



Ted Strickland
Governor

Kimberly A Zurz
Director

PREVAILING WAGE GUIDE

(Revised February 2010)

OHIO DEPARTMENT OF COMMERCE

Division of Industrial Compliance and Labor

Bureau of Labor and Worker Safety

6606 Tussing Road, PO Box 4009

Reynoldsburg, Ohio 43068-9009

614-644-2239

www.com.state.oh.us

TTY/TDD: 1-800-750-0750

The Ohio Department of Commerce is an Equal Opportunity Employer and Service Provider

This packet of information is provided as a summary of the Prevailing Wage guidelines and responsibilities. The Ohio Revised Code, Chapter 4115 should be referred to for the exact wording of the law. Also included are references and forms which should be helpful in the compliance of the Prevailing Wage Law.

PACKET INFORMATION INDEX

- A. The Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety Investigators and their assigned counties**
1. The L.A.W.S. Investigators for the State of Ohio are listed with their contact information
 - a. If you have questions or need assistance pertaining to Prevailing Wage, you can contact the Investigator in your area.
- B. Prevailing Wage Guide for Public Authorities**
1. Notice of change of the Prevailing Wage Threshold Level
 - a. A notification will be sent to you when there is a change of the Prevailing Wage threshold level
 2. Outline of the Public Authority's responsibilities for Prevailing Wage
 3. Public Authority's Compliance Checklist form
 - a. A form for tracking the progress of a Prevailing Wage project
 4. Request form for Prevailing Wage Rates
 - a. PW Rates can be obtained on the website www.com.ohio.gov/laws
 - (1) Prevailing Wage Determination Schedule of wages must be attached to and made part of the specifications for the project, and must be printed on the bidding blanks where the work is done by contract.
 5. Bid Tabulation form
 - a. A form to be completed and returned to ODOC-DIC-Bureau of Labor & Worker Safety when the contract has been awarded.
 6. Prevailing Wage Bonds form
 - a. Information needed to be kept on file by the PW Coordinator when bonds from the Public Authority are used for a project
- C. Prevailing Wage Guidelines for the Public Authority's Coordinator**
1. Guideline for the Prevailing Wage Coordinator
 - a. The Prevailing Wage complaint form and instructions can be obtained on the website www.com.ohio.gov/laws.
 2. Record of the Certified Payroll Reports Received form
 - a. Helpful form for recording the Certified Payroll Reports and the dates received from the contractors and subcontractors.
 3. Employee Interview form
 - a. Helpful form for the use by the PW Coordinator when making on-site visits
 4. Employee vs. Independent Contractor
 - a. Helpful questions when determining if a person is an Employee or an Independent Contractor.
- D. Prevailing Wage Guide for Contractors**
(Incorporate this section in the Specs. or supply copies for the pre-construction meeting.)
1. Outline of responsibilities for the Prevailing Wage Contractor
 2. Notification form from the Contractor to the Employee
 - a. The contractor must submit to employees a completed and signed notification form
 - b. Some PW Coordinators may require a copy of the completed Notification to the Employee form be submitted with the Certified Payroll Reports
 3. Certified Payroll Report form
 - a. The contractor can use any form/format he chooses as long as **ALL** the information has been provided
 4. Certified Payroll Report form instruction sheet
 5. Affidavit of Compliance form
 - a. No Public Authority shall make final payment unless the Final Affidavits have been filed by the contractors and subcontractors

LABOR and WORKER SAFETY

INVESTIGATORS

AND

THEIR ASSIGNED COUNTIES

OHIO DEPARTMENT OF COMMERCE
 Division of Industrial Compliance and Labor
 Bureau of Labor and Worker Safety
 Bob Kennedy, Chief
 Michele Hanly, Assistant Chief

6606 Tussing Road, PO Box 4009
 Reynoldsburg, Ohio 43068-9009
 614-644-2239
 fax: 614-728-8639
<http://www.com.state.oh.us>

