

SECOND REGULAR SESSION

SENATE BILL NO. 599

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4677S.011

AN ACT

To repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.320, and 290.325, RSMo, and to enact in lieu thereof thirteen new sections relating to public contracts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.320, and 290.325, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.320, and 290.325, to read as follows:

290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise, **the following terms shall mean:**

(1) ["Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined;

(2) "Collective bargaining agreement" [means], any written agreement or understanding between an employer or employer association and a labor organization or union which is the exclusive bargaining representative of the employer's or employer association's employees pursuant to the terms of the National Labor Relations Act and which agreement or understanding or predecessor agreement or understanding has been used to determine an occupational title wage rate;

[(3)] (2) "Construction" [includes], construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair;

[(4)] (3) "Department" [means], the department of labor and industrial

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 relations;

17 [(5)] (4) "Labor organization" or "union" [means], any entity which has
18 been designated pursuant to the terms of the National Labor Relations Act as the
19 exclusive bargaining representative of employees of employers engaged in the
20 construction industry, which entity or affiliated entity has ever had a collective
21 bargaining agreement which determined an occupational title wage rate;

22 [(6)] (5) "Locality" [means], the county where the physical work upon
23 public works is performed;

24 [(7)] (6) "Maintenance work" [means], the repair, but not the
25 replacement, of existing facilities when the size, type or extent of the existing
26 facilities is not thereby changed or increased;

27 [(8)] (7) "Prevailing hourly rate of wages" [means], the wages paid
28 generally, in the locality in which the public works is being performed, to
29 [workmen engaged in work of a similar character] **workers** including the basic
30 hourly rate of pay and the amount of the rate of contributions irrevocably made
31 to a fund, plan or program, and the amount of the rate of costs to the contractor
32 or subcontractor which may be reasonably anticipated in providing benefits to
33 [workmen] **workers** and mechanics pursuant to an enforceable commitment to
34 carry out a financially responsible plan or program which was communicated in
35 writing to the [workmen] **workers** affected, for medical or hospital care, pensions
36 on retirement or death, compensation for injuries or illness resulting from
37 occupational activity, or insurance to provide any of the foregoing, for
38 unemployment benefits, life insurance, disability and sickness insurance, accident
39 insurance, for vacation and holiday pay, for defraying costs of apprenticeship or
40 other similar programs, or for other bona fide fringe benefits, but only where the
41 contractor or subcontractor is not required by other federal or state law to provide
42 any of the benefits; provided, that the obligation of a contractor or subcontractor
43 to make payment in accordance with the prevailing wage determinations of the
44 department, insofar as sections 290.210 to 290.340 are concerned, may be
45 discharged by the making of payments in cash, by the making of irrevocable
46 contributions by the assumption of an enforceable commitment to bear the costs
47 of a plan or program as provided herein, or any combination thereof, where the
48 aggregate of such payments, contributions and costs is not less than the rate of
49 pay plus the other amounts as provided herein;

50 [(9) "Previous six annual wage order reporting periods" means the current
51 annual wage order reporting period under consideration for wage rate

52 determinations and the five immediately preceding annual wage order reporting
53 periods;

54 (10) (8) "Public body" [means], the state of Missouri or any officer,
55 official, authority, board or commission of the state, or other political subdivision
56 thereof, or any institution supported in whole or in part by public funds;

57 [(11)] (9) "Public works" [means], all fixed works constructed for public
58 use or benefit or paid for wholly or in part out of public funds. It also includes
59 any work done directly by any public utility company when performed by it
60 pursuant to the order of the public service commission or other public authority
61 whether or not it be done under public supervision or direction or paid for wholly
62 or in part out of public funds when let to contract by said utility. It does not
63 include any work done for or by any drainage or levee district;

64 [(12)] "Workmen" means]

65 (10) "**Workers**", laborers[, workmen] and mechanics.

290.220. It is hereby declared to be the policy of the state of Missouri that
2 a wage of no less than the prevailing hourly rate of wages [for work of a similar
3 character] in the locality in which the work is performed shall be paid to all
4 [workmen] **workers** employed by or on behalf of any public body engaged in
5 public works exclusive of maintenance work.

290.230. 1. Not less than the prevailing hourly rate of wages for work [of
2 a similar character] in the locality in which the work is performed[, and not less
3 than the prevailing hourly rate of wages for legal holiday and overtime work,]
4 shall be paid to all [workmen] **workers** employed by or on behalf of any public
5 body engaged in the construction of public works, exclusive of maintenance
6 work. Only such [workmen] **workers** as are directly employed by contractors or
7 subcontractors in actual construction work on the site of the building or
8 construction job shall be deemed to be employed upon public works. Any such
9 [workman] **worker** who agrees in writing to volunteer his or her labor without
10 pay shall not be deemed to be employed upon public works, and shall not be
11 entitled to the prevailing hourly rate of wages. For the purposes of this section,
12 the term "[workman] **worker** who agrees in writing to volunteer his or her labor
13 without pay" shall mean a [workman] **worker** who volunteers his or her labor
14 without any promise of benefit or remuneration for such voluntary activity, and
15 who is not a prisoner in any jail or prison facility and who is not performing
16 community service pursuant to disposition of a criminal case [against him], and
17 is not otherwise employed for compensation at any time in the construction or

18 maintenance work on the same public works for which the [workman] **worker**
19 is a volunteer. Under no circumstances may an employer force, compel or
20 otherwise intimidate an employee into performing work otherwise paid by a
21 prevailing wage as a volunteer.

22 2. When the hauling of materials or equipment includes some phase of
23 construction other than the mere transportation to the site of the construction,
24 [workmen] **workers** engaged in this dual capacity shall be deemed employed
25 directly on public works.

26 **3. Sections 290.220 to 290.340 shall not apply to the construction**
27 **of public works for which the contract awarded is in the amount of five**
28 **hundred thousand dollars or less.**

290.250. 1. Every public body authorized to contract for or construct
2 public works before advertising for bids or undertaking such construction shall
3 request the department to determine the prevailing [rates] **hourly rate** of wages
4 [for workmen for the class or type of work called for by the public works,] in the
5 locality where the work is to be performed. The department shall determine the
6 prevailing hourly rate of wages in the locality in which the work is to be
7 performed [for each type of workman required to execute the contemplated
8 contract] **as provided in section 290.260** and such determination or schedule
9 of the prevailing hourly rate of wages shall be attached to and made a part of the
10 specifications for the work. The public body shall then specify in the resolution
11 or ordinance and in the call for bids for the contract [what is] the prevailing
12 hourly rate of wages in the locality [for each type of workman] needed to execute
13 the contract [and also the general prevailing rate for legal holiday and overtime
14 work]. It shall be mandatory upon the contractor to whom the contract is
15 awarded and upon any subcontractor under [him] **the contractor** to pay not less
16 than the specified rates to all [workmen] **workers** employed by them in the
17 execution of the contract. The public body awarding the contract shall cause to
18 be inserted in the contract a stipulation to the effect that not less than the
19 prevailing hourly rate of wages shall be paid to all [workmen] **workers**
20 performing work under the contract. The [employer] **contractor** shall forfeit as
21 a penalty to the [state, county, city and county, city, town, district or other
22 political subdivision] **public body** on whose behalf the contract is made or
23 awarded one hundred dollars for each [workman] **worker** employed, for each
24 calendar day, or portion thereof, such [workman] **worker** is paid less than the
25 said stipulated rates for any work done under said contract, by [him] **the**

26 **contractor** or by any subcontractor under [him] **the contractor**, and the [said]
27 public body awarding the contract shall cause to be inserted in the contract a
28 stipulation to this effect. It shall be the duty of [such] **the** public body awarding
29 the contract, and its agents and officers, to take cognizance of all complaints of
30 all violations of the provisions of sections 290.210 to 290.340 committed in the
31 course of the execution of the contract, and, when making payments to the
32 contractor becoming due under said contract, to withhold and retain therefrom
33 all sums and amounts due and owing as a result of any violation of sections
34 290.210 to 290.340. It shall be lawful for any contractor to withhold from any
35 subcontractor [under him] sufficient sums to cover any penalties withheld [from
36 him] by the awarding **public** body on account of [said] **the** subcontractor's
37 failure to comply with the terms of sections 290.210 to 290.340, and if payment
38 has already been made [to him], the contractor may recover from [him] **the**
39 **subcontractor** the amount of the penalty in a suit at law.

40 2. In determining whether a violation of sections 290.210 to 290.340 has
41 occurred, and whether the penalty under subsection 1 of this section shall be
42 imposed, it shall be the duty of the department to investigate any claim of
43 violation. Upon completing such investigation, the department shall notify the
44 employer of its findings. If the department concludes that a violation of sections
45 290.210 to 290.340 has occurred and a penalty may be due, the department shall
46 notify the employer of such finding by providing a notice of penalty to the
47 employer. Such penalty shall not be due until forty-five days after the date of the
48 notice of the penalty.

