

# House Bill 2041

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Commissioner of the Bureau of Labor and Industries Val Hoyle)

## 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**.

Modifies definition of "apprenticeable occupation" to include occupations and occupational fields in conformance with guidelines for apprenticeship issued by United States Department of Labor. Makes conforming amendments.

Requires State Director of Apprenticeship and Training to post on Bureau of Labor and Industries website and electronically mail to apprentices notice of local joint committee's determination of current journeyworker hourly wage rate.

Provides alternative method for obtaining apprentice wage rate, subject to certain conditions.

## A BILL FOR AN ACT

1  
2 Relating to apprenticeship; amending ORS 276.265, 279A.803, 279C.308, 279C.533, 660.010, 660.142 and  
3 757.306 and section 15, chapter 5, Oregon Laws 2020 (second special session), and section 10,  
4 chapter 658, Oregon Laws 2021.

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

6 **SECTION 1.** ORS 660.010 is amended to read:

7 660.010. As used in ORS 660.002 to 660.210, unless the context requires otherwise:

8 (1) "Apprentice" means a worker who is at least 16 years of age, except when a higher minimum  
9 age is otherwise required by law, and who is employed to learn an apprenticeable occupation under  
10 standards of apprenticeship approved by the State Apprenticeship and Training Council and under  
11 an apprenticeship agreement recognized by the council.

12 (2) "Apprenticeable occupation" *[means]* **includes:**

13 (a) A skilled trade that:

14 [(a)] (A) Is customarily learned in a practical way through a structured, systematic program of  
15 on-the-job supervised training;

16 [(b)] (B) Is clearly identified and commonly recognized throughout an industry;

17 [(c)] (C) Involves manual, mechanical or technical skills and knowledge that require a minimum  
18 of 2,000 hours of on-the-job supervised training; and

19 [(d)] (D) Requires related instruction to supplement the on-the-job training.

20 (b) **Occupations and occupational fields in high-growth industries approved for appren-**  
21 **ticeship by the Bureau of Labor and Industries in conformance with guidelines issued by the**  
22 **United States Department of Labor.**

23 (3) "Apprenticeship agreement" means a written agreement between an apprentice and either  
24 the apprentice's program sponsor or the local joint committee acting as the agent for the program  
25 sponsor that contains the minimum terms and conditions of the employment and training of the ap-  
26 prentice.

27 (4) "Course of study" means a course of study for the instruction of apprentices or trainees es-  
28 tablished in accordance with ORS 660.157.

**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 (5) “District school board” includes the boards of community college service districts, education  
 2 service districts, common school districts and community college districts.

3 (6) “Employer” means any person employing the services of an apprentice, regardless of whether  
 4 the person is a party to an apprenticeship agreement with the apprentice.

5 (7) “Journeyworker” means a worker who has attained a level of skill, abilities and competen-  
 6 cies recognized within an industry as having mastered the skills and competencies required for the  
 7 occupation.

8 (8) “Local joint committee” includes local joint apprenticeship committees, local joint training  
 9 committees and trade committees.

10 (9) “Program” means the total system of apprenticeship as operated by a particular local joint  
 11 committee, including the committee’s registered standards and all other terms and conditions for the  
 12 qualification, recruitment, selection, employment and training of apprentices in that apprenticeable  
 13 occupation.

14 (10) “Trainee” means a worker who is at least 16 years of age, except when a higher minimum  
 15 age is otherwise required by law, and who is to receive, in part consideration for services, complete  
 16 instruction in an occupation that meets all the requirements of an apprenticeable occupation, except  
 17 that such occupation requires, in the opinion of the council, less than 2,000 but not less than 1,000  
 18 hours of on-the-job supervised training.

19 (11) “Training agent” means an employer that is registered with a local joint committee and the  
 20 Apprenticeship and Training Division of the Bureau of Labor and Industries.

