

CHAPTER 61

AN ACT

SB 1568

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

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

SECTION 1. ORS 279C.815 is amended to read: 279C.815. (1) As used in this section[,]:

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

(b) **“Person” means an employer, a labor organization or an official representative of an employee or employer association.**

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

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

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

(c) If a collective bargaining agreement does not exist for a trade or occupation in a locality, the commissioner shall determine the prevailing rate of wage by conducting an independent wage survey in

the locality. The commissioner may also consider additional information such as other independent wage surveys and the prevailing rates of wage determined by appropriate federal agencies or agencies of adjoining states. If a wage survey under this paragraph does not show that a majority in the same trade or occupation is paid at the same rate, the average rate of hourly wage, including all fringe benefits, paid in the locality to workers in the same trade or occupation is the prevailing rate. If the wage a contractor or subcontractor pays to workers on a public works is based on a period of time other than an hour, the hourly wage must be mathematically determined by the number of hours worked in that period of time.

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

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

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

SECTION 2. The amendments to ORS 279C.815 by section 1 of this 2024 Act apply to determinations of the prevailing rate of wage that the Commissioner of the Bureau of Labor and Industries makes on and after the effective date of this 2024 Act.

SECTION 3. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Approved by the Governor March 27, 2024

Filed in the office of Secretary of State March 27, 2024

Effective date June 6, 2024