

Ohio Housing Finance Agency

Guide to Prevailing Wage Requirements

As applied to HOME or TRUST Awards

A Compliance Workbook for Federal (Davis-Bacon) and State (Prevailing Wage) Laws



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TABLE OF CONTENTS

INTRODUCTION	3
SECTION ONE - DETERMINATION	
Triggers to Federal (Davis-Bacon) and State (Prevailing Wages) Laws Defined	4
Does it apply questionnaire	5
SECTION TWO – FEDERAL GUIDELINES	
Federal Regulations – Laws Defined	6
Federal Labor Laws – Laws Applied	7
Compliance Checklist	8
Flow chart of obligated parties & responsibilities	10
SECTION THREE – STATE GUIDELINES	
State Regulations – Laws Defined	11
State Prevailing Wage Laws – Laws Applied	12
Compliance Checklist	13
Prevailing Wage Coordinator Checklist	15
Flow chart of obligated parties & responsibilities	16
SAMPLE FORMS AND ATTACHMENTS	
Instructions for completing Payroll Form WH-347	18
Form WH347 Page 1	20
Form WH347 Page 2	21
Bid Tabulation Sheet	22
Instructions for preparing certified Payroll Reports for State	23
Certified Payroll Report	24
Affidavit of Compliance for State Prevailing	25
REFERENCES	26

INTRODUCTION

The overall goal of this guide is to ensure that OHFA's funding recipients are in full compliance with federal and state prevailing wage laws and regulations that are applicable to their project. The purpose of the guide is to provide OHFA's funding recipients and related parties (general contractors, subcontractors, developers, management companies, etc.) with a better understanding of the laws and regulations, and to establish "best practices" that will ensure federal and state compliance requirements are met.

This guide is not intended to replace or substitute any federal or state laws and regulations, but rather was written to serve as a supplemental procedural guide for OHFA staff, OHFA funding recipients and interested parties to refer to when federal or state prevailing wage rates apply.

SECTION ONE – DETERMINATION

HOME FEDERAL LABOR TRIGGERS

http://www.hud.gov/offices/olr/olr_9602.cfm

HUD regulations (**24 CFR 92.354**) paraphrase the statutory provision and clarify that the contract for construction must contain these wage provisions if HOME funds are used for any project costs, including construction or nonconstruction costs, for housing with 12 or more HOME-assisted units.

The regulations further explain that a construction contract that includes a total of 12 or more HOME-assisted units is covered by Davis-Bacon requirements even if the contract covers more than one HOME “project” and prohibits arranging multiple construction contracts within a single project for the purpose of avoiding Davis-Bacon coverage. Once triggered, the wage provisions apply to the construction of the entire project – HOME-assisted and non-assisted portions, alike¹.

TRUST STATE PREVAILING WAGE TRIGGERS

<http://onlinedocs.andersonpublishing.com/oh/lpExt.dll?f=templates&fn=main-h.htm&cp=PORC>

Ohio Revised Code (**[ORC Chapter 4115.05](#) AND [176.05](#)**) prevailing wage rates **do not apply** if the following any one of the following conditions is true:

- 1) Single-family mortgage revenue bonds homeownership programs²
- 2) Projects consisting of fewer than six (6) units developed by any entity that is not a nonprofit organization³
- 3) Projects of fewer than twenty-five (25) units developed by any nonprofit organization⁴
- 4) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing⁵
- 5) Any individual project, that is sponsored or developed by a nonprofit organization for which the federal government or any of its agencies furnishes by loan, grant, low-income housing tax credit, or insurance more than twelve per cent (12%) of the costs of the project (TPC)⁶.

¹ CFR Title 24. Housing and Urban Development PART 92. Home Investment Partnerships Program

² ORC §176.05. Determination of residential prevailing rate of wages. Section (D)(a)

³ ORC §176.05. Determination of residential prevailing rate of wages. Section (D)(b)

⁴ ORC §176.05. Determination of residential prevailing rate of wages. Section (D)(c)

⁵ ORC §176.05. Determination of residential prevailing rate of wages. Section (D)(d)

⁶ ORC §176.05. Determination of residential prevailing rate of wages. Section (D)(e)

DOES IT APPLY QUESTIONNAIRE

To determine if the project has been awarded HOME or TRUST dollars, projects that have been awarded HOME dollars will contains a letter "B" in the funding agreement number. For example: N-**B**-06-599-1 is a HOME awarded project. N-06-599-1 is a TRUST awarded project.

HOME ONLY TRIGGERS:

Does the project have eleven (11) or less HOME-assisted units covered under the construction contract? Yes No

Further test, if the construction contract covers more than one HOME "project" does the construction contract include a total of eleven (11) or less HOME-assisted units? Yes No

If both boxes above are checked "Yes", the project is not covered by Davis-Bacon Requirements. You do not need to complete the workbook.

