



# Department of Commerce

Division of Industrial Compliance

## Wage and Hour Administration Ohio Prevailing Wage Summary

Stephen Clegg, Chief  
Wage and Hour Administration  
Division of Industrial Compliance

# What is Prevailing Wage?

- Ohio's Prevailing Wage Law is codified in Ohio Revised Code (ORC) 4115.
- Prevailing Wage is the required wage to be paid to skilled trades employees on public improvement construction projects.



# What is Prevailing Wage?

- ORC 4115 defines prevailing wage as the sum of the following:
  - Base hourly rate of pay
  - Life insurance
  - Pensions
  - Health insurance
  - Vacation or paid holidays
  - Apprenticeship programs
  - Other bona fide fringe benefits



# Prevailing Wage Thresholds

As of September 29, 2013:

- “New” construction threshold level has been adjusted to \$250,000
- “Reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting” threshold level has been adjusted to \$75,000



# Prevailing Wage Thresholds

As of January 1, 2014:

- “New” construction that involves roads, streets, alleys, sewers, ditches and other works connected to road or bridge construction threshold level has been adjusted to \$84,314
- “Reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting” that involves roads, streets, alleys, sewers, ditches and other works connected to road or bridge construction threshold level has been adjusted to \$25,261



# Prevailing Wage Thresholds

- Thresholds are to be adjusted biennially by the Director of the Ohio Department of Commerce.
- Biennial adjustments to threshold levels are made according to the Building Cost for Skilled Labor Index published by McGraw-Hill's Engineering News-Record, but may not increase or decrease more than 3% for any year.



# Public Authority Responsibilities

- Before advertising for bids, contracting or undertaking construction with it's own forces, a public authority shall:
  - Have the Department of Commerce determine the prevailing wage rate schedule for workers (ORC 4115.04);
  - Every contract for public work shall contain a provision that each worker employed by the contractor or subcontractor, or other person about or upon the public work, must be paid the prevailing rate of wages (ORC 4115.06);
  - If contracts are not awarded or construction undertaken within 90 days from the date of the determination of the prevailing wage, then the public authority must request a redetermination of the wage rates before the contract is awarded (ORC 4115.05).



# Public Authority Responsibilities

- No public authority shall award a contract for a public improvement to any contractor/subcontractor whose name appears on the list of debarred contractors (ORC 4115.133).
  - List filed with Ohio Secretary of State
  - Filing of the notice of conviction by OSS constitutes notice to all public authorities
  - Debarred contractors prohibited from working on public improvements for a period of up to three years
- A public authority must designate and appoint one of its own employees to serve as the Prevailing Wage Coordinator during the life of the contract for constructing the public improvement (ORC 4115.071).
  - Prevailing Wage Coordinator must be appointed no later than ten days before the first payment of wage by contractors to employees working on the public improvement





# Prevailing Wage Coordinator Responsibilities

- Attend all pre-construction meetings;
- Set up and maintain, for inspection, certified payrolls. These should be received two weeks after initial payment and monthly thereafter (ORC 4115.071);
- Obtain the contractor's payroll schedule (ORC 4115.071);
- Receive complete payroll including names, current addresses, social security number, number of hours worked, pay, fringe benefits, job classification and deductions (ORC 4115.071);



# Prevailing Wage Coordinator Responsibilities

- Notify all contractor's of changes to wage rates within seven days of published changes (ORC 4115.071);
- Monitor compliance with timely filing of certified payrolls (ORC 4115.071);
- Receive Affidavit of Compliance at end of project (ORC 4115.071);
- Report delinquency in filing to public authority and Ohio Department of Commerce (ORC 4115.071)



# Requirements for Certified Payroll Reports

- Certified payroll reports must include all of the following:
  - Name, current address and social security number of each employee;
  - Each worker's classification for the work being performed;
  - Total hours worked for each classification by each worker;
  - Hourly rate of pay for each worker in each classification;
  - Fringe benefit contributions;
  - Total of gross wages, list of all deductions and final net pay for each worker.



