

WBFAA UATC PREVAILING WAGE FORUM MARCH 24, 2016

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Prevailing Wage Seminar

Which Projects are Covered by Prevailing Wage

PUBLIC WORKS COVERAGE DETERMINATIONS

I. NATURE AND PURPOSE OF PREVAILING WAGE REQUIREMENTS

A. Labor Code § 1771¹:

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.

B. Governing Law

Coverage determinations are governed by the law in effect when the public works project is advertised for bid, or where not advertised, by the date an agreement to construct a public work is executed. (See City of Long Beach v. Dept. of Industrial Relations (2005) 34 Cal. 4th 942; Greystone Homes, Inc. v. Cake (2005) 135 Cal.App.4th 1.)

¹All of the sections of the Labor Code and California Code of Regulations noted herein are available on DIR's website at www.dir.ca.gov. These sections represent only a portion of the entire statutory scheme governing public works and prevailing wages.

II. COVERAGE DETERMINATION PROCESS & PROCEDURES

- A. California Code of Regulations, title 8, § 16001. Public Works Subject to Prevailing Wage Law.
- (a) General Coverage. State prevailing wage rates apply to all public works contracts as set forth in Labor Code Sections 1720, 1720.2, 1720.3, 1720.4, and 1771.
 - (1) Any interested party enumerated in Section 16000 of these regulations may file with the Director of Industrial Relations or the Director's duly authorized representative, as set forth in Section 16301 of these regulations, a request to determine coverage under the prevailing wage laws regarding either a specific project or type of work to be performed which that interested party believes may be subject to or excluded from coverage as public works under the Labor Code. If such a request is filed by any party other than the awarding body, a copy of the request must be served upon the awarding body, in accordance with the filing procedures set forth in Section 16302(d) of these regulations, when it is filed with the Director.
 - (2) Within 15 days of receipt of a copy of the request for a coverage determination, the awarding body shall forward to the Director or his/her duly authorized representative as provided for in Section 16301 of these regulations, any documents, arguments, or authorities it wishes to have considered in the coverage determination process.
 - (3) All parties to the coverage determination request shall have a continuing duty to provide the Director or his/her duly authorized representative as provided for in Section 16301 of these regulations, with relevant documents in their possession or control, until a determination is made. Where any party or parties' agent has a document in their possession, but refuses to release a copy, the Department shall consider that the documents, if released, would contain information adverse to the withholding party's position and may close the record and render a decision on the basis of that inference and the information received.
- (b) Federally Funded or Assisted Projects. The application of state prevailing wage rates when higher is required whenever federally funded or assisted projects are controlled or carried out by California awarding bodies of any sort.
- (c) Field Surveying Projects. Field survey work traditionally covered by collective bargaining agreements is subject to prevailing wage rates when it is integral to the specific public works project in the design, preconstruction, or construction phase.
- (d) Residential Projects. Residential projects consisting of single family homes and apartments up to and including four stories are subject to payment of prevailing wages 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.

Note: Such projects may require a special determination by the Director which should be requested by the awarding body at least 45 days before the commencement of advertising of the call for bids by the awarding body.

- (e) Commercial Projects. All non-residential construction projects including new work, additions, alterations, reconstruction and repairs. Includes residential projects over four stories.
- (f) Maintenance. Public works contracts for maintenance are subject to prevailing wage rate payment as set forth in Section 1771 of the Labor Code.

Note: See Article 1 for definition of term "maintenance."

- B. California Code of Regulations, title 8, § 16002.5. Appeal of Public Work Coverage Determination.
- (a) Those interested parties enumerated in Section 16000 of these regulations may appeal to the Director of Industrial Relations or the Director's duly authorized representative as set forth in Section 16301 of these regulations a determination of coverage under the public works laws (Labor Code Section 1720 et seq.) regarding either a specific project or type of work under Section 16001(a) of these regulations. Such notice of appeal must be served within 30 days of the issuance of the coverage determination. The party appealing the determination must, in accordance with the filing procedures set forth in Section 16302(d) of these regulations, give written notification to the awarding body and any other identifiable parties.
- (b) The notice of appeal shall state the full factual and legal grounds upon which the determination is appealed, and whether a hearing is desired. The decision to hold a hearing is within the Director's sole discretion. The Director may appoint a hearing officer to conduct the hearing and propose a decision on the appeal. The Director shall make the final decision on the appeal.
- (c) The authority of the Director to determine coverage of projects under the prevailing wage laws is quasi-legislative, and a final determination on any appeal is subject to judicial review pursuant to the Code of Civil Procedure, Section 1085.

III. SUBSTANTIVE COVERAGE ISSUES

- A. "Public works" is defined in Labor Code § 1720:
- (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, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other

public authority. For purposes of this paragraph, "construction" includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work. For purposes of this paragraph, "installation" includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems.

(b) For purposes of this section, "paid for in whole or in part out of public funds" means

(b) For purposes of this section, "paid for in whole or in part out of public funds" means all of the following:

- (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.
- (2) Performance of construction work by the state or political subdivision in execution of the project.
- (3) Transfer by the state or political subdivision of an asset of value for less than fair market price.
- (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 by the state or political subdivision.
- (5) Money loaned by the state or political subdivision that is to be repaid on a contingent basis.
- (6) Credits that are applied by the state or political subdivision against repayment obligations to the state or political subdivision.
 - B. "Maintenance" Is Public Work Under Labor Code § 1771.
- Title 8, California Code of Regulations, § 16000: Maintenance. Includes:
- (1) Routine, recurring and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility (plant, building, structure, ground facility, utility system or any real property) for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired.
- (2) Carpentry, electrical, plumbing, glazing, [touchup painting,] and other craft work designed to preserve the publicly owned or publicly operated facility in a safe, efficient and continuously usable condition for which it was intended, including repairs, cleaning and other operations on machinery and other equipment permanently attached to the building or realty as fixtures.

EXCEPTION:1: Janitorial or custodial services of a routine, recurring or usual nature is excluded.

EXCEPTION:2: Protection of the sort provided by guards, watchmen, or other security forces is excluded.

(3) Landscape maintenance. See Public Contract Code Section 21002.

EXCEPTION: Landscape maintenance work by "sheltered workshops" is excluded.

C. Exceptions

Labor Code section 1720(c) contains exceptions for certain types of projects that otherwise meet the definition of public work.

IV. RECENT PUBLISHED COURT OF APPEAL DECISIONS

Oxbow Carbon & Minerals, LLC v. Department of Indus. Relations, 194 Cal.App.4th 538, 122 Cal.Rptr.3d 879, 2011 Daily Journal D.A.R. 5554 (Cal.App. 2 Dist. Mar 24, 2011) (NO. B219504)

Azusa Land Partners v. Dept. of Industrial Relations (2010) 191 Cal.App.4th 1

State Building and Construction Trades Council of California v. Duncan (2008) 162 Cal.App.4th 289

Plumbers and Steamfitters, Local 290 v. Duncan (2007) 157 Cal.App.4th 1083

Sheet Metal Workers Intern. Ass'n., Local Union No. 104 v. Rea (2007) 153 Cal.App.4th 1071

Reclamation Dist. No. 684 v. State Dept. of Industrial Relations (2005) 125 Cal.App.4th 1000

Housing Partners I v. Duncan (2012) 206 Cal. App. 4th 1335

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Public works coverage determinations

- Most récent coverage determinations
- · 2002 to present coverage determinations
- · Important notice regarding the Department's decision to discontinue the use of precedent determinations
- · Pre-qualification of design-build entities seeking to bid on community college and school facilities MS Word or .pdf version (238KB)
- . Pre-qualification of design-build entities seeking to bid on the transit projects MS Word or .pdf version (366KB)
- . The 1999 State Legislation and The Model Forms* created by the Department of Industrial

Pre-qualification of contractors seeking to bid on public works projects

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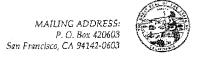
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DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director 455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102 Tel: (415) 703-5050 Fax: (415) 703-5059/8



CORRECTION OF THE IMPORTANT NOTICE TO AWARDING BODIES AND INTERESTED PARTIES REGARDING THE DEPARTMENT'S DECISION TO DISCONTINUE THE USE OF PRECEDENT DETERMINATIONS

"As part of the Department of Industrial Relations' ("DIR") continuing review of Office of Administrative Law determinations and Governor Schwarzenegger's Executive Order S-2-03, DIR will no longer rely on Government Code section 11425.60 and will no longer designate public works coverage determinations as "precedential." The determinations should be considered advice letters directed to specific individuals or entities about whether a specific project or type of work is public work subject to prevailing wage requirements. DLSR is in the process of redesigning the web page for public works coverage determinations but, in the interim, will leave previously posted determinations on the website as a source of information for the public until the replacement web page is available.

Posted public works coverage determination letters provide an ongoing advisory service only. The letters present the Director of DIR's interpretation of statutes, regulations and court decisions on public works and prevailing wage coverage issues and provide advice current only as of the date each letter is issued. In attempting to relate this advice to your own matter, care must be taken to ensure that the advice has not been superseded by subsequent legislative or administrative action or court decisions. Where there is an inconsistency between a statute, regulation or court decision and a public works coverage determination letter, statutory, regulatory or case law is controlling."

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Prevailing wage determinations: 2015-2 important notices

General prevailing wage determinations made by the director of industrial relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

E-MAIL SUBSCRIPTION SERVICE

January 21, 2016 (Important Notice Regarding Electronic Certified Payroll (eCPR) Reporting On Public Works Projects)

December 22, 2015 (Minimum Wage Effective January 1, 2016)

December 16, 2015 (Correction Notice for the Craft of Electrician: Sound Installer (All Shifts) in Kern County)

December 10, 2015 (Interim Determination for the Craft of Plumber: Plumber, Steamfitter, Refrigeration Fitter (HVAC), Service and Repair, and Construction Tradesman (Years 2-5) in San Benito and Santa Clara Counties)

December 9, 2015 (Correction Notice for the Craft of Electrician: Cable Splicer (3rd Shift) in Riverside County)

December 8, 2015 (Correction Notice for the Craft of Teamster in Southern California Counties Except San Diego County)

October 27, 2015 (Important Notice Concerning Fire Alarm Installation in Riverside County)

October 16, 2015 (Correction Notice for the Craft of Metal Roofing Systems Installer in Santa Barbara County)

October 12, 2015 (Interim Determination for the Craft of Tunnel Worker (Laborer) in Southern California Counties Except San Diego County)

October 8, 2015 (Important Notice Regarding the Craft of Light Fixture Maintenance in Imperial and San Diego

September 28, 2015 (Interim Determination for the Craft of Gunite Worker (Laborer) in Southern California Counties Including San Diego County)

September 23, 2015 (Correction Notice for the Craft of Laborer and Related Classifications (All Shifts) in Southern California Counties Except San Diego)

September 16, 2015 (Correction Notice for the Craft of Laborer (Construction-Fence Erector-Housemover) in All Localities within San Diego County)

September 15, 2015 (Correction Notice for the Craft of Iron Worker in All Counties Within the State of California)

September 11, 2015 (Important Notice Regarding Corrections to the Rates for the Crafts of Sheet Metal Worker and Sheet Metal Worker: For Service and Repair for Monterey, San Benito and Santa Cruz Counties)

September 1, 2015 (Important Notice Regarding the Craft of Light Fixture Maintenance in Northern California Counties)

September 1, 2015 (Summary of Important Notices Concerning Burglar Alarm and Fire Alarm Installation)

March 4, 2014 (Minimum wage effective July 1, 2014 and January 1, 2016)

December 24, 2012 (Important notice concerning a new amendment to Labor Code section 1720(a)(1))

September 1, 2012 (Important notice regarding the apprentice prevailing wage rates)

September 1, 2011 (Advisory scope of work for tunnel worker (laborer) in San Diego County)

March 4, 2011 (Advisory scope of work for laborers in San Diego County)

March 4, 2011 (Advisory scope of work for landscape/irrigation laborers/tenders in San Diego and southern California

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Counties)

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August 22, 2010 (Advisory scope of work for the sheet metal workers' in Alpine, Calaveras, Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tuolumne Counties)

July 26, 2010 (Correction to the February 22, 2010 advisory scope of work for the southern california carpenters' regarding installation of solar and photovoltaic systems)

June 15, 2010 (Important notice regarding advisory scope of work for the raceways and conduit system work in San Francisco County)

February 22, 2010 (Advisory scope of work for the craft of sheet metal worker in Imperial and San Diego Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of glaziers in Imperial and San Diego Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of glaziers in Los Angeles County regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of plumbers in Imperial, Los Angeles, and San Diego Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of laborers in San Diego County regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of teamster in Imperial and Los Angeles Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of carpenter in Imperial and Los Angeles Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of laborers in Imperial and Los Angeles Counties regarding installation of solar and photovoltaic systems)

February 22, 2010 (Advisory scope of work for the craft of iron worker in Imperial, Los Angeles, and San Diego Counties regarding installation of solar and photovoltaic systems)

February 22, 2009 (Important notice regarding the general prevailing wage determinations for the craft of driver (on/off-hauling to/from construction site))

January 26, 2009 (Important notice regarding prevailing wage determinations for residential projects)

July 1, 2008 (Important notice regarding the issuance and publication of the general prevailing wage apprentice schedules and apprentice wage rates)

September 4, 2007 (Important notice regarding the department's decision to discontinue the use of precedent determinations)

May 10, 2007 (Important notice regarding overtime on public works)

February 22, 2007 (Important notice regarding determinations for metal roofing systems installer - pages 2J - 2J-15)

April 13, 2005 (Enforcement of prevailing wage obligations for on-haul and off-haul trucking by owner-operators not employed by material suppliers)

March 11, 2003 (Telecommunications technician scope of work)

March 4, 2002 (Shift differential pay provisions)

February 8, 2002 (Clarification of inspection and soils and materials testing)

November 5, 2001 (Senate Bill 975)

DLSE debarments

Download all current important notices November 5, 2001 - January 21, 2016

2015-1 important notices, February 22, 2015- August 13, 2015

2014-2 important notices, August 22, 2014- February 11, 2015

2014-1 important notices, February 22, 2014- July 25, 2014

2013-2 important notices, August 22, 2013- February 10, 2014

2013-1 important notices, February 22, 2013- July 30, 2013

2012-2 important notices, August 22, 2012- February 26, 2012

2012-1 important notices, February 22, 2012- August 10, 2012 2011-2 important notices, August 22, 2011- February 14, 2012 2011-1 important notices, February 22, 2011- August 4, 2011 2010-2 important notices, August 22, 2010- February 1, 2011 2010-1 important notices, February 22, 2010- August 6, 2010 2009-2 important notices, August 22, 2009 - February 22, 2010 2009-1 important notices, February 22, 2009 - August 10, 2009 2008-2 important notices, August 22, 2008 - February 5, 2009 2008-1 important notices, February 22, 2008 - August 6, 2008 2007-2 important notices, August 22, 2007 - January 3, 2008 2007-1 important notices, February 22, 2007 - August 7, 2007 2006-2 important notices, August 22, 2006 - February 15, 2007 2006-1 important notices, February 22, 2006 - August 29, 2006 2005-2 important notices, August 22, 2005 - February 21, 2006 2005-1 important notices, February 22, 2005 - August 1, 2005 2004-2 important notices, August 22, 2004 - February 1, 2005 2004-1 important notices, February 22, 2004 - July 21, 2004 2003-2 important notices, August 22, 2003 - February 10, 2004 2003-1 important notices, February 22, 2003 - August 1, 2003 2002-2 important notices, August 22, 2002 - January 27, 2003 2002-1 important notices, February 22, 2002 - May 22, 2002 2001-2 important notices, August 22, 2001 - February 8, 2002> 2001-1 important notices, December 29, 2000 - June 21, 2001

To view the above important notices, you must first download a free copy of the Adobe Acrobat Reader available by

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206 Cal.App.4th 1335, 142 Cal.Rptr.3d 762, 12 Cal. Daily Op. Serv. 6703, 2012 Daily Journal D.A.R. 8014 (Cite as: 206 Cal.App.4th 1335, 142 Cal.Rptr.3d 762)

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Court of Appeal, Fourth District, Division 2, California.

HOUSING PARTNERS I, INC., Plaintiff and Appellant,

V.

John C. DUNCAN, as Director etc., Defendant and Respondent.

No. E052582. June 15, 2012.

Background: Developer petitioned for writ of mandate challenging determination of Director of Industrial Relations that developer's low-income housing project was a public work subject to prevailing wage requirements. The Superior Court, San Bernardino County, No. CIVDS1007934, W. Robert Fawke, J., denied petition. Developer appealed.

Holdings: The Court of Appeal, <u>Codrington</u>, J., held that:

- (1) project was not within an exception to the definition of a "public work" subject to the prevailing wage law, and
- (2) Director did not create a vague legal framework in violation of due process in concluding the project was a public work.

Affirmed.

West Headnotes

111 Mandamus 250 0 172

250 Mandamus

250III Jurisdiction, Proceedings, and Relief 250k172 k. Scope of inquiry and powers of court. Most Cited Cases

In mandamus review of determination of Director of Industrial Relations that developer's project was a public work subject to prevailing wage requirements, Court of Appeal was required to exercise its independent judgment in resolving whether the project at issue constituted a "public work" within the meaning of the prevailing wage law, taking into account and respecting the agency's interpretation of its meaning, since the facts were undisputed and the purely legal issues involved the interpretation of a statute the agency was responsible for enforcing. West's Ann.Cal.Labor Code § 1720.

[2] Administrative Law and Procedure 15A

15A Administrative Law and Procedure

<u>15AJV</u> Powers and Proceedings of Administrative Agencies, Officers and Agents

 $\underline{15AIV(C)}$ Rules, Regulations, and Other Policymaking

15Ak428 Administrative Construction of Statutes

 $\underline{15Ak431} \ k. \ Deference \ to \ agency \ in \\ general. \ \underline{Most\ Cited\ Cases}$

(Formerly 361k219(1), 15Ak416.1)

An administrative agency's interpretation of a statute, whether embodied in a formal rule or less formal representation, does not bind judicial review but it is entitled to consideration and respect.

[3] Statutes 361 \$\infty\$ 1064

361 Statutes
361 III Construction
361 III(A) In General

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361k1062 Role, Authority, and Duty of Construer or Interpreter

361k1064 k. Judicial construction; role, authority, and duty of courts. Most Cited Cases (Formerly 361k176)

It is the judiciary which has the ultimate authority for determining the meaning of a statute.

[4] Labor and Employment 231H 2304

231H Labor and Employment

231HXIII Wages and Hours

 $\underline{231HXIII(B)} \ Minimum \ Wages \ and \ Overtime$ Pay

231HXIII(B)4 Operation and Effect of Regulations

231Hk2304 k. Prevailing wages. Most Cited Cases

Low-income housing project funded partly with qualified housing funds and partly with below-market interest rate funding was not within either the exception to the definition of a "public work" subject to the prevailing wage law for a project receiving qualified housing funds or the exception for a project receiving below-market interest rate funding. West's Ann.Cal.Labor Code § 1720(c)(4), (c)(6)(E).

See 3 Witkin, Summary of Cal. Law (10th ed. 2005) Agency and Employment, § 386.

[5] Statutes 361 = 1138

361 Statutes

361III Construction

361III(D) Particular Elements of Language
361k1138 k. Departing from or varying language of statute. Most Cited Cases
(Formerly 92k2474)

Court of Appeal may not alter the words of a statute to change its meaning.

[6] Constitutional Law 92 4179

92 Constitutional Law

92XXVII Due Process

 $\underline{92XXVII(G)} \ \ Particular \ \ Issues \ and \ \ Applications$

92XXVII(G)7 Labor, Employment, and Public Officials

92k4176 Regulation of Employment 92k4179 k. Wage and hour regulation. Most Cited Cases

Labor and Employment 231H € 2243

231H Labor and Employment

231HXIII Wages and Hours

231HXIII(B) Minimum Wages and Overtime

Pay

 $\underline{231HXIII(B)2} \ \ Persons \ \ and \ \ Employments$ Within Regulations

231Hk2239 Public Employment; Public

Works

231Hk2243 k. Public contracts, work under. Most Cited Cases

Director of Industrial Relations did not create a legal framework that was vague and unintelligible in violation of due process in determining that low-income housing project funded partly with qualified housing funds and partly with below-market interest rate funding was a public work subject to prevailing wage requirements, even though the Director's interpretation was fact-specific, where the Director provided a thorough analysis of the facts and reasonable interpretation of the law. <u>U.S.C.A.</u>
Const.Amend. 14; West's Ann.Cal.Labor Code § 1720(c)(4), (c)(6)(E).

**763 Atkinson, Andelson, Loya, Ruud & Romo, Thomas W. Kovacich and Jennifer D. Cantrell, Cerritos, for Plaintiff and Appellant.

<u>Vanessa L. Holton</u>, Chief Counsel, <u>Steven A. McGinty</u>, Assistant Chief Counsel, and John L. Korbol, Staff Counsel, for Defendant and Respondent.

OPINION

CODRINGTON, J.

*1338 I INTRODUCTION ^{ENL}

<u>FN1.</u> All statutory references are to the Labor Code unless stated otherwise.

Appellant Housing Partners I, Inc. (HPI) appeals from a judgment denying its petition for writ of mandate against respondent John C. Duncan, the Director of Industrial Relations for the State of California (Director). In administrative proceedings, the Director determined that a low-income housing project developed by HPI was a "public work" within the meaning of section 1720 and was not subject to a statutory exception to the usual requirement for payment of prevailing wages on a public works. The Director's determination ** 764 could mean HPI would have to pay higher labor costs on its low-income housing project and possibly be "subject to a prevailing wage and penalty assessment, fines, lawsuits and disciplinary action, and ... barred altogether from bidding on future public works projects." (20 No. 4 Miller & Starr, Real Estate Newsalert 1.)

HPI's appeal involves two statutory exceptions to the requirement for payment of prevailing wage on a public works project and concerns the interplay of two important public policy goals, "encouraging the construction of low-cost housing and ensuring compliance with the prevailing wage requirements." (State Building & Construction Trades Council of California v. Duncan (2008) 162 Cal. App. 4th 289, 294, 76 Cal. Rptr. 3d 507.)

The prevailing wage law requires that workers employed on public works projects be paid prevailing

wages. (§§ 1771, 1774.) Various exceptions to that rule are found at section 1720, defining the meaning of public works. The *1339 two exceptions which are the subject of this appeal are section 1720, subdivisions (c)(4) and (c)(6)(E). One exception, section 1720. subdivision (c)(4), applies to affordable housing projects that receive money from a redevelopment agency's low and moderate income housing fund. Another exemption, section 1720, subdivision (c)(6)(E), applies to residential projects that receive below-market interest rate loans if the project dedicates a percentage of its units to low-income occupants. Because a combination of three kinds of funding sources was used for the subject project, the Director concluded that neither exemption under section 1720, subdivision (c)(4) or subdivision (c)(6)(E) could be satisfied. Instead, the project was subject to the requirement for payment of prevailing wages.

HPI argues this court should reverse the Director's administrative decision for several reasons. First, HPI contends principles of statutory construction require statutes to be interpreted reasonably to avoid absurd results. Next, HPI asserts the legislative history of section 1720 establishes a clear legislative intent that the exemptions be harmonized together. Third, reading the exemptions in concert with each other furthers the public policy of providing affordable housing. Finally, the Director's interpretation of section 1720 renders the statute so vague as to violate HPI's right of due process.

In opposition, the Director counters that the exemption provided in section 1720, subdivision (c)(4) does not apply because it exempts affordable housing projects paid for solely with funding from a low and moderate income housing fund, or by a combination of such funds and private funds. The subject project did not qualify because, while some of its funding was obtained from a qualified fund, other funding was not. Similarly, the exemption stated in section 1720, subdivision (c)(6)(E) does not apply because it exempts certain affordable housing projects when the public

funding element is limited to below-market interest rate loans. Here only part of the project's funding consisted of below-market interest rate loans, thus taking the project outside the scope of the section 1720, subdivision (c)(6)(E) exemption.

We agree with the Director that the project did not qualify for either of the claimed exemptions from the prevailing wage law. We affirm the judgment.

ΙΙ

THE PREVAILING WAGE LAW

The Prevailing Wage Law, sections 1720–1861, is a comprehensive statute governing**765 the minimum wage standards on public works construction projects. (*Lusardi Construction Co. v. Aubry* (1992) 1 Cal.4th 976, 986, 4 Cal.Rptr.2d 837, 824 P.2d 643.) All workers employed on public *1340 works costing more than \$1,000 must be paid not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which public work is performed. (§ 1771.)

Under California law, a project is considered a "public work" if it is paid for, "in whole or in part out of public funds," among other requirements. (§ 1720, subd. (a)(1).) Whether a particular construction project constitutes a "public work" subject to the prevailing wage requirements is determined by reference to section 1720. Section 1720, subdivision (a)(1), defines "public works" to include: "Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds." Section 1720, subdivision (b)(1) defines the phrase "paid for in whole or in part out of public funds" to include, among other things, direct payments of money "or the equivalent of money by the state or political subdivision" and "loans, interest rates, or other obligations ... that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision." (§ 1720, subd. (b)(1), (4).)

Section 1720, subdivisions (c) and (d) set forth a number of exemptions to the prevailing wage law for publicly-financed housing projects. One exemption, section 1720, subdivision (c)(4), applies to affordable housing projects receiving money from a redevelopment agency's low and moderate income housing fund. Another exemption, found in section 1720, subdivision (c)(6)(E), applies to low-income residential projects that receive public low-interest loans.

The Director of the Department of Industrial Relations is responsible for setting the general prevailing wage according to statutory criteria. (§ 1770.) The Director is also charged with issuing opinions regarding whether a specific project or type of work requires compliance with the prevailing wage law. (Cal.Code Regs., tit. 8, § 16001, subd. (a)(1); Lusardi Construction Co. v. Aubry, supra, 1 Cal.4th at pp. 988–989, 4 Cal.Rptr.2d 837, 824 P.2d 643.) Any interested party may file a request with the Director to determine whether a project is covered under the prevailing wage law. (Ibid.)

Π

FACTUAL AND PROCEDURAL BACKGROUND

There is no material dispute between the parties about the facts.

A. The Senior Housing Project

The subject project, the Vista Del Sol Senior Complex, is an affordable senior housing development in Redlands, California. The project includes 71 *1341 rental housing units. Fifty-three units are designated for occupancy by low- and very low-income seniors. Seventeen units are rented to seniors at market rates and one unit is reserved for the property manager.

HPI is the owner and developer of the project. HPI is a nonprofit, tax-exempt public benefit corporation certified by the County of San Bernardino to

develop, rent, sell, and manage affordable housing properties. In 2008, HPI purchased the project site from the Housing Authority for the County of San Bernardino (Housing Authority), a public entity separate from the county.

The project was not financed through a single source of funding. Instead, funding **766 for construction came from a combination of three kinds of loans from the County of San Bernardino, a redevelopment agency, and the Housing Authority. A below-market interest-rate loan from the County of San Bernardino (HOME Loan) is in the amount of \$1,702,591, with deferred interest of 3 percent, to construct the 11 units intended for very-low income seniors. A below-market interest-rate construction loan from the Housing Authority (Housing Authority Loan) is in the amount of \$6,150,000 at 3 percent interest. A no-interest loan (Agency Loan) is a \$4 million interest-free loan from the City of Redlands Redevelopment Agency, funded with moneys from a "Low- and moderate-income housing funds" established under Health and Safety Code sections 33334.2 and 33334.6.

B. Determination of Prevailing Wage

In March 2009, an interested party known as CANDO Contract Compliance (CANDO) filed a request for determination with the Director, alleging the Vista Del Sol project was subject to the prevailing wage law. HPI and the Housing Authority filed a brief concerning CANDO's request for determination.

In November 2009, the Director issued a prevailing wage coverage determination (the Determination) pursuant to California Code of Regulations, title 8, section 16001, subdivision (a). (Vista Del Sol Senior Housing Complex, City of Redlands, PW 2009–010 (Cal. Dept. of Indus. Relations, Nov. 2, 2009).) The Director concluded that, even though the three sources of funding individually and separately satisfied the criteria for exemption, the project as a whole nevertheless required the payment of prevailing

wages. The Director's determination was based on the reasoning that the exemptions found in <u>section 1720</u> could not be "combined" together on the project to qualify for exemption from the prevailing wage law.

More particularly, the Director determined the project was a public work subject to the prevailing wage law because it constituted construction done *1342 under contract "and paid for in whole or in part out of public funds" within the meaning of section 1720. The Director went on to determine that the two below-market rate loans (the Housing Authority Loan and the HOME Loan) qualified the project for the exception described under section 1720, subdivision (c)(6)(E). The Determination found the Agency Loan was funded through a qualifying low and moderate income housing fund, and therefore satisfied the requirements for exemption under section 1720, subdivision (c)(4). Nevertheless, the Determination held section 1720, subdivision (c)(4) did not apply because this funding source could not be combined with another funding source on the same project to qualify for an exemption. Therefore, the Director concluded the project was subject to the prevailing wage law.

HPI filed an administrative appeal. The Director denied HPI's appeal and upheld its prior determination that the exemptions under sections 1720, subdivision (e)(4) and (e)(6) could not be "combined," and the project was a public work subject to payment of prevailing wages.

HPI petitioned the trial court for a writ of mandate pursuant to <u>Code of Civil Procedure section 1085</u>. HPI's petition sought reversal of the Director's administrative finding on the grounds that the Director misinterpreted <u>section 1720</u> and that the Determination violated HPI's due process rights. The trial court denied HPI's petition for writ of mandate. This appeal followed.

**767 IV

DISCUSSION

HPI's central argument is that the two exceptions stated in section 1720, subdivision (c)(4) and subdivision (c)(6)(E) are ambiguous and must be harmonized. (Mattice Investments, Inc. v. Division of Labor Standards Enforcement (1987) 190 Cal App.3d 918, 923, 235 Cal Rptr. 502.) HPI offers a lengthy discourse about why the exceptions require interpretation. HPI calls on legislative history to support its position. Finally, HPI evokes public policy considerations in favor of affordable housing and due process concerns based on vagueness in statutory interpretation.

A. Standard of Review

[1] The issue of standard of review-specifically, how much deference is due the Director's determination-has been discussed exhaustively in State Building & Construction Trades Council of California v. Duncan, supra, 162 Cal. App. 4th at pp. 302-305, 76 Cal.Rptr.3d 507. Although HPI argues the reviewing court should give no deference whatsoever to the Director's determination, the *1343 standard of review is more nuanced: "In conducting our review, we must exercise our independent judgment in resolving whether the project at issue constituted a "public work" within the meaning of the [prevailing wage law]. [Citations.] Where, as here, the facts are undisputed, and the purely legal issues involve the interpretation of a statute an administrative agency is responsible for enforcing, we exercise our independent judgment, 'taking into account and respecting the agency's interpretation of its meaning.' (Yamaha Corp. of America v. State Bd. of Equalization (1998) 19 Cal.4th 1, 7-8 [78 Cal.Rptr.2d 1, 960 P.2d 1031]; see State Building & Construction Trades Council of California v. Duncan (2008) 162 Cal. App. 4th 289, 304 [76 Cal.Rptr.3d 507].)" (Azusa Land Partners v. Department of Industrial Relations (2010) 191 Cal. App. 4th 1, 14, 120 Cal. Rptr. 3d 27.)

[2] The agency's interpretation is " "one of several interpretive tools that may be helpful. In the

end, however, '[the court] must ... independently judge the text of the statute.' "[Citation.]' [Citations.]" (Azusa Land Partners v. Department of Indus. Relations, supra. 191 Cal.App.4th at p. 14, 120 Cal.Rptr.3d 27.) An administrative agency's interpretation does not bind judicial review but it is entitled to consideration and respect. (Williams v. SnSands Corp. (2007) 156 Cal.App.4th 742, 753, 67 Cal.Rptr.3d 606.)

[3] Nevertheless, it is the judiciary which has the ultimate authority for determining the meaning of a statute. (Yamaha Corp. of America v. State Bd. of Equalization, supra, 19 Cal 4th at pp. 11-12, 78 Cal. Rptr. 2d 1, 960 P. 2d 1031.) "Courts must, in short, independently judge the text of the statute, taking into account and respecting an agency's interpretation of its meaning, of course, whether embodied in a formal rule or less formal representation. Where the meaning and legal effect of a statute is the issue, an agency's interpretation is one among several tools available to the court. Depending on the context, it may be helpful, enlightening, even convincing. It may sometimes be of little worth." (Yamaha, supra, at pp. 7-8, 78 Cal.Rptr.2d 1, 960 P.2d 1031.) "[W]hile we consider the Director's current interpretation of section 1720. we do not extend that interpretation any particular deference. Because there is no factual dispute, only the question of how that statute is to be construed and applied, we exercise our independent judgment. [Citations.]" **768(State Building & Construction Trades Council of California v. Duncan, supra, 162 Cal. App. 4th at pp. 304-305, 76 Cal. Rptr. 3d 507.)

In applying our independent judgment, we employ a narrow construction of the subject statute and the two statutory exceptions. (County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 966, 91 Cal.Rptr.2d 66; Board of Medical Quality Assurance v. Andrews (1989) 211 Cal.App.3d 1346, 1355, 260 Cal.Rptr. 113.)

*1344 B. The Operation of the Two Exceptions

[4] HPI proposes to consolidate the two statutory exceptions into one larger exception, to qualify for exemption from the prevailing wage law. According to HPI's suggested interpretation of section 1720. subdivision (c), if the funding for a project is composed of qualified housing funds combined with below-market interest rate funding, rather than one or the other, the project should qualify for an exception from the prevailing wage law. HPI asserts that "fidelity to the literal language of a statute cannot stand where, as here, a literal construction result in absurd and unintended consequences. (People v. Broussard (1993) 5 Cal.4th 1067, 1071 [22 Cal.Rptr.2d 278, 856 P.2d 11341.)" HPI maintains it is nonsensical that a project receiving both types of funding should not be exempt from the prevailing wage law.

Respondent contends that HPI's approach to statutory interpretation confuses the exception afforded to a project with the various kinds of public funding sources that qualify a project for an exception. EN2 HPI argues that only a project may qualify for exemption from the prevailing wage law under section 1720, subdivision (c)(4) and (c)(6)(E). (Azusa Land Partners v. Department of Industrial Relations, supra. 191 Cal App. 4th at pp. 36-37, 120 Cal Rptr. 3d 27.) Respondent urges that the two discrete exemptions cannot be joined to form a category of exemption that does not exist in the statutory language.

FN2. In light of our conclusions, as set forth below, we deem it unnecessary to analyze fully the parties' argument about whether the exceptions to the prevailing wage law are project-based or funding-based.

One difficulty with HPI's argument is the two exceptions are not demonstrably inconsistent with one another, necessitating reconciliation. Section 1720, subdivision (c)(4) applies to a project receiving money solely from a qualified housing fund or from a combination of housing funds and private funds. In contrast, subdivision (c)(6)(E) applies to a project re-

ceiving below-market interest rate public funding. The exceptions operate independently, neither expressly including nor excluding one another. Had the Legislature intended for the two exceptions to operate together, it would have been simple to draft the statute that way. As the statute currently exists, however, the two exceptions are distinct and operate separately.

1. Section 1720, Subdivision (c)(4)

Section 1720, subdivision (c)(4) plainly states that it provides an exception from the prevailing wage law for an affordable housing project financed by redevelopment money, alone or combined with private funds. Projects "that are paid for solely with moneys from a Low and Moderate Income Housing Fund established pursuant to *1345Section 33334.3 of the Health and Safety Code or that are paid for by a combination of private funds and funds available pursuant to Section 33334.2 or 33334.3 of the Health and Safety Code do not constitute a project that is paid for in whole or in part out of public funds." **769 Thus, section 1720, subdivision (c)(4) contemplates a project financed by housing funds alone or housing funds and private funds. Subdivision (c)(4) does not include a project supported by a combination of housing funds and public funds in the form of low-interest loans, which are the circumstances in the present case.

We reject HPI's strained effort to argue that low-interest public loans are the equivalent of private funds because they could also qualify a project for an exemption under section 1720, subdivision (c)(6)(E). HPI cannot rely on another non-precedential Director's determination, concluding that tax-exempt bonds and federal tax credits are private funds. (Central Village Apartments, City of Los Angeles, PW 2006–005 (Cal. Dept. of Indus. Relations, July 12, 2006).) In this instance, public loans are public funds, not private funds. Housing funds combined with low-interest public loans do not qualify for an exception from the prevailing wage law under section 1720, subdivision (c)(4).

2. Section 1720, Subdivision (c)(6)(E)

HPI also essays the argument that, if an affordable housing project receives any funding from low-interest loans it qualifies for an exception from the prevailing wage law, even when the project has other funding sources. Section 1720, subdivision (c)(6)(E) provides: "(6) Unless otherwise required by a public funding program, the construction or rehabilitation of privately owned residential projects is not subject to the requirements of this chapter if one or more of the following conditions are met: $[\P] \dots [\P] (E)$ The public participation in the project that would otherwise meet the criteria of subdivision (b) is public funding in the form of below-market interest rate loans for a project in which occupancy of at least 40 percent of the units is restricted for at least 20 years, by deed or regulatory agreement, to individuals or families earning no more than 80 percent of the area median income."

It is undisputed the Vista Del Sol residential project satisfies the occupancy requirements for affordable housing. Additionally, Vista Del Sol is partly financed by public loans at below-market interest rates. On the other hand, the project is also partly financed by the Agency Loan. HPI argues that part financing is sufficient, especially because the Agency Loan is from a qualified redevelopment housing fund.

[5] Although we understand the public policy appeal of HPI's position, it does not comport with the express language of the statute, which states nothing about a project being partly financed by public loans at below-market *1346 interest rates in combination with other financing. Had that been the legislative intent, it could have been accomplished much more easily, without requiring the circuitous interpolations to arrive at the statute's meaning as suggested by HCI's analysis. The Legislature could have drafted section 1720, subdivision (c)(6)(E) similarly to subdivision (c)(4) so that an exemption from the prevailing wage law would apply to projects financed solely by

low-interest public loans or by a combination of low-interest public loans and another kind of funding. The fact that the Legislature did not draft section 1720, subdivision (c)(6)(E) like subdivision (c)(4) "tips the scales." (State Building & Construction Trades Council of California v. Duncan, supra, 162 Cal. App. 4th at p. 327, 76 Cal. Rptr. 3d 507.) This court may not alter the words of a statute to change its meaning. (Community Development Com. v. County of Ventura (2007) 152 Cal. App. 4th 1470, 1482, 62 Cal. Rptr. 3d 383.) The project did not qualify for an exemption**770 under section 1720, subdivision (c)(6)(E).

C. Legislative History

The parties engage in considerable debate about the applicability and meaning of the legislative history of the two subdivisions. HPI asserts the legislative history is essential to clarify the statute's ambiguities. Respondent counters there is "no need for the Court to resort to legislative history to understand or apply the (c)(4) and (c)(6)(E) exemptions, both of which are unambiguous and phrased in plain English."

We do not perceive an ambiguity is created, as proposed by HGI, because section 1720, subdivision (c)(4) uses the term "solely" and subdivision (c)(6)(E)does not. Nor do we find there to be ambiguity in the introductory phrase to section 1720, subdivision (c)(6): "Unless otherwise required by a public funding program, the construction or rehabilitation of privately owned residential projects is not subject to the requirements of this chapter if one or more of the following conditions are met: ..." Instead, the two subdivisions are facially plain in their meaning, making it unnecessary to resort to legislative intent. (People v. Gardelev (1996) 14 Cal.4th 605, 621, 59 Cal.Rptr.2d 356, 927 P.2d 713; Esberg v. Union Oil Co. (2002) 28 Cal.4th 262, 268-269, 121 Cal.Rptr.2d 203, 47 P.3d 1069.) For that reason, we do not disregard the legislative history but we do not find it necessary to resolve the appeal.

D. Public Policy

HPI invokes public policy supporting affordable housing as another reason to read the two subdivisions together. By exempting certain narrow categories of affordable housing projects from the prevailing wage law, the Legislature has already balanced the public policy favoring the payment of *1347 prevailing wages on public works projects against the public policy favoring the construction of affordable housing. In considering the adverse impact of extending the prevailing wage law, thereby reducing the willingness of developers to expand the stock of low-income housing, another court commented: "These are issues of high public policy. To choose between them, or to strike a balance between them, is the essential function of the Legislature, not a court. 'Our role is confined to ascertaining what the Legislature has actually done, not assaying whether sound policy might support a different rule.' [Citation.]" (State Building & Construction Trades Council of California v. Duncan, supra, 162 Cal. App. 4th at p. 324, 76 Cal. Rptr. 3d 507.) Like the Director, we decline to usurp the Legislature's treatment of these competing interests.

E. Due Process

[6] In making a due process claim, HPI repeats its contention that the statutory exceptions are ambiguous, asserting that the Director's determination creates a legal framework that is vague and unintelligible because it concluded "that the three otherwise exempt funding sources cannot be combined together on a project without triggering the prevailing wage requirements." The trial court rejected the argument that the Determination rendered the exemptions so vague that HPI's due process rights had been violated, finding that the criteria enunciated in *Garcia v. Four Points Sheraton LAX* (2010) 188 Cal. App. 4th. 364, 115 Cal. Rptr. 3d 685 had been met:

"Our due process analysis is guided by two principles. A statute will pass constitutional muster, '"if it (1) gives fair notice of the practice to be avoided, and

(2) provides reasonably adequate standards to guide enforcement, [Citations.]" [Citation.]' [Citation.] In applying these two **771 principles, we respect "the strong presumption that legislative enactments 'must be upheld unless their unconstitutionality clearly, positively, and unmistakably appears. [Citations.] A statute should be sufficiently certain so that a person may know what is prohibited thereby and what may be done without violating its provisions, but it cannot be held void for uncertainty if any reasonable and practical construction can be given to its language." " [Citation.]' [Citation.] Moreover, because the Ordinance regulates business behavior, constitutional requirements are more relaxed than they are for statutes that are penal in nature.[] [Citation.]" (Garcia v. Four Points Sheraton LAX, supra, 188 Cal. App. 4th at p. 386, 115 Cal.Rptr.3d 685.)

The Determination employed a narrow interpretation of the subdivision (c) exemptions, analyzed in the context of the project's unique factual setting. Public works coverage determinations are, in essence, advice letters to individual persons or entities about a specific project or type of work. The statutory exemptions at issue in this case are not rendered unconstitutionally vague by the mere fact that they required a fact-specific interpretation. The *1348 Director's thorough analysis of the facts and reasonable interpretation of the law defeats HPI's due process challenge. (Garcia v. Four Points Sheraton LAX, supra, 188 Cal. App. 4th at p. 387, 115 Cal. Rptr. 3d 685.) Read together, the statutory exemptions and the Director's determination provide fair notice to the public of the standards a project must meet for the exemptions to apply. The Director's reasonable application of the statute did not deprive HPI of its right to due process.

V DISPOSITION

The subject project failed to qualify for the <u>section 1720</u>, <u>subdivision (c)(4)</u> exemption from the prevailing wage law because its public funding did not consist solely of redevelopment housing funds, as

required by the unambiguous words of the statute. The project failed to qualify for the section 1720, subdivision (c)(6)(E) exemption because it relied on public funding other than low-interest public loans, which is not allowed under the unambiguous words of the statute. It is unnecessary to resort to legislative history to interpret the statute's plain meaning. Considerations of public policy and due process are not persuasive. As a result, the project is a public work and subject to the prevailing wage requirements of the Labor Code.

We affirm the judgment of the trial court denying HPI's petition for writ of mandate. The parties shall bear their own costs on appeal.

We concur: RAMIREZ, P.J., and McKINSTER, J.

Cal.App. 4 Dist.,2012. Housing Partners I, Inc. v. Duncan 206 Cal.App.4th 1335, 142 Cal.Rptr.3d 762, 12 Cal. Daily Op. Serv. 6703, 2012 Daily Journal D.A.R. 8014

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Prevailing Wage Seminar

Who is Entitled to Prevailing Wages and Other Enforcement Issues

WORKERS EMPLOYED "IN THE EXECUTION OF THE CONTRACT" ARE ENTITLED TO PREVAILING WAGES

Labor Code § 1772. Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.

Labor Code § 1774. The contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract.

Facilities Construction

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California Court Sharply Limits Prevailing Wage Obligations for Offsite Fabrication, Manufacturing and Construction

he most closely watched area in the active public works construction marketplace has long been whether and under what circumstances public works job site wages will extend to work performed off the jobsite.

A variety of different theories have dominated the discussion, ranging from the specifications of work to be performed; whether the work off site was integrated in some way with the jobsite work and thus was performed "in execution" of a public works contract; or whether the "fabricator/contractor" was a "material man" and sold their product to the general public, as opposed to work contracted for on a particular public works project.

Prefabrication of construction components to precise standards has been driven by increasingly high demands for safe and cost effective products. The growth of internet and remote ordering has broadened traditional methods of developing off-site components tailored, in one way or another, to modern construction needs. It is no surprise that a case in the California

courts addressing the viability of the "designed to specification" and other analytical approaches should attract national attention from amicus parties representing industries as diverse as precast and pre-stressed concrete and HVAC, as well, of course, of the construction unions and employer associations with the most direct interests in the public works marketplace.

In this context, the decision of the California Court of Appeal for the First District in Sheet Metal Workers' v. Duncan (A131489, 8-27-14) ("Russ Will") is a landmark, rejecting most of the theories on which expansion of prevailing wage laws to off-site fabrication claims had been made, holding instead that off-site manufacturers. fabricators and contractors who "fabricate[s] materials for a public works project at a permanent offsite manufacturing facility that is not exclusively dedicated to the [public works] project" are not obligated to pay prevailing wage rates to employees in that facility.

Historical Background of the "Offsite" Rule in California

California's Department of Industrial Relations ("DIR") has long struggled with conflicting demands to expand prevailing wage to private manufacturing and construction. In two pivotal (but now no longer controlling decisions) the DIR sought to establish a rule that if an item was manufactured to jobsite specifications, prevailing wages might apply, regardless of where the work was done or by whom. (http://www.dir.ca.gov/OPRL/PWDecision.asp)

The DIR's "designed to spec" rule sparked national controversy from the moment it was announced. Extensive public hearings gave

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voice to challenges from many different construction and industry associations. Ultimately, the decisions containing the "designed to spec" rule were voluntarily withdrawn by the DIR. (http://www.dir.ca.gov/OPRL/ImportantNoticeOffsite.doc)

AND NOW COMES RUSS WILL

Russ Will Mechanical ("Russ Will") air conditioning/HVAC the subcontractor on 2 community college district administration modernization project. laws. building The subcontract provisions were industry standard. The project was to be built to the specifications of the prime contract and Russ Will was to "furnish all labor, materials, equipment, services and supplies to complete" the HVAC work. Ductwork on the project was to be fabricated according to industry standards. The prime contract did not specify who was required to fabricate those materials. The subcontract was a conventional public works prevailing wage contract, such that Russ Will was to "pay not less than the [applicable prevailing wage] to all laborers, workmen, and mechanics employed by him at the project site in the execution of [the work.]" Russ Will did not sell its fabricated materials to the general public but it did have a longstanding permanent offsite facility which it used to fabricate materials for various projects and it used that facility to do fabrication for later installation on the community college project.

A Russ Will employee complained to the Division of Labor Standards Enforcement ("DLSE") that he had not been paid prevailing wage for the fabrication work he performed in the Russ Will fabrication shop related to the public works project. None of his work was done at the project site.

In public works projects, the DIR is empowered to issue coverage determinations as to the scope and application of public works (http://www.dir.ca.gov/ OPRL/PubWorkDecision.htm). these situations, interested industry partners from labor and the construction associations are permitted to participate, in addition to the involved parties. Director John Duncan initially issued a coverage determination that the work performed by the employee was subject to the prevailing wage laws, focusing on whether Russ Will had acted as a material supplier. That approach was narrowly construed against Russ Will as it did not sell its materials to the general public. Russ Will filed an administrative appeal and the DIR reversed itself. The new DIR determination looked to the federal Davis-Bacon regulations which are more restrictive in their application to off-site work.

Appeal from final DIR determinations are via petitions for writ in the Superior Court. Sheet Metal Local 104 filed the appeal. The Superior Court granted the writ. This Russ Will decision became the basis for the present Court of Appeal case. The trial court

rejected the Director's reliance on Davis Bacon law, focusing instead on yet another approach to potential liability, drawing on the decision in Williams v. SnSands Corp. (2007) 156 Cal.App.4th 742 ("Sands"). The Sands case, relied, in part, on a definitional section of the California Labor Code, Section 1720 which provides, in pertinent part, that " (b) For purposes of this section, "paid for in whole or in part out of public funds" means all of the following: (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works, contractor, subcontractor, or developer; (2) Performance of construction work by the state or political subdivision in execution of the project." (Emphasis supplied)

At the Russ Will oral argument, substantial discussion focused on whether Sands, a "hauling" case provided effective guidance to the Court in making an off-site fabrication decision in Russ Will.

In Sands, the Court's intellectual focus had been on whether the phrase "in execution" imposed an obligation to determine whether certain functions are integral to the performance of a public works contract The Russ Will court found the "in execution" inquiry in Sands was reached in a hauling context that did not provide clear and authoritative guidance concerning the question before it - whether fabrication and manufacturing is subject to the

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prevailing wage law when performed in a permanent, offsite facility of a contractor or subcontractor that does not sell supplies to the general public.

As appellant and some amici had expressly argued Sands was distinguishable precedent. It was not a typical construction job site case, but involved the independent issue of trucking/hauling in connection with a public works project. Indeed, the California Legislature has followed this same point of view, crafting detailed provisions of the Labor Code dealing with hauling on and off public works. (See Labor Code section 1720.3)

The Russ Will decision follows this line of analysis, largely rejecting Sands as a controlling or even helpful precedent. Vigorous discussion at oral argument led some observers to conclude, as the Court ultimately did, that the phrase "in execution" on which Sands relied derives from Labor Code provisions defining the scope of public works law was of little practical guidance in the case at hand.

Petitioners also argued that the analysis should focus on whether the manufactured or fabricated items are standard or customized and if customized to specifications, they would be more closely integrated into the process of construction. The Court found this proposed test unhelpful and a source of confusion since customization could mean a variety of things. At argument the Justices

expressly explained their obligation was to derive a clear standard available to permit parties to predict the public-works consequences of their actions. Petitioner's suggestion that a product was not covered if it could be purchased off the rack at Home Depot was not accepted.

Finally, the Russ Will Court also rejected the argument that the DIR was not permitted to look to federal prevailing wage laws (also known as Davis-Bacon and related acts) which limited prevailing wage laws to work done "directly on the site," because such language is not included in the California prevailing wage statutes. Supporting the determination of Director Duncan, the Russ Will Court held that the Davis-Bacon Act was appropriate as guidance on the issue when California authority does not provide clear answers, and, unless Davis-Bacon is fundamentally inconsistent with California law, it can provide useful guidance.

WHAT HAPPENS NEXT?

The Russ Will case is ripe for a Petition for Review to the California Supreme Court. The AALRR Public Works team will be actively engaged in following this process and in its active advocacy for the manufacturing and construction industry groups it represented in Russ Will. This issue has been active for too long and is far too critical to shaping the public works marketplace to expect it to end here. You may contact Robert Fried for copies of our amicus or Petitioner's filings and Robert Fried

or Thomas Kovacich and Andres Hurwitz for updates and application of the decision to individual client issues.

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229 Cal.App.4th 192 Court of Appeal, First District, Division 3, California.

SHEET METAL WORKERS'

INTERNATIONAL ASSOCIATION, LOCAL 104, Plaintiff and Respondent,

V

John C. **DUNCAN**, as Director, etc., et al., Defendants and Respondents; Russ Will Mechanical, Inc., Real Party in Interest and Appellant.

A131489 | | Filed 8/27/2014

Review Denied November 19, 2014

Synopsis

Background: Union filed a petition for a writ of mandate against the Department of Industrial Relations and its Director, challenging the Department's coverage determination that offsite fabrication work performed by subcontractor on public works project was not subject to the prevailing wage law. The Superior Court, City and County of San Francisco, No. 510528, Peter J. Busch, J., granted the petition and directed the issuance of a writ of mandate, and remanded the matter to the Department for reconsideration. Following entry of judgment, subcontractor appealed.

[Holding:] The Court of Appeal, McGuiness, P.J., held that prevailing wage law did not apply to employees of subcontractor who fabricated materials for public works project at a permanent, offsite manufacturing facility that was not exclusively dedicated to the project.

Reversed and remanded with directions.

West Headnotes (19)

[1] Labor and Employment

Public contracts, work under

To qualify for the material supplier exemption to the prevailing wage law, the employer must sell supplies to the general public and its fabrication or manufacturing facility must not be established for the particular public works contract or be located at the site of the public work. Cal. Lab. Code § 1771.

Cases that cite this headnote

[2] Labor and Employment

Decisions reviewable

Mandamus

- Public Improvements

The Department of Industrial Relations' coverage determination with regard to the prevailing wage law constitutes a quasi-legislative act that is subject to review by traditional mandate under the Code of Civil Procedure. Cal. Lab. Code § 1771; Cal. Civ. Proc. Code § 1085.

Cases that cite this headnote

[3] Administrative Law and Procedure

Arbitrary, unreasonable or capricious action; illegality

Administrative Law and Procedure

Determination supported by evidence in general

Administrative Law and Procedure

Legislative questions; rule-making

Ordinarily, Court of Appeal's review of an administrative agency's quasi-legislative act is limited to the question of whether the agency's action was arbitrary, capricious, or entirely lacking in evidentiary support.

Cases that cite this headnote

[4] Labor and Employment

Scope of review

Court of Appeal would exercise independent judgment in resolving the purely legal question of whether prevailing wages were required to be paid for work performed by employees at subcontractor's permanent, offsite facility; the

issue on appeal turned on the interpretation of the relevant statutes governing the application of the prevailing wage law, and the parties to the appeal agreed that the relevant facts were undisputed and that the issue on appeal presented a pure question of law. Cal. Lab. Code § 1771.

Cases that cite this headnote

[5] Mandamus

Admissibility of evidence

As a general matter, evidence outside the record before the administrative agency is inadmissible in traditional mandate actions challenging quasilegislative administrative decisions on the ground the agency did not proceed in the manner required by law.

Cases that cite this headnote

[6] Evidence

Official proceedings and acts

Labor and Employment

Proceedings for review

On appeal from grant of union's petition for a writ of mandate against the Department of Industrial Relations and its Director challenging the Department's coverage determination with regard to the prevailing wage law, Court of Appeal would grant union's request for judicial notice as to administrative decisions of the department and the agency charged with enforcing prevailing wage laws in the State of Washington; however, Court of Appeal would otherwise deny union's request for judicial notice because the remaining documents were not part of the record before the Department and were not relevant. Cal. Lab. Code § 1771; Cal. Evid. Code § 452(c).

1 Cases that cite this headnote

[7] Labor and Employment

Prevailing wages

The purpose of the prevailing wage law is to protect and benefit employees on public works projects; this general objective subsumes within it a number of specific goals: to protect employees from substandard wages that might be paid if contractors could recruit labor from distant cheap-labor areas, to permit union contractors to compete with nonunion contractors, to benefit the public through the superior efficiency of well-paid employees, and to compensate nonpublic employees with higher wages for the absence of job security and employment benefits enjoyed by public employees. Cal. Lab. Code § 1771.

Cases that cite this headnote

[8] Labor and Employment

Prevailing wages

The prevailing wage law is to be liberally construed, although courts are not empowered to interfere where the Legislature has demonstrated the ability to make its intent clear and has chosen not to act. Cal. Lab. Code § 1771.

Cases that cite this headnote

[9] Administrative Law and Procedure

Deference to agency in general

Although the ultimate responsibility for the construction of a statute rests with the court, Court of Appeal accords great weight and respect to the construction of the statute by the agency charged with administering the statute.

1 Cases that cite this headnote

[10] Administrative Law and Procedure

Deference to agency in general

Deference to an administrative agency's interpretation of a statute is situational and depends on a complex of factors.

1 Cases that cite this headnote

[11] Administrative Law and Procedure

Deference to agency in general

An agency's interpretation of a statute is entitled to greater weight when the agency has special expertise and its decision is carefully considered by senior agency officials.

1 Cases that cite this headnote

[12] Administrative Law and Procedure

Consistent or longstanding construction;
 approval or acquiescence

An agency's interpretation of a statute is given greater credit when it is consistent and longstanding, whereas a vacillating position is not entitled to deference by the courts.

Cases that cite this headnote

[13] Administrative Law and Procedure

Consistent or longstanding construction; approval or acquiescence

An agency's longstanding and consistent interpretation of a statute should generally not be disturbed unless it is clearly erroneous.

Cases that cite this headnote

[14] Administrative Law and Procedure

Consistent or longstanding construction; approval or acquiescence

Because the Legislature is presumed to be aware of a longstanding administrative practice, the failure to substantially modify a statutory scheme is a strong indication that the administrative practice is consistent with the Legislature's intent.

Cases that cite this headnote

[15] Administrative Law and Procedure

Labor, employment, and public officials

Labor and Employment

Scope of review

Although the Department of Industrial Relations has determined that its coverage determinations with regard to the prevailing wage law do not have precedential value, the determinations nonetheless constitute administrative interpretations entitled to considerable deference; the Department has special expertise in administering the prevailing wage law. Cal. Lab. Code § 1771.

Cases that cite this headnote

[16] Labor and Employment

Public contracts, work under

Because offsite fabrication was conducted at subcontractor's permanent offsite facility, and that facility's location and continuance in operation were determined wholly without regard to the public works project at issue, the work was not done "in the execution" of the public works contract within meaning of the prevailing wage law. Cal. Lab. Code §§ 1771, 1772.

Cases that cite this headnote

[17] Courts

Construction of federal Constitution, statutes, and treaties

Labor and Employment

Prevailing wages

California's prevailing wage law is similar to the federal Davis–Bacon Act and shares its purposes; read as a unit, the prevailing wage law and the Davis–Bacon Act set out two separate, but parallel, systems regulating wages on public contracts, and thus, unless the Davis–Bacon Act is fundamentally inconsistent with the portions of the prevailing wage law that one seeks to interpret, the approach taken under the Davis–Bacon Act may provide useful guidance. 40 U.S.C.A. § 3141 et seq.; Cal. Lab. Code § 1771.