21 **SECTION 2.** ORS 660.142 is amended to read:

22 660.142. (1) A training agent may not pay an apprentice at a rate less than that obtained by  
 23 applying the schedule, set forth in the applicable standards, at the apprentice’s level of apprentice-  
 24 ship, to the journeyworker hourly rate of wage currently in effect for journeyworkers in the occu-  
 25 pation for which the apprentice is being trained, as determined by the appropriate local joint  
 26 committee.

27 (2) The journeyworker hourly wage rate shall be the average hourly wage currently being paid  
 28 by the training agents participating in a program to their skilled workers, that is, to those employ-  
 29 ees with demonstrated knowledge, experience and proficiency in that trade or occupation who are  
 30 currently performing the type of work for which the apprentice is to be trained. Upon receipt of a  
 31 committee’s determination of its current journeyworker hourly rate of wage, the State Director of  
 32 Apprenticeship and Training shall cause notice of the determination to be promptly **posted on the**  
 33 **Bureau of Labor and Industries website and electronically** mailed to all apprentices and training  
 34 agents participating in the program. The determination shall be in effect from the date set forth in  
 35 the determination or, lacking such date, from the first of the month following the *[mailing]* **posting**  
 36 of the determination. However, neither the wage determination nor the effective date alters the  
 37 terms or effect of an existing collective bargaining agreement.

38 (3) If a higher journeyworker hourly wage rate is prescribed by federal or state law for work  
 39 on a particular project, the higher rate is controlling for purposes of determining apprentice wages  
 40 applicable to that particular project.

41 (4) Nothing stated in ORS 660.002 to 660.210 shall be construed to supersede the minimum wage  
 42 or overtime provisions of ORS chapters 652 and 653, or the rules adopted under ORS chapter 652  
 43 or 653. Anything to the contrary notwithstanding, the entry wage (that wage derived by applying  
 44 the lowest percentage on the schedule to the current journeyworker hourly wage rate, **as deter-**  
 45 **mined under subsection (2) of this section or otherwise determined under subsection (6) of**

1 **this section**) may not be less than the federal or state minimum wage rate, whichever is higher.

2 (5) The State Apprenticeship and Training Council may make such exceptions to the apprentice  
 3 wage schedule or journeyworker hourly wage rate, and to the minimum numeric ratio of  
 4 journeyworkers to apprentices, as it deems necessary or advisable to further the operation of ap-  
 5 prenticeship and training programs in Department of Corrections and Oregon Youth Authority in-  
 6 stitutions.

7 **(6)(a) Notwithstanding subsections (1) and (2) of this section, if all of the conditions under**  
 8 **this paragraph are satisfied, the wage rate for an apprentice may be determined by applying**  
 9 **the progressively increasing wage schedule set forth in the applicable standards of appren-**  
 10 **ticeship, at the apprentice’s level of apprenticeship, to a percentage of the journeyworker**  
 11 **hourly wage rate as determined in paragraph (b) of this subsection:**

12 **(A) The wages for the apprenticeable occupation in which the apprentice is to be trained**  
 13 **are not determined by an industry-wide collective bargaining agreement.**

14 **(B) The apprenticeable occupation is in an industry other than construction and the in-**  
 15 **dustrial trades.**

16 **(C) The apprenticeship will be completed with a single employer.**

17 **(D) The employer and the apprentice have entered into a written agreement stating that**  
 18 **the employer shall employ the apprentice as a journeyworker following successful completion**  
 19 **of the apprenticeship.**

20 **(b) For purposes of this subsection, the journeyworker hourly wage rate is the entry**  
 21 **wage paid to journeyworkers according to the specific workplace location at which the**  
 22 **journeyworker performs work in an apprenticeable occupation.**

23 **SECTION 3.** ORS 276.265 is amended to read:

24 276.265. (1) It is the policy of this state to encourage public agencies to participate in appren-  
 25 ticeship programs. Every public agency employing five or more persons in the same apprenticeable  
 26 occupation for the improvement or maintenance, not including routine maintenance, of a public fa-  
 27 cility shall be encouraged to register as a training agent with the appropriate apprenticeship com-  
 28 mittees and shall be expected to employ at least one apprentice for that apprenticeable occupation,  
 29 subject to the public agency’s available and legislatively approved budget resources. The public  
 30 agency shall be subject in its capacity as a training agent to the rules and policies of the responsible  
 31 apprenticeship committees and the State Apprenticeship and Training Council.