INVESTIGATORS and THEIR ASSIGNED COUNTIES

<p>#50 Stephanie Barnthouse P.O. Box 14 Ross, Ohio 45061-0014 voice/fax: (513) 738-1689 Stephanie.Barnthouse@com.state.oh.us</p>	<p>Butler * Darke Hamilton Preble</p>	
<p>#19 Alice Blackburn 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 Voice: (614) 387-7603 Fax: (614) 728-8639 Alice.Blackburn@com.state.oh.us</p>	<p>Franklin* Delaware Knox Marion Morrow</p>	
<p>#4 Jammie Brown 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 Voice: (614) 728-8677 Fax: (614) 728-8639 JBrown@com.state.oh.us</p>	<p>Franklin*</p>	
<p>#90 Jackie Clark 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 voice/fax: (614) 728-5019 Jackie.Clark@com.state.oh.us</p>	<p>Franklin * Hocking Pickaway</p>	<p>Fayette Ross Vinton</p>
<p>#75 Beverly Gossett P.O. Box 63 Ironton, Ohio 45638 voice/fax: (740) 533-9783 Beverly.Gossett@com.state.oh.us</p>	<p>Adams Brown Clinton Gallia Highland</p>	<p>Jackson Lawrence* Meigs Pike Scioto</p>
<p>#45 Kathryn Gronbach 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 Voice/fax: (614) 728-5007 Kathryn.Gronbach@com.state.oh.us</p>	<p>Fairfield Franklin* Licking Perry</p>	
<p>#40 Shari Hettesheimer P.O. Box 498335 Cincinnati, Ohio 45249-8335 voice: (513) 247-0028 fax: (513) 247-0039 Shari.Hettesheimer@com.state.oh.us</p>	<p>Hamilton Warren * Clermont</p>	
<p>#48 David Horvath P.O. Box 1512 Lima, Ohio 45802-1512 Voice: (419) 302-1200 Fax: (614) 728-8639 Dave.Horvath@com.state.oh.us</p>	<p>Allen* Auglaize Crawford Hancock Hardin</p>	

<p>#55 Becky Logan-Johnson 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 voice/fax: (614) 644-2412 Rebecca.Logan-Johnson@com.state.oh.us</p>	<p>Clark Franklin * Madison Union</p>	
<p>#30 Mike McKee P.O. Box 1342 Cambridge, Ohio 43725-2247 Voice/fax: (740) 432-1987 Michael.McKee@com.state.oh.us</p>	<p>Athens Belmont Carroll Coshocton Guernsey* Harrison Jefferson</p>	<p>Monroe Morgan Muskingum Noble Tuscarawas Washington</p>
<p>#56 Shawn Miles P.O. Box 2547 North Canton, Ohio 44720 Ph/Fax: (614) 496-9076 Shawn.Miles@com.state.oh.us</p>	<p>Medina* Ashland Columbiana Holmes Mahoning Portage</p>	<p>Richland Stark Summitt Trumbull Wayne</p>
<p>#37 David Rice P.O. Box 41241 Dayton, Ohio 45441 Voice/fax: (937) 395-1648 Dave.Rice@com.state.oh.us</p>	<p>Greene Miami Montgomery * Clark Champaign</p>	
<p>#35 Sean Seibert P.O. Box 422 Painesville, Ohio 44077-3938 voice/fax: (614) 557-8662 Sean.Seibert@com.state.oh.us</p>	<p>Ashtabula Cuyahoga Geauga Lake * Portage Trumbull</p>	

* **Headquarter County**

<p>#24 Michele Hanly, Assistant Chief 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009 Voice: (614) 644-2441 fax: (614) 728-8639 Michele.Hanly@com.state.oh.us</p>	
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PREVAILING WAGE GUIDE FOR PUBLIC AUTHORITIES

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OHIO DEPARTMENT OF COMMERCE

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PREVAILING WAGE THRESHOLD LEVELS IMPORTANT NOTICE

Before advertising for bids, contracting, or undertaking construction with its own forces, to construct a public improvement, the Public Authority shall have the Ohio Department of Commerce-Division of Industrial Compliance and Labor-Bureau of Labor & Worker Safety determine the prevailing rates of wages for workers employed on the public improvement. The wage determination must be included in the project specifications and printed on the bidding blanks where work is done by contract.

- A) Thresholds are to be adjusted biennially by the Director of the Ohio Department of Commerce.
- B) Biennial adjustments to threshold levels are made according to the Price Deflator for Construction Index, United States Department of Commerce, Bureau of the Census, but may not increase or decrease more than 3% for any year.

As of January 1, 2010:

“New” construction threshold level has been adjusted to :	\$78,258.00
“Reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting” threshold level has been adjusted to:	\$23,447.00

If there are questions concerning this notification, please contact:

- Ohio Department of Commerce
- Division of Industrial Compliance and Labor
- Bureau of Labor & Worker Safety
- 6606 Tussing Road, PO Box 4009
- Reynoldsburg, Ohio 43068-9009
- 614-644-2239
- www.com.state.oh.us

Public Authority Responsibilities
ORC Chapter 4115: Wages and Hours on Public Works (Prevailing Wage Coordinator)

