

FIELD OPERATIONS MANUAL

VOLUME: VI – Prevailing Wage Rate	ORS: 279C.800(4)
SUBJECT: Classification of Workers on Survey Crews	OAR: 839-025-0004 (20) (32)
SOURCE: PWR Administration	DATE: 06-87; Rev. 06-15
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> INTERPRETATION <input type="checkbox"/> REFERENCE	PAGE: <u>1</u> of <u>1</u>

When preliminary survey work merely affects construction without being a part of it, such work is not generally covered under the prevailing wage rate law. But where surveying is performed immediately prior to and during the actual construction in direct support of construction crews, such activity is covered.

For example, surveying that takes place in support of the preparation of bid documents is not normally covered and the employees are not required to be paid the prevailing wage. However, surveying that takes place after the contract is awarded is covered, and the workers are required to be paid the prevailing wage.

Not all members of the survey crew may be required to be paid the prevailing wage as they may not be defined as a “worker.” This determination is chiefly a matter of fact and must take into account the actual duties performed.

Where the primary duties of a member of the survey crew are professional or sub-professional (i.e. work that is mental or non-physical in nature), the crew member would not be a “worker” unless he or she spent more than 20% of the overall workweek performing duties which are manual or physical in nature.

On the other hand, members of the survey crew who are engaged in manual labor are considered to be “workers” and must be paid the prevailing wage rate. Survey crew persons known as rodmen, chainmen, brush cutter, stake chaser, stake setter, or grade checker, are generally “workers” within the meaning of the law if their duties are manual in nature.

PREVAILING WAGE RATES

for

Public Works Contracts in Oregon



OREGON BUREAU OF LABOR AND INDUSTRIES

Brad Avakian
Commissioner
Bureau of Labor and Industries

Effective: January 1, 2016

JANUARY 1, 2016 APPENDIX

The Appendix rates are Collectively Bargained Rates to be used ONLY for Regions/Trades specified in pages 6 through 33. Refer to pages 6 through 33 BEFORE using rates in this section.

Rates in this section may include premium pay such as shift differential, hazard pay and/or a zone pay differential which is added to the hourly base rate.

Using the booklet, Definitions of Covered Occupations, find the definition and group number, if applicable, that most closely matches the actual work being performed by the worker.

Asbestos Worker/Insulator	38
Boilermaker	38
Bricklayer/Stonemason	38
Bridge and Highway Carpenter (See Carpenter Group 5).....	38
Carpenter	38-39
Cement Mason.....	39
Diver	39-40
Diver Tender	39-40
Dredger.....	40
Drywall, Lather, Acoustical Carpenter & Ceiling Installer	40-41
Drywall Taper (See Painter).....	45
Electrician	41-43
Elevator Constructor, Installer and Mechanic.....	43
Glazier	43
Hazardous Materials Handler.....	43
Highway/Parking Striper.....	43
Ironworker.....	43
Laborer.....	43-44
Limited Energy Electrician	44
Line Constructor	45
Marble Setter	45
Millwright Group 1 & 2 (See Carpenter Group 3 & 4)	38
Painter and Drywall Taper	45
Piledriver (See Carpenter Group 6)	38
Plasterer and Stucco Mason	45-46
Plumber/Pipefitter/Steamfitter	46
Power Equipment Operator.....	47
Rofer.....	48
Sheet Metal Worker.....	48-49
Soft Floor Layer.....	49
Sprinkler Fitter.....	49
Tender to Mason Trades (Brick and Stonemason, Mortar Mixer, Hod Carrier)	49
Tender to Plasterer and Stucco Mason	49
Testing and Balancing (TAB) Technician	49
Tilesetter/Terrazzo Worker: Hard Tilesetter	49
Tile, Terrazzo, and Marble Finisher	50
Truck Driver.....	50
MAP: Power Equipment Operator, Zone 1.....	51

OREGON DETERMINATION 2016-01

TRADE	HOURLY BASE RATE	HOURLY FRINGE RATE	TRADE	HOURLY BASE RATE	HOURLY FRINGE RATE
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ELECTRICIAN (continued)

Area 6

Shift Differential

1 st Shift "day"	Between the hours of 8:00am and 4:30pm	8 hours pay for 8 hours work
2 nd Shift "swing"	Between the hours of 4:30pm and 1:00am	8 hours pay for 8 hours work plus 7.5% for all hours worked
3 rd Shift "Graveyard"	Between the hours of 12:30am and 9:00am	8 hours pay for 8 hours work plus 15% for all hours worked.

When workers are required to work under compressed air or to work from trusses, scaffolds, swinging scaffolds, bosun's chair or on building frames, stacks or towers at a distance of 50 to 90 feet from the ground or supporting structures shall be paid 1-1/2 times the base rate of pay.

ELEVATOR CONSTRUCTOR, INSTALLER AND MECHANIC

Area 1

Mechanic	49.66	35.49
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Reference Counties Area 1

Baker	Umatilla	Union	Wallowa
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Area 2

Mechanic	49.86	35.65
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Reference Counties Area 2

All remaining Counties

<u>GLAZIER</u>	33.41	18.91
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(Add \$1.00 to base rate if safety belt is required by State safety regulations)

(Add \$4.00 to base rate for work done from a non-motorized single-man bosun chair)

HAZARDOUS MATERIALS HANDLER

22.58	11.03
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HIGHWAY/PARKING STRIPER

33.43	11.20
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Shift Differential

(Add \$1.50 to base rate for shifts that start between 3:00pm and 4:00am)

IRONWORKER

<u>Zone 1 (Base Rate):</u>	35.93	23.04
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Zone Differential for Ironworker
(Add to Basic Hourly Rate)

Zone 2	3.75/hr. or \$30.00 maximum per day
Zone 3	6.88/hr. or \$55.00 maximum per day
Zone 4	9.38/hr. or \$75.00 maximum per day

Zone 1: Projects located within 45 miles of city hall in the reference cities listed below.

