



PREVAILING WAGE WEBINAR CO-HOSTED BY:



AGENDA

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<u>Time</u>	<u>Topic</u>	<u>Speaker(s)</u>
9:00 AM - 9:15 AM	LMCC OPENING REMARKS	ANDRES POSADA
9:15 AM - 10:15 AM	HOT TOPICS	DAVID CROSS & WILLIAM SNYDER
10:15 AM - 10:30 AM	BREAK	
10:30 AM - 10:45 AM	DIR LABOR ENFORCEMENT TASK FORCE	DOMINIC FORREST
10:45 AM - 11:45 AM	DIRECTOR'S COVERAGE	MIRNA SOLIS
11:45 AM - 12:15 PM	LUNCH	
12:15 PM - 12:30 PM	PRE-QUALIFICATION OF CONTRACTORS	SUSAN WEAVER
12:30 PM - 1:30 PM	AWARDING BODY RESPONSIBILITIES + SKILLED & TRAINED WORKFORCE	SARA BROWN & CHRISTOPHER HIGHTOWER
1:30 PM - 1:45 PM	BREAK	
1:45 PM - 2:45 PM	CONTRACTOR RESPONSIBILITIES	ERIK RAKTIPRAKORN & ALFREDO ROMAN
2:45 PM - 3:30 PM	Q & A	ALL SPEAKERS

SUBMIT YOUR QUESTIONS FOR PRESENTERS: WWW.SOCALLMCC.ORG/QUESTIONS

Q&A

The Q&A & Chat features in Zoom have been disabled. If you would like to ask any questions about any of the topics today's presenters will be covering, you will have to follow the link below in order to submit your questions.

We will do our best to get your questions answered throughout the duration of the webinar!

www.socalmcc.org/questions

(you can click on this link and it will re-direct you)

HOT TOPICS

Public Works Housing Training 2022

Housing Training Prepared by William A. Snyder and Sotivear Sim
Attorneys for the Labor Commissioner
Division of Labor Standards Enforcement

California's "Affordable Housing" Crisis.

“California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.”

Gov. Code §65589.5 (a)(2)(A).

The “Streamlined Ministerial Approval Process” of Gov. C. §65913.4 imposes a non-public work prevailing wage & “skilled & trained workforce” obligation.



See: California Dept. of Housing & Community Development’s “Streamlined Ministerial Approval Guidelines,” dated March 30, 2021, at <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

Gov. Code §65913.4 (k) (6) makes this law applicable to cities and counties, *including a charter city, a charter county, and a “charter city and county”*.

Imposes a *non-public works* “**prevailing wage**” obligation and an obligation to employ a “**skilled and trained workforce**”, to specified multi-family housing projects. See: “Streamlined Ministerial Approval Guidelines,” dated March 30, 2021, at <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

- This presentation *does not* cover the process for determining eligibility of development projects, nor the elements requiring differing percentages of “skilled & trained workforce” obligations depending on the craft, but will familiarize you with:
 - The scope of “*Prevailing Wage*” obligation under Gov. Code §65913.4;
 - Potential confusion with established housing exemptions/exclusions; and
 - Potential conflict with alternative workweek schedules.

DLSE enforcement of Gov. C. § Gov. C. §65913.4 (a) (8) (i).



If the developer certified that the *entirety* of the project is a public work for purposes of Labor Code §1720 et seq., then the "usual" public works laws apply, including the obligation to pay prevailing wages and to employ apprentices.

If developer certified that “all construction workers employed in the execution of the development” will be paid prevailing wages:



All of the following apply to the portions of the development that are not a public work:

1. Developer shall ensure that the PW requirement is in all contracts for the performance of the work;
2. All contractors and subcontractors shall pay all construction workers employed in the execution of the work at least the general prevailing wages, except that apprentices registered in programs approved by DAS may be paid the applicable apprentice prevailing rate;
3. All contractors and subcontractors shall maintain CPRs per Labor C. §1776 & make them available for inspection and copying; and
4. DLSE may issue a CWPA within 18 months after completion *of the development* and if DLSE does so, the contractor, subcontractor, and surety are liable for LDs as set forth in Lab. Code §1742.1.

Distinctions in DLSE enforcement of Gov. C. §65913.4 from traditional Public Works enforcement.

Maintenance and inspection of CPRs and DLSE enforcement via CWPA *do not apply* if all contractors and subcontractors on the project are covered by a PLA, as defined in Pub. Contract C. §2500 (b)(1).

Despite Lab. C. §1773.1 (c)(2) requirement that employer payments not reduce the obligation to pay the hourly straight or overtime prevailing wage, this requirement *shall not apply* if otherwise provided in a CBA covering the worker.* Also, the requirement to pay at least the PW rate *does not preclude the use of an alternative workweek schedule adopted pursuant to Lab. C. §§ 511 or 514.*

Gov. C. §65913.4 (a)(8)(A)(ii)(VI).

*Gov. C. §65913.4 (a)(8)(A)(ii)(VI), unlike Lab. C. §1773.1 (c) (3), *does not require* that the employer payment contribution be “irrevocable unless made in error.”

See: California Dept. of Housing & Community Development's "Streamlined Ministerial Approval Guidelines," dated March 30, 2021, at <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

SCOPE OF "SKILLED AND TRAINED WORKFORCE" OBLIGATION UNDER GOV. CODE §65913.4 (a)(8)(B)

Certain multi-family housing developments that are not 100% "subsidized* affordable housing" must use a "skilled and trained workforce" (as defined in Pub. Contract C., "Chapter 2.9" (§§ 2600 et seq.)). "Subsidized," as defined in Gov. C. §65913.4, subd. (k) (10), means units that are price or rent restricted such that they are permanently affordable to households meeting the definition of very low and lower income, as defined in Health & Safety Code §§ 50079.5 and 50105.

What is a “skilled and trained workforce”?

(Public Contract Code §2601)

A STW meets ALL of the following conditions:

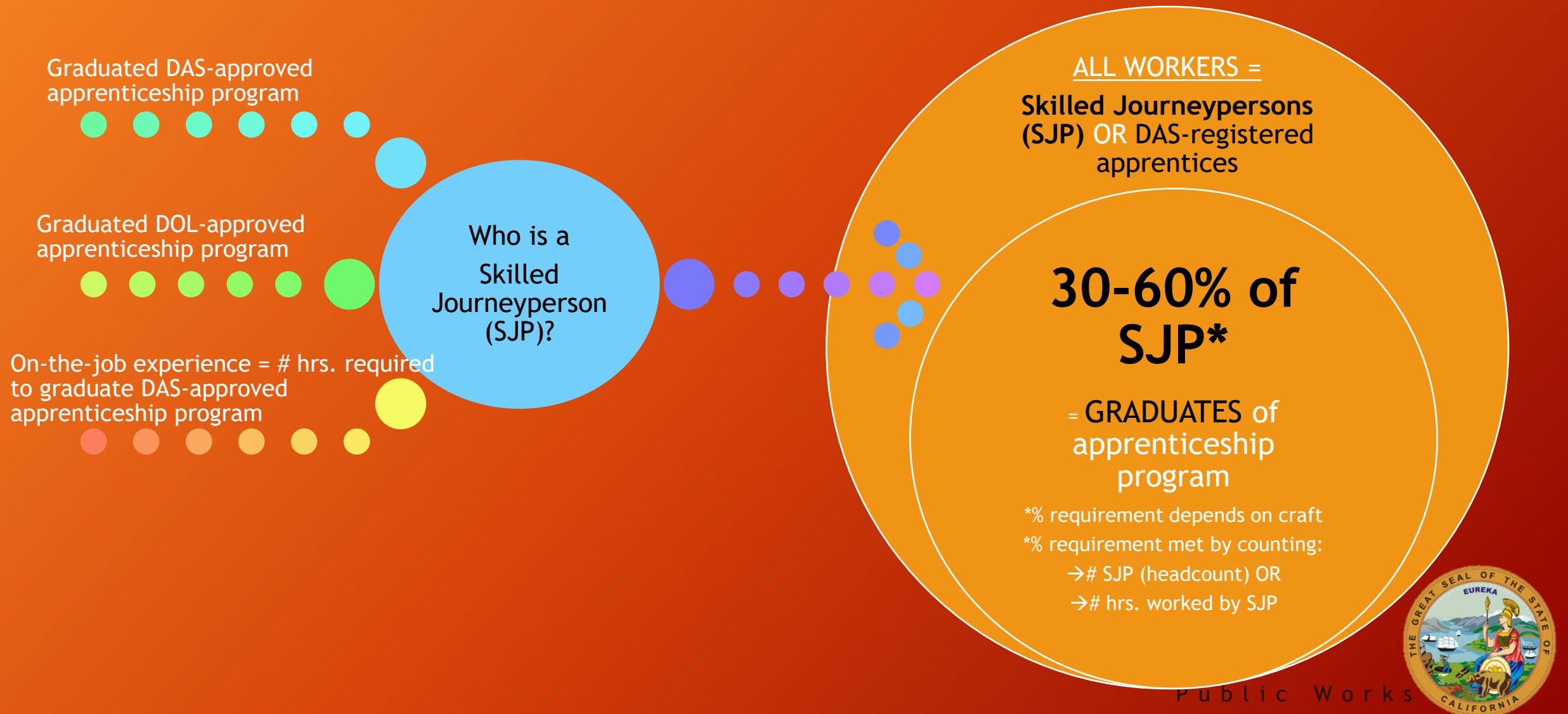
- ALL workers performing work in an apprenticeable occupation in the building and construction trades are EITHER:
 - Skilled Journeypersons OR
 - DAS-Registered Apprentices
- 30% - 60% of ALL Skilled Journeypersons must be **graduates of apprenticeship program**.
 - Graduation percentage requirement varies depending on specific craft.
 - Graduation percentage requirement can be met by counting EITHER:
 - Number of Skilled Journeypersons employed (head count) OR
 - Number of hours worked by Skilled Journeypersons (hours worked by trade)

EXCEPT:

- The graduation percentage requirement does not apply if **less than 10 hours of work** were performed in a calendar month (in a particular craft).
- The graduation percentage requirement does not apply if BOTH:
 - Subcontractor is **not listed in the bid** as required by Pub. Contract Code §4104; **AND**
 - Subcontract **does not exceed ½%** of total contract.

What is a “skilled and trained workforce”?

[For Visual Learners]



Department of Housing & Community Development ("HCD") housing programs.

Multifamily Housing Program (Health & Saf. Code, Div. 31, Part 2, Chapt. 37, §§50675 et seq.): To be eligible for a MHP loan, a sponsor "shall" agree to pay prevailing wages with respect to construction assisted with the loan. (Health & Saf. Code §50675.4, subd. (c)(2).)

Transit-Oriented Development Implementation Program: Requires that loans for the development of rental housing made through this program be administered consistent with the *Multifamily Housing Program* (i.e., "shall" agree to pay prevailing wages . . .) (Health & Saf. Code §53562 (b)(3), effective Jan. 1, 2022.)

Rental Construction Incentive Program (Health & Saf. Code §50745 et seq.): Establishes that any rental housing development assisted pursuant to this article "shall" be governed by a regulatory agreement that "shall include" a requirement that prevailing wage rates be paid with respect to construction of the rental housing development. (See, Health & Saf. Code §50749, subd. (b); and Ca. Code of Regs., tit. 25, §7802.)

HCD housing programs - continued.

Joe Serna Jr. Farmworker Housing Grant Program. Requires that HCD makes funds available from, and administers loans under, this program "in a manner consistent with the *Multifamily Housing Program.*" (Health & Saf. Code §50517.5 (a) (1) (A) (ii) & (iii), effective Jan. 1, 2022.)

Veterans and Affordable Housing Bond Act of 2018 (Health & Saf. Code, Part 16, §5400 et seq. together with Mil. & Vet. Code §998.600 et seq.): Establishes that programs funded with bond proceeds shall, when allocating financial support, *give preference to projects that are "public works" . . . and other projects on which all construction workers will be paid at least the general prevailing rate of per diem wages as determined by the Director of Industrial Relations.* (Health & Saf. Code 54009 (emphasis added).)

For links to various HCD Guidelines to these programs and others see: https://www.hcd.ca.gov/grants-funding/docs/admin_memo21-06_stacking_prohibition_repeal.pdf

Effect of funding conditions on “public works” analysis
under Labor Code §1720.

Labor Code §1720 (c) exempts 5 categories of private development projects as “public work” otherwise defined under subdivision (b).

However, Labor Code §1720 (c) (1) and (c) (5) excludes *from the exemption*:

(1) Private residential projects built on private property . . . [if] *the projects are built pursuant to an agreement with a state agency, a redevelopment agency, a successor agency to a redevelopment agency when acting in that capacity, or a local public housing authority.*

. . .

(5) *[Where] otherwise required by a public funding program . . .*

Keep these exclusions in mind and take them into account where the funding conditions of the various HCD programs apply to require the payment of prevailing wages.

Where preemption of HUD-funded work on Public Housing Authority owned or leased property applies, HUD requires:

“Any solicitation of bids or proposals issued by the PHA and any contract executed by the PHA for development, maintenance, and modernization of the project *shall* include a statement that any (state) prevailing wage rate . . . is inapplicable to the contract and shall not be enforced against the contractor or any subcontractor . . .”

(29 C.F.R. §965.101 (b). Emphasis added.)

Residential vs. Commercial projects & rates.

Application of PW regulation (Title 8, Cal. Code of Regs. §16001)
in

K.B. Engineering Inc. and LTD Construction Services GP dba Walton Construction Services,
Case Nos. 15-0229-PWH and 15-0256-PWH (“KB Engineering”)

Title 8, Calif. Code of Regs., §16001, subds. (d) & (e) define
“residential” and “commercial” projects as follows:

(d) **Residential Projects.** Residential projects consisting of *single family homes and apartments up to and including four stories* are subject to payment of [PWs] when paid for in whole or in part out of public funds, including federally-funded or assisted residential projects controlled or carried out by an awarding body. . . .

(e) **Commercial Projects.** All non-residential construction projects including new work, additions, alterations, reconstruction and repairs. *Includes residential projects over four stories.*

[Emphasis added.]

In *KB Engineering* the Director determined a five-story building with four floors of apartments, a ground floor of retail & parking, and a subterranean parking level, qualified for “residential rates” for work on the four stories of apartments, but required commercial rates for work on the balance of the project.

The Director was guided by these facts:

- On January 26, 2009, DIR published an “Important Notice” regarding PW determinations for residential projects.
- On November 8, 2012, the AB had issued a letter advising bidders of residential rates for 12 trades/crafts and notifying them of the “Important Notice” advising that residential rate determinations applied only to the residential portion of the development;
- The March 2013 construction contract included as attachments the Residential Laborer, Residential Plumber and other residential determinations, along with the statement: “Th[ese] residential determination appl[y] only to the residential portion of the project meeting this definition.”

KB Engineering - continued -

The Director reasoned;

Four stories of apartments are not necessarily the same as a four story apartment building. The Important Notice contemplates that up to four stories of apartments are eligible for residential rates but that commercial rates must be paid for the construction of ancillary facilities or "residential projects over four stories." . . . A stand-alone four-story apartment building would clearly be eligible for residential rates, but a separate parking facility for the apartments would require commercial rates. There is nothing in the record indicating that the result should be different if the four stories of apartments and the parking garage are under the same roof.

While five stories of apartments would prevent application of residential rates, that is not the case here. . . . ¶ The language of subdivision (e) must be read in context with subdivision (d) of section 16001, keeping in mind the purpose and effect of the regulation. . . . Whether or not the parking elements of the Project increase the height of the building to five stories overall, only four stories of apartments are being constructed. Therefore, the Project does not qualify as a "residential project over four stories" as contemplated by section 16001, subdivision (e).

NOTE: The Director's enforcement decisions are not precedential; the Jan. 26, 2009 Important Notice is not in the Archives.

LINKS TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PROGRAM GUIDELINES

Multifamily Housing Program Final Guidelines (ca.gov) at p. 23, Section 7316, para. (e) - "Construction Requirements"

INFILL INFRASTRUCTURE GRANT GUIDELINES at p. 38, Section 314, "Prevailing Wages"

Transit-Oriented Development Guidelines - 4.30.2020 (ca.gov) at p. 30, para. E

Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Notice of Funding Availability, Amended Nov. 6, 2020, at p. 12, para. D, "State Prevailing Wages"

No Place Like Home Program Round 3 Guidelines (ca.gov), at p. 42, Section 213; and p. 60, Section 304

LINKS TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PROGRAM GUIDELINES

[Housing for a Healthy California Final Guidelines- Amended, at p. 30, Section 119, para. \(a\) Federal Overlays \(includes required compliance with state prevailing wage laws\).](#)

[Affordable Housing and Sustainable Communities Program, Round 5 Guidelines, amended 2/24/2021, at p. 53, Section 113 - "Prevailing Wages"](#)

[Home Investment Partnerships Program, Notice of Funding Availability \(ca.gov\), at p. 44, Section VII, para. A "Federal Overlays"; and p. 46](#)

[Updated Streamlined Ministerial Approval Process \(ca.gov\) at p.12, para. 4 \(A\); p. 21, para. d \(1\) \(A\) & d \(1\) \(B\); and pgs. 24-28, Section 403 "Labor Provisions"](#)

[Homekey Program Guidelines](#)

AB 1023

Assembly Bill 1023 became effective on January 1, 2022.

- AB1023 clarifies the requirements for contractors and subcontractors on public works projects to furnish electronic certified payroll records (eCPRs) to the Labor Commissioner and creates new penalties for a contractor's failure to do so.
- Existing law has required eCPRs since 2014 (SB 854) on a monthly basis. The Labor Commissioner has required contractors to report certified payroll information online using DIR's electronic certified reporting system.
- A few projects are exempt from the requirement to submit eCPRs to the DIR: (1) Small projects monitored and enforced by an approved labor compliance program (LCP) or covered by a qualifying project labor agreement. Small projects include projects of \$25,000 or less for construction work, and \$15,000 or less for alteration, demolition, repair, or maintenance work. Labor Code Section 1771.5; (2) Projects monitored by legacy LCPs, such as Caltrans, City of Los Angeles, Los Angeles Unified School District, and County of Sacramento.

AB 1023

Note that submission of certain payroll information electronically is a requirement separate and distinct from other reporting obligations of contractors and subcontractors. For example, a contractor must provide certified copies of documents within 10 days of the Labor Commissioner's request. Labor Code §1776(d). Conversely, a contractor who provides payroll records upon the Labor Commissioner's request must still provide eCPRs on a monthly basis. See Office of the Labor Commissioner Public Works Manual, §3.1.6.

Before AB 1023, the Labor Commissioner's power to enforce the requirement of submitting eCPRs lacked meaningful penalties. AB 1023 makes a contractor or subcontractor who fails to furnish eCPRs at least monthly liable for a penalty of \$100 per day, up to \$5,000 per project. The penalties are enforced through the CWSA process. No penalties can be levied until 14 days after the deadline for furnishing records. The penalties only accrue to the actual contractor or subcontractor that failed to furnish the eCPRs.

Until now, the records specified in Section 1776 were to be furnished monthly, or more frequently if specified in the contract with the awarding body. AB 1023 clarifies the term "monthly" as being "at least once every 30 days while work is being performed on the project and within 30 days after the final day of work performed on the project." The definition tightens up the timing for submission of the eCPRs by reducing ambiguities about dates.

LETF Strategic Enforcement of Public Works Construction

Dominic Forrest

5/13/22



**State of California
Gavin Newsom
Governor**

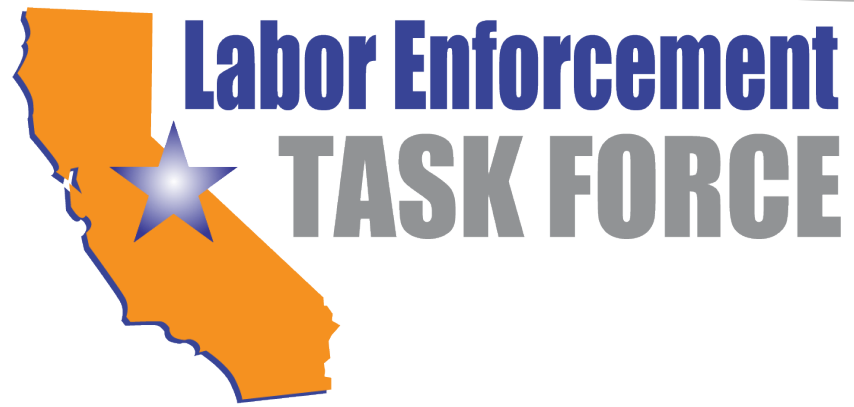
AB 140

SEC. 26. Section 1785 is added to the Labor Code, to read:

1785. (a) The director shall establish and maintain a strategic enforcement unit focused on construction, alteration, and repair projects. The unit shall enhance the department's enforcement of this code in construction, alteration, and repair projects, including projects funded pursuant to Section 50675.1.3 of the Health and Safety Code and other publicly funded residential construction projects. The unit shall have primary responsibility for enforcement of this code in construction projects subject to Section 50675.1.3 of the Health and Safety Code. Any funds appropriated to the department for purposes of this section shall be administered and allocated by the director.