32 (2) For purposes of this section:

33 (a) “Apprenticeable occupation” has the meaning defined in ORS 660.010 **(2)(a)**.

34 (b) “Employing five or more persons” means the employment of five or more persons at any time  
 35 during the current or immediately prior fiscal year; provided, however, that a public agency may  
 36 petition the State Apprenticeship and Training Council for exemption from the requirements of this  
 37 section on the grounds that the public agency’s circumstances have so changed since the imme-  
 38 diately prior fiscal year as to make application of this section contrary to the interests of current  
 39 or potential apprentices.

40 (c) “Improvement or maintenance, not including routine maintenance” means construction, re-  
 41 construction and major renovation of or to and painting of public facilities and includes the remodel-  
 42 ing, alteration and emergency repair of buildings, other structures, real property, highways and  
 43 roads. “Improvement or maintenance, not including routine maintenance” does not include minor  
 44 alteration, ordinary repair or maintenance necessary in order to preserve a public facility.

45 (d) “Public agency” means the State of Oregon or any political subdivision thereof or any

1 county, city, district, authority, public corporation or entity and any of their instrumentalities or-  
2 ganized and existing under law or charter.

3 (e) "Public facility" means the works, buildings and grounds owned, leased or rented by a public  
4 agency and which are situated within the State of Oregon, and shall include any such works,  
5 buildings or grounds governed, managed or administered by the Oregon Department of Administra-  
6 tive Services.

7 **SECTION 4.** ORS 279A.803 is amended to read:

8 279A.803. (1) A public body that is carrying out a qualified project shall require each contractor  
9 in a contract with an estimated cost of \$200,000 or greater to:

10 (a) Enter into a project labor agreement that, at a minimum, provides for payment of wages at  
11 or above the prevailing rate of wage;

12 (b) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable  
13 occupations perform under the contract, in a manner consistent with the apprentices' respective  
14 apprenticeship training programs;

15 (c) Establish and execute a plan for outreach, recruitment and retention of women, minority  
16 individuals and veterans to perform work under the contract, with the aspirational target of having  
17 at least 15 percent of total work hours performed by individuals in one or more of those groups; and

18 (d) Require any subcontractor engaged by the contractor to abide by the requirements set forth  
19 in paragraphs (a), (b) and (c) of this subsection, if the work to be performed under the subcontract  
20 has an estimated cost of \$200,000 or greater.

21 (2) The requirements of subsection (1) of this section do not apply to a contract for a qualified  
22 project if the public body carrying out the qualified project demonstrates to the Oregon Department  
23 of Administrative Services that:

24 (a) The qualified project is primarily located in a county that is characterized as nonmetropol-  
25 itan by the United States Office of Management and Budget; and

26 (b) Compliance with the requirements would, with respect to the contract:

27 (A) Cause significant expense or delay; or

28 (B) Limit the pool of bidders to fewer than three.

29 (3) As used in this section:

30 (a) "Apprentice" has the meaning given that term in ORS 660.010.

31 (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010 **(2)(a)**.

32 (c) "Apprenticeship training program" means the total system of apprenticeship that a particular  
33 local joint committee, as defined in ORS 660.010, operates, including the local joint committee's  
34 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-  
35 ploying and training apprentices in an apprenticeable occupation.

36 (d) "Minority individual" has the meaning given that term in ORS 200.005.

37 (e) "Prevailing rate of wage" has the meaning given that term in ORS 279C.800.

38 (f) "Public body" has the meaning given that term in ORS 174.109.

39 (g) "Qualified project" means a project:

40 (A) For capital improvements to water, sewer, broadband or transportation infrastructure;

41 (B) That has an estimated project cost of at least \$10 million; and

42 (C) That utilizes at least \$750,000 of moneys made available to the state under the American  
43 Rescue Plan Act of 2021 (P.L. 117-2).