If any of the boxes above are checked "No", the project is covered by Davis-Bacon Requirements. Go to Section Two – Federal Guidelines, Pages 6-10 of this guide to complete the workbook for Federal Prevailing Wage Compliance Procedures and Documentation Requirements.

TRUST ONLY TRIGGERS:

Is the project a single-family mortgage revenue bond homeownership program? Yes No

If the recipient organization is not a nonprofit organization, does the project consist of five (5) or less units? Yes No

If the recipient organization is a nonprofit organization does the project consist of twenty-four (24) or less units? Yes No

Is the project undertaken by any municipal corporation, county, or township (including lease-purchase programs, using mortgage revenue bond financing)? Yes No

If the project is sponsored or developed by a nonprofit organization and received a loan, grant, low-income housing tax credit, or insurance, is the award more than twelve per cent (12%) of total project costs (TPC)? Yes No

If any one of the boxes above are checked "Yes", the project is not covered by State Prevailing Wage Requirements. You do not need to complete the workbook.

If all of the boxes above are checked "No", the project is covered by State Prevailing Wage Requirements. Go to Pages 11-16 of this guide to complete the workbook for State Federal Prevailing Wage Compliance Procedures and Documentation Requirements.

SECTION TWO – FEDERAL GUIDELINES

FEDERAL REGULATIONS – LAWS DEFINED

COMPLETE THIS SECTION OF THE WORKBOOK ONLY IF YOU HAVE DETERMINED THAT THE PROJECT IS COVERED UNDER FEDERAL LABOR LAWS (SEE PAGE 4 FOR DETERMINATION).

Now that you have determined that the project is covered by Davis-Bacon Requirements, which laws apply and what do they mean. The following are laws that apply and the definitions:

DAVIS-BACON ACT (DBA)

The Davis-Bacon Act requires the payment of prevailing wage rates (which are determined by the U.S. Department of Labor) to all laborers and mechanics on Federal government construction projects in excess of \$2,000. Construction includes alteration and/or repair, including painting and decorating, of public buildings or public works.⁷

THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (CWHSSA)

CWHSSA requires time and one-half pay for overtime (O/T) hours (over 40 in any workweek) worked on the covered project. The CWHSSA applies to both direct Federal contracts and to indirect Federally-assisted contracts except where the assistance is solely in the nature of a loan guarantee or insurance. CWHSSA violations carry a liquidated damages penalty (\$10/day per violation). Intentional violations of CWHSSA standards are considered a Federal criminal misdemeanor.⁸

The CWHSSA does not apply to contracts of \$100,000 or less. In addition, some HUD projects are not covered by CWHSSA because some HUD programs only provide loan guarantee or insurance. The CWHSSA also does not apply to construction or rehabilitation contracts that are not subject to Federal prevailing wage rates (e.g., Davis-Bacon wage rates, or HUD-determined rates for operation of public housing and Indian block grant-assisted housing). However, even though CWHSSA overtime pay is not required, Fair Labor Standards Act (FLSA) overtime pay is probably still applicable.⁹

THE COPELAND ACT (ANTI-KICKBACK ACT)

The Copeland Act makes it a crime for anyone to require any laborer or mechanic (employed on a Federal or Federally-assisted project) to kickback any part of their wages. The Copeland Act also requires every employer (contractors and subcontractors) to submit weekly payroll reports (CPRs).¹⁰

THE FAIR LABOR STANDARDS ACT (FLSA)

The FLSA contains Federal minimum wage rates and overtime (O/T) requirements. These requirements generally apply to any labor performed and may be pre-empted by other Federal standards such as the DBRA prevailing wage requirements and CWHSSA O/T provisions. Only the DOL has the authority to administer and enforce FLSA. HUD will refer to the DOL any possible FLSA violations that are found on HUD projects.¹¹

⁷ U.S. Department of Housing and Urban Development, Office of Labor Relations, LR01.DG "Contractor's Guide to Davis-Bacon" page 1-1(a).

⁸ U.S. Department of Housing and Urban Development, Office of Labor Relations, LR01.DG "Contractor's Guide to Davis-Bacon" page 1-1(b).

⁹ U.S. Department of Housing and Urban Development, Office of Labor Relations, LR01.DG "Contractor's Guide to Davis-Bacon" page 1-1.

¹⁰ U.S. Department of Housing and Urban Development, Office of Labor Relations, LR01.DG "Contractor's Guide to Davis-Bacon" page 1-1(c).

¹¹ U.S. Department of Housing and Urban Development, Office of Labor Relations, LR01.DG "Contractor's Guide to Davis-Bacon" page 1-1(d).