(b) The strategic enforcement unit described in subdivision (a) shall provide technical assistance to local public entities related to both of the following:

- (1) Best practices for monitoring and enforcing requirements pertaining to construction, alteration, and repair projects paid for in whole or in part out of public funds, including, but not limited to, this chapter.
- (2) Outreach and engagement with workers, employers, and state certified apprenticeship programs connected to construction, alteration, and repair projects.



The Labor Enforcement Task Force, under the direction of the Department of Industrial Relations, is a coalition of California State government enforcement agencies that work together and in partnership with local agencies to combat the underground economy. In this joint effort, information and resources are shared to ensure employees are paid properly and have safe work conditions and honest, law-abiding businesses have the opportunity for healthy competition.

Combating the Underground Economy

LETF: The benefits of joint enforcement

- Coordinate across multiple agencies
- Share data, information, and resources
- Ensure employees are paid properly and have safe work conditions
- Provide honest, law-abiding businesses the opportunity for healthy competition
- Minimize business interruption through joint inspection
- Target enforcement on employers violating the law

Strategic Enforcement of Public Works Projects

Pursuant to Assembly Bill 175 (Chapter 255, 2021), funding was appropriated from the Labor and Workforce Development Fund to support DIR in strategic enforcement focused on construction, alteration, and repair projects, subject to the provisions of Section 1785 of the Labor Code. This funding would provide enhanced strategic enforcement to target employers in the construction industry working on public works projects who are noncompliant with various labor laws.

LETF Strategic Enforcement Partner Agencies

- Department of Industrial Relations
 - Division of Occupational Safety & Health (Cal/OSHA)
 - Labor Commissioner's Office (DLSE)

LETF Strategic Enforcement Partner Agencies cont.

- Employment Development Department (EDD)
 - Main LETF partner for multiple industries
- Contractors State License Board (CSLB)
 - Key partner for construction enforcement
- California Department of Insurance (CDI)
 - Collaboration on insurance fraud cases
- Local District Attorneys
 - Collaboration enables investigation and prosecution of wage theft cases and other labor law violations through the exchange of information and resources.

LETF and HCD

DIR is currently collaborating with the California Department of Housing and Community Development (HCD) to review their awarded Homekey Round 2 publicly funded housing projects. With the help of HCD's list of awarded projects the LETF can focus efforts on the enforcement of those Public Works construction projects.



Homekey

Bringing California Home

Background

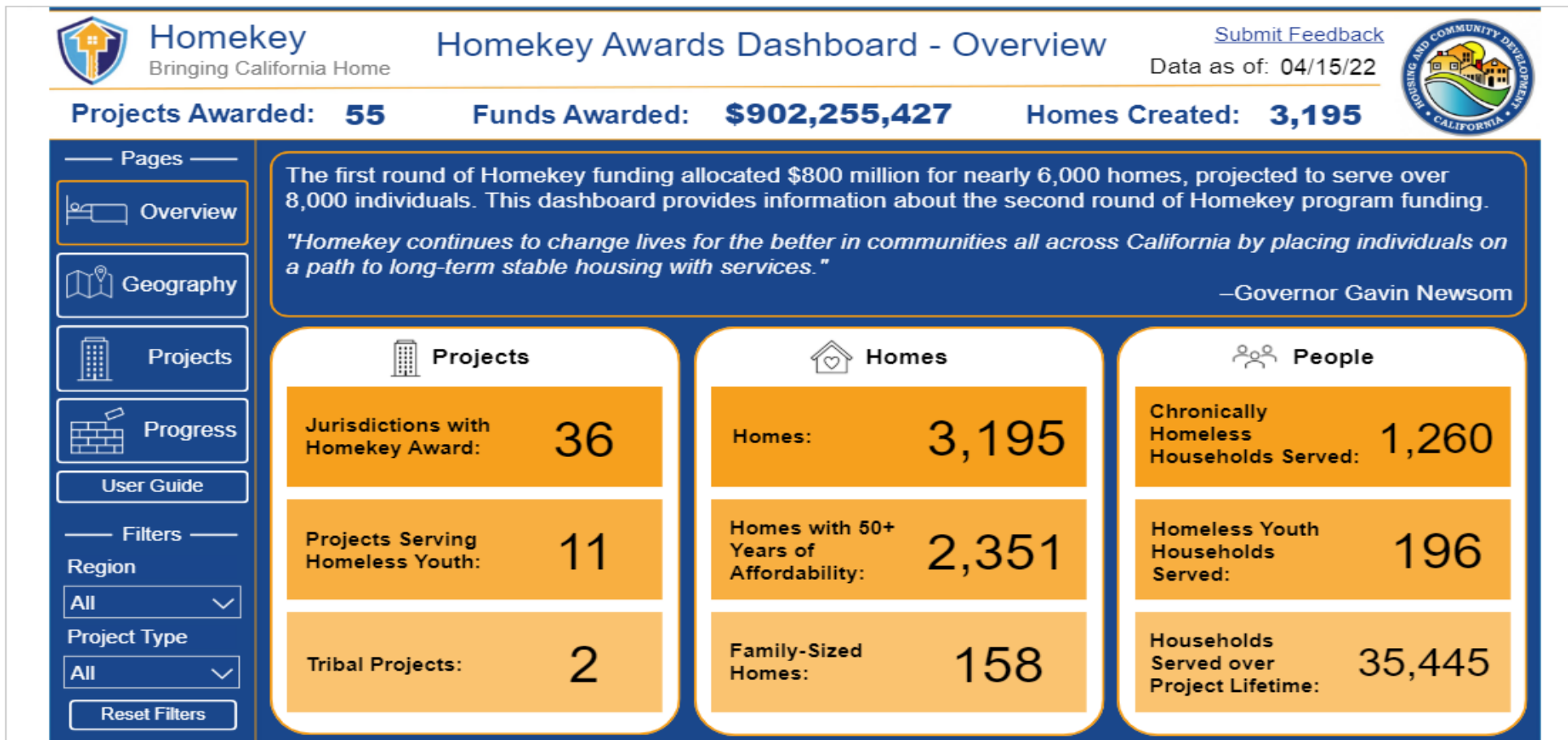
Building on the success of both **Project Roomkey** and the first round of Homekey, Homekey Round 2 continues a statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19 and other communicable diseases.

Administered by the California Department of Housing and Community Development (HCD), approximately \$1.4 billion (FY 2021-22) in grant funding will be made available to local public entities, including cities, counties, or other local public entities, such as housing authorities or Tribal Entities within California.

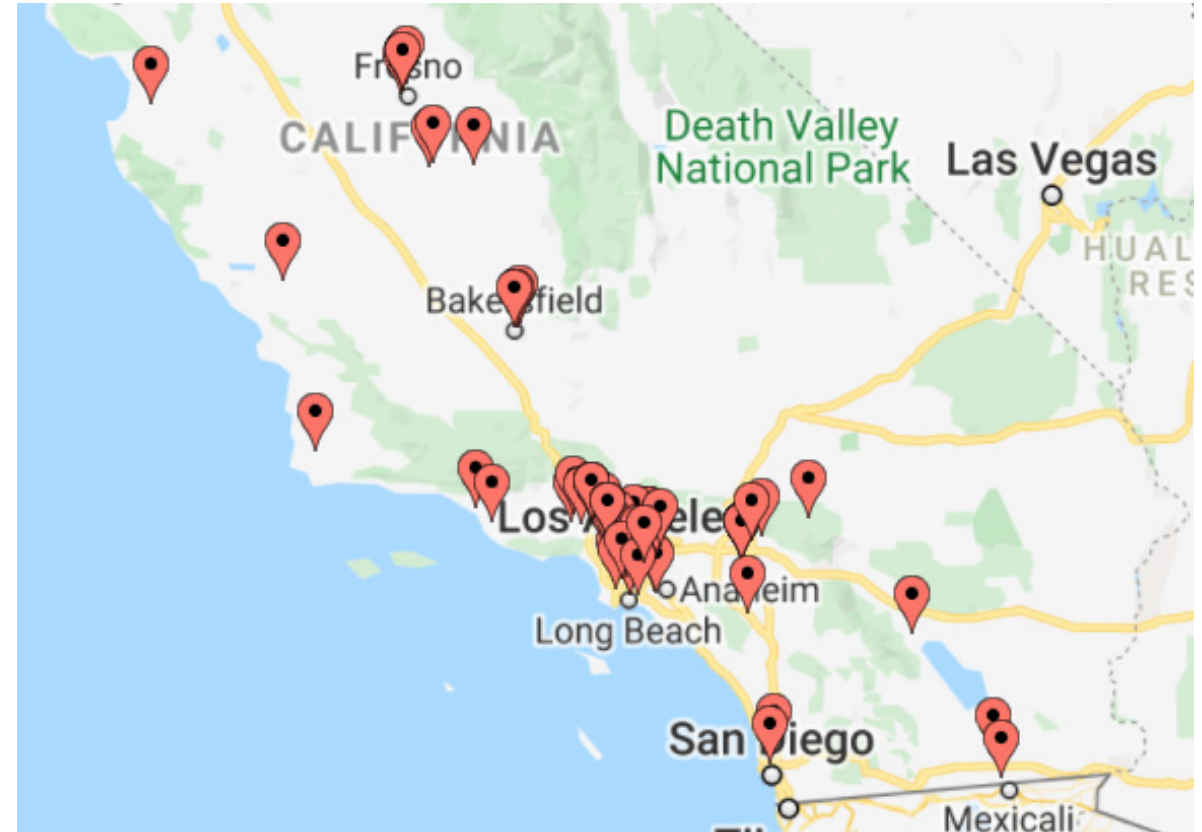
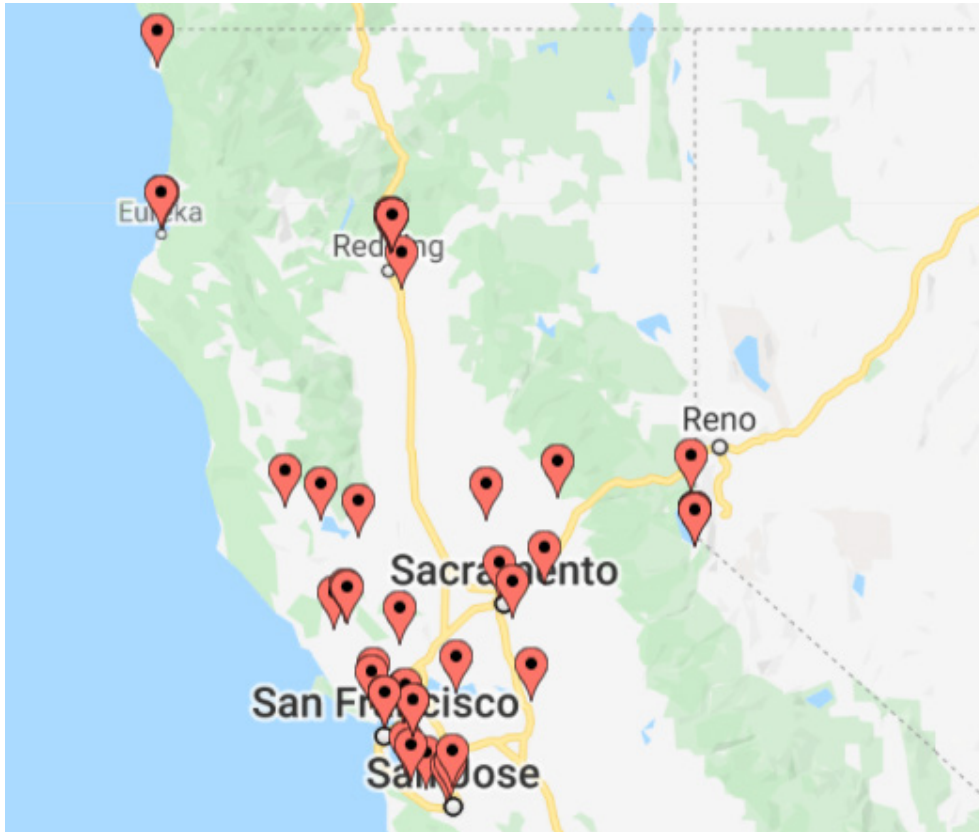
List of Homekey Projects

Eligible Applicant	Project Name	City	Region	Housing Type	Eligible Use	Assisted Units	Total Units	Capital Award	Operating Award	Total Awarded Amount	Award Date
City of Victorville	Victorville Wellness Center	Victorville	Southern CA	Interim	Modular	110	110	\$23,612,058	\$4,392,000	\$28,004,058	12/15/2021
County of San Mateo	Navigation Center	Redwood City	Bay Area	Interim	Modular	240	240	\$46,091,860	\$9,230,400	\$55,322,260	12/15/2021
County of San Mateo	Stone Villa Interim Housing	San Mateo	Bay Area	Interim to Permanent	Hotel Acquisition and Rehabilitation	43	43	\$11,432,326	\$2,078,800	\$13,511,126	12/15/2021
Housing Authority of the County of Kern	6th Street Apartments	Bakersfield	San Joaquin Valley	Permanent	New Construction	39	40	\$7,990,000	\$386,946	\$8,376,946	12/15/2021
City and County of San Francisco	1321 Mission	San Francisco	Bay Area	Permanent	Existing Multifamily	159	160	\$46,290,000	\$8,488,000	\$54,778,000	12/21/2021
City of Rohnert Park	Homekey Rohnert Park	Rohnert Park	Bay Area	Interim	Modular	60	60	\$11,400,000	\$3,278,400	\$14,678,400	12/21/2021
Housing Authority of the City of Sacramento	Vista Nueva	Sacramento	Sacramento Area	Interim and Permanent	Hotel	116	116	\$28,511,662	\$498,688	\$29,010,350	12/21/2021
Housing Authority of the County of Kern	Cornerstone	Bakersfield	San Joaquin Valley-Homeless Youth	Interim and Permanent	Adaptive Reuse of Commercial Structure	32	34	\$6,250,452	\$1,521,481	\$7,771,933	12/21/2021
City of Healdsburg	L & M Village	Healdsburg	Bay Area	Interim	Hotel	22	22	\$5,720,000	\$1,328,800	\$7,048,800	12/21/2021
County of Santa Clara	Bella Vista Inn	Santa Clara	Bay Area	Interim with plan to convert to permanent	Motel Acquisition and Rehabilitation	64	65	\$18,552,114	\$3,591,200	\$22,143,314	1/4/2022
Housing Authority of the County of Kern	CityServe Network Housing	Bakersfield	San Joaquin Valley-Homeless Youth	Interim	Modular	125	126	\$25,483,500	\$4,515,996	\$29,999,496	1/4/2022
County of Santa Barbara	Hedges House of Hope	Goleta	Central Coast	Interim	Motel Acquisition and Rehabilitation	22	22	\$5,575,957	\$1,419,136	\$6,995,093	1/4/2022
Housing Authority of the City of Los Angeles	5050 W Pico	Los Angeles	Los Angeles County	Permanent	Existing Multifamily Acquisition	78	79	\$20,447,579	\$780,000	\$21,227,579	1/18/2022
Housing Authority of the City of Sacramento	Central Sacramento Studios	Sacramento	Sacramento Area	Permanent	Hotel Acquisition and Rehabilitation	92	93	\$23,548,000	\$376,598	\$23,924,598	1/18/2022
County of Marin	South Eliseo PSH	Larkspur	Bay Area	Permanent	Skilled Nursing Facility Acquisition and Rehabilitation	43	44	\$12,900,000	\$2,597,200	\$15,497,200	2/9/2022

Homekey Round 2 Overview



Homekey Project Sites



LETF Strategic Enforcement-Non Homekey

In addition to the focus on Homekey, LETF is also implementing strategic enforcement of non-Homekey related public works residential job sites. DLSE PW is reviewing all current and new complaints, and leads, to determine if they meet the criteria for joint enforcement operations at active on-site residential construction projects.

Resources

Complete list of awarded Homekey Round 2 projects

<https://homekey.hcd.ca.gov/sites/default/files/2022-02/Awardee-Funding-List-HK-B6.pdf>

Frequently Asked Questions regarding Homekey Projects

<https://www.hcd.ca.gov/grants-funding/active-funding/homekey/docs/homekey-frequently-asked-questions.pdf>

DIR- LETF

<https://www.dir.ca.gov/letf/letf.html>

Hotline: 855-297-5322

Email: LETF@dir.ca.gov



Public Works

State of California

Department of Industrial Relations

DISCLAIMER

The following presentation is intended to summarize relevant portions of existing law in the Labor Code and California Code of Regulations, but those code sections, as interpreted by the courts, will govern actual enforcement. The information contained in this presentation is a general overview of existing law, and is not intended to amend, interpret, or make specific any existing law or regulation. Any opinions expressed are solely those of the author/speaker and are not necessarily the official position of the Department of Industrial Relations (DIR), its Director, or any related public entity. The information in this presentation is not intended as legal advice, and does not guarantee any outcome in specific enforcement or coverage proceedings within the jurisdiction of DIR.

▶ Divisions, Boards and Commissions at DIR

- Office of the Director – Legal Unit (OD Legal)
 - Assists the Director with drafting coverage determinations
 - Acts as hearing officers for appeals of wage/penalty assessments
- Office of Policy, Research and Legislation (OPRL)
 - Issues Prevailing Wage Determinations
- Division of Labor Standards Enforcement (DLSE)
("Labor Commissioner's Office")
 - Enforces prevailing wage and apprenticeship laws
- Division of Apprenticeship Standards (DAS)
 - Administers apprenticeship laws, programs, and standards
 - Approves apprenticeship programs

Department of Industrial Relations

★ Quick Links

- ▶ [LETf Home](#)
- ▶ [Report a labor law violation](#)
- ▶ [Report a workplace hazard to Cal/OSHA](#)
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- ▶ [Know my employment rights](#)
- ▶ [Know my rights as an injured worker](#)
- ▶ [Get workplace postings](#)
- ▶ [Find prevailing wage determinations](#)

★ Also of Interest

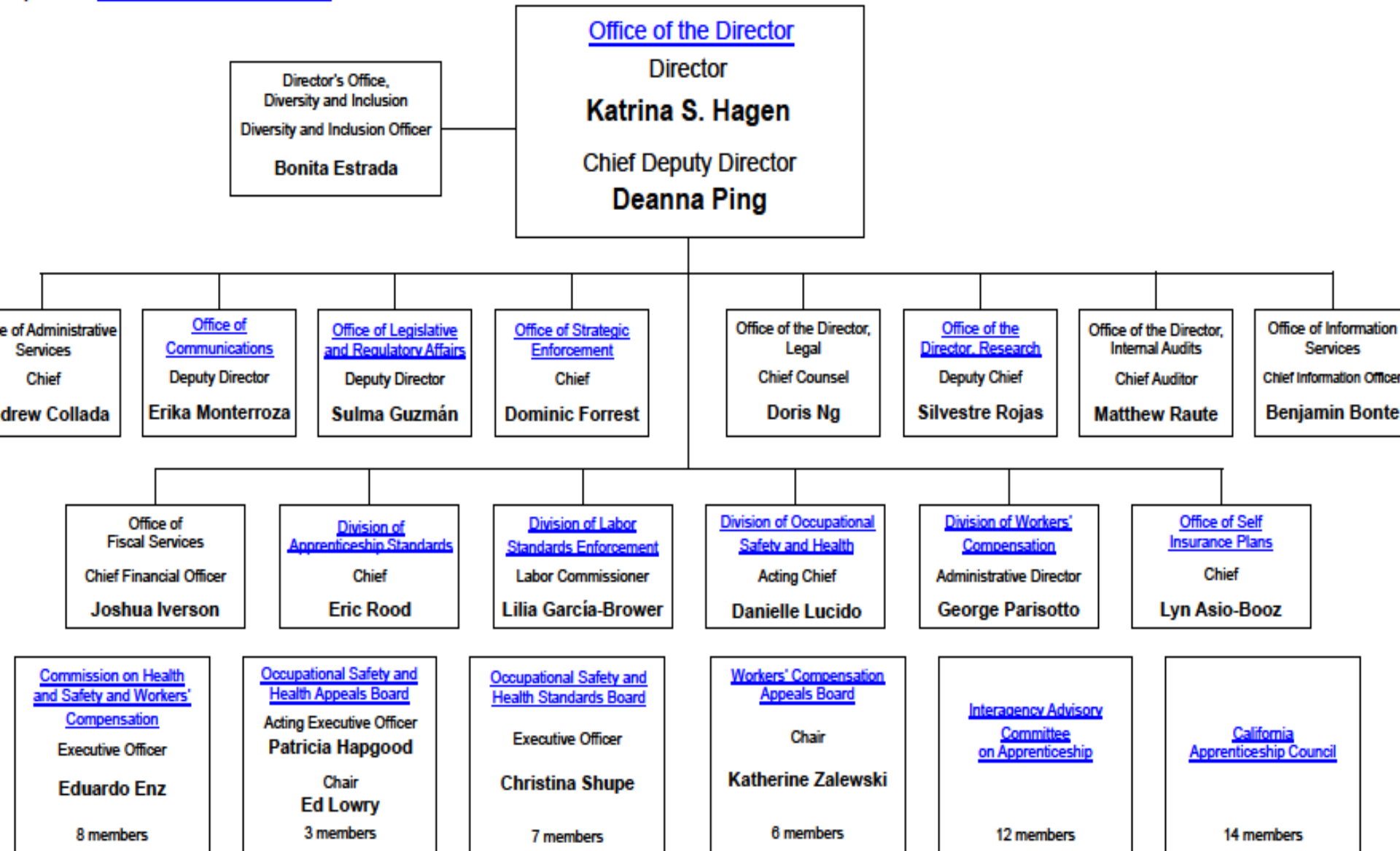
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- ▶ [California Labor & Workforce Development Agency](#)
- ▶ [Employment Development Department](#)
- ▶ [U.S. Dept. of Labor](#)

Department of Industrial Relations

Department of Industrial Relations Director reports to [California Labor and Workforce Development Agency](#) Secretary Natalie Palugyai who in reports to [Governor Gavin Newsom](#).

