Bureau of Labor and Industries

Coverage Determinations under the PWR Law

Pursuant to ORS 279C.817, the Commissioner of the Bureau of Labor and Industries is required to issue determinations upon request about whether a project or proposed project is or would be a public works under the Prevailing Wage Rate (PWR) law, requiring payment of prevailing wage rates.

Such determinations are required to be issued by the commissioner within 60 days of receiving the request or 60 days after the requester has provided the information necessary to enable the commissioner to make the determination, whichever is later. (The commissioner may take additional time to make the determination if the commissioner and the requester mutually agree that the commissioner may do so.)

The Bureau of Labor and Industries (BOLI) has adopted regulations pertaining to the issuance of coverage determinations under the PWR law. See OAR 839-025-0005.

Determination Request Requirements

Requests for determinations as to whether a project or proposed project is a public works under the PWR law must meet the following requirements before it will be considered by BOLI:

(1) The request must be in writing, describe all relevant details of the project or proposed project, and be submitted to the Prevailing Wage Rate Unit. The submission may be emailed to pwr.email@boli.oregon.gov, or mailed to the Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 1800 SW 1st Ave, Suite 500, Portland, OR, 97201.

(2) A copy of the request must be sent to any public agency known to be associated with the project at the time it is submitted to the Prevailing Wage Rate Unit. The request submitted to the Prevailing Wage Rate Unit must identify the public agencies receiving a copy of the request.

(3) In addition to the written request, the requester must provide all documents, records, and other information necessary to enable the commissioner to make the determination. This information includes but is not limited to copies of advertisements, project plans and specifications, development and disposition agreements, contracts, project financing information, loan agreements, and any other relevant information related to the project or proposed project.

The requester has a continuing duty to provide the Prevailing Wage Rate Unit with all relevant documents, records and other information until a determination is made. A requester must promptly provide documents, records or other information that the commissioner informs the requester is necessary to make a determination. When the requester is not a public agency and information necessary for a determination is in the custody or control of a public agency, the requester must obtain the information from the public agency and provide it to the Prevailing Wage Rate Unit.

If any information submitted in connection with a request is modified or superseded in any material respect after being submitted to the Prevailing Wage Rate Unit, the requester must promptly submit the updated information to the Prevailing Wage Rate Unit.

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If a requestor fails or refuses to provide information required by rule, and BOLI has reasonable grounds to believe such information exists, the commissioner may inform the requester that it is unable to issue a determination.

If the commissioner informs a requester that the Prevailing Wage Rate Unit has not received all the information necessary to make a determination, the request shall remain pending for 90 calendar days with the Prevailing Wage Rate Unit. After 90 days, the requester will need to submit a new request for a determination.

When the commissioner issues a determination, it shall be issued to the requester, with copies mailed to any public agencies identified on the request. Determinations are also posted on the agency's website here.

Right to a Hearing

The requester and any person adversely affected or aggrieved by a determination issued are entitled to a hearing as provided by the Administrative Procedures Act under ORS 183.413 to 183.470, and ORS 279C.817.

Hearing requests must be received by the Bureau of Labor and Industries, Wage and Hour Division, within 21 days from the date the determination is mailed. (See additional information regarding hearings and hearing requests on the last page of the determination.)

An order the commissioner issues under the Administrative Procedures Act is subject to judicial review as provided in ORS 183.482.

For additional information regarding PWR coverage determinations, contact:

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