

AGENDA

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

PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

Thursday • June 6, 2024 • 8:00 a.m. – 3:00 p.m.

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



- Breakout Rooms require the latest version of Zoom.
- 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 Final Rule Provisions

Revisions to 29 CFR Parts 1, 3, and 5



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-4-US-WAGE

Disclaimer

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

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Summary of the Final Rule

Davis-Bacon Act Coverage

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

Davis-Bacon Related Acts

- Davis-Bacon (DB) requirements extended to numerous “Related Acts” that provide federal assistance by, for example
 - Grants
 - Loans
 - Loan guarantees
 - Insurance

Overview of Major Changes

- Determining applicable prevailing wage rates
- Coverage
- Incorporation of contract clauses and wage determinations
- Payment of prevailing wages
- Recordkeeping
- Anti-Retaliation
- Enforcement mechanisms

Important Dates

- Effective Date - October 23, 2023
- Applicability Dates
 - Part 1 provisions relating to wage determination methodologies apply to wage determinations completed and published after October 23, 2023
 - 29 CFR 1.6(c)(2)(iii) provisions relating to updating wage determinations after contract award apply to new and existing contracts as of October 23, 2023
 - All other provisions apply to contracts awarded after October 23, 2023

Determining Applicable Prevailing Wage Rates

Definition of Prevailing Wage Rate

- Wage paid to the majority (at least 50%),
- If the majority wage is not paid, then prevailing wage will be the wage paid to the greatest number, *provided* at least 30%, or
- If no wage rate is paid to 30%, the prevailing wage will be the average.

Functionally Equivalent Rates

- Variable wage rates paid by contractor(s) may be treated as the same wage rate where the rates are functionally equivalent, as explained by:
 - One or more collective bargaining agreements or
 - Written policies maintained by contractor(s)

Scope of Consideration - Area

- The *area* from which wage data will be drawn will typically be the county
- If data is insufficient at the county level, data from groups of counties can be used to determine craft sufficiency in the following progression:
 - Surrounding counties may be considered
 - Comparable counties or groups of counties may be considered
 - All counties statewide may be considered

Updating Wage Determinations in Revised Contracts

- After contract award, the contracting agency must include the most recent applicable wage determination modification(s) when:
 - a contract or order is changed to include additional and substantial work not within the scope of work of the original contract, or to require the contractor to perform work for an additional time period.
 - an option to extend the term of a contract is exercised.

Updating Wage Determinations in Ongoing Contracts

- Where contracts require a general commitment to perform necessary construction as the need arises, over a period of time that is not tied to the completion of any particular project, the contracting agency must incorporate the most recent applicable wage determination modification(s) on each anniversary date of the contract's award.

Periodic Rate Adjustments

- Adjustments to non-collectively bargained prevailing wage and fringe benefit rates on general wage determinations based on U.S. Bureau of Labor Statistics Employment Cost Index (ECI) data or its successor data.
- Such rates may be adjusted based on ECI data no more frequently than once every 3 years, and no sooner than 3 years after the date of the rate's publication.
- WHD will issue modifications to general wage determinations with such adjusted rates.



Coverage

Site of the Work – Secondary Sites

- Any site where a significant portion of a building or work is constructed for specific use in that building or work, as long as the site is either:
 - established specifically for the performance of the contract or project, or
 - is dedicated exclusively, or nearly so, to the performance of the contract or project for a specific period of time.

Site of the Work – Flaggers

- Workers engaged in traffic control and related activities adjacent or virtually adjacent to the primary construction site are working on the site of the work.

Site of the Work – Drivers

- Drivers who work for construction contractors are covered for any non de minimis time when their work requires them to come on and offsite.

Material Suppliers Exception

- Exception applies if:
 - The firm's only obligation is to deliver supplies or equipment, and
 - Its facilities are not located on the project's primary or secondary construction site, and
 - were either established before opening of bids or contract award, or
 - are not dedicated exclusively, or nearly so, to the performance of the contract.

Portion of a Building or Work

- *Building or work* includes not only construction involving an entire building, structure, or improvement, but also construction activity involving just a portion of a building, structure, or improvement, including the installation of equipment or components.

Public Building Or Public Work

- Construction of a portion of a building or work carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public is still considered a public building or public work, even when the entire building or work would not be considered a public building or work.

Prime Contractor

- *Prime contractor* is broadly defined as any person or entity that enters into a covered contract with an agency, including non-profit organizations, owners/developers, borrowers or recipients, project managers, or single-purpose entities.
- *Prime contractor* also includes the controlling shareholder or member of any entity holding a prime contract, the joint venturers or partners in any entity holding a prime contract, and any contractor that has been delegated the responsibility for overseeing all or substantially all of the construction anticipated by the prime contract.

Other Coverage Provisions

- Demolition
- Green energy projects
- Survey crews

A high-angle photograph of construction workers on a scaffolding structure. The workers are wearing hard hats in yellow, blue, and white. One worker in the center is holding a set of blueprints. The scaffolding is made of metal pipes and wooden planks. The background shows a concrete wall with rebar.

Incorporation of Contract Clauses and Wage Determinations

Incorporation by Reference

- Contract clauses and wage determinations are equally effective if they are incorporated by reference, although agencies are still required to insert the contract clauses in full for any contract not subject to the FAR.

Clauses Included by Operation of Law

- Regardless if the contracting agency fails to incorporate the contract clauses and wage determination(s) into a prime contract, the clauses and wage determination(s) will still be considered part of that contract and will be effective as a matter of law.
- Where the clauses and applicable wage determinations are effective by operation of law, contracting agencies must compensate the prime contractor for any increase in wages in accordance with applicable law.

Flow-Down of Clauses – Prime Contractors

- Prime contractors are responsible for flowing down both the contract clauses and the applicable wage determinations to their subcontracts.
- The prime contractor must cover any unpaid wages or other liability for any subcontractor violations.
- Prime contractors may be debarred for disregarding their obligations.

Flow-Down – Upper Tier Contractors

- Upper-tier subcontractors may also be held liable for back wages owed to the workers.
- Upper-tier subcontractors may also be debarred for disregarding their obligations.

A construction site at sunset. A large crane is positioned in the upper right, with its hook and cables hanging down. Three workers wearing hard hats (one blue, one yellow, one white) are visible in the middle ground, looking towards the crane. The ground is covered with a grid of rebar for a concrete slab. The sky is a mix of orange and blue.

Payment of Prevailing Wages

Apprentices

- The required ratio and rates have changed when a contractor is working in a locality other than the locality in which its apprentices' program(s) is registered.
- The ratios and wage rates applicable in the approved apprenticeship program for the locality in which the construction is being performed will apply.
- If there is no approved program in the locality, the ratio and wage rate specified in the contractor's registered program must be observed.

Annualization

- The annualization requirement is now included in the regulations.
- An exception will be granted for benefits that are not continuous in nature and do not compensate both private and DBRA-covered work.
- Defined contribution pension plans are not required to seek an exception if they meet the required criteria and provide for immediate participation and essentially immediate vesting.

Administrative Fees

- A contractor may take credit for payments made to third parties for costs that are directly related to the administration and delivery of bona fide fringe benefits.
- A contractor cannot take credit for its own administrative expenses incurred in connection with the provision of fringe benefits, even when the contractor pays another entity to perform such tasks in whole or in part.



Recordkeeping

Basic Records Requirements

- Contractors must now maintain workers' last known phone numbers and email addresses as part of their required records.
- Contractors are also required to maintain contracts, subcontracts, and related documents.

Length of Record Retentions

- All required records must be maintained for at least 3 years after all work on the prime contract has been completed.
- This requirement also applies to subcontractors, even though the subcontractor's work may be finished prior to the completion of the prime contract.

Certified Payrolls - Signatures

- Must be signed with a handwritten signature or a legally valid electronic signature.
- Valid electronic signatures include any electronic process that indicates acceptance of the certified payroll record and includes an electronic method of verifying the signer's identity.

Certified Payrolls – Submission Methods

- Contracting agencies and prime contractors can permit or require contractors to submit their certified payrolls through an electronic system, if:
 - the electronic system requires a legally valid electronic signature;
 - other methods are permitted where a contractor may not be able to use or access the electronic system; and
 - the electronic system allows the contractor, the contracting agency, and the Department to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed.

Required Record Disclosures

- A contractor's failure to make the required records available to WHD within the requested timeframe will prevent that contractor from using those records as evidence in a hearing under 29 CFR part 6.
- A reasonable request from the contractor or person for an extension of the time to submit records will be considered.



Anti-Retaliation

Prohibited Actions

- It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for engaging in protected activity.

Protected Activities

- Workers or job applicants are protected from retaliation for:
 - notifying any contractor of any conduct which the worker reasonably believes constitutes a DBRA violation;
 - filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting on behalf of themselves or others any DBRA right or protection;
 - cooperating in any investigation or other compliance action, or testifying in any DBRA proceeding, or;
 - informing any other person about their rights under the DBA, Related Acts, or 29 CFR parts 1, 3, or 5.

Retaliation Remedies

- WHD may require contractors to provide appropriate relief to affected worker(s) and job applicant(s) or take appropriate remedial action, or both.

Retaliation Remedies - Examples

- Examples of such remedies include, but are not limited to:
 - employment, reinstatement or front pay in lieu of reinstatement, and promotion, together with back pay and interest;
 - restoration of prior conditions and privileges of the worker's employment or former employment;
 - removal of warnings, reprimands, or similar references; or
 - the provision of a neutral employment reference.



Enforcement Mechanisms

Withholding

- Ability to cross-withhold is strengthened
- Cross-withholding even when the contract is not with the same agency that awarded or assisted the prime contract on which the violations occurred
- Funds withheld for DBRA wage underpayments have priority over other competing claims

Debarment

- The standard for DBA and Related Act debarments is now the same.
- Debarment is for 3 years with no early removal from the exclusion list for both DBA and Related Act.



Resources

WHD Resources

- DBRA Final Rule webpage - <https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon>
- 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/protections-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>

OFCCP Resources

- OFCCP holds those who do business with the federal government (contractors and subcontractors) responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations.
- Further information on OFCCP is available at https://www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/factsheets/FACT_Workplace_Aug2016_ENGESQA508c.pdf.

Connect with Us

- Visit dol.gov/newsroom/digital
- WHD Twitter: twitter.com/whd_dol
- DOL Facebook: facebook.com/departmentoflabor
- DOL YouTube: youtube.com/user/USDepartmentofLabor
- DOL Blog: blog.dol.gov

REVOCAION 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
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: 24	Homes: 2,545	Chronically Homeless Households Served: 787
Projects Serving Homeless Youth: 14	Homes with 55+ Years of Affordability: 1,971	Homeless Youth Households Served: 366
		Households Served over Project Lifetime: 35,688

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

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



PREVAILING WAGE/LABOR COMPLIANCE WEBINAR PUBLIC WORKS COVERAGE

Matthew Kim, Esq.
OD LEGAL UNIT
SEPTEMBER 13, 2023





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Department of Industrial Relations (DIR)

▶ Divisions, Boards and Commissions at DIR

- ▶ **Office of the Director – Legal Unit (OD Legal)**
 - ▶ Assists the Director with drafting **coverage determinations**
 - ▶ Acts as hearing officers for appeals of wage/penalty assessments

- ▶ **Office of Policy, Research and Legislation (OPRL)**
 - ▶ Issues Prevailing Wage Determinations

- ▶ **Division of Labor Standards Enforcement (DLSE)**
("Labor Commissioner's Office")
 - ▶ Enforces prevailing wage and apprenticeship laws

- ▶ **Division of Apprenticeship Standards (DAS)**
 - ▶ Administers apprenticeship laws, programs, and standards
 - ▶ Approves apprenticeship programs

Department of Industrial Relations

★ Quick Links

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

★ Also of Interest

- ▶ [Industrial Relations databases](#)
- ▶ [Subscribe to a distribution list](#)
- ▶ [Work for DIR](#)
- ▶ [Do business with DIR](#)

★ Other Resources

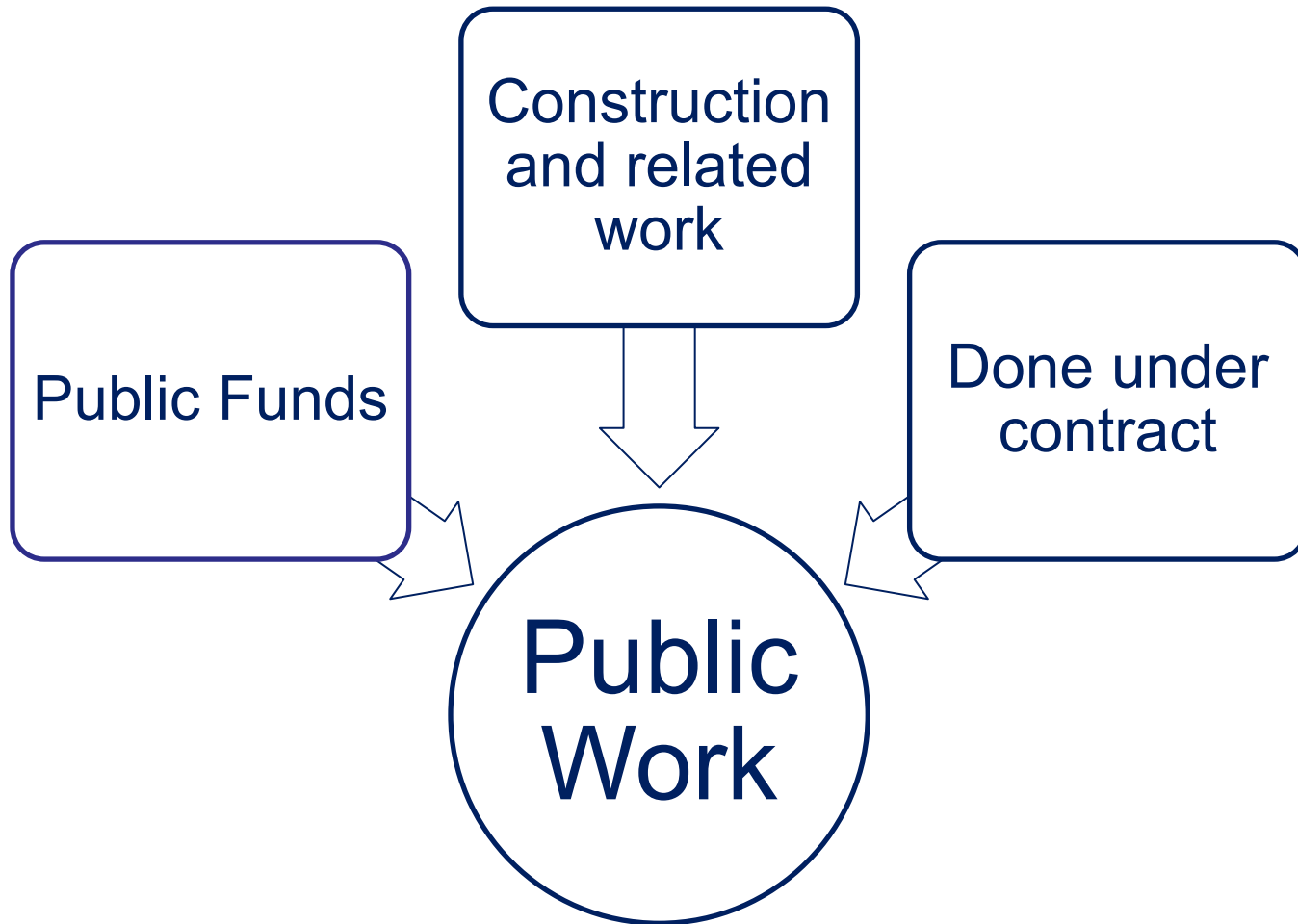
- ▶ [California Labor & Workforce Development Agency](#)
- ▶ [Employment Development Department](#)
- ▶ [U.S. Dept. of Labor](#)



The Basic Definition: Labor Code Section 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 and Related work

Labor Code 1720(a)(1), Construction includes

... work performed during the design, site assessment, feasibility study, and other preconstruction phases of construction, including, but not limited to, inspection and land surveying work, regardless of whether any further construction work is conducted, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite.



Construction and Related work

Labor Code 1720(a)(1), Construction includes

- work performed during the design,
 - site assessment,
 - feasibility study,
- and other preconstruction phases
 - inspection and land surveying work,
- * **REGARDLESS WORK IS DONE**
- work performed during the postconstruction
- all cleanup work at the jobsite.



Construction and Related Work CONT.

Labor Code 1720(a)(1), - “CA-DIR”

- Construction
- Alteration (including change of the usage of the land)
- Demolition
- Installation
 - “the assembly and disassembly of freestanding and affixed modular office systems”
- Repair Work
- Maintenance Work (Labor Code 1771)



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.**



What is “Maintenance Work”?

Title 8 of California Code of Regulation § 16000

- (1) Routine, recurring and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility (plant, building, structure, ground facility, utility system or any real property) for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired.
- (2) Carpentry, electrical, plumbing, glazing, [touchup painting,] and other craft work designed to preserve the publicly owned or publicly operated facility in a safe, efficient and continuously usable condition for which it was intended, including repairs, cleaning and other operations on machinery and other equipment permanently attached to the building or realty as fixtures.



What is “Maintenance Work”?

Title 8 of California Code of Regulation § 16000

- Routine, recurring, and usual
- preservation, protection, and keeping of
- any publicly owned or publicly operated facility
 - (plant, building, structure, ground facility, utility system, or any real property)
- for its intended purposes
- a safe and continually usable condition

- Carpentry, electrical, plumbing, glazing, [touchup painting,] and other craft work
- Work on machinery and other equipment permanently attached



Other definitions of “public works” Section 1720(a)

(2) “Work done **for irrigation, utility, reclamation, and improvement districts, and other districts of this type.**”

(3) “**Street, sewer, or other improvement work** done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district”



Other definitions of “public works” Section 1720(a).. Cont.

- (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) **Infrastructure project grants** from the California Advanced Services Fund pursuant to Section 281 of the Public Utilities Code.
- (8) Tree removal work done in the execution of a project under paragraph (1)



Other definitions of “public work”

- Section 1720(e) [Work on electric transmission system]
- Section 1720.2 [Private construction leased to public entity]
- Section 1720.3 [Hauling]
- 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]



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 by the state or political subdivision 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))

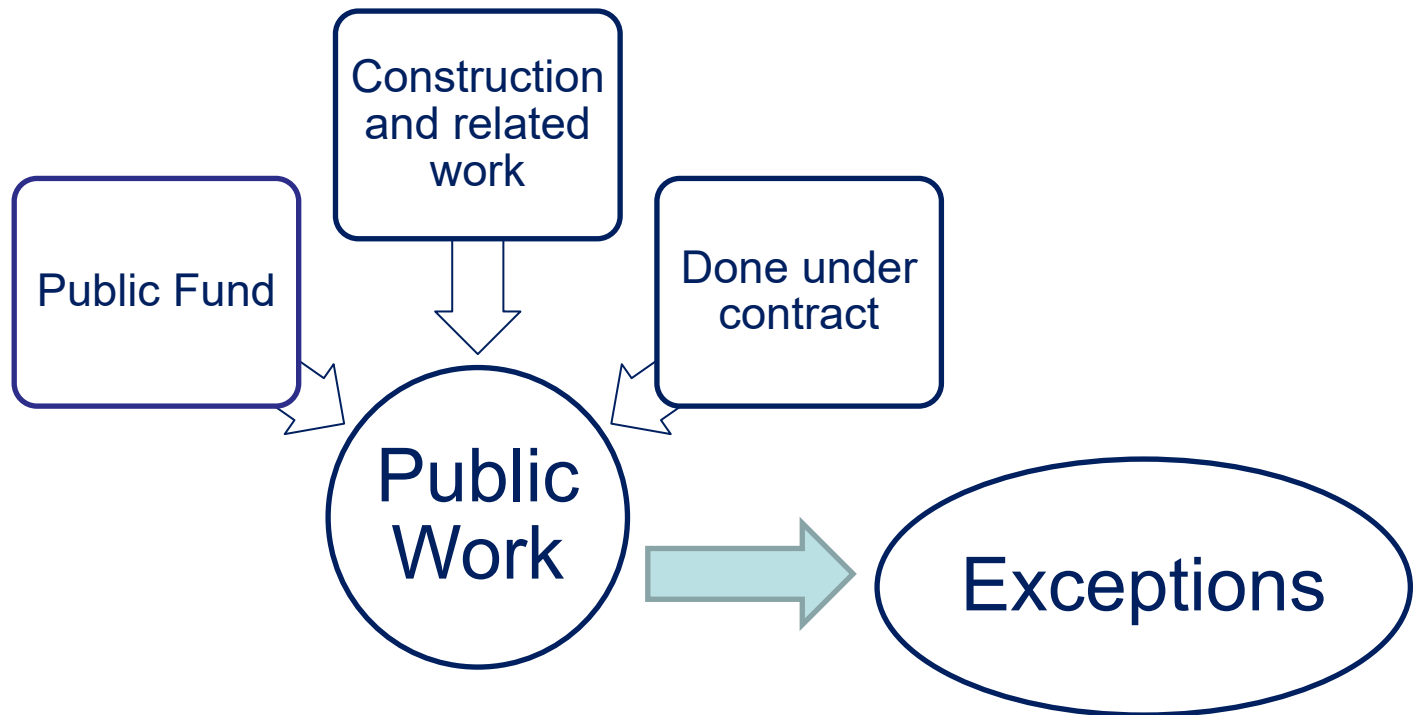
4. Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven

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

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



Exception to Prevailing Wage Requirements





Section 1720(c)(2) exception – public improvement

IF..

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

Then, only the public improvement work is subject to prevailing wages requirement.



Section 1720(c)(3)(A) exception – de minimis

- 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



Section 1720(c)(5)(e) exception – Affordable Housing Project (20-40-80)

*****Unless the loan program or the public entity requires PW.**

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



Miscellaneous Exceptions

- Section 1720.4 (Volunteers or Conservation Corps) (Sunsets 1/1/30)
- Section 1720.5 (Graffiti Removal Work in the City of Los Angeles Done by a Community-Based Organization Under Certain Circumstances) (Sunsets 1/1/24)
- 8 CCR 16000 (Janitorial, Custodial, Security Guards)



COVERAGE DETERMINATIONS

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

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



What is a coverage determination?

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

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



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

PWCoverage@dir.ca.gov



New Law 2024

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

- **Labor Code Section 1171.1, effective 1/1/2024**
- **Previous Law:** Required DIR to maintain on its internet website a list of contractors that are currently registered to perform public works.
- **New Law:** Require awarding authorities to annually submit to DIR's electronic project registration database a list of ineligible contractors per local debarment or suspension processes. List to be available to public.

Current Bills

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

AB 3186: requires an owner or developer to make specific records available upon request. Misdemeanor criminal liability for willful failure to comply with public works/prevaling wage requirements (Labor Code § 1776.1.)

AB 3190: eliminates affordable housing exception. Tax credit = public funding

AB 2451: higher rate arise from collective bargaining agreement that have overlapping crafts and classifications.

Department of Industrial Relations (DIR)

Public Works

Useful Links

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



Prevailing wage LABOR COMPLIANCE SEMINAR Skilled & Trained Workforce Requirements

Public Works

California Labor Commissioner's Office

Department of Industrial Relations

June 6, 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.

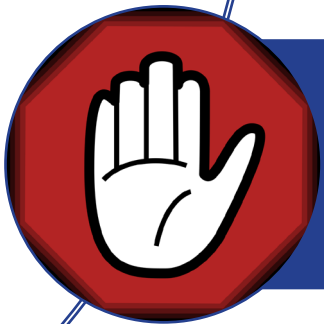
Objectives



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.





State of California
Department of
Industrial Relations

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”?

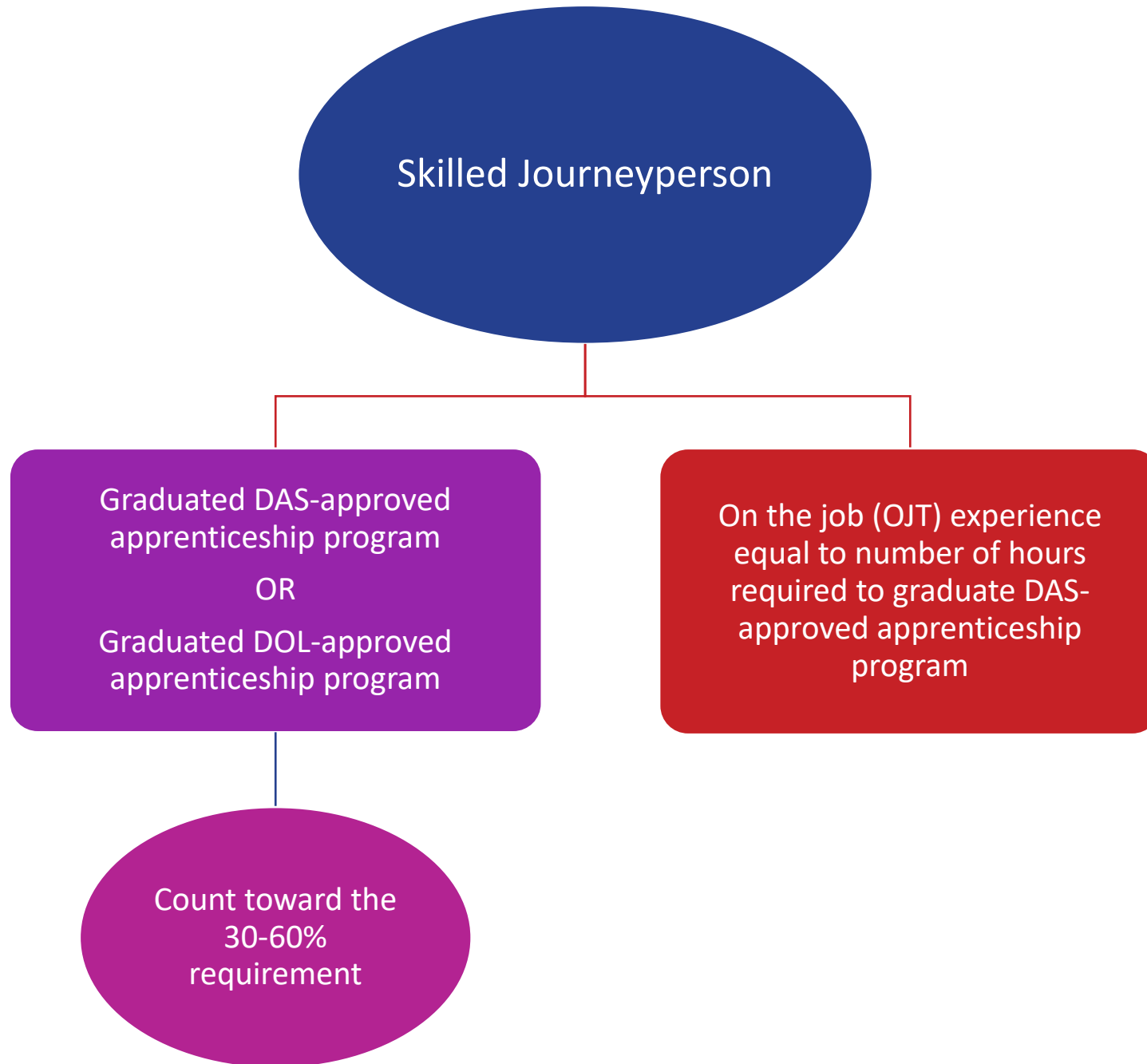
Public Contract Code §2601(e)

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 journey person 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

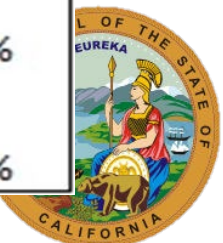
Graduation Percentage Requirement

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



Graduation Percentage Requirement

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



POLL QUESTION #3

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

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

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
**Department of
Industrial Relations**

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.





State of California
Department of
Industrial Relations

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
June 6, 2024



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California Labor Commissioner's Office

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State of California
**Department of
Industrial Relations**

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**

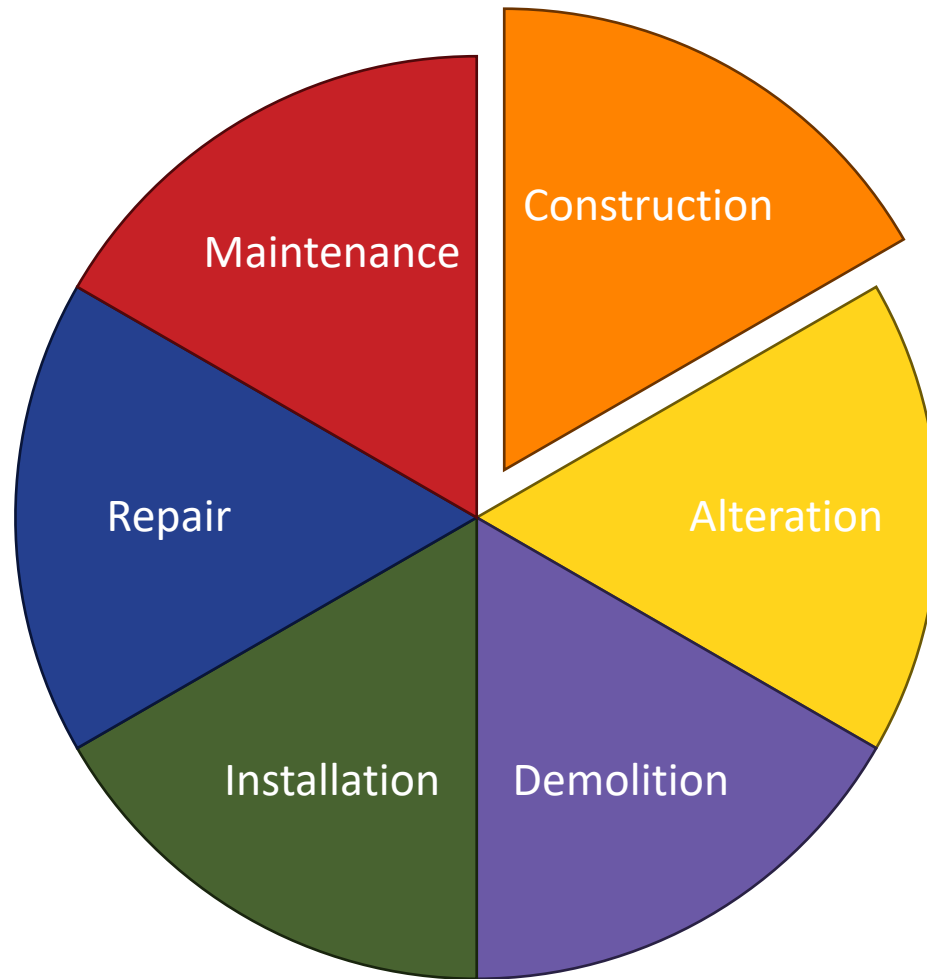
>\$15,000
M

>\$25,000
CADIR

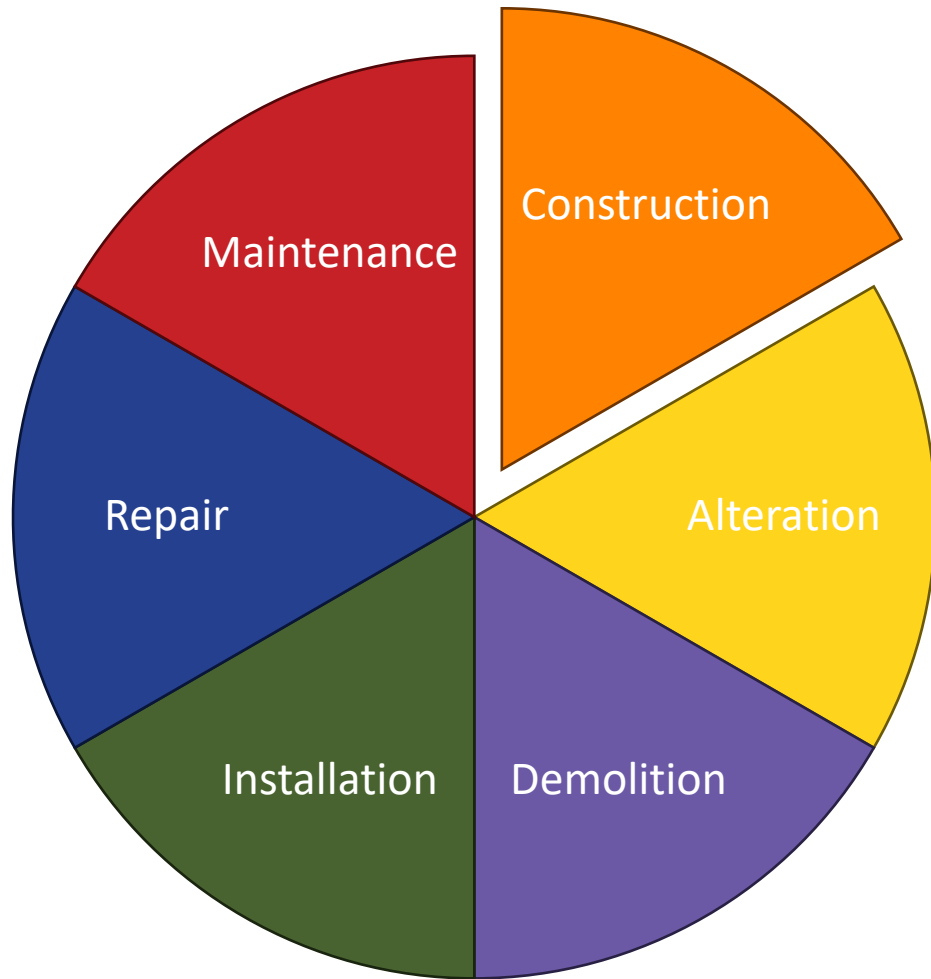
Labor Code 1771, 1725.5



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

[CA.gov](#) | [Contact Us](#) | [DLSE](#)

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

[Add Contractor](#)



SEARCHING FOR A PUBLIC WORKS PROJECT



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.



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](#)



[Home](#) | Search PWC-100

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

DIR Project ID			
<input type="text"/>			<input type="button" value="Search"/>
OR			
Awarding Body Name			
<input type="text"/>			
Name of Project			
<input type="text"/>			
Name of Contractor		PWCR Number	
<input type="text"/>		<input type="text"/>	
Name of Subcontractor		PWCR Number	
<input type="text"/>		<input type="text"/>	
First Advertised Bid Date	Contract Amount	Project Award Date	Estimate Start Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Estimated Completion Date	Classification of Workers:		
<input type="text"/>	<input type="text"/>		
Physical Address	<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: 123456	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
		Amount: \$524,409.59				

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

Contractor		Sub Contractor	
PWCR/CSLB/Lic Name	PWCR/CSLB/Lic	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.

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

[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

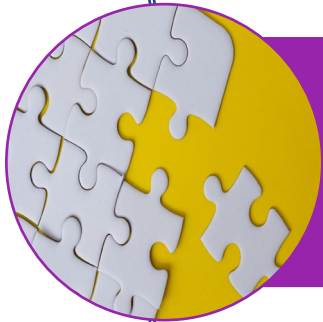
Registration History – Contractor A		★ Registration History – Contractor B ★		Registration History – Contractor C	
Effective Date	Expiration Date	Effective Date	Expiration Date	Effective Date	Expiration Date
<u>8/10/2021</u>	4/30/2022	<u>7/1/2021</u>	<u>6/30/2022</u>	7/15/2021	4/30/2022
7/1/2021	6/30/2021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

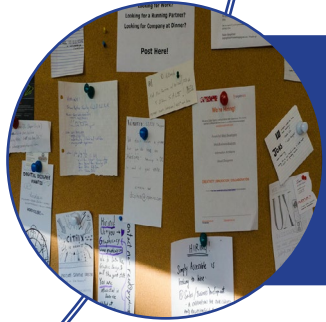




Include required information about contractor registration in bid invitations, contracts, and subcontracts



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))

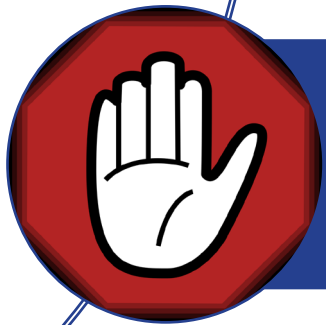




Obtain prevailing wage rates from DIR (or request a wage or coverage determination)



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 bodies¹ must do the following²:



Thank you for attending!

PWC-100 system issues?

Labor Commissioner's Office - 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

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

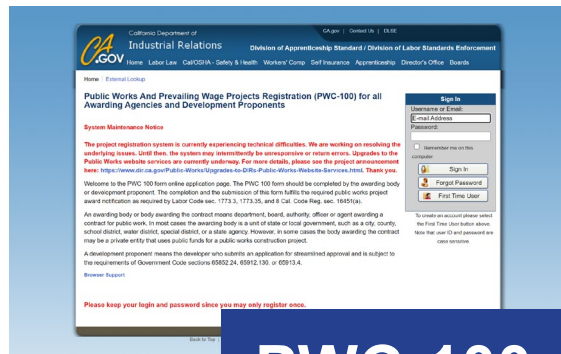
Request a coverage determination. Provide as much documentation as possible (contract, funding source, lease information, scope of work, etc.)



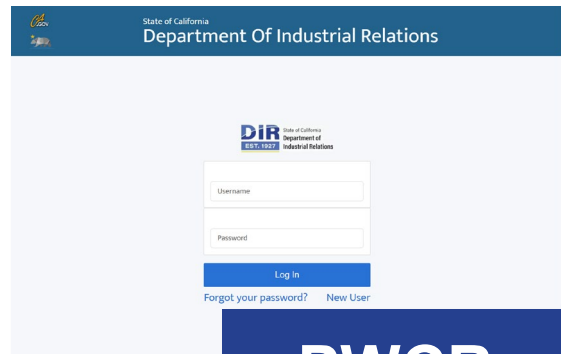
Public Works' website services are being upgraded