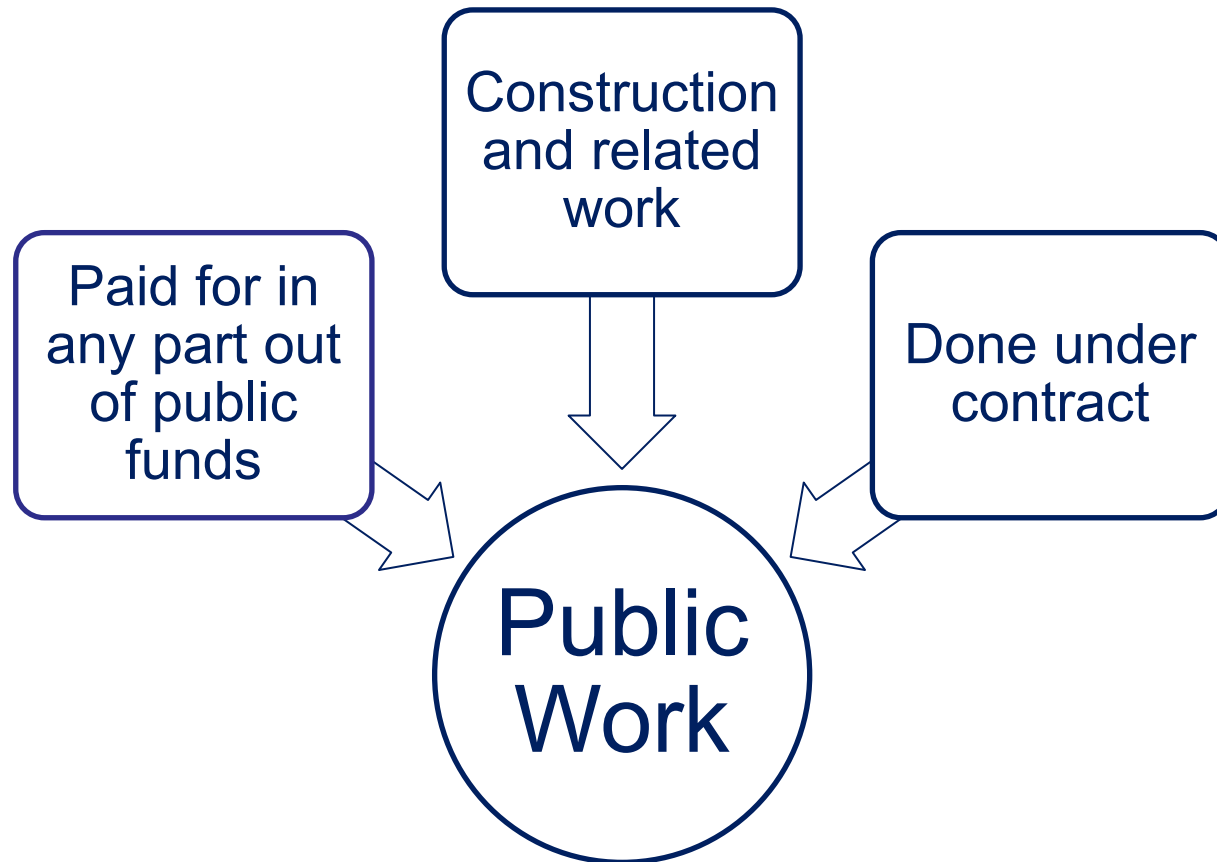


Labor Code Section 1771

Except for public works projects of one thousand dollars (\$1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for maintenance work.

**Prevailing wages apply to all public works over \$1,000,
unless there's an exception.**



Labor Code Section 1720

(Labor Code 1720(a)(1))

(a) As used in this chapter, “public works” means:

(1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds...

- Construction (includes preconstruction *and* post construction) [AB 1768]
- Alteration
- Demolition
- Installation
- Repair
- Maintenance (Labor Code section 1771, 8 CCR 16000)

Other definitions of “public works”

Section 1720(a)

- 1) Standard definition: (Construction work done under contract paid for in any part out of public funds)
- 2) “Work done **for irrigation, utility, reclamation, and improvement** districts, and other districts of this type.” (*Kaanaana v. Barrett Business Services*)
- 3) “**Street, sewer, or other improvement work** done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district . . .”

Other definitions of “public works”

Section 1720(a)

4)The **laying of carpet done under a building lease-maintenance contract** and paid for out of public funds.

5)The **laying of carpet in a public building** done under contract and paid for in whole or in part out of public funds.

6)Public transportation demonstration projects (Streets and Highways Code s 143)

7)(A) **Infrastructure project grants** from the California Advanced Services Fund pursuant to Section 281 of the Public Utilities Code.

8)Tree removal work done in the execution of a project under paragraph (1)

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

1. The payment of money or the equivalent of money . . . directly to or on behalf of the public works contractor, subcontractor, or developer.
2. Performance of construction work . . . in execution of the project.
3. Transfer . . . of an asset of value for less than fair market price.

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

4. Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven

5. Money loaned . . . that is to be repaid on a contingent basis.

6. Credits that are applied . . . against repayment obligations

- For purposes of the prevailing wage law, public funds **do not** include:
- Proceeds from **Conduit Revenue Bonds**
 - Usually available to build schools, hospitals, and housing.
 - But see 1720.7 (general acute care hospitals) and 1720.8 (charter schools)
- **Low Income Housing Tax Credits**
 - Usually allocated by the California Tax Credit Allocation Committee (CTCAC).

Other definitions of “public work”

- Section 1720(e) [Work on electric transmission system]
- Section 1720.2 [Private construction leased to public entity]
- Section 1720.3 [Off-haul of refuse]
- Section 1720.6 [Private renewable energy projects on public property]
- Section 1720.7 [Work done on general acute care hospitals]
- Section 1720.8 [Work done on charter schools] 1/1/2021
- Section 1720.9 [Hauling of ready-mixed concrete]

Tenant Improvements Paid for by Private Landlord

Private Office Building
with 100,000 total sq. ft.

City of
Sacramento
60,000 sq. ft.

Private Landlord enters into
contract with Contractor for Tenant
improvements. The City has not
signed a lease yet.

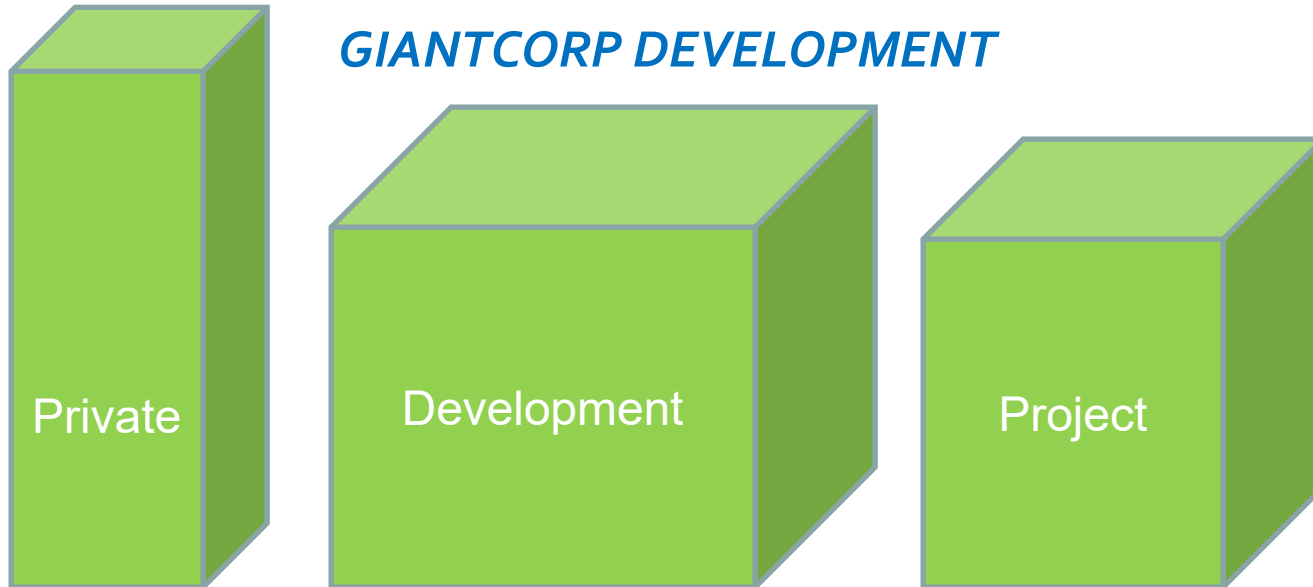
Tenant improvements are done
according to the City's specs.

(Section 1720.2)

Section 1720(c)(2) exception

- 1) the public improvement work is required as a condition of regulatory approval;
- 2) the project is an otherwise private development;
- 3) the public entity must not contribute more money, or the equivalent of money, to the overall project than is required to construct the public improvement work; and
- 4) the public entity must not maintain any proprietary interest in the overall project.

GIANTCORP DEVELOPMENT



**\$200M Project – City requires Sidewalks and Traffic Signals as a Condition of Regulatory Approval
Cost of Sidewalk and Signals \$10M, Public Subsidy, \$8M**

Section 1720(c)(3)(A) exception

-So-called “de minimis exception” applies when a public entity provides a public subsidy to an otherwise private development project that is “de minimis” in the context of the project.

Section 1720(c)(3)(B) exception

- i. De minimis if it is both less than \$600,000 and less than 2 percent of the total project cost.
- ii. For projects that consist entirely of single-family dwellings, de minimis is merely less than 2 percent of total project cost.
- iii. Not applicable to projects advertised for bid/awarded before 7/1/21

Section 1720(c)(5)(e) exception

Affordable Housing Project (20-40-80)

- 1) At least 40% of the units
- 2) Made Available to Households Making No More than 80% of the Area Median Income
- 3) These restrictions are in place for at least 20 years **and**
- 4) Only form of public funds is a below market interest rate loan

Miscellaneous Exceptions

- Section 1720.4 (Volunteers or Conservation Corps)
- Section 1720.5 (Graffiti Removal Work in the City of Los Angeles Done by a Community-Based Organization Under Certain Circumstances)
- 8 CCR 16000 (Janitorial, Custodial, Security Guards)

COVERAGE DETERMINATIONS

- The coverage determination process is spelled out in Labor Code section 1773.5 and Cal. Code Regs., title 8, sections 16001-16002.5.

- Two types of coverage determinations
 - Whether a project is covered
 - Whether a type of work is covered.

What is a coverage determination?

Section 1773.5 and Cal. Code Regs., Title 8, Sections 16001-16002.5

- The Director has the power to determine that a project or a type of work is public work through issuing what is known as a coverage determination.
- The administrative process consists of an initial coverage determination and a final determination on administrative appeal.
- Depending on when the parties make their submissions, the entire process can take many months.

New Laws 2022

AB 1023: Payroll records requirements: “Monthly” means every 30-days; electronic records requirements; and specifies penalties for violations. (1771.4)

Pending Bills 2022

AB 1717 – Seeks to amend Labor Code sec. 1720 to include fuel reduction performed as part of a fire mitigation project as public work.

AB 1851 – Would amend Labor Code sec. 1720.3 to include on-hauling of materials used for paving, grading, and fill onto a public works site.

AB 1886 – Seeks to expressly include street sweeping maintenance in the definition of public works under Labor Code sec. 1720.

Recent Decisions

- *Kaanaana v. Barrett Business Services* (March 29, 2021)
- *Busker v. Wabtec Corp., et al.* (August 16, 2021)
- *Mendoza v. Fonseca* (August 16, 2021)



**Office of the Director – Legal Unit
Public Works Inquiries**

PWCoverage@dir.ca.gov



Public Works

Useful Links

- DIR's Public Works Home Page
 - <http://www.dir.ca.gov/Public-Works/PublicWorks.html>
- The Director's Public Works Coverage Determinations
 - <http://www.dir.ca.gov/OPRL/PubWorkDecision.htm>
- The Director's General Prevailing Wage Determinations
 - <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>
- DLSE's Public Works Manual
 - <http://www.dir.ca.gov/dlse/PWManualCombined.pdf>
- California Labor Code
 - <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- California Code of Regulations
 - <http://www.oal.ca.gov/>

2022 PREVAILING WAGE LABOR COMPLIANCE WEBINAR



KNOW YOUR DUTIES AND RESPONSIBILITIES
UNDER THE LAW

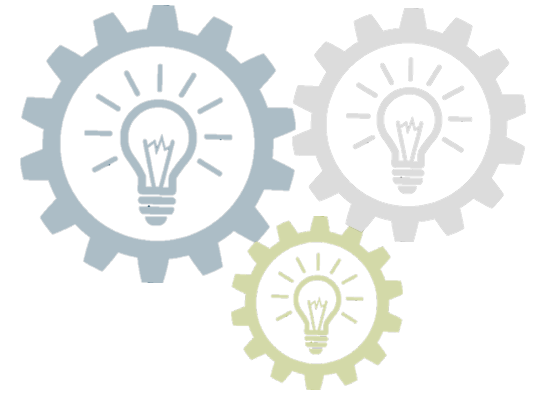
DISCLAIMER

California Department of Industrial Relations

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Our Goals



- PRE-QUALIFICATION OF CONTRACTORS
- LABOR COMMISSIONER MODEL QUESTIONNAIRE



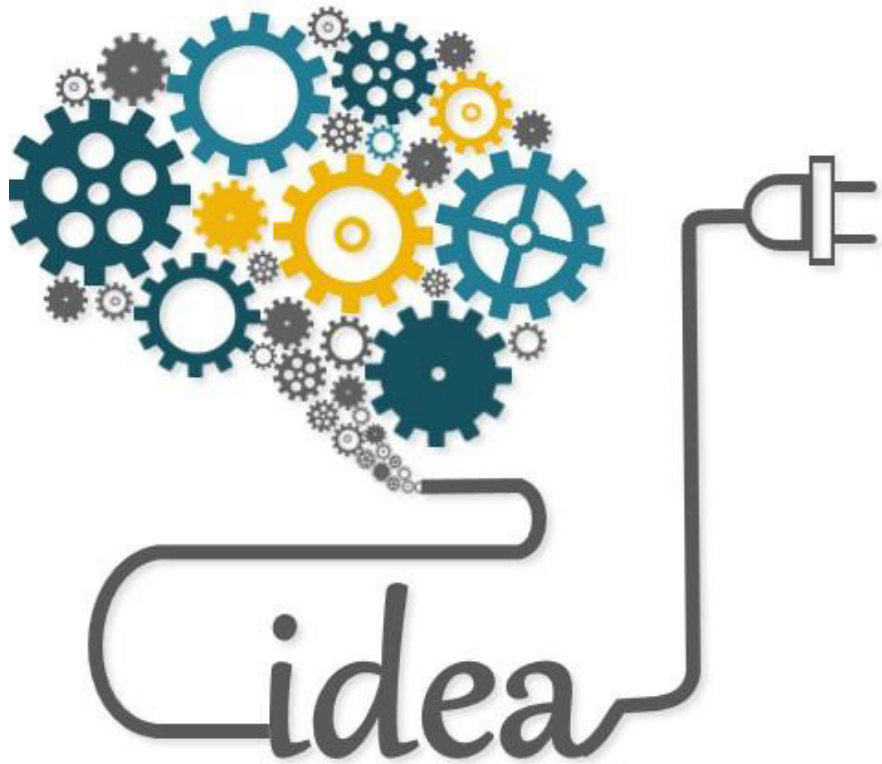
POLL QUESTION



As an Awarding Body, do you currently have a Pre-Qualification of Contractors system in place?

- a) Yes
- b) No



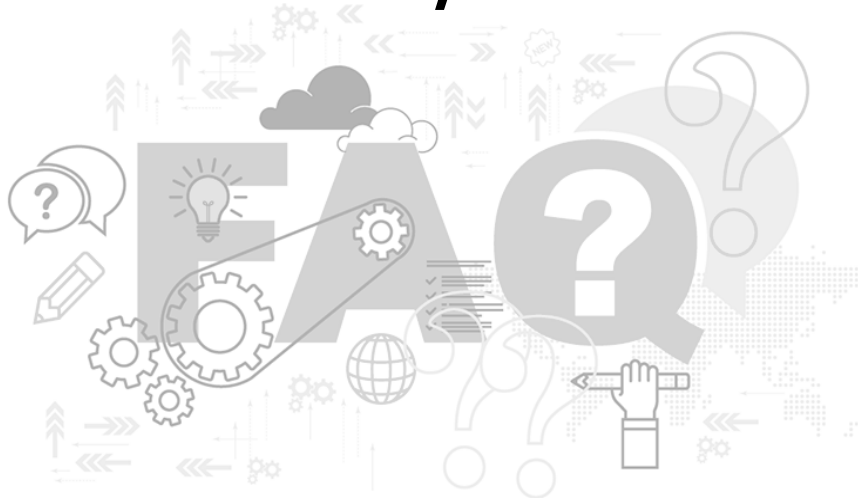


100%

***"Individual commitment to a group effort -- that is what makes a team work, a company work, a society work, a civilization work."
– Vince Lombardi***



Why Pre-Qualify Contractors ?



Purpose

- Contractors seeking to BID on Public Works Projects can be Pre-Qualified (PCC 20101)
- Stops Bad Actors BEFORE a contract is awarded and stops repeat violators from continuing to profit from wage theft

Importance

Levels the Playing Field for Law Abiding Contractors

Value

- Allows Awarding Bodies to be Proactive
- Contracts are awarded only to Responsible Bidders
- Avoids Awarding Body Citations and Debarment



POLL QUESTION



What is a benefit of using the Labor Commissioner's Model Questionnaire ?

- a) It is a complete pre-qualification packet that meets all the requirements of the law
- b) It can be easily adopted and customized to an awarding bodies needs
- c) It can be used to enhance whatever pre-qualification system an awarding body already has in place
- d) All of the above



EASY AS 1-2-3

Contractors who wish to be pre-qualified must submit a completed pre-qualification questionnaire to the awarding body for review. Contractors are required to provide any additional information and/or

PAGE

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II. Role of the Department of Industrial Relations	2
III. An Overview of The Documents In This Package	3
IV. Appeal Procedure	4
V. Application of The Public Records Act	5
VI. What Are the Law's Provisions Regarding Pre-qualification of Subcontractors	5
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SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

VERIFICATION NOTE: The information that will be given to public agencies by the contractor is provided under the understanding that the contractor will not provide false information in its own records, and that the contractor will be held responsible for any false information provided in its own records. The contractor will be held responsible for any false information provided in its own records. The contractor will be held responsible for any false information provided in its own records.

Contractor Registration

Contractor Registration

Contractor's DIR Public Works Contractor Registration can be found on the DIR website at <https://online.dir.ca.gov/DIR-Search>.

about a contractor's license(s)

Interested contractors, informants, and the public can view the current status of a contractor's license using the 10-digit license number. The license number is located on the contractor's license card.

