

# AGENDA

CALIFORNIA LABOR COMMISSIONER'S OFFICE • FOUNDATION FOR FAIR CONTRACTING  
PRESENT

## PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

Thursday • March 21, 2024 • 8:00 a.m. – 3:00 p.m.

Time	Item	Speaker(s)
8:00 AM – 8:15 AM	<b>Welcome and Opening Remarks</b>	Jesse Jimenez
8:15 AM – 9:15 AM	<b>Davis-Bacon Compliance Principles – Federal Requirements - U.S. Department of Labor</b>	Rebecca Clark
9:15 AM – 10:15 AM	<b>Labor Commissioner's Office - Legal Updates</b>	Lance Grucella
10:15 AM – 10:30 AM	<i>Break</i>	
	<b>Department of Industrial Relations</b>	
10:30 AM – 10:45 AM	<ul style="list-style-type: none"> <li>○ Labor Enforcement Task Force</li> <li>○ PW Strategic Enforcement Presentation</li> </ul>	Dominic Forrest
	<b>Office of the Director – Legal</b>	
10:45 AM – 11:15 AM	<ul style="list-style-type: none"> <li>○ Upcoming Bills/Legislation</li> </ul>	Isaac Nicholson
11:15 AM – 12:00 PM	<b>Skilled and Trained Workforce Enforcement</b>	Jeyde Cardenas
12:00 PM – 12:30 PM	<i>Lunch</i>	
12:30 PM – 2:30 PM	<b>Breakout Room 1: Awarding Body Responsibilities/Pre-Qualification of Contractors</b>	Jorge Delgadillo/Susan Weaver
12:30 PM – 2:30 PM	<b>Breakout Room 2: Contractor Responsibilities</b>	Amaris Pimentel/Dana Kleifield
2:30 PM – 3:00 PM	<b>Closing Remarks - Evaluations</b>	Jesse Jimenez

# Prevailing Wage/Labor Compliance Webinar

## Welcome!



## Getting started...

Refer to your **Confirmation Email** for:

- Handout Location

<https://www.ffccalifornia.com/registration-handouts>

- Troubleshooting Zoom
- Call-In Telephone Numbers/Meeting Codes



## A Few Final Reminders...

- The webinar may be recorded, but it is utilized for staff training purposes only.
- Resources and contact information will be provided in an email following the event.
- Please fill out the Evaluation/Survey.



# Thank You for Joining the Webinar





# Davis-Bacon and Related Acts

## My Company is Being Investigated – What Happens Next?



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)  
1-866-4-US-WAGE

# Introduction

- The Wage and Hour Division (WHD) is responsible for administering and enforcing several federal laws involving labor standards including:
  - The Davis-Bacon and Related Acts (DBRA);
  - The McNamara – O’Hara Service Contract Act (SCA);
  - Executive Orders applicable to federal contractors;
  - The Fair Labor Standards Act (FLSA);
  - Family Medical Leave Act (FMLA).

# Davis-Bacon and Related Acts

- The DBRA applies to contractors and subcontractors performing on federal or federally assisted contracts in excess of \$2,000 for construction, alteration, or repair.
- Covered contractors and subcontractors must pay their laborers and mechanics working on the site of work no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.



# Davis-Bacon Investigation Procedures

- Reorganization Plan No. 14 of 1950
- Davis-Bacon (DB) Labor Standards Contract Clauses
- Specific Steps in Conducting DBRA/CWHSSA Investigations
- Conclusion of Investigation
- Report Writing
- The Hearing Process

# Reorganization Plan No. 14 of 1950

- **DOL Functions/Responsibilities:**
  - Determining “prevailing wages”
  - Issuing regulations and standards to be observed by contracting agencies, and
  - Performing oversight function and exercising independent authority to conduct investigations
- **Funding/Contracting Agency Functions/Responsibilities:**
  - In addition to including the contract stipulations and correct wage determinations, federal contracting agencies also have the authority to conduct investigations.
  - Agencies should be interviewing workers, regularly reviewing certified payrolls, and examining apprenticeship documents to assure compliance with the labor standards clauses.

# Regulatory Provisions 29 CFR 5.6(a)

- WHD will conduct investigations or other compliance actions as necessary in order to determine compliance with the labor standards provisions of the DBRA
- WHD will conduct investigations on its own initiative or upon referral from a contracting or funding agency

# Why are Contractors Investigated?

- WHD conducts investigations for a variety of reasons, and generally does not disclose the reason during the investigation.
- Some investigations are the result of complaints. All complaints are confidential, and investigators may not disclose whether one has been received.
- WHD also conducts investigations of businesses or industries for a variety of other reasons, such as high violation rates, employment of vulnerable workers, or rapid changes in the industry.

# Preliminary Steps

- Obtain the following information:
  - Copy of labor standards clauses in contract
  - Copy of Davis-Bacon WD in contract, including any instructions for multiple schedules
  - Labor standards clauses and WD included in all relevant subcontracts
  - Copies of certified payrolls
  - Employer identification number

# The Investigation Process – Record Review

- Initial conference with Contractor
- Examine certified payrolls
- Examine basic payroll records and time records
- Check for compliance with apprenticeship and/or trainee requirements
- Examine fringe benefits plans documentation

# The Investigation Process – Site Visit

- Tour site of the work
- Interview workers
- Determine if a conformance is necessary

# The Investigation Process – Back Wages

- Compute back wages and liquidated damages, if any
- Final conference with Contractor to discuss results of the investigation



# Initial Conference

- Investigators will meet with the contractor at the beginning of every investigation
- Although investigators will frequently contact the contractor prior to opening the investigation to schedule the initial conference, the investigator is not required to do so
- Investigators will collect information to determine which laws or exemptions apply, as well as to determine compliance

# Examining Records

- The contractor is required to make the records required available for inspection, copying, or transcription by authorized representatives of the contracting agency or the Department of Labor
- Failure to do so may result in suspension of payment or debarment. 29 CFR 5.5(a)(3)(iii)
- Information from a contractor's records will not be revealed to unauthorized persons

# Worker Interviews

- Are essential to the investigation
- Information provided is confidential
- Interview statements should contain:
  - Place and date of interview
  - Name and address of contractor/worker
  - Employment status and classification
  - Detailed description of work performed and tools utilized
  - Alleged violations

# Area Practice

- The scope of worker classifications depends on area practice surveys.
- During an investigation, every effort will be made to determine the correct classification according to work actually performed.
- If there is a genuine dispute about the scope of work an area practice may be needed.

# Determining Compliance

- Determine compliance with DBRA, including:
  - Prevailing wages, including fringe benefits
  - Recordkeeping requirements
  - Posting requirement (WH-1321 and WD)
  - Certified payroll requirements
- Determine compliance with CWHSSA
- Compute any back wages and liquidated damages

# Computing Back Wages (40-hour workweek)

- Contractor employs a Plumber on the site of the work 40 hours a week. WD calls for a prevailing wage of \$68.04 (\$44.66 + \$23.38 in FBs).
- Worker paid \$25.96 (\$50 plus \$10 in FBs), which is the WD prevailing wage for Laborers

Prevailing Wage	\$68.04 x 40 hours =	\$2,721.60
<u>Worker paid</u>	<u>\$25.96 x 40 hours =</u>	<u>\$1,038.40</u>
Back wages per worker		\$1,683.20

# Conclusion of Investigation

- Final Conference Procedure:
  - Inform contractor of investigation findings
  - Detail steps to eliminate violations
  - Consider additional evidence that may impact findings (*e.g.*, conformance)
  - Request payment of back wages and advise of any liquidated damages that may be assessed under CWHSSA

# Internet Sites

- Wage Determinations: <https://sam.gov>
- Wage and Hour Division: <http://www.dol.gov/agencies/whd/government-contracts>
- WHD Protections for Workers in Construction under the Bipartisan Infrastructure Law: <https://www.dol.gov/agencies/whd/government-contracts/protectations-for-workers-in-construction>
- Resource Book: <http://www.dol.gov/agencies/whd/prevaling-wage-resource-book>
- Office of the Administrative Law Judges Law Library: <https://www.dol.gov/agencies/oalj/topics/libraries/LIBDBA>
- Prevailing Wage Topic videos: <https://www.dol.gov/agencies/whd/government-contracts/construction/presentations>



# Connect with Us

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- DOL YouTube: [youtube.com/user/USDepartmentofLabor](https://youtube.com/user/USDepartmentofLabor)
- DOL Blog: [blog.dol.gov](https://blog.dol.gov)

# Disclaimer

This presentation is intended as general information only and does not carry the force of legal opinion.

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# REVOCACTION OF CONTRACTOR REGISTRATION & AWARDING BODY CITATIONS

PUBLIC WORKS, CALIFORNIA LABOR COMMISSIONER'S OFFICE  
DEPARTMENT OF INDUSTRIAL RELATIONS

# DISCLAIMER

- ▶ The following presentation is intended to summarize relevant portions of existing law in the Labor Code and California Code of Regulations, but those code sections, as interpreted by the courts, will govern actual enforcement. The information contained in this presentation is a general overview of existing law 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.

# CONTRACTORS' DUTY TO REGISTER

- ▶ A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, or engage in the performance of any contract for public work, unless registered and qualified to perform public work pursuant to Labor Code section 1725.5.

# QUALIFICATIONS OF REGISTERED CONTRACTORS

- ▶ To qualify for registration contractors must establish ALL of the following under penalty of perjury:
  - ▶ The contractor has sufficient worker's compensation coverage.
  - ▶ If applicable, the contractor is licensed with the California Contractor's State Licensing Board (CSLB).
  - ▶ The contractor does not have any delinquent liability to an employee or the state for any assessment of back wage or related damages, interest, fines, or penalties to any final judgment, order, or determination by a court or any federal, state or local administrative agency, including a confirmed arbitration award.

# QUALIFICATIONS OF REGISTERED CONTRACTORS (cont'd)

- ▶ The contractor is not currently debarred from public works.
- ▶ The contractor has not bid on a public works, been listed in a bid proposal, or engaged in the performance of a contract for public works without being lawfully registered within the preceding 12 months.
  - ▶ A contractor in violation of the above paragraph may still register if BOTH the following are true:
    - ▶ No violations within the preceding 12 months.
    - ▶ The contractor pays an additional penalty registration fee of \$2,000.00.

# WHAT HAPPENS WHEN A REGISTERED CONTRACTOR IS NO LONGER QUALIFIED?





# REVOCACTION OF REGISTRATION

- ▶ The Labor Commissioner's Office (DLSE) may revoke the registration of a contractor or subcontractor if ANY of the following are true:
  - ▶ The contractor no longer meets the qualifications specified in Labor Code section 1725.5;
  - ▶ At the time of the most recent registration or renewal, the contractor did not meet the qualification specified in Labor Code section 1725.5;
  - ▶ The contractor made a certification it knew or should have known to be false at the time of certification.

# NOTICE OF REVOCATION

- ▶ A notice of revocation will:
  - ▶ Specify the grounds for the revocation.
  - ▶ Identify or describe the evidence which supports the revocation.
  - ▶ Specify the length of time a contractor is disqualified from registering.
    - ▶ Between 30 days and 24 months.
    - ▶ The Labor Commissioner's Office may postpone or waive the disqualification period for a first-time violation that was unintentional and did not prejudice the rights of any other interested party or hinder the Labor Commissioner's ability to monitor and enforce compliance with the public works requirements of the Labor Code.

# APPEAL RIGHTS

- ▶ A notice of revocation can be appealed by submitting a written request for a hearing.
  - ▶ The appeal is sent either electronically or by mail to both to the Director's Lead Hearing Officer and the Labor Commissioner's Office.
- ▶ The appeal may be submitted anytime within 60 days following the service of the notice of revocation.
  - ▶ Only an appeal transmitted and received within 10 days will stay the revocation.

## Poll Question #1

- ▶ A Contractor has a judgment against it for unpaid wages and civil penalties. The Contractor would like to bid on an upcoming public works project. The contractor renews its registration and does not disclose the unpaid judgment. The contractor bids on the public works project and is awarded the contract. The Contractor then immediately pays the judgment.
  - ▶ Question: Is the Contractor qualified to be registered with DIR?

# Poll Question #1

- ▶ Answer: No.
  - ▶ At the time of the most recent registration or renewal, the contractor did not meet the qualifications because it had a delinquent liability.

# WHAT HAPPENS WHEN AWARDING BODIES AND UNREGISTERED CONTRACTORS COLLIDE?



# AWARDING BODY CITATIONS

## Labor Code section 1773.3

- ▶ An awarding body may be subject to civil penalties of \$100 per day, up to a maximum of \$10,000 per project, for the following violations:
  - ▶ Failing to register the project with DIR.
  - ▶ Entering into a contract with an unregistered contractor.
  - ▶ Permitting an unregistered contractor or subcontractor to perform work on a project.
  - ▶ Unregistered contractor discovered after the project is completed.

# REGISTERING THE PROJECT WITH DIR

- ▶ An awarding body shall provide notice to the DIR of any public works project within 30 days of the award, but no later than the first day of a work on the project.





# ENTERING INTO A CONTRACT WITH UNREGISTERED CONTRACTORS

- ▶ Awarding a contract to a prime contractor who is not registered at the time the project is awarded.
- ▶ What happens if the contractor allows his registration to lapse?
  - ▶ If the contractor registration lapses during the project, the awarding body is not liable for penalties since the contractor was registered at the time the contract was awarded. However, the awarding body may be subject to civil penalties if it permitted the contractor to perform work while unregistered.

# PERMITTING AN UNREGISTERED CONTRACTOR OR SUBCONTRACTOR TO WORK

- ▶ The awarding body allows an unregistered contractor or subcontractor to perform work is subject to penalties.
- ▶ But wait a second! How is the awarding body responsible to make sure that all subcontractors are registered?
  - ▶ The awarding body is the owner of the project and has a responsibility to ensure that subcontractors at every tier are registered.
  - ▶ Current registration status can be verified on DIR's website

# UNREGISTERED CONTRACTOR DISCOVERED AFTER THE PROJECT COMPLETED

- ▶ An awarding shall withhold final payment due to the contractor until at least 30 days after all the required information has been submitted to DIR, including providing a complete list of all subcontractors.
- ▶ If an awarding body makes a final payment to a contractor after that time and an unregistered contractor or subcontractor is found to have worked on the project, the awarding body shall be subject to civil penalties of \$100 for each full calendar day of violation for a period of up to 100 days (\$10,000).
  - ▶ The civil penalties for these violations are separate from the above obligations and penalties under 1773.3(c). An awarding body can potentially receive a citation for up to \$10,000 for permitting an unregistered contractor to work during the project and up to \$10,000 for unregistered contractor(s) discovered after final payment was made to the contractor.

# STOP ORDERS FOR UNREGISTERED CONTRACTORS

- ▶ When unregistered contractor(s) are discovered, the Labor Commissioner will issue a stop order prohibiting the unregistered contractor(s) from performing work on all public works projects until they become registered.
- ▶ The stop order does NOT apply to the registered contractors or subcontractors on the public work. See, Labor Code Section 17771.1(j)(1)

## Poll Question #2

- ▶ An awarding body solicits bids for a public works project. The awarding body requires that all bids include the names of the prime contractor and subcontractors. The contractor and subcontractors on the winning bid are all registered with DIR. The awarding body registers the project with DIR before the first day of work on the project.
- ▶ **Question: Is the Awarding Body subject to a citation?**

## Poll Question #2

- ▶ Answer: Probably not.
  - ▶ The Awarding Body (AB) has done a lot of things right so far. The AB ensured that the bid was awarded to a registered prime contractor that would employ registered subcontractors. The AB registered the project with DIR.
  - ▶ **However, the AB still has the obligation to monitor the project to ensure that no registrations lapse during the project AND that all lower-tiered subcontractors (including those not listed in the initial bid) are registered with DIR to perform work on the project.**



# Strategic Enforcement of Public Works Construction

Labor Enforcement Task Force



State of California  
Department of  
Industrial Relations



State of California  
Gavin Newsom  
Governor





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

# Underground Economy

- The term “underground economy” refers to any business which operates without the necessary licensing, does not pay taxes or carry the required insurance or worker's compensation coverage, or forces its employees to work in unsafe conditions, or otherwise attempts to gain an unfair economic advantage by avoiding its tax and labor responsibilities.
  - Tax evasion
  - Failure to carry workers' compensation coverage
  - Cash pay
  - Failure to provide employees with breaks and adequate facilities
  - Wage theft
  - Failure to ensure a safe work environment

# Strategic Enforcement of Public Works Projects

Starting in 2021, LETF has been leading an initiative to inspect publicly funded residential housing construction sites. The enforcement effort includes teams from DIR's Divisions of Occupational Safety and Health (Cal/OSHA), and Labor Standards Enforcement (Labor Commissioner's Office) in collaboration with other enforcement partners.

# Homekey

A statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness.

## **Bringing California Home**

Homekey is an opportunity for state, regional, and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing for the target population.

# Homekey Round 3 Overview



**Homekey**  
Bringing California Home

## Round 3 Awards Dashboard - Overview

[Submit Feedback](#)

Data as of: 2/16/2024



**Projects Awarded: 40**

**Funds Awarded: \$689,094,499**

**Homes Funded: 2,545**

Pages

- Overview
- Geography
- Projects
- Progress
- User Guide

Filters

Region: All

Project Type: All

Reset Filters

The first round of Homekey funding allocated \$800 million for nearly 6,000 homes, projected to serve over 8,000 individuals. This dashboard provides information about the third round of Homekey program funding.

*"Homekey continues to change lives for the better in communities all across California by placing individuals on a path to long-term stable housing with services."*

—Governor Gavin Newsom

Projects	Homes	People
Jurisdictions with Homekey Award: <b>24</b>	Homes: <b>2,545</b>	Chronically Homeless Households Served: <b>787</b>
Projects Serving Homeless Youth: <b>14</b>	Homes with 55+ Years of Affordability: <b>1,971</b>	Homeless Youth Households Served: <b>366</b>
		Households Served over Project Lifetime: <b>35,688</b>

# Homekey Round 3

On December 1, 2022 Governor Newsom announced that additional funding would be added, for the release of a third round of Homekey housing projects.

HCD released Notice of Funding Availability (NOFA) for Homekey Round 3. Final Application Due Date — July 28, 2023, or until funds are exhausted, whichever occurs first.

Homekey Grant funds: \$736 million (FY 2022-23)

# LETF Strategic Enforcement-Non Homekey

LCO PW and Cal/OSHA are reviewing all current and new complaints, and leads, to determine if they meet the criteria for joint enforcement operations at active on-site residential construction projects.

## Contact LETF

**Hotline: 855-297-5322**

**Email: [LETF@dir.ca.gov](mailto:LETF@dir.ca.gov)**

**[www.dir.ca.gov/letf](http://www.dir.ca.gov/letf)**



State of California  
Department of  
Industrial Relations



State of California  
Gavin Newsom  
Governor



# Upcoming System Modernization

## Data and Reporting

### From:

- Time-consuming manual data transfer and slow download speeds

### To:

- Reliable, faster downloading of relevant data / reports

## PWC100/PWCR/eCPR Portals

### From:

- Inconsistent and slow system performance
- Duplicative registration and project linking processes across systems
- Inability to edit registration details, self-manage user accounts (e.g., add new users, password reset, etc.), or associate with subcontractors
- Payment totals not visible with tedious payment processes

### To:

- Single, unified, and reliable system for awarding bodies and contractors to interact with DIR Public Works
- Streamlined user interface enabling leading edge experience for constituent registration
- More robust self-service and payment management features

# Upcoming System Modernization

## eCPR Submissions

### From:

- Adjustments requiring completely new eCPR submission
- Worker details needing to be re-entered with every record
- Separate eCPR needed for each employee on a project
- Slow eCPR upload times

### To:

- Refined editing features of previous eCPR submissions
- Ability to save worker profiles and duplicate previous submissions, removing need for redundant data entry
- Capability to group workers for batch submissions
- Accelerated eCPR upload speeds

## Prevailing Wage

### From:

- Time-consuming process to verify prevailing wage rates housed in numerous PDF documents and tables across multiple webpages (e.g., split up by trade, subtrade, geography, time of work, etc.), with some info only available by calling DIR

### To:

- Simplified search mechanism, determining detailed prevailing wage with a single query for any given worker on a particular project, inclusive of predetermined increase breakdowns and overtime rates
- Ability to download data in delimited text file format



# Public Works

State of California

Department of Industrial Relations

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## ▶ 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

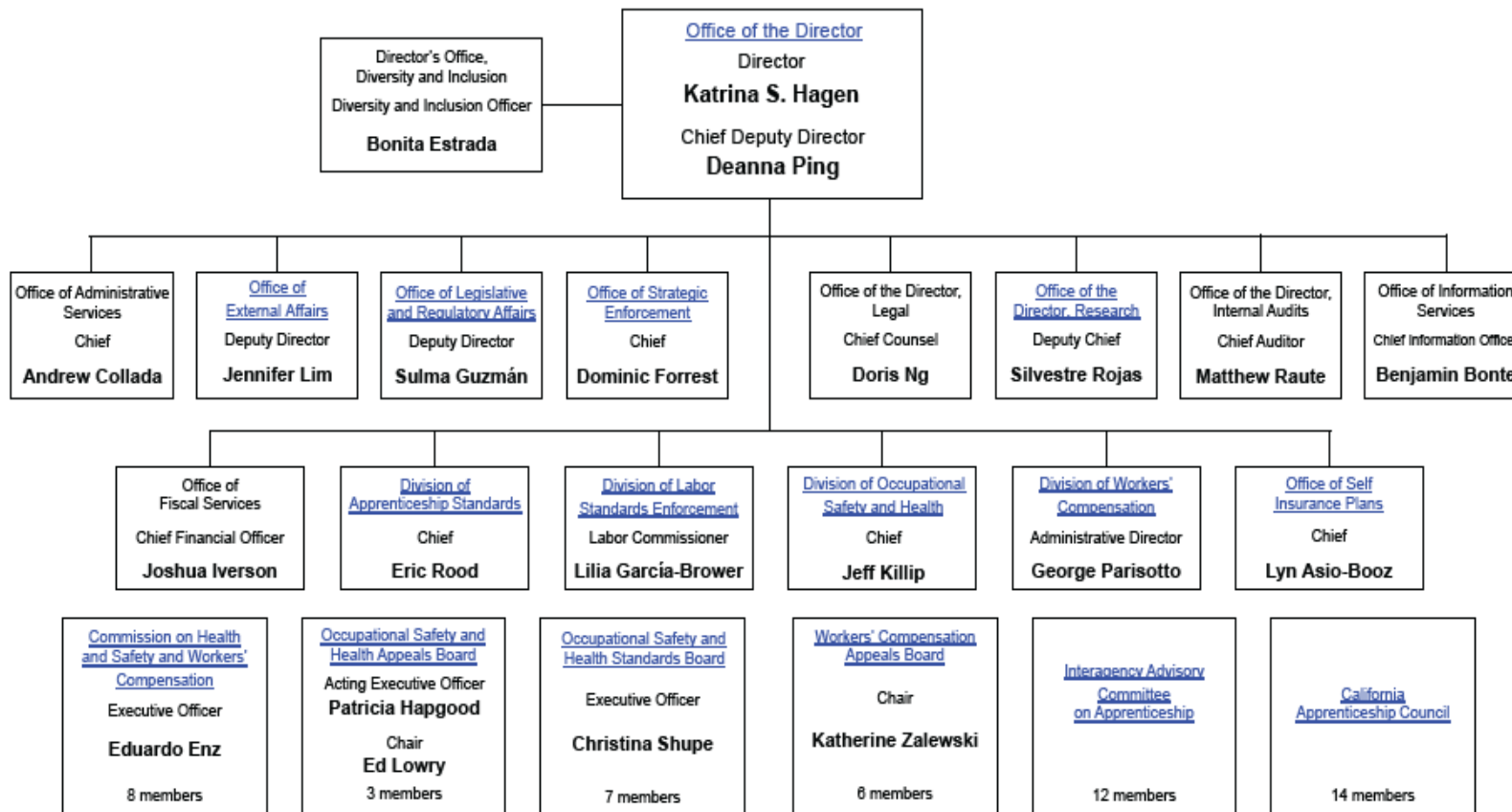
- ▶ [Industrial Relations databases](#)
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- ▶ [Do business with DIR](#)

#### ★ Other Resources

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

## Department of Industrial Relations

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



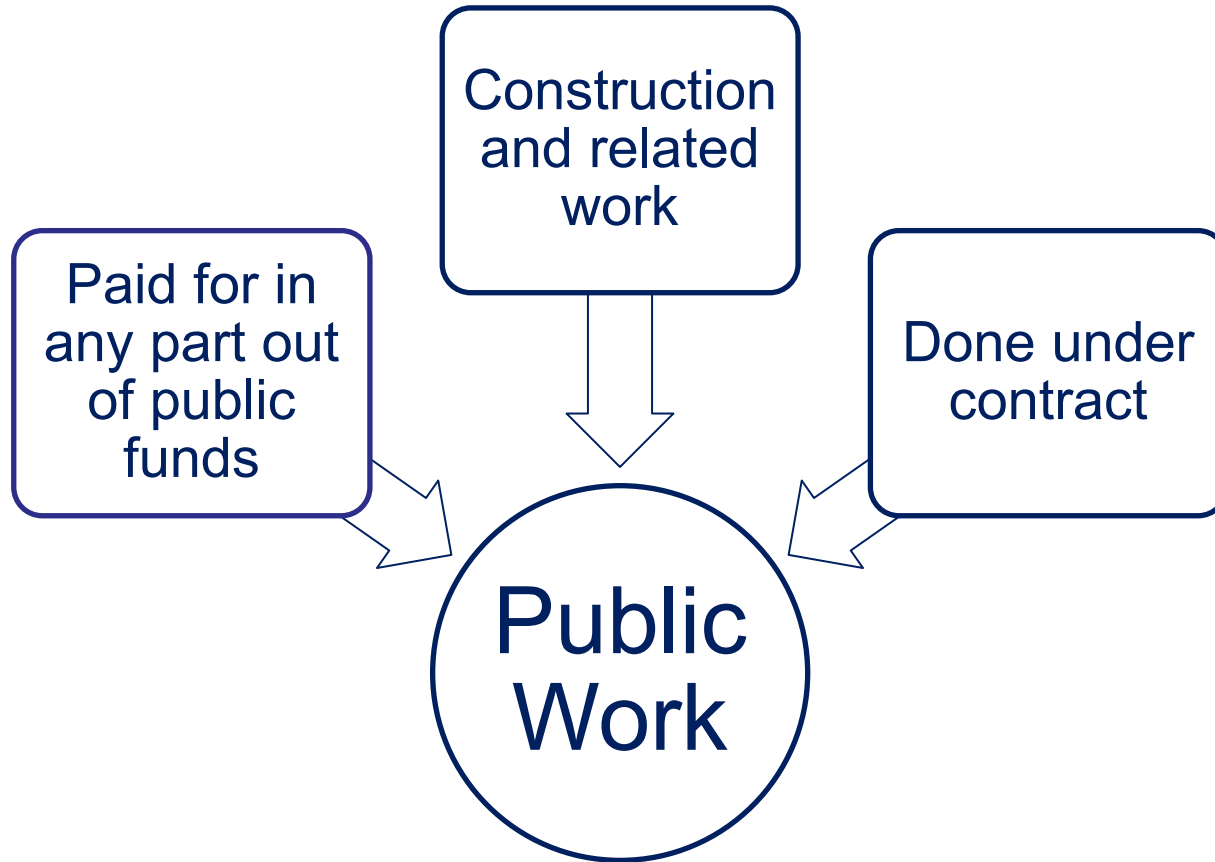


## Labor Code Section 1771

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

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

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







## Labor Code Section 1720

**(Labor Code 1720(a)(1))**

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

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

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

## Other definitions of “public works”

### Section 1720(a)

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



Other definitions of “public works”

**Section 1720(a)**

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

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

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

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

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

## **Paid for in whole or in part out of public funds**

**(Labor Code 1720(b))**

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



## **Paid for in whole or in part out of public funds**

(Labor Code 1720(b))

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

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

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

- For purposes of the prevailing wage law, public funds **do not** include:
- Proceeds from **Conduit Revenue Bonds**
  - Usually available to build schools, hospitals, and housing.
  - But see 1720.9 (general acute care hospitals) and 1720.8 (charter schools)
- **Low Income Housing Tax Credits**
  - Usually allocated by the California Tax Credit Allocation Committee (CTCAC).

## Other definitions of “public work”

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

## Other definition of “public work”

- Section 1720.2
  - Private construction leased to public entity
  - Upon completion of construction more than half of assignable square feet leased to public entity
  - Lease entered into prior to construction, OR
  - Construction is performed according to plans, specifications or criteria furnished by the public entity



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

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

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

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

## 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.

## Recent Cal. Supreme Court Decisions

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

## New Law 2024

**AB 1121:** DIR listing of debarred public works contractors (Labor Code § 1771.1.)

**AB 587:** eCPR access to Taft-Hartley trust funds & LMCCs (Labor Code § 1776.)

## Current Bills

**AB 2135:** would extend time for service of CWPA from 18 months to 24 months

**AB 3186:** misdemeanor criminal liability for willful failure to comply with public works/prevaling wage requirements (Labor Code § 1776.1.)



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

**[PWCoverage@dir.ca.gov](mailto:PWCoverage@dir.ca.gov)**

## 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/>



# Prevailing wage LABOR COMPLIANCE SEMINAR Skilled & Trained Workforce Requirements

Public Works

California Labor Commissioner's Office

Department of Industrial Relations

March 21, 2024

# Disclaimer

## California Labor Commissioner's Office

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



# Additional Disclaimers

## California Labor Commissioner's Office

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

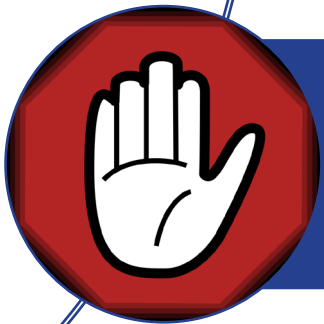
# Objectives



Understand STW requirements including bidding, workforce composition, graduation percentage calculation, exceptions



Understand awarding body and contractor compliance and reporting obligations



Be aware of LCO enforcement, including penalties and debarment for noncompliance





State of California  
**Department of  
Industrial Relations**

# Skilled & Trained Workforce Requirement

Public Contract Code §2600

# Skilled & Trained Workforce Requirements

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

Chapter applies when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project.

- Awarding Bodies and public entities should be aware of which statutes and regulations apply to their agency. (EDC, HSC, PCC, PUC or any other government codes)

A public entity may require a bidder or contractor to use a skilled and trained workforce to complete a contract or project regardless of whether the public entity is required to do so by a statute or regulation.





State of California  
**Department of  
Industrial Relations**

# Bidding Requirements & Enforceable Agreements

Public Contract Codes §2600,  
§2600.5 & §2602

# Bid Requirements

Public Contract Code §2600(c) & §2600.5

When a skilled and trained workforce is required by statute or regulation or by requirement of a public entity, the public entity shall include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement.

The failure of a public entity to provide a notice pursuant to subdivision (c) of Section 2600 shall not excuse either of the following:

- The public entity from the **requirement to obtain an enforceable commitment** that a contractor will use a skilled and trained workforce to complete a contract or project.
- A contractor from the obligation to use a skilled or trained workforce if such a requirement is imposed by a statute or regulation.



# Enforceable Agreements

Public Contract Code §2602

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

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





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# What is a Skilled & Trained Workforce? ("STW")

Public Contract Code §2601



# What is a “Skilled & Trained Workforce”?

Public Contract Code §2601

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

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



# Who is a “Skilled Journeyperson”?

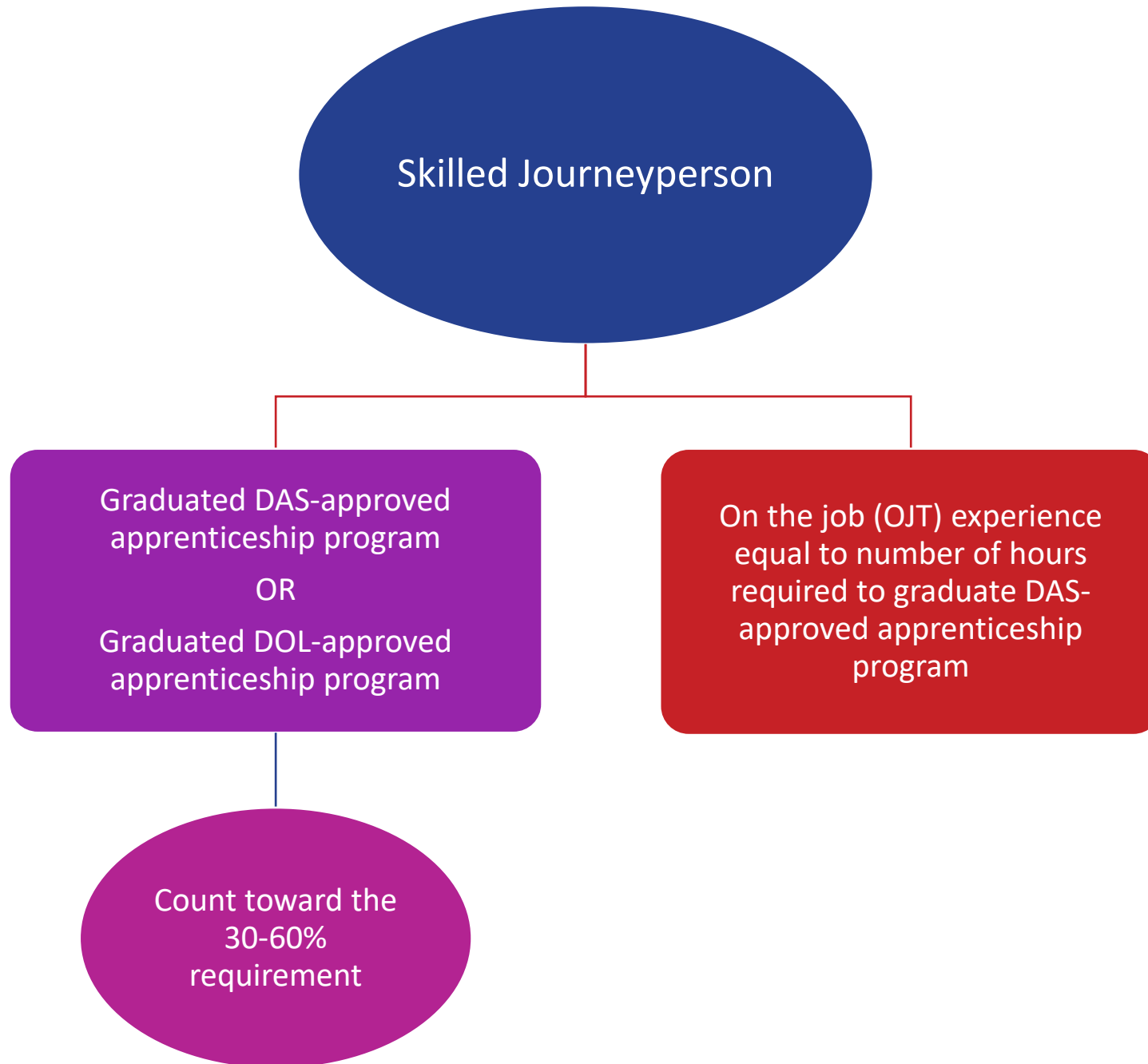
Public Contract Code §2601(e)

A Skilled Journeyperson is a worker who EITHER:

- Graduated from a DAS-approved apprenticeship program for the applicable occupation or a DOL-approved apprenticeship program outside California **OR**
- Has at least as many hours of on-the-job experience in the applicable occupation as would be required to graduate from a DAS-approved apprenticeship program

\*Workers that have not graduated from an approved apprenticeship program or do not have the required on the job training hours are not considered skilled journeypersons and should not be allowed to work on skilled and trained workforce requirement projects.





