

## **4123-17-57 PREMIUM FOR CONSTRUCTION INDUSTRY.**

(A) As used in this rule:

(1) As defined in division (F)(3) of section 4123.34 of the Revised Code, "construction industry" includes any activity performed in connection with the erection, alteration, repair, replacement, renovation, installation, or demolition of any building, structure, highway, or bridge. The manual classifications satisfying this definition are listed in paragraph (E) of this rule.

(2) "Construction industry employer" is an employer that reports payroll of a construction industry employee for work performed in a construction industry manual classification as defined in paragraph (E) of this rule.

(3) "Construction industry employee" is any employee as defined in division (A) of section 4123.01 of the Revised Code who performs work and whose payroll is properly reported in a construction industry manual classification as defined in paragraph (E) of this rule.

(B) Pursuant to division (F) of section 4123.34 of the Revised Code, the administrator shall determine the premium rates for construction industry employees for payroll paid beginning January 1, 1995, in accordance with the limitations provided in this rule.

(C) A construction industry employer shall report the actual remuneration paid to its construction industry employees, except that for payroll paid beginning January 1, 1995, the reportable payroll shall not exceed on a weekly basis an amount as provided in division (F) of section 4123.34 of the Revised Code. This limitation applies only to the construction industry employees of the construction industry employer, and does not apply to employees of a construction industry employer whose payroll is not reported in a construction industry manual classification as defined in paragraph (E) of this rule.

(D) The construction industry employer shall maintain records to verify the weekly wages paid to construction industry employees. The payroll limitation for construction industry employees shall apply to weekly payroll, regardless of the hourly or daily remuneration. If upon audit the construction industry employer is unable to document payroll records of an employee on a weekly basis, the bureau shall establish the payroll by the actual remuneration for the payroll reporting period, subject to the maximum limitation as provided in division (F) of section 4123.34 of the Revised Code times the number of weeks in the payroll reporting period.

(E) The payroll limitation of this rule shall apply only to the following construction industry manual classifications of a construction industry employer: all of the manual classifications in industry group four, except for manual classification 9009, as provided in the credibility table used for experience rating, table one, part B, of rule 4123-17-05 of the Administrative Code. The bureau shall periodically review the manual classifications satisfying the definition of construction industry, and any reclassifications, changes,

deletions, or additions to the bureau's manual classifications or industry groups may result in additions or deletions of manual classifications from this rule.

(F) The payroll limitation of this rule shall apply to premium of the construction industry employer for construction industry employees reported under the manual classifications listed in paragraph (E) of this rule. The payroll limitation also applies to the administrative cost and disabled workers' relief fund assessments, and for such purposes the construction industry employer shall report the remuneration of the construction industry employees as provided in paragraph (C) of this rule.

(G) For a construction industry employee who is also an officer of a corporation, a sole proprietor, partnership, or member of a family farm corporation, and whose payroll is subject to a payroll limitation by rules 4123-17-07 and 4123-17-30 of the Administrative Code, any additional payroll limitations of this rule also may apply.

(H) If upon audit or reclassification of payroll the bureau determines that the payroll of an employee has been improperly classified in a construction industry manual classification and the new or proper manual classification is not a construction industry classification as defined in paragraph (E) of this rule, the bureau shall establish the premium due based upon the full actual remuneration of the employee.

Effective: 1/1/95