



PREVAILING WAGE/ LABOR COMPLIANCE SEMINAR

HANDOUT MATERIALS

Thursday – June 6, 2019

8:30 a.m. – 4:30 p.m.

Four Points by Sheraton - Pleasanton

5121 Hopyard Road

Pleasanton, California 94588

FOUNDATION FOR FAIR CONTRACTING

PRESENTS

PREVAILING WAGE/LABOR COMPLIANCE CONFERENCE

Thursday • June 6, 2019 • 8:30 a.m. – 4:30 p.m.

Four Points by Sheraton - Pleasanton • 5121 Hopyard Road • Pleasanton, California

Agenda

- | | |
|----------------------------|---|
| 8:30 AM – 9:00 AM | Registration and Continental Breakfast*
<i>*Sponsored by FFC</i> |
| 9:00 AM – 9:15 AM | Welcome and Opening Remarks
Bryan Berthiaume • Foundation for Fair Contracting |
| 9:15 AM – 10:15 AM | US Department of Labor – Wage and Hour Division (Page 1)
Speaker: Martin Otero, Community Outreach and Resource Planning Specialist – San Francisco District Office |
| 10:15 AM – 10:30 AM | <i>Break</i> |
| 10:30 AM – 11:45 AM | Office of the Director – Legal Unit (Page 15)
Office of Policy, Research and Legislation (OPRL) (Page 43)
Speaker: Minsu Longiaru – Staff Counsel |
| 11:45 AM – 1:00 PM | Lunch – Provided On Site*
<i>*Sponsored by FFC</i>
Special Presentation: Professional Land Surveyors (Page 87)
Speakers: Eric Angstadt, FFC Board Member
California & Nevada Civil Engineers and Land Surveyors |
| 1:00 PM – 2:00 PM | Division of Labor Standards Enforcement (DLSE) (Page 91)
Speaker: Evan Adams, Staff Counsel |
| 2:00 PM – 3:00 PM | Division of Labor Standards Enforcement (DLSE) (Page 147)
Speakers: Johnny Dayao, Deputy Labor Commissioner |



3:00 PM – 3:15 PM	<i>Break</i>
3:15 PM – 4:15 PM	Division of Apprenticeship Standards (DAS) Speaker: Glen Forman
4:15 PM – 4:30 PM	Closing Remarks – Evaluation



2018

DAVIS BACON 101



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

DBA Coverage

- Applies to contracts in excess of \$2,000 to which the Federal Government or the District of Columbia is a party for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works.

Davis Bacon Related Acts

- Davis-Bacon (DB) requirements extend to numerous “related Acts” that provide federal assistance by
 - Grants
 - Loans
 - Loan guarantees
 - Insurance

Davis Bacon Labor Standards/Contract Stipulations

- The term “labor standards” means the requirements of:
 - The Davis-Bacon Act;
 - The Contract Work Hours and Safety Standards Act;
 - The Copeland Act;
 - Prevailing wage provisions of the Davis-Bacon and “related Acts”; and
 - Regulations, 29 CFR 1, 3, and 5.

Wage Determinations

- Davis-Bacon WDs specify the prevailing wages, including fringe benefits, which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character in the localities specified therein.
- Two types of wage determinations: general and project

Selecting the Correct Wage Determination

- Selecting and incorporating the appropriate general wage determination for the project type
 - Building
 - Residential
 - Heavy
 - Highway
 - Guidance provided in AAM 130
- Multiple wage determinations may apply where there are separate construction types and the different type of construction is at least 20 percent of the project cost or exceeds \$1 million – guidance provided in AAM 131

Selecting the Correct Wage Determination

Incorporate most current WD:

- Negotiated contracts (“RFPs”) – Time of award.
- Competitively bids contracts: In effect 10 days or more before opening of bids.
- Exceptions.
- If the contract is not awarded within 90 days of bid opening, any modification to the WD must be incorporated unless the federal agency requests and obtains an extension of the 90 day period.

Interpreting General Wage Determinations

Useful information contained in a general wage determination:

- State and county
- Type of construction with description
- Record of modifications
- List of classifications and rates
- Basis for rates – Identifiers
 - Union Identifiers
 - Union Weighted Average Identifiers
 - SU Identifiers

Conformances

- Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).
- Conformance requirements:
 - The work to be performed by the proposed classification is not performed by a classification already in the wage determination (WD);
 - The proposed wage rate must bear a reasonable relationship to WD rates; and
 - The proposed classification is utilized in the area by the construction industry.

Wage Determinations Contracting Agency Responsibilities

- Ensure proper wage determination (WD) is identified and applied;
- Advise contractors which schedule of rates applies to various construction items; and
- Advise contractors regarding the duties performed by various crafts in the WD.

Wages & Fringe Benefits

- All laborers and mechanics employed or working upon the site of work must be paid at least the applicable prevailing wage rate for the classification of work performed as listed in the applicable wage determination or a rate approved in accordance with the “conformance process” set forth at 29 C.F.R. 5.5(a)(1)(ii), without regard to skill.
- The laborers and mechanics working on the site of work must be paid weekly unless the fringe benefits are paid into a bona fide FB plan and then contributions must be paid no less often than quarterly.

Wages and Fringe Benefits

- Laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill
- Laborers and mechanics who perform work in more than one classification may be paid the different applicable rates for the work they actually perform if the employer keeps an accurate record of the time spent working in each classification and pays accordingly

Wages and Fringe Benefits

- Under DBA, FB's are a component of the DBA “prevailing wage.”
- The prevailing wage obligation may be satisfied by:
 - Paying the base hourly rate (BHR) and FB in cash (including negotiable instruments payable on demand);
 - Contributing payments to a bona fide plan; or
 - Any combination of the two.
- Cash wages paid in excess of BHR may count to offset or satisfy the FB obligation (unlike under SCA)

Funded Fringe Benefit Plans

- Contractors may take credit (without prior approval from DOL) for bona fide FB fund contributions made to third-party trustees or insurers that:
 - Are *irrevocably* paid; and
 - Are made regularly, not less often than *quarterly*.
- Credit is for payments made for individual workers eligible to participate in the plan, program, or fund.



June 6, 2019

Prevailing Wage/Labor Compliance
Conference

Public Works

State of California

Department of Industrial Relations

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DISCLAIMER

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

GOALS

- Brief Introduction to the Department of Industrial Relations
- Prevailing Wage: What's covered?
- Understanding Coverage Determinations
- New California Prevailing Wage Laws & Legal Developments

Divisions, Boards and Commissions at DIR

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

Department of Industrial Relations



Quick Links

- ▶ LETF Home
- ▶ Report a labor law violation
- ▶ Report a workplace hazard to Cal/OSHA
- ▶ File a wage claim
- ▶ Know my employment rights
- ▶ Know my rights as an injured worker
- ▶ Get workplace postings
- ▶ Find prevailing wage determinations



Also of Interest

- ▶ Industrial Relations databases
- ▶ Subscribe to a distribution list
- ▶ Work for DIR
- ▶ Do business with DIR



Other Resources

- ▶ California Labor & Workforce Development Agency
- ▶ Employment Development Department
- ▶ U.S. Dept. of Labor

COVERAGE DETERMINATIONS

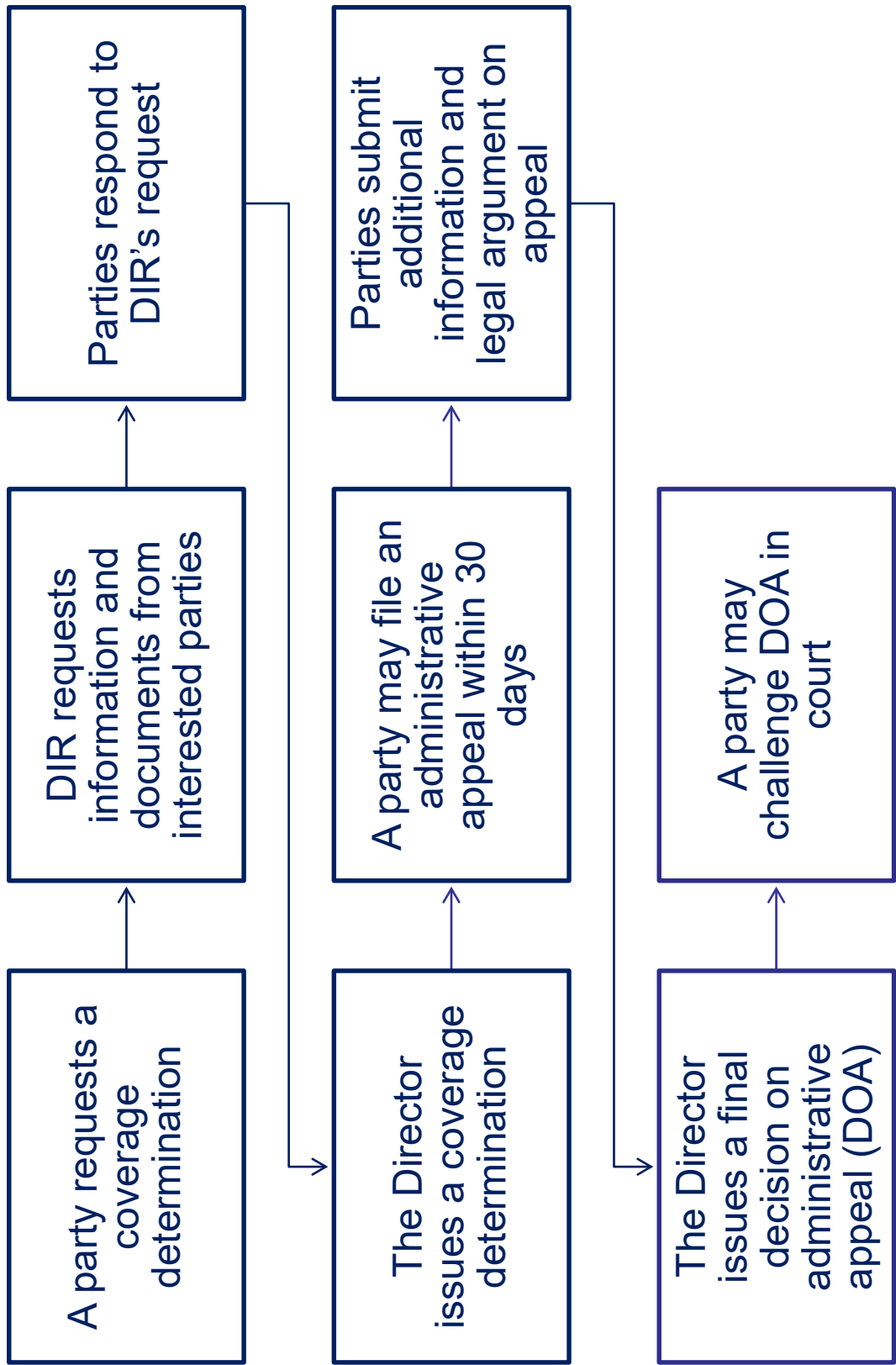
- The coverage determination process is spelled out in Labor Code section 1773.5 and Cal. Code Regs., title 8, sections 16001-16002.5.
- Two types of coverage determinations
 - Whether a project is covered
 - Whether a type of work is covered.

What is a coverage determination?

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

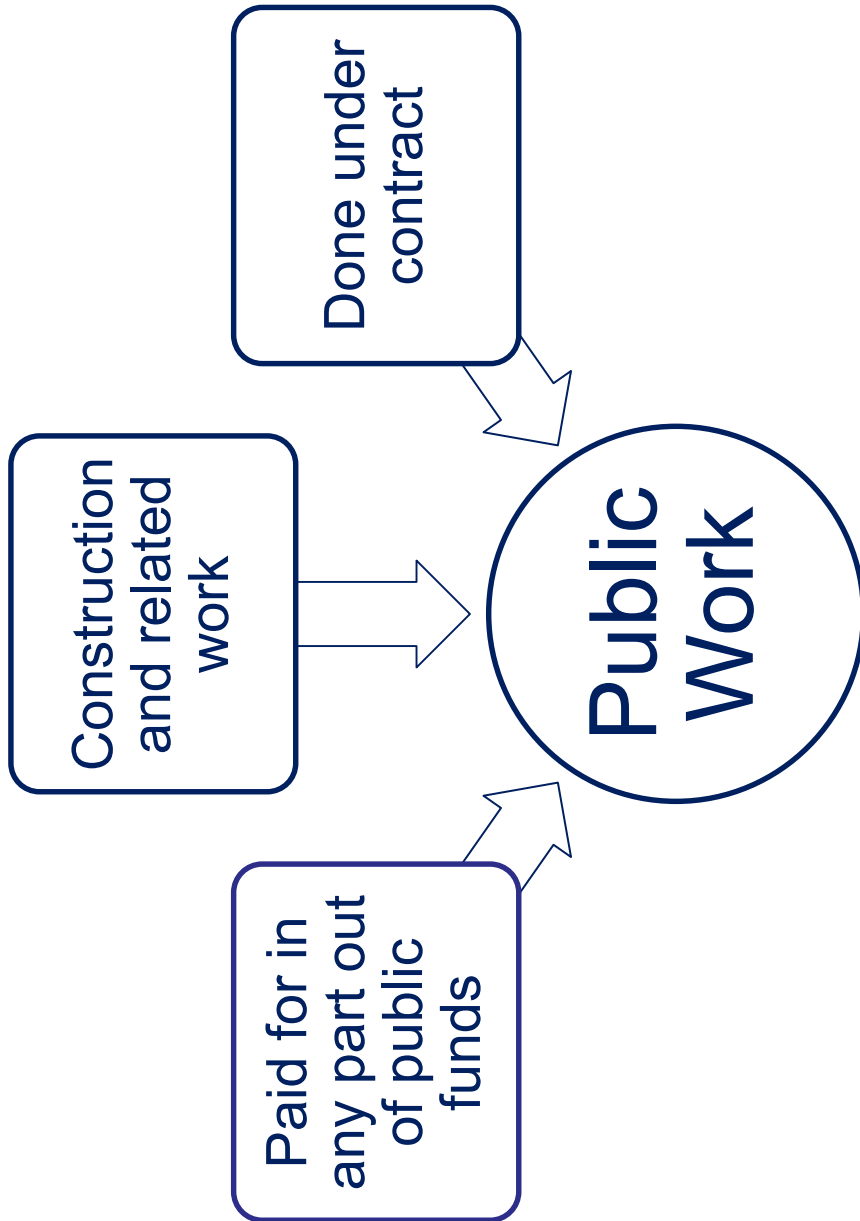
- The Director has the power to determine that a project or a type of work is public work through issuing what is known as a coverage determination.
- The administrative process consists of an initial coverage determination and a final determination on administrative appeal.
- Depending on when the parties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

Coverage Determination Process



Coverage Determination Process: Suggestions

- Request the coverage determination as early as possible!
- Provide a complete description of the nature of the work and the funding sources, along with all pertinent documents. If you are aware of other interested parties, identify them to DIR. The more complete your submission, the more promptly DIR can respond.
- DIR staff can answer questions by telephone or e-mail, but only the Director can issue coverage determinations.
- Check DIR's website for coverage determinations from 2001 to the present. Such determinations may provide guidance in your situation, although different facts may produce different results.



LABOR CODE SECTIONS 1771

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

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

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

Labor Code Section 1720

(Labor Code 1720(a)(1))

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

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

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

Other definitions of “public works”

Section 1720(a)

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



Other definitions of “public works”

Section 1720(a)

- 4) **The laying of carpet done under a building lease-maintenance contract** and paid for out of public funds.
- 5) **The laying of carpet in a public building** done under contract and paid for in whole or in part out of public funds.
- 6) **Public transportation** demonstration projects (Streets and Highways Code s 143)
- 7) (A) **Infrastructure project grants** from the California Advanced Services Fund pursuant to Section 281 of the Public Utilities Code.
- 8) Tree removal work done in the execution of a project under paragraph (1)

Other definitions of “public work”

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

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

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

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

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

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

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



Public funds includes “state, local and/or federal monies.” (8 CCR 16001)



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.”



California Prevailing Wage Law (CPWL) cannot be applied to a project which is “under the complete control of the federal government.” (*Southern Cal. Labor Management Committee v. Aubry* (1997) 54 Cal.App.4th 873, 886.)

Section 1772 (in the “execution of the contract”)

- “Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.”

➤ Off-Site Hauling (On and Off-Haul from Outside the Public Works Job Site)

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

➤ Off-Site Prefabrication

- *Sheet Metal Workers’ International Association, Local 104 v. Duncan* (2014) 229 Cal.App.4th 192. (Russ Will)
- “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.”

Section 1720(c)(1) exception

- 1) Private residential project;
- 2) Built on private property; and
- 3) Not built under an agreement with a state agency, redevelopment agency, a successor to a redevelopment agency when acting in that capacity, or a local public housing authority.

Section 1720(c)(2) exception

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

Miscellaneous Exceptions (Section 1720(c)(3), (c)(4).)

- 3) **“De Minimis Exception”** – if the public subsidy is de minimis in the context of the private project.
- 4) Affordable Housing Exception – construction or rehabilitation of affordable housing units for low-or-moderate-income persons...that are paid for solely with money from Low and Moderate Income Housing Fund (LMIHF)

Section 1720(c)(5) Affordable Housing Exception

- Generally excludes from the PWL the construction, expansion, or rehabilitation of privately owned residential projects that are (1) self-help housing projects, (2) rehabilitation or expansion of housing for homeless persons operated on a not-for-profit basis; or (3) mortgage or down payment assistance, or other assistance for the rehabilitation of a single-family home; (4) new construction of housing for homeless persons; or (5) where public funding is solely 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 to low income individuals or families.

New California Laws



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New California Laws Effective 1/1/2019



SB 877 & AB 3018

- Employees of an unregistered contractor subject to a stop order are to be paid their (prevailing) wages for work missed due to the stop order (10 days max.); notice to DIR of emergency public works contract award. (Labor Code, sections 1771.1, and 1773.3.)
- Skilled and Trained Workforce requirements. (Public Contract Code, sections 2601-2603.)



June 6, 2019

New California Laws Effective 1/1/2019



AB 235 & AB 2358

- Apprenticeship expansion, and prohibitions on discrimination in apprenticeship. (Labor Code, sections 1777.5, 2699.5, 3070, 3071, 3071.5, 3073, 3073.1, 3073.5, 3073.9, 3074, 3075, 3076, 3076.3, 3077-3089, 3093 and 3100; various provisions of the Education Code, Government Code, and Health and Safety Code amended.)



June 6, 2019

New California Laws Effective 1/1/2019



AB 3231

- Allows for a civil cause of action by joint labor-management committee for penalties for failure to provide payroll records. (Labor Code, section 1771.2.)

Useful Links

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



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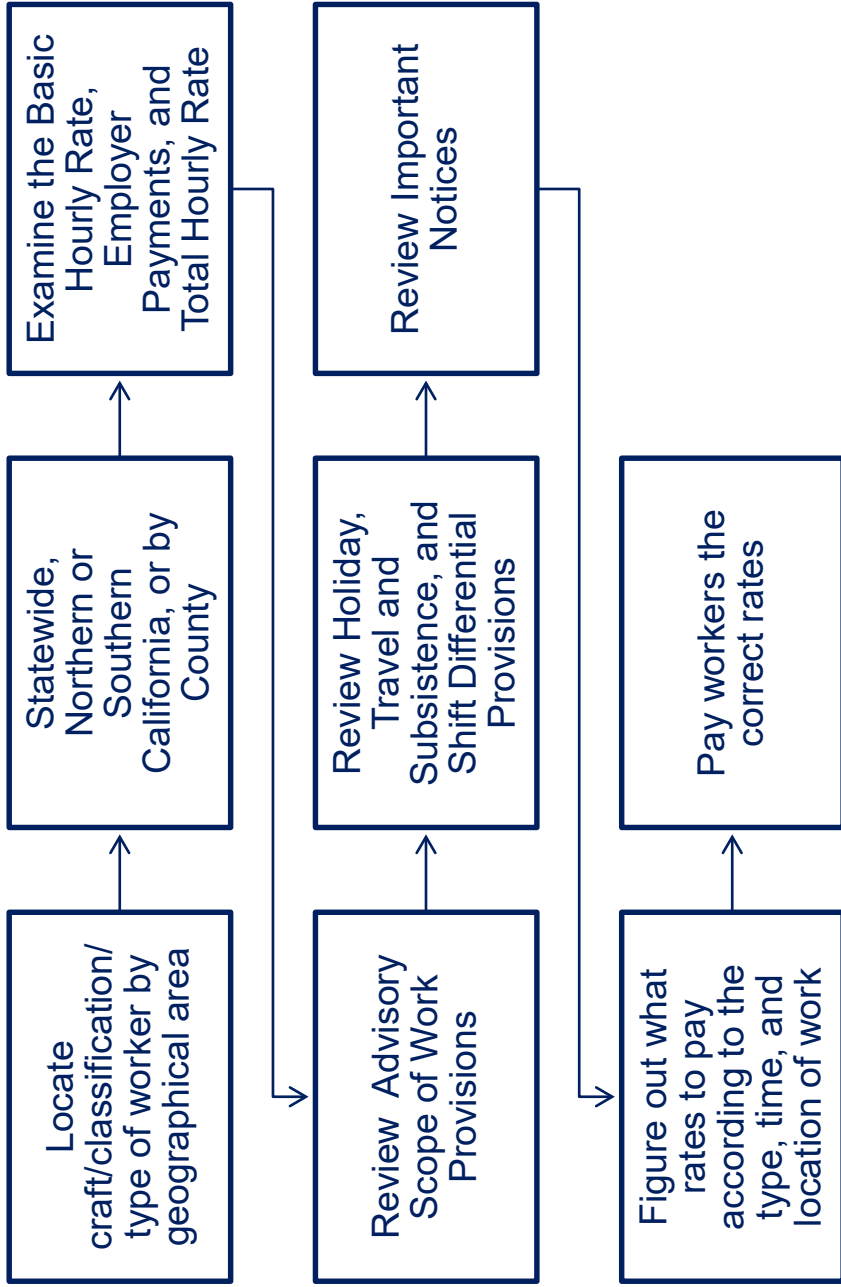
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GOALS

- Brief Introduction of Prevailing Wage Determinations
- Review OPRL's website to find rates
- Discuss the meanings of terms on the determinations

Reviewing prevailing wage determinations



State of California

Department of Industrial Relations

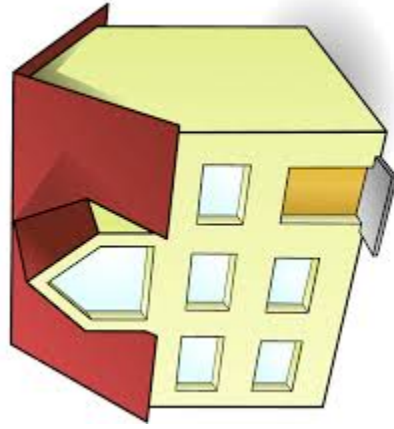
Director's General Prevailing Wage Determinations

- 2018-1 General prevailing wage determinations menu (journeyman)
- 2018-1 General prevailing wage apprentice determinations menu
- Superseded prevailing wage determinations
- Residential prevailing wage determinations
- Important notices (index 2006-1 to present)
- Important notice: off-site fabrication decisions on appeal
- Frequently asked questions - Prevailing Wage
- Frequently asked questions - Off-Site Hauling
- Still have questions on prevailing wage?

March 2018

Residential Prevailing Wage Determinations

- Residential Prevailing Wage Determinations are separated by county.
- Not all crafts, classifications, or types of workers have residential rate determinations.



