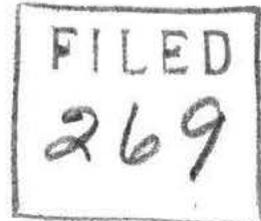


Opinion #269 Answered by Letter.  
Eagleton

July 15, 1964



Representative Thomas A. Walsh  
Capitol Building  
Jefferson City, Missouri

Dear Representative Walsh:

We have your opinion request in which you ask two questions in connection with Missouri's Prevailing Wage Law.

Question #1. What is the penalty provision against a public body or an employer who violates the Prevailing Wage Law, Sections 290.210 to 290.310, RSMo 1959?

Section 290.310, RSMo 1959 provides:

"Any officer, agent or representative of any public body who willfully violates, or omits to comply with any of the provisions of sections 290.210 to 290.310, and any contractor or subcontractor, or agent or representative thereof, doing public work who neglects to keep an accurate record of the name, occupation and actual wages paid to each workman employed by him, in connection with the public work or who refuses to allow access to same at any reasonable hour to any person authorized to inspect same under sections 290.210 to 290.310, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment."

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Thus, under this section it would be up to the local prosecuting attorney of the county in question to determine whether to file a misdemeanor charge against anyone who violates the Prevailing Wage Law.

Question #2. How does an employee who has been paid wages less than the proper prevailing wage recover back wages?

Section 290.300, RSMo 1959 provides:

"Any workman employed by the contractor or by any subcontractor under the contractor who shall be paid for his services in a sum less than the stipulated rates for work done under the contract, shall have a right of action for whatever difference there may be between the amount so paid and the rates provided by the contract and an action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages."

Thus, under this section any aggrieved employee can file a civil action on his own behalf for back wages against his employer.

Yours very truly,

THOMAS F. EAGLETON  
Attorney General