

5200.1035 BASIS FOR COMMERCIAL CONSTRUCTION DETERMINATIONS.

Subpart 1. **County and labor classes.** Prevailing wage rates must be made on a county-by-county basis and each prevailing wage rate must be based on work performed solely within the applicable class of labor. For each county surveyed, the department shall issue wage determinations for all classes of labor commonly or customarily used in commercial construction projects.

Subp. 2. **Projects to be surveyed, criteria.** From information on file and submitted by interested persons, the determinations shall be made from projects on which construction work was done in the 12 months preceding the survey, which are located in the county or, if necessary, from adjacent counties, and where the estimated total cost of completing the project is \$2,500 or more.

A. A minimum of two projects in a county must be reported in order to issue a wage determination for the county.

B. If classes of labor expected to be used in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, but work was performed in those classes of labor in two or more projects in any county adjacent to the county being surveyed, the department shall establish the wage determination for those classes of labor based solely upon those adjacent county projects.

C. In determining a wage rate for a class of labor based upon work performed in adjacent counties, all workers in a class of labor in all adjacent counties must be totaled and the wage rates must be based upon the wage rate paid to the largest number as determined in accordance with parts 5200.1020 to 5200.1060.

D. A wage determination must be made for all classifications of labor used on a project. Where classes of labor expected to be utilized in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, and not further determined in item B, the wage rate must remain the same as previously certified.

E. If work is performed by a class of labor not defined by part 5200.1100, Master Job Classifications, the Commissioner of Labor and Industry shall certify a wage rate which reflects the most similar trade or occupation from the project wage determination. Within 90 days, the Commissioner of Labor and Industry must initiate the rulemaking procedure so that the classification will be defined in the Master Job Classifications in part 5200.1100.

Statutory Authority: *MS s 175.171; 177.28; 177.41 to 177.44*

History: *21 SR 1107; 33 SR 1598*

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