Oregon Bureau of Labor and Industries

Off-site Prevailing Wage Work

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Prevailing Wage Rate Basics

- The applicable prevailing wage rate must be paid to “workers” on public works projects subject to Oregon’s Prevailing Wage Rate (PWR) laws.
- PWR must be paid for:
  - All time worked on the project site;
  - All time worked on “dedicated sites;”
  - Drive time between the project site and a dedicated site.
- Previously, any other off-site work was not required to be paid PWR.
- House Bill (HB) 2688 made changes requiring PWR be paid for certain off-site work.

  https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB2688

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House Bill 2688 Basics

HB 2688 requires prevailing wages be paid for off-site work that includes fabrication, assembly, preconstruction, or construction that is:

- "Bespoke" (i.e., customized);
- Performed specifically for, and in accordance with the specifications of, a PWR project;
- Performed on any of eight specific systems or components (see next slide).

Applies to public works contracts entered into on or after September 3, 2026.

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8 Systems and Components

To be subject to PWR, the off-site work must be performed in one of these systems or components:

HVAC and other ducting or piping mechanical systems or components	Plumbing systems or components
Electrical systems or components (*non-certified products, or certified products that have been modified*)	Boiler systems or components
Masonry and plaster systems or components	Ornamental and structural iron work
Roofing, flashing and architectural panel systems or components	Mechanical insulation

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What is and is not “bespoke”

“Bespoke” means work that is performed according to individualized specifications that are contained in a public works contract or related documents, including contract plans.

“Bespoke” does not include work that:

- Is performed before the public works solicitation is issued;
- Creates a manufactured dwelling as defined in ORS 446.003 (i.e., a residential trailer, mobile home, or manufactured home);
- Creates volumetric modular housing that is based exclusively on standard designs or standard dimensions, without modification. “Volumetric modular housing” means dwellings built from prefabricated, three-dimensional modules constructed in a factory; OAR 839-025-0004(4)

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What is and is not “bespoke”

(b) “Bespoke” does not include work that:

- Creates mass timber products that are based exclusively on standard designs or standard dimensions, without modification;
- Creates or applies concrete, asphalt, or aggregate material and the products derived from that material;
- Creates or applies paint color; or
- Creates applied art as described in OAR 839-025-0150(2). “Applied art” is not necessary to the structural integrity of the building or structure.

OAR 839-025-0004(4)

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“Safe Harbor” Provisions

OAR 839-025-0800

(1) Work that meets the requirements of OAR 839-025-0004(30)(a)(G) is not a public works if a contractor, subcontractor or a public agency demonstrates by a preponderance of the evidence that the work produces:

- (a) Inventory that, at the time it is produced, can with reasonable certainty, be sold on the general market or utilized on a project other than the public works project;
- (b) A product that is identical to a product that was previously produced for a reason other than the public works project; or
- (c) A product that was based exclusively on standard designs or standard dimensions, without modification, including but not limited to products that, before the public works solicitation was issued, were available for purchase in a catalogue or product list.

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Applicable Rates

- The off-site work locations are “satellite locations.”
- The rates to use at a satellite location are the same rates used at the PWR project site.
- Generally, the classification to use for the off-site work will be the same as the classification for installation on the PWR project site.

OAR 839-025-0800(4)(a)

- Check your contract for legal obligations to pay the prevailing wage! If the satellite location is out-of-state, BOLI cannot enforce the prevailing wage – but your contractual counterparty might be able to.

ORS 279C.830

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PWR Requirements at Satellite Locations

All the same PWR law requirements that apply at the PWR project site will apply at the satellite location:

- Filing a public works bond with Construction Contractors Board before work begins;
- Posting the applicable rates in a conspicuous and accessible location;
- Paying the applicable prevailing wage rate for the type of work being performed;
- Paying daily, weekly, weekend, and holiday overtime as required under ORS 279C.540;
- Completing and submitting certified payroll reports;
- Retaining payroll information and records for at least three years.

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FAQs and BOLI PWR Unit Contacts

Helpful Frequently Asked Questions on the BOLI website:

https://www.oregon.gov/boli/employers/Documents/HB%202688%20FAQs.pdf

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

BOLI general phone number: (971) 245-3844

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