



Oregon Bureau of Labor and Industries

Wage and Hour Division

Memo

DATE: November 1, 2009

TO: Legislators and Interested Persons

FROM: Christine Hammond, Administrator
Wage and Hour Division

REGARDING: Proposed Prevailing Wage Rate Administrative Rule Amendments

The Bureau of Labor and Industries has filed a Notice of Proposed Rulemaking with the Secretary of State proposing amendments to the Prevailing Wage Rate (PWR) rules. The proposed amendments implement legislation enacted in 2009, specifically, SB 51, which permanently adjusts the PWR fee payable by a public agency to 0.1 percent of the contract price, with a minimum fee of \$250 and maximum fee of \$7,500; SB 53, which requires the PWR fee payable by a public agency to be paid at the same time as when the agency provides the Notice of Contract to BOLI, deletes an obsolete requirement that contract specifications contain a provision that a fee is required to be paid by the contractor, requires PWR wages to be paid on the contractor's regularly established and maintained paydays, and provides civil penalties for violations; SB 54, relating to required information on Payroll and Certified Statement forms; SB 55, which makes intentional falsification of certified payrolls a violation for which a contractor may be placed on the list of contractors ineligible to receive a public works contract; and HB 2907, which prohibits contracting agencies from entering into agreements with other state agencies or political subdivisions of other states agreeing that contractors may pay less than the prevailing wage rates required under Oregon law.

In addition, the proposed amendments clarify existing requirements regarding when public works bonds are required and relating to information required to be included in public works specifications, and delete obsolete language requiring contractors to maintain records relating to fee payments. Finally, OAR 839-025-0210(4) is proposed to be amended to include form number references for the convenience of contracting agencies in calculating the amount of the PWR fee to be paid.

Copies of the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact, and text of the proposed draft rule amendments may be accessed on the bureau's webpage at www.oregon.gov/boli. You may also request copies of these documents by calling Maggie Wilson at (971) 673-0838.

The last day for public comment regarding the proposed rule amendments is November 25, 2009.

If you have any questions regarding the proposed rule amendments, please feel free to contact the number above or email Maggie.Wilson@state.or.us.

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