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## **New Prevailing Wage Rate Law (Senate Bill 493) Frequently Asked Questions \***

### **1. What are the changes in the law?**

In the 2021 Legislative Session, the Legislature passed [Senate Bill \(SB\) 493](#) which was signed by the Governor and is effective January 1, 2022. SB 493 amends state PWR law (ORS 279C.815) as follows:

- The prevailing rate of wage for each locality is the wage in the collective bargaining agreement that covers that occupation.
- If more than one collective bargaining agreement covers that occupation, the highest rate of wage among the collective bargaining agreements will prevail.
- If a collective bargaining agreement does not exist for a trade or occupation, the rate of wage may be determined by conducting an “independent wage survey.”

### **2. Will there be a “BOLI Construction Industry Occupational Survey” conducted by the Oregon Employment Department after the implementation of this new law?**

No. The Labor Commissioner will no longer utilize the “BOLI Construction Industry Occupational Survey” conducted by the Oregon Employment Department. Prevailing wage rates will be determined by a collective bargaining agreement that covers that trade or occupation in that locality. When there is no applicable collective bargaining agreement for a trade or occupation in a locality, the Labor Commissioner may use other means, including wage survey information, to determine the prevailing wage rate.

### **3. Do project labor agreements for specific projects get considered as part of the prevailing wage rate-setting process?**

No. Consideration will be given only to bona fide master labor agreements between a union and its signatory contractors.

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\* This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Oregon Revised Statutes (ORS)* and *Oregon Administrative Rules (OAR)* for purposes of interpretation and application of the law.



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## Wage and Hour Division

### **4. With the new method of determining prevailing wage rates, how often will prevailing wage rates be updated?**

The agency is required to update the prevailing wage rates at least once each year and make this information available at least twice each year pursuant to ORS 279C.815.

### **5. How do I submit rate information to the agency?**

All unions should submit their rate information using the [online submission form](#). You must submit the form for each occupation and each District covered under the applicable collective bargaining agreement.

### **6. Will I have an opportunity to provide feedback in the process?**

Yes. The agency plans to issue temporary rules to guide the implementation process and will hold a public hearing for the permanent rulemaking process. Please check the agency's [website](#) for current information on the rulemaking process, including information on public hearings and how to submit public comments for consideration.

### **7. Where can I find more information and updates?**

Information and opportunities for stakeholders to provide feedback and guidance throughout the process is forthcoming and will be available on our website [www.oregon.gov/boli](http://www.oregon.gov/boli).