



Commissioner Brad Avakian  
Bureau of Labor and Industries

## COMMISSIONER'S MESSAGE – Labor Day 2010

Dear Friends:

We have nearly reached the unmistakable marker of the end of summer vacation, Labor Day Weekend. This is a special holiday for me both based on my years practicing law, representing workers who had been wronged, and based on my current job. As many of you will recall, I am a regular at Oaks Park on Labor Day, celebrating with the Northwest Oregon Labor Council. It is one of my favorite celebrations every year, and it is with some regret that I will not be there this year.

Instead, I will be marking this year's holiday with the families and friends of labor in The Dalles and Bend. In the future, I look forward to being back at the festivities in Portland, as well as visiting my friends in other communities, enjoying the Labor Day celebrations in North Bend, Medford, Salem and Springfield. Thank you to all the folks who very kindly invited me to their events this year.

Regardless of where I am, I always observe Labor Day to reflect on the history of organized labor and the progress of working families throughout our state. 128 years ago, New York City held the first Labor Day celebration. It took less than five years for Oregon to become the first state in the country to officially make Labor Day a holiday. Of course, Oregon has always been a great role-model for other states. Even when faced with difficult challenges, Oregonians blaze trails for our neighbors to follow.

How does this leadership, this pioneering spirit, win out over adversity? Throughout 128 years of progress and regress, victory and defeat, it has always been working people who have shouldered the greatest burdens and overcome the greatest obstacles. This is probably because working families, in Oregon and around the country, have the greatest stake in the health of our society and our economy. It is through the labor of working-class men and women that we generate the means to help the less fortunate while building the strong middle class that keeps our economy, and our nation's moral compass, on track.

It is important for us to remember, on Labor Day especially, the efforts of our predecessors. We should be inspired, after the celebrations of this holiday weekend, to rededicate ourselves not just to the everyday work for which we are paid, but to the great work that we all must join to rejuvenate our struggling middle class.

More than anything, Labor Day is a celebration of the progress that can be made when people pull together to overcome common challenges. As we look forward to fun and relaxation this weekend, I hope you'll all join me in celebrating the two keys to achieving success in any situation: hard work and cooperation. Clearly these are the twin spirits of Labor Day.

Sincerely,

Brad Avakian  
Oregon Labor Commissioner

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## The Brad Tracker

**Where's he been?** Brad spent two days in Southern Oregon reconnecting with old legislative colleagues, unfortunately missed a local parade to attend a good friend's wedding out-of-town (apologies to the fine folks of Multnomah Village!) and attended a reception for AFL-CIO National President Richard Trumka in Portland.

**Where's he going?** Tomorrow, Brad heads to Central Oregon for two days, including meetings with the local League of Women Voters and Jobs with Justice. On Monday, Brad will celebrate Labor Day at events hosted by the Mid-Columbia Central Labor Council in The Dalles and the Central Oregon Central Labor Council in Bend. Coming up soon, Brad will visit the Wasco and Sherman County Democrats, participate in BOLI's All-Staff Trainings, and then head south for an Apprenticeship Council meeting in Central Point, a visit to the Democratic Party of Lane County and participation in the U of O Law School's Public Interest Law Symposium.

If your group is interested in having the Commissioner come to speak, send good contact information to [Donna.Brown@state.or.us](mailto:Donna.Brown@state.or.us). Staff will respond to your request in a timely manner, but please try to provide at least 2 weeks' notice if suggesting a particular date for the Commissioner's visit.

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### **Avakian Praises Safeway for Coming to Aid of Unpaid Workers**

*BOLI and Safeway will get Aptitude employees paid now*

Commissioner Avakian announced on Tuesday that Safeway Inc. has agreed to fund payments to workers left unpaid by Aptitude Staffing Solutions. In July and August, BOLI's Wage and Hour Division received four wage claims totaling nearly \$6,000 from Aptitude employees dispatched to Safeway facilities in Clackamas. Upon receipt of the funds from Safeway, BOLI expects to process and mail checks to the claimants in a matter of days.

"Safeway has really stepped up to take care of these workers," said Commissioner Avakian. "Of course, we would prefer to see this money coming from Aptitude Staffing, but Safeway's assistance means that we can get folks paid now."

Aptitude Staffing Solutions, a California-based employment agency, failed to respond to multiple letters from BOLI demanding that the company pay the wages or provide evidence that they are not owed as claimed. A BOLI investigator warned Aptitude in the most recent communication that failure to pay the wages, or even challenge the claims, would result in an administrative order for the unpaid wages, plus interest, penalty wages and potential civil penalties in addition.

"BOLI's duty is to get money to the workers who earned it," Avakian emphasized. "Everyone wants to see this group of workers paid, with the apparent exception of Aptitude Staffing, who seemingly can't be bothered to comply with the law."