Legacy Systems

Unified Modernized Portal



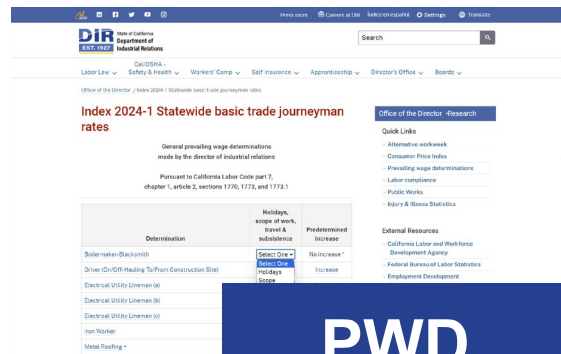
PWC-100



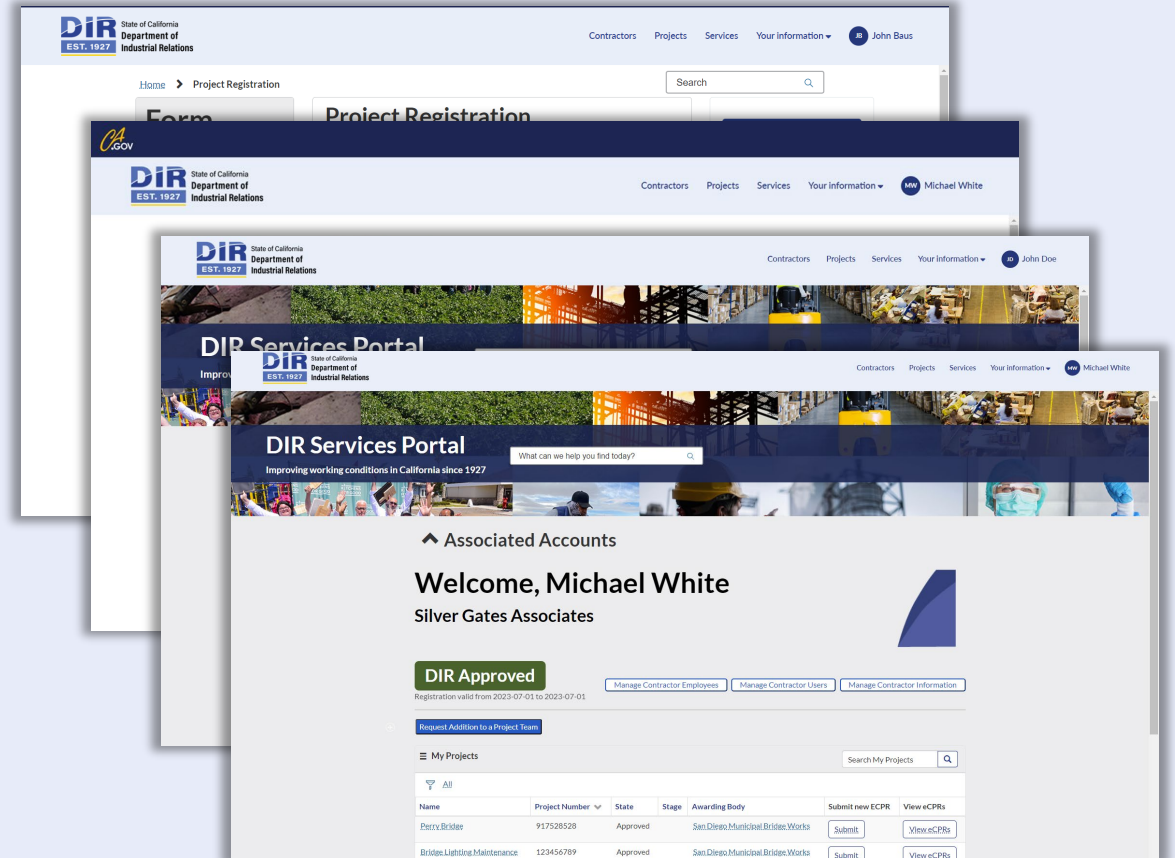
PWCR



eCPR



PWD

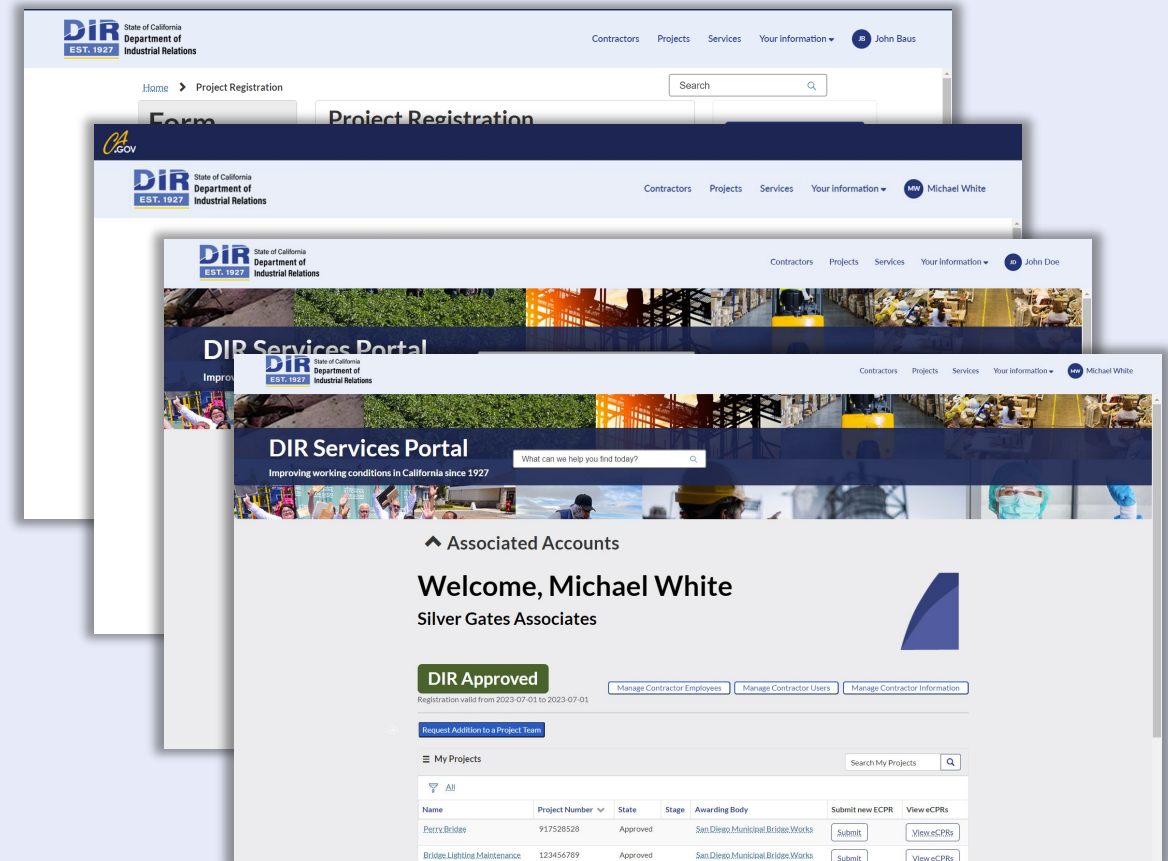


Upgrades to Public Works' website services to be released on a rolling basis

Key Improvements

- Single, unified, and reliable system with a modern interface for awarding bodies and contractors
- Dashboard to view, manage, and register projects all in one place
- Simplified certified payroll reporting, reducing redundant data entry
- Instant and comprehensive prevailing wage lookup with enhanced download capabilities

Unified Modernized Portal



For awarding bodies, a simplified project registration process

The screenshot shows the 'Project Registration' form in the DIR system. The form is titled 'Project Registration' and includes a 'Register a Project' sub-header. On the left, there is a 'Form Sections' sidebar with four items: 1. Project Information (highlighted), 2. Compliance & Agreements, 3. Job Site Address, and 4. Contractor. A 'Show all' link is at the bottom of the sidebar. The main form area contains several required fields:

- Awarding Body:** A dropdown menu with 'Sample Awarding Body' selected.
- Prime Contractor:** An empty text input field.
- Project Name:** A text input field with the placeholder 'Enter project name'.
- Project Type:** A dropdown menu with '-- None --' selected.
- Brief Project Description:** A text area with a '300 Character Limit' warning.
- Contract Amount (\$):** A text input field with '0.00' entered.
- Total Project Cost (\$):** A text input field with '0.00' entered.

 A 'Submit' button is located at the top right of the form area. A 'Required information' section on the right lists 'Prime Contractor', 'Project Name', and 'Brief Project Description' as required fields.

Sample project registration

Replacing

PWC-100

“Anyone who doesn’t have any experience with DIR would be able to use it.”

— Beta user

Simplified fields for registering a project

Ability to add more than two site addresses

Ability to add prime and subcontractors to projects

For awarding bodies, a new dashboard for managing your projects

DIR State of California
EST. 1927 Department of Industrial Relations

Contractors Projects Services Your information JD John Doe

DIR Services Portal
Improving working conditions in California since 1927

What can we help you find today?

Associated Accounts

Welcome, John Doe
Sample Awarding Body

New Project Registration

My Projects

All

Name	Project Number	State	Stage	Awarding Body
Sample Project	123456789	Approved		Sample Awarding Body
Test	1234	Draft		Sample Awarding Body
12St Sidewalk Restoration	678776860809980	Approved		Sample Awarding Body

Sample project dashboard

Replacing PWC-100

“I liked the dashboard best, it makes it easy to see your projects”
— Beta user

View, sort, and filter all past and present projects

Track the status of ongoing projects

Update project details

For everyone, the ability to collaborate with your whole team

Updated

Process

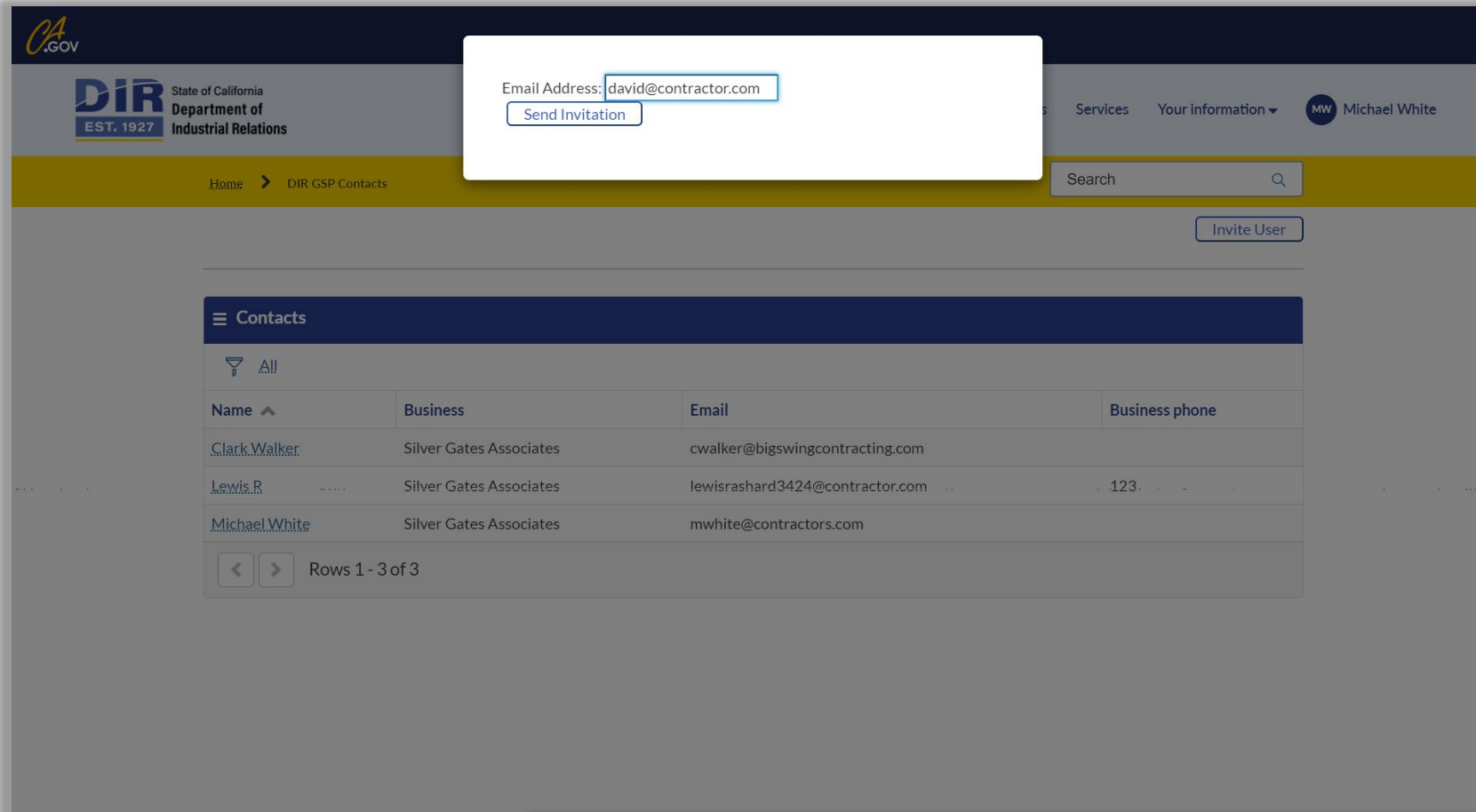
“I like that I can delegate specific tasks to others”

— Beta user

No sharing of account logins required

Invite your whole team to create accounts linked to your organization

Easily assign and manage permissions and roles



Sample organization user page

Upcoming “how-to” training webinars

Awarding Bodies

- Creating a user account
- Linking your email to your organization account
- Registering public works projects
- Updating your public works projects

Contractors

- Creating a user account
- DIR registration and renewal
- Linking to public works projects
- Submitting payroll records (eCPRs)

Dates and times to be announced

And a new Support Center for an easy transition



A centralized Support Center web page with solutions for any issues you may encounter



Training materials including user guides, live webinars, instructional videos, and FAQs

2024 PREVAILING WAGE LABOR COMPLIANCE WEBINAR



KNOW YOUR DUTIES AND RESPONSIBILITIES
UNDER THE LAW

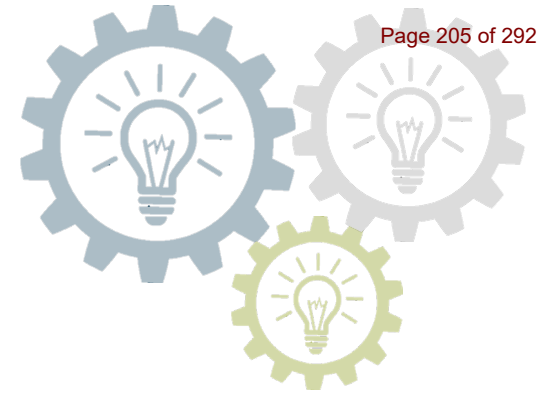
DISCLAIMER

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



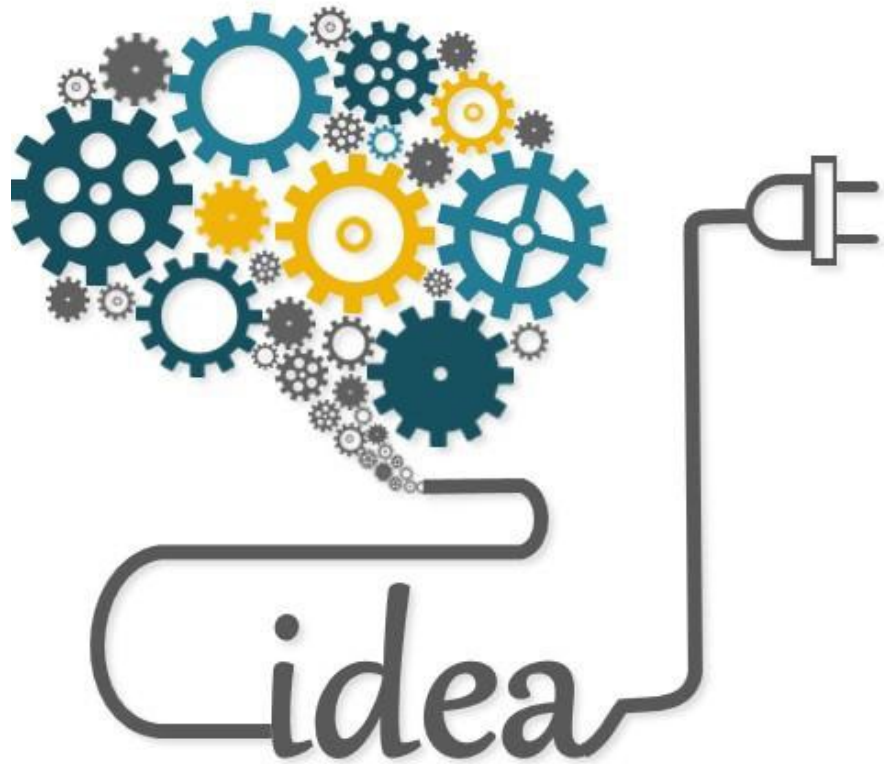


POLL QUESTION

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

- a) Yes
- b) No



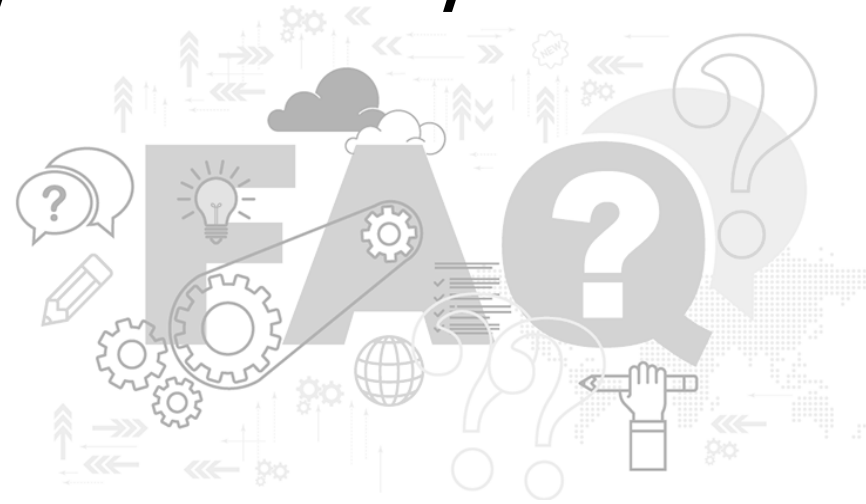


100%

***"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

EASY AS 1-2-3

INSTRUCTIONS FOR AWARDING BODIES

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

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I. IMPORTANT PROVISIONS OF THE 1999 LAW

In 1999, the Legislature enacted a law that allows many public agencies to require licensed contractors that wish to bid for public works jobs to "pre-qualify" for the right to bid on a specific public works project, or on a public works project undertaken by a public agency during a specified period of time. Public Contract Code section 20101 has the relevant provisions; it was enacted as part of Assembly Bill 574.

