

apprentices registered with the Federal Bureau of Apprenticeship Training (BAT) are recognized by the Division. The program must be certified by BAT.

7. How are prevailing wage rates set?

- Contractors, public bodies and others submit wage information to the Division. The information includes actual hours worked on commercial or heavy and highway projects. The classifications (Occupational Titles) of workers must be identified. The highest number of hours received for a rate paid is the prevailing wage rate (per individual county).

8. Is there a minimum dollar amount or square footage before a project is considered a public works project?

- No, the law has no dollar or size limit or requirement.

9. I performed work for a contractor on a particular project. Should I have received prevailing wages for the work performed?

- The first step is to identify the project as private or public works. If it was a public works project, and you were an employee of a contractor, you should have received the prevailing wage.

10. Does the Division of Labor Standards offer any guidance or information about Prevailing Wage?

- Yes, the Division has informational packets that include the Prevailing Wage Law and Regulations, step-by-step procedures to follow, relevant forms and a contractor's report of wages survey form.

Most questions are easily answered over the telephone by professional staff. More complex questions may require written correspondence from the individual, as well as from the Division.

We invite all of you with any questions or requests for assistance to contact us at:

**Missouri Department of Labor and Industrial Relations
DIVISION OF LABOR STANDARDS
Wage and Hour Section
P.O. Box 449
Jefferson City, MO 65102-0449
573-751-3403
Fax: 573-751-3721**

E-mail: prevailingwage@dolir.mo.gov

www.dolir.mo.gov/ls/prevailingwage

RELAY MISSOURI SERVICE:

**Voice User Calling A
Hearing/Speech Impaired User
1-800-735-2466 (VOICE)**

**Hearing/Speech Impaired User
Calling a Voice User
1-800-735-2966 (TDD)**



DIVISION OF LABOR STANDARDS INFORMATION SERIES

MISSOURI Prevailing Wage Law

**Missouri Department of Labor
and Industrial Relations
DIVISION OF LABOR STANDARDS**



Missouri Prevailing Wage Law

The Missouri Prevailing Wage Law and Regulations generate many questions from participants in public works projects, including public entities, engineering and architectural firms, contractors, subcontractors and their employees.

The Division of Labor Standards enforces the Prevailing Wage Law (Chapter 290.210-290.340, RSMo). We also assist and educate parties on achieving compliance with the law.

The law applies to all public works projects. They include fixed works constructed for public use or benefit or paid for entirely or in part out of public funds. They also include work done directly by any public utility company performed under the order of the public service commission or other public authority. Work done for or by any drainage or levee district is not considered a public works project.

1. What are the basic Prevailing Wage Law procedures and steps for public entities and contractors to follow for compliance?

- *Public Entities:*
 - Submit a request form (PW-3) to the Division of Labor Standards to receive the Annual Wage Order.
 - Incorporate a complete copy of the most current Annual Wage Order in all bid specs.
 - After awarding the contract, submit a project notification form (PW-2) to the Division of Labor Standards.
 - During the course of the project, review all payroll records to ensure Prevailing Wage Law requirements are being met.
 - At the completion of a project, acquire a completed Affidavit of Compliance

form from the contractor(s) before making final payment. Send a copy to the Division of Labor Standards.

- *Contractors:*
 - Request a copy of Occupational Title Rule.
 - Your bids should be based on the rate for the scope of work defined for each occupational title (classification).
 - Incorporate prevailing wages into your bid.
 - Pay employees proper wage/fringe rate for type of work performed.
 - Submit certified payroll records to public entity showing all employees' work classifications (occupational title), hours worked and rate of pay.
 - Submit Affidavit of Compliance form to public entity at project completion to receive final payment.
- ## 2. What are the prevailing wage rates for a particular county, area or project?
- Because of the changing nature of Prevailing Wage rates, we do not give rates verbally. Public entities should request rates with a request form (PW-3). Contractors should get rates from bid specifications provided by the public entity.
- ## 3. What is the difference between major repair and maintenance?
- "Major repairs" are subject to the Prevailing Wage Law. Repairs done by overhaul or replacement of major constituent parts that have deteriorated are "major repairs." Any questions regarding major repairs

should be addressed to the Division. If the size, type or extent of the existing facility is changed or increased, the work performed is subject to the Prevailing Wage Law. A maintenance project is not subject to the Prevailing Wage Law. Maintenance is recurrent, day-to-day, periodic or scheduled work unless it involves the overhaul or replacement of major constituent parts. If work involves the repair but not the major repair or replacement of existing facilities, and the size, type or extent of the existing facilities is not changed, it is maintenance.

4. How is the proper prevailing wage rate calculated from the wage order?

- The basic hourly rate and total fringe benefits are added together to reflect the proper hourly rate of pay.

5. Are foremen, superintendents or salaried employees subject to prevailing wage rates?

- Employees performing construction on public works projects are required to receive at least the prevailing rate of pay for the type of work they performed. This is regardless of their title or salary status. Employees who only perform supervisory tasks are not covered by prevailing wage.

6. What is the difference between apprentices and helpers?

- Helpers usually are untrained or unskilled workers. Apprentices are employees enrolled in a skilled and registered training program. Only