Director's General Prevailing Wage Determinations

- 2018-1 General prevailing wage determinations menu (journeyman)
- 2018-1 General prevailing wage apprentice determinations menu
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- Frequently asked questions - Off-Site Hauling
- Still have questions on prevailing wage?

March 2018

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**

Index: 2017-2 (Superseded)
General prevailing wage determinations
General prevailing apprentice schedules

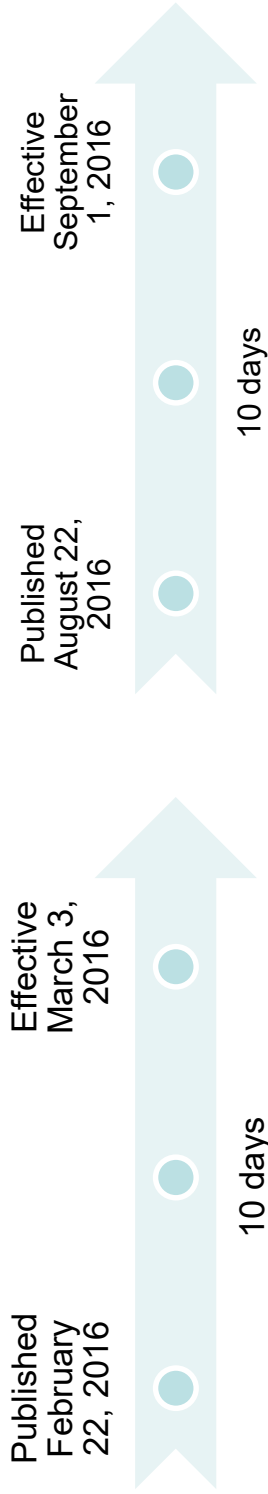
Index: 2017-1 (Superseded)
General prevailing wage determinations
General prevailing apprentice schedules

Index: 2016-2 (Superseded)
General prevailing wage determinations
General prevailing apprentice schedules

Index: 2016-1 (Superseded)
General prevailing wage determinations

Effective Date of Determinations

- Prevailing wage determinations are generally published twice a year on February 22 and August 22.
- Prevailing wage determinations become effective 10 days after publication.



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.
Step four	<div>Choose a county ▼</div> 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	<div>Choose a County ▼</div> 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. HTML 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.

Index 2017-1 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

June 6, 2019

[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 ▼	No increase *
2A	Electrical Utility Lineman (a)	Select One ▼	No 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)	Select One ▼	Increase
2H	Stator Rewinder	Select One ▼	No increase *
2I	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 ▼	Increase

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.
Step four	<div>Choose a county ▼</div> 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	<div>Choose a County ▼</div> 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. HTML 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.

2017-1 Kings County: Prevailing Wage Determination

June 6, 2018

SUPERSEDED AS OF 9/1/2017

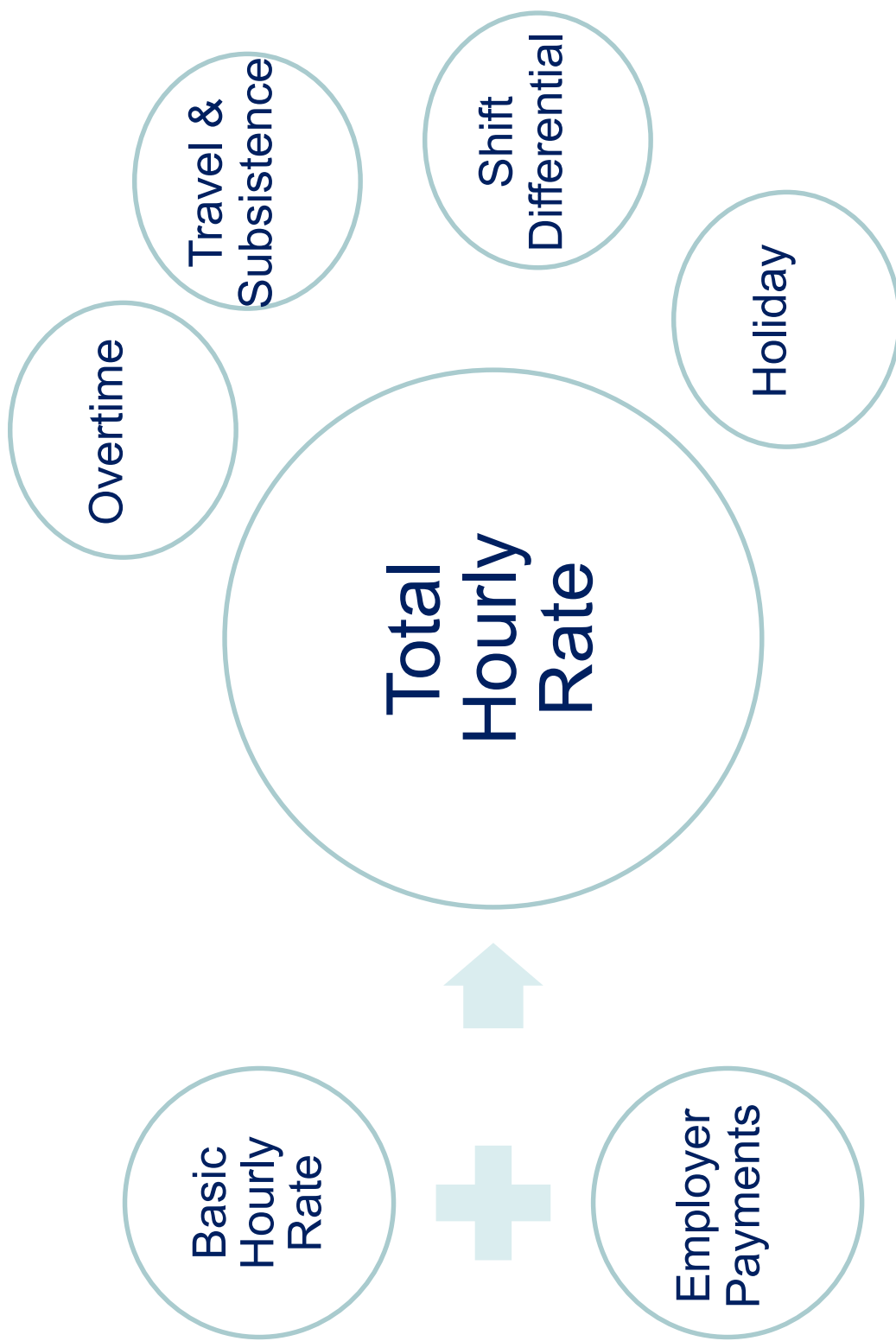
LOCALITY: KINGS COUNTY

DETERMINATION: KIN-2017-1

GENERAL PREVAILING WAGE DETERMINATION VALUE BY LOCALITY (LUMP SUM, PER HOUR, PER DAY)
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

TERMINATION: KIN-2017-1																			
CRAFT (JOURNEY LEVEL)	ISSUE DATE	EXPIRATION DATE	EMPLOYER PAYMENTS					STRAIGHT-TIME		OVERTIME HOURLY RATE			CONTRACT PROVISIONS			PREDETERMINED INCREASE			
			BASIC HOURLY RATE	HEALTH AND WELFARE	PENSION	VACATION/HOLIDAY	TRAINING	OTHER PAYMENTS	HOURS	TOTAL HOURLY RATE	DAILY	SATURDAY	SUNDAY AND HOLIDAY	HOLIDAYS	SCOPE OF WORK		TRAVEL & SUBSISTENCE		
BRICKLAYER, BLOCKLAYER, STONEMASON, POINTER, CLEANER, CAULKER, WATERPROOFER	8/22/2016	04/30/2017**	A 35.040	9.850	9.590	B 2.000	0.800	C 1.220	D 8.0	E 58.500	E 77.020	F 77.020	G 95.540	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	8/22/2016	06/30/2017**	A 39.570	9.850	9.820	F -	1.410	0.400	D 8.0	61.050	80.830	G 80.830	100.620	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	8/22/2016	06/30/2017**	H 32.770	7.840	10.340	F -	0.450	0.300	8.0	51.700	E 68.080	I 68.080	84.470	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	12/31/2017**	A 31.440	10.150	8.520	-	0.560	0.100	8.0	50.770	J 66.490	J 66.490	K 82.210	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
ELECTRICIAN, COOPER & SYSTEM INSTALLER, COOPER & SYSTEM TECH.	2/22/2017	11/30/2017*	30.640	10.550	L 5.900	-	1.100	M 0.210	8.0	49.470	N 65.320	N 65.320	81.180	HOLIDAYS	SCOPE	TRAVEL	NO INCREASE		
	2/22/2017	11/30/2017*	34.890	10.550	L 5.900	-	1.100	M 0.210	8.0	53.870	N 71.920	N 71.920	89.970	HOLIDAYS	SCOPE	TRAVEL	NO INCREASE		
	2/22/2017	08/31/2017**	36.500	10.500	L 9.050	F -	1.000	0.700	8.0	58.850	O 77.640	O 77.640	96.440	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	08/31/2017**	40.150	10.500	L 9.050	F -	1.000	0.700	8.0	62.600	O 83.280	O 83.280	103.960	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
FIELD SURVEYOR, CHIEF OF PARTY (018.167-010), INSURUMENTIAN (018.167-034)	2/22/2017	09/30/2017**	46.710	11.450	9.650	Q 4.520	1.050	0.150	8.0	73.530	J 96.890	J 96.890	120.240	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	09/30/2017**	44.210	11.450	9.650	Q 4.350	1.050	0.150	8.0	70.860	J 92.970	J 92.970	115.070	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	09/30/2017**	43.630	11.450	9.650	Q 4.300	1.050	0.150	8.0	70.230	J 92.040	J 92.040	113.860	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	8/22/2013	09/30/2013*	& 11.000	-	-	0.550	-	-	8.0	11.550	17.050	17.050	17.050	HOLIDAYS	SCOPE	TRAVEL	NO INCREASE		
MARBLE FINISHER, MARBLE MASON	2/22/2017	07/31/2017**	S 31.170	9.850	4.230	T -	0.450	0.590	8.0	46.290	U 61.880	U 61.880	77.460	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	07/31/2017**	S 41.770	9.850	15.420	T -	0.800	0.820	8.0	68.660	U 110.430	U 110.430	110.430	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
PAINTER, TAPER	2/22/2017	12/31/2017**	V 33.940	10.150	10.860	-	0.550	0.450	8.0	55.950	D 72.920	D 72.920	W 89.890	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	06/30/2017**	A 27.890	10.150	X 6.220	-	0.580	0.410	D 8.0	45.250	Y 59.190	Y 59.190	73.140	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	06/30/2017**	A 28.890	10.150	X 6.220	-	0.580	0.410	D 8.0	46.250	Y 60.690	Y 60.690	75.140	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
	2/22/2017	06/30/2017**	A 29.390	10.150	X 6.220	-	0.580	0.410	D 8.0	46.750	Y 61.440	Y 61.440	76.140	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
REMEDIAL PATCHER	2/22/2017	06/30/2017**	A 29.140	10.150	X 6.220	-	0.580	0.410	D 8.0	46.500	Y 61.070	Y 61.070	75.640	HOLIDAYS	SCOPE	TRAVEL	INCREASE		
PLASTERER	8/22/2016	06/30/2017*	Z 31.580	13.280	10.000	3.000	1.090	1.150	8.0	60.100	AA 74.990	AA 74.990	89.870	HOLIDAYS	SCOPE	TRAVEL	NO INCREASE		
PLASTER TENDER	8/22/2016	06/30/2017**	30.520	7.840	10.410	2.630	0.450	AB 1.030	8.0	52.880	J 68.140	J 68.140	83.400	HOLIDAYS	SCOPE	TRAVEL	INCREASE		

Prevailing Wage Determinations



Find Your Classification

June 6, 2019

SUPERSEDED AS OF 9/1/2017		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 1775 FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS							
LOCALITY: KINGS COUNTY DETERMINATION: KIN-2017-1		EMPLOYER PAYMENTS							
CRAFT (JOURNEY LEVEL)		ISSUE DATE	EXPIRATION DATE	BASIC HOURLY RATE	HEALTH AND WELFARE	PENSION	VACATION/HOLIDAY	TRAINING	OTHER PAYMENTS
#	ACERRAZZO WORKER	8/22/2016	06/30/2017**	AR 42.410	9.850	14.970	F -	0.800	1.020
#	TILE FINISHER	2/22/2017	03/31/2017**	AS 22.580	8.980	3.250	1.300	0.480	1.430
#	TILE SETTER	2/22/2017	03/31/2017**	AS 32.050	8.980	4.710	2.350	0.740	2.000
	WATER WELL DRILLER	5/22/1986	12/15/1986*	10.530	0.990	0.250	AT 0.460	-	-
	PUMP INSTALLER	5/22/1986	12/15/1986*	11.030	0.990	0.260	AV 0.490	-	-
	HELPER	2/22/2017	03/31/2017*	10.500	0.990	0.220	AW 0.410	-	-

Prevailing Wage/Labor Compliance Conference

Employer Payments

June 6, 2019

SUPERSEDED AS OF 9/1/2017

**LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1**

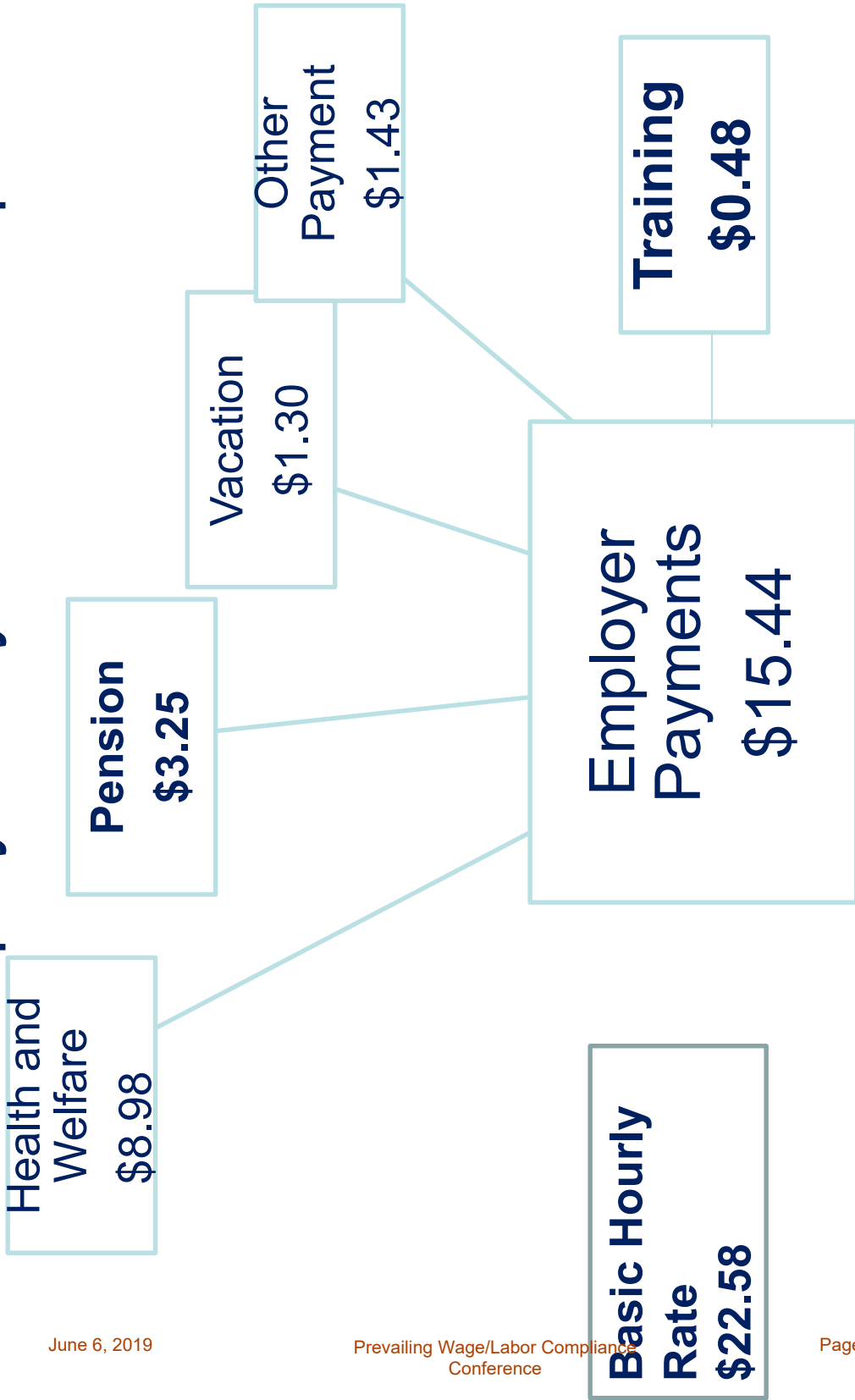
L PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS
CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1777
R COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

		EMPLOYER PAYMENTS					
CRAFT (JOURNEY LEVEL)		BASIC HOURLY RATE	HEALTH AND WELFARE	PENSION	VACATION/ HOLIDAY	TRAINING	OTHER PAYMENTS
#	TILE FINISHER	AS 22.580	8.980	3.250	1.300	0.480	1.430
#	TILE SETTER	AS 32.050	8.980	4.710	2.350	0.740	2.000
	WATER WELL DRILLER	10.530	0.990	0.250	AT 0.460	-	-
	PUMP INSTALLER	11.030	0.990	0.260	AV 0.490	-	-
	HELPER	10.500	0.990	0.220	AW 0.410	-	-
	FOOTNOTES						

Employer Payments

CRAFT (Journey Level)	Basic Hourly Rate	Health & Welfare	Pension	Vacation/ Holiday	Training	Other Payments
# Tile Finisher	AS 22.58	8.980	3.250	1.300	0.480	1.430

Employer Payments Example



Total Hourly Rate = \$38.02

Regular, Overtime, and Holiday

SUPERSEDED AS OF 9/1/2017

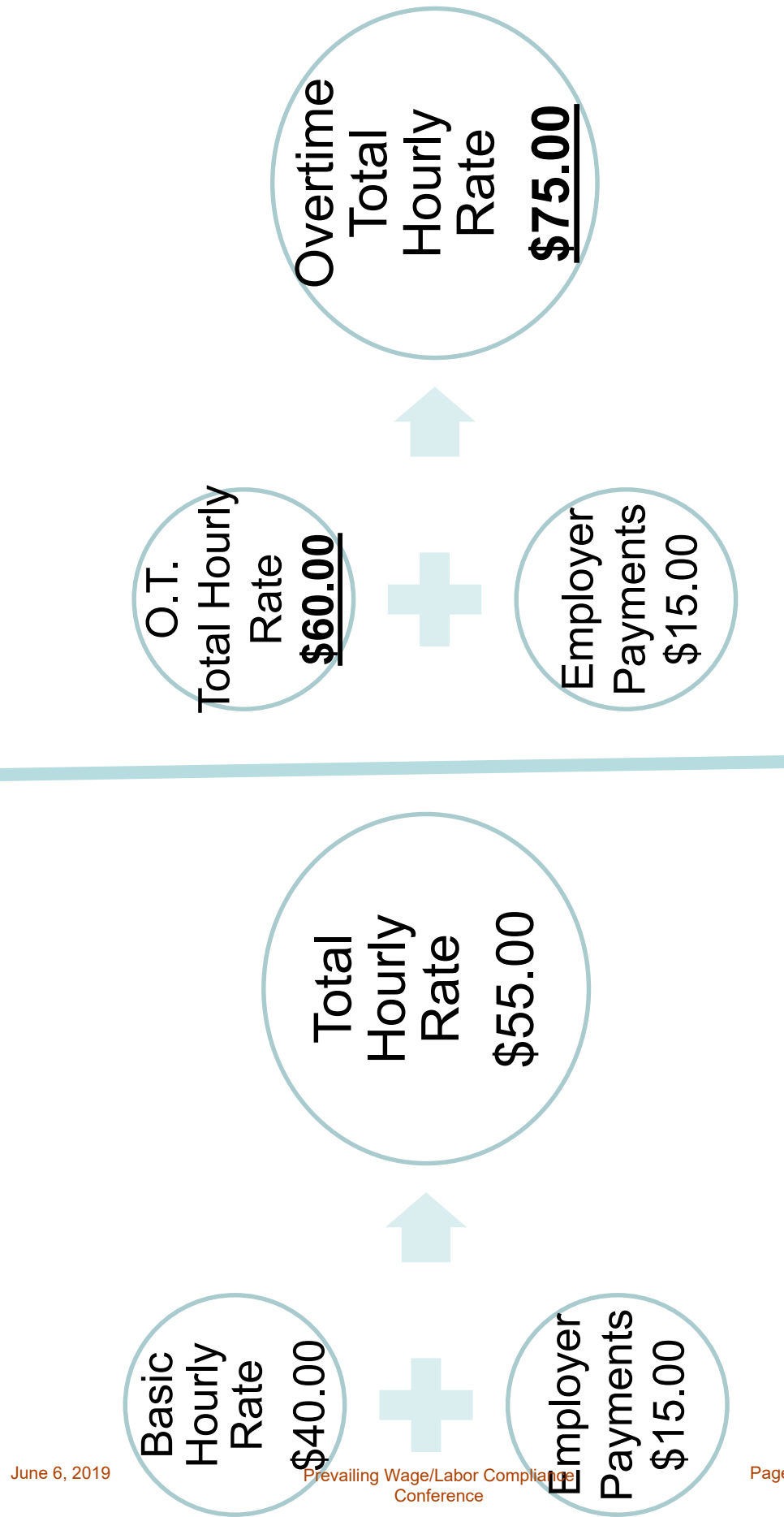
LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1

		OVERTIME HOURLY RATE		
CRAFT (JOURNEY LEVEL)		DAILY	SATURDAY	SUNDAY AND HOLIDAY
#	TILE FINISHER	49.310	D 49.310	60.600
#	TILE SETTER	66.850	D 66.850	82.880
	WATER WELL DRILLER	AU 17.500	AU 17.500	AU 22.760
	PUMP INSTALLER	AU 18.280	AU 18.280	AU 23.800
	HELPER	AU 17.370	AU 17.370	AU 22.620

Overtime Hourly Rate

CRAFT (Journey Level)	Daily	Saturday	Sunday and Holiday
# Tile Finisher	49.310	D 49.310	60.600

Regular v. Overtime Rate



Contract Provisions

SUPERSEDED AS OF 9/1/2017

**LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1**

CONTRACT PROVISIONS			
CRAFT (JOURNEY LEVEL)		HOLIDAYS	SCOPE OF WORK
#	TILE FINISHER	HOLIDAYS	SCOPE
	TILE SETTER	HOLIDAYS	SCOPE
	WATER WELL DRILLER	HOLIDAYS	SCOPE
	PUMP INSTALLER	HOLIDAYS	SCOPE
	HELPER	HOLIDAYS	SCOPE
		TRAVEL & SUBSISTENCE	
			TRAVEL
			TRAVEL
			TRAVEL
			TRAVEL
			TRAVEL

SECTION 66. HOLIDAYS. Recognized (unpaid) holidays will be New Year's Day, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and the day after, and Christmas Day. If a holiday falls on a Sunday, the following Monday shall be observed as a legal holiday. Employees make take Dr. Martin Luther King Jr. Day off without pay and without adverse consequences; employees that work will not be paid premium time.