49 3. The employer shall have the right to dispute such notice of penalty in
50 writing to the department within forty-five days of the date of the notice. Upon
51 receipt of this written notice of dispute, the department shall notify the employer
52 of the right to resolve such dispute through arbitration. The state and the
53 employer shall submit to an arbitration process to be established by the
54 department by rule, and in conformance with the guidelines and rules of the
55 American Arbitration Association or other arbitration process mutually agreed
56 upon by the employer and the state. If at any time prior to the department
57 pursuing an enforcement action to enforce the monetary penalty provisions of
58 subsection 1 of this section against the employer, the employer pays the back
59 wages as determined by either the department or the arbitrator, the department
60 shall be precluded from initiating any enforcement action to impose the monetary
61 penalty provisions of subsection 1 of this section.

62 4. If the employer fails to pay all wages due as determined by the
63 arbitrator within forty-five days following the conclusion of the arbitration
64 process, or if the employer fails to exercise the right to seek arbitration, the
65 department may then pursue an enforcement action to enforce the monetary
66 penalty provisions of subsection 1 of this section against the employer. If the
67 court orders payment of the penalties as prescribed in subsection 1 of this section,
68 the department shall be entitled to recover its actual cost of enforcement from
69 such penalty amount.

70 5. Nothing in this section shall be interpreted as precluding an action for
71 enforcement filed by an aggrieved employee as otherwise provided in law.

290.260. 1. The department, as it deems necessary, shall from time to
2 time investigate and determine the prevailing hourly rate of wages [for heavy and
3 highway construction work] in the localities. [In doing so, the department shall
4 accept and consider information regarding local wage rates that is submitted in
5 either paper or electronic formats.] A determination applicable to every locality
6 to be contained in a general wage order shall be made annually on or before July
7 first of each year [for the Missouri state highways and transportation
8 commission] and shall remain in effect until superseded by a new general wage
9 order. In determining prevailing rates, the department shall ascertain [and
10 consider the applicable wage rates established by collective bargaining
11 agreements, if any, and the rates that are paid generally within the locality] **the**
12 **average hourly wages in each locality as determined by the Missouri**
13 **economic research and information center within the department of**
14 **economic development, or any successor agency. The prevailing hourly**
15 **rate of wages in each locality shall be equivalent to the average hourly**
16 **wages in each locality.**

17 2. A certified copy of the determination so made shall be filed immediately
18 with the secretary of state and with the department in Jefferson City. Copies
19 shall be supplied by the department to all persons requesting them within ten
20 days after the filing.

21 3. At any time within thirty days after the certified copies of the
22 determinations have been filed with the secretary of state and the department,
23 any person who is affected thereby may object in writing to the determination or
24 the part thereof that he deems objectionable by filing a written notice with the
25 department, stating the specific grounds of the objection.

26 4. Within thirty days of the receipt of the objection, the department shall

27 set a date for a hearing on the objection. The date for the hearing shall be within
28 sixty days of the receipt of the objection. Written notice of the time and place of
29 the hearing shall be given to the objectors at least ten days prior to the date set
30 for the hearing.

31 5. The department at its discretion may hear each written objection
32 separately or consolidate for hearing any two or more written objections. At the
33 hearing the department shall first introduce in evidence the investigation it
34 instituted and the other facts which were considered at the time of the original
35 determination which formed the basis for its determination. The department, or
36 the objector, or any interested party, thereafter may introduce any evidence that
37 is material to the issues.

38 6. Within twenty days of the conclusion of the hearing, the department
39 **[must] shall** rule on the written objection and make the final determination that
40 it believes the evidence warrants. Immediately, the department shall file a
41 certified copy of its final determination with the secretary of state and with the
42 department and shall serve a copy of the final determination on all parties to the
43 proceedings by personal service or by registered mail.

44 7. This final decision of the department of the prevailing **hourly rate of**
45 wages in the locality is subject to review in accordance with the provisions of
46 chapter 536. Any person affected, whether or not the person participated in the
47 proceedings resulting in the final determination, may have the decision of the
48 department reviewed. The filing of the final determination with the secretary of
49 state shall be considered a service of the final determination on persons not
50 participating in the administrative proceedings resulting in the final
51 determination.

52 8. At any time before trial any person affected by the final determination
53 of the department may intervene in the proceedings to review under chapter 536
54 and be made a party to the proceedings.

