Oregon Bureau of Labor and Industries

Prevailing Wage Rate Law for Contractors

www.oregon.gov/boli pwr.email@boli.oregon.gov

Seminar handouts can be found at:
https://www.oregon.gov/boli/employers/Pages/prevailing-wage-seminars.aspx
Scroll down and click on View Description

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Topics

- Prevailing Wage Rate (PWR) Law Basics
- Coverage of the PWR Laws
- Contractor Responsibilities
- Civil Penalties
- List of Ineligibles
- Checklist to Avoid Problems
- BOLI PWR Unit Contacts

Prevailing Wage Rate Law Basics

- Oregon's Prevailing Wage Rate (PWR) laws were first passed in 1959 and were based on the federal Davis-Bacon Act.
- The PWR laws apply to all contractors and sub-contractors performing work on a covered project.
- The prevailing wage rate is a minimum wage that must be paid to workers for the type of work they perform on a covered project; it consists of an hourly base rate and an hourly fringe benefit rate.

Purpose of the PWR Laws

The purpose of the PWR laws is:

- To protect local contractors from unfair competition.
- To promote local participation in public construction and maintain community established compensation standards.
- To encourage the training and education of workers in industry skill standards.
- To encourage contractors to use the fringe benefit funds for actual benefits for their employees.

Coverage: PWR Projects

A project must meet the definition of "**public works**" in ORS 279C.800(6) to be subject to the PWR laws.

- Most common type of PWR project: ORS 279C.800(6)(a)(A) – The project must be carried on or contracted for by a public agency and must include at least one of the following types of work:
  - Construction
  - Reconstruction
  - Major renovation
  - Painting
  - Demolition
  - Removal of hazardous waste
- Generally, project must use some public funds.
- Generally, project cost must exceed $50,000.

Coverage: $50,000 Threshold

Projects with a total project cost of $50,000 or less are exempt from the PWR laws (*except for projects on public property with a solar component*).

- $50,000 threshold includes all contracts for materials, supplies and labor.
- Project may be made up of multiple contracts; each contract is subject to PWR when the combined price of all contracts awarded is over $50,000.

Coverage: PWR Projects

Another common type of PWR project: ORS 279C.800(6)(a)(B) – Construction, reconstruction, major renovation, painting, demolition, or hazardous waste removal, and project will use $750,000 or more in funds of a public agency.

- Project does not have to be contracted for by a public agency.
- Project could be publicly or privately owned.
- Public funds can be used for construction costs or for related costs such as land acquisition, equipment and furniture, appraisals, surveys, etc.
- These projects are sometimes referred to as *"public/private"* projects.

Coverage: PWR Projects

Examples of public/private projects that are subject to the PWR laws:

- A private non-profit receives a $1,000,000 grant from a public entity to renovate a historic building.
- A private developer receives a $750,000 loan from a public entity to help pay for a privately owned mixed-use development.
- A private company receives a $1,000,000 grant from a public agency to demolish an unsafe building.

Federal and State PWR Law Coverage

When projects are subject to both federal and state PWR laws, both sets of laws apply.

- When the laws are in conflict, generally follow the stricter of the two, or the more beneficial to worker.
- Contractors must pay the higher of the state or federal prevailing wage rates.
  - Exception to this for “residential construction” projects; those generally use federal residential rates: www.sam.gov.

Project specifications, contracts and subcontracts should specify when state and/or federal PWR laws apply to project.

Contractor Responsibilities

- Workforce and Reporting Requirements
- Public Works Bond
- Contract Language
- Posting Rates on Site
- Determining the Correct Rate of Pay
- Paying PWR Correctly
- Overtime Requirements
- Calculating Fringe Benefit Credits
- Paying Apprentices Correctly
- Certified Payroll Reports/Withholding
- Required Records

See the PWR Laws Handbook for more information

Apprentice Utilization

2023 HB 2649 revised ORS 279C.533 – effective **Jan 1, 2024**

Public Contracting Code ORS 279C.533 (NOT part of the PWR laws) requires "qualifying agencies" (**QA**s) to include apprenticeship utilization requirements and workforce aspirational goals in certain public improvement contracts. QAs are:

- State contracting agencies
- Public universities listed in ORS 352.002 (OSU, UO, PSU, WOU, EOU, SOU, OIT)
- Community colleges
- Higher Education Coordinating Commission

See Frequently Asked Question on HB 2649 (2023) for more information

Apprentice Utilization

Qualifying Agency (QA) must provide in each public improvement contract that exceeds **$3 million** that contractor shall:

- Employ apprentices to perform 12% or more of the work hours that workers in apprenticeable occupations perform;
- Require in each subcontract of $750,000 or more that the sub employs apprentices to perform 12% or more of the work hours that workers in apprenticeable occupations perform.

Apprentice Utilization

Other provisions:

- QA must reduce payment to prime if prime doesn't meet 12% apprentice requirement (reduction is $15/hour for each hour short)
- Prime may provide in subcontract they may reduce payment to sub if sub doesn't meet 12% apprentice requirement.
- As of January 1, 2027, apprentices must perform **15%** or more of the work hours that workers in apprenticeable occupations perform.

Workforce Demographics

For public improvement contracts awarded **by a QA** that exceed $3 million, QA must require contractor to:

- Establish and implement a plan for outreach, recruitment and retention of women, minority individuals, and veterans for the project. *(See* ORS 279C.533 *for minimum requirements of contractor's plan.)*
- Require of any subcontractor with subcontract of $750,000 or more to establish and implement their own plan for outreach, recruitment and retention of women, minority individuals, and veteran to work on the project.

For each contractor and subcontractor, the aspirational target is at least 15% of total number of workers per contract and per subcontract make up of one or more of these groups.

Reporting Requirements

- QA must require contractor to complete and submit monthly reports showing the extent of their compliance and the compliance of their subs with subcontracts of $750,000 or more.
- Contractors and subcontractors may use BOLI's "enhanced" certified payroll report form (on BOLI's website).
  - Includes space to show gender, race, veteran status, and apprentice information.

PWR REQUIREMENTS: Public Works Bonds

- Every contractor, every subcontractor and every employer who is required to pay prevailing wages is required to file a $30,000 Public Works bond with Construction Contractors Board (CCB) before starting work on a PWR project. (Usually in effect for 1 yr.; not project specific.)
  - Requirement includes temp. employment agencies, landscaping companies, and even sole proprietors.
- Contractors must verify their subcontractors have filed the bond. Check CCB web site for this information.

Public Works Bond – Exemptions

Exemptions from bond requirement:

- Allowed for certified DBE/MWESB (Disadvantaged Business Enterprise/Minority or Women Owned or Emerging Small Business) and veteran-owned businesses, for the first **FOUR** years of certification. (*See Oregon's Certification Office for Business Inclusion and Diversity (COBID) for certification.*)
  - Contractor must file written proof of certification with CCB, and give CCB written notice they elect not to file a bond.
  - If prime, must give written notice to public agency that business elects not to file bond.
  - If sub, must give written notice to prime that business elects not to file bond.

Public Works Bond – Exemptions

More exemptions from bond requirement:

- For projects with a total PROJECT cost of $100,000 or less, public works bond is not required. (Note this is the total project cost, not an individual contract amount.)
- Emergency projects, if declaration of emergency is made in accordance with rules adopted under ORS 279A.065.

Contract Language

Every contract and subcontract must include one of the following:

- On projects subject only to Oregon PWR law, a provision that the workers will be paid not less than the applicable prevailing wage rate in accordance with ORS 279C.840.
- On projects subject to both Oregon and federal PWR law, a provision that the workers will be paid not less than the higher of the applicable state or federal prevailing wage rate.
  - **DO NOT** include the "higher of the two" language if project is not subject to **both** state PWR and federal DBA.

Every contract and subcontract on a PWR project:

- Must include a requirement that the subcontractor has a public works bond filed with CCB before starting work on the project, unless exempt.

Posting Requirements

Every contractor **AND** subcontractor must post in an accessible and conspicuous place **on the work site**:

- Applicable rates
  - Doesn't need to be the full rate book, but must include the applicable rates for the contractor's employees.
- Health/welfare and pension plan information
  - Name the plan and provider, how and where to file a claim, where to get more information.

Prevailing Wage Rates

- State prevailing wage rates are based on union rates for each trade, according to project location in reference to BOLI's 14 Regions. (2021 SB 493)
  - 2024 SB 1568 modified this slightly for the Electrician rates; as of July 1, 2024, they will be based solely on the union's division of Oregon.

- Prevailing Wage Rate books are generally published twice each year, on **January 5** and **July 5**.
- Amendments are generally published twice each year, on **April 5** and **October 5**.

NOTE: BOLI published a September 3, 2026 rate book

Applicable Prevailing Wage Rates

- 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.

Applicable Prevailing Wage Rates

- 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.

To Look Up a Rate

When looking up prevailing wage rates:

- Make sure it's the **correct rate book and/or amendment**;
- Use BOLI's **Definitions of Covered Occupations** book to make sure the correct classification is used;
- Watch for Areas, zone pay, hazard pay, shift differential, etc.

Call BOLI for help: (971) 245-3844

Paying Prevailing Wages

- All “workers” on the PWR project site of work (*and dedicated sites and drive time between the two*) 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.

Important: Pay the correct rate according to the type of work being performed, not according to worker’s title. See BOLI’s Definitions of Covered Occupations Book for help.

- People with a mix of manual/physical AND mental/managerial duties, like owners and working supervisors, are also owed the appropriate prevailing wage rate if they spend more than 20% of their work week performing manual or physical labor.

Delivery – State Only

New rules regarding delivery personnel (OAR 839-025-0035(6) and (7)):

- Contractors and subcontractors must pay delivery personnel the appropriate prevailing wage rate if they spend more than two hours in a workday performing delivery duties on the project site.
- Commercial suppliers are not required to pay prevailing wages to delivery personnel provided their only duties on the project site are driving, loading, unloading, or waiting to be loaded or unloaded.

Delivery – State PWR and DBA

On projects subject to both Oregon PWR **and** federal DBA, BOLI follows US DOL rules for delivery personnel.

The federal guidelines for delivery of materials and supplies to and from the project site:

- All delivery personnel, whether employed by contractors, subcontractors, or material suppliers, must be paid prevailing wages if they spend more than 20% of their workweek performing delivery duties (driving, loading, unloading, waiting) on the project.
- US DOL changed these rules in 2023; federal district court issued injunction blocking enforcement.

Site of Work – State Only

- Generally, off-site work and off-site drive time does not need to be paid PWR, unless work is being performed on a dedicated site.
  - Dedicated site: generally, didn't exist before project started, is being used primarily for project, is reasonably close to project.
- PWR must be paid for all manual labor performed:
  - On the PWR project site;
  - On dedicated site; and
  - For drive time between dedicated site and PWR project site.

Site of Work – State PWR and DBA

On projects subject to both Oregon PWR **and** federal DBA, BOLI follows US DOL rules for "site of work":

- Dedicated sites must be *adjacent or virtually adjacent* to the project site.

For contracts awarded on or after **10/23/23**:

- Site of work may include secondary construction sites:
  - Other site(s) where a significant portion of the building or work is constructed, provided:
    - The construction is for specific use in that building or work;
    - The site is either established specifically for the performance of the contract or project, or is dedicated exclusively, or nearly so, to the performance of the contract or project for a specific period of time.

NEW: Off-site Fabrication

- 2025's HB 2688 requires PWR off-site work that involves fabrication, assembly, preconstruction, or construction that is "bespoke" (i.e., not standard) and specifically for a PWR project, for these systems:

HVAC and other ducting or piping mechanical systems or components	Plumbing systems or components
Electrical systems or components	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

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

“Safe Harbor” Provisions for Off-site Fab

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.

Applicable Rates for Off-site Fabrication

- 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

Break Time



Daily Overtime

Traditional 5/8 Work Schedule:

- Monday through Friday;
- Overtime is due after 8 hrs/day and 40 hrs/week.

Alternative 4/10 Work Schedule:

- Schedule must consist of 4 consecutive days Mon-Fri, choices are Mon-Thur or Tues-Fri;
- Overtime is due after 10 hrs/day and 40 hrs/week, IF schedule restrictions are followed (see next slide).

IMPORTANT! For either schedule:

- Daily overtime applies even if employee hasn't worked more than 40 hours in the week.

Daily Overtime – 4/10 Restrictions

- Employers may change the work schedule only if the change is intended to be permanent (and not designed to evade overtime). Can't switch back and forth.
- If employee works outside of 4-day schedule, work week reverts to 5/8 schedule.
- Four 10-hour days include ALL hours worked in the week, both PWR and non-PWR.
- Must notify employees in writing of the number of hours/day and days/week they may be required to work. Failure to give required notice results in a 5/8 work schedule (OT due after 8 hrs/day).

- Note: *The terms of a collective bargaining agreement take precedence regarding overtime requirements for covered employees.*

Overtime – Weekend, Holiday, Weekly

Overtime is due for:

- All hours worked on Saturdays and Sundays;
- All hours worked on the following holidays:
  - New Year's Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Thanksgiving
  - Christmas
  - If holiday falls on Saturday, preceding Friday is the recognized holiday; if holiday falls on Sunday, following Monday is recognized holiday.
- All hours worked over 40 hours in the week; occurs when PWR and non-PWR hours are worked in the week.

Daily Overtime – On Site and Off Site

Only work on the PWR project site (and dedicated sites and drive time between the two) must be paid prevailing wages.

However, daily overtime has no "site of work" limitations. If off-site work is related to a public contract, it counts toward daily overtime. Examples:

- Employee drives 1 hour from shop to project site, works 8 hours on PWR project site, drives 1 hour back to shop. Due 2 hours OT this day (at hourly weighted average rate).
- Employee works 5 hours in shop on work related to public contract and works 5 hours on PWR project site. Due 2 hours OT this day (at hourly weighted average rate).
- Employee works 5 hours in shop on private non-PWR work, works 5 hours on PWR project site. No daily OT owed.

Overtime Exceptions

- The terms of a collective bargaining agreement (CBA) take precedence for covered employees.
- Projects for public universities are exempt from the daily/weekend OT requirements.
  - OT is owed only after 40 hours/ week.
  - Public university may require daily and weekend OT by contract.

- Public universities are:
  - Oregon State University
  - University of Oregon
  - Portland State University
  - Western Oregon University
  - Eastern Oregon University
  - Southern Oregon University
  - Oregon Institute of Technology

Calculating Overtime

- Overtime = (base rate x 1.5) + fringe rate.
  - If rate includes zone pay or other premium pay, overtime = ((base rate + premium pay) x 1.5) + fringe rate.
  - The hourly fringe rate is paid for all PWR hours worked, but is always paid at the straight time rate.

- If employee works at more than one rate of pay during a day or week and works OT hours that day or week, the OT must be calculated using a weighted average of the hourly base rates earned.
  - This applies whether the employee works on PWR or non-PWR jobs.

Weighted Average Overtime Example

Employee worked a total of 53 hours. There are 4 hours of daily PWR overtime on the 25th. The 4 hours of daily PWR overtime are subtracted from the 53 weekly hours, leaving 49 hours, or 9 hours of weekly OT.

	Mon 22	Tue 23	Wed 24	Thu 25	Fri 26	Total Hrs	Hrs over 40
Reg. @ $35.00	10	12	9		5	36	53-4=49
PWR @ $41.10 + $18.30				12	5	17	49-40=9

For the week:
36.00 hours @ $35.00 = $1,260.00
17.00 hours @ $41.10 = 698.70
$1,958.70

Total: $1,958.70 ÷ 53 = $36.96; $36.96 x .5 = $18.48;
$18.48 x 9 weekly OT hours = $166.32 due

Base Wages Earned	$1,958.70	
WA Overtime after 40	166.32	
PWR daily overtime	82.20	(4 hours @ ($41.10 x .5))
PWR Fringe Benefits	311.10	(17 hours @ $18.30)
Total Wages Earned	$2,518.32	

See more examples in Appendix C of the PWR Laws Handbook

Fringe Benefits

- Employers may take a credit toward the fringe benefit requirement for “bona fide” fringe benefits they provide to their employees.
- Provided they meet certain criteria, bona fide fringe benefits are:
  - Health and welfare plans
  - Vacation and holiday plans; sick pay/PTO plans that exceed Oregon Sick Time Law requirements
  - Retirement plans
  - Apprenticeship and training costs

*See Appendix A in **PWR Laws Handbook** for more information*

Fringe Benefits – Funded Plan Contributions

Funded plan examples – health/welfare and retirement plans

- Contributions must be made irrevocably to a third party for the employee's benefit.
- Contributions must be made on a regular basis, and not less often than quarterly ("quarterly" means depositing at the end of a 3-month period the benefits for the previous 3 months).
- The benefit or plan must not be required by law.
- Contribution amounts made for prevailing wage work may not be used to fund the plan or program for periods of non-prevailing wage rate work (i.e., need to spread the cost of plan out over ALL hours worked).

Fringe Benefits – Calculating the Credit

Funded plan: Employer contribution paid for employee for the most recent time interval

(***NEW: time interval can't be less often than monthly***)

÷ All hours worked by employee during the contribution period (including non-PWR hours)

= Allowable hourly equivalent fringe benefit credit

NOTE: Must use actual hours worked by employee, not an estimated number of hours. Must use employer's actual contribution amount for that employee, not an average for all employees.

Fringe Benefits – Calculating the Credit

Employer-paid portion of health insurance premium = $600.00 per month

Employee worked 184 total hours during the month

$600.00 ÷ 184 hours = $3.26 credit per hour

Fringe rate from the rate book:	$16.80
Minus hourly fringe credit:	- $3.26
Hourly fringe still owed to worker:	$13.54

Fringe Benefits – Unfunded Plan Req.

Unfunded plan examples – vacation, holiday & possibly sick pay plans

- Plan must actually provide a benefit to employees:
  - No “use it or lose it” plans;
  - Must pay out any amounts earned but not taken at employment separation.
- Plan must be communicated in writing to employees.
- Value of the benefit must be spread over all hours worked, both PWR and non-PWR.
- Plan can’t be required by law, e.g., Oregon Sick Time Law.
  - Only sick time amounts paid in excess of legal requirement can count as a fringe benefit.

Fringe Benefits – Calculating the Credit

Unfunded plan example: yearly value of vacation plan for employee (100 hrs/yr @ $25/hr = $2500 value)

÷ 12 months in the year

= Value of plan for the month for this employee ($208.33);

Monthly value of plan for employee

÷ All hours worked by employee during the month, including non-PWR hours (ex. 175 hours worked)

= Allowable hourly equivalent fringe benefit credit

For this example:

$208.33 value ÷ 175 hours worked = $1.19 credit per hour

Oregon Sick Time Basics

- Employee accrues 1 hour of sick time for every 30 hours worked, up to a max. of 40 hours sick time for the year.
- Employer must pay sick time at the rate the employee would have earned had they worked; if they earn multiple rates, use the weighted average hourly rate from the previous pay period.
- Paid Time Off (PTO) plan may count toward sick time legal requirement, if the plan is "substantially equivalent" to, or more generous than, the sick leave law.

Contact BOLI's Employer Assistance Department for help with sick leave questions:

(971) 361-8400

employer.assistance@boli.oregon.gov

Oregon Sick Time and Fringe Credits

- On PWR projects, employers cannot take a credit against the prevailing wage rate for sick time benefits paid pursuant to Oregon Sick Time law.
- Employers may take a credit for sick time or PTO benefits that exceed the legal requirements, provided the sick time or PTO plan meets the requirements for an unfunded plans.

Apprentices – Base Rate

On PWR projects, “bona fide” apprentices may be paid a percentage of the base rate, according to where they are in their apprenticeship program.