1. Before advertising for bids, contracting, or undertaking construction with its own forces, to construct a public improvement, the public authority shall have the Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety determine the prevailing rates of wages for workers employed on the public improvement. The wage determination must be included in the project specifications and printed on the bidding blanks where work is done by contract.
 - a) "New" construction has a threshold level of \$78,258.
 - b) "Reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting" has a threshold of \$23,447.
 - c) Thresholds are to be adjusted biennially by the Director of Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety.
 - d) Biennial adjustments to threshold levels are made according to the Price Deflator for Construction Index, United States Department of Commerce, Bureau of the Census, but may not increase or decrease more than 3% for any year.
2. 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.
3. If contracts are not awarded or construction undertaken within ninety days (90) from the date of the determination of the prevailing wage there shall be a re-determination of the wage rates before the contract is awarded.
4. Within seven (7) working days after the receipt of notification of a change in the prevailing wage rates, the public authority shall notify all affected contractors and subcontractors. If it is determined that a contractor or subcontractor has violated sections 4115.03 to 4115.16 of the Ohio Revised Code because they were not notified as required, **the public authority is liable** for any back wages, fines, damages, court costs and attorneys fees for the period of time covering the receipt of wage changes, until they give the required notice.
5. No public authority shall award a contract for a public improvement to any contractor or subcontractor whose name appears on the list of debarred contractors. This list is filed with the Secretary of State by the Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety. **The filing of the notice of conviction with the secretary of state constitutes notice to all public authorities.** These contractors are prohibited from working on public improvements for periods ranging from one to three years. The list of debarred contractors can be located on the website www.com.ohio.gov/laws
6. 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. A Prevailing Wage Coordinator must be appointed no later than ten days before the first payment of wages by contractors to employees working on the public improvement.

PUBLIC AUTHORITY'S COMPLIANCE CHECKLIST FOR PREVAILING WAGE

Project:		Number:
Department:		Phone#:
PW Coordinator:		Phone#:
Architect/Engineer:		Phone#:
Contractor:		Phone#:
Contact Person:		Title:
General Contractor:		Prime Contractor:
		Construction Mgr:
Date Completed	Compliance Item Description	
	1.	Request Prevailing Wage Determination Schedule from ODOC-DIC-LAWS
	2.	Received Prevailing Wage Determination Schedule
	3.	Incorporate Determination Schedule in Specs./Bidding Blanks
	4.	Incorporate notice of Prevailing Wage requirements in Invitation for Bids/Notice to Bidders
	5.	Incorporate Prevailing Wage requirements in Contract
	6.	Submit complete Invitation for Bid to ODOC-DIC-LAWS
	7.	Invitation for Bids
	8.	Bid Opening
	9.	Check Listing of Violators
	10.	Award of Contract. (see note)
	11.	Submit Bid Tabulation/Award to ODOC-DIC-LAWS
	12.	Notice to Successful Bidder
	13.	Work Commenced...(see note)
	14.	Appoint Prevailing Wage Coordinator
	15.	Received list of Subcontractors' names, addresses, & phone #'s
	16.	Received Payroll Date Schedule
	17.	Received Registered Apprenticeship Agreement Certifications
	18.	Received Deduction Agreements
	19.	Received Payroll Reports with Certification...(see attachment)
	20.	Visited project site
	21.	Received Changes to Determination Schedule
	22.	Notice to Contractors of Determination Schedule change
	23.	Request Final Compliance Affidavit from contractors & subcontractors
	24.	Received Final Affidavits from all contractors & subcontractors
	25.	Certify Final Payment

Note: If contract is not awarded or construction undertaken within 90 days from the date of establishment of the Prevailing Wage Rates, a re-determination of the Prevailing Wage Rates is required.

REQUEST FOR STATE OF OHIO PREVAILING WAGE RATES

Date		(Mark (X) One) ~ Residential ~ Construction	
Project Information (only one project and one county per request form please)			
County of Project		Project Name	
Site Address		City	
Owner/Public Authority		This form MUST be filled out COMPETELY & CORRECTLY for us to process your request. Forms not completed correctly will be RETURNED TO THE SENDER.	
Address		Telephone Number	
City		Zip Code	
PW Coordinator		Telephone Number	
Issuing Authority of Bonds		Type of Financing	
Estimated Total Overall Project Cost ~ New Construction ~ "Old" Construction *		<p align="center">ODOC-DIC-LAWS DATE STAMP</p>	
A copy of this form will be returned to you with your wage rates. You must send that copy to us with your bid tabulations once the contract has been awarded.		<p align="center">PLEASE MAIL THIS REQUEST TO: Ohio Department of Commerce Division of Industrial Compliance & Labor Bureau of Labor & Worker Safety 6606 Tussing Road, PO Box 4009 Reynoldsburg, Ohio 43068-9009</p>	
Expected Date of Contract Award		<p align="center">PHONE: (614) 644-2239 FAX: (614) 728-8639</p>	
Projected Completion Date			
Send Wage Rates to: (contractors are charged \$5.00 per county)		<p align="center">ODOC-DIC-LAWS DATE STAMP (bid tab)</p>	
~ Mail ~ Pick Up ~ Federal Express Account Number			
Name		Company or Public Authority	
Address			
City		Zip	Telephone Number
* "Old" construction is reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting.			