# Certified Payroll Reports

## Certified Payroll Report

**Report for:** \_\_\_\_\_ Check if Subcontractor<sup>1)</sup> \_\_\_\_\_ Contract No: \_\_\_\_\_ Payroll No: \_\_\_\_\_  
 Company:<sup>1)</sup> \_\_\_\_\_ If Sub, GC/Prime Contractor Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Project Name & Location: \_\_\_\_\_ Week Ending: \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Public Authority (Owner): \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Sheet:<sup>2)</sup> \_\_\_\_\_ of \_\_\_\_\_

1. Employee Name, Address, & Last 4 digits of the SS #	2. Work Class <sup>3)</sup>	3. Prevailing Wage Project Hours Worked - Day & Date	4. Total Hours	5. Base Rate	6. Project Gross	7. Fringes:		Cash		Approved Plans		Weekly Payroll Amount							
						H&W	Pens	Vac	Hol	Other	Total	8. Total Hrs for all Jobs	9. Total Gross on All Jobs	10. Total Deductions	11. Net Pay on All Jobs				

1) By signing below, I certify that: (1) I pay, or supervise the payment of the employees shown above; (2) during the pay period reported on this form, all hours worked on this project have been paid at the appropriate prevailing wage rate for the class of work done; (3) the fringe benefits have been paid as indicated above; (4) no rebates or deductions have been or will be made, directly or indirectly from the total wages earned, other than permissible deductions as defined in ORC Chapter 4115; and (5) apprentices are registered with the U.S. Dept. of Labor, Bureau of Apprenticeship and Training. I understand that the willful falsification of any of the above statements may subject the Contractor or Subcontractor to civil or criminal prosecution.

Type or Print Name and Title \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

<sup>2)</sup>Attach additional sheets as necessary. <sup>3)</sup>Type in continuous line, text will wrap.



# Contractor Responsibilities

- Pay the correct prevailing wage for the correct classification:
  - This includes any modifications, changes or corrections made during the project (ORC 4115.07);
  - Paying the overtime rate at one and a half times the base hourly rate and adding all applicable fringe benefit payments (ORC 4115.031);
  - Taking no deduction for food, lodging, transportation, etc. unless the deductions are pre-approved by the employee and the Ohio Department of Commerce (ORC 4115.07);
  - Using only registered apprentices within the ratio posted within the prevailing wage schedule (ORC 4115.05).



# Contractor Responsibilities

- Maintaining full and accurate payroll records to include (ORC 4115.07):
  - Time cards, time sheets, daily work records, etc.;
  - Payroll ledger/journals, cancelled checks or a check register;
  - Detailed records of bona fide fringe benefits;
  - Records made in connection with the specific public improvement project.



# Contractor Requirements

- Out-of-State contractors must file with the Ohio Secretary of State the full name and address of their State of Ohio Statutory Agent.
- Post up-to-date prevailing wage rate schedules in an area on the job site accessible to employees. (ORC 4115.07)
- Supply the prevailing wage coordinator with all payroll dates prior to submitting payroll reports. (ORC 4115.071)



# Contractor Requirements

- Supply the prevailing wage coordinator with a complete list of names, addresses and contact information for any/all subcontractors. (ORC 4115.06)
  - Contractors are responsible for their subcontractor's compliance with prevailing wage laws.
- Supply employees with written notification of specific job classification, prevailing wage rate, fringe benefit contributions and the name and contact information for the prevailing wage coordinator prior to beginning work on the project. (ORC 4115.05)





# Contractor Responsibilities

- Supply all subcontractors with the applicable prevailing wage rate schedule. (ORC 4115.06)
  - This includes any/all applicable change to these schedules during the project.
- Submit certified payroll reports within two weeks of after the initial pay period. (ORC 4115.07)
- Upon completion of the project, submit to the prevailing wage coordinator a completed Final Affidavit of Compliance. (ORC 4115.07)



# Questions/Comments?

Stephen Clegg, Chief  
Wage & Hour Administration  
Division of Industrial Compliance  
6606 Tussing Road  
Reynoldsburg, OH 43068  
(614) 644-2239

[stephen.clegg@com.ohio.gov](mailto:stephen.clegg@com.ohio.gov)



**Department  
of Commerce**

Division of Industrial Compliance