Holiday Provisions

- Most classifications have Holiday provisions listing the holidays on which the posted Holiday rates apply.
- If there are no Holiday provisions, then State holidays will control.

State of California

Department of Industrial Relations

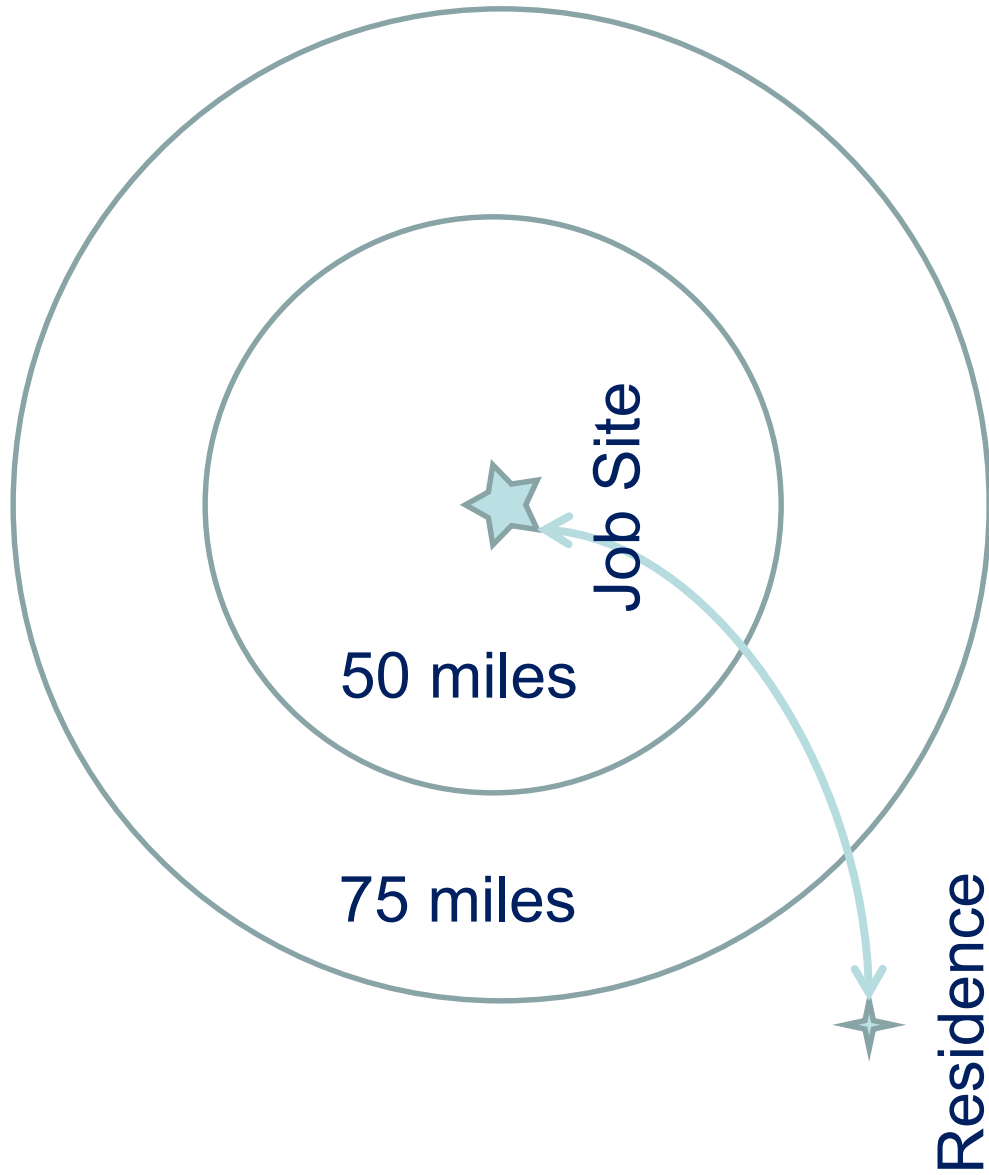
Advisory Scope of Work Provisions

- Classifications also include advisory scope of work provisions that provide guidance on what type of work falls under that classification.

Travel and Subsistence Provisions

- Travel and subsistence requirements differ among classifications, but are usually based on the **distance** a worker must travel from a designated location to the public work jobsite. The fixed daily amount also differs among classifications.
- An employer must verify the provisions in each case to determine when and under what circumstances travel and/or subsistence payments may be required
- Not all classifications have travel and subsistence provisions

Travel and Subsistence

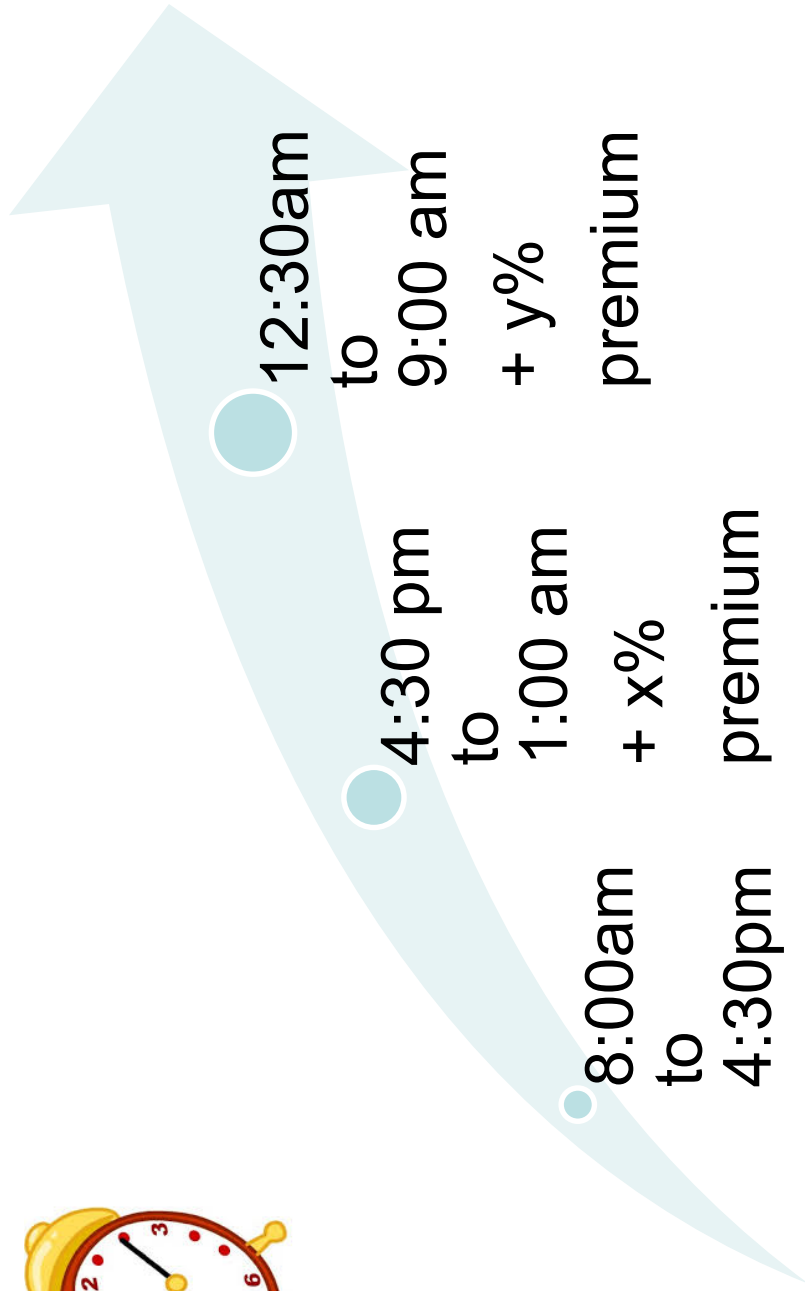


State of California

Department of Industrial Relations

Shift Differential Provisions

Example



State of California

Department of Industrial Relations

FOOTNOTE

GENERAL EVALUATING
PURSUANT TO CALIFORNIA LA
FOR COMMERCIAL

SUPERSEDED AS OF 9/1/2017

LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1

	CRAFT (JOURNEY LEVEL)	ISSUE DATE	EXPIRATION DATE	BASIC HOURLY RATE	
				AS	32.050
#	TILE SETTER	2/22/2017	03/31/2017**		

FOOTNOTE

CRAFT (Journey Level)	Basic Hourly Rate
# Tile Finisher	AS 32.050

SUPERSEDED AS OF 9/1/2017

LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1

CRAFT (JOURNEY LEVEL)		ISSUE DATE
HELPER		2/22/2017

FOOTNOTES

Apprenticeable Crafts (#)

- Wage determinations include a symbol (#) next to the craft designation to indicate an Apprenticeable Craft.
- For non-apprenticeable crafts, training fund contributions should be paid directly to the worker or to the DAS-approved apprenticeship program, if required by a CBA.



State of California

Department of Industrial Relations

Apprenticeable Crafts (#)

CRAFT (Journey Level)	Issue Date
# Tile Finisher	2/22/2017

Prevailing Wage Determinations for Apprentices

- Apprentice Prevailing Wage Determinations follow a format similar to the General Prevailing Wage Determinations.
- Apprentice rates can only be paid to apprentices registered with Division of Apprenticeship Standards.



State of California

Department of Industrial Relations

Single vs. Double Asterisk

June 6, 2019

LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1

Prevailing Wage/Labor Compliance
Conference

CRAFT (JOURNEY LEVEL)		ISSUE DATE	EXPIRATION DATE
TILE FINISHER	#	2/22/2017	03/31/2017**

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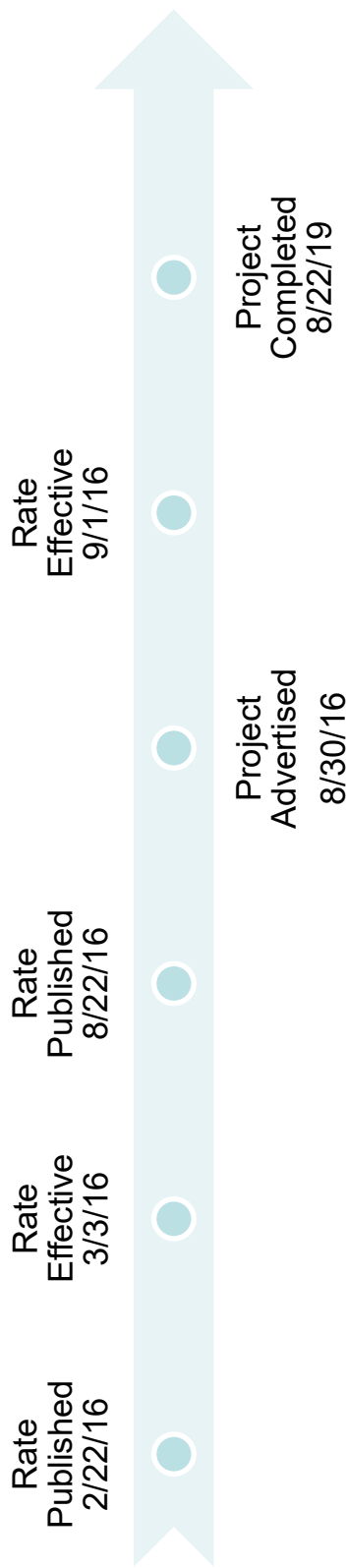
State of California
Department of Industrial Relations

Single vs. Double Asterisk

CRAFT (Journey Level)	Issue Date	Expiration Date
# Tile Finisher	2/22/2017	3/31/2017**
# Plasterer	8/22/2016	6/30/2017*

Single Asterisk

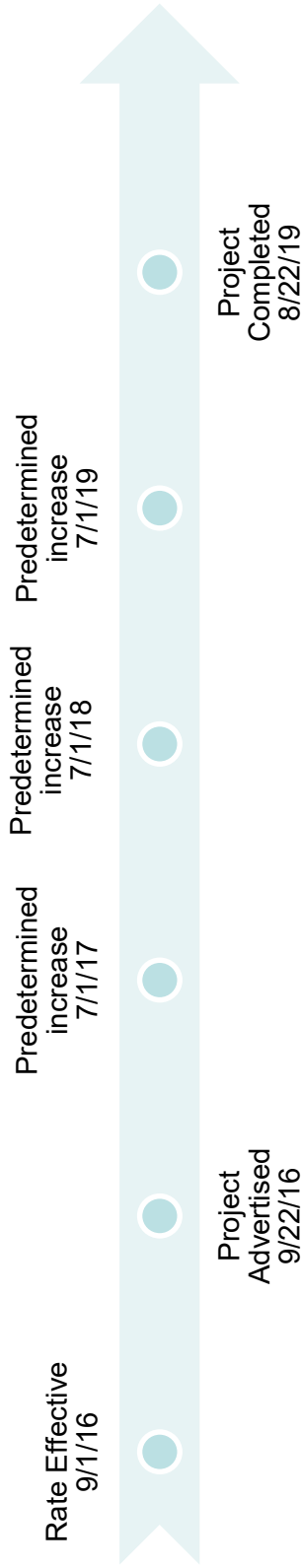
- Rates in effect on bid advertisement date apply to the life of the project, if there is a single asterisk on the determination.



*

Double Asterisk

- If there is a double asterisk, increases to the pay rates have been predetermined and the employer must pay the increases as the project progresses.



June 6, 2019

LOCALITY: KINGS COUNTY
DETERMINATION: KIN-2017-1

Prevailing Wage/Labor Compliance Conference

KIN-2017-1

Predetermined Increases

Footnotes

State of California
Department of Industrial Relations

Predetermined Increases

	INCREASE 1		INCREASE 2		INCREASE 3	
	Date of Next Change	Amount of Increase	Date of Next Change	Amount of Increase	Date of Next Change	Amount of Increase
Craft						
Tile Setter	4/1/2017	\$2.25	10/1/2017	\$1.00	4/1/2018	\$3.40

Important Notices

- Review the important notices applicable to the craft/classification/type of worker and the geographical area the work is being performed in.

August 9, 2017

**IMPORTANT NOTICE TO AWARDING BODIES AND OTHER INTERESTED PARTIES
REGARDING A MODIFICATION TO
THE DIRECTOR'S GENERAL PREVAILING WAGE DETERMINATIONS**

Dear Public Official/ Other Interested Parties:

CRAFT:

Tile Finisher and Tile Finisher, 2nd Shift

LOCALITY:

All localities within Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties.

DETERMINATIONS:

FRE-2017-1, KIN-2017-1, MAD-2017-1, MAP-2017-1, MER-2017-1, and TUL-2017-1.

The predetermined increase of \$0.60 scheduled to take effect on October 1, 2017 has been reduced. The



SCOPE OF WORK PROVISIONS

FOR

FIELD SURVEYOR: CHIEF OF PARTY
INSTRUMENTMAN
CHAINMAN/RODMAN

IN

ALAMEDA, BUTTE, COLUSA, CONTRA COSTA, DEL NORTE, EL
DORADO, FRESNO, HUMBOLDT, MADERA, MARIN, MARIPOSA,
MERCED, MONTEREY, NAPA, NEVADA, PLACER, SACRAMENTO, SAN
BENITO, SAN FRANCISCO, SAN JOAQUIN, SAN MATEO, SANTA
CLARA, SANTA CRUZ, SHASTA, SISKIYOU, SOLANO, SONOMA,
STANISLAUS, SUTTER, TRINITY, TULARE, TUOLUMNE, YOLO AND
YUBA COUNTIES

2018-2021

MASTER AGREEMENT

FOR

TECHNICAL ENGINEERS AND GENERAL SURVEYING

FOR

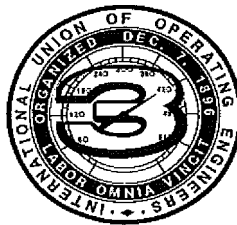
NORTHERN CALIFORNIA AND NORTHERN NEVADA

BETWEEN

**OPERATING ENGINEERS LOCAL UNION NO. 3 OF THE
INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO**

And

CALIFORNIA & NEVADA CIVIL ENGINEERS AND LAND SURVEYORS ASSOCIATION, INC.



RECEIVED

By Office of the Director - Research Unit at 3:41 pm, Jan 31, 2018

**MASTER AGREEMENT
for Technical Engineers and General Surveying
Northern California and Northern Nevada**

THIS AGREEMENT, made and entered into this 1st day of March, 2018, by and between OPERATING ENGINEERS LOCAL UNION NO. 3 of the International Union of Operating Engineers, AFL-CIO ("Union") and CALIFORNIA & NEVADA CIVIL ENGINEERS AND LAND SURVEYORS ASSOCIATION, INC., formerly Bay Counties Civil Engineers and Land Surveyors Association, Inc. ("Employer") for and in behalf of its individual members hereinafter identified.

WITNESSETH

01.00.00 GENERAL PROVISIONS DEFINITIONS

01.06.00 Coverage.

(a) This Agreement shall apply to all field and construction survey work covered by this Agreement when performed in Northern California, which shall include the forty-six (46) California Counties north of the northerly

boundaries of Kern and San Luis Obispo Counties and the westerly boundaries of Inyo and Mono Counties to the southerly boundary of the State of Oregon and in Northern Nevada, which shall include that portion of Nevada above the northerly boundary of Esmeralda, Nye and Lincoln Counties.

(b) For the purposes of this Agreement, "field and construction survey work" shall include, but not be limited to:

1. Work which involves the science and art of making all precise measurements to determine the relative position, as-built locations or perform volumetric calculations of points not related to asset inventory, through the use or utilization of transits, digital levels, electrotape, total stations, global positioning systems (GPS), laser scanners or other high definition techniques of geospatial data acquisition and other electronic measuring devices or theodolites that may be utilized to establish a location, an elevation or grade, topography, distances and other measurements;
2. Work performed in support of construction operations, including providing stakes, markers or similar information for the location and/or construction of items such as: survey control; building control including gridline and column layout, electrical, plumbing, communications, foundations and HVAC systems, clearing, slopes, staking (top, toe and intermediate); permanent fencing and boundaries; rough grade; building pad certifications; final/finish grade; drainage and utility layout; curb, sidewalk and other hardscape surface improvements; subdrains; structures; walls; channels; culverts; in-place or as-constructed measurements; and stakes or measurements for other related items;
3. Field surveying services that are required to support work that, by specification or contract or state law, is to be performed under the direction of a Licensed Land Surveyor, or Civil Engineer authorized to practice land surveying in California and or Nevada, wherever the work is being performed, in compliance with the Professional Engineers and or Professional Land Surveyors laws of that applicable state.
4. In the event that new methods of operation, systems, procedures, equipment, technology or other changes are developed, introduced or utilized by an Individual Employer or Subcontractor which replaces, modifies or adds to the work covered by this Agreement, this Agreement shall apply to such new methods and only Employees covered by this Agreement shall perform such work.

Labor Commissioner, State of CaliforniaDepartment of Industrial Relations
Division of Labor Standards Enforcement**DIVISION USE ONLY:**TAKEN BY: _____ CASE # _____
DATE TAKEN: _____ ASSIGNED TO: _____
OFFICE: _____ DATE RECEIVED: _____
DATE ASSIGNED: _____**PUBLIC WORKS – WORKER COMPLAINT**

The following information is important and must be provided.

Complainant/Worker Information				
1. FIRST NAME	2. LAST NAME	3. HOME TEL. NO.	4. WORK/CELLULAR NO	
5. CONTACT ADDRESS		6. CITY	7. STATE/ ZIP CODE	8. EMAIL ADDRESS
Project Information				
Note: A separate form must be completed for each project in which you are alleging a violation of prevailing wages.				
9. PROJECT NAME (If known)				
10. LIST THE ADDRESSES OF THE PROJECT WHERE YOU PERFORMED WORK:				
Complaint Against				
11. NAME OF BUSINESS/CONTRACTOR/EMPLOYER			12. CONTRACTOR'S STATE LIC. NO	
13. ADDRESS			14. BUSINESS TEL. NO	
15. NAME OF PERSON IN CHARGE/ TITLE			16. EMAIL ADDRES	17. ARE YOU STILL WORKING FOR THIS CONTRACTOR?
Awarding Body				
18. NAME OF PUBLIC AGENCY/AWARDED CONTRACT ENTITY				
19. ADDRESS			20. BUSINESS TEL. NO	
21. NAME OF PERSON IN CHARGE/ TITLE			22. EMAIL ADDRESS	
23. DATE PROJECT BEGAN	24. ESTIMATED COMPLETION DATE		25. DATE OF NOTICE OF COMPLETION	
General Contractor (Prime Contractor)				
26. NAME OF GENERAL CONTRACTOR			27. CONTRACTOR'S STATE LIC.	
28. ADDRESS			29. BUSINESS TEL. NO	
30. NAME OF PERSON IN CHARGE/ TITLE			31. EMAIL ADDRESS	
Issues				
32. BRIEF EXPLANATION OF ISSUES: (Check all applicable boxes)				
<input type="checkbox"/> Non-payment /Underpayment of wages	<input type="checkbox"/> Not paid travel and subsistence	<input type="checkbox"/> Under reporting of hours		
<input type="checkbox"/> Unpaid overtime/Sat/Sun/Holiday rate	<input type="checkbox"/> Misclassification of worker	<input type="checkbox"/> Insufficient fund check		
<input type="checkbox"/> Fringe benefits not paid	<input type="checkbox"/> Other			

Employment Information

33. WHAT WAS YOUR JOB TITLE?

34. DESCRIBE YOUR JOB DUTIES?

35. WHAT TOOLS DID YOU USE TO PERFORM YOUR JOB DUTIES?

36. HOW WERE YOU PAID? ☐ Check ☐ Cash ☐ Direct Deposit ☐ Other

37. WERE YOU GIVEN A CHECK STUB? ☐ Yes ☐ No

38. HOW OFTEN WERE YOU PAID? ☐ Daily ☐ Weekly ☐ Bi-weekly ☐ Monthly ☐ Semi-Monthly ☐ Other _____

39. HOW MUCH WERE YOU PAID? \$ _____ ☐ Per Hour ☐ Per Day ☐ Per Week

40. WERE YOU PAID: (Please check all applicable boxes)

☐ Overtime Rate No ___ Yes ___ \$ _____ ☐ Saturday Rate No ___ Yes ___ \$ _____

☐ Double Time Rate No ___ Yes ___ \$ _____ ☐ Sun/Holiday Rate No ___ Yes ___ \$ _____

41. DID YOUR EMPLOYER KEEP TIME AND PAYROLL RECORDS? ☐ Yes ☐ No ☐ Do Not Know

42. WHO WAS IN POSSESSION OF THESE RECORDS? _____

43. DID YOU KEEP AN ACCURATE RECORD OF YOUR HOURS WORKED? ☐ Yes ☐ No

44. DATES YOU WORKED ON THIS PROJECT: _____

45. DID YOU WORK ON ANOTHER PROJECT AT THE SAME TIME YOU WORKED ON THIS PROJECT? ☐ Yes ☐ No

46. IF YES, FOR WHO? _____ WHERE? _____ WHEN? _____ HOURS _____

47. DID YOU RECEIVE TRAVEL AND SUBSISTENCE PAYMENT? ☐ NO ☐ YES, IF YES, HOW MUCH? \$ _____

48. LIST CO-WORKERS/WITNESS INFORMATION:

Estimated number of workers who you are working with in this project: _____

Please provide names, addresses, telephone numbers, and type of work of other workers? Please list their names below. Use additional sheets as necessary.

