



## **H.B. 239**

124th General Assembly  
(As Introduced)

**Reps. Cirelli, Barrett, D. Miller, Distel**

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### **BILL SUMMARY**

- Subjects school district facilities construction to the Prevailing Wage Law.

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### **CONTENT AND OPERATION**

#### *Overview*

Ohio's Prevailing Wage Law (Chapter 4115. of the Revised Code), requires that any public authority wishing to engage in the construction of a public improvement ensure that the workers employed on the project are paid the "prevailing rate of wages." The prevailing wage is the sum of the basic hourly rate of pay, contributions by a contractor or subcontractor to a fund, plan, or program, and the costs to the contractor or subcontractor in providing various fringe benefits (unless the benefits are required under federal, state, or local law).

The requirement to pay the prevailing wage generally applies to any officer, board, or commission of the state, any political subdivision, and any institution supported by public funds. The law applies to any new construction of a public improvement fairly estimated to cost more than \$58,958, and any renovation of a public improvement fairly estimated to cost more than \$17,687 and if the construction or renovation is performed by other than full-time employees of the public authority who are not in the classified civil service of the public authority.<sup>1</sup>

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<sup>1</sup> *The Prevailing Wage Law defines a "public improvement" as all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other structures or works constructed by a public authority of the state, a political subdivision of the state, or by any person who contracted with a public authority to undertake such construction (sec. 4115.03(C)).*

The law is administered by the Administrator of the Bureau of Employment Services and by individual project "coordinators" whom a public authority must appoint for each project. The law further imposes various record-keeping and procedural requirements upon public authorities and it establishes penalties for violation and remedies for employees who are not properly paid under the law.

Under current law, all of the following are exempt from the prevailing wage requirements:

(1) Public improvement projects where the federal government furnishes by loan or grant all or any part of the funds for the improvements, and specifies under its prevailing wage statute the minimum rates of pay for workers on the projects;

(2) Participants in certain subsidized employment programs when a public authority directly uses the labor of the participant to construct a public improvement if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;

(3) In certain circumstances, public improvements undertaken by, or under contract for a county hospital;

(4) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center. (Sec. 4115.04(B).)

### **The bill**

The bill removes from the list of exemptions, public improvements undertaken by the board of education of any school district or the governing board of any educational service center, thereby making school facilities construction subject to the Prevailing Wage Law. (Sec. 4115.04(B).)

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced H0239-I.124/jc	05-02-01	p. 400

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*The threshold figures listed above must be adjusted biennially by the Administrator of the Bureau of Employment Services in a manner provided under the Prevailing Wage Law. (Sec. 4115.01(B) and 4115.034.)*