



PREVAILING WAGE/ LABOR COMPLIANCE SEMINAR

HANDOUT MATERIALS

**Thursday - September 11, 2025
8:30 a.m. - 4:00 p.m.**

AGENDA

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

PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

Thursday • September 11, 2025 • 8:30 a.m. – 4:00 p.m.

Time	Item	Speaker(s)
8:30 AM – 8:35 AM	FOUNDATION FOR FAIR CONTRACTING Welcome and Opening Remarks	Jesse Jimenez/Darbi Griffin
8:35 AM – 9:15 AM	DEPARTMENT OF INDUSTRIAL RELATIONS State Labor Commissioner's Office Awarding Body Responsibilities/Pre-Qualification of Contractors	Leticia Altamirano/Catalina Arceo
9:15 AM – 10:05 AM	DEPARTMENT OF INDUSTRIAL RELATIONS State Labor Commissioner's Office Contractor Responsibilities	Patricia Rangel/Linda Dinh/Antonio Almanza
10:05 AM – 10:20 AM	<i>Break</i>	
10:20 AM – 10:45 AM	DEPARTMENT OF INDUSTRIAL RELATIONS State Labor Commissioner's Office Skilled and Trained Workforce Enforcement	Jeyde Cardenas
10:45 AM – 11:00 AM	DEPARTMENT OF INDUSTRIAL RELATIONS Labor Enforcement Task Force PW Strategic Enforcement Presentation	Megan Cole
11:00 AM – 12:00 PM	<i>Q & A</i>	Panel
12:00 PM – 1:00 PM	<i>Lunch</i>	
1:00 PM – 1:30 PM	OFFICE OF THE DIRECTOR - LEGAL Upcoming Bills/Legislation	Isaac Nicholson
1:30 PM – 2:30 PM	US DEPARTMENT OF LABOR Federal Requirements Davis-Bacon Compliance Principles	Staff
2:30 PM – 2:45 PM	<i>Break</i>	
2:45 PM – 3:45 PM	<i>Q & A</i>	Panel
3:45 PM – 4:00 PM	Closing Remarks – Evaluations	Jesse Jimenez

8:35 AM – 9:05 AM

Awarding Body Responsibilities

Leticia Altamirano



DEPARTMENT OF INDUSTRIAL RELATIONS

State Labor Commissioner's Office



**PUBLIC WORKS
LABOR COMPLIANCE SEMINAR
Awarding Body Responsibilities**

California Labor Commissioner's Office
Department of Industrial Relations



1

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.




2



State of California
Department of
Industrial Relations

Compliance Requirements

Labor Code &
Title 8, CCR § 16000



3

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



4

Monetary Thresholds

Prevailing
Wage

>\$1,000

Project
Registration

>\$15,000

M

>\$25,000

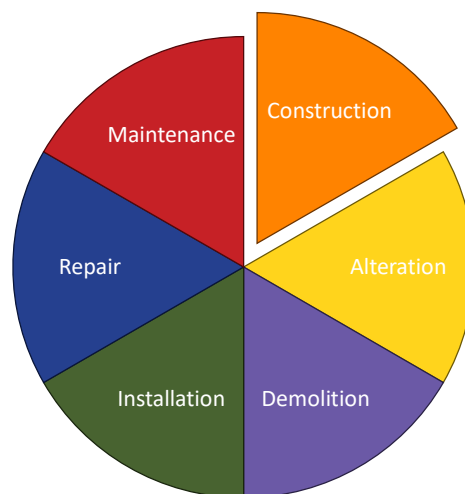
CADIR

Labor Code 1771, 1725.5



5

Public Works Project

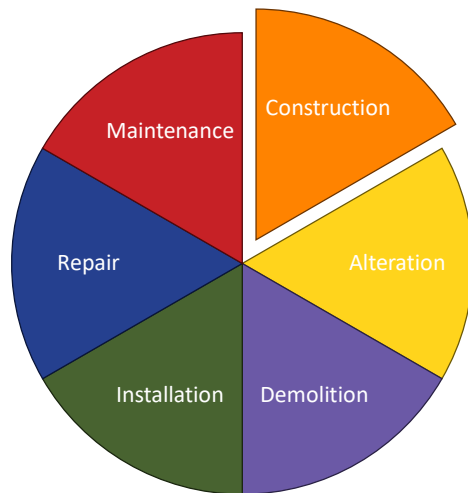


Labor Code 1720



6

Public Works Project



Preconstruction

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

Postconstruction

- Cleanup

Labor Code 1720



7

Compliance Requirement #1

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**



8

<https://www.dir.ca.gov/Public-Works/PublicWorks.html>

Public Works / Public Works



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 [a](#).

