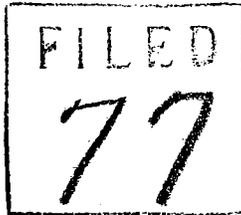


PREVAILING WAGE LAW:

A construction project in the state of Missouri by the federal government does not come within the purview of the Prevailing Wage Law.



January 6, 1959

Mr. J. R. Rose, Chairman
Industrial Commission of Missouri
Department of Labor and
Industrial Relations
State Office Building
Jefferson City, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"Under the new Prevailing Wage Law of 1957, being Sections 290.010 to 290.310, the Industrial Commission is charged with making wage determinations on all needed crafts in the construction of public works.

"The purpose of this letter is to inquire from your office as to whether it is necessary for the Industrial Commission to require applications for wage determinations on federal projects, paid for by the Federal Government, when constructed in the State of Missouri. It is our information that such wage determinations are made by the Federal Department of Labor in Washington. It is our thought that perhaps this Missouri Industrial Commission has no duty or jurisdiction in that sort of a situation, but will be glad to have the advice of your office."

Subsequent to writing the above opinion request, you have, in response to our inquiry regarding the meaning of the term "federal projects," used by you, informed us that the meaning which you attach to those words is any unit of construction built wholly by federal funds under federal direction for

Mr. J. R. Rose

federal purposes, such as a post office, or a veterans' hospital, or a federal court building, or any similar construction.

Chapter 290, MoRS, Cum. Supp. 1957, which sets forth the so-called Prevailing Wage Law, declares the policy and purpose of the law in Section 290.220, which reads:

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

It will be noted from the above that projects which come within the purview of this law are those in which a public body is engaged in public works. The same policy is declared in Section 290.230, and indeed throughout this chapter. Therefore, any construction work not done by a "public body" does not come within the Prevailing Wage Law. Numbered paragraph 6 of Section 290.210 defines "public body" to mean, "the state of Missouri or any officer, board or commission of the state, or other political subdivision." Since the federal government does not come within the definition of "public body," it would seem obvious that construction work done by the federal government would not come within the purview of the Prevailing Wage Law.

Other reasons might be adduced sustaining the above conclusion, but, in view of the fact that the above seems to us to be conclusive, we see no reason for so doing.

CONCLUSION

It is the opinion of this department that a construction project in the state of Missouri by the federal government does not come within the purview of the Prevailing Wage Law.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

HPW:ml:mc