44 (h) "Veteran" has the meaning given that term in ORS 408.225.

45 (i) "Woman" has the meaning given that term in ORS 200.005.

**SECTION 5.** ORS 279C.308 is amended to read:

279C.308. (1) As used in this section:

(a) “Apprentice” has the meaning given that term in ORS 660.010.

(b) “Apprenticeable occupation” has the meaning given that term in ORS 660.010 **(2)(a)**.

(c) “Community benefit project” means a public improvement project that is subject to the terms and conditions of a community benefit contract.

(2) As used in this section and in ORS 279C.375 and 279C.430, “community benefit contract” means a public improvement contract that includes, but is not limited to, the elements described in subsection (3)(b) of this section.

(3)(a) A contracting agency or local contract review board may enact or adopt, as appropriate, an ordinance, resolution, rule, regulation or other legislative or administrative measure that authorizes the contracting agency or local contract review board to designate a public improvement contract as a community benefit contract.

(b) In addition to and not in lieu of any other requirement that applies to a public improvement contract under this chapter, a public improvement contract that a contracting agency or local contract review board designates as a community benefit contract may include as material provisions of the contract, but need not be limited to, terms and conditions that require the contractor to:

(A) Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;

(B) Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;

(C) Provide employer-paid family health insurance; and

(D) Meet any other requirements that the contracting agency or local contract review board sets forth in the ordinance, resolution, rule, regulation or other legislative or administrative measure that authorizes procurements of community benefit contracts.

(c) A contracting agency or local contract review board shall:

(A) Ensure, before advertising or soliciting a community benefit contract, that all advertisements and solicitation documents state clearly that the procurement is for a community benefit contract and identify conspicuously all of the provisions to which a contractor will be subject, including the percentage of work hours for which the contractor must employ apprentices and the standards that will apply to the health plan the contractor must provide; and

(B) Require, before accepting and evaluating bids or proposals for a community benefit contract, that each bidder or proposer include with the bid or proposal a signed statement that acknowledges that the bidder or proposer understands and agrees to be bound by the requirements that apply to the community benefit contract.

(4) Except as otherwise provided in this section, a solicitation and award of a community benefit contract is subject to all applicable provisions of the Public Contracting Code.

**SECTION 6.** ORS 279C.533 is amended to read:

279C.533. (1) As used in this section:

(a) “Apprentice” has the meaning given that term in ORS 660.010.

(b) “Apprenticeable occupation” has the meaning given that term in ORS 660.010 **(2)(a)**.

(c) “Apprenticeship agreement” has the meaning given that term in ORS 660.010.

(d) “Apprenticeship training program” means the total system of apprenticeship that a particular local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-

1 ploying and training apprentices in an apprenticeable occupation.

2 (2) A state contracting agency shall provide in each public improvement contract for which the  
3 contract price exceeds \$3 million that the contractor shall:

4 (a) Employ apprentices to perform 12 percent of the work hours that workers in apprenticeable  
5 occupations perform on the public improvement; and

6 (b) Require in each subcontract for which the contract price exceeds the lesser of \$1 million or  
7 25 percent of the price of the contract that the subcontractor employ apprentices to perform 12  
8 percent of the work hours that workers in apprenticeable occupations perform on the subcontract.

9 (3) A contractor or subcontractor shall pay an apprentice for work on the public improvement  
10 at the hourly rate to which the apprentice is entitled under an apprenticeship agreement or that the  
11 apprenticeship training program specifies.

12 (4) Subject to the terms of the public improvement contract, a contractor on a public improve-  
13 ment may decide the locations in which, the types of work for which and other details concerning  
14 how the contractor employs apprentices for work on the public improvement. The contractor may  
15 meet the requirement set forth in subsection (2) of this section by requiring one or more subcon-  
16 tractors to employ apprentices for work on the public improvement.

