



Public Works Contractor Registration



Public Works

Public Works

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.

NEW 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
- Prevailing Wage
- Certified Payroll Reporting
- Awarding Bodies
- Apprentices
- 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 imposing jail time.

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 Commissioner.

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.

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- Public Works Reforms (SB 854) Fact Sheet
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What's New

- [DIR Notice to Public Works Contractors and Subcontractors: eCPR System on Hold Pending Upgrades](#)
- [DIR Announces Upgrades to the eCPR System](#)
- [DIR Posts Notification to Public Works Contractors and Awarding Bodies Regarding the eCPR System](#)
- [DIR 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](#)
 - El DIR recuerda a los contratistas de obras públicas que deben renovar su inscripción antes del 1 de enero para evitar una penalidad costosa

December 2015

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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
 - 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:

PWC Registration Number:

Contractor Legal Name: [Contractor License Lookup](#)

License Number:

County:

v2.20160101

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Quick tips for using the active registration search tool

SEARCH FOR AN 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

v2.20160101

Lost & Cannot continue? Click here or visit our FAQs for additional information!
Questions? - email SB854@dir.ca.gov

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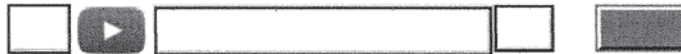
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Public works contractor registration system training June 17, 2015



CaliforniaDIR

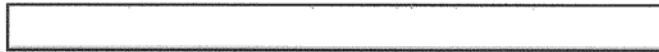
358

4,283



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

Autoplay



Public Works eCPR Training Webinar

CaliforniaDIR

18,328 views

1:06:39



Cal/OSHA Webinar on Heat Illness Prevention May 28, 2015

CaliforniaDIR

999 views

44:36



Paid Sick Leave in California

CaliforniaDIR

1,305 views

3:54



QME Training Video

CaliforniaDIR

7,437 views

13:34



CSLB Experience Verification Seminar

Contractors State License Board

11,408 views

2:22:48

Vendor Management Why What and How - Webinar

NH Learning Solutions



Public Works | DLSE Debarments

Public Works

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

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Name of contractor	Period of debarment
<p>Travioli Construction, Inc. PO Box 231 Visalia, CA 93274 CSLB Number: #936832 Decision </p>	<p>9/11/15 through 3/10/17</p>
<p>Fast Demolition, Inc. 601-C East Palomar Street #123 Chula Vista, CA 91911 CSLB Number: #792729 Rogelio Medina Vazquez, an individual and in his capacity as Responsible Managing Officer of FAST DEMOLITION, INC. Decision </p>	<p>4/01/15 through 3/31/18</p>
<p>Integrity Sheet Metal, Inc. 319 McArthur Way Upland, CA 91786 CSLB #726770 William Ben Hicks, an individual; Margaret Mary Hicks, an individual Decision </p>	<p>2/01/15 through 1/31/18</p>
<p>L A Builders, Inc., a California Corporation 15635 Saticoy Street, #H Van Nuys, CA 91406 CSLB #748591 Alon Gamliel, an individual Decision </p>	<p>2/01/15 through 1/31/18</p>
<p>USA Wall Systems, Inc.</p>	<p>4/01/15 through 3/31/18</p>



<p>8309 Sunshine Lane Riverside, CA 92508 CSLB #929610</p> <p>Edward Eugene Brammer, an individual and in his capacity as President/CEO/RMO</p> <p>Decision </p>	
<p>Daughter Construction formerly dba Hy Carpentry Construction 15407 Thornlake Avenue Norwalk, CA 90650 CSLB #979297</p> <p>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.</p> <p>Decision </p>	<p>4/01/15 through 3/31/18</p>
<p>RDA Construction, Inc. 1692 W. Bullard Ave., Fresno, CA 93711 CSLB# 383306</p> <p>Decision </p>	<p>12/15/14 through 12/14/16</p>
<p>Titan Electrical Construction, Inc. Lucas Oliver Stickney, an individual Jamie Noel Furr, an individual 630 Natoma Street San Francisco, CA 94103 CSLB# 919516</p> <p>Decision </p>	<p>11/3/14 through 11/2/17</p>
<p>Ramos Painting Carlos Ray Ramos, an individual P.O. Box 3871 Paso Robles, CA 93447 CSLB# 753575</p> <p>Decision </p>	<p>11/3/14 through 11/2/15</p>
<p>Dick Emard Electric. dba Emard Electric Luke Richard Emard, an individual and RMO 5930 Key Court, Suite A Loomis, CA 95650 CSLB# 794007</p> <p>Decision </p>	<p>11/3/14 thorough 11/2/17</p>
<p>Nixon Electric Gordon Fulton Nixon, an individual 5624 Faust Ave. Woodland Hills, CA 91367 CSLB# 796802</p> <p>Decision </p>	<p>8/1/14 through 7/31/17</p>
<p>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.</p>	<p>2/28/14 through 2/27/17</p>

