AGC Responds to BOLI’s Compliance Proposal on Portland’s Sick Leave Ordinance

The Associated General Contractors Oregon-Columbia Chapter expressed today its appreciation for Bureau of Labor and Industries (BOLI) Commissioner Brad Avakian’s proposal to soften the impact of the City of Portland’s Sick Leave Ordinance.

AGC Executive Director Mike Salsgiver emphasized that Commissioner Avakian’s proposal is “a logical and welcome approach” that will “mitigate the effects the ordinance will have on the commercial construction industry.”

BOLI’s proposal would provide a 180 day soft enforcement period to allow businesses and employees to adjust to the new ordinance between January 1, 2014–July 31, 2014. This period would allow businesses unintentionally violating the ordinance 30 days to remedy their error without penalty.

BOLI also committed to deploying the agency’s Technical Assistance for Employers Unit to field calls and emails concerning compliance matters and to provide free trainings throughout November, December, and January.

Salsgiver noted that within the construction industry, the City of Portland’s Sick Leave Ordinance will “affect businesses small and large, public and private projects, and both union and open shop contractors across the state, whether they work on many projects under Portland’s jurisdiction or obtain a single contract.”

Although Avakian’s proposal “softens the burdensome ordinance’s blow,” Salsgiver reiterated that “AGC still has many remaining concerns including that:

- The ordinance should only apply to construction contracts inked after January 1, 2014 and, therefore, should include a grandfather clause for those contracts already in effect; and,
- The ordinance should include a clear definition of “the City.” For the construction industry, AGC has proposed that “the City” be defined as any project permitted by the City of Portland; and,
- The ordinance should include the ability for union contractors covered by collective bargaining agreements (CBAs) to waive their rights to the Sick Leave Ordinance in favor of their sick leave rights as defined in their CBA.”

Prior to the January 1, 2014 implementation date, AGC hopes the city will address these issues to avoid unnecessary complications and to facilitate compliance.

In an effort to address issues unique to the construction industry, AGC is in the process of developing its own technical assistance package for members.
Since 1922 the AGC Oregon-Columbia Chapter has served as the voice of the commercial construction industry. The association provides its members with a forum for the exchange of ideas and services designed to enhance the professionalism of the construction industry, including workers’ compensation and health insurance, legislative and governmental representation, safety and loss control consulting, professional education, and training and apprenticeship programs.