# POLL QUESTION #1

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

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

# POLL QUESTION #1

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

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

## POLL QUESTION #2

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

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

## POLL QUESTION #2

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

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



State of California  
Department of  
Industrial Relations

# STW Apprenticeship Graduation Requirement

Public Contract Code §2601



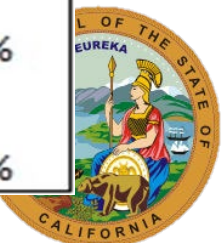
# Graduation Percentage Requirement

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



# Graduation Percentage Requirement

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



## POLL QUESTION #3

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

Looking at this chart, what would be the graduation percentage requirement for carpenters? Work was performed in June 2019.

- A. 50%
- B. 30%
- C. 40%
- D. 60%

## POLL QUESTION #3

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

Looking at this chart, what would be the graduation percentage requirement for carpenters? Work was performed in June 2019.

- A. 50%
- B. 30%**
- C. 40%
- D. 60%

# Apprenticeship Graduation Percentage Requirement

The graduation percentage requirement may be satisfied by **EITHER** using the **head count** of apprenticeship program graduates OR **percentage of hours worked** by apprenticeship program graduates in a particular calendar month.

- The method used to calculate the graduation percentage can be changed month to month based on the contractor's workforce that month, and which calculation will allow them to meet the graduation percentage requirement.



## Head Count Method

At least the required percentage of the Skilled Journeypersons employed by the contractor or subcontractor to perform work on the contract or project meet the graduation percentage requirement.

- **Example: Graduation percentage requirement - 60%**
- **Contractor employs 10 Skilled Journeypersons:**
  - 6 skilled journeypersons must be graduates of apprenticeship program.
  - 4 skilled journeypersons may have on the job hours.
  - 6 apprenticeship program graduates out of 10 skilled journeypersons = 60% graduation requirement met

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



## Hours Worked Percentage Count Method

The percentage of hours of work performed by Skilled Journeypersons employed by the contractor or subcontractor on the project, who met the graduation requirement is at least equal to the required graduation percentage.

- Example: Graduation percentage requirement - 60%
- Hours worked in a month: 100 hours
  - At least 60 hours must be worked by graduates of apprenticeship program to meet requirement.
  - 40 hours may be worked by skilled journeypersons with on the job hours.
  - 60 hours worked by apprenticeship graduates/100hrs worked in total =  $0.6 \times 100 = 60\%$  graduation requirement met.

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



## POLL QUESTION #4

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

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

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



## POLL QUESTION #4

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

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

A. Yes

B. No –  $6 / 13 = 46\%$

C. Not sure

## Exceptions to the Apprenticeship Graduation Percentage Requirement

**If no DAS-approved apprenticeship program existed before January 1, 1995 for any apprenticeable craft:**

- **Up to one-half (1/2) of the graduation percentage requirements may be satisfied** by Skilled Journeypersons who commenced working in the apprenticeable craft before DAS approved an apprenticeship program for that craft in the county in which the project is located.
- A contractor or subcontractor does not need to meet the graduation percentage requirements for any apprenticeable craft in which it **performs less than 10 hours of work** during that calendar month.



## Exceptions to the Apprenticeship Graduation Percentage Requirement

A subcontractor does not need to meet the graduation percentage requirements (for all crafts it employs) if **BOTH** of the following requirements are met:

- Subcontractor **was not a listed on the bid** pursuant to Public Contract Code §4104\* or performing work as a substitute for a subcontractor that was listed.
- Subcontract does not exceed **one-half of 1 percent (0.5%)** of the price of the prime contract.

\*NOTE: These exceptions apply only to the graduation percentage requirements— NOT to the STW requirements generally.





State of California  
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# Monthly Reports & Awarding Body Obligations

Public Contract Code §2600

# Failure to Provide or Incomplete Monthly Report

Public Contract Code §2602(b)

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



# Monthly Report Failing to Demonstrate Compliance

Public Contract Code §2602(c)

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



# Monthly Report Failing to Demonstrate Compliance

Public Contract Code §2602(c)

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





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# Labor Commissioner's Enforcement Process

Under Public Contract Code §2603



## Penalties Under Contract Code §2603



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

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

Factors considered by the Labor Commissioner in determining penalty amount:

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



## Penalties Under Contract Code §2603

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



## Labor Commissioner's Enforcement Process

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

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

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



# Skilled and Trained Workforce Statute & FAQs

Summary of Skilled and Trained Workforce Statutes:

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

Skilled and Trained Workforce Frequently Asked Questions:

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



# THANK YOU!

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





# Prevailing wage LABOR COMPLIANCE SEMINAR Awarding Body Responsibilities

Public Works  
California Labor Commissioner's Office  
Department of Industrial Relations  
March 21, 2024



# Disclaimer

## California Labor Commissioner's Office

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State of California  
**Department of  
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# Compliance Requirements

Labor Code &  
Title 8, CCR § 16000





# Who qualifies as an Awarding Body?

An awarding body is the entity that awards a contract for public works and is sometimes known as the **project owner**.

The awarding body can be any kind of public agency or official (state, county, city, school board, water district, etc.) **OR** a private entity using public funds.



Labor Code(s) 1720(1) and 1722.1



# Monetary Thresholds

**Prevailing  
Wage**

>\$1,000

**Project  
Registration**

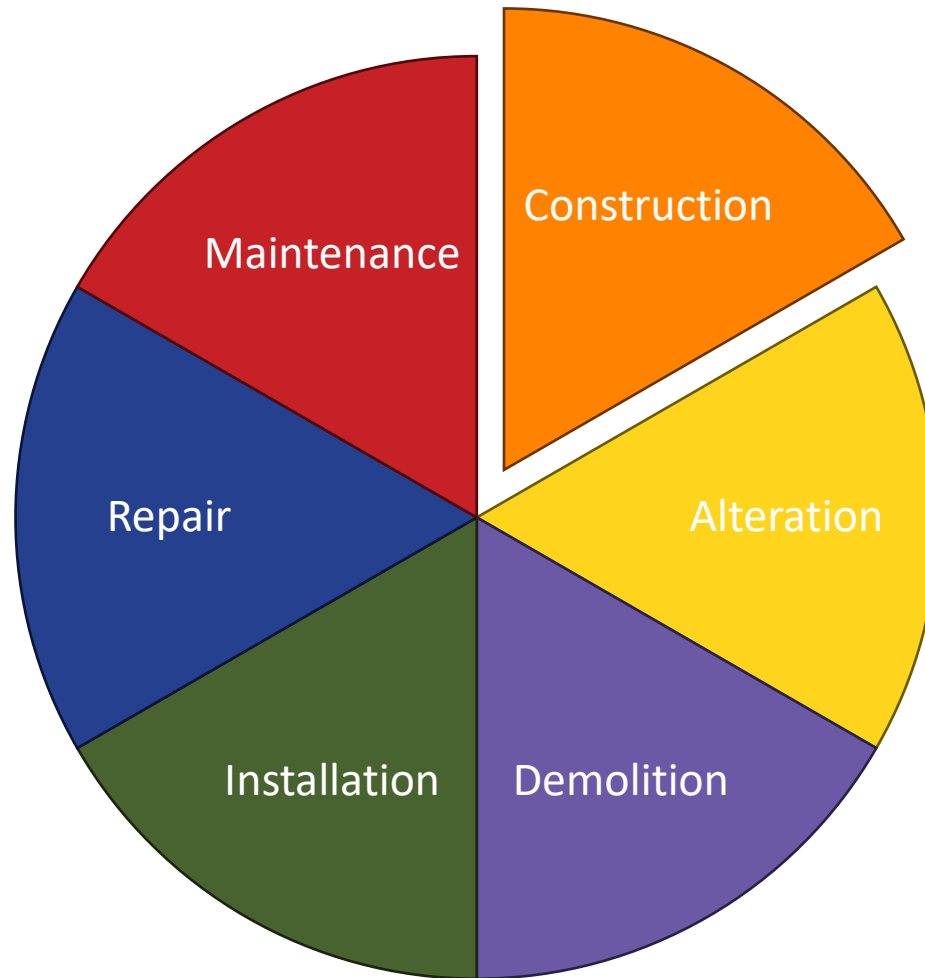
>\$15,000  
M

>\$25,000  
CADIR

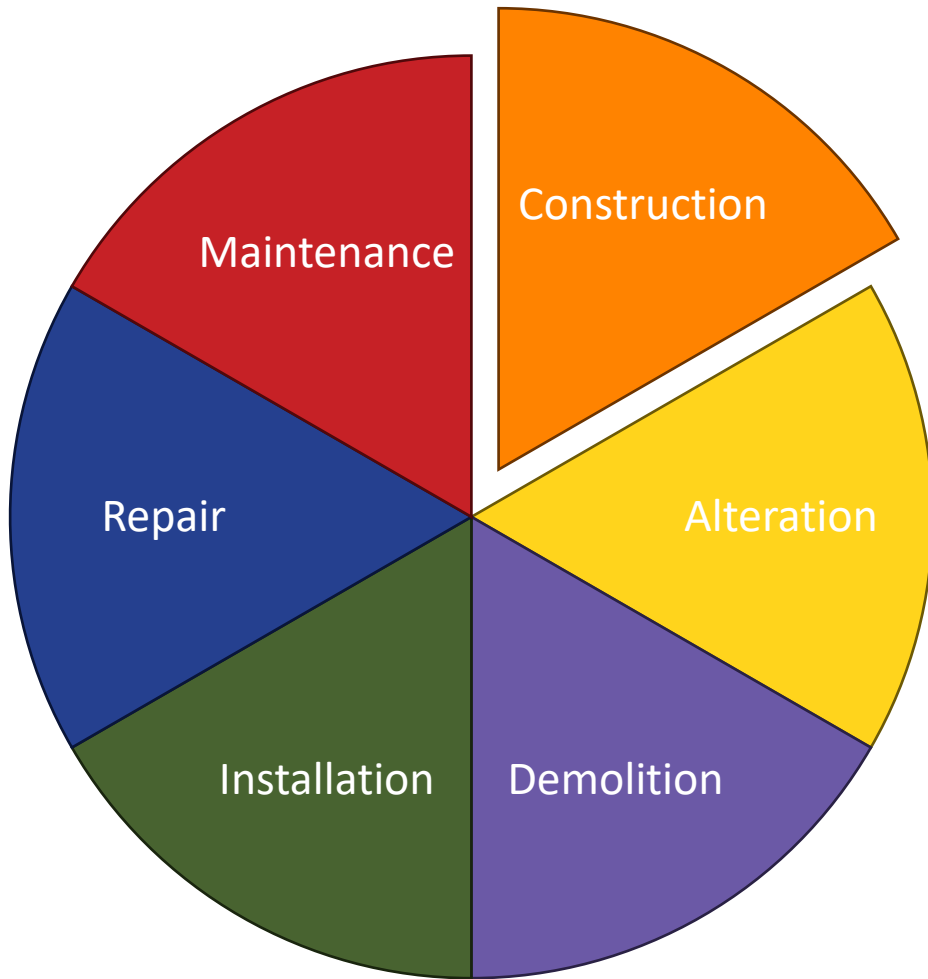
Labor Code 1771, 1725.5



# Public Works Project



# Public Works Project



## Preconstruction

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

## Postconstruction

- Cleanup



# Project registration

Provide electronic notice to DIR of all public works contracts within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work. (LC §1773.3) \*

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





## 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

Public Works Prevailing Wage Training for Contractors and Awarding Bodies

## Resources

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

### Search

[Find Public Works Projects](#)

[Find Public Works Contractors](#)

[Find Payroll Records](#)

### Registration

[Contractor Registration](#)

[Project Registration](#)

What's **New**

[en Español](#)

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





California Department of  
Industrial Relations

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Division of Apprenticeship Standard / Division of Labor Standards Enforcement

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp Self Insurance Apprenticeship Director's Office Boards

Home :: External Lookup

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

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

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

[Browser Support](#)

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

### Sign In

Username or Email:

Password:

Remember me on this computer



Sign In



Forgot Password



First Time User

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



Home | Awards that Need to be Submitted | Project Information | Project Information 2 | Contractor Information

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

## ➔ Contractor Information

Please enter all the information for the award

**Project Manager**

Email Address\*      First Name\*      MI      Last Name\*      Title\*      Work Phone\*

  
    
    
    
    
  -  -  Ex

**General Contractor 1**

	Primary	PWCR	Name	Address	Email	Classification
<a href="#">Delete</a> <a href="#">Edit</a>	<input type="radio"/>	10000000000	XYZ CONTRACTORS INC.	1234 PW STREET LOS ANGELES, CA 90071	XYZ@GMAIL.COM	CARPENTERS

[Add Contractor](#)





# SEARCHING FOR A PUBLIC WORKS PROJECT



## Public Works

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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.



Public Works Prevailing Wage Training for Contractors and Awarding Bodies

What's **New**

[en Español](#)

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

## Resources

- [Public Works Pre-Qualification of Contractors](#)
- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting](#)
- [Enforcement of Public Works Law](#)
- [File a Public Works Complaint](#)
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- [Contractor Registration](#)
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[Home](#) | Search PWC-100

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

<b>DIR Project ID</b>			
<input type="text"/>			<input type="button" value="Search"/>
OR			
<b>Awarding Body Name</b>			
<input type="text"/>			
<b>Name of Project</b>			
<input type="text"/>			
<b>Name of Contractor</b>		<b>PWCR Number</b>	
<input type="text"/>		<input type="text"/>	
<b>Name of Subcontractor</b>		<b>PWCR Number</b>	
<input type="text"/>		<input type="text"/>	
<b>First Advertised Bid Date</b>	<b>Contract Amount</b>	<b>Project Award Date</b>	<b>Estimate Start Date</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Estimated Completion Date</b>	<b>Classification of Workers:</b>		
<input type="text"/>	<input type="text"/>		
<b>Physical Address</b>	<input checked="" type="radio"/> Address <input type="radio"/> Location		





Home | Search PWC-100 | Search Results

**SEARCH RESULTS - 16 records found**

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

ID	Awarding Body	Project Name	Site Address	Dates	Classification	County
Project Number: Bid 7582 DIR Project ID: <a href="#">123456</a>	Sunshine County	Sunshine H.S. Gym Repair	1213 Sunny Lane Sunshine, Ca 93312	Advertised: 03/14/2019 Award: 04/04/2019 Est. Start: 07/01/2019 Est. Comp: 08/30/2019	LABORERS CEMENT MASONS OPERATING ENGINEERS	RIVERSIDE
		<b>Amount:</b> \$524,409.59				

Contractor		Sub Contractor				
PWCR/CSLB/Lic Name	PWCR/CSLB/Lic	Name	Name			
Project Number: Purchase Req Y195478 DIR Project ID: <a href="#">789101</a>	Sunshine County	Sunshine Park Community Pool	1031 Main St. Sunshine, Ca 93312	Advertised: 01/07/2019 Award: 02/14/2019 Est. Start: 04/01/2019 Est. Comp: 11/22/2019	LABORERS CEMENT MASONS OPERATING ENGINEERS	RIVERSIDE
	<b>Amount:</b> \$3,459,687.33					

Contractor		Sub Contractor	
PWCR/CSLB/Lic Name	PWCR/CSLB/Lic	Name	Name
10000000000	XYZ CONTRACTORS, INC.		