Name of Worker	Address	Telephone No.	Types of Work Performed
1)			
2)			
3)			

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
June 6, 2019

Date
Prevailing Wage/Labor Compliance
Conference

Page 89 of 234

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: _____ EMAIL: _____	Gavin Newsom., Governor 
DATE: May 01, 2019	In Reply Refer to Case No:


NOTICE OF INVESTIGATION

Project Name	Project No.
Prime Contractor	
Subcontractor	

You are hereby advised that the Division of Labor Standards Enforcement is commencing an investigation to confirm compliance with the Public Work Laws (California Labor Code, Division 2, Part 7) by the above-named contractor(s). After an investigation, if it is determined that wages and/or penalties are due, a Civil Wage and Penalty Assessment will be issued pursuant to Labor Code section 1741.

STATE LABOR COMMISSIONER

By _____

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: _____ EMAIL: _____ _____ DATE: May 01, 2019	Gavin Newsom., Governor  In Reply Refer to Case No: _____
---	--

REQUEST FOR INFORMATION, AWARDDING BODY

Project Name	Project No.
Prime Contractor	
Subcontractor	

This office is currently conducting an investigation to determine if the above-mentioned contractor(s) are in violation of the Public Work Laws, Labor Code Sections 1720 through 1861.


To assist us in our investigation, copies of the noted (X) documents and information are hereby requested:

- ☒ Contract (including scope of work)
- ☒ Performance Bond and Payment Bond (Labor/Material Bond)
- ☒ Bid Advertisement and Date First Published (attach copy of Newspaper/Online Ad) _____
- ☐ Page(s) Listing Prevailing Wage Rate for the Project
- ☒ Page(s) Advising Contractor of Legal Requirements to Pay Prevailing Wage
- ☒ Name(s) and Address(es) of all Subcontractor(s) performing work on this project
- ☒ Certified Payroll Records Received by Your Agency From Contractor
- ☒ Notice of Completion (County Recorder Filing) or Acceptance Document (attach copy)
- ☒ Date Project Began _____
- ☒ Completion Date _____ IF NOT, Estimated Date _____
- ☒ Amount of Money Still Being Held by Your Agency \$ _____
- ☒ Inspector's Daily Log(s)
- ☐ Actual Location of Project _____
- ☒ Please advise if this project's funding requires the use of an approved Labor Compliance Program
- ☐ Other _____

Please be assured that the above requested information will be utilized for official purposes only.
 Thank you for your assistance.

STATE LABOR COMMISSIONER

By _____

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works	Gavin Newsom., Governor 
TEL: _____ EMAIL: _____	
DATE: May 01, 2019	In Reply Refer to Case No:

REQUEST FOR ELECTRONIC PAYROLL RECORDS

Project Name	Project No.
Prime Contractor	
Subcontractor	

This letter constitutes a formal request for public works payroll records information as authorized by California Labor Code Section 1776, Subdivision (h), and California Code of Regulations, Title 8, Section 16461, Subdivision (b), pursuant to which you are required to submit, within ten (10) days from receipt of this request, certified copies of time and payroll information for all workers who were employed by _____ on the above identified public works job during the period from the beginning to the completion of the project.

The term "Payroll Records" is defined in California Code of Regulations, Title 8, Section 16000 as follows: All time cards, cancelled checks, cash 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. Pursuant to California Code of Regulations, Title 8, Section 16461, Subdivision (b), the Public Works Unit requires the electronic submission of certified payroll records through the web-based eCPR system. Visit <http://www.dir.ca.gov/dlse/cmu/cmu.html> for additional information and to access the eCPR system.

Pursuant to California Labor Code Section 1776, Subdivision (h), failure to provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) days of receipt of this request will subject the contractor or subcontractor whose certified payroll records are being sought to a penalty of one hundred (\$100) per calendar day, or portion thereof, for each worker, until the records are received.

Pursuant to California Labor Code Section 1777.1, Subdivision (c), in addition to any other penalties provided by law, the contractor or subcontractor whose records are sought may be debarred and excluded from bidding or performing on public works projects for up to three years if the certified payroll records requested are not produced within thirty (30) days after receipt of this notice.

In addition to submitting electronic versions of the enclosed payroll reporting forms, you are also required to complete the enclosed Statement of Employer Payments form (PW26).

STATE LABOR COMMISSIONER

By _____

Statement of Employer Payments



Date:	May 1, 2019	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

PW 26



PUBLIC WORKS PAYROLL REPORTING FORM

Page of

June 6, 2019

Prevailing Wage/Labor Compliance Conference

Page 94 of 234

NAME OF CONTRACTOR: OR SUBCONTRACTOR:		CONTRACTOR'S LICENSE NO.:		SPECIALTY LICENSE NO.:		ADDRESS:																													
PAYROLL NO.:		FOR WEEK ENDING:		SELF-INSURED CERTIFICATE NO.:		PROJECT OR CONTRACT NO.:																													
				WORKER'S COMPENSATION POLICY NO.:		PROJECT AND LOCATION:																													
(1) NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF WITH- HOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4)	(5) FOR WEEK ENDING:							(6) HOURLY RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS, CONTRIBUTIONS AND PAYMENTS								(9) NET WGS PAID FOR WEEK	CHECK NO.													
				DAY DATE									FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION	FICA (SOC. SEC.)	STATE TAX			SDI	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC- TIONS								
M T W TH F S S							HOURS WORKED EACH DAY																												
S								O																											
O																																			
S							O																												
O																																			
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O																																			
S							O																												
O																																			

*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

CERTIFICATION MUST be completed (See reverse side)

S = STRAIGHT TIME
O = OVERTIME
SDI = 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.

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works	Gavin Newsom., Governor 
TEL: _____ EMAIL: _____	
DATE: May 01, 2019	In Reply Refer to Case No:

NOTICE OF APPRENTICESHIP COMPLIANCE

Project Name	Project No.
Prime Contractor	
Subcontractor	

☐ The Division of Labor Standards Enforcement (DLSE) has received a complaint alleging that you are not in compliance with Labor Code Section 1777.5. The alleged violation(s) is/are as follows:

- ☐ Failure to provide the applicable Apprenticeship Committee(s) with notice of contract award in a timely manner.
- ☐ Failure to properly request dispatch of apprentices from the applicable Apprenticeship Committee(s) in a timely manner.
- ☐ Failure to employ apprentices in compliance with required apprentice to journeyman ratio.
- ☐ Failure to properly employ apprentice(s) by assigning apprentice(s) to perform work outside the craft or trade of the apprenticeable occupation.
- ☐ Failure to make the required training fund contributions to an approved apprenticeship program or to the California Apprenticeship Council (CAC).

☒ The Division of Labor Standards Enforcement (DLSE) is charged with ensuring compliance with the apprenticeship requirements of Labor Code Section 1777.5 and California Code of Regulations Title 8, §227 et seq. for public works projects. Verification of compliance with these requirements is a routine part of DLSE's public works monitoring and investigation.

Please submit a response to the allegations above, if any, and the following evidence of compliance with the apprenticeship requirements of Labor Code Section 1777.5 postmarked by _____:

1. DAS140 – Contract Award Information (or equivalent) with proof of submission to applicable apprenticeship committees;
2. DAS142 – Request for Dispatch of an Apprentice (or equivalent) with proof of submission to applicable apprenticeship committees;
3. Accounting and proof of payment of the training fund contributions to California Apprenticeship Council or approved apprenticeship program.

Non-compliance will result in civil penalties and/or denial of the right to bid on or receive public works contracts for a period of up to three (3) years per California Labor Code Section 1777.7.

STATE LABOR COMMISSIONER

By _____

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, _____, do hereby certify that I am a resident of or employed in the County of

Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On _____, I served the within: (1) Notice of Investigation; (2) Request for
Information, Awarding Body; (3) Request for Payroll Records; (4) Statement of Employer Payments;
(5) Public Works Payroll Reporting Form A1-131; and (6) Notice of Apprenticeship Compliance
by placing a true copy thereof in an envelope addressed as follows:

Documents 1, 2 and 6 only

Documents 1, 3, 4, 5 and 6 only

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:


- ☒ Ordinary first class mail
☒ Certified mail
☐ Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on _____, at Sacramento, County of Sacramento, California

SIGNATURE

STATE CASE NO.
/

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-6675 EMAIL: [REDACTED]@dir.ca.gov	Edmund G. Brown Jr., Governor 
DATE: [REDACTED]	In Reply Refer to Case No: 40- [REDACTED]

SECOND REQUEST FOR PAYROLL RECORDS

Project Name [REDACTED]		Project No. [REDACTED]
Prime Contractor [REDACTED]		
Subcontractor [REDACTED]		

This letter constitutes a formal request for public works payroll information as authorized by Section 1776 of the California 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:

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, cash 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.

☒ Other: We received the certified green card from the postal service indicating you have received the initial request for certified payroll records. Failure to submit payroll records within 10 days of this request will be subject to the penalty as described below. In addition to the payroll records, proof of form DAS 140 and 142 submissions, and travel time and subsistence payments are also required.

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 penalty of one hundred dollars (\$100.00) per calendar day or portion thereof for each worker until the records are received [Labor Code Section 1776(h)].

STATE LABOR COMMISSIONER

By

[REDACTED]
 [REDACTED]
 Deputy Labor Commissioner I

DEPARTMENT OF INDUSTRIAL RELATIONS
 Division of Labor Standards Enforcement
 Public Works Unit
 2031 Howe Avenue, Suite 100
 Sacramento, CA 95825



From the Desk of
 Deputy Labor Commissioner
 @dir.ca.gov

RECEIVED
 DEPT. OF INDUSTRIAL RELATIONS

JAN 9 2019

LABOR STANDS ENFORCEMENT
 SACRAMENTO

2018

Re: Case #40-
 Awarding body: City of
 Project:
 Contract:
 Prime Contractor:

Request for Certified Payroll Records and Supporting Documents

Dear ,

As you know, DLSE is conducting an investigation on the Project. On DLSE sent your company a request for certified payroll records (CPRs) and other pertinent documents. However, we have not received the documents that were requested from your company. DLSE requires those documents to ensure compliance. Please consider this a formal request for records. Please note that strict compliance with Labor Code Section 1776 will be enforced.

Please submit the following documents for this entire project from beginning to end:

✓	1. Copies of all Certified Payroll Records (for this specific project only) as that term is defined at Title 8, California Code of Regulations, Section 16000, as including: All time cards, cancelled checks, cash 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.
✓	2. Copies of all Time records/Daily logs for all the workers that worked on this project.
✓	3. Copies of Canceled payroll checks and Check Stubs (both) issued which reflect the all wages paid to all workers, as reported on the certified payrolls records. This includes any restitution payments that may have been made.
✓	4. Proof of payment for any fringes benefits contributions claimed to have been paid (canceled checks, training contributions, health plans, pension, vacation, etc.) as part of the prevailing wage on this project. (This includes monthly fringe benefits reporting forms that was submitted to the benefit plan, canceled checks or proof of payment, and breakdown of how much pension/401k was paid on this project for each worker as reported on the reporting form)
✓	5. Canceled checks for training contributions claimed to have been made.
✓	6. Please provide me a Contract agreement between . Please also include a copy of the scope of work if not already part of the subcontract agreement.


***PLEASE NOTE:** Strict compliance with Labor Code Section 1776 will be enforced in this investigation. Pursuant to the California Code of Regulations, Title 8, Group 3, Section 16000 (definition-payroll records) this request is subject to the same 10-day requirement as the certified payrolls. If no documents are received by the due date, 1776 penalties will be assessed.

Please submit the requested documents to my office by no later than . Please forward all documents and communications to the office address at: 2031 Howe Avenue, Suite 100, Sacramento, CA 95825 or you can send the items requested via email at

Thank you.

Deputy Labor Commissioner

CC: City June 6, 2019

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: (916) 263-6675 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
DATE: [REDACTED] 2018	In Reply Refer to Case No: 40-[REDACTED]

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body City [REDACTED]	Work Performed in County of [REDACTED]
Project Name [REDACTED]	Project No. [REDACTED]
Prime Contractor [REDACTED]	
Subcontractor [REDACTED]	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Labor Code (LC) Section 1776 for failure to submit Certified Payroll Records to the Labor Commissioner upon request for 8 workersX \$100.00 X 30 days. LC Section 1774 for failure to pay the prevailing wage, misclassification of workers, failing to pay fringe benefits and failing to make training fund contributions pursuant to determinations of: NC-23-102-1-2016-1 for the Laborers classifications; NC-23-203-2016-2 for the Cement Masons; NC-3-63-1-2016-2 for the Operating Engineers in [REDACTED] County. Pursuant to LC Section 1775, penalty assessed at \$120 per violation.

Apprenticeship Violations: LC Section 1777.5 for failure to submit verification of Public Works Contract Award Information form (DAS 140) and the Request for Dispatch of an apprentice form (DAS 142) to the required Apprenticeship Committee(s) for the classifications of Laborers, Cement Masons and Operating Engineers in [REDACTED] County AND for failure to employ apprentices in compliance with required apprentice to journeyman ratio in the classification of Laborers, Cement Masons, Operating Engineers in [REDACTED] County. Pursuant LC Section 1777.7, penalty assessed at \$60 per violation.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$74,073.94

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$18,445.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$10,200.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against [REDACTED] is: \$24,000.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By [REDACTED]
[REDACTED]
Deputy Labor Commissioner I

PW 33 (Revised - 7/2013)

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:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
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 basis upon which the assessment is 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. Labor 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)

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 [REDACTED] at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

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 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.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for 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:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: **\$74,073.94**

(continued on next page)

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:	<u>\$74,073.94</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$18,445.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$10,200.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$24,000.00</u>
Total Withholding Amount:	\$126,718.94

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 contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$74,073.94</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$18,445.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$10,200.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$24,000.00</u>
Total Withholding Amount:	\$126,718.94

Distribution:

Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor

PUBLIC WORKS AUDIT WORKSHEET

EMPLOYER / FIRM		DEPUTY		OFFICE		TOTAL AMOUNT DUE/OWING						
				Sacramento		92518.94						
ADDRESS		CITY		TRANSCRIBER		WAGES DUE AND OWING						
						73388.48						
PROJECT		PRIME		AUDIT NUMBER/CASE NUMBER		PENALTIES DUE AND OWING						
City				40		18445.00						
AWARDING BODY		HOURS WORKED		PREVAILING WAGE REQUIREMENTS		TRAINING FUND DUE/OWING						
City		ST. OT. D.T.		*OTHER TOTAL WAGES		705.46						
EMPLOYEE	CLASSIFICATION	PERIOD WORKED	ST.	OT.	D.T.	OTHER WAGES PAID	TOTAL WAGES PAID	AMOUNT OWING AND UNPAID	PENALTIES NO. 1	PENALTIES NO. 2	TRNG. FUND	TOTAL AMOUNT DUE
	Laborer-Grp 3A	12/16/16 - 03/24/17	177	17.5	0.5	0.00	0.00	10546.05	2760.00	275.00	94.82	13675.86
	Cement Mason	02/10/17 - 02/24/17	16	4.5	0	0.00	0.00	1234.07	240.00	50.00	11.07	1535.14
	Laborer-Grp 3A	12/16/16 - 12/30/16	64	2.5	8	0.00	0.00	3981.29	1080.00	125.00	33.53	5219.81
	Cement Mason	02/10/17 - 02/24/17	16	4.5	0	0.00	0.00	1234.07	240.00	50.00	11.07	1535.14
	Op. Eng-Grp 3	12/16/16 - 03/17/17	150	7.5	8	0.00	0.00	11926.39	2520.00	125.00	127.44	14698.83
	Op. Eng-Grp 3	12/16/16 - 06/09/17	240.5	28.5	10	0.00	0.00	20302.04	3840.00	300.00	214.83	24656.87
	Construction Specialti	01/20/17 - 03/31/17	174.5	32.5	1	0.00	0.00	11402.21	2760.00	425.00	100.04	14687.25
	Laborer-Grp 1	12/16/16 - 03/24/17	217	13	8	0.00	0.00	12742.37	3480.00	175.00	112.68	16510.05
	Laborer-Grp 1	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Laborer-Grp 1	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Laborer-Grp 1	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Laborer-Grp 1	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Laborer-Grp 1	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	01/02/98 - 06/26/99	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	avs	07/16/97 - 01/07/98	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Balance Brought forward from audit3 Summary					0.00	0.00	73368.48	16920.00	1525.00	705.46	\$92,518.94

The following entries represent the amounts relied upon for calculating Labor Code 1775 and 1813 penalties.

1775	120.00	Per Day
1813	25.00	Per Day

PREVAILING WAGE DETERMINATION SUMMARY

CODE NO.	CLASSIFICATION	Effective Date	HOURLY RATE	Contributions	TRAINING TIME	1/2 SUNDAY	HOLIDAY TRAVEL & SUBSISTENCE	Other hourly Requirements
1	Laborer-Grp 1 exp 6/25/17	8/22/2016	28.290	21.750	0.450	42.435	56.560	
2	Laborer-Grp 3A exp 6/30/17	8/22/2016	28.040	21.750	0.450	42.060	56.080	
3	Construction Spec exp 6/30/17	8/22/2016	28.290	21.750	0.450	42.435	56.560	
4	Cement Mason	8/22/2016	32.150	24.520	0.540	48.225	64.300	
5	Op. Eng-Grp 3	8/22/2016	39.660	29.660	0.770	59.490	79.320	
6	Op. Eng-Grp 4	8/22/2016	38.280	29.660	0.770	57.420	76.560	
7								
8								
9								
10								
11								
12								

S

WAGE DETERMINATION INFORMATION

CODE NO.	CLASSIFICATION	WAGE DETERMINATION NO.
1	Laborer-Grp	NC-23-102-1-2016-1
2	Laborer-Grp	NC-23-102-1-2016-1
3	Function Spec	NC-23-102-1-2016-1
4	Cement Mas	NC-23-203-1-2016-2
5	Op. Eng-Grp	NC-23-63-1-2016-2
6	Op. Eng-Grp	NC-23-63-1-2016-2
7		
8		
9		
10		
11		
12		

1741. (a) If the Labor Commissioner or his or her designee determines after an investigation that there has been a violation of this chapter, the Labor Commissioner shall with reasonable promptness issue a civil wage and penalty assessment to the contractor or subcontractor, or both. The assessment shall be in writing, shall describe the nature of the violation and the amount of wages, penalties, and forfeitures due, and shall include the basis for the assessment. The assessment shall be served not later than 18 months after the filing of a valid notice of completion in the office of the county recorder in each county in which the public work or some part thereof was performed, or not later than 18 months after acceptance of the public work, whichever occurs last. Service of the assessment shall be completed pursuant to Section 1013 of the Code of Civil Procedure by first-class and certified mail to the contractor, subcontractor, and awarding body. The assessment shall advise the contractor and subcontractor of the procedure for obtaining review of the assessment. The Labor Commissioner shall, to the extent practicable, ascertain the identity of any bonding company issuing a bond that secures the payment of wages covered by the assessment and any surety on a bond, and shall serve a copy of the assessment by certified mail to the bonding company or surety at the same time service is made to the contractor, subcontractor, and awarding body. However, no bonding company or surety shall be relieved of its responsibilities because it failed to receive notice from the Labor Commissioner.

(b) Interest shall accrue on all due and unpaid wages at the rate described in subdivision (b) of Section 3289 of the Civil Code. The interest shall accrue from the date that the wages were due and payable, as provided in Part 7 (commencing with Section 1720) of Division 2, until the wages are paid.

(c) (1) The Labor Commissioner shall maintain a public list of the names of each contractor and subcontractor who has been found to have committed a willful violation of Section 1775 or to whom a final order, which is no longer subject to judicial review, has been issued.

(2) The list shall include the date of each assessment, the amount of wages and penalties assessed, and the amount collected.

(3) The list shall be updated at least quarterly, and the contractor's or subcontractor's name shall remain on that list until the assessment is satisfied, or for a period of three years beginning from the date of the issuance of the assessment, whichever is later.

(Amended by Stats. 2013, Ch. 792, Sec. 1. (AB 1336) Effective January 1, 2014.)

State of California

CIVIL CODE

Section 3289

3289. (a) Any legal rate of interest stipulated by a contract remains chargeable after a breach thereof, as before, until the contract is superseded by a verdict or other new obligation.

(b) If a contract entered into after January 1, 1986, does not stipulate a legal rate of interest, the obligation shall bear interest at a rate of 10 percent per annum after a breach.

For the purposes of this subdivision, the term contract shall not include a note secured by a deed of trust on real property.

(Amended by Stats. 1986, Ch. 176, Sec. 1. Effective June 23, 1986.)

LABOR CODE

Section 1742.1

1742.1. (a) After 60 days following the service of a civil wage and penalty assessment under Section 1741 or a notice of withholding under subdivision (a) of Section 1771.6, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment or notice shall be liable for liquidated damages in an amount equal to the wages, or portion thereof, that still remain unpaid. If the assessment or notice 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. Any liquidated damages shall be distributed to the employee along with the unpaid wages. Section 203.5 shall not apply to claims for prevailing wages under this chapter.

(b) Notwithstanding subdivision (a), there shall be no liability for 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 the funds in escrow, plus any interest earned, to the persons and entities that are found to be entitled to those funds, within 30 days following either of the specified events occurring:


(1) The conclusion of all administrative and judicial review.

(2) The department receives written notice from the Labor Commissioner or his or her designee of a settlement or other final disposition of an assessment issued pursuant to Section 1741 or from the authorized representative of the awarding body of a settlement or other final disposition of a notice issued pursuant to Section 1771.6.

(c) The Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of a civil wage and penalty assessment under Section 1741, 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 without the need for formal proceedings. The awarding body shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of a notice of withholding under subdivision (a) of Section 1771.6, afford the contractor or subcontractor the opportunity to meet with the designee of the awarding body to attempt to settle a dispute regarding the notice without the need for formal proceedings. 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 administrative 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.

No writing prepared for the purpose of, in the course of, or pursuant to, the settlement meeting, other than a final settlement agreement, is admissible or subject to discovery in any administrative or civil proceeding. The assessment or notice shall advise the contractor or subcontractor of the opportunity to request a settlement meeting.

(Amended by Stats. 2017, Ch. 28, Sec. 16. (SB 96) Effective June 27, 2017.)

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: 916-263-2899	Edmund G. Brown Jr., Governor 
DATE: [REDACTED] 2019	In Reply Refer to Case No: 40-[REDACTED]

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body [REDACTED]	Work Performed in County of [REDACTED]
Project Name [REDACTED]	Project No. [REDACTED]
Prime Contractor [REDACTED]	
Subcontractor [REDACTED]	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Violation of Labor Code Section 1776(h) for failure to submit certified payroll records upon request within 10 days of receipt of request. Penalties to accrue until strict compliance is effectuated.
Penalties calculated at \$100 per day times 31 days. = \$3100

Apprenticeship Violations: _____

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$0.00

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$0.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$0.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against [REDACTED] is: \$3,100.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER / [REDACTED]

By [REDACTED]

Industrial Relations Representative

LABOR CODE

Section 1776

1776. (a) Each contractor and subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

(1) The information contained in the payroll record is true and correct.

(2) The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any work performed by his or her employees on the public works project.

(b) The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours at the principal office of the contractor on the following basis:

(1) A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or his or her authorized representative on request.

(2) A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the body awarding the contract and the Division of Labor Standards Enforcement of the Department of Industrial Relations.

(3) A certified copy of all payroll records enumerated in subdivision (a) shall be made available upon request by the public for inspection or for copies thereof. However, a request by the public shall be made through either the body awarding the contract or the Division of Labor Standards Enforcement. If the requested payroll records have not been provided pursuant to paragraph (2), the requesting party shall, prior to being provided the records, reimburse the costs of preparation by the contractor, subcontractors, and the entity through which the request was made. The public may not be given access to the records at the principal office of the contractor.