Cases that cite this headnote

[18] Labor and Employment

Proceedings for review

On appeal from grant of union's petition for a writ of mandate against the Department of Industrial Relations and its Director challenging the Department's coverage determination with regard to the prevailing wage law, Court of Appeal would take judicial notice of Legislative Counsel's Digest for Assembly bill and Senate bill, which were offered for the purpose of demonstrating that the legislature had been active in amending the prevailing wage law as

necessary to clarify its scope. Cal. Lab. Code § 1771.

Cases that cite this headnote

[19] Labor and Employment

Public contracts, work under

Offsite fabrication is not covered by the prevailing wage law if it takes place at a permanent, offsite manufacturing facility and the location and existence of that facility is determined wholly without regard to the particular public works project. Cal. Lab. Code § 1771.

See 3 Witkin, Summary of Cal. Law (10th ed. 2005) Agency and Employment, § 385, 386.

Cases that cite this headnote

**637 City & County of San Francisco, Hon. Peter J. Busch. (City & County of San Francisco Super. Ct. No. 510528)

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No appearance for Defendants and Respondents.

OPINION

McGUINESS, P.J.

*196 California's prevailing wage law generally requires that workers employed on public works be paid the local prevailing wage for work of a similar character. (Lab.Code, 1 § 1771.) The question presented by this appeal is whether the prevailing wage law applies to an employee of a subcontractor who fabricates materials for a public works project at a permanent offsite manufacturing facility that is not exclusively dedicated to the project. We conclude that California law does not require the prevailing wage to be paid to the employee in this circumstance.

FACTUAL AND PROCEDURAL BACKGROUND

In 2005, a contractor entered into a public works contract with a community college district to modernize an administration building at a community college in Santa Clara County (the project). Real party in interest and appellant Russ Will Mechanical, Inc. (Russ Will), was the subcontractor for the heating, ventilation, and air conditioning (HVAC) component of the project. The subcontract provided that the project was to be built according to the specifications of the prime contract between the contractor and the community college district. Russ Will was required to "furnish all labor, materials, equipment, services and supplies necessary to complete" the HVAC work. The subcontract did not specify whether Russ Will was required to fabricate any material necessary to complete the HVAC work. A lengthy document that was part of the prime contract specified minimum requirements for all trades on the project. The requirements were not specific to Russ Will or any other particular subcontractor. Among other things, the general project requirements specified that ductwork was to be fabricated according to industry HVAC construction standards. The general requirements that formed part of the prime contract did not specify who was required to fabricate HVAC materials. The subcontract provided that the project was subject to prevailing wage requirements and required Russ Will to "pay not less than the [applicable prevailing wage] to all laborers, workmen, and mechanics **638 employed by him at the project site in the execution of work hereunder."

Since 1991, Russ Will has fabricated materials at a permanent offsite facility it operates in Hayward. The offsite facility was not established for the project at issue here but instead has been utilized to manufacture items for various private and public projects. Russ Will does not sell the materials it fabricates to the general public.

Steve Neves, an employee of Russ Will, filed a complaint with the Department of Industrial Relations, Division of Labor Standards Enforcement *197 (DLSE), alleging he should have been paid prevailing wages for work related to the project. The work that Neves performed involved the fabrication of sheet metal at Russ Will's Hayward facility in accordance with the plans and specifications set forth in the contract documents for the project. Neves fabricated various ducts, flashing, square to rounds, and fittings for use in the project. There is no indication in the record that Neves ever worked at the site of the project in Santa Clara County. According to Russ Will, at least some of the fabricated sheet metal items could have been ordered from standard industry catalogs. Other required sheet metal items for the project were considered custom because of the nonstandard dimensions. Russ Will contemplated ordering custom sheet metal items from a third party, which in turn was going to order them from a manufacturer. After learning that the price for the custom items would be high, Russ Will ended up fabricating the custom items in its own permanent facility in Hayward.

DLSE issued a civil wage and penalty assessment against Russ Will for failing to pay prevailing wages for the fabrication work performed in its Hayward facility. Russ Will requested a review of the assessment pursuant to section 1742, subdivision (a). At the invitation of DLSE, plaintiff and respondent Sheet **Metal Workers'** International Association, Local 104 (Local 104), expressed an interest in participating in the proceedings and submitted a position statement in support of DLSE's assessment.

[1] The Department of Industrial Relations (department) issued a coverage determination in which it concluded that Russ Will was required to pay prevailing wages for the offsite fabrication work associated with the project. The department's determination turned on whether Russ Will was exempt from the prevailing wage law as a material supplier. To qualify for the material supplier exemption, the employer must sell supplies to the general public and its fabrication or manufacturing facility must not be established for the particular public works contract or be located at the site of the public work. (See O.G. Sansone Co. v. Department of Transportation (1976) 55 Cal. App. 3d 434, 442, 127 Cal. Rptr. 799 (Sansone.).) Because Russ Will does not sell supplies to the general public, the department concluded that Russ Will was properly characterized as a subcontractor under section 1722 and was not exempt from the prevailing wage law as a material supplier. Russ Will filed an administrative appeal.

In its decision on administrative appeal, the department reversed its initial coverage determination and concluded that the offsite fabrication performed by Russ Will was not subject to the prevailing wage law. Although the department again concluded that Russ Will was a subcontractor within the meaning of the prevailing wage law and did not qualify for the material supplier exemption, the department explained that this conclusion did not *198 necessarily resolve the question of whether the offsite fabrication was subject to prevailing wage requirements. The department noted that **639 California case law did not specifically address the issue posed by this case—i.e., whether fabrication is subject to prevailing wage requirements when performed in the offsite facility of a subcontractor that does not sell supplies to the general public. In the absence of directly applicable California case law, the department interpreted the prevailing wage law consistent with federal regulations specifying that prevailing wages do not apply to work performed at a permanent fabrication plant when the location and existence of the plant are determined wholly without regard to any particular public works project. Because the project at issue here had no bearing on the location or existence of Russ Will's offsite fabrication facility, the department concluded that fabrication work performed at the offsite facility was not subject to the prevailing wage law.

Local 104 filed a petition for a writ of mandate in the superior court against the department and its director challenging the department's coverage decision. ² In its petition, Local 104 alleged that, unlike a material supplier that is exempt from the prevailing wage law, Russ Will's offsite facility fabricated customized sheet **metal** items in accordance with the specifications in the project's contract documents. According to Local 104, because the custom fabrication was an integral part of the project and was performed in the execution of a public works contract, the work should have been covered by the prevailing wage law.

The superior court granted the petition and directed the issuance of a writ of mandate. The court reasoned that the department "applied an incorrect legal standard by relying exclusively on federal law." According to the court, the correct legal standard for analyzing whether offsite work is covered by California's prevailing wage law is set forth in Williams v. SnSands Corp. (2007) 156 Cal.App.4th 742, 67 Cal.Rptr.3d 606 (Williams). The court remanded the matter to the department for reconsideration utilizing the legal standard set forth in Williams.

Following entry of judgment, Russ Will filed a timely notice of appeal. Although the department participated in the proceedings before the superior court, it did not participate in this appeal or file any briefs in this court.

*199 DISCUSSION

1. Standard of Review

[4] The department's coverage determination [3] constitutes a quasi-legislative act that is subject to review by traditional mandate under Code of Civil Procedure section 1085, (Reclamation Dist. No. 684 v. Department of Industrial Relations (2005) 125 Cal.App.4th 1000, 1004, 23 Cal.Rptr.3d 269; McIntosh v. Aubry (1993) 14 Cal.App.4th 1576, 1583-1584, 18 Cal.Rptr.2d 680.) Ordinarily, our review of an administrative agency's quasi-legislative act is "limited to the question whether the agency's action was arbitrary, capricious, or entirely lacking in evidentiary support." (Reclamation Dist. No. 684 v. Department of Industrial Relations, supra, at p. 1004, 23 Cal.Rptr.3d 269.) Here, however, the issue on appeal turns on the interpretation of the relevant statutes governing the application of the prevailing wage law. The parties to this appeal agree that the relevant facts are undisputed and that the issue on appeal presents a pure question of law. Under these circumstances, we exercise independent judgment **640 in resolving the purely legal question of whether prevailing wages are required to be paid for work performed by employees at Russ Will's permanent offsite facility. (See City of Long Beach v. Department of Industrial Relations (2004) 34 Cal.4th 942, 949, 22 Cal.Rptr.3d 518, 102 P.3d 904 (City of Long Beach); accord, McIntosh v. Aubry, supra, at pp. 1583–1584, 18 Cal.Rptr.2d 680.)

[5] [6] As a general matter, evidence outside the record before the administrative agency is inadmissible in traditional mandate actions challenging quasi-legislative administrative decisions on the ground the agency did not proceed in the manner required by law. (See *Western States Petroleum Assn. v. Superior Court (1995) 9 Cal.4th 559, 576*, 38 Cal.Rptr.2d 139, 888 P.2d 1268.) Consequently, our review is confined to facts established in the administrative record of the proceedings before the department. ³

*200 2. Statutory Framework Relevant to Offsite Application of Prevailing Wage Law

The issue raised on appeal requires us to consider whether and under what circumstances the prevailing wage law extends to work performed away from the site of a public works project. Our starting point is the language of the relevant statutes.

"The primary goal in construing a statute is to ascertain legislative intent so as to effectuate the purpose of the law. [Citation.] To do so, we first examine the language of the statute, giving the words their ordinary, commonsense meaning and according significance to all words used, if possible." (Friends of Lagoon Valley v. City of Vacaville (2007) 154 Cal. App. 4th 807, 825, 65 Cal. Rptr. 3d 251; accord, Dyna-Med, Inc. v. Fair Employment & Housing Com. (1987) 43 Cal.3d 1379, 1386, 241 Cal.Rptr. 67, 743 P.2d 1323.) A specific statutory provision should be construed with reference to the entire statutory scheme in order to harmonize the various elements. (Cf. Bowland v. Municipal Court (1976) 18 Cal.3d 479, 489, 134 Cal.Rptr. 630, 556 P.2d 1081.) This principle is particularly apt in the context of the prevailing wage law, portions of which have been described as "hardly a triumph of the drafter's art." (State Building & Construction Trades Council of California v. Duncan (2008) 162 Cal.App.4th 289, 308, 76 Cal.Rptr.3d 507.)

California's prevailing wage law (§ 1720 et seq.) was originally enacted as an uncodified measure in 1931, at roughly the same time as the enactment of its federal counterpart, the Davis-Bacon Act (**641 40 U.S.C. §§ 3141–3148). (Azusa Land Partners v. Department of Industrial Relations (2010) 191 Cal.App.4th 1, 14, 120 Cal.Rptr.3d 27; see Stats.1931, ch. 397, p. 910.) The Legislature codified the prevailing wage law in 1937 at the time it created the Labor Code. (Stats.1937, ch. 90, pp. 185, 243-244.)

[7] [8] The purpose of the prevailing wage law is "to protect and benefit employees on public works projects." (Lusardi Construction Co. v. Aubry (1992) 1 Cal.4th 976, 985, 4 Cal.Rptr.2d 837, 824 P.2d 643.) "This general objective subsumes within it a number of specific goals: to protect employees from substandard wages that might be paid if contractors could recruit labor from distant cheap-labor areas; to permit union contractors to compete with nonunion contractors; to benefit the public through the superior efficiency of well-paid employees; and to compensate nonpublic employees with higher wages for the absence of job security and employment benefits enjoyed by public employees." (Id. at p. 987, 4 Cal.Rptr.2d 837, 824 P.2d 643.) The law is to be liberally construed, although courts

are not empowered to "interfere where the Legislature has demonstrated the ability to make its intent clear and chosen not to act.' "(City of Long Beach, supra, 34 Cal.4th at p. 950, 22 Cal.Rptr.3d 518, 102 P.3d 904.)

*201 Section 1771 sets forth the general rule that, with certain exceptions, prevailing wages "shall be paid to all workers employed on public works." Section 1774 further provides that "[t]he contractor to whom the [public works] contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract." (Italics added.) Similar to section 1774, section 1772 likewise defines its scope with reference to workers employed "in the execution of" a public works contract: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work." (Italics added.)

The term "public works" is defined in section 1720. As relevant here, subdivision (a)(1) of section 1720 defines "public works" to include, among other things, "[c]onstruction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds...." As used in the statute, " 'construction' includes work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work." (§ 1720, subd. (a)(1).)

Local 104 claims the reach of the prevailing wage law is broad and without geographical limitation because of language in sections 1772 and 1774 extending the law's scope to all those employed "in the execution" of a public works contract. The phrase "in the execution of" is susceptible to an expansive interpretation. For example, in Williams, supra, 156 Cal.App.4th at page 750, 67 Cal.Rptr.3d 606, the court concluded the phrase "in the execution of any contract for public work" as used in section 1772 "plainly means the carrying out and completion of all provisions of the contract." 4 In addition, Local 104 focuses on the fact that section 1720, subdivision (a)(1) defines the term "construction" **642 broadly to include preconstruction activities, urging that the term is commonly understood to include the preconstruction activity of fabricating sheet metal for HVAC systems.

For its part, Russ Will contends that Local 104's legal position is based on an unsupported and overly expansive

interpretation of the phrase "in the execution of" in sections 1772 and 1774. We tend to agree. Under an expansive interpretation of the phrase "in the execution of" as used in sections 1772 and 1774, nearly any activity related to the completion or fulfillment of a public works contract would be subject to the prevailing wage law, regardless of where it takes place or whether it plays a substantial role in the *202 process of construction. We do not suggest that Local 104 urges such a broad interpretation, but the fact remains that focusing exclusively on the "in the execution of" language in sections 1772 and 1774 would lead to a potentially overbroad application of the prevailing wage law without some limiting guidelines.

Russ Will argues that the limiting principle is found in statutory language specifying that prevailing wages apply to workers "employed on public works." (§ 1771, italics added.) Russ Will interprets the reference to being employed "on" public works in various sections of the prevailing wage law to mean that employees must be physically present on the site of the public works project to qualify for prevailing wages. (E.g., §§ 1770, 1722.1, 1775, subd. (b)(1) & (3), 1776, subd. (a)(2), 1781, subd. (c)(2)(A), 1811.) We are not persuaded that references to being employed "on public works" necessarily connotes a geographical limitation. The reference to being employed "on public works" could just as easily be interpreted to mean working on an activity called for in a public works contract, regardless of whether that activity takes place at the site of the public works project. The language is ambiguous.

Further, the language of California's prevailing wage law differs from the language of the federal Davis–Bacon Act, which plainly imposes a geographical limitation on the application of the federal prevailing wage law. The Davis–Bacon Act applies to "mechanics and laborers employed directly on the site of the work." (40 U.S.C. § 3142(c) (1), italics added.) This coverage language has been held to connote a limitation to the geographical confines of the federal project's jobsite. (Building & Construction Trades Dept. v. Department of Labor (D.C.Cir.1991) 932 F.2d 985, 986, 990.)

Local 104 claims it is significant that the California Legislature chose not to adopt the Davis-Bacon Act's "directly on the site" coverage language. It relies on the principle that "[t]he omission of a provision contained in a foreign statute providing the model for action by the Legislature is a strong indication that the Legislature did not

intend to import such provision into the state statute." (J.R. Norton Co. v. General Teamsters, Warehousemen & Helpers Union (1989) 208 Cal.App.3d 430, 442, 256 Cal.Rptr. 246.) As support for its view, Local 104 cites a litany of out-of-state cases in which courts have concluded that a state prevailing wage law that omits the words "directly" or "at the site of the work" should be interpreted more broadly than the Davis-Bacon Act. (See Sharifi v. Young Brothers, Inc. (Tx. Ct.App.1992) 835 S.W.2d 221, 223; Everett Concrete Products, Inc. v. Department of Labor & Industry (1988)109 Wash.2d 819, 748 P.2d 1112, 1115–1116; Long v. Interstate Ready—Mix (Mo.Ct.App. 2002) 83 S.W.3d 571, 578.)

*203 While we agree that some significance should be attached to the fact that the **643 prevailing wage law does not use the "directly on the site" language employed in the Davis-Bacon Act, we are not convinced it is appropriate to draw the inference that the Legislature specifically rejected a geographical limitation on the application of the prevailing wage law. Among other things, it is not clear that the Davis-Bacon Act served as the model for the prevailing wage law as originally enacted. The two statutory schemes were passed at roughly the same time in 1931. 5 (Azusa Land Partners v. Department of Industrial Relations, supra, 191 Cal.App.4th at p. 14, 120 Cal.Rptr.3d 27.) Further, even if the Davis-Bacon Act did serve as a model for California's law, the federal law as originally enacted in 1931 did not contain the "directly on the site" geographical limitation that now appears in the statute. (Davis-Bacon Act, Pub.L. No. 71-798, (Mar. 3, 1931) 46 Stat. 1494.) Instead, the statute referred to "laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract...." (Id., § 1.) The "site of the work" phraseology first appeared in the Davis-Bacon Act in 1935. (Ball, Ball & Brosamer v. Reich (D.C.Cir.1994) 306 U.S. App.D.C. 339 [24 F.3d 1447, 1453, fn. 3].) Consequently, the circumstances surrounding the Legislature's adoption of the prevailing wage law do not support an inference that the Legislature specifically rejected language imposing a geographical limitation on the law's application.

Moreover, Local 104's contention that the prevailing wage law contains no geographical restriction is belied by references in various statutes to the jobsite or the site of the public work. For example, section 1773.2 requires a public agency to post the applicable per diem prevailing wages "at each job site." It would make little sense to require the public agency to post notices at offsite locations that may be distant from the site of the public work and that are under the control

of a contractor or subcontractor. Indeed, in many cases—including this one—the public agency may not even be aware that fabrication work is being performed at permanent offsite locations. Thus, a reasonable reading of this statute suggests that the "job site" is the site of the public works project and not any site, wherever located, at which a worker is employed in the execution of some aspect of the public works contract. Section 1777.5 contains even more direct references to the site of the work. That section addresses a contractor's obligation to utilize apprentices on public works and makes repeated references to the site of the public work. (See § 1777.5, subds. (e), (f), (m)(1).)

*204 Although the Legislature saw fit to use terms of geographical limitation in selected provisions of the prevailing wage law, these limited examples do not compel a conclusion that the Legislature intended the prevailing wage law to be restricted to workers employed at the site of the public work. On the other hand, for reasons we have explained, we do not agree with Local 104 that we are obliged to conclude that the Legislature necessarily rejected any geographical limitation on the application of the prevailing wage law. We are left to conclude that the Legislature's intent concerning geographical limitations on the application of the prevailing wage law **644 is ambiguous. In order to resolve the ambiguity we have identified, we next turn to the California case law that bears upon the offsite application of the prevailing wage law.

3. California Case Law Addressing Offsite Work— Sansone and Williams

Our analysis is guided by two published California decisions that address whether an employee is entitled to prevailing wages for work performed away from the site of the public work—Sansone, supra, 55 Cal.App.3d 434, 127 Cal.Rptr. 799, and Williams, supra, 156 Cal.App.4th 742, 67 Cal.Rptr.3d 606. As Russ Will points out, these are "hauling" cases, which means they involve drivers who haul materials to or from the site of a public works project. They do not involve the manufacture or fabrication of materials at a permanent offsite facility.

In Sansone, the court addressed whether drivers who hauled materials onto a public works site should be treated as subcontractors and therefore subject to the prevailing wage law. (Sansone, supra, 55 Cal.App.3d at p. 441, 127 Cal.Rptr. 799.) In determining that the drivers were entitled to prevailing wages, the court was guided by the reasoning

applied in the context of the Davis-Bacon Act by the United States Court of Claims in H.B. Zachry Co. v. U.S. (Ct.Cl.1965) 344 F.2d 352 (Zachrv). (Sansone, supra, at p. 442, 127 Cal.Rptr. 799.) The court in Zachry noted that bona fide material suppliers (also referred to as "materialmen") that sell building materials to a contractor engaged in a public works project had long been excluded from coverage under the Davis-Bacon Act. (Zachry, supra, at p. 359.) To qualify for this material supplier exemption, the material suppliers had to be selling supplies to the general public, the plant could not be established specially for the particular public works contract, and the plant could not be located at the project site. (Ibid.) The Zachry court concluded that a trucker's employees that delivered building materials to a project site were not covered by the Davis-Bacon Act because the function the trucking company performed the delivery of standard materials—was a "function which is performed independently of the contract construction activities." (Zachry, at p. 361.) The court reasoned that its decision was a "logical extension" of the congressional intent to exclude material suppliers from coverage under the Davis-Bacon Act. (Zachry, at p. 361.)

*205 In contrast to the facts in Zachry, the delivery drivers in Sansone hauled construction materials—aggregate subbase for a highway-from a dedicated location adjacent to and established exclusively to serve the project site. (Sansone, supra, 55 Cal.App.3d at p. 443, 127 Cal.Rptr. 799.) The contract required the drivers who delivered the aggregate subbase to spread and compact the materials at the project site. (Ibid.) The Sansone court analogized the situation to the facts in a Wisconsin case in which the delivery of materials that were distributed over a roadway under construction was deemed to be an "'integrated aspect of the "flow" process of construction.' " (Id. at p. 444, 127 Cal.Rptr. 799.) The court concluded that the drivers were not material suppliers or employees of material suppliers but instead performed "an integral part" of the contractor's obligation under the public works contract. (Id. at p. 445, 127 Cal.Rptr. 799.)

Whereas Sansone concerned "on-hauling" materials onto the site of public works project, the other relevant California case, Williams, supra, 156 Cal.App.4th at page 749, 67 Cal.Rptr.3d 606, specifically addressed removing or "off-haul[ing]" construction materials from a site. (Italics omitted.) The Williams court focused on the meaning of **645 the "in the execution of" language in section 1772 and primarily relied upon the analysis in Sansone and the cases relied upon by that decision. (156 Cal.App.4th at pp. 749–752, 67

Cal.Rptr.3d 606.) The court noted that the critical factor in the analysis was whether a trucking company was "conducting an operation truly independent of the performance of the general contract for public work, as opposed to conducting work that was integral to the performance of that general contract." (Id. at p. 752, 67 Cal.Rptr.3d 606.) The Williams court held that the off-haul work at issue in that case was not covered by the prevailing wage law, reasoning that it was not integrated into the flow process of construction. (Id. at p. 754, 67 Cal.Rptr.3d 606.) Among other things, the court emphasized that the trucking company off-hauled "generic materials to a locale bearing no relation to the public works project site" (id. at p. 753, 67 Cal.Rptr.3d 606) and that the prime contract did not require the contractor to off-haul general building materials from the site (id. at p. 754, 67 Cal.Rptr.3d 606). According to the court, the off-hauling of generic materials was no more an integral part of the construction process than the delivery of generic materials by a bona fide material supplier. (Id. at p. 753, 67 Cal.Rptr.3d 606.)

There is substantial disagreement concerning the role that *Sansone* and *Williams* should play in our analysis. Russ Will dismisses them as "hauling cases" that are limited to their facts. Similarly, although the department considered *Sansone* and *Williams* in reaching its decision, it noted that the decisions did not address the specific issue posed by this case. By contrast, the superior court concluded that the proper legal standard for analyzing this dispute is set forth in *Williams*, and Local 104 contends that any attempt to discount *Sansone* or *Williams* simply as a hauling case is myopic.

Sansone and Williams are relevant to our analysis to the extent they set forth a general framework for considering whether certain functions are *206 integral to the performance of a public works contract. Of particular importance to the issue posed here is whether an operation is truly independent of the contract construction activities—i.e., whether it is integrated into the flow process of construction. (See Sansone, supra, 55 Cal.App.3d at pp. 444–445; Williams, supra, 156 Cal.App.4th at p. 751, 67 Cal.Rptr.3d 606.)

The specific factors considered by the courts in Sansone and Williams are less helpful to our analysis. In Sansone, the court's decision turned on factors specific to the delivery of materials onto a jobsite. (See Williams, supra, 156 Cal.App.4th at p. 752, 67 Cal.Rptr.3d 606 [setting forth factors considered in Sansone, including whether hauled materials were immediately distributed onto the jobsite].) Although the court in Williams cited the factors relied upon

by Sansone, it determined that the "off hauling" question had to be considered anew. (Williams, supra, at p. 752, 67 Cal.Rptr.3d 606.) The court set forth the following three factors to be considered in assessing off-hauling activities: "whether the transport was required to carry out a term of the public works contract; whether the work was performed on the project site or another site integrally connected to the project site; whether work that was performed off the actual construction site was nevertheless necessary to accomplish or fulfill the contract." (Ibid.)

The three factors cited by the Williams court have a more general application than the ones relied upon by the Sansone court. Nevertheless, the factors arose and were applied in the context of off-hauling and necessarily were tailored to that activity. **646 Hauling and fabrication are distinct activities that give rise to different concerns in the context of the prevailing wage law. Among other things, hauling activities necessarily have at least a limited geographical connection to the public works site. By contrast, offsite fabrication could theoretically take place anywhere in the world. Further, fabrication could take place in a permanent offsite facility that has an existence and operation wholly independent of the public works project, or it could take place in a facility specifically designed for the project. These facts bear upon whether a particular operation forms an integral part of the flow of the construction process. The factors cited in *Williams* do not necessarily address issues unique to offsite fabrication.

Moreover, Local 104's application of the factors in *Williams* demonstrates their limitations in the context of offsite fabrication. Local 104 seems to ignore the first two factors—which presumably are not satisfied under the facts of this case—and instead focuses almost exclusively on the third—whether offsite work was "necessary to accomplish or fulfill the contract." (*Williams, supra, 156 Cal.App.4th at p. 752,* 67 Cal.Rptr.3d 606.) Considered alone, this factor provides little or no more guidance than the language of section 1772, which provides that **workers** employed "in the execution" of a public works contract are considered to be employed upon public work. A task that could be *207 considered necessary to fulfill a contract might nonetheless have little relation to the flow of the construction process.

While we conclude that *Sansone* and *Williams* contain useful general guidelines for considering whether offsite work is covered under the prevailing wage law, the specific concerns addressed in those cases are not dispositive of the issue raised here.

4. The Department's Long-standing Approach to the Issue of Offsite Fabrication

[11] Although the ultimate responsibility for the [10]construction of a statute rests with the court, we accord great weight and respect to the construction of the statute by the agency charged with administering the statute. (Sharon S. v. Superior Court (2003) 31 Cal.4th 417, 436, 2 Cal.Rptr.3d 699, 73 P.3d 554; Yamaha Corp. of America v. State Bd. of Equalization (1998) 19 Cal.4th 1, 12, 78 Cal.Rptr.2d 1, 960 P.2d 1031.) Deference to an administrative agency's interpretation is situational and depends on a complex of factors. (Yamaha Corp. of America v. State Bd. of Equalization, supra, at p. 12, 78 Cal.Rptr.2d 1, 960 P.2d 1031.) An agency's interpretation is entitled to greater weight when "the agency has special expertise and its decision is carefully considered by senior agency officials...." (Sharon S. v. Superior Court, supra, at p. 436, 2 Cal. Rptr.3d 699, 73 P.3d 554.)

[12] [13] [14] An agency's interpretation is also given greater credit when it is consistent and long-standing, whereas a vacillating position is not entitled to deference by the courts. (Yamaha Corp. of America v. State Bd. of Equalization, supra, 19 Cal.4th at p. 13, 78 Cal.Rptr.2d 1, 960 P.2d 1031.) A long-standing and consistent interpretation should generally not be disturbed unless it is clearly erroneous. (Id. at p. 21, 78 Cal.Rptr.2d 1, 960 P.2d 1031 (conc. opn. of Mosk, J.).) Because the Legislature is presumed to be aware of a long-standing administrative practice, the failure to substantially modify a statutory scheme is a strong indication that the administrative practice is consistent with the Legislature's intent. (Id. at p. 22, 78 Cal.Rptr.2d 1, 960 P.2d 1031 (conc. opn. of Mosk, J.).)

[15] The department's interpretation of the law as it relates to offsite fabrication **647 arises in the context of coverage determinations under the prevailing wage law. Although the department has determined that its coverage determinations do not have precedential value, the determinations nonetheless constitute administrative interpretations entitled to considerable deference. As the superior court recognized, the department has special expertise in administering the prevailing wage law. Coverage determinations typically result from adversarial proceedings, and the determinations—which are issued by the director of the department—are plainly the product of careful

consideration by senior members of the administrative agency.

As early as 1984, the department determined that offsite fabrication work performed at a permanent facility was not subject to prevailing wage *208 requirements. In a coverage determination issued in Russell Mechanical, Inc. (Sept. 17, 1984), the department concluded that the offsite fabrication of a custom fume recovery hood for a nuclear powerplant by a supplier of sheet metal products was not subject to prevailing wage requirements. 6 The department reasoned that offsite fabricators are more like material suppliers than onsite construction workers. The department noted that extending coverage to offsite fabrication would not significantly protect local labor markets, because fabrication does not necessarily take place in the local labor market. The department also reasoned that, because offsite fabrication facilities could be located anywhere in the country, expanding the law to offsite fabrication would frustrate the law's administration and adversely affect enforcement by greatly expanding the reach of the prevailing wage law. The department concluded it was "highly unlikely that the Legislature could have intended such an application of jurisdiction without expressly so stating." In an opinion on reconsideration affirming its determination, the department discounted the argument that the fume recovery hood was a custom product made to the specifications of the contract, pointing out that it could have been made anywhere in the world and shipped to the nuclear powerplant. The department also applied the analysis in Sansone, supra, 55 Cal.App.3d 434, 127 Cal.Rptr. 799, and concluded that the sheet metal supplier was exempt from the prevailing wage requirements as a material supplier because it was a standard supplier of sheet metal products to the general public, its facility existed long before the public works contract, and the facility was not located on or near the site of the public work.

More recently, in 2008, the department determined that the prevailing wage law did not apply to modular units to be installed at a school site, because the units were fabricated at a permanent offsite facility that was not integrally connected to the project site. (*Wasco Union High School Dist.* (May 5, 2008) Dept. Pub. Works, case No. 2007-009.) Likewise, in another 2008 decision, the department determined **648 that the prevailing wage law did not apply to the fabrication of construction materials at a permanent offsite facility. (*Sunset Garden Apartments* (May 28, 2008) Dept. Pub. Works, case No. 2008-008.) In both cases, the offsite facility also sold supplies to other contractors.

*209 The department has reached a different conclusion in cases in which offsite fabrication takes place in a temporary facility established specifically for the public works project instead of at a permanent offsite facility. Thus, in Imperial Prison II, South (Apr. 5, 1994) Dept. Public Works, case No. 92-036, the department determined that prevailing wage requirements applied to the offsite fabrication of concrete panels at a yard established exclusively for the public works project. The department reasoned that, consistent with Sansone, its "past coverage determinations have consistently held that the off-site fabrication of materials at a site whose sole purpose is the fabrication of those materials for a public works site, is a public works itself." The department reached a similar conclusion in San Diego City Schools, Construction of Portable Classrooms. (June 23, 2000) Dept. Public Works, case No. 1999-032. There, again in reliance on Sansone, the department concluded that the offsite construction of portable classrooms was subject to prevailing wage requirements where the work was performed at a facility set up solely to service the public works project.

These coverage determinations as well as others cited by the parties to this appeal establish that the department has followed a consistent and long-standing practice with regard to offsite fabrication. The department has determined that fabrication work performed at a permanent offsite facility not exclusively dedicated to the public works project is not covered by the prevailing wage law, whereas fabrication work performed at a temporary facility that is dedicated to the project is covered. Local 104 argues that the department's prior decisions on offsite fabrication turn on an application of the three-part material supplier exemption and do not address the specific issue here—i.e., whether an employee who fabricates materials at a permanent offsite facility is covered by the prevailing wage law when the employer does not sell supplies to the general public and therefore does not satisfy one of the criteria to qualify for the material supplier exemption. We agree that the prior determinations of the department do not address this specific issue or involve a fact pattern identical to the one presented here. Nonetheless, the department's coverage determinations establish a consistent pattern of exempting fabrication work performed at permanent offsite facilities from the scope of the prevailing wage law.

Local 104 contends the department's interpretation is entitled to no deference because the department has been inconsistent in its approach to the issue of offsite fabrication. We

disagree. Local 104 cites the fact that the department initially determined in this case that Russ Will was required to pay prevailing wages for the offsite fabrication work associated with the project. Of course, that decision was overturned on appeal. Local 104 also relies on two coverage determinations from 2003 in which the department concluded that offsite fabrication at a permanent facility was covered by the prevailing wage law. (See Cuesta College (Mar. 4, 2003) Dept. Pub. Works, case No. 2000-027 Helix Electric (Mar. 4, 2003) *210 Dept. Pub. Works, case no. 2002-064.) Those decisions, too, were appealed and ultimately withdrawn. Consequently, it is not the case that the department has been inconsistent in its final determinations **649 on coverage for offsite fabrication. This not correct to say the department has been inconsistent in its approach when any inconsistencies have been corrected or resolved before a determination is final.

5. Assessing Whether the Department's Coverage Determination Was Erroneous

[16] Our analysis to this point leads us to the same conclusion reached by the department—that there is a lack of clear and authoritative guidance concerning whether fabrication is subject to the prevailing wage law when performed in a permanent offsite facility of a contractor or subcontractor that does not sell supplies to the general public. The statutory framework, existing case law, and prior coverage determinations do not provide a definitive answer to this question.

In determining that the offsite fabrication performed by Russ Will was not subject to the prevailing wage law, the department reasoned that the existence and location of Russ Will's permanent offsite shop did not turn on a particular public works contract or project. As support for its conclusion, the department relied upon a federal regulation defining the "site of the work" as used in the Davis-Bacon Act. The relevant regulation provides that the "site of the work" under the Davis-Bacon Act does not include "permanent ... fabrication plants ... of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project." (29 C.F.R. § 5.2(1) (3) (2014).) The department concluded it was appropriate to turn to the federal regulation for guidance in the absence of legislative or judicial guidance on the factual scenario presented by Russ Will.

Local 104's primary complaint on appeal is that the director erred in relying on a federal regulation instead of applying the standard set forth in *211 Sansone and Williams. According to Local 104, because the scope of coverage under the prevailing wage law is broader than that provided by the Davis-Bacon Act, it is inappropriate to assess coverage with the guidance of a federal regulation implementing the Davis-Bacon Act. We disagree with Local 104. As explained below, the department's reliance on a federal regulation for guidance in assessing the scope of coverage was not unreasonable under the circumstances presented here. Moreover, the department's coverage determination is consistent with Sansone and Williams.

[17] In assessing the scope of coverage under the prevailing wage law, California courts have turned to the Davis–Bacon Act for guidance on issues not clearly answered by California authority. (See **650 City of Long Beach, supra, 34 Cal.4th at p. 954, 22 Cal.Rptr.3d 518, 102 P.3d 904.) As our Supreme Court has stated, "California's prevailing wage law is similar to the federal act and share its purposes." (Ibid.) "Read as a unit [the prevailing wage law] and [the Davis-Bacon Act] set out two separate, but parallel, systems regulating wages on public contracts." (Southern Cal. Lab. Management Etc. v. Aubry (1997) 54 Cal.App.4th 873, 883, 63 Cal.Rptr.2d 106.) Thus, unless the Davis-Bacon Act is fundamentally inconsistent with the portions of the prevailing wage law that one seeks to interpret, the approach taken under the Davis-Bacon Act may provide useful guidance.

Local 104 claims that such an inconsistency exists here because the Davis-Bacon Act limits its application to the site of the work whereas the prevailing wage law contains no such geographical limitation. We are not convinced that any such difference precludes turning to the Davis-Bacon Act for guidance, at least with respect to the treatment of work performed at permanent offsite fabrication facilities. As explained above, the prevailing wage law is ambiguous concerning its geographic scope. There is no clear indication the Legislature rejected some geographical restriction on its application, particularly in the face of statutes that refer to the site of the work. Moreover, the case law that Local 104 claims provides the standard for assessing offsite work -Sansone and Williams -is premised in significant part upon the material supplier exemption under the Davis-Bacon Act. (Sansone, supra, 55 Cal.App.3d at pp. 442-443, 127 Cal. Rptr. 799; Williams, supra, 156 Cal. App. 4th at pp. 750-751, 67 Cal.Rptr.3d 606.) The material supplier exemption derives from the legislative history of the Davis-Bacon Act

and not from any specific statutory authority in the prevailing wage law. (See *Zachry, supra*, 344 F.2d at p. 358.) In addition, the material supplier exemption turns on the geographic location of the plant. (*Id.* at p. 359 ["the plant is not located at the site of the work"].) Thus, California law already relies upon the Davis-Bacon Act for guidance concerning offsite work and also incorporates criteria based upon the site of the work. Furthermore, the approach taken under federal law to permanent offsite fabrication facilities is consistent with the long-standing *212 position of the department with respect to such facilities. Under the circumstances, the department did not err in turning to the Davis-Bacon Act for guidance. ⁸

Wholly apart from the question of whether the department properly relied upon a federal regulation promulgated under the Davis-Bacon Act, the department's coverage determination is consistent with the principles set forth in Sansone and Williams. Work performed at a permanent, offsite, nonexclusive manufacturing facility does not constitute an integral part of the process of construction at the site of the public work. Fabrication performed at a permanent offsite facility is independent of the performance of the construction contract because the facility's existence and operations do not depend upon **651 a requirement or term in the public works contract. By contrast, a temporary facility set up specifically to service a public works contract could be characterized as an integral part of the construction process. Such a temporary facility's existence and purpose is driven entirely by the needs of the public works project.

Local 104 urges that the focus for purposes of deciding whether offsite fabrication is subject to the prevailing wage law should be upon whether the fabricated items are standard or customized. Presumably, Local 104 would argue that items fabricated to custom specifications are more closely integrated in the process of construction than standard items. The facts of this case demonstrate why an attempt to distinguish between customized and standard items may produce greater confusion than clarity. According to Russ Will, it could have purchased at least some of the fabricated sheet metal items from standard industry catalogs. Other items were considered custom because of the nonstandard dimensions. Plainly, the standard items are not considered custom simply because Russ Will chose to fabricate them inhouse instead of purchasing them from an outside supplier. Further, if the determination of coverage under the prevailing wage law turns on whether fabricated items are custom or standard, the question remains whether the fabrication work is subject to the prevailing wage law simply because some portion of the fabricated items is made to custom specifications. In short, determining whether fabricated items are custom or standard may prove to be a difficult task and may have little bearing on whether fabrication is integrated into the flow of construction.

*213 Moreover, it is unclear why fabricating an item to customized specifications is any more integral to the construction process than fabricating a standard item needed to fulfill a contract. Regardless of whether an item is considered standard or custom, it must be fabricated according to certain specifications. From the perspective of the worker who is fabricating items for a particular public works project, the worker's role is no more integral to the process of construction when fabricating items with customized specifications than it is when fabricating items with specifications that are considered standard. Accordingly, we are not persuaded that the focus should be on whether fabricated items are standard or custom.

In this case, Russ Will would have qualified as an exempt material supplier but for the fact that it does not sell supplies to the general public. 9 The question arises why coverage under the prevailing wage law in this case should turn on whether Russ Will sells products to the public at large. The sale of products to the public does not bear upon whether the fabrication performed at a permanent facility is integral to the flow of the construction process. If we were to accept Local 104's position, an offsite facility that meets the three-part material supplier test would be exempt from the prevailing wage law but another facility that is similar in all respects except for the sale of supplies to the public would be subject to the requirements of the prevailing wage law. There is no basis to make this distinction if the critical consideration under **652 California law is whether the offsite operation is integral to the construction process.

The position taken by the department here provides certainty and clarity. As the court explained in *McIntosh v. Aubry, supra, 14 Cal.App.4th at page 1593*, 18 Cal.Rptr.2d 680, "[p]arties must be able to predict the public-works consequences of their actions under reasonably precise criteria and clear precedent." A nebulous standard or set of factors governing whether offsite work is covered by the prevailing wage law would create confusion and uncertainty.

[18] If Local 104 seeks to expand the coverage of the prevailing wage law, the issue and the associated public policy questions are best left to the Legislature. As explained

by the department in the action below, "the California legislature has long been aware of the industry custom and administrative interpretation [governing offsite fabrication], and has not seen fit to mandate coverage for off-site fabrication in permanent shops, despite numerous *214 amendments to the [prevailing wage law] over the past quarter-century." The Legislature is in the best position to judge the effects of extending the prevailing wage law and has done so when appropriate. ¹⁰

[19] We conclude that the department did not err in issuing the coverage determination in this case. Offsite fabrication is not covered by the prevailing wage law if it takes place at a permanent offsite manufacturing facility and the location and existence of that facility is determined wholly without regard to the particular public works project. Because the offsite fabrication at issue here was conducted at Russ Will's permanent offsite facility, and that facility's location and continuance in operation were determined wholly without regard to the project, the work was not done "in the execution" of the contract within the meaning of section 1772.

In light of our conclusion, it is unnecessary to address any additional contentions that Russ Will raises in its appeal.

DISPOSITION

The judgment is reversed and the matter is remanded with directions to enter a new order denying the petition for writ of mandate. Appellant shall recover its costs on appeal.

We concur:

Pollak, J.

Jenkins, J.

All Citations

229 Cal.App.4th 192, 176 Cal.Rptr.3d 634, 14 Cal. Daily Op. Serv. 10,205, 2014 Daily Journal D.A.R. 11,929

Footnotes

- All further statutory references are to the Labor Code unless otherwise specified.
- We refer to the department and its director collectively as the department, unless the context requires further specificity.
- Local 104 seeks judicial notice of 17 items that it claims are relevant to the issues raised on appeal. We grant the request as to administrative decisions of the department and the agency charged with enforcing prevailing wage laws in the State of Washington. (*Evid.Code*, § 452, subd. (c).) We otherwise deny Local 104's request for judicial notice because the remaining documents were not part of the record before the department. To the extent that Local 104 seeks to supplement the factual record considered by the department, the documents are inappropriate for judicial notice on appeal. In any event, the documents are not relevant to our analysis. (See *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063, 31 Cal.Rptr.2d 358, 875 P.2d 73 [matters subject to judicial notice must be relevant to issues raised on appeal], overruled on another ground in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276, 63 Cal.Rptr.3d 418, 163 P.3d 106.) For example, Local 104 requests judicial notice of an online edition of a career guide issued by the United States Department of Labor for the purpose of demonstrating that a federal agency considers fabrication to be encompassed within the definition of construction. We do not dispute that construction activities may include fabrication.
- The *Williams* court went on to set forth factors to consider in assessing coverage under the prevailing wage law and specifically noted that an activity is not necessarily subject to the prevailing wage law simply because a term in a contract requires a subcontractor or contractor to carry out that activity to fulfill the contract. (*Williams, supra, 156 Cal.App.4th at pp. 752, 754 & fn. 4*, 67 Cal.Rptr.3d 606.)
- The prevailing wage law was first passed as an uncodified measure in 1931 and was approved by the Governor on May 25, 1931. (Stats.1931, ch. 397, p. 910.) At the time of its enactment, the law contained the "in the execution of" language that remains in sections 1772 and 1774 today. (Stats.1931, ch. 397, § 1, p. 910.) The Davis-Bacon Act was approved just a few months earlier, on March 3, 1931. (*Davis-Bacon Act*, Pub.L. No. 71-798 (Mar. 3, 1931) 46 Stat. 1494.)
- All further references to coverage determinations and public works cases are to decisions of the department. Although the administrative record contains a copy of the *Russell Mechanical* determination (dated Sept. 17, 1984) as well as the department's opinion on reconsideration in that case (dated Sept. 11, 1985), the materials provided to this court do not include any documentation containing an administrative case number for the coverage determination. None of the parties that cited that coverage determination—including the department in its decision on administrative appeal—referred to a case number associated with *Russell Mechanical*. Because there appears to be no dispute that the *Russell Mechanical*

- coverage determination contained in the administrative record is an authentic record of action taken by the department, we cite to the determination despite the absence of an administrative case number.
- As further support for its contention that the department has not taken a consistent position, Local 104 cites a 2002 coverage determination in which the prevailing wage law was applied to restoration work performed at a permanent offsite shop. (Sacramento State Capitol Exterior Painting Project (July 18, 2002) Dept. Pub. Works, case No. 2002-034.) In that case, decorative cast iron elements were removed from the State Capitol building and restored at the offsite shop. The coverage determination is inapposite because it involved repair or alteration instead of fabrication of materials for incorporation in a construction project. In distinguishing restoration work from fabrication work performed by a material supplier, the department reasoned that the company performing the restoration work did not fabricate "newly manufactured products" for delivery to a construction site but instead applied labor to cast iron pieces that were already public property. Consequently, the coverage determination is not relevant to the department's approach to offsite fabrication.
- Our conclusion concerning the propriety of relying on the Davis-Bacon Act for guidance is limited to the question of coverage for work performed at permanent offsite fabrication facilities. We do not suggest that the department would be justified in turning to the Davis-Bacon Act as the basis for a coverage determination involving a temporary fabrication facility established to serve a particular public works project. That issue is not before us. Moreover, our analysis should not be interpreted to mean that the prevailing wage law limits coverage to the site of the public work in the same manner as the Davis-Bacon Act other than with respect to permanent fabrication facilities.
- At oral argument on appeal, counsel for Local 104 stated that an additional reason preventing Russ Will from being considered an exempt material supplier was its custom fabrication of items for the public works project. We disagree. The purportedly custom nature of the fabricated items was not a basis for the department's determination that Russ Will did not qualify as a material supplier. Instead, the determination turned on the fact that Russ Will did not sell products to the general public.
- At the request of Russ Will and amici curiae Air Conditioning Trade Association et al., we take judicial notice of (1) the Legislative Counsel's Digest ofAssembly Bill No. 514 (2011-2012 Reg. Sess.), and (2) the Legislative Counsel's Digest ofSenate Bill No. 136 (2011-2012 Reg. Sess.). (Evid.Code, § 452, subd. (a).) Russ Will and amici curiae offer these documents for the purpose of demonstrating that the Legislature has been active in amending the prevailing wage law as necessary to clarify its scope.

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Index 2013-1 Statewide basic trade journeyman rates

General prevailing wage determinations made by the director of industrial relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

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2A-1	Electrical Utility Lineman (c)	Subsect Char	No increase *
2B- 2B2	Telecommunications Technician	Solect (Inc	No increase *
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21	Electrical Utility Lineman (b)	Select Chit	No increase *
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2K-2L	Driver (On/Off-Hauling To/From Construction Site)	Seferal Oran	No increase *

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- b. Includes Del Norte, Modoc and Siskiyou Counties.
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> General prevailing wage determinations made by the director of industrial relations

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Craft: Driver (On/Off Hauling to/from Construction Site)

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2K	Mixer Trucks	Soloci Cau	No increase *
2L	Dump Trucks	Seject Osc	No increase *

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Driver (mixer trucks) determination and provision selection page

General prevailing wage determinations made by the director of industrial relations

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Craft: Driver (on/off hauling to/from construction site) - Mixer Trucks

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2K-11	Los Angeles, Orange, and Ventura Counties	C-MT-261-X-258	School One	No increase *
2K-12	Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties	C-MT-830-261-3	Solica (No.	No increase *
2K-13	Nevada and Sierra Counties	C-MT-830-261-1	Softoci (1800	No increase *
2K-14	Riverside County	C-MT-830-261-11	Solad Ore	No increase *
2K-15	San Luis Obispo County	C-MT-830-261-6	Select (me	No increase *
2K-16	Santa Barbara County		Select One	No increase *

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To view the above current prevailing wage determinations, current predetermined increases, and the current holiday, advisory scope of work, and travel and subsistence provisions for each craft, you must first download a free copy of the Adobe Acrobat Reader available by clicking on the icon below:

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PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1 GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

CRAFT: DRIVER (ON/OFF-HAULING TO/FROM CONSTRUCTION SITE)

Determination: C-IMT-261-X-258-2009-2

Issue Date: August 22, 2009

Relations. Contact the Division of Labor Statistics and Research at (415) 703-4774 for the new rates after 10 days from the expiration date, if no Expiration date of determination: June 30, 2010* Effective until superseded by a new determination issued by the Director of Industrial subsequent determination is issued.

Localities: All localities within Los Angeles, Orange and Ventura Counties.

			Employ	er Paymen	ç,		Straight-Time	Time	Overti	Overtime Hourly Rate	3afc
	Basic	Health	•	Vacation				Total		Saturday/	
	Hourly	And		And				Hourly	Daily	Holiday	Sunday
Classification	Rate	Welfare	Pension	Holiday ^d	Training	Other	Hours	Rate	(1½ X)	(1½X)	(2 X)

New hires will be subject to employment at hourly rates that are four dollars (\$4.00) less, three dollars (\$3.00) less, two dollars (\$2.00) less, and one dollar (\$1.00) less than the straight time hourly rate for time periods of twelve (12) months each until they reach the Journeyman basic hourly rate.

^b The contribution applies to all hours until \$796.50 is paid for the month.

\$50.95

\$40.33

\$40.33

\$29.70

8.0

\$0.41

\$3.44

 $$4.60^{6}$

\$21,25

Ready Mix Driver^a

\$0.98 after 4 months of service

\$1.39 after 1 year of service.

\$1.80 after 7 years of service

\$2,21 after 14 years of service

Includes \$0.57 for Holidays after four (4) months, which would be deducted from the Vacation/Holiday rate if you choose to adopt the paid days off enumerated in the Holiday Provisions.

Emergency work and breakdown on Sundays shall be paid at time and one-half (1½x) the straight time rate.

RECOGNIZED HOLIDAYS: Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at http://www.dir.ca.gov/DLSR/PWD. Holiday provisions for the current or superseded determinations may be obtained by contacting the Prevailing Wage Unit at (415) 703-4774. TRAVEL AND/OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to http://www.dir.ca.gov/DLRS/PWD. Travel and/or subsistence requirements for current or superseded determinations may be obtained by contacting the Prevailing Wage Unit at You may obtain the travel and/or subsistence requirements for the current determinations on the each worker to execute the work.

ARNOLD SCHWARZENEGGER GOVERNOR

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF LABOR STATISTICS & RESEARCH 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102

ADDRESS REPLY TO:

P.O. Box 420603

San Francisco CA 94142-0603

SCOPE OF WORK PROVISION

FOR

READY MIX DRIVER

IN

LOS ANGELES, ORANGE AND VENTURA COUNTIES

The information in this packet is not based on a collective bargaining agreement.

C-MT-261-X-258

DICTIONARY OF OCCUPATIONAL TITLES (4th Ed., Rev. 1991) -- OCCUPATIONAL GROUP ARRANGEMENT

900 CONCRETE-MIXING-TRUCK DRIVERS

This group includes occupations concerned with driving a truck and controlling a mounted concrete mixer to mix concrete and transport it to construction sites and dumping mixed concrete into chutes leading to forms.

900.683-010 CONCRETE-MIXING-TRUCK DRIVER (construction) alternate titles: batch-mixing-truck driver; moto-mix operator; ready-mix-truck driver; transit-mix operator

Drives truck equipped with auxiliary concrete mixer to deliver concrete mix to job sites: Drives truck under loading hopper to receive sand, gravel, cement, and water and starts mixer. Drives truck to location for unloading. Moves levers on truck to release concrete down truck chute into wheelbarrow or other conveying container or directly into area to be poured with concrete. Cleans truck after delivery to prevent concrete from hardening in mixer and on truck, using water hose and hoe. May spray surfaces of truck with protective compound to prevent adhering of concrete. May assemble cement chute. GOE: 05.08.03 STRENGTH: M GED: R3 M1 L1 SVP: 3 DLU: 86

* A single asterisk after the expiration date of a determination indicates that no increase is required for projects advertised while that determination is in effect. The determination remains in effect until it is canceled, modified, or superceded by a new determination by the Director of Industrial Relations. A new determination will become effective 10 days after it is issued. Contact the Office of the Director - Research Unit at (415) 703-4774 after 10 days from the expiration date, if no subsequent determination is issued.

To view the above current prevailing wage determinations, current predetermined increases, and the current holiday, advisory scope of work, and travel and subsistence provisions for each craft, you must first download a free copy of the Adobe Acrobat Reader available by clicking on the icon below:

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PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1 GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

CRAFT; DRIVER (ON/OFF-HAULING TO/FROM CONSTRUCTION SITE)

Determination: C-DT-830-261-10-2009-1

Issue Date: February 22, 2009

Relations. Contact the Division of Labor Statistics and Research at (415) 703-4774 for the new rates after 10 days from the expiration date, if no Expiration date of determination: March 3, 2010* Effective until superseded by a new determination issued by the Director of Industrial subsequent determination is issued.

Localities: All localities within Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino and San Diego Counties.

			Employe	r Paymen	S)		Straight-Time	Time	Overtime H	Iourly Rate
	Basic	Health		Vacation				Total		Sunday/
	Hourly	And		And				Hourly	Daily	Holiday
Classification	Rate	Welfare	Pension	Holiday	Training	Other	Hours	Rate	(1½ X)°	(1½X)

\$27.965

\$27.965

\$19.465

8.0

\$0.33

\$0.085

\$2.05

Driver: Dunip Truck \$17.00

\$0.98 after 5 years of service

\$1.31 after 9 years of service

RECOGNIZED HOLIDAYS: Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at https://www.dir.ca.gov/DLSR/PWD. Holiday provisions for current or superseded deferminations may be obtained by contacting the Prevailing Wage Unit at (415) 703-4774.

TRAVEL AND/OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. You may obtain the travel and/or subsistence requirements for the current determinations on the Internet at http://www.dir.ca.gov/DLRS/PWD. Travel and/or subsistence requirements for current or superseded determinations may be obtained by contacting the Prevailing Wage Unit at You may obtain the travel and/or subsistence requirements for the current determinations on the Internet

^{*}Rate applies to work in excess of eight (8) hours daily and forty (40) hours weekly. *There is no predetermined increase applicable to this determination.

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF LABOR STATISTICS & RESEARCH 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102

ADDRESS REPLY TO:

San Francisco

P.O. Box 420603 CA 94142-0603

SCOPE OF WORK PROVISIONS

FOR

DRIVER: **DUMP TRUCK**

IN

IMPERIAL, INYO, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO AND SAN DIEGO COUNTIES

The information in this packet is not based on a collective bargaining agreement.

C-DT-830-261-10

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DICTIONARY OF OCCUPATIONAL TITLES (4th Ed., Rev. 1991) -- OCCUPATIONAL GROUP ARRANGEMENT

902 DUMP-TRUCK DRIVERS

This group includes occupations concerned with driving a dump truck to transport sand, gravel, coal, and similar cargo.

902.683-010 DUMP-TRUCK DRIVER (any industry)

Drives truck equipped with dump body to transport and dump loose materials, such as sand, gravel, crushed rock, coal, or bituminous, paving materials: Pulls levers or turns crank to tilt body and dump contents. Moves hand and foot controls to jerk truck forward and backward to loosen and dump material adhering to body. May load truck by hand or by operating mechanical loader. May be designated according to type of material hauled as Coal Hauler (any industry); Dust-Truck Driver (any industry); Mud Trucker (steel & rel.). May be designated according to type of equipment driven for off-highway projects as Dump-Truck Driver, Off-Highway (any industry). GOE: 05.08.01 STRENGTH: M GED: R3 M1 L1 SVP: 2 DLU: 80

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Office of Policy, Research, and Legislation (OPRL)

Frequently asked questions - Off-Site Hauling

Legal Background Regarding Coverage of Off-Site Hauling

Off-the-site hauling is not generally covered work but has been found to be covered work in limited and specific circumstances by the Director of Industrial Relations, the courts and where covered under Labor Code section 1720.3. The following rate setting questions and answers assume that the prevailing wage requirements apply to the hauling work being performed. (For questions concerning the applicability of the prevailing wage requirements to the off-site hauling work, please see the Director's prevailing wage coverage determinations posted at http://www.dir.ca.gov/dlsr/PubWorkDecision.htm).

Actual coverage of workers is determined by coverage decisions and enforcement decisions by the Director of Industrial Relations as well as judicial opinions. These include:

- O. G. Sansone v. Department of Transportation (1976) 55 Cal.App.3d 434
- Williams v. SnSands Corporation (2007) 156 Cal.App.4th 742

Public Works Case No. 99-037, Alameda Corridor Project, A&A Ready Mix Concrete and Robertson's Ready Mix Contract (April 10, 2000) (finding delivery drivers of ready mix suppliers not subject to prevailing wage requirements).

PW Case 2002-016, Materials Hauling - Clear Lake Basin 2000 Northwest Regional Wastewater Treatment Facility Project - Lake County Sanitation District, (8/12/02), (drivers are covered when hauling from a dedicated yard)

Public Works Case No. 2008-027, On-Haul and Off-Haul to and from the Friendly Senior Center-Abatement and Demolition Project-City of Morgan Hill (10/31/08), discussing when off and on hauling is deemed covered work)

04-0180 PWH, Triple E Trucking (11/13/2008), (requiring the hauler himself to engage in immediate incorporation to be entitled to prevailing wages.)

Prevailing Wage Questions and Answers Regarding Off-Site Hauling

Q. Will the new Driver (On/Off Hauling To/From Construction Site) rates replace the Teamster (construction site) rates and the superseded six county Driver determinations as the default rate for off the site hauling as of March 4, 2009?

A. Yes. In the absence of trucking rates for other types of materials or for different types of trucks involving On/Off Hauling To/From the Construction site, the off-the-site rates apply. For covered work that was advertised for bid prior to March 4, 2009, the on-site rate will apply except for the six counties that had an off-site rate (Labor Code section 1773.6). The new On/Off Hauling rates are not applicable to projects advertised for bids prior to March 4, 2009.

The date of notice or call for bids also referred to as the bid advertisement date is defined as the date the first notice inviting bids was published in a newspaper of general circulation or promulgated in a legally sufficient manner which results in a contract being awarded with or without competitive bidding (Title 8, California Code of Regulations section 16000).

Q. Will the Driver (On/Off Hauling To/From Construction Site) rates apply to truck drivers operating trucks in addition to dump trucks and ready mix trucks?

A. Yes. The dump truck rates at their minimums will apply to other types of trucks performing off-the-site hauling (to or from a construction site) except for ready mix trucks which have their own prevailing wage determination.

Q. Will the Driver (On/Off Hauling To/From Construction Site) rates apply to drivers when they perform hauling to or away from the job site while working for an on-site contractor?

