



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

November 3, 2011

Christina de Cristo  
Grant Administrator  
Oregon Supported Living Program  
1250 Charnelton St.  
Eugene, OR 97401

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Almaden House  
Requested by: Oregon Supported Living Program

Dear Ms. de Cristo:

On October 21, 2011, you submitted a request on behalf of the Oregon Supported Living Program asking if the Prevailing Wage Rate law would apply to the Almaden House project ("project"). Sufficient information to make a determination was received on October 27, 2011, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT:

1. Oregon Supported Living Program plans to remodel a four bedroom group home for adults with developmental disabilities located at 2715 Almaden in Eugene, Oregon. The project involves a complete remodel, including a new roof, electrical wiring, flooring, kitchen, bathrooms, paint and needed repairs.
2. Oregon Supported Living Program (OSLP) is a private domestic non-profit that first registered with the Oregon Secretary of State's Business Registry on January 15, 1988. OSLP provides support to people with developmental disabilities.
3. The project cost will be \$350,000 and will be funded with a \$350,000 GHAP grant from Oregon Housing and Community Services. Oregon Housing and

### PORTLAND

800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
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### EUGENE

1400 Executive Parkway, Suite 200  
Eugene, OR 97401-7103  
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Worksource Bend  
1645 NE Forbes Rd, Ste 106  
Bend, OR 97701-4990  
(541) 322-2435  
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119 N Oakdale Ave.  
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Civil Rights  
1327 SE 3<sup>rd</sup> St.  
Pendleton, OR 97801-4101  
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FAX (541) 276-5767



Community Services is a public agency. This \$350,000 GHAP grant will be the only funds used on this project.

**CONCLUSIONS OF LAW:**

1. The definition of “public works” under ORS 279C.800(6)(a)(B) includes projects for the “construction, reconstruction, major renovation or painting of a privately owned road, highway, building, structure or improvement of any type that uses funds of a private entity and \$750,000 or more of funds of a public agency.” The proposed project could meet this definition of “public works” because it is a project for the major renovation of a building. However, the proposed project will use only \$350,000 in funds of a public agency; therefore, this definition of public works does not apply.
2. The project is not being carried on or contracted for by a public agency so the definition of public works under ORS 279C.800(6)(a)(A) does not apply.

**DETERMINATION:**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the Almaden House project.

This determination is based on the agency’s file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

**REQUEST FOR RECONSIDERATION:**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

**RIGHT TO A HEARING:**

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division, must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, OR 97232

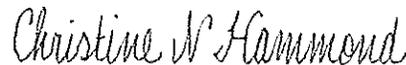
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: November 3, 2011

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries



CHRISTINE N. HAMMOND,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On November 3, 2011, I mailed the Prevailing Wage Rate Determination for the Almaden House project to the requestor, as follows:

Christina de Cristo  
Grant Administrator  
Oregon Supported Living Program  
1250 Charnelton St.  
Eugene, OR 97401

Certified Mail – Return Receipt Requested  
Article #: 7009 2820 0001 4829 2299

Oregon Housing and Community Services  
Attn: Dan Mahoney  
North Mall Office Building  
725 Summer St. NE, Suite B  
Salem, OR 97301-1266

Certified Mail – Return Receipt Requested  
Article #: 7009 2820 0001 4829 2282



Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries