

Chapter 3 EMPLOYEES ON PUBLIC WORKS

Article 1 Eligibility for Employment

[34-301. Employment of aliens on public works prohibited](#)

A. A person not a citizen or ward of the United States shall not be employed upon or in connection with any state, county or municipal works or employment.

B. This section shall not be construed to prevent the working of prisoners by the state or a county or municipality thereof on street, road, or other public work, nor shall the provisions of this section apply to the employment of any teacher, instructor or professor authorized to teach in the United States under the teacher exchange program as provided by federal statutes or the employment of university or college faculty members.

[34-302. Residence requirements for employees](#)

A. In performing contracts for public work executed by a political subdivision of this state, and in the performance of any work by a political subdivision of this state, there shall be employed only persons who are and have been for not less than one year bona fide residents of the state.

B. Contractors or subcontractors may employ on such work not to exceed three regularly employed nonresident executives and technical experts, or when bona fide residents of the state are not available for such employment and the authorized representative of the industrial commission so certifies, persons who are not qualified under this section may be employed until there are available a sufficient number of employees who qualify.

Article 2 Wages and Hours

[34-321. Public policy; prevailing wage contract prohibited; definition](#)

A. The public interest in the rates of wages paid under public works contracts transcends local or municipal interests and is of statewide concern.

B. Agencies and political subdivisions of this state, including charter cities, shall not by regulation, ordinance or in any other manner require public works contracts to contain a provision requiring the wages paid by the contractor or any subcontractor to be not less than the prevailing rate of wages for work of a similar nature in the state or political subdivision where the project is located.

C. In this section "public works contract" means a contract to which the state or a political subdivision is a party involving the employment of laborers, workmen or mechanics in the construction, alteration or repair of public buildings or improvements.