A. Yes. The off-site hauling rate(s) is the minimum rate of pay required for this type of work. In support of the off-site rate being paid, contractors are required to maintain documentation including the hours worked for each worker regarding the craft, classification or type of work being performed.

Q. What rate (the on-site or the off-site) applies to drivers who pick up materials from a dedicated material supply source that was specified in the construction contract documents? Director's Office of Policy, Research and Legislation (OPRL)

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A. This question will require the Director to determine coverage of the work and the appropriate rate to be paid based on specific facts and circumstances such as the actual location of the dedicated facility and other relevant information. At this time, it is not possible to answer this question in a general manner.

Q. Will the Driver (On/Off Hauling To/From Construction Site) rate(s) apply to drivers who haul refuse from the construction site?

A. Yes. The Driver (On/Off Hauling To/From Construction Site) rate(s) will apply to drivers who haul refuse away from the construction site. See Labor Code section 1720.3; PW Case 2006-017, Off-hauling of Contaminated and Clean Soil - Long Beach Unified School District, Avalon School, (6/26/07), (explaining that off-haul of contaminated soil to a land fill is covered public work under Labor Code section 1720.3); Public Works Case No. 2008-027, On-Haul and Off-Haul to and from the Friendly Senior Center-Abatement and Demolition Project-City of Morgan Hill (10/31/08).

Q. What rate (on-site or off-site) applies to a driver who performs off-the-site hauling for:

1. Material supply company?

- · 2. For-hire trucking company?
- 3. A construction company who also operates a legally separate and independent material supply company and does not interchange the drivers between the two companies?

A. The answer to all the questions above is the off-site rate but only when the work itself is covered.

Q. What rate (the on-site or the off-site) applies when a driver who works for a construction company who uses the same driver to haul material on the site of construction and also perform work off the site that is covered by prevailing wages?

A. The off-site rate will be the minimum rate of pay for workers employed by contractors and subcontractors when those workers are performing covered off-site work. The on-site activities by these workers would require the on-site rate.

Q. Do the dump truck rates apply to all trucks delivering or picking up materials to and from a construction site irrespective of their size or tonnage, or the material being hauled or the type of truck?

A. The answer is yes until rates for these other types of trucks or sizes or types of material differentials are published as prevailing. Note that mixer truck has its own prevailing wage rate.

Q. What location determines the appropriate rate of pay (job site, material supply source, off-the-site delivery point, employer's off-the-site yard or shop, etc.)?

A. The geographic location of the covered job site determines the county or area rate to be applied.

Q. Does the geographic location of the job site prevail when the driver drives through different counties with different rates?

A. Yes. The rate is determined by the location of the job site.

Q. What Prevailing Wage Rate applies when the driver picks up material from a covered job site in one county and delivers it to another covered job site that has a different county rate?

A. The employer should pay the off-site rate required by the job site where the public works construction contract requires the removal of the material (originating site) to be delivered to the second covered site.

Q. Is an employee driving for an intrastate or interstate trucking company entitled to prevailing wages when performing covered work?

A. Yes. Such drivers are subject to all the prevailing wage requirements including the overtime rates. The Prevailing Wage determinations set forth the overtime rates and requirements but only when the work itself is deemed to be covered. Wage and hour exemptions that may be otherwise applicable are not available for covered public works.

Q. May an employer pay more than the indicated health & welfare, pension, vacation & holiday rates and other such employer payments?

A. Yes, the employer may pay higher rates. The prevailing wage rates are minimums. The employer may pay lower benefit rates than indicated on the determination and transfer the difference to the basic hourly rate. In no case can the total compensation be less than the total hourly rate which includes the total of the basic hourly rate and the employer payments (Labor Code sections 1771 and 1774). There are two caveats: (1) The employer may not pay less than the specified published basic hourly rate (the wage rate). (2) The other employer payments must be legitimate meaning that they must be irrevocably paid to third person or trustee pursuant to a plan, fund or program for the benefit of the employee (Labor Code section 1773.1).

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STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Request for Review of:

Kern Asphalt Paving & Sealing Co., Inc.

Case No. 04-0117-PWH

From an Assessment issued by:

Division of Labor Standards Enforcement.

DECISION OF THE DIRECTOR OF INDUSTRIAL RELATIONS

Affected contractor Kern Asphalt Paving & Sealing Company (hereinafter "Kern Asphalt") timely requested review of a civil wage and penalty assessment ("Assessment") issued by the Division of Labor Standards Enforcement ("Division") with respect to the New Tehachapi High School Project ("Project"). A hearing on the merits was conducted on October 13 and 14, 2004, and on June 15 and 16, 2005, in Bakersfield, California, before Hearing Officer John Cumming. Kern Asphalt appeared through attorney Ray T. Mullen. The Division appeared through attorneys Melanie V. Slaton and Thomas R. Fredericks. The parties presented evidence and arguments and filed post-hearing briefs. Now for the reasons set forth below the Director of Industrial Relations issues this decision modifying and affirming the Assessment in part and remanding it in part.

FACTS AND PROCEDURAL HISTORY

This case arose out of the construction of a new high school in the City of Tehachapi in Kern County. The Tehachapi Unified School District contracted with Kern Asphalt to do paving on the Project, which involved grading the site and obtaining, applying, and grading paving materials at the site. Kern Asphalt used about 20 employees over the course of a year to perform this work. The Assessment concerns two groups of workers: truck drivers who picked up asphalt and base materials from a commercial supplier and delivered those materials to the Project site, and paving crew members who did grading and paving at the construction site. These groups raise two distinct sets of issues. For the truck drivers, the question presented is whether their

work was subject to prevailing wage requirements. For paving crew members, the questions presented are whether they are entitled to prevailing wages for travel time between Kern Asphalt's shop in Bakersfield and the Project site, and whether they are entitled to additional wages for time that management deducted from hours reported on time cards. Also at issue are the proper work classification and pay rates due to paving crew member Kenneth McLey and the propriety of penalties and liability for liquidated damages as to all assessed wages and violations.

Truck Drivers: The contract between the Tehachapi School District and Kern Asphalt required in part that Kern Asphalt provide the materials and transportation services for the paving work. Kern Asphalt originally intended to use its own base material made by company president C. J. Watson. However, because that material was not suitable for use on this Project, Kern Asphalt instead had to obtain asphalt and base materials from Granite Construction, a commercial supplier in Arvin who sold such materials to the general public. For the most part, Kern Asphalt used its own employees and trucks to pick up the materials from Granite Construction and deliver them to the job site.¹

Kern Asphalt's drivers would pick up their trucks in the morning at Kern Asphalt's shop in Bakersfield and then drive to Granite Construction in Arvin to pick up asphalt or base materials. From there they drove to the Project site, a distance of about 26.5 miles that required between 45 minutes and 1.25 hours in driving time. The materials would be unloaded at the site and, most of the time, applied immediately rather than stockpiled for later use. In most instances, once a truck was unloaded, the driver would return to Granite Construction, repeating this cycle up to five or six times in a day.

Truck driver Wayne Caldwell testified that he customarily hauled the materials in a "belly dump" truck that opened from the bottom for unloading and could be adjusted to allow for a precise flow of materials as the truck moved over the area where those materials were being applied. Kern Asphalt's drivers occasionally got out of their trucks to assist paving crew members with the spreading and applying of materials. At times, material would be stockpiled (that is left in one pile) if there was no place ready for it to be applied. In those instances, one driver

¹ Kern Asphalt used other subcontract haulers to deliver materials to the site. The subcontract haulers were not covered in the Division's Assessment and, as seen below, would present a different analysis.

would remain at the site to operate a small dump truck to move the materials where needed by the paving crew, while other drivers returned to Arvin for additional loads. Kern Asphalt's daily time cards include some references to drivers spending time moving dirt or operating other equipment at the construction site.² However, there is no detailed or consistent pattern of reporting to show how much time drivers actually spent on the construction site or what they specifically did while there.

Kern Asphalt paid its own truck drivers their usual rate of \$12.00 or \$13.00 per hour for their on-haul work. Kern Asphalt did not regard this work as subject to prevailing wage and did not include the drivers who performed this work on the certified payroll records the company was required to prepare pursuant to Labor Code section 1776. In its Assessment, the Division found that these drivers were entitled to the prevailing wage rate for Teamsters for all hours worked, at a total straight-time rate of \$34.11 per hour through June 30, 2002, and \$34.96 per hour thereafter. Kern Asphalt presented no evidence that a different prevailing wage rate should apply. The Division used the hours shown on time cards and payroll journal entries in determining prevailing wage liabilities for the truck drivers.

Reporting and Travel Time: The parties agree that paving crew members would, on most days, report first to Kern Asphalt's shop in Bakersfield, where they were required to punch in on a time clock and then were transported in company vehicles to the construction site. The parties dispute whether the company required the workers to report first to the shop or whether this was a voluntary accommodation for workers who did not want to drive to the construction site on their own.

² A comparison of the time cards and Kern Asphalt's certified payroll records shows that at times truckers were paid prevailing wage rates for some but not all reported hours of on-site work.

³ All statutory references hereinafter are to the Labor Code, unless otherwise indicated.

⁴ Both total hourly rates include the training fund contribution required under section 1777.5(m), although no separate liability for training fund contributions is stated in the Division's audits.

The records apparently did not include additional time that Caldwell said he spent inspecting his truck and sometimes loading equipment before the official start of the work day. The Division also accepted Kern Asphalt's regular deduction of one-half hour for lunch, even though individual trip records suggest that drivers did not always have time for a full half hour off-duty break. (See, §512(a) and Wage Order No. 9-2001, §11 [Cal.Code Regs., tit.8, §11090(11)(C)].)

It is undisputed, however, that employees were required to punch in on the time clock or have someone punch in for them. A sign posted above the time clock stated "No punch-in, no pay." Employees typically punched in upon arrival and then drank coffee and talked or did pre-liminary work activities such as loading equipment on trucks while waiting for the start of regular work day at 7:00 a.m. Company vice president Jayson Watson testified that workers would be briefed on the day's activities and then dispatched to their job sites at this time.

In addition to punching in, workers customarily would write in their starting work times (usually 7:00 a.m.) and later their stopping times on the front of their time cards. Kern Asphalt usually paid workers for the hours written on their time cards (rather than time clock punch-in and punch-out times). Kern Asphalt regularly deducted a half hour from the reported total for an unpaid lunch break and occasionally deducted other time based on some discrepancy between reported hours and what management believed an employee had actually worked. Kern Asphalt paid straight time prevailing rates for up to eight hours per day for work performed at the Project site. Any hours over eight in connection with the Project (whether before, after, or while on site) was regarded as travel time, which Kern Asphalt paid at the employees' regular, non-prevailing wage, overtime rates. According to Jayson Watson, Kern Asphalt did not regard the travel time as compensable work time but paid it as an additional benefit to workers.

The driving distance from Kern Asphalt's shop to the job site in Tehachapi was just over 46 miles; witnesses estimated the average round trip travel time was between 1.5 to 3 hours. While some time cards recorded up to 13 or more hours in a given day, all hours in excess of eight were designated as breaks or travel time for pay purposes. Jayson Watson testified that employees were not permitted to work overtime without prior authorization, and that very little overtime was required for the work on the Project.

Terry Ward and Kenneth McLey were the two-man crew that did most of the paving work. They rode together to the site in a company truck driven by Ward, who was also McLey's foreman. Ward testified that sometimes he would pick up McLey at his home on the way to the Project and, on those occasions, would punch in McLey's time card. Ward also testified that the two sometimes would stop for breakfast on their way to the site after they had reported and were on company time. However, McLey testified that he could not recall being picked up at home by

..A.

Ward, and said instead that it was he who would punch in Ward's card when Ward was late. 6 McLey testified that they were required to punch in at the yard and were supposed to be there and ready to leave for the job site at 7:00 a.m. McLey testified that he worked until Ward said it was time to stop work.

Kenneth McLey's Duties on the Project: Kern Asphalt classified McLey exclusively as a Laborer for all but one day of work, while it classified Ward as an Operating Engineer for all but three days. The Division classified both McLey and Ward as Operating Engineers for all work performed on the Project, with the exception of three days in late December 2002, for which it accepted the Laborer classification for both.

McLey characterized his own role as helping Ward. Ward more typically operated the heavy equipment with McLey doing laborer work on the ground. However, they agreed that McLey spent a considerable amount of time operating heavy equipment on the Tehachapi Project. McLey testified that he operated the same equipment used by Ward on the Project, with the exception of the motor grader.

Ward estimated that McLey spent about 25 percent of his time on the Project as an operating engineer and the other 75 percent as a laborer. However, Ward also estimated that McLey operated a skip loader about 25 percent of the time, without disputing that McLey may also have operated other equipment. McLey offered the opposite ratio as his estimate (i.e. that he spent about 75 percent of his time as an operating engineer and 25 percent as a laborer). McLey testified in response to a specific question that he probably spent about 10 percent of his time with a shovel, noting that there was not a lot of "dirt work" on this Project. However, he gave no estimate of the time he spent checking grade while Ward operated the motor grader.

Caldwell testified that he saw McLey on equipment "every day" and also saw both Ward and McLey on the ground with a shovel. The time records offer no meaningful information

⁶ Ward acknowledged that the "No Punch-in No Pay" sign was probably for him.

⁷ The same ratio is reflected in an Employee Questionnaire and in the Division's notes from a May 2004 telephone interview with McLey.

about the type of work being performed on any given day.8

Other Issues: On the fronts of their time cards, workers would write in the date, their starting and stopping times, and some notation about the jobs they were working on, which usually included a job number. Some cards included notations about time taken off for lunch while others did not. Most workers also totaled their hours for the day. Time cards later would be checked by someone in management, who would write a different total at or near the bottom of the card, usually with a circle around it. The worker then would be paid for the circled number of hours, which was often just the net total after deducting a half-hour for lunch from the worker's total. However, sometimes the circled total reflected a further deduction that could not be attributed to anything appearing on the face of the card.

Jayson Watson and company controller Sandra Eichenhorst testified that the hours shown on the cards would be reviewed with workers and adjusted if there was some clear discrepancy between what the worker wrote down and what was indicated by other information such as time clock punch times, what a co-worker reported for the same job, or what they understood the day's work should have entailed. Kern Asphalt offered no clearer explanation for why any adjustment was made.

In auditing Kern Asphalt's compliance with prevailing wage requirements, the Division relied on the information shown on the fronts of daily time cards provided by Kern Asphalt. ¹⁰

The Division identified weekend and holiday work that was not reported as such on Kern Asphalt's certified payroll records or compensated at the required prevailing rates. The Division also identified work which it believed was performed on the Project but was not reported as such by Kern Asphalt. However, Kern Asphalt presented evidence that it had worked on another non-

⁸ A typical entry for McLey was "graded Tehachapi," while Ward's cards would typically say "grade by the hour" or sometimes "grade base on contract" or very occasionally state that they graded a specific part of the Project, such as tennis courts.

⁹ Eichenhorst did not start working for Kern Asphalt until near the end of the Tehachapi Project.

¹⁰ The hearing testimony establishes that employees were paid based on the information on the front of the cards, with the time-clock notations used to verify that employees were actually reporting to work by the scheduled start time. The company may have used the time-clock information to reduce hours recorded by a worker on the front of a card, but ultimately the Division based its audit on the time recorded on the front. Neither party offered the back of any card to rebut what was recorded on the front.

public works project in the town of Tehachapi, and it offered a reconciliation of dates and work erroneously attributed to the Project that was largely accepted by the Division.

The Assessment, Penalties, and the Parties' Contentions: The Division received complaints from Caldwell concerning his failure to receive prevailing wages and from McLey concerning his misclassification and failure to receive overtime or holiday pay for work performed on this Project. Following an investigation by Deputy Labor Commissioner Sherry Gentry, the Division issued its Assessment dated May 19, 2004, which found Kern Asphalt liable for back wages and penalties under sections 1775 and 1813. The Assessment was adjusted downward during the course of the hearing proceedings, primarily in response to additional information presented by Kern Asphalt.

The Division assessed penalties under section 1775 at the maximum rate of \$50 per violation, citing the extent of hours "shaving (i.e. paying for less than reported by a worker), the failure to report and pay prevailing rates to the truck drivers, the amount of underpaid wages, and the apparent willfulness demonstrated by the travel time deductions. The Division did not consider any prior history of violations when setting the penalty amount, though it offered testimony regarding prior assessments during the hearing. Kern Asphalt acknowledged past experience with public works but did not admit any prior violations.

The Division also assessed penalties under section 1813 at the prescribed statutory rate of \$25 per violation for all days in which workers failed to receive the prevailing overtime rates for overtime hours worked, which were most of the days covered in the Assessment.

Based on the Division's amendments and the parties' stipulations, the amounts at issue when this matter was submitted were as follows:

<u>Employee</u>	Unpaid Wages	§1775 penalties	§1813 penalties
Truck Drivers:	•		
Black, Larry Fenn II, Jeffrey Pettit, Rodney Wagner, Danny Williams, Dwight Caldwell, Wayne	\$ 3,781.23 \$ 324.87 \$ 5,601.25 \$ 2,166.30 \$ 4,243.13 \$ 2,337.82	\$ 850 \$ 250 \$ 2,550 \$ 450 \$ 1,000 \$ 650	\$ 300 \$ 125 \$ 750 \$ 200 \$ 400 \$ 275

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Black, Don Taylor, J.	\$ 1,427.77 \$ 237.21	\$ 450 \$ 100	\$ 175 \$ 25
Truck Driver subtotals	\$20,119.58	\$6,300	\$2,250
Paving Crew:			. ,
Black, Kevin	\$ 180.76	\$ 100	\$ 50
Brown, John	\$ 286.45	\$ 250	\$ 125
Cardona, Francisco	\$ 1,271.76	\$ 550	\$ 225
Cervantes, Carlos	\$ 2,445.44	\$ 1,700	\$ 800
Cuevas, Juan	\$ 549.47	\$ 400	\$ 175
Flores, Daniel	\$ 227.49	\$ 250	\$ 125
Frye, Duane	\$ 3,531.08	\$ 1,850	\$ 900
Harms, Marvin	\$ 1,171.87	\$ 350	\$ 125
Hiler, Danny	\$ 992.45	\$ 450	\$ 225
Hood, Alexander	\$ 657.44	\$ 550	\$ 275
McLey, Kenneth	\$29,179.88	\$ 9,650	\$ 4,775
Stevens, Larry	\$ 566.98	\$ 450	\$ 200
Ward, Terry	\$10,236.52	\$ 9,850	\$ 4,900
Paving Crew subtotals	\$51,297.59	\$26,400	\$12,900
TOTALS ¹¹	\$70,417.17	\$32,700	\$15,150

Kern Asphalt's positions with respect to the violations were that (1) it was under no legal obligation to pay prevailing wages to its truck drivers who essentially were functioning as material suppliers; (2) Kern Asphalt was under no obligation to pay its other workers for travel time because they were not required to ride to the job site in company vehicles, (3) McLey was properly paid as a Laborer or at most spent 10 to 15 percent of his time performing work as an Operating Engineer; and (4) it had identified numerous specific errors in the Assessment, which the Division conceded. Kern Asphalt asserted that there was no evidence it either willfully or intentionally sought to evade prevailing wage requirements. Kern Asphalt also argued that there could be no separate penalty assessment under section 1813, since any overtime hours were for travel time, which it was not required to pay.

¹¹ These figures are based on the Revised Audit dated 6/17/05 that was attached as Appendix 1 to the Division's Opening Post-Hearing Brief as further modified with respect to Danny Wagner in footnote 1 of the Division's Reply Brief filed on March 3, 2006.

There is no evidence that any of the unpaid wages assessed by the Division have been paid by Kern Asphalt, making Kern Asphalt liable for liquidated damages in an amount equivalent to the back wages found due. No additional evidence or argument pertaining to the imposition or waiver of liquidated damages was offered by Kern Asphalt.

DISCUSSION

Sections 1720 and following set forth a scheme for determining and requiring the payment of prevailing wages to workers employed on public works construction contracts.

The overall purpose of the prevailing wage law ... is to benefit and protect employees on public works projects. This general objective subsumes within it a number of specific goals: to protect employees from substandard wages that might be paid if contractors could recruit labor from distant cheap-labor areas; to permit union contractors to compete with nonunion contractors; to benefit the public through the superior efficiency of well-paid employees; and to compensate nonpublic employees with higher wages for the absence of job security and employment benefits enjoyed by public employees. (Lusardi Construction Co. v. Aubry, 1 Cal.4th 976 at 987 (1992) [citations omitted].)

The Division enforces prevailing wage requirements not only for the benefit of workers but also "to protect employers who comply with the law from those who attempt to gain competitive advantage at the expense of their workers by failing to comply with minimum labor standards." (§90.5(a), and see Lusardi, supra.)

Section 1775(a) requires, among other things, that contractors and subcontractors pay the difference to workers who received less than the prevailing rate, and section 1775(a) also prescribes penalties for failing to pay the prevailing rate. Section 1742.1(a) provides for the imposition of liquidated damages, essentially a doubling of the unpaid wages, if those wages are not paid within 60 days following service of a civil wage and penalty assessment under section 1741.

When the Division determines that a violation of the prevailing wage laws has occurred, a written civil wage and penalty assessment is issued pursuant to section 1741. An affected contractor or subcontractor may appeal the Assessment by filing a Request for Review under section 1742. Subdivision (b) of section 1742 provides in part that "[t]he contractor or subcontractor

shall have the burden of proving that the basis for the civil wage and penalty assessment is incorrect."

Kern Asphalt's Truck Drivers Are Entitled To Prevailing Wages For Work Performed On The Tehachapi Project.

In the recent decision, Williams v. SnSands Corporation (2007) 156 Cal. App.4th 742, the Court of Appeal said the right to be paid prevailing wages is governed by the plain meaning of sections 1771, 1772 and 1774. Section 1771 requires the prevailing wage be paid to "to all workers employed on public works." Section 1772 provides: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work." A public works contractor shall ensure that all workers engaged in "the execution of the contract" receive the prevailing wage. (§1774.) Williams began its analysis by interpreting the statutory term "execution":

In determining legislative intent, courts are required to give effect to statutes according to the usual, ordinary import of the language employed in framing them. [Citations and quotation marks omitted.] The familiar meaning of "execution" is "the action of carrying into effect (a plan, design, purpose, command, decree, task, etc.); accomplishment" (5 Oxford English Dict. (2d ed.1989) p. 521); "the act of carrying out or putting into effect," (Black's Law Dict. (8th ed.2004) p. 405, col. 1); "the act of carrying out fully or putting completely into effect, doing what is provided or required." (Webster's 10th New Collegiate Dict. (2001) p. 405.) Therefore, the use of "execution" in the phrase "in the execution of any contract for public work," plainly means the carrying out and completion of all provisions of the contract.

(Williams, supra, 156 Cal. App. 4th at 749-750.)

Critical to the determination of a right to receive the prevailing wage under sections 1771, 1772 and 1774 is the determination of whether a worker is employed by a contractor or subcontractor:

The analysis in O.G. Sansone Co. v. Department of Transportation, supra, 55 Cal. App. 3d 434 (Sansone) of who is, and who is not, a subcontractor obligated to comply with the state's prevailing wage law also informs our assessment of the intended reach of the prevailing wage law to "[w]orkers employed ... in the execution of any contract for public work." (§1772.)

(Ibid.)

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Here, the drivers subject to the Assessment were employed directly by the public works contractor, Kern Asphalt, to perform a function required by the contract, the delivery of acceptable road bed material to the job-site. As such, by the plain meaning of the statute the drivers are employees of a contractor or subcontractor obligated to comply with the state's prevailing wage law. Also, the drivers are performing work "in execution of" of the public works project because the "carrying out and completion of all provisions of the contract" includes the delivery of paving materials to the project site to be used by the paving contractor Williams, supra.

Kern Asphalt's challenge to the wages assessed for its truck drivers rests upon two key distinctions found in Sansone: (1) Kern Aphalt's drivers hauled materials from a commercial site that was not adjacent to the Tehachapi Project, which is undisputed; and (2) the principal function of Kern Asphalt's drivers was to deliver materials to the site, and they were not involved in the on-site application of those materials, which is disputed. Kern Asphalt argues that these distinctions made its drivers the functional equivalent of independent material suppliers who would not be covered by prevailing wage requirements under the rubric of Sansone. 12

Critical to Sansone's analysis of whether the truck drivers ... were employed "in the execution of [a] contract for public work" (§1772) was whether the trucking companies were bona fide material suppliers conducting an operation truly independent of the performance of the general contract for public work, as opposed to conducting work that was integral to the performance of that general contract. We conclude that what is important in determining the application of the prevailing wage law is not whether the truck driver carries materials to or from the public works project site. What is determinative is the role the transport of the materials plays in the performance or "execution" of the public works contract. (Ibid. 156 Cal.App.4th at 752 (emphasis added).)

Thus, Sansone, as interpreted by Williams, establishes a "delivery exemption" for employees of bona fide material suppliers. (Ibid, 156 Cal.App.4th at 752.) This exemption applies where the truck driver, employed by an independent trucking company, is hauling materials from a bona fide materials supplier and the hauled material is "not immediately and directly incorporate" into the ongoing public works project. If either of these conditions is not present, the ex-

¹² Kern Asphalt's supplemental brief also makes an argument about off-hauling work, that is, carrying dirt or refuse from the project site to some other location. However, the Assessment in this case did not involve any off-hauling.

emption does not apply, and on-haul driving is subject to coverage as performed by employees of a contractor or subcontractor obligated to comply with the state's prevailing wage law and as performed in "the execution of the public works contract" as that phrase was interpreted by Williams. (Lab. Code, §§1772, 1774.)

As Williams now makes clear, Kern Asphalt's truck drivers were entitled to prevailing wages, regardless of whether they assisted the paving crew or whether the materials were immediately used, because they were not employed by a truly independent materials supplier. They were employed directly by Kern Asphalt and they were performing work "in the execution of [Kern Asphalt's] contract for public work" with the Tehachapi Unified School District. (§1772.) There is no argument or evidence that Kern Asphalt itself was operating as a bona fide material supplier independent of its performance of this contract. That ends the inquiry in this case.

Kern Asphalt's Other Workers Were Entitled To Prevailing Wages For All Hours Worked Including Time Designated As Travel Time.

"'Hours worked' means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so." (Cal.Code Regs., tit. 8, §11160.2(J) [governing on-site construction work].) This definition includes "certain periods of time that may not ordinarily be thought of as work-time[.]" 1 Wilcox, California Employment Law, section 3.07[1][a][i] (p. 3-57).

In Morillion v. Royal Packing Co. (2000) 22 Cal. 4th 575, an agricultural employer required employees to meet at designated assembly points from which they were bused in company vehicles to and from the actual work site. No work activity was required, and the bus trip to the fields where the work was performed was likened to an ordinary commute. A unanimous court held:

When an employer requires its employees to meet at designated places to take its buses to work and prohibits them from taking their own transportation, these employees are "subject to the control of an employer," and their time spent traveling on the buses is compensable as "hours worked." (22 Cal.4th at 587.)

Kern Asphalt distinguishes Morillon based on the fact that its employees were free to use any means to get to the construction work site and could stop for breakfast along the way if they

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chose, a point not disputed by the Division. This distinction misses the essential point of *Morillon*. The key factor is whether the workers are "subject to the control of [the] employer" rather than whether the employer does not require a particular means of transit.

Kern Asphalt's own policy and practice required employees to be at the shop by 7:00 a.m., and Kern Asphalt considered all time thereafter to be paid time. The company had a particular purpose for this requirement, which was to give the workers instructions and dispatch them to their jobs at that time. Thus, all of the time after 7:00 a.m. was subject to Kern Asphalt's control and was compensable. If Kern Asphalt had changed its requirements so that the workers only had to report to the construction site by a certain time, then the travel time might have constituted non-compensable commute time. (See §§510(b) ["Time spent commuting to and from the first place at which an employee's presence is required by the employer shall not be considered to be a part of a day's work, ..."].) However, those are not the facts here. 13

The other question raised is what rate applies to the travel time. The relevant prevailing wage determinations contain no special rate for travel time. In the absence of any evidence to the contrary, the required travel time must be regarded as incidental to the workers' regular duties and payable at the same prevailing rates that apply to the classification associated with those duties. ¹⁴ Kern Asphalt has presented no argument or evidence supporting a different rate outside of its contention that it was not obligated to pay for the travel time at all.

Kenneth McLey's Back Pay Entitlement Must Be Reduced.

The Division had no reasonable basis for classifying McLey exclusively as an Operating Engineer for all but three days of work on the Techachapi Project. McLey never said that he worked only as an equipment operator, and no other evidence supports such a determination.

¹³ An employer cannot legitimize its violations after the fact by showing how it could have altered the compensation or other employment conditions to make its pay scheme legal. (See Hodgson v. Baker (9th Cir. 1976) 544 F.2d 429, 432-3, citing Overnight Motor Transportation Co. v. Missel (1942) 316 U.S. 572, 577; and see also Hernandez v. Mendoza (1988) 199 Cal.App.3d 721, 725-6 [employee's weekly salary compensated him for regular work hours and cannot be redefined after the fact to encompass additional overtime hours].)

¹⁴ Because the workers were entitled to the same prevailing wage rates for travel time as for their other work, it is not necessary to determine which overtime hours at the construction site were improperly attributed to travel (as opposed to actual overtime work on-site) as a rationale for not paying the prevailing overtime rate.

The Division's attempt to defend its determination based on the burden shifting rule of Hernandez v. Mendoza, supra, overstates the scope of that holding and its applicability to this case.

The rule in Hernandez derives from an earlier U.S. Supreme Court decision in Anderson v. Mt. Clemens Pottery Co. (1945) 328 U.S. 680, in which the Court found that an employer's violation of its record keeping responsibility should not have the effect of preventing employees from proving a claim for unpaid wages. The Court then fashioned the following rule.

In such a situation we hold that an employee has carried out his burden if he proves that he has in fact performed work for which he was improperly compensated and if he produces sufficient evidence to show the amount and extent of that work as a matter of just and reasonable inference. The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate. (Id. at 687-88.)

An aggrieved worker therefore may use imprecise evidence to prove the extent of unpaid wages when the employer fails to keep required records that would show the precise number of hours worked. However, there still must be "sufficient evidence to show the amount and extent of [uncompensated or under-compensated] work as a matter of just and reasonable inference." (Andersen, supra, 328 U.S. at 687.) Where a public works employer wants to pay an employee multiple rates based on the work performed, it is the employer's obligation to keep accurate time records. (Lab. Code, §1776(a).)

McLey estimated that he spent 75 percent of his time operating equipment in his original communications with the Division. He repeated this estimate at the hearing but seemed less certain in light of questions that attempted to break the estimate down further by particular work activity. His working partner, Ward, estimated 25 percent of McLey's time was spent operating heavy equipment and 75 percent was spent as a Laborer.

McLey and Ward were clearly the most percipient witnesses of how McLey spent his time, and there is no evidence to suggest that either was testifying dishonestly or trying to contradict the other. It appears far more likely that both offered honest but exaggerated estimates based on their own subjective perceptions and recollection of McLey's work. The same split of

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opinion was reflected in McLey's and Ward's opposite estimates of the travel time from the shop to the Tehachapi Project.¹⁵

It is unlikely that either estimate is accurate. Rather it appears that the most reasonable estimate of McLey's time operating equipment (or of average travel time) lay in the middle between their extreme individual estimates. This leads to the inference and conclusion that McLey likely spent about 50 percent of his time operating heavy equipment on all but the three days in December 2002, when it is undisputed that McLay and Ward only worked as laborers. In light of this conclusion, McLey's back wage entitlement must be adjusted as follows:

Half of total Operating Engineer 2 hours	Diff. between total hourly rates for Op.Eng. 2 and Laborer 1	= ((Reduction in entitlement)
Straight time:			
$1325 \div 2 = 662.5$	X(\$37.88 - 30.08)		\$ 5,167.50
Overtime:			
453.25 ÷ 2 = 226.625	X (\$51.39 – 40.13)	New Park	\$ 2,551.80
Double time:		•	
$11.5 \div 2 = 5.75$	X (\$65.49 – 50.18)	hunter ^a governy	<u>\$- 88.03</u>
•	Potal Reduction in Unpaid Wages	. =	\$ 7,807.33 ¹⁶

With this adjustment, the total of unpaid wages due to McLey is \$21,376.55. All other wage issues were resolved by stipulation or were unchallenged by Kern Asphalt. Accordingly, the total wages due under the Assessment, as modified and affirmed by this Decision, is \$62,609.84.

Kern Asphalt Is Liable For The Full Amount Of Section 1775 Penalties Assessed For Underpayments To Paving Crew Members; But The Division Must Reconsider Penalties Assessed For Underpayments To Truck Drivers.

¹⁵ McLey seemed quite certain that they regularly covered the 46 mile distance (which included four miles of city streets and traffic lights on the Bakersfield end) in 45 minutes, while Ward, who drove the truck in which McLey rode, thought it took an hour and a half each way.

¹⁶ Since credits for all compensation paid by Kern Asphalt were already reflected in the audit, this is the only adjustment required in McLey's wage entitlement. However, if any party believes a different adjustment is warranted, it may challenge this figure by way of a request for reconsideration under Rule 61 [Cal.Code Regs., tit. 8, §17261].

Section 1775(a) provides in relevant part as follows:

- (1) The contractor ... shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit not more than fifty dollars (\$50) for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates as determined by the director for the work or craft in which the worker is employed for any public work done under the contract by the contractor.
- (2)(A) The amount of the penalty shall be determined by the Labor Commissioner based on consideration of both of the following:
- (i) Whether the failure of the contractor ... to pay the correct rate of per diem wages was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the contractor
- (ii) Whether the contractor ... has a prior record of failing to meet its prevailing wage obligations.
- (D) The determination of the Labor Commissioner as to the amount of the penalty shall be reviewable only for abuse of discretion.

Under Rule 50(c) [Cal.Code Regs. tit. 8 §17250(c)], the affected contractor has "the burden of proving that the Labor Commissioner abused his or her discretion in determining that a penalty was due or in determining the amount of the penalty." Abuse of discretion is established if the Labor Commissioner "has not proceeded in the manner required by law, the [determination] is not supported by the findings, or the findings are not supported by the evidence." Code Civ. Proc. §1094.5(b). In reviewing for abuse of discretion, however, the Director is not free to substitute his own judgment "because in [his] own evaluation of the circumstances the punishment appears to be too harsh." Pegues v. Civil Service Commission (1998) 67 Cal.App.4th 95 at 107.

The final adjusted total of \$32,700.00 in penalties under section 1775 is based on 654 violations assessed at the maximum rate of \$50.00 per violation. One hundred twenty-six of the section 1775 violations concern the truck drivers for whom there is no basis to reduce the number of violations. Five hundred twenty-eight violations totaling \$26,400.00 in penalties apply to the failure to pay travel time for the paving crew at the prevailing wage. The only change in the wages owed a member of the paving crew is the reduction of McLey's wage entitlement by

about one-fourth. This does not reduce the number of violations because McLey was still underpaid each day because of Kern Asphalt's failure to pay the prevailing wage rate for travel time. The remaining issue is whether the Division abused its discretion in setting the amount of each violation at \$50.00. This must be discussed separately for the truck drivers and the paving crew members.

The question of the proper application of sections 1772 and 1774 to the on-haul work performed by Kem Asphalt's truck drivers was recently clarified in *Williams*, *supra*. The clarification does not excuse Kem Asphalt's failure to pay prevailing wages nor justify a determination by the Director to eliminate the section 1775 penalties altogether. While the failure to pay prevailing wage rates was a good faith mistake, it was not promptly corrected when brought to Kem Asphalt's attention by the Division, which has argued for the current interpretation from the time is served the Assessment. However, this recent clarification in *Williams* may justify a downward adjustment of the penalty amount by the Division. Therefore, the 126 penalties assessed for underpayments to truck drivers at the rate of \$50.00 per violation are remanded to the Division for reconsideration and redetermination of the amount only. The Hearing Officer shall retain jurisdiction to hear any timely appeal of the redetermined amount.

The same reasoning does not apply to the remaining penalties, which were also assessed at the maximum rate of \$50.00 per violation. In the Division's view, Kern Asphalt deliberately paid for less than all reported work hours, deliberately regarded all overtime hours as "travel" time, and deliberately paid far less than the prevailing rate for the so-called travel time, all with an intent to evade or limit its prevailing wage obligations rather than based on any good faith mistake. Aside from its arguments on the merits, Kern Asphalt challenges this penalty assessment based on the audit errors identified by Eichenhorst, which resulted in reductions of about \$4,000.00 in the total wage assessment and another \$1,000.00 in penalties prior to the hearing.

Substantial evidence supports the Division's determination, and Kern Asphalt has failed to carry its burden to show that the Division abused its discretion is setting the penalty amount. To the extent Eichenhorst's reconciliation resulted in a reduction in the number of violations, it also eliminated any penalties associated with those violations. However, the bulk of violations remains, and the aggregate numbers and types of violations provide grounds for concluding that

Kem Asphalt deliberately sought to evade some of its prevailing wage obligations at the expense of its workers. In particular, Kem Asphalt always paid prevailing wages at regular non-overtime rates, while paying reduced overtime rates for work performed both before and after the eight hours attributed to work on the Tehachapi Project. In all but a handful of instances Kem Asphalt also refused to recognize that workers worked more than eight hours at the Project site, automatically attributing any excess reported hours to travel time without any evidence that travel on a particular day was extended. This attribution appears to have been for the purpose of justifying the payment of lower rates. Kem Asphalt also offered no defense to the Division's determination that it under-reported work hours and failed to compensate workers properly for a number of instances of holiday and weekend work.

The assertion that the Division waived penalties when settling a companion case is not evidence of an abuse of discretion in this one. Whatever reasons the parties may have had for that settlement were not shown and, as a general rule, would not be relevant or admissible here. (See Evid. Code, §1152 and Brown v. Pacific Electric Ry. Co. (1942) 79 Cal. App. 2d 613.)

Kern Asphalt Is Liable For All Penalties Assessed Under Section 1813.

Section 1813 states as follows:

The contractor ... shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit twenty-five dollars (\$25) for each worker employed in the execution of the contract by the ... contractor ... for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of this article. ...

The term "provisions of this article" in section 1813 above refers specifically to sections 1810 through 1815, which pertain to working hours on public works projects. Section 1810 specifies that eight hours of labor is "a legal day's work," and section 1811 limits work to eight hours in a day or 40 hours in a week "except as ... provided ... under Section 1815." Section 1815 states as follows:

Notwithstanding the provisions of Sections 1810 to 1814, inclusive, of this code, and notwithstanding any stipulation inserted in any contract pursuant to the requirements of said sections, work performed by employees of contractors in ex-

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cess of 8 hours per day, and 40 hours during any one week, shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1½ times the basic rate of pay.

The failure to pay required prevailing overtime rates constitutes a distinct violation under section 1813, even though the contractor may also have been penalized under section 1775 for paying less than the required prevailing rate. Overtime requirements serve a distinct purpose from minimum wage requirements. (See Overnight Motor Transportation Co. v. Missel, supra, 316 U.S. at 577-78; and Monzon v. Schaefer Ambulance Service, Inc. (1990) 224 Cal. App.3d 16, 37.)

Unlike penalties assessed under section 1775, the Division has no discretion to vary the amount of section 1813 penalties assessed for each violation of overtime requirements. Kern Asphalt's only defense to these penalties is its position on the merits with respect to travel time. However, that time was compensable under the facts of this case, and prevailing overtime rates were required at the point that workers crossed the eight-hour daily threshold regardless of what kind of work they were doing before or after.

There is no argument or evidence that the Division miscalculated the number of violations or amount of penalties assessed under section 1813. Accordingly, these penalties also must be affirmed.

Kern Asphalt Is Entitled To Waiver Of Some But Not All Liquidated Damages.

Section 1742.1(a) provides in pertinent part as follows:

After 60 days following the service of a civil wage and penalty assessment under Section 1741 ..., the affected contractor ... shall be liable for liquidated damages in an amount equal to the wages, or portion thereof, that still remain unpaid. If the assessment ... subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor ... demonstrates to the satisfaction of the director that he or she had substantial grounds for believing the assessment ... to be in error, the director shall waive payment of the liquidated damages.

Rule 51(b) [Cal, Code Regs. tit. 8 §17251(b)] states as follows:

To demonstrate "substantial grounds for believing the Assessment ... to be in er-

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ror," the Affected Contractor ... must establish (1) that it had a reasonable subjective belief that the Assessment ... was in error; (2) that there is an objective basis in law and fact for the claimed error; and (3) that the claimed error is one that would have substantially reduced or eliminated any duty to pay additional wages under the Assessment

In accordance with the statute, Kern Asphalt is liable for liquidated damages only on the wages found due in the Assessment as modified by this Decision, which with the reduction in McLey's entitlement, total \$62,609.84. Since those wages remain unpaid, liquidated damages are due unless Kern Asphalt demonstrated substantial grounds for believing the Assessment to be in error.

As with the section 1775 penalties, the distinct issues raised in connection with the two groups of workers compel different results. In the case of the truck drivers, the proper application of Sansone to that work has been in dispute and in flux throughout this proceeding. Kern Asphalt had a reasonable subjective belief and objective basis for arguing that all or most of the truck driving work was not subject to prevailing wage requirements based on Sansone and public works coverage determinations issued by this Department. Had Kern Asphalt's position prevailed, it would have eliminated most of this portion of the wage assessment. Accordingly, liquidated damages are waived as to the \$20,119.58 in wages due to the truck drivers.

Kern Asphalt has not established an objective basis in law or fact for failing to pay prevailing rates for travel or other overtime hours for the other workers nor for failing to pay McLey as an Operating Engineer for a substantial portion of his work. It is also doubtful that Kern Asphalt had a reasonable subjective belief that its practices were proper given its manipulation of time to avoid paying any overtime rates for work on this Project in all but a few instances. Thus there can be no waiver of the remaining liquidated damages totaling \$43,490.26 in connection with these errors.

FINDINGS

1. Affected contractor Kern Asphalt Paving & Sealing Co. filed a timely Request for Review from a Civil Wage and Penalty Assessment issued by the Division of Labor Standards Enforcement with respect to the New Tehachapi High School Project.

-20-

Decision of the Director

No. 04-0117-PWH

- 2. Kern Asphalt's truck drivers were entitled to be paid prevailing wages for all work performed on the Project. Kern Asphalt's paving crew members also were entitled to be paid prevailing wages for all work performed on the Project, including time designated as travel time between Kern Asphalt's shop and the construction site. Employee Kenneth McLey was entitled to be paid the prevailing rate for the classification of Operating Engineer 2 for some but not all of his work, as specified above in the body of this Decision. The amount of unpaid wages due to Mr. McLey is \$21,376.55.
- 3. Kern Asphalt is liable for all wages due in accordance with Finding No. 2 above and for all other wages found due in the final amended and adjusted Assessment. In light of these findings, the net amount of wages due under the Assessment is \$62,609.84.
- 4. The record establishes 654 violations under section 1775. The \$6,300.00 in penalties assessed for 126 wage violations for underpayments to truck drivers is remanded to the Division for reconsideration of the penalty amount in light of the uncertainty of the law with respect to that work that was only recently clarified. The Division did not abuse its discretion in setting the penalty for the remaining 528 violations at the maximum rate of \$50 per violation, and consequently Kern Asphalt is liable for those penalties in the total amount of \$26,400.00.
- 5. The record establishes 606 violations under section 1813. Kern Asphalt is liable for penalties at the rate of \$25 per violation for a total of \$15,150.00 in penalties under section 1813.
- 6. In light of Finding No. 3 above, the potential liquidated damages due under the Assessment is \$62,609.84. No part of these back wages was paid within 60 days following service of the Assessment. Kern Asphalt has demonstrated substantial grounds for believing the Assessment to be in error as to the \$20,119.58 in wages assessed for the truck drivers, and accordingly liquidated damages are waived as to that amount. Kern Asphalt has not demonstrated substantial grounds for believing the balance of the Assessment to be in error, and accordingly is not entitled to waiver and remains liable for the remaining liquidated damages in the total amount of \$42,490.26.
 - 8. The amounts found due in the Assessment as modified and affirmed by this Deci-

sion are as follows:

Wages Due: \$ 62,609.84

Penalties under Labor Code §1775(a) \$ 26,400.00

(\$6,300.00 remanded)

Penalties under Labor Code §1813 \$ 15,150.00

Liquidated Damages under Labor Code §1742.1 \$ 42,490.26

TOTAL \$146,650.10

ORDER

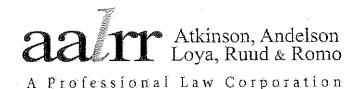
The Civil Wage and Penalty Assessment is modified and affirmed in part and remanded in part as set forth in the above Findings. The Hearing Officer shall issue a Notice of Findings which shall be served with this Decision on the parties.

The Division shall have thirty (30) days from the date of service of this Decision to reconsider and redetermine the remanded portion of the penalty assessment under section 1775. Should the Division issue a new penalty assessment, Kern Asphalt shall have the right to request review in accordance with Labor Code section 1742, and may request such review directly with the Hearing Officer, who shall retain jurisdiction for this purpose.

Dated: 3/28/08

John C. Duncan

Director of Industrial Relations



Prevailing Wage Seminar

Determining the Correct Prevailing Wage Rate



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August 2015

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🕽 Index 2015-2 general prevailing wage journeyman determinations

> General prevailing wage determinations made by the director of industrial relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

The effective date of each determination is ten (10) days after the issue date, (8 CCR § 16000). The general determinations are issued twice a year (February 22nd and August 22nd) and go into effect ten days thereafter (March 3rd in a leap year and March 4th in a non-leap year for determinations issued on February 22nd, and September 1st for determinations issued on August 22nd).

To locate a particular journeyman craft or classification's prevailing wage determination, holiday, advisory scope of work, or travel and subsistence provision, please follow the six steps in the table below:

Step one	Statewide	First examine if your craft's determination is among the basic trades that apply to most counties in California.
Step two (A)	Northern California	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)	Southern California	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	San Diego	After following steps one and two (B), examine this area if your project is in San Diego County.
		$\mathbb{E}[x] = \mathbb{E}[x] + \mathbb{E}[x] = \mathbb{E}[x] + \mathbb{E}[x] = \mathbb{E}[x] + \mathbb{E}[x] = \mathbb{E}[x] + \mathbb{E}[x] = \mathbb{E}$
Step four	County determinations (subtrades) - excel format	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. HTML format.
Step five	County determinations (subtrades) Shift differential pay - excel format	Examine the county (if shown) where work is being performed to see if your classification has a shift differential pay determination. MTML format.
Step six	Important notices	Check the important notices to see if any corrections, interims, or modifications have been issued that may apply

to your determination.

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To ensure that you are able to view all current prevailing wage determinations, predetermined increases, and current holiday, scope of work, travel and subsistence and shift provisions, you must have a copy of Adobe Acrobat and a copy of Microsoft Excel 2003. If you do not have the programs necessary to open these files, you can obtain the free Reader and Viewer programs below:



Reader Click on this icon to download a copy of the Adobe Acrobat Reader program.

Excel Spreadsheet File Viewer - Follow this link to download the Microsoft Excel Viewer program.

If you cannot find a job classification needed to execute a contract in the Director's general prevailing wage determinations, please contact the Office of the Director - Research Unit, P.O. Box 420603, San Francisco, CA 94142, (415) 703-4774. Because it may necessitate a wage survey, you should allow 45 days prior to the bid advertisement date for such request. Include in your request the project name or bid number, the classifications needed, job description if available, the bid advertisement date, and location of the project(s).

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Index 2015-2 Statewide basic trade journeyman rates

General prevailing wage determinations made by the director of industrial relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

Download all statewide basic trade determinations (pages 1-2L)

Page	Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
1	Boilermaker-Blacksmith	Select One	No increase *
2	Iron Worker	Select One	Increase
2A	Electrical Utility Lineman (a)	SelectOne	Increase
2A-1	Electrical Utility Lineman (c)	Select One	No increase *
2B- 2B2	Telecommunications Technician	Select One	No increase *
2B3	Telephone Installation Worker	Select One	No increase *
2D- 2F	Tree Trimmer (High Voltage Line Clearance)	\$4.67964	Increase
2H	Stator Rewinder	Select One	No increase *
21	Electrical Utility Lineman (b)	Select One	No increase *
2J	Metal Roofing	Select One	Increase
2K-2L	Driver (On/Off-Hauling To/From Construction Site)	Select One	No increase *

Return to main table

- Includes shift pay determinations.
- A single asterisk after the expiration date of a determination indicates that no increase is required for projects advertised while that determination is in effect. The determination remains in effect until it is canceled, modified, or superceded by a new determination by the Director of Industrial Relations. A new determination will become effective 10 days after it is issued. Contact the Office of the Director - Research Unit at (415) 703-4774 after 10 days from the expiration date, if no subsequent determination is issued.
- a. State of California, except Del Norte, Modoc, and Siskiyou. For Pole Restoration and Treatment classifications in Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Siskiyou, Tulare and Ventura - see page 2A-1)
- b. Includes Del Norte, Modoc and Siskiyou Counties.

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c. Pole Restoration and Treatment classifications in Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare and Ventura.

To view the above current prevailing wage determinations, current predetermined increases, and the current holiday, advisory scope of work, and travel and subsistence provisions for each craft, you must first download a free copy of the Adobe Acrobat Reader available by clicking on the icon below:



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Index 2015-2 Southern California basic trade journeyman rates

> General prevailing wage determinations made by the director of industrial relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

Download all Southern California basic trade determinations (Pages 3-21D)

Page	Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
3	Asbestos Worker, Heat and Frost Insulator (d)	Neist Ond	Increase
18D	Asbestos and Lead Abatement (Laborer) (e)	\$4mtClue	No increase *
10E	Building/Construction Inspector and Field Soils and Material Tester +	FOR OR	No increase *
4	Carpenter	SCHLOW	No increase *
10A- 10B	Cranes, Pile Driver and Hoisting Equipment (Operating Engineer) +	Select Oak	No increase *
20	Cement Mason	Selectors	Increase
10	Dredger (Operating Engineer) (e)	Noicetria	No increase *
5	Drywali Installer (Carpenter)	Yeixti Gae	No increase *
6	Elevator Constructor (e)	WG KAPK	Increase
3A	Fence Builder (Carpenter) (e)	Spelation 2	No increase *
11C	Fire Safety and Miscellaneous Sealing (e) +	Record A	Increase
16	Gunite Worker (Laborer) (e)	reigloss = 1/22	Increase
21-D	Horizontal Directional Drilling (Laborer)(e)	Saurani	Increase
17	Housemover (Laborer)	Section .	No increase *
13	Laborer	Select Option 1	Increase
10F	Landfill Worker (Operating Engineer) (e)	\$541066	No increase *

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18A	Landscape Irrigation Laborer	Scienconn	No increase *
18C	Landscape Maintenance Laborer (e)	aecho=	No increase *
10C	Landscape Operating Engineer (e)	(RealReal	Increase
11A	Light Fixture Maintenance (e)	\$48cone-	No increase *
11B	Light Fixture Maintenance	Section	No increase *
4A	Modular Furniture Installer (Carpenter) (e)	SCETTARE.	No increase *
7	Operating Engineer +	School One	No increase *
18E	Parking and Highway Improvement (Striping, slurry & seal coat operations-Laborer) (e)	Sciences	increase
21	Teamster +	Seering	No increase *
16-B	Tree Maintenance (Laborer) (e)	Select Char	Increase
15	Tunnel Worker (Laborer)	(Sties) One	Increase
10D	Tunnel (Operating Engineer) +	SSIST FORE	No increase *

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- Includes shift pay determinations.
- *. A single asterisk after the expiration date of a determination indicates that no increase is required for projects advertised while that determination is in effect. The determination remains in effect until it is canceled, modified, or superceded by a new determination by the Director of Industrial Relations. A new determination will become effective 10 days after it is issued. Contact the Office of the Director Research Unit at (415) 703-4774 after 10 days from the expiration date, if no subsequent determination is issued.
- d. Includes San Diego County; excludes Mono County.
- e. Includes San Diego County.

To view the above current prevailing wage determinations, current predetermined increases, and the current holiday, advisory scope of work, and travel and subsistence provisions for each craft, you must first download a free copy of the Adobe Acrobat Reader available by clicking on the icon below:



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GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1

FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

CRAFT: #LABORER AND RELATED CLASSIFICATIONS

DETERMINATION: SC-23-102-2-2015-2

ISSUE DATE: August 22, 2015

EXPIRATION DATE OF DETERMINATION: July 3, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit for specific rates at (415) 703-4774.

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

	Employe		loyer Payme	Payments		Straight-Time		Overtime Hourly Rates			
Classification a (Journeyperson)	Basic Hourly Rate	Health and Welfare	Pension	Vacation/ and Holiday ^d	Training	Other Payment	Hours	Total Hourly Rate	Daily ^b	Saturday ^{bc}	Sunday and Holiday
CLASSIFICATIO	N GROUP	S									
Group 1	\$31.39	6.86	6.50	4.47	0.64	0.62	8	50.48	66.175	66.175	81.87
Group 2	31.94	6.86	6.50	4.47	0.64	0.62	8	51.03	67.00	67.00	82.97
Group 3	32.49	6.86	6.50	4.47	0.64	0.62	8	51.58	67.825	67.825	84.07
Group 4	34.04	6.86	6.50	4.47	0.64	0.62	8	53.13	70.15	70.15	87.17
Group 5	34.39	6.86	6.50	4.47	0.64	0.62	8	53.48	70.675	70.675	87.87

[#] Indicates an apprenticeable craft. The current apprentice wage rates are available on the Internet @ http://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp. To obtain any apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

RECOGNIZED HOLIDAYS: Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at http://www.dir.ca.gov/OPRL/PWD. Holiday provisions for current or superseded determinations may be obtained by contacting the Office of the Director — Research Unit at (415) 703-4774.

TRAVEL AND/OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. You may obtain the travel and/or subsistence provisions for the current determinations on the Internet at http://www.dir.ca.gov/OPRL/PWD. Travel and/or subsistence requirements for current or superseded determinations may be obtained by contacting the Office of the Director — Research Unit at (415) 703-4774.

^a For classification within each group, see page 14.

b Any hours worked over 12 hours in a single workday are double (2) time.

^c Saturdays in the same work week may be worked at straight-time if job is shut down during work week due to inclement weather or similar Act of God, or a situation beyond the employers control.

^d Includes an amount per hour worked for supplemental dues

DETERMINATION: SC-23-102-2-2015-2

CLASSIFICATION GROUPS

GROUP 1

Boring Machine Helper (Outside)

Certified Confined Space Laborer

Cleaning and Handling of Panel Forms

Concrete Screeding for Rough Strike-Off

Concrete, Water Curing

Demolition Laborer, the cleaning of brick if performed by an employee performing any other phase of demolition work, and the cleaning of lumber

Fiberoptic Installation, Blowing, Splicing, and Testing Technician on public right-of- way only

Fire Watcher, Limbers, Brush Loaders, Pilers and Debris Handlers

Flagman

Gas. Oil and/or Water Pipeline Laborer

Laborer, Asphalt-Rubber Material Loader

Laborer, General or Construction

Laborer, General Cleanup

Laborer, Jetting

Laborer, Temporary Water and Air Lines

Plugging, Filling of Shee-Bolt Holes; Dry Packing of Concrete and Patching

Post Hole Digger (Manual)

Railroad Maintenance, Repair Trackman and Road Beds; Streetcar and Railroad

Construction Track Laborers

Rigging and Signaling

Scaler

Slip Form Raisers

Tarman and Mortar Man

Tool Crib or Tool House Laborer

Traffic Control by any method

Water Well Driller Helper

Window Cleaner

Wire Mesh Pulling - All Concrete Pouring Operations

GROUP 2

Asphalt Shoveler

Cement Dumper (on 1 yard or larger mixer and handling bulk cement)

Cesspool Digger and Installer

Chucktender

Chute Man, pouring concrete, the handling of the chute from readymix trucks, such as walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks

Concrete Curcr-Impervious Membrane and Form Oiler

Cutting Torch Operator (Demolition)

Fine Grader, Highways and Street Paving, Airport, Runways, and similar type heavy construction

Gas, Oil and/or Water Pipeline Wrapper-Pot Tender and Form Man

Guinea Chaser

Headerboard Man-Asphalt

Installation of all Asphalt Overlay Fabric and Materials used for Reinforcing Asphalt

Laborer, Packing Rod Steel and Pans

Membrane Vapor Barrier Installer

Power Broom Sweepers (small)

Riprap, Stonepayer, placing stone or wet sacked concrete

Roto Scraper and Tiller

Sandblaster (Pot Tender)

Septic Tank Digger and Installer (leadman)

GROUP 2 (continued)

Tank Scaler and Cleaner

Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Underground Laborer, including Caisson Bellower

GROUP 3

Asphalt Installation of all fabrics

Buggymobile Man

Compactor (all types including Tampers, Barko, Wacker)

Concrete Cutting Torch

Concrete Pile Cutter

Driller, Jackhammer, 2 1/2 ft. drill steel or longer

Dri Pak-it Machine

Gas, Oil and/or Water Pipeline Wrapper - 6-inch pipe and over by any method, inside and out

High Scaler (including drilling of same)

Impact Wrench, Multi-Plate

Kettlemen, Potrnen and Men applying asphalt, lay-kold, creosote, lime caustic and similar type materials

Laborer, Fence Erector

Material Hoseman (Walls, Slabs, Floors and Decks)

Operators of Pneumatic, Gas, Electric Tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-Alongs, and similar mechanical tools not separately classified herein; operation of remote controlled robotic tools in connection with Laborers work

Pipelayer's backup man, coating, grouting, making of joints, sealing, caulking, diapering and including rubber gasket joints, pointing and any and all other services

Power Post Hole Digger

Rock Slinger

Rotary Scarifier or Multiple Head Concrete Chipping Scarifier

Steel Headerboard Man and Guideline Setter

Trenching Machine, Hand Propelled

GROUP 4

Any Worker Exposed to Raw Sewage

Asphalt Raker, Luteman, Ironer, Asphalt Dumpman, and Asphalt Spreader Boxes (all types)

Concrete Core Cutter (walls, floors or ceilings), Grinder or Sander

Concrete Saw Man, Cutting Walls or Flat Work, Scoring old or new concrete Cribber, Shorer, Lagging, Sheeting and Trench Bracing, Hand-Guided Lagging

Head Rock Slinger

Hammer

Laborer, Asphalt-Rubber Distributor Bootman

Laser Beam in connection with Laborer's work

Oversize Concrete Vibrator Operator, 70 pounds and over

Pipelaver

Prefabricated Manhole Installer

Sandblaster (Nozzleman), Water Blasting, Porta Shot-Blast

Traffic Lane Closure, certified

GROUP 5

Blasters Powderman

Driller

Toxic Waste Removal

Welding, certified or otherwise in connection with Laborers' work

DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director — Research Unit 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102

ADDRESS REPLY TO:

P.O. Box 420603

San Francisco CA 94142-0603

PREDETERMINED INCREASES FOR

LABORER AND RELATED CLASSIFICATIONS (SC-23-102-2-2015-2)

ALL LOCALITIES WITHIN IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO, SAN LUIS OBISPO, SANTA BARBARA, AND VENTURA COUNTIES

These predetermined increases for the above named craft applies only to the current determination for work being performed on public works projects with bid advertisement dates on or after **September 1**, **2015**, until this determination is superseded by a new determination or a predetermined increase modification notice becomes effective.

When referencing our prevailing wage determinations, please note that if the prevailing wage rate determination which was in effect on the bid advertisement date of a project has a single asterisk (*) after the expiration date, the rate will be good for the life of the project. However, if a prevailing wage rate determination has double asterisks (**) after the expiration date, the rate must be updated on the following date to reflect the predetermined rate change(s).

LABORER

Determination SC-23-102-2-2015-2 is currently in effect and expires on July 3, 2016**.

Effective July 4, 2016, there will be an increase of \$1.60 allocated as follows: \$0.25 to Pension and \$1.35 to be allocated to wages and/or employer payments

Effective July 3, 2017, there will be an increase of \$1.65 allocated as follows: \$0.25 to Pension and \$1.40 to be allocated to wages and/or employer payments. (See Important Notice issued September 23, 2015)

There will be no further increases applicable to this determination.

Issued 8/22/2015, Effective 9/1/2015.

DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director — Research Unit 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102

ADDRESS REPLY TO:
P.O. Box 420603

SCOPE OF WORK PROVISIONS

FOR

LABORER AND RELATED CLASSIFICATIONS

IN

IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO, SAN LUIS OBISPO, SANTA BARBARA, AND VENTURA COUNTIES

DEPARTMENT OF INDUSTRIAL RELATIONS OFFICE OF THE DIRECTOR 455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102

ADDRESS REPLY TO:

P.O. Box 420603

CA 94142-0603

San Francisco

February 22, 2010

NOTICE REGARDING ADVISORY SCOPE OF WORK FOR THE SOUTHERN CALIFORNIA LABORERS' GENERAL PREVALING WAGE DETERMINATION

The California Labor Code requires the Director of the Department of Industrial Relations to determine the prevailing rate of per diem wages for all workers employed upon public works projects. The Division of Labor Statistics and Research ("DLSR") undertook an investigation in 2009 to determine the prevailing wage rates for the installation of solar and photovoltaic systems in Los Angeles, San Diego and Imperial Counties. The results of the questionnaire have been compiled and based on them the minimum rate of pay for the work in question is -- Electricians: Inside Wiremen for the Los Angeles, San Diego, and Imperial Counties General Prevailing Wage Determinations.

The type of work listed below, as identified in the Laborers 2006-2009 Master Labor Agreement, Memorandum of Agreement by and between Southern California District Council of Laborers and Associated General Contractors of California, Inc., Building Industry Association of Southern California, Inc. and Southern California Contractors Association, were not published or recognized for the Los Angeles and Imperial Counties by the Department of Industrial Relations starting with the August 22, 2009 issuance of the Southern California Laborers' general determination, SC-23-102-2-2009-1 and continuing with any subsequent Southern California Laborers' general determinations until superseded by the Director. The rates associated with this unrecognized type of work (solar energy installations and appurtenances thereto) SHALL NOT be applied or used on public works projects for the associated type of work.

23-102-2

RECEIVED

By Office of the Director - Research Unit at 9:19 am, Jul 24, 2012

MASTER LABOR AGREEMENT

between

SOUTHERN CALIFORNIA GENERAL CONTRACTORS

and

THE SOUTHERN CALIFORNIA

DISTRICT COUNCIL OF LABORERS

This Agreement entered into this first day of July 2012, by and between the Associated General Contractors of California, Inc., the Building Industry Association of Southern California, Inc., Engineering Contractors Association, and the Southern California Contractors Association, Inc., on behalf of their respective eligible members, hereinafter referred to as the CONTRACTORS; and, the Southern California District Council of Laborers affiliated with Laborers' International Union of North America, AFL-CIO, on behalf of itself and on behalf of its affiliated Local Unions which have jurisdiction over the work in the territory hereinafter described, all affiliated with the Building and Construction Trades Department of the American Federation of Labor and Congress of Industrial Organizations; hereinafter referred to as the UNION.

- 5: This Agreement shall cover all work coming within the claimed jurisdiction of the Laborers' International Union of North America, including all work involved in laying and installation of pipe, to be performed at the jobsite as set forth in Article I of this Agreement.
- (a) It shall cover work on building, heavy highway, and engineering construction, including the construction of, in whole or in part, or in improvement or modification thereof, including any structure or operations which are incidental thereto, the assembly, operation, maintenance and repair of all equipment, vehicles, and other facilities, including helicopters used in connection with the performance of the aforementioned work and services and including without limitation the following types or classes of work:
- (b) Street and highway work, grading and paving, excavation of earth and rock, including non-destructive utility line location (hydrovac operations), grade separations, elevated highways, viaducts, bridges, abutments, retaining walls, subways, airport grading, surfacing and drainage, electric transmission line and conduit projects, communication and conduit installation, fiberoptic installation, blowing, splicing, testing and related work for telephone, T.V. or other communication transmission through conduit, encasement of conduit by concrete, slurry or other materials, water supply, water development, reclamation, irrigation, draining and flood control projects, water mains, pipe lines, sanitation and sewer projects, dams, aqueducts, canals, reservoirs, intakes, channels, levees, dikes, revetments, quarrying of breakwater or riprap stone, foundations, pile driving, piers, locks, dikes, river and harbor projects, breakwaters, jetties, dredging, tunnels, soil testing and building inspection.
- (c) The construction, erection, alteration, repair, modification, demolition, addition or improvement, in whole or in part, of any building structure, including oil or gas refineries and incidental structures, weatherization, green energy work, geothermal, wind, water, solar energy installations and appurtenances thereto, also including any grading, excavation, or similar operations which are incidental thereto, or the installation, operation, maintenance and repair of equipment, and other facilities used in connection with the performance of such building construction except where such structures are an incidental or supplemental part of highway and engineering construction, as defined in this Article.
- (e) All work involved in laying and installation of pipe both outside and within sewage filtration and water treatment plants, including, but not limited to, mechanical and pressurized pipe within.
 - (f) All work involved in laying and installation of landscaping irrigation pipe.

6. Repairing of power tools on the jobsite in connection with Laborers work. All work performed in the Contractor's warehouses, shops or yards which have been particularly provided or set up to handle work in connection with a job or project covered by the terms of this Agreement and all of the production or fabrication of materials by the Contractor for use on the project shall be subject to the terms and conditions of this Agreement.

C. Repairs

Repairs necessitated by defects of material or workmanship or adjustments of newly purchased and/or installed equipment or machinery will not be subject to this Agreement when such repairs and/or adjustments are made by the manufacturer thereof or his agents or employees pursuant to the terms of a manufacturer's guarantee and the Union will not hamper such manufacturer or his agents or employees on such exempted work.

D. Demolition

It is agreed that where demolition work is included under the terms of the job specifications of the General Contractor or subcontractor such work, including the salvage of the material from the buildings to be demolished, as limited by the definition of "Demolition Laborer, the Cleaning of Brick and Lumber" contained in the wage scale, shall be performed by a person, firm or corporation signatory to this Agreement.

- E. This Agreement shall cover all work coming within the claimed jurisdiction of the Laborers' international Union of North America, including all work involved in laying and installation of pipe, to be performed at the jobsite as set forth in Article | of this Agreement.
- F. Subject to the preceding paragraph, and subject to Paragraphs I and K of this Article, it is agreed that Laborers work shall include but not be limited to:
- 1. All work necessary to tend all other building trades craftsmen, including stripping of concrete forms, handling and raising of slip forms, sewer cleaners, gardening, horticulture, landscaping, trackmen (construction, maintenance and repair), cleanup of debris, grounds and buildings, the unloading of trucks and moving of equipment, material, but the jobsite, and all General Laborers' work. The hoisting of rods except when a derrick or outrigger operated by other than hand power is used is claimed as Laborers' work, also the erection and dismantling of scaffolding regardless of height.
- 2. All work in connection with excavation for building and other construction including digging of trenches, piers, foundations and holes; digging, lagging, sheeting, cribbing and bracing of foundations, holes, caissons and cofferdams, manning, setting and moving all manually movable pumps.
- 3. All work in connection with concrete work, including all concrete tilt-up, including chipping and grinding, patching, sandblasting, water blasting, mixing, handling, shoveling,

2012-2015

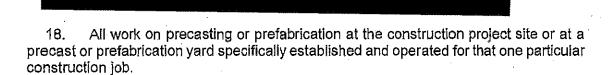
rough-strike off of concrete conveying, pouring, handling of the chute from readymix trucks, walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks, concrete pumps and similar type machines, grout pumps, nozzlemen, (including gunmen and potmen), vibrating, guniting and otherwise applying concrete whether done by hand or any other process; and wrecking, stripping, dismantling and handling concrete forms and false work, cutting of concrete piles and filling of cracks by any method on any surface.

- 4. Installation and application of epoxy,
- 5. All work in the excavation, grading, preparation, concreting, asphalt and mastic paving, paving, ramming, curbing, flagging, traffic control by any method, and laying of other stone materials, and surfacing of streets, ways, courts, underpasses, overpasses and bridges.
- 6. All work in connection with the operation of spreader boxes, such as True-Lay, Rola Pavers and Laytons or similar type models, including but not limited to shoveling and shifting material and cleaning of boxes.
- 7. All work in connection with the cutting of streets and ways for all purposes, including aligning by any method, digging of trenches, manholes, etc., handling and conveying of all materials for same; concrete of same; and the backfilling, grading and resurfacing of same.
- 8. All work in connection with the construction of caissons, cofferdams, subways (except as covered by the Tunnel Master Labor Agreement), aqueducts, irrigation water lines, culverts, flood controls, and both metallic and non-metallic drains and sewers, any type of conduit, no-joint pipe, including the cribbing, lagging, bracing, sheeting and checking grade for pipe laying, trench jacking and handling of hand-guided lagging hammers on all open trenches and ditches.
- 9. All work in connection with the shoring and under-pinning, including cutting, fitting, placing and raising, of all structures, soldier beams and sheet beams.
- 10. All work in connection with drilling, all work of loading, placing and blasting of all powder and explosives of whatever type, regardless of the method used for such loading and placing. All power drills (whether core, diamond, wagon, track, multiple unit or other) and any and all types of mechanical drills without regard to motive power, size of drill bit, or self contained nature of the machine.
- 12. All work involved in the construction, replacement, alteration or modification of all rail lines, including salvage, demolition and take up, on main lines, siding, service lines or

2012-2015

on any structures part of or appurtenant to such facilities, whether located on railroad, public or private property and rights of way of any sort.

- 13. All signaling and rigging in connection with Laborers' work.
- 14. All work in connection with the wrecking of buildings and structures as limited by the definition of "Demolition Laborer, the Cleaning of Brick and Lumber" contained in the wage scale.
- 15. All work in connection with the slinging, handling and placing of all riprap, rock and stone on highways, jetties, retaining walls or wherever used, wrecking yards and wrecking work on construction and/or razing sites.



- 19. All stocking and distribution of drywall material after it has been delivered to the jobsite; general cleanup of drywall scrap, framing scrap, lathing scrap, roofing scrap, plastering scrap, electrical scrap and associated materials; jobsite distribution of all appliances, ranges and furniture as well as cleanup work associated therewith.
- chain link, V-mesh, rectangular and square mesh fabrics, revetments, wire netting and barb wire, baseball backstops, tennis courts, cribs, cages, window guards and safety screens, interior and exterior. All screens including panels of metal, fiberglass, glass or synthetic materials. Metal corrals, pens, runs or enclosures. Metal and wood guard rail, road markers and street signs. Post and cable or chain fences or barriers. Installation of recreational game equipment including swings, slides, climbing structure, basketball backstops, net post and bars. Installation of metal gates and mechanical operators. Balcony railings where wire mesh, metal or wood panels are involved. Flag poles and street subdivision identification sign posts. All post hole drilling or excavation and the driving of fence posts for the work described above. The loading, moving and unloading of fencing materials.
 - 21. Installation and cutting of pavers and paving stone.
- G. Classifications listed in this Agreement which are not listed under this Section shall be

2012-2015

included in the coverage and description of Laborers' work claimed just as though incorporated in full in this Article. This does not restrict the Laborers from performing other work.

- H. Any Contractor not signatory to both the Laborers' Tunnel Agreement and the Master Labor Agreement shall agree that whenever work is performed which is covered by the terms of the Laborers' Tunnel Master Agreement for the Eleven Southern California Counties, the provisions of that Agreement shall be fully applicable to and binding upon the individual Contractor.
- i. It is agreed that work covered by the following agreements: Plaster Tenders, Brick Tenders, Tunnel, Gunite, Asbestos, Housemovers, Horizontal Directional Drill, Parking and Highway Improvement and Landscape are a part of the work description covered by this Agreement and are a part of the bargaining unit work covered by this Agreement for work in the Eleven Southern California Counties. To the extent that any work covered by such agreement is encompassed by any construction agreement being performed by or let to the Contractor, such other wages, hours and economic terms of employment shall be considered a part of this Agreement in the Eleven Southern California Counties by reference. It is agreed that the foregoing work is unit work and as such the subcontracting provisions of Article V shall be applicable to such work.
- J. This Agreement shall not prevent the Contractor from negotiating or making agreements with the Laborers' Union for any work or classification not covered by this Agreement.
- K. Whenever any work covered by this Agreement is to be eliminated or modified by the introduction of any new machine, mechanized process, new or different materials, or new or different method or technology with respect to the performance of such work, persons employed under this Agreement and subject thereto, will be given preference for employment and will be assigned such work where it is not in conflict with International jurisdictional agreements with respect to such new machine, mechanized process, new or different material, or new or different method or technology; and the use of any such new machine, mechanized process, new or different material, or new or different method or technology shall be subject to and covered by this Agreement, regardless of the nature, size or characteristics of such new machine, mechanized process, new or different method or technology.
- L. Manhole building shall be performed by bargaining unit employees qualified to perform manhole building. The Contractor may subcontract such work to a licensed contractor whose bargaining unit employees shall perform such work. Such subcontract shall in all ways comply with the article of this Agreement dealing with subcontracting. Bargaining unit employees shall receive wages and benefits equivalent to or greater than those contained in this Agreement for unit employees performing such work. In either case the bargaining unit employees shall receive benefits for actual hours worked, as per Article XVIII, Paragraph M, of this Agreement.

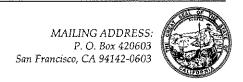
- M. Work involved in laying and installation of pipe which is covered by this Agreement shall include, but shall not be limited to:
- 1. All work incidental to the laying of pipe, the unloading, handling and distribution of all pipe, fittings, tools, materials, equipment and laser beam operation.
 - 4. Welding, certified or otherwise, in connection with Laborers' work.
- 5. Installation of low voltage automatic irrigation and lawn sprinkler systems, including but not limited to installation of automatic controllers, valves, sensors, master control panels, display boards, junction boxes and conductors including all components thereof.
- 6. Installation of valve boxes, thrust blocks, both precast & poured in place, pipe hangers & supports incidental to installation of the entire piping system.
- 7. Start-up testing, flushing, purging, water balancing, placing into operation all piping equipment, fixtures and appurtenances installed under this Agreement.
- 8. Any line inside a structure which provides water to work covered by this Agreement, including piping for ornamental pools and fountains when done in conjunction with landscaping.
 - 9. All piping for ornamental stream beds, waterways and swimming pools.
- 10. All piping for sewers and drain lines and all preparation on the jobsite allied directly thereto, including fabrication, replacement, repair and service of such installations.
 - 11. All temporary irrigation and lawn sprinkler systems, all temporary water lines.
- 12. All decorative landscaping, such as decorative pools, ponds, reflecting units, hand grade landscaped areas, finish grade, spread top soil, build mounds, trenching by normal methods, backfill trenches, seed lawns, lay sod, use of ground cover such as flatted materials, riprap, gravel & rock, crushed rock, pea gravel and all other landscapable ground covers, installation of header boards and mowing edges, soil preparation such as wood shavings, fertilizers (organic, chemical or synthetic), top dress ground cover areas with bark or any wood, residual or other specified top dressing.
- N. All work in connection with the handling, control, removal, abatement, encapsulation or disposal of toxic waste. The work tasks shall include, but not be limited to, the erection,

moving, servicing and dismantling of all enclosures, scaffolding, barricades, etc., and the operation of all tools and equipment used in the handling, control, removal or disposal of toxic waste; as well as the bagging, cartoning, crating, or otherwise packaging of materials for disposal.

O. All work in connection with traffic control, including but not limited to flagging, signaling, assisting in the moving and installation of barriers and barricades including k-rail, safety borders and all equipment.

Q. installation of tracks, whether rubberized or of other material.

DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director - Research Unit 455 Golden Gate Ave. 9th Floor San Francisco, CA 94102



HOLIDAY PROVISIONS

FOR

LABORER AND RELATED CLASSIFICATIONS

IN

IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO, SAN LUIS OBISPO, SANTA BARBARA, AND VENTURA COUNTIES

1	MEMORANDUM OF UNDERSTANDING
2	
3	By and Between
4	
5	Associated General Contractors of California, Inc.,
6	Building Industry Association of Southern California, Inc.,
7	Engineering Contractors' Association,
8	Southern California Contractors Association, Inc.,
9	
1:0	And
L 1	
12	Southern California District Council of Laborers
L3	
14	This Memorandum of Understanding entered into this 30th day of July, 2015, provides the
15	terms and conditions for a new Laborers Master Labor Agreement covering the eleven (11)
16	Southern California Counties by and between the Union, the Southern California District Council
L7	of Laborers and its Affiliate Local Unions, and the Associations, Associated General Contractors
18	of California, Inc., Building Industry Association of Southern California, Inc., Engineering
19	Contractors' Association, Southern California Contractors Association, Inc., and its Individual
20	Employers, effective July 1, 2015 through June 30, 2018, and provides the following
21	modifications to the terms and conditions of the 2012-2015 Laborers Master Labor Agreement:

22 23

SN. QE WBEAR 101

23-102-2

RECEIVED

By Office of the Director - Research Unit at 9:19 am, Jul 24, 2012

MASTER LABOR AGREEMENT

between

SOUTHERN CALIFORNIA GENERAL CONTRACTORS

and

THE SOUTHERN CALIFORNIA

DISTRICT COUNCIL OF LABORERS

This Agreement entered into this first day of July 2012, by and between the Associated General Contractors of California, Inc., the Building Industry Association of Southern California, Inc., Engineering Contractors Association, and the Southern California Contractors Association, Inc., on behalf of their respective eligible members, hereinafter referred to as the CONTRACTORS; and, the Southern California District Council of Laborers affiliated with Laborers' International Union of North America, AFL-CIO, on behalf of itself and on behalf of its affiliated Local Unions which have jurisdiction over the work in the territory hereinafter described, all affiliated with the Building and Construction Trades Department of the American Federation of Labor and Congress of Industrial Organizations; hereinafter referred to as the UNION.

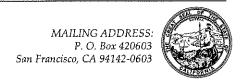
ARTICLE XVI

Holidays, Payment of Wages, Meal Periods

A. Holidays

The following holidays shall be observed on the date designated by Federal Law: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day, and Christmas Day. If any of the above holidays should fall on Sunday, the Monday following shall be considered a legal holiday. Work on such days shall be paid for at the holiday overtime rate provided herein. No work shall be performed on Labor Day except in case of extreme urgency when life or property is in imminent danger.

DEPARTMENT OF INDUSTRIAL RELATIONS Office of the Director - Research Unit 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102



TRAVEL AND SUBSISTENCE PROVISIONS

FOR

LABORER AND RELATED CLASSIFICATIONS

IN

IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO, SAN LUIS OBISPO, SANTA BARBARA, AND VENTURA COUNTIES

1	MEMORANDUM OF UNDERSTANDING
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7	Engineering Contractors' Association,
8	Southern California Contractors Association, Inc.,
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11	
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SN. 02 WBFAA 105

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C. Parking

In the event free parking facilities are not available within three hundred and fifty (350) yards of a jobsite, the individual Employer will provide such facilities and the individual Employer shall have the right to designate parking areas to be used. Where, because of congested parking conditions, it is necessary to use public facilities, the Employer shall reimburse the employee for the cost of such parking upon being presented with a receipt or voucher certifying to the cost thereof, such reimbursement to be made on a weekly basis or at the conclusion of the project, whichever occurs earlier. Designated parking areas shall be reasonably level and graded to drain.

E. Jobsite Transportation

Whenever, because of remoteness of parking areas, hazardous road conditions or security restrictions, the Employer is required to furnish transportation for men within the jobsite to the place of their "work," this transportation shall be equipped with seats and handrails.

I. Subsistence

- 1. Subsistence shall be paid at the rate of forty-five dollars (\$45.00) per scheduled workday. There shall be no prorating of subsistence. Subsistence shall apply to workmen and/or employees who report to work and for whom no work is provided.
- 2. Subsistence as provided in Paragraph I-1 hereof shall be paid on jobs on the following offshore islands:

Richardson Rock Santa Cruz Island Arch Rock San Nicholas Island Santa Catalina Island San Miguel Island Santa Barbara Island San Clemente Island Santa Rosa Island Anacapa Island

- (a) Employees reporting at the embarkation point for travel to the above named islands shall be paid travel time from the mainland to the islands and return at the straight-time rate and in no event shall the travel time be less than one (1) hour regardless of mode of travel.
- 3. In lieu of subsistence, the Contractor may provide and maintain acceptable room and board on or immediately adjacent to the project seven (7) days per week in compliance with California State Laws.
- J. Employees shall travel to and from their daily initial reporting place on their own time and by means of their own transportation. The Contractor shall be responsible for payment of wages from the reporting point, as ordered by the Contractor, to the jobsite and from job to job and return. However, employees who voluntarily report to a point for free transportation to the jobsite will not be compensated from the time en route and return. For offshore work, employees will receive travel pay at straight-time rates from port of embarkation to jobsite and from jobsite to debarkation regardless of mode of transportation, which transportation shall be at the Contractor's expense. If no camp is furnished by the Contractor, such transportation shall be furnished daily.

GENERAL PREVALLING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS PURSUANT TO CALLFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1 POR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

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	TUNNEL CABLE SPLICER	8/22/2015	01/31/2016**	47.120	11,440	a 13.270	٦	0.660	0.450	8.0	74.350	Р 98.620	Р 98.620		122.890
	TRANSPORTATION SYSTEMS ELECTRICIAN	8/22/2015	01/31/2016**	40.800	11,440	a 13.270	i œ	0.660	0.450	8.0	67.840	P 88.860	Р 88.860		109.870
	TRANSPORTATION SYSTEMS ELECTRICIAN (CABLE SPLICING, WELDING, AND NETA TESTING)	8/22/2015	01/31/2016**	42.840	11.440	a 13,270	E.	0.660	0.450	8.0	69.950	P 92.010	P 92.010		114.070
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-	CHAINMAN/RODMAN (869,567-010)	8/22/2015	09/30/2015**	40.830	TANKS OF THE PERSON OF THE PER	8.550		0.900	0.150	8.0	65.780	i i	1		106.610
牡	GLAZIER	8/22/2015	05/31/2016**	6 :	V 7.000	13.030	Α	0.770	0.530	8.0	62.030	\$	× 81,380	C C	100.73U
₩	MARBLE FINISHEK	\$102/22/8	05/31/2016"	Y 28.450	9.160	2.710	-	0.8.10	0.530	0.0	41.400	33.030	AG 23,090	<u> </u>	03.310
¥± C	PAINTER INDUSTRIAL PAINTER	8020015	06/30/2016*	1 32 020	8 050	3 040	1.050	0.790	0.820	8.0	45.770	AE 61.780	AE 61.780	AE	61.780
	Ā											\$			
₽ /BF	PAINTER, LEAD ABATEMENT	8/22/2015	06/30/2016*	L 30.720	8.050	3.040	1.050	0.690	0.820	8.0	44.370	AE 59.730	AE 59.730	AE	59.730
• A A∃	REPAINT PAINTER, LEAD ABATEMENT	8/22/2015	06/30/2016*	L 27.290	8.050	3.040	1.050	0.690	0.820	8.0	40.940	AF 54.580	AF 54.580	¥.	54.580
ջ \ 10	PAINTER, LEAD ABATEMENT	8/22/2015	06/30/2016*	L 26.410	8.050	3.040	1.050	0.690	0.820	8.0	40.060	AE 53.260	AE 53,260	AE	53.260
့ 09	REPAINT PAINTER, LEAD ABATEMENT	8/22/2015	06/30/2016*	L 24.190	8.050	3.040	1.050	0.690	0.820	8.0	37.840	AF 49.930	AF 49.930	AF.	49.930
PΡ	INDUSTRIAL REPAINT PAINTER	8/22/2015	06/30/2016*	Ł 28.450	8,050	3.040	1.050	0.790	0.820	8.0	42.200	AF 56.430	AF 56.430	AF	56.430
*	PLASTERER	8/22/2015	08/02/2016**	32.910	8.930	4.210	АН 5.530	0.630	0.990	A 8.0	53.200	AE 69.650	AJ 69.650		86.110
# AK		8/22/2015	08/02/2016**	32.710	7.000	5.900 AH	АН 5.050	1.020	1.020	8.0	52.700	AL 69.060	AM 69.060		85.410

GENERAL PREVALLING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS
PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1
FOR COMMERCIAL BUILDING, HIGHMAY, HEAVY CONSTRUCTION AND DREAGING PROJECTS

LOCAL	LOCALITY: LOS ANGELES COUNTY				***************************************		CMDI OVED DAVMENTS	oHa.			CTDAIC	STDAIGHT TIME		STIME 3	OVERTIME HOLIR! Y BATE	ATE	
	KMINA IION: LOS-ZUID-Z					CMPC	TERFAIME	OIN	AND THE PERSON NAMED IN COLUMN		פועטופ	THE STATE OF		THE PROPERTY OF	Z I	1	
	CRAFT (JOURNEY LEVEL)	ISSUE DATE	EXPIRATION DATE	BASIC HOURLY RATE	HEALTH AND WELFARE	PENSION	VACATION HOLIDAY	IN TRAINING		OTHER	HOURS	TOTAL HOURLY PATE	DAILY	SATU	SATURDAY	SUNDAY AND HOLIDAY	
	PLASTER CLEAN-UP LABORER	8/22/2015	08/02/2016**	30.160	7.000	5.900	AH 5.050	1.020	•	1.020	8.0	50.150	AL 65.230	AM	65.230	80.310	
q±	PLUMBER;			- Control of the Cont				N W 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		-							
	PLUMBER, INDUSTRIAL AND GENERAL PIPEFITTER	8/22/2015	06/30/2016**	۲ 42.930	7.110	AN 11.050	0 AO 3.030	10 2.550	0 ج	1.000	8.0	67,670	Aa 89.850	A B	89.850	110.520	0
	SEWER AND STORM DRAIN PIPELAYER	8/22/2015	06/30/2016**	Y 33.110	7.110	AN 8.200	AG 1.000	0 2.170	O AP	1.000	8.0	52.590	68.850	AR 6	68.850	84.600	
AS	SEWER AND STORM DRAIN PIPE TRADESMAN	8/22/2015	06/30/2016**	Y 17.060	7.110	0.380	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	1.600	0 AP	0.850	8.0	27.000	34.730	A.	34.730	42.460	
	LANDSCAPE/IRRIGATION FITTER	8/22/2015	06/30/2016**	y 27.620	7.110	AN 11.050	0 Ao 2.490	0 1.940	O AP	0.800	AR 8.0	51,010	66.070	θ	66.070	79.880	
AT	LANDSCAPE/IRRIGATION TRADESMAN	8/22/2015	06/30/2016*	Y 13.390	2.000	AN 0.880		0.100	0 AP	0.750	AR 8.0	17.120	23.820	14	23.820	30.510	
	REFRIGERATION SERVICE AND REPAIR (HVACR)	8/22/2014	08/31/2015*	н 41.290	9.530	AU 8.830	۱ ۲	1.300	A	0.560	8.0	61.510	82.150	AW &	82.150 A	AC 101.650	0
	REFRIGERATION SERVICE AND REPAIR TRADESMAN (HVACR)	8/22/2014	08/31/2015*	н 10.900	9,530	1.400	ъ.	0.500	۰ ۷	0.440	8.0	22.770	28.220	AW	28.220 A	AC 33.220	
¥	FIRE SPRINKLER FITTER (PROTECTION AND CONTROL SYSTEMS, OVERHEAD AND UNDERGROUND)	8/22/2015	12/31/2015**	35.570	8.520	AY 10.900) ((((((((((((((((((((((((((((((((((((0.450	0	0.250	8.0	55.690	73.470	The Control of the Co	73.470	91.260	
Z	FIRE SPRINKLER FITTER (PROTECTION AND CONTROL SYSTEMS, OVERHEAD AND UNDERGROUND)	8/22/2015	12/31/2015**	40.460	8.670	14.150		1.350	0 BA	0.550	8.0	65.180	85.410	88	85.410	105.640	· ·
#	ROOFER	8/22/2014	07/31/2015*	BC 35.020	7.560	BD 5.590	, W	0.400	O BE	0.520	8.0	49.090	AQ 64.800	ΑQ	64.800	80.510	
	PITCH WORK	8/22/2014	07/31/2015*	вс 36.770	7.560	во 5.590	, w (0.400	O BE	0.520	8.0	50.840	AQ 67.430	A Q	67.430	84.010	0
	PREPARER	8/22/2014	07/31/2015*	BC 36.020	7.560	BD 5.590	, M	0.400	O BE	0.520	8.0	50.090	AQ 66.300	AO.	66.300	82.510	
#	SHEET METAL WORKER	8/22/2015	06/30/2016**	L 41.260	9.870	BG 14,710	- -	0.820	0	0.650	8.0	67.310	вн 87.940	표	87.940	108.570	0
Ē	SHEET METAL WORKER	8/22/2015	06/30/2016**	н 31.530	9.870	BJ 13.720	-	1.670	0	0.350	c 8.0	57.140	вк 72.900	BK.	72.900 A	AC 88.670	
面	LIGHT COMMERCIAL SHEET METAL WORKER UP TO AND INCLUDING 10,000 SQUARE FEET.	8/22/2015	06/30/2016**	н 25.220	9.870	BJ 13.720		1.670		0.350	ر 8.0	50.830	63.440	ŭ	63.440	63.440	0
*	TERRAZZO FINISHER	8/22/2014	08/31/2015*	н 27.530	7.510	3.270	- ·	0.490	0	0.120	AR 8.0	38.920	AA 52.690	AB (52.690 A	AC 66.450	
*	TERRAZZO WORKER	8/22/2014	08/31/2015*	н 34.570	8.300	3.270	œ	0.570	0	0.120	AR 8.0	46.830	A 64.110	AB	64.110 A	AC 81.400	
*	TILE FINISHER	8/22/2015	05/31/2016**	Y 23.780	8.430	1.800		0.750	0	0.280	z 8.0	35.040	AA 46.930	AB 2	46.930 A	AC 58.820	
*	TILE LAYER	8/22/2015	05/31/2016**	Y 35.140	9,250	5.680	-	0.910	0	0.370	z 8.0	51.350	AA 68.920	AB (68.920 A	AC 86.490	0
	FOOTNOTES	AND THE STREET OF THE STREET O				Age - a mily article (spin) is consistent unaugum of the		And the second s	· · · · · · · · · · · · · · · · · · ·								
			A 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	\$		The state of the s		MARTIN MART WINDS AND COME COME TO COM							-		_

LOCALITY: LOS ANGELES COUNTY

DETERMINATION: LOS-2015-2

- THE OFFICE OF THE DIRECTOR RESEARCH UNIT AT (415) 703-4774 FOR CONTACT EFFECTIVE UNTIL SUPERSEDED BY A NEW DETERMINATION ISSUED BY THE DIRECTOR OF INDUSTRIAL RELATIONS. THE NEW RATES AFTER TEN DAYS AFTER THE EXPIRATION DATE IF NO SUBSEQUENT DETERMINATION IS ISSUED.
- INCORPORATED BE BE PAID AND SHOULD DETERMINED. IF WORK WILL EXTEND PAST THIS DATE, THE NEW RATE MUST - RESEARCH UNIT FOR SPECIFIC RATES AT (415) 703-4774, RATE TO BE PAID FOR WORK PERFORMED AFTER THIS DATE HAS BEEN DETERMINED. CONTACT THE OFFICE OF THE DIRECTOR *

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- OBTAIN INDICATES AN APPRENTICEABLE CRAFT. THE CURRENT APPRENTICE WAGE RATES ARE AVAILABLE ON THE INTERNET @ HTTP://www.DIR.CA.GOV/OPRL/PWAPPWAGE/PWAPFWAGESTART.ASP. TO ANY APPRENTICE WAGE RATES AS OF JULY 1, 2008 AND PRIOR TO SEPTEMBER 27, 2012, PLEASE CONTACT THE DIVISION OF APPRENTICESHIP STANDARDS OR REFER TO THE DIVISION OF APPRENTICESHIP STANDARDS' WEBSITE AT HTTP://WWW.DIR.CA.GOV/DAS/DAS.HTML.
 - THE BASIC HOUSLY RATE AND EMPLOYER PAYMENTS ARE NOT TAKEN FROM A COLLECTIVE BARGAINING AGREEMENT FOR THIS CRAFT OR CLASSIFICATION
- INCLUDES AMOUNT WITHHELD FOR DUES CHECK OFF AND CONTRACT COMPLIANCE. 4
- INCLUDES AN AMOUNT, \$0.52, FOR THE IMI TRAINING FUND. Д
- SATURDAYS IN THE SAME WORK WEEK MAY BE WORKED AT STRAIGHT-TIME IF JOB IS SHUT DOWN DURING THE NORMAL WORKWEEK DUE TO INCLEMENT WEATHER, OR REASONS BEYOND THE CONTROL OF U
- RATE APPLIES TO THE FIRST 2 DAILY OVERTIME HOURS AND THE FIRST 8 HOURS ON SATURDAY ONLY; ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME HOURLY RATE Д
- \$0.41, FOR THE IMI TRAINING FUND. INCLUDES AN AMOUNT, ы
- THE RATIO OF BRICK TENDERS TO BRICKLAYERS SHALL BE AS FOLLOWS: ONE (1) BRICK TENDER TO NO MORE THAN THREE (3) BRICKLAYERS DURING THE INSTALLATION OF BLOCK ON A TYPICAL [z,
- INCLUDES AN AMOUNT PER HOUR WORKED FOR SUPPLEMENTAL, DUES ט
- INCLUDES AMOUNT WITHHELD FOR DUES CHECK OFF. X
- RATE APPLIES TO THE FIRST 12 HOURS ON SATURDAY, ALL OTHER TIME IS PAID AT DOUBLE TIME.
- JOURNEYMEN ON ANY GIVEN PROJECT. A NATERIAL HANDLER MAY BE UTILIZED IN RATIO OF ONE (1) MATERIAL HANDLER WITH ANY FIVE (5)
- RATE ONLY APPLIES TO WORK PERFORMED IN ANTELOPE VALLEY WHICH IS HIGHWAY 5, SOUTH ON U.S. 5 TO HIGHWAY N2; EAST ON HIGHWAY N2 TO PALMDALE BLVD TO HIGHWAY 14; SOUTH 노

5

- INCLUDES AMOUNT WITHHELD FOR WORKING DUES. HIGHWAY 18; EAST TO HIGHWAY 395. ч
- RATE APPLIES TO FIRST 8 HOURS ONLY. DOUBLE TIME THEREAFTER. SATURDAYS IN THE SAME WORK WEEK MAY BE WORKED AT STRAIGHT-TIME IF JOB IS SHUT DOWN DURING THE NORMAL WORK WEEK DUE TO INCLEMENT WEATHER. Σ

BASIC HOURLY RATE IS ADDED TO THE TOTAL HOURLY RATE AND OVERTIME HOURLY RATES FOR THE NATIONAL EMPLOYEES BENEFIT BOARD

IN ADDITION, AN AMOUNT EQUAL TO 3% OF THE

z

- INCLUDES AN AMOUNT FOR THE NATIONAL LABOR-MANAGEMENT COOPERATION FUND AND THE ADMINISTRATIVE MAINTENANCE FUND. 0
- PURSUANT TO THE FIRST 4 DAILY OVERTIME HOURS AND THE FIRST 12 HOURS WORKED ON SATURDAY, ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME HOURLY RATE. д
 - IN ADDITION, AN AMOUNT EQUAL TO 3% OF THE BASIC HOURLY RATE IS ADDED TO THE TOTAL HOURLY RATE AND OVERTIME HOURLY RATES FOR THE NATIONAL EMPLOYEES BENEFIT BOARD. FURK TO LABOR CODE SECTIONS 1773.1 AND 1773.8, THE AMOUNT FAID FOR THIS EMPLOYER PAYMENT MAY VARY RESULTING IN A LOWER TAXABLE BASIC HOURLY WAGE RATE, BUT THE TOTAL HOURLY RATES FOR STRAIGHT TIME AND OVERTIME MAY NOT BE LESS THAN THE GENERAL PREVAILING RATE OF PER DIEM WAGES. ¢
- INCLUDED IN STRAIGHT-TIME HOURLY RATE. n:
- THE MAXIMUM ALLOWABLE RATIO IS ONE TRANSPORTATION SYSTEMS TECHNICIAN TO ONE JOURNEYMAN ON EACH JOB CO)
- FOURTH EDITION, 1977, U.S. DEPARTMENT OF LABOR. DICTIONARY OF OCCUPATIONAL TITLES,
- INCLUDES \$2,00 OF VACATION THAT IS NOT FACTORED IN THE OVERTIME RATES. INCLUDES AMOUNT WITHHELD FOR DUES CHECKOFF, WHICH IS FACTORED IN THE OVERTIME RAIES. Þ
- INCLUDES AN AMOUNT PER HOUR WORKED OR PAID TO DISABILITY FUND
- INCLUDED IN STRAIGHT-TIME HOURLY RATE WHICH IS NOT FACTORED IN THE OVERTIME RATES.
- RATE APPLIES TO THE FIRST 4 OVERTIME HOURS MONDAY THROUGH FRIDAY AND THE FIRST 8 HOURS WORKED ON SATURDAY. ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME RATE.
- INCLUDES AMOUNT WITHHELD FOR ADMINISTRATIVE DUES.
- SATURDAYS IN THE SAME WORK WEEK MAY BE WORKED AT STRAIGHT-TIME IF JOB IS SHUT DOWN DURING THE NORMAL WORKWEEK DUE TO A WORK STOPPAGE SUCH AS RAIN OR ANY OTHER STOPPAGE **WBFAA 111**
- APPLIES TO THE FIRST 8 HOURS WORKED ON A SIXTH OR SEVENTH CONSECUTIVE DAY DURING ANY ONE CALENDAR WEEK UP TO 50 HOURS IN ANY ONE CALENDAR WEEK. ALL OTHER TIME IS RATE APPLIES TO FIRST TWO DAILY OVERTIME HOURS WORKED; ALL OTHER OVERTIME IS PAID AT THE HOLIDAY OVERTIME HOURLY RATE.
- APPLIES TO WORK ON HOLIDAYS ONLY; SUNDAYS ARE PAID AT THE SATURDAY OVERTIME HOURLY RATE AC
 - AN ADDITIONAL \$0.25 FER HOUR WILL BE ADDED TO THE BASIC HOURLY RATE WHEN PERFORMING PAPERHANGING WORK. ΥD

AT THE HOLIDAY RATE.

PAID

DOUBLE TIME SHALL BE PAID FOR ALL HOURS WORKED OVER 12 HOURS IN ANY ONE DAY. AE

1773 AND 1773.1 RELATIONS BY THE DIRECTOR OF INDUSTRIAL PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, SENERAL PREVAILING WAGE DETERMINATION MADE

LOCALITY: LOS ANGELES COUNTY DETERMINATION: LOS-2015-2

- ON REPAINT WAGE WORK ANY 8 HOURS IN A 24 HOUR PERIOD MONDAY THROUGH SUNDAY SHALL BE THE WORK DAY AND ANY 40 HOURS IN A WEEK SHALL BE THE WORK WERK, PROVIDED THAT THE 40 HOURS IS WORKED IN 5 CONSECUTIVE DAYS, LEGAL HOLLDAYS WILL NOT BE COUNTED IN THE 5 CONSECUTIVE DAYS). FOR ALL WORK UNDER THIS CRAFT/CLASSIFICATION DOUBLE TIME SHALL BE ALL HOURS WORKED OVER 12 HOURS IN ANY ONE DAY. ΑF
 - RATE ONLY APPLIES TO WORK PERPORMED IN ANTELOPE VALLEY, WHICH IS HIGHWAY 5, SOUTH ON U.S. 5 TO HIGHWAY N2; EAST ON HIGHWAY N2 TO PALMDALE BLVD TO HIGHWAY 14; SOUTH HIGHWAY 18; EAST TO HIGHWAY 395. AN ADDITIONAL \$0.25 IS ADDED TO THE BASIC HOURLY RATE WHEN PERFORMING PAPERHANGING WORK. AG.
- INCLUDES AN AMOUNT PER HOUR WORKED OR PAID FOR SUPPLEMENTAL DUES. ΑH
- SATURDAY IN THE SAME WORKWEEK MAY BE WORKED AT THE STRAIGHT-TIME HOURLY RATE IF IT IS NOT POSSIBLE TO COMPLETE FORTY HOURS OF WORK MONDAY THROUGH FRIDAY WHEN THE JOB SHUT DOWN DUE TO INCLEMENT WEATHER OR SIMILAR ACT OF GOD, OR BEYOND THE CONTRACTOR'S CONTROL. 벌

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- RATE APPLIES TO THE FIRST 8 HOURS WORKED; ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME HOURLY RATE. ΑŢ
- PLASTERERS. THERE SHALL BE A PLASTER TENDER ON THE JOBSITE WHENEVER THERE IS A PLASTERER PERFORMING WORK ON THE FOR INSIDE FINISH COATINGS THERE SHALL BE 1 PLASTER TENDER FOR UP TO EVERY 3 PLASTERERS. ON OUTSIDE FINISH AND BROWN COATINGS AND FOR ALL OTHER WORK, THERE SHALL JOBSITE, EXCEPT ON SMALL PATCH WORK WHERE ONLY ONE PLASTERER IS PERFORMING WORK. FOR INSIDE BROWN COATINGS THERE SHALL BE 2 PLASTER TENDERS FOR UP TO EVERY 3 THE RATIO OF PLASTER TENDERS TO PLASTERERS SHALL BE AS FOLLOWS: PLASTER TENDER FOR UP TO EVERY 2 PLASTERERS. ΑK
- ALL WORK PERFORMED AFTER TWELVE (12) HOURS IN A DAY SHALL BE PAID AT THE SUNDAY/HOLIDAY RATE. ΑL
- RATE APPLIES TO THE FIRST BIGHT HOURS ON SATURDAY. ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME RATE. SATURDAY WORK MAY BE PAID AT THE STRAIGHT TIME RATE THE JOB IS SHUT DOWN DURING THE NORMAL WORK WEEK DUE TO INCLEMENT WEATHER. AM

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- INCLUDES AMOUNT FOR NATIONAL PENSION AND RETIREE'S X-MAS FUND AN
- FACTORED AT 1.5 TIMES FOR ALL OVERTIME. AO
- INCLUDES AN AMOUNT FOR THE P.I.P.E. LABOR MANAGEMENT COOPERATION COMMITTEE AND THE CONTRACTOR EDUCATION & DEVELOPMENT FUND AP
- RATE APPLIES TO THE FIRST 2 DAILY OVERTIME HOURS AND THE FIRST 10 HOURS ON SATURDAY; ALL OTHER TIME IS PAID AT THE SUNDAY AND HOLIDAY OVERTIME HOURLY RATE. AQ
- SATURDAYS IN THE SAME WORK WEEK MAY BE WORKED AT STRAIGHT-TIMB IF JOB IS SHUT DOWN DURING THE NORMAL WORKWEEK DUE TO INCLEMENT WEATHER AR
- A JOURNEYMAN. PIPE TRADESMEN SHALL NOT BE PERMITTED ON ANY JOB WITHOUT AS.
- TRADESMEN SHALL ONLY BE USED IF THE FIRST WORKER ON THE JOB IS A LANDSCAPE/IRRIGATION FITTER, SECOND WORKER MUST BE A LANDSCAPE/IRRIGATION FITTER. THE 3RD AND 4TH MAY BE A TRADESMAN. THE 5TH MUST BE A LANDSCAPE/IRRIGATION FITTER AND THEREAFTER TRADESMEN WILL BE REFERRED ON A 50-50 BASIS, TO JOURNEYMAN OR APPRENTICE. ΑT
- INCLUDES AN AMOUNT FOR 401A PLAN. ΑŪ
- INCLUDES AN AMOUNT FOR THE P.I.P.E. LABOR MANAGEMENT COOPERATION COMMITTEE TRUST FUND AND FOR PROMOTION FUND. ΑV
- SATURDAY MAY BE PAID AT STRAIGHT TIME IF THE WORK WEEK IS TUESDAY THROUGH SATURDAY AW
- RATE APPLIES TO REMAINDER OF COUNTY Ϋ́
- INCLUDES AN AMOUNT FOR SUPPLEMENTAL PENSION FUND. Α¥
- RATE APPLIES TO LOS ANGELES CITY LIMITS AND TWENTY-FIVE (2S) MILES BEYOND CITY LIMITS OF LOS ANGELES AZ
- AMOUNT IS FOR INDUSTRY PROMOTION FUND AND P.I.P.E. FUND ΒA
- RATE APPLIES TO THE FIRST 10 HOURS WORKED ON SATURDAY. ALL OTHER HOURS ARE PAID AT THE SUNDAY/HOLIDAY RATE BB
- INCLUDE AMOUNTS FOR DUES CHECK OFF AND VACATION/HOLIDAY, WHICH ARE NOT FACTORED INTO OVERTIME BC
- INCLUDES AN AMOUNT PER HOUR WORKED FOR ANNUITY TRUST FUND 畠
- INCLUDE AMOUNTS FOR ADMINISTRATIVE FUND, COMPLIANCE FUND, INDUSTRY FUND, AND RESEARCH AND EDUCATION TRUST FUND BE
- APPLIES TO THAT PORTION OF THE COUNTY SOUTH OF A STRAIGHT LINE DRAWN BETWEEN GORMAN AND BIG PINES. 出
- THE TOTAL PURSUANT TO LABOR CODE SECTIONS 1773.1 AND 1773.8, THE AMOUNT PAID FOR THIS EMPLOYER PAYMENT MAY VARY RESULTING IN A LOWER TAXABLE BASIC HOURLY WAGE RATE, BUT HOURLY RATES FOR STRAIGHT TIME AND OVERTIME MAY NOT BE LESS THAN THE GENERAL PREVAILING RATE OF PER DIEM WAGES. BG
 - ALL OTHER TIME IS PAID AT THE SUNDAY/HOLIDAY RATE. RATE APPLIES FOR THE FIRST 4 OVERTIME HOURS MONDAY THROUGH FRIDAY AND THE FIRST 12 HOURS WORKHED ON SATURDAY. ALL OTHER TIME IN THE SAME WORKHEEK MAY BE WORKED AI STRAIGHT-TIME IF JOB IS SHUT DOWN DURING THE NORMAL WORKWEEK DUE TO INCLEMENT WEATHER.
 - APPLIES TO THAT PORTION OF THE COUNTY NORTH OF A STRAIGHT LINE DRAWN BETWEEN GORMAN AND BIG PINES INCLUDING THE CITIES OF LANCASTER AND PALMDALE.
- THIS EMPLOYER PAYMENT MAY VARY RESULTING IN A LOWER TAXABLE BASIC HOURLY WAGE RAIE, BUT THE TOTAL HOURLY RATES FOR STRAIGHT TIME AND OVERTIME MAY NOT BE LESS THAN THE AMOUNT INCLUDES AMOUNTS FOR LOCAL PENSION, NATIONAL PENSION PLAN, 401(A) PLAN, RETIREE'S SUPPLEMENTAL HEALTH PLAN. PURSUANT TO LABOR CODE SECTIONS 1773.1 AND 1773.8, THE GENERAL PREVAILING RATE OF PER DIEM WAGES. PAID FOR
- TIME ALL OTHER OVERTIME HOURS IS AT DOUBLE RATE APPLIES TO FIRST 4 DAILY OVERTIME HOURS AND THE FIRST 12 HOURS ON SATURDAY AND SUNDAY.

LOCALITY: LOS ANGELES COUNTY DETERMINATION: LOS-2015-2

년 GOVERNMENT CODE. YOU MAY OBTAIN THE HOLIDAY PROVISIONS FOR THE CURRENT DETERMINATIONS ON THE INTERNET AT HTTP://www.DIR.CA.GOV/OPRL/FWD. HOLIDAY PROVISIONS FOR CURRENT OR SUPERSEDED DETERMINATIONS MAY BE OBTAINED BY CONTACTING THE OFFICE OF THE DIRECTOR - RESEARCH UNIT AT (415) 703-4774. THE PREVAILING RATE IS NOT BASED ON A COLLECTIVELY BARGAINED RATE, THE HOLLDAYS UPON WHICH THE PREVAILING RATE SHALL BE PAID SHALL BE AS PROVIDED IN SECTION 6700 OF THE AGREEMENT, APPLICABLE TO THE PARTICULAR CRAFT, CLASSIFICATION, OR TYPE OF WORKER EMPLOYED ON THE PROJECT, WHICH IS ON FILE WITH THE DIRECTOR OF INDUSTRIAL RELATIONS. SHALL BE ALL HOLIDAYS IN THE COLLECTIVE BARGAINING RECOGNIZED HOLIDAYS: HOLIDAYS UPON WHICH THE GENERAL PREVALLING HOURLY WAGE RAIE FOR HOLIDAY WORK SHALL BE PAID,

EXECUTE THE WORK. YOU MAY DETAIN THE TRAVEL AND/OR SUBSISTENCE PROVISIONS FOR THE CURRENT DETERMINATIONS ON THE INTERNET @ HITP://WWW.DIR.CA.GOV/OPPL/FWD. TRAVEL AND/OR TRAVEL AND/OR SUBSISTENCE PAYMENT: IN ACCORDANCE WITH LABOR CODE SECTIONS 1773.5, CONTRACTORS SHALL MAKE TRAVEL AND/OR SUBSISTENCE PAYMENTS TO EACH WORKER TO SUBSISTENCE REQUIREMENTS FOR CURRENT OR SUPERSEDED DETERMINATIONS MAY BE OBTAINED FROM THE OFFICE OF THE DIRECTOR - RESEARCH UNIT AT (415) 703-4774.

EMBERAL PREMATURE WAST DATEMENTOR WORT BY THE CITEMETR OF TRENGTHON, MILATED PROPERTY TO CALIFORNIA 1775, 1773 AND 1773-1, STREAM TO CALIFORNIA 1775, 1773 AND 1773-1, STREAM CONTINUATION OF PROPERTY.

DETERMINATION: LOS-2015-2			INCREASE	ASE 1	INCRE	_	NCRE	3	NCREASE 4		NCREASE 5		٠,			INCREASE 8			_	
CRAFT (JOURNEY LEVEL)	ISSUE DATE	EXPIRATION	DATE OF NEXT CHANGE	AMOUNT OF INCREASE	DATE OF NEXT	AMOUNT OF INCREASE	DATE OF A NEXT CHANGE IN	AMOUNT D.	DATE OF AU NEXT CHANGE INC	AMOUNT DA OF N	DATE OF AMOUNT NEXT OF CHANGE INCREASE	UNT DATE OF F NEXT EASE CHANGE	OF AMOUNT T OF SE INCREASE	T DATE OF NEXT	AMOUNT OF INCREASE	DATE OF AN	AMOUNT OF D INCREASE	DATE OF AMOUNT NEXT OF CHANGE INCREASE	NT DATE OF NEXT	AMOUNT
CARPET, LINGLEUM,							<u> </u>	·*************************************					ő	· ·				****		
RESILENT TILE LAYER	2/22/2015	12/31/2015**	1/1/2016	\$0.50 A								^.~~				.,		wy aa		
B MATERIAL HANDLER	2/22/2015	12/31/2015**	1/1/2016	\$0,18 C								wouds								
R	amiè.									***		~~~								
D DRYWALL FRUSHER	8/22/2015	09/30/2015**	10/1/2015	Э. 2 П									-							
EL ECTRICIAN:		20000	2127											-		-	-	Leve		
COMM & SYSTEM INSTALLER	2/22/2015	12/27/2015**	12/28/2015	\$2.00 F	12/26/2016	\$2.00 F	1/1/2018	\$2.25 F 1	1/1/2019 S.	\$2.50 F	-						J			
SOUND ELECTRICIAN	·	12/27/2015**	12/28/2015		12/26/2016	1	72018	T	ļ	1									ļ.,,	
INSIDE WIREMAN, RADIO MONITOR TECHNICIAN	·*****	01/31/2016**	2/1/2016	\$1.00 F	8/1/2016	ш	ļ	ц.	.Į	Ö	1/29/2018 \$1.00	0 F 7/2/2/2018	318 \$1.00	F 1/28/2019	\$1.00 F			-	J	ļ
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TILE FINISHER	8/22/2015	05/31/2016**	6/1/2016	\$0.85 F		L													J /	
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GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS	PURSUBAT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1776, 1773 AND 1773.1	LOCALITY: LOS ANGELES COUNTY	DETERMINATION: LOS-2015-2
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- \$0.50 TO PENSION
- A MATERIAL HANDLER MAY BE UTILIZED IN RATIO OF ONE (1) MATERIAL HANDLER WITH ANY FIVE (5) JOURNEYMEN ON ANY GIVEN PROJECT
- \$0.18 TO PENSION
- RATE ONLY APPLIES TO WORK PERFORMED IN ANTELOPE VALLEY WHICH IS HIGHWAY 5, SOUTH ON U.S. 5 TO HIGHWAY N2; EAST ON HIGHWAY N2 TO PALMDALE BLVD TO HIGHWAY 14; SOUTH TO HIGHWAY 18; EAST TO HIGHWAY 395
- E \$1.00 TO THE BASIC HOURLY RATE, \$0.51 TO PENSION AND \$0.40 TO HEALTH & WELFARE
- THE PREDETERMINED INCREASE SHOWN IS TO BE ALLOCATED TO WAGES AND/OR EMPLOYER PAYMENTS. PLEASE CONTACT THE OFFICE OF THE DIRECTOR RESEARCH UNIT AT (415) 703-4774 WHEN THE PREDETERMINED INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY
- PREDETERMINED INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY MODIFICATIONS HAVE BEEN ISSUED, AS \$0.05 TO TRAINING, \$0.05 TO OTHER AND \$1.00 TO WAGES AND/OR FRINGES. PLEASE CONTACT THE OFFICE OF THE DIRECTOR- RESEARCH UNIT AT (415) 703-4774 WHEN THE MODIFICATIONS HAVE BEEN ISSUED, AS THERE MAY BE REDUCTIONS TO PREDETERMINED INCREASES. G
 - THE MAXIMUM ALLOWABLE RATIO IS ONE TRANSPORTATION SYSTEMS TECHNICIAN TO ONE JOURNEYMAN ON EACH JOB THERE MAY BE REDUCTIONS TO PREDETERMINED INCREASES.
- PREDETERMINED INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY MODIFICATIONS HAVE BEEN ISSUED, \$0.05 TO TRAINING, \$0.05 TO OTHER AND \$0.75 TO WAGES AND/OR FRINGES. PLEASE CONTACT THE OFFICE OF THE DIRECTOR - RESEARCH UNIT AT (415) 703-4774 WHEN THE
- DICTIONARY OF OCCUPATIONAL TITLES, FOURTH EDITION, 1977, U.S. DEPARTMENT OF LABOR.
- (\$0.90 TO THE BASIC HOURLY RATE AND \$1.10 TO PENSION.

THERE MAY BE REDUCTIONS TO PREDETERMINED INCREASES.

- \$0.25 TO HRW, \$0.08 TO PENSION, AND \$1.00 TO BE ALLOCATED TO BE WAGES AND/OR EMPLOYER PAYMENTS. PLEASE CONTACT THE OFFICE OF THE DIRECTOR- RESEARCH UNIT AT (415) 703-4774 WHEN THE PREDETERMINED INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY
- THE RATIO OF PLASTER TENDERS TO PLASTERERS SHALL BE AS FOLLOWS: THERE SHALL BE A PLASTER TENDER ON THE JOBSITE WHENEVER THERE IS A PLASTERER PERFORMING MODÍFICATIONS HAVE BEEN ISSUED, AS THERE MAY BE REDUCTIONS TO PREDETERMINED INCREASES.
- WORK ON THE JOBSITE, EXCEPT ON SMALL PATCH WORK WHERE ONLY ONE PLASTERER IS PERFORMING WORK. FOR INSIDE BROWN COATINGS THERE SHALL BE 2 PLASTER TENDERS FOR UP TO EVERY 3 PLASTERERS. ON OUTSIDE FINISH AND BROWN COATINGS AND FOR ALL OTHER WORK, THERE SHALL BE 1 PLASTER TENDER FOR UP TO EVERY 2 PLASTERERS.
- PIPE TRADESMEN SHALL NOT BE PERMITTED ON ANY JOB WITHOUT A JOURNEYMAN.
- RATE APPLIES TO REMAINDER OF COUNTY.
- \$0.15 TO PENSION AND \$0.25 TO HEALTH AND WELFARE
- RATE APPLIES TO LOS ANGELES CITY LIMITS AND TWENTY-FIVE (25) MILES BEYOND CITY LIMITS OF LOS ANGELES.
- THERE IS A REALLOCATION OF THE BASIC HOURLY RATE AS FOLLOWS; \$0.40 REDUCTION TO THE BASIC HOURLY RATE, \$0.15 INCREASE TO PENSION, AND \$0.25 INCREASE TO HEALTH œ
- S APPLIES TO THAT PORTION OF THE COUNTY SOUTH OF A STRAIGHT LINE DRAWN BETWEEN GORMAN AND BIG PINES.