17 (5) A contractor shall report the extent of the contractor's compliance with this section to the  
18 state contracting agency on forms, with contents the state contracting agency specifies by rule, and  
19 at regular intervals that the state contracting agency specifies in the public improvement contract.  
20 The forms and the contents that the state contracting agency specifies must include, at a minimum,  
21 a report in which the contractor provides a detailed accounting of the total number of work hours  
22 each month and the cumulative total number of work hours since the public improvement contract  
23 term began in which:

24 (a) Workers in apprenticeable occupations performed work on the public improvement; and

25 (b) Apprentices performed work on the public improvement.

26 (6) At least 30 days before making any final payment to a contractor under a public improve-  
27 ment contract, a state contracting agency shall determine the extent of the contractor's compliance  
28 with the requirement in subsection (2) of this section. The state contracting agency shall base the  
29 determination on the ratio between the actual number of work hours that workers in apprenticeable  
30 occupations performed on the public improvement and the actual number of work hours that ap-  
31 prentices performed on the public improvement, as shown in reports the state contracting agency  
32 receives under subsection (5) of this section.

33 (7) This section does not apply to:

34 (a) The Department of Transportation or a public improvement contract that a contractor enters  
35 into with the department; or

36 (b) A public contract that a state contracting agency enters into under ORS 279B.080.

37 **SECTION 7.** Section 15, chapter 5, Oregon Laws 2020 (second special session), is amended to  
38 read:

39 **Sec. 15.** (1) A public university that is carrying out a qualified project shall require each con-  
40 tractor in a contract with an estimated cost of \$200,000 or greater to:

41 (a) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable  
42 occupations perform under the contract, in a manner consistent with the apprentices' respective  
43 apprenticeship training programs;

44 (b) Establish and execute a plan for outreach, recruitment and retention of women, minority  
45 individuals and veterans to perform work under the contract, with the aspirational target of having

1 at least 15 percent of total work hours performed by individuals in one or more of those groups;

2 (c) Provide health insurance and retirement benefits to workers; and

3 (d) Require any subcontractor engaged by the contractor to abide by the requirements set forth  
4 in paragraphs (a), (b) and (c) of this subsection, if the work to be performed under the subcontract  
5 has an estimated cost of \$200,000 or greater.

6 (2) On or before February 1 of each year, each public university that is carrying out a qualified  
7 project shall report to the Joint Committee on Ways and Means or Joint Interim Committee on  
8 Ways and Means, as part of the report required under ORS 350.379, on:

9 (a) The amount of work performed on qualified projects by apprentices;

10 (b) The amount of work performed on qualified projects by women, minority individuals and  
11 veterans; and

12 (c) The types and costs of health insurance and retirement benefits provided to workers by  
13 contractors and subcontractors.

14 (3) The requirements of this section are in addition to, and not in lieu of, the requirements im-  
15 posed under ORS 350.379.

16 (4) As used in this section:

17 (a) "Apprentice" has the meaning given that term in ORS 660.010.

18 (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010 (2)(a).

19 (c) "Apprenticeship training program" means the total system of apprenticeship that a particular  
20 local joint committee, as defined in ORS 660.010, operates, including the local joint committee's  
21 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-  
22 ploying and training apprentices in an apprenticeable occupation.

23 (d) "Minority individual" has the meaning given that term in ORS 200.005.

24 (e) "Qualified project" means the following capital construction projects:

25 (A) The Oregon Institute of Technology Boivin Hall Rehabilitation referenced in section 1 (1)(i),  
26 chapter 661, Oregon Laws 2019;

27 (B) The Oregon State University Arts and Education Complex project referenced in section 1  
28 (1)(j), chapter 661, Oregon Laws 2019;

29 (C) The Portland State University SB1 Renovation and Expansion referenced in section 1 (1)(k),  
30 chapter 661, Oregon Laws 2019; and

31 (D) The University of Oregon Huestis Hall Renovation referenced in section 1 (1)(L), chapter  
32 661, Oregon Laws 2019.

33 (f) "Veteran" has the meaning given that term in ORS 408.225.

34 (g) "Woman" has the meaning given that term in ORS 200.005.

