

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4154**

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

2 “(c) ‘Exclusive representative’ means the exclusive representative de-
3 scribed in ORS 663.015.”.

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

5 Delete lines 22 through 24 and insert:

6 “(4) The exclusive representative of a collective bargaining unit that re-
7 presents the employee wage claimant may bring an action against the con-
8 tractor on behalf of the employee to enforce the liability prescribed by
9 subsection (2)(a) of this section.”.

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

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

17 “(b) The information requested under this subsection shall be limited to
18 those records of employees of a subcontractor who have filed a wage claim
19 under ORS chapter 652.”.

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

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

1 “(11)(a) Every contract entered into between a contractor and a first-tier
2 subcontractor or between a first-tier subcontractor and a subcontractor at
3 any tier to use the services of a subcontractor to perform construction work
4 must include at a minimum:

5 “(A) A provision in which the subcontractor agrees to make timely pay-
6 ments to employees of the subcontractor for wages earned for services per-
7 formed under the contract; and

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

12 “(b) Lack of privity does not deprive the commissioner or an exclusive
13 representative of a collective bargaining unit that represents an employee
14 wage claimant from bringing an action against a contractor to enforce the
15 liability prescribed by subsection (2)(a) of this section.”.

16 Delete line 21.

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

18 Delete lines 30 through 33 and insert:

19 “(c) A contractor may pay to an employee of a subcontractor an amount
20 equal to wages earned and unpaid and withhold payment to the subcontrac-
21 tor until:

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

24 “(B)(i) A court order has been issued in the wage claim proceeding under
25 ORS chapter 652; or

26 “(ii) The commissioner dismisses the wage claim proceeding, enters into
27 a settlement agreement or enters a final order in the matter.”.

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