

House Bill 3608

Sponsored by Representatives SMITH G, FAHEY (at the request of National Electrical Contractors Association (NECA), International Brotherhood of Electrical Workers (IBEW) Local 280)

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**.

Provides that, for purpose of specifying prevailing rate of wage for electrical workers, locality is geographical area within which each local union is exclusive representative for local union's membership, and collective bargaining agreement is collective bargaining agreement to which local union is party.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to a prevailing rate of wage for electrical workers; creating new provisions; amending ORS
3 279C.815; and prescribing an effective date.

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

5 **SECTION 1.** ORS 279C.815 is amended to read:

6 279C.815. (1) As used in this section[,]:

7 (a) **“Electrical worker” means an electrician, inside wireman, cable splicer, electrical**
8 **welder, electrical material handler, lighting maintenance worker or limited energy**
9 **electrician.**

10 (b) “Person” means an employer, a labor organization or an official representative of an em-
11 ployee or employer association.

12 (2)(a) The Commissioner of the Bureau of Labor and Industries at least once each year shall
13 determine in accordance with paragraph (b) of this subsection the prevailing rate of wage for
14 workers in each trade or occupation in each locality described in ORS 279C.800 and shall make this
15 information available at least twice each year. The commissioner may amend the rate at any time.

16 (b)(A) **Except as provided in subparagraph (B) of this paragraph**, the prevailing rate of wage
17 for a trade or occupation in a locality is the rate of wage set forth in the collective bargaining
18 agreement for the trade or occupation in the locality or, if more than one collective bargaining
19 agreement covers a trade or occupation in the locality, the highest rate of wage among the collec-
20 tive bargaining agreements for the trade or occupation in the locality.

21 **(B) Notwithstanding ORS 279C.800 (3), for the purpose of specifying a prevailing rate of**
22 **wage for electrical workers in accordance with subparagraph (A) of this paragraph, the ap-**
23 **plicable locality is the geographical area within which each local union is the exclusive rep-**
24 **resentative for the local union’s membership, and the applicable collective bargaining**
25 **agreement is the collective bargaining agreement to which the local union is a party.**

26 (c) If a collective bargaining agreement does not exist for a trade or occupation in a locality,
27 the commissioner shall determine the prevailing rate of wage by conducting an independent wage
28 survey in the locality. The commissioner may also consider additional information such as other
29 independent wage surveys and the prevailing rates of wage determined by appropriate federal

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 agencies or agencies of adjoining states. If a wage survey under this paragraph does not show that
 2 a majority in the same trade or occupation is paid at the same rate, the average rate of hourly wage,
 3 including all fringe benefits, paid in the locality to workers in the same trade or occupation is the
 4 prevailing rate. If the wage a contractor or subcontractor pays to workers on a public works is
 5 based on a period of time other than an hour, the hourly wage must be mathematically determined
 6 by the number of hours worked in that period of time.

7 (3) A person shall make reports and returns to the Bureau of Labor and Industries that the
 8 commissioner requires to determine the prevailing rates of wage, using forms the bureau provides
 9 and within the time the commissioner prescribes. The person or an authorized representative of the
 10 person shall certify to the accuracy of the reports and returns.

11 (4) Notwithstanding ORS 192.311 to 192.478, reports and returns or other information provided
 12 to the commissioner under this section are confidential and not available for inspection by the
 13 public.

14 (5) The commissioner may enter into a contract with a public or private party to obtain data
 15 and information the commissioner needs to determine the prevailing rate of wage. The contract may
 16 provide for the manner and extent of the review of affected trades and occupations and for other
 17 requirements regarding timelines of reports, accuracy of data and information and supervision and
 18 review as the commissioner prescribes.

19 **SECTION 2. The amendments to ORS 279C.815 by section 1 of this 2023 Act apply to de-**
 20 **terminations of the prevailing rate of wage that the Commissioner of the Bureau of Labor**
 21 **and Industries makes on and after the effective date of this 2023 Act.**

22 **SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 23 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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