To be “bona fide:”

- Employee must be a registered apprentice with BOLI or state with reciprocity;
- Employer must be a registered training agent with BOLI’s Apprenticeship and Training Division;
- Apprentice must be performing work within their trade; and
- Apprentice must be working in correct ratio to number of journey workers.

Apprentices – Fringe Rate

The law allows less than the full fringe rate to be paid to bona fide apprentices if it is the prevailing practice in the trade and area where the work is being performed. In other words:

- If rate comes from a region page of an older rate book, pay 100% of fringe to apprentice (minus allowable fringe credits).
- If rate comes from the appendix section of an older rate book or comes from the January 2022 and later rate books, may be allowed to pay less than full fringe to apprentice if that is the union practice. Can still subtract allowable fringe credits.
- See apprentice rates on **BOLI website** for each rate book and amendment publication.

Apprentices – Working within Ratio

- If apprentice is working out of ratio, they must be paid the full prevailing wage rate.
- If multiple apprentices are working, and there aren't enough journey workers for ALL apprentices to be in ratio, ALL apprentices must be paid the full prevailing wage rate for the time they are working out of ratio.

BOLI's Apprenticeship and Training Division:

ATD.Email@boli.oregon.gov

BOLI general #: (971) 245-3844

Certified Payroll Reports

- Contractors and subcontractors on public works projects are required to prepare weekly certified payroll reports and submit them to the project's public agency by the fifth business day of the following month.
  - The report includes the statement of certification (second page) and must be submitted with each certified payroll.
- Contractors and subcontractors may use BOLI's WH-38 certified payroll report form (*see website*), or they may submit their own report as long as it includes all the same information on BOLI's WH-38 form.

Certified Payroll Reports

US DOL updated their certified payroll report form, the **WH-347**, on Jan. 6, 2025. It now includes most, but not all, of the information required on BOLI's certified payroll report form. The WH-347 alone can't be used for projects subject to Oregon's PWR laws because of the missing information.

As a result, BOLI updated our certified payroll forms, and created a new form:

- Updated **WH-38A** – instructions for completing BOLI's certified payroll forms
- Updated **WH-38** – use for projects subject *only* to Oregon's PWR laws
- Updated WH-38E – use for projects that require apprentice and workforce demographic reporting
- **NEW: WH-38F** – on projects subject to both Oregon's PWR laws and the federal Davis-Bacon Act, contractors can use the updated federal WH-347 form and BOLI's new WH-38F form, which includes the required BOLI information missing from the federal form.

Certified Payroll Reports

Who needs to appear on the certs?

- All workers, for all hours of labor on site.
- This includes people with a mix of manual and mental/managerial duties, like owners and working supervisors, if they spend more than 20% of their work week performing labor.
  - May not have to show deductions or net pay for owners, if not applicable.

BUREAU OF LABOR AND INDUSTRIES
WAGE AND HOUR DIVISION

PAYROLL/CERTIFIED STATEMENT FORM WH-38
FOR USE IN COMPLYING WITH ORS 279C.845

PRIME CONTRACTOR ☑ SUBCONTRACTOR ☐ WEEK #: 3 (optional; see directions) FINAL PAYROLL ☐

Business Name: Wooley Construction Phone #: (971) 673-0853 CCB Registration #: 1234567

Project Name: Adrienne C. Nelson High School Project #: NA Type of Work: General Contractor

Street Address: 40983 SE Davis St.
Portland, OR 97232
Mailing Address: PO Box 1652
Portland, OR 97232

Project Location: 14897 SE Parklane Dr. Happy Valley, OR 97015
Project County: Clackamas

Date Pay Period Began: 2/3/2025 **Date Pay Period Ended: 2/16/2025**

COMPLETE THIS SECTION IF BUSINESS IS **PRIME CONTRACTOR** ON PROJECT
Public Contracting Agency Name: North Clackamas School District
Phone: (50) 698-8989
Date Contract Specifications First Advertised for Bid: 7-Apr-24
Contract Amount: $50,670,240.00

COMPLETE THIS SECTION IF BUSINESS IS **SUBCONTRACTOR** ON PROJECT
Subcontract Amount:
Prime Contractor Business Name:
Prime Contractor Phone:
Prime Contractor's CCB Registration Number:
Date You Began Work on the Project:

(1)	(2)		(3) DAY AND DATE							(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
			M	T	W	H	F	Sa	Su								
EMPLOYEE NAME AND ADDRESS	CLASSIFICATION (INCLUDE GROUP # & IF APPLICABLE APPRENTICESHIP STEP/PERCENTAGE, AND SUPERVISING JOURNEY WORKER(S) NAME)		2/3	2/4	2/5	2/6	2/7	2/8	2/9	TOTAL HOURS	HOURLY BASE RATE	Hourly Fringe Paid as Wages to Employee	Gross Amount Earned (see directions)	Total Deductions (FICA, Fed, State, etc)	NET WAGES PAID	HOURLY FRINGE BENEFITS PAID TO BENEFIT PARTY, PLAN, FUND, OR PROGRAM	NAME OF BENEFIT PARTY, PLAN, FUND, OR PROGRAM
			HOURS WORKED EACH DAY														
Joe Schmoe 14658 SE 165th Ave Portland OR 97222	Carpenter Group 1	OT									$45.00	$0.00	$90.00 / $1,265.50	$316.38	$949.13	$5.20	Med - BC/BS
		ST		3						3	$30.00					$4.95	Pension - Fin Group
		Reg Hrly Schd: 8am to 4:30p Schedule 5/8 ☑ 4/10 ☐														$1.33	Vacation
Rick Frick 6549 SE Burnside Portland OR 97232	Carpenter Group 1 , 60% apprentice, Joe Schmoe	OT									$27.00	$0.00	$54.00 / $945.75	$236.44	$709.31	$4.50	Med - BC/BS
		ST		3						3	$18.00					$5.85	Pension - Fin Group
		Reg Hrly Schd: 8am to 4:30p Schedule 5/8 ☑ 4/10 ☐														$1.13	Vacation
Carl Schmarl 727 NE Halladay St. Portland OR 97232	Laborer Group 1	OT						1		1	$37.50	$4.00	$128.50 / $1,163.75	$290.94	$872.81	$5.00	Med - BC/BS
		ST		3						3	$25.00					$1.00	Vacation
		Reg Hrly Schd: 8am to 4:30p Schedule 5/8 ☑ 4/10 ☐															
Ed Bread 800 NE Oregon St. Portland OR 97232	Laborer Group 1	OT									$37.50	$10.00	$105.00 / $1,122.25	$280.56	$841.69		
		ST		3						3	$25.00						
		Reg Hrly Schd: 8am to 4:30p Schedule 5/8 ☑ 4/10 ☐															
		OT															
		ST															
		Reg Hrly Schd: to Schedule 5/8 ☐ 4/10 ☐															

THIS FORM CONTINUED ON REVERSE

(1)	(2)		(3) DAY AND DATE							(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
EMPLOYEE NAME AND ADDRESS	CLASSIFICATION (INCLUDE GROUP # & IF APPLICABLE APPRENTICESHIP STEP/PERCENTAGE, & SUPERVISING JORNREYWORKER NAME)		HOURS WORKED EACH DAY							TOTAL HOURS	HOURLY BASE RATE	Hourly Fringe Paid as Wages to Employee	Gross Amount Earned (see directions)	Total Deductions (FICA, Fed, State, etc)	NET WAGES PAID	HOURLY FRINGE BENEFITS PAID TO BENEFIT PARTY, PLAN, FUND, OR PROGRAM	NAME OF BENEFIT PARTY, PLAN, FUND, OR PROGRAM
		OT															
		ST															
		Reg Hrly Schd:			to		Schedule 5/8 ☐ 4/10 ☐										
		OT															
		ST															
		Reg Hrly Schd:			to		Schedule 5/8 ☐ 4/10 ☐										
		OT															
		ST															
		Reg Hrly Schd:			to		Schedule 5/8 ☐ 4/10 ☐										

CERTIFIED STATEMENT

I, Susan Wooley (*name of signatory party*), Owner (*title*), do hereby state:

(1) That I paid or supervised the payment of the persons employed by Wooley Construction (*contractor, subcontractor, or surety*) on the Adrienne C. Nelson High School project (*project name*) and that during the payroll period commencing on 2/3/25 (*month/day/year*) and ending on 2/16/25 (*month/day/year*), all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of Wooley Construction (*contractor, subcontractor, or surety*) from the 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, as described below:

Federal withholding, FICA, State withholding, WBF, OR STT, OR paid leave

(2) That any payrolls 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 specifications/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.