# Project registration

Ensure that public works projects are not split or separated into smaller work orders or projects for the purpose of evading the applicable provisions of LC §1771. (Title 8, CCR § 16100)



## Ensure contractors are registered

A contractor or subcontractor must be registered when bidding, listed in a bid proposal, or engaged in the performance of any contract for public work. (LC §§1725.5 &1771.1) \*

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



# Public Works Contractor Registration Search

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

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

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

[Search](#) [Reset](#)

Crafts (Select all that apply)

- Asbestos
- Boilermaker-Blacksmith

Registrations

Search Results:

[Previous](#) [Next](#)

[Print PDF](#) [Export](#)

[Add all to my list](#) [My List \(0\)](#)



## Contractor Information

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

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

## Registration History

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

## Legal Entity Information

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

## Worker's Compensation

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

PEO Information	Name	Phone	Email
-----------------	------	-------	-------

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



# POLL QUESTION #1

## CONTRACTOR REGISTRATION

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

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





# POLL QUESTION #1

Registration History – Contractor A		Registration History – Contractor B		Registration History – Contractor C	
Effective Date	Expiration Date	Effective Date	Expiration Date	Effective Date	Expiration Date
8/10/2021	6/30/2022	7/1/2021	6/30/2022	7/15/2021	6/30/2022
7/1/2020	6/30/2021	9/1/2020	6/30/2021	6/25/2021	6/30/2021
1/1/2020	6/30/2020	10/15/2019	6/30/2020	6/1/2020	6/30/2020

- Bid Date: 6/20/2021
- Award Date: 7/10/2021
- Project Dates: 8/1/2021 - 4/30/2022



# POLL QUESTION - answer

Registration History – Contractor A		Registration History – Contractor B		Registration History – Contractor C	
Effective Date	Expiration Date	Effective Date	Expiration Date	Effective Date	Expiration Date
8/10/2021	6/30/2022	7/1/2021	6/30/2022	7/15/2021	6/30/2022
<u>7/1/2020</u>	<u>6/30/2021</u>	<u>9/1/2020</u>	<u>6/30/2021</u>	<u>6/25/2020</u>	6/30/2021
1/1/2020	6/30/2020	10/15/2019	6/30/2020	6/1/2020	6/30/2020

- Bid Date: 6/20/2021
- Award Date: 7/10/2021
- Project Dates: 8/1/2021 - 4/30/2022



# POLL QUESTION - answer

Registration History – Contractor A		Registration History – Contractor B		Registration History – Contractor C	
Effective Date	Expiration Date	Effective Date	Expiration Date	Effective Date	Expiration Date
<u>8/10/2021</u>	4/30/2022	<u>7/1/2021</u>	<u>6/30/2022</u>	7/15/2021	4/30/2022
7/1/2021	6/30/2021	9/1/2020	6/30/2021	6/25/2021	6/30/2021
1/1/2020	6/30/2020	10/15/2019	6/30/2020	6/1/2020	6/30/2020

- Bid Date: 6/20/2021
- Award Date: 7/10/2021
- Project Dates: 8/1/2021 - 4/30/2022



# POLL QUESTION - answer

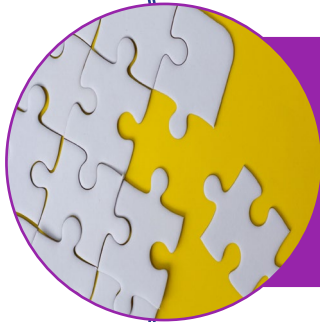
Registration History – Contractor A		★ Registration History – Contractor B ★		Registration History – Contractor C	
Effective Date	Expiration Date	Effective Date	Expiration Date	Effective Date	Expiration Date
<u>8/10/2021</u>	4/30/2022	<u>7/1/2021</u>	<u>6/30/2022</u>	7/15/2021	4/30/2022
7/1/2021	6/30/2021	9/1/2020	6/30/2021	6/25/2021	6/30/2021
1/1/2020	6/30/2020	10/15/2019	6/30/2020	6/1/2020	6/30/2020

- Bid Date: 6/20/2021
- Award Date: 7/10/2021
- Project Dates: 8/1/2021 - 4/30/2022





Register projects within 30 days of contract award, no later than the first day the contractor has workers employed upon the public works



Ensure projects are not split or separated into smaller work orders for the purpose of evading registration



Only work with contractors who are registered to bid on, be listed on bids for, or perform work on public works projects



# Notice Requirements

Include the notice of the requirements described in LC §1771.1(a) & LC §1771.4(a)(1) in all bid invitations and public works contracts.

- A bid shall not be accepted, nor any contract or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work. (LC §1771.1(b))



# Notice Requirements

Include the notice of the requirements described in LC §1771.1(a) & LC §1771.4(a)(1) in all bid invitations and public works contracts.

- The call for bids and contract documents shall specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. (LC §1771.4(a)(1))



# Notice Requirements

Post or require contractors to post jobsite notices on public works requirements (LC §1771.4(a)(2))



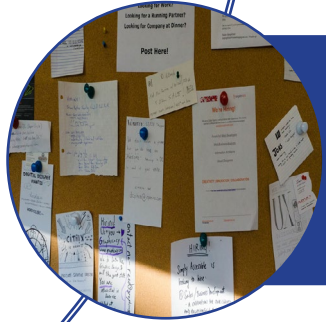




Include required information about contractor registration in bid invitations, contracts, and subcontracts



Specify in bid and contract language that projects are subject to oversight by DIR



Require contractors to post jobsite notices on public works requirements



# Monetary Thresholds

## Prevailing Wage

>\$1,000

## Project Registration

>\$15,000  
M

>\$25,000  
CADIR

Labor Code 1771, 1725.5



# Prevailing Wage Rates

Obtain prevailing wage rates from DIR  
(LC sections 1773, 1773.2, and 1773.4)



# Prevailing Wage Rates

Ensure that public works contractors pay prevailing wages and are in compliance with public works laws, and report any suspected violations to the Labor Commissioner (LC §1726; Title 8, CCR §16100)

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



# Prevailing Wage Rates

Withhold and retain all amounts required to satisfy the civil wage and penalty assessment (LC §1727(a))

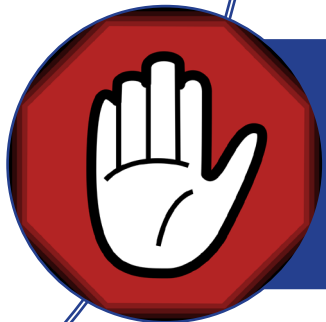




Obtain prevailing wage rates from DIR (or request a wage or coverage determination)



Ensure contractors and subcontractors are paying prevailing wage, and report violations to the Labor Commissioner's Office



Withhold and retain all amounts required to satisfy civil wage and penalty assessment





State of California  
**Department of  
Industrial Relations**

# Enforcement

Labor Code §1773.3, §1771.1(j)



# Labor code §1773.3

**Penalties** shall be assessed against awarding bodies for the following (LC § 1773.3(c)(1)):

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



## **Civil Penalty**

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





## Labor code §1773.3

**Penalties** shall also be assessed against an awarding body when final payment was made, and it is later discovered that an unregistered contractor worked on the project. (LC §1773.3(d))



### Civil Penalty

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



# POLL QUESTION #2

## PENALTY CALCULATION

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

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



# POLL QUESTION - answer

## PENALTY CALCULATION

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

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



## Awarding Body "Debarment" (LC §1773.3(f)):

“Whenever the labor commissioner determines that an awarding agency has willfully violated the requirements of this section or chapter with respect to two or more public works contracts or projects in any 12-month period, the awarding agency shall be ineligible to receive state funding or financial assistance for any construction project undertaken by or on behalf of the awarding agency for one year...”



# Stop Order (LC §1771.1(j))

Labor commissioner shall issue a **stop order** when unregistered contractor performs work

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



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



# AWARDING BODY RESPONSIBILITIES LETTER

STATE OF CALIFORNIA

Gavin Newsom, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Labor Standards Enforcement

*Headquarters Office*  
1515 Clay Street, Ste. 1302  
Oakland, CA 94612  
Tel: (510) 285-2118 Fax: (510) 285-1365

*MAILING ADDRESS:*  
P. O. Box 420603  
San Francisco, CA 94142-0603



**Lilia García-Brower**  
*California Labor Commissioner*

## |AWARDING BODY RESPONSIBILITIES

*Sent via email only*

Dear Awarding Body,

The Labor Commissioner’s Office (LCO) is statutorily obligated to ensure compliance with Public Works laws. This letter is a tool to ensure that awarding bodies understand their legal obligations and potential consequences when awarding a project subject to California’s Prevailing Wage Laws (“PWL”) (*Lab. Code* §§ 1720 – 1861). For all projects which require the payment of prevailing wages awarding bodies<sup>1</sup> must do the following<sup>2</sup>:



# Thank you for attending!

## PWC-100 system issues?

Labor Commissioner's Office - [publicworks@dir.ca.gov](mailto:publicworks@dir.ca.gov)

- Provide screenshots and contact information for user experiencing the issues
- Identify the system in the subject line
  - **PWC-100** (Project Registration)



## The work we are contracting out requires prevailing wages, what is the applicable craft?

Office of the Director – Research Unit - [statistics@dir.ca.gov](mailto:statistics@dir.ca.gov)

Request a wage determination. Provide county, bid date, and scope of work

## Is my specific project a public work? The work we have contracted is innovative and not found in any scope of work provision, are prevailing wages required?

Office of the Director – Legal Unit - [pwcoverage@dir.ca.gov](mailto:pwcoverage@dir.ca.gov)

Request a coverage determination. Provide as much documentation as possible (contract, funding source, lease information, scope of work, etc.)



# Upcoming System Modernization

## Data and Reporting

### From:

- Time-consuming manual data transfer and slow download speeds

### To:

- Reliable, faster downloading of relevant data / reports

## PWC100/PWCR/eCPR Portals

### From:

- Inconsistent and slow system performance
- Duplicative registration and project linking processes across systems
- Inability to edit registration details, self-manage user accounts (e.g., add new users, password reset, etc.), or associate with subcontractors
- Payment totals not visible with tedious payment processes

### To:

- Single, unified, and reliable system for awarding bodies and contractors to interact with DIR Public Works
- Streamlined user interface enabling leading edge experience for constituent registration
- More robust self-service and payment management features



# Upcoming System Modernization

## eCPR Submissions

### From:

- Adjustments requiring completely new eCPR submission
- Worker details needing to be re-entered with every record
- Separate eCPR needed for each employee on a project
- Slow eCPR upload times

### To:

- Refined editing features of previous eCPR submissions
- Ability to save worker profiles and duplicate previous submissions, removing need for redundant data entry
- Capability to group workers for batch submissions
- Accelerated eCPR upload speeds

## Prevailing Wage

### From:

- Time-consuming process to verify prevailing wage rates housed in numerous PDF documents and tables across multiple webpages (e.g., split up by trade, subtrade, geography, time of work, etc.), with some info only available by calling DIR

### To:

- Simplified search mechanism, determining detailed prevailing wage with a single query for any given worker on a particular project, inclusive of predetermined increase breakdowns and overtime rates
- Ability to download data in delimited text file format

# 2024 PREVAILING WAGE LABOR COMPLIANCE WEBINAR



KNOW YOUR DUTIES AND RESPONSIBILITIES  
UNDER THE LAW

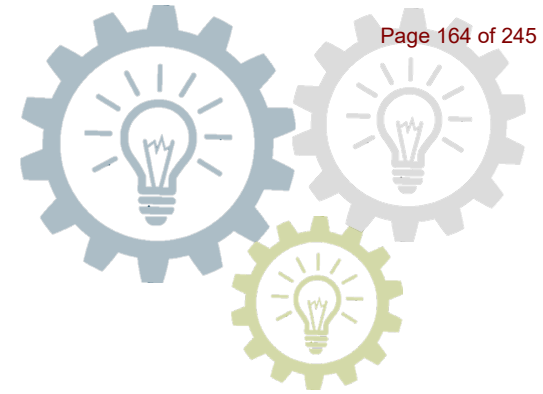
# DISCLAIMER

## California Department of Industrial Relations

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



# Our Goals



- PRE-QUALIFICATION OF CONTRACTORS
- LABOR COMMISSIONER MODEL QUESTIONNAIRE



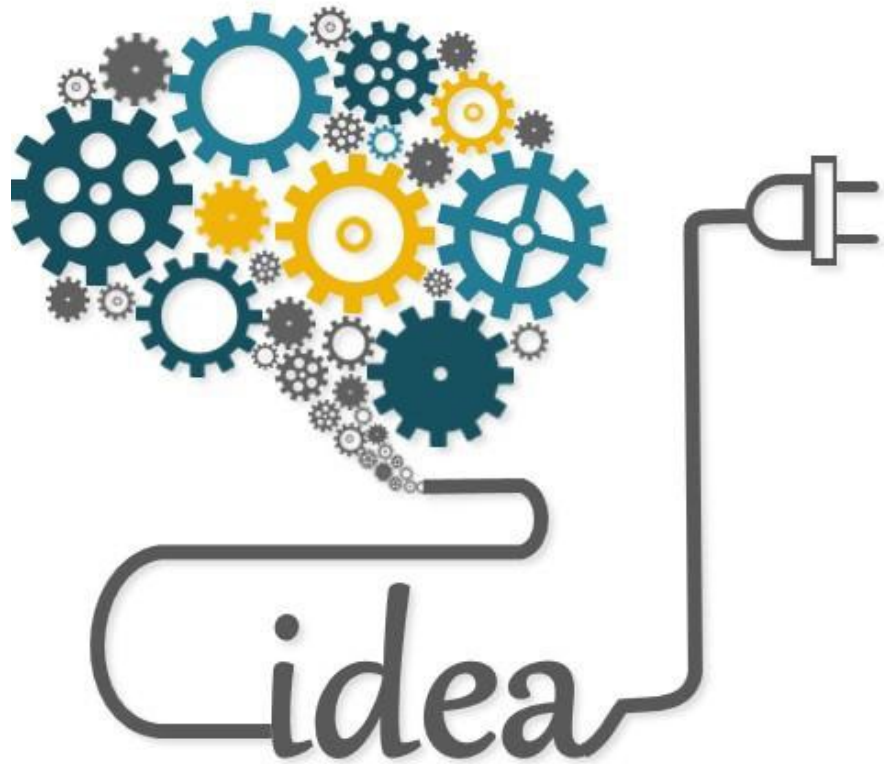


# POLL QUESTION

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

- a) Yes
- b) No



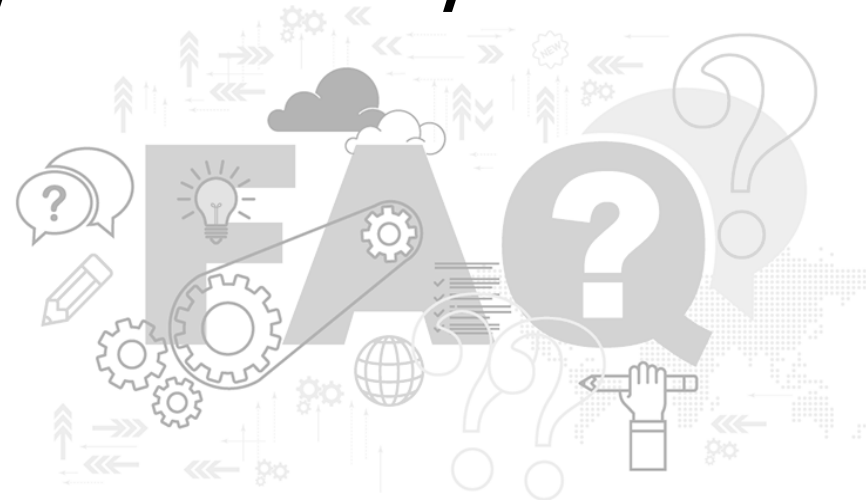


# 100%

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



# Why Pre-Qualify Contractors ?



## Purpose

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

## Importance

**Levels the Playing Field for Law Abiding Contractors**

## Value

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





# POLL QUESTION

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

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







# LABOR COMMISSIONER'S MODEL QUESTIONNAIRE

## Contractor

Completes the Pre-Qualification questionnaire

Submits the Pre-Qualification Questionnaire and financial statements

Provides any additional information/documentation

**SUBMIT**  
STEP **1**

## Awarding Body Reviews Section C "Essential Criteria"

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

**REVIEW**  
STEP **2**

## Awarding Body Reviews Section D "Prequalification Criteria Questions"

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

**PRE-QUALIFY**  
STEP **3**



# POLL QUESTION



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

- a) Yes
- b) No



**C. ESSENTIAL CRITERIA QUESTIONS**

Circle Answer

1. Does your firm possess a valid and current California Contractor’s or other professional license as required by law for the project or projects for which it intends to submit a bid? Yes No