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.

DIR Service Portal
for Contractors, Awarding
Bodies & Developer Proponents

DIR Support Center
for latest training and FAQs

Resources

- [Awarding Bodies](#)
- [Contractors](#)
- [Summary of Skilled and Trained Workforce \("STW"\) Statutes](#)
- [Frequently Asked Questions on Skilled and Trained Workforce \("STW"\) Requirements](#)
- [Public Works Pre-Qualification of Contractors](#)
- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting \[a\]\(#\)](#)



9

<https://services.dir.ca.gov/gsp>

[eCPR Public Search](#)
[Public Works Support](#)
[Contractors](#)
[Projects](#)
[Register](#)
[Log In](#)

DIR Services Portal

Improving working conditions in California since 1927

Browse Services

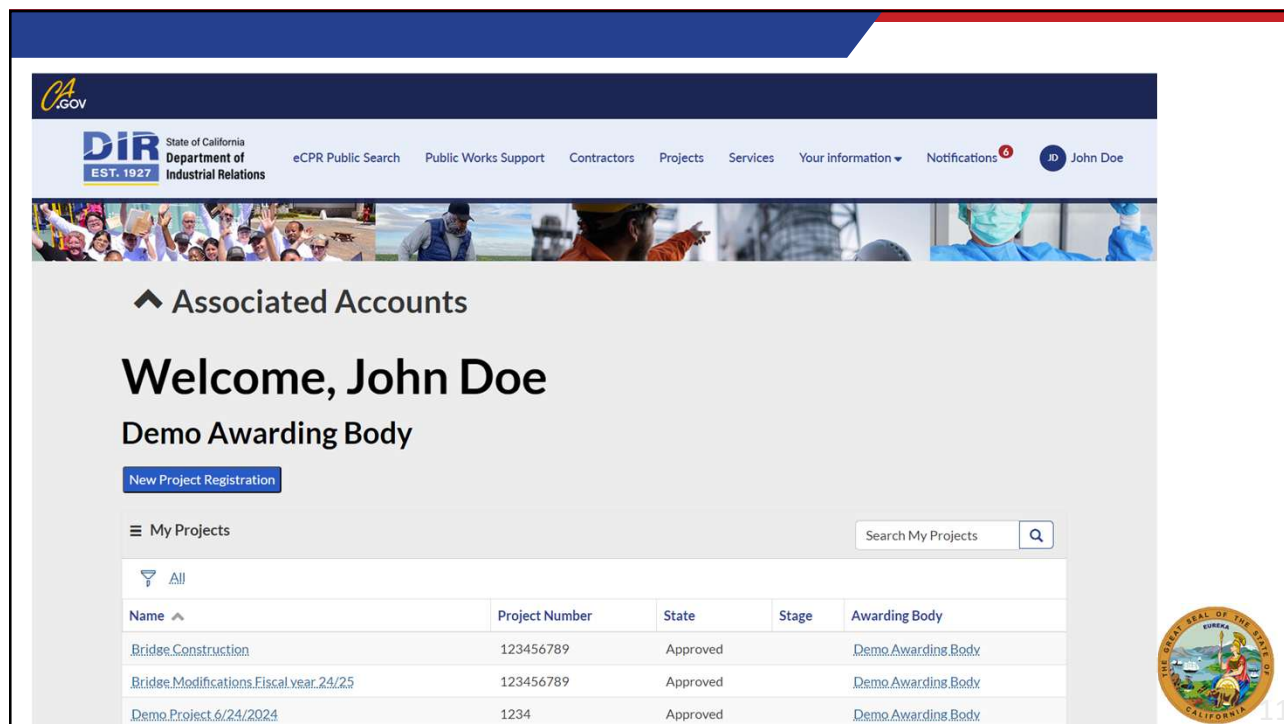
Report an issue or request a service

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10



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DIR EST. 1927 State of California Department of Industrial Relations

eCPR Public Search Public Works Support Contractors Projects Services Your information Notifications 6 JD John Doe

Associated Accounts

Welcome, John Doe

Demo Awarding Body

[New Project Registration](#)

