



COMMISSIONER'S MESSAGE For March 30, 2009

Friends,

This past Thursday, March 26, the Prevailing Wage Advisory Committee (PWAC) met and began discussions on the annual construction industry survey conducted by the Oregon Employment Department. I am required by law to conduct a survey each year and use the data collected in this survey to establish prevailing wage rates in Oregon. In order to ensure maximum effectiveness and survey accuracy, I have asked the advisory committee to review the survey process and make recommendations for improvements and increased data validity.

Oregon prevailing wage rates are the wages required to be paid on public works projects and are issued twice annually. As Commissioner of the Bureau of Labor and Industries, I am charged with establishing prevailing wage rates for each of the construction trades in 14 Oregon regions based on this independent wage survey.

If the majority of workers in a trade in a region are paid the same rate, that rate is the prevailing wage rate for the occupation in that region. For example, in regions and trades where hours by workers subject to a collective bargaining agreement are reported to be greater than 50% of the hours worked, the prevailing wage rates determined and published are "union" rates, including fringe benefits. In regions and trades where the majority of workers are not paid the same rate, the law requires that the average of the hourly rates paid be the prevailing rate.

A summary of the data collected for each occupation and region in the 2008 survey is available by [clicking here](#).

However, I realize that there have been concerns voiced over the survey and its efficacy, methodology, and oversight. Since this survey is so important, with its data used to establish prevailing wage rates that are required to be paid on public works projects in Oregon, I want to ensure we have the best product and data possible.

In that spirit, the PWAC will be meeting twice in April to review the construction industry survey. The committee held its first meeting last Thursday, and I invite you to join them on April 9th and April 23rd as they continue the discussion. The PWAC has dedicated a portion of its website to the [survey review process](#), which has survey overview information, background, survey data and meeting dates, times and locations. In addition, the site includes an email address where comments, concerns, and suggestions from interested parties may be submitted to the advisory committee. You are encouraged to communicate your thoughts regarding the survey to the committee through this site.

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.

Please do not hesitate to contact my office by calling 971-673-0781 if you have additional questions about the survey review process or would like additional information. I look forward to working with you toward a better construction industry survey and a more responsive prevailing wage rate process.

Sincerely,



Brad Avakian
Oregon State Labor Commissioner

BOLI Civil Rights Division Shows Importance; Continues to Protect Employment Rights

Times are tough in Oregon – unemployment is over 10% and many companies are experiencing layoffs. In times like these, it's incredibly important for BOLI to have a strong Civil Rights Division (CRD) – to protect employment rights and ensure access to housing and public accommodations free from discrimination.

Our dedicated staff of intake officers, investigators, and assistants has been very busy lately. In fiscal year 2008, CRD received nearly 30,000 inquiries. Of these, a record of more than 2,300 cases were assigned to BOLI civil rights investigators. To date this year, the CRD has processed nearly 12,000 inquiries from Oregonians with questions regarding civil rights law and potential discrimination.

Additionally, after a 15-year hiatus the Division is again investigating federal fair housing complaints for the US Department of Housing and Urban Development (HUD). Since 1992, complaints based on federal fair housing laws have been routed to the HUD regional office in Seattle. Since renewing this contract in May 2008, HUD has referred nearly 100 fair housing cases to BOLI that would otherwise have been investigated in Seattle, far from the landlord or tenant.

And the result? Over the past two fiscal years, the BOLI CRD has recovered more than \$1.5 million for Oregon workers who believed that they experienced some form of civil rights or housing discrimination.

The CRD provides a critical, free service for the public. The Division allows businesses and workers to save time, avoid the overburdened court system, and not incur expensive legal fees – while often reaching a satisfactory settlement through mediation. And, of course, it allows those who feel they are victims of discrimination to pursue a civil rights claim.

Unfortunately, given projected state revenue shortfalls, the CRD is preparing for sizeable cutbacks to its staff and services. These cutbacks would adversely affect CRD, reduce enforcement, and limit the number of investigations the Division could conduct and the protections available to Oregonians.

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.

Regardless, BOLI and its CRD are committed to core mission, and will work to make the most of the resources we have available. And as a civil rights attorney by trade, Commissioner Avakian is committed to maintaining core civil rights services at BOLI and making sure aggrieved Oregonians have a place to turn.

For more information on civil rights work at BOLI, please [visit our website](#) or call 971-673-0764.

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.