Workers' compensation insurance

Workers' compensation, with the consent of the Office of Self-Insurance Plans, 230, Rancho Cordova, CA 95670; a web site for public information is:

compensation insurance carriers
Reporting Bureau (WCIRB), 1221

ense numbers, classifications and expiration
on:

Registration Number(s):

For a corporation, limited liability company, or individual(s) listed on the CSLR records who for each license

	Expiration Date:



LABOR COMMISSIONER'S MODEL QUESTIONNAIRE

Contractor

Completes the Pre-Qualification questionnaire

Submits the Pre-Qualification Questionnaire
and financial statements

Provides any additional
information/documentation

SUBMIT
STEP **1**

Awarding Body Reviews Section C "Essential Criteria"

Contractor is immediately DISQUALIFIED If:
Any answer to questions 1 through 6 is "NO"
Any answer to questions 7 through 13 is "YES"

REVIEW
STEP **2**

Awarding Body Reviews Section D "Prequalification Criteria Questions"

Contractor is PRE-QUALIFIED if:
All of the Contractor's responses to questions
1 through 21 are "0"

PRE-QUALIFY
STEP **3**



POLL QUESTION



Can a contractor that is not registered with DIR as a public works contractor for the current fiscal year be pre-qualified?

- a) Yes
- b) No



C. ESSENTIAL CRITERIA QUESTIONS

Circle Answer

1. Does your firm possess a valid and current California Contractor's or other professional license as required by law for the project or projects for which it intends to submit a bid?
2. Is your firm registered with DIR as a Public Works Contractor for the current fiscal year?
3. Does your firm have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?
4. Does your firm have current workers' compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.?
5. Have you attached your firm's latest copy of reviewed or audited financial statements with accompanying notes and supplemental information? *

Yes No

Yes No

Yes No

Yes No

Yes No

NOTE: Financial statements that are not either reviewed or audited are not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statements.

6. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that: (a) your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or valid for a year if you are seeking pre-qualification valid for a year; and (b) your current available bonding capacity? **

Yes No

NOTE: Notarized statement must be from the surety company, not an agent or broker.





F. CERTIFICATION

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

Each person signing below makes the following representations under penalty of perjury:

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the [Public Entity] to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

I, _____ (Name), the undersigned, am the _____
(Title), with the authority to act for and on behalf of _____
(Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Pre-qualification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this: _____ day of _____ at _____
(Date) (Month / Year) (City / State)

Name of Contractor Representative: _____

Signature of Contractor Representative: _____



Important Notes



Be Proactive

- Purpose of pre-qualifying is to make sure bad actors are stopped BEFORE a contract is awarded and repeat violators do not profit from wage theft

Level the Playing Field for Law Abiding Contractors

- Labor Commissioner Model Questionnaire is a complete pre-qualification packet that can be easily adopted and customized to an Awarding Bodies needs AND can be used to enhance whatever system an Awarding Body already has in place

Avoid Awarding Body Citations and Debarment



WWW.DIR.CA.GOV



Public Works

Public works in general means:

- Construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part out of public funds.
- It can include preconstruction and post-construction activities related to a public works project.
- For a full definition of public works refer to [Labor Code section 1720](#).

Anyone working on a public works project must be paid prevailing wages as determined by DIR. Projects of \$30,000 or more must meet DIR's apprenticeship requirements. Failure to comply with public works requirements can result in civil penalties, criminal prosecution, or both.

Contractors,
and others who work on public
works projects

Awarding Bodies,
public agencies or project
owners

Resources

- [Public Works Pre-Qualification of Contractors](#)
- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting](#)
- [Enforcement of Public Works Law](#)
- [File a Public Works Complaint](#)
- [Labor Compliance Programs](#)
- [Prevailing Wage Requirements](#)
- [More Resources](#)

Have Questions?

Contact Us:

Publicworks@dir.ca.gov

Subject Line:

Pre-Qualification of Contractors





Thank You



PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

KNOW YOUR DUTIES AND RESPONSIBILITIES
UNDER THE LAW

Public Works
California Labor Commissioner's Office
Department of Industrial Relations
May 13, 2022



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California Labor Commissioner's Office

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COMPLIANCE REQUIREMENTS

Labor Code & Title 8, CCR § 16000



PROJECT REGISTRATION

PROVIDE ELECTRONIC NOTICE TO DIR OF ALL PUBLIC WORKS CONTRACTS WITHIN 30 DAYS OF THE AWARD, BUT IN NO EVENT LATER THAN THE FIRST DAY IN WHICH A CONTRACTOR HAS WORKERS EMPLOYED UPON THE PUBLIC WORK. (LC §1773.3) *

* Does not apply to projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work



POLL QUESTION #1

PROJECT REGISTRATION

Which of the following projects does not need to be registered, according to DIR requirements?

- A contract of \$30,000 for installation work
- A contract of \$26,000 for demolition work
- A contract of \$10,000 for maintenance work



POLL QUESTION #1 - ANSWER

PROJECT REGISTRATION

Which of the following projects does not need to be registered, according to DIR requirements?

- A contract of \$30,000 for installation work
- A contract of \$26,000 for demolition work
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Registration requirements do not apply to projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work





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Contractors,
and others who work on public
works projects

Awarding Bodies,
public agencies or project
owners

Public Works Prevailing Wage Training for Contractors and Awarding Bodies

Resources

- [Public Works Pre-Qualification of Contractors](#)
- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting](#)
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- [Labor Compliance Programs](#)
- [Prevailing Wage Requirements](#)
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[Find Public Works Contractors](#)

[Find Payroll Records](#)

Registration

[Contractor Registration](#)

[Project Registration](#)


What's New

[en Español](#)

- [Public Works Contractors: Renew Registration by June 30](#)



<https://www.dir.ca.gov/pwc100ext/LoginPage.aspx>



California Department of
Industrial Relations

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Division of Apprenticeship Standard / Division of Labor Standards Enforcement

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[Home](#) :: [External Lookup](#)

Public Works Projects Registration (PWC-100) for all Awarding Agencies

Welcome to the PWC 100 form online application page. The PWC 100 form should be completed by the awarding body. The completion and the submission of this form fulfills the required public works project award notification as required by Labor Code sec. 1773.3 (replacing former DAS-13 notification) and 8 Cal. Code Reg. sec. 16451(a).

An awarding body or body awarding the contract means department, board, authority, officer or agent awarding a contract for public work. In most cases the awarding body is a unit of state or local government, such as a city, county, school district, water district, special district, or a state agency. However, in some cases the body awarding the contract may be a private entity that uses public funds for a public works construction project.

[Browser Support](#)


Please keep your login and password since you may only register once.


Sign In


Username or Email:

Password:

☐ Remember me on this computer


 **Sign In**

 **Forgot Password**

 **First Time User**

To create an account please select the First Time User button above.

Note that user ID and password are case sensitive.

The Great Seal of the State of California, featuring a woman holding a torch and a shield, with the word "EUREKA" above her. The seal is circular with the text "THE GREAT SEAL OF THE STATE OF CALIFORNIA" around the border.



Contractor Information

Options

[Help](#)[Update Account](#)[Logout](#)

Please enter all the information for the award

Project Manager

Email Address*	First Name*	MI	Last Name*	Title*	Work Phone*
<input type="text" value="mail@mail.com"/>	<input type="text" value="Jane"/>	<input type="text"/>	<input type="text" value="Smith"/>	<input type="text" value="Project Manager"/>	<input type="text" value="123"/> - <input type="text" value="456"/> - <input type="text" value="7899"/> Ex <input type="text"/>

General Contractor 1

	Primary	PWCR	Name	Address	Email	Classification
Delete Edit	<input type="radio"/>	100000000000	XYZ CONTRACTORS INC.	1234 PW STREET LOS ANGELES, CA 90071	XYZ@GMAIL.COM	CARPENTERS

[Add Contractor](#)

[<< Back](#)[Cancel](#)[Save](#)[Submit](#)[Delete Project](#)

SEARCHING FOR A PUBLIC WORKS PROJECT



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Public Works Prevailing Wage Training for Contractors and Awarding Bodies

What's New

[en Español](#)

- [Public Works Contractors: Renew Registration by June 30](#)

Resources

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- [Certified Payroll Reporting](#)
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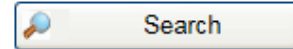


<https://www.dir.ca.gov/pwc100ext/ExternalLookup.aspx>

[Home](#) :: [Search PWC-100](#)

Public Search Utility - You may search by DIR Project ID or enter at least one search criteria to display projects matching your selections.

DIR Project ID



OR

Awarding Body Name

Name of Project

Name of Contractor

PWCR Number

Name of Subcontractor

PWCR Number

First Advertised Bid Date

Contract Amount

Project Award Date

Estimate Start Date

Estimated Completion Date

Classification of Workers:

Physical Address ☒ Address ☐ Location





[Home](#) | [Search PWC-100](#) | [Search Results](#)

SEARCH RESULTS - 16 records found

Click the DIR Project ID to see more information about the project.

ID	Awarding Body	Project Name	Site Address	Dates	Classification	County
Project Number: Bid 7582 DIR Project ID: 123456	Sunshine County	Sunshine H.S. Gym Repair Amount: \$524,409.59	1213 Sunny Lane Sunshine, Ca 93312	Advertised: 03/14/2019 Award: 04/04/2019 Est. Start: 07/01/2019 Est. Comp: 08/30/2019	LABORERS CEMENT MASONS OPERATING ENGINEERS	RIVERSIDE
Contractor		Sub Contractor				
PWCR/CSLB/Lic Name		PWCR/CSLB/Lic		Name		
Project Number: Purchase Req Y195478 DIR Project ID: 789101	Sunshine County	Sunshine Park Community Pool Amount: \$3,459,687.33	1031 Main St. Sunshine, Ca 93312	Advertised: 01/07/2019 Award: 02/14/2019 Est. Start: 04/01/2019 Est. Comp: 11/22/2019	LABORERS CEMENT MASONS OPERATING ENGINEERS	RIVERSIDE
Contractor		Sub Contractor				
PWCR/CSLB/Lic Name		PWCR/CSLB/Lic		Name		
10000000000	XYZ CONTRACTORS, INC.					



**ENSURE THAT PUBLIC WORKS
PROJECTS ARE NOT SPLIT OR
SEPARATED INTO SMALLER WORK
ORDERS OR PROJECTS FOR THE
PURPOSE OF EVADING THE
APPLICABLE PROVISIONS OF LC
§1771. (TITLE 8, CCR § 16100)**



ENSURE CONTRACTORS ARE REGISTERED

A CONTRACTOR OR SUBCONTRACTOR MUST BE REGISTERED WHEN BIDDING, LISTED IN A BID PROPOSAL, OR ENGAGED IN THE PERFORMANCE OF ANY CONTRACT FOR PUBLIC WORK. (LC §§1725.5 & 1771.1) *

* Does not apply to projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work



Public Works Contractor Registration Search

Enter at least one criteria to display registered public works contractor(s) matching your selections.

Note: Search results will display all of the public works contractor registrations, both current and expired. Make sure a proper registration fiscal year is selected when performing a search.

Input Label

Legal name, CSLB number, DBA, Registration number

From Date:

mm / dd / yyyy

To Date:

mm / dd / yyyy

County

City

Search

Reset

Crafts (Select all that apply)

- ☐ Asbestos
- ☐ Boilermaker-Blacksmith

Registrations

Search Results:

Print PDF

Export

Previous

Next

Add all to my list

My List (0)



Contractor Information

Legal Entity Name
A+ Construction
Legal Entity Type
Corporation
Status
Active
Registration Number
PW-LR-1000469801
Registration effective date
03/04/19
Registration expiration date
06/30/19
Mailing Address
1 Address St Anytown 95555 CA United States of America
Physical Address
1 Address St Anytown 95555 CA United States of America
Email Address

Trade Name/DBA
Mike's Construction
License Number (s)
CSLB:1234567
CSLB:1234567
CSLB:1234567

Registration History

Effective Date	Expiration Date
03/04/19	06/30/19

Legal Entity Information

Corporation Number:
Federal Employment Identification Number:
President Name: M. J. Poppins
Vice President Name:
Treasurer Name:
Secretary Name:
CEO Name:
Agent of Service Name:
Agent of Service Mailing Address: CA United States of America

Worker's Compensation

Do you lease employees through Professional Employer Organization (PEO)?: No
Please provide your current worker's compensation insurance information below:

PEO	PEO	PEO
PEO InformationName	Phone	Email

Insured by Carrier
Policy Holder Name: M. J. Poppins
Insurance Carrier: Aetna
Policy Number: 8790000
Inception date: 01/01/19
Expiration Date: 01/01/20



POLL QUESTION #2

CONTRACTOR REGISTRATION

As an awarding body member, you know that contractors must be registered when bidding, being awarded, and working on public works projects.

Using the contractor registration histories and provided dates on the next slide, which contractor was correctly registered through the entire process?



POLL QUESTION #2

Registration History – Contractor A	
Effective Date	Expiration Date
8/10/2021	6/30/2022
7/1/2020	6/30/2021
1/1/2020	6/30/2020

Bid Date: 6/20/2021

Registration History – Contractor B	
Effective Date	Expiration Date
7/1/2021	6/30/2022
9/1/2020	6/30/2021
10/15/2019	6/30/2020

Award Date: 7/10/2021

Registration History – Contractor C	
Effective Date	Expiration Date
7/15/2021	6/30/2022
6/25/2021	6/30/2021
6/1/2020	6/30/2020

**Project Dates: 8/1/2021-
4/30/2022**



POLL QUESTION #2 - ANSWER

Registration History – Contractor A	
Effective Date	Expiration Date
8/10/2021	6/30/2022
<u>7/1/2020</u>	<u>6/30/2021</u>
1/1/2020	6/30/2020

Bid Date: 6/20/2021

Registration History – Contractor B	
Effective Date	Expiration Date
7/1/2021	6/30/2022
<u>9/1/2020</u>	<u>6/30/2021</u>
10/15/2019	6/30/2020

Award Date: 7/10/2021

Registration History – Contractor C	
Effective Date	Expiration Date
7/15/2021	6/30/2022
<u>6/25/2020</u>	<u>6/30/2021</u>
6/1/2020	<u>6/30/2020</u>

Project Dates: 8/1/2021-4/30/2022



POLL QUESTION #2 - ANSWER

Registration History – Contractor A	
Effective Date	Expiration Date
<u>8/10/2021</u>	7/31/2022
7/1/2021	6/30/2021
1/1/2020	6/30/2020

Bid Date: 6/20/2021

Registration History – Contractor B	
Effective Date	Expiration Date
<u>7/1/2021</u>	<u>6/30/2022</u>
9/1/2020	6/30/2021
10/15/2019	6/30/2020

Award Date: 7/10/2021

Registration History – Contractor C	
Effective Date	Expiration Date
7/15/2021	7/31/2022
6/25/2021	6/30/2021
6/1/2020	6/30/2020

Project Dates: 8/1/2021-4/30/2022



POLL QUESTION #2 - ANSWER

Registration History – Contractor A	
Effective Date	Expiration Date
<u>8/10/2021</u>	7/31/2022
7/1/2021	6/30/2021
1/1/2020	6/30/2020

Bid Date: 6/20/2021

★ Registration History – Contractor B ★	
Effective Date	Expiration Date
<u>7/1/2021</u>	<u>6/30/2022</u>
9/1/2020	6/30/2021
10/15/2019	6/30/2020

Award Date: 7/10/2021

Registration History – Contractor C	
Effective Date	Expiration Date
7/15/2021	7/31/2022
6/25/2021	6/30/2021
6/1/2020	6/30/2020

Project Dates: 8/1/2021-
4/30/2022



NOTICE REQUIREMENTS

INCLUDE THE NOTICE OF THE
REQUIREMENT DESCRIBED IN LC
§1771.1(A) & LC §1771.4(A)(1) IN ALL
BID INVITATIONS AND PUBLIC WORKS
CONTRACTS.

- A bid shall not be accepted nor any contractor or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work. (LC §1771.1(b))
- The call for bids and contract documents shall specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. (LC §1771.4(a)(1))



**OBTAIN PREVAILING
WAGE RATES FROM DIR
(LABOR CODE SECTIONS
1773, 1773.2, AND
1773.4)**



**POST OR REQUIRE
CONTRACTORS TO POST
JOBSITE NOTICES ON
PUBLIC WORKS
REQUIREMENTS
(LC §1771.4(A)(2))**



**ENSURE THAT PUBLIC WORKS CONTRACTORS
PAY PREVAILING WAGES AND ARE IN
COMPLIANCE WITH PUBLIC WORKS LAWS AND
REPORT ANY SUSPECTED VIOLATIONS TO THE
LABOR COMMISSIONER
(LC §1726; TITLE 8, CCR §16100)**

***Except for public works projects of one thousand dollars (\$1,000) or less. (LC §1771)**



**WITHHOLD AND
RETAIN ALL AMOUNTS
REQUIRED TO SATISFY
THE CIVIL WAGE AND
PENALTY ASSESSMENT
(LC §1727(A))**



ENFORCEMENT

Labor Code §1773.3, §1771.1(j)



LABOR CODE §1773.3

PENALTIES SHALL BE ASSESSED AGAINST AWARDING BODIES FOR THE FOLLOWING (LC § 1773.3(C)(1)):

- Failing to timely submit project registration information;
- Entering into a contract with an unregistered contractor; or
- Allowing an unregistered contractor to engage in the performance of any public work

Civil Penalty

Subject to penalties of \$100 for each day in violation of either requirement, not to exceed an aggregate penalty of \$10,000 per project



LABOR CODE §1773.3

PENALTIES SHALL ALSO BE ASSESSED AGAINST AN AWARDING BODY WHEN (LC §1773.3(D))
FINAL PAYMENT WAS MADE AND IT IS LATER DISCOVERED THAT AN UNREGISTERED
CONTRACTOR WORKED ON THE PROJECT

Civil Penalty

Subject to penalties of \$100 for each full calendar day of noncompliance, for a period of up to 100 days,
for each unregistered contractor or subcontractor.



POLL QUESTION #3

PENALTY CALCULATION

The Labor Commissioner's Office investigates a project and determines that there were two subcontractors, Contractor A and Contractor B, who performed work for ten days each without being registered.

According to Labor Code 1773.3, how much in penalties can be assessed against the awarding body?



POLL QUESTION #3 - ANSWER

PENALTY CALCULATION

2 unregistered subcontractors x 10 days x \$100 = \$2000

LC 1773.3: Subject to penalties of \$100 for each full calendar day of noncompliance, for a period of up to 100 days, for each unregistered contractor or subcontractor.



AWARDING BODY "DEBARMENT" (LC §1773.3(F)):

"WHENEVER THE LABOR COMMISSIONER DETERMINES THAT AN AWARDING AGENCY HAS WILLFULLY VIOLATED THE REQUIREMENTS OF THIS SECTION OR CHAPTER WITH RESPECT TO TWO OR MORE PUBLIC WORKS CONTRACTS OR PROJECTS IN ANY 12-MONTH PERIOD, THE AWARDING AGENCY SHALL BE INELIGIBLE TO RECEIVE STATE FUNDING OR FINANCIAL ASSISTANCE FOR ANY CONSTRUCTION PROJECT UNDERTAKEN BY OR ON BEHALF OF THE AWARDING AGENCY FOR ONE YEAR..."



LABOR COMMISSIONER SHALL ISSUE STOP ORDER WHEN UNREGISTERED CONTRACTOR PERFORMS WORK (LC §1771.1(J))

- Stop order prohibits use of unregistered contractor or subcontractor until registered
- Affected worker of unregistered contractor entitled to regular hourly pay of prevailing wage rate (not to exceed 10 days) for work stoppage
- Does not apply to other registered contractors or subcontractors on same public works project

Contractor's failure to observe stop order is a misdemeanor. (LC §1771.1(k).)



PRECAUTIONARY LEGAL NOTICE TO AWARDING BODIES

THE LABOR COMMISSIONER WANTS TO REMIND ALL AWARDING BODIES THAT ARTICLE 2 ALSO INCLUDES LC §1777, WHICH WAS ENACTED IN 1937 AND REMAINS THE LAW TODAY. SECTION 1777 ESTABLISHES A CRIMINAL PENALTY (MISDEMEANOR) AGAINST "ANY OFFICER, AGENT, OR REPRESENTATIVE OF THE STATE OR OF ANY POLITICAL SUBDIVISION WHO WILLFULLY VIOLATES ANY PROVISION" OF ARTICLE 2.