2. Is your firm registered with DIR as a Public Works Contractor for the current fiscal year? Yes **No**

3. Does your firm have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate? Yes No

4. Does your firm have current workers’ compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.? Yes No

5. Have you attached your firm’s latest copy of reviewed or audited financial statements with accompanying notes and supplemental information? \* Yes No

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

6. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that: (a) your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or valid for a year if you are seeking pre-qualification valid for a year; and (b) your current available bonding capacity? \*\* Yes No

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





**F. CERTIFICATION**

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

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

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

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

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

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

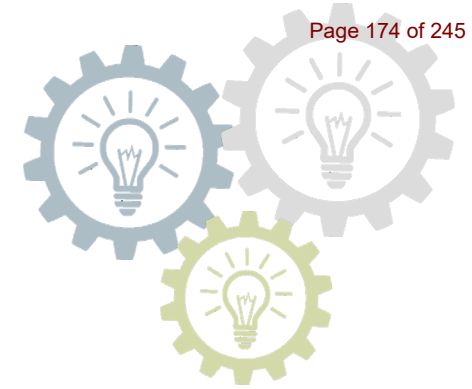
I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

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

Name of Contractor Representative: \_\_\_\_\_

Signature of Contractor Representative: \_\_\_\_\_





# Important Notes

## ***Be Proactive***

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

## ***Level the Playing Field for Law Abiding Contractors***

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

## ***Avoid Awarding Body Citations and Debarment***



# WWW.DIR.CA.GOV



## Public Works

Public works in general means:

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

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

Contractors,  
and others who work on public  
works projects

Awarding Bodies,  
public agencies or project  
owners

## Resources

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

## Have Questions?

Contact Us:

[Publicworks@dir.ca.gov](mailto:Publicworks@dir.ca.gov)

Subject Line:

Pre-Qualification of  
Contractors



# Thank You







# Prevailing wage LABOR COMPLIANCE SEMINAR Contractor Responsibilities

Public Works  
California Labor Commissioner's Office  
Department of Industrial Relations  
March 21, 2024



# Disclaimer

## California Labor Commissioner's Office

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# Contractor Responsibilities

## Prevailing Wage

>\$1,000

## Contractor Registration

>\$15,000  
M

>\$25,000  
CADIR

## Apprenticeship

≥\$30,000

Labor Code 1771, 1725.5, and 1777.5



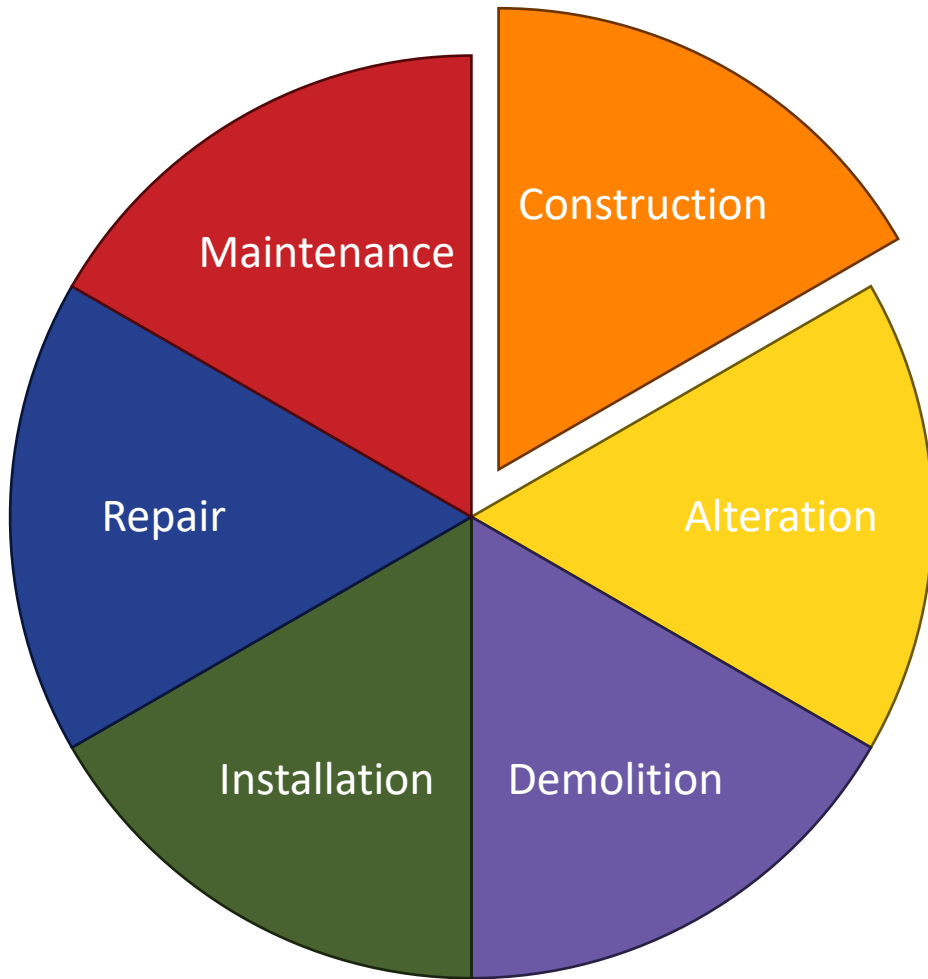
# Who is a Public Works Contractor?



Labor Code(s) 1720(1) and 1722.1



# Public Works Project



## Preconstruction

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

## Postconstruction

- Cleanup



# Polling Question 1

Prevailing wage requirements apply on public works projects exceeding what amount?

- a) \$1,000
- b) \$15,000
- c) \$25,000
- d) \$30,000



\$1,000.00

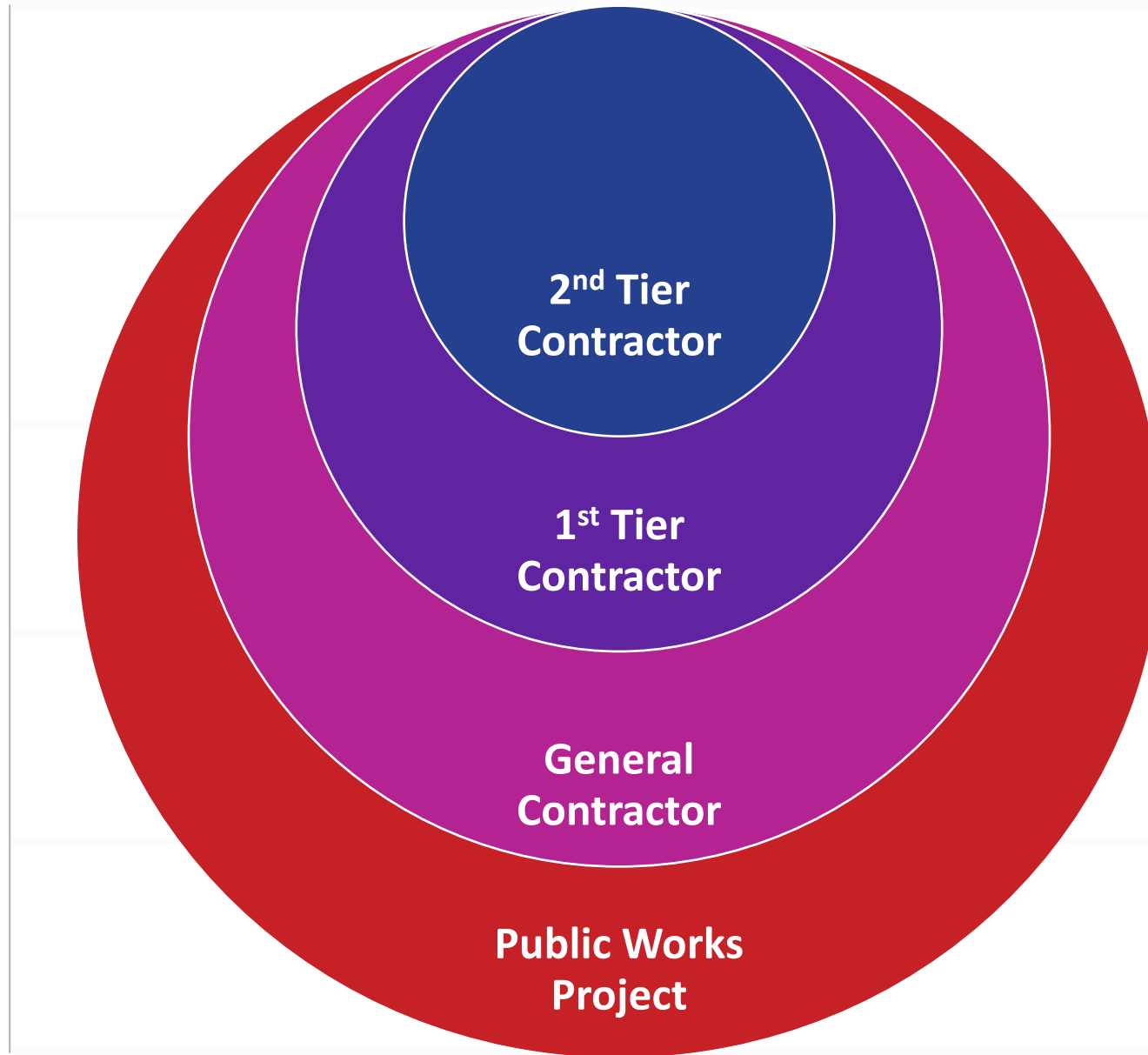
\$800.00

\$600.00

\$400.00

\$200.00

\$0.00



Labor Code 1771



# Pay Prevailing Wages

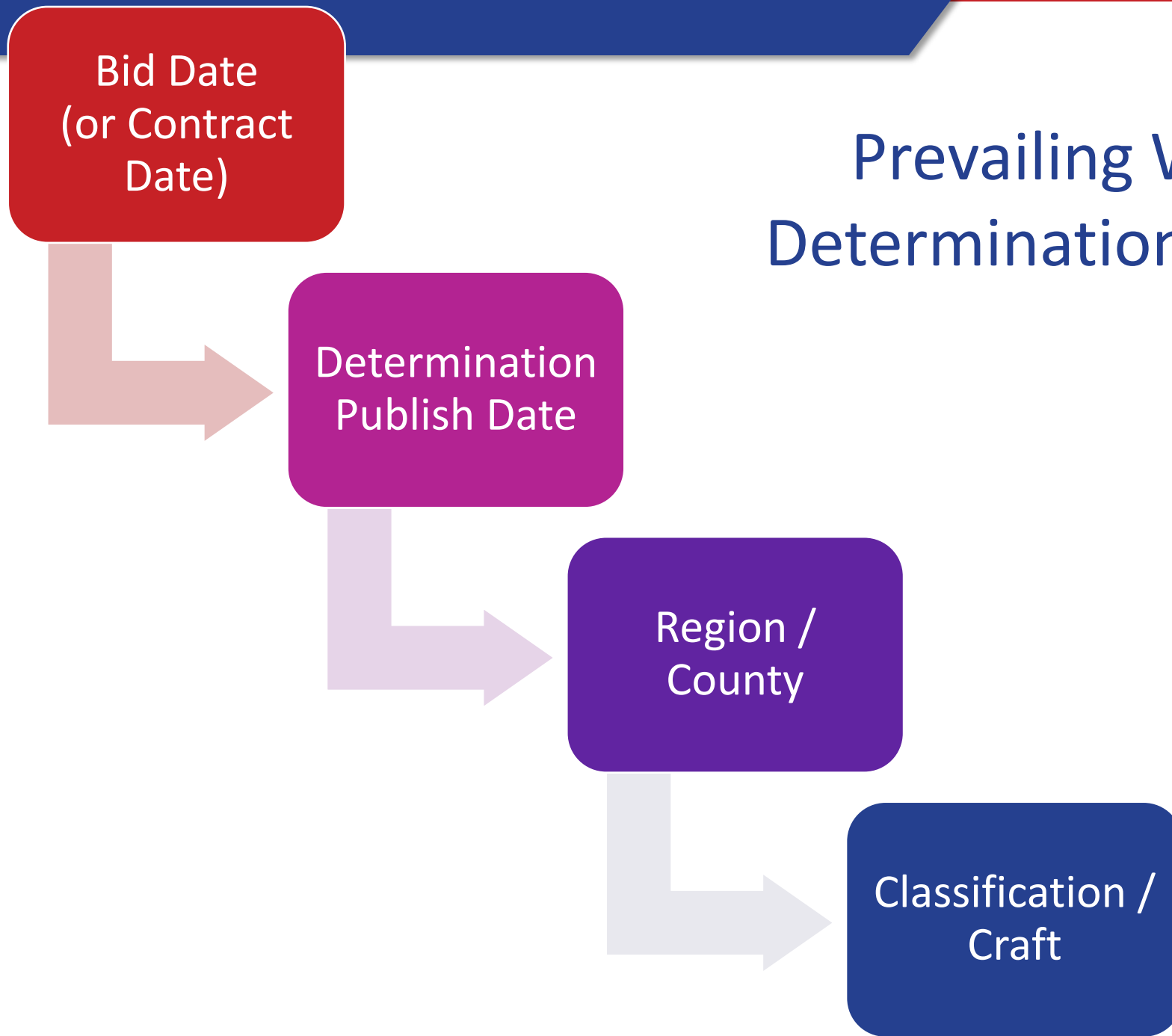


Labor Codes 1771, 1774 and 1813





# Prevailing Wage Determination Search



[Public Works](#) / [Public Works](#)

## Public Works

### Who Is a Public Works Contractor?

If you work or bid on a public works project, you may be a public works contractor. The term "public works contractor" has a specific meaning under the law. Public works contractors are responsible for providing certain services to the public.



- Labor Commissioner's Office
- Judgment Enforcement Unit
- Wages
- Offices
- BOFE
- Minors
- Outreach

are considered a public works contractor. The

- Director's Office Home
- Office of Legislative and Regulatory Affairs
- Office of the Director - Research**
- Office of the Director - Determinations

## Public Works Projects

### Determinations

- [List of Charter Cities That Meet Requirements of Senate Bills 7, 829, and 922](#) 
- [Prevailing wage determinations, general](#)**
- [Prevailing wage determinations, residential](#)
- [Prevailing wage rates below the California minimum wage, 12/16/2022](#) 

- [Public Works](#)
- [Request a](#)
- [Labor Law](#)
- [Fraud Pre](#)

[Information](#)

[Forms](#)

[Plans](#)

[ment](#)

[ge Requirements](#)



[Request a](#)



[Labor Law](#)



[Fraud Pre](#)

# Navigating Website Wage Determination

[Office of the Director](#) / [Director's General Prevailing Wage Determinations](#)

## Director's General Prevailing Wage Determinations

- [Public Works Modernization Project Case for Change](#) **NEW**
- [Upgrades to DIR's Public Works Website Services](#) **NEW**
- [2024-1 General prevailing wage determinations menu \(journeyman\)](#)

Most recent journeyman wage determination published

Most recent apprentice wage determination published

Journeyman wage determinations published in prior periods

Residential wage determinations (current and prior periods)

- [Frequently asked questions - Hauling under Labor Code Section 1720.3](#)
- [Still have questions on prevailing wage?](#)

March 2024



## 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: 2023-2 (Superseded)

*Applies to projects advertised for bid: 9/1/2023 – 3/2/2024*

[General prevailing wage determinations](#)

[General prevailing apprentice schedules](#)

Index: 2023-1 (Superseded)

*Applies to projects advertised for bid: 3/4/2023 – 8/31/2023*

[General prevailing wage determinations](#)

[General prevailing apprentice schedules](#)

Index: 2022-2 (Superseded)

*Applies to projects advertised for bid: 9/1/2022 – 3/3/2023*

[General prevailing wage determinations](#)

[General prevailing apprentice schedules](#)

Index: 2022-1 (Superseded)

*Applies to projects advertised for bid: 3/4/2022 – 8/31/2022*

[General prevailing wage determinations](#)

[General prevailing apprentice schedules](#)



# Journeyman Wage Determinations

## Index 2023-1 general prevailing wage journeyman determinations

General prevailing wage determinations made by the director of industrial relations

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

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

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

Step one	<a href="#">Statewide</a>	First examine if your craft's determination is among the basic trades that apply to most counties in California.
Step two (A)	<a href="#">Northern California</a>	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)	<a href="#">Southern California</a>	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	<a href="#">San Diego</a>	After following steps one and two (B), examine this area if your project is in San Diego County.
Step four	<a href="#">County Determinations (subtrades)</a>	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.