55 9. All proceedings in any court affecting a determination of the
56 department under the provisions of sections 290.210 to 290.340 shall have
57 priority in hearing and determination over all other civil proceedings pending in
58 the court, except election contests.

290.263. The hourly wages to be paid as prescribed in section 290.250 to
2 **[workmen] workers** upon public works shall not be less than the minimum wage
3 specified under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as
4 amended.

290.265. A clearly legible statement of all prevailing hourly [wage
2 rates] **rate of wages** to be paid to all [workmen] **workers** employed in order to
3 execute the contract and employed on the construction of the public works shall
4 be kept posted in a prominent and easily accessible place at the site thereof by
5 each contractor and subcontractor engaged in the public works projects under the
6 provisions of this law and such notice shall remain posted during the full time
7 that any such [workman] **worker** shall be employed on the public works.

290.270. The finding of the department ascertaining and declaring the
2 prevailing hourly rate of wages shall be final for the locality, unless reviewed
3 under the provisions of sections 290.210 to 290.340. Nothing in sections 290.210
4 to 290.340, however, shall be construed to prohibit the payment to any [workman]
5 **worker** employed on any public work of more than the prevailing rate of
6 wages. Nothing in sections 290.210 to 290.340 shall be construed to limit the
7 hours of work which may be performed by any [workman] **worker** in any
8 particular period of time.

290.290. 1. The contractor and each subcontractor engaged in any
2 construction of public works shall keep full and accurate records clearly
3 indicating the names, occupations and crafts of every [workman] **worker**
4 employed by them in connection with the public work together with an accurate
5 record of the number of hours worked by each [workman] **worker** and the actual
6 wages paid therefor. The payroll records required to be so kept shall be open to
7 inspection by any authorized representative of the contracting public body or of
8 the department at any reasonable time and as often as may be necessary and
9 such records shall not be destroyed or removed from the state for the period of
10 one year following the completion of the public work in connection with which the
11 records are made.

12 2. Each contractor and subcontractor shall file with the contracting public
13 body upon completion of the public work and prior to final payment therefor an
14 affidavit stating that he had fully complied with the provisions and requirements
15 of this chapter, and no public body shall be authorized to make final payment
16 until such affidavit is filed therewith in proper form and order.

17 3. Each contractor and subcontractor engaged in any construction of
18 public works shall have its name, acceptable abbreviation or recognizable logo
19 and the name of the city and state of the mailing address of the principal office
20 of the company, on each motor vehicle and motorized self-propelled piece of
21 equipment which is used in connection with such public works project during the

22 time the contractor or subcontractor is engaged on such project. The sign shall
23 be legible from a distance of twenty feet but the size of the lettering need not be
24 larger than two inches. In cases where equipment is leased or where affixing a
25 legible sign to the equipment is impractical, the contractor may place a temporary
26 stationary sign, with the information required pursuant to this subsection, at the
27 main entrance of the construction project in place of affixing the required
28 information on the equipment so long as such sign is not in violation of any state
29 or federal statute, rule or regulation. Motor vehicles which are required to have
30 similar information affixed thereto pursuant to requirements of a regulatory
31 agency of the state or federal government are exempt from the provisions of this
32 subsection.

33 [4. The provisions of subsection 3 of this section shall not apply to
34 construction of public works for which the contract awarded is in the amount of
35 two hundred fifty thousand dollars or less.]

290.300. Any [workman] **worker** employed by the contractor or by any
2 subcontractor under the contractor who shall be paid for his **or her** services in
3 a sum less than the stipulated rates for work done under the contract, shall have
4 a right of action for double whatever difference there may be between the amount
5 so paid and the rates provided by the contract together with a reasonable
6 attorney's fee to be determined by the court, and an action brought to recover
7 same shall be deemed to be a suit for wages, and any and all judgments entered
8 therein shall have the same force and effect as other judgments for wages.

290.305. No person, firm or corporation shall violate the wage provisions
2 of any contract contemplated in sections 290.210 to 290.340 or suffer or require
3 any employee to work for less than the rate of wages so fixed, or violate any of the
4 provisions contained in sections 290.210 to 290.340. Where [workmen] **workers**
5 are employed and their rate of wages has been determined as provided in sections
6 290.210 to 290.340, no person, either for [himself] **his or her behalf** or **for** any
7 other person, shall request, demand or receive, either before or after such
8 [workman] **worker** is engaged, that such [workman] **worker** pay back, return,
9 donate, contribute, or give any part or all of said [workman's] **worker's** wages,
10 salary, or thing of value, to any person, upon the statement, representation, or
11 understanding that failure to comply with such request or demand will prevent
12 such [workman] **worker** from procuring or retaining employment, and no person
13 shall, directly or indirectly, pay, request or authorize any other person to violate
14 this section. This section [does] **shall** not apply to any agent or representative

15 of a duly constituted labor organization acting in the collection of dues or
16 assessments of such organization.