BID TABULATION SHEET

Please attach a copy of your original dated and stamped "Request for Prevailing Wage Rates" with this Bid Tabulation. Please check mark which company was awarded the contract for the project.

(Note: DO NOT SEND UNTIL THE CONTRACT HAS BEEN OFFICIALLY AWARDED.)

Ohio Department of Commerce
Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety
6606 Tussing Road, PO Box 4009
Reynoldsburg, Ohio 43068-9009
(Phone) 614-644-2239, (Fax) 614-728-8639 www.com.state.oh.us

Contracting Public Authority:

Project Name:

Project #:

Bid Date:

Estimate:

Contract Description: General HVAC Electrical Plumbing Asbestos Other:

AWARDED TO (CHECK)	LIST OF THE BIDDING CONTRACTORS	TOTAL BID AMOUNT

SUBMITTED BY

Print Name:

Title:

Telephone Number: ()

FAX #:

Signature:

Date:

INDUSTRIAL DEVELOPMENT BONDS

Bond Projects require the Public Authority to keep the following information on file			
1. Type of Bonds issued:	Amount:		
2. The total cost of the Project:			
3. The other type of financing involved in the project:			
4. Portion of the project being constructed with each type of financing:			
5. Are Prevailing Wage Rates being applied to all construction on the project: ~ Yes ~ No			
6. The name of the political subdivision who issued the bonds:			
7. When were the bonds issued:			
8. For what purpose were the bonds issued:			
9. Who handles the funds once the bonds are sold:			
10. Who is the lending institution that purchased the bonds:			
11. How are the funds to be paid out:			
12. When are the funds to be paid out:			
13. Who is the Bond Council:			
14. Who has been appointed as the Prevailing Coordinator:			
PWC Address:			
City:	OHIO	Zip:	Telephone #:
15. Obtain a copy of the inducement and other official documents for the issuance of the bonds.			

PREVAILING WAGE GUIDELINES

FOR THE

**PUBLIC AUTHORITY'S
PW COORDINATOR**

Prevailing Wage Coordinator Guidelines

For more detailed information please refer to Chapter 4115 of the Ohio Revised Code

- A. Attend pre-bid and/or pre-construction meetings.
 - 1. To explain the prevailing wage rate requirements.
 - 2. To explain the contractor's responsibilities.
- B. Set up and maintain files containing all contractors' and subcontractors' payroll reports, affidavits, and related documents. These files must be available for public inspection.
- C. Obtain from each contractor a list of their subcontractors' names, addresses, and telephone numbers.
- D. Require each contractor and subcontractor to provide their project dates. This will be used to make a time schedule for receiving their certified payrolls.
- E. Obtain from each contractor, the name and address of their Bonding\Surety Company.
- F. Obtain from out-of-state corporations, the name and address of their Statutory Agent. (This agent must be located in the State of Ohio and registered with the Ohio Secretary of State.)
 - 1. Records made in connection with the public improvement must not be removed from the State of Ohio for the period of one year following the completion of the project.
- G. Supply contractors with any changes in the Prevailing Wage Rates.
- H. Obtain from each contractor their certified payroll report, within two weeks after the first pay. A certified report is one that is sworn to and signed by the contractor.
 - 1. If the job will exceed four months, all reports after the initial report can be filed once per month. (The initial report must be filed within two weeks.)
 - 2. If the job will last less than four months, all reports are to be filed weekly after the initial report.
- I. Establish and follow procedures to monitor compliance by contractors and subcontractors.
 - 1. Visit project to verify posting requirements and job classifications.
 - 2. Review certified payroll reports to ensure they are submitted in a timely fashion and complete with the following information for each employee:
 - a) Name, current address, and the last 4 digits of their social security number
 - b) Classification (must be specific for laborers and operators)
 - c) Hours worked on the project
 - d) Hourly rate
 - e) Fringe benefits, if applicable
 - f) Gross wages, all deductions, net pay
 - 3. Compare rates and fringes reported to rates in prevailing wage schedule.
- J. Upon completion of the project and prior to the final payment, require an affidavit of compliance from each contractor and subcontractor. **No public authority shall make final payment to any contractor or subcontractor unless the final affidavits have been filed by the respective contractor and subcontractor. (O.R.C. section 4115.07)**
- K. Report any non-compliance to Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety. The PW complaint form and instructions can be obtained on the website www.com.ohio.gov/laws.