35 **SECTION 8.** Section 10, chapter 658, Oregon Laws 2021, as amended by section 6, chapter 111,  
36 Oregon Laws 2022, is amended to read:

37 **Sec. 10.** (1) A public university that is carrying out a qualified project shall require each con-  
38 tractor in a contract with an estimated cost of \$200,000 or greater to:

39 (a) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable  
40 occupations perform under the contract, in a manner consistent with the apprentices' respective  
41 apprenticeship training programs;

42 (b) Establish and execute a plan for outreach, recruitment and retention of women, minority  
43 individuals and veterans to perform work under the contract, with the aspirational target of having  
44 at least 15 percent of total work hours performed by individuals in one or more of those groups;

45 (c) Provide health insurance and retirement benefits to workers; and

1 (d) Require any subcontractor engaged by the contractor to abide by the requirements set forth  
 2 in paragraphs (a), (b) and (c) of this subsection, if the work to be performed under the subcontract  
 3 has an estimated cost of \$200,000 or greater.

4 (2) On or before February 1 of each year, each public university that is carrying out a qualified  
 5 project shall report to the Joint Committee on Ways and Means or Joint Interim Committee on  
 6 Ways and Means, as part of the report required under ORS 350.379, on:

7 (a) The amount of work performed on qualified projects by apprentices;

8 (b) The amount of work performed on qualified projects by women, minority individuals and  
 9 veterans; and

10 (c) The types and costs of health insurance and retirement benefits provided to workers by  
 11 contractors and subcontractors.

12 (3) The requirements of this section are in addition to, and not in lieu of, the requirements im-  
 13 posed under ORS 350.379.

14 (4) As used in this section:

15 (a) “Apprentice” has the meaning given that term in ORS 660.010.

16 (b) “Apprenticeable occupation” has the meaning given that term in ORS 660.010 (2)(a).

17 (c) “Apprenticeship training program” means the total system of apprenticeship that a particular  
 18 local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s  
 19 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-  
 20 ploying and training apprentices in an apprenticeable occupation.

21 (d) “Minority individual” has the meaning given that term in ORS 200.005.

22 (e) “Qualified project” means the following capital construction projects:

23 (A) The Eastern Oregon University Inlow Hall Renovation, Phase II referenced in section 1  
 24 (1)(a), chapter 658, Oregon Laws 2021;

25 (B) The Oregon State University Cascades Student Success Center referenced in section 1  
 26 (1)(b)(A), chapter 658, Oregon Laws 2021;

27 (C) The Oregon State University Cordley Hall Renovation, Phase II referenced in section 1  
 28 (1)(b)(B), chapter 658, Oregon Laws 2021;

29 (D) The Portland State University Gateway Center Reuse and Extension referenced in section  
 30 1 (1)(c), chapter 658, Oregon Laws 2021;

31 (E) The University of Oregon Heritage Buildings Renovation (University and Villard Halls) ref-  
 32 erenced in section 1 (1)(d), chapter 658, Oregon Laws 2021; and

33 (F) The Western Oregon University Student Success Center referenced in section 1 (1)(e), chap-  
 34 ter 658, Oregon Laws 2021.

35 (f) “Veteran” has the meaning given that term in ORS 408.225.

36 (g) “Woman” has the meaning given that term in ORS 200.005.

37 **SECTION 9.** ORS 757.306, as amended by section 1, chapter 51, Oregon Laws 2022, is amended  
 38 to read:

39 757.306. (1) As used in this section:

40 (a) “Apprentice” [*and “apprenticeable occupation” have the meanings given those terms*] **has the**  
 41 **meaning given that term** in ORS 660.010.

42 (b) **“Apprenticeable occupation” has the meaning given that term in ORS 660.010 (2)(a).**

43 [*b*] (c) “Apprenticeship training program” means the total system of apprenticeship that a  
 44 particular local joint committee, as defined in ORS 660.010, operates, including the local joint  
 45 committee’s registered standards and all other terms and conditions for qualifying, recruiting, se-



1 lecting, employing and training apprentices in an apprenticeable occupation.

