



## Ohio Administrative Code

### Rule 123:2-3-02 Establishment of affirmative action programs.

Effective: January 14, 1996

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(A) Contractors and subcontractors with fifty or more employees and a contract of fifty thousand dollars or more must establish an affirmative action program. Contractors and subcontractors are required to exert every good faith effort to accomplish the goals of an affirmative action program. Contractors and subcontractors may obtain an acceptable affirmative action program by either of the following methods:

(1) Contractors and subcontractors may adopt the following state percentage goals for minority utilization work hours. The goals are listed as the proportion of minority workhours to the contractor's or subcontractor's total workforce hours, for all state and non-state construction projects, during the performance of the state contract. The minority work hours are provided by trade and designated geographic area. Where the project is not in one of the designated geographic areas, the contractor or subcontractor may adopt the minority utilization goals of the nearest designated geographic area. The goals are project specific based upon the location of the project site. Contractor's and subcontractor's good faith efforts shall not be determined solely by the contractor's or subcontractor's accomplishment of the utilization work hour goals.

(a) AKRON	Asbestos workers
10.0%	Boilermakers
10.0%	Bricklayers
10.0%	Electricians
10.0%	Elevator constructors
10.0%	Glaziers
10.0%	Ironworkers
10.0%	Lathers
10.0%	Operating engineers
10.0%	Painters
10.0%	Plasterers
10.0%	Plumbers



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10.0%	Roofers
10.0%	Sheet metal workers
10.0%	Other trades

CINCINNATI	
Asbestos workers	9.0%
Boilermakers	9.0%
Carpenters	10.0%
Elevator constructors	11.0%
Floor layers	10.0%
Glaziers	10.0%
Lathers	10.0%
Marble, tile & terrazzo workers & helpers	8.0%
Millwrights	10.0%
Operating engineers	11.0%
Painters	11.0%
Pipe fitters	11.0%
Plasterers	10.0%
Plumbers	11.0%
Sheet metal workers	11.0%
Other trades	11.0%

CLEVELAND	
Asbestos workers	17.0%
Boilermakers	10.0%
Carpenters	16.0%
Electricians	20.0%
Elevator constructors	11.0%
Glaziers	17.0%
Ironworkers	13.0%
Operating engineers	10.0%
Painters	17.0%



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Pipe fitters	17.0%
Plasterers	20.0%
Plumbers	17.0%
Roofers	17.0%
Other trades	17.0%

COLUMBUS	
Asbestos workers	10.0%
Boilermakers	10.0%
Bricklayers	10.0%
Carpenters	10.0%
Cement masons	10.0%
Electricians	10.0%
Elevator constructors	10.0%
Glaziers	10.0%
Ironworkers	10.0%
Lathers	10.0%
Operating engineers	10.0%
Painters	10.0%
Plasterers	10.0%
Plumbers & pipe fitters	10.0%
Roofers	10.0%
Sheet metal workers	10.0%
Other trades	10.0%

DAYTON	
Asbestos workers	11.0%
Boilermakers	11.0%
Carpenters	11.0%
Electricians	11.0%
Elevator constructors	11.0%
Ironworkers	11.0%



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Lathers	11.0%
Operating engineers	11.0%
Painters	11.0%
Plumbers	11.0%
Sheet metal workers	11.0%
Other trades	11.0%
Millwrights	11.0%

TOLEDO	
Asbestos workers	9.0%
Boilermakers	9.0%
Carpenters	9.0%
Electricians	9.0%
Elevator constructors	9.0%
Glaziers	9.0%
Ironworkers	9.0%
Lathers	9.0%
Operating engineers	9.0%
Painters	9.0%
Plumbers	9.0%
Sheet metal workers	9.0%
Other trades	9.0%

YOUNGSTOWN-WARREN	
Asbestos workers	9.0%
Bricklayers	9.0%
Carpenters	9.0%
Electrical workers	9.0%
Elevator constructors	9.0%
Floor mechanics	9.0%
Glaziers	9.0%
Lathers	9.0%



Operating engineers	9.0%
Painters & decorators	9.0%
Plumbers & pipe fitters and steam fitters	9.0%
Sheet metal workers	9.0%
Other trades	9.0%
Teamsters & chauffeurs	9.0%
Ironworkers	9.0%
Tile marble & terrazzo	9.0%
Helpers & workers	9.0%

(b) Contractors and subcontractors that do not meet the state utilization work hour goals must implement and demonstrate a good faith effort to make the following state specific affirmative action steps work toward the accomplishment of the state's utilization work hour goals.

(i) Maintenance of a file of minority and women job applicants and the action taken regarding each applicant, including the reasons therefore.

(ii) Notification to the contracting agency of any labor union practice that impedes the equal employment of minorities and women, including the union's failure to refer minority and women applicants back to the contractor or subcontractor after the contractor's or subcontractor's referral of the applicant to the union.

(iii) Publication and implementation of an equal employment opportunity policy within the contractor's organization.

(iv) Evaluation of contractor's or subcontractor's employment practices, including job classifications, promotions, recruitment and seniority designations, for discriminatory impact.

(v) Maintenance of records detailing contractor or subcontractor efforts to recruit minorities and women.

(vi) Participation in community training programs designed for minorities and women.



(vii) Solicitation of subcontracts with minority and women contractors and/or subcontractors, including contracts for supply purchases.

(2) Contractors and subcontractors may submit for approval by the contracting agency the contractor's or subcontractor's own affirmative action program developed in conformity with rule 123:2-3-04 of the Administrative Code, either with the contractor's bid or prior to the submission of bids. Contractor's and subcontractor's good faith efforts shall not be determined solely by the contractor's or subcontractor's accomplishment of the utilization work hour goals.

(B) Where a contractor's or subcontractor's contract for a state public works contract exceeds an estimated total cost of five hundred thousand dollars and the contract site is within a designated geographic area, the contractor or subcontractor, regardless of the number employees employed by the contractor or subcontractor, is subject to the rules and regulations set forth in Chapter 123:2-3 to 123:2-9 of the Administrative Code for all state and non-state construction projects within the designated geographic area.

(1) Contractors and subcontractors may obtain an acceptable affirmative action program in accordance with paragraph (A) of this rule.

(2) Where the provisions of this subsection apply, notice shall be provided in the invitation to bid.

(C) All affirmative action programs, whether the contractor or subcontractor adopts the state affirmative action program or develops the contractor's or subcontractor's own affirmative action program, must include the separate utilization work hour goal for women contained in rule 123:2-3-05 of the Administrative Code.

(D) Contractors and subcontractors shall inform subcontractors with fifty or more employees and a contract of fifty thousand dollars or more or a contract that exceeds an estimated total cost of five hundred thousand dollars and the contract site is within a designated geographic area of the requirement to comply with the rules and regulations set forth in Chapters 123:2-3 to 123:2-9 of the Administrative Code. Contractors and subcontractors shall not contract with any subcontractor that has been found to be not responsible for state contracts pursuant to rule 123:2-07-01 of the Administrative Code. A contractor's or subcontractor's failure to comply with this requirement shall



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provide a basis to invoke any of the sanctions set forth in rule 123:2-7-01 of the Administrative Code against the contractor or subcontractor.