RECORD OF THE CERTIFIED PAYROLL REPORTS RECEIVED

Project:		Number:
Contractor:		Phone #:
General Contractor:	Prime Contractor:	Subcontractor:
Date work commenced:	Completed:	Final Affidavit:

Payroll	Payroll Date	Date Received		Payroll	Payroll Date	Date Received
1				33		
2				34		
3				35		
4				36		
5				37		
6				38		
7				39		
8				40		
9				41		
10				42		
11				43		
12				44		
13				45		
14				46		
15				47		
16				48		
17				49		
18				50		
19				51		
20				52		
21				53		
22				54		
23				55		
24				56		
25				57		
26				58		
27				59		
28				60		
29				61		
30				62		
31				63		
32				64		

PREVAILING WAGE INVESTIGATION\EMPLOYEE INTERVIEW

Failure to complete this interview form may reduce our ability to recover back wages that might be owed to you.

Project:			Case #:	
Address:		City:		County:
Employee Name:				Last 4 digits of the SS#:
Address:		City:		State: Zip:
Telephone #: (Home)		(Work)		ext. Best time to be reached:
Another source by which we can contact you.(Someone not living at your address):				
Name:		Relationship:		Telephone #:
Contractor's Name:			Telephone #:	
Address:		City:		State: Zip:
Date hired:	Date started on this project :		Approximate hours - Straight time: Overtime:	
Method of recording hours: ~ Time Card ~ Called into office			Recorded by: ~ Employee ~ Foreman	
Did you keep a personal record of your hours worked on this project? ~ Yes ~ No			Do you have check stubs? ~ Yes ~ No	
Did anyone else keep a personal record ? ~ Yes ~ No			If yes, who:	
List your job classification(s):			~ Journeyman ~ Helper ~ Apprentice - Level	
List your specific job duties:			List tools\equipment used:	
Hourly rate of pay for this project:			Your regular rate of pay:	
Fringe benefits paid by contractor: ~ None ~ Health Insurance ~ Life Insurance ~ Pension ~ Bonus ~ Vacation - Amount _____ ~ Holidays - Amount _____ ~ Apprenticeship training ~ Profit Sharing ~ Other (list):				
Did you work overtime? ~ Yes ~ No			Were hours over 40 per week paid at time and one half? ~ Yes ~ No	
When is your pay day?			Method of payment: ~ Check ~ Cash ~ Direct Deposit	
List names of co-workers on this project:				
Comments:				
SIGNATURE AND NOTARY				
Affiant is further informed that Section 2921.13 of the Ohio Revised Code provides a penalty of a misdemeanor of the first degree and that prosecution will be pursued of those persons who "knowingly swear or affirm the truth of a false statement when ...the statement is sworn or affirmed before a notary public..." Sworn to before me and subscribed by the said: _____ in my presence this _____ day of _____, 20_____. _____ Notary Public			I hereby certify that this is a true statement to the best of my knowledge and belief. _____ Date Return to: Ohio Department of Commerce Division of Industrial Compliance & Labor Bureau of Labor and Worker Safety 6606 Tussing Road P.O. Box 4009 Reynoldsburg, Ohio 43068-9009 (614)-644-2239	
Signature of PW Coordinator:				Date:

EMPLOYEE VS. INDEPENDENT CONTRACTOR

EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Does the employer have the right to control and direct worker?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Does the worker receive instructions about how and where the work is to be done instead of the employer merely specifying the desired result?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Is payment based on time spent rather than a set price for the work to be performed?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Does the worker devote virtually all his working time to the employer rather than offering services to the general public?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Does the worker performing services make their services available to the general public and/or other businesses?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Is there a continuing relationship between employer and worker?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Can the worker be discharged at will?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Did the employer train the worker for the job?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR
EMPLOYEE	↔	<input checked="" type="checkbox"/> YES	Does the employer have employees performing the same work as the independent contractor?	<input type="checkbox"/> NO	↔	INDEPENDENT CONTRACTOR