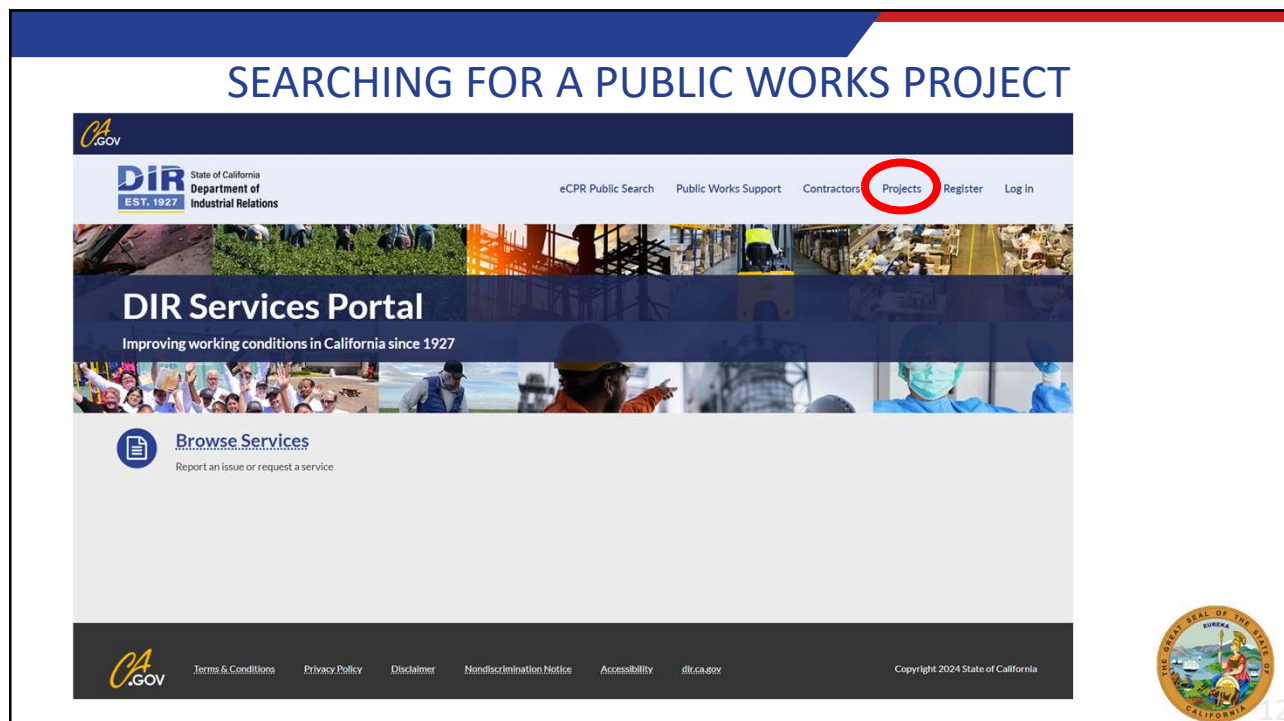
My Projects

Name	Project Number	State	Stage	Awarding Body
Bridge Construction	123456789	Approved		Demo Awarding Body
Bridge Modifications Fiscal year 24/25	123456789	Approved		Demo Awarding Body
Demo Project 6/24/2024	1234	Approved		Demo Awarding Body

THE GREAT SEAL OF THE STATE OF CALIFORNIA

11

SEARCHING FOR A PUBLIC WORKS PROJECT



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THE GREAT SEAL OF THE STATE OF CALIFORNIA

12

services.dir.ca.gov/gsp?id=dir_projects&table=x_cdoi2_csm_portal_project




State of California
 Department of
 Industrial Relations

eCPR Public Search Public Works Support Contractors Projects Register Log In

Home > Project

Project Filters

- > .Approved Projects
- > .Completed Projects

Projects

Keyword Search

Number	Project Number	Contract Number	Project ID	Awarding Body	Name	State	Description
20240002263	60412	60412	328821		TREATMENT PLANT REPLACEMENT	Approved	SAN DIEGO SAFARI PAR MODERNIZ...
20240002286	33130	F21AP01583-00	398835		USFWS Recovery Challenge Grant- Condor B	Approved	Facility Improvement the Condor f
20240002279	N-A	N-A	489198		Condor Grant 2023-2024	Approved	Upgrades an refurbishme the Condo...
20240002269	NA	F20AP00365	345613		USFWS RECOVERY CHALLENGE GRANT- CONDOR B	Approved	FACILITY IMPROVEM AT THE CON RELE...
20240002275	35625	F20AP00365-2022	440659		USFWS	Approved	Facility



