

# Civil Rights & Equal Opportunity Instructions for CCED Contract Compliance

Economic Equity & Inclusion Division  
Contract Compliance & Labor Standard

April 2024

*Prepared for*

Housing and Community Development Department | CCED Workshops



# About CREO

**CREO** protects our residents against discrimination in employment and public accommodations by investigating discrimination claims and enforcing civil rights laws. We also work to prevent discrimination and to increase economic equity and inclusion for our residents and businesses through the City's diversity certification program and monitoring and enforcing labor standards and prevailing wages for workforce.

# About Economic Equity & Inclusion

**EEI** sets goals by collecting and analyzing historical data including past utilization, present certified firms and their scopes of works. The EEI division is also responsible for monitoring the utilization of certified firms on City contracts.

# CCED Sales Tax District Contract Goals

**The CCED Board and City** desire that Minority Business Enterprises (“MBE”) and Women’s Business Enterprises (“WBE”) have a maximum opportunity to participate in the performance of any projects selected for funding.

# MWBE Goals for CCED Requests for Proposals (RFPs)

Construction Services over  
\$300,000

- MBE goal: 15%
- WBE goal: 15%

Professional Services over  
\$160,000

- MBE goal: 14%
- WBE goal: 14%

Renovations/Repairs over  
\$160,000

- MBE goal: 11%
- WBE goal: 11%

# Ordinance 231017

**Sec. 3-457. (2)** For contracts awarded pursuant to request for proposals, proposer shall submit an affidavit of intended utilization with their proposal. Prior to the award of any contract, they shall submit the following additional documentation:

- a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
- b. Letters of intent to subcontract; and
- c. A request for waiver of the contract goals pursuant to subsection 3-437(a) if the proposer fails to meet or exceed the goals.

# Ordinance 231017

## Notes:

- Section 3-433 governs the process for the Contractor Utilization Plan.
- Section 3-437(a) governs the process for the Waiver of MBE/WBE goals.
- Section 3-441 governs the process by which Good Faith Efforts must be made when a bidder or proposer is requesting a full or partial waiver of contract goals.

# Ordinance 231017

## **Sec. 3-457. (Abridged)**

**(3)** Timely submission of the contractor utilization plan is a material element of the [...] proposal submission. The director is authorized to extend the 48-hour deadline for the letters of intent to subcontract but not the deadline for submission of the contractor utilization plan.

**(4)** Documentation of good faith efforts shall be submitted when requested by the city [...]



# Ordinance 231017

## Sec. 3-457.

**(5)** Any increase in the amount of MBE/WBE participation after submission of the contractor utilization plan shall not count toward meeting the contract goals, unless otherwise permitted under section 3-443 hereof.

**Note:** Section 3-443 governs the process for Modification or Substitution to the approved Contractor Utilization Plan.

# CREO Assurances

**A. Non-discrimination in Employment.** Selected proposers shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Selected proposers shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

# CREO Assurances

**Note:** Section 3-517 states, "The construction contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry, disability, sexual orientation, gender identity or age."

Complaints of discrimination can be filed at 3-1-1, on the myKCMO app, or by visiting [www.kcmo.gov/CREO](http://www.kcmo.gov/CREO)

# Questions?

Thank you.

Contact CREO | [www.kcmo.gov/creo](http://www.kcmo.gov/creo) | 816-513-1836

# About Contract Compliance & Labor Standards

**CCLS** is responsible for monitoring and enforcing construction employment goals as set forth by the City Council on contracts requiring more than 800 construction labor hours and with an estimated cost that exceeds \$300,000; monitor and enforce equal employment standards on all city construction contracts; and to monitor and enforce the prevailing wage application on City-funded or incentivized contracts exceeding \$75,000, and/or Davis-Bacon Act application (threshold \$2,000).

# Prevailing Wage: We Are About Payment to Workers

Missouri's Prevailing Wage Law establishes a minimum wage rate that must be paid to workers on public works **construction projects** in Missouri, such as bridges, roads, and government buildings. The prevailing wage rate differs by county and for different types of work. The Prevailing Wage Law applies to all **public works projects** constructed by on behalf of state and local **public bodies**.

# Prevailing Wage & Compliance

Bids should be based on the rate for the scope of work defined for each occupation title (classification); incorporate prevailing wages into your bid/proposal

- Submit certified payroll records via eComply weekly with the following information:
  - Occupational title (work classifications)
  - Identification as Apprentice (include documentation) or Journeyman
  - Rate of pay
  - Hours worked (including overtime)

**An AFFIDAVIT OF PREVAILING WAGE COMPLIANCE  
is required to receive final payment.**

# Key Terms

## Prevailing Wage Rate

The hourly rate of wages for workers as set forth in the Missouri Annual Wage Order as determined by the State of Missouri for the locality or as set forth in the Davis-Bacon Wage Decision for the locality at the time of the contract.

## Public Body

The State of Missouri or any officer, official, authority, board or commission of the State or other political subdivision thereof, or any institution supported in whole or in part by public funds.

## Wage Theft

The withholding or denial of wages or employee benefits rightfully owed to a worker/employee.



# Key Terms

## Building Construction

Building structures, including modifications, additions or repairs, or both, to be used for shelter, protection, comfort, convenience, entertainment or recreation, or for protection of people or equipment. Additionally, all work related to the construction, alteration, etc., or repair of buildings including for the residential use of single or multi-family units.