The law applies to all cities, counties, and districts (which have similar authority under Contract Code section 20111.5, which was enacted in 2001).

The law does not require any public agency to adopt a procedure by which a contractor may be pre-qualified for a period of one year after the date of the completed questions.

In fact, the 1999 law allows public agencies to adopt a procedure by which a contractor may be pre-qualified for a period of one year after the date of the completed questions.

The law requires every public agency to:

- (1) use a "standardized questions and answers" form;
- (2) adopt and apply a uniform procedure by which a contractor may be pre-qualified for a period of one year after the date of the completed questions;
- (3) create an appeal procedure, and seek a reversal of that decision.

II. ROLE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS

Assembly Bill 574 required the Department of Industrial Relations to develop guidelines for rating bidders, and draft rules for public agencies, cities and other interested parties.⁷

From January through October each year, the Department of Industrial Relations issues a list of public agencies and a list of public works projects that are of interest to the public. Community College Districts also have issued a list of public agencies and a list of public works projects since they are not specifically exempted.

Section D. PRE-QUALIFICATION CRITERIA QUESTIONS AND SCORING

Question Number	Factor #1 - Points	Factor #2 - Points	Multiplying Factor	Total Points
1			x2	
2			x2	
3			x1	
4			x2	
5			x2	
6			x2	
7			x2	
8			x1	
9			x2	
10			x2	
11			x1	
12			x2	
13			x2	
14			x2	
15			x2	
16			x2	
17			x2	
18			x1	
19			x2	
20			x2	
21			x2	
Total				

Questions Type:
 14 Red Flag Questions (x2)
 7 Non-Red Flag Questions (x1)

Notes: The awarding body will review and respond to the questions in section D to a score on a scale of 1 to 5 is assigned to a score on a scale of 1 to 5 is assigned where the Factor #1: A score of 1 is assigned where the Contractor is culpable.
 Factor #2: A score of 1 is assigned where five or more incidents of it where five or more incidents of it where five or more incidents of it
 A contractor is PRE-QUALIFIED
 A contractor is DISQUALIFIED

CONTRACTOR PRE-QUALIFICATION QUESTIONNAIRE

(All Questions Must Be Answered)

A. CONTRACTOR INFORMATION

Firm Name (as it appears on CSLB license): _____

Firm Type (Select one): Corporation LLC Partnership Sole Proprietorship Joint Venture

SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

CAUTIONARY NOTE: The information that will be given to public agencies by you seeking pre-qualification is provided under oath, with the understanding that you will not provide false information in any public works project registration or bid. Contractor with the Department of Industrial Relations, and may be liable to the public if false information is provided for use where a public agency reviewing a questionnaire has specific reason to believe that one or more sources of information on Contractor's DIR - Public Works Contractor Registration may be used to verify a contractor's current status using the following: <https://dirlive.dir.ca.gov/DIRCS/Search>.

Information on Contractor's License(s)

Contractors, information about the type of license(s) used by the contractor, and certain other information, are available from the Licensing Board (CSLB), 9821 Business Park Drive, San Diego, CA 92121, telephone 619-444-2752. The CSLB web site for public information is: _____

Workers' Compensation Insurance

Contractors who are not self-employed and who carry workers' compensation insurance should be willing to provide a copy upon request. The date for the year should be stated in a letter to the Department of Industrial Relations. The names of companies that carry workers' compensation, with the consent of the contractor, should be listed on the Department's Office of Self-Insurance Plans, 230, Rancho Cordova, CA 95670. The web site for public information is: _____

Registration Number(s) and Expiration Date:

Registration Number(s):	Expiration Date:

Individual License Information:

	Expiration Date:



LABOR COMMISSIONER'S MODEL QUESTIONNAIRE

Contractor

Completes the Pre-Qualification questionnaire

Submits the Pre-Qualification Questionnaire and financial statements

Provides any additional information/documentation

SUBMIT
STEP **1**

Awarding Body Reviews Section C "Essential Criteria"

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

REVIEW
STEP **2**

Awarding Body Reviews Section D "Prequalification Criteria Questions"

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

PRE-QUALIFY
STEP **3**



POLL QUESTION



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

- a) Yes
- b) No



C. ESSENTIAL CRITERIA QUESTIONS

Circle Answer

1. Does your firm possess a valid and current California Contractor’s or other professional license as required by law for the project or projects for which it intends to submit a bid? 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

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
June 6, 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.



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



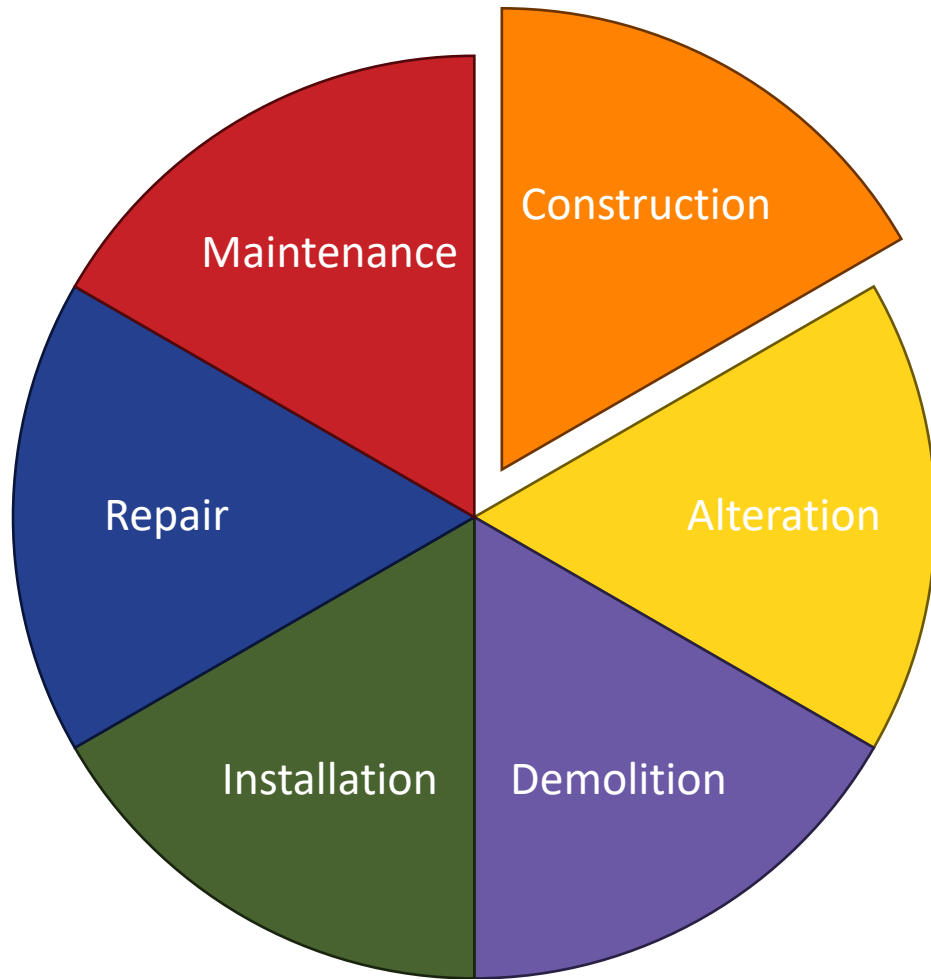
Who is a Public Works Contractor?



