



OREGON LANDSCAPE CONTRACTORS BOARD

LANDSCAPE CONSTRUCTION PROFESSIONAL (LCP) & MANAGING EMPLOYEE VERIFICATION FORM

THIS FORM MUST BE COMPLETED if you are an employee or owner of a landscape contracting business and any part or all of the phase of licensure of the business is based upon the phase of your LCP license **AND/OR** if you are assuming the role of a managing employee for the landscape contracting business. This form must be notarized.

Misrepresentation of the employment relationship between a landscape contracting business and LCP is dishonest and will result in the suspension of your license. Random checks will be made with Oregon Employment Department to verify this employment.

If your employment or ownership changes you must notify the Landscape Contractors Board in writing within ten (10) days of the change.

Please initial below all that pertain to you and your relationship to the landscape contracting business:

_____ My LCP license is all or part of the phase of licensure of the landscape contracting business listed below and by signing below I accept the responsibilities of: **ORS 671.565(1)(b); OAR 808-002-0328; OAR 808-002-0340; OAR 808-002-0360; & OAR 808-003-0018.** *

_____ I am the managing owner or managing employee of the landscape contracting business listed below and by signing below I understand and accept the responsibilities of: **ORS 671.595; OAR 808-002-0623; OAR 808-002-0625; and OAR 808-003-0125(5).** *

*Current state statute and administrative rules referenced may be found on the board website www.lcb.state.or.us or may be requested from the board office.

I, _____, certify with my signature below that I am an employee
(please print name)
or an owner of _____, license# _____ and
(Name of Business) (4 digit #)
understand my responsibilities as listed in current state statute and administrative rule.

Signature: _____ Date: _____
(Must be signed in front of Notary Public)

LCP License # _____
(5 digit #, if applicable)

County of _____ State of _____

Signed or attested before me on _____
(Date)

NOTARY PUBLIC SIGNATURE

My Commission expires: ____/____/____

Statutes and Rules (Supervisory Responsibilities of LCP)

ORS 671.565(1)(b): Landscape contracting business license requirements; fees; employees; filing of security; insurance; basis for independent contractor status. (1) Each person applying for a landscape contracting business license must: (b) Have a landscape construction professional license or employ at least one person with a landscape construction professional license to supervise the landscaping operation of the business.

OAR 808-002-0328: Direct Supervision

"Direct supervision" as used in ORS 671.540(1)(q) and (r), means that a licensed landscape construction professional supervises any unlicensed employee who performs landscaping work such that the employee:

- (1) has had instruction on the project from the landscape construction professional, verbally or in writing;
- (2) knows the landscape construction professional by name;
- (3) knows how to contact the landscape construction professional; and
- (4) can communicate with the landscape construction professional within an hour, and, if unavailable, that landscape construction professional will return the call by end of day to the employee.

OAR 808-002-0340: Employ

"Employ," as used in ORS 671.530(6), 671.565(1)(b) and 671.610(2)(e), means to hire an employee, as defined in OAR 808-002-0360, and thereafter be subject to ORS Chapters 654, 656, 657 and state and federal wage and hour laws.

OAR 808-002-0360: Employee

"Employee" means any individual working for remuneration who does not meet the requirements of an independent contractor in ORS 670.600.

OAR 808-003-0018: Employment, Change of License Phase, Supervisory Responsibilities

(1) The licensed landscape construction professional who holds part or the complete phase basis of the landscape contracting business license must perform the following supervisory services:

- (a) Review and initial the landscape plan and written contract for each job;
- (b) Attend all on-site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and
- (c) Directly supervise all non-licensed employees employed by the landscape contracting business as defined in OAR 808-002-0328. For the purpose of verification of direct supervision of an unlicensed employee as required by ORS 671.540(1)(q) or (r), the communication requirement of direct supervision will be considered met if the licensed landscape construction professional communicates with the Landscape Contractors Board investigator who requested the unlicensed employee to contact the supervising landscape construction professional before midnight of the same day of the request.

(2) A landscape contracting business must:

- (a) require a licensed landscape construction professional to directly supervise the unlicensed employees of the landscape contracting business who are performing work that corresponds to the landscape construction professional's phase of license; and
- (b) Have the landscape construction professional who is responsible for supervision as required in subsection (a) of this section on the payroll each hour receiving at least minimum wage or meeting the salary test for salaried exempt employees during the time the landscape contracting business is engaged in landscaping work that corresponds to this landscape construction professional's phase of license except when the landscape construction professional is not considered a subject worker under ORS 656.027.

(c) Submit a Verification form when a new landscape construction professional becomes part or the complete basis of the landscape contracting business license.

(3) Upon application for a landscape contracting business license, and at any other time the board requests, a landscape contracting business must submit a completed, signed and notarized Verification form (provided by the board) for every licensed landscape construction professional for whom the landscape contracting business has not previously submitted this Verification form and who is supervising landscaping work for the landscape contracting business.

(4) The Verification form verifies that the licensed landscape construction professional:

- (a) Is a paid employee of the landscape contracting business and is on the payroll each hour receiving at least minimum wage or meets the salary test for salaried, exempt employees or is an owner of the business as defined in OAR 808-002-0734 during the time the business is performing landscape work related to the landscape construction professional's phase of license;
- (b) Will directly supervise work based on the landscape construction professional's phase of license;
- (c) Will attend on site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and
- (d) Understands the requirement to notify the board within ten calendar days after termination of employment from the landscape contracting business as required by OAR 808-003-0125(4).

Statutes and Rules (Owner/Managing Employee)

ORS 671.595(1)(2): Coursework and examination requirements for noncontractor owners and managing employees; notice of duty changes; rules. (1) As used in this section:

(a) "Managing employee" means a person who, at the time of an application for the issuance or renewal of a landscape contracting business license:

(A) Is employed in landscaping work only by the applicant; and

(B) Manages or shares in the management of the applicant, as defined by the State Landscape Contractors Board by rule.

(b) "Owner" means a person who at the time of an application for the issuance or renewal of a landscape contracting business license:

(A) Has an ownership interest in the applicant; and

(B) Manages or shares in the management of the applicant, as defined by the board by rule.

(2) If an applicant for a landscape contracting business license does not have at least one owner or managing employee who is licensed as a landscape construction professional under ORS 671.560, the applicant shall provide the board with proof that an owner or managing employee has completed required courses described in subsection (4) of this section and passed an examination on the subject of those courses.

808-002-0623

Manages or shares in the management

"Manages or shares in the management" means to have a position in the business that is accountable for exercising delegated authority over the human and financial resources to accomplish the objectives of the business which may include, but is not limited to, the performance of the planning, directing, implement, organizing, evaluation, supervising or administering the operations of the business and includes the preparation or administration of contracts for landscaping work performed by the business.

808-002-0625

Managing Employee

The term "Managing Employee" is defined as any individual, including a general manager, business manager, or administrator employed by a landscape contracting business who exercises operational or managerial control over the business activities of the landscape contracting business. An individual can only be a managing employee of one landscaping business at a time.

OAR 808-003-0125(5) Notification of Change of Address, Employment, Partners or Owners or Ownership Interest

(5) A landscape contracting business subject to ORS 671.595 must:

(a) Within ten (10) calendar days of the date a managing owner or managing employee ceases to act in the roles as defined in OAR 808-002-0625 or 808-002-0734(2) notify the agency in writing and provide:

(A) The effective date of the change; and

(B) The name of the managing owner or managing employee ceasing to act in this role.

(b) Within thirty (30) calendar days of a change of managing owner or managing employee, designate a new managing owner or managing employee and must have notified the agency in writing and provide:

(A) The effective date of the change; and

(B) The name of the new managing owner or managing employee performing this role.

As per OAR 808-005-0020(24& 25):

24. Failure of the individual landscape construction professional to perform the supervisory requirements outlined above will result in a penalty of \$200 for the first offense; \$500 for the second offense; and \$1000 plus 6 month suspension of the individual license for the third offense.

25. Failure of the individual landscape construction professional to notify the board in writing of termination of employment or change in address within ten (10) days will result in a penalty of \$200.

If you have any questions, please call the LCB office at (503) 967-6291.