FEDERAL LABOR LAWS - LAWS APPLIED

A. REQUIRED CONSTRUCTION CONTRACT PROVISIONS

Each construction contract subject to Davis-Bacon labor standards requirements must contain the following provisions and are typically bound into the contract specifications:

1) **THE LABOR STANDARD CLAUSES:**

The labor standards clauses describe the responsibilities of the contractor and obligate the contractor to comply with Davis-Bacon labor requirements. In addition these clauses will offer remedies for violations, including withholding from payments due to the contractor to ensure the payment of wages or liquidated damages that may be found due. These contract clauses enable the contract administrator to enforce the Federal labor standards applicable to the project. Form HUD-5370 can be used to comply with this requirement and can be found at <http://www.hud.gov/offices/cpo/forms/hud5370.pdf>.

2) **DAVIS-BACON WAGE DECISION:**

The Davis-Bacon decision, also referred to as wage determination, is a list of the various job duties or work classifications of construction work (i.e. carpenter, electrician, labor, drywaller, etc.) and the minimum prevailing wage paid (including applicable fringe benefits) to those job classification. See appendix B, "Wage Decision Process"

B. RESPONSIBLE PARTIES

There are usually many parties that are involved in any construction project, and OHFA funded projects are no exception, with funding recipients, nonprofits, for profits, developers, property managers, etc. the list can get long and the lines between these parties can be blurred. To clarify these lines, please refer to the following for responsible players and their duties to comply with the labor standards:

1) **PRINCIPAL CONTRACTOR**

Principal contractor (a.k.a. prime or general contractor) is responsible for full compliance of all employers (from the contractor, to subcontractors, to any lower-tiered subcontractors). Due to the contractual relationship that exists between the prime contractor and subcontractors, all questions to or from or about subcontractors should be channeled through the prime contractor.

For purposes of OHFA Funding agreements, the HDAP recipient is the responsible party (principal contractor).

2) **CONTRACT ADMINISTER**

Contract administer is responsible for the proper administration and enforcement of Davis-Bacon requirements, including ensuring that the wage decision and contract clauses are incorporated into the contract for construction.

For purposes of OHFA Funding agreements, OHFA is the responsible party (contract administer).

C. COMPLIANCE PROCEDURES

The HDAP recipient will coordinate all compliance activities and communication between OHFA staff and third parties (general contractors, developers, architects, management companies, etc.)

Use the following checklist as a Guide to Compliance. Every item on this checklist must be completed to be in compliance with Federal Prevailing Wage Laws.

PROCEDURES BEFORE CONSTRUCTION BEGINS:

	<u>Check when Completed</u>	<u>Date of Compliance</u>	
Request Wage Decision from OHFA staff	<input type="checkbox"/>	<input type="text"/>	
Receive Wage Decision	<input type="checkbox"/>	<input type="text"/>	
If applicable, request additional "trade" Classification & wage rate	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/> n/a
HUD Approved	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/> n/a
DOL Approved	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/> n/a
Incorporate Wage Decision into the construction contract	<input type="checkbox"/>	<input type="text"/>	
Incorporate contract provision into construction contract (HUD-5370, or format that contains all provisions)	<input type="checkbox"/>	<input type="text"/>	
Complete final draft of construction contract with incorporated requirements before pre-construction meeting	<input type="checkbox"/>	<input type="text"/>	
Pre-construction meeting when construction contract signed	<input type="checkbox"/>	<input type="text"/>	
Select payroll reporting format (DOL's WH347, or any format that contains all the information that is on WH-347, can be found at http://www.dol.gov/esa/forms/whd/wh347.pdf .)	<input type="checkbox"/>	<input type="text"/>	

PROCEDURES DURING THE ENTIRE CONSTRUCTION PHASE:

Payroll reporting procedures to follow for each week:

Complete the payroll report, WH-347. See <http://www.dol.gov/esa/forms/whd/wh347instr.htm> for instructions on how to complete Form WH-347.