(c) Unless required to be furnished directly to the Labor Commissioner in accordance with paragraph (3) of subdivision (a) of Section 1771.4, the certified payroll records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information as the forms provided by the division. The payroll records may consist of printouts of payroll data that are maintained as computer records, if the printouts contain the same information as the forms provided by the division and the printouts are verified in the manner specified in subdivision (a).

(d) A contractor or subcontractor shall file a certified copy of the records enumerated in subdivision (a) with the entity that requested the records within 10 days after receipt of a written request.

(e) Except as provided in subdivision (f), any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by the awarding body or the Division of Labor Standards Enforcement shall be marked or obliterated to prevent disclosure of an individual's name, address, and social security number. The name and address of the contractor awarded the contract or the subcontractor performing the contract shall not be marked or obliterated. Any copy of records made available for inspection by, or furnished to, a multiemployer Taft-Hartley trust fund (29 U.S.C. Sec. 186(c)(5)) that requests the records for the purposes of allocating contributions to participants shall be marked or obliterated only to prevent disclosure of an individual's full social security number, but shall provide the last four digits of the social security number. Any copy of records made available for inspection by, or furnished to, a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall be marked or obliterated only to prevent disclosure of an individual's social security number.

(f) (1) Notwithstanding any other provision of law, agencies that are included in the Joint Enforcement Strike Force on the Underground Economy established pursuant to Section 329 of the Unemployment Insurance Code and other law enforcement agencies investigating violations of law shall, upon request, be provided nonredacted copies of certified payroll records. Any copies of records or certified payroll made available for inspection and furnished upon request to the public by an agency included in the Joint Enforcement Strike Force on the Underground Economy or to a law enforcement agency investigating a violation of law shall be marked or redacted to prevent disclosure of an individual's name, address, and social security number.

(2) An employer shall not be liable for damages in a civil action for any reasonable act or omission taken in good faith in compliance with this subdivision.

(g) The contractor shall inform the body awarding the contract of the location of the records enumerated under subdivision (a), including the street address, city, and county, and shall, within five working days, provide a notice of a change of location and address.

(h) The contractor or subcontractor has 10 days in which to comply subsequent to receipt of a written notice requesting the records enumerated in subdivision (a). In the event that the contractor or subcontractor fails to comply within the 10-day period, he or she shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Upon the request of the Division of Labor Standards Enforcement, these penalties shall be withheld from progress payments then due. A contractor is not subject to a penalty assessment pursuant to this section due to the failure of a subcontractor to comply with this section.

(i) The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section.

(j) The director shall adopt rules consistent with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code) governing the release of these records, including the establishment of reasonable fees to be charged for reproducing copies of records required by this section.

(Amended by Stats. 2014, Ch. 28, Sec. 71. (SB 854) Effective June 20, 2014.)

1742. (a) An affected contractor or subcontractor may obtain review of a civil wage and penalty assessment under this chapter by transmitting a written request to the office of the Labor Commissioner that appears on the assessment within 60 days after service of the assessment. If no hearing is requested within 60 days after service of the assessment, the assessment shall become final.

(b) Upon receipt of a timely request, a hearing shall be commenced within 90 days before the director, who shall appoint an impartial hearing officer possessing the qualifications of an administrative law judge pursuant to subdivision (b) of Section 11502 of the Government Code. The appointed hearing officer shall be an employee of the department, but shall not be an employee of the Division of Labor Standards Enforcement. 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 receipt of the written request for a hearing. Any evidence obtained by the Labor Commissioner subsequent to the 20-day cutoff shall be promptly disclosed to the contractor or subcontractor.

The contractor or subcontractor shall have the burden of proving that the basis for the civil wage and penalty assessment is incorrect. The assessment shall be sufficiently detailed to provide fair notice to the contractor or subcontractor of the issues at the hearing.

Within 45 days of the conclusion of the hearing, the director shall issue a written decision affirming, modifying, or dismissing the assessment. The decision of the director shall consist of a notice of findings, findings, and an order. This decision shall be served on all parties and the awarding body pursuant to Section 1013 of the Code of Civil Procedure by first-class mail at the last known address of the party on file with the Labor Commissioner. Within 15 days of the issuance of the decision, the director may reconsider or modify the decision to correct an error, except that a clerical error may be corrected at any time.

The director shall adopt regulations setting forth procedures for hearings under this subdivision.

(c) An affected contractor or subcontractor may obtain review of the decision of the director by filing a petition for a writ of mandate to the appropriate superior court pursuant to Section 1094.5 of the Code of Civil Procedure within 45 days after service of the decision. If no petition for writ of mandate is filed within 45 days after service of the decision, the order shall become final. If it is claimed in a petition for writ of mandate that the findings are not supported by the evidence, abuse of discretion is

established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

(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.

(e) A judgment entered pursuant to this section shall bear the same rate of interest and shall have the same effect as other judgments and shall be given the same preference allowed by law on other judgments rendered for claims for taxes. The clerk shall not charge for the service performed by him or her pursuant to this section.

(f) An awarding body that has withheld funds in response to a civil wage and penalty assessment under this chapter shall, upon receipt of a certified copy of a final order that is no longer subject to judicial review, promptly transmit the withheld funds, up to the amount of the certified order, to the Labor Commissioner.

(g) This section shall provide the exclusive method for review of a civil wage and penalty assessment by the Labor Commissioner under this chapter or the decision of an awarding body to withhold contract payments pursuant to Section 1771.5.

(Amended (as amended by Stats. 2006, Ch. 828, Sec. 1) by Stats. 2008, Ch. 402, Sec. 1. Effective January 1, 2009.)

DIVISION OF LABOR STANDARDS ENFORCEMENT
Department of Industrial Relations
By Evan Adams, SBN 224948
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
Tel.: (415) 703-4824
Fax: (415) 703-4807

Attorney for the DIVISION OF LABOR
STANDARDS ENFORCEMENT

**ENDORSED
FILED**

MAR 04 2019

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SONOMA

DIVISION OF LABOR STANDARDS
ENFORCEMENT,

Plaintiff,

v.

California corporation,

Defendant.

CASE NO.: SCV [REDACTED]

NOTICE OF ENTRY OF JUDGMENT

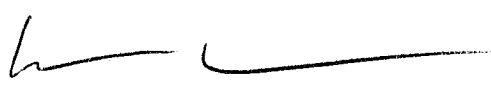
**No Filing Fees Per Labor Code
§101.5 & Gov. Code §6103**


TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the attached copy of the Judgment in the above-entitled action
was entered on February 25, 2019.

Dated: March 1, 2019

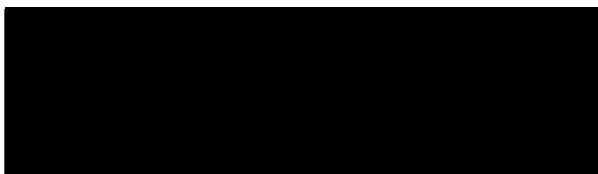
DIVISION OF LABOR STANDARD ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA


By: Evan Adams, Attorney for Plaintiff

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Civil Wage and Penalty Assessment Review Office 2031 Howe Ave, Ste 100 Sacramento, CA 95825 Phone: (916) 263-1811 Fax: (916) 263-2906	
Date: [REDACTED] 2019	In Reply Refer to: DLSE CASE # 40- [REDACTED]

Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b)

To:



Please be advised that this office has received your **Request for Review** of [REDACTED], 2019, and pertaining to the Civil Wage and Penalty Assessment issued by the Division of Labor Standards Enforcement in **DLSE CASE # 40-**[REDACTED]

In accordance with Labor Code section 1742(b), this notice provides you with an opportunity to review evidence to be utilized by the DLSE at the hearing on the Request for Review, and the procedures for reviewing such evidence.

Rule 17224 of the Prevailing Wage Hearing Regulations provides as follows:

“(a) Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the affected contractor or subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing of the Request for Review.

(b) An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the affected contractor or subcontractor the option at said party's own expense to either (i) obtain copies of all such evidence through a commercial copying service or (ii) inspect and copy such evidence at the office of the Enforcing Agency during normal business hours; or if (2) the Enforcing Agency at its own expense forwards copies of all such evidence to the affected contractor or subcontractor.

(c) The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

(d) The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline may be extended by written request or agreement of the affected contractor or subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code section 1742(b) and this Rule, shall preclude the enforcing agency from introducing such evidence in proceedings before the Hearing officer or the Director.

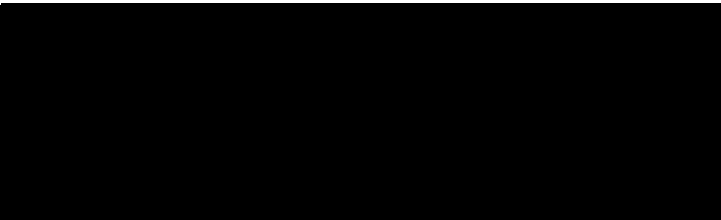
(e) This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the affected contractor or subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another party in the proceeding."

In accordance with the above Rule, please be advised that the DLSE's procedure for you to exercise your opportunity to review evidence is as follows:

Within five calendar days of the date of this notice, please transmit the attached Request to Review Evidence to the following address:

**State of California
Division of Labor Standards Enforcement
[REDACTED]
2031 Howe Avenue, Suite 100
Sacramento, CA 95825**

cc:



Request to Review Evidence

To:

State of California
Division of Labor Standards Enforcement

2031 Howe Avenue, Suite 100
Sacramento, CA 95825

From: _____

Regarding Civil Wage and Penalty Assessment Dated [REDACTED] 2019

DLSE CASE # 40-[REDACTED]

The undersigned hereby requests an opportunity to review evidence to be utilized by the DLSE at the hearing on the Request for Review.

Signature: _____

Print Name: _____

Date: _____

Phone No.: _____

Fax No.: _____

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Request for Review of:

[REDACTED]

Case No.: 19-[REDACTED]-PWH

[Request For Review of
DLSE CASE # 40-[REDACTED]

From a Civil Wage and Penalty Assessment issued by:

Division of Labor Standards Enforcement

**NOTICE OF APPOINTMENT OF HEARING OFFICER;
NOTICE OF PREHEARING CONFERENCE;
and PRELIMINARY ORDERS**

1. [REDACTED] has been appointed as the Hearing Officer in this matter. A Prehearing Conference will be held on **May 10, 2019 at 10:00 AM** by conference telephone call initiated by the Hearing Officer to the parties or representatives listed below:

[REDACTED]

(510) [REDACTED]

Evan Adams, Enforcing Agency Counsel:

(415) 703-4824

Any party who needs to be reached at a different number or who is aware of any other person who should participate in the Prehearing Conference shall contact [REDACTED] at (510) [REDACTED] as soon as possible and at least two (2) Working Days prior to scheduled date of the conference. *Those who do not participate in the Prehearing Conference may be bound by Orders entered in their absence.*

2. Motions, applications, and other papers may be submitted to the Hearing Officer as follows:

Regular mail:

DIR, Office of Director, Legal Unit

ATTN.: [REDACTED] 19-[REDACTED]-PWH]

1515 Clay Street, Suite 701

Oakland, CA 94612

Fax:

ATTN.: [REDACTED] 19-[REDACTED]-PWH]

(510) 286-3825

THE CASE NAME AND NUMBER SHOWN ABOVE MUST APPEAR ON ALL PAPERS SUBMITTED TO THE HEARING OFFICER. All papers filed with the Hearing Officer shall include proof that copies have been provided to all other parties.

3. Parties and representatives have a continuing duty to keep the Hearing Officer and each other informed of their correct and current names and contact information. Parties are encouraged to accept service of papers from the Hearing Officer by e-mail in all cases. The attached Official Address Record lists the currently maintained addresses for all parties, attorneys, and potential interested persons. All documents served by the Hearing Officer from this point forward will be served only on parties or their attorneys and Interested Persons who have been granted permission to participate in this proceeding under Rule 8 (Cal. Code Regs., tit. 8, § 17208).
4. A Hearing on the Merits will be set as necessary if the case is not settled by the parties.
5. This proceeding is being conducted pursuant to section 1742 of the Labor Code and the Prevailing Wage Hearing Regulations found at California Code of Regulations, title 8, sections 17201 – 17270, with Rule 31 (§ 17231) authorizing the Prehearing Conference.¹ The regulations and optional forms used for these proceedings are available for review and downloading from the Department of Industrial Relations' web site at www.dir.ca.gov/t8/ch8sb6.html. *This is not a proceeding in court nor before an administrative law judge of the State Office of Administrative Hearings; and it is not governed by sections 11500 and following of the Government Code.*
6. Parties have the right to request an interpreter for any hearing requiring participation by a Party or witness who cannot speak or understand English, or who can do so only with difficulty, or who is deaf or hearing impaired as defined under Evidence Code section 754. Rule 48 (§ 17248) governs requests for and the appointment of interpreters for these proceedings.
7. **DISPUTE OVER COVERAGE:** Any contention that the workers listed in the Assessment were not entitled to the payment of prevailing wages shall be presented in writing to the Hearing Officer **at least ten days prior to the scheduled prehearing conference** and shall include sufficient information and analysis to enable the Hearing Officer and other parties to understand the legal and factual basis for the contention. In cases where a coverage dispute has been raised, the enforcing agency shall file and serve a counter-statement **at least two days before the scheduled prehearing conference** setting forth the legal and factual basis for determining that state prevailing wage requirements did apply. The hearing officer may refer the coverage question to the Director for a determination under California Code of Regulations, title 8, section 16001. **A failure to raise the coverage issue timely may result in a finding that the claim that the workers were not entitled to prevailing wages has been waived. However, all other defenses will be preserved.**
8. With the exception of names, personal identifying information (including but not limited to social security numbers, home addresses and telephone numbers) must be redacted from any document submitted into the record of this case. If personal identifying information other than names is absolutely essential for the determination of an issue, an unredacted copy of the document shall be submitted under seal together with an explanation of why the personal identifying information must be considered. If the personal information is not needed, the unredacted document will be returned.

¹ All further references to Prevailing Wage Hearing "Rules" are to California Code of Regulations, title 8.

9. The Parties to this matter are informed that the attorney who has appeared in the matter as counsel for DLSE, Mr. Evan Adams, was formerly employed as an attorney within the Department of Industrial Relations, Office of the Director Legal Unit, in the Oakland office. During the time he worked within the Office of the Director Legal Unit, Mr. Adams was never assigned to the team of attorneys who serve as Labor Code section 1742 impartial Hearing Officers, and Mr. Adams never served as a Hearing Officer in any Section 1742 appeal. Mr. Adams was assigned to other practice areas and responsibilities teams within the Department. Mr. Adams' status as a former employee of the Office of the Director Legal Unit does not impact the ability of the Hearing Officer assigned herein to act in an impartial manner in this proceeding.

SO ORDERED.

Dated: [REDACTED], 2019

[REDACTED]
[REDACTED] *Hearing Officer*

AGENDA FOR PREHEARING CONFERENCE

Stipulations on Threshold Issues: At the first Prehearing conference, the parties shall be prepared to stipulate to the following items or explain the factual and/or legal basis that makes stipulation impossible: (1) whether the work was a covered public work, subject to prevailing wage requirements. (Labor Code §§1720 *et seq.*); (2) whether the Assessment/Notice to Withhold was timely served; (3) whether the request for review was timely filed; (4) whether the enforcing agency's evidence has been made available to the affected contractor or subcontractor; and (5) whether any of the back wages and penalties have been paid following issuance of the Assessment/Notice to Withhold or whether the unpaid wages and penalties have been deposited with the Department of Industrial Relations to be held in escrow or an undertaking has been posted covering the full amount of the Assessment/Notice to Withhold.

The following additional matters may be considered at the Prehearing Conference:

- Other Stipulations: Whether the parties can stipulate to issues, facts, and the admissibility of evidence *when there is no reasonable basis for dispute.**
 - Parties and Related Cases: (1) Whether the Assessment or Notice of Withholding has been served on all affected contractors, subcontractors, and the bonding or surety company; (2) The identity of any person or entity who filed a formal complaint that led to the Assessment or Notice of Withholding; (3) Whether any of the parties entitled to notice will seek to intervene or whether there are any other persons who will seek to become interested participants under Rule 08; and (4) Whether any other party has filed a Request for Review from the same Assessment or Notice of Withholding or whether the affected contractor or subcontractor has filed a Request for Review from a different Assessment or Notice of Withholding that raises the same issues; and whether consolidation of any of these related matters would be appropriate.
 - Evidence: (1) Whether there are any issues concerning the disclosure and availability of evidence prior to the hearing; (2) Whether any party intends to present witness testimony by affidavit or declaration in lieu of appearance under Rule 34 (§ 17234); or whether any party will seek a stipulation to obtain testimony by a deposition in lieu of requiring a witness to attend the hearing; (3) What the parties anticipate will be the number of witnesses and scope of documentary evidence presented at the hearing (4) Whether any party who is not represented by an attorney will require the issuance of any subpoenas or subpoenas duces tecum; and (5) Whether the parties will be required to pre-mark and submit documentary evidence prior to the hearing.
 - Hearing on the Merits: (1) The date and time for commencing the hearing in accordance with the statutory deadline and the number of additional days needed to complete the hearing; (2) Whether the hearing should be held in a location other than where the Hearing Officer maintains his or her office, and if so, whether there are suitable facilities in any alternative location; (3) Whether there are any special needs, such as for an interpreter; and (4) whether any party desires to have the hearing recorded by any means other than by electronic recording.
-
- Matters that may be appropriate for stipulation include: (i) that the work was governed by specified Prevailing Wage Determinations made by the Director; (ii) that the rates actually paid by the contractor are or are not accurately reflected in the certified payroll records or other pay records maintained by the contractor; (iii) that information and figures set forth in the Labor Commissioner's Audit Worksheets (periods worked, hours worked, wages paid, etc.) are or are not accurate; (iv) that arithmetic calculations in the Audit Worksheets are or are not correct; and (v) that specified written statements (such as one or more of the statements found in the investigative file), may be presented in lieu of live testimony and shall not be objected to as hearsay.

- Settlement: (1) Whether the parties are engaged in ongoing settlement discussions, and if so, whether and when they anticipate that a settlement will be reached; (2) Whether the parties desire the assistance of the appointed Hearing Officer or of another Hearing Officer to facilitate settlement discussions; and (3) *In cases reported as settled*, which party will seek dismissal under Rule 25 or Rule 26 (§§ 17225 & 17226), and when.
- Other Issues or Concerns: (1) Whether there are any special issues and special procedures should be adopted to address those issues or any other matters likely to arise in the case; (2) Whether the parties desire a schedule for either prehearing motions or post-hearing briefs; (3) Whether service of motions, orders, and other papers should be permitted by fax or e-mail, and what limitations, if any, should be imposed on these alternative methods; (4) Whether a further Prehearing Conference is appropriate and (5) Whether the Hearing Officer or the parties have any other issues or concerns that they wish to address at the Prehearing Conference.

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Request for Review of:

[REDACTED]
[REDACTED] Construction
[REDACTED]

Case No.: [REDACTED]-PWH
Case No.: [REDACTED]-PWH

[Request For Review of
DLSE Case No.: 40-[REDACTED]
and 40-[REDACTED]

From a Civil Wage and Penalty Assessment issued by:

Division of Labor Standards Enforcement

**MINUTES OF PREHEARING CONFERENCE; ORDER ASSIGNING CASE TO A
SETTLEMENT OFFICER; AND ORDER SETTING HEARING ON THE MERITS**

On [REDACTED] 2018, the parties appeared for a telephonic Prehearing Conference. Mr. Evan Adams appeared for the Enforcing Agency and Mr. [REDACTED] appeared for the Requesting Party.

The prior stipulations, as set forth in the Minutes of Hearing, [REDACTED], 2018, continue in force.

The parties have requested the assistance of a settlement officer appointed by the Hearing Officer to facilitate resolution of the case. It is ordered that the matter be referred to settlement officer [REDACTED] who will schedule a settlement conference with the parties in Oakland.

IT IS THEREFORE ORDERED that the Hearing on the Merits be set on [REDACTED] 2018 at **10:00 AM** at the following location:

**Department of Industrial Relations
Office of the Director, Legal Unit
160 Promenade Circle, Ste. 330
Sacramento, CA 95834**

IT IS FURTHER ORDERED that the parties are to comply with the following schedule for the submission and exchange of documents:

At least three weeks prior to the first day of the Hearing, the parties shall exchange exhibits. The Enforcing Agency shall use Arabic numbers (1, 2, 3...), and the Requesting Party shall use letters (A, B, C...). Each party shall file the exhibit list with the hearing officer. The parties shall not submit the actual exhibits in advance of the Hearing on the Merits.

At least two weeks prior to the first day of the Hearing, the parties shall file and exchange a list of the witnesses they reasonably anticipate will testify. Any witness not listed may be excluded unless the witness is for impeachment or true rebuttal or was not reasonably anticipated.

At least one week prior to the first day of the Hearing, the parties shall submit a **single document**, jointly signed, in which the parties shall briefly state the outstanding issues for the Director to determine, with **brief** statements of each party's position.

Parties have the right to request an interpreter for any hearing requiring participation by a Party or witness who cannot speak or understand English, or who can do so only with difficulty, or who is deaf or hearing impaired as defined under Evidence Code §754. Section 17248 [Rule 48] of the Prevailing Wage Hearing Regulations governs requests for and the appointment of interpreters for these proceedings.

Dated: [REDACTED] 2018


[REDACTED] *Hearing Officer*

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Request for Review of:

**D7 Roofing Services, Inc. and
Deacon Corp.**

Case Nos.: 17-0226-PWH
17-0229-PWH

From a Civil Wage and Penalty Assessment issued by:

Division of Labor Standards Enforcement.

**DECISION OF THE
DIRECTOR OF INDUSTRIAL RELATIONS**

Affected prime contractor Deacon Corp. (Deacon) and subcontractor D7 Roofing Services, Inc. (D7 Roofing) submitted timely requests for review of a Civil Wage and Penalty Assessment (Assessment). The Division of Labor Standards Enforcement (DLSE) issued the Assessment on April 21, 2017, with respect to roofing work performed for awarding body CHHP, L.P. on the Hayward Affordable Housing Units Project (Project) located in the County of Alameda. The Assessment determined that Deacon and D7 Roofing owed \$26,703.45 in unpaid prevailing wages, \$44,160.00 in penalties under Labor Code section 1775, and \$275.00 in penalties under Labor Code section 1813.¹

The Hearing on the Merits took place in Sacramento, California before Hearing Officer Gayle T. Oshima on February 22, 2018. Deborah Wilder appeared for both Deacon and D7 Roofing (collectively, Requesting Parties). David Cross appeared for DLSE. Jerry McClain, Deputy Labor Commissioner, and Christopher Kim, Senior Deputy Labor Commissioner, testified for DLSE; Neil Lenzion, D7 Roofing's superintendent, and Amy White, D7 Roofing Chief Financial Officer, testified for Requesting Parties.

At the Hearing, the Hearing Officer granted DLSE's written motion of February 8, 2018, to amend the Assessment downward. The Amended Assessment imposed \$19,819.04

¹ All further section references are to the California Labor Code, unless otherwise specified.

in unpaid prevailing wages, \$43,600.00 in penalties under section 1775, and \$275.00 in penalties under section 1813.

