

HB 4154 -2 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/9

WHAT THE MEASURE DOES:

Makes general contractor liable for unpaid wages, benefit payments and other contributions, and accrued interest. Allows Bureau of Labor and Industries to enforce wage claim against contractor as if contractor was the subcontractor who had not fully compensated the employee. Allows third party that is owed employee's benefit payment or contribution to bring action against the contractor.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Defines "exclusive representative."

Clarifies that it is the exclusive representative of a collective bargaining unit (instead of third party) who can bring action against contractor for unpaid benefit payment or contributions.

Requires subcontractor's to provide payroll records of employee who has filed a wage claim upon request of contractor.

Requires contracts between contractors and subcontractor, and between subcontractors and lower-tier subcontractors, to include specified provisions.

Allows contractor to pay employee the amount due to the employee from the subcontractor and withhold payment to the subcontractor until stated requirements are met.

Clarifies that provisions do not apply to work performed under public contract under prevailing wage rate statutes (ORS 279C.800 to 279C.870) as opposed to all public improvement contracts.

BACKGROUND:

It is common in the construction industry to have multiple tiers of subcontractors. House Bill 4154 addresses liability when a subcontractor does not pay to its employees the wages, benefits and contributions that have been earned.