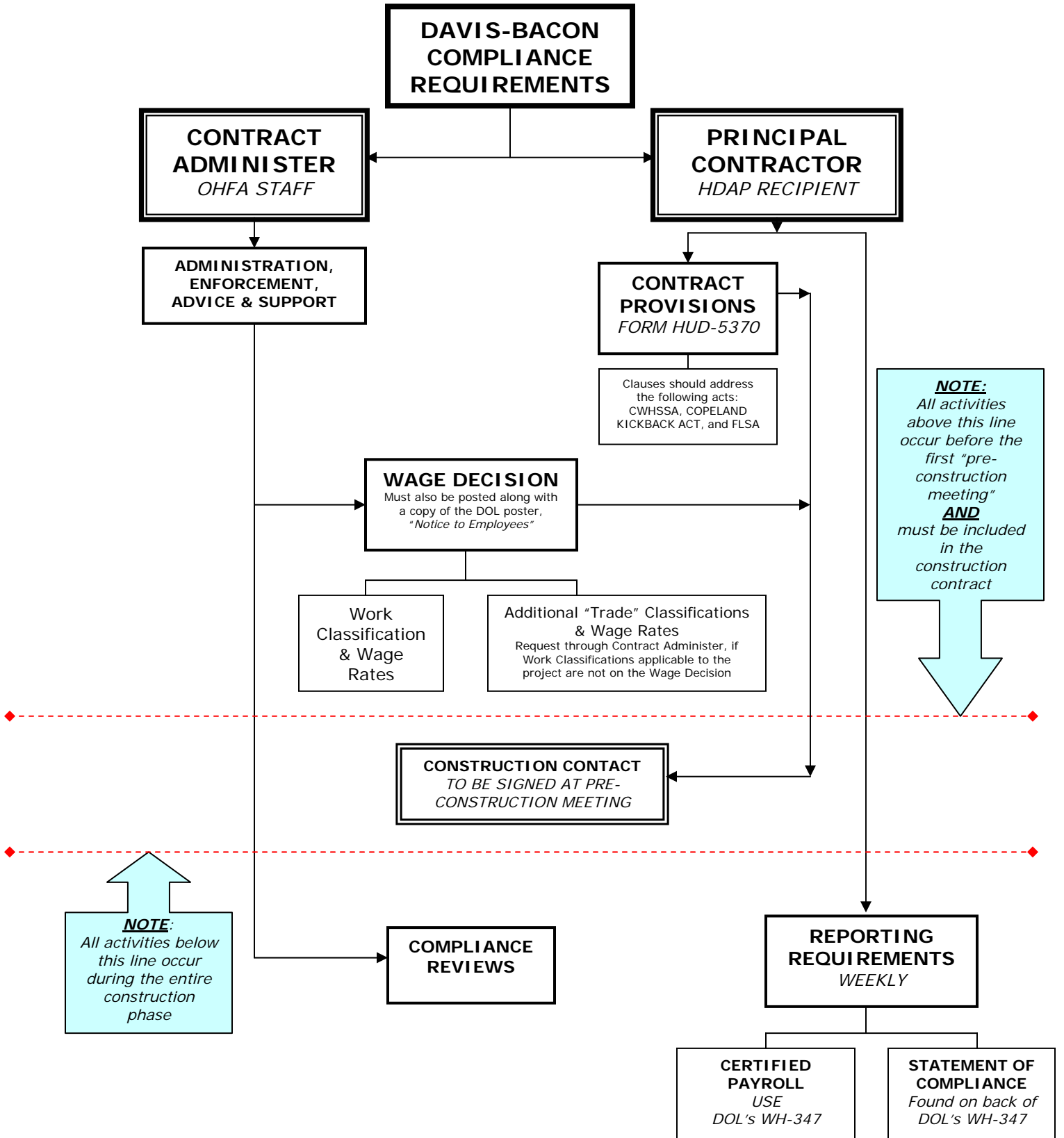
Payroll certification – must be done weekly with each submission

Payroll review and submission – HDAP recipient should review each report for compliance prior to submitting to OHFA. Remember that the HDAP recipient is responsible for full compliance of all contractors and subcontractors on the contract and will be held accountable for any wage restitution. All reports are submitted to OHFA through the HDAP recipient.

Payroll retention – HDAP recipient, general contractor and every sub-contractor of the contract must keep a complete set of their own payrolls and other basic records such as time-cards for at least 3 years after completion of the project.

Payroll inspection – general contractor and every sub-contractor of the contract must make their own copy of the payrolls available for review or copying to OHFA.

FLOW CHART OF OBLIGATED PARTIES & RESPONSIBILITIES – FEDERAL



SECTION THREE – STATE GUIDELINES

STATE REGULATIONS – LAWS DEFINED

COMPLETE THIS SECTION OF THE WORKBOOK ONLY IF YOU HAVE DETERMINED THAT THE PROJECT IS COVERED UNDER FEDERAL PREVAILING WAGES (SEE PAGE 4 FOR DETERMINATION).

Now that you have determined that the project is covered by the State Prevailing Wage Law, what do you need to do to ensure that you are in compliance. With respect to Trust awarded funding agreements, refer to **Ohio Revised Code** ([ORC Chapter 4115.05](#) AND [176.05](#)) for state prevailing wage requirements.

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 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 when work is done by contract.

* "New" construction has a threshold level of \$69,853.00, adjusted biennially.*

* "Reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting" has a threshold of \$20,955.00 adjusted biennially.

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. If contracts are not awarded or construction undertaken within 90 days from the date of the determination of the prevailing wage by the Ohio Department of Commerce, then the public authority must request a redetermination of the wage rates before the contract is awarded.

Within seven 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 may be 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.

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 Ohio Secretary of State. 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 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. A Prevailing Wage Coordinator must be appointed no later than 10 days before the first payment of wage by contractors to employees working on the public improvement¹².

