Oregon Bureau of Labor & Industries

Certified Payroll Reporting Webinar

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www.oregon.gov/boli Rev. 3/7/2023

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OREGON'S PREVAILING WAGE RATES

- State PWR rates were previously based on an annual survey of construction occupations, but as of January 2022, are based on the union rates for each trade. (SB 493)
- If more than one collective bargaining agreement covers a particular classification for a Region, the higher rate will be used.
- Prevailing Wage Rate booklets are published twice a year, on <u>January 5th</u> and <u>July 5th</u>. Amendments are generally published on <u>April 5th</u> and <u>October 5th</u>.

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DETERMINING THE CORRECT RATE BOOK

- Generally, the state rates in effect at the time the agency first advertises a project for bid are the rates to be paid throughout the project.
- This can be different for projects that use a Construction Manager/General Contractor (CM/GC) or for projects that are subject to the federal Davis-Bacon Act (DBA).

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DETERMINING THE CORRECT RATE BOOK

- For those types of projects:
 - CM/GC rates are set when parties agree to GMP, or when agency authorizes early construction work to begin.
 - Project subject to Davis-Bacon Act agency may use federal method (which is NOT the advertise date) to set state rates.
- Check with public agency (the agency in charge of project, aka "owner") for applicable state and federal rates for project.

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To Look Up a Rate:

- When was the project first advertised for bid?
- When using rate books dated prior to Jan. 2022:
 - Start with the Region page based on the county where the project is located.
 - · Use the rate listed for the classification in the Region page.
 - · If Region says 'see appendix,' look up rate in that section.
- When using rate books dated Jan. 2022 or later:
 - Look up classification in the rate book; watch for Areas, zone pay, hazard pay, shift differential.
- Use Definitions of Covered Occupations for classification help

Call BOLI for help: (971) 353-2286 or (971) 396-2588

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WHO GETS PAID PWR?

• All workers performing labor on the project site.

ORS 279C.840(1)

 A "worker" is a person whose duties are manual or physical in nature.

OAR 839-025-0004(33)

Important: Pay the correct rate according to the type of work being performed, not according to worker's title.

If the contractor/subcontractor is required to pay PWR, then they MUST submit certified payroll reports showing all workers and all hours on the project site.

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CERTIFIED PAYROLL

- Contractors and subcontractors on public works projects are required to prepare weekly certified payroll reports and statements and submit them to the project's <u>public agency</u> by the <u>fifth</u> <u>business day of the following month.</u>
- Contractors may submit their own report as long as it contains <u>all</u> the same information as BOLI's WH-38 form.
- Note: The federal WH-347 form is not compliant with Oregon's certified payroll requirement.

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Certified Payroll

Many software programs are missing required elements of BOLI's WH-38 form. Often missing:

- Much of the information in the top 1/3 of BOLI's form;
- Employee address, work schedule (i.e., 5/8s or 4/10s), and regular hourly schedule (i.e., 7am-4pm);
- Hourly base rate shown separately from hourly fringe rate;
- Gross wages for the week for that project and gross wages for pay period shown separately;

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Certified Payroll

- Information on fringe amounts paid to benefit plans, including hourly fringe credit and name of plan;
- Required language on BOLI's Certified Statement page.

Simple solution – contractors can:

- Fill in the missing information on BOLI's WH-38;
- Complete and sign BOLI's statement of certification;
- Attached both pages to contractor's printout and submit to public agency.