<p>Long Beach, CA 90805 CSLB# 797967</p> <p>Decision </p>	
<p>Southland Construction Reza Mohammadi, an individual 3943 Irvine Blvd., #405, Irvine, CA 92602 CSLB# 663784 (expired)</p> <p>Decision </p>	<p>10/14/14 through 10/13/17</p>
<p>National Drywall Corporation, A Dissolved California Corporation 603 S. Milliken Avenue, Suite F Ontario, CA 91761 CSLB #834335</p> <p>Miguel Contreras, an Individual and Responsible Managing Officer/CEO/President</p> <p>Dora Maria Contreras, an Individual and Agent/Officer of the Corporation</p> <p>Decision </p>	<p>8/4/14 through 8/3/17</p>
<p>Tadros & Youssef Construction, Inc. Kamel Shaker Tadros & Makram Youssef Youssef, Individually 1221 E 8th Street, Unit A, Upland, CA 91786</p> <p>CSLB# 698182 (expired)</p> <p>Decision </p>	<p>5/10/14 through 5/9/17</p>
<p>Serenity Fire Protection 417 S. Associated Road, Brea, CA 92821</p> <p>CSLB# 902927</p> <p>Decision </p>	<p>5/1/14 through 4/30/17</p>
<p>Don Kelly Construction, Inc. Don Kelly, Individual and Lisa Kelly, Individual 171 Northview Ridge Lane, P.O. Box 10760, Bozeman, MT 59719</p> <p>Decision </p>	<p>3/25/14 through 3/24/17</p>
<p>Aldan, Inc. P.O. Box 9428, Brea, CA 92822</p> <p>CSLB #949229</p> <p>Decision </p>	<p>2/28/14 through 2/27/17</p>
<p>Russell/Thompson, Inc. James Jean Russell & Valery Alena Thompson, Individually 4684 Oak Glen Dr., Redding, CA 96001</p> <p>CSLB# 915036 (revoked)</p> <p>Decision </p>	<p>10/31/13 through 10/31/16</p>
<p>Ayodejia A. Ogundare, Individual Dba Pacific Engineering Company 6310 Stewart Way, Bakersfield, CA 93308</p> <p>CLSB#710322</p> <p>Decision </p>	<p>5/15/2013 through 5/15/2014</p>
<p>Wallcrete Industries, Inc.; Garit David Wallace and Amber Anderson, Individuals 400 Kansas, Redlands, CA 92373</p> <p>CSLB#834220</p> <p>Decision </p>	<p>7/29/12 through 7/28/15</p>

<p>FEI Enterprises, Inc Gabriel Fedida, Individual 5749 Venice Blvd., Los Angeles, CA 90019 CSLB#659252 Decision </p>	<p>6/14/12 through 6/13/15</p>
<p>Jeffrey Alan Mott and Michelle Mott, individuals Dda Integrity Landscape 3756 Independence Avenue Sanger, CA 93637 CSLB#774222 Decision </p>	<p>3/29/12 through 3/28/15</p>
<p>Jensen Drywall & Stucco Jeffrey E. Jensen 3714 Lynda Place National City, CA 91950-8121 CSB # 664168 Exp. 2/18/11 (expired) Decision </p>	<p>3/31/11 through 3/30/13</p>
<p>All West Construction, Inc. Donald Kent Russell 495 N. Marks Ave. Fresno, CA 93706 CSB # 592321 Exp. 4/3/12 (suspended) Decision </p>	<p>3/31/11 through 3/30/13</p>
<p>Country Builders, Inc. Weldon Offill, individually 5915 Graham Ct. Livermore, CA 94550 CSB # 699574 Exp. 11/30/12 (active) Decision  Addendum </p>	<p>3/1/11 through 2/28/14</p>
<p>Sutter Foam & Coating, Inc. 909 A. George Washington Yuba City, CA 95993 CSB # 732014 Exp. 1/31/09 (inactive)</p>	<p>7/1/10 through 6/30/13</p>
<p>David Alvin Trexler, an individual 909 A. George Washington Yuba City, CA 95993</p>	<p>7/1/10 through 6/30/13</p>
<p>Kenneth A. Trexler, an individual 2603 Lago Lane Marysville, CA 95901 Decision </p>	<p>7/1/10 through 6/30/13</p>
<p>Soo Dong Kim, an individual, dba Soo Kim Electric Company 16224 Ridgeview Lane La Mirada, CA 90638 CSB # 568103 Exp. 8/1/09 (inactive)</p>	<p>4/19/10 through 4/18/13</p>
<p>Hyo Nam Jung, an individual, dba Lucid Electric 18621 Well Street Rowland Heights, CA 91748 CSB # 914692 Exp. 4/3/10 Decision </p>	<p>4/19/10 through 4/18/13</p>
<p>Southwest Grading, dba Southwest Grading Services, Inc., 22031 Waite Street Wildomar, CA 92595 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 </p>	<p>3/18/10 through 3/17/13</p>
<p>S.J. Cimino Electric, Inc., a California</p>	<p>10/15/09 through 10/14/12</p>

