



**Commissioner Brad Avakian**  
Bureau of Labor and Industries

**Fresh from the 2009 Legislature:**  
**Recent Changes in Prevailing Wage Rate Law**

BOLI enforces wage and hour laws, including prevailing wage rate (PWR), and provides educational seminars and other services to Oregon employers to encourage compliance with state and federal laws. This list highlights changes to prevailing wage law in Oregon by the 75<sup>th</sup> Legislative Assembly. Although BOLI staff cannot offer legal advice, they are available to offer guidance and answer questions related to prevailing wage rate law and new PWR legislation. BOLI's Prevailing Wage Rate Unit can be reached at: 971-673-0839 or [pwremail.boli@state.or.us](mailto:pwremail.boli@state.or.us).

<b>Bill</b>	<b>Description</b>
HB 2907	Prohibits contracting agency from entering into agreement with another state or political subdivision or agency of another state in which contracting agency agrees that contractor may pay less than prevailing rate of wage under terms of contract for public works. <ul style="list-style-type: none"><li>• <i>House Vote 59-0; Senate Vote 29-1</i></li><li>• <i>Effective June 17, 2009</i></li></ul>
SB 50	Extends the deadline for filing a notice of claim on a contractor's bond from 120 days to 180 days (200 days for the filing of fringe benefit claims), which will enable BOLI to file more complete and accurate notices and be able to resolve more complaints without ever filing a notice of claim on a contractor's bond. <ul style="list-style-type: none"><li>• <i>Senate Vote 28-0; House Vote 59-0</i></li><li>• <i>Effective May 26, 2009</i></li></ul>
SB 51	Makes permanent the existing minimum and maximum Prevailing Wage Fee of \$250 and \$7,500 and ensures solvency in the Prevailing Wage Enforcement and Education Account. <ul style="list-style-type: none"><li>• <i>Senate Vote 21-8; House Vote 38-19</i></li><li>• <i>Effective July 23, 2009</i></li></ul>
SB 53	Makes three technical fixes to PWR law: 1) Clarifies that wages on public works projects must be paid in a timely manner. Current PWR case law does not require the payment of PWR wages in any particular timeframe; 2) Deletes an out-dated reference to required contract language for public works projects that is no longer required; and 3) Aligns due date for payment of PWR fee to match the date that the public agency must notify BOLI of the contract award (within 30 days after award). <ul style="list-style-type: none"><li>• <i>Senate Vote 23-5; House Vote 58-0</i></li><li>• <i>Effective May 26, 2009</i></li></ul>
SB 54	Changes reporting requirement from "actual wages paid" in a given week to "gross wages earned" in that week, so that employers with non-weekly pay periods need not conform to a different standard for reporting than for payroll. <ul style="list-style-type: none"><li>• <i>Senate Vote 30-0; House Vote 60-0</i></li><li>• <i>Effective January 1, 2010</i></li></ul>

(continues)



**Fresh from the Legislature:**  
**Recent Changes in Prevailing Wage Rate Law (cont)**

SB 55	<p>Adds intentional falsification of certified statement information (payroll records) as grounds for placing a contractor on the list of contractors ineligible to receive public works contracts. It is not uncommon for BOLI to investigate cases in which it is clear that a contractor has intentionally falsified certified payroll records to conceal underpayments of PWR wages.</p> <ul style="list-style-type: none"> <li>• <i>Senate Vote 27-1; House Vote 59-0</i></li> <li>• <i>Effective May 21, 2009</i></li> </ul>
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**Fresh from the Legislature:**  
**Unsuccessful Prevailing Wage Rate Legislation**

The following is a list of legislation relating to prevailing wage rate law that was considered, but not passed by the 2009 Legislature. For additional information, please visit the legislature’s webpage at: [www.leg.state.or.us](http://www.leg.state.or.us).

<b>Bill</b>	<b>Description</b>
HB 2397	<p>Includes in definition of "public works" fabrication or manufacture of nonstandard items produced by contract specifically for public works.</p> <ul style="list-style-type: none"> <li>• <i>Died in House Committee on Business and Labor</i></li> </ul>
HB 2429	<p>Modifies qualifications for property tax exemptions for business firms eligible to participate in enterprise zone program. Intended to apply PWR law to certain projects in enterprise zones.</p> <ul style="list-style-type: none"> <li>• <i>Died in House Committee on Business and Labor</i></li> </ul>
HB 2430	<p>Defines and modifies certain terms for purposes of applying prevailing rate of wage. Would have expanded existing PWR exemption for affordable housing projects.</p> <ul style="list-style-type: none"> <li>• <i>Passed House 46-14, died in Senate Rules Committee</i></li> </ul>
HB 2699	<p>Modifies definition of "public works." Classifies exemption from ad valorem property taxation as funds of public agency for purpose of imposing prevailing rate of wage.</p> <ul style="list-style-type: none"> <li>• <i>Passed House 38-21, died in Senate Rules Committee</i></li> </ul>
HB 2730	<p>Prohibits employer from including residency pay differential in wages or salaries of employees that is based on cities, counties or states in which employees reside.</p> <ul style="list-style-type: none"> <li>• <i>Died in House Committee on Business and Labor</i></li> </ul>
HB 3365	<p>Creates Task Force on Prevailing Wages for Service Contracts.</p> <ul style="list-style-type: none"> <li>• <i>Died in House Committee on Business &amp; Labor</i></li> </ul>