THANK YOU

Public Works
California Labor Commissioner's Office
Department of Industrial Relations



SKILLED AND TRAINED WORKFORCE REQUIREMENTS

Public Works
California Labor Commissioner's Office
Department of Industrial Relations
May 13, 2022



DISCLAIMER

California Labor Commissioner's Office

The following presentation is intended to summarize relevant portions of existing law in the Labor Code and California Code of Regulations, but those code sections, as interpreted by the courts, will govern actual enforcement. The information contained in this presentation is a general overview of existing law or regulation. Any opinions expressed are solely those of the author/speaker and are not necessarily the official position of the Department of Industrial Relations (DIR), its Director, or any related public entity. The information in this presentation is not intended as legal advice, and does not guarantee any outcome in specific enforcement or coverage proceedings within the jurisdiction of DIR.



Additional Disclaimers

California Labor Commissioner's Office

- Presentation WILL NOT cover statutes and regulations that require use of Skilled and Trained Workforce.
 - Public Contract code 2600 does not require STW, but it provides the definition, compliance guidelines and enforcement measures.
 - Awarding Bodies/Public Entities should be aware which government code is applicable to agency.
- Apprenticeship requirements & STW requirements are separate requirements.
- Please bid on STW requirement projects only if confident compliance will be met.



Skilled and Trained Workforce Requirement

Public Contract Code §2600



SKILLED AND TRAINED WORKFORCE REQUIREMENTS

Public Contract Code §2600(a) & §2600(b)

- Chapter applies when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project.
 - Awarding Bodies and public entities should be aware of which statutes and regulations apply to their agency. (EDC, HSC, PCC, PUC or any other government codes)
- A public entity may require a bidder or contractor to use a skilled and trained workforce to complete a contract or project regardless of whether the public entity is required to do so by a statute or regulation.



Bidding Requirements & Enforceable Agreements

Public Contract Codes §2600, §2600.5
& §2602



BID REQUIREMENTS

Public Contract Code §2600(c) & §2600.5

- When a skilled and trained workforce is required by statute or regulation or by requirement of a public entity, the public entity **shall include in all bid documents and construction contracts** a notice that the project is subject to the skilled and trained workforce requirement.
- The failure of a public entity to provide a notice pursuant to subdivision (c) of Section 2600 shall not excuse either of the following:
 - The public entity from the **requirement to obtain an enforceable commitment** that a contractor will use a skilled and trained workforce to complete a contract or project.
 - A contractor from the obligation to use a skilled or trained workforce if such a requirement is imposed by a statute or regulation.



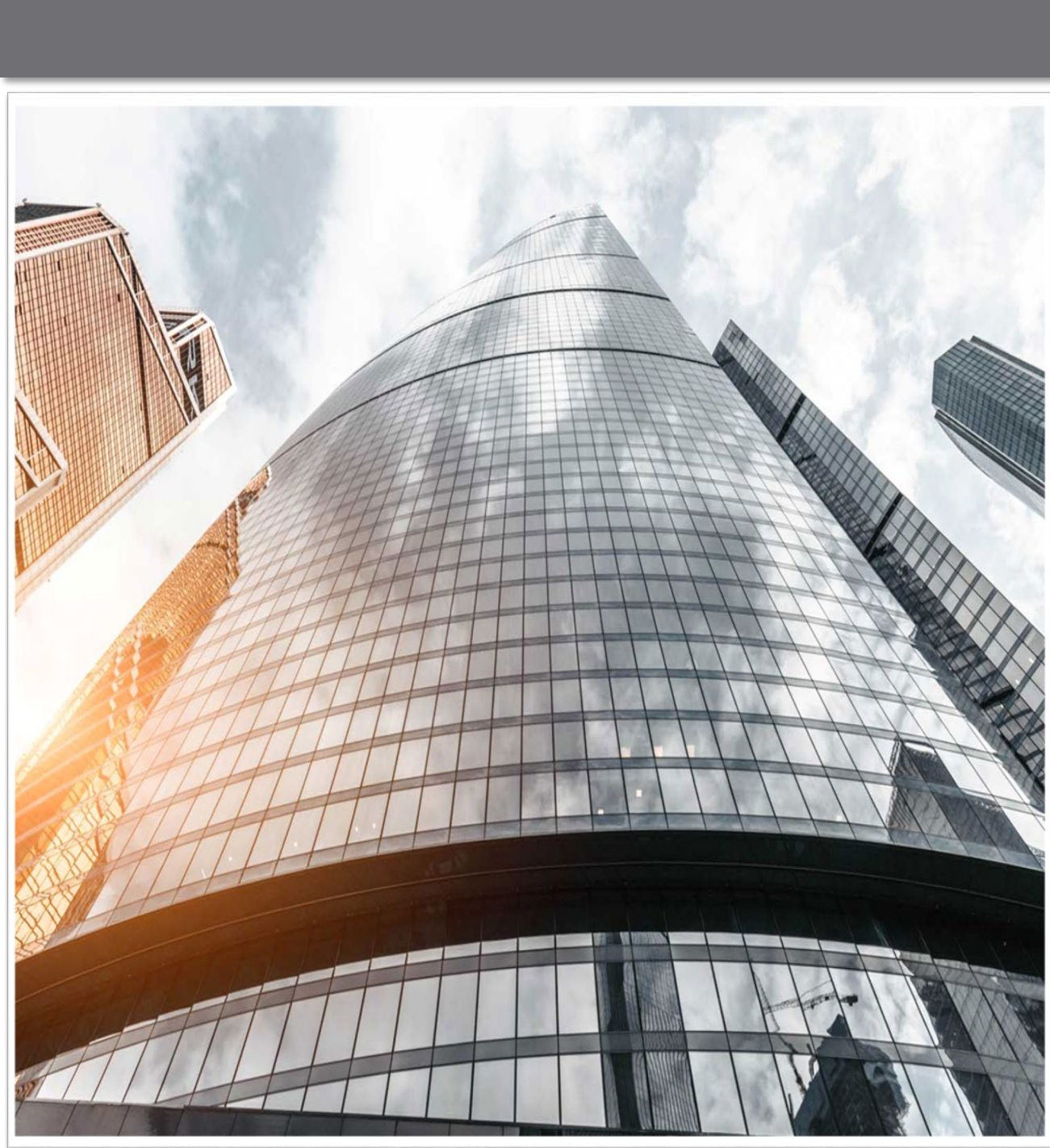
ENFORCEABLE AGREEMENTS

Public Contract Code §2602

Whenever a contractor is subject to the STW requirements, the commitment shall be made in an **enforceable agreement** with the public entity or other awarding body that provides **BOTH** of the following:

- Contractor and subcontractors at **every tier will comply** with the STW requirements.
- Contractor and subcontractors will **provide a report demonstrating compliance with the STW requirements** to the public entity or awarding body on a monthly basis while the project or contract is being performed.
 - Subcontractors should supply monthly reports to prime contractor and prime contractor will supply awarding body or public entity with report for all contractors.





What is a Skilled and Trained Workforce? ("STW")

Public Contract Code §2601



WHAT IS A “SKILLED AND TRAINED WORKFORCE”?

Public Contract Code §2601

A STW meets **ALL** of the following conditions:

- **ALL workers** performing work in an apprenticeable occupation in the building and construction trades are **EITHER**:
 - Skilled Journeypersons OR
 - DAS-Registered Apprentices
- **Graduation Percentage Requirement:**
 - 30% - 60% of **ALL** Skilled Journeypersons must be **graduates of apprenticeship program**.
 - Graduation percentage requirement varies depending on specific craft.
 - Graduation percentage requirement can be met by counting **EITHER**:
 - Number of Skilled Journeypersons employed (head count) OR
 - Number of hours worked by Skilled Journeypersons (hours worked by trade)



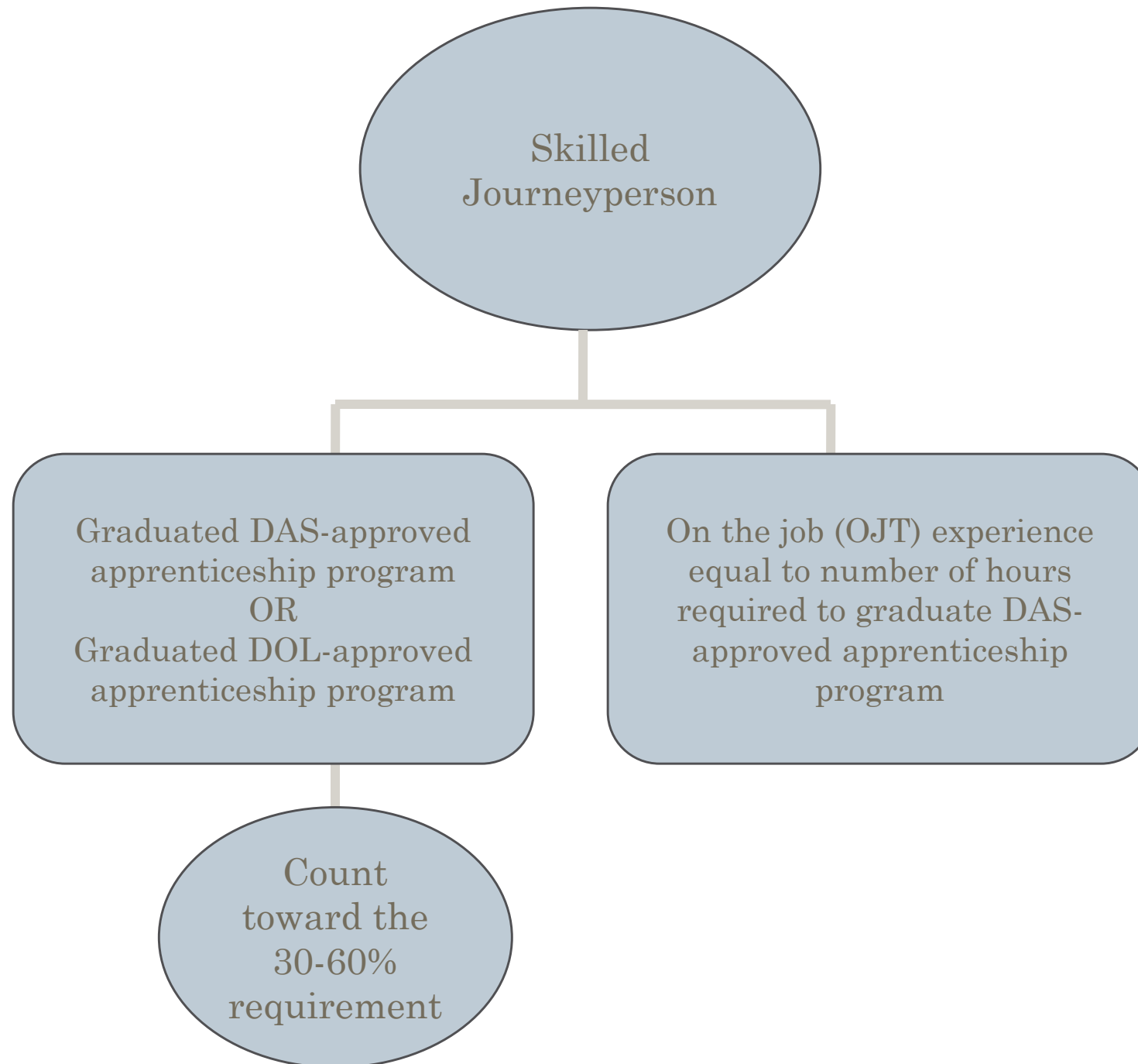
WHO IS A “SKILLED JOURNEYPERSON”?

Public Contract Code §2601(e)

A **Skilled Journeyperson** is a worker who **EITHER**:

- **Graduated from a DAS-approved apprenticeship program** for the applicable occupation or a **DOL-approved apprenticeship program** outside California **OR**
- Has at least as many **hours of on-the-job experience** in the applicable occupation **as would be required to graduate** from a DAS-approved apprenticeship program
- Workers that have not graduated from an approved apprenticeship program or do not have the required on the job training hours are not considered skilled journeypersons and should not be allowed to work on skilled and trained workforce requirement projects.







POLL QUESTION #1

SKILLED AND TRAINED WORKFORCE

A skilled and trained workforce includes all of the following except?

- A. DIR registered apprentices
- B. Journeymen who have graduated from an approved apprenticeship program
- C. Journeymen who have the number of on the job hours needed to graduate from an apprenticeship program
- D. Unregistered apprentices or Journeymen with no on the job training



POLL QUESTION #1

SKILLED AND TRAINED WORKFORCE

A skilled and trained workforce includes all of the following except?

- A. DIR registered apprentices
- B. Journeymen who have graduated from an approved apprenticeship program
- C. Journeymen who have the number of on the job hours needed to graduate from an apprenticeship program
- D. Unregistered apprentices or Journeymen with no on the job training



POLL QUESTION #2

SKILLED AND TRAINED WORKFORCE

A skilled journeyperson who has worked the number of on the job hours required to graduate from an approved apprenticeship program may be counted in the graduation percentage requirement?

- A. Yes
- B. No
- C. Not Sure



POLL QUESTION #2

SKILLED AND TRAINED WORKFORCE

A skilled journeyperson who has worked the number of on the job hours required to graduate from an approved apprenticeship program may be counted in the graduation percentage requirement?

- A. Yes
- B. No
- C. Not Sure

STW Apprenticeship Graduation Requirement



Graduation Percentage Requirement

Applies to <u>work performed</u> on or after:	% of journeypersons who must be graduates of apprenticeship program:	Not applicable to work performed by the following trades/occupations:	Authority
January 1, 2017	30%	Teamster.	Pub. Contract Code §2601 (d)(2)(A)
January 1, 2018	40%	Acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster , terrazzo worker or finisher, and tile layer, setter, or finisher.	Pub. Contract Code §2601 (d)(2)(B)
January 1, 2019	50%	Same as above. (Including Teamster.)	Pub. Contract Code §2601 (d)(2)(C)
January 1, 2020	60%	Same as above. (Including Teamster.)	Pub. Contract Code §2601 (d)(2)(D)



Graduation Percentage Requirement

Period Beginning	Period Ending	Classification	Minimum Graduation Percentage Required
1/1/2017	12/31/2017	Teamster	0.00%
		All Others	30.00%
1/1/2018	12/31/2018	Teamster	0.00%
		Acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher	30.00%
		All Others	40.00%
1/1/2019	12/31/2019	Teamster	0.00%
		Acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher	30.00%
		All Others	50.00%
1/1/2020	N/A	Teamster	0.00%
		Acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher	30.00%
		All Others	60.00%



POLL QUESTION #3

Applies to <u>work performed</u> on or after:	% of journeypersons who must be graduates of apprenticeship program:	Not applicable to work performed by the following trades/occupations:
January 1, 2017	30%	Teamster.
January 1, 2018	40%	Acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher.
January 1, 2019	50%	Same as above. (Including Teamster.)
January 1, 2020	60%	Same as above. (Including Teamster.)

Based on the graduation percentage chart, a project bid on June 1st, 2019 using the Carpenter craft would have which graduation percentage requirement for this craft?

- A. 50%
- B. 30%
- C. 40%
- D. 60%
- E. Not Sure

POLL QUESTION #3

Applies to <u>work performed</u> on or after:	% of journeypersons who must be graduates of apprenticeship program:	Not applicable to work performed by the following trades/occupations:
January 1, 2017	30%	Teamster.
January 1, 2018	40%	Acoustical installer, bricklayer, <u>carpenter</u> , cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher.
January 1, 2019	50%	Same as above. (Including Teamster.)
January 1, 2020	60%	Same as above. (Including Teamster.)

Based on the graduation percentage chart, a project bid on June 1st, 2019 using the Carpenter craft would have which graduation percentage requirement for this craft?

- A. 50%
- B. 30%
- C. 40%
- D. 60%
- E. Not Sure

APPRENTICESHIP GRADUATION PERCENTAGE REQUIREMENT

- The graduation percentage requirement may be satisfied by **EITHER** using the **head count** of apprenticeship program graduates or **percentage of hours worked** by apprenticeship program graduates in a particular **calendar month**:
- The method used to calculate the graduation percentage can be changed month to month based on the contractors workforce on that month and which calculation will allow them to meet the graduation percentage requirement.



APPRENTICESHIP GRADUATION PERCENTAGE REQUIREMENT

- **Head Count** - At least the required percentage of the Skilled Journeypersons employed by the contractor or subcontractor to perform work on the contract or project meet the graduation percentage requirement.
 - Example: Graduation percentage requirement - 60%
 - Contractor employs 10 Skilled Journeypersons:
 - 6 skilled journeypersons must be graduates of apprenticeship program.
 - 4 skilled journeypersons may have on the job hours.
 - 6 apprenticeship program graduates out of 10 skilled journeypersons = 60% graduation requirement met

$$\frac{\text{Total number of Graduated J/M}}{\text{Total number of J/M (Graduates+OJT)}} = \% \text{ of Graduated J/M}$$



APPRENTICESHIP GRADUATION PERCENTAGE REQUIREMENT

- **Hours Worked Percentage Count** – The percentage of hours of work performed by Skilled Journeypersons employed by the contractor or subcontractor on the project, who met the graduation requirement is at least equal to the required graduation percentage.
- Example: Graduation percentage requirement - 60%
- Hours worked in a month: 100 hours
 - At least 60 hours must be worked by graduates of apprenticeship program to meet requirement.
 - 40 hours may be worked by skilled journeypersons with on the job hours.
 - $60\text{hrs worked by apprenticeship graduates} / 100\text{hrs worked in total} = 0.6 \times 100 = 60\%$ graduation requirement met.

$$\frac{\text{Total hours performed by Graduated J/M}}{\text{Total hours performed by J/M (Graduates+OJT)}} = \% \text{ of hours performed by Graduated J/M}$$





POLL QUESTION #4

SKILLED AND TRAINED WORKFORCE

Classification	Total Number of Skilled Journeypersons	Number of Skilled Journeypersons Graduated From Apprenticeship Program	Number of Skilled Journeypersons With On The Job Training	Graduation Percentage Requirement
Laborer	13	6	7	60%

Does this workforce meet the skilled and trained workforce graduation percentage requirement for the month?

- A. Yes
- B. No
- C. Not sure

POLL QUESTION #4

SKILLED AND TRAINED WORKFORCE

Classification	Total Number of Skilled Journeypersons	Number of Skilled Journeypersons Graduated From Apprenticeship Program	Number of Skilled Journeypersons With On The Job Training	Graduation Percentage Requirement
Laborer	13	6	7	60%

Does this workforce meet the skilled and trained workforce graduation percentage requirement for the month?

- A. Yes
- B. No – $6 / 13 = 46\%$
- C. Not sure

EXCEPTIONS TO THE APPRENTICESHIP GRADUATION PERCENTAGE REQUIREMENT

- If no DAS-approved apprenticeship program existed before January 1, 1995 for any apprenticeable craft:
 - Up to one-half (1/2) of the graduation percentage requirements may be satisfied by Skilled Journeypersons who commenced working in the apprenticeable craft before DAS approved an apprenticeship program for that craft in the county in which the project is located.
- A contractor or subcontractor does not need to meet the graduation percentage requirements for any apprenticeable craft in which it performs less than 10 hours of work during that calendar month.



EXCEPTIONS TO THE APPRENTICESHIP GRADUATION PERCENTAGE REQUIREMENT

- A subcontractor does not need to meet the graduation percentage requirements (for all crafts it employs) if **BOTH** of the following requirements are met:
 - Subcontractor was **not a listed on the bid** pursuant to Pub. Contract Code §4104* or performing work as a substitute for a subcontractor that was listed.
 - Subcontract does not exceed **one-half of 1 percent (1/2%)** of the price of the prime contract.
- NOTE: These exceptions apply only to the graduation percentage requirements— NOT to the STW requirements generally.



Monthly Report Compliance & Public Entity/Awarding Body Obligations Under Public Contract Code §2602.



Monthly Reports & Awarding Body Obligations

Public Contract Code §2602



FAILURE TO PROVIDE OR INCOMPLETE MONTHLY REPORT

Public Contract Code §2602(b)

- If the prime contractor fails to provide the monthly report, or provides an incomplete one, the awarding body (AB) **shall withhold further payments until a complete report is provided.**
- If a monthly report is **incomplete because a subcontractor** failed to timely submit the required information to the contractor:
 - AB shall withhold an amount only equal to **150 percent (150%)** of the value of the **monthly billing** for the **relevant subcontractor.**
 - The **prime contractor may withhold the same amount from the subcontractor** until the subcontractor provides a complete report and the AB pays the contractor the withheld payments.
- **AB required to immediately resume making payments** to the contractor (including all previously withheld payments) if the **contractor substitutes a subcontractor** for its failure to provide a complete report and replaces it with one that provides an enforceable commitment to use a STW to complete the work.



