

BUREAU OF LABOR AND INDUSTRIES (BOLI)  
COMMISSIONER BRAD AVAKIAN

**Commissioner's Message – August 8, 2011**  
***40 months, \$11.5 million, one agency that's on the right track***

Dear Friends:

Three years and four months ago today, I took the oath of office as Oregon's ninth Commissioner of the Bureau of Labor and Industries. In those 40 months, this agency has accomplished a lot for the Oregonians we serve—some of it easy to quantify, some of it more abstract—and I wanted to give you a brief, “State of BOLI” report.

You're familiar with BOLI's primary responsibilities in the areas of employer education and support; enforcement of wage and hour laws; defense of Oregonians' civil rights in employment, housing and public accommodations; and workforce development and apprenticeship programs. Our investigations and administrative law proceedings are the most accessible process for aggrieved Oregonians to seek justice and are also the most user-friendly process for respondents. Besides our cost-effective process, we provide education on a range of subjects specifically to reduce the confusion about the laws and regulations that we administer. When the law is known and followed in the first place, it's a win for all Oregonians.

Of course, violations of employment and other civil rights laws occur with an unfortunate regularity. Oregon's Civil Rights and Wage and Hour Divisions are on the front line, investigating complaints of unlawful discrimination and claims for unpaid wages. See [later in this newsletter](#) for a closer look at their diverse workloads and a chart of the results. Briefly, during my time as Commissioner, Civil Rights and Wage and Hour have combined to pay \$11.5 million to aggrieved Oregonians, which averages more than \$9,440 per day for the 1,217 days that I have held this office. Those are dollars won for workers wrongly denied their wages, for applicants unlawfully denied employment, for renters denied the full and equal enjoyment of housing—but it's critical to remember that they are won through a thorough legal process. Every respondent on every BOLI case has multiple opportunities to present their side and have it heard in an impartial forum. That such balanced processes still yield significant payments to aggrieved Oregonians seems a testament to the importance of BOLI's work and the diligence that our employees bring to it.

There are other important signs of the energy that this agency brings to its diverse responsibilities, but they don't lend themselves to charts and other graphics. The thank yous that BOLI gets from a frustrated worker that was so happy with our helpful Wage and Hour Division call screener, or an employer who gets exactly the info they need to deal with a problem employee now and not later—that feedback is what really keeps our staff offering the highest-quality service. That feedback is also what makes me so proud of this agency and all of the good work that we have accomplished in my 40 months as Commissioner.

If you have any feedback for us, please don't hesitate to email it in or call one of our offices.

Sincerely,

Brad Avakian

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## The Brad Tracker

[Just as it was last year](#), July was a busy month for Brad with a host of meetings and speaking opportunities related to his various responsibilities as Labor Commissioner:

- Attended the Muslim Educational Trust's Family Summer Picnic;
- Presented and answered questions at a meeting of Amalgamated Transit Union, Local 757;
- Spoken to Oregonians Against Trafficking Humans about fighting illegal labor trafficking;
- Met with representatives of local community colleges about expanding utilization of the Portland Community College/For Inspiration and Recognition of Science and Technology (FIRST) partnership model to increase student access to career and technical education;
- Participated in a listening session with the U.S. Manufacturing Council;
- Spoken to the Oregon Commission on Black Affairs about housing discrimination and [BOLI's role in enforcing fair housing law](#);
- Joined the Oregon Council on Civil Rights for their quarterly meeting;
- Attended the Chinese Friendship Association's picnic; and
- Participated in several meetings discussing implementation of the newly created [Career and Technical Education Grant Fund](#), which was Brad's top legislative priority in 2011 and a huge win for Oregon's workforce.

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### ***Recent Changes Law Manual Goes on Sale TOMORROW***

BOLI's Technical Assistance for Employers Program (TA) is offering a new, low-cost publication for anyone who wants to know the results of Oregon's legislative session and its impact on employee rights and employer responsibilities, as well as the impact of recent changes from the federal level and the courts. Invaluable to employers, this convenient handbook offers useful information to legal professionals, HR staffers, worker advocates—Oregonians who need to be in the know, need to know this material.

Packing all of this content into one book, the [Recent Changes in Labor and Employment Law, 2010-11](#), has taken great effort. This new compendium of legislative action identifies when new laws take effect and what they mean, and also includes a list of introduced bills that were not enacted—useful for eliminating confusion about proposed or rumored changes. This is an all-in-one-place, concise summary of recent developments in the laws that Oregon employers need to know and comply with.

Get your [order form ready](#) today!

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### **A Closer Look: \$11.5 Million in less than 3.5 years?**

*How and why the Civil Rights and Wage and Hour Divisions put money in the hands of Oregonians*

Oregon’s Civil Rights and Wage and Hour Divisions, key parts of BOLI, each tackle significant issues that matter to Oregonians—both in the workplace and beyond it.