13

Compliance Requirement #2

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)



14

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



15

services.dir.ca.gov/gsp?id=dir_contractors&table=x_cdoi2_ltf_core_contractor_lookup

CA.Gov

DIR State of California Department of Industrial Relations EST. 1927

eCPR Public Search Public Works Support **Contractors** Projects Register Log In

Home > Contractors

Contractor Filters

- > .Name.is.not.Empty
- > .Updated.This.Week

Contractors

Keyword Search

Updated	Contractor dba name	Contractor first name	Contractor last name	Contractor mailing city	Contractor mailing state
2024-06-22 14:20:47	ZWORLD GIS	Zacharias	Hunt	Santa Barbara	CA
2024-06-23 22:09:05	ZUSSER COMPANY, INC.	Larisa	Sass	LOS ANGELES	CA
2024-06-22 14:13:08	ZURTECH INC	Eleonora	Shavit	WEST HILLS	CA
2024-06-22 14:14:11	Zurita Trucking	Shannon	Griego	Sylmar	CA
2024-06-22 14:14:11	Zurita Trucking	Miguel	Zurita	Sylmar	CA
2024-06-22	ZUNIGASCAPES	Cornelio	Zuniga	MORENO VALLEY	CA

16

THUY PHAM

Contractor

Contractor business email:

Contractor dba name:

Contractor cation eff date:

Contractor entity number:

Contractor first name:

Contractor ID:

Contractor mailing city:

Contractor last name:

Contractor mailing state:

Contractor mailing address2:

Contractor mailing zip:

Contractor physical address1:

Contractor physical city:

Contractor physical address2:

Contractor physical state:

Contractor source:



17

Information contained in this file is confidential, preliminary, and pre-decisional

And a new Support Center for an easy transition



State of California
Department of
Industrial Relations

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

Public Works / Support Center

Support Center

Not sure how to do something? See our how-to guides.
Got a question? Explore our Frequently Asked Questions.
Need to get in touch? Reach out to DIR Public Works.
Need updates? Sign up for our communications.

[Go to How-To Guides](#)

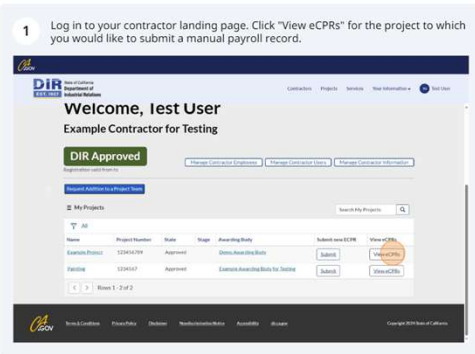
Upcoming Trainings

The Labor Commissioner's Office offers educational seminars across the state to provide an overview of prevailing wage and apprenticeship standards compliance and public works enforcement. Discussions will include awarding body responsibilities, coverage determinations, and prequalification of contractors, contractor registration and Project Registration (formerly known as PWC-100). Some seminars are focused on requirements for specific groups such as contractors or public agencies.

Subject	Date and Time	Location	Audience	Notes	Registration

How to Submit a Manual Payroll Record

- Log in to your contractor landing page. Click "View eCPRs" for the project to which you would like to submit a manual payroll record.



18

18

PARTICIPATION 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?



19

PARTICIPATION 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



20

PARTICIPATION 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>	<u>6/30/2020</u>
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



21

PARTICIPATION 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>	6/30/2022	<u>7/1/2021</u>	<u>6/30/2022</u>	7/15/2021	6/30/2022
7/1/2020	6/30/2021	9/1/2020	6/30/2021	6/25/2020	6/30/2020
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



22

PARTICIPATION QUESTION - ANSWER

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

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



23



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




24

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))



25

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))



26

Notice Requirements

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



27



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



28

Monetary Thresholds

Prevailing Wage

>\$1,000

Project Registration

>\$15,000

M

>\$25,000

CADIR

Labor Code 1771, 1725.5



29

Compliance Requirement #7

Prevailing Wage Rates

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



30

Awarding Body Cognizance

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)**



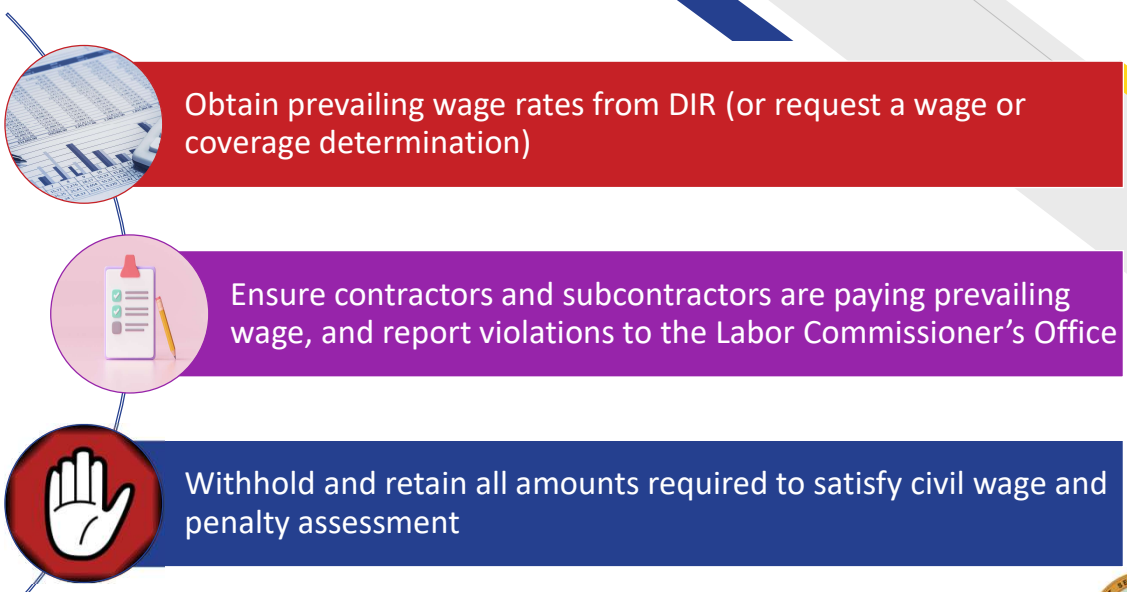
31

Withholding and Retention

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



32



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

DIR State of California
EST. 1927 Department of Industrial Relations



33



DIR State of California
EST. 1927 Department of Industrial Relations

Enforcement

Labor Code §1773.3, §1771.1(j)



34

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



35

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.



36

PARTICIPATION 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?



37

PARTICIPATION 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.



38

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..."



39

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))



40

AWARDING BODY RESPONSIBILITIES LETTER

STATE OF CALIFORNIA

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

Lilia García-Brower
California Labor Commissioner

Gavin Newsom, Governor

MAILING ADDRESS:

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



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:



41

Thank you for attending!

New system issues?

Labor Commissioner's Office - publicworks@dir.ca.gov

- Provide screenshots and contact information for user experiencing the issues
- Identify using the issues in the subject line
 - Project Registration
 - Contractor Registration
 - ECPR
 - Signing in issue
 - Password issue
 - other



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



42

9:05 AM – 9:15 AM

Pre-Qualification of Contractors

Catalina Arceo



DEPARTMENT OF INDUSTRIAL RELATIONS

State Labor Commissioner's Office



Prevailing Wage Labor Compliance Seminar Prequalification of Contractors for Awarding Bodies

Disclaimer

California Labor Commissioner's Office

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Our Goals

- PRE-QUALIFICATION OF CONTRACTORS
- LABOR COMMISSIONER MODEL QUESTIONNAIRE



“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

EASY AS 1-2-3

Section D. PRE-QUALIFICATION CRITERIA

Factor #1 - Points	Factor #2 - Points	Multiplying Factor
		x2

³ Community College Districts also have Contract Code section 20651.5, enacted since they are not specifically exempt

A contractor is Disqualified

Page 31 of 166

Labor Commissioner's Model Questionnaire

CONTRACTOR

Completes the Pre-
Qualification questionnaire
Submits the Pre-
Qualification Questionnaire
and financial statements
Provides any additional
information/documentation



AWARDING BODY

Awarding Body reviews the
“Essential Criteria”
Contractor is immediately
disqualified if:
Any answer to questions 1-6
is “NO”
Any answer to questions 7-
13 is “YES”



REVIEW

Prequalification Criteria
Questions are reviewed
located in Section D
Contractor is Pre-Qualified
if:
All of the Contractors
responses to questions 1-21
are “0”

DISQUALIFIED

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.