Additional Remarks

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

Susan Wooley, Owner		**2/21/25**
(name and title)	*(signature)*	*(month/day/year)*

NOTE TO CONTRACTORS: **You must attach copies of this form to each of your payroll submissions on this project. File this form with the public agency associated with the project.**

Instructions and additional forms are available on BOLI's website: www.oregon.gov/BOLI

Certified Payroll Reports – 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.
- 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

- The public agency is not required to verify the accuracy of the contents of the certified payroll reports.
- The prime contractor is not required to verify the accuracy of the contents of subcontractors' certified payroll reports.
- We recommend watching for red flags:
  - Classification and rates
  - Is zone pay required?
  - Hours and days of week
  - Number of workers

Required Records

- In addition to certified payroll reports, employers must keep specific records for EACH employee, including:
  - Name & address, work classifications, rates of pay (base wages and fringe benefits), amount of fringe benefits paid to plan or program, total daily and weekly compensation paid, daily & weekly hours worked, apprentice information, and all payroll records. May need to track time of day worked, too.
- Employer records must be kept for 3 years from the date of completion of the work. Employers may opt to keep records longer.

Civil Penalties

- BOLI has civil penalty authority for all prevailing wage rate violations. Potential problem areas for contractors are:
  - Failing to pay workers PWR, overtime, or fringe benefits;
  - Filing falsified certified payroll;
  - Failing to post required information on site;
  - Failure to file a public works bond with CCB; and
  - Failure to include required language in all contract documents.

Ineligible Contractors

- List of Ineligibles (aka debarment list) is on the PWR home page of BOLI's website.
- Review before awarding a PWR contract or subcontract.
- Debarment generally lasts for three years.
- BOLI debarment applies only to projects covered by state PWR law - not federal projects or projects that cost less than $50,000.
- If a contractor or agency awards a contract to someone on the list, it is considered to be intentional circumvention of the law.

Violations Leading to Debarment

- Prime contractor or subcontractor intentionally:
  - fails or refuses to pay prevailing wages to workers;
  - fails or refuses to post the prevailing wage rates as required;
  - falsifies certified payroll reports.
- Prime contractor fails to pay its employees prevailing wages and the surety holding the bond or the public agency pays the employees on prime's behalf.
- Subcontractor fails to pay its employees prevailing wages and the prime contractor, surety holding the bond, or public agency pays the employees on the sub's behalf.

Checklist to Avoid Problems

- √ File a Public Works bond with CCB before starting work on a project.
- √ Ensure subcontractors have filed public works bond with CCB before they start work on the project.
- √ Include a statement that workers must be paid the appropriate PWR in all contracts and subcontracts.
- √ Post the applicable rates on the project site, and ensure employees know they are working on a PWR project.
- √ Keep accurate daily records on each employee in each classification and pay accordingly.
- √ Pay daily, weekly, weekend, and holiday OT as required.

Checklist to Avoid Problems

- √ Review employee timecards often to ensure times and duties are reported accurately. Good idea to have employees sign in and out for the day and for lunch.
- √ File accurate and complete certified payroll with the public agency.
- √ Keep all required records, including certified payroll reports, for at least 3 years.

PRIME CONTRACTORS:

- √ Include required public works bond language in all subcontracts.
- √ Suggested: Review the certified payroll and oversee the job site to confirm subcontractors are properly classifying and paying their workers.
- √ Withhold 25% if 1st-tier sub fails to submit certs.

BOLI PWR Unit Contacts

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BOLI general phone number: (971) 245-3844

Seminar handouts can be found at

https://www.oregon.gov/boli/employers/Pages/prevailing-wage-seminars.aspx

Scroll down and click on View Description