290.320. No public body, officer, official, member, agent or representative
2 authorized to contract for public works shall fail, before advertising for bids or
3 contracting for such construction, to have the department determine the
4 prevailing [rates] **hourly rate** of wages [of workmen for each class of work called
5 for by the public works] in the locality where the work is to be performed as
6 provided in sections 290.210 to 290.340.

290.325. No public body, officer, official, member, agent or representative
2 thereof authorized to contract for public works shall award a contract for the
3 construction of such improvement or disburse any funds on account of the
4 construction of such public improvement, unless such public body has first had
5 the department determine the prevailing [rates] **hourly rate** of wages [of
6 workmen for the class of work called for by such public works] in the locality
7 where the work is to be performed and such determination has been made a part
8 of the specifications and contract for such public works.

[290.262. 1. Except as otherwise provided in section
2 290.260, the department shall annually determine the prevailing
3 hourly rate of wages in each locality for each separate occupational
4 title. In doing so, the department shall accept and consider
5 information regarding local wage rates that is submitted in either
6 paper or electronic formats. A final determination applicable to
7 every locality to be contained in an annual wage order shall be
8 made annually on or before July first of each year and shall remain
9 in effect until superseded by a new annual wage order or as
10 otherwise provided in this section. The department shall, by
11 March tenth of each year, make an initial determination for each
12 occupational title within the locality.

13 2. The prevailing wage rate for an occupational title in a
14 locality shall, with the exception of localities that are counties of
15 the third and fourth classification and any county of the second
16 classification with more than fifty-eight thousand but fewer than
17 sixty-five thousand inhabitants, be the wage rate most commonly
18 paid, as measured by the number of hours worked at each wage
19 rate, for that occupational title within that locality. In determining
20 such prevailing wage rates, the department shall ascertain and

21 consider the applicable wage rates established by collective
22 bargaining agreements, if any, when no wages were reported.

23 3. With respect only to localities that are counties of the
24 third and fourth classification and any county of the second
25 classification with more than fifty-eight thousand but fewer than
26 sixty-five thousand inhabitants, the prevailing wage rate for an
27 occupational title within such locality shall be determined in the
28 following manner:

29 (1) The total number of hours worked that are not paid
30 pursuant to a collective bargaining agreement for the time period
31 in that occupational title in the locality and the total number of
32 hours worked that are paid pursuant to a collective bargaining
33 agreement for the time period in that occupational title in the
34 locality shall be considered;

35 (2) If the total number of hours that are not paid pursuant
36 to a collective bargaining agreement, in the aggregate, exceeds the
37 total number of hours that are paid pursuant to such an
38 agreement, in the aggregate, then the prevailing wage rate shall be
39 the rate most commonly paid that is not paid pursuant to a
40 collective bargaining agreement as measured by the number of
41 hours worked at such rate for that occupational title within the
42 locality;

43 (3) If the total number of hours that are paid pursuant to
44 a collective bargaining agreement, in the aggregate, exceeds the
45 total number of hours that are not paid pursuant to such an
46 agreement, in the aggregate, then the prevailing wage rate shall be
47 the rate most commonly paid that is paid pursuant to a collective
48 bargaining agreement as measured by the number of hours worked
49 at such rate for that occupational title within the locality;

50 (4) If no work within a particular occupational title has
51 been performed in a locality at any wage rate, the prevailing wage
52 rate for that occupational title in that locality shall be determined
53 in the following manner:

54 (a) If wages were reported for an occupational title within
55 a locality within the previous six annual wage order reporting
56 periods and the prevailing wage rate was determined by a

57 collective bargaining agreement by hours worked pursuant to such
58 agreement in the most recent annual wage order reporting period
59 where such wages were reported, then the wage rate paid pursuant
60 to the current collective bargaining agreement shall be the
61 prevailing rate for that occupational title within the locality;

