



MISSOURI

Q1. When was the state prevailing wage law adopted (or repealed)?

A1. 1957; Mo. Rev. Stat. §§ 290.210 to 290.340 (2003).

Q2. Have there been any recent challenges to enforcement of the state prevailing wage law?

A2. Yes:

***Utility Service v. Dept. of Labor*, 331 SW 3d 654 (Mo. 2011):**

Finding that the addition of locks and anti-climb devices to a water tank is considered to be “construction” and not “maintenance work” under the Act, and therefore the contractor was required to pay the prevailing wage.

***State Ex Rel. v. Brown Builders Elec. Co.*, 254 SW 3d 31 (Mo. 2008):**

Holding that apprentices in a registered program were owed a percentage of the prevailing wage while working on a public works project, not the wage that the contractor would normally pay for a private contract. Because the contractor failed to do so, it was ordered to pay back wages at double the hourly rate.

***Bonney v. Env'tl. Eng'g, Inc.*, 2007 Mo. App. LEXIS 532 (Mo. Ct. App. March 29, 2007):**

The appellate court found that the trial court had erred by giving the DLS report deference and holding that Plaintiffs had the burden of disproving the calculations of the DLS; and in not doubling the underpaid wages pursuant to [Mo. Rev. Stat. § 290.300](#) (2000).

***HTH Cos. v. Mo. Dep't of Labor & Indus. Relations*, 154 S.W.3d 358 (Mo. Ct App. 2004):**

The court found that the Labor & Industrial Relations Commission properly declined to include the wages of apprentices and illegal aliens when making the prevailing rate determination. Finally, the court found that no rulemaking procedures were required.

***Purler-Cannon-Schulte, Inc. v. City of St. Charles*, 146 S.W.3d 31 (Mo. Ct. App. 2004):**

The court ruled against contractors who alleged that the Department changed its position and began considering outdoor pressurized pipe project work to fall within the occupational title of pipe fitter, rather than general laborer.

This summary is provided for informational purposes only, does not constitute legal advice or opinion, and should not be relied on to determine any entity's specific legal obligations. State prevailing laws are subject to frequent revisions via unpublished administrative enforcement, judicial reinterpretations, and legislative amendments.

Chester Bross Constr. Co. v. Mo. Dep't of Labor & Indus. Rels., 111 S.W.3d 425 (Mo. Ct. App. 2003):

Workers involved on the site of construction of a highway, by definition, could not be involved in maintenance work when there was no "existing facility."

Q3. What is the monetary threshold for coverage?

A3. None

Q4. Does the law cover more than "construction" work, and if so, what type of work has been found to be included or excluded from such coverage of "construction."

A4. No. "Construction" includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, and excludes maintenance work. See MRS § 290.210(1) and 290.230.

Q5. How is the prevailing wage determined?

A5. "In determining prevailing rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within the locality, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality." 290.262. 1.

Q6. Are job duties published and are there any special work assignment restrictions?

A6. Yes; called "Occupational Titles of Work Descriptions". 8 CSR 30-3.060 (Missouri Prevailing Wage Law Rules, Dep't of Labor and Industrial Relations).

Q7. Are there any restrictions on recognition or crediting of fringe benefits?

A7. When calculating the prevailing wage, fringe benefits are included.

Q8. At what point does the law require payment of time-and-one-half for overtime?

A8. 40 hours. See § 290.505.1

Q9. Are there defined apprenticeship ratios and/or special requirements for apprentices?

A9. See 8 CSR 30-3.030 "Apprentices and Trainees." The allowable ratio of apprenticeship to journeymen on the site of the construction for any class or type of workers shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program.

Q.10. Are there criminal and civil penalties and is there a private right of action in addition to state enforcement?

A10. Yes. See § 290.340.

For each violation: Civil – a fine of up to \$500.00 Or Criminal – imprisonment not exceeding six months Or by both such fine and imprisonment.

See also 290.300 – private right of action for double the amount of underpaid wages.