EMPLOYEE VS. INDEPENDENT CONTRACTOR-continued

EMPLOYEE ↔ YES ↔ Does the worker perform services personally rather than delegating them to others? NO ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ YES ↔ Does the employer set a specific time when the individual services are to be performed? NO ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ YES ↔ Does the employer furnish the tools and materials used by the worker performing services? NO ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ YES ↔ Is the employer assuming all the financial risk, rather than the worker making a significant financial investment in the job and having the opportunity to realize a profit or loss from the work? NO ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ NO ↔ Does the individual performing the services publicly advertise these services in for example, the newspaper or yellow pages ? YES ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ NO ↔ Does the individual performing the services have a business license? YES ↔ INDEPENDENT CONTRACTOR

EMPLOYEE ↔ NO ↔ Does the individual performing the services operate d.b.a. or under a tradename? YES ↔ INDEPENDENT CONTRACTOR



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PREVAILING WAGE GUIDE

FOR

CONTRACTORS

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PREVAILING WAGE CONTRACTOR RESPONSIBILITIES

This is a summary of prevailing wage contractors' responsibilities. For more detailed information please refer to Chapter 4115 of the Ohio Revised Code

General Information

Ohio's prevailing wage laws apply to all public improvements financed in whole or in part by public funds when the total overall project cost is fairly estimated to be more than \$78,258 for new construction or \$23,447 for reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting.

- a) Thresholds are to be adjusted biennially by the Administrator of Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety
- b) Biennial adjustments to threshold levels are made according to the Price Deflator for Construction Index, United States Department of Commerce, Bureau of the Census, but may not increase or decrease more than 3% for any year

Penalties for violation Violators are to be assessed the wages owed, plus a penalty of 100% of the wages owed.

Intentional Violations

If an intentional violation is determined to have occurred, the contractor is prohibited from contracting directly or indirectly with any public authority for the construction of a public improvement. Intentional violation means "a willful, knowing, or deliberate disregard for any provision" of the prevailing wage law and includes but is not limited to the following actions:

intentional failure to submit payroll reports as required, or knowingly submitting false or erroneous reports

intentional misclassification of employees for the purpose of reducing wages

intentional misclassification of employees as independent contractors or as apprentices

intentional failure to pay the prevailing wage

intentional failure to comply with the allowable ratio of apprentices to skilled workers as required by the regulations established by Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Workers Safety.

intentionally employing an officer, of a contractor or subcontractor, that is known to be prohibited from contracting, directly or indirectly, with a public authority

Responsibilities

- A. Pay the prevailing rate of wages as shown in the wage rate schedules issued by the Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety, for the classification of work being performed.
 1. Wage rate schedules include all modifications, corrections, escalations, or reductions to wage rates issued for the project.
 2. Overtime must be paid at time and one-half the employee's base hourly rate. Fringe benefits are paid at straight time rate for all hours including overtime.
 3. Prevailing wages must be paid in full without any deduction for food, lodging, transportation, use of tools, etc.; unless, the employee has voluntarily consented to these deductions in writing. The public authority and the Director of Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety - must approve these deductions as fair and reasonable. Consent and approval must be obtained before starting the project.
- B. Use of Apprentices and Helpers cannot exceed the ratios permitted in the wage rate schedules.
 1. Apprentices must be registered with the U.S. Department of Labor Bureau of Apprenticeship and Training.
 2. Contractors must provide the Prevailing Wage Coordinator a copy of the Apprenticeship Agreement for each apprentice on the project.
- C. Keep full and accurate payroll records available for inspection by any authorized representative of the Ohio Department of Commerce, Division of Industrial Compliance and Labor, Bureau of Labor and Worker Safety or the contracting public authority, including the Prevailing Wage Coordinator. Records should include but are not limited to:
 1. Time cards, time sheets, daily work records, etc.
 2. Payroll ledger/journals and canceled checks/check register.
 3. Fringe benefit records must include program name, address, account number, and canceled checks.
 4. Records made in connection with the public improvement must not be removed from the State for one year following the completion of the project.
 5. Out-of-State Corporations must submit to the Ohio Secretary of State the full name and address of their Statutory Agent in Ohio.