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SUREAU OF LABOR AND INDUSTRIES WAGE ANDHOUR DIVISION														PAYROLL/CERTINED STATEMENT FORM WH-38 FORUSE IN COMPLYING WITH ORS 279 C.845*						
PRIME CONTRACTOR X SUBCONTRACTOR C										PAYROLL #: 3				FINAL PAYROLL D						
Business Name (DBA): Wooley Construction											Phone: (971) 673-0853				CCB Registration Number: 1234567					
Davis No.	k Creek Middle School										roject Number	******			/W-/- Canada	Contractor.				
Street Address: 400	Street Address: 40983 SE Davis, Portland OR 97232												Project Number: 987654 Type of Work: General Contractor Project Location: 14897 SE Parkiane Dr., Happy Valley 97015							
Mailing Address: P							Project County: Clackamas													
Date Pay Period Be						Di	ste Pay Period Ended: Feb. 17, 2016													
T		ORS (1					THI S SE	CTIONFOR	S UBCONTRA	CTORS ONLY								
Public Contracting / Phone: (503) 638-85	Igency Name: North Cl	ackam	205	cho	i Diet	ict					ntract Amoun		0041							
	Phone: (503) 636-6363 Date Contract Specifications First Adventised for Bid: April 7, 2015											Prime Contractor Business Name (DBA): Prime Contractor Phone: ()								
Contract Amount: \$	Contract Amount: \$5,656,012											CCB Registrat								
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		+	HOURS WORKED EACH DAY								EMPLOYEE	\$50.00	STATE, STC		OR PROGRAM	Med - BC/Bs				
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In add ton to completing (1) - (3), if your project is subject to the federal Davis- Bacon Act requirements, complete the following section as well:						
(4) That:						
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAM						
 In addition to the basic hourly wage rates paid to each laborer or mechanic listed 						
in the above referenced payroll, payments of Finge benefits as listed in the						
contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.						
such emproyees, except as noted in Section 4(c) below.						
(b) WHERE FRINGE BENEFITS ARE PAID IN CASH						
 Each laborer or mechanic listed in the above referenced payrol has been paid, 						
the as indicated on the payroll, an amount not less than the sum of the applicable						
basic hourly wage rate plus the amount of the required fringe benefits as listed in						
the contract, except as noted in Section 4(c) below.						
(c) EXCEPTIONS						
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REMARKS.						
NAME AND THE SIGNATURE						
NAME AND TITLE SIGNATURE						
THE WELFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT						
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT. THE CONTRACTOR OR SUB-CONTRACTOR TO CIVIL OR CRAINING PROSECUTION. SEE						
THE WELFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT						

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Certified Payroll – Withholding

- If a prime contractor does not file certified payroll as required (at least once per month), the public agency MUST withhold 25% of amounts due the prime contractor, in addition to any other required retainage.
- If a first-tier subcontractor does not file certified payroll reports as required, the prime contractor MUST withhold 25% of amounts due the first-tier subcontractor.

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Certified Payroll - Withholding

- Once certified payroll reports are submitted, the public agency or prime contractor must pay amounts withheld per this statute within 14 days.
- Neither the public agency nor the prime contractor is required to verify the accuracy of the contents of the certified payroll reports. However, we recommend looking for red flags:
 - · Classification and rates
 - Is zone pay required?
 - · Hours and days of week
 - Number of workers

ORS 279C.845(7) & (8)

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Questions? Call or email for help!

