

MINUTES

PREVAILING WAGE ADVISORY COMMITTEE

Thursday, April 8, 2004

Committee Chair Norman Malbin 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>
Daniel Boldt	Robert Bachofner	Dan Gardner	Kevin Bredesen
Mark Holliday	Tim DeGan	Christie Hammond	Jason M. Daniels
Norman Malbin	Jessica Harris-Adamson	Lois Banahene	Kevin Jensen
Shawn Miller		Hannah Wood	Lynn Lehrbach
Jay Minor		Denise O'Farrell (OED)	
John Mohlis			
Dan O'Brien			
Bob Shiprack			
Dick Springer			

Minutes of the Previous Meeting

The minutes of the February 12, 2004 meeting of the advisory committee were reviewed and accepted.

Staff Reports

Christie Hammond presented a summary of BOLI's PWR enforcement activities and PWR educational seminars.

Review of Suggestions Pertaining to Survey and Rate-Setting Guidelines

The committee reviewed the list of suggestions and recommendations relating to the annual construction industry survey and rate-setting process that have been submitted to date.

After clarifying and eliminating duplicate suggestions, it was agreed that the list should be distributed to the advisory committee members to indicate with which suggestions/recommendations they agree and disagree by ranking each recommendation on a scale of "1" to "10," with a ranking of "1" representing a recommendation with which the member strongly disagrees; "5" representing a recommendation with which the member is "neutral" or has no opinion; and "10" representing a recommendation with which the member strongly agrees.

It was agreed that the members should return their rankings to Christie Hammond within a couple of weeks and a summary of the rankings will be compiled and reviewed at the committee's next meeting.

Report of Subcommittee on Application of PWR to Truck Drivers

Norm Malbin, who chaired the subcommittee to review and make recommendations regarding application of the PWR law by the bureau to truck drivers on public works projects, presented Commissioner Gardner with two letters and summarized the contents of each.

The first letter, dated April 7, 2004, advised Commissioner Gardner that the subcommittee was unable to reach a consensus, and identified the major discussion points and barriers to consensus by the committee (see attached).

The second letter, dated April 6, 2004, addressed the issue of “owner-operators” under the PWR law and recommended that the bureau develop an administrative rule that defines what constitutes prima facie evidence of being an owner operator, using suggested criteria.

Commissioner Gardner thanked Mr. Malbin and the other members of the subcommittee for their work.

Lynn Lehrbach of Teamsters Local 37 also presented a letter to Commissioner Gardner expressing the union’s support of the position proposed in July of last year by the commissioner relating to application of the PWR law to truck drivers.

Application of PWR Law to CM/GC’s (Construction Managers/General Contractors)

Christie Hammond presented a summary of how the prevailing wage rate law applies to CM/GC’s (Construction Managers/General Contractors); see attached. Committee member Jessica Harris-Adamson (who was absent from the meeting) had expressed concern at the previous meeting of February 12 regarding the agency’s policy with regard to CM/GC’s. Committee member Bob Shiprack explained his understanding of the history of the formation of the bureau’s interpretation of the PWR law to CM/GC’s and expressed his agreement with the current interpretation. Committee member Dick Springer stated that he did not believe that the agency’s interpretation pertaining to CM/GC’s had been questioned during the course of the meetings held by a legislative interim work group charged with rewriting the public contracting code (ORS 279). The committee members agreed that no further action appeared to be necessary at this time.

2004 Davis-Bacon Wage Survey/Workshop Schedule

A schedule of workshops which will be conducted relating to the federal 2004 Oregon Davis-Bacon Wage Survey was presented to the committee. Bob Shiprack, who is sponsoring two of the workshops, indicated that contractors responding to the survey will be able to provide information electronically for projects over a one year period of time. He also indicated that in addition to surveying Heavy/Highway and Building construction categories, the survey will collect data relating to residential projects.

Next Meeting

The next meeting of the Prevailing Wage Advisory Committee will be held on Thursday, June 3, 2004 at 1:30 PM at the International Union of Operating Engineers, 555 East 1st Street, Gladstone, OR.