

Process for Revision of Occupational Definitions

Submission of Proposed Revision of Occupational Definition

Any interested party may propose that the Bureau of Labor and Industries (BOLI) make revisions to its *Definitions of Covered Occupations for Public Works Contracts in Oregon*. Requests for a revision to an occupational definition must be submitted in writing to the PWR Coordinator and include both an explanation of why the proposed revision is appropriate and a draft of the proposed changes.

Requests made by email must be sent to the following address: pwremail@boli.state.or.us. (It is preferred that requests and responses be submitted by email.)

Requests sent by regular mail must be sent to:

PWR Coordinator
Bureau of Labor and Industries
800 NE Oregon Street, Suite 1045
Portland, OR 97232

Interested parties may request to be added to an email group to receive initial notifications of proposed occupational definition revisions. It is the interested party's responsibility to track any comments, changes or updates to the proposal once the initial notification has been made. It is also the interested party's responsibility to notify BOLI of any changes to its email address. Those persons not included in the email group must check BOLI's website on a regular basis to determine if new proposed revisions have been submitted. A link has been provided under "Current Topics" at <http://www.oregon.gov/boli/WHD/PWR>.

The received date, or actual receipt date, will be the date of record – the notification date.

Requested revisions of occupational definitions may be submitted at any time, but revisions will be published only twice each year: January and July.

Evaluation of Proposed Revision of Occupational Definition

Upon receipt of a request for a revision to an occupational definition, the Bureau's PWR Unit (Unit) will evaluate the proposed revision for conformity to existing definitions. As part of the evaluative process, the Unit, in order to provide interested parties with the opportunity to submit information in response to the request, will post the proposed revision on BOLI's PWR website within three business days of receipt.

Written comments and responses received within 30 calendar days from the date the request was posted on the website will be considered. Such comments and responses must be addressed to the Unit and will be made public by posting on BOLI's PWR website.

Proposed Revision Does Not Conflict with Existing Definitions:

When the Unit determines that a proposed revision does not conflict with existing definitions and that the interested parties are in agreement with the proposed changes (*note: silence means acceptance*), the Unit will provide a summary of the request and issue(s) to the Wage and Hour Division Administrator (Administrator) for review. The summary will be provided to the Administrator within ten calendar days following the comment period.

The Administrator will promptly review the summary and make a recommendation to the Commissioner of the Bureau of Labor and Industries (Commissioner) regarding appropriate action related to the proposed revision. Such recommendation may include: revising the definition as requested; modifying the proposed

revision; leaving the existing definition as it is without making any revision; or collecting additional information relating to the issue.

Proposed Revision Conflicts with Existing Definitions:

If the proposed revision is not consistent with existing definitions or if interested parties are not in agreement regarding the revision, the following process will be followed:

1. After the 30-day comment period, all parties will be given 21 calendar days to review all comments and responses received by BOLI as posted on BOLI's website.
2. During the 21-day review period, any party with standing (a party will be considered to have standing if it submitted either the request for revision under review or a response to such a request during the 30-day comment period) may request a meeting to resolve any outstanding issues. The first party which requests a meeting will coordinate with BOLI and schedule a meeting of all parties with standing. BOLI will notify all parties with standing of the date and location of the meeting via email. The meeting will be held at a neutral location within 14 calendar days of the 21-day review period. A representative from BOLI will attend the meeting as an observer and will provide a written summary of the meeting to the Commissioner and to all parties with standing. The meeting will be organized and staffed by the requesting party.
3. Within 14 calendar days of the meeting, if held, the Unit will provide a summary of the request and issues to the Administrator for review.
4. The Administrator will promptly review the summary and make a recommendation to the Commissioner regarding appropriate action related to the proposed revision. Such recommendation may include revising the definition as requested; modifying the proposed revision; leaving the existing definition as it is without making any revision; or collecting additional information relating to the issue.

Approval or Denial of Proposed Revision of Occupational Definition

The Commissioner will make a determination based on the information provided above and will issue a decision via email to the requestor and the parties with standing. It is within the Commissioner's discretion to approve or deny a proposed revision to an occupational definition. It is also within the Commissioner's discretion to request guidance from the Prevailing Wage Advisory Committee (PWAC) concerning a proposed revision to an occupational definition.

When proposing to adopt a revision to the definitions publication, BOLI will provide PWAC with a copy of the proposed revision in advance of publication for review and comment.

The Unit may also propose revisions to the definitions to address issues identified during the course of its work. When doing so, the Unit will follow the process outlined above.

Notice of Approved Revision of Occupational Definition

The Unit will post a notice of any approved revision to the definitions and its effective date on the BOLI's PWR website at the time that such a revision is adopted. However, any modification of an occupation definition will become effective only at two times of the year, January 1 or July 1, after approval by the Commissioner.