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

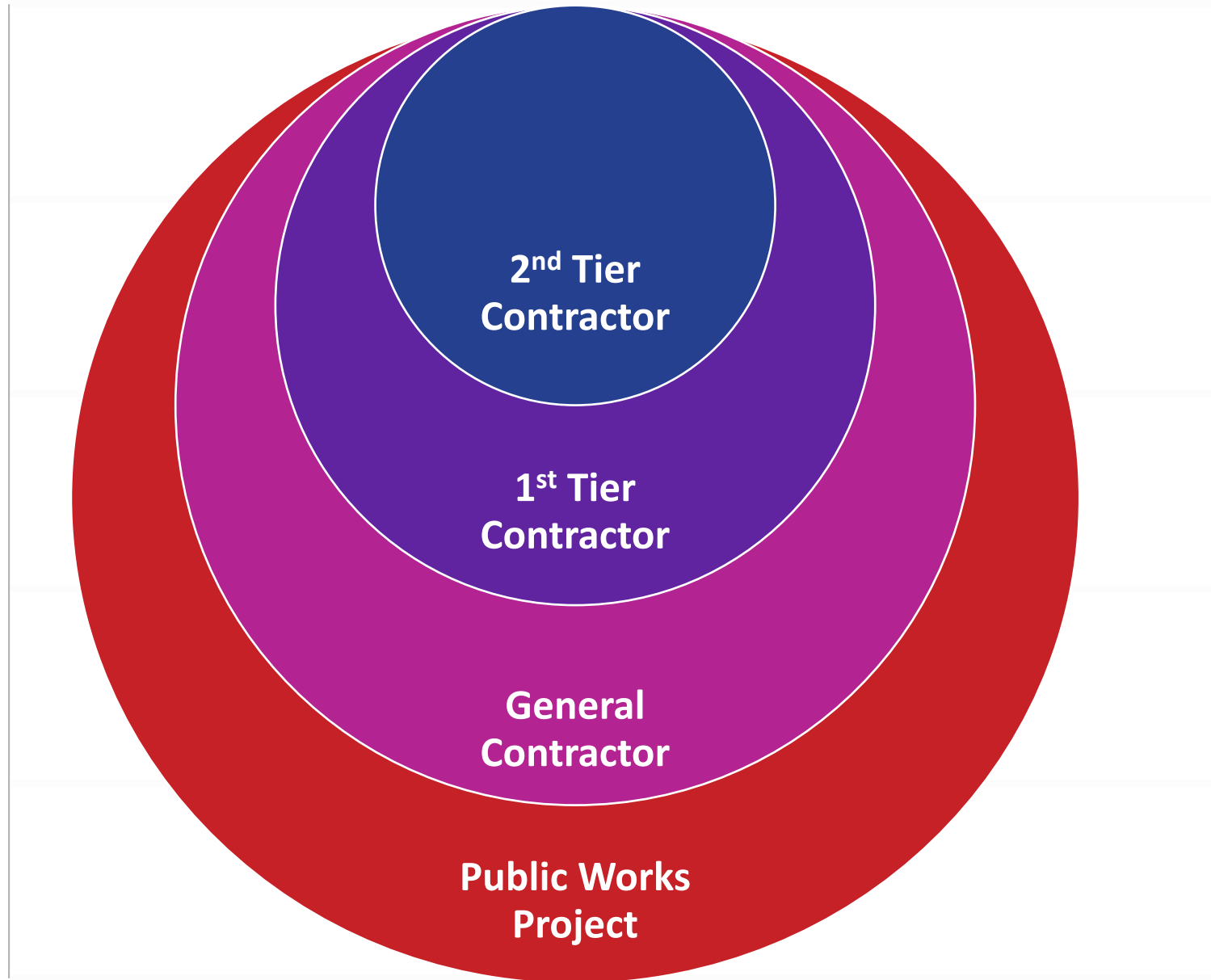
\$800.00

\$600.00

\$400.00

\$200.00

\$0.00



Labor Code 1771



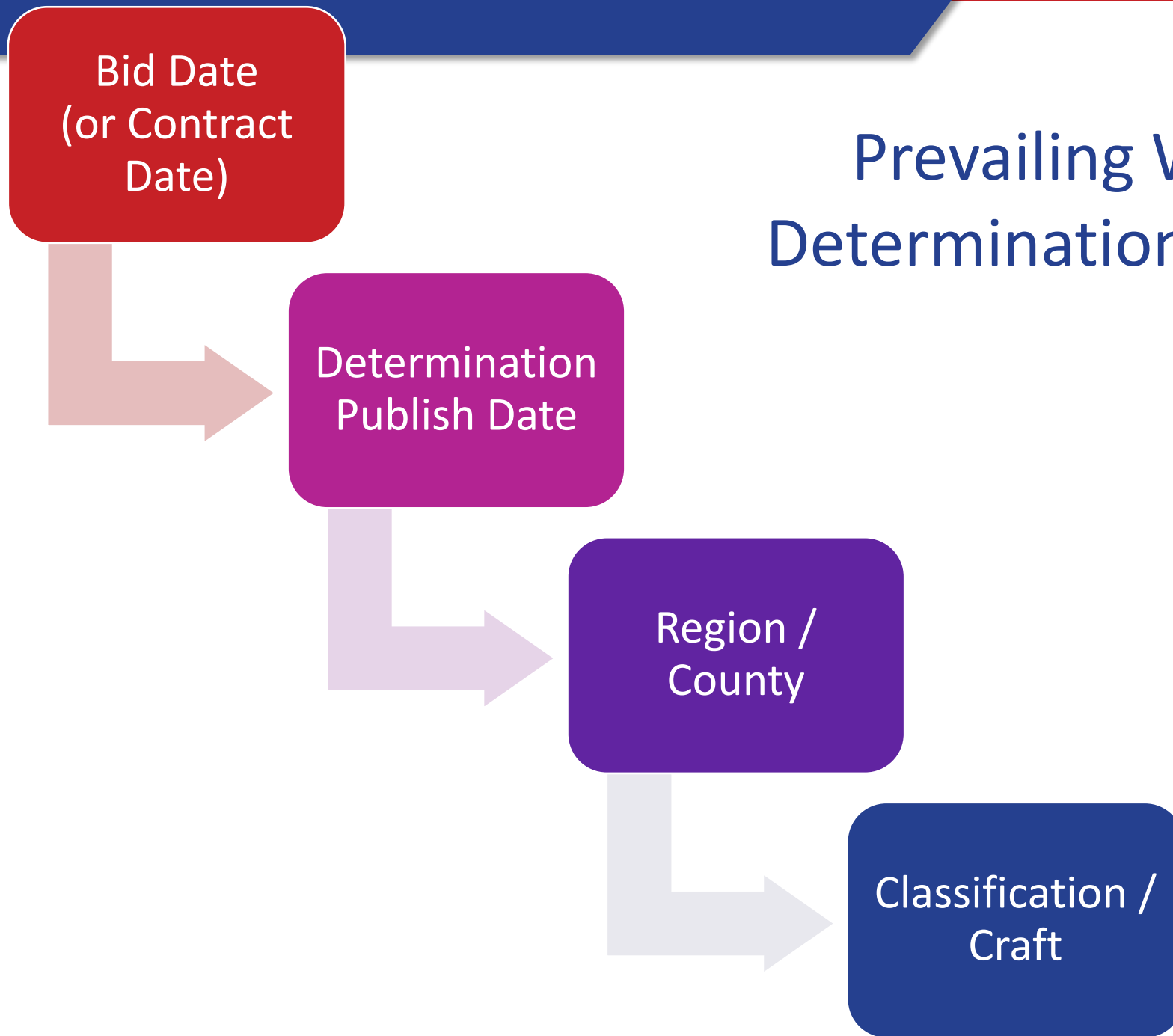
Pay Prevailing Wages



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 have certain key responsibilities.

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

- 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](#)



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

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
Boilermaker-Blacksmith	Select One ▾	No increase *
Driver (On/Off-Hauling To/From Construction Site)	Select One ▾	Increase
Electrical Utility Lineman (a)	Select One ▾	Increase
Electrical Utility Lineman (b)	Select One ▾	No increase *
Electrical Utility Lineman (c)	Select One ▾	No increase *
Iron Worker	Select One ▾	Increase
Metal Roofing +	Select One ▾	Increase
Stator Rewinder	Select One ▾	No increase *
Telecommunications Technician	Select One ▾	Increase
Telecommunications Technician (d)	Select One ▾	Increase
Tree Trimmer (High Voltage Line Clearance)	Select One ▾	Increase
Tree Trimmer (High Voltage Line Clearance) (b)	Select One ▾	No increase *
Operating Engineer (heavy and highway work) +	Select One ▾	Increase
Operating Engineer (Building Construction) +	Select One ▾	Increase



Scope, Holiday, Travel, Increases

COUNTY

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

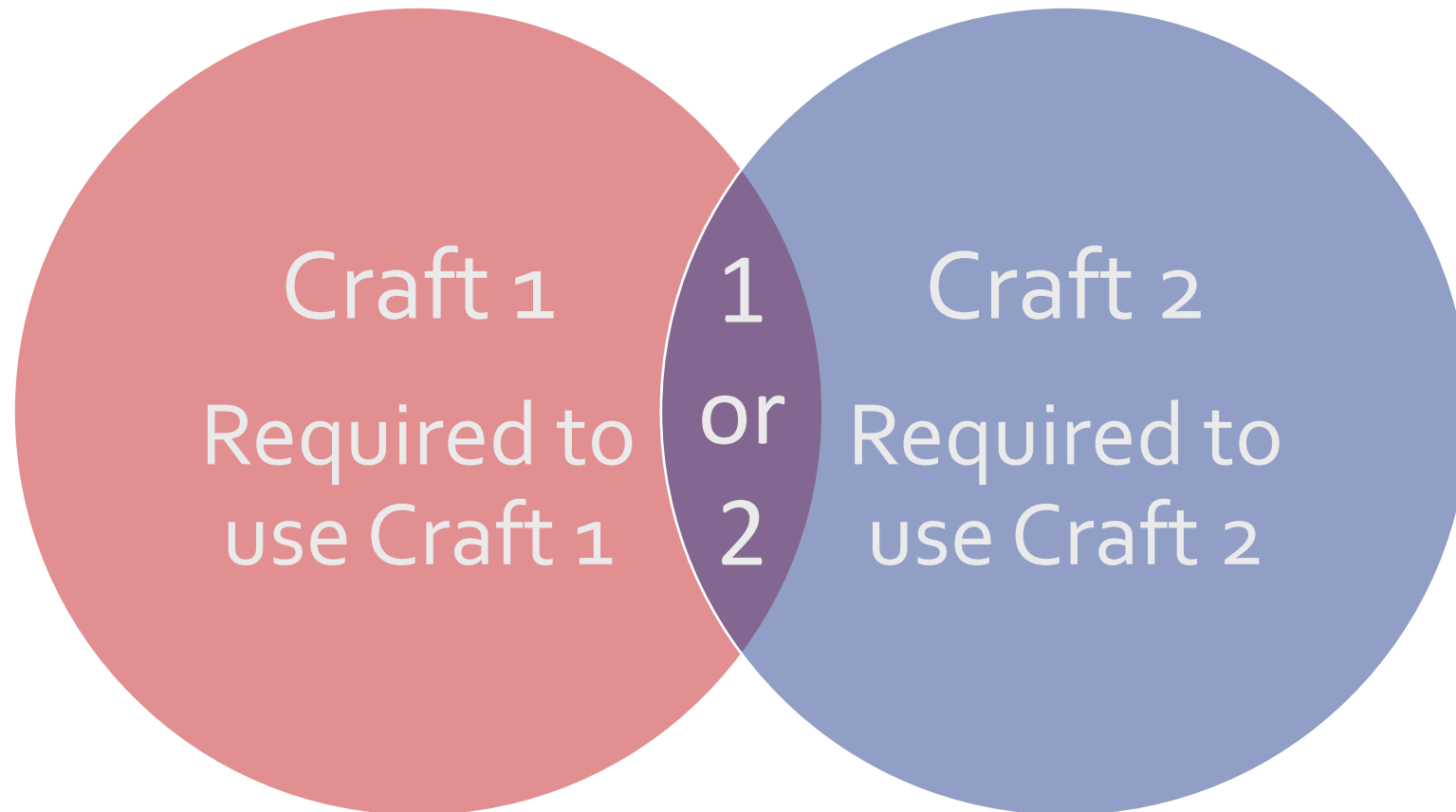
County	Predetermined increase
Alameda	Increase
Alpine	Increase

REGION

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

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

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: paid 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 ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$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 (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$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 ^a	Training	Other ^b	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
							\$95.27	\$95.27	\$118.89
Drywall Installer/Lather	\$47.2	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77			



Basic Hourly Rates

Wages and Employer Payments:

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$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 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.

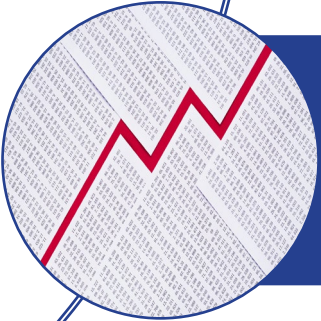
Last Updated: June 23, 2023



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

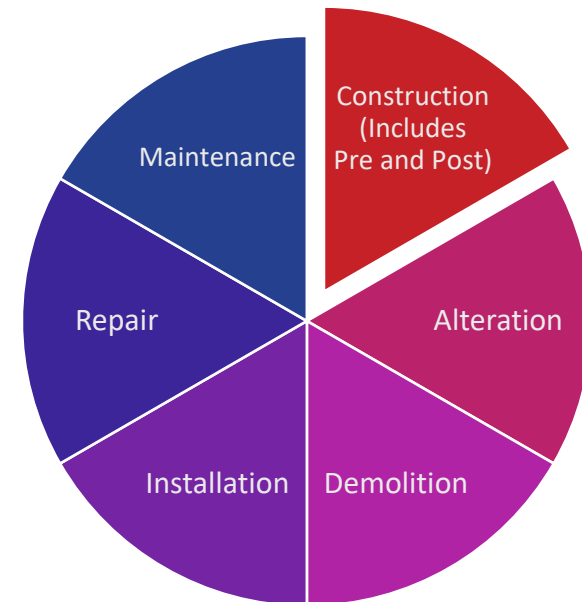
Labor Code 1771, 1725.5, and 1777.5



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's navigation structure. At the top left is the DIR logo (EST. 1927) and the text "State of California Department of Industrial Relations". A search bar is located at 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: "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" and "Registration Services" items are highlighted with red boxes. Below the menu, there are images of construction sites and a "Resources" section with links like "Public Works Pre-Qualification of Contractors", "Apprenticeship Requirements", etc. At the bottom, there is a banner for "Public Works Prevailing Wage Training for Contractors and Awarding Bodies".



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

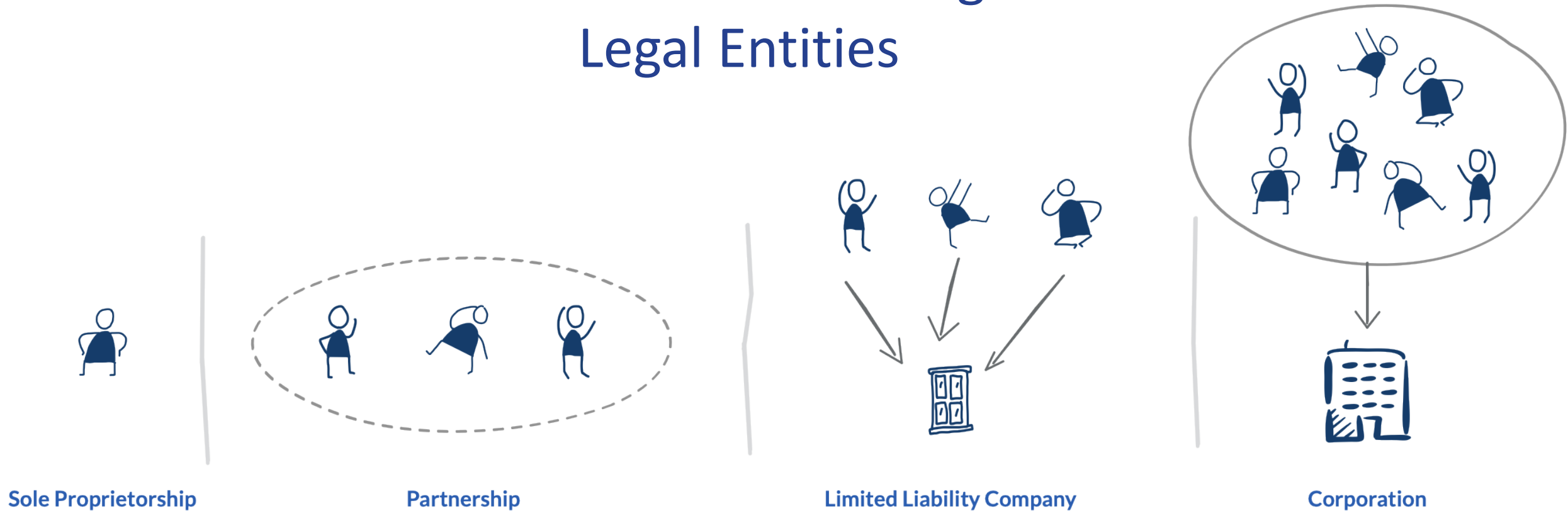
I was a sole proprietor when I first obtained my contractor registration, however, I have since incorporated my business.