REDUCTIONS TO PREDETERMINED INCREASES

- INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY MODIFICATIONS HAVE BEEN ISSUED, AS THERE MAY BE \$1.20 TO PENSION AND \$0.90 TO WAGES AND/OR FRINGES. PLEASE CONTACT THE OFFICE OF THE DIRECTOR - RESEARCH UNIT AT (415) 703-4774 WHEN THE PREDETERMINED
- \$0.28 TO PENSION AND \$1.72 TO WAGES AND/OR FRINGES. PLEASE CONTACT THE OFFICE OF THE DIRECTOR RESEARCH UNIT AT (415) 703-4774 WHEN THE PREDETERMINED INCREASE BECOMES DUE TO CONFIRM THE DISTRIBUTION. PLEASE ALSO EXAMINE THE IMPORTANT NOTICES TO SEE IF ANY MODIFICATIONS HAVE BEEN ISSUED, AS THERE MAY BE REDUCTIONS TO PREDETERMINED INCREASES.
- V. APPLIES TO THAT PORTION OF THE COUNTY NORTH OF A STRAIGHT LINE DRAWN BETWEEN GORMAN AND BIG PINES INCLUDING THE CITIES OF LANCASTER AND PALMDALE.

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Office of Policy, Research, and Legislation (OPRL)

Superseded prevailing wage determinations

General prevailing wage determinations made by the Director of Industrial Relations

Pursuant to California Labor Code Part 7, Chapter 1, Article 2, Sections 1770, 1773, and 1773.1

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Index: 2014-2 (Superseded)

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Index: 2014-1 (Superseded)

General prevailing wage determinations General prevailing apprentice schedules

Index: 2013-2 (Superseded)

General prevailing wage determinations General prevailing apprentice schedules

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General prevailing wage determinations General prevailing apprentice schedules

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General prevailing wage determinations General prevailing apprentice schedules

Please note that the above determinations are superseded. For projects advertised for bids on or after September 1, 2015, please refer to the current prevailing wage determinations listed below.

Current prevailing wage determinations

Index: 2015-2

General prevailing wage determinations
General prevailing apprentice determinations

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Office of Policy, Research, and Legislation (OPRL)

Current residential prevailing wage determinations

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. The residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

These residential determinations are effective for projects with bid advertisement dates on/after December 11, 2015.

In the absence of a residential prevailing wage determination, please refer to the Director's General Prevailing Determinations.

Alameda	Imperial	Modoc	San Diego	Sonoma
Alpine	Inyo	Mono	San Francisco	Stanislaus
Amador	Kern	Monterey	San Joaquin	Sutter
Butte	Kings	Napa	San Luis Obispo	Tehama
Calaveras	Lake	Nevada	San Mateo	Trinity
Colusa	Lassen	Orange	Santa Barbara	Tulare
Contra Costa	Los Angeles	Placer	Santa Clara	Tuolumne
Del Norte	Madera	Plumas	Santa Cruz	Ventura
El Dorado	Marin	Riverside	Shasta	Yolo
Fresno	Mariposa	Sacramento	Sierra	Yuba
Glenn	Mendocino	San Benito	Siskiyou	
Humboldt	Merced	San Bernardino	Solano	

Important Notices - Residential Prevailing Wage Determinations

Superseded Residential Prevailing Wage Determinations

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CRAFT: #RESIDENTIAL CARPENTER

RESIDENTIAL DETERMINATION: R-23-31-2-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: June 30, 2016* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director- Research Unit at (415) 703-4774 for new rates after 10 days from the expiration date, if no subsequent determination is issued.

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

	Hourly Rate
Classification(s)	
Residential Framer & Finisher	\$29.55
Residential Insulation Installer	\$18.00
Residential Shingler	\$28.70
Residential Cabinet Installer	\$29.26
Residential Subterranean Garage Concrete Constructor	\$28.18
Residential Grade Slabber (Concrete)	\$28.18
Residential Wood Floor Installer	\$24.71

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$6.60 per hour worked Pension: \$4.41 per hour worked

Vacation/Dues: \$3.45 per hour worked (\$2.45 for Residential Insulation Installer)

Training: \$0.57 per hour worked (\$0.25 for Residential Insulation Installer. No contribution for

Residential Wood Floor Installer and Residential Shingler)

Other: \$0.34 per hour worked (\$0.59 for Residential Framer & Finisher; \$0.24 for Residential

Cabinet Installer, Residential Subterranean Garage Concrete Constructor and Residential

Grade Slabber (Concrete); \$0.03 for Residential Shingler)

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.a

OVERTIME: The first four (4) overtime hours, Monday through Friday, and the first eight (8) hours worked on Saturday will be paid at one and one-half (1½x) the basic straight-time hourly rate. All other overtime hours including Sundays and Holidays will be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving Day and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be observed as a holiday. If Christmas or New Years should fall on Saturday, the Friday preceding shall be considered a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director-Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Saturdays in the same work week may be worked at the straight-time hourly rate if the job is shut down during the normal—workweek due to inclement weather.

^{*} The rates are in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL CARPENTER: FENCE BUILDER

RESIDENTIAL DETERMINATION: R-23-31-20-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: June 30, 2016* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director- Research Unit at (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

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

WAGE RATES:

Basic Straight-Time
Classification(s)

Hourly Rate

Residential Fence Builder

\$29.75

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$6.60 per hour worked
Pension: \$4.41 per hour worked
Vacation/Dues: \$2.45 per hour worked
Training: \$0.57 per hour worked
Other: \$0.21 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.2

OVERTIME: The first four (4) overtime hours, Monday through Friday, and all work performed on Saturday will be paid at one and one-half (1½x) the basic straight-time hourly rate. All other overtime hours including Sundays and Holidays will be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving and Christmas Day. If any of the holidays fall on a Saturday, the preceding Friday shall be observed as the holiday. If any of the holidays fall on a Sunday, the following Monday shall be observed as a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request (415) 703-4771 to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Saturdays in the same work week may be worked at the straight-time hourly rate if the job is shut down during the normal workweek due to inclement weather.

^{*} No predetermined increases. The rates are in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL DRYWALL FINISHER

RESIDENTIAL DETERMINATION: R-200-X-18-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: September 30, 2016*. Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director – Research Unit at (415)703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

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

WAGE RATES:

Classification(s)

Residential Drywall Finisher

Basic Straight-Time
Hourly Rate

\$21.00^a

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$7.95 per hour worked Pension: \$2.62 per hour worked Vacation/Dues: \$3.07 per hour worked Training: \$0.67 per hour worked Other: \$0.47 per hour worked

STRAIGHT TIME HOURS: ^b Forty (40) hours from Monday through Saturday shall constitute a week's work. Eight (8) hours shall constitute a work day.

OVERTIME: Overtime shall be paid at the rate of one and one-half (1.5) times the regular rate, except after eight (8) hours on Saturdays, Sundays and holidays, which shall be paid at the rate of double time excluding make up days.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving, the Day before Christmas and Christmas Day. When one of the holidays falls on Sunday, the holiday shall be observed the following Monday. When one of the holidays falls on Saturday, no extra day will be given, except that if New Year should fall on Saturday, the Friday preceding shall be considered a legal holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director-Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html

^a Include amounts for Dues Check-off (\$0.75).

^b Saturdays in the same work week may be worked at the straight-time hourly rate if the job is shut down during the normal workweek due to inclement weather.

^{*} The rates are in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL DRYWALL INSTALLER

RESIDENTIAL DETERMINATION: R-31-X-41-2015-1A

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: June 30, 2016* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director – Research Unit at (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

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

WAGE RATES:

Basic Straight-Time

Classification(s)

Hourly Rate

Residential Drywall Installer/Lather

\$22.10

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$6.60 per hour worked
Pension: \$4.41 per hour worked
Vacation/Dues: \$3.45 per hour worked
Training: \$0.57 per hour worked
Other: \$0.52 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.b

OVERTIME: The first four (4) overtime hours, Monday through Friday, and the first eight (8) hours worked on Saturday will be paid at one and one-half (1½x) the basic straight-time hourly rate. All other overtime hours including Sundays and Hohdays will be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving Day, and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be considered a holiday. If Christmas or New Years should fall on Saturday, the Friday preceding shall be considered a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director- Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Include amounts for Contract Administration (\$0.20), Cooperation Committee (\$0.17) and Drywall Industry Fund (\$0.15).

^b Saturdays in the same work week may be worked at the straight-time hourly rate if the job is sbut down during the normal workweek due to inclement weather.

^{*} The rates are in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL ELECTRICIAN

RESIDENTIAL DETERMINATION: R-61-11-53-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: November 30, 2016*. Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director – Research Unit at (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

LOCALITY: All localities within Los Angeles County.

WAGE RATES:	Basic Straight-Time
Classification(s)	Hourly Rate
Residential Electrician: Inside Wireman	\$20.20
Residential Electrician: Inside Wireman, 2 nd Shift	\$23.69
Residential Electrician: Inside Wireman, 3rd Shift	\$26.54

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$7.54 per hour worked

Pension: \$1.86 per hour worked (\$1.96 for 2nd Shift and \$2.05 for 3rd Shift)^a

Training: \$0.30 per hour worked
Other: \$0.16 per hour worked^b

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's workc.

OVERTIME: One and one-half times (1½x) the basic straight-time hourly rate will be paid for the first four (4) daily overtime hours worked and for the first twelve (12) hours worked on Saturday. Double (2x) the basic straight-time hourly rate is paid for all hours worked in excess of the twelve (12) hours in any workday and for all hours worked on Sundays and Holidays. The second and third shifts overtime rates for work in excess of 12 hours Monday through Saturday, Sunday, and Holidays are the same as the residential non-shift Sunday and Holidays overtime rates.

Martin Luther King, Jr. Day (3rd Monday in January), Cesar Chavez Day (March 31st or the closest Monday or Friday to each March 31st), the regular work day before Christmas and the regular work day before New Year's will normally be non-scheduled work days. If, however, it is necessary due to job scheduling, to work on these days, time and one half (1½ x) the straight time rate of pay will be applicable.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving Day, and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be considered a holiday. If Christmas or New Year's falls on Saturday, the Friday preceding will be considered a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director — Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html

^a Includes an amount equal to 3% of the Basic Hourly Rate for National Employees Benefit Fund (NEBF) which is factored at the applicable overtime multiplier for each overtime hour.

^b Amount is for LMCC (Labor Management Cooperation Committee).

^c For 2nd Shift, 8 hours of pay for 7.5 hours worked at the straight-time 2nd Shift Basic Hourly Rate. For 3rd Shift, 8 hours of pay for 7 hours worked at the straight-time 3rd Shift Basic Hourly Rate.

^{*} The rate is in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL LABORER

RESIDENTIAL DETERMINATION: R-23-102-2-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: July 3, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

LOCALITY:

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

WAGE RATES: Classification(s)	Basic Straight-Time Hourly Rate
Residential Laborer	\$30.86
Residential Cleanup, Landscaping, Fencing (Chain Link and Wood)	\$29.86

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare:	\$6.86 per hour worked
Pension:	\$3.94 per hour worked
Vacation/Dues:	\$3.57 per hour worked
Training:	\$0.64 per hour worked
Other:	\$0.12 per hour workedb

STRAIGHT TIME HOURS:

Eight (8) hours per day, forty (40) hours per week, Monday through Friday.^a

One and a half $(1\frac{1}{2}x)$ the basic straight-time hourly rate will be paid for all overtime hours except hours worked over 12 in a single workday, Sundays and Holidays, which shall be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS:

New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving Day and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be observed as a legal holiday.

(Continued)

Residential Determination R-23-102-2-2015-1 Residential Laborer Page 2 of 2

TRAVEL AND SUBSISTENCE:

In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[#]Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request (415) 703-4771 to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

² Saturdays may be worked at straight time if job is shut down during normal work week due to inclement weather or similar Act of God, or a situation beyond the employers control.

^b Amount is for Laborers Trusts' Administrative Trust Fund.

^{**} Effective on July 4, 2016, there will be an increase of \$1.60 allocated as follows: \$0.25 to pension and \$1.35 to wages and/or employer payments.

Effective on July 3, 2017, there will be an increase of \$1.65 allocated as follows: \$0.25 to pension and \$1.40 to wages and/or employer payments.

There are no further increases applicable to this determination.

CRAFT: #RESIDENTIAL PLASTER TENDER

RESIDENTIAL DETERMINATION: R-102-X-16-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: August 2, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

\$28.16

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

WAGE RATES:		Basic Straight-Time
	Classification(s)	Houtly Rate
	Residential Plaster Tender	\$30.71

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare:	\$7.00 per hour worked
Pension:	\$5.90 per hour worked
Vacation/Dues:	\$5.05 per hour worked
Training:	\$1.02 per hour worked
Other:	\$1.02 per hour worked a

Residential Plaster Clean-Up Laborer

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work. Saturdays in the same workweek may be worked at the straight-time hourly rates if the job is shut down during the normal workweek due to inclement weather or other situation beyond the Contractor's control.

OVERTIME: The first four (4) daily overtime hours worked and the first eight (8) hours worked on Saturday shall be paid at one and one-balf (1½x) the basic straight-time hourly rate. All other overtime hours including Sundays and Holidays shall be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving, and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be observed as a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Includes an amount (\$0.40) for Center for Contract Compliance, an amount (\$0.50) for Administrative Trust, and an amount (\$0.12) for Laborers' Trust Administrative Fund.

^{**}Effective on August 3, 2016, there will be an increase of \$1.75 allocated to wages and/or employer payments. Effective on August 2, 2017, there will be an increase of \$1.75 allocated to wages and/or employer payments. There are no further increases applicable to this determination.

CRAFT: #RESIDENTIAL PLASTERER

RESIDENTIAL DETERMINATION: R-203-X-2-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: August 2, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracted entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

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

WAGE RATES:

Classification(s)

Basic Straight-Time Hourly Rate

Residential Plasterer

\$29.91

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare:

\$8.93 per hour worked

Pension:

\$4.21 per hour worked

Vacation & Holiday:

\$5.50 per hour worked a

Training:

\$0.63 per hour worked

Other:

\$0.99 per hour worked b

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work. In the event, due to inclement weather or situation beyond the Contractor's control, it is not reasonably possible to complete forty (40) hours of work, Monday through Friday, then the balance of the forty (40) hours may be worked on Saturday at the straight time rate.

OVERTIME: One and one-half (1½x) the basic straight-time hourly rate shall be paid for work performed for all daily overtime hours and the first eight (8) hours worked on Saturdays. Double (2x) the basic straight-time hourly rate shall be paid for work performed after the first twelve (12) hours in any work day, and after the first eight (8) hours on Saturdays, and for all work performed on Sundays and Holidays.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, and Christmas Day. If any of the holidays fall on a Sunday, the following Monday shall be considered a legal holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director-Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Includes an amount (\$0.50) for International Dues Check-off and an amount (\$2.00) for Dues Check-off, which are not factored at the overtime multiplier rates.

^b Includes an amount (\$0.50) for Work Preservation, an amount (\$0.48) for Administrative Trust Fund and an amount (\$0.01) for Vacation Administration.

^{**}Effective on August 3, 2016, there will be an increase of \$1.75 to be allocated to wages and/or fringes. Effective on August 2, 2017, there will be an increase of \$1.75 to be allocated to wages and/or fringes. There are no further increases applicable to this determination.

CRAFT: #RESIDENTIAL PLUMBER

RESIDENTIAL DETERMINATION: R-204-X-6-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: June 30, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

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

WAGE RATES: Classification(s)	Basic Straight-Time Hourly Rate
Residential Plumber	\$34.86 b
Residential Pre-Trai	nee ² \$17.74 ^b
Residential Trainee	1 ^а \$17.74 ^ь
Residential Trainee	2 ^a \$22.66 ^b
Residential Trainee	3 ^а \$27.54 ^ь

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Residential Plumber

Health & Welfare:	\$7.11 per hour worked
Pension:	\$7.75 per hour worked ^c
Vacation and Holiday:	\$2.31 per hour worked d
Training:	\$1.77 per hour worked
Other:	\$0.95 per hour worked

Residential Pre-Trainee

Pension:	\$0,90 per hour worked
Vacation and Holiday:	\$0.65 per hour worked d
Training:	\$1.70 per hour worked
Other:	\$0.95 per hour worked

Residential Trainee 1 through 3

Health & Welfare:	\$7.11 per hour worked
Pension:	\$0.90 per hour worked
Vacation and Holiday:	\$0.65 per hour worked d
	01 70 1 1 16

Training: \$1.70 per hour worked for Trainee 1; \$1.73 per hour worked for

Trainee 2; and \$1.77 per hour worked for Trainee 3

Other: \$0.95 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.

OVERTIME: All hours worked over eight (8) hours a day and all hours worked on Saturday shall be paid at one and one-half (1½x) the basic straight-time hourly rate. All hours worked on Sundays and Holidays shall be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(Continued)

Residential Determination: R-204-X-6-2015-1 Residential Plumber Page 2 of 2

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

Effective July 1, 2016: \$1.64 to be allocated to wages and/or fringes. Effective July 1, 2017: \$1.97 to be allocated to wages and/or fringes.

There will be no further increases applicable to this determination.

There are no predetermined increases applicable to the Residential Pre-Trainee and Residential Trainee classifications.

[#]Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a One (1) Trainee may be employed for every one (1) Residential Plumber.

^b Includes an amount (\$1.60) withheld for dues check-off.

^e Includes an amount (\$0.90) for National Pension and an amount (\$0.75) for Retirees' Christmas funds.

d Vacation and Holiday contributions on all overtime (even at Double Time) is paid at time and one half (11/2x).

^{**} Predetermined Increases (Residential Plumber)

CRAFT: #RESIDENTIAL PLUMBER: FIRE SPRINKLER FITTER

RESIDENTIAL DETERMINATION: R-204-669-1-2015-1B

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: December 31, 2015** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director - Research Unit at (415) 703-4774.

LOCALITY: All localities within Alpine, Amador, Butte, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Kern (Portions of County east of Highway 14), Lake, Lassen, Los Angeles (Excludes Los Angeles City limit and twenty-five miles beyond City limits of Los Angeles), Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Ventura (Cities or Communities of Casitas Springs, Colonia, El Rio, Faria, Foster Park, Hollywood Beach, La Conchita, Live Oak Acres, Lockwood Valley, Meiners Oaks, Miramonte, Montalyo, Oak View, Ojai, Oxnard, Pierpont Bay, San Buenaventura, Saticoy, Seacliff, Solimar Beach, Summit, Ventura, and Wheeler Springs), Yolo, and Yuba Counties.

WAGE RATES:	Basic Straight-Time
Classification(s)	Hourly Rate
D. C. C. L. D. C. C. L. D. C. C. L. L. L. C. C. L. L. C.	\$26.68
Residential Fire Sprinkler Fitter: Building Trades Journeyman a	\$26.68
Residential Fire Sprinkler Fitter: Residential Tradesman a	\$20.00

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Building Trades Journeyman

Health & Welfare: \$8.52 per bour worked. Pension: \$10.90 per hour worked. \$0.45 per hour worked. Training: Other Payment: \$0.25 per hour worked^b

Residential Tradesman

Health & Welfare: \$4.25 per hour worked. Pension: \$0.65 per hour worked. \$0.20 per hour worked. Training: Other Payments: \$0.25 per hour worked^b

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.

OVERTIME: All residential overtime hours shall be paid at one and one-half (1½x) the basic straight-time hourly rate.

(Continued)

Residential Determination: R-204-669-1-2015-1B Residential Plumber: Fire Sprinkler Fitter Page 2 of 2

RECOGNIZED HOLIDAYS:

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be observed as a holiday. If any of the holidays should fall on Saturday, the Friday preceding shall be considered a holiday.

TRAVEL AND SUBSISTENCE:

In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

Effective on January 1, 2016, there will be an increase of \$0.25 to Health and Welfare and \$0.15 to Pension.

There will be no further increase applicable to this determination.

Residential Fire Sprinkler Fitter: Residential Tradesman:

There are no increases applicable to this determination.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Applies to Fire Protection Sprinkler Fitter work does not apply to other plumbing work.

^b Amount is for Industry Promotion Fund.

^{**} Residential Fire Sprinkler Fitter: Building Trades Journeyman:

CRAFT: #RESIDENTIAL PLUMBER: FIRE SPRINKLER FITTER

RESIDENTIAL DETERMINATION: R-204-709-1-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE:

December 1, 2015

EXPIRATION DATE: December 31, 2015** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

LOCALITY:

All localities within Los Angeles (Los Angeles City limits and twenty-five (25) miles beyond City limits of Los Angeles), Orange (Excludes Cities or Communities of Aliso Viejo, Capistrano Beach, Coto de Caza, Daina Point, El Torousmc Air Station, Emerald Bay, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Leisure World (Laguna Beach Area), Mission Viejo, Modjeska, Rancho Santa Margarita, San Clemente, Three Arch Bay, San Juan Capistrano, San Juan Hotsprings, Silverado Canyon, South Laguna & Trabuco Canyon), San Bernardino (Cities of Ontario and Montclair), and Ventura (Excludes Cities or Communities of Casitas Springs, Colonia, El Rio, Faria, Foster Park, Hollywood Beach, La Conchita, Live Oak Acres, Lockwood Valley, Meiners Oaks, Miramonte, Montalvo, Oak View, Ojai, Oxnard, Pierpont Bay, San Buenaventura, Saticoy, Seacliff, Solimar Beach, Summit, Ventura, and Wheeler Springs) Counties.

WAGE RATES:

Classification(s)

Basic Straight-Time Hourly Rate

Residential Fire Sprinkler Fitter: Building Trades Journeyman^a

\$28.32ь

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare:

\$7.82 per hour worked

Pension:

\$3.05 per hour worked

Other:

\$0.20 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.

OVERTIME: One and one-half (1½x) the basic straight-time hourly rate will be paid for the first four (4) daily overtime hours and the first ten (10) hours worked on Saturday. Double (2x) the basic straight-time hourly rate will be paid for all hours worked on Sundays and Holidays, all hours worked in excess of four daily overtime hours and all hours worked in excess of ten (10) hours on Saturday.

(Continued)

Residential Determination: R-204-709-1-2015-1 Residential Plumber: Fire Sprinkler Fitter Page 2 of 2

RECOGNIZED HOLIDAYS:

New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day. If any of the above holidays should fall on Saturday, the Friday preceding shall be considered a legal Holiday. If any of the above holidays should fall on Sunday, the Monday following shall be considered a legal Holiday.

TRAVEL AND SUBSISTENCE:

In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Applies to Fire Protection Sprinkler Fitter work only. Does not apply to other plumbing work.

^b Includes an amount (\$3.00) for Vacation.

^{**} Effective on January 1, 2016, there is a reallocation of \$0.25 from the Basic Hourly Rate to Health and Welfare. There will be no further increases applicable to this determination.

CRAFT: #RESIDENTIAL ROOFER

RESIDENTIAL DETERMINATION: R-232-36-1-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: January 31, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

LOCALITY: All localities within Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties.

WAGE RATES:	Classification(s)	Basic Straight-Time. Hourly Rate		
·	Residential Roofer Pitch Work	\$32.62° \$34.37°		

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare:	\$7.56 per hour worked
Pension:	\$5.39 per hour worked
Training:	\$0.40 per hour worked
Other:	\$0.57 per hour worked b

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work.

OVERTIME:

Work performed on Saturdays and after eight (8) hours on a workday shall be paid at one and one-half (1½x) the basic straight-time hourly rate. Any work extending beyond ten (10) hours a day and all overtime worked on Sundays and Holidays shall be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS:

New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If any of the holidays fall on Saturday then the preceding Friday shall be observed as a holiday. If any of the holidays fall on Sunday, the Monday following shall be observed as a holiday.

TRAVEL AND SUBSISTENCE:

In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director - Research Unit at (415) 703-4774.

(Continued)

Residential Determination: R-232-36-1-2015-1 Residential Roofer Page 2 of 2

There will be no further increases applicable to this determination.

[&]quot;Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.btml

^a Include amounts for Dues Check-Off (\$0.75) and Vacation (\$2.75) which are not factored into the overtime hourly rates.

^b Include amounts for Contract Administration (\$0.05), Industry Fund (\$0.25), Compliance Fund (\$0.25), and Education and Trust Fund (\$0.02).

^{**}Effective on February 1, 2016, there will be an increase of \$0.25 allocated as follows: \$0.25 to the Basic Hourly Rate. Effective on August 1, 2016, there will be an increase of \$1.90 allocated as follows: \$0.80 to the Basic Hourly Rate (includes \$0.10 to Dues Check-Off), \$0.25 to Health & Welfare, \$0.75 to Pension, and \$0.10 to Training. Effective on August 1, 2017, there will be an increase of \$1.90 allocated as follows: \$0.95 to the Basic Hourly Rate, \$0.25 to Health & Welfare, \$0.63 to Pension, \$0.05 to Other, and \$0.02 to Training. Effective on August 1, 2018, there will be an increase of \$1.85 allocated as follows: \$1.05 to the Basic Hourly Rate, \$0.25 to Health & Welfare, and \$0.55 to Pension. Effective on August 1, 2019, there will be an increase of \$1.90 allocated as follows: \$1.40 to the Basic Hourly Rate, \$0.25 to Health & Welfare, and \$0.25 to Pension.

CRAFT: #RESIDENTIAL SHEET METAL WORKER

RESIDENTIAL DETERMINATION: R-166-102-1-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: December 31, 2015* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director - Research Unit at (415) 703-4774 for new rates after 10 days from the expiration date, if no subsequent determination is issued.

LOCALITY: All localities within Los Angeles County (Portion of the County south of a straight line drawn between Gorman and Big Pines, excluding the area south of Imperial Highway east of the Los Angeles River, excluding the cities of Long Beach, Claremont and Pomona, and excluding the Island of Catalina).

WAGE RATES:

Classification(s)

Basic Straight-Time <u>Hourly Rate</u>

Residential Sheet Metal Worker

\$24.76

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Pension:

Health & Welfare: \$5.72 per hour worked \$3.69 per hour worked b

Training:

\$0.12 per hour worked

Other:

\$0.23 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work. Saturdays in the same workweek may be worked at the straight-time hourly rates if the job is shut down during the normal workweek due to inclement weather.

OVERTIME: The first four (4) overtime hours, Monday through Friday, and the first twelve (12) hours worked on Saturday will be paid at one and one-half (11/2x) times the basic straight-time hourly rate. All other overtime hours including all hours worked on Sundays and Holidays will be paid at double (2x) the basic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, Martin Luther King, Jr. Birthday, Presidents Day, Friday before Easter, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Eve, and Christmas Day. When any holiday falls on a Thursday, the Friday after shall be a holiday. When any holiday falls on a Tuesday, the Monday before shall be a holiday, with the exception of Christmas Eve.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director - Research Unit at (415) 703-4774.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director - Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Includes an amount for Working Dues Check-Off.

^b Pursuant to Labor Code Sections 1773.1 and 1773.8, the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

^{*} The rates are in effect throughout the duration of the project.

CRAFT: #RESIDENTIAL SHEET METAL WORKER

RESIDENTIAL DETERMINATION: R-166-102-2-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: June 30, 2016** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

LOCALITY: All localities within Inyo, Los Angeles (Portion of the County including Pomona, Claremont, Catalina Island, Long Beach and that portion south of Imperial Highway and east of the Los Angeles River), Mono, Orange, Riverside and San Bernardino Counties.

WAGE RATES:

Classification(s)	Basic Straight-Time <u>Hourly Rate</u> a			
Residential Sheet Metal Worker	\$28.84			
Residential Jobsite Installer Tradesman, Level 5	\$ 15.71			
Residential Jobsite Installer Tradesman, Level 6	\$16.70			
Residential Jobsite Installer Tradesman, Level 7	\$17.70			
Residential Jobsite Installer Tradesman, Level 8	\$18.70			
Residential Jobsite Installer Tradesman, Level 9	\$ 19.70			
Residential Jobsite Installer Tradesman, Level 10	\$20.72			
Residential Jobsite Installer Tradesman, Level 11	\$21.72			
Residential Jobsite Installer Tradesman, Level 12	\$22.74			
Residential Jobsite Installer Tradesman, Level 13	\$23.75			

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$5.72 per hour worked

Pension^b: \$2.86 per hour worked (\$1.70 for all levels of Residential Jobsite Installer Tradesman)

Training: \$0.12 per hour worked
Other: \$0.23 per hour worked

STRAIGHT TIME HOURS: Eight (8) hours per day, Monday through Friday, shall constitute a day's work. Saturdays in the same workweek may be worked at the straight-time hourly rates if the job is shut down during the normal workweek due to inclement weather or reasons beyond the control of the employer.

OVERTIME: The first four (4) overtime hours, Monday through Friday, and the first twelve (12) hours worked on Saturday will be paid at one and one-half $(1\frac{1}{2}x)$ times the basic straight-time hourly rate. All other overtime hours including all hours worked on Sundays and Holidays will be paid at double (2x) the basic straight-time hourly rate.

(Continued)

Residential Determination: R-166-102-2-2015-1 Residential Sheet Metal Worker Page 2 of 2

RECOGNIZED HOLIDAYS: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve, and Christmas Day. When any holiday falls on Sunday, excluding Easter Sunday, the Monday after shall be a holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

** For Residential Sheet Metal Worker.

Effective on July 1, 2016, there will be an increase of \$0.17 to be allocated to wages and/or employer payments. There will be no further increase applicable to this determination.

For Residential Jobsite Installer Tradesman (All Levels):

Effective on July 1, 2016, there will be an increase of \$0.08 to be allocated to wages and/or employer payments. There will be no further increase applicable to this determination.

[#] Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html.

^a Includes an amount for Working Dues Check-Off.

^b Pursuant to Labor Code Sections 1773.1 and 1773.8, the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

CRAFT: #RESIDENTIAL SHEET METAL WORKER

RESIDENTIAL DETERMINATION: R-166-108-998-2015-1

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. This residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates.

ISSUE DATE: December 1, 2015

EXPIRATION DATE: December 31, 2015** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit at (415) 703-4774.

LOCALITY: All localities within Kern and Los Angeles (Portion of the county North of a straight line drawn between Gorman and Big Pines including the Cities of Lancaster and Palmdale) Counties.

WAGE RATES:

Classification(s)

Basic Straight-Time Hourly Rate

Residential Sheet Metal Worker

\$25.22

EMPLOYER PAYMENTS: (Labor Code Section 1773.1)

Health & Welfare: \$9.87 per hour worked ^a
Pension: \$13.72 per hour worked ^b
Training: \$1.67 per hour worked

Other:

\$0.35 per hour worked c

STRAIGHT TIME HOURS: Eight (8) consecutive hours per day, Monday through Friday, shall constitute a day's work. d

OVERTIME: All overtime hours work including shall be paid at one and one-half (11/2x) the hasic straight-time hourly rate.

RECOGNIZED HOLIDAYS: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve and Christmas Day. If any of the holidays fall on Sunday, the Monday following shall be observed as the holiday. If any of the holidays fall on Saturday, the Friday before shall be observed as the holiday.

TRAVEL AND SUBSISTENCE: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification, or type of worker may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

[&]quot;Indicates an apprenticeable craft. To obtain current residential apprentice wage rates please fax a request to (415) 703-4771 or send to the Office of the Director – Research Unit at P.O. Box 420603, San Francisco, CA 94142-0603. To obtain any commercial and residential apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at http://www.dir.ca.gov/das/das.html

^a Includes an amount for SMOHIT

^b Includes amount for National Pension Plan, 401-K Plan, and Retiree's Supplemental Health Plan. Pursuant to Labor Code Section 1773.1 and 1773.8, the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

^c Includes amount for NEMI and Local Industry Fund.

d Saturday in the same workweek may be worked at a straight-time rate if a job is shut down during the normal workweek due to inclement weather.

^{**}Effective January 1, 2016 there will be an increase of \$1.00 to be allocated to wages and/or fringes. Effective January 1, 2017 there will be an increase of \$1.08 to be allocated to wages and/or fringes.

Prevailing Wage Seminar

Remedies and Consequences for Failing to Properly Pay Prevailing Wages

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement

DIVISION USE ONLY:	
TAKEN BY:	CASE #
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	DATE ASSIGNED:

PUBLIC WORKS - PUBLIC COMPLAINT

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DLSEPW 1A (Rev 8.2012)

Apprentice Occupation
36. Trades and Classifications:
Apprentice Violations 1777.5
37. If the contractor is approved to train- Name of the Apprenticeship Committee:
38. Was there a LABOR COMPLIANCE PROGRAM on this project? If Yes, Name of the LCP: LCP Telephone Number:
Apprentice Issues (List any documentation attached substantiating the allegation)
39. BRIEF EXPLAINATION OF ISSUES: (Check all applicable boxes) Failed to provide Contract award information (DAS 140). California Code of Regulations 230
Failed to request dispatch of apprentices (DAS 142). California Code of Regulations 230.1
Failed to employ registered apprentices in the correct ratio or not at all. California Code of Regulations 230.1
Failed to make apprenticeship training fund contributions. California Code of Regulations 230.2
Other (give clear concise statement of the facts constituting the basis of your complaint)
Proof of Service
0. Check the box if Proof of Service upon affected contractor and the General Contractor is attached.
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I hereby certify that this is a true statement to the best of my knowledge and belief.
MY NAME MAY BE USED IN THIS INVESTIGATION. Yes No
Signature Date

DLSE PW 1A (Rev 8, 2012)

Instructions for Completing the "Public Works - Initial Report" form (PW-1)

Complainant/Worker Information

- 1. Enter your first name.
- 2. Enter your last name.
- 3. Enter your home telephone number.
- 4. Enter your work or cellular number.
- 5. Enter an accurate mailing address including the house number and street name.
- 6. Enter the city.
- 7. Enter the state.
- 8. Enter the zip code.

Project Information (Identifies where the work was performed)

- 9. Enter the name of the project, in known. For example: Mountain Ranch Elementary School Expansion, Phase I.
- 10. Enter the project address, including the street name and city.

Complaint Against

- 11. Enter the name of the contractor which owes wages or allegedly violated the public works laws.
- 12. Enter the contractor's State license number, if known. Check with the Contractor's State License Board to determine the number. (www.cslb.ca.gov)
- 13. Enter the contractor's business address including a street name and city.
- 14. Enter the business telephone number, if known.
- 15. Enter the name of the person who was in charge at the project site.
- 16. Enter the title of the person in charge. For example, job foreman.

Awarding Body

- 17. Enter the name of the public entity where the work was performed. For example: Mountain Ranch Unified School District
- 18. Enter the address of the awarding body, if known.
- 19. Enter the telephone number of the awarding body, if known.
- 20. Enter the name of the person responsible for oversight of the project.
- 21. Enter the title of the person responsible for the project. For example: Facilities Manager
- 22. Enter the date that the project began, if known. Note: this may not be the date that you started work on the project.
- 23. Enter the date that the project was completed or the anticipated date for completion of the project, if known.
- 24. Enter the date that the Notice of Completion was filed, if known.

General Contractor (Prime Contractor)

- 25. Enter the name of the general/prime contractor on the project. Enter same if the complaint is against the general/prime contractor. You do not need to complete the remaining boxes in this section if the complaint is against the general/prime contractor.
- 26. Enter the contractor's license number. Check with the Contractor's State License Board to determine the number. (www.cslb.ca.gov)
- 27. Enter the business address for the general/prime contractor, if known.
- 28. Enter the business telephone number, if known.
- 29. Enter the name of the person responsible for the project on behalf of the general/prime contractor, if known.
- 30. Enter the title of the person responsible for the project, if known.

Issues

31. Check all applicable boxes that apply to your complaint. Enter additional information if the information in the boxes does not contain your complaint.

Employment Information

- 32. Enter the job classification of the complainant or workers involved. For example: carpenter
- 33. Enter the type of work performed. For example: framed sidewalks for concrete; ran conduit for an alarm system; installed electrical outlets; operated a backhoe; etc.
- 34. Enter the specific tools used to perform the work. For example: hammer; chop saw; welder; etc.
- 35. Check appropriate box. If unknown if travel and subsistence was required, leave blank.
- 36. Check appropriate box to indicate what method was used to pay wages.
- 37. Check appropriate box to indicate whether deduction statements were issued.
- 38. Check appropriate box to indicate how often wages were paid or enter frequency.
- 39. Enter the amount of hourly wages paid, daily wages or weekly wages.
- 40. Enter the amount of overtime paid, if any.
- 41. Indicate the dates work was performed on the public works project indicated in the Project information section.
- 42. Indicate whether work was performed at another location. If work was performed at another location, please provide responses to the remaining questions.
- 43. Indicate whether the complainant is still employed by the construction employer.
- 44. Indicate whether time and payroll records were maintained by the employer.
- 45. Enter the name of the person who maintained the time and payroll records.
- 46. Indicate whether a personal record of hours worked was maintained.
- 47. Enter the names and information for any other workers on the project.

Sign and date the form. Submit to the nearest office of the Labor Commissioner. See a listing of offices at http://www.dir.ca.gov/dlse/DistrictOffices.htm.

Statement of Employer Payments

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Subcontractor:				
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IF YOU USE OTHER PLANS NOT LISTED ABOVE, YOU MAY USE THE BACK OF THIS FORM TO PROVIDE THIS ADDITIONAL INFORMATION

PW 26

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement REQUEST FOR CERTIFIED PAYROLL RECORDS AWASDING BODY PROJECT NAME Prime Commercer Subcentractor This letter constitutes a formal request for public works payroll information as authorized by Section 1776 of the California Labor Code. Contractors and subcontractors are required to keep accurate payroll records in accordance with Section 1776 of the California Labor Code and to furnish such records on request to a representative of the Division of Labor Standards Enforcement. The format for reporting the requested payroll records is prescribed by Labor Code Section 1776 (c) and Section 16401 of Title 8 of the California Code of Regulations, and requires the use of the current version of DIRS-Public Works Payroll Reporting Portin (A-1-131) and Statement of Employer Payment Form (PW-26), copies of which are standard. Presumptive compliance with this request for public works payroll information requires that these forms be filled out soccurately and completely. The Division of Labor Standards Enforcement may accept an alternate forman contains all of the information required by these forms. Within ten (10) days from receipt of this request, please subcin certified copies of time and payroll information for all works who were employed by the period from the beginning of the project to completion of project. Failure to provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) working days of receipt of this request will subject the contractor to a ponalty of one hundred dollars (\$100,00) per calendar day on the provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) working days of receipt of this request will subject the contractor to a ponalty of one hundred dollars (\$100,00) per calendar day on the provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) workin		•		
Department of Industrial Relations Division of Labor Standards Enforcement DATE:	Labor Commissioner, State of	of California	·	
DATE REQUEST FOR CERTIFIED PAYROLL RECORDS AWARDING BODY PROJECT NAME Project No. Project N				Edmund G. Brown Jr., Governor
REQUEST FOR CERTIFIED PAYROLL RECORDS AWARDING BODY Prime Contastor Subcontractor This letter constitutes a formal request for public works payroll information as authorized by Section 1776 of the California Labor Code. Contractors and subcontractors are required to keep accurate payroll records in accordance with Section 1776 of the California Labor Code and to furnish such records on request to a representative of the Division of Labor Standards Enforcement. The format for reporting the requested payroll records is prescribed by Labor Code Section 1776 (c) and Section 16401 of Title 8 of the California Code of Regulations, and requires the use of the current version of DIR's "Public Works Payroll Reporting Porm" (A.1-131) and Statement of Employer Payments Form (PW-26), copies of which are attached. Presumptive compliance with this request for public works payroll information requires fint these forms be filled out accurately and completely. The Division of Labor Standards Enforcement may accept an alternative reporting format however, the Division's acceptance of any other format will be conditioned upon the requirement that the alternate format contains all of the information required by these forms. Within ten (10) days from receipt of this request, please submit certified copies of time and payroll information for all workers who were employed by	Division of Labor Standards E	nforcement		
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days of receipt of this request will subject the contractor to a penalty of one hundred dollars (\$100.00) per calendar day of portion thereof for each worker until the records are received [Labor Code Section 1776(h)]. In addition to such civil penalties, contractors may also be debarred from bidding or performing on public works projects for one (1) to three (3) years for the failure to comply with a request for certified payroll records within 30 days. (Labor Code 1777.1 (c).) Your prompt compliance with this request is required. STATE LABOR COMMISSIONER	workers who were employed by		on t	es of time and payroll information for all the above identified public works job during
STATE LABOR COMMISSIONER By	Failure to provide these certified days of receipt of this request will portion thereof for each worker uponalties, contractors may also be	payroll records to the Division I subject the contractor to a pentil the records are received [] and debarred from bidding or pen	n of Labor Star enalty of one hi Labor Code Se rforming on pu	undred dollars (\$100.00) per calendar day o ction 1776(h)]. In addition to such civil blic works projects for one (1) to three (3)
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Depa	r Commissioner, State of California rtment of Industrial Relations ion of Labor Standards Enforcement		Edmund G. Brown Jr., Governor	
	DATE:		In Reply Refer to Case No:	
	SECOND REQUEST F	OR CERTIFIED PA	YROLL RECORDS	
AWAR	DING BODY	PROJECT NAME	Project No.	
Prime (Contractor	*		
Subcon	rector			
	etter constitutes a formal request for public ornia Labor Code.			
	We are in receipt of your initial response, as received by this office on Your initial response failed to include the following specifically required information: [The investigator should list any information required in our "Public Works Payroll Reporting Form, A-I-131, (e.g., classification, home addresses, social security numbers, training/health & welfare contributions, etc.) which was not provided when the contractor used either our Form A-I-131, any other form, including his or her own form.] Within ten (10) working days from receipt of this request, please resubmit the attached public work payroll reporting form, including the information specified above which was omitted from your initial response.			
	We also require certain additional "Payroll Records" as that term is defined at Title 8, California Code of Regulations, Section 16000, as including: All time cards, cancelled checks, eash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project. The specific Payroll Records now requested are (the investigator should list all additional documents being requested, such as time cards, cancelled checks, fringe benefit contribution reports, etc.):			
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days (portic	re to provide these certified payroll records to freceipt of this request will subject the continuous for each worker until the records a TE LABOR COMMISSIONER	tractor to a penalty of one h	ndards Enforcement within ten (10) working mdred dollars (\$100.00) per calendar day or ction 1776(h)].	
Ву				
	Deputy Labor Commissioner (PW-9.1 Revised 1/2013)			

Labor Commissioner, State of California	
Department of Industrial Relations	Edmund G. Brown Jr., Governor
Division of Labor Standards Enforcement	
320 W. 4th Surcet, Room 450	
Los Angeles, CA 90013	
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FAX: 215-897-6020	
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Page 1 of 5

Deputy Labor Commissioner

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

Labor Commissioner, State of California
Civil Wage and Penalty Assessment Review Office
2031 Howe Ave., Suite 100
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall-include a copy of the assessment as an attachment, and shall also set forth the being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Lubor Code section 1743.

in accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Page 2 of 5

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to at the following address: 320 W. 4th Street, Room 450

Los Angeles, CA 90013

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion thereof that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

(continued on next page)

Page 3 of 5-

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability of liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the assessment or notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

Department of Industrial Relations Amention Cashiering Unit P.O. Box 420603 San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is

\$8,902.93

(continued on next page)

Page 4 of 5

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	\$8,902.93
Penalties Due Under Labor Code sections 1775 and 1813:	\$18,025.00
Penalties Due Under Labor Code sections 1776:	\$0.00
Total Withholding Amount:	\$26,927.93

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contracto	
 withhold the following amount from money due the subcontractor and transfer the mone	y to the
awarding body to satisfy this assessment:	

Wages Due;	\$8,902.93
Penalties Due Under Lahor Code sections 1775 and 1813:	\$18,025.00
Penalties Due Under Labor Code sections 1776:	\$0.00
Total Withholding Amount:	\$26,927.93

Distribution:

Awarding Body Surety(s) on Bond Prime Contractor Subcontractor



Cat/OSHA . Safety & Health Workers' Comp Self insurance Apprenticeship Director's Office Boards

Director's Office of Policy. Research and Legislation

Director's Prevailing Wage Enforcement Decisions (Labor Code section 1742) (2007 to present)

Department of Industrial Relations

Public Notice Regarding Availability of Pravailing Wage Enforcement Decisions

This page contains links to Decisions by the Director of Industrial Relations in cases arising out of prevailing wage enforcement actions under Labor Code section 1742. These Decisions have not been designated precedential and, therefore, under the Administrative Procedures Act's Administrative Adjudication Bill of Rights, they cannot be relied on as authority in future cases. The Decisions are being provided to the regulated public to show how the Director has interpreted the statutory scheme, and applied its provisions, in specific factual settings.

The page contains links only to those Decisions issued since January 1, 2007. The page also includes a word search function.

Perform a full text search.

2014 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
2/14/14	12-0400-PWH	Tricorp Construction, Inc

2013 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
11/25/13	12-0353-PWH, 12-0356- PWH, 12-0357-PWH	P&J ENGINEERING, a Partnership
11/5/13	12-0182-PWH	Lifestyle Landscapes, Inc.
11/5/13	12-0077-PWH	Michale Moore Construction, Inc. dba MMC Pavers
10/4/13	12-0261-PWH	Serenity Fire Protection
8/26/13	13-0038-PWH	Tricorp Construction Inc. A Corporation dba Tricorp/Hearn
8/26/13	13-0007-PWH 12-0406-PWH	Tricorp Construction Inc. A Corporation dba Tricorpii Hearn William Charles Falconer dba Majestic Interiors
7/26/13	13-0038-PWH	Morgan Construction
7/01/13	12-0330-PWH, 12-0367- PWH	CLP Resources, inc. and SolarCity Corporation (Order Denying Reconsideration and Decision)
6/17/13	13-0140-PWH	Vector Resources, Inc.
6/3/13	12-0305-PWH	Enviro-Tech Solutions, Inc. dba Southland Construction Co.
5/30/13	12-0326-PWH	Construction Management General Engineering, Inc.
5/29/13	12-0137-PWH	G Coast Construction, Inc.
5/17/13	13-0035-PWH	A P West Coast, Inc.
5/14/13	12-0224-PWH	County Line Framing, Inc.
4/29/13	12-0098-PWH	Advanced Professional Industries, Inc.

2012 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
11/7/2012	12-0116-PWH	Southland Construction
11/6/2012	12-0063-PWH, 12-0126- PWH	Design Turf Technologies, inc.
10/8/2012	12-0062-PWH	Bannaoun Engineers Constructors Corp
8/3/2012	11-0047-PWH	Superior Stucco & Plastering, Inc.
7/6/2012	11-0027-PVMH	River Partners

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6/12/2012	12-0013-PWH	Sierra Landscape Company, Inc.
6/5/2012	11-0166-PWH	Davis Moreno Construction, Inc.
5/31/2012	12-0003-PWH	Alpha Plumbing & Mechanical, Inc.
5/15/2012	11-0173-PWH	RAN Electric, Inc.
5/9/2012	11-0097-PWH	Seal Electric, Inc.
4/3/2012	11-0237-PWH, 11-0272- PWH	Icon West, Inc.; United Shotcrete, Inc.
3/22/2012	11-0102-PWH, 11-0103- PWH, 11-0104-PWH	Vector Resources, inc.; TEK EF 8 (Salutions, LP; Outsource Telecom, Inc.
3/13/2012	11-0081-PWH	RAN Emerprises, inc.
3/8/2012	11-0233-PWH	RCI Electrical & Design
2/21/2012	10-0284-PWH	Southland Construction

2011 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
12/28/2011	10-0301-PWH	First Sealord Surety, Inc.
12/7/2011	11-0049-PWH	DJM Construction Co., Inc.
12/7/2011	11-0182-PWH	Soipac, Inc., dbe Soitek Pacific
12/6/2011	11-0055-PWH	General Underground Fire Protection
12/6/2011	11-0079-PWH	Azurelite, Inc.
12/6/2011	11-0064-PWH	F.E. Services, Inc.
11/22/2011	09-0249-PWH	FEI Enterprises, Inc.
10/21/2011	07-0245-PWH, 07-312- PWH	Waste Connections, Inc., Waste Connections of California, Inc., and Madera Disposal Systems, Inc.
10/20/2011	10-0324-PWH	Crossroads Diversified Services, Inc.
10/19/2011	10-0310-PWH	Pivot Group, inc.
10/3/2011	11-0075-PWH	Resource Development Company
9/7/2011	08-0231-PWH	Damon Const. Co. (Order Denying Reconsideration and Decision)
8/26/2011	10-0046-PWH	Tek-up Canstruction, Inc.
8/18/2011	11-0107-PWH	S W Allen Construction Inc
7/6/2011	10-0278-PWH	Brown Construction, Inc. (Order Denying Reconsideration and Decision)
7/6/2011	09-0054-PWH	Lewis C. Nelson & Sons, Inc. (Order Denying Reconsideration and Decision)
6/30/2011	11-0074-PWH	Reynaldo Candelario Tagle individually and doing business as Cirray Construction, Inc.
6/9/2011	09-0256-PWH	Bedard Controls, Inc.
6/9/2011	09-0007-PWH, 09-0007- PWH	Kenner Construction and Explore General, Inc.(Order Denying Reconsideration and Decision)
6/7/2011	09-0253-PWH	FEI Enterprises, Inc.
5/10/2011	10-0233-PWH	RMR Construction (Decision and Decision After Reconsideration)
5/5/2011	09-0126-PWH	KOO Construction, Inc.
5/4/2011	10-0122-PWH	Cinray Construction
3/30/2011	10-0320-PWH	J. Poot Electric
3/24/2011	08-0023-PWH	Shasta General Engineering Inc.(Denial of Reconsideration and Decision After Remand)
3/3/2011	10-0093-PWH, 10-0094- PWH	Wayne Maples Plumbing & Heating, Inc. and R.D. Olson Construction L.P.
3/3/2011	09-0090-PWH	Armando Vargas Pena dba Quality Plumbing
2/16/2011	10-0279-PWH	Labat's Tree Care (Order Granting Reconsideration and Decision)
2/15/2011	07-0308-PWH, 07-0309- PWH, 07-0310-PWH, 07- 0311-PWH	Southern Bleacher Company, Inc. Bliand Construction Company and Genoa Construction Co., Inc (Denial of Reconsideration and Decision)
1/13/2011	09-0215-PWH	FEI Enterprises Inc.(Denial of Reconsideration and Decision)

2010 decisions

Date issued	Case Number(s)	Contractor/Subcontractor(s)
12/15/2010	10-0056-PWH	Ed Nichols Drywall
11/5/2010	10-0170-PWH	F.O.R.D Inc. Construction
10/7/2010	08-0170-PWH	Evan Patterson Construction, Inc.
9/28/2010		The state of the s

The state of the s	08-0177-PWH, 08-0190- PWH	Lewis C. Nelson & Sons, Inc., and J. Alexander Company (Denial of Reconsideration and Decision)	
8/18/2010	10-0018-PWH	Jose Ramon Sandoval	
8/11/2010	08-0134-PWH	American Incorporated (Denial of Reconsideration and Decision)	
7/21/2010	09-0217-PWH	Unite Steel Industries, Inc.	

2009 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)	
11/4/2009	05-0088 PWH, 08-0127 PWH	Cal-Pacific Construction (Denial of Reconsideration and Decision)	
9/28/2009	09-0092 PWH	Bernards Bros, Inc.	
9/15/2009	08-0224 PWH	Angeles Contractor, Inc.	
9/8/2009	09-0120 PWH, 09-0122 PWH, 09-0123 PWH	Durham Construction, Inc. (Order Modifying Decision and Decision)	
8/20/2009	08-0168 PWH, 08-0169 PWH, 08-0173 PWH	Lewis C. Nelson & Sons, inc. and Note Sheet Metal, inc.	
8/20/2009	09-0095-CPR	Harbor Construction Co., Inc.	
8/12/2009	09-0120 PWH, 09-0122 PWH, 09-0123 PWH	Travelers Casualty and Surety Company	
B/4/2009	07-0265 PWH	AMG Engineers & Contractors (Denial of Reconsideration and Decision)	
7/2/2009	07-0233 PWH	Teistar Instruments, Inc.	
6/24/2009	09-0014 PWH	Walker Bros. Concrete	
6/5/2009	09-0069 PWH	Versa Landscape, Inc.	
5/13/2009	08-0023 PWH	Shasta General Engineering, Inc.(Denial of Reconsideration and Decision)	
4/27/2009	08-0159 PWH	George Roofing, Inc.	
3/12/2009	08-0018 PWH	Reliable Tree Experts	
2/19/2009	08-0158 PWH	James Ellis Brown dba Quantum General Contractors	
2/19/2009	07-0233 PWH	Telstar instruments, inc.	
2/11/2009	07-0171 PWH	Truxell & Valentino Landscape Development Inc.	
2/2/2009	08-0112 PWH	Idowu Oghogho, dba ID Vortex Construction Company	

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Date Issued	Case Number(s)	Contractor/Subcontractor(s)	
12/23/2008	08-0184 PWH	Spirit Drywall	
12/10/2008	04-0142 PWH	FEI Enterprises (Decision after Reconsideration)	
11/20/2008	04-0180 PWH	Triple E Trucking (Order Denying Reconsideration)	
11/13/2008	04-0180 PWH	Triple E Trucking	
10/3/2008	08-0079 PWH	Rocky Coast Framers, Inc. (posted 7/12/2011)	
9/18/2008	06-0142 PWH	FEI Enterprises	
8/15/2008	06-0119-PWH	Crown Carpet Outlet	
8/5/2008	06-0130-PWH 06-0150- PWH	DEPF Corporation dba Fine Line Construction / Coast Painting	
8/5/2008	05-0189-PWH	The Ryan Company	
7/19/2008	05-0052-PWH	Edelman Corporation	
6/11/2008	06-0158-PWH	Clark & Sullivan Builders	
5/13/2008	97-0233-PWH	Telstar Instruments	
4/8/2008	06-0160-PWH	Nolte Sheet Metal (Order Granting Reconsideration)	
3/28/2008	04-0117-PWH	Kem Asphalt Paving & Sealing	
3/21/2008	06-0160-PWH	Notte Sheet Metal	
3/14/2008	06-0145-PWH	DenBoer Engineering & Construction	
2/11/2008	06-0070-PWH	EJ Mayer Company	
1/25/2008	06-0204-PWH	GRS Colorado fka CEI West Roofing	

2007 Decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)	
12/10/2007	06-0168-PWH	DBS Painting	-
			ì

9/21/2007	05-0129-PWH	Total Service	
9/11/2007	05-0163-PWH	Hallmark Painting	
9/10/2007	06-0101-PWH	Horn Electric Corporation	
9/4/2007	06-0038-PWH	EHL	
6/24/2007	06-0093-PWH	& Youssel Construction	
5/11/2007	06-0136-PWH	Valley Sturry Seal	
5/1/2007	05-0185-PWH 05-0186- PWH 05-0208-PWH 05- 0209-PWH	Enterprise Interiors / Sevent Construction	
3/28/2007	04-0276-PWH 05-0010- PWH	CEI West Roofing Company / Thompson Pacific Construction	
3/28/2007	03-0153-PWH	Sterling Roofing	
3/8/2007	05-0128-PWH 05-0130- PWH	Norment Security Group (Order Denying Reconsideration)	
2/20/2007	05-0128-PWH 05-0130- PWH	Norment Security Group	

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Division of Labor Standards Enforcement (DLSE)

DLSE debarments

The following contractors are currently barred from bidding on, or accepting or performing any public works contracts, either as a contractor or subcontractor, for the period set forth below:

Note: As part of your due diligence, we suggest that you also check:

- Debarments made by the Division of Apprenticeship Standards (DAS)
- Contractor status at the Contractors State License Board (CSLB)
- The Federal debarment list at the Excluded Panies List System

For a list of past DLSE debarments of public works contractors, please contact:

Susan Nakagama

Special Assistant to the Labor Commissioner

455 Golden Gate Ave., 9th Fir.

San Francisco, CA 94102

415-703-4810

SNakagama@dir.ca.gov

Revised: 5/17/13

Name of contractor	Period of debarment
Russell/Thompson, inc. James Jean Russell & Valery Alena Thompson, Individually 4684 Oak Glen Dr., Redding, CA 96001	10/31/13 through 10/31/16
CSLB# 915036 (revoked) Decision 호	
Ayodejia A. Ogundare, Individual Dba Pacific Engineering Company 6310 Stewert Way, Bakersfield, CA 93308 CLSB#710322 Decision Is	5/15/2013 through 5/15/2014
Wallcrete Industries, Inc.; Garit David Wallace and Amber Anderson, Individuals 400 Kansas, Redlands, CA 92373	7/29/12 through 7/28/15
CSLB#634220 Decision iiq	
FEI Enterprises, Inc Gabriel Fedida, Individual 5749 Venice Blvd., Los Angeles. CA 90019 CSLB#659252	6/14/12 through 6/13/15
Decision 4 Jeffrey Alan Mott and Michelle Mott, individuals Dda Integrity Landscape 3756 independence Avenue Sanger, CA 93637 CSLB#774222 Decision 44	3/29/12 through 3/28/15
Jensen Drywall & Stucco Jeffrey E. Jensen 3714 Lynda Place National City, CA 91950-8121 CSB # 864168 Exp. 2/18/11 (expired) Decision &	3/31/11 through 3/30/13
All West Construction, Inc. Donald Kent Russell 495 N. Marks Ave.	3/31/11 through 3/30/13

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Fresno, CA 93706 CSB # 592321 Exp. 4/3/12 (suspended) Decision	
Country Builders, Inc. Weldon Offill, individually 5915 Graham Ct. Livermore, CA 94550 CSB # 899574 Exp. 11/30/12 (active) Decision #2	3/1/11 through 2/28/14
Addendum &	
Sutter Foam & Coating, Inc. 909 A. George Washington Yuba City. CA 95993 CSB # 732014 Exp. 1/31/09 (inactive)	7/1/10 through 6/30/13
David Alvin Trexler, an individual 909 A. George Washington Yuba City, CA 95993	7/1/10 through 6/30/13
Kenneth A. Trexier, an individual 2603 Lago Lane Marysville. CA 95901 Decision 🖄	7/1/10 through 6/30/13
Soo Dong Kim, an Individual, dba Soo Kim Electric Company 16224 Ridgeview Lane La Mirada. CA 90638 CSB # 568103 Exp. 8/1/09 (inactive)	4/19/10 through 4/18/13
Hyo Nam Jung, an Individual, dbs Lucid Electric 18621 Well Street Rowland Heights, CA 91748 CSB # 914692 Exp. 4/3/10 Decision ⊮	4/19/10 through 4/18/13
Southwest Grading, dba Southwest Grading Services, Inc., 22031 Waite Street Wildomar, CA 92595	3/18/10 through 3/17/13
David Walter Cholewitiski, an individual 22031 Waite Street Wildomar, A 92595 29970 Technology Drive, Ste. 205 Murrieta, CA 92553 CSB #840416 Exp. 6/30/10 Decision 28	
S.J. Cimino Electric, Inc., a California corporation, 3267 Dutton Ave. Senta Rose, CA 95404 Salvatore Joseph Cimino, RMO, CEO and President of S.J. Cimino Electric, Inc. and sole owner of S.J. Cimino Electric, an individual	10/15/09 through 10/14/12
5825 Heights Rd. Santa Rosa, CA 95401 CSB #343802 Exp. 2/28/10 CSB #294141 Exp. 9/30/13 (inactive) Decision 28	
Cedar Development Corporation Serghon Gabriel Afram, individually 12477 Feather Dr Mira Loma, CA 91752 CSB # 839898 Exp. 6/30/10 (suspended) Decision &	8/5/09 through 8/4/12
All Floors Commercial and Residential Flooring, Inc. Salvador Elias Perea, individually 750 E. McGlincy Lane, #103 Campbell, CA 95008 CSB #430969 Exp. 7/31/09 Decision #	5/14/09 through 5/13/12
1-AMD Construction, Inc. Alberto Mordoki, Individually Mirella Mordoki, Individually 5300 Beach Blvd., Suite 110-416 Buena Park, CA 90521	3/16/09 through 3/15/12
CSS #787533, revoked Decision is:	<u>ki. karan kangalan makan da kangan kangan kangan kangan da kangan da kangan kangan da kangan da kangan kangan</u>

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Division of Apprenticeship Standards (DAS)

Division of Apprenticeship Standards - Debarments

The following contractors have been barred from bidding on, or accepting or performing any public works contracts, either as a contractor or subcontractor, for the period set forth below:

Name of contractor	Period of debarment
Christopher J. Augusto Piumbing Company Christopher J. Augusto, Individual 8 Wyworry Court Novato, CA 94947 CSB #730020 Exp. 3/1/2010	November 6, 2011 thru November 5, 2013
Christopher J. Augusto Piumbing Company Christopher J. Augusto, Individual 8 Wyworry Court Novato, CA 94947 CSB #730020 Exp. 12/31/2008	November 6, 2007 thru November 5, 2010

Revised March 14, 2011

Division of Apprenticeship Standards(DAS)

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1	STATE OF CALIFORNIA		
2	Department of Industrial Relations		
	Division of Labor Standards Enforcement EDNA GARCIA EARLEY, State Bar No. 19	95661	
3	EDNA GARCIA EARLEY, State Bar No. 19 320 W. 4th Street, Suite 430 Los Angeles, California, 90013		
4	Los Angeles, California 90013 Tel.:(213) 897-1511 Fax: (213)897-2877		
5	Attorney for the Labor Commissioner		
6			
7			
В	BEFORE THE DIVISION OF LAB	OR STANDARDS ENFORCEMENT	
9	DEPARTMENT OF INI	USTRIAL RELATIONS	
10	NOW DITTE CITY OF	OF CALIFORNIA	
11	FOR THE STATE	OF CALIFORNIA	
12	In the matter of the	Case No.: SAC 5175	
13	Debarment Proceeding Against:		
14)	PROPOSED STATEMENT OF DECISION RE DEBARMENT OF	
15)	RESPONDENTS FROM PUBLIC	
16	Wallcrete Industries, Inc.; Garit David)	WORKS PROJECTS	
]:	Wallace and Amber Anderson, Individuals,)	[Labor Code §1777.1]	
17)		
18	Respondents.	Hearing Date: February 27, 2012 Time: 10:00 a.m.	
19		Time: 10:00 a.m. Hearing Officer: Edna Garcia Earley	
20	·	110011111111111111111111111111111111111	
21)		
22			
23		a to a company and the company the	
24	Debarment proceedings pursuant to I	Labor Code §1777.1 were initiated by the	
25	Division of Labor Standards Enforcement, State Labor Commissioner ("DLSE") on		
26	January 12, 2012 by the filing of a Statement of Alleged Violations against the following		
27			
28	named respondents: Wallcrete Industries, Inc.; Garit David Wallace and Amber		
-	Anderson, Individuals.		
yengge 10 arband dalah ban	[PROPOSED] STATEMENT OF	DECISION RE DEBARMENT - 1	

The hearing on the alleged violations was held on February 27, 2012 in Los Angeles, California. Edna Garcia Earley served as the Hearing Officer. David D. Cross, appeared on behalf of Complainant the Labor Commissioner, Chief of the Division of Labor Standards Enforcement, Department of Industrial Relations, State of California. Respondents Wallcrete Industries, Inc.; Garit David Wallace and Amber Anderson, Individuals, were duly served with the Notice of Hearing, Statement of Alleged Violations and Notice of Hearing but failed to appear. Branden Lopez of Center for Contract Compliance and Steve Arredondo, Staff Attorney for the Division of Labor Standards Enforcement observed the hearing. The hearing was tape recorded. The witnesses took the oath and evidence was received. At the conclusion of the hearing, the matter was taken under submission.