## Index 2023-1 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

Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
<a href="#">Boilermaker-Blacksmith</a>	Select One ▾	No increase *
<a href="#">Driver (On/Off-Hauling To/From Construction Site)</a>	Select One ▾	Increase
<a href="#">Electrical Utility Lineman (a)</a>	Select One ▾	Increase
<a href="#">Electrical Utility Lineman (b)</a>	Select One ▾	No increase *
<a href="#">Electrical Utility Lineman (c)</a>	Select One ▾	No increase *
<a href="#">Iron Worker</a>	Select One ▾	Increase
<a href="#">Metal Roofing +</a>	Select One ▾	Increase
<a href="#">Stator Rewinder</a>	Select One ▾	No increase *
<a href="#">Telecommunications Technician</a>	Select One ▾	Increase
<a href="#">Telecommunications Technician (d)</a>	Select One ▾	Increase
<a href="#">Tree Trimmer (High Voltage Line Clearance)</a>	Select One ▾	Increase
<a href="#">Tree Trimmer (High Voltage Line Clearance) (b)</a>	Select One ▾	No increase *
<a href="#">Operating Engineer (heavy and highway work) +</a>	Select One ▾	Increase
<a href="#">Operating Engineer (Building Construction) +</a>	Select One ▾	Increase



# Scope, Holiday, Travel, Increases

## COUNTY

Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
<a href="#">Blacksmith</a>	Select One ▾	No increase *
<a href="#">-Hauling To/From Site)</a>	Select One	Increase

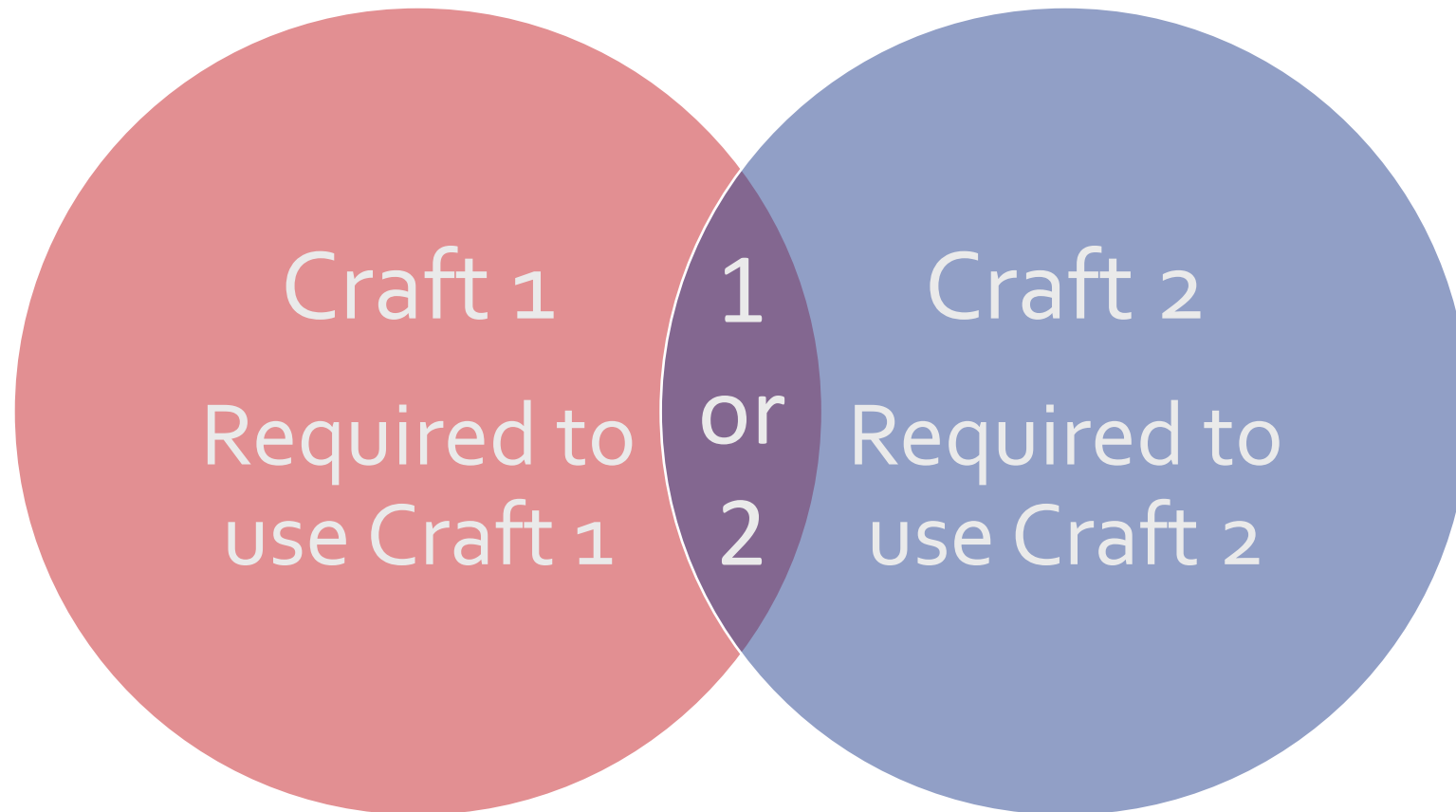
County	Predetermined increase
<a href="#">Alameda</a>	<a href="#">Increase</a>
<a href="#">Alpine</a>	<a href="#">Increase</a>

## REGION

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

CRAFT	CLASSIFICATION	HOLIDAY PROVISIONS	SCOPE OF WORK PROVISIONS	TRAVEL & SUBSISTENCE PROVISIONS
<b>#BRICKLAYER, BLOCKLAYER:</b>	BRICKLAYER, BLOCKLAYER, STONEMASON	<a href="#">Holidays</a>	<a href="#">Scope of Work</a>	<a href="#">Travel &amp; Subsistence</a>

# Work Classification Overlap (Incidental Work)



# Wage Determination Examined

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

**Craft: Drywall Installer/Lather (Carpenter)#**

**Determination:**

**Issue Date:**  
August 22, 2022

**Effective Date:**  
September 1, 2022

**on:**  
aid for work performed after this date has been determined. If work will extend past this date, the new rate incorporated in contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at

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

**Wages and Employer Payments:**

Classification (Journeyman)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday <sup>a</sup>	Training	Other <sup>b</sup>	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77	8.0	\$71.65	\$95.27	\$95.27	\$118.89





## Polling Question 2

The double asterisk (\*\*) next to the expiration date on a wage determination signals:

- a) The craft is apprenticeable
- b) The project is exempt from apprenticeship requirements
- c) No further rate changes ahead
- d) An upcoming predetermined increase



# Wage Determination Examined

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

**Craft: Drywall Installer/Lather (Carpenter)#**

**Determination:**  
SC-31-X-41-2022-1

**Issue Date:**  
August 22, 2022

**Expiration date of determination:**  
June 30, 2023\*\*

work performed after this date has been determined. If work will extend past this date, the new rate contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at

(415) 757-7174.

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

**Wages and Employer Payments:**

Classification (Journeyman)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday <sup>a</sup>	Training	Other <sup>b</sup>	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77	8.0	\$71.65	\$95.27	\$95.27	\$118.89



## Polling Question 3

Given the information below, which one of the following options do not result in an underpayment of basic hourly wages?

Basic Hourly Rate	\$50
Employer Payments (excluding training funds)	\$20

- a) Pay the worker \$60 per hour and contribute \$10 per hour in the form of fringe benefits
- b) Pay the worker \$50 per hour and contribute \$10 per hour in the form of fringe benefits
- c) Pay the worker \$40 per hour and contribute \$30 per hour in the form of fringe benefits



## Polling Question 4

Only union contractors are required to pay the employer payment (fringe benefits) portion of the prevailing wage rate:

- a) True
- b) False



# Wage Determination Examined

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

**Craft: Drywall Installer/Lather (Carpenter)#**

**Determination:**  
SC-31-X-41-2022-1

**Issue Date:**  
August 22, 2022

**Expiration date of determination:**  
June 30, 2023\*\* The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at (415) 703-4774.

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

Wages and Employer Payment  Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday <sup>a</sup>	Training	Other <sup>b</sup>	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/ Holiday Overtime Hourly Rate (2 X)
							\$95.27	\$95.27	\$118.89
Drywall Installer/Lather	\$47.2	\$8.00	\$5.66	\$7.31	<del>\$0.67</del>	\$2.77			



# Basic Hourly Rates

**Wages and Employer Payments:**

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday <sup>a</sup>	Training	Other <sup>b</sup>	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77	8.0	\$71.65	\$95.27	\$95.27	\$118.89

Basic Hourly Rate		Basic Hourly Rates	Employer Payments		
47.24		47.24	+ 24.41 =	71.65	Total Hourly Rate
47.24	X 1.5 =	70.86	+ 24.41 =	95.27	Daily Overtime Hourly Rate (1 ½ X) Saturday Overtime Hourly Rate (1 ½ X)
47.24	X 2.0 =	94.48	+ 24.41 =	118.89	Sunday / Holiday Overtime Hourly Rate (2 X)

$$24.41 = 8.00 + 5.66 + 7.31 + 0.67 + 2.77$$



## Polling Question 5

There is a predetermined increase of \$3.25 to be allocated to wages and/or employer payments. For work that continues past the expiration date, you should:

- a) Pay an additional \$3.25 per hour in basic wages
- b) Pay an additional \$3.25 per hour in fringe benefits
- c) Pay an additional \$3.25 per hour in training funds
- d) Contact the Office of the Director - Research Unit at [statistics@dir.ca.gov](mailto:statistics@dir.ca.gov) and request the breakdown of the predetermined increase



# Predetermined Increase

## **DRYWALL INSTALLER/LATHER (CARPENTER)**

Determination SC-31-X-41-2022-1 is currently in effect and expires on June 30, 2023\*\*.

Effective July 1, 2023, there will be a \$3.25 increase to be allocated to wages and/or employer payments.

Effective July 1, 2024, there will be a \$3.25 increase to be allocated to wages and/or employer payments.

Effective July 1, 2025, there will be a \$3.50 increase to be allocated to wages and/or employer payments.

There will be no further increases applicable to this determination.

Issued 8/22/2022, Effective 9/1/2022 until superseded.

This page will be updated when wage rate breakdown becomes available.

Last Updated: September 1, 2022

## **DRYWALL INSTALLER/LATHER (CARPENTER)**

Determination SC-31-X-41-2022-1 is currently in effect and expires on June 30, 2023\*\*.

Effective July 1, 2023, there will be a \$3.25 increase to be allocated as follows: \$1.62 to Basic Hourly Rate, \$0.25 to Health & Welfare, \$0.25 to Pension, \$0.08 to Vacation/Holiday, \$0.05 to Training and \$1.00 to Other Payments.

Effective July 1, 2024, there will be a \$3.25 increase to be allocated to wages and/or employer payments.

Effective July 1, 2025, there will be a \$3.50 increase to be allocated to wages and/or employer payments.

There will be no further increases applicable to this determination.

Issued 8/22/2022, Effective 9/1/2022 until superseded.

This page will be updated when wage rate breakdown becomes available.

Last Updated: June 23, 2023

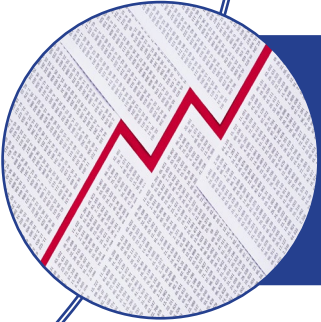




Pay prevailing wage on any project receiving >\$1,000 in public funds



Find prevailing wage determinations, set by the Director's Office, on the web for each craft/classification



Be sure to include any predetermined increases to the rate, fringe benefits, and overtime rates as required by law



# Contractor Responsibilities

Prevailing  
Wage

>\$1,000

**Contractor  
Registration**

>\$15,000  
M

>\$25,000  
CADIR

Apprenticeship

≥\$30,000

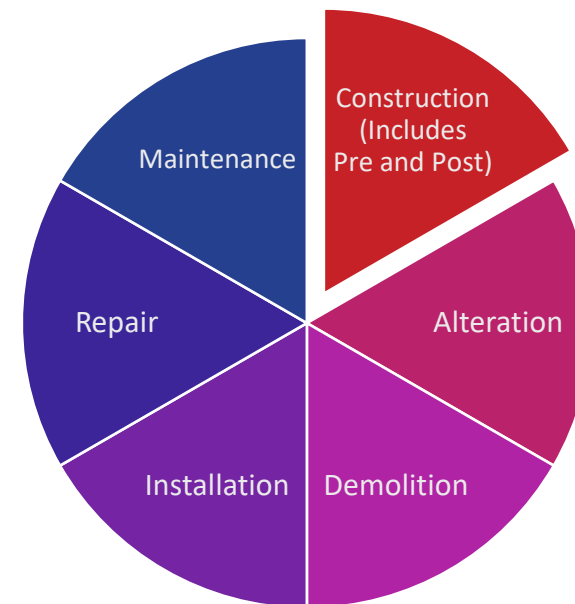
Labor Code 1771, 1725.5, and 1777.5



# Register as a Public Works Contractor



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



Labor Codes(s) 1725.5 & 1771.1



# Fiscal Periods for Registrations

- *Users can register/renew to be active during **one, two, or three** fiscal periods*
  - *Fiscal periods cover periods from **July 1** thru **June 30***
  - ***\$400** non-refundable fee per fiscal period*



# Navigating Website: Contractor Registration

The screenshot shows the website header with the DIR logo (EST. 1927) and the text "State of California Department of Industrial Relations". A search bar is located in the top right. The main navigation menu includes "Labor Law", "Public Works", "Cal/OSHA - Safety & Health", "Workers' Comp", "Self Insurance", "Apprenticeship", "Director's Office", and "Boards". A dropdown menu is open under "Public Works", listing options such as "Labor Commissioner's Office", "Judgment Enforcement Unit", "Wages", "Offices", "BOFE", "Minors", "Outreach", "Policy", "Databases", "Opinions", "Retaliation", "Training", "Postings", "Registration Services", "Public Works", "Electrician Certification", and "Awarding Bodies, public agencies or project owners". The "Public Works" option is highlighted with a red box. Below the navigation, there are sections for "Public Works Pre-Qualification of Contractors", "Apprenticeship Requirements", "Certified Payroll Reporting", "Enforcement of Public Works Law", "File a Public Works Complaint", "Labor Compliance Programs", "Prevailing Wage Requirements", and "More Resources". A search bar is also present at the bottom right. The State Seal of California is visible in the bottom right corner.



Labor Law  Ca/OSHA -  
Safety & Health  Workers' Comp  Self Insurance  Apprenticeship

[Public Works](#) / [Public Works Contractors](#) / Contractor Registration

## 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](#)

Public works contractors can register or renew for one, two, or three fiscal years (July 1-June 30) for a fee of \$400, \$800 or \$1,200



Legal name, CSLB number, DBA, Registration number

mm / dd / yyyy

mm / dd / yyyy

County

City

Search Reset

Crafts (Select all that apply)

- Asbestos
- Bollermaker-Blacksmith
- Bricklayer/Brick Tender
- Carpenter
- Carpet, Linoleum, Resilient Tile Layer
- Cement Mason
- Consultant
- Driver (On/Off Hauling)
- Drywall Installer/Lather/Finisher
- Electrical Utility
- Electrician
- Elevator Constructor
- Field Surveyor
- General Building
- General Engineering
- Glazier
- Inspector/Field Solls, Material Tester
- Iron Worker

Registrations

Search Results: 1 found

Showing Page 1 of 1 Previous Next

Print PDF Export

### ABC Contractors Co.

Detail:

**Status:** Active

CSLB Number: 654321  
 Legal Entity Type: Corporation  
 Mailing Address: ABCD Drive  
 Long Beach  
 CA 99999  
 County: Los Angeles  
 Craft: Laborer  
 Email: J.Doe@abccontractor.com

#### DBA

Name  
 ABC Construction Co.

### Registration History

Effective Date	Expiration Date
7/1/2022	6/30/2025
7/1/2021	6/30/2022
7/1/2019	6/30/2021
6/1/2018	6/30/2019
5/10/2017	6/30/2018
6/1/2016	6/30/2017
6/1/2015	6/30/2016
7/1/2014	6/30/2015



## Polling Question 6

I was a sole proprietor when I first obtained my contractor registration, however, I have since incorporated my business.

