

## **Chapter 30**

### **Employment on Public Works**

#### **34-30-1 Citizens to be given preference -- Provision to be included in contracts.**

In employing workmen in the construction of public works by the state or any county or municipality, or by persons contracting with the state or any county or municipality, preference shall be given citizens of the United States, or those having declared their intention of becoming citizens. In each contract for the construction of public works a provision shall be inserted to the effect that, if the provisions of this section are not complied with, the contract shall be void.

Enacted by Chapter 85, 1969 General Session

#### **34-30-8 Forty-hour work week -- Overtime at one and one-half regular rate.**

Forty hours shall constitute a working week on all works and undertakings carried on by the state, county, or municipal governments, or by any officer of the state or of any county or municipal government. Any persons, corporation, firm, contractor, agent, manager, or foreman, who shall require or contract with any person to work upon such works or undertakings longer than 40 hours in one week shall pay such employees at a rate not less than one and one-half times the regular rate at which he is employed.

Enacted by Chapter 85, 1969 General Session

#### **34-30-9 Violation of chapter -- Failure to keep or produce records -- Misdemeanor.**

Any officer, agent or representative of the state, or of any political subdivision, district or municipality of it who shall violate, or omit to comply with any of the provisions of this chapter, and any contractor or subcontractor, or agent or representative thereof, doing such public work, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with this public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this chapter shall be guilty of a misdemeanor.

Enacted by Chapter 85, 1969 General Session

#### **34-30-13 Compliance with federal requirements.**

Notwithstanding any other provision in this chapter to the contrary, the governor of the state of Utah may, in the governor's discretion, elect to suspend the provisions of this chapter in whole or in part if it becomes necessary to do so in order to comply with requirements imposed by the government of the United States, in order for the state of Utah to remain eligible for participation in programs which are financed in whole or in part by the United States government.

Amended by Chapter 348, 2016 General Session

#### **34-30-14 Public works -- Wages.**

(1) For purposes of this section:

- (a) "Political subdivision" means a county, city, town, school district, local district, special service district, public corporation, institution of higher education of the state, public agency of any

political subdivision, or other entity that expends public funds for construction, maintenance, repair or improvement of public works.

(b) "Public works" or "public works project" means a building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, or other facility owned or to be contracted for by the state or a political subdivision, and that is to be paid for in whole or in part with tax revenue paid by residents of the state.

(2)

(a) Except as provided in Subsection (2)(b) or as required by federal or state law, the state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair, or improvement of public works pay its employees:

(i) a predetermined amount of wages or wage rate; or

(ii) a type, amount, or rate of employee benefits.

(b) Subsection (2)(a) does not apply when federal law requires the payment of prevailing or minimum wages to persons working on projects funded in whole or in part by federal funds.

(3) The state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair or improvement of public works execute or otherwise become a party to any project labor agreement, collective bargaining agreement, prehire agreement, or any other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works project.

(4) This section applies to any contract executed after May 1, 1995.

Amended by Chapter 329, 2007 General Session