At the Hearing, the parties stipulated to the following issues for decision:

- Were all workers paid correctly for required travel time and expenses?
- Was the required overtime rate paid for all overtime hours worked?
- Is D7 Roofing Services, Inc. liable for penalties under section 1775?
- Is D7 Roofing Services, Inc. liable for penalties under section 1813?
- Are Deacon Corporation and D7 Roofing Services, Inc. liable for liquidated damages?

The parties also stipulated that prime contractor, Deacon, met the safe harbor requirements of section 1775, subdivision (b) as to prime contractor liability for penalties for underpayment of prevailing wages by a subcontractor.²

After the parties submitted post-hearing briefing on March 19, 2018, and April 9, 2018, the matter was submitted for decision.

The core issue in this case is whether, within the meaning of the applicable prevailing wage determination, D7 Roofing's "shop" was a regular, established place of business that was in actual existence and operating at least one hundred twenty (120) days from the beginning of a job. If the shop met the wage determination's definition of "shop," and the job site fell within the free zone of a forty-five (45) mile radius from the shop, D7 Roofing would not be liable to reimburse workers for their travel expenses to the job site. If the shop was not a regular, established shop, or if the job site was not within the free zone, the reimbursement obligation for travel expenses would apply.

For the reasons set forth below, the Director finds that Requesting Parties have carried their burden of proving the basis for the Amended Assessment was incorrect in that the shop in question qualified as a regular, established place of business, and the job site was within the free zone from that site, such that D7 Roofing was not liable to reimburse employees for

² DLSE also stipulated that Deacon is not liable for penalties assessed against D7 Roofing under section 1813. At the Hearing, however, D7 Roofing showed that the subject worker had been paid overtime wages owed and on that basis DLSE withdrew its overtime claim.

travel expense. (See Cal. Code Regs., tit. 8, § 17250, subds. (a), (b).) Accordingly, the Director of Industrial Relations issues this Decision dismissing the Amended Assessment in its entirety.

FACTS

The Project was advertised for bid on December 3, 2015. The awarding body selected Deacon as prime contractor; Deacon in turn subcontracted the roofing work to D7 Roofing. Located in Hayward, California, the Project involved the rehabilitation of existing affordable family housing. Derived from the collective bargaining agreement between the Associated Roofing Contractors of Bay Area Counties and Local Union No. 81 of the United Union of Roofers, Waterproofers and Allied Workers, the applicable prevailing wage determination as of the bid advertisement date was Roofer, Alameda County 2015-2 (“Roofer PWD,” DLSE Exhibit Nos. 12 and 13).

The Roofer PWD scope of work governs employee entitlement to travel time payable at applicable straight time and overtime wage rates, travel expense reimbursement, and mileage allowance.³ The Roofer PWD provides a “free zone” measured by a forty-five (45) mile radius from the “Individual Employer’s shop” to the job site. With certain exceptions not at issue in the Assessment, if the job site is located within the free zone, no travel time, travel expense reimbursement, or mileage allowance is required to be paid to the employee. (Roofer PWD, Article XII, §§ 1, 3(a).) For travel beyond the free zone, the employer is required to pay the employee thirty-six dollars (\$36.00) per day as travel expenses.⁴ (Roofer PWD, Article XII, § 3(b).) Alternatively, instead of the daily travel expense payment, and at the employer’s option, the employer may choose to pay actual time wages to employees for travel beyond the radius of the free zone to and from the job site. (Roofer PWD, Article XII, § 3(c).)

Further, the Roofer PWD provides a definition of an employer’s “shop,” as follows:

³ The Assessment implicated only the travel expense reimbursement required under the Roofer PWD, not travel time wages or the mileage allowance provisions.

⁴ Under predetermined increases under the Roofer PWD, the reimbursement rate for travel expenses beyond the free zone increased from \$34.00 to \$36.00 per day by the date of the Project.

For purpose of clarification, a shop shall be defined as a regular established place of business in which roofing materials are regularly stored and from which workmen and equipment are dispatched. Any Individual Employer establishing an additional shop or shops must have them in actual existence and operating one hundred twenty (120) days before a job-site is started for the purposes of this ARTICLE.

...For any Individual Employer with an established shop located in Alameda or Contra Costa Counties and doing work within Alameda or Contra Costa Counties, the Employer shall use his/her established shop as defined in Section 4(a) for purposes of this ARTICLE.

(Roofer PWD, Article XII, § 4(a) and (b)(i).)

The Project began on March 15, 2016. As reported in the certified payroll records, D7 Roofing began its roofing work on May 16, 2016. According to the Notice of Completion, the work on the Project was completed on February 27, 2017, and the Notice of Completion was recorded on March 9, 2017.

D7 Roofing's main office is located in Sacramento, California. D7 Roofing established a shop by leasing property on the following dates and at the following locations:

Date of Lease	Address
March 20, 2012 to July 2, 2013	7083 Commerce Circle, Pleasanton
July 3, 2013 to June 30, 2016	2134 Rheem Dr., Pleasanton
July 1, 2016 to Present	35 Rickenbacker Circle, Livermore

Deputy Labor Commissioner McClain prepared the Assessment and Amended Assessment against D7 Roofing and Deacon. McClain testified at the Hearing on the Merits that, based upon a complaint lodged by David Miller of the Bay Area Roofers Labor Management Trust relating to alleged travel and subsistence violations and training fund contribution violations, he undertook an investigation of D7 Roofing. He discovered violations of underpayment of wages resulting from a failure to pay travel expenses. McClain testified his Internet research for addresses of D7 Roofing disclosed that its office was in Sacramento and that businesses other than D7 Roofing were located at the Pleasanton and Livermore addresses. Shortly before the Assessment was issued, Miller reported to McClain that a company called Power Team Washing was located at the Livermore location. McClain

also testified that because the lease for the shop in Livermore began on July 1, 2016, the Livermore shop did not exist 120 days prior to the start of the Project within the meaning of the Roofer PWD. Based on that conclusion, McClain calculated travel expenses from D7 Roofing's Sacramento office, not from the Livermore shop.⁵

D7 Roofing Chief Financial Officer White testified that D7 Roofing did, in fact, have a regular, established business first at each of the Pleasanton locations, and later at the Livermore location. She identified the leases for each location, and explained that the owner of the building had leased part of the space to D7 Roofing and the other part to the owner's daughter, who ran the Power Team Washing business that Miller reported to DLSE. White testified that D7 Roofing treated the Pleasanton and Livermore locations as one continuous, regular place of business since 2012. White also testified that the D7 Roofing considers its Sacramento office as the headquarters where staff performs management and administrative duties for both the Sacramento office and the other shop. She testified that while some Northern California roofing jobs were dispatched from the Sacramento office, Bay Area roofing jobs, including those performed on the Project, were dispatched from the Pleasanton shop and, later, the Livermore shop. White further testified that D7 Roofing dispatched apprentices from the Sacramento office. For this Project, apprentices were dispatched from Sacramento.

D7 Roofing's superintendent Lendzion testified that he scheduled projects from his office in the D7 Roofing shop, first at the Pleasanton locations, and later at the Livermore location. None of those shop locations overlapped with each other, in that on the same day the second Pleasanton shop closed at the end of its lease, the Livermore shop opened under a new lease. Lendzion testified that in connection with the move to Livermore, D7 Roofing had fewer workers and did not need as large a space as it had in Pleasanton. Lendzion also testified that D7 Roofing stored equipment and roofing materials at the Pleasanton and Livermore shops, and that he utilized the Livermore shop as his office from which he dispatched workers to job sites, including the one for the Project, and provided wage checks for foremen to distribute. He also testified that D7 Roofing used the leased offices with

⁵ The parties agreed that the Project was located within the forty-five (45) mile radius free zone from the Livermore shop, and was only about five (5) miles away from the prior Pleasanton shop.

accompanying yards and parking lots, at both the Pleasanton and Livermore shops, for regularly parking trucks and keeping other larger equipment on the premises.

DISCUSSION

Labor Code section 1720, et seq. (the California “Prevailing Wage Law”) sets forth a scheme for determining and requiring the payment of prevailing wages to workers employed on public works construction projects. The purpose of these provisions has been summarized as follows:

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* (1992) 1 Cal.4th 976, 987, citations omitted (*Lusardi*).)

DLSE enforces the prevailing wage requirements for the benefit of not only 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, subd. (a); and see *Lusardi*, at 985.)

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

When DLSE determines that a violation of the prevailing wage laws has occurred, including with respect to any violation of the apprenticeship and/or certified payroll records requirements, a written civil wage and penalty assessment is issued pursuant to section 1741. An affected contractor may appeal that assessment by filing a request for review under section

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Decision of the Director of
Industrial Relations

Case Nos. 17-0226-PWH
17-0229-PWH

1742. DLSE has the initial burden of providing evidence that “provides prima facie support for the Assessment” (Cal. Code Regs., tit. 8, § 17250, subd. (a).) When that initial burden is met, “the Affected Contractor or Subcontractor has the burden of proving that the basis for the Civil Wage and Penalty Assessment ... is incorrect.” (Cal. Code Regs., tit. 8, § 17250, subd. (b); accord, § 1742, subd. (b).)

No Travel Expense Reimbursements Are Due.

Under the Prevailing Wage Law, per diem wages include payments by the employer for travel and subsistence. (§ 1773.1, subd. (a).) In determining the wage rate, the Director of Industrial Relations considers the prevailing rate for the craft in the locality by referencing applicable collective bargaining agreements. (§ 1773.)

The applicable prevailing wage determination here, the Roofer PWD, specifies that there is a free zone, measured by a forty-five (45) mile radius from the employer’s shop, wherein no travel time or expense reimbursement is required to be paid the employee. (Roofer PWD, Article XII, § 3.) It is undisputed that the Project falls within this free zone whether measured from the Pleasanton shop or the Livermore shop.

DLSE issued the Assessment on the grounds and with the apparent belief that the Pleasanton and Livermore locations did not qualify as “shops” for D7 Roofing under the provisions of the Roofer PWD. The evidence at the Hearing, however, demonstrated otherwise. The testimony of D7 Roofing’s superintendent, buttressed by copies of the relevant leases and photographs, demonstrates that D7 Roofing workers were dispatched from, and materials, trucks, and equipment were regularly stored at, the Livermore shop. Post-hearing, and in light of the evidence, DLSE does not contend otherwise.⁶ The two Pleasanton shops and the Livermore shop together constituted “a regular established place of business in which roofing materials are regularly stored” and from which workers and equipment were dispatched, within the meaning of “additional shop” as contained in the first

⁶ DLSE does point out that apprentices were dispatched from D7 Roofing’s Sacramento headquarters and that the Sacramento address was listed on CPRs and worker paychecks. The Roofer PWD, however, does not require all workers be dispatched from an established additional shop, and it does not prevent some administrative work being conducted away from an additional shop. It suffices that an additional shop is a “regular established place of business in which roofing materials are regularly stored and from which workmen and equipment are dispatched.” (Roofer PWD, Article XII, § 4(a).) The D7 Roofing Livermore shop meets those criteria.

sentence in Article XII, section 4(a) of the Roofers PWD. ”

The second sentence of Article XII, section 4(a) of the Roofer PWD provides that “Any Individual Employer establishing an additional shop or shops must have them in actual existence and operating one hundred twenty (120) days before a job-site is started” Here, although D7 Roofing’s present Livermore shop was not leased until after the Project began, the prior Pleasanton shop, leased from July 3, 2013 to June 30, 2016, clearly qualifies under this provision, and the Livermore shop, leased shortly after the Project began, was only five miles from the prior location in Pleasanton. As such, the evidence showed that D7 Roofing conducted regular business in the Bay Area from the Pleasanton and Livermore locations, storing roofing materials there and dispatching employees and equipment from the shop. Further, as noted, the Project was well within the 45-mile radius free zone from both the Pleasanton and Livermore shops.

As the Pleasanton location closed simultaneously with the opening of the Livermore location, the Livermore shop cannot properly be viewed as the establishment of an “additional shop” within the meaning of the second sentence of section 4(a) of the Roofer PWD. D7 Roofing may have moved the Pleasanton shop to Livermore, but that does not mean it established an “additional shop” when it moved. The 120-day restriction for establishing an “additional shop” in the Roofer PWD prevents an employer from establishing a sham or temporary shop for the purpose of manipulating the free zone perimeter and evading the travel time and expense requirements contained in the Roofer PWD. The Livermore shop, however, was not shown to be a sham or temporary shop given the regular and continued use D7 Roofing has made of the shop. Since D7 Roofing had established a regular place of business in Pleasanton, which was in actual existence and operating over 120 days before the Project began, despite the fact that on July 1, 2016, D7 Roofing moved it to Livermore, D7 Roofing’s location in Livermore qualified as a “shop” within the meaning of section 4(a) of the Roofer PWD.

As D7 Roofing’s shop at Livermore was a regular, established place of business that was in actual existence and operating at least 120 days from the beginning of the Project, D7 Roofing is not liable for the travel expense reimbursement under the Roofing PWD.

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Decision of the Director of
Industrial Relations

Case Nos. 17-0226-PWH
17-0229-PWH

All Other Issues Are Moot.

In light of the determination made above, all other issues arising under the Assessment are moot and need not be addressed, in that the alleged penalties under section 1775 are premised on the alleged underpayment of travel expense reimbursements.

FINDINGS

Based on the foregoing, the Director makes the following findings:

1. Affected prime contractor Deacon Corp., and affected subcontractor, D7 Roofing, Inc. timely requested review of a Civil Wage and Penalty Assessment issued by the Division of Labor Standards Enforcement with respect to the work performed on the Hayward Affordable Housing Project in Hayward, California.
2. The Assessment was issued timely.
3. D7 Roofing, Inc. and Deacon Corp. are not liable for travel expense reimbursements for the Project.
4. All other issues are moot.

ORDER

The Amended Civil Wage and Penalty Assessment is dismissed in full 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.

Dated: _____

11/9/18



André Schoorl
Acting Director of Industrial Relations

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Decision of the Director of
Industrial Relations

Case Nos. 17-0226-PWH
17-0229-PWH

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Request for Review of:

Montez Glass, Inc.

Case No. 16-0241-PWH

From a Civil Wage and Penalty Assessment issued by:

Division of Labor Standards Enforcement

DECISION OF THE DIRECTOR OF INDUSTRIAL RELATIONS

After a petition for writ of administrative mandamus (Petition) by Montez Glass, Inc. (Montez Glass), the Superior Court remanded the case to the Director of Industrial Relations (Director) to issue a decision clarifying the bases for her Decision of March 3, 2017 (Previous Decision) and addressing the liquidated damages issue in light of the clarified bases. This Decision issues in response to the Superior Court's remand.

Montez Glass submitted a request for review of a Civil Wage and Penalty Assessment (Assessment) made by the Division of Labor Standards Enforcement (DLSE) with respect to glazier work on a project titled the San Jose Downtown Health Center in Santa Clara County (Project). The Director's Previous Decision on the merits of this case affirmed in part and modified in part the Assessment that DLSE had amended downward on the first date of hearing. The Previous Decision found that Montez Glass was liable for \$207,235.69 in unpaid prevailing wages, \$80,395.00 in statutory penalties, and \$207,235.69 in liquidated damages.

In its Petition, Montez Glass raised the issues of travel pay, DLSE's mileage/time calculation, the applicable free zone and liquidated damages. While the Superior Court remanded the issue of travel pay, Montez Glass did not persuade the Superior Court to overrule or remand either on the issue of DLSE's mileage/time calculations¹ or on the issue of

¹ The Superior Court's tentative ruling later adopted in its Judgment, suggests in a footnote that the parties may want to clarify the street addresses DLSE used to calculate travel distances at a hearing. In that the reference to a hearing appears to anticipate oral argument before the Court, not a hearing

the applicable free zone. Accordingly, discussion of the amount of the mileage/time calculation and the applicable free zone remain unchanged from the Previous Decision and are adopted and incorporated herein.

Based on instructions from the Superior Court, the Director amends the Previous Decision to clarify that her basis for awarding unpaid prevailing wages and imposing a penalty rests exclusively on the determination that the office space located in Santa Clara did not constitute a bona fide shop for purposes of the Glazier Prevailing Wage Determination (Glazier PWD) for Santa Clara County (STC-2012-1). However, the Director also recognizes that the lack of a controlling definition of shop in the applicable prevailing wage rate determination may have caused Montez Glass uncertainty and therefore waives liquidated damages awarded in the Previous Decision. Therefore, the Director affirms and modifies the Assessment in the same amounts as the Previous Decision, less liquidated damages.

Accordingly, the Director finds that while the workers employed by Montez Glass were entitled to compensation for travel time and mileage, Montez Glass did not correctly compensate its workers for travel time and mileage. Also, the Director had previously adjusted the amount of unpaid wages for a variety of factors: for workers who carpooled, for workers who DLSE erroneously identified as working on this Project, and for a worker who Montez Glass provided a company vehicle and hotel accommodations near the jobsite. Those adjustments remain unchanged, as do the penalties under Labor Code sections 1775 and 1813.²

DISCUSSION

1. Montez Glass Underpaid Wages for Travel Time and Mileage.

The per diem wages include travel and subsistence payments. (§ 1773.1, subd. (a).) The Director shall ascertain and consider the prevailing rate for the craft in the locality by reference to the applicable collective bargaining agreement. (§ 1773.) By the Glazier PWD,

before the Director, the Superior Court's ruling does not suggest the need for another Hearing on the Merits. Instead, the ruling indicates that DLSE reasonably calculated travel distances. Also, because the parties previously submitted the case and no party has requested another Hearing on the Merits, the hearing officer holds no further hearing.

² All further statutory references are to the California Labor Code, unless otherwise indicated.

the Director adopted sections of the glazier union collective bargaining agreement for travel and subsistence payments to apply to glaziers working in Santa Clara County. The Glazier PWD provided for payment of travel time and mileage from the point of dispatch in excess of 25 miles. The Glazier PWD Travel and Subsistence Provisions contain, in relevant part, the following:

Regular employees of the Employers located in . . . Santa Clara . . . who are required to jobsite report more than twenty-five (25) miles from the point of dispatch (employee's home or individual Employer's shop) as determined by the individual Employer, shall receive Wages and Benefits for all time spent traveling beyond twenty-five (25) miles from the point of dispatch

The Glazier PWD, the California Labor Code, and California case law provide no definition for an "Employer's shop." The applicable collective bargaining agreement from which the Glazier PWD is drawn contains a definition of employer's shop³, however, it per se is not controlling because only the portions of the collective bargaining agreement that are included in the Glazier PWD govern the analysis.

Absent a controlling definition of shop in the rate determination, we evaluate the plain meaning of the phrase "individual Employer's shop" as it appears in the Glazier PWD. A "plain meaning" approach does not preclude consideration whether the literal meaning of language comports with the purpose of the rate determination. (Cf. *In re Social Services Payment Cases* (2008) 166 Cal.App.4th 1249, 1264 [considering the purposes of a statute when applying its plain meaning].) In our context, if an employer could designate any space as an "Employer's shop" without regard to the bona fide nature of the choice, the apparent purpose of the Glazier PWD and section 1720 et seq. to compensate workers required to travel beyond a designated distance to a jobsite would be subverted and employees could be deprived of a portion of their statutorily protected prevailing wages.

Tony Montez, president of Montez Glass, testified that he rented space in Santa Clara County from Top Gun Industrial Finishing (Top Gun) for \$200 a month. The Superior Court noted that \$200 a month "appears extremely low for Santa Clara County or almost anywhere in California." Such a low rate for a space purportedly operating as a shop in Santa Clara

³ This definition of Employer's shop arose at the Hearing on the Merits during the testimony of John Willis Hughes, Jr. given on behalf of DLSE and DLSE later quoted the definition in its post-trial brief.

County markedly decreases the probability that Montez Glass operated a bona fide shop within Top Gun's facilities for purposes of the Glazier PWD.

Tony Montez testified that his company stored inventory at the Top Gun location. The storage of inventory is one indicator that the owner of the space uses it as a shop. The only inventory at Top Gun related to Montez Glass, however, was the window frames and panels that Top Gun painted for the Project.⁴ In that regard, the president of Top Gun testified that Montez Glass only delivered window frames to Top Gun so that Top Gun could paint them. Consequently, we cannot accept Tony Montez's contention that "inventory storage" at Top Gun showed the space there was a "shop" within the meaning of the Glazier PWD.

Another hallmark of a bona fide shop would be a location where employees interact with bosses and administrators. Yet, Tony Montez's brother was the only Montez Glass employee who visited the rental space. He confirmed that no other employees went to the rental space because there was "no need for them to go there." Four employees testified that they not had heard of a Montez Glass shop in Santa Clara, nor had they even known of Top Gun, with the exception of one employee who knew it as a separate business. Further, these same employees testified that deliveries to the Project of equipment and inventory came from Montez Glass's main shop in Sacramento; they obtained their paychecks from a trailer on the jobsite; and they stored their tools on the jobsite. The president of Top Gun knew of no Montez Glass personnel visiting the Top Gun location other than Tony Montez. The testimony from both parties made it clear that Montez Glass employees had no relationship to the space at Santa Clara.

Moreover, the Montez Glass administrative assistant and vice president who oversaw administrative tasks worked exclusively from the Sacramento shop. The Santa Clara office did not generate communications to employees, and all paychecks and written administrative communications came from Sacramento.

Persons working in a bona fide shop ought to generate enough business activity so that others can identify it as a location from which the contractor does business. DLSE called as a witness a business representative from the regional glazier union, who had also previously dispatched apprentices to Montez Glass. This union representative had no knowledge of

⁴ Top Gun's business involved painting structural elements for the architectural industry such as window frames and panels.

Montez Glass opening a shop in Santa Clara. At DLSE's request, he interviewed employees of Top Gun, who reportedly were unaware that Montez Glass rented space within the warehouse.

Similarly, business activity in a bona fide shop would reflect work in the particular trade. The union representative took photographs of Montez Glass's rented space at Top Gun. His photographs depict a barebones space enclosed by wooden walls within a warehouse. Tony Montez testified that by the date of the photographs, Montez Glass's projects in the South Bay had finished and that Montez Glass decided not to continue working on jobs in the South Bay. However, that does not explain why long-term employees of Top Gun never saw any business activity by Montez Glass in the warehouse. That is, the interviews and photographs together lent an impression of a space suited for no more than a computer hookup for Tony Montez.

Summarized, the following characteristics of the Top Gun rental space preclude any finding that this was a bona fide "Employer's shop" under a plain meaning interpretation:

- No employees visited the rental space, with the exception of the owner's brother;
- No employees received communications from the rental space for purposes of the Project;
- No employees knew of the rental space, with the exception of the owner's brother;
- No employees kept jobsite equipment for the Project at the rental space;
- No employees of Top Gun knew of Montez Glass's presence;
- A union representative who dispatched apprentices to Montez Glass was unaware of Montez Glass's rental space;
- No inventory for the Project was stored at the rental space;
- No administrative support staff worked from the rental space; and
- The monthly rental payment for the space was extremely low.

Based on all this evidence, the Director finds that Montez Glass could not designate the Santa Clara space as the point of dispatch under the Glazier PWD because, from a common sense perspective, the rental lacked the characteristics of an operating, bona fide shop for purposes of the Glazier PWD, and accordingly, the decision to designate it as the point of dispatch served only to artificially deprive workers of their entitlement to travel time wages.

