

*Adopted:* 4/18/1995  
*Revised:* 6/17/2008

*Saint Paul Public Schools Policy*

*715.00*

**715.00 PREVAILING WAGES: INDEPENDENT CONTRACTORSHIP**

1. Persons employed directly on School District construction projects worksites by contractors or subcontractors of whatever tier shall be paid at least the prevailing wage rate, including the prevailing hours of labor overtime premium, in accordance with the provisions of Minn. Stat.s §§ 177.42 and 177.43 as may be amended from time to time.
2. District administrators shall implement this policy by preparing bid specifications and contract forms consistent with provisions of Minnesota law.
3. If pursuant to the appropriate specification sections, the contractor or any subcontractor proposes to subcontract any portion of the work to a self-employed subcontractor of whatever tier, then such written proposal must contain information sufficient for the owner and the contract administrator to determine to their satisfaction that the proposed self-employed subcontractor will perform the subcontracted work as a bona-fide independent contractor rather than as an employee of the contractor or subcontractor proposing the self-employed subcontractor. Any such proposal shall be submitted prior to commencement of work and shall be subject to approval by the owner and the contract administrator. In making their determination, the owner and contract administrator will apply the factors utilized by the Internal Revenue Service, the Minnesota Department of Revenue and the Minnesota Department of Labor and Industry.

**LEGAL REFERENCES:**

Minn. Stat.. § 471.345, subd. 7  
Minn. Stat. § 177.42  
Minn. Stat.. § 177.43  
Minn. Stat.. § 177.42, subd. 6

**CROSS REFERENCES:**