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

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.

DIR Service Portal
for Contractors, Awarding
Bodies & Developer Proponents

DIR Support Center
for latest training and FAQs

Resources

- [Awarding Bodies](#)
- [Contractors](#)
- [Summary of Skilled and Trained Workforce \("STW"\) Statutes](#)
- [Frequently Asked Questions on Skilled and Trained Workforce \("STW"\) Requirements](#)
- [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

Have Questions?

Contact Us:
publicworks@dir.ca.gov

Subject Line:
Pre-Qualification of Contractors

Page 35 of 166

QUESTIONS...

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

- a) Yes
- b) No



Thank you!

9:15 AM – 10:05 AM

Contractor Responsibilities

Patricia Rangel/Linda Dinh/

Antonio Almanza



DEPARTMENT OF INDUSTRIAL RELATIONS

State Labor Commissioner's Office



**PUBLIC WORKS
LABOR COMPLIANCE SEMINAR**
Contractor Responsibilities

California Labor Commissioner's Office
Department of Industrial Relations



1

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.




2

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



1

3

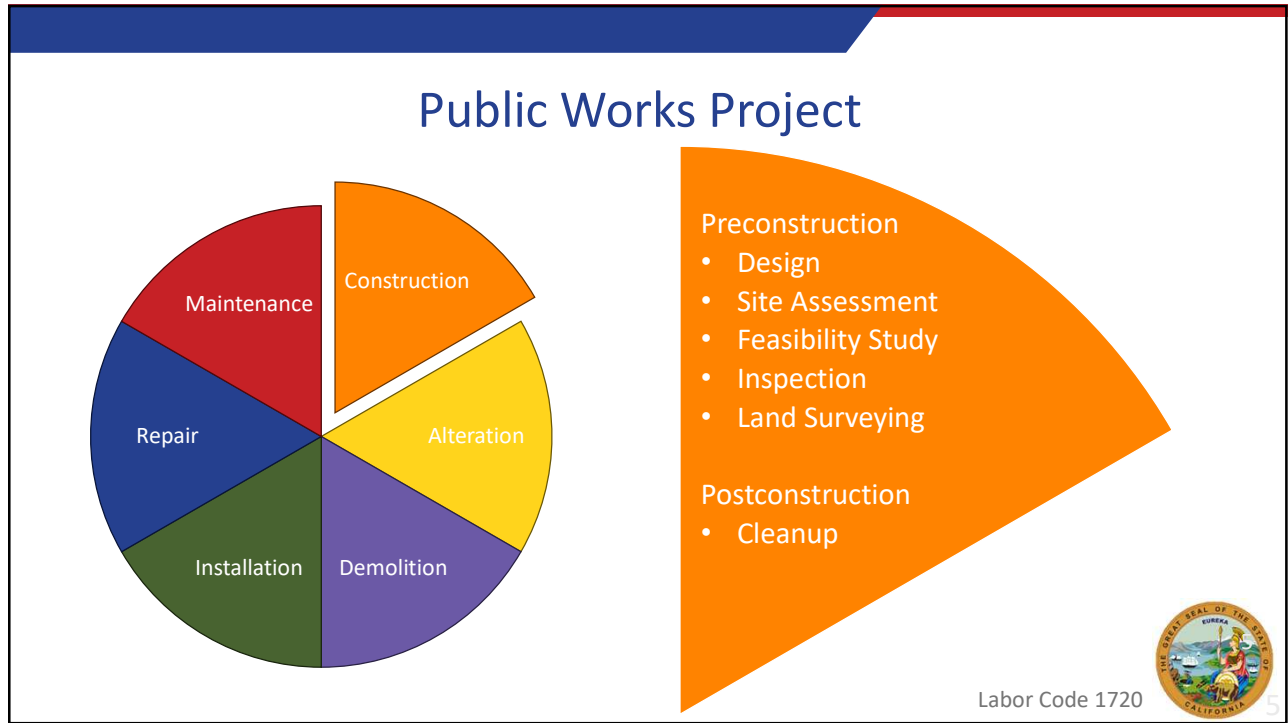
Who is a Public Works Contractor?



