provide assistance with prevailing wage project compliance. Contact us anytime at:

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