



October 31, 2011

Tony Scurto, Superintendent  
Pleasant Hill School District No. 1  
36386 Highway 58  
Pleasant Hill, OR 97455-9614

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Pleasant Hill Community Center  
Requested by: Pleasant Hill School District No. 1

Dear Mr. Scurto:

On October 25, 2011, you submitted a request on behalf of the Pleasant Hill School District No. 1 asking if the Prevailing Wage Rate law would apply to the proposed Pleasant Hill Community Center project. Sufficient information to make a determination was received on October 27, 2011, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT:

1. In the last few years, Pleasant Hill School District has closed its primary school and its junior high school and has consolidated all facilities onto a single campus. Pleasant Hill School District still owns the old junior high school and the property on which it stands. Pleasant Hill School District now plans to remodel one of the existing junior high buildings and turn it into a community center.
2. Pleasant Hill School District is a public agency. The school district and the junior high school campus are located in Pleasant Hill, Oregon.

**PORTLAND**  
800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

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3. The Pleasant Hill Community Center project (“project”) will be funded and contracted for by the Pleasant Hill Foundation. The Pleasant Hill Foundation is an active domestic nonprofit that first registered with the Oregon Secretary of State on November 5, 1991. Pleasant Hill School District plans to lease the portion of the old junior high to be remodeled to the Pleasant Hill Foundation during the construction.
4. The total project cost is estimated to be \$250,000-\$300,000. Pleasant Hill Foundation will fund the entire project through private donations.
5. No funds of a public agency will be used in this project, either directly or indirectly.
6. Pleasant Hill Foundation will let all contracts and manage the entire project. Pleasant Hill School District’s Facilities Manager and Superintendent will provide technical assistance, but will not be directly controlling the project.

**CONCLUSIONS OF LAW:**

1. The proposed project involves the construction, reconstruction, major renovation or painting of a publically owned building, structure or improvement and therefore could meet the definition of “public works” under ORS 279C.800(6)(a)(A).
2. Regardless of whether the project is a public works as defined by ORS 279C.800(6)(a)(A), no funds of a public agency will be used on the Pleasant Hill Community Center project, either directly or indirectly. ORS 279C.800 to 279C.870 do not apply to projects for which no funds of a public agency are used. ORS 279C.810(2)(b). Therefore, this exemption applies.

**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 construction, reconstruction, major renovation and/or painting of the Pleasant Hill Community Center project.

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 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 ORS 279C.817. 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, OR 97232

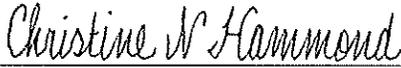
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: October 31, 2011

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries

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CHRISTINE N. HAMMOND,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

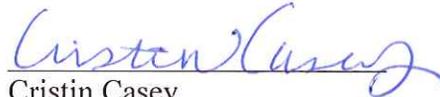
On October 31, 2011, I mailed the Prevailing Wage Rate Determination for the Pleasant Hill Community Center project to the requestor, as follows:

Tony Scurto, Superintendant  
Pleasant Hill School District No. 1  
36386 Highway 58  
Pleasant Hill, OR 97455-9614

Certified Mail – Return Receipt Requested  
Article #: 7009 2820 0001 4829 2268

Pleasant Hill Foundation  
Attn: Board Members  
P.O. Box 636  
Pleasant Hill, OR 97455

Certified Mail – Return Receipt Requested  
Article #: 7009 2820 0001 4829 2275



Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries