

HB 153: Summary of Prevailing Wage Provisions

- I. Thresholds for vertical construction increased.
 - A. New: \$125,000 starting September 29, 2011, \$200,000 starting September 29, 2012, and \$250,000 starting September 29, 2013.
 - B. Renovation: \$38,000 starting September 29, 2011, \$60,000 starting September 29, 2012, and \$75,000 starting September 29, 2013.
 - C. No biennial adjustments to thresholds for vertical construction.
 - D. Thresholds for horizontal construction remain at \$78,258 for new, and \$23,447 for reconstruction, adjusted biennially.

- II. New exemptions from the law were added.
 - A. Port Authorities.
 - B. Development/Bond projects, including:
 - 1. Department of Development grants, loans, and guarantees;
 - 2. minority business enterprise loans;
 - 3. industrial development bonds;
 - 4. energy resource development facilities;
 - 5. community urban redevelopment corporations;
 - 6. Air Quality Development Authority grants and loans; and
 - 7. Ohio Rail Development Commission bonds.
 - C. Donated labor.
 - D. The existing exemption for K-12 school construction was transformed into a prohibition.
 - E. A proposed exemption for public/private turnpike projects was removed from the final version of the bill.

- III. Enforcement "safe harbors" were created:
 - A. No action taken against a contractor that exceeds the apprentice ratio by 2 or fewer apprentices no more than 2 days in any 30-day period.
 - B. Underpayments of less than \$1,000 to an employee, provided that full restitution is made to the employee.
 - C. A contractor is not responsible for penalties as a result of the violations of its subcontractor provided that the contractor has made a good faith effort to ensure compliance by its subcontractor.

- IV. "Interested party" enforcement was preserved, but modified:
 - A. "Interested party" standing is limited to an unsuccessful bidder (or its contractor association or a labor organization representing its employees) for "a particular contract for construction of a public improvement."
 - B. An "interested party" must allege a specific violation against a specific contractor and support its allegation with "sufficient evidence."
 - C. The time after which an "interested party" may file a lawsuit has been increased from 60 to 120 days, plus an additional 90 at the discretion of the director, from the filing of the administrative complaint.

- V. Miscellaneous.
 - A. Labor organizations must file all relevant portions of their existing collective bargaining agreements within 90 days of the effective date of the Act, and successor agreements within 90 days of their execution. Agreements must be certified under penalty of law that the portion filed "contains, in full, all provisions of the agreement . . . concerning wages paid . . . and the apprentice . . . ratio . . ."
 - B. Change in prevailing wage rates take effect two weeks after the relevant portions of the agreement are filed with the director.