



# Commissioner Brad Avakian

Bureau of Labor and Industries

## Press Release

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### **BOLI Legislative Agenda Wins Bipartisan Support**

*Seven BOLI bills, already passed by the Senate, receive unanimous support in House Committees*

**SALEM, OR-** Seven bills sponsored by the Oregon Bureau of Labor and Industries (BOLI) won unanimous, bipartisan support from two Oregon House committees today. The House Committee on Business and Labor recommended the passage of BOLI's Senate Bills 50, 53, 55, and 60, while the House Consumer Protection Committee endorsed BOLI's Senate Bills 56, 58, and 59. These bills, which have already passed the Senate, are now headed to the House floor. BOLI Senate Bill 54, already approved unanimously by both the House and Senate, was signed by the Governor in March.

"The speed with which BOLI's legislative agenda is moving through the process shows strong support for our legislative agenda and the civil rights work we do," noted State Labor Commissioner Brad Avakian. "These bills are consistently winning tremendous bipartisan support, and today's unanimous votes demonstrate a legislative commitment to helping BOLI carry out its mission to protect workers and fight for civil rights."

BOLI enforces anti-discrimination civil rights laws that apply to workplaces, housing and public accommodations; enforces wage and hour laws; educates employers to avoid unnecessary worker complaints; and partners with labor, business and other organizations to develop a highly-skilled, competitive workforce in Oregon. BOLI's legislative agenda improves the agency's ability to accomplish its mission and goals and makes technical adjustments to statutes enforced by the Bureau.

What follows is a summary of the BOLI bills which have received wide bipartisan support:

#### **Senate Bill 50 - Prevailing Wage Rate (PWR) Bond Claim Notice Requirements**

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). By extending this deadline, BOLI will have an increased ability to file complete and accurate bond claims that may include multiple workers, who work over different periods and have different filing deadlines.

#### **Senate Bill 53 - PWR Technical Amendments**

Includes three technical fixes to PWR law: 1) Clarifies that wages on PWR projects must be paid in a timely manner. Current PWR case law (*North Marion School District v. Acstar*) 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 by public agency to match the date the agency must notify BOLI of the contract award (within 30 days after award).

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*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.*

**Senate Bill 54 – PWR Technical Amendments to Certified Payroll Reporting Requirements**

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.

**Senate Bill 55 – PWR Falsified Payroll Records**

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.

**Senate Bill 56 – Complainant Signature Fix**

Brings Oregon law in line with federal law and Equal Employment Opportunity Commission (EEOC) filing requirements. Currently the EEOC requires that all complaints be signed by the complainant while Oregon law allows either a complainant or their attorney to sign the drafted complaint. Removing the option for an attorney to sign the complaint in Oregon law would eliminate the need to get a second, identical complaint signed by the complainant if the case is going to be investigated by the EEOC.

**Senate Bill 58 – HUD Fix re: Pre-Modification Condition**

Makes technical changes to conform with U.S. Department of Housing and Urban Development (HUD) requirements. This change exempts disabled tenants from requirements to return a dwelling to the condition that existed before the modifications if the landlord did not, as a condition for the modification and prior to the modification, require restoration to the pre-modification condition upon departure.

**Senate Bill 59 – HUD Fix re: Attorney Fees**

Makes technical changes to conform with HUD requirements. This change will allow interveners to recover attorney fees and costs in administrative hearings. This will only be allowable in proceedings under ORS 659A.145 or 659A.421 or federal housing law.

**Senate Bill 60 – Department of Revenue Debt Collection**

Expands BOLI’s authority to charge fees to respondents when wages or damages have to be collected by the Oregon Department of Revenue (DOR). Current law allows the bureau to charge the respondent for any private agency collection fees necessary to collect the debt, but when the DOR is the collection agent, BOLI has no statutory authority to pass the collection fee on to the respondent. As a result, the fee must be taken out of the wages or damages collected for the claimant or complainant, which unfairly penalizes them for the respondent’s failure to pay for its violations. The change will allow both the Wage and Hour and Civil Rights Divisions to return full wages or damages to the claimant or complainant.

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