California Labor Commissioner's Office

Public Works Unit



DISCLAIMER

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

✓ Dept. of Industrial Relations - Labor Commissioner's Office

✓ Terms and Definitions

✓ Contractors

✓ Compliance

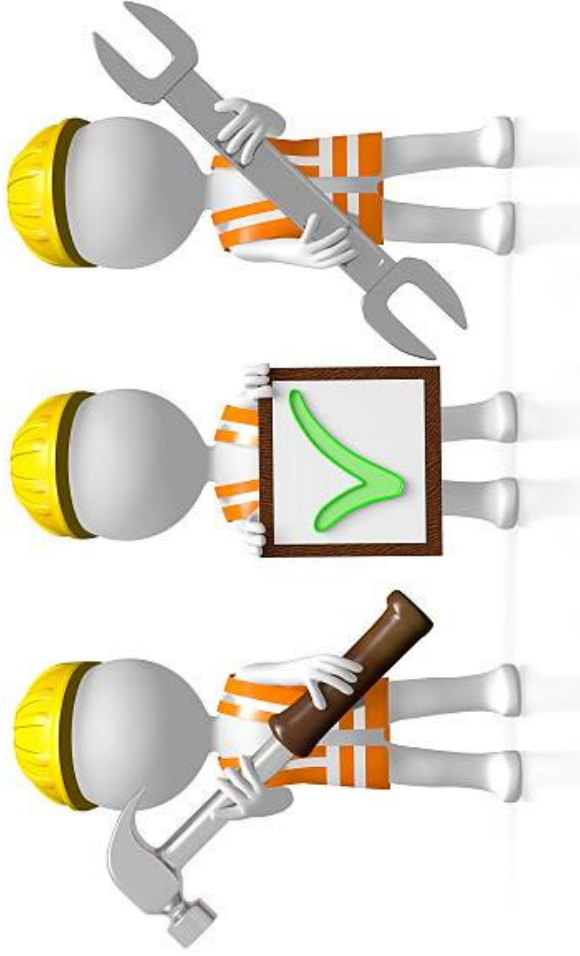
- ✓ How to Register or Renew
- ✓ Searching for Registered Contractors
- ✓ How to file E-CPRs

✓ Investigating a Complaint

✓ SB 96

✓ Available Resources

✓ Q & A



Department of Industrial Relations

- Director's Office
 - Office of Policy, Research and Legislation (OPRL), formerly known as the Division of Labor Statistics and Research- Publish General Prevailing Wage Determinations
 - Legal Unit (OD Legal)-Assists the Director with drafting coverage determinations and provides hearing officers under Labor Code §1742 for appeals of CWPAs
- **Labor Commissioner's Office**, also known as the Division of Labor Standards Enforcement
- Division of Apprenticeship Standards
- Cal-OSHA, also known as the Division of Occupational Safety and Health
- Division of Workers' Compensation



Mission Statement

The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the State and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers.



Labor Commissioner's Office

- Wage Claim Adjudication (WCA)
- Retaliation Complaint Investigations (RCI)
- Licensing & Registration
- Bureau of Field Enforcement (BOFE)
- **Public Works Unit**
- Criminal Investigation Unit (CIU)
- Legal
- Judgment Enforcement Unit (JEU)
- Cashiering Unit



Public Works Vision Statement

The Public Works Unit will effectively combat prevailing wage theft through vigorous labor law enforcement, foster strong working relationships with stakeholders and robust apprenticeships on public works projects, and provide education to workers, contractors, and awarding bodies to ensure workers who build and maintain the infrastructure of California receive a just day's pay for a hard day's work and law abiding contractors can thrive and compete.



Terms and Definitions



Public Works Basic Definition

Under the California Labor Code,
“[P]ublic works means: Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, . . .” [Section § 1720(a)(1)]



Public Works Includes

“construction” includes work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite. For purposes of this paragraph, “installation” includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems. (Labor Code § 1720(a)(1))

“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.**” (Labor Code §1771)



Contractors



Contractor and Subcontractor

For the purposes of this chapter, “contractor” and “subcontractor” include a contractor, subcontractor, licensee, officer, agent, or representative thereof, acting in that capacity, when working on public works pursuant to this article and Article 2 (commencing with Section 1770). (Labor Code §1722.1)



What Must Contractors do to Comply with the Law?



I. Must be registered when bidding, listed in a bid proposal, or working on a public works project (Labor Code §1771.1)

- Registration costs **\$400** and covers one fiscal year (July 1–June 30), regardless of the date on which a contractor registers. Contractors who have an active PWC registration number will be able to renew for the next fiscal year as early as May 1st.
- Beginning June 1, 2019, a contractor may register or renew in annual increments up to three years from the date of registration. Contractors who wish to do so will be required to prepay the applicable nonrefundable application or renewal fees to qualify for the number of years for which they wish to preregister.
- Does not apply to projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work



How to Register or Renew



Public Works

[Need Help?](#)
[Tutorials](#)
[Frequently Asked Questions](#)
[Public Works Contacts](#)



Public Works

Public Works in general means:

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

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

Contractors,
and others who work on Public
Works projects



Awarding Bodies,
public agencies or project owners

Resources

- Apprenticeship Requirements
- Certified Payroll Reporting
- Enforcement of Public Works Law
- File a Public Works Complaint
- Labor Compliance Programs
- Prevailing Wage Requirements
- More Resources

Search

Find Public Works Projects

Contractor Registration

Who Is Eligible to Register?


Contractors must meet the following requirements to register:

- Have workers' compensation coverage for any employees and only use subcontractors who are registered Public Works contractors.
- Have Contractors State License Board license if applicable to trade.
- Not have any delinquent unpaid wage or penalty assessments owed to any employee or enforcement agency.
- Not be under federal or state [debarment](#).
- 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.

Register or Renew

Registration costs \$300, covers one fiscal year (July 1-June 30), and must be renewed on an annual basis.

Credit card payments can be processed within 24 hours, while other forms of payment may delay registration for up to eight weeks.*

Check to see if you have an active registration at:  [Public Works Contractor Registration Search](#).

Renew your existing registration or create a new registration:

[Register or Renew](#)



* 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
 - failed to renew while bidding or working on a Public Works project
- A penalty of \$300 will apply only to first time lapses in registration (failure to renew while bidding or working on a Public Works project) if the registration is renewed by October 1 of the same fiscal year. Renewing with a lapsed registration after that date will result in a \$2,000 penalty.

To learn more about Public Works contractor registration, please go to the [frequently asked questions](#). For further help, please [contact us](#).

Quick Links

- [Awarding Bodies](#)
- [Contractors](#)
- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting](#)
- [Enforcement of Public Works Law](#)
- [Labor Compliance Programs](#)
- [Prevailing Wage Requirements](#)

Need Help?

- [Frequently Asked Questions](#)
- [Tutorials](#)
- [Public Works Contacts](#)

Creating a Login account



Login

To apply for your license or registration, you must create an online account, if you handle registration.

Your username and password in the old system will not work.

Username / Email Address

Password

All registrants will need to create a new Login Account by selecting the create an online account Link.

The registration login account will be used for new registrations and renewals.

Creating a Login account

Registrants will need to complete the information in the required fields.

The following fields marked by an asterisk (*) are required:

- First Name
- Last Name
- Email
- Password

2. Once all information is enter registrants will click I am not a robot.

3. Click

Create an Account

Please fill out the following fields to create a new account. Required fields are indicated with an asterisk.

First Name*

Middle Name

Last Name*

Email*

Confirm Email*


DLSE correspondence for all applications created under this account will be sent to this e-mail address except business license, registration, permit, or certificate (defect/letters, renewal notices, exam notices, etc.)

Please create a password *

Confirm your password *

Passwords must be at least 8 characters long and include at least one uppercase, one lowercase, one number and one character - / # \$ % + = < >

☐ I'm not a robot


[Privacy](#)
[Terms](#)

Create Account

Cancel

Updating Account Information

To update your login account information, click Profile under your account name, after you have logged in. You will be able to update all fields, except the email address. Once you have made your changes click Update Profile.

The screenshot shows the 'My Dashboard' page for a user named DORA MILLER. The top navigation bar includes 'Back to DIR>>' and 'DORA MILLER'. Below this, a dropdown menu is open, showing 'Profile' (highlighted with a red circle) and 'Log Out'. The main content area is titled 'Profile' and contains a message: 'The email attached to your account cannot be updated. If your email has changed, you will need to create a new account.' Below the message are input fields for 'First Name *' (Dora), 'Last Name *' (Miller), 'Middle Name', 'City' (Rosewood), and 'State' (CA). At the bottom right, there are three buttons: 'Back', 'Update Profile' (circled in red), and 'Change Password'.

Updating Login Account Password

1. At the bottom of Profile page click Change Password.
2. Enter old password, enter new password.
3. Click Update.

New Contractor Registration

To create a new Contractor Registration select Public Works from the dropdown menu and click New.

[Department of Industrial Relations \(DIR\)](#) | [My Registrations](#)

My Dashboard

Public Works ▼

Instructions:

- To transfer an active registration from the old system, click **Link Existing Registration**.

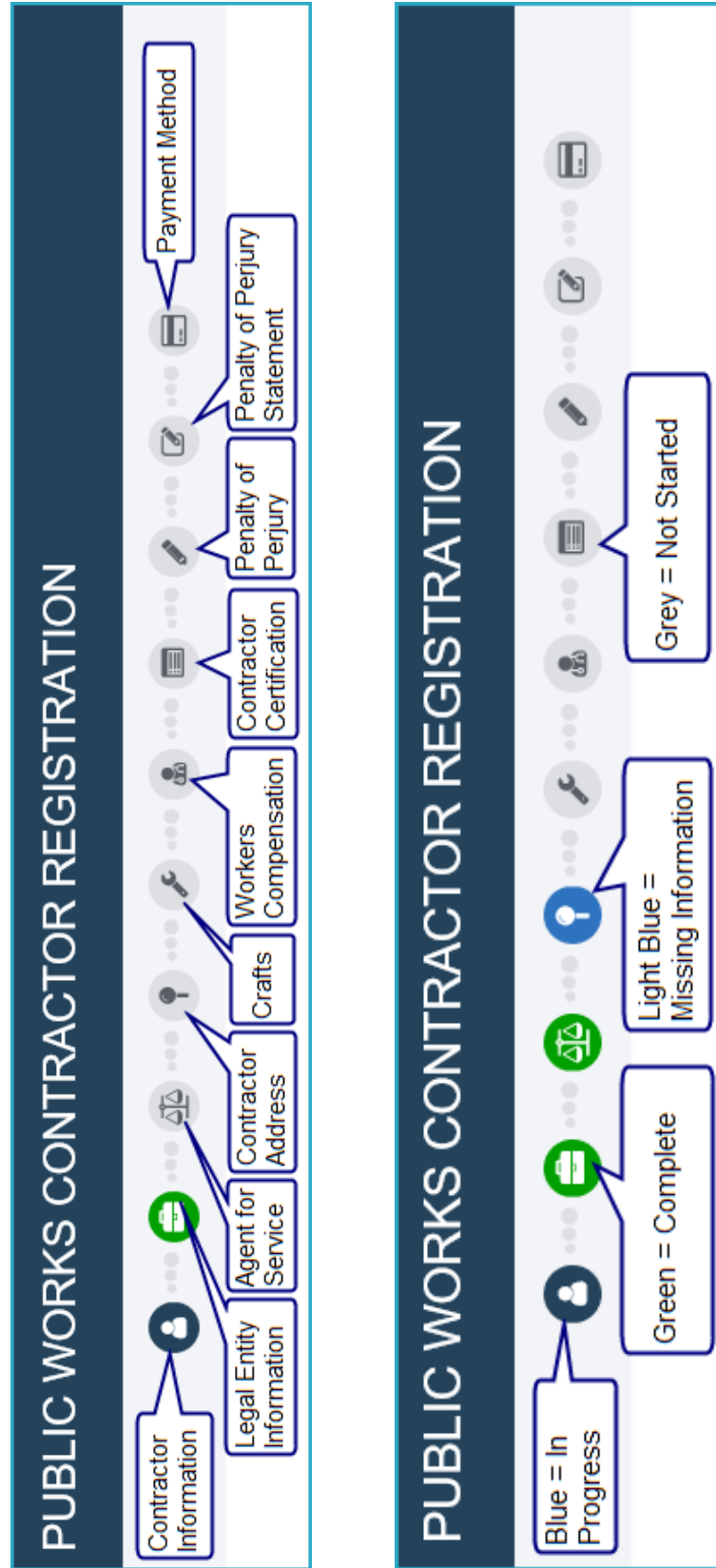
[Link Existing Registration](#)

New

If an active registration associated with your account is found, a pop-up message will appear.

Active Registration Record Found
An active registration linked to your account has been found. You may be creating a duplicate registration. If you continue, fees will be required and refunds are not permitted. Do you want to proceed?
<div>No</div> <div>Yes</div>

Contractor Registration



Contractor Certification Questions

Contractor Certification

Liability Certification

* I certify that I do not have any delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award.

No

*Contractors who do not meet this business condition are ineligible for registration.
Please email Publicworks@dir.ca.gov for registration eligibility questions.*

Debarment Certification

* I certify that the contractor is not currently debarred under Section 1777.1 or under any other federal or state law providing for the debarment of contractors from public works.

Yes

CSLB Certification

* I certify that one of the following is true: (1) I am licensed by the Contractors State License Board (CSLB) in accordance with Chapter 9 (commencing with Section 7000) of the Business and Professions Code; or (2) my business or trade is not subject to licensing by the CSLB.

Yes

* I understand refunds are not authorized.

Yes

Contractors must certify the following statements are true before they can move forward.

- No outstanding judgements.
- Are not debarred.
- Have the required license(s) or are exempt from licensing requirement
- Understand that refunds are not permitted

Registration Start Dates

- New Registration or Renew Expired Registrations (Between July 1 and April 30)
 -
- New Registration or Renew Expired Registrations (Between May 1 and June 30)
 -
- Early Renewals (Between May 1 and June 30)
 -

1: Registration valid - July 1, 2019 - June 30, 2020 (\$400)
 2: Registration valid - July 1, 2019 - June 30, 2021 (\$800)
 3: Registration valid - July 1, 2019 - June 30, 2022 (\$1,200)

Registration Effective Date

* Registration Effective Date

July 1 ▼

If you select July 1, your registration will become active the following registration period.

Registration Fees

- 1: Registration valid today – June 30, 2019 (\$400)
 2: Registration valid today – June 30, 2020 (\$800)
 3: Registration valid today – June 30, 2021 (\$1,200)

*** Registration Period(s)**

3

You can register for one, two, or three registration periods.

Registration Fees Due

Registration Fees

\$1,200.00

- Registration fee is \$400 per registration period, July 1st to June 30th.
- Contractors may register for up to three registration periods.
- They select how many periods/years they want by using the drop down under Registration Period section
- Total cost of registration will be listed under Registration Fees.

Credit Card Payment

Business Name	Registration #	Registration Type	Submitted Date	Status	Effective Date	Expiration Date	Payment Status	Balance Due
Public Works Contractor Inc	PW-LR-1000469986 Update Pay Now	Public Works	03/08/19	Pending Payment	03/08/19	06/30/19	Not Paid	400.00

Public Works Contractor Registration Fee Refund Policy
In accordance with Labor Code section 1725.5, this fee is non-refundable.

*** Payment Method**

Credit Card / ACH

*** Ready to Complete Payment?**

Yes

Credit Card is selected, the contractor will be directed back to the Dashboard upon submission.

Pay Now will need to be selected to pay for the registration.

Submit Payment - Pay Credit

Payment Method	Expiration Month *	Phone *	City *
Credit Card	12 <small>Enter two numerical digits for the month (e.g., 01 for January, 11 for November)</small>	(555) 555-5555	Sacramento
Card Type *	Expiration Year *	Email *	State *
Visa	2020 <small>Enter two numerical digits for the month (e.g., 01 for January, 11 for November)</small>	Pisan@dir.ca.gov	California
Card Number *	First Name *	Company	ZIP *
4111111111111111	John		95833
Security Code *	Last Name *	Address *	Country *
123	Doe	2031 Howe Ave	United States
		Address Line 2	
		2031 Howe Ave	
			Cancel Payment Next

Once payment is approved, the status will be updated to Active

Business Name	Registration #	Registration Type	Submitted Date	Status	Effective Date	Expiration Date	Payment Status	Balance Due
Public Works Contractor Inc	PW-LR-1000469986 Update	Public Works	03/08/19	Active	03/08/19	06/30/19	Paid / No Balance Due	0.00

Payment by Check

Public Works Contractor Registration Fee Refund Policy
In accordance with Labor Code section 1725.5, this fee is non-refundable.

* Payment Method

Check

* Ready to Complete Payment?

Yes

If payment method Check is selected, a copy of the registration will be emailed to the registrant.

Check for the total amount due and copy of the registration needs to be mailed to:

State of California, Department of Industrial Relations
Public Works Contractor Registration Unit
P.O. Box 511215
Los Angeles, California 90051-3013

No payment over the phone



Linking an Existing Account

My Dashboard

Select One... New

Instructions:

[Link Existing Registration](#)

If a user has an existing registration, they will be able to link to an existing Registration.

1. To link click the Link Existing Registration button.
2. Enter the following information to link:
 - Registration Number
e.g. PW-LR-1000009876 (new)
e.g. 1000012345 (old)
 - Mailing City
 - Registration Type Public Works
3. Click Search
4. Click Link

Link Existing Registration

To access your current registration, enter the information below and click search to find and link. Once linked, you can modify your account information, or process renewals. This includes renewal applicants renewing an existing registration.

License Registration Number	PW-LR-100025793
	Enter complete registration, license, permit, or certificate number (e.g., CW-LR-000008582, CW000123456).
Mailing City	Sacramento
	Mailing City must match the mailing city on your current registration, license, permit, or certificate. This field is case sensitive.
Registration Type	Public Works

[Search](#)

[Cancel](#)

Click the "Link" button to transfer this registration to your new account.

Legal Entity Name	License Registration Number	Action
Public Works Contractor	PW-LR-000025793	Link

Notification to Registrants

The registrant will receive an email or chatter email upon:

- Creating a registration account.
- Submission of registration.
- Payment of registration.
- Any registration status change.

Searching for Registered Contractors



Public Works Contractor Registration Search



Public Works Contractor(PWC) Registration Search

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

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

Input Label	From Date:	To Date:
Legal name, CSLB, DBA, Registration number	mm / dd / yyyy	mm / dd / yyyy
County	City	

1. You may search by any of the following criteria:

- Legal name
- PWC #
- CSLB #
- DBA
- Registration Dates
- County
- City

Registration Search cont'd

After you enter one search criteria you can also filter those contractors by craft.

The screenshot shows a web interface for searching registrations. At the top, it says "Showing Page 1 of 1" with "Previous" and "Next" buttons. Below this is a search bar with the text "Crafts (Select all that apply)" and a list of crafts: Asbestos, Boilermaker-Blacksmith, Bricklayer/Brick Tender, Carpenter, Carpet, Linoleum, Resilient Tile Layer, Cement Mason, and Consultant. To the right of the search bar are buttons for "Print PDF", "Export", and "Add all to my list". Below the search bar is a table with one row for "Public Works Contractor Inc". To the right of the table are buttons for "View Details" and "Add to My List". At the bottom right, there is a "Registration History" section with "Effective Date" and "Expiration Date" fields.

1. Crafts (Select all that apply)

2. Add all to my list

3. View Details

4. Add to My List

5. Export

2. Check craft to filter contractor by crafts.
3. To view more information on the registration click on View Details. Detail information includes; workers comp, physical address, agent for service, legal entity information.
4. Click Add to My List on registrations you want to export to excel or print detail, this will add the registration to My List. Selecting Add all to my list will add all results to your list.
5. Click Print PDF or Export to Excel.

What Must Contractors do to Comply with the Law?



Consequences of Failing to Register

Contractors can be subject to a penalty in the following cases:

- **First-time registration:** A penalty of \$2,000 applies when a contractor is registering for the first time and did any of the following in the past 12 months:
 - bid or was awarded a public works project
 - worked on a public works project
- **Late renewal:** If a contractor bid on, was awarded, or worked on a public works project after their registration expired:
 - a penalty of \$400 applies when the lapse in registration is inadvertent and paid within 90 days
 - a penalty of \$2,000 applies when the lapse in registration is not inadvertent
- **Post 90 day Renewal or Reactivation:** A penalty of \$2,000 applies when a contractor did any of the following in the past 12 months while unregistered:
 - bid or was awarded a public works project
 - worked on a public works project



2. Pay the prevailing wage rate to all workers (Labor Codes § 1771, § 1774 and § 1813)

“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.” (Labor Code § 1774)

The prevailing wage determination rates are issued twice a year : February 22nd and August 22nd

- The **effective** date is **10 days** after the issue date of the determination : March 3rd in leap years and March 4th in non-leap years, and September 1st, respectively.
- The Date that Bids Are Advertised determines the prevailing wage rate to be used throughout the life of the project

- Except for public works projects of one thousand dollars (\$1,000) or less, (Labor Code § 1771)



3. Comply with apprenticeship requirements (Labor Code §1777.5)

General Contractors and specialty contractors (not bidding through a general or prime) who have been awarded public works projects of \$30,000 or more, and their subcontractors are obligated to:

- Employ registered apprentices in a ratio of not less than one hour per five journeyman hours (1 to 5 ratio)
- Provide contract award information to the appropriate apprenticeship programs
- Request dispatch of apprentices
- Pay appropriate training fund contributions



Exceptions from Apprenticeship Requirements

Labor Code Section §1777.5(o) provides the following exemptions from the apprenticeship requirements:

- Contracts of general contractors or to contracts of specialty contractors not bidding for work through a general or prime contractor involving less than \$30,000
 - Note: as a subcontractor you are not exempted even if your subcontract is less than \$30,000 but the entire project is over \$30,000.
- The craft or trade not apprenticeable
 - Refer to prevailing wage determination
- Private projects not covered by Labor code section §1720, §1720.2, or §1720.3



4. Maintain and furnish records [Labor Codes §1776 and §1771.4(a)(3)]

“Each contractor and subcontractor shall keep accurate payroll records...”(Labor Code § 1776)

Required Information (Labor Code §1776):

- Workers’ name, address, SSN (or last four digits)
- Classification under which work is performed
- Straight-time and overtime hours worked each day and week
- Actual per diem wages paid
- Written declaration under penalty of perjury (Certification)

DLSE Form A-1-131 - Public Works Payroll Form may be used
(Title 8, C.C.R. section §16401)

- Form use optional so long as all required information is included



Payroll Records

All time cards, cancelled checks, cash 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. (Title 8, CCR 16000)



5. Furnish Electronic Certified Payroll Records (eCPR)

All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner. [Labor Code § 1771.4(a)(3)]

* Does not apply to projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work. However, you required to retain records for at least 3 years after completion of the work



Until further notice, the following projects are exempt from submitting electronic certified payroll records (eCPRs):

- Any projects monitored and enforced by the following legacy (all projects) Labor Compliance Programs (LCP):
 - California Department of Transportation (Caltrans)
 - City of Los Angeles
 - Los Angeles Unified School District
 - County of Sacramento
- Projects covered by qualifying Project Labor Agreements (PLAs)
- Projects of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work or for projects of \$15,000 or less when the project is for maintenance work

Requests to provide payroll records:

- Upon written request, all contractors and subcontractors must furnish original hardcopy of certified payroll records directly to the Labor Commissioner (§1776)
- Contractors must separately and distinctly comply with any record submission requirements set forth in Labor Code §1771.4(a)(3) and §1776.



How to File E-CPR's





Certified Payroll Reporting

Contractors and subcontractors on most Public Works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner using DIR's electronic certified payroll reporting system.

