

# Senate Bill 54

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes content requirement for certified statements of payroll records submitted by contractors and subcontractors in connection with contracts for public works.

## A BILL FOR AN ACT

1  
2 Relating to certified statements of payroll records for public works; creating new provisions; and  
3 amending ORS 279C.845.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 279C.845 is amended to read:

6 279C.845. (1) The contractor or the contractor's surety and every subcontractor or the subcon-  
7 tractor's surety shall file certified statements with the public agency in writing, on a form pre-  
8 scribed by the Commissioner of the Bureau of Labor and Industries, certifying:

9 (a) The hourly rate of wage paid each worker whom the contractor or the subcontractor has  
10 employed upon the public works; and

11 (b) That no worker employed upon the public works has been paid less than the prevailing rate  
12 of wage or less than the minimum hourly rate of wage specified in the contract.

13 (2) The certified statement shall be verified by the oath of the contractor or the contractor's  
14 surety or subcontractor or the subcontractor's surety that the contractor or subcontractor has read  
15 the certified statement, [*and*] **that the contractor or subcontractor** knows the contents [*thereof*]  
16 **of the certified statement** and that [*the same is true*] to the contractor or subcontractor's knowl-  
17 edge **the certified statement is true**.

18 (3) The certified statements shall set out accurately and completely the **contractor's or sub-**  
19 **contractor's** payroll records [*for the prior week*], including the name and address of each worker,  
20 the worker's correct classification, rate of pay, daily and weekly number of hours worked[, *de-*  
21 *ductions made and actual wages paid*] **and the gross wages the worker earned upon the public**  
22 **works during each week identified in the certified statement**.

23 (4) The contractor or subcontractor shall deliver or mail each certified statement required by  
24 subsection (1) of this section to the public agency. Certified statements for each week during which  
25 the contractor or subcontractor employs a worker upon the public works shall be submitted once  
26 a month, by the fifth business day of the following month. Information submitted on certified state-  
27 ments may be used only to ensure compliance with the provisions of ORS 279C.800 to 279C.870.

28 (5) Each contractor or subcontractor shall preserve the certified statements for a period of three  
29 years from the date of completion of the contract.

30 (6) Certified statements received by a public agency are public records subject to the provisions

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of ORS 192.410 to 192.505.

2 (7) Notwithstanding ORS 279C.555 or 279C.570 (7), if a contractor is required to file certified  
3 statements under this section, the public agency shall retain 25 percent of any amount earned by  
4 the contractor on the public works until the contractor has filed with the public agency certified  
5 statements as required by this section. The public agency shall pay the contractor the amount re-  
6 tained under this subsection within 14 days after the contractor files the certified statements as  
7 required by this section, regardless of whether a subcontractor has failed to file certified statements  
8 as required by this section. The public agency is not required to verify the truth of the contents of  
9 certified statements filed by the contractor under this section.

10 (8) Notwithstanding ORS 279C.555, the contractor shall retain 25 percent of any amount earned  
11 by a first-tier subcontractor on a public works until the subcontractor has filed with the public  
12 agency certified statements as required by this section. The contractor shall verify that the first-tier  
13 subcontractor has filed the certified statements before the contractor may pay the subcontractor any  
14 amount retained under this subsection. The contractor shall pay the first-tier subcontractor the  
15 amount retained under this subsection within 14 days after the subcontractor files the certified  
16 statements as required by this section. Neither the public agency nor the contractor is required to  
17 verify the truth of the contents of certified statements filed by a first-tier subcontractor under this  
18 section.

19 **SECTION 2. The amendments to ORS 279C.845 by section 1 of this 2009 Act apply to**  
20 **contracts for public works first advertised or, if not advertised, first entered into on or after**  
21 **the effective date of this 2009 Act.**

22

---