FINDINGS OF FACT

- 1. Respondent Wallcrete Industries, Inc. ("Wallcrete") has been, at all times relevant herein, a contractor licensed by the Contractor's Licensed Board under license number 834220.
- 2. Respondent Garit David Wallace is and at all relevant times mentioned was the Responsible Managing Officer, Chief Executive Officer and President of Wallcrete.
- 3. Respondent Amber Anderson is and at all relevant times mentioned was the Controller of Wallcrete.
- 4. During the period of November 21, 2009 to September 18, 2010, Wallcrete served as the Sub-Contractor on the project known as Construction of Fire Station #32 and Corporate Yard in the City of La Quinta, County of Riverside, State of California.

 David/Reed Construction, Inc. served as the General Contractor and City of La Quinta served as the Awarding Body for this project.¹

- 5. Worker Alex Hernandez testified that he performed work as a cement mason on the Fire Station #32 project. He was one of eight other cement masons on the job. He was paid \$26.80 or \$26.50 per hour and worked overtime but was not paid the overtime rate for such hours. Mr. Hernandez also testified that Wallcrete did not pay for fringe benefits, retirement, or vacation. On certain occasions, Mr. Hernandez operated a backhoe and skip loader on the job.
- 6. Mr. Hernandez testified that both the foreman on the Fire Station #3 project and the workers kept track of hours worked on the project. Workers were required to submit their hours to a mailbox located in the office, but before placing their hours into the mailbox, the foreman often told Mr. Hernandez and other workers to indicate less hours on the time cards than actually worked on the job.
- 7. Mr. Hernandez testified that he also worked on the San Clemente School job site two days per week. Mr. Hernandez and other workers were not paid the prevailing wage rates on this job either. Mr. Hernandez testified that he heard other workers were paid checks by Respondent Garit David Wallace covering the prevailing wage rate but asked those workers to deposit the checks and then pay half of the check back to him.

¹ More accurately, Wallcrete served as a sub-contractor of Jeff McGowan Concrete who served as a sub-contractor of prime contractor Davis/Reed Construction, Inc.

- 8. Wallcrete submitted Certified Payroll Records indicating that Mr. Hernandez worked as a Laborer Group 2 on the Fire Station #32 job.
- Openuty Labor Commissioner Reynaldo Tuyor testified that he received a complaint of misclassification, non-payment of prevailing wage rates, non-payment of overtime hours worked, non-payment of fringe benefits and falsification of certified payroll records against Wallcrete on this job. As part of his investigation and based on a General Prevailing Wage Determination made by the Director of Industrial Relations as well as the Scope of Work Provisions for Cement Masons in Riverside County, Deputy Tuyor determined the correct classification for the work being performed on the job was that of a cement mason and not as a Laborer Group 2 as was reflected on the certified payroll records. The prevailing wage rate in effect at the time for cement masons working on the Fire Station #32 project was \$46.84 for straight time and included fringe benefits, health and welfare, vacation and training. The overtime rate was determined to be \$61.59.
- each worker who was misclassified as a Laborer Group 2. In preparing his audit, Deputy Tuyor compared certified payroll records received from the Center for Contract Compliance (who received the records from the Awarding Body) with certified payroll records received directly from Wallcrete in response to an *Order to Appear* issued by Deputy Tuyor. Overtime hours on the certified payroll records submitted by Wallcrete to Deputy Tuyor were higher than those submitted to the Awarding Body. Hours were reduced, check numbers were changed, some employees were not listed and fringe benefit payments were not indicated on Wallcrete's copy of the certified payroll records

1.

28.

that were given to the Awarding Body. Respondent Amber Anderson as Controller certified under penalty of perjury that the certified payroll records she submitted to the Awarding Body were true and correct. Likewise, both Respondents Garit David Wallace and Amber Anderson then certified under penalty of perjury as true and correct, the copy of payroll records they submitted to the Deputy Tuyor in response to the *Order to Appear* which differed dramatically than those submitted to the Awarding Body for the same time period.

- 11. Based on the audit, worker affidavits and statements, Deputy Tuyor completed a Labor Code Section 1775 Penalty Review which he submitted to his Senior Deputy on May 4, 2011, summarizing the issues and violations determined through his investigation of the Fire Station #32 project. The penalty review includes a section where Deputy Tuyor summarizes a letter received from Subcontractor Jeff McGowan Concrete in response to Deputy Tuyor's investigation which included the following points:
 - Wallcrete's estimate to Jeff McGowan Concrete, for the project, included prevailing wage rates;
 - Wallcrete knew that this was a public works project;
 - Wallcrete previously performed prevailing wage projects for Jeff
 McGowan Concrete.
- 12. On May 5, 2011, Deputy Tuyor issued a Civil Wage and Penalty

 Assessment ("CWPA") to Respondents for a total of \$67,090.85 in underpaid wages.

 Judgment was entered on the CWPA on September 16, 2011 against Respondent

Wallcrete Industries, Inc. in the amount of \$99,240.85 which includes wages, penalties, liquidated damages less payment of \$67,090.85 received from the Awarding Body.

CONCLUSIONS OF LAW

- 1. Labor Code §1777.1 provides:
 - (a) Whenever a contractor or subcontractor performing a public works project pursuant to this chapter is found by the Labor Commissioner to be in violation of this chapter with intent to defraud, except Section 1777.5, the contractor or subcontractor or a firm, corporation, partnership, or association in which the contractor, or subcontractor has any interest is ineligible for a period of not less than one year or more than three years to do either of the following:
 - (1) Bid or be awarded a contract for a public works project.
 - (2) Perform work as a subcontractor on a public works project.
 - (b) Whenever a contractor or subcontractor performing a public works project pursuant to this chapter is found by the Labor Commissioner to be in willful violation of this chapter, except Section 1777.5, the contractor or subcontractor or a firm corporation, partnership, or association in which the contractor or subcontractor has any interest is ineligible for a period up to three years for each second and subsequent violation occurring within three years of a separate and previous willful violation of this chapter to do either of the following:
 - (1) Bid on or be awarded a contract for a public works project.
 - (2) Perform work as a subcontractor on a public works project.

"Although debarment can have a severe economic impact on contractors, it 'is not intended as punishment. It is instead, a necessary means to enable the contracting governmental agency to deal with irresponsible bidders and contractors, and to administer its duties with efficiency." Southern California Underground Contractors, Inc. v. City of San Diego (2003) 108 Cal.App.4th 533, 542.

Willful

Under Labor Code §1771.1(c), "A willful violation occurs when the contractor or subcontractor knew or reasonably should have known of his or her obligations under the public works law and deliberately fails or refuses to comply with its provisions."

Wallcrete's failure to pay the proper prevailing wage rates, its failure to properly classify workers as cement masons instead of laborers when they were operating backhoes and skip loaders, its failure to pay proper prevailing wage overtime rates, its failure to maintain accurate certified payroll records and its failure to comply with its obligations in regards to employer contributions to 401k plans, flex plans, health plans, and other benefit plans, are deemed willful under Labor Code §1777.1(b). A person's knowledge of the law is imputed to him and an unlawful intent may be inferred from the doing of an unlawful act. *People v. McLaughlin* (1952) 111 Cal.App.2d 781. Wallcrete's estimate to Sub-Contractor Jeff McGowan Concrete for the project included prevailing wage rates. Per Jeff McGowan Concrete, Wallcrete was aware that this was a public works job and had experience performing public works jobs. As an experienced public works sub-contractor, Wallcrete therefore knew or reasonably should have known of its obligations under the public works laws and deliberately failed or refused to comply by

misclassifying cement masons as laborers, failing to pay proper prevailing wage rates including the proper prevailing wage rate for overtime, failing to maintain accurate certified payroll records and failing to comply with all other obligations required on a public works project.

Respondents Garit David Wallace and Amber Anderson, individually are in willful violation of falsifying certified payroll records submitted to the Awarding Body and to the DLSE.

Intent to Defraud

California Code of Regulations, Title 8, Section 16800 defines "Intent to Defraud" as "the intent to deceive another person or entity, as defined in this article, and to induce such other person or entity, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property of any kind."

While debarment is appropriate due to Wallcrete's willful violation of the Public Works laws, the uncontested evidence established that Wallcrete violated the provisions of Labor Code §1774, 1815 and 1776, with an intent to defraud its workers, Subcontractor Jeff McGowan Concrete, Awarding Body and the DLSE on the Fire Station 32 and Phase I Corporate Yard project. An intent to deceive or defraud can be inferred from the facts. People v. Kiperman (1977) 69 Cal.App.Supp.25. An unlawful intent can be inferred from the doing of an unlawful act. People v. McLaughlin, supra.

The uncontested evidence presented by DLSE established that Wallcrete misclassified its workers on this project as Laborers Group 2 who received \$26.88 per hour when they should have been classified as Cement Masons earning \$46.84 per hour.

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The certified payroll records signed under penalty of perjury by Respondents Garit David Wallace and/or Controller Amber Anderson and submitted to the Awarding Body listed more days and hours worked than was listed on those certified payroll records submitted to the DLSE. There were also discrepancies in the overtime hours indicated on each set of payroll records. The records submitted to Subcontractor Jeff McGowan Concrete, who in turn submitted them to the Awarding Body, showed that Wallcrete paid more to its workers than the copy submitted to the DLSE showed. Some workers who were listed on the certified payroll records submitted to the DLSE were not included in the certified payroll records submitted to Subcontractor Jeff McGowan Concrete for the same time period. The only logical explanation for the discrepancies in the two sets of certified payroll records is that Wallcrete, Respondents Garit David Wallace and Amber Anderson, Individuals, intended to deceive Subcontractor Jeff McGowan Concrete and the Awarding Body into believing that they were paying more for wages and benefits than they really were paying under the contract. Accordingly, the uncontested evidence . supports a finding of Respondents Wallcrete, Garit David Wallace and Amber Anderson,

ORDER OF DEBARMENT

In accordance with the foregoing, it is hereby ordered that Respondents WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE AND AMBER ANDERSON, INDIVIDUALS, shall be ineligible to, and shall not, bid on or be awarded a contract for a public works project, and shall not perform work as a subcontractor on a public work as defined by Labor Code §§1720, 1720.2 and 1720.3, for a period of three.

(3) years, effective forty-five (45) days from the date this decision is signed by Labor Commissioner Julie A. Su.. A three year period is appropriate under these circumstances where Respondents WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE AND AMBER ANDERSON, INDIVIDUALS deliberately and with complete disregard of the Public Works laws misclassified their cement mason workers as laborers, failed to pay their workers proper prevailing wage rates, applicable prevailing wage rates for overtime, knowingly and intentionally submitted false certified payroll reports under penalty of perjury, and failed to comply with their obligations in regards to employer contributions to retirement plans, health plans, and other benefit plans.

This debarment shall also apply to any other contractor or subcontractor in which Respondents WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE AND AMBER ANDERSON, INDIVIDUALS have any interest or for which either or all three said Respondents act as a responsible managing employee, responsible managing officer, general partner, manager, supervisor, owner, partner, officer, employee, agent, consultant, or representative. "Any interest" includes, but is not limited to, all instances where Respondents receive payments, whether in cash or in another form of compensation, from the entity bidding or performing works on the public works project, or enters into any contract or agreement with the entity bidding or performing work on the public works project for services performed or to be assigned or sublet, or for vehicles, tools, equipment or supplies that have been or will be sold, rented or leased during the period of debarment.

Dated: June 11, 2012

STATE OF CALIFORNIA Department of Industrial Relations Division of Labor Standards Enforcement EDNA GARCIA EARLEY, State Bar No. 195661 320 W. 4th Street, Suite 430 Los Angeles, California 90013 Tel.:(213) 897-1511 Fax: (213)897-2877 5 Attorney for the Labor Commissioner BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT 8 9 DEPARTMENT OF INDUSTRIAL RELATIONS. 10 FOR THE STATE OF CALIFORNIA 11 12 Case No.: SAC 5175 In the matter of the Debarment Proceeding Against: 13 DECISION RE DEBARMENT OF 14 RESPONDENTS FROM PUBLIC WORKS PROJECTS 15 Wallcrete Industries, Inc.; Garit David 16 Wallace and Amber Anderson, Individuals,) [Labor Code §1777.1] 17 18 Respondents. 19 20 21 22 The attached Proposed Statement of Decision of Hearing Officer Edna Garcia 23 Earley, debarring WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE 24 AND AMBER ANDERSON, INDIVIDUALS, from working on public works projects in 25 the State of California for three years, is hereby adopted by the Division of Labor. 26 Standards Enforcement as the Decision in the above-captioned matter. 27 28

DECISION RE DEBARMENT - 1

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|| Dated: June 13, 2012

DIVISION OF LABOR STANDARDS ENFORCEMENT

Department of Industrial Relations

State of California

By:_

JULIE A.SU

State Labor Commissioner

DECISION RE DEBARMENT - 2

Public Works Contractor Registration

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Public Works



A Enforcement of DIR's Online eCPR Requirement on Hold. See Certified Payroll Reporting for details.

Introduction to Public Works

Public works law requires private construction contractors to pay prevailing wages to their workers and requires the construction contractor to follow public works law when working on a project funded by a public entity. A public entity can be the State of California, or any public agency such as a county, city, school or a special district. Prevailing wages are due, in most instances, if the project costs more than \$1,000, and involves the following construction work: new construction, alteration, demolition, installation, repair and maintenance. Contractors must make an attempt to hire apprentices when the total project costs exceed \$30,000.

Notice to Public Works Contractors, Subcontractors Regarding eCPR Reporting

Notice to Awarding Bodies and Contractors Regarding DIR's eCPR System

Public Works Projects

The agency awarding the contract for a public works project must notify DIR within five days of awarding the contract. This requirement applies to all public works projects that are subject to the prevailing wage requirements of the Labor Code, regardless of size or funding source.

Use the searchable database of public works projects to look up projects in the State of California.

Get information about ...

Contractors

Awarding Bodies

Prevailing Wage

- Apprentices
- Certified Payroll Reporting
- How to file a Public Works Complaint

Public Works Enforcement

The Labor Commissioner's Office enforces public works labor laws, including prevailing wage requirements, and issues civil wage and penalty assessments when contractors fail to pay the correct prevailing wage. Contractors can be prevented (debarred) from bidding or working on public works projects for up to three years when the contractor intentionally violates public works law. When wage theft and other criminal activity are found, the Labor Commissioner's Office works with district attorneys' offices around the state to pursue misdemeanor or felony charges including

Appeals, Labor Compliance Programs, and Prevailing Wage Rate Determinations

The DIR Director's Office conducts hearings on appeals to prevailing wage assessments levied by the Labor

The Director's Office also oversees approved Labor Compliance Programs such as those of Caltrans, the City of Los Angeles, Los Angeles Unified School District and the County of Sacramento, which enforce prevailing wage compliance on their own projects.

The Director's Office of Policy, Research and Legislation (OPRL) help contractors and public agencies identify projects that are subject to public works law. OPRL also helps determine the proper construction craft or classification rate that the contractors must pay their workers.

Public Works

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- DIR Notice to Public Works Contractors and Subcontractors: eCPR System on Hold Pending Upgrades Bending-Upgrades
- DIR Announces Upgrades to the eCPR System 🔄
- DIR Posts Notification to Public Works Contractors and Awarding Bodies Regarding the eCPR System <a>B
- OIR Reminds the Public Works Community of \$2,000 Penalty Effective January 1 🖺
- DIR Reminds Public Works Contractors to Renew Registration before January 1 to Avoid Hefty Penalty <a>B
 - El DIR recuerda a los contratistas de obras públicas que deben renovar su inscripción antes del 1 de enero para evitar una penalidad costosa 🖺

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Public Works Contractors



Contractors

Contractor Registration

Application Process

Registration with DIR costs \$300 and covers the fiscal year (July 1-June 30th). Credit card payments can be processed within 24 hours, while other forms of payment may delay registration for up to eight weeks.

- · Verify your contractor registration status for the current fiscal year
 - Quick tips for using the active registration search tool most effectively
 - Please note: If the current fiscal year search is not pulling up your information and you registered before June 30th, your registration has likely expired. Please begin the renewal process (see the selection just below). A search engine within the renewal application will confirm if your registration has expired and allow you to renew it.
- · Activate or renew your contractor registration
 - Instructions for completing the contractor registration and renewal application
 - · Contractor registration training video
- · Find your project on our database

Eligibility Requirements

Contractors must:

- · Be in good legal standing with no outstanding judgments or liens owed to workers or to the State of California.
- · Not be debarred from doing public works by the United States Department of Labor or any state that has public works debarment laws
- · Have a California Contractors State License if one is required (non-construction contractors must provide their professional license number if one exists for their profession).

Consequences of Noncompliance

Contractors shall pay a penalty of

- \$2,000 if the unregistered contractor
 - bid on a public works project on or after March 1, 2015,
 - · was awarded a public works contract on or after April 1, 2015, or
 - o intentionally allowed registration to lapse while bidding or working on a public works project
- \$300, for inadvertent lapses in registration (failure to renew before bidding or working on a public works project) as long as the registration is renewed by December 31, 2015. Renewing with a lapsed registration after that date will result in a \$2,000 penalty.

To learn more about Public Works Contractor Registration, please read the Public Works Reforms (SB 854) fact sheet and the frequently asked questions. If you have additional questions about contractor registration, please contact us for assistance.

Contractor Registration Training Video

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Public Works Contractor (PWC) Registration Search

This is a listing of current and active PWC registrations pursuant to Division 2, Part 7, Chapter 1 (commencing with section 1720 of the California Labor Code.)

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

Registration Year:

Current Fiscal Year: 2015/16

PWC Registration Number:

Contractor Legal Name:

Contractor License Lookup

License Number:

Select County

County:



v2.20160101

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Public Works | Contractors | Quick Tips

Quick tips for using the active registration search tool

Tips on how to locate an active Public Works Contractor (PWC) Registration Number with the active registration search tool:

- · Search using only one criterion, preferably the License Number or the PWC Registration Number (i.e., leave the Contractor Legal Name field blank).
- . If you need to search on the Contractor Legal Name field, search by the most distinct portion of the name (the shorter the better). You should also be aware that the business may be listed by the owner's name; not the business name
- . If none of these methods works, select the County where the job is located as your sole search criteria, and go through the list of contractors for that county. (This only works for smaller counties, not Los Angeles County, for instance.) If it is a sole proprietor, and you can't find the company listed under the owner's name, then try searching for the business name.

If your initial registration occurred before June 30, 2015, and you have not yet renewed it for FY 2015/2016, you need to search for your PWC registration in the database of expired registrations. (Select "Renew" in the drop down menu and then "Continue" to access the search tool.)

After you find your expired registration (you may wish to consult some of the search tips listed above), you can complete your renewal for the current fiscal year from the results page by clicking on the gold box (in the last column), which reads "Fiscal Year 2015 / 16."

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Public Works Contractor (PWC) Registration

Notice to Contractors

Applications completed for an inactive or new registration will only apply for the current fiscal year.

Contractors must pay applicable fees and penalties to complete PWC registration. Registration fees and penalties may include:

- A nonrefundable fee of \$300
- A penalty fee of \$2,000
 - when a contractor who has failed to register has:
 - bid on a public works project on or after March 1st, 2015
 - been awarded a public works project on or after April 1st, 2015
- 🗣 \$300, for inadvertent lapses in registration (failure to renew before bidding or working on a public works project) as long as the registration is renewed by September 30th. Renewing with a lapsed registration after that date will result in a \$2,000 penalty.

Payment by credit card will be processed within 24 hours. Other forms of payment can take up to 8 weeks to process. The other forms of payment should not be used if you need a registration number immediately.

Registration Type

Please specify if this is a new registration or a renewal.

*Type of Registration

Continue

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Lost & Cannot continue? Click here or visit our FAQs for additional information! Questions? - email SB854@dir.ca.gov

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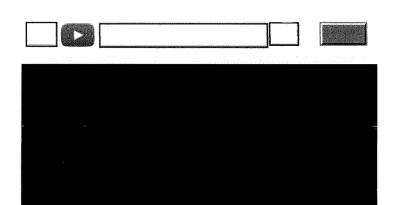
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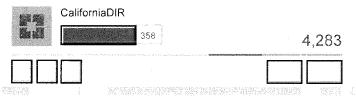
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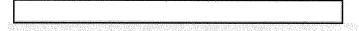


Public works contractor registration system training June 17, 2015



Published on Jun 17, 2015

This is a recording of a webinar training on the California public works contractor registration system, including information on how to activate registration and renew registration.



Up next

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Public Works eCPR Training Webinar CaliforniaDIR 18,328 views



Cal/OSHA Webinar on Heat Illness Prevention May 28, 2015 CaliforniaDIR 999 views



Paid Sick Leave in California CaliforniaDIR 1,305 views



QME Training Video CaliforniaDIR 7,437 views



CSLB Experience Verification Seminar Contractors State License Board 11,408 views

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Public Works DLSE Debarments



DLSE Debarments

The following contractors are currently barred from bidding on, accepting, or performing any public works contracts, either as a contractor or subcontractor, for the period set forth below:

As part of your due diligence, we suggest that you also check:

- · Contractor status at the Contractors State License Board (CSLB)
- · The Federal debarment list at the Excluded Parties List System

For a list of past DLSE debarments of public works contractors, please contact:

Susan Nakagama

Special Assistant to the Labor Commissioner

455 Golden Gate Ave., 9th Flr.

San Francisco, CA 94102

415-703-4810

SNakagama@dir.ca.gov

Name of contractor	Period of debarment		
Travioli Construction, Inc. PO Box 231	9/11/15 through 3/10/17		
Visalia, CA 93274 CSLB Number: #936832			
Decision 🖺			
Fast Demolition, Inc.	4/01/15 through 3/31/18		
601-C East Palomar Street #123			
Chula Vista, CA 91911 CSLB Number: #792729			
OGES NUMBER: #132123			
Rogelio Medina Vazquez., an individual and in his			
capacity as Responsible Managing Officer of FAST			
DEMOLTION, INC.			
Decision 🖺			
Integrity Sheet Metal, Inc.	2/01/15 through 1/31/18		
319 McArthur Way			
Upland, CA 91786			
CSLB #726770			
William Ben Hicks, an individual;			
Margaret Mary Hicks, an individual			
Decision 🖺			
L A Builders, Inc., a California Corporation 15635 Saticoy Street, #H Van Nuys, CA 91406	2/01/15 through 1/31/18		
CSLB #748591			
Alon Gamliel, an individual			
Decision 🖪			
USA Wall Systems, Inc.	4/01/15 through 3/31/18		

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8309 Sunshine Lane Riverside, CA 92508	
CSLB #929610	
Edward Eugene Brammer, an individual and in his capacity as President/CEO/RMO	
Decision 🗟	
Daughter Construction formerly dba Hy Carpentry Construction 15407 Thornlake Avenue Norwalk, CA 90650 CSLB #979297	4/01/15 through 3/31/18
Sharon Jin Yoo, an individual; Dae Hyun Yoo, an individual and in his capacity as manager/supervisor for Sharon Jin Yoo and in his capacity as General Partner for HY Construction, a General Partnership. Decision	
RDA Construction, Inc. 1692 W. Bullard Ave., Fresno, CA 93711 CSLB# 383306	12/15/14 through 12/14/16
Decision 因	
Titan Electrical Construction, Inc. Lucas Oliver Stickney, an individual Jamie Noel Furr, an individual 630 Natoma Street San Francisco, CA 94103 CSLB# 919516 Decision	11/3/14 through 11/2/17
	11/3/14 through 11/2/15
Ramos Painting Carlos Ray Ramos, an individual P.O. Box 3871 Paso Robles, CA 93447 CSLB# 753575	1 1/3/14 through 1 1/2/13
Decision 🔄	
Dick Emard Electric. dba Emard Electric Luke Richard Emard, an individual and RMO 5930 Key Court, Suite A Loomis, CA 95650 CSLB# 794007 Decision	11/3/14 thorough 11/2/17
	9/4/4 A 45
Nixon Electric Gordon Fulton Nixon, an individual 5624 Faust Ave. Woodland Hills, CA 91367 CSLB# 796802	8/1/14 through 7/31/17
Decision 🖟	
Neris General Contractors, a California Corporation Efren Neri, an individual Servando Neri, an individual Rebeca Neri, an individual Luis Abelardo Castro, an individual 6087 California Ave.	2/28/14 through 2/27/17

en	
Decision 🖹	
Southland Construction Reza Mohammedi, an individual 3943 Irvine Blvd., #405, Irvine, CA 92602 CSLB# 663784 (expired)	10/14/14 through 10/13/17
Decision 💩	
National Drywall Corporation, A Dissolved California Corporation 603 S. Milliken Avenue, Suite F Ontario, CA 91761 CSLB #834335	8/4/14 through 8/3/17
Miguel Contreras, an Individual and Responsible Managing Officer/CEO/President	
Dora Maria Contreras, an Individual and Agent/Officer of the Corporation	
Decision 🖺	
Tadros & Youssef Construction, Inc. Kamel Shaker Tadros & Makram Youssef Youssef, Individually 1221 E 8th Street, Unit A, Upland, CA 91786	5/10/14 through 5/9/17
CSLB# 698182 (expired) Decision 🖺	
Serenity Fire Protection 417 S. Associated Road, Brea, CA 92821 CSLB# 902927	5/1/14 through 4/30/17
Decision 🖺	
Don Kelly Construction , Inc. Don Kelly, Individual and Lisa Kelly, Individual 171 Northview Ridge Lane, P.O. Box 10760, Bozeman, MT 59719	3/25/14 through 3/24/17
Decision 題	
Aldan, Inc. P.O. Box 9428, Brea, CA 92822	2/28/14 through 2/27/17
CSLB #949229 Decision 🗟	
Russell/Thompson, Inc. James Jean Russell & Valery Alena Thompson, Individually 4684 Oak Glen Dr., Redding, CA 96001	10/31/13 through 10/31/16
CSLB# 915036 (revoked) Decision 🗟	
Ayodejia A. Ogundare, Individual Dba Pacific Engineering Company 6310 Stewart Way, Bakersfield, CA 93308	5/15/2013 through 5/15/2014
CLSB#710322 Decision 🖺	
Wallcrete Industries, Inc.; Garit David	7/29/12 through 7/28/15
Wallace and Amber Anderson, Individuals 400 Kansas, Redlands, CA 92373	i, no, in though I/AU/10
•	

FEI Enterprises, Inc Gabriel Fedida, Individual	6/14/12 through 6/13/15
5749 Venice Blvd., Los Angeles, CA 90019 CSLB#659252	
Decision 🖟	
Jeffrey Alan Mott and Michelle Mott, individuals Dda Integrity Landscape 3756 Independence Avenue Sanger, CA 93637 CSLB#774222 Decision 🖹	3/29/12 through 3/28/15
Jensen Drywall & Stucco Jeffrey E. Jensen 3714 Lynda Place National City, CA 91950-8121 CSB # 664168 Exp. 2/18/11 (expired) Decision	3/31/11 through 3/30/13
All West Construction, Inc. Donald Kent Russell 495 N. Marks Ave. Fresno, CA 93706 CSB # 592321 Exp. 4/3/12 (suspended) Decision	3/31/11 through 3/30/13
Country Builders, Inc. Weldon Offill, individually 5915 Graham Ct. Livermore, CA 94550 CSB # 699574 Exp. 11/30/12 (active) Decision A	3/1/11 through 2/28/14
Sutter Foam & Coating, Inc. 909 A. George Washington Yuba City, CA 95993 CSB # 732014 Exp. 1/31/09 (inactive)	7/1/10 through 6/30/13
David Alvin Trexler, an individual 909 A. George Washington Yuba City, CA 95993	7/1/10 through 6/30/13
Kenneth A. Trexler, an individual 2603 Lago Lane Marysville, CA 95901 Decision	7/1/10 through 6/30/13
Soo Dong Kim, an individual, dba Soo Kim Electric Company 16224 Ridgeview Lane La Mirada, CA 90638 CSB # 568103 Exp. 8/1/09 (inactive)	4/19/10 through 4/18/13
Hyo Nam Jung, an individual, dba Lucid Electric 18621 Well Street Rowland Heights, CA 91748 CSB # 914692 Exp. 4/3/10 Decision	4/19/10 through 4/18/13
Southwest Grading, dba Southwest Grading Services, Inc., 22031 Waite Street Wildomar, CA 92595	3/18/10 through 3/17/13
David Walter Cholewinski, an Individual 22031 Waite Street Wildomar, A 92595 29970 Technology Drive, Ste. 205 Murrieta, CA 92563 CSB #840416 Exp. 6/30/10 Decision	
S.J. Cimino Electric, Inc., a California	10/15/09 through 10/14/12

corporation, 3267 Dutton Ave. Santa Rosa, CA 95404 Salvatore Joseph Cimino, RMO, CEO and President of S.J. Cimino Electric, Inc. and sole owner of S.J. Cimino Electric, an individual 5825 Heights Rd. Santa Rosa, CA 95401 CSB #343802 Exp. 2/28/10 CSB #294141 Exp. 9/30/13 (inactive) Decision	
Cedar Development Corporation Serghon Gabriel Afram, individually 12477 Feather Dr Mira Loma, CA 91752 CSB # 839898 Exp. 6/30/10 (suspended) Decision 🗟	8/5/09 through 8/4/12
All Floors Commercial and Residential Flooring, Inc. Salvador Elias Perea, individually 750 E. McGlincy Lane, #103 Campbell, CA 95008 CSB #430969 Exp. 7/31/09 Decision 🛎	5/14/09 through 5/13/12
1-AMD Construction, Inc. Alberto Mordoki, individually Mirella Mordoki, individually 5300 Beach Blvd., Suite 110-416 Buena Park, CA 90621 CSB #787533, revoked Decision 🗟	3/16/09 through 3/15/12

November 2015

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Public Works PUBLIC WORKS REFORMS (SB 854)



PUBLIC WORKS REFORMS (SB 854)

FACT SHEET

Public works reforms (SB 854) were signed into law on June 20, 2014. The reforms made several significant changes to the administration and enforcement of prevailing wage requirements by the Department of Industrial Relations (DIR). Among other things, SB 854 established a public works contractor registration program to replace prior Compliance Monitoring Unit (CMU) and Labor Compliance Program (LCP) requirements for bond-funded and other specified public works projects. The fees collected through the program established by SB 854 are used to fund DIR's public works activities

Essentials of public works contractor registration program:

- Contractors are subject to a registration and annual renewal fee set initially at \$300. The fee is non-refundable and applies to all contractors and subcontractors who intend to bid or perform work on public works projects (as defined under the Labor Code).
- · Contractors apply and pay the fee online and must meet minimum qualifications to be registered as eligible to bid and work on public works projects:
 - o Must have workers' compensation coverage for any employees and only use subcontractors who are registered public works contractors.
 - o Must have Contractors State License Board license if applicable to trade.
 - o Must not have any delinquent unpaid wage or penalty assessments owed to any employee or enforcement agency
 - Must not be under federal or state debarment.
 - Must not be in prior violation of this registration requirement once it becomes effective. However, for the first violation in a 12-month period, a contractor may still qualify for registration by paying an additional
- . The registration fee is not related to any project. It is more like a license that enables the registrant to bid on and perform public works.
- . DIR provides a searchable database of registered contractors and subcontractors on its website, so that awarding bodies and contractors can comply with the requirement to only use registered contractors and subcontractors.
- · Various protections are built in so that
 - A contractor won't be in violation for working on a private job that is later determined to be public work;
 - o The inadvertent listing of an unregistered subcontractor on a bid doesn't necessarily invalidate that bid;
 - · A contract with an unregistered contractor or subcontractor is subject to cancellation but is not void as to past work;
 - An unregistered contractor or subcontractor can be replaced with one who is registered;
 - o A contractor whose registration lapses will have a 90-day grace period within which to pay a late fee and renew
- Contractors and subcontractors register online. The preferred method of payment is by credit card.
- The requirement to list only registered contractors and subcontractors on bids became effective on March 1, 2015. The requirement to only use registered contractors and subcontractors on public works projects applies to all projects awarded on or after April 1, 2015.

Essentials of Public Works Enforcement Fund:

All contractor registration fees go into the State Public Works Enforcement Fund and are used to fund the following

- · Administration of contractor registration requirement;
- · All DIR costs for administering and enforcing public works laws;
- Labor Commissioner's enforcement of other Labor Code violations on monitored public works projects.

DIR no longer charges awarding bodies for prevailing wage compliance monitoring and enforcement on legacy CMU projects.

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Related changes in DIR's administration and enforcement of public works requirements:

- · Requirements to use CMU or specified alternative (labor compliance program or project labor agreement) for state bond-funded and other specified projects were eliminated and replaced by requirements that apply to all public works projects (as defined under the Labor Code).
- · Awarding bodies are required to submit PWC-100 (contract award notice) for all public works projects.
- Contractors and subcontractors on all public works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner unless excused from this requirement.
 - · CPRs are furnished to the Labor Commissioner online
 - · This requirement phases in as follows:

- Applied to public works projects that had been under CMU monitoring;
- Applies to any new projects awarded on or after April 1, 2015;
- May apply to other projects as determined by Labor Commissioner;
- Applies to all public works projects, (except those listed under Exemptions just below), on and after January 1, 2016.
- Exemptions: As of April 1, 2015, and even after January, 1, 2016, the following projects are exempt from the requirement to have contractors and subcontractors furnish certified payroll records (CPRs) to the Labor Commissioner:

Any projects monitored and enforced by the following legacy LCPs:

- California Department of Transportation (Caltrans)
- City of Los Angeles
- Los Angeles Unified School District
- County of Sacramento

Projects covered by qualifying project labor agreements, at the Labor Commissioner's discretion.

· Requirements for awarding bodies to adopt and enforce a DIR-approved LCP are now limited to: (1) ongoing public works projects awarded prior to January 1, 2012, that were under a pre-existing LCP requirement (see the four legacy LCPs listed above) and (2) projects funded in whole or in part by Proposition 84.

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Frequently Asked Questions

Who Is Required to Register

- 🌇 How do I know the type of work tasks I perform are subject to the public works laws and as such, require me to be registered?
- 翻 If we bid directly to a contractor, do we have to register or is that covered by the contractor? Will my independent contractors be required to register?
- 🜇 Does the new contractor registration law apply to subcontractors on projects that have alternative delivery methods such as Lease-Leaseback or Design-Build?
- Does a consulting firm that contracts with school districts and that hires only independent contractors to perform work under those contracts still have to be registered with DIR?
- Does each partner of a joint venture need to register in addition to the joint venture itself?
- 🌇 Is registration required for a contractor who only does Davis-Bacon work under Federal contracts?
- 🌉 If I am a contractor who does not plan on bidding public work until July of 2015, can I wait and register then?
- 🌇 How does SB 854 affect projects bid prior to March 1, 2015 or awarded prior to April 1, 2015?

How to Register

- Where should a contractor go to register?
- 翻 What is the current turnaround time for DIR to process contractor applications, verify submitted information, and post the contractor information on the online registration list?
- 👺 After the online registration is completed, will DIR provide something to confirm that a contractor has registered, such as a card or document that serve as proof of registration?
- Are contractors with several locations in California required to register at each location?
- What does "agent of service name" refer to on the registration form?
- Does DIR have a list of all registered contractors?

Expiration / Renewals / Delayed Registration / Lapsed or Revoked Registration

- 🌇 Our company just registered and we noticed that our expiration date is 06/30/15, although it is supposed to be an annual registration. Why is it only valid for 6 months instead of 12?
- What is the earliest date for registering for next year 2015-2016?
- Will the registration number change when I renew my registration?
- 🏙 Will Project Owners (Awarding Bodies) be notified by DIR when a contractor's registration is revoked?
- What is the general/prime contractor's obligation to monitor subcontractor's registration in case the subcontractor's registration is revoked or expires prior to the project's completion?

Registration and Bidding

- 🗱 Are DIR registration numbers required to be submitted at bid time, or can this information be submitted after the bid is due?
- Does a subcontractor who is not bidding have to register?
- What does it mean that "Failure to Register" is grounds for substituting subcontractors?

Payroll Reporting

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- Do contractors still have to submit certified payroll records (CPRs) to the project owner?
- How will the payroll document upload work, and when will this be operational?

Awarding Body Requirements

- Is an awarding body required to register in the Registration database?
- Can an awarding agency with multiple project managers set up a log in/user ID for each manager to register his or her projects (using the PWC-100 project registration form), or is an agency limited to only one log in/user id?
- Do awarding bodies have to put the entire language of Labor Code section 1771.1(a) in their bid and contract documents or only reference this section?
- When registering projects on the PWC 100 form, do all trades need to be identified at that time?
- What happens if an awarding body does not register a project within the five days of awarding the contract for a public works project?
- If an awarding agency finds an unregistered contractor on site after April 1, 2015, how should it notify DIR?
- If an awarding agency has an annual open purchase order for over \$1000 for a registered contractor, does it only need to report that contract once a year on a PWC-100?
- if an agency is subject to the California Uniform Public Construction Cost Accounting Act. (Public Contract Code section 22002), which excludes 'maintenance work' from its definition of "public project", do contractors hired for maintenance work still need to be registered with DIR?
 - Do public agencies need to report projects that are not required to go through the competitive bidding process, such as emergency work and maintenance projects?
- What if a public agency has a single small job for \$250? What if it has a series of jobs with the same contractor/vendor that total over \$1,000?
- If an awarding body is awarded a contract directly by a federal agency, do a project notice and certified payroll records (CPRs) still need to be sent to the DIR and the Federal Agency?
- What is the process for projects funded through Proposition 84? Is the contracting agency required to fill out the PWC-100, and will the contractors and subcontractors be required to submit/upload certified payroll records (CPRs) to the Labor Commissioner?
- 🌇 Are awarding bodies required to use registered contractors or submit a PWC-100 for any of the following?
 - · Professional service contracts
 - Mechanics who service vehicles at the local dealership or auto shop
 - . Engineering Firms or Construction Managers hired to manage public works projects
 - · Design Consultants, Architects, and Engineers performing professional design services
 - · Material or Product Suppliers
 - · BIM CAD consultants
 - · Consultants providing DSA inspection services;
 - · Trucking Companies and Truck Drivers
 - · Furniture dealers who deliver and install furniture, or
 - · Community Conservation Corps certified by the California Conservation Corps

More Questions?

Where can someone ask additional questions about SB 854?

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NEWSLINE

Newsline No.: 2015-134 **Date:** December 30, 2015

DIR Reminds the Public Works Community of \$2,000 Penalty Effective January 1

The Department of Industrial Relations (DIR) reminds the public works community that as of January 1, 2016, the penalty for lapsed public works contractor registration (in addition to the \$300 annual renewal fee) will increase from \$300 to \$2,000.

The term "public works contractor" applies to all businesses or sole operators subject to California's prevailing wage laws.

If you are a public works contractor with an expired registration but you have not bid or worked on any public works projects requiring registration as of July 1, 2015, you can renew your registration for this fiscal year without incurring any penalties.

If you believe your public works contractor registration is active, we encourage you to:

- Use the <u>active contractor registration search tool</u> to locate and confirm your active registration. (The best way to search is to fill out just the registration number or the license number.)
- If your registration does not come up, it may have expired or you may never have been registered. In this case, go to the <u>registration/renewal</u> page to activate your registration.
- DIR's <u>Frequently Asked Questions</u> for public works has more information on how to register and who must register.

DIR registration requires that all contractors affirm under penalty of perjury that they:

- Have workers' compensation insurance coverage for all of their employees unless exempt,
- Are in compliance with all applicable workers' compensation insurance laws,
- Have no outstanding wage judgments, and
- If required, are licensed with the Contractors State License Board.

As a result of <u>Senate Bill 854</u>, all contractors have been required since April 1, 2015, to register with DIR to be awarded a public works contract, even if the project did not go out to bid.

The required annual registration fee of \$300 is used to fund such activities as DIR's compliance enforcement, prevailing wage, public works coverage determinations and enforcement appeal hearings.

DIR maintains a listing of registered contractors and subcontractors on its website to assist awarding bodies who must confirm this registration before considering a bid or awarding a contract, and for contractors who must confirm that their bid team members are registered. For more information, visit the DIR Public Works page.

DIR protects and improves the health, safety and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws.

DIR's Division of Labor Standards Enforcement (DLSE), also known as the <u>Labor Commissioner's Office</u>, enforces prevailing wage rates and apprenticeship standards in public works projects, inspects workplaces for wage and hour violations, adjudicates wage claims, investigates retaliation complaints, issues licenses and registrations for businesses and educates the public on labor laws.

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The <u>California Department of Industrial Relations</u>, established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the <u>Labor & Workforce Development Agency</u>. Non-media inquiries can contact DIR's Communications Call Center at 1-844-LABOR-DIR (1-844-522-6734) for help in locating the appropriate <u>division or program</u> in our department.

Home External Lookup

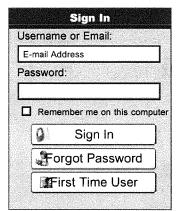
Public Works Projects Registration (PWC-100) for all Awarding Agencies

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.



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

Note that user ID and password are case sensitive.

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DEPARTMENT OF INDUSTRIAL RELATIONS

Christine Baker, Director Office of the Director 1515 Clay Street, 17th Floor Oakland, CA 94612

Eric Rood, Assistant Chief Division of Labor Standards Enforcement 160 Promenade Circle, Suite 330 Sacramento, CA 95834

IMPORTANT NOTICE

RE: Electronic Certified Payroll (eCPR) Reporting On Public Works Projects

Dear Interested Parties:

This notice is in response to the numerous inquiries DIR has received regarding the difficulty that many contractors and subcontractors are having with the eCPR requirements effective January 1, 2016. See Labor Code § 1771.4(a)(3).

Effective immediately, enforcement of the eCPR requirement is hereby temporarily stayed pending outreach, education and upgrades to the eCPR system that will allow contractors and subcontractors to more easily submit CPRs into DIR's system. DIR is currently exploring an alternative reporting format that will facilitate compliance with the eCPR requirements for contractors and subcontractors that are having difficulty. DIR anticipates that the upgrades should be completed by June 2016.

This notice **only** applies to the obligation to submit CPRs into DIR's eCPR system. Awarding bodies must still ensure that contractors and subcontractors are registered under DIR's contractor registration system and in compliance with all other prevailing wage laws including, but not limited to, Labor Code section 1776 (Reporting of Certified Payroll Records).

This notice also does not affect the ability or obligation of labor compliance personnel, or rights of other interested parties, to request and obtain certified payroll records (hard copies in the absence of electronic records).

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Public Works | Certified Payroll Reporting

Certified Payroll Reporting

Enforcement of DIR's Online eCPR Requirement on Hold:

DIR's Public Works Newsline 2016-04 announced the eCPR system is temporarily on hold until the system is upgraded to allow contractors and subcontractors to more easily submit certified payroll reports (CPRs) to DIR's system.

However, DIR's eCPR system is still available for Public Works contractors who wish to continue submitting their certified payroll records online. General Contractors and Awarding bodies will have access to CPRs provided voluntarily by Public Works contractors via DIR's eCPR search tool.

Please note: this temporary hold only applies to the obligation to submit CPRs into DIR's eCPR system. All other legal requirements are still in effect. For more information, please refer to the notice posted on January

DIR's electronic certified payroll reporting (eCPR)

Contractors and subcontractors on all public works projects awarded on or after April 1, 2015, must use this system to furnish certified payroll records (CPRs) to the Labor Commissioner.

Contractors and subcontractors who have been submitting PDF copies of their CPRs for earlier projects must also begin using the new system. (See exemptions to this requirement). Archived records can be accessed online. These records are available to contractors who submitted CPRs via PDF between April 1, 2013 and April 1, 2015. To access these records, the same login is required. If you have questions please email publicworks@dir.ca.gov.

Using the eCPR searchable database, the public may view and print out fully redacted eCPRs submitted via the eCPR system.

Certified payroll records (CPRs) can be submitted online in DIR's eCPR system either by:

© Entering each record manually using the iForm

OR

O Uploading the CPRs via an electronic XML file

If you have additional questions about submitting certified payroll records, please contact us or visit our frequently asked questions and answers for more information on eCPR.

Exemptions from Payroll Reporting

See Electronic Certified Payroll Reporting (eCPR) Exemptions for the list of projects for which contractors must use different payroll reporting methods.

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Electronic Certified Payroll Reporting (eCPR) Exemptions

Labor Code section 1771.4(b) authorizes the Labor Commissioner to exempt certain public works projects from the requirement to have contractors and subcontractors furnish certified payroll records (CPRs) to the Labor Commissioner. Only projects being monitored and enforced by an approved legacy labor compliance program (LCP) or covered by a qualifying project labor agreement may be exempted.

- ► Contractor Registration
- > Contractor Search
- Public Works Projects Registration (PWC-100)
- Public Works Projects Search
- ► Electronic Certified Payroll Records (eCPR)
- Contact Us

As of April 1, 2015, and until further notice, the following projects are exempt from the requirement to have contractors and subcontractors furnish certified payroll records (CPRs) to the Labor Commissioner:

Any projects monitored and enforced by the following legacy LCPs:

- · California Department of Transportation (Caltrans)
- · City of Los Angeles
- · Los Angeles Unified School District
- · County of Sacramento

Projects covered by qualifying project labor agreements

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Certified Payroll

a. Reporting Format: The format for reporting of payroll records requested pursuant to Labor Code Section 1776 shall be on a form provided by the public entity. If, however, the contractor does not comply with the provisions of Labor Code Section 1776, the Labor Commissioner may require the use of DIR's suggested format, "Public Works Payroll Reporting Form" (Form A-1-131). Copies of the forms may be procured at any office of the Division of Labor Standards Enforcement (DLSE) and/or:

Division of Labor Statistics & Research P.O. Box 420603 San Francisco, CA 94101

Attn: Prevailing Wage Unit

Acceptance of any other format shall be conditioned upon the requirement that the alternative format contain all of the information required pursuant to Labor Code Section 1776.

b. Wording for Certification: The form of certification shall be as follows:

t, (insert name), the undersigned, am (insert title of position with company) with the authority to act for and on behalf of (insert name of business and/or contractor). I certify under penalty of perjury that the records or copies thereof submitted and consisting of (insert description of documents and number of pages) are the originals or true, full and correct copies of the originals which depict the payroll record(s) of the actual disbursements by way

of cash, check, or whatever form to the individual or individuals named.

Date: Signature:

A public entity may require a more strict and/or more extensive form of certification

NOTE: Authority cited: Labor Code sections 54 and 1773.5, Reference: Labor Code section 1776

c. Statement of Employer Payments: Click on the following link to access Form PW 26

Labor Code section 1741(c) Judgments - Public Works

Past DLSE debarments (Public works contractors)

For a list of past DLSE debarments of public works contractors, please contact:

Susan Nakagama Special Assistant to the Labor Commissioner 455 Golden Gate Ave., 9th Fir. San Francisco, CA 94102 415-703-4810 SNakagama@dir.ca.gov

Wage claims

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Public records requests

http://www.dir.ca.gov/dise/dise-publicworks.htm[4/11/2013 12:46:14 PM]

PUBLIC WORKS PAYROLL REPORTING FORM

INSTRUCTIONS

- 1. To open, download, and print this form you must have Adobe Acrobat Reader 4.0 or higher. To download Adobe Acrobat,
- 1. click here.
- 2. The Public Works Payroll Reporting Form (Form A1-131) consists of two (2) pages. For the form to be complete, you must download and print both pages. The pages must either be attached together or printed two-sided.
- 3. The form is legal size, 8.5 x 14 inches, and will only print in its entirety on that size paper. Deletion or omission of any part of this form constitutes a violation of California Labor Code Section 1776(c).
- 4.
- 5. Click here to download the form.

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For Privacy Considerations

Fold back along dotted line prior to copying for release to general public (private persons).
(Paper Size then 8-1/2 x 11 inches)
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with the authority to act for and on behalf of
(Position in business)
certify under penalty of perjury
(Name of business and/or contractor)
that the records or copies thereof submitted and consisting of (Description, number of pages)
are the originals or true, full, and correct copies of the originals which depict the payroll record(s)
of the actual disbursements by way of cash, check, or whatever form to the individual or
individuals named.
Date: Signature:

A public entity may require a stricter and/or more extensive form of certification.

Statement of Employer Payments

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IF YOU USE OTHER PLANS NOT LISTED ABOVE, YOU MAY USE THE BACK OF THIS FORM TO PROVIDE THIS ADDITIONAL INFORMATION

PW 26

Chapter 8. Office of the Director

Subchapter 3. Payment of Prevailing Wages upon Public Works

Article 6. Certified Payroll Records: Requests, Content, and Cost

\$16400. Request for Payroll Records.

- (a) Requests may be made by any person for certified copies of payroll records. Requests shall be made to any of the following:
- (1) the body awarding the contract, or
- (2) any office of the Division of Labor Standards Enforcement, or the Division of Apprenticeship
- (b) Requests for certified copies of payroll records pursuant to Section 1776 of the Labor Code may be made by any person. However, any such request shall be in writing and contain at least the following information:
- (1) The body awarding the contract;
- (2) The contract number and/or description;
- (3) The particular job location if more than one;
- (4) The name of the contractor;
- (5) The regular business address, if known.

NOTE: Requests for records of more than one contractor of subcontractor must list the information regarding that contractor individually, even if all requests pertain to the same particular public works project. Blanket requests covering an entire public works project will not be accepted; unless contractor and subcontractor responsibilities regarding the project are not clearly defined.

- (c) Acknowledgment of Request. The public entity receiving a request for payroll records shall acknowledge receipt of such, and indicate the cost of providing the payroll records based on an estimate by the contractor, subcontractor or public entity. The acknowledgment of the receipt of said request for payroll records may be accomplished by the public entity's furnishing a copy of its written correspondence requesting certified copies of the payroll records sent to the specific contractor pursuant to Section 16400(d) below, to the person who requested said records.
- (d) Request to Contractor. The request for copies of payroll records by the requesting public entity shall be in any form and/or method which will assure and evidence receipt thereof. The request shall include the following:
- (1) Specify the records to be provided and the form upon which the information is to be provided;
- (2) Conspicuous notice of the following:
- (A) that the person certifying the copies of the payroll records is, if not the contractor, considered as an agent acting on behalf of the contractor; and
- (B) that failure to provide certified copies of the records to the requesting public entity within 10 working days of the receipt of the request will subject the contractor to a penalty of twenty-five (\$25.00) dollars per calendar day or portion thereof for each worker until strict compliance is effectuated;
- (3) Cost of preparation as provided in Section 16402; and
- (4) Provide for inspection.
- (e) Inspection of Payroll Records. Inspection of the original payroll records at the office of the contractor(s) pursuant to subdivision (b) of Section 1776 of the Labor Code shall be limited to the public entities upon reasonable written or oral notice.

NOTE: Authority cited: Sections 54, 1773.5 and 1776, Labor Code. Reference: Sections 1773.5 and 1776, Labor Code.

§16402. Cost.

The cost of preparation to each contractor, subcontractor, or public entity when the request was made shall be provided in advance by the person seeking the payroll record. Such cost shall be \$1 for the first page of the payroll record and 25 cents for each page thereafter, plus \$10 to the contractor or subcontractor for handling costs. Payment in the form of cash, check or certified money order shall be made prior to release of the documents to cover the actual costs of preparation.

NOTE: Authority cited: Section 1776, Labor Code. Reference: Section 1776(h), Labor Code.

§16403. Privacy Considerations.

- (a) Records received from the employing contractor shall be kept on file in the office or entity that processed the request for at least 6 months following completion and acceptance of the project. Thereafter, they may be destroyed unless administrative, judicial or other pending litigation, including arbitration, mediation or other methods of dispute resolution, are in process. Copies on file shall not be obliterated in the manner prescribed in subdivision (b) below;
- (b) copies provided to the public upon written request shall be marked, obliterated or provided in such a manner that the name, address and Social Security number, and other private information pertaining to each employee cannot be identified. All other information including identification of the contractor shall not be obliterated;
- (c) the public entity may affirm or deny that a person(s) was or is employed on a public works contract (by a specific contractor) when asked, so long as the entity requires such information of an identifying nature which will reasonably preclude release of private or confidential information.

NOTE: Authority cited: Sections 54, 1773.5 and 1776, Labor Code. Reference: Section 1776, Labor Code.