¹² Ohio Revised Code [ORC Chapter 4115.05](#)

STATE PREVAILING WAGE – LAWS APPLIED

A. REQUIRED CONSTRUCTION CONTRACT PROVISIONS

- 1) **WAGE DETERMINATION SCHEDULE**
- 2) **WAGE DETERMINATION SCHEDULE INCORPORATED INTO SPECIFICATIONS/BIDDING BLANKS:**
- 3) **NOTICE OF PREVAILING WAGE REQUIREMENTS INCORPORATED IN INVITATION TO BID:**
- 4) **PREVAILING WAGE REQUIREMENT INCORPORATED INTO CONSTRUCTION CONTRACT**

B. RESPONSIBLE PARTIES

There are usually many parties that are involved in any construction project, and OHFA funded projects are no exception, with funding recipients, nonprofits, for profits, developers, property managers, etc. the list can get long and the lines between these parties can be blurred. To clarify these lines, please refer to the following for responsible parties.

- 1) **PUBLIC AUTHORITY**
As defined in ORC 4115.03 a public authority “means any officer, board, or commission of the state, or any political subdivision of the state, authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, **or any institution supported in whole or in part by public funds** and said sections apply to expenditures of such institutions made in whole or in part from public funds.”¹³

It has been determined that this project is covered by State Prevailing Wages, hence the recipient of HDAP funds, by definition, is supported in whole or in part by public funds. Both OHFA and the HDAP recipient now share the burden of compliance.

- 2) **PREVAILING WAGE COORDINATOR**
The prevailing wage coordinator is a staff person of the HDAP recipient organization and will coordinate all activities of compliance between OHFA, HDAP recipient organization, and the general contractor (including all subcontractors). **Note:** *The coordinator should be appointed no later than 10 days before first payment of wages by contractors to employees.*

- 3) **CONTRACTOR**
The designated general contractor listed on the funding agreement is the responsible party (contractor) and is accountable for providing all contractor related documentation to the wage coordinator (including all subcontractors).

¹³ ORC 4115.03 Definitions (a)

C. COMPLIANCE PROCEDURES

The HDAP recipient will coordinate all compliance activities and communication between OHFA staff and third parties (general contractors, developers, architects, management companies, etc.)

Use the following checklist as a Guide to Compliance. Every item on this checklist must be completed to be in compliance with Federal Prevailing Wage Laws.

PROCEDURES BEFORE CONSTRUCTION BEGINS¹⁴:

	<u>Check when Completed</u>	<u>Date of Compliance</u>
Request Prevailing Wage "Determination Schedule" from Ohio D.O.C. Wage and Hour Division (click here to request online)	<input type="checkbox"/>	<input type="text"/>
Receive "Determination Schedule" Incorporate "Determination Schedule" in Specs/Bidding Blanks	<input type="checkbox"/>	<input type="text"/>
Incorporate "Notice of Prevailing Wage Requirements" in Invitation for Bids/Notice to Bidders	<input type="checkbox"/>	<input type="text"/>
Incorporate "Prevailing Wage Requirements" in construction contract	<input type="checkbox"/>	<input type="text"/>
Submit complete "Invitation for Bid" to Ohio D.O.C. Wage and Hour Division	<input type="checkbox"/>	<input type="text"/>
Bid Opening	<input type="checkbox"/>	<input type="text"/>
Receive Bids	<input type="checkbox"/>	<input type="text"/>
Check listing of Debarred Contractors at Secretary of State	<input type="checkbox"/>	<input type="text"/>
Award of Contract	<input type="checkbox"/>	<input type="text"/>
Submit Bid Tabulation /Award to Ohio D.O.C. Wage and Hour Division	<input type="checkbox"/>	<input type="text"/>
Notice to successful bidder	<input type="checkbox"/>	<input type="text"/>
Appoint Prevailing Wage Coordinator	<input type="checkbox"/>	<input type="text"/>
Pre-construction meeting when construction contract signed	<input type="checkbox"/>	<input type="text"/>

¹⁴ Adapted from Lorman Education Services, "Prevailing Wage Law In Ohio", p. 37.

