

Oregon Bureau of Labor and Industries

Certified Payroll Reporting on Public Works Projects

www.oregon.gov/boli

Rev. 4.8.24



Oregon's Prevailing Wage Rates

- Oregon's prevailing wage rates are based on the union rates for each trade (*2021's SB 493*)
- Prevailing wage rate (PWR) books are published twice a year, on January 5 and July 5.
- Amendments to the rate books are generally published on April 5 and October 5.



Finding the Correct Rate Book

- Generally, the applicable prevailing wage rates for a project will be the rates in effect at the time the initial specifications were first advertised for bid solicitations.
- Once the applicable rates are established for the project, those are the prevailing wage rates to be used for the duration of the project.
- The applicable rates are set differently for projects that use a Construction Manager/General Contractor (CM/GC) and for public/private projects. The applicable rates may be set differently for projects that are subject to both the state PWR laws and the federal Davis-Bacon Act.



Finding the Correct Rate Book

- For projects that use a Construction Manager/General Contractor (CM/GC):
 - The applicable rates are those in effect when the CM/GC and the contracting agency agree to the Guaranteed Maximum Price (GMP) or when the contracting agency authorizes early construction work to begin, whichever happens first.
- For public/private projects:
 - The applicable rates are those in effect when the public agency enters into an agreement with a private entity for the project.
- For projects subject to both the state Prevailing Wage Rate laws and the federal Davis Bacon Act:
 - The public agency may use the U.S. Department of Labor's method to establish the applicable state rates for the project.



Who Must Be Paid Prevailing Wage Rates?

- All workers on a PWR project site must be paid the appropriate prevailing wage rate.
- A “worker” is a person whose duties are manual or physical in nature, as opposed to mental or managerial in nature.
- **IMPORTANT:** Employers must pay the correct prevailing wage rate based on the type of work being performed, not based on the employee’s title.
- If the employer is required to pay prevailing wages, then the employer must complete and submit certified payroll reports showing all workers and all hours worked on the project.



Certified Payroll Reports

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



Certified Payroll Reports

Some certified payroll software projects are missing required elements of BOLI's WH-38 form. Often missing:

- Much of the information in the top 1/3 of the first page of BOLI's form;
- Employee address;
- Established work schedule (i.e., 5/8s or 4/10s) and regular hourly schedule (i.e., 7 am – 4 pm);
- Hourly base rate shown separately from hourly fringe rate;
- Gross wages for the week for that project shown separately from gross wages for the pay period;
- Information on fringe amounts paid to benefit plans, including hourly fringe credit and name of the plan;
- Required language on BOLI's Certified Statement page.



Certified Payroll Reports

One possible solution, contractors and subcontractors can:

- Fill in the missing information on BOLI's WH-38 form;
- Complete and sign BOLI's Certified Statement page;
- Include these pages when submitting certified payroll to the public agency.



PRIME CONTRACTOR SUBCONTRACTOR PAYROLL #: 3 FINAL PAYROLL
 Business Name (DBA): **Wooley Construction** Phone: **(971) 673-0853** CCB Registration Number: **1234567**
 Project Name: **Rock Creek Middle School** Project Number: **987654** Type of Work: **General Contractor**
 Street Address: **40983 SE Davis, Portland OR 97232** Project Location: **14897 SE Parklane Dr, Happy Valley 97015**
 Mailing Address: **PO Box 1652, Portland OR 97252** Project County: **Clackamas**
 Date Pay Period Began: **Feb. 4, 2016** Date Pay Period Ended: **Feb. 17, 2016**

<p>THIS SECTION FOR PRIME CONTRACTORS ONLY</p> Public Contracting Agency Name: North Clackamas School District Phone: (503) 698-8989 Date Contract Specifications First Advertised for Bid: April 7, 2015 Contract Amount: \$5,656,012	<p>THIS SECTION FOR SUBCONTRACTORS ONLY</p> Subcontract Amount: Prime Contractor Business Name (DBA): Prime Contractor Phone: () Prime Contractor's CCB Registration Number: Date You Began Work on the Project:
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(1)	(2)		(3) DAY AND DATE							(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
			M	T	W	Th	F	Sa	Su								
			2/4	2/5	2/6	2/7	2/8	2/9	2/10								
Joe Schmoe 14658 SE 165th Portland OR 97222	Carpenter Gp 1	OT									\$45.00	\$0.00	\$90.00 /	\$316.38	\$949.13	\$5.20	Med - BC/BS
		ST	3							3	\$30.00					\$4.95	Pension - Fin. Grp
		Schedule 5/8 X 4/10 <input type="checkbox"/> ; Reg Hrly Schd: 8am- 4:30pm									\$1.33					Vacation	
Rick Frick 6549 SE Burnside Portland OR 97232	Carpenter Gp 1 60% Apprentice	OT									\$27.00	\$0.00	\$54.00 /	\$236.44	\$709.31	\$4.50	Med - BC/BS
		ST	3							3	\$18.00					\$5.85	Pension - Fin. Grp
		Schedule 5/8 X 4/10 <input type="checkbox"/> ; Reg Hrly Schd: 8am- 4:30pm									\$1.13					Vacation	
Carl Schmarl 727 NE Holladay Portland OR 97232	Laborer Gp 1	OT							1	1	\$37.50	\$4.00	\$128.50 /	\$290.94	\$872.81	\$5.00	Med - BC/BS
		ST	3							3	\$25.00					\$1.00	Vacation
		Schedule 5/8 X 4/10 <input type="checkbox"/> ; Reg Hrly Schd: 8am- 4:30pm															
Ed Bread 800 NE Oregon St. Portland OR 97232	Laborer Gp 1	OT									\$37.50	\$10.00	\$105.00 /	\$280.56	\$841.69		
		ST	3							3	\$25.00						
		Schedule 5/8 X 4/10 <input type="checkbox"/> ; Reg Hrly Schd: 8am- 4:30pm															
		OT										/					
		ST															
		Schedule 5/8 <input type="checkbox"/> 4/10 <input type="checkbox"/> ; Reg Hrly Schd: _____ to _____															

* 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)

THIS FORM CONTINUED ON REVERSE



CERTIFIED STATEMENT

Date: Feb 18, 2016
 I, Susan Wooley Owner
 (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)
 on the Rock Creek Middle School Project; that during the payroll period
 (BUILDING OR WORK)

commencing on the 4th day of February, 2016, and ending the 17th day
 (MONTH) (YEAR)

of February, 2016, all persons employed on said project have been paid the
 (MONTH) (YEAR)

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
 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

(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.

I HAVE READ THIS CERTIFIED STATEMENT, KNOW THE CONTENTS THEREOF AND IT IS
 TRUE TO MY KNOWLEDGE:

Susan Wooley, Owner
 (NAME AND TITLE)

(SIGNATURE AND DATE)

In addition 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 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.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- 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

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT
 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
 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.



Withholding Requirements

- If the prime contractor does not file certified payroll reports 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.
- Once certified payroll reports are submitted, the public agency or prime contractor must pay amounts withheld per this statute within 14 days.



Reviewing Certified Payroll Reports

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 watching for red flags:

- Classification and rates
- Zone pay and other premium pay
- Hours worked and days of the week worked
- Number of workers



BOLI Contacts

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

BOLI general phone number: (971) 245-3844

