

BUREAU OF LABOR AND INDUSTRIES (BOLI)  
COMMISSIONER BRAD AVAKIAN

**Commissioner's Message – October 28, 2011**  
***Spotlighting Outstanding Oregon Employers***

Dear Friends:

During my three and a half years as your Commissioner of Labor and Industries, I've tried to highlight the diverse and very important roles that the BOLI Commissioner must play. I've been very pleased to renew the focus of this position on industries as well as labor, reaching out to Oregon's employers and business people to make sure that their challenges and successes are being heard.

In hearing their stories from around the state, it became clear that many Oregon employers are going beyond complying with our laws and are making a priority of creating fair workplaces, advancing civil rights and enhancing workforce development. When [I created the BOLI Business Leadership Awards](#) in 2009, I had a clear and simple goal: highlight the stories of Oregon employers who are doing even more than we could ask to support the communities that we all love.

Bringing this recognition to particular employers, and especially to smaller operations and some well-removed from the Willamette Valley, is important to me for two reasons. First, pointing to success stories is one of the best ways to encourage future successes. It takes time and effort (and capital) to make a business excel, and by spotlighting examples to follow in advancing fair workplaces, civil rights or workforce development, we empower more businesses to drive progress and overcome obstacles to excellence.

And that's the second reason to recognize outstanding employers: if they've gotten there through initiative and their own commitment and hard work, well, they've certainly earned a little recognition as far as I'm concerned. So I do my best to say thank you to these business leaders, these community champions, for setting a standard in their business practices that makes their neighbors and their employees say, "Yes! That is the kind of employer that we want to see succeeding in Oregon."

Through November 7th, BOLI is accepting nominations of businesses (including non-profits) for the 2011 Business Leadership Awards. The winners will be recognized at a lunch presentation during the 27th Annual BOLI Employment Law Conference, coming up on December 1st in Portland. A total of eight Civil Rights, Fair Workplace and Workforce Development Champions have been recognized in the last two years, representing various industries, sizes of operation and locations around the state. You can learn more about previous winners, [from 2010](#) and [from 2009](#), by visiting BOLI's website. Then, [download the nomination form](#) and send us your recommendations about which Oregon employers should receive this year's Business Leadership Awards.

Oregon is blessed with great employers to recognize in these categories and I hope that you'll help me to show them that we see, and really appreciate, what they bring to our communities.

Sincerely,

Brad Avakian

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## Hot News from Technical Assistance for Employers

*Real support for Oregon employers, for \$30 or less*

While the economy continues to struggle, it's easy to feel overwhelmed by bad news and the rising costs of doing business. Refreshingly, the Technical Assistance for Employers Program (TA) **has low- and no-cost ways to support your business, and others across Oregon.**

In this economy, it can be challenging even to attend one of our informational seminars that will help you stay in compliance with state and federal laws. **TA understands, and that's why we offer a menu of products that every business can afford.** It shouldn't take a high-powered legal team and a fully-staffed HR department to understand your legal responsibilities as an employer. **TA's low-cost handbooks and free assistance hotline help every business comply with state and federal laws.**

- TA's newest handbook on [Employee Classification & Wage and Hour Exemptions \(2012 Edition\)](#) is the definitive guide to paying every worker according to wage and hour law. Don't let a misconception about the differences between employees, independent contractors and other workers open you up to lawsuits, or a misunderstanding about exempt versus non-exempt employees lead to claims for unpaid wages and overtime—[order your copies](#) today!
- The recently released [Recent Changes in Labor and Employment Law](#) is the most cost-effective way to cut through the confusion that develops after every legislative session. You've heard about this plan, that proposal—TA's Recent Changes manual will tell you which bills failed, which new laws are going into effect, and when, and what you need to know right away. At [just \\$15](#), the convenience of this easy-to-read handbook will save you much more in worry and frustration.
- [Calling or emailing TA](#) for more information about any of the laws enforced by BOLI (wage and hour, civil rights, leave laws, etc.) is a hugely valuable supplement to our handbooks and “tech support” for our seminar attendees. The hotline is available to all Oregon employers at no cost, so every purchase that you make from TA funds their ongoing support to EVERY business across the state.

For more about these and all of our services and products, head to [our website](#). You're also welcome to call us anytime at 971-673-0824.

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## Avakian Seeks Nominations of Outstanding Oregon Employers

*State Labor Commissioner will present 3<sup>rd</sup> Annual BOLI Business Leadership Awards*

Commissioner Avakian has announced the opening of nominee submissions for the 3<sup>rd</sup> Annual BOLI Business Leadership Awards. These awards are intended to provide distinction

to a select group of businesses that go above and beyond the call of duty in supporting civil rights and equal opportunity, fair workplaces, and developing Oregon's workforce through employee training. The awards ceremony will take place on December 1 at the 27<sup>th</sup> Annual BOLI Employment Law Conference in Portland.

