

(1) IF AN EMPLOYEE UNDER A PUBLIC WORK CONTRACT IS PAID LESS THAN THE PREVAILING WAGE RATE FOR THAT EMPLOYEE'S CLASSIFICATION FOR THE WORK PERFORMED, THE EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE DIFFERENCE BETWEEN THE PREVAILING WAGE RATE AND THE AMOUNT RECEIVED BY THE EMPLOYEE.

(2) A DETERMINATION BY THE COMMISSIONER THAT A CONTRACTOR IS REQUIRED TO MAKE RESTITUTION DOES NOT PRECLUDE AN EMPLOYEE FROM FILING AN ACTION UNDER THIS SECTION.

(B) EFFECT.

(1) AN ACTION UNDER THIS SECTION IS CONSIDERED TO BE A SUIT FOR WAGES.

(2) A JUDGMENT IN AN ACTION UNDER THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT AS ANY OTHER JUDGMENT FOR WAGES.

(C) FAILURE TO PROTEST.

THE FAILURE OF AN EMPLOYEE TO PROTEST ORALLY OR IN WRITING THE PAYMENT OF A WAGE THAT IS LESS THAN THE PREVAILING WAGE RATE IS NOT A BAR TO RECOVERY IN AN ACTION UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF § 12-308 and the third sentence of § 12-307(d).

Defined terms: "Commissioner" § 17-201
"Employee" § 17-201 "Prevailing wage rate" § 17-201
"Public work contract" § 17-201

17-225. PROHIBITED ACTS; EXCEPTION.

(A) PROHIBITED ACTS.

A PERSON MAY NOT:

(1) VIOLATE THE WAGE PROVISIONS OF A PUBLIC WORK CONTRACT;

(2) ALLOW OR REQUIRE AN EMPLOYEE TO WORK FOR LESS THAN THE APPLICABLE PREVAILING WAGE RATE;

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ASK AN EMPLOYEE OR PROSPECTIVE EMPLOYEE TO GIVE ANYTHING OF VALUE TO THAT PERSON OR ANY OTHER PERSON ON A STATEMENT, REPRESENTATION, OR UNDERSTANDING THAT FAILURE TO COMPLY WITH THE REQUEST OR DEMAND WILL PREVENT THE EMPLOYEE FROM PROCURING OR RETAINING EMPLOYMENT; OR