The Wage and Hour Division (WHD) enforces timely payment of wages for anyone working in Oregon, as well as ensuring that workers are paid the full amount that they have earned. In cases where workers are owed wages by an employer that has folded and gone out of business, WHD can step in with money from the state’s Wage Security Fund (WSF) to make sure that workers still receive their final wages (up to a maximum of \$4,000 per worker). Where the employer remains in business, WHD will investigate and (if necessary) prosecute wage claims according to the type of case: minimum wage and overtime violations, agreed pay rates, prevailing wage rate, etc. The table at right shows totals for WHD’s recent wage enforcement activity, including the 2,000 to 2,500 wage claims of all types received each year.

		<b>Since April 2008</b>
<b>Civil Rights Division</b>	\$3,651,666	
<b>Wage and Hour Division:</b>		
Wage Security Fund payments	\$2,611,136	
General wage collections	\$2,061,607	
Prevailing wage rate collections	\$3,167,686	
<b>WHD Total</b>	<b>\$7,840,429</b>	
<b>Combined Total</b>	<b>\$11,492,095</b>	

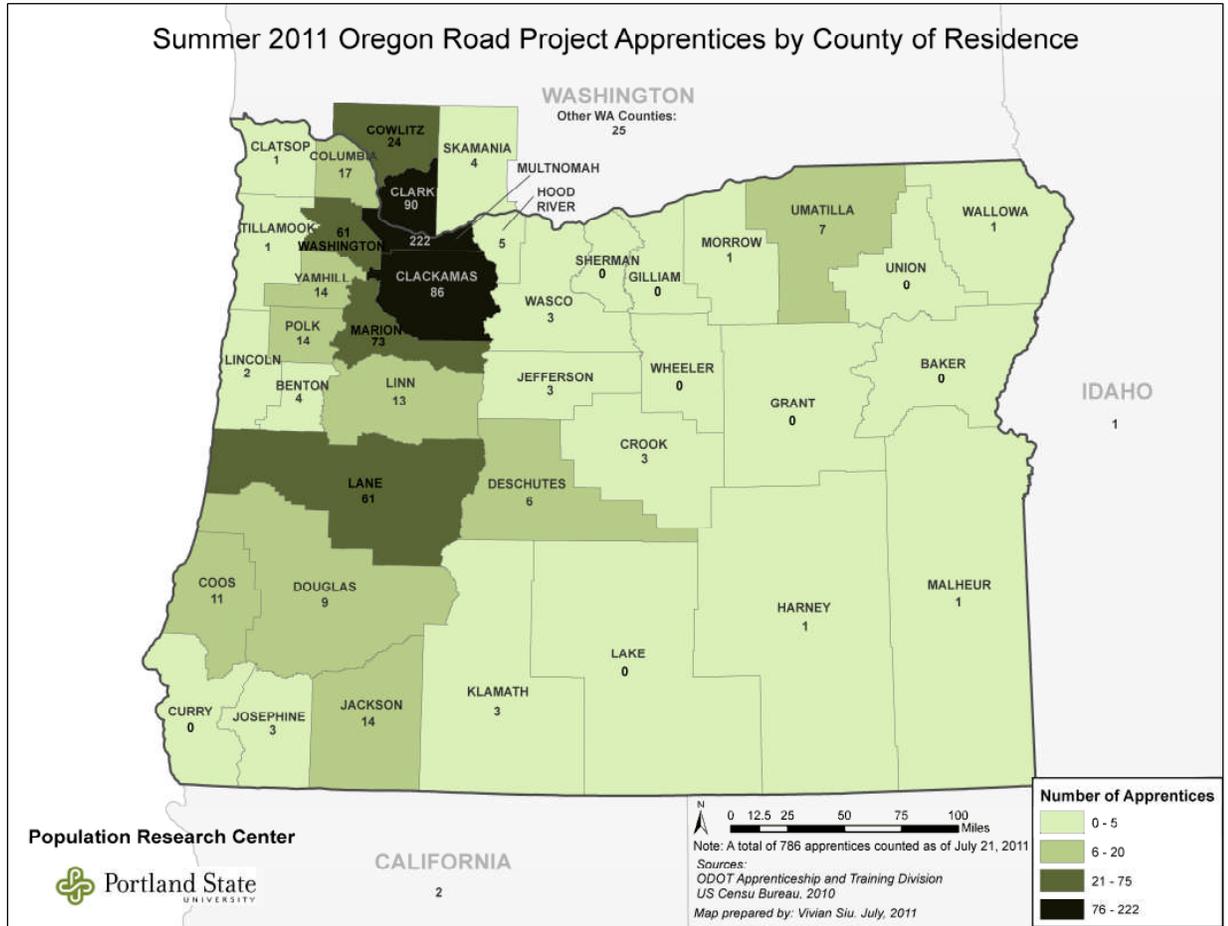
Oregon’s Civil Rights Division (CRD) combats unlawful discrimination by investigating allegations of civil rights violations in workplaces, career schools, housing and public accommodations. Each of the complaints filed with CRD requires review of unique circumstances, talking to various witnesses, visiting the property in investigations of housing cases and so on. Approximately 2,000 formal CRD complaints are filed each year, assigned to one of 17 investigators throughout the state, and investigated to determine whether substantial evidence of a violation exists. A significant number of cases in any given year will be settled or “conciliated,” sometimes even before the investigator makes a determination. The table above includes every conciliated or successfully prosecuted case where the complainant received a payment from the respondent, including employment, housing and other types.

