

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**4101:9-4-09 Determination of wage rate schedule.**

- (A) The director shall determine the prevailing rate of wages to be paid for a legal day's work to employees upon public works as not less than the collective bargaining rates in the applicable locality under collective bargaining agreements or understandings between employers and bona fide organizations of labor in force at the date the contract for the public work, relating to the trade or occupation, was made and collective bargaining agreements or understandings successor thereto. For certain bond projects where a statute so provides, a nonpublic user beneficiary may pay regular bargaining unit employees covered under a collective bargaining agreement the rate under a collective bargaining agreement in existence prior to the date of the commitment instrument undertaking to issue bonds. The wage rate schedule, including all modifications, corrections, escalations, or reductions, shall be the "fixed rate of wages" as used in sections 4115.03 to 4115.16 of the Revised Code.
- (B) To determine the prevailing rate of wages, the director shall consider the following information:
- (1) Signed collective bargaining agreements or understandings between employers and bona fide organizations of labor, in force at the date of the contract for the public improvement;
  - (2) Signed collective bargaining agreements or understandings which are successor to those mentioned in paragraph (B)(1) of this rule. For purposes of this rule, successor collective bargaining agreements or understandings include collective bargaining agreements or understandings previously in existence but subsequently brought to the attention of the department, and collective bargaining agreements or understandings which come into existence subsequent to an initial request by a public authority for a fixing of the prevailing wage schedule.
  - (3) The director will not recognize any collective bargaining agreement, contract, or understanding, or successors thereto, between employers and bona fide labor organizations unless submitted by a labor organization which is a party thereto and which is accompanied by an affidavit signed by said organization's authorized representative certifying that such materials are complete, current, and accurate copies of the relevant portions of original documents, including signature pages and all exhibits and appendices included, as required by section 4115.05 of the Revised Code.
- (C) The director shall make a wage rate schedule in accordance with the criteria set forth in division (E) of section 4115.03 and sections 4115.04 and 4115.05 of the Revised Code and division 4101:9 of the Administrative Code.
- (D) Ratios of apprentices, helpers, serving laborers, trainees and assistants shall be issued by the director as part of the prevailing wage rate schedule where such classifications exist in the collective bargaining agreement or understanding in force at the date and in the locality of the public improvement. Such ratio shall not be greater than the ratio allowed the contractor or subcontractor in said collective bargaining agreement or understanding.
- (E) The wage rate schedules shall be disseminated to the public authorities. Each public authority shall disseminate any changes in the wage rate schedules in their entirety to employers under its jurisdiction within seven working days from receipt and require such employers to make the necessary adjustments in the prevailing wage rates.
- (F) No employer shall classify or pay any employee as an apprentice, helper, serving laborer, trainee or assistant unless the director, as part of the prevailing wage rate schedule, designates such classifications as being applicable to the locality.

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(G) No employer shall classify or pay any employee as an apprentice, helper, serving laborer, trainee or assistant in excess of the ratio of apprentices, helpers, serving laborers, trainees or assistants to journeymen or skilled workers at the jobsite of the public improvement as indicated in the prevailing wage rate schedule issued by the director for the locality.