A few categories of Public Works projects are exempt from reporting online to DIR.

Submit Payroll Records



Enter Payroll Online

Submit Payroll in XML File *

NOTE: If you would like to save or print the information you enter in the online certified payroll record, click on the PDF icon that appears on your confirmation page.

Find Payroll Records Online

Payroll records are available to the public using the Payroll Search tool. Confidential information has been removed.

Resources

- Watch the CPR tutorials
- Online Form User Guide
- XML Upload User Guide

* Software Requirements for XML Files:

- Create your own template using the **CPR XML schema V1.3**.
 - Download and use the XML schema file.
 - View a **sample XML** file.

OR

- Use compatible software to create certified payroll records in XML format. Although DIR does not endorse or guarantee their products, the following vendors offer software for submitting certified payroll records in XML.

Anovo Systems, LLC | BLI Payroll Solutions | Elations | Emars |
Fennbridge | LaborZoom | LCPTracker | MyLCM |

Public Works

Quick Links

- ▶ Awarding Bodies
- ▶ Contractors
- ▶ Apprenticeship Requirements
- ▶ Certified Payroll Reporting
- ▶ Enforcement of Public Works Law
- ▶ Labor Compliance Programs
- ▶ Prevailing Wage Requirements

Need Help?

- ▶ Frequently Asked Questions
- ▶ Tutorials
- ▶ Public Works Contacts


eCPR System - Online Form

By entering information on this page, you understand that you are in position with the authority to act for and on behalf of the business or contractor, certify under penalty of perjury that the records or copies thereof submitted and consisting of certified payroll records for the week ending 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, direct deposit of other forms to the individuals named.

Tip: Hover cursor over the field for more information.

Contractor Information

If you have a Public Works Contractor Registration Number, enter here:  [Go](#) [Contractor Registration Number Lookup](#)

If you have not yet been required to register, enter your FEIN or SSN:  [Go](#)

Contractor Name: License Type: License Number:

Contractor Address:

Street: City: State: Zip:

Insurance Number: Contractor Email:

[Next](#)

2.6.52 08032016

Insurance Number: EXEMPT

Contractor Email: ME@EMAIL.COM

Next

Project Information

Previously connected projects are available on the drop-down. Or, type a new number.

DIR Project ID: [Go](#) [DIR Project ID Lookup](#) [Contact the prime contractor or the awarding body if not found.](#)

3304
7
4327
23565
21828
24119
8825
2432
21410
28462
16339
56842
5904
11007
13112
17451
18337
20208
15501
8019
4882
17496
104315
4714
23248
9
10111

Project Information

Previously connected projects are available on the drop-down. Or, type a new number.

DIR Project ID: 7 DIR Project ID Lookup [Contact the prime contractor or the awarding body if not found.](#)

Previously connected prime contractors/agencies are available on the drop-down. Or, type a new name.

Contract With: COUNTY OF SAN BERNARDINO

Project Detail:

Awarding Body: COUNTY OF SAN BERNARDINO

Project Name: HOWARD STREET SIDEWALK

Street: City: MONTCLAIR AREA County: SAN BERNARDINO State: Zip:

Description:

Payroll Information

[Frequently Asked Questions](#)

Reporting Type

☐ Check if this is a statement of non-performance

Contractor Payroll Number:

Week Ending

☐ Check if this is the final payroll for this project


eCPR Payroll Number: 1 - 0

2.6.52 08032018

Payroll Information

[Frequently Asked Questions](#)

Reporting Type: Weekly ▼
 Contractor Payroll Number:

Week Ending: 08/13/2016 
 eCPR Payroll Number: 2 - 0

☐ Check if this is a statement of non-performance
 ☐ Check if this is the final payroll for this project

Weekly Reporting

Employee: 1 of 1

First Name:
 Last Name:
 SSN:

Address:
 City:
 State: ▼
 Zip:

		Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Base	Hourly	Hourly	Total
		08/07	08/08	08/09	08/10	08/11	08/12	08/13	Hours	Hourly Rate	Training	Hourly Rate	Hourly Rate
Enter Craft													
+	Straight Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
+	Over Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
+	Double Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: Maximum length 256 characters - ENTER key not allowed

Travel & Subsistence:
 Total Deductions:

Remove Employee

Add Employee



I, , the undersigned, am the (position in business) with the authority to act for and on behalf of (name of business and/or contractor), certify under penalty of perjury that the records or copies thereof submitted and consisting of certified payroll records for the week ending 08/13/2016 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.

Click to Sign

Payroll Information

[Frequently Asked Questions](#)

☐ Check if this is a statement of non-performance
☐ Check if this is the final payroll for this project

Reporting Type: Weekly
 Week Ending: 09/09/2016

Contractor Payroll Number:
 eCPR Payroll Number: 2 - 0

Weekly Reporting

Employee: 1 of 1

First Name: Last Name: SSN:
 Address: City: State: Zip:

		Sat	Sun	Mon	Tue	Wed	Thu	Fri	Total	Base	Hourly Rate	Total	Hourly	Total
		09/03	09/04	09/05	09/06	09/07	09/08	09/09	Hours	Hourly Rate	Hourly Rate	Hourly Rate	Training	Hourly Rate
Enter Craft														
+ Straight Time	LABORER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32.00	+	4.00	+	0.64
														= 36.64



Vacation/ Holiday	Health/ Welfare	Pension	Other
1.00	1.00	1.00	0.00

+ Over Time		0.00	0.00	0.00	0.00	0.00	0.00	0.00	+	0.00	+	0.00	=
+ Double Time		0.00	0.00	0.00	0.00	0.00	0.00	0.00	+	0.00	+	0.00	=

NOTE: Maximum length 256 characters - ENTER key not allowed

Travel & Subistence: 0.00
 Total Deductions: 0.00

[Remove Employee](#)
[Add Employee](#)



Payroll Information

[Frequently Asked Questions](#)

☐ Check if this is a statement of non-performance
☐ Check if this is the final payroll for this project

Reporting Type: Contractor Payroll Number:
 Week Ending: eCPR Payroll Number:

[Weekly Reporting](#)

Employee: of

First Name: Last Name: SSN:
 Address: City: State: Zip:

Enter Craft:

	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Total	Base	Hourly Rate	Total	Hourly Fringe	Hourly Training	Total	Hourly Rate
+ Straight Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32.00	+	4.00	+	0.64	=	36.64



	Vacation/ Holiday	Health/ Welfare	Pension	Other
+ Over Time	0.00	0.00	0.00	0.00
+ Double Time	0.00	0.00	0.00	0.00

NOTE: Maximum length 256 characters - ENTER key not allowed

Travel & Subistence:
 Total Deductions:

[Remove Employee](#)

[Add Employee](#)



I, , the undersigned, am the (position in business) with the

Investigating a Complaint



• Complaints can be filed by anyone

- Ex. Workers, Stakeholders, Unions, Compliance Agencies etc.
- Can also be reported anonymously

• Conduct Investigation

- Request Documents, Research, Audit CPR's
- Conduct Interviews
- On-site Inspections

Labor Code Section 90

The Labor Commissioner, his deputies and agents, shall have **free access to all places of labor**. Any person, or agent or officer thereof, who refuses admission to the Labor Commissioner or his deputy or agent or who, upon request, willfully neglects or refuses to furnish them any statistics or information, pertaining to their lawful duties, which are in his possession or under his control, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000).



• Outcome

- Notification is sent regarding the outcome of the Complaint:

• Notice of Complaint Closed

- No violation found
- The Statute of limitations expired
- Insufficient evidence
- No Jurisdiction

• Civil Wage and Penalty Assessment (CWPA)

- Wage Violations
- Apprenticeship Violations

Wage Violations:

- Underpayment of required prevailing wage rate; not more than \$200 per worker per calendar day of noncompliance (§1775)
- Underpayment of required overtime rate; \$25 per worker per calendar day of noncompliance (§1813)
- Failure to provide CPRs subsequent to receipt of a written notice; \$100 per worker per calendar day until strict compliance is effectuated (§1776)

Apprenticeship Violations:

- Apprenticeship violations not more than \$100 per calendar day of noncompliance (§1777.7)



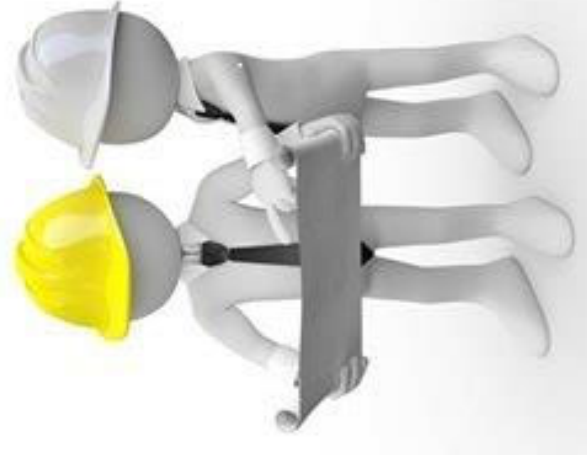
• Post CFWPA

- Payment of Civil Wage and Penalty Assessment
- Notice of Right to Obtain Review-Formal Hearing
 - Request for Review → Formal Hearing → Decision
- Opportunity for Settlement Meeting
 - Requesting a settlement meeting, however, **does not** extend the 60-day period during which a formal hearing may be requested



Joint/Several Liability

“The contractor and subcontractor shall be jointly and severally liable for all amounts due pursuant to a final order under this chapter or a judgment thereon.”
Labor Code §1743 (a)



Senate Bill 96



Senate Bill 96

Penalties shall be assessed (Labor Code § 1771.1(g)) :

- For unregistered contractor(s) working on Public Works project

◇ Civil Penalty

Subject to penalties of \$100 per day of work performed while unregistered, up to \$8,000. § 1771.1(g)



Senate Bill 96

Penalties shall be assessed (Labor Code § 1771.1(h)):

- For a higher-tiered contractor that hires unregistered subcontractor to work on a Public Works project

◇ Civil Penalty

Subject to penalties of \$100 per day of work performed while unregistered, up to \$10,000 § 1771.1(h)

*Not liable due to the revocation of a previously approved PWCR



Senate Bill 96

Stop Order (Labor Code §1771.1(j)):

“Where a contractor or subcontractor engages in the performance of any public work contract without having been registered in violation of the requirements of Section 1725.5 or this section, the Labor Commissioner shall issue and serve a

Stop Order prohibiting the use of the unregistered contractor or the unregistered subcontractor on all public works until the unregistered contractor or unregistered subcontractor is registered. The stop order shall not apply to work by registered contractors or subcontractors on the public work.”

◇ A Stop Order is served ONLY upon the unregistered contractor or subcontractor



Senate Bill 96

Failure to Observe Stop Order (Labor Code § 1771.1 (k)):

“Failure of a contractor or subcontractor, owner, director, officer, or managing agent of the contractor or subcontractor to observe a **Stop Order** issued and served upon him or her pursuant to subdivision (j) is guilty of a misdemeanor punishable by imprisonment in county jail not exceeding 60 days or by a fine not exceeding ten thousand dollars (\$10,000), or both.”



Available Resources



INDUSTRIAL WELFARE COMMISSION ORDER #16

- The Industrial Welfare Commission Order # 16 is applicable to the Construction Industry
 - Daily Time Records
 - Meal Periods
 - Rest Periods
 - Tools and Equipment



Public Works Manual

- This Manual is designed to be used by the Labor Commissioner's office to ensure consistent, timely, and accurate enforcement of the law statewide and is also intended as an educational tool for our public works stakeholder community

<http://www.dir.ca.gov/dlse/PWManualCombined.pdf>



Director's Prevailing 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.

<http://www.dir.ca.gov/oprl/PrevWageEncDecision.htm>



OPRL

Points-of-Contact

- Contact OPRL for classification and prevailing wage rate inquiries at (415) 703-4774
- For general inquiries, please send your request to DIRInfo@dir.ca.gov
- For constituent inquiries, please send your request to LegInquiry@dir.ca.gov



<http://www.dir.ca.gov/OPRL/PubWorkDecision.htm>

Searching for Contractor Debarment

<https://www.dir.ca.gov/dlse/debar.html>



Name of contractor	Period of debarment
<p>Del Norte Construction, And Trinidad Manuel Canales, an Individual PO Box 5101 Oxnard, CA 93030 5020 Woolley Rd. Oxnard, CA 93030 CSLB Number: #945723</p>	<p>6/01/16 through 5/31/17 Decision LB 5533 A</p>
<p>Diversified Building & Electric Company, Inc. 409 Tennant Station Morgan Hill, CA 95037 Denis Andrew Maris, Individually and Doing Business as Diversified Electric Company CSLB Number: #765312</p>	<p>2/15/16 through 8/15/17 Decision SC 5714 A</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.</p>	<p>4/1/44 through 3/31/47 Decision LB5742 A 4/1/41 through 3/31/44 Decision LB5665 A 4/1/36 through 3/31/39 Decision LB5740 A 4/1/33 through 3/31/37 Decision LB5651 A 4/1/33 through 3/31/37 Decision LB5739 A 4/1/24 through 3/31/27 Decision LB5741 A 4/1/30 through 3/31/33 Decision LB5743 A 4/1/27 through 3/31/30 Decision LB5666 A 4/1/21 through 3/31/24 Decision LB5667 A 4/1/18 through 3/31/21 Decision LB5668 A 4/01/15 through 3/31/18 Decision LB5345 A</p>
<p>Amerivet Plumbing, Inc.; Walter Edward Jacob Kuhlmann III, Individually And dba Amerivet Plumbing Services CSLB Number: #969048 and #919761</p>	<p>8/6/15 through 8/5/18 Decision A</p>
<p>Ultimate Inc., And, Enrique Vera, an Individual PO Box 571117 Tarzana, CA 91356-1117 CSLB Number: #949229</p>	<p>12/1/15 through 11/30/18 Decision A</p>
<p>Travioli Construction, Inc. PO Box 231</p>	<p>9/11/15 through 3/10/17 Decision A</p>



Public Works Newsline

Launched December 2015:

- **Keeps all users apprised of the latest public works laws and updates:**
 - PWC 100 Enhancement Project
 - Electronic Certified Payroll Record Application
 - Contractor Registration Application
 - New Public Works Laws
 - AB 219
 - SB 96




Go to DIR website www.dir.ca.gov




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Department of Industrial Relations


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Workers' Comp Reform



Refinery Safety




Fighting the Underground Economy


Workers


- File a claim for unpaid wages
- Report unsafe work conditions
- Request benefits for a work injury
- Entertainment work permits
- Apply to be an apprentice
- Information for young workers
- Information for women in the workforce
- [More for Workers](#)

Employers






- Keep your workplace safe
- Workers' compensation requirements
- Help for small businesses
- Workplace postings
- Licensing, registrations, certifications & permits
- Public Works
- Set up an apprenticeship program
- [More for Employers](#)

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[Paid Sick Leave](#)


[Career Opportunities](#)

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-  [Fraud Prevention](#)
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DIR Leadership



Governor
Edmund G. Brown
[View his website](#)

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Department of Industrial Relations

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[Department of Industrial Relations \(DIR\)](#) | [Office of the Director](#)

Office of the Director

Office of the Director staff:

- Coordinate and oversee the activities of the department's divisions, boards, and commissions;
- Collaborate with policymakers and community leaders to improve working conditions and employment relations throughout California;
- Communicate with interested parties, the media, and the public.

Public Works

DIR is responsible for the administration and enforcement of prevailing wage and apprenticeship requirements on public works construction projects. Visit the [Public Works](#) page to learn more about requirements.

Policy, Research and Legislation

The [Office of Policy, Research and Legislation](#) leads in initiatives to improve working conditions and employment relations in California.

Labor Enforcement Task Force

The [Labor Enforcement Task Force](#) combats the underground economy in California to create an environment where legitimate businesses can thrive.


Return-to-Work Supplement Program

The purpose of the [Return to Work Supplement Program](#) is to make supplemental payments to workers whose permanent disability benefits are disproportionately low in comparison to their earnings losses.

Press Room

See the latest news from the Department of Industrial Relations in the [Press Room](#).

[Click on](#)
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Department of Industrial Relations

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- ▶ [Report a workplace hazard to Cal/OSHA](#)
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- ▶ [Know my employment rights](#)
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- ▶ [Employment Development Department](#)
- ▶ [U.S. Dept. of Labor](#)

Department of Industrial Relations

Department of Industrial Relations - Press Room

Contact Information

For news media inquiries please contact the Department of Industrial Relations Communications Office at 510-288-1161 or by email at Communications@dir.ca.gov. The Communications Office handles media inquiries for all of our department's divisions, boards, commissions and programs.

Media Inquiries

Our Communications Office welcomes your media inquiries at 510-288-1161 or by email at Communications@dir.ca.gov.

Non Media Inquiries

For non-media calls and questions, please inquire with the respective Divisions, Boards, Commissions and Programs within DIR.

Media Access to Local Offices

Media representatives who want to photograph, videotape, or film at DIR's public offices must receive prior approval from the DIR Communications Office.

If you need additional or other information, please contact the DIR Communications Office.

Latest News and Announcements from DIR

[en Español](#)

April 27, 2017	Cal/OSHA Urges Employers to Protect Outdoor Workers from Heat Illness
April 24, 2017	Prevailing Wage Notice Regarding Interim Determination for the Craft of Modular Furniture Installer (Carpenter) in Northern California Counties
April 21, 2017	U.S. Ninth Circuit Court Grants DIR Request for Stay on Permanent Injunction Blocking Enforcement of AB 219 Prevailing Wage Requirements for Ready-Mix Concrete Suppliers
April 18, 2017	Prevailing Wage Notice Regarding Interim Determination for the Craft of Electrician: Inside Wireman, Technician and Cable Splicer, Welder (All Shifts) in Calaveras and San Joaquin Counties
April 17, 2017	Prevailing Wage Notice Regarding Interim Determination for the Craft of Carpet Layer and Resilient Tile Layer in Imperial and San Diego Counties
April 17, 2017	Cal/OSHA Cites Building Supply Company for Fatal Forklift Accident
April 5, 2017	Department of Industrial Relations Director Issues Statement on WCIRB Rate Cut Recommendation

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- DWC Newslines
- OSIP Newsline
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For Questions Regarding:

Apprenticeship

Email: DASpublicworks@dir.ca.gov

Awarding Bodies

Contractor Registration

Electronic Certified Payroll Reporting System

General Public Works

Email: publicworks@dir.ca.gov or call the Labor Commissioner's Office nearest your Public Works project, or DIR's Call Center at 844-LABOR-DIR (844-522-6734)

Labor Compliance Programs

Prevailing Wages and Classifications

Email: lcp@dir.ca.gov

Prevailing Wages and Classifications


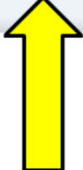
Prevailing Wage Unit Telephone: (415) 703-4774

Email: statistics@dir.ca.gov

Outreach and Education:

To request a public works expert to speak or participate in an event

Please complete the Outreach Request Form



For more information and to find exact legal definitions and language please see the Public Works Chapter of the California Labor Code.

June 6, 2019

Prevailing Wage/Labor Compliance
Conference

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Unfunded Fringe Benefit Plans

- Costs for an “unfunded” FB plan count towards WD obligation if specific criteria are met:
 - The contributions reasonably anticipate the cost to provide a bona fide FB;
 - Contributions are made pursuant to an enforceable commitment;
 - That is carried out under a financially responsible plan; and
 - The plan has been communicated in writing to affected workers.

Certified Payrolls

- Two separate contract clause requirements apply to “certified payrolls” for a project:
 - The contractor shall submit weekly for any week in which any contract work is performed a copy of all payrolls. 29 C.F.R. § 5.5(a)(3)(ii)(A).
 - Each weekly payroll submitted must be accompanied by a “Statement of Compliance.” 29 C.F.R. § 5.5(a)(3)(ii)(B).

Certified Payrolls

- Weekly payrolls must include specific information as required by 29 C.F.R. § 5.5(a)(3).
- Weekly payroll information may be submitted in any form desired.
 - Optional Form WH-347 is available for this purpose
 - The WH-347 form, with instructions, is at:

<http://www.dol.gov/whd/forms/wh347instr.htm>.

Investigations

- DOL Functions/Responsibilities:
 - Determining “prevailing wages”;
 - Issuing regulations and standards to be observed by contracting agencies; and
 - Perform oversight function and has independent authority to conduct investigations.
- In addition to including the contract stipulations and correct wage determinations, contracting agencies also have the authority to conduct investigations

Investigative Process

- Initial conference with employer.
- Examine certified payrolls.
- Examine basic payroll records.
- Check for compliance with apprenticeship and/or trainee requirements.
- Interview employees
- Determine if a conformance is necessary.
- Compute back wages and liquidated damages, if any
- Final conference with employer to discuss results of the investigation

Withholding

- DBA and CWHSSA provide for withholding of contract funds to satisfy alleged wage underpayments pending resolution of a wage dispute.
 - 40 U.S.C. § 3142(c)(3); 40 U.S.C. § 3702(d).
- Withholding of contract funds is an effective enforcement tool in DBA/DBRA/CWHSSA cases.
 - It protects the rights of covered workers to wages due them.

Withholding of Contract Funds

FAR (48 C.F.R. Part 22)

- FAR guidance in 48 C.F.R. Part 22 instructs that if the contracting officer believes a violation exists, or upon request of the Department of Labor:
 - the contracting officer must withhold from payments due the contractor an amount equal to the estimated wage underpayment and estimated liquidated damages due under the CWHSSA.
 - 48 C.F.R. § 22.406-9(a).

Withholding of Contract Funds

FAR (48 C.F.R. Part 22, cont'd.)

- If subsequent investigation confirms violations, the contracting officer must adjust the withholding as necessary.
- If DOL requested the withholding, the contracting officer must not reduce or release the withheld funds without written approval by DOL.
- The withheld funds are to be used to satisfy:
 - assessed liquidated damages; and
 - unless the contractor makes restitution, validated wage underpayments.

Debarment

- Occurs when a contractor is declared *ineligible* for future contracts due to:
 - Violations of the DBA in disregard of its obligations to employees or subcontractors.
 - Aggravated or willful violations under the labor standards provisions of related Acts.
- Period of ineligibility is 3 years for DBA and up to 3 years for DBRA.
- The debarment process is given at 29 CFR 5.12(b)

Debarment Criteria

- Debarment is considered when a contractor has:
 - Submitted falsified certified payrolls;
 - Required “kickbacks” of wages or back wages;
 - Committed repeat violations;
 - Committed serious violations;
 - Misclassified covered workers in clear disregard of proper classification norms; and/or
 - As a prime contractor, failed to ensure compliance by subcontractors.

AAM Guidance – Referral to WHD Refusal-to-Pay & Debarment Cases

- AAM No. 215, dated March 7, 2014 provides contracting agencies with guidance regarding:
 - Referral of refusal-to-pay and debarment cases to the WHD regional offices; and
 - Procedures for contracting agencies to use in sending withheld funds due covered laborers and mechanics to WHD for disbursement.

Internet Sites

- Wage Determinations – <http://www.wdol.gov>
- Wage and Hour Division - <http://www.dol.gov/whd/index.htm>
- Resource Book - <http://www.dol.gov/whd/recovery/pwrb/toc.htm>
- Office of the Administrative Law Judges Law Library - <http://www.oalj.dol.gov>
- Administrative Review Board - <http://www.dol.gov/arb>

Disclaimer

- This presentation is intended as general information only and does not carry the force of legal opinion.
- The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The *Federal Register* and the *Code of Federal Regulations* remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.