# CCLS Policy

- Application of prevailing wages on all projects for public use;
- Or to benefit workers on certain projects receiving economic development incentives;
- Which allows workers in the construction trades to receive wages typical in the industry.
- **Application of prevailing wages prevents abuse of workers, including prevention of economic injury to workers.**

# Missouri State Annual Wage Order

All **public bodies** of Missouri contemplating construction work must get an Annual Wage Order from Labor Standards. The Annual Wage Order lists the prevailing wage rates on **public construction projects** in each county. The rates must be incorporated into the contract specifications for the job. This is the minimum prevailing wage rate required for the project.

*Employees are free to bargain for a higher rate of pay.*


*Employers are free to pay a higher rate of pay.*

# Missouri State Annual Wage Order

## Missouri

### Division of Labor Standards

WAGE AND HOUR SECTION



MICHAEL L. PARSON, Governor

## Annual Wage Order No. 28

Section 024  
CLAY COUNTY

In accordance with Section 290.262 RSMo 2000, within thirty (30) days after a certified copy of this Annual Wage Order has been filed with the Secretary of State as indicated below, any person who may be affected by this Annual Wage Order may object by filing an objection in triplicate with the Labor and Industrial Relations Commission, P.O. Box 599, Jefferson City, MO 65102-0599. Such objections must set forth in writing the specific grounds of objection. Each objection shall certify that a copy has been furnished to the Division of Labor Standards, P.O. Box 448, Jefferson City, MO 65102-0448 pursuant to 8 CSR 20-5.010(1). A certified copy of the Annual Wage Order has been filed with the Secretary of State of Missouri.

Original Signed by \_\_\_\_\_  
Taylor Birks, Director  
Division of Labor Standards

Filed With Secretary of State: \_\_\_\_\_ **March 18, 2021**

Last Date Objections May Be Filed: **April 8, 2021**

Prepared by Missouri Department of Labor and Industrial Relations

Heavy Construction Rates for CLAY County      REPLACEMENT PAGE      Section 024

OCCUPATIONAL TITLE	**Prevailing Hourly Rate
Carpenter	\$29.85
Mechanic	
File Driver	
Electrician (Outside Lineman)	\$31.11
Lineman Operator	
Lineman - Tree Trimmer	
Groundman	
Groundman - Tree Trimmer	
<b>Laborer</b>	<b>\$48.30</b>
General Laborer	
Skilled Laborer	
Operating Engineer	\$56.30
Group I	
Group II	
Group III	
Group IV	
Truck Driver	\$48.94
Truck Control Service Driver	
Group I	
Group II	
Group III	
Group IV	

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(3)

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(2)

If a worker is performing work on a heavy construction project within an occupational title that is not listed on the Heavy Construction Rate Sheet, use the rate for that occupational title as shown on the Building Construction Rate Sheet.

\*The Division of Labor Standards received less than 1,000 reportable hours for this occupational title. Public works contracting minimum wage is established for this occupational title using data provided by Missouri Economic Research and Information Center.

\*\*The Prevailing Hourly Rate includes any applicable fringe benefit amounts for each occupational title.

# Posting Requirements Under the Law



Must be:

- conspicuous; easily seen by workers and anywhere applicants can go to apply for employment to work on the project.
- posted for the entire duration of the project.
- in clearly legible condition and protected from damage by the elements or conditions of the jobsite.

# Prevailing Wage Rates

According to Missouri Prevailing Wage Law, prevailing wage is comprised of a base hourly wage rate plus fringe benefits. Fringe benefits are contributions irrevocable made to a fund, plan or program.

- Medical Care
- Pension/Retirement
- Vacation/Holiday

# Prevailing Wage & Compliance

Information about how prevailing wage is calculated and current prevailing wage rates can be found at the Missouri Dept. of Labor's website, [labor.mo.gov](http://labor.mo.gov).



How the Prevailing Wage is Calculated



Current Prevailing Wage Rates



DEPARTMENT OF  
**LABOR**  
& INDUSTRIAL RELATIONS

# Multi-financed Projects



In the case of a multi-financed project that includes Federal, State and/or City funds, the wage decision of the U.S.



Department of Labor and the wage order of the State of



Missouri shall be compared and the greater prevailing wage in each Occupational title shall be paid.



# Objectives

- Apply labor compliance regulations/requirements properly
- Support contractors compliance w/ labor standards through education & advice
- Monitor contractor performance
- Investigate probable cause violations & complaints of underpayment
- Pursue debarment and other available sanctions against repeat labor standards violators

# Independent Contractors

- Workers that receive IRS Form 1099 are to be classified as either an employee or subcontractor (independent contractor).
- Independent Contractors must be treated as either an employee and/or subcontractor (i.e., written contract) for payroll purposes.
- CREO uses the following test to determine whether an employee is a bona fide employee or subcontractor:

## EMPLOYEE

OR

## INDEPENDENT CONTRACTOR

Working for someone else's business



Running their own business

Paid hourly, salary, or by piece rate



Paid upon completion of project

Uses employer's materials, tools and equipment



Provides own materials, tools and equipment

Typically works for one employer



Works with multiple clients

Continuing relationship with the employer



Temporary relationship until project completed

Employer decides when and how the work will be performed



Decides when and how they will perform the work

Employer assigns the work to be performed



Decides what work they will do



# Construction Workforce Goals

- Construction employment goals are established as follows:
  - Minority Workforce Participation
    - Minimum goal of 10%
  - Female Workforce Participation
    - Minimum goal of 2%

# CCLS Contacts

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- Valerie Johnson, Compliance Officer
  - (816) 513-1406
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  - Erica.torres@kcmo.org
- Tanya Lewis, Compliance Officer
  - (816) 513-1842
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# Questions?

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