



PREVAILING WAGE ADVISORY COMMITTEE (PWAC)

Background, Purpose, and Operating Policies of the Advisory Committee

The Prevailing Wage Advisory Committee was established in 1995 by the Legislature. (ORS 279C.820). The stated purpose of the committee is to assist the Commissioner of the Bureau of Labor and Industries in the administration of ORS 279C.800 to 279C.870 (the Prevailing Wage Rate law).

The following operating policies of the advisory committee have been adopted:

I. Advisory Committee Operating Policies

- a. The Advisory Committee will meet at the discretion of the Wage and Hour Division Administrator to consider issues related to ORS 279C.800 to 279C.870 that are presented to the Agency by advocates, stakeholders, employers, business organizations, and the public, or issues raised by the Commissioner.
- b. The Commissioner and Wage and Hour Division Administrator may ask the Advisory Committee to consider policies, possible amendments or additions to administrative rules or to the PWR law as deemed helpful or necessary to achieve compliance with the law.
- c. Upon the request of the Commissioner or Wage and Hour Division Administrator, after considering an issue presented, the Committee will make a recommendation for consideration.

II. Committee Membership and Removal

- a. As required by ORS 279C.820, the Advisory Committee will include equal representation of members from management and labor in the building and construction industry who perform work on public works contracts. Additional "interested parties" may be appointed to the committee at the discretion of the Commissioner and Wage and Hour Division Administrator. Interested parties do not have voting power.
- b. Labor members include, but are not limited to, labor organizations.
- c. Management members include, but are not limited to, employers and industry associations.
- d. Interested parties include, but are not limited to, local, city and state municipalities.

- e. Members will be appointed by the Commissioner for two-year terms or three-year terms. There will be an equal number of representatives for labor and management for each two and three-year term limit.
- f. Members may be reappointed once upon expiration of their terms.
- g. Members must be found in compliance with applicable state and federal laws, rules, and regulations, including but not limited to:
 - i. No adverse findings on record with BOLI within 5 years;
 - ii. Registered with the Secretary of State Business Registry (<https://sos.oregon.gov/business/Pages/find.aspx>);
 - iii. Compliant with applicable tax laws and not including on the delinquent taxpayer list:
<https://www.oregon.gov/dor/programs/collections/pages/delinquent-taxpayers.aspx>
 - iv. Not listed on the Federal exclusions/debarment check:
<https://sam.gov/search/>
 - v. Compliant with workers compensation coverage requirements:
<https://www4.cbs.state.or.us/exs/wcd/cov/>
 - vi. Not debarred through PWR
<https://www.oregon.gov/boli/employers/pages/pwr-ineligible-contractors.aspx>
 - vii. No substantiated contractor complaints within 10 years with CCB:
<https://search.ccb.state.or.us/search/>
- h. Any subsequent compliance issues with the state and federal laws, rules, and regulations identified above is cause for removal from the Committee at the Commissioner's discretion.

III. Committee Organization

- a. A quorum will be comprised of a simple majority of members appointed to the Committee. In the absence of a quorum, the Committee may convene as a subcommittee for the purposes of taking public testimony.
- b. The Committee may create subcommittees to assist it in its duties; however, subcommittees may not assume primary advisory board responsibilities. All ultimate recommendations for approval and actual funding must come from a quorum of the Committee, not a subcommittee.
- c. With advance written notice to the Commissioner and/or designated BOLI staff, a Committee member may designate a stand-in if they are unable to attend a particular meeting. Stand-ins will be allowed to vote on issues and will be counted toward a quorum of the Committee. Stand-ins will be allowed to participate fully in the Committee discussion and all other proceedings on behalf of the member who designated the stand-in.
- d. Minutes of all meetings of the Committee will include:
 - i. Attendance of members and staff;
 - ii. Names, affiliations and any written testimony of witnesses;
 - iii. All motions and their disposition;
 - iv. Recorded votes on all official actions; and
 - v. Any announcements of conflicts of interest.

- e. A written record of minutes will be prepared by Bureau of Labor and Industries staff. Minutes will be available to the public within a reasonable time after a meeting.
- f. All meetings of the Advisory Committee will be open to the public except as provided by the Oregon Public Meetings Law.

IV. Meeting Attendance, Absences and Removal

- a. The purpose of this policy is to help ensure regular attendance by committee members. It is essential for efficient operations and proper representation that all committee members understand and abide by this attendance policy.
- b. Any committee member unable to attend a meeting should provide reasonable notice to the WHD Administrator, Compliance Manager, or Prevailing Wage Rate Unit Coordinator prior to the meeting.
- c. The Committee will be notified if the following take place:
 - i. Two excused absences in one year;
 - ii. One unexcused absence in one year; and/or
 - iii. Three instances of tardiness in one year;
- d. Virtual attendance is acceptable; however, all committee members are strongly encouraged to participate in person.
- e. Any subsequent absences or tardiness in the same year is a violation of the attendance policy and is cause for removal from the committee at the discretion of the Commissioner.

V. Recommendations of the Committee

- a. Recommendations of the Committee will be made by a simple majority vote of those present.
- b. A dissenting opinion may also be submitted to the Commissioner at the discretion of individual members. Members intending to submit dissenting opinions must notify the Committee after the vote and before adjournment of the meeting in which the dissenting vote was cast.