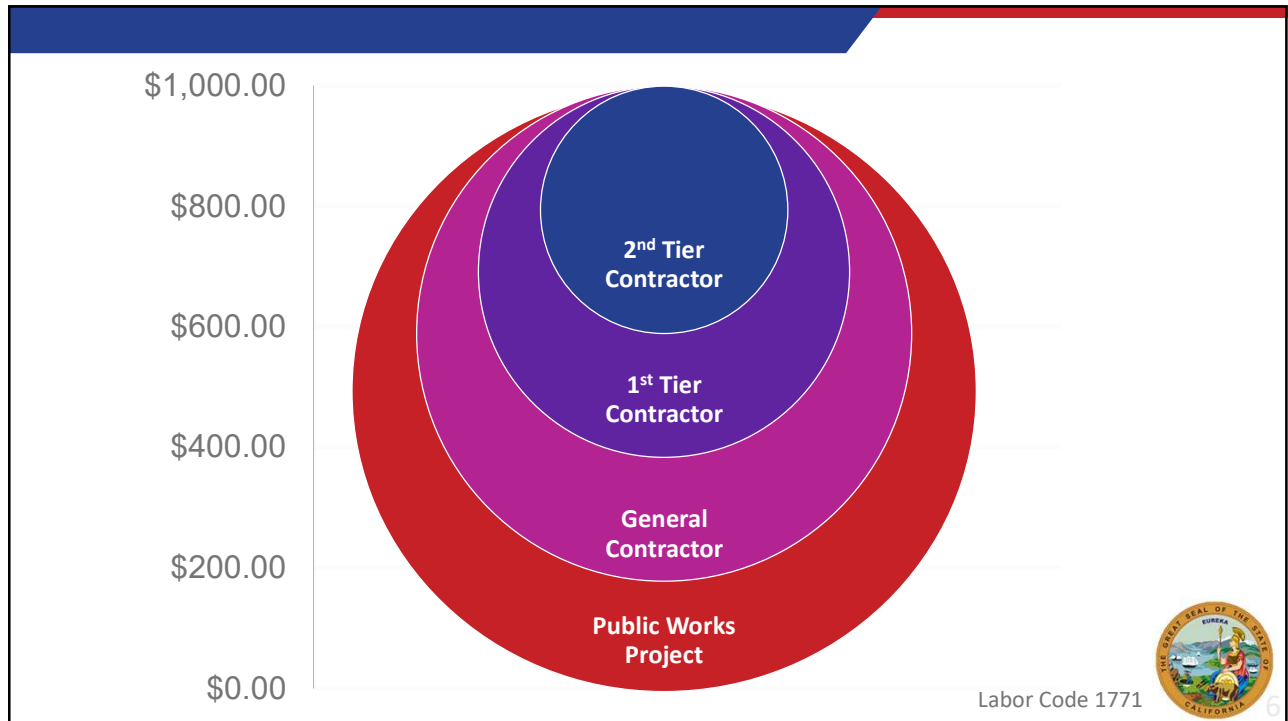
Labor Code(s) 1720(1) and 1722.1



4

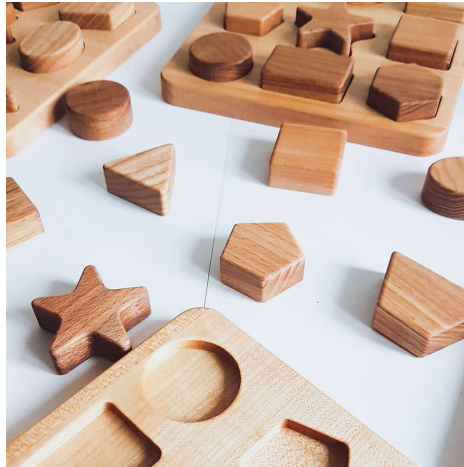


5



6

Pay Prevailing Wages



Labor Codes 1771, 1774 and 1813



7

Prevailing Wage Determination Search

Bid
Advertisement
Date
(or Contract Date)



Determination
Publish Date



Region /
County



Classification /
Craft



8

State of California
Department of Industrial Relations
EST. 1927

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

Office of the Director / Research (OD-Research)

Office of the Director - Research (OD-Research)

Programs and Initiatives

Research and Statistics

The Office of the Director - Research conducts research and prepares and maintains databases on alternative workweek programs, the California Consumer Price Index, occupational injuries & illnesses, and public works projects.

