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**PERMANENT ADMINISTRATIVE RULES**

**FILED**  
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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 12/01/2015 by the  
Bureau of Labor and Industries 839

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Agency and Division Administrative Rules Chapter Number  
Marcia Ohlemiller (971) 673-0784

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Rules Coordinator Telephone  
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To become effective Upon filing. Rulemaking Notice was published in the November 2015 Oregon Bulletin.

**RULE CAPTION**

Implements legislation related to prevailing wage law; clarifies "public works" and "exemptions."

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Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

- ADOPT:**
- AMEND:**  
839-025-0004, 839-025-0020, 839-025-0037, 839-025-0100, 839-025-0320, 839-025-0530
- REPEAL:**
- RENUMBER:**
- AMEND AND RENUMBER:**

**Statutory Authority:**  
ORS 651.060(4); ORS 279C.808

**Other Authority:**

**Statutes Implemented:**  
SB 137 and HB 2664, Regular Session (Or.2015), ORS chapter 279C

**RULE SUMMARY**

SB 137 modifies the definition of a public works to include a project for the construction, reconstruction, major renovation or painting of a road, highway, building, structure or improvement of any type that uses \$750,000 or more of funds of a public agency. Previously, this definition required funds of a private entity in addition to \$750,000 or more of public funds. The rule amendments conform the definition of public works in OAR 839-025-0004(20)(a)(B) to the changes made by SB 137. Additionally, the rule amendments add section (20)(a)(F) to OAR 839-025-0004 to include projects resulting from an agreement under the terms of which a private entity constructs, reconstructs, renovates or paints an improvement of any type that occurs, with or without public funds of a public agency, on real property owned by a university with a governing board or by a nonprofit organization or other entity that a university with a governing board owns or controls exclusively. This addition reflects changes made to ORS 352.138(4) by HB 2664. Furthermore, as a consequence of other amendments made to ORS 352.138(4)(a) by HB 2664, universities with governing boards are exempt from certain prevailing wage rate laws when the project does not result from an agreement as described above in OAR 839-025-0004(20)(a)(F). The amendments cite the particular prevailing wage statutes in the list of exemptions found in OAR 839-025-0100.

Other changes made to OAR 839, division 025 make clarifying changes and clean up grammar and typographical errors.

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