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Revised:

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. Does the 2021 BOLI Construction Industry Occupational Survey still need to be completed and submitted to Oregon Employment Department?

Yes, a response to the 2021 survey is still required, but there will not be a supplemental process to accompany the survey this year. Completing this survey will give BOLI important wage information to aid during this transition.

* 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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4. What is the deadline for submitting the 2021 BOLI Construction Industry Occupational Survey to the Oregon Employment Department?

Contractors who received the BOLI Construction Industry Occupational Wage Survey should have completed and returned the survey form by September 9, 2021.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.