



Oregon Bureau of Labor and Industries

Wage and Hour Division

June 8, 2011

Important Information Regarding New Prevailing Wage Rate Legislation

Oregon's Prevailing Wage Rate (PWR) Law (ORS 279C.800-279C.870) requires the specifications for every public works contract to provide the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the federal Davis-Bacon Act (40 U.S.C. 3141 et seq.) that must be paid to workers in each trade or occupation that is used in performing all or part of the contract. The rates may be incorporated into the specifications by referring to electronically or Internet-accessible rates if adequate information is provided about how to access the applicable rates.¹

The 2011 Legislature has passed Senate Bill (SB) 178 which was signed by the governor and became effective immediately on June 7, 2011. (See <http://www.leg.state.or.us/11reg/measpdf/sb0100.dir/sb0178.en.pdf>.)

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

- i 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.
- i 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.
- i 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 Bureau of Labor and Industries has adopted temporary rules implementing the provisions of SB 178. (See BOLI's website at www.oregon.gov/boli for more information.)

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.

¹Effective January 1, 2011, if the contract is subject to both ORS 279C.800 to 279C.870 and the Davis Bacon Act (40 U.S.C. 3141 et seq.), the public agency may provide in the specifications for the contract a single date to be used to establish both the "existing state prevailing rate of wage" and the "applicable federal prevailing rate of wage" that is consistent with the federal requirements under 29 CFR 1.6.