2 [(c)] (d) “Community solar project” has the meaning given that term in ORS 757.386.

3 [(d)] (e) “Construction” includes on-site and off-site construction and fabrication and covers 30  
4 days after project completion.

5 [(e)] (f) “Covered project” means:

6 (A) Except as provided in subparagraph (B) of this paragraph, a renewable energy generation,  
7 sequestration or storage facility with a capacity rating of 10 megawatts or greater.

8 (B) A community solar project with a capacity rating above three megawatts.

9 [(f)] (g) “Minority individual” and “woman” have the meanings given those terms in ORS  
10 200.005.

11 [(g)] (h) “Repower” means replacement of enough of the original generation equipment or com-  
12 ponents to make an original energy generation facility equivalent to a new facility, such that at  
13 least 80 percent of the fair market value of the facility derives from new generation equipment or  
14 components installed as part of the replacement project.

15 [(h)] (i) “Veteran” has the meaning given that term in ORS 408.225.

16 (2) A person who constructs or repowers a covered project sited in this state shall, within 30  
17 days from the date the construction begins, provide a signed attestation or declaration stating to the  
18 best of their knowledge and belief, subject to penalty of perjury as described in ORS 162.065, that  
19 during all periods of construction all contractors and subcontractors working on the construction  
20 or repowering project will:

21 (a)(A)(i) Except as provided in sub-subparagraph (ii) of this subparagraph, participate in an ap-  
22 prenticeship program registered with the State Apprenticeship and Training Council and with  
23 graduation rates equal to or higher than the national average for each respective trade in a manner  
24 consistent with the respective apprenticeship training programs, such that 15 percent of the total  
25 work hours on a given covered project is performed by apprentices in apprenticeable occupations;  
26 or

27 (ii) If less than 15 percent of total work hours on a given covered project is performed by ap-  
28 prentices in apprenticeable occupations, demonstrate good faith with meeting the requirement de-  
29 scribed in sub-subparagraph (i) of this subparagraph by providing documented and verifiable  
30 information including:

31 (I) Internet addresses of employment advertisements or job announcements;

32 (II) Dates, times, Internet addresses and attendance lists of a prejob conference with appren-  
33 ticeship, preapprenticeship and workforce providers in construction;

34 (III) Contacts requesting apprentices with an apprenticeship program approved by the Bureau  
35 of Labor and Industries including the date, time, telephone contact, electronic mail contact and  
36 whether a response was provided within 48 hours of the request;

37 (IV) Contacts requesting apprentices from a union hall including the date, time, telephone con-  
38 tact, electronic mail contact and whether a response was provided within 48 hours of the request;  
39 and

40 (V) Documentation of job offers and number of job offers made to apprentices;

41 (B) Establish and execute a plan for outreach, recruitment and retention of women, minority  
42 individuals, veterans and people with disabilities to perform work under the contract, with the  
43 aspirational target of having at least 15 percent of total work hours performed by individuals in one  
44 or more of those groups;

45 (C) Have policies in place that are designed to limit or prevent workplace harassment and dis-

1 crimination and that promote workplace diversity, equity and inclusion for communities who have  
 2 been underrepresented in the clean energy sector, including women, veterans and Black, Indigenous  
 3 and People of Color;

4 (D) Maintain a license and good standing to perform the work and remain eligible to receive a  
 5 contract or subcontract for public works under ORS 279C.860;

6 (E) Materially demonstrate a history of material compliance in the previous seven years, or  
 7 provide available history for new businesses, with the rules and other requirements of state agencies  
 8 with oversight regarding workers' compensation, building codes and occupational safety and health;

9 (F) Materially demonstrate a history of compliance, in the previous seven years, or provide  
 10 available history for new businesses, with federal and state wage and hour laws; and

11 (G) Provide quarterly reporting and recordkeeping to the project owner or electric utility and  
 12 respond to records requests and verification; and

13 (b) If the covered project has a capacity rating of 10 megawatts or greater:

14 (A) Pay no less than the prevailing wage rate for an hour's work in the same trade or occupa-  
 15 tion in the locality where the labor is performed. Prevailing wage rate includes the calculation of  
 16 wages and fringe benefits per trade and locality and will be treated as standards defined in ORS  
 17 279C.800 to 279C.870.

