
PREVAILING WAGE ACT - MISSOURI

Brockington v. New Horizons Enterprises, LLC

Supreme Court of Missouri, en banc - November 22, 2022 - S.W.3d - 2022 WL 17128824

Labor union brought putative class action against employer, a construction contractor, for violations of Missouri Prevailing Wage Act, alleging employer failed to pay employees prevailing wage for properties performed in construction of public works.

Individual employee was substituted for union as class representative. Employee and employer filed cross-motions for summary judgment. The Circuit Court sustained employer's motion and overruled employee's. Employee appealed, and the Court of Appeals affirmed. The Supreme Court granted employee's application for transfer. Employee moved for attorney fees.

The Supreme Court held that triable issues existed as to whether employee was employed on behalf of public body engaged in construction as part of blight remediation project.

Genuine issues of material fact as to whether employees of employer, an asbestos abatement and window work contractor, were employed on behalf of public body, namely city or its industrial expansion authority, engaged in construction as part of area blight remediation and redevelopment project precluded summary judgment on employees' putative class claims against employer for failure to pay prevailing wage as required by Missouri Prevailing Wage Act.

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