MONTHLY REPORT FAILING TO DEMONSTRATE COMPLIANCE

Public Contract Code §2602(c)

- If a **monthly report does not demonstrate compliance** with the STW requirements the **AB is required to do ALL** of the following:
- **Withhold further payments** until the contractor provides a plan to achieve “substantial compliance” with regard to the relevant trade/craft prior to contract completion.
 - Withholding amount equal to 150 percent (150%) of the value of the monthly billing for the contractor or subcontractor that failed to comply with the STW requirements.
 - Contractor may withhold the same amount from the subcontractor.
 - AB required to immediately resume making payments to the contractor (including all previously withheld payments) if the contractor substitutes a subcontractor for its failure to demonstrate compliance.
 - AB required to immediately resume making payments to the contractor (including all previously withheld payments) if a plan to achieve substantial compliance with the STW requirement is submitted
 - AB may reject the plan as insufficient and explains the reasons for the rejection within a reasonable time.



MONTHLY REPORT FAILING TO DEMONSTRATE COMPLIANCE

Public Contract Code §2602(c)

- If a **monthly report does not demonstrate compliance** with the STW requirements or the **plan for substantial compliance submitted is rejected** by the awarding body then **AB is required** to do the following:
- **Forward** a copy of the monthly report to the Labor Commissioner for issuance of a Civil Wage and Penalty Assessment.
- **Forward** a copy of the plan to achieve “substantial compliance” (if any), and its response to that plan (if any) to the Labor Commissioner.





POLL QUESTION #5

SKILLED AND TRAINED WORKFORCE

A contractor provides a monthly report in which a subcontractor fails to meet the STW requirements and a plan for substantial completion which the awarding body finds is insufficient and will not allow the subcontractor to meet the STW requirements, what should the awarding body do now?

- A. Withhold amount equal to 150 percent (150%) of the value of the monthly billing for the subcontractor that failed to comply with the STW requirements.
- B. Forward a copy of the monthly report to the Labor Commissioner for issuance of a Civil Wage and Penalty Assessment.
- C. Forward a copy of the plan to achieve “substantial compliance” (if any), and its response to that plan (if any) to the Labor Commissioner.
- D. All of the above.



POLL QUESTION #5

SKILLED AND TRAINED WORKFORCE

A contractor provides a monthly report in which a subcontractor fails to meet the STW requirements and a plan for substantial completion which the awarding body finds is insufficient and will not allow the subcontractor to meet the STW requirements, what should the awarding body do now?

- A. Withhold amount equal to 150 percent (150%) of the value of the monthly billing for the subcontractor that failed to comply with the STW requirements.
- B. Forward a copy of the monthly report to the Labor Commissioner for issuance of a Civil Wage and Penalty Assessment.
- C. Forward a copy of the plan to achieve “substantial compliance” (if any), and its response to that plan (if any) to the Labor Commissioner.
- D. All of the above.

The Labor Commissioner's Enforcement Process Under Public Contract Code §2603.



PENALTIES UNDER CONTRACT CODE §2603

Penalties of **up to \$5,000 per month of work performed** in violation of the STW requirements assessed against contractor or subcontractor that failed to use a STW.

- Increased penalties **up to \$10,000 per month** for a second or subsequent violation within a three-year period.

Factors considered by the Labor Commissioner in determining penalty amount:

1. Whether the violation was intentional;
2. Whether the contractor or subcontractor has committed other violations of this chapter or of the Labor Code;
3. Whether, upon notice of the violation, the contractor or subcontractor took steps to voluntarily remedy the violation;
4. The extent or severity of the violation; and
5. Whether a contractor or subcontractor submitted and followed a plan to achieve substantial compliance.



PENALTIES UNDER CONTRACT CODE §2603

- Prime contractors are not liable for penalties for violations of subcontractor unless the prime contractor **had knowledge of the subcontractor's failure to comply OR fails to comply with ANY of the following requirements:**
 - For contracts entered into on or after January 1, 2019, the **contract** executed between the contractor and the subcontractor for the performance of work on the project **included a copy of chapter 2.9 of the Public Contract Code;**
 - The **contractor periodically monitored** the subcontractor's use of a STW;
 - Upon becoming aware of a failure of the subcontractor to use a STW, the **contractor took corrective action**, including, but not limited to, retaining 150% of the amount due to the subcontractor for work performed on the project until the failure is corrected; AND
 - Prior to making the final payment to the subcontractor for work performed on the project, the contractor shall **obtain a declaration signed under penalty of perjury** from the subcontractor that the subcontractor has met the requirements of chapter 2.9 of the Public Contract Code.



LABOR COMMISSIONER'S ENFORCEMENT PROCESS

Violations of the STW requirement are enforced by the Labor Commissioner using the same process set forth in Labor Code §§ 1741 & 1742 currently used for prevailing wage and apprenticeship requirements.

Up to three years of debarment when the Labor Commissioner finds a contractor or subcontractor to have:

- Violated the STW requirements **with the intent to defraud OR**
- Committed **two or more separate willful violations** of the STW requirements **within a 3-year period.**



SKILLED AND TRAINED WORKFORCE STATUTE & FAQ LINKS

Summary of Skilled and Trained Workforce Statutes:

<https://www.dir.ca.gov/Public-Works/ADA-Compliant-STW-Chart-without-New-PRC-Provision.pdf>

Skilled and Trained Workforce Frequently Asked Questions:

<https://www.dir.ca.gov/Public-Works/ADA-Compliant-STW-FAQ.pdf>





THANK YOU!

Public Works
California Labor Commissioner's Office
Department of Industrial Relations



PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

KNOW YOUR DUTIES AND
RESPONSIBILITIES
UNDER THE LAW

Public Works
California Labor Commissioner's Office
Department of Industrial Relations
May 13, 2022



Disclaimer

California Labor Commissioner's Office

The following presentation is intended to summarize relevant portions of existing law in the Labor Code and California Code of Regulations, but those code sections, as interpreted by the courts, will govern actual enforcement. The information contained in this presentation is a general overview of existing law or regulation. Any opinions expressed are solely those of the author/speaker and are not necessarily the official position of the Department of Industrial Relations (DIR), its Director, or any related public entity. The information in this presentation is not intended as legal advice, and does not guarantee any outcome in specific enforcement or coverage proceedings within the jurisdiction of DIR.



Contractor Responsibilities

Prevailing
Wage

>\$1,000

Contractor
Registration

>\$15,000
M

>\$25,000
CADIR

Apprenticeship

≥\$30,000

Labor Code 1771, 1725.5, and 1777.5



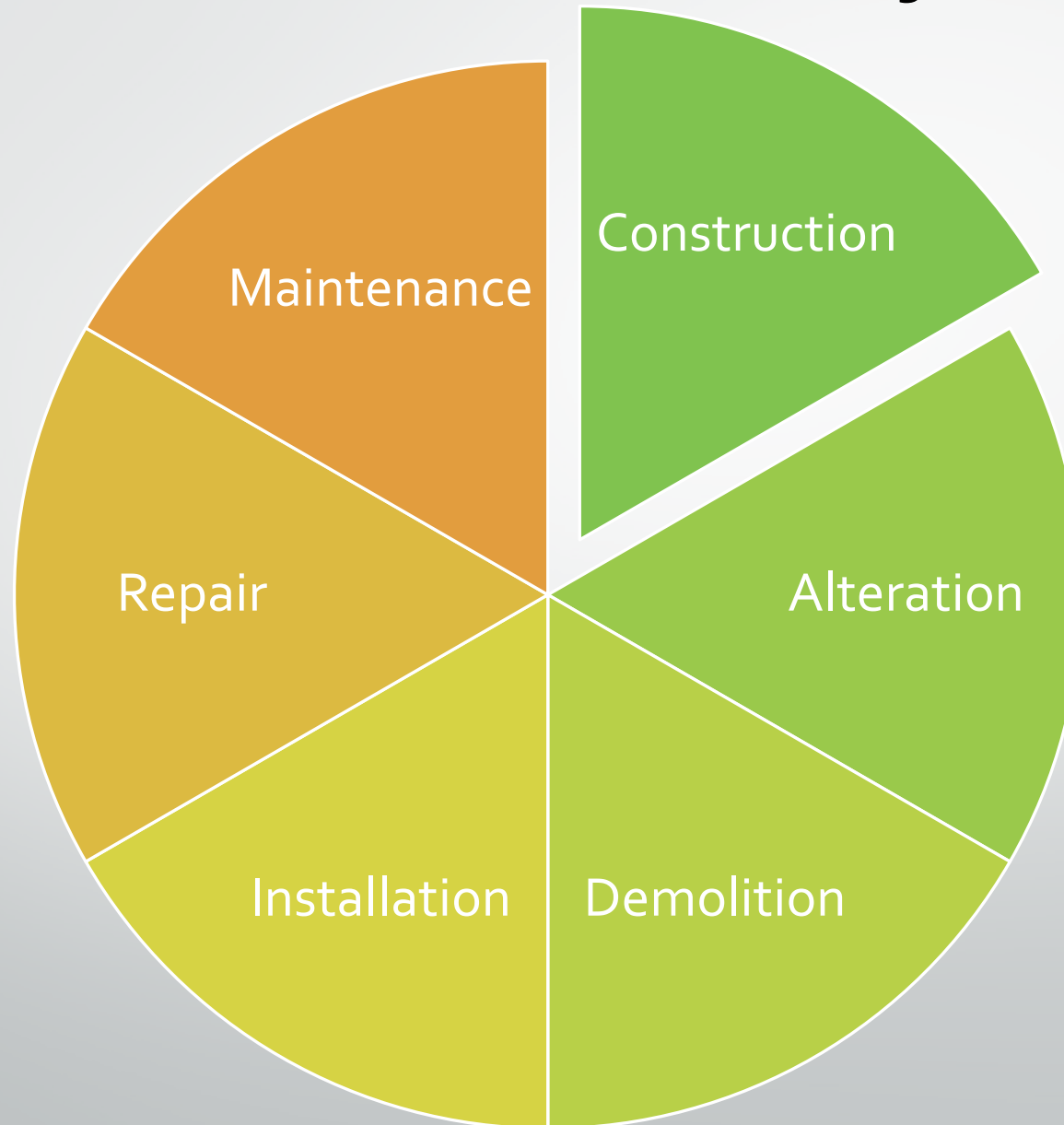
Who is a Public Works Contractor?



Labor Code(s) 1720(1) and 1722.1



Public Works Project



Construction (expanded)

Preconstruction

- Design
- Site Assessment
- Feasibility Study
- Inspection
- Land Surveying

Postconstruction

- Cleanup



\$1,000.00

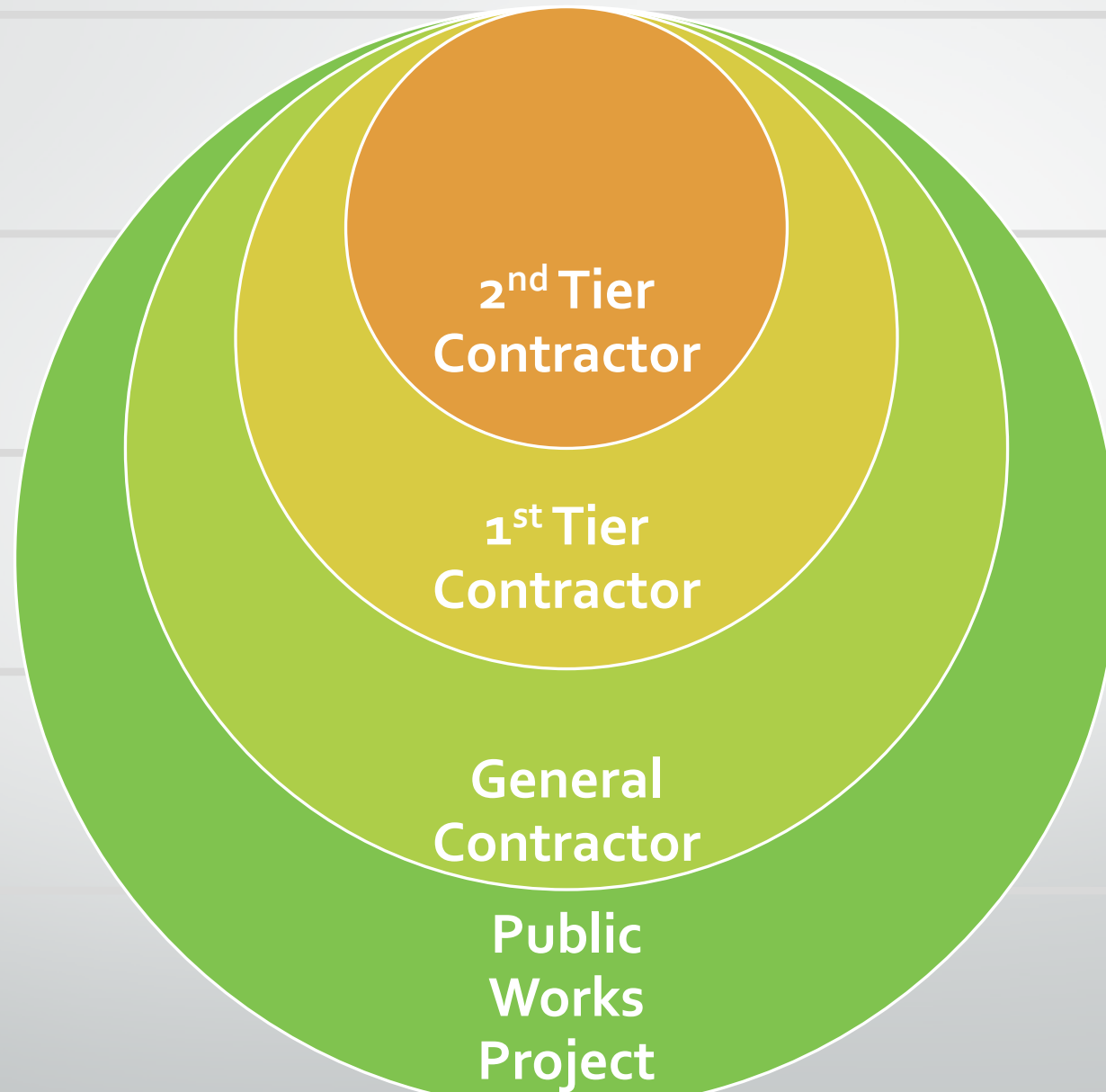
\$800.00

\$600.00

\$400.00

\$200.00

\$0.00



Labor Code 1771

>\$1,000



Polling Question 1

What is the threshold that requires the payment of prevailing wages for all contractors performing covered work on a public works project?

- ☐ >\$1,000 per public works contract
- ☐ >\$15,000 per public works project
- ☐ >\$25,000 per public works project
- ☐ >\$1,000 per public works project



Pay Prevailing Wages



Labor Codes 1771, 1774 and 1813



Prevailing Wage

Bid Date or
Contract Date



Location
of Work



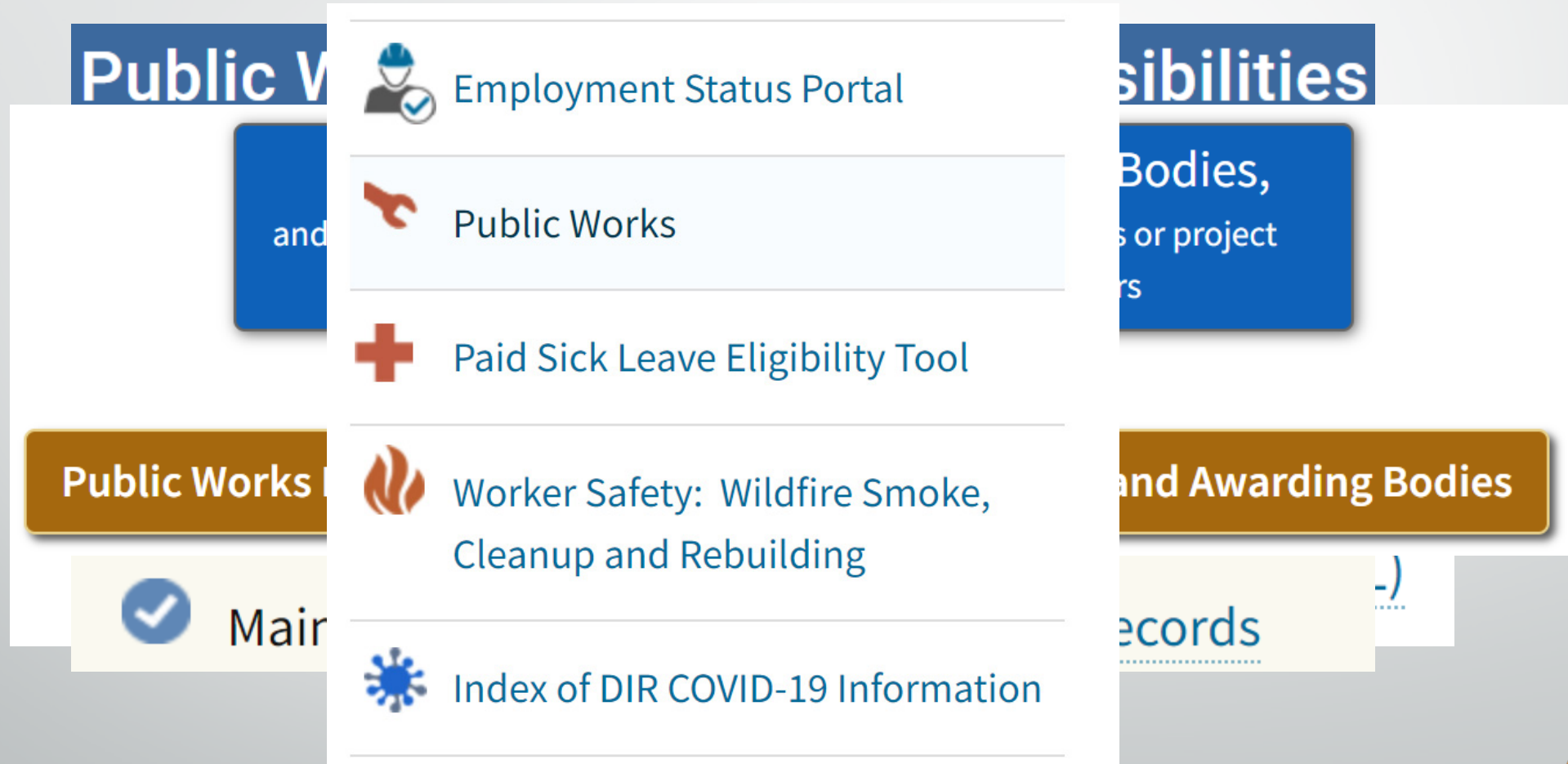
Work
Classification



Applicable
Wage
Determination



Prevailing Wage Determinations Navigating Website



Prevailing Wage Determinations Navigating Website

- [2022-1 General prevailing wage determinations menu \(journeyman\)](#)

First journeyman wage determination published in 2022

First apprentice wage determination published in 2022

Wage determinations published in prior periods

Residential wage determinations published in prior periods

- [Frequently asked questions - Prevailing Wage](#)
- [Frequently asked questions - Off-Site Hauling](#)
- [Still have questions on prevailing wage?](#)



Journeyman Wage Determinations

Step one	<u>Statewide</u>	First examine if your craft's determination is among the basic trades that apply to most counties in California.
Step two (A)	<u>Northern California</u>	If you have not found your craft in step one, check this area to see if your craft's determination is one of Northern California's basic trades.
Step two (B)	<u>Southern California</u>	If you have not found your craft in step one, check this area to see if your craft's determination is one of Southern California's basic trades.
Step three	<u>San Diego</u>	After following steps one and two (B), examine this area if your project is in San Diego County.
Step four	<u>County Determinations</u> (subtrades)	If you have not found your craft in steps 1, 2, or 3, choose the county where work is being performed to examine the subtrades.



Wage Determination Examined

Craft: Drywall Installer/Lather (Carpenter)[#]

Determination:

Issue Date:

August 22, 2021

Effective Date:

September 1, 2021

Information:

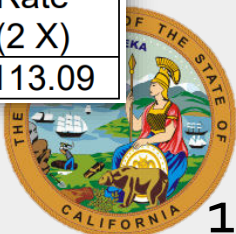
will be superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director of Industrial Relations at (916) 227-5700 or (5) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

Localities:

All localities within Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura counties.

Wages and Employer Payments:

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$44.44	\$8.00	\$5.66	\$7.16	\$0.62	\$2.77	8.0	\$68.65	\$90.87	\$90.87	\$113.09



Issue Date Vs. Effective Date

February 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		22	23	24	25	26
27	28					
March 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	

August 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	22	23	24	25	26	27
28	29	30	31			
September 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1		

December 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11						



Wage Determination Examined

Craft: Drywall Installer/Lather (Carpenter)[#]

Determination:
SC-31-X-41-2021-1

Issue Date:
August 22, 2021

Expiration date of determination:
June 30, 2022*

*If a new determination issued by the Director of Industrial Relations. Contact the Office of the
the new rates after 10 days from the expiration date, if no subsequent determination is issued.

