

HOUSE AMENDMENTS TO HOUSE BILL 4154

By COMMITTEE ON BUSINESS AND LABOR

February 15

1 On page 1 of the printed bill, after line 8, insert:

2 “(c) ‘Exclusive representative’ means the exclusive representative described in ORS 663.015.”

3 In line 9, delete “(c)” and insert “(d)”.

4 Delete lines 22 through 24 and insert:

5 “(4) The exclusive representative of a collective bargaining unit that represents the employee
6 wage claimant may bring an action against the contractor on behalf of the employee to enforce the
7 liability prescribed by subsection (2)(a) of this section.”

8 On page 2, delete lines 5 through 12 and insert:

9 “(8)(a) Upon the request of a contractor who has entered into a contract to use the services of
10 a subcontractor at any tier to perform construction work, the subcontractor and any lower tier
11 subcontractors under the contract shall provide payroll records, including the employee’s name and
12 address, classification, rate of pay, daily and weekly number of hours worked and gross wages
13 earned and unpaid.

14 “(b) The information requested under this subsection shall be limited to those records of em-
15 ployees of a subcontractor who have filed a wage claim under ORS chapter 652.”

16 In line 13, delete “(b)” and insert “(c)”.

17 In line 20, after “ORS” insert “279C.800 to 279C.870.”

18 “(11)(a) Every contract entered into between a contractor and a first-tier subcontractor or be-
19 tween a first-tier subcontractor and a subcontractor at any tier to use the services of a subcon-
20 tractor to perform construction work must include at a minimum:

21 “(A) A provision in which the subcontractor agrees to make timely payments to employees of
22 the subcontractor for wages earned for services performed under the contract; and

23 “(B) A provision that permits the contractor to withhold payment to a subcontractor at any tier
24 for the failure of a subcontractor to make timely payments to employees of the subcontractor for
25 wages earned for services performed under the contract.

26 “(b) Lack of privity does not deprive the commissioner or an exclusive representative of a col-
27 lective bargaining unit that represents an employee wage claimant from bringing an action against
28 a contractor to enforce the liability prescribed by subsection (2)(a) of this section.”

29 Delete line 21.

30 In line 22, delete “(11)” and insert “(12)”.

31 Delete lines 30 through 33 and insert:

32 “(c) A contractor may pay to an employee of a subcontractor an amount equal to wages earned
33 and unpaid and withhold payment to the subcontractor until:

34 “(A) The subcontractor satisfies the contractor’s request for information under subsection (8)
35 of this section; and