62 (b) If wages were reported for an occupational title within
63 a locality within the previous six annual wage order reporting
64 periods and the prevailing wage rate was not determined by hours
65 worked pursuant to a collective bargaining agreement in the most
66 recent annual wage order reporting period where such wages were
67 reported, then the wage rate paid in the most recent annual wage
68 order reporting period when such wages were reported shall be the
69 prevailing wage rate for that occupational title within the locality;

70 (c) If no wages were reported for an occupational title
71 within a locality within the previous six annual wage order
72 reporting periods, the department shall examine hours and wages
73 reported in all adjacent Missouri counties during the same
74 periods. The most recent reported wage rate in a given wage order
75 period in the adjacent Missouri county with the most reported
76 hours actually worked for that occupational title in the wage period
77 during the previous six annual wage order reporting periods shall
78 be used to determine the prevailing wage rate;

79 (d) If no wages were reported for an occupational title
80 within any adjacent Missouri county within the previous six annual
81 wage order reporting periods, then the rate paid pursuant to the
82 current collective bargaining agreement shall be the prevailing
83 wage rate for that occupational title within the locality.

84 4. A certified copy of the initial determinations so made
85 shall be filed immediately with the secretary of state and with the
86 department in Jefferson City. Copies shall be supplied by the
87 department to all persons requesting them within ten days after
88 the filing.

89 5. At any time within thirty days after the certified copies
90 of the determinations have been filed with the secretary of state
91 and the department, any person who is affected thereby may object
92 in writing to a determination or a part thereof that he deems

93 objectionable by filing a written notice with the department, stating
94 the specific grounds of the objection. If no objection is filed, the
95 determination is final after thirty days.

96 6. After the receipt of the objection, the department shall
97 set a date for a hearing on the objection. The date for the hearing
98 shall be within sixty days of the receipt of the objection. Written
99 notice of the time and place of the hearing shall be given to the
100 objectors at least ten days prior to the date set for the hearing.

101 7. The department at its discretion may hear each written
102 objection separately or consolidate for hearing any two or more
103 written objections. At the hearing the department shall first
104 introduce in evidence the investigation it instituted and the other
105 facts which were considered at the time of the original
106 determination which formed the basis for its determination. The
107 department, or the objector, or any interested party, thereafter may
108 introduce any evidence that is material to the issues.

109 8. Within twenty days of the conclusion of the hearing, the
110 department shall rule on the written objection and make the final
111 determination that it believes the evidence warrants. Immediately,
112 the department shall file a certified copy of its final determination
113 with the secretary of state and with the department and shall serve
114 a copy of the final determination on all parties to the proceedings
115 by personal service or by registered mail.

116 9. This final decision of the department of the prevailing
117 wages in the locality for each occupational title is subject to review
118 in accordance with the provisions of chapter 536. Any person
119 affected, whether or not the person participated in the proceedings
120 resulting in the final determination, may have the decision of the
121 department reviewed. The filing of the final determination with
122 the secretary of state shall be considered a service of the final
123 determination on persons not participating in the administrative
124 proceedings resulting in the final determination.

125 10. At any time before trial any person affected by the final
126 determination of the department may intervene in the proceedings
127 to review under chapter 536 and be made a party to the
128 proceedings.

129 11. Any annual wage order made for a particular
130 occupational title in a locality, that is based on the number of
131 hours worked under a collective bargaining agreement, may be
132 altered once each year, as provided in this subsection. The
133 prevailing wage for each such occupational title may be adjusted on
134 the anniversary date of any collective bargaining agreement which
135 covers all persons in that particular occupational title in the
136 locality in accordance with any annual incremental wage increases
137 set in the collective bargaining agreement. If the prevailing wage
138 for an occupational title is adjusted pursuant to this subsection, the
139 employee's representative or employer in regard to such collective
140 bargaining agreement shall notify the department of this
141 adjustment, including the effective date of the adjustment. The
142 adjusted prevailing wage shall be in effect until the next final
143 annual wage order is issued pursuant to this section. The wage
144 rates for any particular job, contracted and commenced within sixty
145 days of the contract date, which were set as a result of the annual
146 or revised wage order, shall remain in effect for the duration of
147 that particular job.

148 12. In addition to all other reporting requirements of
149 sections 290.210 to 290.340, each public body which is awarding a
150 contract for a public works project shall, prior to beginning of any
151 work on such public works project, notify the department, on a
152 form prescribed by the department, of the scope of the work to be
153 done, the various types of craftsmen who will be needed on the
154 project, and the date work will commence on the project.]

✓