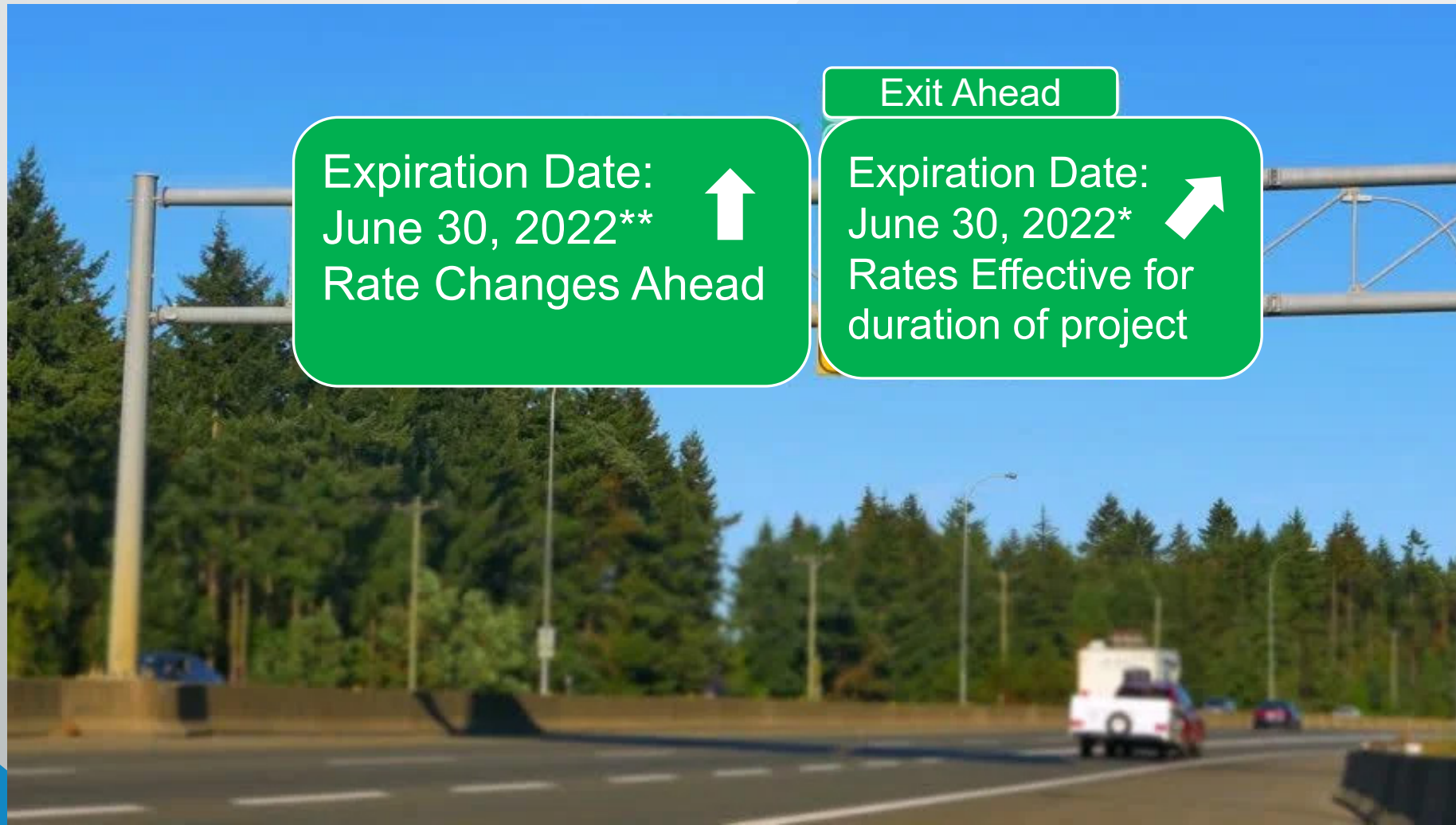
Localities:

All localities within Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura counties.

Wages and Employer Payments:

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$44.44	\$8.00	\$5.66	\$7.16	\$0.62	\$2.77	8.0	\$68.65	\$90.87	\$90.87	\$113.09

Fixed (*) Vs. Variable (**) Wage Determinations



Polling Question 2

On a wage determination, what symbol indicates a predetermined increase or change of rate?

- ☐ A double asterisk (**) next to the expiration date
- ☐ A single asterisk (*) next to the expiration date
- ☐ A pound sign or hashtag (#) next to the craft/classification



Wage Determination Examined

Determination:
SC-31-X-41-2021-1

Issue Date:
August 22, 2021

Expiration date of determination:

June 30, 2022* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director - Research Unit (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

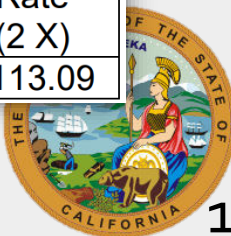
Craft: Drywall Installer/Lather (Carpenter)#

Indicates apprenticeable classification

Localities:

All localities within Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura counties

Classification (Journey person)	Benefits							Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
	Health and Welfare	Pension and Vacation	Training and Holiday	Travel	Life Insurance	Disability Insurance	Other				
Drywall Installer/Lather	\$44.44	\$8.00	\$5.66	\$7.16	\$0.62	\$2.77	8.0	\$68.65	\$90.87	\$90.87	\$113.09



Scope, Holiday, Travel, Increases

COUNTY

Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
Blacksmith	Select One ▾	No increase *
-Hauling To/From Site)	Select One	Increase

- Select One ▾
- Select One
- Holidays
- Scope
- Travel

County	Predetermined increase
Alameda	Increase
Alpine	Increase

REGION

CRAFT	CLASSIFICATION	HOLIDAY PROVISIONS	SCOPE OF WORK PROVISIONS	TRAVEL & SUBSISTENCE PROVISIONS
#BRICKLAYER, BLOCKLAYER:	BRICKLAYER, BLOCKLAYER, STONEMASON	Holidays	Scope of Work	Travel & Subsistence

Office of the Director – Research Unit



Our staff is working remotely and is available to take public inquiries – please see the [Contact Us](#) page for information on how to reach us.

For Prevailing Wage questions, please send your inquiry to Statistics@dir.ca.gov provide the following information with your inquiry.

- Your name
- Company or agency name
- Email address
- A summary of your question(s)
- Bid Advertisement Date
- Craft(s)/Classification(s)
- County Location of the Project



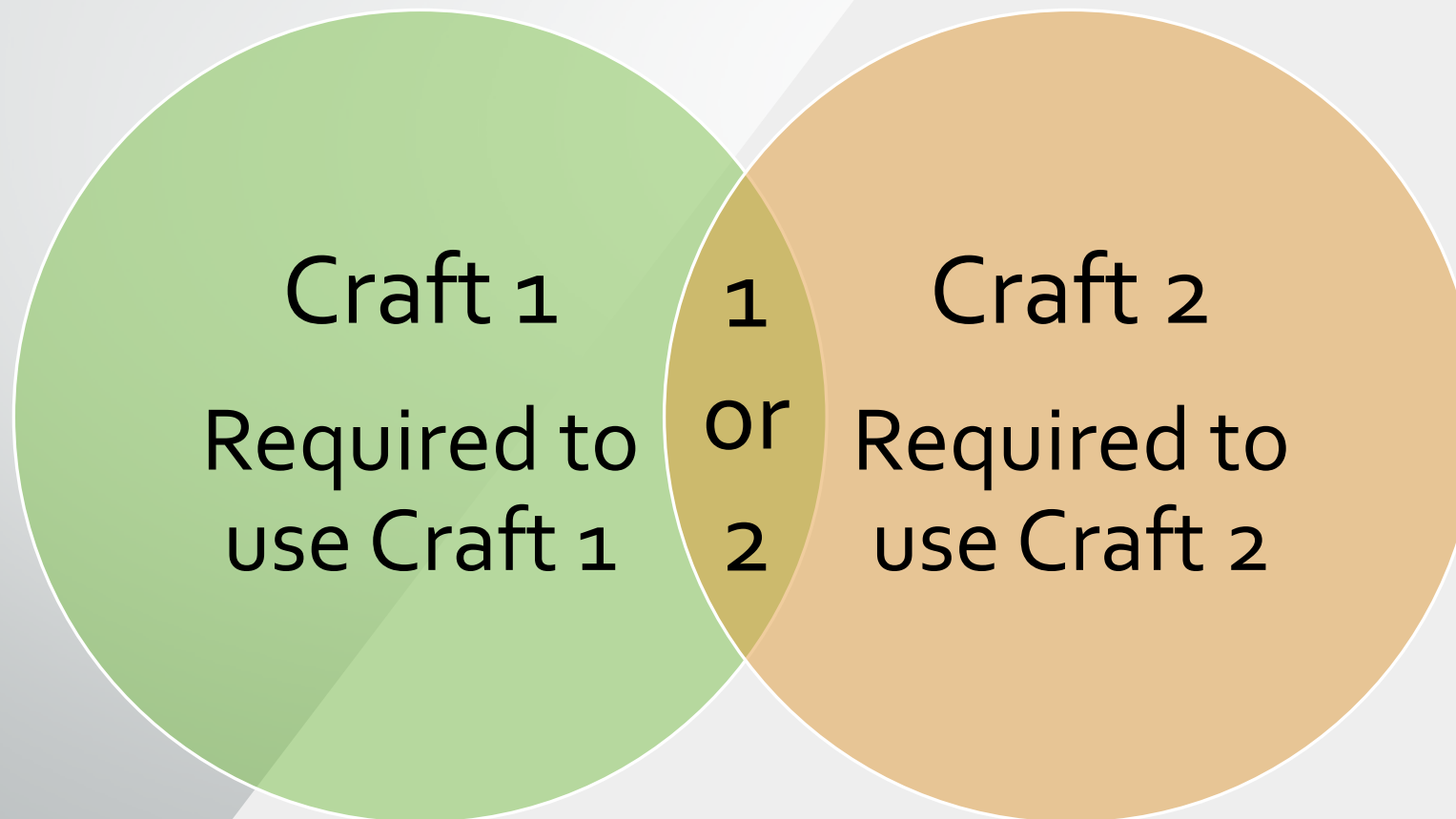
Polling Question 3

There is a predetermined increase (change of rate) however, the details of the change were not provided. What should the contractor do?

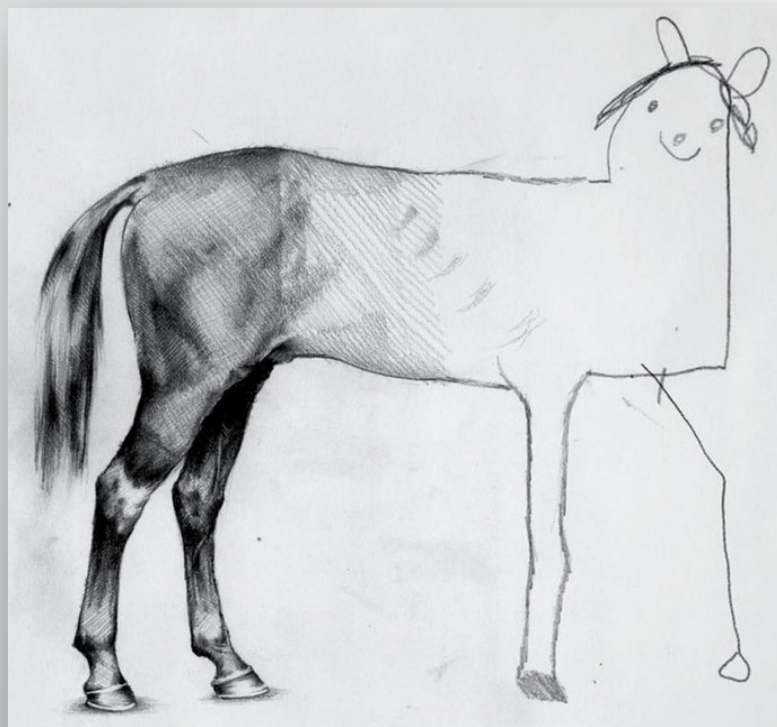
- ☐ Increase the pension contributions
- ☐ Increase the training fund rate contributions
- ☐ Contact the Office of the Director - Research Unit at statistics@dir.ca.gov and request the breakdown of the rate increase



Work Classification Overlap



Maintain and Furnish Payroll Records



Certified
Payroll
Records
(10 Days After
Request)

Online Form
Electronic
Certified
Payroll
(Monthly)

LC 1776

LC 1771.4

XML File
Electronic
Certified
Payroll
(Monthly)

Labor Code(s) 1776 and 1771.4



Polling Question 4

If a contractor receives a Labor Code 1776 Request for Payroll Records from the Labor Commissioner's Office, what amount of information must the payroll records contain to be compliant?

- ☐ Rudimentary payroll information such as the one currently required by the online electronic payroll reporting form
- ☐ Detailed payroll information such as the one identified on DLSE Form A-1-131
- ☐ Detailed payroll information on alternate payroll reporting forms that are *not* certified under penalty of perjury



Polling Question 5

What is the deadline for a contractor to respond to a Labor Code 1776 Payroll Records Request from the Labor Commissioner's Office?

- ☐ 10 calendar days from receipt of request
- ☐ 10 business days from receipt of request
- ☐ At the contractor's earliest convenience



Contractor Responsibilities

Prevailing
Wage

>\$1,000

Contractor
Registration

>\$15,000

M

>\$25,000

CADIR

Labor Code 1771, 1725.5, and 1777.5

Apprenticeship

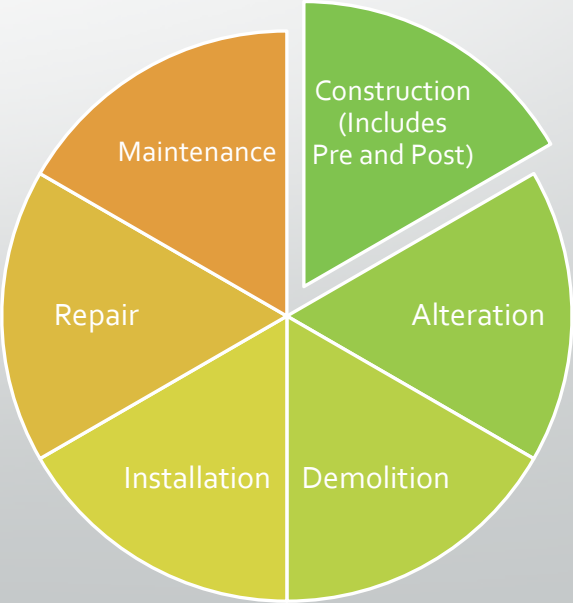
≥\$30,000



Register as a Public Works Contractor



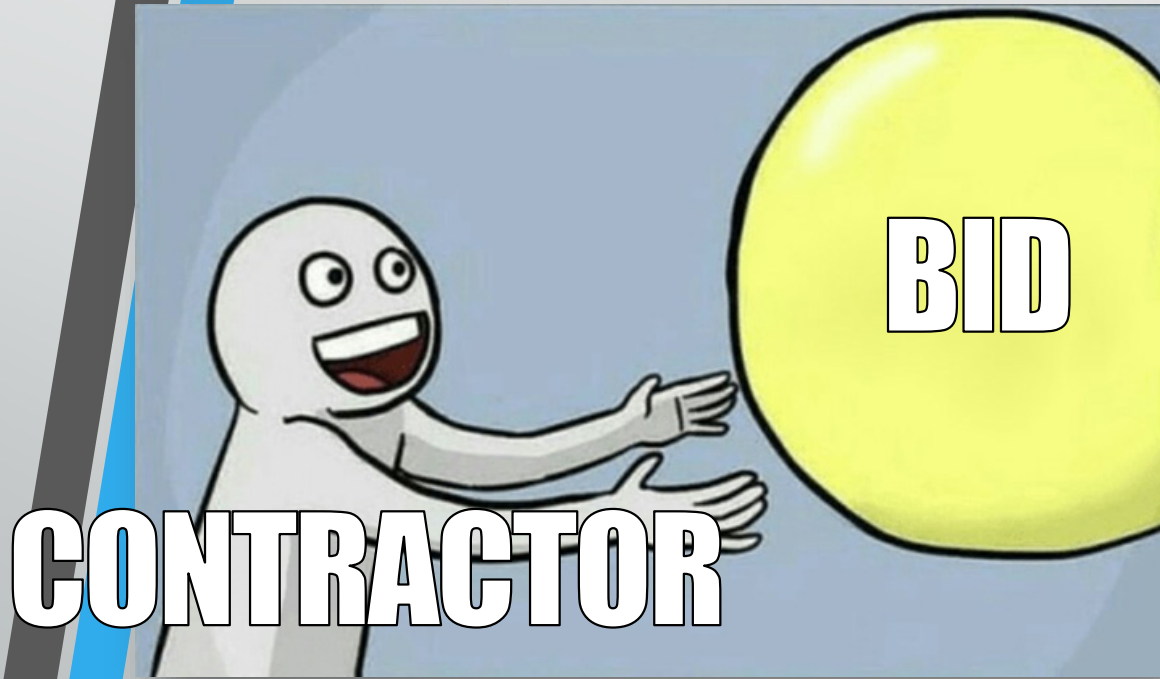
	BID	
		AMT
	General Contractor	\$\$\$
	Subcontractor 1	\$\$
	Subcontractor 2	\$\$
	Total	\$\$\$\$



Labor Codes(s) 1725.5 & 1771.1

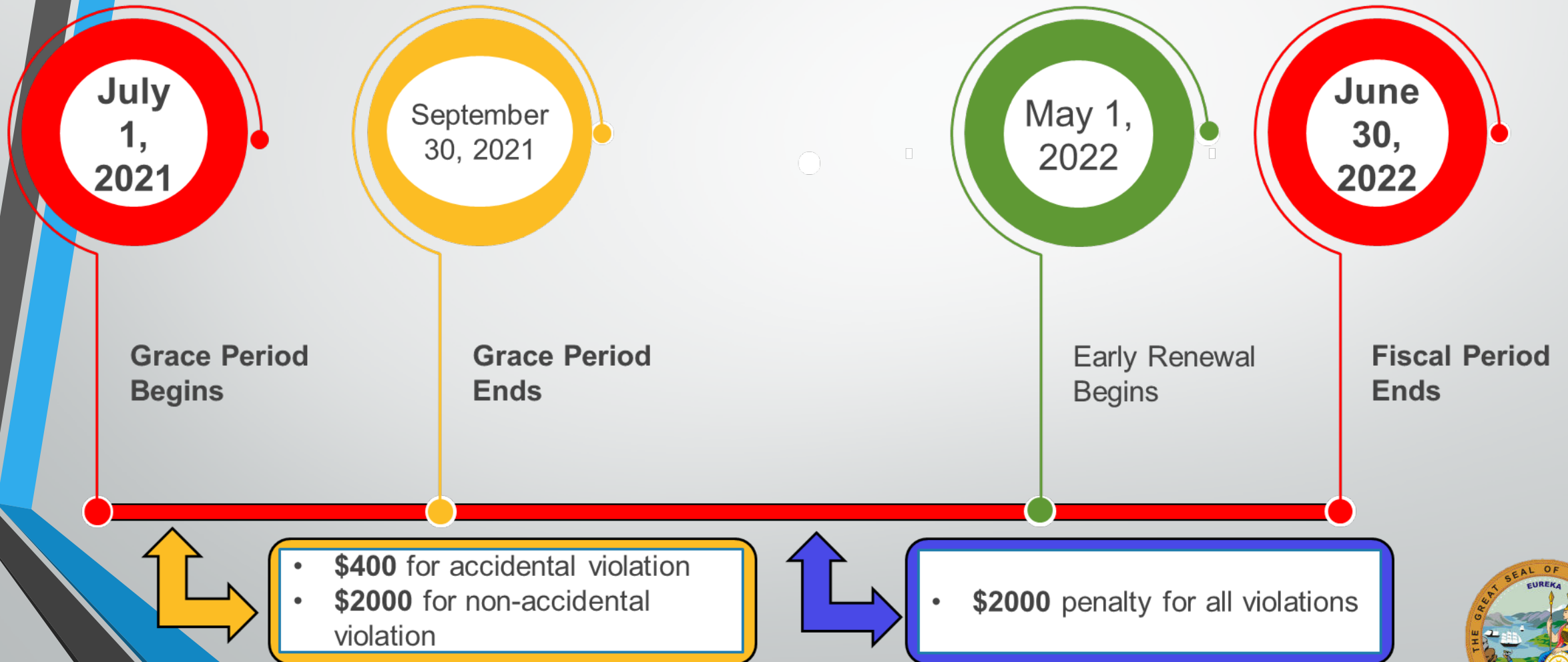


Register as a Public Works Contractor



Fiscal Periods for Registrations

- Users can register for **one**, **two**, or **three** fiscal periods
- Failure to register timely when required is a **violation** and will result in **penalties**