## **Why Supportive Services for Current Apprentices Are So Crucial**

*A look at the geographic obstacles to completing an apprenticeship*

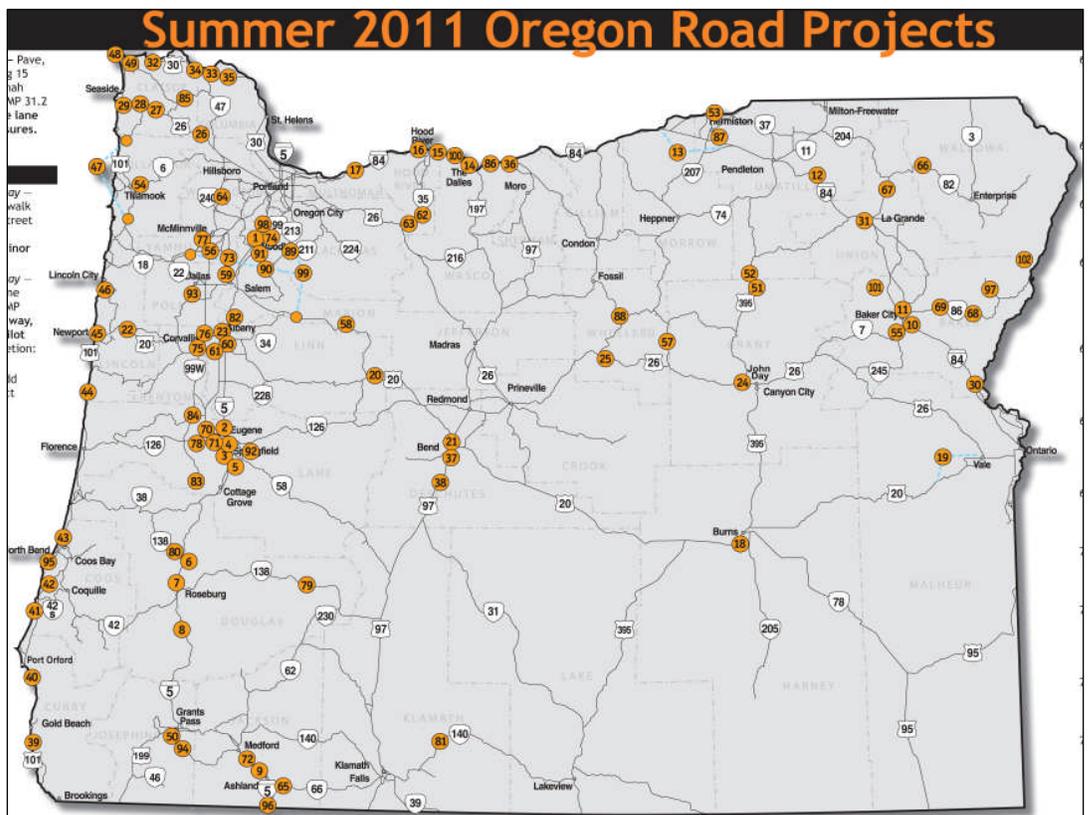
Among the range of services being offered as part of the [BOLI-ODOT Heavy Highway Workforce Development Program](#) are travel reimbursements, per diems and child care support. The importance of these services, which are by no measure extravagant, becomes clear when comparing two maps of our state.

This map shows the distribution of current apprentices in five major highway trades (carpenters, cement masons, iron workers, laborers, and operating engineers) based on their residence:



Note that in the 18 counties east of the Cascades, there are 34 registered apprentices in the five trades combined; only five Oregon counties have more than 14 apprentices. Southwestern Oregon adds only 37 apprentices in five counties.

This map shows the location of ODOT's highway construction projects for Summer 2011:



Each orange dot represents one road project (work crew size not specified), and the geographic dispersal of the projects illustrates the potential barriers to apprentices.

completing their training. To effectively utilize (and graduate) the relatively dense population of apprentices in the Willamette Valley, especially with about 25% of this year's road projects in Malheur, Harney, Grant, Wheeler, Morrow, Umatilla, Union, Wallowa and Baker Counties, it's critical that Oregonians look for creative solutions, like the BOLI-ODOT partnership and the service providers in the community who've been contracted to deliver these needed supports. Improving support services for Oregon apprentices, especially the women and people of color who are traditionally underrepresented in the highway construction workforce, is going to pay dividends for years to come in Oregon.

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