Eva Marie Schiedler (971) 353-2286 eva.schiedler@boli.oregon.gov

Ray Badalich (971) 396-2588 ray.badalich@boli.oregon.gov

Susan Wooley (971) 353-6822 susan.wooley@boli.oregon.gov

PWR general email: PWR.EMAIL@boli.oregon.gov

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PRIME CONTRACTOR X SUBCONTRACTOR											PAYRO	PAYROLL #: 3 FINAL PAYROLL								
Business Name (DBA): Wooley Construction										PI	none: (97	1) 673-0853		CCB Registration Number: 1234567						
Project Name: Rock	Creek Middle School	ı									F	Project N	umher: 9876	54	Tyr	e of Work: Ge	eneral Contractor			
Street Address: 40983 SE Davis, Portland OR 97232											•	Project Number: 987654 Type of Work: General Contractor Project Location: 14897 SE Parklane Dr, Happy Valley 97015								
Mailing Address BO Day 4650 Parties d OD 67650																				
Mailing Address: PO Box 1652, Portland OR 97252												Project County: Clackamas								
												Period Ended: Feb. 17, 2016								
THIS SECTION FOR PRIME CONTRACTORS ONLY Public Contracting Agency Name: North Clackamas School District												THIS SECTION FOR SUBCONTRACTORS ONLY Subcontract Amount:								
Phone: (503) 698-898		iackai	nas c	JC111	001 1	J13t1	101							siness Name (DBA):					
	ications First Advertise	d for E	3id: A	۱pri	17, 2	2015							Contractor Ph		,					
Contract Amount: \$5	5,656,012											Prime Contractor's CCB Registration Number:								
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(1)	(2)			М	(3 T) DAY	Y ANI	_		Su	(4)	(5)	(6)	(7)	(8)	(9)	(10) HOURLY	(11)		
NAME, ADDRESS AND	CLASSIFICATION (INCLUDE		_	2/4	2/5							HOURLY	FRINGE	GROSS AMOUNT	ITEMIZED DEDUCTIONS	NET	FRINGE			
EMPLOYEE'S IDENTIFICATION NUMBER*	GROUP # & APPRENTICESHIP STEP IF APPLICABLE)			2/4	2/3	2/0	2/1	2/0	8 2/9 2/10 TOTAL HOURS			BASE RATE	BENEFIT AMOUNTS PAID	EARNED (see	FICA, FED,	WAGES PAID	BENEFITS PAID TO BENEFIT PARTY,	NAME OF BENEFIT PARTY, PLAN, FUND, OR PROGRAM		
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^{*} Although this form has not been officially approved by the US. Department of Labor, it is designed to meet the requirements of both the state PWR law and the federal Davis-Bacon Act. WH-38 (Rev. 06/16)

CERTIFIED STATEMENT

Date: Feb 18, 2016 I, Susan Wooley Owner	In addition to completing (1) - (3), if your project is subject to the federal Davis-Bacon Act requirements, complete the following section as well:
(NAME OF SIGNATORY PARTY) (TITLE) do hereby state: (1) That I pay or supervise the payment of the persons employed by: WOOLEY CONSTRUCTION (CONTRACTOR, SUBCONTRACTOR OR SURETY)	 (4) That: (a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS In addition to the basic hourly wage rates paid to each laborer or mechanic listed
on the Rock Creek Middle School Project ; that during the payroll period (BUILDING OR WORK) commencing on the 4th day of February, (MONTH) (YEAR)	in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.
of <u>February</u> , <u>2016</u> , all persons employed on said project have been paid the (MONTH) (YEAR)	(b) WHERE FRINGE BENEFITS ARE PAID IN CASH
full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said WOOLEY CONSTRUCTION from the (CONTRACTOR, SUBCONTRACTOR OR SURETY) full weekly wages earned by any person, and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as specified in ORS 652.610, and as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by	 Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below. (c) EXCEPTIONS
the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below: Federal withholding, FICA, State withholding, WBF	EXCEPTION (CRAFT) EXPLANATION
(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for workers contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each worker conform with work performed.	
(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a state, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.	REMARKS:
I HAVE READ THIS CERTIFIED STATEMENT, KNOW THE CONTENTS THEREOF AND IT IS TRUE TO MY KNOWLEDGE:	NAME AND TITLE SIGNATURE
Susan Wooley, Owner	THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT
(NAME AND TITLE)	THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES
(SIGNATURE AND DATE)	CODE.

FILE THIS FORM WITH THE PUBLIC AGENCY ASSOCIATED WITH THE PROJECT
NOTE TO CONTRACTORS: YOU MUST ATTACH COPIES OF THIS FORM TO EACH OF YOUR PAYROLL SUBMISSIONS ON THIS PROJECT.
INSTRUCTIONS AND ADDITIONAL FORMS ARE AVAILABLE ON OUR WEBSITE: WWW.OREGON.GOV/BOLI.