PROCEDURES AFTER CONSTRUCTION BEGINS

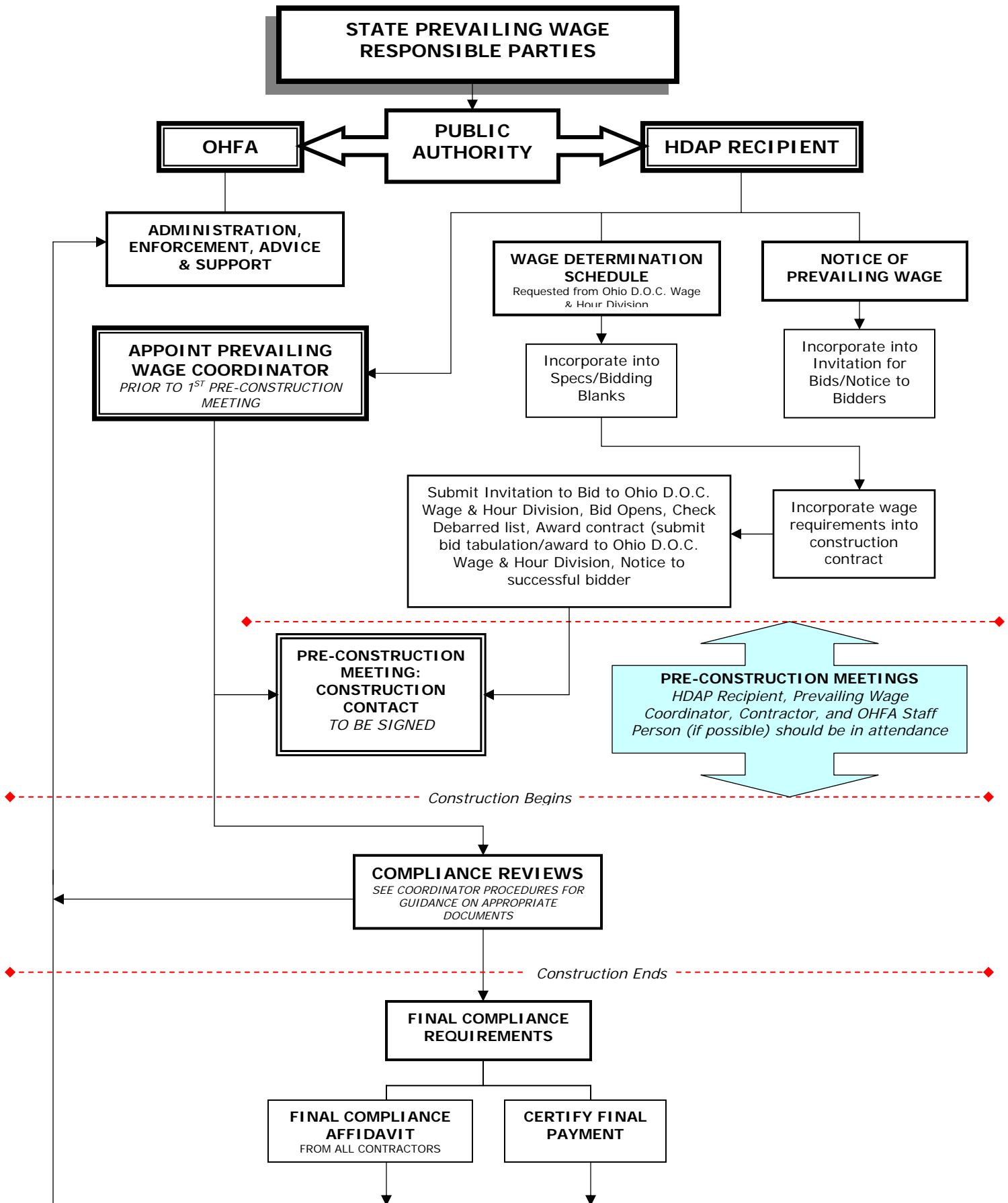
	<u>Check when Completed</u>	<u>Date of Compliance</u>
Construction begins	<input type="checkbox"/>	<input type="text"/>
Prevailing wage coordinator receives list of all subcontractor's names, addresses, and telephone numbers	<input type="checkbox"/>	<input type="text"/>
Prevailing wage coordinator receives payroll date schedule	<input type="checkbox"/>	<input type="text"/>
Prevailing wage coordinator receives Apprentice Agreement Certifications (if applicable)	<input type="checkbox"/>	<input type="text"/>
Prevailing wage coordinator receives Deduction Agreement	<input type="checkbox"/>	<input type="text"/>
Construction Complete	<input type="checkbox"/>	<input type="text"/>
Request Final Compliance Affidavit from Contractors	<input type="checkbox"/>	<input type="text"/>
Receive Final Affidavit from all Contractors	<input type="checkbox"/>	<input type="text"/>
Certify Final Payment	<input type="checkbox"/>	<input type="text"/>

PROCEDURES FOR PREVAILING WAGE COORDINATOR¹⁵:

	<u>Check when Completed</u>	<u>Date of Compliance</u>
Attend pre-bid, and or/pre-construction meetings	<input type="checkbox"/>	<input type="text"/>
Explain prevailing wage requirement	<input type="checkbox"/>	<input type="text"/>
Explain contractor responsibilities	<input type="checkbox"/>	<input type="text"/>
Set up & maintain files on all contractors & subs	<input type="checkbox"/>	<input type="text"/>
Obtain list of names, address and telephone numbers of all contractors and subcontractors	<input type="checkbox"/>	<input type="text"/>
Require all contractors to provide project dates to be used to make time schedule for certified payroll received	<input type="checkbox"/>	<input type="text"/>
Obtain from each contractor and subs, name and address of Bonding/Surety Company	<input type="checkbox"/>	<input type="text"/>
Obtain from out-of-state corporations, name and address of their Statutory Agent (must be located in State of Ohio)	<input type="checkbox"/>	<input type="text"/>
Supply contractors with any changes to the Prevailing Wage Rates	<input type="checkbox"/>	<input type="text"/>
Obtain from each contractor their certified payroll reports , within two weeks after the first pay <i>If job exceeds four month, all reports after the initial (1st) report can be filed monthly</i>	<input type="checkbox"/>	<input type="text"/>
Establish procedures to monitor compliance by contractors and subs	<input type="checkbox"/>	<input type="text"/>
On completion of project, and prior to receipt of final payment, require affidavit of compliance from contractors and subs. <i>No public authority shall make final payment to any contractor or subcontractor unless affidavits have been files by the respective contractor and subcontractor (O.R.C. Section 4115.07)</i>	<input type="checkbox"/>	<input type="text"/>
Report any non-compliance to Ohio Department of Commerce, Division of Labor & Worker Safety, Wage and Hour	<input type="checkbox"/>	<input type="text"/>

¹⁵ Adapted from Lorman Education Services, "Prevailing Wage Law In Ohio", p. 43.

FLOW CHART OF OBLIGATED PARTIES & RESPONSIBILITIES – STATE



SAMPLE FORMS AND ATTACHMENTS

Instructions For Completing Payroll Form, WH-347

General: The use of the WH-347 payroll form is not mandatory. This form has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 CFR, Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

This form meets needs resulting from the amendment of Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay not less than fringe benefits as predetermined by the Department of Labor, in addition to payment of not less than the predetermined rates. The contractor's obligation to pay fringe benefits may be met either by payment of the fringes to the various plans, funds or programs or by making these payments to the employees as cash in lieu of fringes.

This payroll provides for the contractor's showing on the face of the payroll all monies to the employees, whether as basic rates or as cash in lieu of fringes and provides for the contractor's representation in the statement of compliance on the rear of the payroll that he is paying to other fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions concerning the preparation of the payroll follow:

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address.

Column 1 - Name, Address, and Social Security Number of Employee: The employee's full name and Social Security Number must be shown on each weekly payroll submitted. The employee's address must also be shown on the payroll covering the first week in which the employee works on the project. The address need not be shown on subsequent weekly payrolls unless the address changes.

Column 2 - Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

Column 3 - Work Classifications: List classification descriptive of work actually performed by employees. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. Employee may be shown as having worked in more than one classification provided accurate breakdown or hours so worked is maintained and shown on submitted payroll by use of separate entries.

Column 4 - Hours worked: On all contracts subject to the Contract Work Hours Standard Act enter as overtime hours worked in excess of 8 hours per day and 40 hours a week.

Column 5 - Total: Self-explanatory

Column 6 - Rate of Pay, including Fringe Benefits: In straight time box, list actual hourly rate paid the employee for straight time worked plus in cash in lieu of fringes paid the employee. When recording the straight time hourly rate, any cash paid in lieu of fringes may be shown separately from the basic rate, thus \$3.25/.40. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. In overtime box shown overtime hourly rate paid, plus any cash in lieu of fringes paid the employee. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962. In addition to paying no less than the predetermined rate for the classification which the employee works, the contractor shall pay to approved plans, funds or programs or shall pay as cash in lieu of fringes amounts predetermined as fringe benefits in the wage decision made part of the contract. See "FRINGE BENEFITS" below.

FRINGE BENEFITS - Contractors who pay all required fringe benefits: A contractor who pays fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of labor shall continue to show on the face of the payroll the basic cash hourly rate and overtime rate paid to his employees just as he has always done. Such a contractor shall check paragraph 4(a) of the statement on the reverse of the payroll to indicate that

he is also paying to approved plans, funds or programs not less than the amount predetermined as fringe benefits for each craft. Any exceptions shall be noted in section 4(c).

Contractors who pay no fringe benefits: A contractor who pays no fringe benefits shall pay to the employee, and insert in the straight time hourly rate column of the payroll, an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringes at the straight time rate. In addition, the contractor shall check paragraph 4(b) of the statement on the reverse of the payroll to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the employees as cash in lieu of fringes. Any exceptions to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid the employee as cash in lieu of fringes and the hourly amount paid to plans, funds, or programs as fringes. The contractor shall pay, and shall show that he is paying to each such employee for all hours (unless otherwise provided by applicable determination) worked on Federal or Federally assisted project an amount not less than the predetermined rate plus cash in lieu of fringes as shown in Section 4(c). The rate paid and amount of cash paid in lieu of fringe benefits per hour should be entered in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Column 7 - Gross Amount Earned: Enter gross amount earned on this project. If part of the employees' weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus \$63.00/\$120.00.

