

## MINUTES

### PREVAILING WAGE ADVISORY COMMITTEE

Thursday, February 12, 2004

In the absence of Committee Chair Norman Malbin, Commissioner Dan Gardner called the meeting to order at 1:30 P.M.

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>	<u>Guests Present</u>
Jessica Harris-Adamson	Robert Bachofner	Dan Gardner	Ken Stroup
Mark Holliday	Daniel Boldt	Christie Hammond	Leanna Harmon
Shawn Miller	Tim DeGan	Lois Banahene	David Yamaka
Jay Minor	Norman Malbin	Susan Wooley	Ed Hensley
John Mohlis	Dan O'Brien	Hannah Wood	John Killin
Bob Shiprack		Tricia Collier	Calvin McKinnis
Dick Springer		Matthew Farley	Rick Thomas
		Denise O'Farrell (OED)	

#### **Minutes of the Previous Meeting**

The minutes of the November 20, 2003 meeting of the advisory committee were reviewed and accepted.

#### **Staff Reports**

Christie Hammond presented a summary of PWR enforcement activities and PWR education seminars, and introduced the bureau's PWR staff.

#### **Review/Discussion of 2003 PWR Survey/Data**

Denise O'Farrell of the Employment Department presented a summary of the 2003 annual construction industry survey, including a pilot survey that was conducted which collected peak week data *by region*. Ms. O'Farrell discussed comments and suggestions made by over 2,000 survey respondents who responded to a questionnaire included with the survey, and suggested several possible improvements to the survey instrument and to improve data quality.

#### **Discussion of Suggestions Pertaining to Survey and Rate-Setting Guidelines**

Commissioner Gardner said that Ms. O'Farrell's suggestions would be incorporated into a list of recommendations the agency is compiling for survey improvements and rate-setting guidelines for review and discussion by the committee. Commissioner Gardner noted that letters providing such recommendations had been received by the Independent Electrical Contractors of Oregon and Associated Builders and Contractors, Inc., which would also be included in the list.

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Committee members were encouraged to submit suggestions for rate-setting guidelines or the survey process to BOLI.

### **Report of Subcommittee on Application of PWR Law to Truck Drivers**

Because the chair of this subcommittee, Norman Malbin, was not able to attend the meeting, Commissioner Gardner tabled discussion of this item until the next meeting. Mr. Gardner indicated that Mr. Malbin had advised him that a summary of issues identified by the subcommittee had been distributed to the sub-committee members for review and comment.

### **Miscellaneous**

Jessica Harris-Adamson asked whether the bureau was contemplating substantive rule-making in combination with conforming the PWR rules to amendments made to ORS 279 by the 2003 Legislature. Commissioner Gardner responded that any rule amendments proposed by the agency that were not conforming in nature would be separate.

Ms. Harris-Adamson also asked about what was perceived by some to be a “new policy” by BOLI with regard to application of the PWR law to Construction Managers/General Contractors (CM/GC’s). Staff responded that the agency’s interpretation of the PWR law pertaining to CM/GC’s (as summarized in the bureau’s PWR Handbook), had been in effect since at least 1997 and was not new. Bob Shiprack agreed that the bureau had been applying the law with regard to CM/GC’s consistently since that time and indicated that he had participated in the discussion of how the law applied to them at that time.

Ms. Harris-Adamson indicated that there was some concern about the bureau’s position in this regard and that interested parties would be in further contact with the agency regarding their concerns. Commissioner Gardner agreed to meet with anyone who wished to discuss this matter further.

### **Next Meeting**

The next meeting of the Prevailing Wage Advisory Committee will be held on Thursday, April 8, 2004 at 1:30 PM at the International Union of Operating Engineers, 555 East 1<sup>st</sup> Street, Gladstone, OR.

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