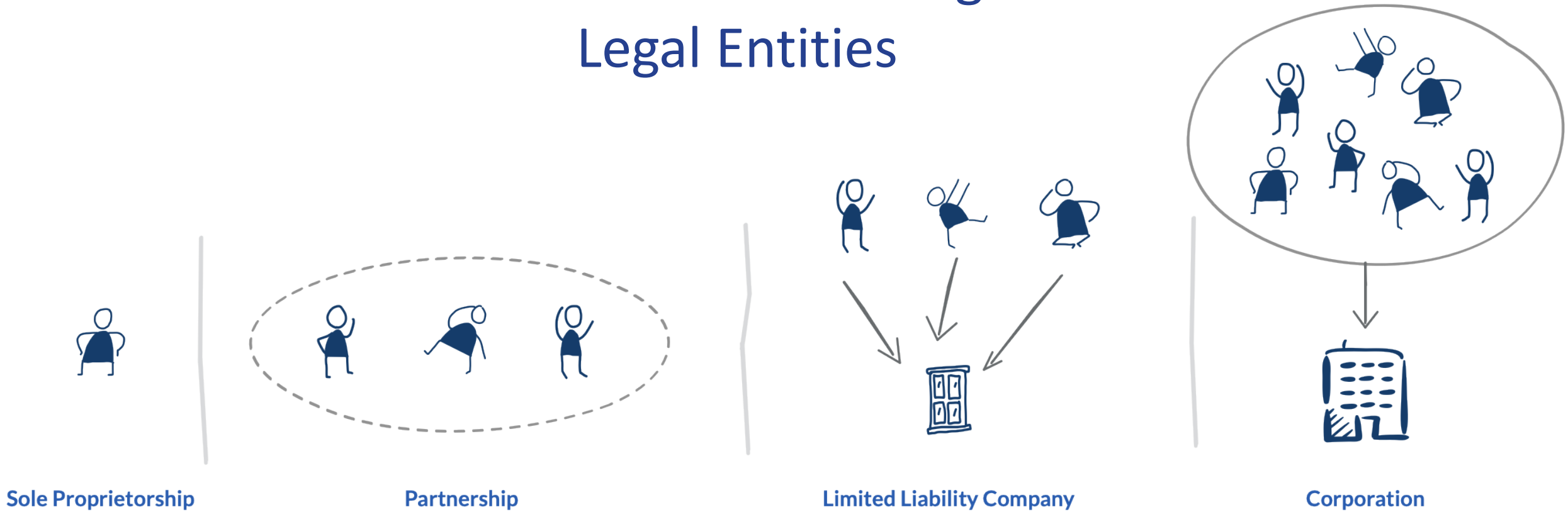
I should:

- a) Renew the existing contractor registration for the sole proprietorship
- b) Update the legal entity name on my existing contractor registration for the sole proprietorship
- c) Obtain a new contractor registration for the corporation





# Public Works Contractor Registration Legal Entities



- Public Works Contractor Registrations are valid *per* legal entity
- A transition to different legal entity type will require a new registration



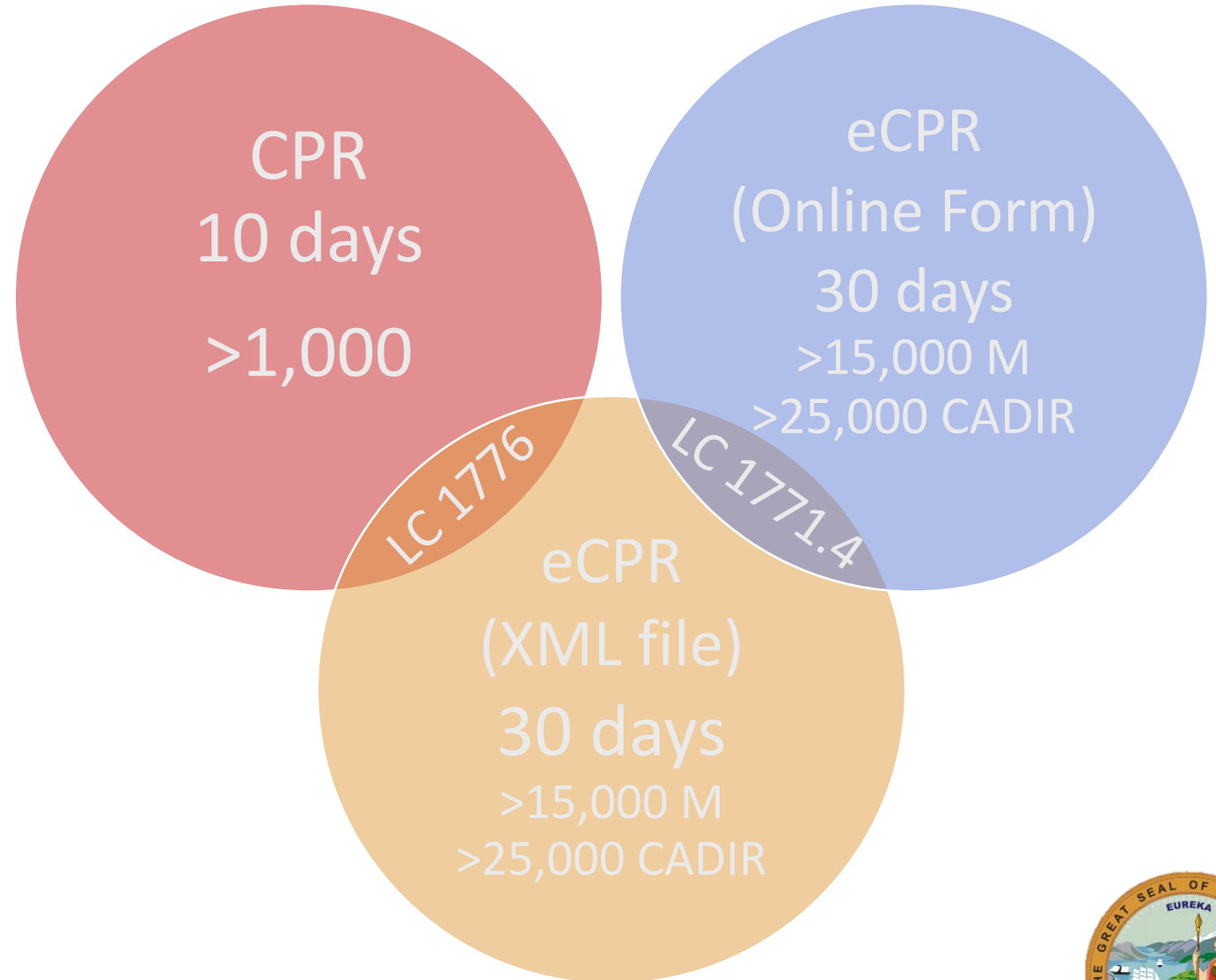
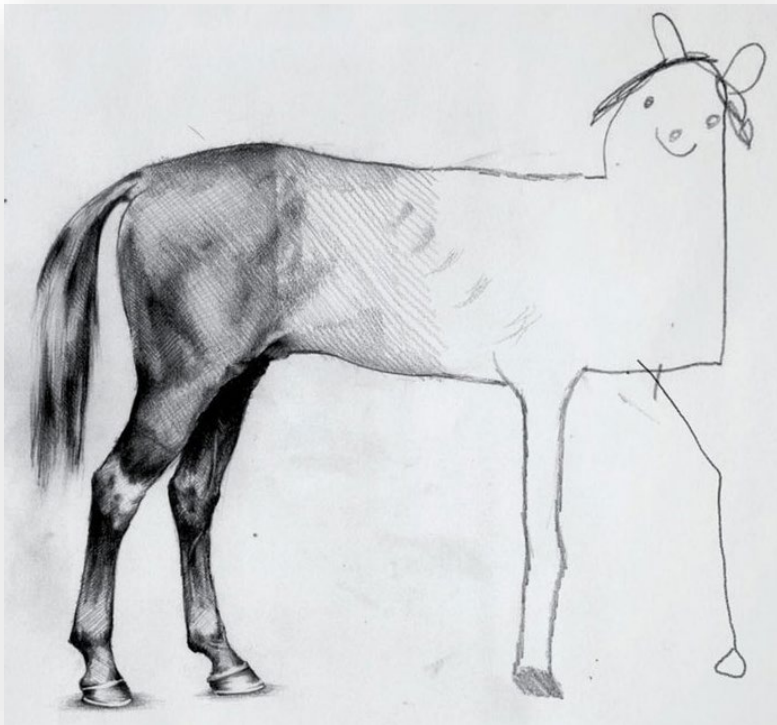
## Polling Question 7

Which of the following should you do in order to comply with the requirements of a Labor Code 1776 request for certified payroll records?

- a) Ensure the payroll records are certified under penalty of perjury
- b) Ensure the payroll records include at least the same information identified in the DLSE Sample Payroll Reporting Form (A-1-131)
- c) Ensure the payroll records are submitted within ten (10) calendar days from receipt of request
- d) All of the above



# Maintain and Furnish Payroll Records



Labor Code(s) 1776 and 1771.4



# Form A-1-131

## 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: \_\_\_\_\_



# Form A-1-131



## PUBLIC WORKS PAYROLL REPORTING FORM

Page \_\_\_\_ of \_\_\_\_

NAME OF CONTRACTOR: OR SUBCONTRACTOR:	CONTRACTOR'S LICENSE NO.: SPECIALITY LICENSE NO.:	ADDRESS:
--	--	----------

PAYROLL NO.:	FOR WEEK ENDING:	SELF-INSURED CERTIFICATE NO.:	PROJECT OR CONTRACT NO.:
		WORKERS' 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) DAY							(5) TOTAL HOURS	(6) HOURLY RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS, CONTRIBUTIONS AND PAYMENTS								(9) NET WGS PAID FOR WEEK / CHECK NO.		
			M	T	W	TH	F	S	S												NET WGS PAID FOR WEEK	CHECK NO.	
			DATE																				
			HOURS WORKED EACH DAY									THIS PROJECT	ALL PROJECTS	FED. TAX	FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION			
		S																					
		O											TRAIING.	FUND ADMIN	DUES	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC-TIONS				

Form A-1-131 (New 2-80)

S = STRAIGHT TIME  
O = OVERTIME  
SDI = STATE DISABILITY INSURANCE

\*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)



# eCPR (XML File)

## Public Works Certified Payroll Reporting Form

**Certification under penalty of perjury:**

"I, [REDACTED], the undersigned, am the [REDACTED] (position in business) with the authority to act for and on behalf of [REDACTED] (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 [REDACTED] 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. I certify this on [REDACTED]"

Contractor Name: [REDACTED]	Contractor PWCR: [REDACTED]	License Type: [REDACTED]	License Number [REDACTED]
Address: [REDACTED]	FEIN: [REDACTED]	Contractor Email: [REDACTED]	
Insurance Number: [REDACTED]			
Awarding Body: [REDACTED]	DIR Project ID: [REDACTED]	Project Name: [REDACTED]	
Contract With: [REDACTED]	County: [REDACTED]	Address: [REDACTED]	

Payroll Number: [REDACTED]      For Week Ending: [REDACTED]       Is this a 'Statement of Non-Performance?'

Name, Address and Social Security Number of Worker	Number of Withholding	Day							Total Hours	Hourly Pay Rate	Gross Amount Earned		Deductions, Contributions, and Payments							Net Wage Paid For Week	Check Number			
		Mon	Tue	Wed	Thu	Fri	Sat	Sun			This Project	All Projects	Federal Tax	FICA	State Tax	SDI	Vac/Holiday	Health & Welf.	Pension					
		Date											Training	Fund Admin	Dues	Trav/Subs	Savings	Other	Total Deduct					
[REDACTED]	[REDACTED]	Hours Worked Each Day																						
	Work Classification	S																						
		O																						
		D																						

NOTE: [REDACTED]



# eCPR (online form)

## Public Works Certified Payroll Reporting Form

**Certification under penalty of perjury:**

"I, [REDACTED], the undersigned, am the [REDACTED] (position in business) with the authority to act for and on behalf of [REDACTED] (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 [REDACTED] 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. I certify this on [REDACTED]."

<b>Contractor Name:</b> [REDACTED]		<b>Contractor PWCR:</b> [REDACTED]		<b>License Type:</b> [REDACTED]		<b>License Number</b> [REDACTED]											
<b>Address:</b> [REDACTED]			<b>FEIN:</b> [REDACTED]		<b>Contractor Email:</b> [REDACTED]												
<b>Insurance Number:</b> [REDACTED]																	
<b>Awarding Body:</b> [REDACTED]			<b>DIR Project ID:</b> [REDACTED]		<b>Project Name:</b> [REDACTED]												
<b>Contract With:</b> [REDACTED]			<b>County:</b> [REDACTED]		<b>Address:</b> [REDACTED]												
<b>Payroll #:</b> [REDACTED]	<b>Ctr Payroll #:</b> [REDACTED]	<b>Week Ending:</b> [REDACTED]			<input type="checkbox"/> <b>Statement of Non-Performance?</b>		<input type="checkbox"/> <b>Final payroll for this project?</b>										
<b>Employee:</b> [REDACTED]																	
<b>SSN:</b> [REDACTED]		<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>	<b>Total Hours</b>	<b>Base Hourly</b>	<b>Total Fringe</b>	<b>Vac/ Holiday</b>	<b>Health &amp; Welf.</b>	<b>Pension</b>	<b>Other</b>	<b>Training</b>	<b>Total Hourly Rate</b>
S [REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>NOTE:</b>												Travel & Subsistence [REDACTED]		Total Deductions [REDACTED]			





Register your company with DIR to bid on, be listed on bids for, or perform work on public works projects



Maintain active registration for every fiscal period you will engage in any of the above activities



Comply with all certified payroll record requirements





# Contractor Responsibilities

Prevailing  
Wage

>\$1,000

Contractor  
Registration

>\$15,000  
M

>\$25,000  
CADIR

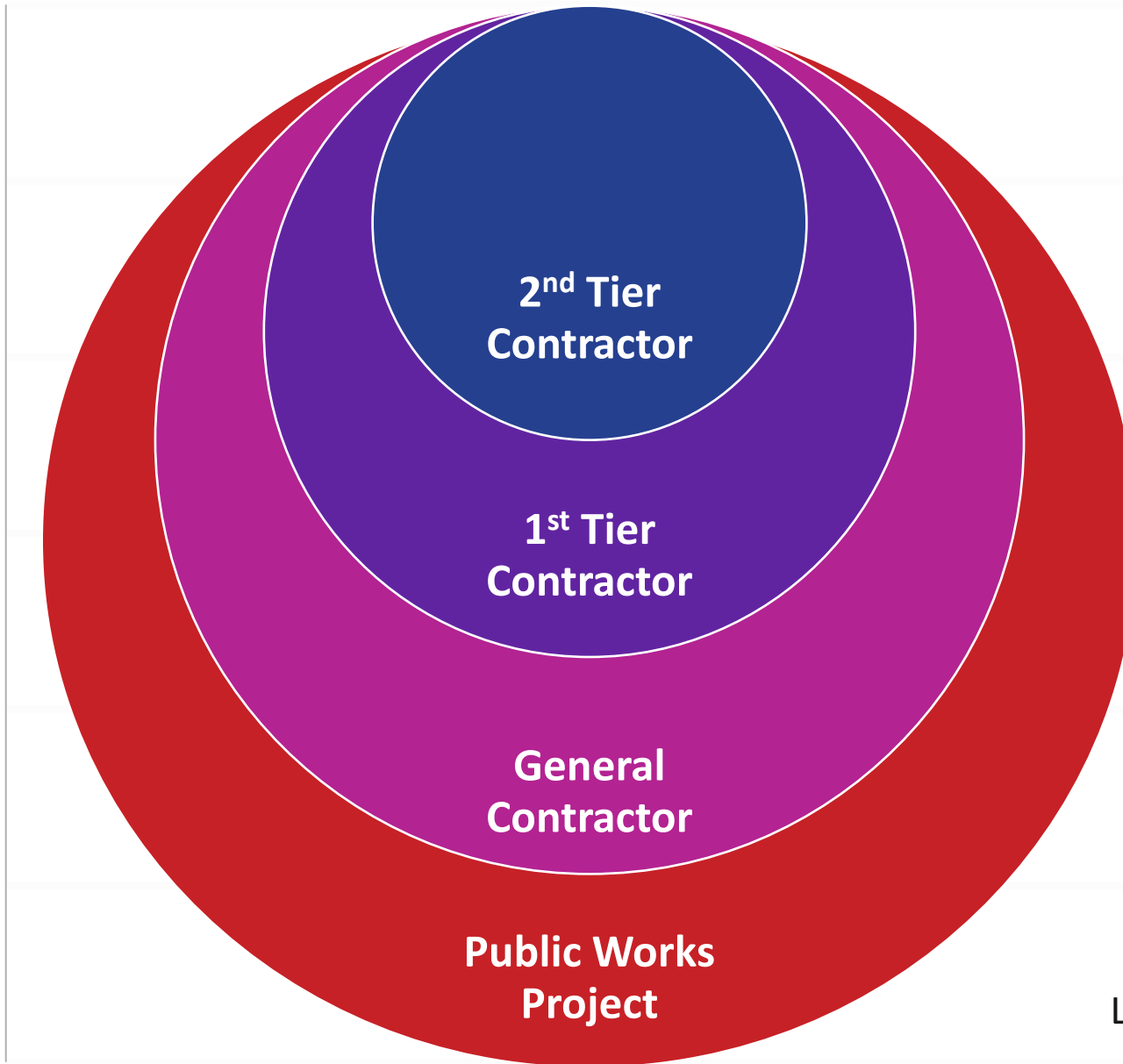
Apprenticeship

≥\$30,000

Labor Code 1771, 1725.5, and 1777.5



\$30,000.00  
\$25,000.00  
\$20,000.00  
\$15,000.00  
\$10,000.00  
\$5,000.00  
\$0.00



Labor Code 1777.5  
≥\$30,000



## Polling Question 8

How can you confirm if a craft is apprenticeable?