Column 8 - Deductions: Five columns are provided for showing deductions made. If more than five deduction should be involved, use first 4 columns; show the balance deductions under "Other" column; show actual total under "Total Deductions" column: and in the attachment to the payroll describe the deduction contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 CFR, Part 3. If the employee worked on other jobs in addition to this project, show actual deductions from his weekly gross wage, but indicate that deductions are based on his gross wages.

Column 9 - Net Wages Paid for Week: Self-explanatory

Totals - Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

Statement Required by Regulations, Parts 3 and 5: While this form need not be notarized, the statement on the back of the payroll is subject to the penalties provided by 18 USV 1001, namely, possible imprisonment of 5 years or \$10,000.00 fine or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

Space has been provided between item (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll." See paragraph entitled "FRINGE BENEFITS" above for instructions concerning filling out paragraph 4 of the statement.

Instructions For Preparing Certified Payroll Reports for State Prevailing Wage Form

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, Wage and Hour Bureau,
77 South High Street, 22nd Floor
Columbus, Ohio 43215, (614) 644-2239

Certified Payroll Heading:

Employer name and address: Company's full name and address. Indicate if the company is a subcontractor, if so list the name of the General or Prime.

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

Contracting Public Authority: Name and address of the contracting public authority.

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. 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, Wage and Hour Bureau. 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.
3. Hours Worked, Day & Date: In the first row of column 3 enter days of pay period example; M T W T H 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.
 - 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.
 - Total rate may be paid as listed in prevailing wage rate schedule with total fringe amounts paid approved plans.
 - 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.
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.
12. Self-explanatory.

CERTIFIED PAYROLL REPORT

Employer Name and Address			NAME OF GENERAL/PRIME CONTRACTOR				PROJECT NAME AND LOCATION				CONTRACTING PUBLIC AUTHORITY				
Check if Subcontractor _____			Week Ending _____				Payroll # _____ Page _____ of _____				Project Number _____				
1. Employee Name, Address, SS#	2 Work Class	3 Hours Worked Day & Date	4 Project Total Hrs.	5 Base Rate	6 Project Gross	7. Fringes					8. Total Hours All Jobs	9. Total Gross All Jobs	10 Taxes Withheld	11 Other Deducts	12 Net Paid
						Cash____	Approved Plans__								
						H & W	Pens.	Vac.	App	Other					
		OT													
		ST													
		OT													
		ST													
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Date _____ My signature on this form signifies that I pay, or supervise the payment of the employees shown above. I am certifying: 1) That 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. 2) That fringe benefits have been paid as indicated above. 3) That 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 the Ohio Revised Code Chapter 4115. 4) That apprentices are registered with the U.S. Department of Labor Bureau of Apprenticeship and Training. The willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution.

Name and Title	Signature
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Affidavit Of Compliance
STATE OF OHIO PREVAILING WAGES

I, _____
(Name of person signing affidavit)(Title)

do hereby certify that the wages paid to all employees of

(Company Name)

for all hours worked on the

(Project name and location)

project, during the period from _____ to _____ are in
(Project Dates)

compliance with 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)

REFERENCES

- Division of Labor & Worker Safety. (n.d.) *Public Authority Responsibilities*. Retrieved October 26, 2006 from Web site: <http://198.234.41.198/w3/webwh.nsf?Opendatabase>
- Lorman Education Services, Prevailing Wage Law in Ohio Seminar. (2006) *Prevailing Wage Law in Ohio* [Seminar Handout]. Allen, MD, Devine, PA, Dobrowski, SJ, & Kennedy, RS: Authors.
- State of Ohio. (n.d.) *Ohio Revised Code*. Retrieved October 25, 2006 from Anderson's Ohio Online Docs Web site: <http://onlinedocs.andersonpublishing.com>
- U.S. Department of Housing and Urban Development, Office of Labor Relations. (1998) *Contractor's Guide to Davis-Bacon: Prevailing Wage requirements for Federally-Assisted Construction* (Publication LR01.DG). Retrieved October 18, 2006, from HUD Web site: www.hud.gov/olr/davis.pdf
- U.S. Department of Housing and Urban Development, Office of Labor Relations. (2006) *Making Davis Work: A Contractor's Guide to Prevailing Wage requirements for Federally-Assisted Construction* (Publication LR01.DG). Retrieved October 18, 2006, from HUD Web site: www.hudclips.org
- U.S. Department of Labor. (n.d.) *Employment Law Guide: Prevailing Wages in Construction Contracts* [Electronic Version]. Retrieved October 17, 2006 from U.S. Department of Labor Web site: www.dol.gov/compliance