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



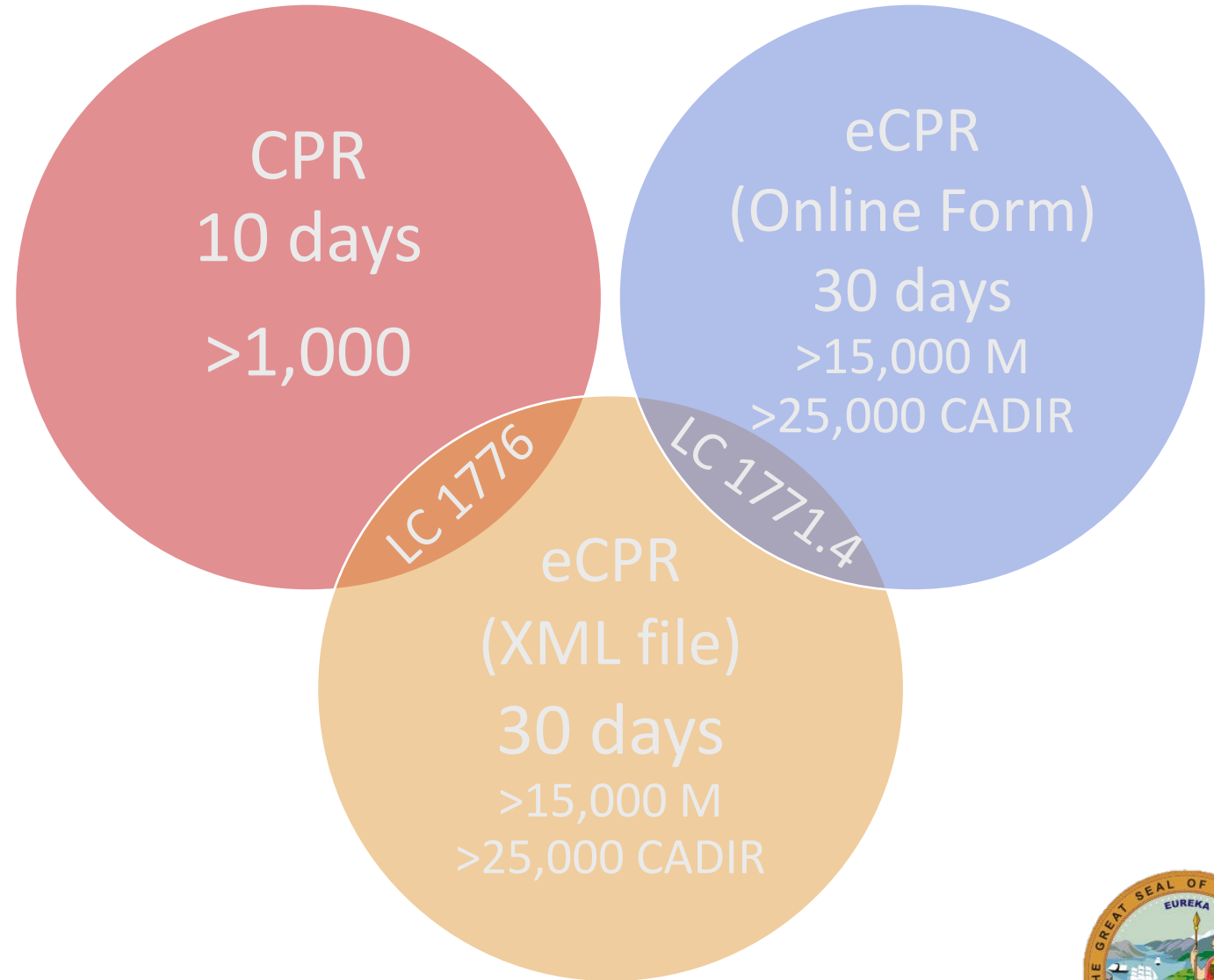
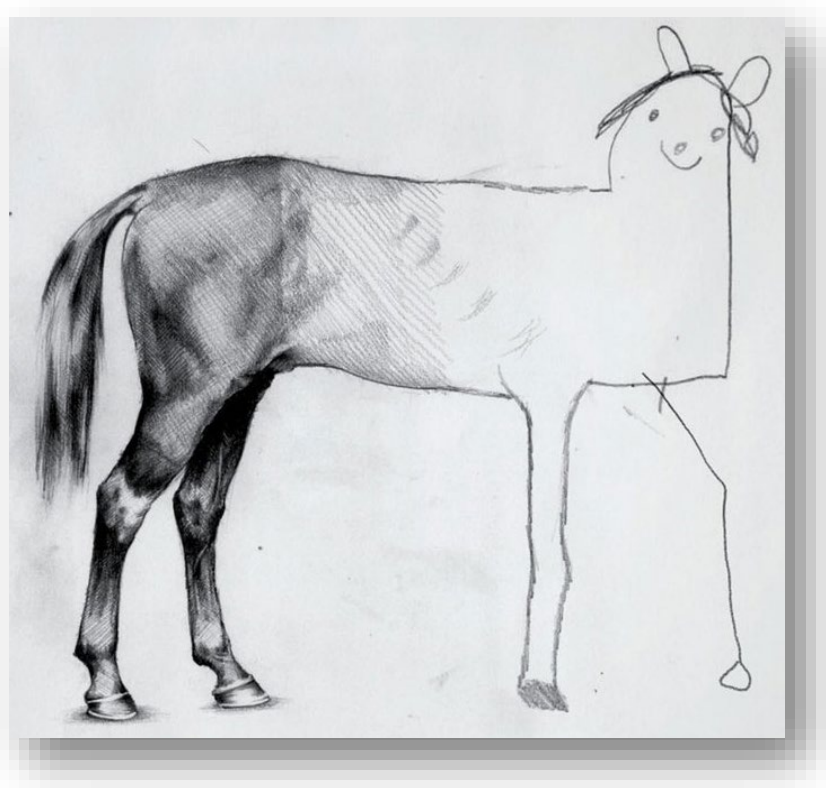
Polling Question 7

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]."

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 #: [redacted]	Ctr Payroll #: [redacted]	Week Ending: [redacted]			<input type="checkbox"/> Statement of Non-Performance?		<input type="checkbox"/> Final payroll for this project?										
Employee: [redacted]																	
SSN: [redacted]		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total Hours	Base Hourly	Total Fringe	Vac/ Holiday	Health & Welf.	Pension	Other	Training	Total Hourly Rate
S [redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
NOTE:												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

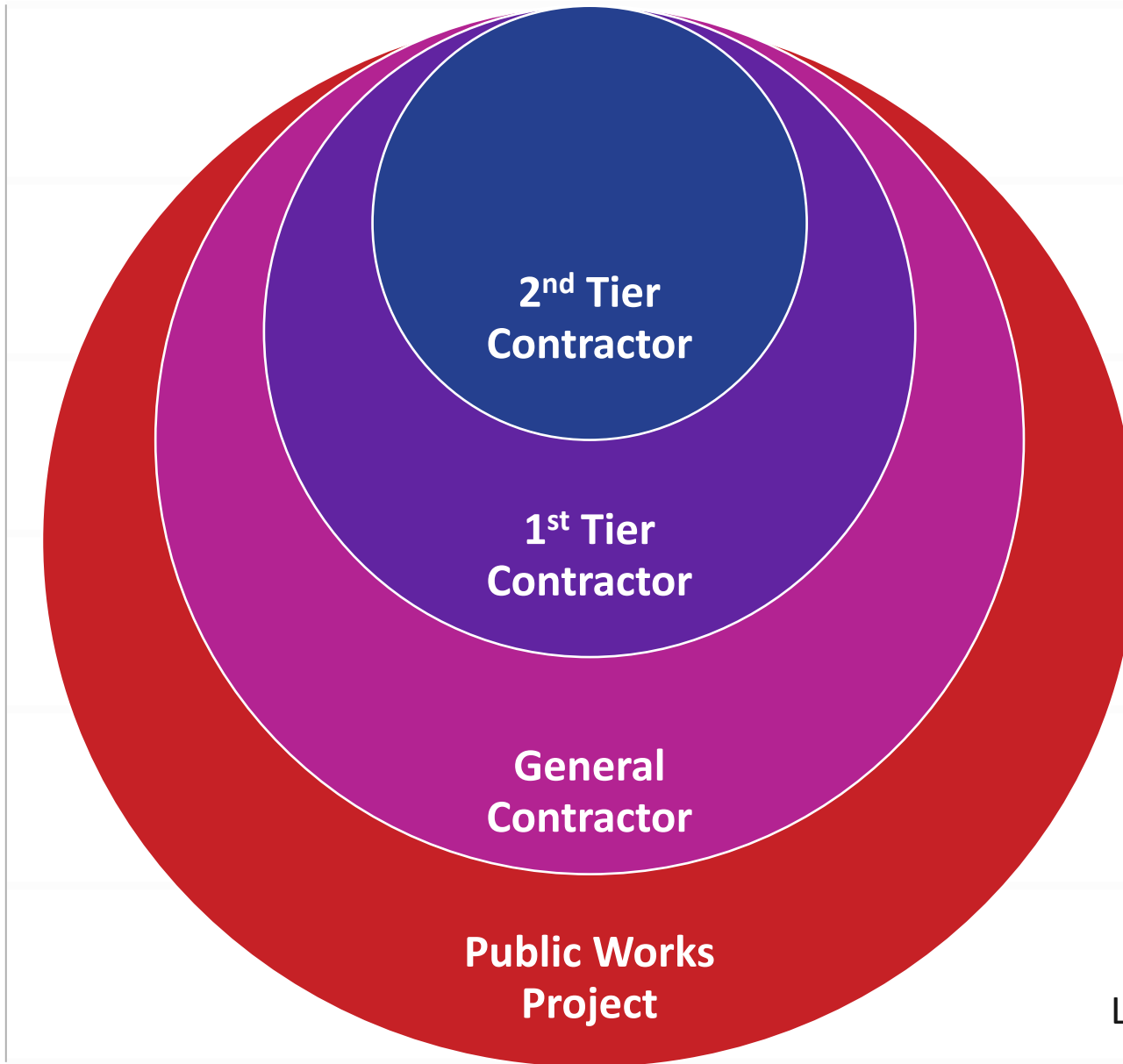
\$20,000.00

\$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 (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training	Other ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$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 AWARDING CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED



This is not a request for dispatch of apprentices.

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

Check One Of The Boxes Below

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

Signature

Date

Typed Name

Title

**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	Not Applicable Not a CAC Regulation	Apprentices must work with or under a journeyman at all times.
Box 3				



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

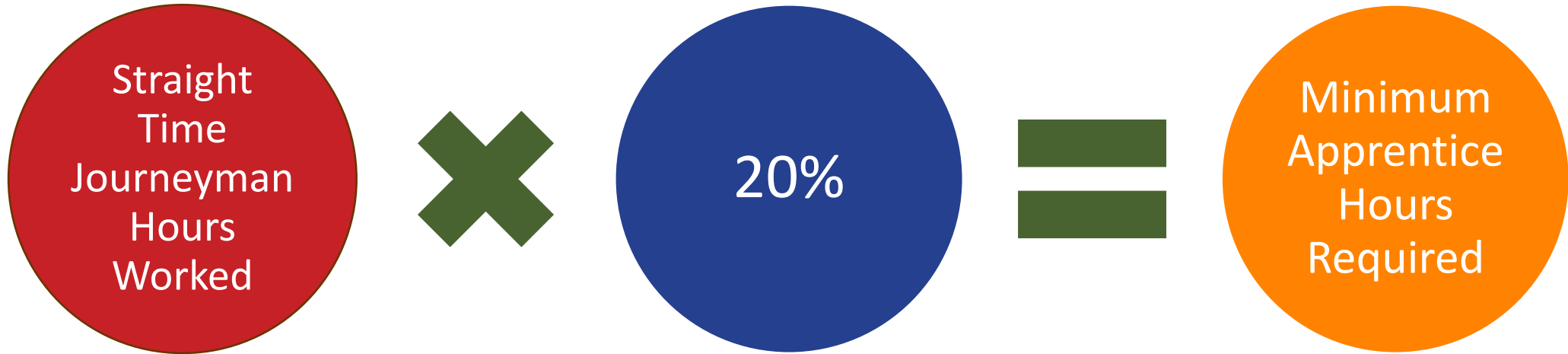
- Apprenticeship Home
- Apprenticeship Search
- Public Works**
- Sponsors
- Overview
- Educators
- Employers
- Veterans

Ratios.

- ✓ Provide worker's compensation benefits to apprentices.



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

Date: _____

Contractor Requesting Dispatch:

To Applicable Apprenticeship Committee:

Name: _____

Name: _____

Address: _____

Address: _____

License No. _____

Tel. No. _____ Fax No. _____

PWC Registration Number: _____

Tel. No. _____ Fax No. _____



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

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

Name of the Project: _____

Address: _____

Dispatch Request Information:

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

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

Name of Person to Report to: _____

Address to Report to: _____

*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

SmitM1234

Search



How to compile the search string:

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

Examples:

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

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

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

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

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

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



DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS

P.O. Box 420603

San Francisco, CA 94142-0603



To whom it may concern:

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

Name

Mason Smith

Mason Smith

Occupation

* Cement Mason

* Cement Mason

Action

Start

Comp

Effective Date

03-02-2016

12-25-2017

Cert. id

SmitM1234

SmitM1234

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

Glen Forman

Deputy Chief



Polling Question 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 ^a	Training					
					ther ^b	Hours	Total Hourly Rate	Daily Overtime Hourly Rate (1 ½ X) ^c	Saturday Overtime Hourly Rate (1 ½ X) ^c	Sunday/ Holiday Overtime Hourly Rate (2 X)
Drywall Installer/Lather	\$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

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



CALIFORNIA APPRENTICESHIP COUNCIL

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



Re: Training Fund Contribution Inquiry for:

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

Lic.# 987654

To whom it may concern:

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

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

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

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

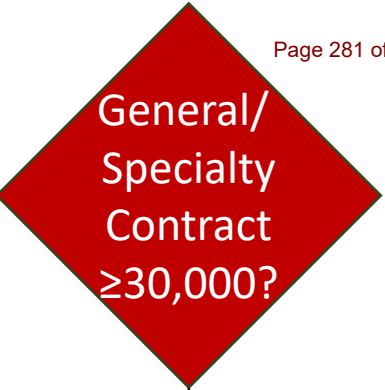
Apprenticeship

≥\$30,000

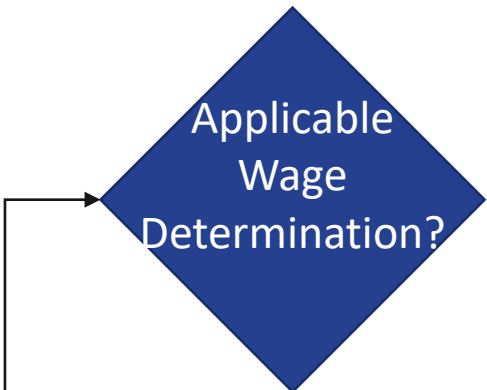
Labor Code 1771, 1725.5, and 1777.5



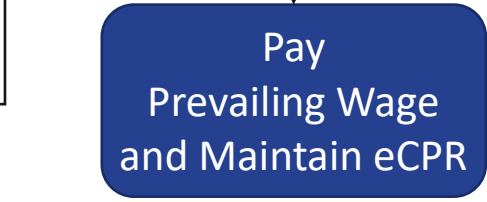
Threshold



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 contractors¹ 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

¹ 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 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