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 <input checked="" type="checkbox"/>	
Cedar Development Corporation Serghon Gabriel Afram, individually 12477 Feather Dr Mira Loma, CA 91752 CSB # 839898 Exp. 6/30/10 (suspended) Decision <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>	3/16/09 through 3/15/12

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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:
 - Must have workers' compensation coverage for any employees and only use subcontractors who are registered public works contractors.
 - Must have Contractors State License Board license if applicable to trade.
 - 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 penalty.
- 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;
 - 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;
 - 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 items:

- 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?
- 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?
- 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



Public Works

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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?

June 2015

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N E W S L I N E

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 [active contractor registration search tool](#) 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 [registration/renewal](#) page to activate your registration.
- DIR’s [Frequently Asked Questions](#) 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 [Senate Bill 854](#), 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 [Labor Commissioner's Office](#), 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.

###



The [California Department of Industrial Relations](#), 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 [Labor & Workforce Development Agency](#). 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 [division or program](#) 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.

Sign In

Username or Email:

Password:

Remember me on this computer

To create an account please select the First Time User button above. Note that user ID and password are case sensitive.



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).



Public Works Certified Payroll Reporting

Certified Payroll Reporting

1. Enforcement of DIR's Online eCPR Requirement on Hold:

DIR's Public Works Newslines 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 21.

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

• 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.

Public Works

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February 2016



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Public Works

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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.

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

June 2015

- ▶ [Contractor Registration](#)
- ▶ [Contractor Search](#)
- ▶ [Public Works Projects Registration \(PWC-100\)](#)
- ▶ [Public Works Projects Search](#)
- ▶ [Electronic Certified Payroll Records \(eCPR\)](#)
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Division of Labor Standards Enforcement (DLSE)
Director's Office Boards

Public Works

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:

I, (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 Flr.
San Francisco, CA 94102
415-703-4810
SNakagama@dir.ca.gov

Division of Labor Standards Enforcement (DLSE)

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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](#).

PUBLIC WORKS PAYROLL REPORTING FORM



NAME OF CONTRACTOR OR SUBCONTRACTOR: _____ ADDRESS: _____ SPECIALTY LICENSE NO.: _____ SELF-INSURED CERTIFICATE NO.: _____ WORKERS' COMPENSATION POLICY NO.: _____	PROJECT OR CONTRACT NO.: _____ PROJECT AND LOCATION: _____	(6) CONTRACTORS LICENSE NO.: _____	(7) GROSS AMOUNT EARNED THIS PROJECT _____ ALL PROJECTS _____	DEDUCTIONS, CONTRIBUTIONS AND PAYMENTS							(8) NRI WGS PAID FOR WEEK _____ CHECK NO. _____

CERTIFICATION MUST be completed
(See reverse side)

*OTHER - Any other deductions, contributions and/or payments whether or not included or required by prevailing wage determinations must be separately listed. Use extra sheet(s) if necessary.

S - STRAIGHT TIME
 O - OVERTIME
 SH - STATE DISABILITY INSURANCE

NOTICE TO PUBLIC ENTITY

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)

.....

I, _____, the undersigned, am the
(Name - print)

_____ 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



Date:	In Reply, Refer to Case No:		
Prime:			
Subcontractor:			
PROJECT NAME:			
PROJECT CONTRACT NO.:		County/location:	
HEALTH AND WELFARE			
NAME OF PLAN		Address, City and Zip	
ADMINISTRATOR		Address, City and Zip	
CLASSIFICATION(S) USED		CONTRIBUTION PER CLASSIFICATION PER HOUR	
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY ANNUALLY
PENSION			
NAME OF PLAN		Address, City and Zip	
ADMINISTRATOR		Address, City and Zip	
CLASSIFICATION(S) USED		CONTRIBUTION PER CLASSIFICATION PER HOUR	
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY ANNUALLY
VACATION/HOLIDAY			
NAME OF PLAN		Address, City and Zip	
ADMINISTRATOR		Address, City and Zip	
CLASSIFICATION(S) USED		CONTRIBUTION PER CLASSIFICATION PER HOUR	
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY ANNUALLY
TRAINING			
NAME OF PLAN		Address, City and Zip	
ADMINISTRATOR		Address, City and Zip	
CLASSIFICATION(S) USED		CONTRIBUTION PER CLASSIFICATION PER HOUR	
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY ANNUALLY

IF YOU USE OTHER PLANS NOT LISTED ABOVE, YOU MAY USE THE BACK OF THIS FORM TO PROVIDE THIS ADDITIONAL INFORMATION

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 Standards.

(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 or 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
 3. 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))
1. ANALOGOUS 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))
1. 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 Fringe 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.