The Wage and Hour Division could still assess civil penalties against Aptitude for both its failure to pay wages and its failure to cooperate with the investigation. State law requires employers to make payroll and other records available to the Division upon request.

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“BOLI may not be done with Aptitude Staffing,” Avakian said. “Right now, we are happy to see our number one priority, ensuring that these employees get paid, has been achieved. We greatly appreciate Safeway’s help in making that happen.”

Oregon’s Wage and Hour Division handles some 2,800 wage claims each year, enforcing minimum wage and overtime requirements as well as child labor, farm and forest labor, and prevailing wage rate laws.

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## Upcoming BOLI Events

Date	Event Type	Location	Subject	Contact
Sept. 15 & 16	TA Seminar	Lane Comm. College, Eugene	<a href="#">Leave Laws in Oregon: A 2-Day Training</a>	TA Program @ 971-673-0825
Sept. 16	OSATC Quarterly Mtg	Crater Lake ETC, Central Point	<a href="#">State Apprenticeship and Training Council</a>	Appr. Div. @ 971-673-0760
Sept. 17	Statewide Closure	ALL BOLI OFFICES	Mandatory unpaid time-off for all staff	<a href="#">Oregon Furlough Information Site</a>
Sept. 21	PWR Seminar	State Office Building, Portland	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Sept. 21 & 22	TA Seminar	Chemeketa Comm. College, Salem	<a href="#">Employee Supervision: A 2-Day Basic Training</a>	TA Program @ 971-673-0825
Sept. 28	TA Seminar	State Office Building, Portland	<a href="#">Advanced Leave Laws</a>	TA Program @ 971-673-0825
Sept. 28	PWR Seminar	DHS McKenzie Center, Eugene	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Sept. 28	PWR Seminar	DHS McKenzie Center, Eugene	PWR for Public Agencies	PWR Unit @ 971-673-0838
Sept. 30	TA Seminar	Clatsop Comm. College, Seaside	<a href="#">Wage and Hour Laws</a>	TA Program @ 971-673-0825
Oct. 5	PWR Seminar	Jackson County Library, Medford	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Oct. 5	PWR Seminar	Jackson County Library, Medford	PWR for Public Agencies	PWR Unit @ 971-673-0838
Oct. 5 & 6	TA Seminar	Central Oregon Comm. Coll, Bend	<a href="#">Employee Supervision: A 2-Day Basic Training</a>	TA Program @ 971-673-0825
Oct. 6	PWR Seminar	Klamath County Community Room	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Oct. 6	PWR Seminar	Klamath County Community Room	PWR for Public Agencies	PWR Unit @ 971-673-0838
Oct. 12	TA Seminar	Treasure Valley C.C., Ontario	<a href="#">Effective Supervisory Practices</a>	TA Program @ 971-673-0825

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Date	Event Type	Location	Subject	Contact
Oct. 12	PWR Seminar	Columbia Gorge CC, The Dalles	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Oct. 12	PWR Seminar	Columbia Gorge CC, The Dalles	PWR for Public Agencies	PWR Unit @ 971-673-0838
Oct. 12 & 13	TA Seminar	Chemeketa Comm. College, Salem	<a href="#">Leave Laws in Oregon: A 2-Day Training</a>	TA Program @ 971-673-0825
Oct. 13	TA Seminar	City Hall, Baker City	<a href="#">Wage and Hour Laws</a>	TA Program @ 971-673-0825
Oct. 13	PWR Seminar	Umatilla-Morrow ESD, Pendleton	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Oct. 13	PWR Seminar	Umatilla-Morrow ESD, Pendleton	PWR for Public Agencies	PWR Unit @ 971-673-0838
Oct. 14	TA Seminar	Blue Mtn Comm. College, Pendleton	<a href="#">Leave Laws in Oregon</a>	TA Program @ 971-673-0825
Oct. 19	PWR Seminar	State Office Building, Portland	PWR for Public Agencies	PWR Unit @ 971-673-0838
Oct. 19 & 20	TA Seminar	Lane Comm. College, Eugene	<a href="#">Employee Supervision: A 2-Day Basic Training</a>	TA Program @ 971-673-0825
Oct. 21	OCCR Quarterly Mtg.	State Office Building, Portland	The Co-Chairs are developing the agenda	Civil Rights @ 971-673-0795
Oct. 22	TA Seminar	State Office Building, Portland	<a href="#">Recordkeeping Requirements</a>	TA Program @ 971-673-0825
Oct. 25 & 26	TA Seminar	State Office Building, Portland	<a href="#">Employee Supervision: A 2-Day Basic Training</a>	TA Program @ 971-673-0825
Oct. 26	PWR Seminar	County Library, Baker City	PWR for Contractors and Subcontractors	PWR Unit @ 971-673-0838
Oct. 26	PWR Seminar	County Library, Baker City	PWR for Public Agencies	PWR Unit @ 971-673-0838

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