Oregon's Prevailing Wage Rate Laws
Public Agency Responsibilities and Potential Liabilities

Oregon's Prevailing Wage Rate laws

Oregon's Prevailing Wage Rate (PWR) laws apply to projects that meet the definition of "public works" under ORS 279C.800(6)(a), provided no exemptions from the law under ORS 279C.810(2) apply to the project.

Coverage of the PWR laws

Generally, projects will be subject to the PWR laws when[1]:

- The project includes construction, reconstruction, major renovation, painting, demolition, or hazardous waste removal;
- The project is carried on or contracted for by a public agency to serve the public interest;
- The project uses some funds of a public agency; and
- The total project cost exceeds $50,000.

Public Agency Responsibilities

When a project is subject to the PWR laws, the public agency contracting for the work has certain responsibilities, including but not limited to:

- Including provisions in specifications and contract documents to let the contractors know they must pay all workers not less than the applicable prevailing wage rate, and to let them know which prevailing wage rate book applies to the project;
- Ensure a payment bond is filed when required;
- Submit a Notice of Public Works form and PWR fee to BOLI; and
- Accept and retain certified payroll reports submitted by contractors and subcontractors, and withhold 25% of amounts owed to the prime contractor if the prime contractor does not turn in their certified payroll reports as required.

Potential Liabilities

If the language provisions and payment bond requirements noted above are not followed, the public agency may be held liable for unpaid prevailing wages in certain circumstances. In addition, BOLI may take steps to assess civil penalties against a public agency for violations of the PWR laws. Civil penalties can be up to $5000 per violation; for continuing violations, each day is a new violation.

BOLI will consider assessing civil penalties against a public agency if the Notice of Public Works form (WH-81) is not submitted as required under ORS 279C.835 and OAR 839-025-0013. This form can be found on the PWR home page of BOLI's website, in the Public Agency Forms table.

Helpful information about the Notice of Public Works from can be found in the Public Agency Responsibilities section of the PWR Laws Handbook. For other questions about the WH-81 form or to submit a WH-81 form, please email the PWR Unit at pwr.email@boli.oregon.gov.

Other PWR resources: PWR Laws Handbook Prevailing Wage Seminar Schedule

[1] This is not an all-inclusive list of the types of projects that are subject to the PWR laws. Some types of projects may be subject to the PWR laws even if not all of the criteria listed here are met.

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This information is not intended as legal advice. Those searching for legal advice should consult an attorney and not rely on this guide.