



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI PUBLIC WORKS PROJECTS
PUBLIC BODY CHECK-OFF LIST

The Division of Labor Standards (DLS) is providing this check-off list to assist public entities in being compliant with Missouri's labor laws applicable to public construction projects. The Prevailing Wage Law requires that not less than the prevailing hourly rate of wages be paid to workers on all construction projects over \$75,000 total that are for the public use or benefit or that use 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

- ☐ Before the contract is let, you must submit a Request for Wage Determination form ([PW-3](#)) to the DLS to obtain the annual wage order from their website www.labor.mo.gov/DLS/PrevailingWage (Sections [290.250](#) and [290.325](#), RSMo).
- ☐ Attach the wage order obtained from DLS, and make it a part of, the specifications for the work to be performed under the contract (Section [290.250](#) and [290.325](#), RSMo).
- ☐ Create a contract which incorporates the following:
 - ☐ Insert a statement such as: “**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, **shall** be paid to all workers performing work under the contract.” (Section [290.250](#), RSMo).
 - ☐ Insert a statement such as: “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](#).
 - ☐ Insert a statement such as: “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, unless they have previously completed the program and have documentation of having done so.”
 - ☐ Insert a statement such as: “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).
- ☐ Before any work begins, you must send a **Prevailing Wage Project Notification – Contractor Information Notification** form ([PW-2](#)) to the DLS. Send it when the contract is awarded to ensure the DLS receives it timely (Section [290.262.9](#), RSMo, and [8 CSR 30-3.010\[3\]](#)).
- ☐ Verify if a wage subsidy, bid supplement, or rebate was provided, and if so, if it was provided lawfully. The amount and date of such subsidy, supplement or rebate must be reported to the public body within 30 days of receipt of payment (Section [290.095](#), RSMo).

II

While Contract Is Being Performed

- ☐ Review records of wages paid to all workers employed on the contract to assure workers are paid properly (Section [290.290](#), RSMo). Records must be kept within the state by the contractor and each subcontractor for a period of one year following completion of the public works project. 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\[7\]](#)).
- ☐ If you are aware of any possible prevailing wage violation, you must report it to the DLS using the **Prevailing Wage Complaint** form ([PW-6](#)). A public body cannot make final payment until full compliance with the law has been achieved.
- ☐ 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. **Require** the notice to be posted during the entire time that any worker is employed on the job (Section [290.265](#), RSMo).

III

Before Contract Is Fully Paid

- ☐ Before final payment can be made, the general contractor and all subcontractors **must** file an **Affidavit of Compliance** form ([PW-4](#)) with the contracting public body. The affidavit must state the party has fully complied with the 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 the duty of such public body awarding the contract, and its agents and officers, to take cognizance of all complaints of all violations of the provisions of section 290.210 to 290.340 committed in the course of the execution of the contract, and, when making payments to the contractor becoming due under the contract, to withhold and retain therefrom all sums and amounts due and owing as a result of any violation of section 290.210 to 290.340 (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.

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