"Oregon is a great state, home to businesses that exemplify the spirit of BOLI's mission in their work every day," said Commissioner Avakian. "As the state's champion for civil rights, fair workplaces and workforce development, we want to recognize some of those businesses for their exceptional efforts."

BOLI Business Leadership Awards will be presented in three categories: Civil Rights Champion, won last year by Verde of Portland; Fair Workplace Champion, won last year by Continental Mills of Pendleton and MaPS Credit Union of Salem; and Workforce Development Champion, won last year by Columbia River Bar Pilots of Astoria.

Nominations are open for just five weeks: now through November 7. Nominees must be businesses or non-profit employers currently operating primarily within Oregon, or with headquarters in Oregon. Awards will be determined based on information provided in the nomination form, as well as the nominee's company size and geographic location.

**What:** BOLI Business Leadership Awards  
**Who:** Presented by BOLI Commissioner Brad Avakian  
**When:** Nominations are due by 5pm on Monday, November 7, 2011  
**Where:** Nomination forms and additional information are available at [www.oregon.gov/boli/](http://www.oregon.gov/boli/)  
**How:** Submit nominations by email to [Bob.Estabrook@state.or.us](mailto:Bob.Estabrook@state.or.us)  
Or by fax to 971-673-0762

The Bureau of Labor and Industries defends the rights of all Oregonians to equal, nondiscriminatory treatment in workplaces, housing and public accommodations and encourages and enforces compliance with state laws relating to wages, hours and terms and conditions of employment. The bureau also partners with business and labor organizations to build a skilled workforce in Oregon and trains employers to understand and comply with civil rights and other labor and employment laws.

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## **Seven Contractor Judgments for Wage and Hour Violations Referred to CCB**

*BOLI and CCB working together to ensure payment of  
over \$240,000 owed to workers, agencies*

BOLI and the Construction Contractors Board (CCB) are teaming up to ensure that outstanding judgments for unpaid employee wages and penalties for wage and hour violations are being paid. Under the partnership, BOLI will refer construction contractors who do not comply with wage and hour law by failing to pay earned wages to their workers to the CCB, which may suspend the contractor's CCB license. Judgments for wages are obtained only after a claim has been fully investigated, wages have been determined to be owed and the employer has had an opportunity to refute the claim, either through the administrative law process or through a court of law. Of six licensed construction contractors with outstanding unpaid wage and penalty judgments already referred to CCB, four have

reached payment schedule settlements, totaling \$211,888.50. The remaining two contractors have seen their CCB licenses suspended due to failure to pay unpaid wage and penalty judgments; BOLI has just made its seventh referral.

“I’m excited about this partnership,” commented BOLI Commissioner Brad Avakian. “These bad business practices hurt both workers who count on their paychecks to put food on the table and also law-abiding contractors who are put at a disadvantage when their competition can ignore wage law and outstanding claim judgments, and continue business as usual.”

In recent months, outstanding judgments against Reed Plastering and Stucco, Nu West Contractors and I Will Floor You Flooring were referred to the CCB, and each contractor set up a payment plan to pay off judgments of \$7,798.00, \$49,150.50, and \$4,940.00 respectively. All may continue to operate their businesses so long as their judgments are paid pursuant to the payment plans. Similarly, Larson Construction, which owes \$150,000.00 in civil penalties to BOLI, continues to operate while it complies with a payment plan.

Two additional contractors, Creative Carpenters and Venegas Construction, saw their CCB licenses suspended after failing to comply with an administrative law judge’s order to pay wages and penalties. Both were found liable for wages and penalties, owed to their workers, and both refused to pay or arrange a payment schedule.

Including the just referred seventh judgment, for \$13,000.00 in civil penalties against E.H. Glaab, General Contractor, BOLI and CCB are jointly working to ensure that \$241,260.51 in owed wages and penalties is paid as ordered.

“It’s important that the bad actors are held accountable for unlawful and unethical behavior,” said CCB director Craig Smith.

BOLI’s Wage and Hour Division enforces laws related to wages, working conditions, and public works employment. Following a hearing with a judgment against an employer, the employer may pay wages and penalties in a lump sum or arrange a payment schedule. If the judgment is not paid, BOLI may now refer a construction contractor employer to the CCB, and the CCB may, after an administrative hearing, suspend the license of the employer.

The CCB regulates construction contractors and promotes a competitive business environment through education, contractor licensing, dispute resolution, and law enforcement. The Enforcement Section seeks to provide an effective deterrent to illegal activity in the construction industry by acting on complaints, referrals from law enforcement and regulatory agencies such as BOLI, and information obtained while monitoring the Oregon construction industry. Oregon law requires anyone who works for compensation in any construction activity involving improvements to real property to be licensed with the Oregon Construction Contractors Board.

For more about BOLI, visit <http://www.oregon.gov/BOLI>. For more about the CCB, visit <http://www.oregon.gov/CCB>.

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*For a printable PDF of the Commissioner’s Message, [click here](#)*

*For more information and news from BOLI, visit us online [here](#)*