

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Wage and Hour

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Prevailing Wages on State Projects

5. Rule numbers or rule set range of numbers:

R 408.1101 - R 408.1129

6. Estimated time frame:

12 months

Name of person filling out RFR:

Jennifer Fields

E-mail of person filling out RFR:

fieldsj@michigan.gov

Phone number of person filling out RFR:

517-284-7802

Address of person filling out RFR:

530 West Allegan P.O. Box 30476

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

Act 10 of 2023, Prevailing Wages on State Funded Projects, requires state funded construction projects put out for bid by a "contracting agent" pay construction mechanics the prevailing wage for the locality where the work is done. The previous Prevailing Wage Law Act 166 of 1965 was rescinded on June 8, 2018, and had no authority to promulgate rules. This would be a new rule set under Act 10.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 408.1123 states that, "The commissioner may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 408.1123

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No, rules are not mandated.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes, the subject matter is contained in a division policy manual.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

It is planned to have outreach events to ask stakeholders for comments during the drafting of rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

None.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.