

April 7, 2009

Heber Nelson, Community Housing Manager
Seniors and People with Disabilities
Department of Human Services
676 Church St. NE, 2nd Floor
Salem, OR 97301

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Proposed Renovations to a Group Home (2740 NW Hayes St., Corvallis)
Requested by: Department of Human Services

Dear Mr. Nelson:

On March 17, 2009, you submitted a request on behalf of Seniors and People with Disabilities, Department of Human Services (“DHS”), asking if the Prevailing Wage Rate law would apply to proposed renovations to be done to a group home owned by Home Life, Inc., a non-profit corporation. Sufficient information to make a determination was received on March 31, 2009, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Home Life, Inc. (“HLI”) owns a group home located at 2740 NW Hayes Street in Corvallis, Oregon. HLI plans to improve this home to make it completely accessible for two people with developmental disabilities. Such renovations will include adding a ramp to the front and back doors, raising the floor, and creating a new ADA-accessible bathroom and two bedrooms. The cost of the improvements is estimated to be \$130,000.
2. Home Life, Inc. will retain ownership of the group home during and after the planned renovations.
3. DHS will contribute \$100,000 in funds of a public agency toward this project; HLI will contribution approximately \$30,000 toward this project.
4. No public agency will occupy or use any part of this group home.

CONCLUSIONS OF LAW

1. The group home located at 2740 NW Hayes in Corvallis is privately owned. Therefore, the definition of “public works” under ORS 279C.800(6)(a)(B) or (C) is applicable for consideration for the proposed improvements.
2. Less than \$750,000 of funds of a public agency will be used on this project. Therefore, the project does not meet the definition of “public works” in ORS 279C.800(6)(a)(B).
3. No public agency will occupy or use any part of this group home. Therefore, the project does not meet the definition of “public works” under ORS 279C.800(6)(a)(C).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed renovations to the group home owned by Home Life, Inc. and located at 2740 NW Hayes Street in Corvallis.

This determination is based on the agency’s file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

REQUEST FOR A RECONSIDERATION

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

RIGHT TO A HEARING

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and HB 2140 Section 43 (Enrolled) OR Laws 2007. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator

Wage and Hour Division
Bureau of Labor and Industries
800 NE Oregon St., Suite 1045
Portland, Oregon 97232

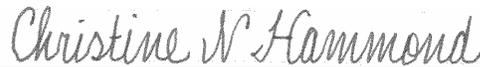
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: April 7, 2009

Brad Avakian, Commissioner
Bureau of Labor and Industries



Christine N. Hammond, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On April 7, 2009, I mailed the Prevailing Wage Rate Determination for the Home Life, Inc. group home project located at 2740 NW Hayes Street in Corvallis, Oregon, to the public agency associated with this project, as follows:

Heber Nelson, Community Housing Manager
Seniors and People with Disabilities
Department of Human Services
676 Church St. NE, 2nd Floor
Salem, OR 97301

Susan Wooley
PWR Technical Assistance Coordinator
Wage and Hour Division
Bureau of Labor and Industries