TAKING PROPER CREDIT FOR FRINGE BENEFIT PAYMENTS

- A. LABOR CODE § 1773.1(a) IDENTIFIES NINE TYPES OF "EMPLOYER PAYMENTS" WHICH ARE ENTITLED TO "CREDIT" AGAINST OBLIGATION OF CONTRACTORS TO PAY PREVAILING RATE OF WAGES
- B. TYPICAL EXAMPLES OF AUTHORIZED "EMPLOYEE PAYMENTS"
 - 1. HEALTH INSURANCE PREMIUMS PAID BY EMPLOYER
 - 2. PENSION PLAN CONTRIBUTIONS PAID BY EMPLOYER
 - 3. VACATION PLAN CONTRIBUTIONS PAID BY EMPLOYER
- C. "EMPLOYER PAYMENTS" DEFINED: LABOR CODE § 1773.1(b)
 - 1. RATE OF CONTRIBUTIONS IRREVOCABLY MADE BY EMPLOYER TO TRUSTEE PURSUANT TO PLAN
 - 2. RATE OF ACTUAL COSTS TO EMPLOYER TO PROVIDE BENEFITS TO WORKERS PURSUANT TO "ENFORCEABLE COMMITMENT" TO CARRY OUT "FINANCIALLY RESPONSIBLE" PLAN COMMUNICATED IN WRITING TO WORKERS
 - PAYMENTS TO CALIFORNIA APPRENTICESHIP COUNCIL PURSUANT TO LABOR CODE § 1777.5
- D. NO CREDIT FOR EMPLOYER PAYMENTS REQUIRED TO BE PROVIDED BY OTHER STATE OR FEDERAL LAW (e.g. EMPLOYER PAYMENTS TO EDD FOR UNEMPLOYMENT BENEFITS) (LABOR CODE § 1773.1(c))
- E. CREDIT FOR "EMPLOYER PAYMENTS" CANNOT REDUCE CONTRACTOR'S OBLIGATION TO PAY WORKERS "BASIC HOURLY RATE" SHOWN ON APPLICABLE PREVAILING WAGE DETERMINATION ISSUED BY DIRECTOR (LABOR CODE § 1773.1(c))
- F. "ANNUALIZED BASIS" REQUIRED IF CONTRACTOR SEEKS CREDIT FOR EMPLOYER PAYMENTS THAT ARE HIGHER FOR PUBLIC WORKS PROJECTS THAN FOR PRIVATE CONSTRUCTION (LABOR CODE § 1773.1(d))
 - ANALAGOUS FEDERAL GUIDELINES TO COMPUTE ANNUALIZED CREDIT: U.S. DEPARTMENT OF LABOR FIELD ENFORCEMENT HANDBOOK (6/29/90, § 15F11)
 - 2. SAMPLE ANNUALIZED CREDIT CALCULATION UNDER FEDERAL GUIDELINES: DIVIDE TOTAL EMPLOYER CONTRIBUTIONS FOR YEAR BY TOTAL NUMBER OF HOURS WORKED ON ALL PROJECTS, PUBLIC OR PRIVATE, FOR MAXIMUM HOURLY RATE OF CREDIT AVAILABLE
- G. CONTRACTORS MAY CHOOSE TO PAY ANY OR ALL "EMPLOYER PAYMENT"
 AMOUNTS IDENTIFIED ON APPLICABLE PREVAILING WAGE DETERMINATION
 ISSUED BY DIRECTOR AS HOURLY WAGES TO WORKERS (WSB ELECTRIC,
 INC. V CURRY 88 F.3d 788 (9TH CIR. 1996))
 - I. CAUTION: ENFORCEABLE CONTRACTUAL AGREEMENTS ENTERED INTO BY CONTRACTOR MAY REQUIRE THAT CERTAIN CONTRIBUTIONS BE MADE TO SPECIFIED PLANS
 - 2 EXCEPTION: "TRAINING" AMOUNTS IDENTIFIED ON APPLICABLE PREVAILING WAGE DETERMINATION MUST GENERALLY BE PAID TO CALIFORNIA APPRENTICESHIP COUNCIL OR AN ELIGIBLE, DAS-APPROVED APPRENTICESHIP PROGRAM, NOT TO WORKERS (LABOR CODE § 1777.5(m)(1))

Sections of the California Labor Code Pertaining to Employer Payments

1773.1. (a) Per diem wages, when the term is used in this chapter or in any other statute applicable to public works, shall be deemed to include employer payments for the following:

- (1) Health and welfare.
- (2) Pension.
- (3) Vacation.
- (4) Travel.
- (5) Subsistence.
- (6) Apprenticeship or other training programs authorized by Section 3093, so long as the cost of training is reasonably related to the amount of the contributions.
- (7) Worker protection and assistance programs or committees established under the federal Labor Management Cooperation Act of 1978 (Section 175a of Title 29 of the United States Code), to the extent that the activities of the programs or committees are directed to the monitoring and enforcement of laws related to public works.
- (8) Industry advancement and collective bargaining agreements administrative fees, provided that these payments are required under a collective bargaining agreement pertaining to the particular craft, classification, or type of work within the locality or the nearest labor market area at issue.
- (9) Other purposes similar to those specified in paragraphs (1) to (8), inclusive,
- (b) Employer payments include all of the following:
 - (1) The rate of contribution irrevocably made by the employer to a trustee or third person pursuant to a plan, fund, or program.
- (2) The rate of actual costs to the employer reasonably anticipated in providing benefits to workers pursuant to an enforceable commitment to carry out a financially responsible plan or program communicated in writing to the workers affected.
- (3) Payments to the California Apprenticeship Council pursuant to Section 1777.5.
- (c) Employer payments are a credit against the obligation to pay the general prevailing rate of per diem wages. However, no credit shall be granted for benefits required to be provided by other state or federal law. Credits for employer payments also shall not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing.
- (d) The credit for employer payments shall be computed on an annualized basis where the employer seeks credit for employer payments that are higher for public works projects than for private construction performed by the same employer, except where one or more of the following occur:
- (1) The employer has an enforceable obligation to make the higher rate of payments on future private construction performed by the employer.
- (2) The higher rate of payments is required by a project labor agreement.
- (3) The payments are made to the California Apprenticeship Council pursuant to Section 1777.5.
- (4) The director determines that annualization would not serve the purposes of this chapter.
- (e) (1) For the purpose of determining those per diem wages for contracts, the representative of any craft, classification, or type of worker needed to execute contracts shall file with the Department of Industrial Relations fully executed copies of the collective bargaining agreements for the particular craft, classification, or type of work involved. The collective bargaining agreements shall be filed after their execution and thereafter may be taken into consideration pursuant to Section 1773 whenever filed 30 days prior to the call for bids. If the collective bargaining agreement has not been formalized, a typescript of the final draft may be filed temporarily, accompanied by a statement under penalty of perjury as to its effective date.
- (2) Where a copy of the collective bargaining agreement has previously been filed, fully executed copies of all modifications and extensions of the agreement that affect per diem wages or holidays shall be filed.
- (3) The failure to comply with filing requirements of this subdivision shall not be grounds for setting aside a prevailing wage determination if the information taken into consideration is correct.

Sections of the California Code of Regulations Pertaining to Employer Payments

Title 8, California Code of Regulations, Section 16200(a)(3)(I)

Credit Available For Actual Payment of Pringe Benefit Costs up to the Prevailing Amount. The contractor obligated to pay the full prevailing rate of per diem wages may take credit for amounts up to the total of all fringe benefit amounts listed as prevailing in the appropriate wage determination. This credit may be taken only as to amounts which are actual payments under Employer Payments Section 16000(1)-(3). In the event the total of Employer Payments by a contractor for the fringe benefits listed as prevailing is less than the aggregate amount set out as prevailing in the wage determination, the contractor must pay the difference directly to the employee. No amount of credit for payments over the aggregate amount of employer payments shall be taken nor shall any credit decrease the amount of direct payment of hourly wages of those amounts found to be prevailing for straight time or overtime wages.

Prevailing Wage Seminar

Apprenticeship Requirements and Enforcement

State of California

Department of Industrial Relations

Labor Law | Cal/OSHA - Safety & Health | Workers' Comp

Self Insurance Apprenticeship

Division of Apprenticeship Standards (DAS)



🖸 Division of Apprenticeship Standards - Public works information

In general, public works refers to construction projects that are paid for in whole or in part out of public funds, or if private funds are used, more than 50 percent of the square footage is leased to a public entity. Because of this, there are laws regarding many aspects of the construction projects to protect the public's interest.

One of the legal requirements for working on a public works project is the employment of apprentices. The Division of Apprenticeship Standards provides assistance to contractors in employing apprentices on public works sites.

Enforcement of Apprentice Laws and Regulations on Public Works Projects is a function of the Division of Labor Standards Enforcement. http://www.dir.ca.gov/dlse/dlsePublicWorks.html

Address Change

The address for CAC Training Fund Contributions has changed.

Effective March 17, 2015, please send all contributions to:

Department of Industrial Relations California Apprenticeship Council P.O. Box 511283 Los Angeles, CA 90051-7838

Important Notices

· Effective July 1, 2012, enforcement of Apprenticeship requirements on Public Works projects is the responsibility of the Division of Labor Standards Enforcement. Complaints and inquiries should be filed with:

Southern California

DLSE - BOFE Public Works Attn: Complaints Unit 300 Oceangate, Suite 850 Long Beach, CA 90802

Northern California

DLSE - BOFE Public Works Attn: Complaints Unit 2031 Howe Avenue, Suite 100 Sacramento, California 95825

- Changes in California Code of Regulations section 230.1 regarding minimum dispatch hours for an apprentice 🖾
- · Changes to Code of Regulations Section 230.1 Regarding the employment of apprentices on Public Works. Effective for projects bid on or after 7/1/2009
- · Exemption Request for Operating Engineers & Laborers
- DAS 2009-002 Residential Wages 🖾
- DAS 2009-001 How to determine prevailing rate of pay for your apprentice 🗟

Training fund contributions

A contractor to whom a contract is awarded, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade shall contribute to the California Apprenticeship Council the same amount that the director determines is the prevailing amount of apprenticeship training contributions in the area of the public works site. Training funds are due & payable by the 15th of the month after the month the work was performed and should be sent with a CAC2 form (found below) and at https://www.dir.ca.gov/DAS/tf/cac2.asp to:

DIR - California Apprenticeship Council (CAC)

P.O. Box 511283

Los Angeles, CA 90051-7838

A contractor may take as a credit for payments to the council any amounts paid by the contractor to an approved apprenticeship program that can supply apprentices to the site of the public works project. Contractors can call the Director's office of Policy, Research and Legislation (OPRL) at (415) 703-4774 or visit their website to obtain Training Fund Contribution Rates for journeymen and apprentices. Training Contributions must be paid for every hour worked by every journeyman and apprentice working in an apprenticeable craft (including overtime). Training Funds cannot be paid to the workers unless it is a non-apprenticeable craft.

<u>Division of Apprenticeship</u> Standards(DAS)

Quick Links

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- Use apprentices on public works projects
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Interactive databases

- 1. Search Public works projects as reported by Awarding Bodies
- 2. If you are looking to check the apprenticeship status of an individual this database can give you the information you need.
- 3. If you are looking to find apprenticeable crafts and the contact information for those apprenticeship programs in your area this database sorts by county and craft and gives you contact information.
- 4. If you are looking to find out if training funds have been paid by a contractor working on a public works project this database can provide you information.
- 5. If you are looking for the additional apprenticeship wage information as noted in the general prevailing wage apprenticeship schedules, published by the Director's office of Policy, Research and Legislation .

Forms

- 1. Public Works Contract Award Information DAS 140 🚇 version 🕱 version
- 2. Request for Dispatch of an Apprentice DAS 142 @
- 3. Report CAC Training Fund Contributions on this website

For more information on public works

- If You've Been Awarded a Public Works Contract (Summary of Requirements)
- · Frequently asked questions
- · Laws & Regulations
- . The Division of Labor Standards Enforcement enforces labor law related to the payment of prevailing wage and working conditions.
- · The Director's office of Policy, Research and Legislation conducts labor research and provides statistics for public works projects

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January 2015

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Apprenticeship

Division of Apprenticeship Standards (DAS)



Division of Apprenticeship Standards - Labor Code 1777.5 (h),(k) Minimum Ratio Exemptions

The following are exemptions to the minimum 5-1 journeymen to apprentice hourly ratio as required by Labor Code 1777.5 (g), however an employer can and is encouraged to employ an apprentice as the second person on the job whenever possible and allowed by the apprenticeship program standards.

Operating Engineers

Northern California - Applies to all Contractors

 Contractors are required to utilize a minimum ratio of not less than one apprentice for each four journeymen. Operating Engineers Apprentice Ratio Exemption Request, Northern California 🖺 - August 2011

Southern California - Applies to all Contractors

· Contractors are required to utilize a minimum ratio of not less than one apprentice for each five journeymen, Operating Engineers Apprentice Ratio Exemption Request, Southern California 🙇 - November 2011

Laborers

Northern California - Applies only to contractors that employ or request apprentices registered by the Northern California Laborers Joint Apprenticeship Training Committee.

· Participating contractors are not required to hire an apprentice until there are four journeymen on the jobsite. Laborers Apprentice Ratio Exemption Request, Northern California 2 - August 2014

Southern California - Applies only to contractors that granted this exemption by the Laborers Southern California Apprenticeship Program and approved by the Administrator of Apprenticeship.

· Approved contractors are not required to hire an apprentice until there are four journeymen on the jobsite. Laborers Apprentice Ratio Exemption Request, Southern California 🖺 - September 2014

September 2014

Division of Apprenticeship Standards(DAS)

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DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS 455 Golden Gate Avenue, 10th Floor

San Francisco, CA 94102 Tel; (415) 703-4920

Fax: (415) 703-5477

www.dir.ca.gov

ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

May 16, 2011

Operating Engineers Joint Apprenticeship Committee for Southern California Bert Tolbert, Administrator 2200 S. Pellissier Pl. Whittier, CA 90601

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mr. Tolbert:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, subject to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption was based on a perceived lack of feasibility for an hourly apprentice ratio because the equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment are being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

We have reviewed your request and have concluded that the limited number of movable equipment pieces needed to complete the work on some projects and the fact that most equipment requires only one operator creates difficulty in training apprentices on a ratio of one hour of apprentice work to five hours of journey level work. On jobs where there are fewer than five journey level workers it is difficult to assure proper supervision of apprentice work, and use of the hourly ratio may produce situations where an apprentice would be required to work with a particular type of equipment that would not be suitable.

The area of operation for the Operating Engineers Joint Apprenticeship Committee for Southern California includes the counties of Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, therefore this request only covers these counties (Southern California) as we have not been asked to consider whether such as exemption would be appropriate in northern California.

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS

455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102

Tel: (415) 703-4920 Fax: (415) 703-5477 www.dir.ca.gov



ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

Therefore, based on the authority vested in the DAS by Labor Code section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Southern California is granted an exemption from the one to five hourly apprentice ratio for all Operating Engineers classifications on Public Work projects in Southern California, and contractors are required to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications in order to comply with Labor Code section 1777.5.

Effective April 4, 2011 and will remain in effect until revoked by the Administration of Apprenticeship.

Sincerely,

Glen K. Forman Acting Chief

Division of Apprenticeship Standards

(415) 703-4939

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS

455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102

Tel: (415) 703-4920 Fax: (415) 703-5477 www.dir.ca.gov

ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

March 3, 2011

Operating Engineers Joint Apprenticeship Committee for Southern California Bert Tolbert, Administrator 2190 S. Pellissier Pl. Whittier, CA 90601

Dear Mr. Tolbert,

I have received your application for an exemption for your program. Because of the time it will take to be processed, I am extending the date of my revocation letter to April 3, 2011.

Until this exemption is approved, the current exemption is in full effect.

Yourstruly

Glen K. Forman Acting Chief

Division of Apprenticeship Standards

(415) 703-4939

Enc.

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS 455 Golden Gate Avenue, 10th Floor

San Francisco, CA 94102

Tel: (415) 703-4920 Fax: (415) 703-5477 www.dir.ca.gov

ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

February 2, 2011

Operating Engineers Joint Apprenticeship Committee for Southern California Bert Tolbert, Administrator 2190 S. Pellissier Pl. Whittier, CA 90601

Dear Mr. Tolbert,

This letter is to inform you that I am revoking your exemption to apprentice to journeyman hours ratio in Labor Code Section 1777.5 which was approved April 3, 2003 (attached). Your exemption will be revoked effective with projects with a bid date on or after March 3, 2011. I am taking this step because of the amount of time that has passed since the exemption was granted. I believe it is appropriate for the program to reevaluate its request in light of current conditions and training needs. There has also been some confusion concerning the scope of the exemption on public works projects.

If after considering the matter and you wish to reapply for an exemption, please contact me as soon as possible.

Please notify your contractors of this change.

Yourstruly

Glen K. Forman Acting Chief

Division of Apprenticeship Standards

(415) 703-4939

Enc.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
455 GOLDEN GATE AVENUE, 8TH FLOOR
AN FRANCISCO, CA 94102
815) 703-4920



ADDRESS REPLY TO: P.O. Box 420603 San Francisco, CA 94142

April 3, 2003

Operating Engineers Joint Apprenticeship Committee for Southern California Bert Tolbert, Administrator 2200 S. Pellissier Pl. Whittier, CA. 90601

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mr. Tolbert:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, relative to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption because of a perceived lack of feasibility for an hourly apprentice ratio is based on two points: 1) Extensive travel, as required in the Southern California Counties, will adversely impact an apprentice, especially on short jobs. 2) The equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment is being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

Extensive travel is a condition that the entire construction industry must contend with. Construction work locations and the length of time to complete the project vary considerably. It is an accepted fact that all workers, including apprentices, of the building and construction trades must travel in order to be a part of the industry.

The travel argument is rejected as the basis for an exemption because it applies to an entire broad industry rather than a particular occupation. Accepting this rationale would open the exemption door for any program that requires the apprentices to travel to the job.

However, the limited number of movable equipment pieces on some projects needed to complete the work and the fact that most equipment requires only one operator emphasizes the difficulty encountered in training apprentices on a ratio of one hour to five.

Therefore, based on the authority vested in the DAS by Labor Code Section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Southern California is granted an exemption from the one to five hourly apprentice ratio on Public Works project and is ordered to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications. This exemption will remain in effect until revoked.

Sincerely,

Henry P. Num III

Chief, DAS

Effective Date: January 1, 2003

Thenry P. Tunn III

cc: Deputy Chief

Area Administrators

M. Poindexter, Sr. App. Consultant

V. Aguirre, App. Consultant

E. Nedza, App. Consultant

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS 455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102

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ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

July 16, 2012

Alexander Cvitan Reich, Adell & Cvitan 3550 Wilshire Blvd. Suite 2000 Los Angeles, CA 90010-2314

RE: Laborers Southern California Apprenticeship Program

Dear Mr. Cvitan,

This letter is to inform you that effective with projects bid on or after June 1, 2012, I am revoking your previous exemption to apprentice to journeyman hours ratio in Labor Code Section 1777.5 which was effective February 23, 2011, as it is now superseded by the exemption I approved May 7, 2012 (attached).

The current exemption is applicable only to the list of approved contractors which you have provided to me. The Program is to notify the Administrator of Apprenticeship immediately of any changes to the approved list. This exemption will remain in effect until revoked by the Program or the Administrator of Apprenticeship.

Sincerely,

Diane Ravnik

Chief.

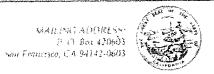
Division of Apprenticeship Standards

(415) 703-4915

Enc.

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS Division of Apprenticeship Standards 455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102 Tel: (415) 703-4920 Fax: (415) 703-5218



May 7, 2012

Mr. Alexander B. Cvitan Reich, Adell & Cvitan 3550 Wilshire Blvd., Suite 2000 Los Angeles, CA 90010

Dear Mr. Cvitan:

Enclosed is your original of the revised Ratio Exemption for the Southern California Laborers JAC, to become effective June 1, 2012 and available to eligible participating contractors approved by your JAC.

Because the exemption granted is limited to a relatively small number of employers, may I suggest that rather than posting the exemption on DAS website, that we verify the grant of exemption to eligible contractors approved by your committee by providing each participating employer with an executed copy of the attached form, which they could provide to any compliance organization if questions arose.

I look forward to receiving your list of qualified contractors to be granted an exemption to the hourly ratio.

Sincerely,

Diane Raynik

Chief

SOUTHERN CALIFORNIA LABORER APPRENTICESHIP RATIO EXEMPTION APPROVALS

			The same of the sa			FEEECTIVE	EXDIDATION
EMPLOYER NAME	ADDRESS		CITY	STATE	ZIP	DATE	DATE
Abc Resources, Inc.	1527 W. State Street		Ontario	Ca	91762	06/01/15	05/31/16
Ace Fence Company	727 N. Glendora Ave.		La Puente	Ca	91744	06/01/15	05/31/16
All Valley Fence & Supply	164 North O Street		Imperial	Ca	92257	05/01/15	04/30/16
Alpha & Omega Pavers	987 Calimesa Blvd		Calimesa	Ca	92320	06/01/15	05/31/16
Anderson, L.D. Inc.	2750 S. Lilac Avenue		Bloomington	Ca	92316	06/01/15	05/31/16
Ayala Boring, Inc.	10150 Poplar Ave		Fontana	Ca	92335	12/01/14	12/01/15
Bales, Cindy Engineering Inc.	P.O. Box 1600		Big Bear City	Ca	92314	06/01/15	05/31/16
Bali Construction, Inc.	9852 Joe Vargas Way		South El Monte	Ca	91733	06/01/15	05/31/16
Baxter Drilling Co.	P.O. Box 1016		Lakeside	Ca	92040	06/01/15	05/31/16
Becker, R.C. & Son Inc.	28355 Kelly Johnson Pkwy		Valencia	Ca	91355	05/01/15	04/30/16
Bitech Construction Co., Inc	7371 Walnut Avenue		Buena Park	Са	90620	06/01/15	05/31/16
Blue Iron Inc	P.O. Box 736		West Sacramento	Са	95691	06/01/15	05/31/16
Brutoco Eng. & Const., Inc.	P.O. Box 310189		Fontana	Ca	92331	05/01/15	04/30/16
C & W Construction Specialties	2419 Palma Drive		Ventura	Ca	93003	06/01/15	05/31/16
Center-Line Concrete Cutting Co., Inc	20420 Clubview Ct		Tehachapi	Ca	93561	02/01/15	02/01/16
Chrisp Company	43650 Osgood Road		Fremont	Ca	94538	06/01/15	05/31/16
Civil Works Corporation	9348 Oak Street		Bellflower	Ca	90206	06/01/15	05/31/16
Cmb Structures, Inc	10572 Acacia Street	Suite C3	Rancho Cucamonga	Ca	91730	06/01/15	05/31/16
Concrete Coring Company	14005 Orange Avenue		Paramount	Ca	90723	05/01/15	04/30/16
Construct 1 One Corporation	2832 Walnut Ave.	S	Tustin	Ca	92780	06/01/15	05/31/16
Cooke, G.B. Inc.	580 E. Foothill Boulevard		Azusa	Ca	91702	06/01/15	05/31/16
Craftman Concrete Cutting	5455 Diaz Street		Irwindale	Ca	91206	06/01/15	05/31/16
Crown Fence Supply Company	12118 Bloomfield Avenue		Santa Fe Springs	Ca	02906	06/01/15	05/31/16
Cut N Core	9194 Chesapeake Drive	·	San Diego	Ca	92123	06/01/15	05/31/16
Davidson Concrete Cutting, Inc	16654 Soledad Cyn Road Box		Canyon Country	Ca	91387	02/01/15	02/01/16
Dean's Certified Welding, Inc	2165 Mardavido Lane		Failbrook	Ca	92028	06/01/15	05/31/16
Diamondback Sawing Coring & Demo	17271 Whatley Ave.		Fontana	Ca	92336	06/01/15	05/31/16
Dodge Concrete Surfaces	15791 Willet Lane		Huntington Bch	Ca	92647	06/01/15	05/31/16
Earth Construction & Mining	11542 Knott Ave.	10	Garden Grove	Ca	92841	06/01/15	05/31/16
Ebs Utlities Adjusting, Inc	1320 E. Sixth Street	100	Corona	Ca	92879	06/01/15	05/31/16
Edick & Watt, Inc.	P.O. Box 13428		El Cajon	Ca	92022	06/01/15	05/31/16
Electro Construction Corp.	3021 Rowena Avenue		Los Angeles	Ca	90039	06/01/15	05/31/16
Engineered Storage Systems, Inc.	1038 W. Kirkwall Road		Azusa	Ca	91702	09/01/14	09/01/15
Environmental Const. Group, Inc.	3271 East 19th Street		Long Beach	Ca	90755	06/01/15	05/31/16
Euro Shine	6525 Rubio Avenue		Van Nuys	Ca	91406	08/01/15	07/31/16
Fast Forward Concrete Cutting, Inc.	7738 Burnet Avenue		Van Nuys	Ca	91405	06/01/15	05/31/16
Geox, Inc	1295 Distribution Way	Suite B	Vista	Ca	92081	08/01/15	07/31/16
Goss Construction Co., Inc.	8787 Flower Rd		Rancho Cucamonga	Ca	91730	06/01/15	05/31/16
Granstrom Masonry, Inc.	P.O. Box 7041		Torrance	Ca	90504	06/01/15	05/31/16
Green Vista Landscape	4050 Alvis Court		Rocklin	Ca	95677	07/01/15	06/30/16
Griffin Contract Dewater Inc	560 E. Maitland Street		Ontario	Ca	91761	06/01/15	05/31/16
Griffith Company	3050 East Birch Street		Brea	Ca	92821	11/01/14	11/01/15
Guzman Grading & Paving, Corp	14030 Rose Ave		Fontana	Ca	92337	06/01/15	05/31/16

SOUTHERN CALIFORNIA LABORER APPRENTICESHIP RATIO EXEMPTION APPROVALS

						CEEECTINE	EVDIDATION
EMPLOYER NAME	ADDRESS		CITY	STATE	ZIP	DATE	DATE
Hayward Baker Inc	1870 Cordell Court	No. 212	El Cajon	Ca	92020	11/01/14	11/01/15
High-Light Electric, Inc.	P.O. Box 7339		Riverside	Са	92513	06/01/15	05/31/16
Howard Contracting, Inc.	12354 Carson Street		Hawaiian Gardens	Ca	90716	06/01/15	05/31/16
J & C Underground	1800 North Pepper Street	The state of the s	Burbank	Ca	91505	06/01/15	05/31/16
J.A. Lynch Masonry Inc.	7102 Thomas Street		Buena Park	Ca	90620	06/01/15	05/31/16
Jezowski & Markel Contr., Inc	748 N. Poplar Street		Orange	Ca	89976	06/01/15	05/31/16
Jones Bros Construction Co.	P.O. Box 905		Coachella	Ca	92236	05/01/15	04/30/16
K.R.C. Safety Co., Inc.	7821 W. Sunnyview Ave.		Visalia	Са	93290	05/01/15	04/30/16
Kdc, Inc. Dba Dynalectric	4462 Corporate Center Dr.		Los Alamitos	Ca	90720	06/01/15	05/31/16
Laird Construction Co., Inc.	9460 Lucas Ranch Road		Rancho Cucamonga	Ca	91730	07/01/15	06/30/16
Las Vegas Paving Corporation	4420 South Decatur Blvd.		Las Vegas	ź	89103	07/01/15	06/30/16
Leko Construction, Inc.	5215-B Kazuko Ct		Moorpark	Ca	93021	02/01/15	02/01/16
Long's Directional Boring	1476 Bodie Place		Norco	Ca	92860	07/01/15	06/30/16
Longway, Robert B. Inc.	2131 S. Grove Avenue	Unit C	Ontario	Ca	91761	07/01/15	06/30/16
Los Angeles Signal Const. Inc	P.O. Box 610		San Dimas	Ca	91773	07/01/15	06/30/16
Lozano's Backhoe Service	P.O. Box 584		Pearblossom	Ca	93553	05/01/15	04/30/16
M.S. Construction Management Grp	32565b Golden Lantern	475	Dana Point	Ca	92629	07/01/15	06/30/16
Mac Intosh, A. L. Company	9501 Kruse Road		Pico Rivera	Ca	09906	07/01/15	06/30/16
Manhole Adjusting, Inc.	9500 Beverly Road		Pico Rivera	Ca	09906	06/01/15	05/31/16
Marne Construction, Inc.	748 N. Poplar Street		Orange	Ca	92668	07/01/15	06/30/16
Mass X Inc.	55 Shaw Avenue	No. 105	Clovis	Ca	93612	06/01/15	05/31/16
Maxwell's Backhoe, Inc. Dba Mbi Excavation	466 W. Arrow Hwy	Suite D	San Dimas	Ca	91773	08/01/15	07/31/16
	20401 Sw Birch St #300		Newport Beach	Ca	92660	07/01/15	06/30/16
Contracting, Inc.	16579 Slover Avenue		Fontana	Ca	92337	07/01/15	06/30/16
n.u	P.O. Box 940		Roseville	Ca	95661	08/01/15	07/31/16
Mendez Concrete, Inc.	1210 E. Santa Paula Street		Santa Paula	Ca	93060	07/01/15	06/30/16
Miron Electric Const. Corp.	9238 Deering Avenue		Chatsworth	Ca	91311	09/01/14	09/01/15
Mjk Construction, Inc.	4780 Cheyenne Way		Chino	Ca	91710	07/01/15	06/30/16
Mmc Inc./Mehta Mechanical Corp.	5901 Fresca Drive		La Palma	Ca	90623	07/01/15	06/30/16
Moe, H.L. Company Inc.	614 West Colorado Street		Glendale	Ca	91204	07/01/15	06/30/16
Moran Manhole Builders, Inc	5924 Layton Street		Rancho Cucamonga	Ca	91737	07/01/15	06/30/16
Muir-Chase Plumbing Company,Inc.	4530 Brazil Street		Los Angeles	Са	90039	07/01/15	06/30/16
Nor-Cal Pipeline Services	P.O. Box 1659		Yuba Ciry	Ca	95992	07/01/15	06/30/16
Northwest Excavating, Inc.	18201 Napa Street		Northridge	Ca	91325	07/01/15	06/30/16
Olivas Foundation Drill, Inc	3345 Royal Ridge Rd		Chino Hills	Ca	91709	07/01/15	06/30/16
Olsson Construction	326 W. Katella Avenue	4.)	Orange	Ca	92867	07/01/15	06/30/16
Orange County Striping Service	183 North Pixley		Orange	Ca	92868	07/01/15	06/30/16
Pacific Cleaning Service, Inc.	3334 E. Pacific Cleaning Hwy		Corona Del Mar	Ca	92625	07/01/15	06/30/16
Park, Laura Company	1301 Ashland Avenue		Santa Monica	Ca	90405	07/01/15	06/30/16
Pascal & Ludwig Engineers	2049 E. Francis Street		Ontario	Ca	91761	10/01/14	10/01/15
Payco Specialties, Inc.	120 N. Second Avenue		Chula Vista	Ca	91910	07/01/15	06/30/16
Plant Construction Company			San Francisco	Ca	94124	07/01/15	06/30/16
Pre-Con Installer, Inc.	2320 Shasta Way	Unit A	Simi Valley	Ca	93065	07/01/15	06/30/16
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SOUTHERN CALIFORNIA LABORER APPRENTICESHIP RATIO EXEMPTION APPROVALS

						EFFECTIVE	EXPIRATION
EMPLOYER NAME	ADDRESS		CITY	STATE	ZIP	DATE	DATE
Premiere Engineering/Grad Inc.	980 E. Discovery Lane		Anaheim	Са	92801	07/01/15	06/30/16
Prieto Construction Co., Inc.	23162 Arroyo Vista		Rnch Snta Mrgrta	Са	88926	07/01/15	06/30/16
Reb Construction Co., Inc.	5654 San Florentine Ave.		Las Vegas	N N	89141	05/01/15	04/30/16
Red Hawk Fence And Environmental Serv	1654 Illinios Avenue	Unit 5	Perris	Ca	92585	08/01/15	07/31/16
Rotunno L.J., Concrete Const.	P.O. Box 4568		San Clemente	Ca	92672	07/01/15	06/30/16
Rudolph & Sletten, Inc.	15901 Olden		Sylmar	Ca	91342	05/01/15	04/30/16
Salas Bert W Gen. Contr. Inc	10769 Woodside Avenue	201	Santee	Ca	92071	07/01/15	06/30/16
Salsbury Eng. & Grading	2465 West La Palma Avenue		Anaheim	Ca	92801	07/01/15	06/30/16
Samarzich, Vido Company	4972 Crestview Place		Alta Loma	Са	91701	07/01/15	06/30/16
Samrod Corporation	151 E. Avenue	8	Lancaster	Са	93535	07/01/15	06/30/16
Santa Clarita Concrete	16164 Sierra Highway		Santa Clarita	Ca	91390	07/01/15	06/30/16
Sharma General Engineering	13840 Princeton Ave.		Moorpark	Ca	93021	07/01/15	06/30/16
Shepard, James V. Co.	1900 Spring Street		Paso Robles	Ca	93446	07/01/15	06/30/16
Sierra Pacific Electrical	2542 Avalon Street		Riverside	Ca	82509	07/01/15	06/30/16
Sls Construction Inc	10769 Woodside Avenue	201	Santee	Са	92071	07/01/15	06/30/16
Southwest Masonry	4131 Parker Avenue		Bakersfield	Ca	93309	06/01/15	05/31/16
Spartan Concrete Cutting	P.O. Box 1763		Palm Springs	Ca	92263	07/01/15	06/30/16
Spates Excavat & Equip Rental	1333 Thousand Oaks		Thousand Oaks	Ca	91362	07/01/15	06/30/16
Stephenson, W.W. Company Inc.	1305 East Burnett Street		Signal Hill	Ca	90755	07/01/15	06/30/16
Superior Pavement Markings	5312 Cypress Street		Cypress	Ca	90630	07/01/15	06/30/16
Sure Forming Systems, Inc.	10602 Humbolt Street		Los Alamitos	Ca	90720	07/01/15	06/30/16
Suttles Plumbing & Mech Corp	21541 Nordhoff Street		Chatsworth	Ca	91311	07/01/15	06/30/16
T & D Services, Inc	P.O. Box 609		Murrieta	Ca	92564	07/01/15	06/30/16
Taft Electric	P. O. Box 3416		Ventura	Ca	93006	07/01/15	06/30/16
Tierra Contracting, Inc.	P.O. Box 400		Goleta	Ca	93116	07/01/15	06/30/16
Todd, Louis Corporation	P.O. Box 1032		San Fernando	Ca	91341	07/01/15	06/30/16
Treesmith Enterprises, Inc	1551 N. Miller Street		Anaheim	Ça	92806	07/01/15	06/30/16
Tri-County Sandblasting, Inc.	P.O. Box 490		Westminster	Ca	92684	07/01/15	06/30/16
Tumblin Company	\neg	Rm 15	Bakersfield	Ca	93301	07/01/15	06/30/16
Underground Builders Dba Underground Man			San Bernardino	Ca	92410	07/01/15	06/30/16
Union Fence Of Kern County	3501 Mallview Rd	#115-245	Bakersfield	S	93306	07/01/15	06/30/16
Universal Asphalt Co., Inc.	10610 Painter Ave.		Santa Fe Springs	g	02906	07/01/15	06/30/16
Valley Crest Landscape	24151 Ventura Boulevard		Calabasas	Ca	91302	05/01/15	04/30/16
Van Diest Bros., Inc.	15315 S. Lakewood Blvd		Paramount	Ca	90723	08/01/15	07/31/16
Vance Corporation	2271 N. Locust Avenue		Rialto	Ca	92377	07/01/15	06/30/16
Vasilj, Inc.	15531 Arrow Highway		Inwindale	Ca	91706	05/01/15	04/30/16
Ventura Directional Drilling, Inc.	4115 Transport Street		Ventura	Ca	93003	11/01/14	11/01/15
Western Paving Contr., Inc.	15533 E. Arrow Highway		Inwindale	Ca	91706	07/01/15	06/30/16
Wiechmann Concrete, Inc	422 W. Chevy Chase Drive		Glendale	Ca	91204	06/01/15	05/31/16
Wolverine Fence Company, Inc	930 S. Cypress Street		La Habra	Ca	90631	08/01/15	07/31/16
Wright Sawing & Breaking	P.O. Box 7715		Ventura	Ca	93006	07/01/15	06/30/16

Company	City	Contact	Exemption Date	Expiration
Ace Fence Company	La Puente	Cristina Melgarejo	06/01/2014	06/01/2015
Anderson, L.D. Inc.	Bloomington	Krysta Gross	06/01/2014	06/01/2015
Bales, Cindy Engineering, Inc.	Big Bear	John Bales	06/01/2014	06/01/2015
Baxter Drilling Co.	Lakeside	Glenn Inverso	06/01/2014	06/01/2015
Chrisp Company	Fremont	Robert Chrisp	06/01/2014	06/01/2015
Civil Works Corporation	Beliflower	Suhail Kharouba	06/01/2014	06/01/2015
Cmb Structures, Inc.	Rch Cucamonga	Tina Sullivan	06/01/2014	06/01/2015
Construct 1 One Corp.	Tustin	Susan Hundley	06/01/2014	06/01/2015
Craftman Concrete Cutting	Irwindale	Wayne Gaul	06/01/2014	06/01/2015
Diamondback Sawing Coring & Demo	Fontana	James Walker	06/01/2014	06/01/2015
Dodge Concrete Surfaces	Huntington Bch	Arthur Dodge	06/01/2014	06/01/2015
Earth Construction & Mining	Garden Grove	Rod Myer	06/01/2014	06/01/2015
Ebs Utilities Adjusting, Inc.	Corona	Kathy Fairweather	06/01/2014	06/01/2015
Edick & Watt, Inc.	El Cajon	Theresa Edick	06/01/2014	06/01/2015
El Cajon Grading & Engineering	Lakeside	Linda Linn	06/01/2014	06/01/2015
Electro Construction Corp.	Los Angeles	Ru Jensen	06/01/2014	06/01/2015
Engineered Storage Systems, Inc.	Azusa	Richard Brenner	09/01/2014	09/01/2015
Environmental Const. Group, Inc.	Long Beach	Shannon Cavener	06/01/2014	06/01/2015
Fast Forward Concrete Cutting, Inc.	Van Nuys	Mary Esquivel	06/01/2014	06/01/2015
Goss Construction Co., Inc.	Rch Cucamonga	John Goss	06/01/2014	06/01/2015
Granstrom Masonry, Inc.	Torrance	Sherry Granstrom	06/01/2014	06/01/2015
Green Vista Landscape	Rocklin	Mark Decker	07/01/2014	06/01/2015
Griffin Contract Dewater, Inc.	Ontario	Tim Boicourt	06/01/2014	06/01/2015
Howard Contracting, Inc.	Hawaiian Garde.	F.S. Howard	06/01/2014	06/01/2015
J.A. Lynch Masonry, Inc.	Buena Park	Michael Lynch	06/01/2014	06/01/2015
Jezowski & Markel Const.	Orange	Dorothy Destefano	06/01/2014	06/01/2015
Kdc, Inc., DBA Dynalectric	Los Alamitos	Matt Thorton	06/01/2014	06/01/2015
Laird Construction Co., Inc.	Rch Cucamonga	Ben Schonfeld	06/01/2014	06/01/2015
Long's Directional Boring	Norco	Kathy Long	06/01/2014	06/01/2015
Longway, Robert B. Inc.	Ontario	Donald Hall	06/01/2014	06/01/2015
Los Angeles Signal Const., Inc.	San Dimas	Rocky Morales	06/01/2014	06/01/2015
M.S. Construction Management	Dana Point	Mike Saghafi	06/01/2014	06/01/2015
Mac Intosh, A.L. Company	Pico Rivera	Andrew Campos	06/01/2014	06/01/2015
Manhole Adjusting, inc.	Pico Rivera		06/01/2014	06/01/2015
Marne Construction, Inc.	Orange	Dorothy Destefano	06/01/2014	06/01/2015
Mass X Inc.	Clovis	Jennifer Foster	06/01/2014	06/01/2015
Maxwell's Backhoe, Inc. DBA Mbi	San Dimas	Tami Rich	06/01/2014	06/01/2015

Mcguire Contracting, Inc.	Fontana	Kathie Vilas	06/01/2014	06/01/2015
Mdr Inc.	Roseville	Michael Robirds	08/01/2014	08/01/2015
MJK Construction, Inc.	Chino	Michael J. Kissick	06/01/2014	06/01/2015
Mmc Inc./Mehta Mechanical Corp.	La Palma	Mohan Singh Mehta	06/01/2014	06/01/2015
Moe, H.L. Company Inc.	Glendale	Susan R. Santiago	06/01/2014	06/01/2015
Morales, Christopher Raymond	San Dimas	Rocky Morales	06/01/2014	06/01/2015
Moran Manhole Builders, Inc.	Rancho Cucamonga	Carey Moran	06/01/2014	06/01/2015
Pacific Cleaning Services, Inc.	Corona Del Mar	Sam Rangatore	06/01/2014	06/01/2015
Precision Directional Boring	Templeton	Melissa Latham	06/01/2014	06/01/2015
Premiere Engineering/Grad Inc.	Anaheim	Elle Fowler	06/01/2014	06/01/2015
Prkacin Company	Glendale	Victoria Aguirre	06/01/2014	06/01/2015
Progressive Design Playground	Vista	Tami Nelson	06/01/2014	06/01/2015
Red Hawk Fence & Environmental Serv.	Perris	Michelle De Cono	08/01/2014	08/01/2015
Safety Striping Services, Inc.	Goshen	David Preston	06/01/2014	06/01/2015
Sierra Pacific Electrical	Riverside	Jerrett Loop	06/01/2014	06/01/2015
SLS Construction, Inc.	Santee	Brian Lauer	06/01/2014	06/01/2015
Spartan Concrete Cutting	Palm Springs	Laurie Valks	06/01/2014	06/01/2015
Spates Excavat & Equip. Rental	Thousand Oaks	Thea Vincek	06/01/2014	06/01/2015
Superior Pavement Markings	Cypress	John Lucas	06/01/2014	06/01/2015
Suttles Plumbing & Mech Corp	Chatsworth	Bryan Suttles	06/01/2014	06/01/2015
Taft Electric	Ventura	Dave Norwine	06/01/2014	06/01/2015
Tri-County Sandblasting, Inc.	Westminister	Lada Smirnova	06/01/2014	06/01/2015
Underground Builders DBA Underground Man	San Bernardino	James Williams	06/01/2014	06/01/2015
Union Fence of Kern County	Bakersfield	Diane Foran	06/01/2014	06/01/2015
Universal Asphalt Co., Inc.	Santa Fe Springs	Daniel M. Houck II	06/01/2014	06/01/2015
Ventura Directional Drilling, Inc.	Ventura	Jennifer Fields	11/01/2014	11/01/2015
Wescorp	Ventura		08/01/2014	08/01/2015
Wolverine Fence Company, Inc.	La Habra	Abraham Montoya	08/01/2014	08/01/2015
Wright Sawing & Breaking	Ventura	Amarie Wright	06/01/2014	06/01/2015

Exemption definition:

In June 2012, the Division of Apprenticeship Standards granted the Southern California Laborers Apprenticeship Program an exemption from the typical apprentice ratio (1 apprentice to the first 5 journeypersons). Under the exemption, the employer is only required to have an apprentice on days where there are more than 3 laborer journeypersons on the jobsite. The ratio exemption was designed to help smaller companies with a small workforce and/or companies with small-size projects.

How to request an exemption:

This exemption was made available to contractors signatory to a Master Labor Agreement only. Signatory contractors may contact the Laborers Apprenticeship Program for a request form and an exemption intended use form. Both forms are completed and returned to our office. All submittals are subject to review and approval by the Laborers Joint Apprenticeship Committee, which meet quarterly, last meeting date was 07/10/14. All contractors are notified in writing of the JAC's decision.

Exemption details and updates:

Apprenticeship Ratio Exemptions expire one year from the date granted. In 2013, exemptions were automatically renewed, unless specified otherwise in writing by the contractor. Most recently and prior to automatic renewal, the Joint Apprenticeship Committee (JAC) has asked contractors to submit additional information regarding their intended use of the exemption (exemption intended use form). As standard practice, the JAC reviews the information submitted by contractors and makes a decision based on the information provided by the contractor.

*Please do not hesitate to contact our office if there are questions: 626-610-1700

EMPLOYER NAME	ADDRESS1	ADDRESS2	CITY	STATE	ZIP	FFFECTIVE	EXPIRATION
Abrasive Blasting Services	5465 24th Street		Riverside	Ca		11/01/13	11/01/14
Acacia Erosion Control	604 S. Marcos Road		Santa Barbara	Ca	93111	06/01/13	06/01/14
Ace Engineering, Inc.	1880 Wright Avenue		La Verne	Ca	91750	06/01/13	06/01/14
Ace Fence Company	727 N. Glendora Ave.		La Puente	Ca	91744	06/01/13	06/01/14
Advanced Masonry Inc.	14065 South Mendocino Avenue		Kingsburg	Ca	93631	06/01/13	06/01/14
All Valley Fence & Supply	"164 N ""O"" Street"		Imperial	Ca	92257	06/01/13	06/01/14
Allante Fence Company	3450 S. Elm Avenue		Fresno	Ca	93706	06/01/13	06/01/14
Alpha & Omega Pavers	987 Calimesa Blvd		Calimesa	Ca	92320	06/01/13	06/01/14
Anderson, L.D. Inc.	2750 S. Lilac Avenue		Bloomington	Ca	92316	06/01/13	06/01/14
Angelus Waterproofing	5731 Mcfadden Avenue, Ste B		Huntington Beach	Ca	92649	06/01/13	06/01/14
Arciero Brothers, Inc.	1901 Nancita Cir.		Placentia	Ca	92870	06/01/13	06/01/14
Arrow Signs	C/O Tim Pentel	4702 Zamora Way	Oceanside	Ca	92056	06/01/13	06/01/14
August Construction & Shoring Inc	667 Calle Miramar		Redondo Beach	Ca	90277	06/01/13	06/01/14
Bales, Cindy Engineering Inc.	P.O. Box 1600		Big Bear City	Ca	92314	06/01/13	06/01/14
Bali Construction, Inc.	9852 Joe Vargas Way		South El Monte	Ca	91733	06/01/13	06/01/14
Basin Construction Co., Inc.	14252 Culver Drive	Suite A, #805	Irvine	Ca	92604	06/01/13	06/01/14
Baxter Drilling Co.	P.O. Box 245		El Cajon	Ca	92022	06/01/13	06/01/14
Bay Area Concretes, Inc	1306 Stealth Street		Livermore	Ca	94551	06/01/13	06/01/14

	8005 Se 28th Street		Mercel Starto	۸a		51/10/00	06/01/14
Blue Iron Inc	P.O. Box 736		West Sacramento	Ca	95691	06/01/13	06/01/14
Bob Wetzel Concrete Inc.	1419 Keegan Way		Santa Ana	Ca	92705	06/01/13	06/01/14
Brkich, Robert Construction	1508 S. Mayflower Ave		Monrovia	Ca	91016	08/01/13	08/01/14
Brutoco Eng. & Const., Inc.	P.O. Box 310189		Fontana	Ca	92331	06/01/13	06/01/14
C & W Construction Specialties	2419 Palma Drive		Ventura	Ca	93003	06/01/13	06/01/14
Caliagua, Inc.	15148 Sierra Bonita Lane		Chino	Ca	91710	06/01/13	06/01/14
Calif. Grinding Specialties	Dba Austin Entrp/Tj Traff	P.O. Box 81926	Bakersfield	Ca	93380	06/01/13	06/01/14
Chrisp Company	43650 Osgood Road		Fremont	Ca	94538	06/01/13	06/01/14
Civil Works Corporation	9348 Oak Street		Bellflower	Ca	90206	06/01/13	06/01/14
Cmb Structures, Inc	10572 Acacia Street, Suite C-3		Rancho Cucamonga	Ca	91730	06/01/13	06/01/14
Concrete Cutting International	C/O Abc	10373 Trademark	Rancho Cucamonga	Ca	91730	06/01/13	06/01/14
Construct 1 One Corporation	2832 Walnut Ave., #C		Tustin	Ca	92780	06/01/13	06/01/14
Coral Construction Company	P.O. Box 347		Wilsonville	ŏ	97070	11/01/13	11/01/14
Craftman Concrete Cutting	5455 Diaz Street		Irwindale	Ca	91706	06/01/13	06/01/14
Crown Fence Supply Company	12118 Bloomfield Avenue		Santa Fe Springs	Ca	90670	06/01/13	06/01/14
Cut It Up Company	1289 Marriot Circle		Corona	Ca	92882	08/01/13	08/01/14
Cut N Core	9194 Chesapeake Drive		San Diego	Ca	92123	06/01/13	06/01/14
Cutting Edge Concrete Cutting	4648 Runway Street, #A		Simi Valley	Ca	93063	11/01/13	11/01/14

Darco Engineering, Inc.	P.O. Box 2665		Santa Fe Springs	Ca	90670	06/01/13	06/01/14
Dean's Certified Welding, Inc	2165 Mardavido Lane		Fallbrook	Ca	92028	06/01/13	06/01/14
Diamondback Sawing Coring & Demo	17271 Whatley Ave.,		Fontana	Ca	92336	06/01/13	06/01/14
Diversified Landscape	33801 Washington Street		Winchester	Ca	92596	06/01/13	06/01/14
Dodge Concrete Surfaces	15791 Willet Lane		Huntington Bch	Ca	92647	06/01/13	06/01/14
Doja, Inc.	5050 W Mission Blvd		Ontario	Ca	91762	06/01/13	06/01/14
Dynamic Construction Services, Inc	3020 Old Ranch Parkway	Suite 300	Seal Beach	Ca	90740	08/01/13	08/01/14
Earth Construction & Mining (Dba)	11542 Knott Ave. #10		Garden Grove	Ca	92841	06/01/13	06/01/14
Ebs General Engineering, Inc.	1320 E. Sixth St, Ste 100		Corona	Ca	92879	06/01/13	06/01/14
Ebs Utlities Adjusting, Inc	1320 E. Sixth Street, #100		Corona	Ca	92879	06/01/13	06/01/14
Edick & Watt, Inc.	P.O. Box 13428		El Cajon	Ca	92022	06/01/13	06/01/14
El Cajon Grading & Engineering	P O Box 967		Lakeside	Ca	92040	06/01/13	06/01/14
Electro Construction Corp.	3021 Rowena Avenue		Los Angeles	Ca	90039	06/01/13	06/01/14
Environmental Const. Group, Inc.	3271 East 19th Street		Long Beach	Ca	90755	06/01/13	06/01/14
Errecas, Inc	P.O. Box 640		Lakesíde	Ca	92040	06/01/13	06/01/14
Espinosa Parking Lot Service	P.O. Box 4433		West Covina	Ca	91791	08/01/13	08/01/14
Euro Shine	6525 Rubio Avenue	And the second s	Van Nuys	Ca	91406	08/01/13	08/01/14
Euro Shine	6525 Rubio Avenue		Van Nuys	Ca	91406	08/01/13	08/01/14
Fast Forward Concrete Cutting, Inc.	7738 Burnet Avenue		Van Nuys	Ca	91405	06/01/13	06/01/14

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Geox, Inc	1295 Distribution Way, Suite B		Vista	Ca	92081	08/01/13	08/01/14
Goss Construction Co., Inc.	8787 Flower Rd		Rancho Cucamonga	Ca	91730	06/01/13	06/01/14
Granstrom Masonry, Inc.	P.O. Box 7041		Torrance	Ca	90504	06/01/13	06/01/14
Grbavac, Tom & Sons Inc.	933 Blue Heron		Seal Beach	Ca	90740	06/01/13	06/01/14
Griffin Contract Dewater Inc	560 E. Maitland Street		Ontario	Ca	91761	06/01/13	06/01/14
Guzman Grading & Paving, Corp	14030 Rose Ave		Fontana	Ca	92337	06/01/13	06/01/14
Hamann Construction	1000 Pioneer Way		El Cajon	Ca	92020	06/01/13	06/01/14
Hardy & Harper, Inc.	1312 E. Warner Avenue		Santa Ana	Ca	92705	06/01/13	06/01/14
Hayward Baker Inc	1130 Annapolis Rd, #202		Odenton	Md	21113	11/01/13	11/01/14
Hi-Way Safety Rental, Inc.	13310 5th Street		Chino	Ca	91710	06/01/13	06/01/14
High-Light Electric, Inc.	P.O. Box 7339		Riverside	Ca	92513	06/01/13	06/01/14
Howard Contracting, Inc.	12354 Carson Street		Hawaiian Gardens	Ca	90716	06/01/13	06/01/14
Innovative, Inc.	42335 50th Street W.	No. 104	Quartz Hill	Sa	93536	06/01/13	06/01/14
Irvine Pipeline Co., Inc.	5959 Jasmine Street		Riverside	Ca	92504	08/01/13	08/01/14
J. R. Construction Inc	5555 Magnatron Blvd Ste D	R	San Diego	S S	92111	06/01/13	06/01/14
J.A. Lynch Masonry Inc.	7102 Thomas Street		Buena Park	Ca	90620	06/01/13	06/01/14
J.P. Striping, Inc	P.O. Box 278		Beaumont	Ca	92223	06/01/13	06/01/14
Jezowski & Markel Contr., Inc	748 N. Poplar Street		Orange	Ca	92668	06/01/13	06/01/14
Jfl Electric, Inc.	8257 Compton Ave		Los Angles	Ca	90001	06/01/13	06/01/14

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Johnson Maint. & Janitorial Serv.	3356 Hancock Street, No. C		San Diego	Ca	92110	06/01/13	06/01/14
Jt Construction, Inc	1320 E. Sixth Street, #100		Corona	Ca	92879	06/01/13	06/01/14
K&S/Ace A Joint Venture	1880 Wright Avenue		La Verne	Ca	91750	06/01/13	06/01/14
K.R.C. Safety Co., Inc.	6084 W. Hurley Avenue		Visalia	Ca	93291	06/01/13	06/01/14
Kdc, Inc. Dba Dynalectric	4462 Corporate Center Dr.		Los Alamitos	Ca	90720	06/01/13	06/01/14
Kretschmar & Smith, Inc.	6293 Pedley Road		Riverside	Ca	92509	06/01/13	06/01/14
Kroeker, Inc.	4627 South Chestnut Avenue		Fresno	Ca	93725	06/01/13	06/01/14
Kroner Environmental Service, Inc.	10801 National Blvd #415		Los Angeles	Ca	90064	08/01/13	08/01/14
Laird Construction Co., Inc.	9460 Lucas Ranch Road		Rancho Cucamonga	Ca	91730	06/01/13	06/01/14
Las Vegas Paving Corporation	4420 South Decatur Blvd.		Las Vegas	Š	89103	06/01/13	06/01/14
Long's Directional Boring	1476 Bodie Place		Norco	Ca	92860	06/01/13	06/01/14
Longway, Robert B. Inc.	2131 S. Grove Ave, Unit C		Ontario	Ca	91761	06/01/13	06/01/14
Loop Masters, Inc.	1221 Burt Place		Fullerton	Ca	92831	06/01/13	06/01/14
Los Angeles Signal Const. Inc	P.O. Box 610		San Dimas	Ca	91773	06/01/13	06/01/14
M.S. Construction Management Grp	32565b Golden Lantern #475		Dana Point	Ca	92629	06/01/13	06/01/14
Mac Intosh, A. L. Company	9501 Kruse Road		Pico Rivera	Ca	09906	06/01/13	06/01/14
Manhole Adjusting, Inc.	9500 Beverly Road		Pico Rivera	Ca	09906	06/01/13	06/01/14
Marne Construction, Inc.	748 N. Poplar Street		Orange	Ca	92668	06/01/13	06/01/14
Mass X Inc.	55 Shaw Avenue	No. 105	Clovis	Ca	93612	06/01/13	06/01/14

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Maxwell's Backhoe, Inc. Dba Mbi Excavati	466 W. Arrow Hwy, Ste D	Sa	San Dimas	Ca	91773	08/01/13	08/01/14
Mccarthy Building Companies In	20401 Sw Birch St #300	Ne	Newport Beach	Ca	92660	06/01/13	06/01/14
Mcguire & Hester/Terracon Pipelines Inc	9009 Railroad Avenue	Oa	Oakland	Ca	94603	01/01/13	01/01/14
Meguire Contracting, Inc.	16579 Slover Avenue	Fo	Fontana	Ca	92337	06/01/13	06/01/14
Mdr Inc	P.O. Box 940	Ro	Roseville	Ca	95661	08/01/13	08/01/14
Mendez Concrete, Inc.	1210 E. Santa Paula St.	Sa	Santa Paula	Ca	93060	06/01/13	06/01/14
Mjk Construction, Inc.	2766 Pomona Blvd	Po	Pomona	Ca	91768	06/01/13	06/01/14
Mmc Inc./Mehta Mechanical Corp.	5901 Fresca Dr.	La	La Palma	Ca	90623	06/01/13	06/01/14
Moe, H.L. Company Inc.	614 West Colorado Street	Gk	Glendale	Ca	91204	06/01/13	06/01/14
Morales, Christopher Raymond	155 North Eucla Avenue	Sa	San Dimas	Ca	91773	06/01/13	06/01/14
Muir-Chase Plumbing Company,Inc.	4530 Brazil Street	Γο	Los Angeles	Ca	90039	06/01/13	06/01/14
Murray Company	P.O. Box 9061	Ra	Rancho Dominguez	Ca	90224	06/01/13	06/01/14
Myers, R. Inc	P.O. Box 742	MC	Morro Bay	Ca	93443	11/01/13	11/01/14
Nor-Cal Pipeline Services	P.O. Box 1659	ΛΛ	Yuba Ciry	Ca	95992	06/01/13	06/01/14
Northwest Excavating, Inc.	18201 Napa Street	ON No	Northridge	Ca	91325	06/01/13	06/01/14
Oldcastle Precast	1002 15th St Sw #110	Au	Auburn	Wa	98001	06/01/13	06/01/14
Olivas Foundation Drill, Inc	3345 Royal Ridge Rd	-S	Chino Hills	Ca	91709	06/01/13	06/01/14
Olsson Construction	326 W. Katella Ave #4-J	O	Orange	Ca	92867	06/01/13	06/01/14
Orange County Striping Service	183 North Pixley	<u>'О</u>	Orange	Ca	92868	06/01/13	06/01/14

