

**337.520 Determination of prevailing wages -- Administrative regulations -- Filing wage contract.**

- (1) The commissioner shall make initial determinations and current revisions of schedules of rates of prevailing wages, of the amount of fringe benefits included as defined in KRS 337.505, and the number of hours applicable. The commissioner may promulgate administrative regulations to carry out the provisions and purposes of KRS 337.505 to 337.550 and to prevent their circumvention or evasion. The administrative regulations shall not include a provision that each contractor and subcontractor furnish a sworn affidavit with respect to the wages paid each employee. No administrative regulation shall be issued by the commissioner except upon reasonable notice to, and opportunity to be heard by, any interested person.
- (2) The commissioner shall require the filing of all wage contracts of all laborers, workmen, and mechanics in this state which have been agreed to between bona fide organizations of labor and an employer or associations of employers. The contracts shall be filed within ten (10) days after they are signed.
- (3) The commissioner shall have the authority to determine schedules and current revisions of the rates of prevailing wages as defined in KRS 337.505, but in no case shall the commissioner determine wages to be paid for a legal day's work to laborers, workmen, and mechanics engaged in the construction of public works at less than the prevailing wages paid in the localities. The commissioner, in determining what rates of wages prevail, shall consider the following criteria:
  - (a) Wage rates paid on previous public works constructed in the localities. In considering the rates, the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project, and the respective wage rates paid each worker who was engaged in the construction of these projects;
  - (b) Wage rates previously paid on reasonably comparable private construction projects constructed in the localities. In considering the rates the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project, and the respective wage rates paid each worker who was engaged in the construction of these projects; and
  - (c) Collective bargaining agreements or understandings between bona fide organizations of labor and their employers located in the Commonwealth of Kentucky which agreements apply or pertain to the localities in which the public works are to be constructed.
- (4) The wage rates to be used by the public authority in a contract for the construction of public works shall be the prevailing wage as of the date the public works project is advertised and offered for bid. If contracts are not awarded within ninety (90) days after the date of offering for bid, the public authority shall ascertain the prevailing rate of wages from the department before the contract is awarded. The

schedule or scale of prevailing wages shall be incorporated in and made a part of each contract.

- (5) The commissioner may promulgate administrative regulations authorizing the employment of apprentices and trainees in skilled trades at wages lower than the applicable prevailing wage.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1743, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 48, sec. 2, effective July 15, 1996. -- Amended 1982 Ky. Acts ch. 54, sec. 3, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 341, sec. 5. -- Amended 1970 Ky. Acts ch. 33, sec. 6. -- Amended 1968 Ky. Acts ch. 33, sec. 2. -- Amended 1962 Ky. Acts ch. 173, sec. 2(1) to (4). -- Amended 1960 Ky. Acts ch. 56, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2290c-3.

**Subsequently renumbered in part as KRS 337.522.**