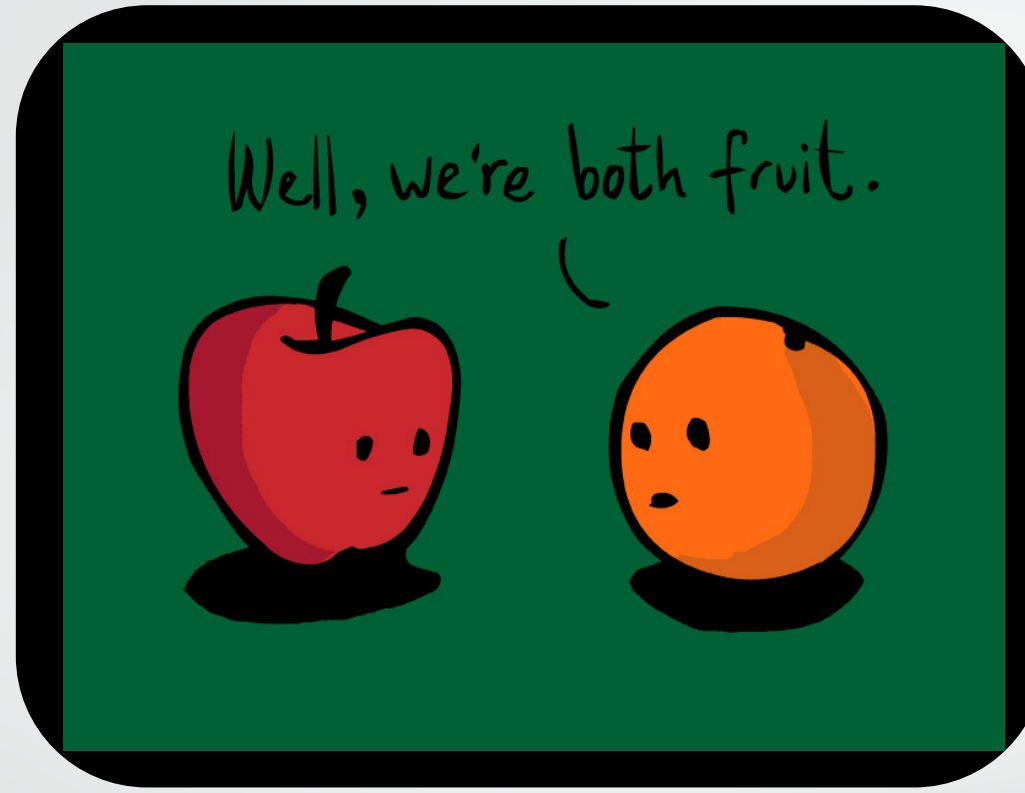


Polling Question 6

A contractor registers for the first time on June 1, 2022 and pays \$400 for the current fiscal year. What period will the registration be valid for?

- ☐ 6/1/2022 – 6/30/2022
- ☐ 6/1/2022 – 12/31/2022
- ☐ 6/1/2022 – 5/31/2023





- An active registration represents a ***single legal entity***
- Any changes to a legal entity's type will require a *new registration*
 - I.e. a **sole proprietorship** changes to a **corporation**

Public Works



New



Contractor Responsibilities

Prevailing
Wage

>1,000

Contractor
Registration

>15,000
M

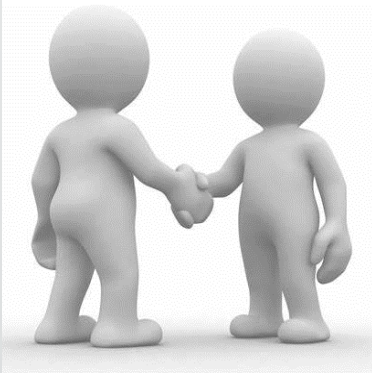
>25,000
CADIR

Labor Code 1771, 1725.5, and 1777.5

Apprenticeship

≥30,000





Employ apprentices in at least the minimum ratio



Pay required training fund rate to the applicable committee(s) or CAC.



Notify apprenticeship committees of contract award information



\$30,000.00

\$25,000.00

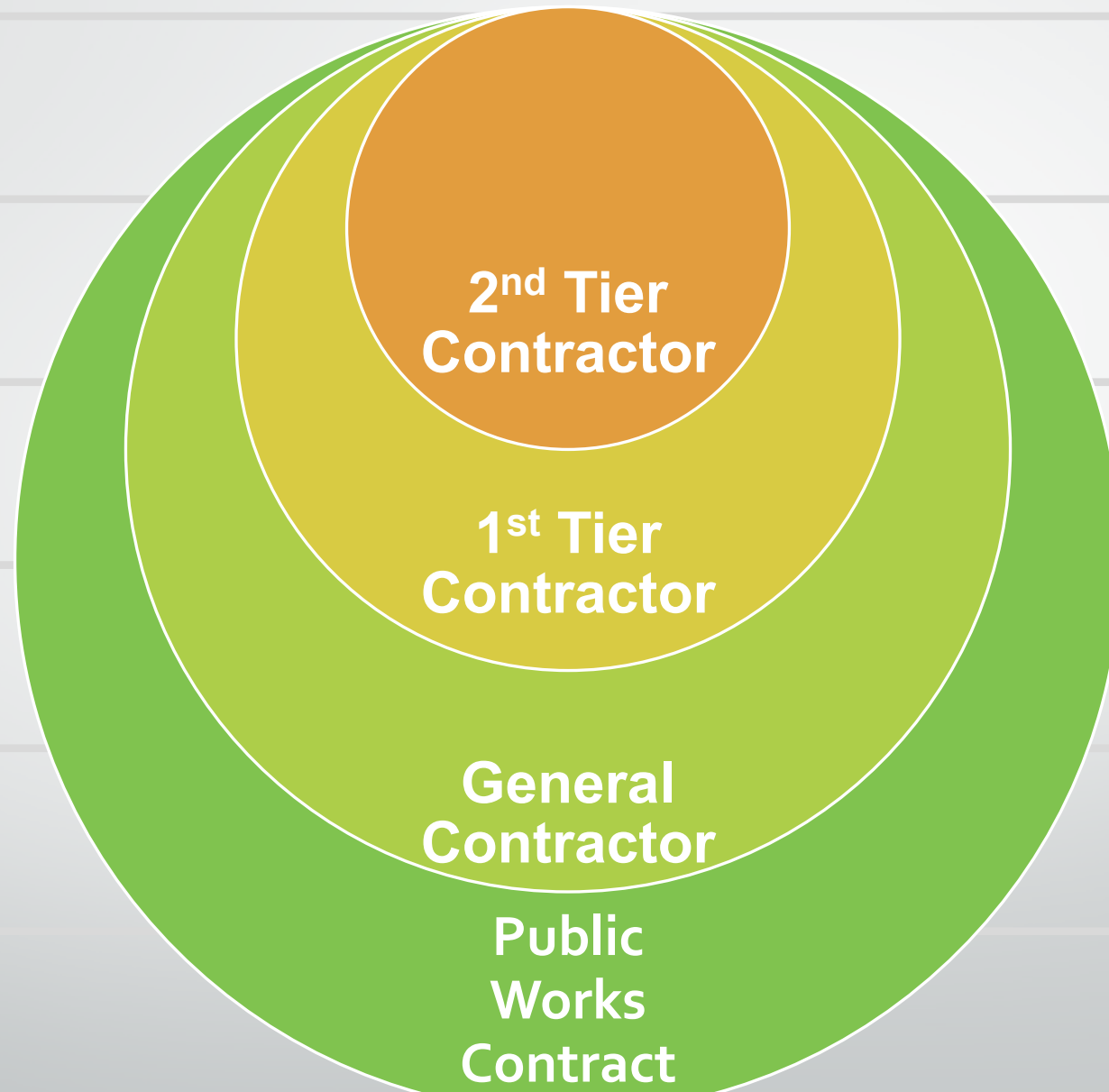
\$20,000.00

\$15,000.00

\$10,000.00

\$5,000.00

\$0.00



Labor Code 1777.5

≥\$30,000



Wage Determination Examined

Craft: Drywall Installer/Lather (Carpenter)#

Indicates apprenticeable classification

Determination:
SC-31-X-41-2021-1

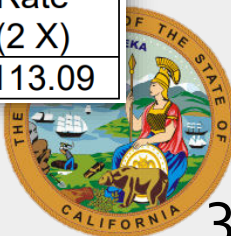
Issue Date:
August 22, 2021

Expiration date of determination:
June 30, 2022* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director - Research Unit (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

Localities:
All localities within Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura counties.

Wages and Employer Payments:

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training		Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
						^b					
Drywall Installer/Lather	\$44.44	\$8.00	\$5.66	\$7.16	\$0.62	\$2.77	8.0	\$68.65	\$90.87	\$90.87	\$113.09



Polling Question 7

On a wage determination, what does the pound symbol (#) next to the name of the craft indicate?

- ☐ There's a predetermined change of rate
- ☐ The rates are valid for the duration of the project
- ☐ The craft is apprenticeable



Apprenticeship Status and Safety Training Certification

Apprenticeship status certification for public works

Enter search string (LLLLF9999) here

SmitM1234

Search



How to compile the search string:

The search string is a total of nine letters and numbers (no characters ' , - , etc): the first four letters of the last name (use spaces to make four letters if the last name is shorter than four letters), the first letter of the first name and the last four digits of the social security number (LLLLF9999).

Letters can be entered as lower or upper case.

Examples:

Uncle Sam ssn 123-45-6789 would be entered as Sam U6789

Goddess Minerva ssn 123-45-5555 would be entered as MineG5555

Richard Al-Ham ssn 111-44-1111 would be entered as AlhaR1111

Robert O'Brian ssn 111-22-3333 would be entered as OBriR3333

James McHenry ssn 555-66-1234 might be entered as McHeJ1234 or Mc HJ1234

<https://www.dir.ca.gov/das/appcertpw/AppCertSearch.asp>



**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS**

P.O. Box 420603

San Francisco, CA 94142-0603



To whom it may concern:

The Division of Apprenticeship Standards hereby certifies that, according to transactions recorded as of August 25, 2019, the below named individual is registered with the State of California as an apprentice in the occupation during the period between the start date and the end date or completion (comp) date listed below. If there is no end date for an occupation, the Apprentice is currently registered in that occupation. Occupations marked with an asterisk (*) are certified as apprenticeable occupations for Public Works projects. For individuals who have completed an approved 20 hour safety training, the course and the date completed are listed below.

Name

Mason Smith

Mason Smith

Occupation

* Cement Mason

* Cement Mason

Action

Start

Comp

Effective Date

03-02-2016

12-25-2017

Cert. id

SmitM1234

SmitM1234

If you have any questions please contact your local Division of Apprenticeship Standards office.

Glen Forman
Deputy Chief



Polling Question 8

How can you confirm that an apprentice is registered with the DAS?

- ☐ Verify their last & first name, and social security # on the DAS apprentice search
- ☐ Ask the employee if they are an apprentice and take their word for it
- ☐ An inexperienced worker is an apprentice by default



CAC - Public works Training Fund Search

Training Fund Search

This search function allows awarding agencies, labor and contract compliance organizations, contractors, and other interested parties to view and print a specific contractor's Training Fund contribution paid to the California Apprenticeship Council for the previous 48 months. The payment of the training funds is regulated by California Labor Code 1777.5(m)(1)

Please enter the contractor's license number to begin search.

If you do not know the contractor's license number you may search for it at this site: www.cslb.ca.gov

For employers without a Contractor's license you may look up the id number that was assigned

Don't see your recent training contribution in the payment history?

Possible reasons:

1) Wrong Remit address, our current remit address is as follows:

Department of Industrial Relations

California Apprenticeship Council

P. O. Box 511283

Los Angeles, CA 90051-7838

dir.ca.gov/CAC/trainingfund/Tfsearch.html



CALIFORNIA APPRENTICESHIP COUNCIL

P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4920



Re: Training Fund Contribution Inquiry for:

ACME, Inc.
9876 Ocean Blvd
Long Beach, CA 90802

Lic.# 987654

To whom it may concern:

The California Apprenticeship Council hereby certifies that, according to transactions recorded as of August 25, 2019, the training fund contributions shown below have been received from the contractor above during the last four years. The contributions are sorted by County, Check date, Project and Occupation.

County	Occupation	Check date	Amount in \$
Project			
Los Angeles	Cement Masons	04/05/2017	97.92
SP-98765			
Los Angeles	Laborers	04/05/2017	142.14
SP-98765			

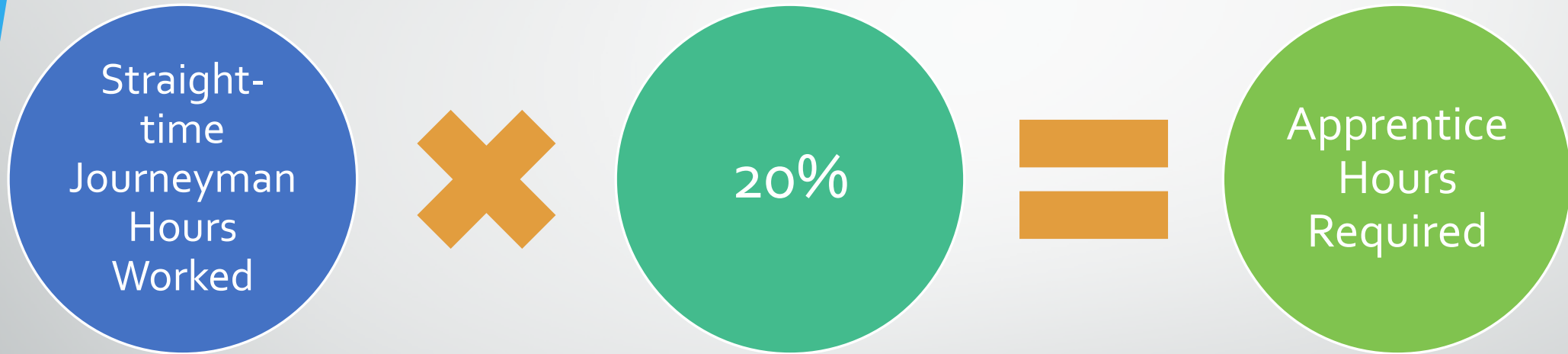
If you have any questions please contact the Division of Apprenticeship Standards. trainingfund@dir.ca.gov

A handwritten signature in dark ink, appearing to read "Glen Forman".

Glen Forman
for the Secretary, California Apprenticeship Council



Minimum Apprenticeship Ratio



#Journeyman Hours Worked

Daily
Straight
Time
 $\leq 8\text{hrs}$

Weekly
Straight
Time
 $\leq 40\text{hrs}$

Daily
Overtime
 $> 8\text{hrs}$

Weekly
Overtime
 $> 40\text{hrs}$

Included in
Ratio Calculation

Not Included in
Ratio Calculation



Apprentice Hours Worked

Daily
Straight
Time
 $\leq 8\text{hrs}$

Weekly
Straight
Time
 $\leq 40\text{hrs}$

Daily
Overtime
 $> 8\text{hrs}$

Weekly
Overtime
 $> 40\text{hrs}$

Included in Ratio Calculation



REQUEST FOR DISPATCH OF AN APPRENTICE – DAS 142 FORM

DO NOT SEND THIS FORM TO DAS

You may use this form to request dispatch of an apprentice from the Apprenticeship Committee in the craft or trade in the area of the public work. Go to: <http://www.dir.ca.gov/databases/das/pwaddrstart.asp> for information about programs in your area and trade. You may also consult your local Division Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards. Except for projects with less than 40 hours of journeyworkers work, you must request and employ apprentices in no less than 8 hour increments.

List one occupation/craft per form

Date:

Contractor Requesting Dispatch:

To Applicable Apprenticeship Committee:

Name: _____

Name: _____

Address: _____

Address: _____

License No. _____

Tel. No. _____ **Fax No.** _____

PWC Registration Number: _____

Tel. No. _____ **Fax No.** _____

Project Information: PWC Project Number _____ **Contract Number** _____

Total Contract Amount. _____ **Sub-Contract Amount** _____

Name of the Project: _____

Address: _____

Dispatch Request Information:

Number of Apprentice(s) Needed: _____ **Craft or Trade:** _____

Date Apprentice(s) to Report: _____ **(72 hrs. notice required)** **Time to Report:** _____

Name of Person to Report to: _____

Address to Report to: _____



At Least 72 Hours Notice Required



Polling Question 9

How many hours of notice must be provided to the apprenticeship committee(s) when requesting the dispatch of an apprentice?
(Form DAS 142)

- ☐ At least 72 hours including weekends and holidays
- ☐ At least 72 hours excluding weekends
- ☐ At least 72 hours excluding weekends and holidays



PUBLIC WORKS CONTRACT AWARD INFORMATION

Contract award information must be sent to your Apprenticeship Committee if you are approved to train. **If you are not approved to train, you must send the information (which may be this form) to ALL applicable Apprenticeship Committees in your craft or trade in the area of the site of the public work. Go to: <http://www.dir.ca.gov/databases/das/pwaddrstart.asp> for information about programs in your area and trade.** You may also consult your local Division of Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards.

Do not send this form to the Division of Apprenticeship Standards.

NAME OF YOUR COMPANY	CONTRACTOR'S STATE LICENSE NO
MAILING ADDRESS- NUMBER & STREET, CITY, ZIP CODE	AREA CODE & TELEPHONE NO.
NAME & ADDRESS OF PUBLIC WORKS PROJECT	DATE YOUR CONTRACT EXECUTED
	DATE OF EXPECTED OR ACTUAL START OF PROJECT
NAME & ADDRESS OF PUBLIC AGENCY AWARDING CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED

This is not a request for dispatch of apprentices.

Contractors must make a separate request for actual dispatch, in accordance with Section 230.1(a) California Code of Regulations

Check One Of The Boxes Below

1.

☐

We are already approved to train apprentices by the _____
Apprenticeship Committee. We will employ and train under their Standards.

Enter name of the Committee
2.

☐

We will comply with the standards of _____
Apprenticeship Committee for the duration of this job only.

Enter name of the Committee
3.

☐

We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including § 230.1 (c) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the direct supervision of journeyman/men.

Signature

Date

Typed Name

Title

	Minimum Ratio	Contract Award Information	Maximum Ratio	Journeyman On Duty
Box 1	One apprentice hour for every five journeyman hours	May be sent only to applicable apprenticeship committee(s) that approved the contractor	May be found in the apprenticeship standards under which the contractor has agreed to be bound by. Calculated at the end of the project and not on a daily basis.	Not applicable but will enforce DAS approved apprenticeship standards
Box 2		Must be sent to all applicable apprenticeship committees		Not applicable but will enforce DAS approved apprenticeship standards
Box 3			Not applicable	Apprentices must work with or under a journeyman at all times.





1

Monitor contractor's payroll records to ensure apprentices are reported in the correct ratio.

2

Verify training funds were paid for all Applicable crafts.

3

Request proof that contract award information was submitted for all contracted work.



Contractor Responsibilities

Prevailing
Wage

>\$1,000

Contractor
Registration

>\$15,000
M

>\$25,000
CADIR

Apprenticeship

≥\$30,000

Labor Code(s) 1771, 1725.5, and 1777.5



Contractor Responsibilities

Prevailing
Wage

Contractor
Registration

Apprenticeship

≤\$200 Per
Calendar Day of
Noncompliance
Per Worker

Subcontracting With
Unregistered Contractor
\$100/day 10,000/project

Engaged in Performance
of Public Work Contract
\$100/day \$8,000/project

≤\$300 Per
Calendar Day of
Noncompliance

Labor Code(s) 1775(a) (1), 1771.1 (g) and (h) (1), and 1777.7



Questions?



- Feel free to email us at publicworks@dir.ca.gov
 - Please include in the subject line—the topic of your inquiry (registration #, eCPR's, etc.)
 - In the body, describe the issue or question you have
 - Attach any screenshots of any issues you experience with our systems
 - Provide your contact information so we can get back to you



THANK YOU

Public Works
California Labor Commissioner's Office
Department of Industrial Relations



Thank you

**FOR
ATTENDING**



Our next co-hosted webinar is on August 4th!

REGISTER



email us if you have any questions/comments: staff@socalmcc.org