



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 839
BUREAU OF LABOR AND INDUSTRIES

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FILING CAPTION: Compliance with licensing requirements when labor contractors enter into subcontracts with other labor contractors

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AMEND: 839-015-0145

RULE TITLE: Character, Competence and Reliability

NOTICE FILED DATE: 03/31/2021

RULE SUMMARY: Compliance with licensing requirements when labor contractors enter into subcontracts with other labor contractors

RULE TEXT:

The character, competence and reliability contemplated by ORS 658.405 to 658.475 and these rules includes, but is not limited to, consideration of an applicant's conduct, the conduct of any person financially interested in the applicant's proposed operation as a labor contractor, or the conduct of any business in which any person financially interested in the applicant's proposed operation as a labor contractor has had a financial interest, whether as a partner, shareholder, or profitsharer, with respect to the following:

- (1) Relations with workers, farmers and others with whom the person conducts business.
- (2) Reliability in adhering to the terms and conditions of any contract or agreement between the person and those with whom the person conducts business.
- (3) Timeliness in paying all debts owed, including advances and wages.
- (4) Any unsatisfied judgments or felony convictions.
- (5) The cancellation of or inability to obtain a bond, if applicable.
- (6) Provision of workers' compensation coverage for each worker or payment of worker's compensation insurance premium payments when due.
- (7) Violation of any provision of ORS 658.405 to 658.503 or these rules.
- (8) Employment of an agent who has had a labor contractor license denied, suspended, revoked or not renewed or who has otherwise violated any provisions of ORS 658.405 to 658.503 or these rules.
- (9) Providing notification to the bureau of any change in the circumstances under which a license was issued.
- (10) Failure to comply with federal, state or local laws or ordinances relating to income taxes, social security taxes, unemployment compensation tax, or any tax, fee or assessment of any sort.
- (11) Failure to comply with federal, state or local laws or ordinances named in OAR 839-015-0310.

(12) When required by law, failure or refusal to seek food, water, shelter, or medical attention, or to provide any other necessary goods or services required for the safety and health of workers.

(13) Repeated failures to file or furnish all forms and other information required by ORS 658.405 to 658.503 and these rules.

(14) Any willful misrepresentation, false statement or concealment in the application for a license.

(15) Any false, fraudulent or misleading representation willfully made or caused to be made to any person, or publication or circulation of any false, fraudulent or misleading information concerning the terms, conditions, or existence of employment at any place or by any person.

(16) Failure to maintain the bond or cash deposit as required by ORS 658.405 to 658.503.

(17) Failure to inspect a contractor's license or temporary permit as required by ORS 658.437 and OAR 839-015-0509 when entering into a subcontract with another labor contractor.

STATUTORY/OTHER AUTHORITY: ORS 658, ORS 651

STATUTES/OTHER IMPLEMENTED: ORS 658.405 - 658.503