- D. Prevailing Wage Rate Schedule must be posted on the job site where it is accessible to all employees.
- E. Prior to submitting the initial payroll report, supply the Prevailing Wage Coordinator with your project dates to schedule reporting of your payrolls.
- F. Supply the Prevailing Wage Coordinator a list of all subcontractors including the name, address, and telephone number for each.
 - 1. Contractors are responsible for their subcontractors' compliance with requirements of Chapter 4115 of the Ohio Revised Code.
- G. Before employees start work on the project, supply them with written notification of their job classification, prevailing wage rate, fringe benefit amounts, and the name of the Prevailing Wage Coordinator for the project. Copy of the completed signed notification should be submitted to Prevailing Wage Coordinator.
- H. Supply all subcontractors with the Prevailing Wage Rates and changes.
- I. Submit certified payrolls within two (2) weeks after the initial pay period. Payrolls must include the following information:
 - 1. Employees' names, addresses, and social security numbers.
 - (a) Corporate officers/owners/partners and any salaried personnel who do physical work on the project are considered employees. All rate and reporting requirements are applicable to these individuals.
 - 2. Employees' work classification.
 - (a) Be specific about the laborers and/or operators (Group)
 - (b) For all apprentices, show level/year and percent of journeyman's rate
 - 3. Hours worked on the project for each employee.
 - (a) The number of hours worked in each day and the total number of hours worked each week.
 - 4. Hourly rate for each employee.
 - (a) The minimum rate paid must be the wage rate for the appropriate classification. The Department's Wage Rate Schedule sets this rate.
 - (b) All overtime worked is to be paid at time and one-half for all hours worked more than forty (40) per week.
 - 5. Where fringes are paid into a bona fide plan instead of cash, list each benefit and amount per hour paid to program for each employee.
 - (a) When the amount contributed to the fringe benefit plan and the total number of hours worked by the employee on all projects for the year are documented, the hourly amount is calculated by dividing the total contribution of the employer by the total number of hours worked by the employee.
 - (b) When the amount contributed to the fringe benefit is documented but not the total hours worked, the hourly amount is calculated by **dividing the total yearly contribution by 2080**.
 - 6. Gross amount earned on all projects during the pay period.
 - 7. Total deductions from employee's wages.
 - 8. Net amount paid.
- J. The reports shall be certified by the contractor, subcontractor, or duly appointed agent stating that the payroll is correct and complete; and that the wage rates shown are not less than those required by the O.R.C. 4115.
- K. Send a Final Affidavit to the Prevailing Wage Coordinator upon the completion of the project.

PREVAILING WAGE NOTIFICATION to EMPLOYEE

4115.05...the contractor or subcontractor shall furnish each employee not covered by a collective bargaining agreement written notification of the job classification to which the employee is assigned, the prevailing wage determined to be applicable to that classification, separated into the hourly rate of pay and the fringe payments, and the identity of the prevailing wage coordinator appointed by the public authority. The contractor or subcontractor shall furnish the same notification to each affected employee every time the job classification of the employee is changed.

Project Name:	Job Number:
Contractor:	
Project Location:	

Prevailing Wage Coordinator	Employee
Public Authority:	Name:
Name of PWC:	Street:
Street:	City:
City:	State/Zip:
State/Zip:	Phone:
Phone:	Last 4 Digits of SS #:

You will be performing work on this project that falls under these classifications. You will be paid the appropriate rate for the type of work you are performing.

Classification:	Prevailing Wage Rate Total Package:	Minus your fringe benefits *:	Your hourly base rate:

Hourly fringe benefits paid on your behalf by this company (Yearly amount divided by 2080):

Fringe	Amount	Fringe	Amount
Health Insurance		Vacation	
Life Insurance		Holiday	
Pension		Sick Pay	
Bonus		Training	
Other (Specify)		Total Hourly Fringes *	

Contractor's Signature:	Date:
Employee's Signature:	Date:

INSTRUCTIONS FOR PREPARING CERTIFIED PAYROLL REPORTS

General:

Contractors and subcontractors are required by law to submit certified payroll reports for work on projects covered by Ohio's Prevailing Wage Law. This form meets the reporting requirements established by Ohio Revised Code Chapter 4115. The use of this form is not mandatory, employers may submit their own forms provided that all of the required information is included. This form may be reproduced, or additional copies obtained from:

**Ohio Department of Commerce
Division of Industrial Compliance & Labor
Bureau of Labor and Worker Safety
6606 Tussing Road, P.O. Box 4009
Reynoldsburg, Ohio 43068-9009
614-644-2239**

Certified Payroll Heading:

Employer name and address: Company's full name and address...Indicate if the company is a subcontractor.

Subcontractor: Check and list the name of the General Contractor or Prime.

Project: Name and location of the project, including county.

Contracting Public Authority: Name and address of the contracting public authority...(owner of the project).

Week Ending: Month, day, and year for last day of reporting period.

Payroll #: Indicates first, second, third, etc. payroll filed by the company for the project.

Page indicator: number of pages included in the report.

Project Number: Determined by the public authority...If there is no number leave blank.