- a) Look at the holiday provisions for your craft
- b) There is a hashtag/pound (#) symbol next to the name of the craft on the wage determination
- c) There is a double asterisk (\*\*) next to the expiration date on the wage determination



# Wage Determination Examined

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

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

**Determination:**  
SC-31-X-41-2022-1

**Issue Date:**  
August 22, 2022

**Expiration date of determination:**  
June 30, 2023\*\* The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at (415) 703-4774.

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

### Wages and Employer Payments:

Classification (Journeyman)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday <sup>a</sup>	Training	Other <sup>b</sup>	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77	8.0	\$71.65	\$95.27	\$95.27	\$118.89



# Contract Award Information

## PUBLIC WORKS CONTRACT AWARD INFORMATION

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

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

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



***This is not a request for dispatch of apprentices.***

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

***Check One Of The Boxes Below***

- 1.  We are already approved to train apprentices by the \_\_\_\_\_  
Apprenticeship Committee. We will employ and train under their Standards. Enter name of the Committee
  
- 2.  We will comply with the standards of \_\_\_\_\_  
Apprenticeship Committee for the duration of this job only. Enter name of the Committee
  
- 3.  We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including § 230.1 (c) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the direct supervision of journeyman/men.

*Signature*

*Date*

*Typed Name*

*Title*

**State of California - Department of Industrial Relations DIVISION  
OF APPRENTICESHIP STANDARDS**

DAS 140 (REV. 1/04)



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



# Public Works Apprenticeship Requirements

All public works contracts valued at \$30,000 or more carry an obligation to hire apprentices, unless the craft or trade does not require the use of apprentices, as indicated in the corresponding prevailing wage determination. This duty applies to all contractors and subcontractors on a project, even if their part of the project is less than \$30,000.

The Division of Apprenticeship Standards (DAS) provides assistance to contractors who need to

## Funding


- Funding Resources
- Equal Representation in Construction Apprenticeship Grant



- Cal/OSHA -
- Labor Law ▾
- Safety & Health ▾
- Workers' Comp ▾
- Self Insurance ▾
- Apprenticeship ▾
- Director's Office ▾
- Boards ▾



Paid Sick Leave



Minimum Wage



File a Claim or Complaint



COVID-19 Guidance and Resources

- Apprenticeship Home
- Apprenticeship Search
- Public Works**
- Sponsors
- Overview
- Educators
- Employers
- Veterans

### Ratios.

- ✓ Provide worker's compensation benefits to apprentices.

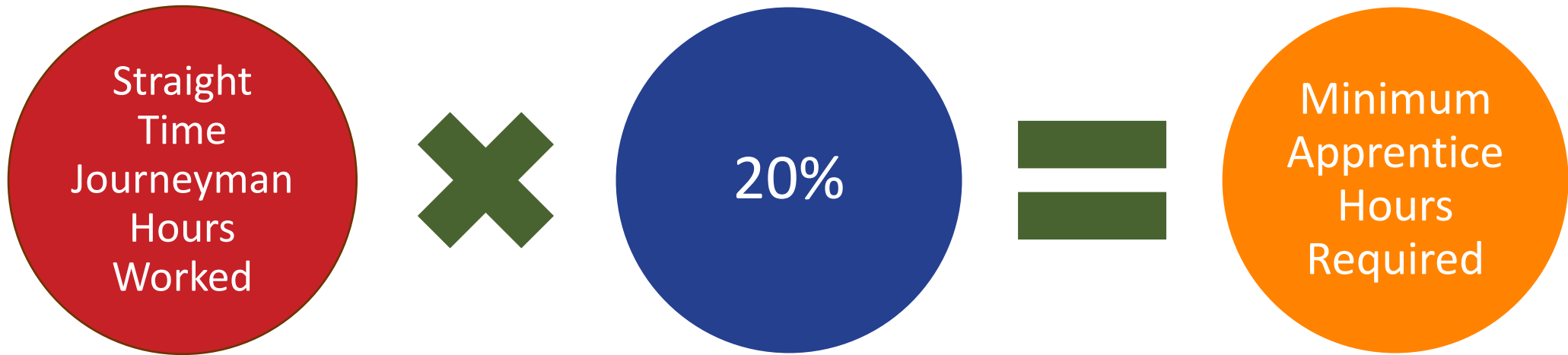
- Plaster Tender

<https://www.dir.ca.gov/databases/das/pwaddrstart.asp>





# Minimum Apprenticeship Ratio



LC 1777.5  
CCR 230.1



# Minimum Apprenticeship Hours Required Example

	#Craft 1	#Craft 2
Journeyman ST Hours Worked	1000	500
Journeyman OT Hours Worked	500	200

## Minimum Apprenticeship Hours Required

	#Craft 1	#Craft 2
Journeyman ST Hours Worked x 20%	200	100

All apprenticeship hours count towards the minimum ratio requirement



# Request for Dispatch of an Apprentice



## REQUEST FOR DISPATCH OF AN APPRENTICE – DAS 142 FORM

**DO NOT SEND THIS FORM TO DAS**

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

List one occupation/craft per form

<p>Date: _____</p>	<p>Contractor Requesting Dispatch:</p>
<p>To Applicable Apprenticeship Committee:</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Tel. No. _____ Fax No. _____</p>	<p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>License No. _____</p> <p>PWC Registration Number: _____</p> <p>Tel. No. _____ Fax No. _____</p>



**Project Information: PWC Project Number** \_\_\_\_\_ **Contract Number** \_\_\_\_\_

**Total Contract Amount.** \_\_\_\_\_ **Sub-Contract Amount** \_\_\_\_\_

**Name of the Project:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Dispatch Request Information:**

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

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

**Name of Person to Report to:** \_\_\_\_\_

**Address to Report to:** \_\_\_\_\_

\_\_\_\_\_

*You may use this form to make your written request for the dispatch of an apprentice. Requests for dispatch must be in writing and submitted at least 72 hours in advance (excluding weekends and holidays) via first class mail, fax or email. **Proof of submission may be required.** Please take note of California Code of Regulations, Title 8, § 230.1 (a) for all applicable requirements regarding apprenticeship requests and/or*

*visit <https://www.dir.ca.gov/das/PublicWorksForms.htm>*

*DAS 142 (Revised 10/18)*



## Polling Question 9

A Request for Dispatch (Form DAS 142) is transmitted to an apprenticeship committee on Friday at 8am requesting an apprentice on Monday at 8am.

How many hours would not count toward the hours of notice the committee was given?

Friday	Saturday	Sunday	Monday
8am			8am

- a) 24 hours should not count (Saturdays are excluded)
- b) 48 hours should not count (Saturdays, Sundays, and holidays are excluded)
- c) All hours should count (Saturdays, Sundays, and holidays are included)



# At Least 72 Hours' Notice Required



## Polling Question 10

How can you confirm that a worker is a DAS registered apprentice?

- a) Using the DAS apprentice search database
- b) Ask the worker if they are an apprentice and take their word for it
- c) An inexperienced worker is an apprentice by default



# Apprenticeship Status and Safety Training Certification

Apprenticeship status certification for public works

Enter search string ( LLLLF9999 ) here



How to compile the search string:

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

Examples:

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

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

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

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

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

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





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

P.O. Box 420603

San Francisco, CA 94142-0603



To whom it may concern:

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

**Name**

Mason Smith

Mason Smith

**Occupation**

\* Cement Mason

\* Cement Mason

**Action**

Start

Comp

**Effective Date**

03-02-2016

12-25-2017

**Cert. id**

SmitM1234

SmitM1234

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

Glen Forman

Deputy Chief



## Polling Question 11

I am a subcontractor performing work in an apprenticeable craft. The project cost is over \$1,000, however, since the general contract is under \$30,000 I am not required to make training fund contributions.

- a) True
- b) False



# Wage Determination Examined

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

**Craft: Drywall Installer/Lather (Carpenter)#**

**Determination:**  
SC-31-X-41-2022-1

**Issue Date:**  
August 22, 2022

**Expiration date of determination:**  
June 30, 2023\*\* The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at (415) 703-4774.

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

**Wages and Employer Payments:**

Classification (Journeyman)	Basic Hourly Rate	Health and Welfare	Pension	Vacatio and Holiday <sup>a</sup>	Training					
					ther <sup>b</sup>	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Saturday Overtime Hourly Rate (1 ½ X) <sup>c</sup>	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	2.77	8.0	\$71.65	\$95.27	\$95.27	\$118.89
							\$0.67			



# CAC - Public works Training Fund Search

## Training Fund Search

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

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

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

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

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

Possible reasons:

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

Department of Industrial Relations

California Apprenticeship Council

P. O. Box 511283

Los Angeles, CA 90051-7838

[dir.ca.gov/CAC/trainingfund/Tfsearch.html](http://dir.ca.gov/CAC/trainingfund/Tfsearch.html)



**CALIFORNIA APPRENTICESHIP COUNCIL**

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



Re: Training Fund Contribution Inquiry for:

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

Lic.# 987654

To whom it may concern:

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

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

If you have any questions please contact the Division of Apprenticeship Standards. [trainingfund@dir.ca.gov](mailto:trainingfund@dir.ca.gov)

Glen Forman  
 for the Secretary, California Apprenticeship Council





Notify apprenticeship committees of contract award information



Employ apprentices in at least the minimum ratio, requesting dispatch if needed



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



# Contractor Responsibilities

Prevailing  
Wage

>\$1,000

Contractor  
Registration

>\$15,000  
M

>\$25,000  
CADIR

Apprenticeship

≥\$30,000

Labor Code 1771, 1725.5, and 1777.5



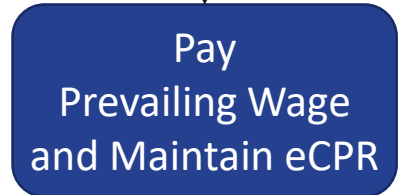
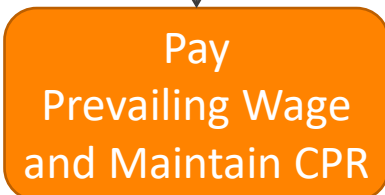
Threshold



Condition



Requirement





# Contractor Responsibilities

## Prevailing Wage

≤\$200 Per  
Calendar Day of  
Noncompliance  
Per Worker

## Contractor Registration

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

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

## Apprenticeship

≤\$300 Per  
Calendar Day of  
Noncompliance

Labor Code 1771, 1725.5, and 1777.5



DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Labor Standards Enforcement

Headquarters Office  
1515 Clay Street, Ste. 1302  
Oakland, CA 94612  
Tel: (510) 285-2118 Fax: (510) 285-1365

MAILING ADDRESS:  
P. O. Box 420603  
San Francisco, CA 94142-0603



**Lilia García-Brower**

California Labor Commissioner

October 28, 2022

Sent Only Via E-Mail

### Contractors' Responsibilities, Statutory Obligations

Re : Successful Bidding and Work on California Public Works Projects

Dear Contractor,

The State Labor Commissioner's Office (LCO) is mandated under law to ensure compliance with Public Works Laws (PWL). This letter seeks to inform and ensure potential and successful contractors understand the legal requirements and potential consequences when bidding or working on a project under California's PWL. (*Lab. Code* §§ 1720 – 1861.) For all projects requiring payment of prevailing wages, all contractors<sup>1</sup> must:

- [Register](#) as a public works contractor with the Department of Industrial Relations (DIR) and remit an application fee. (*Lab. Code* § 1725.5(a).)
- Pay prevailing wages to all workers employed on public works projects. (*Lab. Code* §§ 1770, 1771.)
- Follow apprenticeship standards, more information found [here](#). (*Lab. Code* § 1777.5.)
- For certain projects, comply with California's Skilled and Trained Workforce Requirements. (*Pub. Contract Code* §§ 2600-2603.)
- Maintain and properly submit certified payroll records. More information can be found [here](#). (*Lab. Code* §§ 1771.4, 1776.)

Failing to register as a public works contractor can subject a contractor to civil penalties, accruing at \$100.00 for each day of violation, not to exceed \$8,000.00. A higher tiered public works contractor who contracts with an unregistered lower tier subcontractor is subject to a civil penalty of \$100.00 for each day of violation, not to exceed \$10,000.00. (*Lab. Code* § 1771.1(g), (h).)

A contractor's failure to pay prevailing wage may lead to costly consequences. Recently, a contractor was found liable for **\$1.3 million** in kickbacks and wage theft by its crew leader, covering 27 workers. The LCO

<sup>1</sup> A contractor is any person or company who bids or contracts to work on a public works job. A contractor includes a subcontractor and owner/operator. (*Lab. Code* § 1722.1.)

also recovered **\$2.6 million** in wages on behalf of 120 workers from the surety and awarding body in another enforcement action. Those violations involved kickbacks and failing to report all workers on the certified payroll. A third contractor recently was fined **\$200,000** for not paying overtime on a public works project.

With some exceptions, all public works contracts valued at \$30,000 or more carry a duty to hire apprentices. This duty applies to all contractors and subcontractors on a project, even if their part of the project totals less than \$30,000. Contractors who fail to follow apprenticeship standards are liable for civil penalties of up to \$300 for each full calendar day of noncompliance.

Recent changes to the *Public Contract Code* require employment of a Skilled and Trained Workforce (STW) on certain projects. With few exceptions, all workers employed on STW projects must be skilled journeypersons or registered apprentices; and 30-60% of all skilled journeypersons must be graduates of an apprenticeship program. Contractors and subcontractors who violate STW rules can face civil penalties of up to \$10,000 per month of work performed and debarment. More information on STW may be found [here](#).

Contractors must submit certified payroll records to the LCO using DIR's electronic certified payroll system. If not submitted, penalties accrue of \$100 per day, limited to \$5,000 per project. Submission of eCPRs is a separate and distinct reporting requirement from the statutorily required maintenance of certified payroll records.

In addition, contractors who fail to timely submit certified payroll records following a written request of the LCO are subject to a different and additional penalty of \$100 per worker per day.

A contractor's failure to adhere to these requirements compromises the important goals of the PWL, the state, its workers and employers. A contractor who willfully ignores these requirements may be subject to debarment from bidding or working on public works projects. (*Lab. Code* § 1777.1.)

Please refer to the [FAQs](#) on our website for more information regarding PWL requirements. Contact our Public Works Unit at [publicworks@dir.ca.gov](mailto:publicworks@dir.ca.gov) if you have questions regarding your obligations when awarded a project subject to PWL. For general information on the laws enforced by the LCO you may call 833-LCO-INFO (833-526-4636).

My office is committed to promoting compliance with workplace protections for vulnerable workers, which also levels the playing field and supports law-abiding contractors. We hope to continue in strong partnership with your company toward these worthy goals.

Sincerely,

Lilia García-Brower  
California Labor Commissioner

# Thank you for attending!

## General questions or system issues?

### Labor Commissioner's Office - [publicworks@dir.ca.gov](mailto:publicworks@dir.ca.gov)

- Provide screenshots and contact information for user experiencing the issues
- Identify the system in the subject line
  - PWCR (Public Works Contractor Registration)
  - eCPR (Electronic Certified Payroll Reporting)
  - PWC-100 (Project Registration)



## The work I am engaged in requires prevailing wages, what is the applicable craft?

### Office of the Director – Research Unit - [statistics@dir.ca.gov](mailto:statistics@dir.ca.gov)

Request a wage determination. Provide county, bid date, and scope of work

## Is my specific project a public work? The work I am engaged in is innovative and not found in any scope of work provision, am I required to pay prevailing wages?

### Office of the Director – Legal Unit - [pwcoverage@dir.ca.gov](mailto:pwcoverage@dir.ca.gov)

Request a coverage determination. Provide as much documentation as possible (contract, funding source, lease information, scope of work, etc.)



# Upcoming System Modernization

## Data and Reporting

### From:

- Time-consuming manual data transfer and slow download speeds

### To:

- Reliable, faster downloading of relevant data / reports

## PWC100/PWCR/eCPR Portals

### From:

- Inconsistent and slow system performance
- Duplicative registration and project linking processes across systems
- Inability to edit registration details, self-manage user accounts (e.g., add new users, password reset, etc.), or associate with subcontractors
- Payment totals not visible with tedious payment processes

### To:

- Single, unified, and reliable system for awarding bodies and contractors to interact with DIR Public Works
- Streamlined user interface enabling leading edge experience for constituent registration
- More robust self-service and payment management features

# Upcoming System Modernization

## eCPR Submissions

### From:

- Adjustments requiring completely new eCPR submission
- Worker details needing to be re-entered with every record
- Separate eCPR needed for each employee on a project
- Slow eCPR upload times

### To:

- Refined editing features of previous eCPR submissions
- Ability to save worker profiles and duplicate previous submissions, removing need for redundant data entry
- Capability to group workers for batch submissions
- Accelerated eCPR upload speeds

## Prevailing Wage

### From:

- Time-consuming process to verify prevailing wage rates housed in numerous PDF documents and tables across multiple webpages (e.g., split up by trade, subtrade, geography, time of work, etc.), with some info only available by calling DIR

### To:

- Simplified search mechanism, determining detailed prevailing wage with a single query for any given worker on a particular project, inclusive of predetermined increase breakdowns and overtime rates
- Ability to download data in delimited text file format