Zone 2: More than 45 miles, but less than 60 miles.

Zone 3: More than 60 miles, but less than 100 miles.

Zone 4: More than 100 miles.

Note: Zone pay for Ironworkers shall be determined using AAA road mileage computed from the city hall of the reference cities listed below or the residence of the employee, whichever is nearer to the project.

Reference Cities

Medford	Portland
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LABORER

Zone 1 (Base Rate):

Group 1	26.63	13.50
Group 2	27.65	13.50
Group 3	23.00	13.50

Note: A Hazardous Waste Removal Differential must be added to the base rate if work is performed inside the boundary of a Federally Designated Hazardous Waste Site. A Group 1 base rate is used for General Laborer on such a site. For further information on this, call the Prevailing Wage Rate Coordinator at (971) 673-0839.

31. Power Equipment Operator

(Adding as a sub-classification to Group 2):

Construction Site Survey Party Chief:

- Work performed by “workers”* which requires the use or utilization of transits, tripod-mounted levels, lasers, electrotape, electronic measuring devices, theodolites, or total station, to establish a location, an elevation or grade, vertical and horizontal control points, distances and other measurements.

For work on survey crews performed by workers known as rodmen, chainmen, brush cutters, grade setters, stake (hub) setters, or stake (hub) chasers, see instead “Laborer Group 1.” For grade setter/layout from plans on a survey crew see “Power Equipment Operator Group 4.” For grade checker on a survey crew, see “Laborer Group 2” or “Power Equipment Operator Group 6.”

**Where the primary duties of a member of the survey crew are professional or sub-professional (i.e. supervisory or administrative work that is mental or non-physical in nature), the crew member would not be a “worker” unless he or she spent more than 20% of the overall workweek performing duties which are manual or physical in nature.*

Note: When preliminary survey work merely affects construction without being a part of it, such work is not generally covered under the prevailing wage rate law. But where surveying is performed immediately prior to and during the actual construction in direct support of construction crews, such activity is covered.

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Wage and Hour Division
800 NE Oregon Street, Suite 1045
Portland OR 97232

Fact Sheet: Portland Sick Leave Ordinance

This fact sheet addresses key features of Portland City Code Chapter 9 ("ordinance"), which provides for the accrual and use of sick time by employees working within the city limits of Portland. The ordinance is effective January 1, 2014.

Who Is Covered by the Ordinance?

The ordinance applies to all employees who work within the city limits of Portland for a minimum of 240 hours in a year. Employees who perform work in the city are covered by the ordinance regardless of where their employer is located.

How Is Sick Time Earned under the Ordinance?

Employees accrue one hour of sick time for every 30 hours of work performed in Portland, up to a maximum of 40 hours per year. Hours of work include overtime hours worked by employees not exempted from the overtime provisions of the federal Fair Labor Standards Act and/or state wage and hour laws. Employees may carry over up to 40 hours of unused sick time to the following year.

Does the Ordinance Require Sick Time to Be Paid?

Employers with six or more employees are required to provide paid sick time to their employees. Employers with five or fewer employees must only provide unpaid sick time. When using paid sick time, an employee must be compensated at the same base rate of pay as the employee would have earned during the time the paid leave is taken. Sick time must be paid no later than the payday for the next regular payroll period after the sick time was used.

For What Purposes Can Sick Time Be Used?

An employee may use sick time for the diagnosis, care, or treatment of the employee or the employee's family member's mental or physical illness, injury, or health condition, including preventive medical care (for example, pre-natal visits and routine medical and dental visits). Employees may also use sick time to address issues related to domestic violence, harassment, sexual assault, or stalking or for reasons related to public health emergencies impacting the employee or the employee's family members.

When Do Employees Become Eligible to Use Sick Time?

Employees may use accrued sick time after 90 days of employment, though sick time begins to accrue at the time of employment.

Are There Any Notice and Recordkeeping Requirements?

Employers must provide and post written notice to all employees who work in Portland of:

- Their entitlement to sick leave;
- The amount of sick leave and the terms of its use;
- The prohibition of retaliation against employees who request or use sick leave; and
- The employees' right to file a complaint.

Both the written notice and the poster must be in English as well as any other language the employer normally uses to communicate with its employees.

Employers also must maintain for a period of at least two years records documenting sick time accrued and used by each employee and provide written notification each quarter to each employee of the amount of accrued and unused sick time available for use.

What Protections Are There for Employees?

It is unlawful for an employer to take any retaliatory personnel action against any person for exercising rights or attempting to exercise rights guaranteed by the ordinance. However, if an employer determines that an employee used sick time for an impermissible purpose, including a pattern of abuse, or that the employee's documentation of the need to take sick time was falsified or untrue, an employer's disciplinary action would not constitute retaliation.

An employer may not require an employee to find a replacement worker for a shift as a condition of the employee's use of sick time or to work an alternative shift in lieu of using accrued sick time.

Who Enforces the Ordinance?

The City of Portland has contracted with the Bureau of Labor and Industries ("BOLI") to enforce the ordinance. Any person claiming to be aggrieved by a violation of the ordinance may file a complaint with BOLI. The ordinance provides for civil penalties which may be assessed for violations of the sick time provisions.

Where Can Additional Information Be Obtained?

Additional information may be found at www.portlandoregon.gov/sicktime/.