Payroll Information by column:

1. Employee Name, Address and Social Security number: This information must be provided for all employees that perform physical labor on the project. The last four digits of the Social Security number is required. Corporate officers, partners, and salaried employees are considered employees and must be paid the prevailing rate. Individual sole proprietors do not have to pay themselves prevailing rate but must report their hours on the project.
2. Work Class: List classification of work actually performed by employee. If unsure of work classification, consult the Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety. Employees working more than one classification should have separate line entries for each classification. Indicate what year/level for Apprentices. Be specific when using laborer and operator classifications; for example, Backhoe Operator or Asphalt Laborer or by "Group".
3. Hours Worked, Day & Date: In the first row of column 3, enter days of the company's pay period for example: M T W TH F S S. The second row is for the date that corresponds with each day for the pay period. In the employee information section, enter the number of hours worked on the prevailing wage project and which day the hours were worked. Separate rows are labeled for (ST) straight time hours and (OT) overtime hours. All hours worked after 40, must be paid at the appropriate overtime rate.
4. Project Total Hours : Total the hours entered for pay period.
5. Base Rate: Enter actual rate per hour paid to the employee. The overtime hourly rate is time and one-half the base rate listed in the prevailing wage schedule plus fringe benefits at straight time rate. The prevailing wage schedule lists the base rate plus fringe benefit amounts. These amounts added together equal the total prevailing wage rate. Employers must pay this total amount in one of three ways.
 - 1) Total rate may be paid in entirety in the base rate to the employee; in which case, the cash designation will be checked for fringe benefits.
 - 2) Total rate may be paid as listed in prevailing wage rate schedule with total fringe amounts paid approved plans.
 - 3) Total rate may be paid with a combination of base rate and fringe payments to approved plans in amounts other than those listed in schedule.
6. Project Gross: Enter total gross wages earned on the project for straight time and overtime. Project hours "X" base rate should equal project gross.
7. Fringes: If fringe benefits are paid in the hourly base rate, indicate this by marking the **Cash** space. If fringe benefits are paid to approved plans as listed in the prevailing wage rate schedule, mark the space **Approved Plans**. If fringe benefits are paid partially in the base rate and partially to approved plans, mark the space **Cash & Approved Plans**. List the hourly amount paid to approved plans for each fringe. If payments are not made on a per hour basis, *calculate the hourly fringe credit by dividing the yearly employer contribution by the lesser of: hours actually worked in the year (these must be documented) or 2080*. Fringe benefits include: **Employer's share** of health insurance, life insurance, retirement plan, bonus/profit sharing, sick pay, holiday pay, personal leave, vacation, and education/training programs. If unsure of a possible fringe benefit, contact the Ohio Department of Commerce-Division of Industrial Compliance & Labor-Bureau of Labor & Worker Safety
8. Total Hours All Jobs: Total all hours worked during the pay period including non-prevailing wage jobs.
9. Total Gross All Jobs: Gross amount earned in the pay period for all hours worked.
10. Self explanatory.
11. Self explanatory.

Certified Payroll Report

Report for: Check if Subcontractor¹⁾ Contract No: _____ Payroll No: _____
 Company:¹⁾ _____ If Sub, GC/Prime Contractor Name: _____ Project Name & Location: _____
 Address: _____ Public Authority (Owner): _____ Week Ending: _____
 City, State, Zip _____ Phone No: _____ Sheet:²⁾ _____ of _____

1. Employee Name, Address, & Last 4 digits of the SS #	2. Work Class ³⁾	3. Prevailing Wage Project Hours Worked - Day & Date	4. Total Hours	5. Base Rate	6. Project Gross	7. Fringes:					8. Total Hrs for all Jobs	9. Total Gross on All Jobs	10. Total Deductions	11. Net Pay on All Jobs
						Fringe Rate Your Company Pays Per Hour								
						H&W	Pens	Vac	Hol	Other				
	OT													
	ST													
	OT													
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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 _____

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

**FINAL
AFFIDAVIT OF COMPLIANCE
PREVAILING WAGES**

I, _____, _____ do hereby certify
(Name of person signing affidavit) (Title)

that the wages paid to all employees of : _____
(Company name)

for all hours worked on project: _____
(Project name)

_____ (Project location)

During the period from _____ to _____ are in compliance with
(Project Dates)

Prevailing Wage requirements of Chapter 4115 of the Ohio Revised Code. I further certify that no rebates or deductions have been or will be made, directly or indirectly, from any wages paid in connection with this project, other than those provided by law.

(Signature of Officer or Agent) (Print Name of Officer or Agent)

Sworn to and subscribed in my presence this _____ day of _____, 20____.

(Notary Public)

The above affidavit must be executed and sworn to by the officer or agent of the contractor or subcontractor who supervises the payment of employees. This affidavit must be submitted to the owner (public authority) before the surety is released or final payment due under the terms of the contract is made.