



July 18, 1961

Honorable June R. Rose, Chairman
Industrial Commission of Missouri
Department of Labor and Industrial Relations
State Office Building
Broadway and High Streets
Jefferson City, Missouri

Dear Mr. Rose:

This letter is in answer to your opinion request of July 5, 1961 regarding the Prevailing Wage Law, Sections 290.210 to 290.310 RSMo 1959. In it you state three questions, as follows:

"First: Whether a school board can lawfully proceed in the manner above-described, that is, to employ their own superintendent or adviser, and also employ the workmen without entering into a specific building contract with a building contractor.

"Second: If they do have such authority, are they required to pay the workmen not less than the prevailing wage fixed by the Commission and unappealed from?

"Third: Whether that portion of Section 290.230, above-quoted, means that only employees of contractors or subcontractors shall be deemed to be employed upon public works."

In answer to your first question we enclose copies of opinions of this office issued to Mr. Hubert Wheeler on February 20, 1952 and the Honorable L. Clark McNeill on July 9, 1948 which answer that question in the affirmative.

In regard to your second question we call your attention to the case cited in your opinion request, State ex rel City

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of Joplin vs. Industrial Commission of Missouri (1959) 329 S.W. 2d 687, which held that the Prevailing Wage Law does not apply to employees of public bodies.

In answer to your third question we again direct your attention to the above cited case which answers that question in the affirmative.

Yours truly,

THOMAS F. EAGLETON
Attorney General

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