Pacific Cleaning Service, Inc.	3334 E. Pacific Cleaning Hwy,		Corona Del Mar	Ca	92625	06/01/13	06/01/14
Park, Laura Company	1301 Ashland Avenue		Santa Monica	Ca	90405	06/01/13	06/01/14
Paver Decor Masonry, Inc	987 Calimesa Blvd.		Calimesa	Ca	92320	06/01/13	06/01/14
Payco Specialties, Inc.	120 N. Second Ave		Chula Vista	Ca	91910	06/01/13	06/01/14
Penhall Company	P.O. Box 4609		Anaheim	Ca	92803	02/01/13	02/01/14
Petil Construction & Engineering, Inc.	1755 Bristco Ct		Bonita	Ca	91902	06/01/13	06/01/14
Pinnick, Inc.	P.O. Box 945		El Cajon	Ca	92022	06/01/13	06/01/14
Pipe Line Equipment Rental	P.O. Box 891839		Temecula	ر ع	92589	02/01/13	02/01/14
Plant Construction Company	300 Newhall Street		San Francisco	Ca	94124	06/01/13	06/01/14
Pre-Con Installer, Inc.	2320 Shasta Way, Unit A		Simi Valley	Ca	93065	06/01/13	06/01/14
Precision Directional Boring	1575 Granache Way	÷	Templeton	Ca	93465	06/01/13	06/01/14
Premiere Engineering/Grad Inc.	980 E. Discovery Lane		Anaheim	Ca	92801	06/01/13	06/01/14
Prieto Construction Co., Inc.	23162 Arroyo Vista		Rnch Snta Mrgrta	Ca	92688	06/01/13	06/01/14
Prkacin Company	1153 Green Street		Glendale	Ca	91205	06/01/13	06/01/14
Prodek, Inc	4530 Brazil		Los Angeles	Ca	90039	06/01/13	06/01/14
Progressive Design Playground	2458 South Santa Fe Avenue		Vista	Ca	92084	06/01/13	06/01/14
R J Daum Construciton Co.	11581 Monarch Street		Garden Grove	Ca	92841	06/01/13	06/01/14
R.J.&J. Construction, Inc.	2001 Mt. Vernon Avenue		Pomona	Ca	91768	05/01/13	05/01/14
Red Hawk Fence And Environmental Serv	1654 Illinios Ave, Unit 5		Perris	Ca	92585	08/01/13	08/01/14

Reeves, Robert L. Const. Co	14128 Paramount Blvd		Paramount	Ca	90723	06/01/13	06/01/14
Rogan Concrete Coring & Sawing	1785 N. Batavia St. Suite 100		Orange	Ca	92865	06/01/13	06/01/14
Rotunno L.J., Concrete Const.	P.O. Box 4568	,	San Clemente	Ca	92672	06/01/13	06/01/14
S D Mayo Paving	1801 Hwy 18		San Bernardino	Ca	92404	06/01/13	06/01/14
Safety Striping Service, Inc	P.O. Box 1020		Goshen	Ca	93227	06/01/13	06/01/14
Salas Bert W Gen. Contr. Inc	10769 Woodside Ave. #201		Santee	Ca	92071	06/01/13	06/01/14
Salsbury Eng. & Grading	2465 West La Palma Avenue		Anaheim	Ca	92801	06/01/13	06/01/14
Samarzich, Vido Company	4972 Crestview Place	THE PROPERTY OF THE PROPERTY O	Alta Loma	Ca	91701	06/01/13	06/01/14
Samrod Corporation (Laborers)	P.O. Box 6198		Lancaster	Ca	93539	06/01/13	06/01/14
Santa Clarita Concrete	16164 Sierra Highway		Santa Clarita	Ca	91390	06/01/13	06/01/14
Sfm Constructors	30305 Via Norte		Temecula	Ca	92591	08/01/13	08/01/14
Sharma General Engineering	13840 Princeton Ave.		Moorpark	Ca	93021	06/01/13	06/01/14
Shepard, James V. Co.	1900 Spring Street		Paso Robles	Ca	93446	06/01/13	06/01/14
Sierra Pacific Electrical	2542 Avalon Street		Riverside	Ca	92509	06/01/13	06/01/14
Sls Construction Inc	10769 Woodside Avenue #201	d.	Santee	Ca	92071	06/01/13	06/01/14
Southwest Masonry	4131 Parker Avenue		Bakersfield	Ca	93309	06/01/13	06/01/14
Spartan Concrete Cutting	P.O. Box 1763		Palm Springs	Ca	92263	06/01/13	06/01/14
Spates Excavat & Equip Rental	Attn: Teena N., Admin Asst	1333 Thousand O	Thousand Oaks	Ca	91362	06/01/13	06/01/14
Stephenson, W.W. Company Inc.	1305 East Burnett Street		Signal Hill	Ca	90755	06/01/13	06/01/14

Sukut Construction, Inc.	4010 West Chandler Avenue	Santa Ana	Ca	92704	08/01/13	08/01/14
Superior Pavement Markings	5312 Cypress Street	Cypress	Ca	90630	06/01/13	06/01/14
Sure Forming Systems, Inc.	10602 Humbolt Street	Los Alamitos	Ca	90720	06/01/13	06/01/14
Suttles Plumbing & Mech Corp	21541 Nordhoff Street	Chatsworth	Ca	91311	06/01/13	06/01/14
T & D Services, Inc	P.O. Box 609	Murrieta	Ca	92564	06/01/13	06/01/14
Taft Electric	P. O. Box 3416	Ventura	Ca	93006	06/01/13	06/01/14
Taylor Concrete Sawing & Breaking	22587 Hemlock Road	Apple Valley	Ca	92307	06/01/13	06/01/14
Tierra Contracting, Inc.	P.O. Box 400	Goleta	Ca	93116	06/01/13	06/01/14
Todd, Louis Corporation	P.O. Box 1032	San Fernando	Ca	91341	06/01/13	06/01/14
Tower General Contractors	10923 Randall Street #E	Sun Valley	Ca	91352	08/01/13	08/01/14
Treesmith Enterprises, Inc	1551 N. Miller Street	Anaheim	Ca	92806	06/01/13	06/01/14
Tri-County Sandblasting, Inc.	P.O. Box 490	Westminster	Ca	92684	06/01/13	06/01/14
Tumblin Company	"2901 ""H"" Street, Rm 15"	Bakersfield	Ca	93301	06/01/13	06/01/14
Underground Builders Dba Underground Man	7639 Mckinley Avenue	San Bernardino	Ca	92410	06/01/13	06/01/14
Union Fence Of Kern County	3501 Mallview Rd #115-245	Bakersfield	Ca	93306	06/01/13	06/01/14
Universal Asphalt Co., Inc.	10610 Painter Ave.	Santa Fe Springs	Ca	02906	06/01/13	06/01/14
Van Diest Bros., Inc.	15315 S. Lakewood Blvd	Paramount	Ca	90723	08/01/13	08/01/14
Vance Corporation	2271 N. Locust Avenue	Rialto	Ca	92377	06/01/13	06/01/14
Ventura Directional Drilling, Inc.	4115 Transport Street	Ventura	Ca	93003	11/01/13	11/01/14

Wescorp	P.O. Box 425	Grover Beach	Ca	93483	08/01/13	08/01/14
West Valley Const. Co., Inc.	580 Mcglincey Lane	Campbell	Ca	95008	08/01/13	08/01/14
Western Paving Contr., Inc.	15533 E. Arrow Highway	Irwindale	Са	91706	06/01/13	06/01/14
Wolverine Fence Company, Inc	930 S. Cypress Street	La Habra	Ca	90631	08/01/13	08/01/14
Wright Sawing & Breaking	P.O. Box 7715	Ventura	Са	90086	06/01/13	06/01/14
Ziebarth F. T., Company	P.O. Box 4173	Fullerton	Ca	92634	06/01/13	06/01/14

Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

The following contractors are approved to use a 1 to 4 person ratio for projects with a bid date between the effective date and the expiration date. Please note, a contractors exemption can be revoked at any time by the committee or the Administrator of Apprenticeship

License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
813236	ACACIA EROSION CONTROL	Santa Barbara	CA	93111	6/1/2012	5/31/2013
613320	ACE ENGINEERING, INC.	La Verne	CA	91750	6/1/2012	5/31/2013
801674	ACE FENCE COMPANY	La Puente	CA	91744	6/1/2012	5/31/2013
731557	ADVANCED MASONRY, INC.	Kingsburg	CA	93631	6/1/2012	5/31/2013
895082	ALL VALLEY FENCE & SUPPLY	Imperial	CA	92257	6/1/2012	5/31/2013
729638	ALLANTE FENCE COMPANY	Fresno	CA	93706	6/1/2012	5/31/2013
597692	ALPHA & OMEGA PAVERS	Calimesa	CA	92320	6/1/2012	5/31/2013
636360	ANDERSON, L.D. INC.	Bloomington	CA	92316	6/1/2012	5/31/2013
461100	ANGELUS WATERPROOFING	Huntington Beach	CA	92649	6/1/2012	5/31/2013
167269	ARCIERO BROTHERS, INC.	Placentia	CA	92870	6/1/2012	5/31/2013
655849	ARROW SIGNS	Oceanside	CA	92026	6/1/2012	5/31/2013
952836	AUGUST CONSTRUCTION & SHORING INC	Redondo Beach	CA	90277	6/1/2012	5/31/2013
815095	BALES, CINDY ENGINEERING INC.	Big Bear City	CA	92314	6/1/2012	5/31/2013
266312	BASIN CONSTRUCTION CO., INC.	Irvine	CA	92604	6/1/2012	5/31/2013
	BAXTER DRILLING CO.	El Cajon	CA	92022	6/1/2012	5/31/2013
242104	BAY AREA CONCRETES, INC	Livermore	CA	94551	6/1/2012	5/31/2013
734880	BAYLEY CONSTRUCTION, A GEN PART	Mercer Island	WA	98040	6/1/2012	5/31/2013
652333	BLUE IRON INC	West Sacramento	CA	95691	6/1/2012	5/31/2013
247770	BRUTOCO ENG. & CONST., INC.	Fontana	CA	92331	6/1/2012	5/31/2013
256795	C & W CONSTRUCTION SPECIALTIES	Ventura	CA	93003	6/1/2012	5/31/2013
359728	CALIAGUA, INC.	Chino	CA	91710	6/1/2012	5/31/2013
764893	CALIF. GRINDING SPECIALTIES	Bakersfield	CA	93380	6/1/2012	5/31/2013
374600	CHRISP COMPANY	Fremont	CA	94538	6/1/2012	5/31/2013
646315	CIVIL WORKS CORPORATION	Bellflower	CA	90706	6/1/2012	5/31/2013
613977	CMB STRUCTURES, INC	Rancho Cucamonga	CA	91730	6/1/2012	5/31/2013
287500	CONCRETE CUTTING INTERNATIONAL	San Dimas	CA	91773	6/1/2012	5/31/2013
698241	CONSTRUCT 1 ONE CORPORATION	Tustin	CA	92780	6/1/2012	5/31/2013
634469	CRAFTMAN CONCRETE CUTTING	Irwindale	CA	91706	6/1/2012	5/31/2013
1315	CROWN FENCE SUPPLY COMPANY	Santa Fe Springs	CA	90670	6/1/2012	5/31/2013
438783	CUT N CORE	San Diego	CA CA	92123	6/1/2012	5/31/2013

Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
833651	DARCO ENGINEERING, INC.	Santa Fe Springs	CA	90670	6/1/2012	5/31/2013
	DIAMONDBACK SAWING CORING & DEMO	Fontana	CA	92336	6/1/201.2	5/31/2013
434800	DODGE CONCRETE SURFACES	Huntington Bch	CA	92647	6/1/2012	5/31/2013
597764	DOJA, INC.	Ontario	CA	91762	6/1/2012	5/31/2013
651848	EARTH CONSTRUCTION & MINING (DBA)	Garden Grove	CA	92841	6/1/2012	5/31/2013
720016	EBS GENERAL ENGINEERING, INC.	Corona	CA	92879	6/1/2012	5/31/2013
932798	EBS UTLITIES ADJUSTING, INC	Corona	CA	92879	6/1/2012	5/31/2013
622534	EDICK & WATT, INC.	El Cajon	CA	92022	6/1/2012	5/31/2013
274857	EL CAJON GRADING & ENGINEERING	Lakeside	CA	92040	6/1/2012	5/31/2013
95881	ELECTRO CONSTRUCTION CORP.	Los Angeles	CA	90039	6/1/2012	5/31/2013
811415	ENVIRONMENTAL CONST. GROUP, INC.	Long Beach	CA	90755	6/1/2012	5/31/2013
	ERRECAS, INC	Lakeside	CA	92040	6/1/2012	5/31/2013
592985	FAST FORWARD CONCRETE CUTTING, INC.	Van Nuys	CA	91405	6/1/2012	5/31/2013
378377	GOSS CONSTRUCTION CO., INC.	Rancho Cucamonga	CA	91730	6/1/2012	5/31/2013
629489	GRANSTROM MASONRY, INC.	Torrance	CA	90504	6/1/2012	5/31/2013
945534	GRBAVAC, TOM & SONS INC.	Seal Beach	CA	90740	6/1/2012	5/31/2013
533846	GRIFFIN CONTRACT DEWATER INC	Ontario	CA	91761	6/1/2012	5/31/2013
894973	GUZMAN GRADING & PAVING, CORP	Fontana	CA	92337	6/1/2012	5/31/2013
373142	HAMANN CONSTRUCITON	El Cajon	CA	92020	6/1/2012	5/31/2013
215952	HARDY & HARPER, INC.	Santa Ana	CA	92705	6/1/2012	5/31/2013
806335	HIGH-LIGHT ELECTRIC, INC.	Riverside	CA	92513	6/1/2012	5/31/2013
785683	HI-WAY SAFETY RENTAL, INC.	Chino	CA	91710	6/1/2012	5/31/2013
466400	HOWARD CONTRACTING, INC.	Hawaiian Gardens	CA	90716	6/1/2012	5/31/2013
720938	INNOVATIVE, INC	Quartz Hill	CA	93536	6/1/2012	5/31/2013
720123	J. R. CONSTRUCTION INC	San Diego	CA	92111	6/1/2012	5/31/2013
746266	J.P. STRIPING, INC	Beaumont	CA	92223	6/1/2012	5/31/2013
242898	JEZOWSKI & MARKEL CONTR., INC	Orange	S	92668	6/1/2012	5/31/2013
578969	JFL ELECTRIC, INC	Los Angles	CA	90001	6/1/2012	5/31/2013
779112	JOHNSON MAINT & JANITORIAL SERV	San Diego	S	92110	6/1/20:12	5/31/2013
834748	JT CONSTRUCTION, INC	Corona	S	92879	6/1/20:12	5/31/2013

As of August 3 2012

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Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
91750	K & S/ ACE A JOINT VENTURE	La Verne	CA	91750	6/1/2012	5/31/2013
550173	KDC, INC. DBA DYNALECTRIC	Los Alamitos	CA	90720	6/1/2012	5/31/2013
467211	KRETSCHMAR & SMITH, INC.	Riverside	CA	92509	6/1/2012	5/31/2013
621866	KROEKER, INC.	Fresno	CA	93725	6/1/2012	5/31/2013
165211	LAIRD CONSTRUCTION CO., INC.	Rancho Cucamonga	CA	91730	6/1/2012	5/31/2013
324223	LAS VEGAS PAVING CORPORATION	Las Vegas	N/	89103	6/1/2012	5/31/2013
786830	LONG'S DIRECTIONAL BORING	Norco	CA	92860	6/1/2012	5/31/2013
296016	LONGWAY, ROBERT B. INC.	Ontario	CA	91761	6/1/2012	5/31/2013
755319	LOOP MASTERS, INC.	Fullerton	CA	92831	6/1/2012	5/31/2013
858974	LOS ANGELES SIGNAL CONST. INC	San Dimas	CA	91773	6/1/2012	5/31/2013
284159	LYNCH J. A., MASONRY INC.	Buena Park	CA	90620	6/1/2012	5/31/2013
721736	M.S. CONSTRUCTION MANAGEMENT GRP	Dana Point	CA	92629	6/1/2012	5/31/2013
193388	MAC INTOSH, A. L. COMPANY	Pico Rivera	CA	90660	6/1/2012	5/31/2013
398443	MANHOLE ADJUSTING, INC.	Pico Rivera	CA	90660	6/1/2012	5/31/2013
683843	MARNE CONSTRUCTION, INC.	Orange	CA	95668	6/1/2012	5/31/2013
902334	MASS X INC	Clovis	CA	93612	6/1/2012	5/31/2013
411173	MCCARTHY BUILDING COMPANIES IN	Newport Beach	CA	92660	6/1/2012	5/31/2013
818119	MCGUIRE CONTRACTING, INC.	Fontana	CA	92337	6/1/2012	5/31/2013
497452	MENDEZ CONCRETE, INC.	Santa Paula	CA	93060	6/1/2012	5/31/2013
586870	MJK CONSTRUCTION, INC.	Pomona	CA	91768	6/1/2012	5/31/2013
573635	MMC INC	La Palma	CA	90623	6/1/2012	5/31/2013
254678	MOE, H.L. COMPANY INC.	Glendale	CA	91204	6/1/2012	5/31/2013
722359	MORALES, CHRISTOPHER RAYMOND	San Dimas	8	91773	6/1/2012	5/31/2013
898416	MORAN MANHOLE BUILDERS, INC	Rancho Cucamonga	S	91737	6/1/2012	5/31/2013
308720	MUIR-CHASE PLUMBING COMPANY,INC.	Los Angeles	CA	90039	6/1/2012	5/31/2013
162382	MURRAY PLUMBING & HEATING CORP.	Rancho Dominguez	CA	90224	6/1/2012	5/31/2013
935878	NOR-CAL PIPELINE SERVICES	Yuba Ciry	CA	95992	6/1/2012	5/31/2013
521572	NORTHWEST EXCAVATING, INC.	Northridge	CA	91325	6/1/2012	5/31/2013
495885	OLDCASTLE PRECAST	Auburn	WA	98001	6/1/2012	5/31/2013
618745	OLIVAS FOUNDATION DRILL, INC	Chino Hills	CA	91709	6/1/2012	5/31/2013

Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
490112	OLSSON CONSTRUCTION	Orange	CA	92867	6/1/2012	5/31/2013
346095	ORANGE COUNTY STRIPING SERVICE	Orange	CA	92868	6/1/2012	5/31/2013
768079	PACIFIC CLEANING SERVICE, INC.	Corona Del Mar	CA	92625	6/1/2012	5/31/2013
617529	PARK, LAURA COMPANY	Santa Monica	CA	90405	6/1/2012	5/31/2013
725256	PAVER DECOR MASONRY, INC	Calimesa	CA	92320	6/1/2012	5/31/2013
298637	PAYCO SPECIALTIES, INC.	Chula Vista	CA	91910	6/1/2012	5/31/2013
852610	PETIL CONSTRUCTION & ENGINEERING, INC	Bonita	CA	91902	6/1/2012	5/31/2013
299932	PINNICK, INC.	El Cajon	CA	92025	6/1/2012	5/31/2013
597075	PLANT CONSTRUCTION COMPANY	San Francisco	CA	94124	6/1/2012	5/31/2013
784008	PRECISION DIRECTIONAL BORING	Templeton	CA	93465	6/1/2012	5/31/2013
918774	PRE-CON INSTALLER, INC.	Simi Valley	CA	93065	6/1/2012	5/31/2013
601014	PREMIERE ENGINEERING/GRAD INC.	Anaheim	CA	92801	6/1/2012	5/31/2013
395471	PRIETO CONSTRUCTION CO., INC.	Rnch Snta Mrgrta	CA	92688	6/1/2012	5/31/2013
266540	PRKACIN COMPANY	Glendale	CA	91205	6/1/2012	5/31/2013
873908	PRODEK, INC	Los Angeles	CA	90039	6/1/2012	5/31/2013
686356	PROGRESSIVE DESIGN PLAYGROUND	Vista	CA	92084	6/1/2012	5/31/2013
	R J DAUM CONSTRUCITON CO.	Garden Grove	CA	92841	6/1/2012	5/31/2013
170704	REEVES, ROBERT L. CONST. CO	Paramount	CA	90723	6/1/2012	5/31/2013
891956	ROGAN CONCRETE CORING & SAWING	Orange	CA	92865	6/1/2012	5/31/2013
257605	ROTUNNO L.J., CONCRETE CONST.	San Clemente	CA	92672	6/1/2012	5/31/2013
918062	S D MAYO PAVING	San Bernardino	CA	92407	6/1/2012	5/31/2013
308669	SAFETY STRIPING SERVICE, INC	Goshen	CA	93227	6/1/2012	5/31/2013
275199	SALAS BERT W GEN. CONTR. INC	Santee	S	92071	6/1/2012	5/31/2013
560197	SALSBURY ENGINEERING, INC	Anaheim	CA	92801	6/1/2012	5/31/2013
201597	SAMARZICH, VIDO COMPANY	Alta Loma	CA	91701	6/1/2012	5/31/2013
295891	SAMROD CORPORATION (LABORERS)	Lancaster	CA	93539	6/1/2012	5/31/2013
381605	SANTA CLARITA CONCRETE	Santa Clarita	CA	91390	6/1/2012	5/31/2013
617577	SHARMA GENERAL ENGINEERING	Moorpark	CA	93021	6/1/2012	5/31/2013
335336	SHEPARD, JAMES V. CO.	Paso Robles	CA	93446	6/1/2012	5/31/2013
264048	SIERRA PACIFIC ELECTRICAL	Riverside	CA	92509	6/1/2012	5/31/2013

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Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
953683	SLS CONSTRUCTION INC	Santee	CA	92071	6/1/2012	5/31/2013
194064	SOUTHWEST MASONRY	Bakersfield	CA	93309	6/1/2012	5/31/2013
683437	SPARTAN CONCRETE CUTTING	Palm Springs	CA	92263	6/1/2012	5/31/2013
517198	SPATES EXCAVAT & EQUIP RENTAL	Thousand Oaks	CA	91362	6/1/2012	5/31/2013
382758	STEPHENSON, W.W. COMPANY INC.	Signal Hill	CA	90755	6/1/2012	5/31/2013
776306	SUPERIOR PAVEMENT MARKINGS	Cypress	CA	90630	6/1/2012	5/31/2013
351630	SURE FORMING SYSTEMS, INC.	Los Alamitos	CA	90720	6/1/2012	5/31/2013
268688	SUTTLES PLUMBING & MECH CORP	Chatsworth	CA	91311	6/1/2012	5/31/2013
128062	T & D SERVICES, INC	Murrieta	CA	92564	6/1/2012	5/31/2013
772245	TAFT ELECTRIC	Ventura	CA	90086	6/1/2012	5/31/2013
947264	TAYLOR CONCRETE SAWING & BREAKING	Apple Valley	CA	92307	6/1/2012	5/31/2013
802705	TREESMITH ENTERPRISES, INC	Anaheim	CA	92806	6/1/2012	5/31/2013
313814	TRI-COUNTY SANDBLASTING, INC.	Westminster	CA	92684	6/1/2012	5/31/2013
609855	TUMBLIN COMPANY	Bakersfield	CA	93301	6/1/2012	5/31/2013
659134	UNDERGROUND BUILDERS DBA UNDERGROUND MANHOLES	San Bernardino	CA	92410	6/1/2012	5/31/2013
781039	UNION FENCE OF KERN COUNTY	Bakersfield	CA	93306	6/1/2012	5/31/2013
256383	UNIVERSAL ASPHALT CO., INC.	Santa Fe Springs	CA	90670	6/1/2012	5/31/2013
414567	VANCE CORPORATION	Rialto	CA	92377	6/1/2012	5/31/2013
970228	WESCORP	La Palma	CA	93483	6/1/2012	5/31/2013
156447	WESTERN PAVING CONTR., INC.	Irwindale	CA	91706	6/1/2012	5/31/2013
393934	WETZEL, BOB CONCRETE INC.	Santa Ana	CA	92705	6/1/2012	5/31/2013
823507	WRIGHT SAWING & BREAKING	Ventura	R	93006	6/1/2012	5/31/2013
262466	ZIEBARTH F. T., COMPANY	Fullerton	8	92634	6/1/2012	5/31/2013
	BRKICH, ROBERT CONSTRUCTION	MONROVIA	CA	91016	8/1/2012	7/31/2013
	CUT IT UP COMPANY	CORONA	CA	92882	8/1/2012	7/31/2013
	Dynamic Construction Services, Inc	Seal Beach	CA	90740	8/1/2012	7/31/2013
	GeoX, Inc	Vista	8	92081	8/1/2012	7/31/2013
	IRVINE PIPELINE CO., INC.	RIVERSIDE	S	92504	8/1/2012	7/31/2013
	Kroner Environmental Service, Inc	Los Angeles	8	90064	8/1/2012	7/31/2013
	Maxwell's Backhoe, Inc. dba MBI Excavation	SAN DIMAS	8	91773	8/1/2012	7/31/2013

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Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4). by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.

		-		,		
License #	License # Employer Name	Employer City	State	Zip Code	Effective Date	expiration Date
	Mcguire & Hester/TerraCon Pipelines Inc JV	Oakland	CA	94603	8/1/2012	7/31/2013
	MDR Inc	Roseville	CA	95661	8/1/2012	7/31/2013
	SFM CONSTRUCTION	TEMECULA	CA	92591	8/1/2012	7/31/2013
	SUKUT CONSTRUCTION, INC.	SANTA ANA	CA	92704	8/1/2012	7/31/2013
	Tower General Contractors	SUN VALLEY	S	91352	8/1/2012	7/31/2013
	VAN DIEST BROS., INC.	PARAMOUNT	CA	90723	8/1/2012	7/31/2013
	WEST VALLEY CONST. CO., INC.	CAMPBELL	CA	92008	8/1/2012	7/31/2013
	Wolverine Fence Company, Inc	La Habra	CA	90631	8/1/2012	7/31/2013

Expired Exemptions

1777.5 (k) Apprentice Ratio Exemption

The Laborers Southern California Apprenticeship Program (Program) hereby grants:

to its "participating contractors," who have three or less laborer journeymen on the public works project. Participating contractors are those bound to a Laborers Agreement or otherwise bound to the Program's Apprenticeship Standards on all public works projects.

An exemption to the 5 to 1 hourly ratio per Labor Code Section 1777.5(k)(4), as demonstrated by the following: the specific task to which the apprentice would be assigned is of a nature that training cannot be provided by a laborer journeyman. There are numerous employers of construction who, because of the size of their operation or because of the type of work that is being done are only able to use one to three laborer journeymen. For example, where an electrical contractor hires a laborer journeyman to demolish sidewalks when working on street lights or traffic signals, such a journeyman would not be able to also train an apprentice on that job. Because the job is small or because of the nature of work being done on the job, the laborer journeyman would not be able to train apprentices in the use of new equipment, materials, and processes or supervise apprentices in accordance with the Program's Apprenticeship Standards.

The above referenced "participating contractor" is granted to use the following minimum ratio: no apprentices on the job where there are three laborer journeymen or less on a public works project.

Effective February 23, 2011, and will remain in effect until revoked by the Program or the Administrator of Apprenticeship.

Approved

Date February 23, 2011

Date MANUL 4. 2011

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS

455 Golden Gate Avenue, 10th Floor San Francisco, CA 94102

Tel: (415) 703-4920 Fax: (415) 703-5477 www.dir.ca.gov

ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

February 2, 2011

Neelam Chandna Reich, Adell & Cvitan 3550 Wilshire Blvd. Suite 2000 Los Angeles, CA 90010-2314

RE: Laborers Southern California Apprenticeship Program

Dear Ms. Chandna.

This letter is to inform you that I am revoking your exemption to apprentice to journeyman hours ratio in Labor Code Section 1777.5 which was approved May 8, 2009 (attached). Your exemption will be revoked effective with projects with a bid date on or after March 3, 2011. I am taking this step because of the amount of time that has passed since the exemption was granted. I believe it is appropriate for the program to reevaluate its request in light of current conditions and training needs. There has also been some confusion concerning the scope of the exemption on public works projects.

If after considering the matter and you wish to reapply for an exemption, please contact me as soon as possible.

Please notify your contractors of this change.

Yourstruly

Glen K. Forman Acting Chief

Division of Apprenticeship Standards

(415) 703-4939

Enc.

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS 455 Golden Gate Avenue, 10th Floor San Francisco, OA 94102 Tel: (415) 703-4920 Fax; (415) 703-5218

ADDRESS REPLY TO:
Div. of Apprenticeship Standards

P. O. Box 420603

Sen Francisco, CA 94142-0603

www.dir.ca.gov



May 8, 2009

Neelam Chandna Reich, Adell & Cvitan 3550 Wilshire Blvd, Suite 2000 Los Angeles, CA 90010-2314

Re: Laborers Southern California Apprenticeship Program

Dear Ms. Chandna:

Your request on behalf of the Laborers Southern California Apprenticeship Program (Program) for an exemption from the one hour of apprentice employment for each five hours of journey level labor performed on Public Works projects, relative to Labor Code Section 1777.5, has been reviewed by the Division. The Program did a review and has determined that the hourly apprenticeship ratio is not feasible for the training of their apprentices.

The Program's request for an exemption is based on the following:

There are dozens of employers of construction craft laborers who, because of the size of their operations, are able to utilize one or two laborers. An example of this type of employer is an electrical contractor who uses a laborer to demolish sidewalks when working on streetlights or traffic signals. Requiring such an employer to meet the ratio of hours would cause it to violate the JAC Standards, which state:

- 1) Apprentices work under the supervision of qualified journeymen;
- 2) Apprentices are trained in the use of new equipment, materials and processes as they come into the craft.

You state the fact that strict adherence to the hourly ratio requirement precludes the use of registered apprentices by these small contractors, claiming that the 1-5 hour ratio can create situations where apprentices will not be able to be properly trained or supervised on the job.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for four journeymen where the hourly ratio is not feasible for a particular occupation.

Therefore, based on the authority vested in the DAS by Labor Code Section 1777.5, the Southern California Laborers Joint Apprenticeship Training Committee is granted an exemption from the one to five hourly apprentice ratio on Public Works projects and is ordered to utilize a minimum ratio of not less than one apprentice for four journeyman in the construction craft laborer classification. This exemption will remain in effect until revoked.

Sincerely

Glen Forman, Acting Chief

Division of Apprenticeship Standards

Effective Date: May 11, 2009

State of California

Department of Industrial Relations

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Apprenticeship

Division of Apprenticeship Standards (DAS)



Apprenticeship programs information guide - Public Works search

Search available apprenticeship programs by selecting a county and an occupation group

Data is current as of 02/16/2016

Disclaimer

The following is a listing of registered program sponsors in the construction industry, it does not signify they will dispatch apprentices. Program sponsors determine individually when they will dispatch apprentices.

Select a county

Select an occupation

Asbestos Workers

Alameda

If you are unable to locate an occupation/craft it may be a sub-craft of a main occupation. Examples:

Electrical & Electronic for Northern California subcrafts listed are:

- · Communication Technician
- Fire/Life Safety, Voice Data, Video & Electronic Security Technician
- Sound and Communications Installer
- · Sound and Communications System Installer (Voice-Data-Video)

Laborer for Southern California sub-crafts listed are:

· Landscape and Irrigation Fitter (Laborer)

Electrical & Electronic for Southern California subcrafts listed are:

- · Communication & Systems (Craft) Installer
- · Electronic Systems Technician/Voice Data Video
- Fire/Life Safety, Voice Data, Video & Electronic Security Technician

Division of Apprenticeship Standards (DAS)

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- Use apprentices on public works projects
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- ► Apprenticeship Council meetings
- ▶ DIR Laws and Regulations
- ► Veterans
- Refinery Safety Curriculum

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Should you still have questions or unable to locate your occupation/craft please contact the respective DAS office of the county of the Public Works project for assistance.

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Apprenticeship

Division of Apprenticeship Standards (DAS)

Apprenticeship programs information guide - Public Works search results

Data is current as of 02/16/2016

Contact information: I.B.E.W. Local Union No. 40 Los Angeles County Chapter Neca

J.A.C.

5643 Vineland Avenue North Hollywood, CA 91601

Contact person: Jerry Mcgrory, Training Director/Dispatcher

Contact phone / e-mail: (818) 762-4239 jerry@ibewlocal40.com

Contact information: La County Intelligent Transportation Systems Electrical Joint

Apprenticeship And Training Committee www.laett.com

6023 S. Garfield Ave. Los Angeles, CA 90040

Contact person: Brett Moss, Training Director

Contact phone / e-mail: (323) 221-5881 BrettM@LAETT.com

Contact information: Los Angeles County Intercommunication & Sound J.A.C.

www.laett.com

6023 S. Garfield Avenue Los Angeles, CA 90040

Contact person: Brett Moss, Training Director

Contact phone / e-mail: (323) 221-5881 BrettM@LAETT.com

Contact information: Los Angeles Electrical J.A.& E.T.C. www.laett.com

6023 S. Garfield Avenue Los Angeles, CA 90040

Contact person: Mr Brett Moss, Training Director

Contact phone / e-mail: (323) 221-5881 BrettM@LAETT.com

Contact information: Los Angeles/Ventura Chapter Of A.B.C. Inc. E.U.A.C.

12979 Arroyo Ave San Fernando, CA 91340

Contact person: Ms. Michelle Perez, Education Coordinator

Contact phone / e-mail: (818) 898-2099 MPerez@abdaventura.org

Contact information: So. Calif. Chapter Of A. B. C., Inc. Electronic Systems

Technician/Voice Data Video U. A. C. www.abcsocal.org

1400 N. Kellogg Dr., Suite A Anaheim, CA 92807

Contact person: Ms. Claudia Gallegos, Training Assistant

Division of Apprenticeship Standards (DAS)

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Contact phone / e-mail: (714) 779-3187 trainassist@abcsocal.net

Contact information: Southern California Chapter Of The Associated Builders And

Contractors Inc. Electrical U.A.C. www.abcsocal.org

1400 N. Kellogg DriveSuite A

Anaheim, CA 92807

Contact person: Ms. Claudia Gallegos, Training Assistant

Contact phone / e-mail: (714) 779-3187 trainassist@abcsocal.net

Contact information: Western Burglar & Fire Alarm Association U A T C

333 Washington Boulevard #433 Marina Del Rey, CA 90292

Contact person: Mr Jerry Lenander, Training Director

Contact phone / e-mail: (800) 809-0280 info@wbfaa.net

Contact information: Western Electrical Contractors Assoc., Inc. (Weca) Apprenticeship

And Training Committee www.goweca.com

3695 Bleckely Street Mather, CA 95655

Contact person: Terry Seabury, Executive Director

Contact phone / e-mail: (877) 444-9322 tseabury@goweca.com

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Name of Project Name of Contractor Contractor Number Subcontractor Number First Advertised Bid Date Contract Amount Project Award Date Estimate Start Date Estimated Completion Date Classification of Workers: Physical Address	Awarding Body Name	
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Public Works apprentice wage sheets

Determination 2015-2

Los Angeles County

Status	Occupation
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View	Boilermaker- Blacksmith
View	Bricklayer, Stonemason
View	Mason Finisher
View	Bricktender
View	Carpenter
View	Bridge Carpenter
View	Acoustical Installer (Carpenter)
View	Hardwood Floor Layer (Carpenter)
View	Insulation Installer (Carpenter)
View	Scaffold Builder (Carpenter)
View	Shingler (Carpenter)
View	Modular Furniture Installer (Carpenter)
View	Carpet, Linoleum and Resilient Floor Layer
View	Cement Mason
View	Drywall Installer/Lather (Carpenter)
View	Drywall Finisher
View	Electrician, Inside Wireman
View	Transportation Systems Electrician
View	Electrical Utility Lineman
View	Communications & Systems Installer
View	Elevator Constructor
View	Chainman/Rodman
View	Chief of Party
View	Glazier
View	Iron Worker
View	Laborer
View	Horizontal Directional Drilling (Laborer)
View	Marble Finisher
View	Millwright
View	Operating Engineer
View	Operating Engineer (Dredger)
View	Building Construction Inspector
View	Operating Engineer (Landscape Construction)
View	Pile Driver (Carpenter)
View	Parking and Highway Improvement (Striper-Labore

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Tile Finisher

March 2008

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APPRENTICE INFORMATION

Determination: 2015-2 Issue Date: 08-22-2015 Expire Date: 01-31-2016 ** Page: 1

Craft/Classification: Electrician, Inside Wireman Shift: 1

78 4963

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6		\$16.320	\$10.440	\$.490		\$.710	\$.450	\$28.410
2	6	,	\$18.360	\$10.440	\$.550		\$.710	\$.450	\$30.510
3	6		\$20.400	\$11.440	\$7.250		\$.710	\$.450	\$40.250
4	6		\$22.440	\$11.440	\$7.970	~	\$.710	\$.450	\$43.010
5	6		\$24.480	\$11.440	\$8.700		\$.710	\$.450	\$45.780
6	6	Administration and the second	\$26.520	\$11.440	\$9.420		\$.710	\$.450	\$48.540
7	6		\$28.560	\$11.440	\$10.150		\$.710	\$.450	\$51.310
8	6		\$30.600	\$11.440	\$10.870		\$.710	\$.450	\$54.070
9	6		\$32.640	\$11.440	\$11.600		\$.710	\$.450	\$56.840
10	6	*******************************	\$34.680	\$11.440	\$12.320		\$.710	\$.450	\$59.600

Footnote(s):

Pension -- includes amounts for defined contribution and benefit plans for apprentices above Period 2. In addition, an amount equal to 3% of the basic hourly rate is added to the total hourly rate and overtime hourly rates for the National Employees Benefit Board. Pursuant to Labor Code Sections 1773.1 and 1773.8 the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

Vacation/Holiday included in the Basic Hourly Rate.

Journeyman Predetermined Increases:

2/1/16 \$1.00 to be allocated to wages and/or fringes

8/1/16 \$1.00 to be allocated to wages and/or fringes

1/30/17 \$1.00 to be allocated to wages and/or fringes.

7/31/17 \$0.05 to Training, \$0.05 to Other, and \$1.00 to be allocated to wages and/or fringes.

1/29/18 \$1.00 to be allocated to wages and/or fringes .

7/30/18 \$1.00 to be allocated to wages and/or fringes.

1/28/19 \$1.00 to be allocated to wages and/or fringes.

There may be corresponding predetermined increase(s) to the apprentices associated with this journeyman craft/classification. Please fax a request to (415) 703-4771 or send to the following address:

Department of Industrial Relations, Office of the Director - Research Unit

P.O. Box 420603

San Francisco, CA 94142-0603

Apprentice Prevailing Wage Rates are paid only to apprentices registered with the State of California, Division of Apprenticeship Standards, for work the registered apprentice performs in his/her specific craft or trade. You may check whether an Apprentices is registered at http://www.dir.ca.gov/DAS/appcertpw/AppCertSearch.asp

APPRENTICE INFORMATION

Determination: 2015--2 Issue Date: 08-22-2015 Expire Date: 01-31-2016 ** Page: 2

Craft/Classification: Electrician, Inside Wireman Shift: 2

78 4963

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6		\$19.140	\$10.440	\$.570		\$.710	\$.450	\$31.310
2	6		\$21.540	\$10.440	\$.650		\$.710	\$.450	\$33.790
3	6		\$23.930	\$11.440	\$7.350		\$.710	\$.450	\$43.880
4	6		\$26.320	\$11.440	\$8.090		\$.710	\$.450	\$47.010
5	6		\$28.720	\$11.440	\$8.820		\$.710	\$.450	\$50.140
6	6		\$31.110	\$11.440	\$9.560		\$.710	\$.450	\$53.270
7	6		\$33.500	\$11.440	\$10.290		\$.710	\$.450	\$56.390
8	6		\$35.890	\$11.440	\$11.030		\$.710	\$.450	\$59.520
9	6		\$38.290	\$11.440	\$11.760		\$.710	\$.450	\$62.650
10	6		\$40.680	\$11.440	\$12.500		\$.710	\$.450	\$65.780

Footnote(s):

Pension -- includes amounts for defined contribution and benefit plans for apprentices above Period 2. In addition, an amount equal to 3% of the basic hourly rate is added to the total hourly rate and overtime hourly rates for the National Employees Benefit Board. Pursuant to Labor Code Sections 1773.1 and 1773.8 the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

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APPRENTICE INFORMATION

Craft/Classification: Electrician, Inside Wireman Shift: 3

78 4963

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6		\$21.440	\$10.440	\$.640		\$.710	\$.450	\$33.680
2	6		\$24.130	\$10.440	\$.720		\$.710	\$.450	\$36.450
3	6		\$26.810	\$11.440	\$7.440		\$.710	\$.450	\$46.850
4	6		\$29.490	\$11.440	\$8.180		\$.710	\$.450	\$50.270
5	6		\$32.170	\$11.440	\$8.930		\$.710	\$.450	\$53.700
6	6		\$34.850	\$11.440	\$9.670		\$.710	\$.450	\$57.120
7	6	· · · · · · · · · · · · · · · · · · ·	\$37.530	\$11.440	\$10.410		\$.710	\$.450	\$60.540
8	6		\$40.210	\$11.440	\$11.160		\$.710	\$.450	\$63.970
9	6		\$42.890	\$11.440	\$11.900		\$.710	\$.450	\$67.390
10	6		\$45.570	\$11.440	\$12.650		\$.710	\$.450	\$70.820

Footnote(s):

Pension -- includes amounts for defined contribution and benefit plans for apprentices above Period 2. In addition, an amount equal to 3% of the basic hourly rate is added to the total hourly rate and overtime hourly rates for the National Employees Benefit Board. Pursuant to Labor Code Sections 1773.1 and 1773.8 the amount paid for this employer payment may vary resulting in a lower taxable basic hourly wage rate, but the total hourly rates for straight time and overtime may not be less than the general prevailing rate of per diem wages.

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APPRENTICE INFORMATION

Determination: 2015-2 Issue Date: 02-22-2015 Expire Date: 12-27-2015 ** Page: 1

Craft/Classification: Communications and Systems Installer Shift: 1

640 5063

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6	800	\$13.390	\$4.080	\$.400		\$.300	\$.160	\$18.330
2	6	800	\$14.880	\$4.080	\$.450		\$.300	\$.160	\$19.870
3	6	800	\$16.370	\$7.810	\$2.480		\$.300	\$.160	\$27.120
4	6	800	\$17.860	\$7.810	\$2.710		\$.300	\$.160	\$28.840
5	6	800	\$19.340	\$7.810	\$2.930		\$.300	\$.160	\$30.540
6	6	800	\$23.810	\$7.810	\$3.610		\$.300	\$.160	\$35.690

Footnote(s):

Pension -- Includes an amount equal to 3% of the BHR for National Employees Benefit Fund. (This applies to overtime rates as well.) No Defined Pension Contribution for first and second period apprentices.

Other -- Includes an amount for the National Labor-Management Cooperation Fund (LMCC) and the Administrative Maintenance Fund.

JOURNEYMAN PREDETERMINED INCREASES:

Effective 12/28/2015: \$2.00 increase to be allocated to wages and or fringes. Effective 12/26/2016: \$2.00 increase to be allocated to wages and or fringes. Effective 01/01/2018: \$2.25 increase to be allocated to wages and or fringes. Effective 01/01/2019: \$2.50 increase to be allocated to wages and or fringes.

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APPRENTICE INFORMATION

Determination: 2015--2 Issue Date: 02-22-2015 Expire Date: 12-27-2015 ** Page: 2

Craft/Classification: Communications and Systems Installer Shift: 2

640 5063

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6	800	\$15.710	\$4.080	\$.470		\$.300	\$.160	\$20.720
2	6	800	\$17.450	\$4.080	\$.520		\$.300	\$.160	\$22.510
3	6	800	\$19.200	\$7.810	\$2.570		\$.300	\$.160	\$30.040
4	6	800	\$20.950	\$7.810	\$2.800		\$.300	\$.160	\$32.020
5	6	800	\$22.690	\$7.810	\$3.030		\$.300	\$.160	\$33.990
6	6	800	\$27.930	\$7.810	\$3.740		\$.300	\$.160	\$39.940

Footnote(s):

Pension -- Includes an amount equal to 3% of the BHR for National Employees Benefit Fund. (This applies to overtime rates as well.) No Defined Pension Contribution for first and second period apprentices.

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APPRENTICE INFORMATION

Determination: 2015-2 Issue Date: 02-22-2015 Expire Date: 12-27-2015 ** Page: 3

Craft/Classification: Communications and Systems Installer Shift: 3

540 5063

County: Los Angeles

Period	Duration Months	OJT Hours	Hourly Basic Rate	Health & Welfare	Pension	Vacation /Holiday	Training	Other	Hourly Total Rate
1	6	800	\$17.590	\$4.080	\$.530		\$.300	\$.160	\$22.660
2	6	800	\$19.550	\$4.080	\$.590		\$.300	\$.160	\$24.680
3	6	800	\$21.510	\$7.810	\$2.640		\$.300	\$.160	\$32.420
4	6	800	\$23.470	\$7.810	\$2.870		\$.300	\$.160	\$34.610
5	6	800	\$25.410	\$7.810	\$3.110		\$.300	\$.160	\$36.790
6	6	800	\$31.290	\$7.810	\$3.840		\$.300	\$.160	\$43.400

Footnote(s):

Pension -- Includes an amount equal to 3% of the BHR for National Employees Benefit Fund. (This applies to overtime rates as well.) No Defined Pension Contribution for first and second period apprentices.

Other -- Includes an amount for the National Labor-Management Cooperation Fund (LMCC) and the Administrative Maintenance Fund.

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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/das/PublicWorksForms.htmfor 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
		APPLACE OF THE PROPERTY
MAILING ADI	DRESS-NUMBER & STREET, CITY, ZIP CODE	AREA CODE & TELEPHONE NO.
MALAS & ACT	PRESS OF PUBLIC WORKS PROJECT	DATE YOUR CONTRACT EXECUTED
TANKE OF PERSON	A PROPERTY OF THE PROPERTY OF	
,		DATE OF EXPECTED OR ACTUAL START OF PROJECT
	TO THE RELIGIOUS AND THE PROPERTY OF A COUNTY OF THE PROPERTY	ESTIMATED NUMBER OF JOURNEYMEN HOURS
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		OCCUPATION OF APPRENTICE
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	· · · · · · · · · · · · · · · · · · ·	ESTIMATED NUMBER OF APPRENTICE HOURS
THIS FOR	M IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	Edinari Carionia di Artica
		APPROXIMATE DATES TO BE EMPLOYED
Contr	This is not a request for dispatch of ap rectors must make a separate request for actual dispatch, in accordance with Section Check One Of The Boxes Below	230.1(a) California Code of Regulations
1	We are already approved to train apprentices by the	
'·	Apprenticeship Committee. We will employ and train under their Stand	dards Enter name of the Committee
	Apprenticeship Committee, we will employ and train under their Stark	uai ua.
2	We will comply with the standards of	
٠- ا		Enter name of the Committee
	Apprenticeship Committee for the duration of this job only.	
3.	We will employ and train apprentices in accordance with the California including § 230.1 (c) which requires that apprentices employed on pub perform work of the craft or trade to which the apprentice is registered times work with or under the direct supervision of journeyman/men.	lic projects can only be assigned to
	Signature	Date
	· Designation of the second se	Date
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	Typed Name	MARANAMININA PROTECTION OF THE CONTRACT
	and the second s	
	Title	
	State of California - Department of Industrial Relations	DIVISION

DAS 140 (REV. 1/04)

OF APPRENTICESHIP STANDARDS



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/DAS/PublicWorksForms.htm 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. https://www.dir.ca.gov/DAS/PublicWorksForms.htm 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. https://www.dir.ca.gov/DAS/PublicWorksForms.htm for information about programs in your area and trade. You may also consult your local Division Apprenticeship Standards.

Date:	Contractor Requesting Dispatch:
To Applicable Apprenticeship Committee:	Name:
Name:	Address:
Address	
Address:	nergy particular and the second secon
	License No.
Tel. NoFax No	Tel. No Fax No
Project Information:	
Contract No.	
Name of the Project:	
Address:	
Dispatch Request Information:	
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Number of Apprentice(s) Needed: Craft	or Trade:
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Date Apprentice(s) to Report:(72 hrs. notic	e required) Time to Report:
Name of Person to Report to:	
Name of Person to Report to.	And and the second of the seco
Address to Report to:	
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You may use this form to make your written request for the dispa	alon of an apprentice, requests for dispaton must be in
writing and submitted at least 72 hours in advance (excluding we of submission may be required. Please take note of California	a Code of Regulations. Title 8, § 230.1 (a) for all applicable
requirements regarding apprenticeship requests and/or visit	2 0000 of trogulation the at 3 mooth for the aleterioris
http://www.dir.ca.gov/DAS/DASApprenticesOnPublicWorksSumr	maryOfReguirements.htm
DAS 142 (Revised 12/11)	

State of California

Department of Industrial Relations

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Apprenticeship

Division of Apprenticeship Standards (DAS)



CAC - Training Fund Contributions

You must enter all requested infomation in order to ensure successful submission and processing of your payment. Training Fund Contributions are due on the 15th of each month.

All fields with * are required.

If there is no work for a particular month you do not need to submit a CAC2 form with zero amount for that month.

You must use the BUTTON on the bottom of the page to submit for an invoice coupon.

TO NAVIGATE BETWEEN FIELDS, DO NOT HIT RETURN OR ENTER KEY AFTER EACH ENTRY. USE THE TAB KEY INSTEAD.

You need to have a working printer currently connected to your computer in order to print the complete paper form in the end of this session so that you can mail it with your payment.

Training Fund Contributions Form CAC2

Date: 2/17/2016

ontractor/Sub Contractor naking contributions	Contractor	Period covered by contribution (from – to)	Jobsite Locati (including Cou	
Name:	* License Number:	* Period Start:	If applicable, give	name of school, hospital, building, etc
Address:	* Contract/Project Number	* Period End:	Comments:	
City:		(MM/DO/YYYY)		
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Name of the submitting party	: * Submitter's Title:	* Submitte	er's Email:	*Submitter's Phone: e.g., (999) 999-9999
			,	

: : :	* County of Work	* Classification ¹	* Hours (min.: 0.5; max: 9 999.99)	* Rate (min.: 0.01; max: \$9.99)	Amount
*1)	Select a county	Select an occupation	**	\$ **	\$ 0.00
2)	Select a county	Select an occupation		\$	\$ 0.00
3)	Select a county	Select an occupation		\$	\$ 0.00

4)	Select a county	Select an occupation		\$	\$ 0.00
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18)	Select a county	Select an occupation			; \$ 0.00
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DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF APPRENTICESHIP STANDARDS 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102

Tel: (415) 703-4920 Fax: (415) 703-5477 www.dir.ca.gov



ADDRESS REPLY TO: Div. of Apprenticeship Standards P. O. Box 420603 San Francisco, CA 94142-0603

Important Notice Regarding Changes in CCR 230.1

An addition has been made to section 230.1 regarding employment of apprentices on public works it is effective as of November 16, 2011. To see a copy of the amended regulation please click on the following link: http://www.dir.ca.gov/das/DasRegulations/201011Regs320Text.pdf

In general, for covered projects for the purpose of determining whether a contractor has properly requested an apprentice, all requests for dispatch of an apprentice, , with 40 or more hours of journeyman work, requests shall be for not less than 8 hours per day per apprentice or 20% of the estimated apprentice hours" required to meet ratio whichever is greater.

If the total project journeyman hours are less than 40 hours, you must still request an apprentice and meet the requirements by employing apprentices at the 20% ratio at the end of the project. However, the requests may be in less than 8 hour increments. For example, if your project requires a total only 30 journeyman hours, the requirement would be to employ an apprentice for 6 hours. Your DAS 142 (Request for Dispatch of an Apprentice) would state a request for 6 hours. That request could come in the form of 6 hours in one day, 3 hours on 2 days, or any other combination to reach the required 20% at the end of the project.

For projects with less than 40 TOTAL Journeyman hours, you are not required to request dispatch of an apprentice for 8 hours if they are needed for less than 8 to meet the ratio.



IMPORTANT NOTICE - DAS 002 Residential Wages

Effective January 26, 2009, the residential journeyperson determinations were made available on demand for those crafts/classifications which are on file with the Division of Labor Statistics and Research (DLSR) to any interested party upon request. Subsequently, the DLSR updated and published the residential journeyperson determinations on the DLSR website on April 16, 2009. These residential determinations are currently in effect.

If your project was advertised for bids prior to the effective date of the current residential determination posted on the website; please contact the DLSR to obtain the residential journeyperson wage determination(s) that may be applicable to your project. For residential apprentice wage determinations, please contact the Division of Apprenticeship Standards (DAS). Apprentice Residential Prevailing Wage rates will be provided on an – as requested – basis, www.das.ca.gov or call 415.703.4920.

Pursuant to the California Code of Regulations Section 16001(d), residential projects consist of single-family homes and apartments up to and including four stories. The residential determination applies only to the residential portion of the project meeting this definition. Construction of any structures or ancillary facilities on the project that does not meet this definition requires the payment of the general commercial prevailing wage rates. State-approved Apprenticeship Programs whose work processes cover residential components and whose standards contain residential rates or reference the prevailing wage rates may permit apprentices to work at the apprentice residential prevailing wage rates.

Please Note: This Notice does not exempt Contractors from employing apprentices in at least the ratio set forth in Labor Code 1777.5 and Section 230.1 of Title 8 of the California Code of Regulations.

Also please note: Apprentice programs that do not have a residential occupation need to send apprentices at their approved wage scale only.

Revised September 29, 2009

California Gepartment of Industrial Pelations

> 455 Golden Gate Avenue, 10th Floor Sen Francisco, CA 94102 415,703,4920 www.dir.ce.gov/das/

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 320 W. 4th Street, Room 450 Los Angeles, CA 98013 213-620-6468 FAX: 213-897-6020

Edmund G. Brown Jr. Governor



0A78: Merch 66, 2013 In Reply Refer to Case No:

DETERMINATION OF CIVIL PENALTY - LABOR CODE SECTION 1777.7

Awarding Body			Wark Performed in County of	
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PROJECT NAME			Project No.	
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Substratmeter				
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Labor Code section 1777.5, and duly adopted regulations pertaining thereto, set forth the duties and obligations of contractors and/or subcontractors concerning the employment of apprentices upon public works. Violations of these duties and obligations may result in the imposition of monetary penaltics enforced by the Labor Commissioner, or his or her designed or the Division of Labor Standards Enforcement (the "Division"), in accordance with Labor Code section 1777.7. The Labor Commissioner, by and through the Division has conducted an investigation and determined that violations of Labor Code section 1777.5 have been knowingly committed by the contractor and/or subcontractor identified above on the stoave-named project, and therefore issues this Determination of Civil Penalty.

The nature of the violations of the Labor Code and the basis for the Determination of Civil Penalty are as follows: Subcontractor failed to provide the applicable Apprenticeship Committees with notice of contract award in a timely matter, failed to properly request dispatch of apprentices from the applicable Apprenticeship Committees, and failed to employ apprentices in compliance with required apprentice to journeyman ratio.

The Division has determined that the total amount of penalties assessed under Labor Code section 1777.7 is: \$\frac{1}{2.360.00}\$

Please refer to page 2 for specific information concerning your Right to Obtain Review of this Determination.

Please refer to page 3 for specific information on your Opportunity for Settlement Meeting.

SPECIAL NOTE TO AWARDING BODY AND PRIME CONTRACTOR: Refer to page 4 for your withholding obligations, if any.

STATE LABOR COMMISSIONER

Aljde Okubo

Deputy Labor Commissioner J

PTV 44 (RUMOS 1072012)

Notice of Right to Obtain Review - Formal Hearing

An affected contractor, subcontractor, or responsible officer may obtain review of this Determination of Civil Penalty by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the Determination of Civil Penalty. In accordance with Labor Code section 1777.7(c)(2), the provisions of Labor Code section 1742 shall apply to the review of this Determination of Civil Penalty. To obtain a hearing, a written Request for Review must be transmitted to the following address:

Labor Commissioner, State of California Determination Review Office. 2031 Howe Ave., Suite 100 Sacramento, CA 95825

A Request for Review either shall clearly identify the Determination of Civil Penalty from which review is sought, including the date of the Determination, or it shall include a copy of the Determination as an attachment. Falture to attach a copy of this Determination to your Request for Review may delay timely processing of your Request for Review. The Request for Review shall also set forth the basis upon which the Determination is being contested. In accordance with Laber Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor, subcontractor, or responsible officer to submit a finely Request for Review will result in a final order which shall be binding on the contractor, subcontractor, or responsible officer. Labor Code section 1777.7(e)(1).

In accordance with Labor Code section 1742(d) and Labor Code section 1777.1(c)(4), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Determination of Civil Penalty, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading. Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designes to attempt to settle a dispute regarding this assessment must be transmitted to Affice Okubo at the following address: 320 W. 4th Street, Room 450

Los Angeles, CA 90013

(continued on next page)

Statutory Withholding Obligations

I. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Determination of Civil Penalty. The amount required to satisfy this Determination of Civil Penalty shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Determination of Civil Penalty is:

Total	Withholding	Amount:

\$12,360,00

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Determination of Civil Penalty based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

к	If this box is checked, the I	abor Commissioner	hereby requests ti	nat the prime contractor	r
	withhold the following amo	unt from money due	the subcontractor	and transfer the mone,	te the
	awarding body to satisfy thi	s assessment:			

Total Withholding Amount:

\$12,360.00

Distribution:

Awarding Body Surety(s) on Bond Prime Contractor Subcontractor

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

CERTIFICATION OF SERVICE BY MAIL (C.C.P. 1013a) OR CERTIFIED MAIL

I,	Alice Okubo	, do hereby certify tha	t I am a resident of or employed in the County of
	Los Angeles , over	18 years of age, and not	a party to the within action, and that I am employed a
and n	ny business address is:		
		Division of Labor Sta Bureau of Field Enfor 320 W. 4th Street, Su Los Angeles, CA 900	cement ite 450
On Secti	<u>March 6, 2013</u> on 1777.7	, I served the within:	Determination of Civil Penalty-Labor Code
by pl	acing a true copy thereo	f in an envelope addresse	ed as follows:
and t	hen sealing the envelope	x and with postage and or X Ordinary first clas X Certified mail Registered mail	ertified mail fees (if applicable) thereon fully prepaid, s mail
I cert	lify under penalty of pe	rjury that the foregoing	is true and correct
Exec	uted on <u>March 6, 20</u>	13 , at Los Angeles	, County of Los Angeles , California
STA	SIGNATURE TE CASE NO. 34 (Shring) - (JESS)	Manufacture de la companya de la com	