



Oregon Bureau of Labor and Industries

Wage and Hour Division

Memo

DATE: September 12, 2011

TO: Legislators and Interested Parties

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 2011, specifically, Senate Bill (SB) 178, which was signed by the governor and became effective immediately on June 7, 2011.

SB 178 amended the state prevailing wage rate (PWR) law as follows:

- The Bureau of Labor and Industries (BOLI) is no longer required to compare state and federal prevailing wage rates and publish information showing which prevailing rate of wage is higher for use on projects subject to both the state PWR law and federal Davis-Bacon Act. BOLI will continue to publish wage rates to be paid under state law, and federal rates may be obtained at <http://www.wdol.gov/>. BOLI staff is also available to assist public agencies and contractors in determining the applicable wage rates.
- Public agencies must include a requirement in public works contract specifications that contractors pay the higher of the applicable state or federal prevailing rate of wage to workers on public works projects subject to both state and federal prevailing wage laws.
- If a public works project is subject to both state and federal prevailing wage laws, every contract and subcontract must provide that workers on the public works must be paid no less than the higher of the applicable state or federal prevailing rate of wage.

The proposed permanent rules will replace temporary rules adopted previously by the Bureau. In addition, several non-substantive “housekeeping” and clarifying rule revisions are proposed.

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 Selena Schryvers at 971-673-0839.

The last day for public comment regarding the proposed rule amendments is October 21, 2011.

If you have any questions, please feel free to contact BOLI’s Prevailing Wage Rate Unit at 971-673-0839 or by email at pwremail.boli@state.or.us.