

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form.

|   |                                     |
|---|-------------------------------------|
| Bureau of Labor and Industries, Wage and Hour Division                                      | 839-025                             |
| Agency and Division   | Administrative Rules Chapter Number |
| Marcia Ohlemiller, Bureau of Labor and Industries, 800 NE Oregon #1045, Portland, OR, 97232 | 971-673-0784                        |
| Rules Coordinator   | Address                             |
|   | Telephone                           |

**RULE CAPTION**

Amends Prevailing Wage Rate rules to conform to legislation enacted in 2009

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

**AMEND:** 839-025-0010; 839-025-0013; 839-025-0015; 839-025-0020; 839-025-0030; 839-025-0035; 839-025-0085; 839-025-0200; 839-025-0210; 839-025-0530 (Replaces temporary rules effective August 5, 2009)

**REPEAL:** 839-025-0013t; 839-025-0020t; 839-025-0030t; 839-025-0035t; 839-025-0085t; 839-025-0200t; 839-025-0210t; 839-025-0530t

Stat. Auth.: ORS 279C.808

Other Auth.:

Stats. Implemented: ORS 279C.800 to 279C.870

**RULE SUMMARY**

These proposed rule amendments replace temporary rules effective August 5, 2009 and implement legislation enacted in 2009 that is already in effect, specifically, SB 51, which permanently adjusts the PWR fee payable by a public agency to 0.1 percent of the contract price, with a minimum fee of \$250 and maximum fee of \$7,500; SB 53, which requires the PWR fee payable by a public agency to be paid at the same time as when the agency provides the Notice of Contract to BOLI, deletes an obsolete requirement that contract specifications contain a provision that a fee is required to be paid by the contractor, requires PWR wages to be paid on the contractor's regularly established and maintained paydays, and provides civil penalties for violations; and SB 55, which makes intentional falsification of certified payrolls a violation for which a contractor may be placed on the list of contractors ineligible to receive a public works contract. The proposed rule amendments also implement the provisions of SB 54 relating to required information on Payroll and Certified Statement forms and HB 2907, which prohibits contracting agencies from entering into agreements with other state agencies or political subdivisions of other states agreeing that contractors may pay less than the prevailing wage rates required under Oregon law. In addition, the proposed amendments clarify existing requirements regarding when public works bonds are required and relating to information required to be included in public works specifications, and delete obsolete language requiring contractors to maintain records relating to fee payments. Finally, OAR 839-025-0210(4) is proposed to be amended to include form number references for the convenience of contracting agencies in calculating the amount of the PWR fee to be paid.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 25, 2009

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)



Brad Avakian

October 12, 2009

Signature

Printed name

Date

\*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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