18 (B) Offer health care and retirement benefits to the employees performing the labor on the  
 19 project.

20 (C) Provide quarterly reporting and recordkeeping to the project owner or electric utility and  
 21 respond to records requests and verification.

22 (3) The person shall provide the attestation or declaration and any good faith effort documen-  
 23 tation described in subsection (2) of this section to the State Department of Energy within 30 days  
 24 from the date construction begins and shall notify the purchaser of the project or of the energy from  
 25 the project of this provision or of the provision of a project labor agreement under subsection (4)  
 26 of this section, the notice of which shall identify the signatories to the agreement. In addition to the  
 27 requirements described in subsection (2) of this section, the attestation or declaration must include  
 28 the following information:

29 (a) The megawatt capacity and physical footprint in acres of the project;

30 (b) The geographic location of the project;

31 (c) The estimated workforce requirements of the project;

32 (d) A collated list of good faith effort documentation; and

33 (e) A description of any policies in place for ensuring the person meets the requirements in this  
 34 section.

35 (4)(a) In lieu of providing an attestation or declaration described in subsection (2) of this section,  
 36 the person may provide a copy of a project labor agreement, if a project labor agreement is used  
 37 on the covered project and shall be exempted from the requirements described in subsection (2) of  
 38 this section.

39 (b) As used in this subsection, "project labor agreement" means a prehire collective bargaining  
 40 agreement as described in 29 U.S.C. 158(f) that establishes the terms and conditions of employment  
 41 for a specific construction project or contract.

42 (c) A project labor agreement may include additional provisions that:

43 (A) Prohibit discrimination based on race, national origin, religion, gender, sexual orientation,  
 44 political affiliation or membership in a labor organization in hiring and dispatching workers for the  
 45 project.

1 (B) Permit qualified contractors and subcontractors to bid for and be awarded work on the  
2 project without regard to whether they are otherwise parties to a collective bargaining agreement.

3 (C) Permit and promote qualified business enterprises owned by women, minorities, veterans and  
4 disadvantaged individuals without regard to whether the individuals are otherwise parties to a col-  
5 lective bargaining agreement.

6 (D) Guarantee against work stoppages, strikes, lockouts and similar disruptions of the project.

7 (5)(a) The department shall retain an attestation or declaration filed with the department in a  
8 manner consistent with the department's record retention policies.

9 (b) Notwithstanding any provisions of ORS 192.345 or 192.355, an attestation or declaration  
10 provided to the department pursuant to this subsection is subject to public records disclosure and  
11 the department shall provide a copy of the attestation or declaration upon request.

12 (c) An attestation or declaration filed under this section is for reporting purposes only and the  
13 department may not use an attestation or declaration to investigate, regulate or enforce matters  
14 addressed in the attestation or declaration.

15 (6)(a) Nothing in this section:

16 (A) Applies to a contract or subcontract with a tribal government, agent or instrumentality of  
17 an Oregon Indian tribe for a covered project located in whole or in part on the tribe's reservation  
18 or on land held in trust by the United States for the benefit of the tribe, unless the tribal govern-  
19 ment elects to adopt the standards in this section for the contract or subcontract; or

20 (B) Affects the wage rates overseen by a tribal government, agent or instrumentality of an  
21 Oregon Indian tribe.

22 (b) As used in this subsection, "Oregon Indian tribe" and "tribal government" have the meanings  
23 given those terms in ORS 294.805.

24 (7) Nothing in this section:

25 (a) Prohibits the inclusion of labor standards in addition to those required by subsection (2) of  
26 this section in contracts that are subject to this section; or

27 (b) Prohibits a person from using a project labor agreement to meet the minimum requirements  
28 of subsection (2) of this section.

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