



COMMISSIONER'S MESSAGE - August 19, 2009

Dear Friends:

The summer is blazing past us and the important news about BOLI's work just keeps on coming. Later in this message you'll read about a final order that I recently issued in a case of serious child labor law violations, you'll hear about the first graduate of a very special Oregon apprenticeship program and you'll see more technical assistance outreach from BOLI to Oregon employers, focusing this time on complying with prevailing wage rate (PWR) law.

Speaking of PWR, I want to share with you a list of recommendations from the Prevailing Wage Advisory Committee (PWAC). The PWAC members have spent many hours this summer taking public comment, discussing various strategies, and building consensus on the committee about the best ways to improve our annual Construction Industry Occupational Wage Survey. These recommendations are to:

1. Switch from "Peak Week" reporting (a snap-shot view of hours worked) to reporting a full 12-month interval of hours worked;
2. Investigate uniform web-based reporting for all survey respondents;
3. Include hours worked by apprentices in the total number of hours worked, but exclude their wage rates from that calculation;
4. Stop sending wage surveys to temporary labor agencies;
5. Establish a system for auditing the survey responses both randomly and when "red flags" are found in the reports;
6. Track contractors' total number of employees and clarify distinctions between skilled and unskilled levels of workers to ensure that no unskilled hours mistakenly skew the data;
7. Establish a system for validating the reports to BOLI from the Employment Department;
8. Clarify the "Fringe Benefits" designations to ensure accurate reporting; and
9. Re-format the survey to show breakdown of per diems, zone pay and other premiums separate from base wages.

I know that some of these recommendations will raise additional questions and I want to encourage all interested parties to consider sharing your opinion with the committee. PWAC is in the process of scheduling a public meeting in September to hear feedback on these recommendations. An announcement of that meeting date should be coming soon. Remember, you are also welcome to submit comments to PWAC by email. For reference, BOLI's PWR webpage is the place to go for more information about anything prevailing wage.

Sincerely,

Brad Avakian
State Labor Commissioner

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.

Spud Cellar Deli fined \$5,000 for violating child labor laws

Commissioner's final order finds multiple violations in case of injured teen worker

Last week, BOLI Commissioner Brad Avakian fined Spud Cellar Deli \$5,000 for violations of child labor law that led to the 2007 injury of a 16-year-old employee from The Dalles. The maximum civil penalty was ordered because of aggravating factors, including the serious injury of Korryn Copher, a temporary summer employee, who was injured by a commercial meat slicer that both state and federal law prohibit minors from operating.

“BOLI vigorously enforces all labor laws,” said Commissioner Avakian. “When an entirely preventable injury occurs because an employer ignores the laws designed to prevent it, BOLI will hold that employer accountable.”

State and federal child labor laws specifically prohibit minors from operating meat slicers, but Korryn Copher's boss personally trained her to use one. When she indicated that the steel mesh safety glove was too loose to wear safely while operating the machine, the boss ignored her concerns. After a slicer accident sent Korryn to the emergency room for almost 10 stitches in one thumb, the Workers Compensation Division contacted BOLI to investigate child labor law violations.

The penalty imposed on Spud Cellar Deli is the maximum allowed by law for the Deli's hiring of two minors in 2007 without first verifying age and applying to BOLI for a permit to employ minors, failing to post a validated employment certificate and, most egregiously, using a minor for work prohibited by state and federal law. Mitigating factors, such as cooperating with the investigator and having no history of child labor law infractions, were insufficient to outweigh the danger, and serious injury, caused by the Deli's actions.

To read the complete Final Order, [click here](#). To view a list of recent decisions from BOLI's Hearings Unit, [click here](#).

A Record Any Inmate Would Be Proud to Own

Commissioner Avakian is pleased to recognize the inmate apprenticeship program operated by the Oregon Department of Corrections as its first apprentice has found work as a limited journeyman manufacturing plant electrician after completing his sentence.

“I'm proud of this program and BOLI's role in supporting it,” the Commissioner said. “Inmate apprenticeship helps to grow trained workers with the personal resources to find work rather than crime when they've served their time.”

The Bureau, through its Apprenticeship and Training Division, has helped ensure that formal apprenticeship training is an integral part of physical plant maintenance in every Oregon correctional facility. Productive inmate work is a critical part of the six-stage Oregon Accountability Model.

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The apprenticeship program is approved by the Oregon State Apprenticeship and Training Council and registered by BOLI's Apprenticeship and Training Division. In addition to the electrical area, programs have been established in sheet metal and painter occupations. All programs include both skills and related classroom training. Apprentices in electrical programs must also pass the state licensing exam.

“Oregon apprenticeship programs train our workforce and are recognized nationally for the high benchmarks they set,” Commissioner Avakian noted. “The superb scores achieved on Oregon license exams by the first cadre of inmates to complete the electrical programs bear out the high level of training they receive.”

WHAT EVERYONE NEEDS TO KNOW ABOUT PWR: Fall Seminars Announced for Contractors, Subs, Public Agencies

BOLI's expert PWR staff will be holding no-cost, specialized, half-day seminars in nine locations around the state from September to November. Commissioner Avakian's commitment to maintain a BOLI presence throughout Oregon this year means free PWR seminars not just throughout the Willamette Valley, but in the Columbia River Gorge and several communities in Eastern and Southern Oregon. Half of the seminar sessions are targeted to contractors and subcontractors and their responsibilities on covered projects, while the other half are tailored to contracting agencies and what they need to know about PWR.

Sign up soon to ensure a seat in these no-cost, high-value seminars. A full schedule of dates and locations is [available here](#), along with registration information. Spread the word to friends and colleagues who would benefit too and get them registered—the greater the demand, the more seminars will be scheduled in particular areas. No one handling prevailing wage projects should be without the critical knowledge and tips learned in a BOLI seminar.

Have a PWR question but can't wait for a seminar? You can call BOLI's PWR Unit anytime at 971-673-0838 or [email Maggie Wilson](#).