- 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

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

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

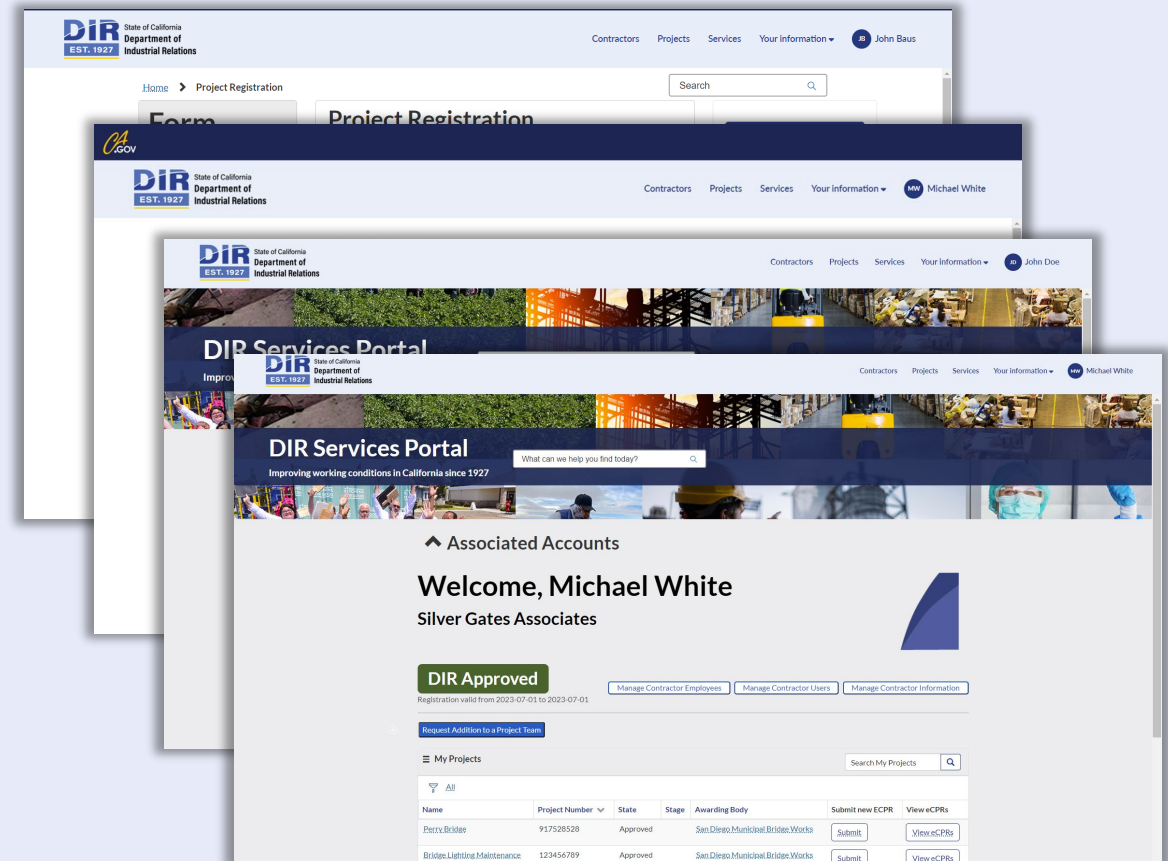


Upgrades to Public Works' website services to be released on a rolling basis

Key Improvements

- Single, unified, and reliable system with a modern interface for awarding bodies and contractors
- Dashboard to view, manage, and register projects all in one place
- Simplified certified payroll reporting, reducing redundant data entry
- Instant and comprehensive prevailing wage lookup with enhanced download capabilities

Unified Modernized Portal



For contractors, a new dashboard for managing your projects

DIR State of California
EST. 1927 Department of Industrial Relations

Contractors Projects Services Your information Michael White

DIR Services Portal

Improving working conditions in California since 1927

What can we help you find today?

Associated Accounts

Welcome, Michael White

Silver Gates Associates

DIR Approved
Registration valid from 2023-07-01 to 2023-07-01

Manage Contractor Employees Manage Contractor Users Manage Contractor Information

Request Addition to a Project Team

My Projects

Name	Project Number	State	Stage	Awarding Body	Submit new ECPR	View eCPRs
Perry Bridge	917528528	Approved		San Diego Municipal Bridge Works	Submit	View eCPRs
Bridge Lighting Maintenance	123456789	Approved		San Diego Municipal Bridge Works	Submit	View eCPRs

Sample project dashboard

Replacing PWCR

“I love that it has all my projects clearly listed”
— Beta user

View, sort, and filter all past and present projects

Track the status of ongoing projects

Upload certified payrolls for each project

For contractors, a new dashboard for managing your employees

Replacing

eCPR

“Being able to import employees from excel will save a lot of time”
— Beta user

Save employee profiles for eCPR submission

Group employees for batch submissions

Manage and track employee classifications

CA.GOV
DIR State of California Department of Industrial Relations EST. 1927
 Contractors Projects Services Your information MW Michael White

Welcome, Michael White

Silver Gates Associates

Bulk Actions Import Employees Add New Employee

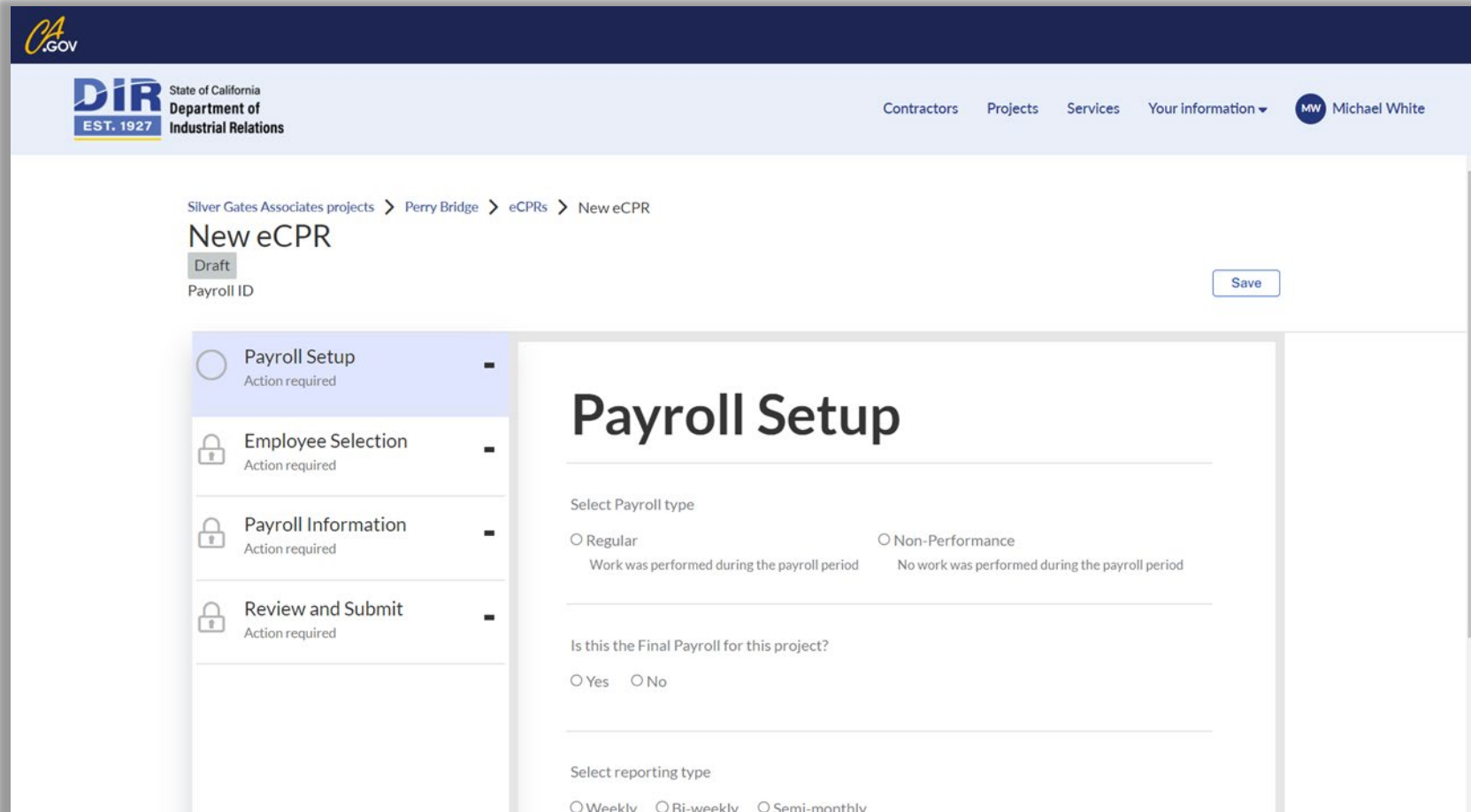
≡ Employees

🔍 All

First Name	Last Name	Employee ID	City	Zip	Active	Activate	Deactivate
Test	Test	85773636	San Leandro	94611	true	Activate	Deactivate
Rick	Fox	1920293	Reno	23432	true	Activate	Deactivate
James	Smith	747474574	Oakland	12312	true	Activate	Deactivate
Harry	Harper	209384583	Oakland	94611	true	Activate	Deactivate
John	Doe	938475483	Oakland	12345	true	Activate	Deactivate

Sample employee dashboard

For contractors, a simplified system for submitting certified payrolls



Sample certified payroll submission

**Replacing
eCPR**

**“I don’t need to go to another website to submit eCPRs”
— Test user**

View and edit past payroll submissions

Duplicate past submissions for easy entry

Faster file upload speeds

For everyone, the ability to collaborate with your whole team

Updated

Process

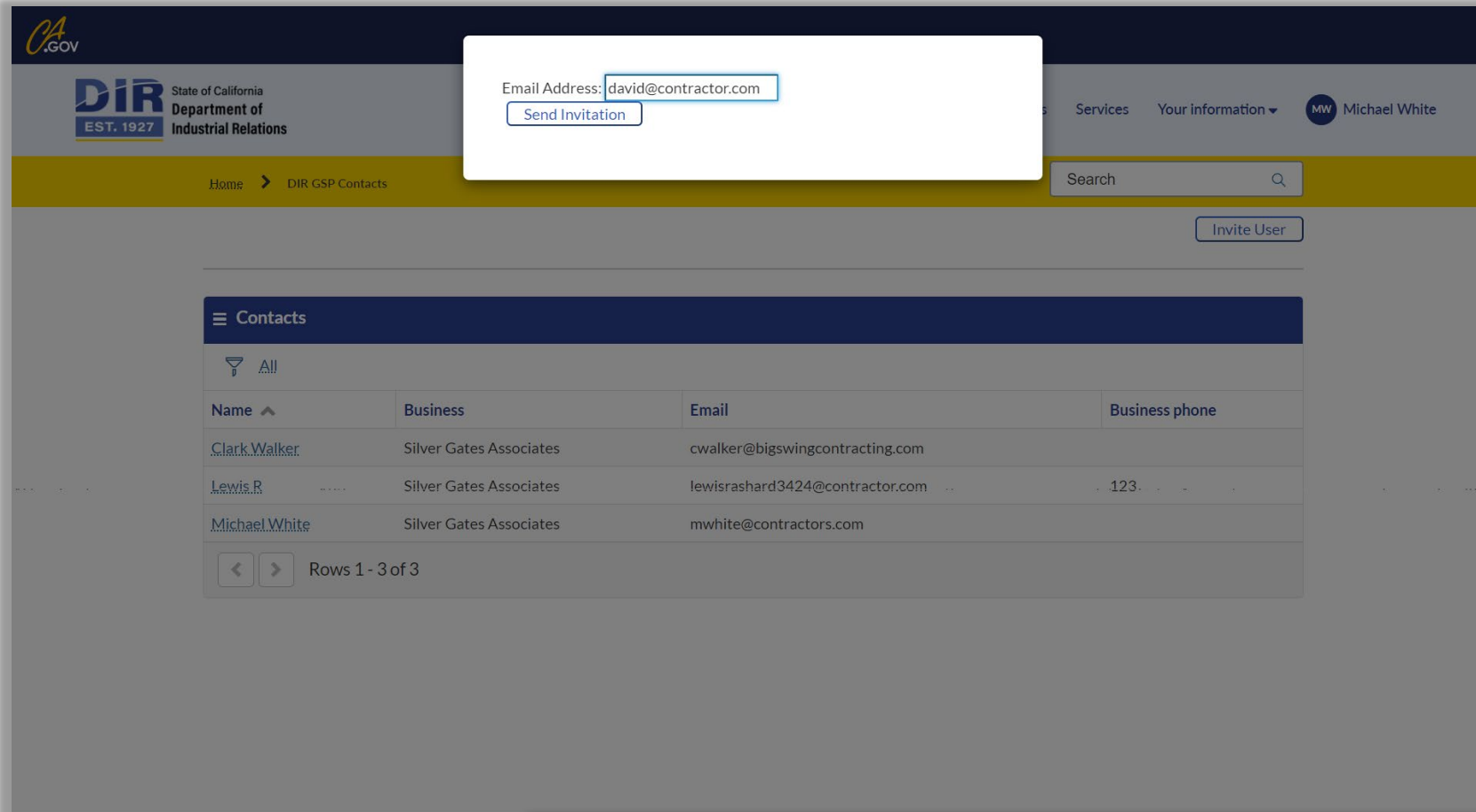
“I like that I can delegate specific tasks to others”

— Beta user

No sharing of account logins required

Invite your whole team to create accounts linked to your organization

Easily assign and manage permissions and roles



Sample organization user page

Upcoming “how-to” training webinars

Awarding Bodies

- Creating a user account
- Linking your email to your organization account
- Registering public works projects
- Updating your public works projects

Contractors

- Creating a user account
- DIR registration and renewal
- Linking to public works projects
- Submitting payroll records (eCPRs)

Dates and times to be announced

And a new Support Center for an easy transition



A centralized Support Center web page with solutions for any issues you may encounter



Training materials including user guides, live webinars, instructional videos, and FAQs