Prevailing Wage Determinations, Statistics, and Databases

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

Quick Links

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

[Request a DIR Special](#)

[Labor Law FAQs](#)

[Fraud Prevention](#)

[ID-19 Information](#)

[Plans](#)

[Forms and Forms](#)

[Public Participation](#)

9

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

10

Navigating Website Wage Determination

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](#)



11

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 (Building Construction) *	Select One ▾	Increase



12

Scope, Holiday, Travel, Increases

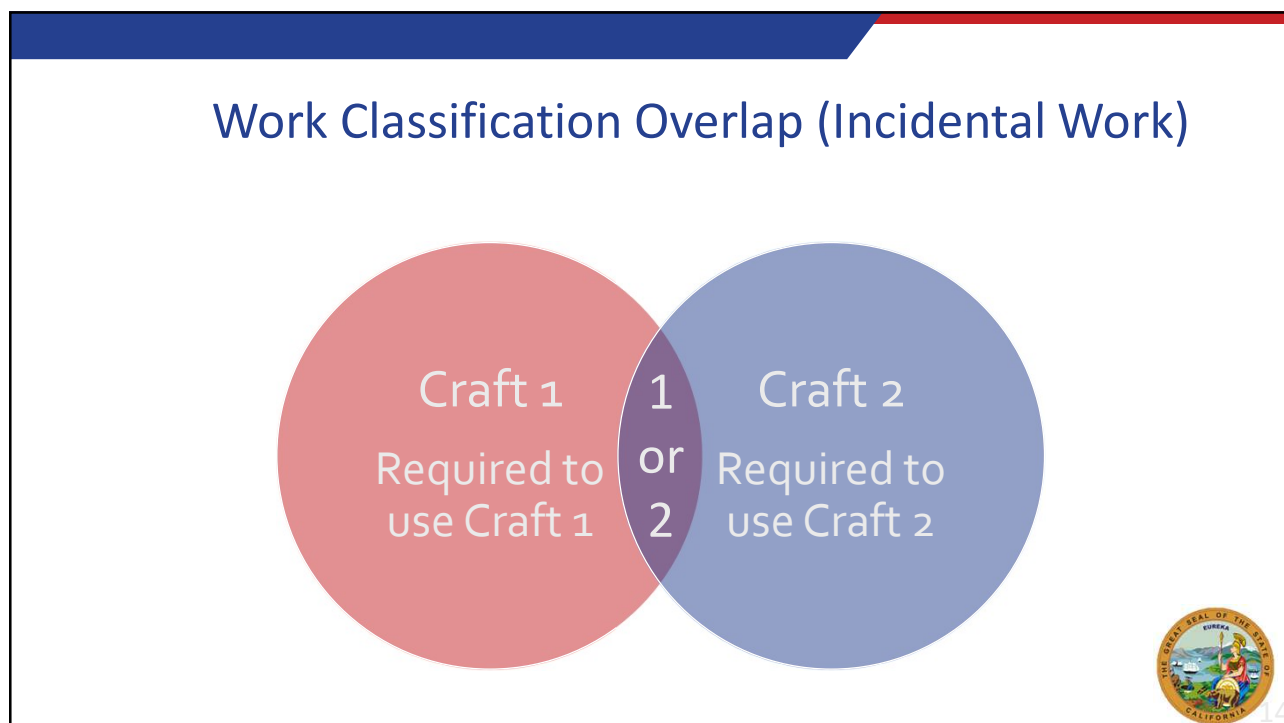
Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
Blacksmith	Select One ▼	No increase *
Hauling To/From (Site)	Select One	Increase

County	Predetermined increase
Alameda	Increase
Alpine	Increase

REGION

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

13



14

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

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



15

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

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



16

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	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training ^b	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)
Classification (Journey person)									
Drywall Installer/Lather	\$47.24	\$8.00	\$5.66	\$7.31	\$0.67	\$2.77	\$95.27	\$95.27	\$118.89



17

Basic Hourly Rates

Wages and Employer Payments:

Classification (Journey person)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^a	Training ^b	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)

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



18

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

19

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

DIR State of California
Department of Industrial Relations
EST. 1927

20

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

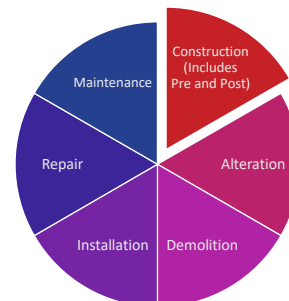


21

Register as a Public Works Contractor



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



Labor Codes(s) 1725.5 & 1771.1



22

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

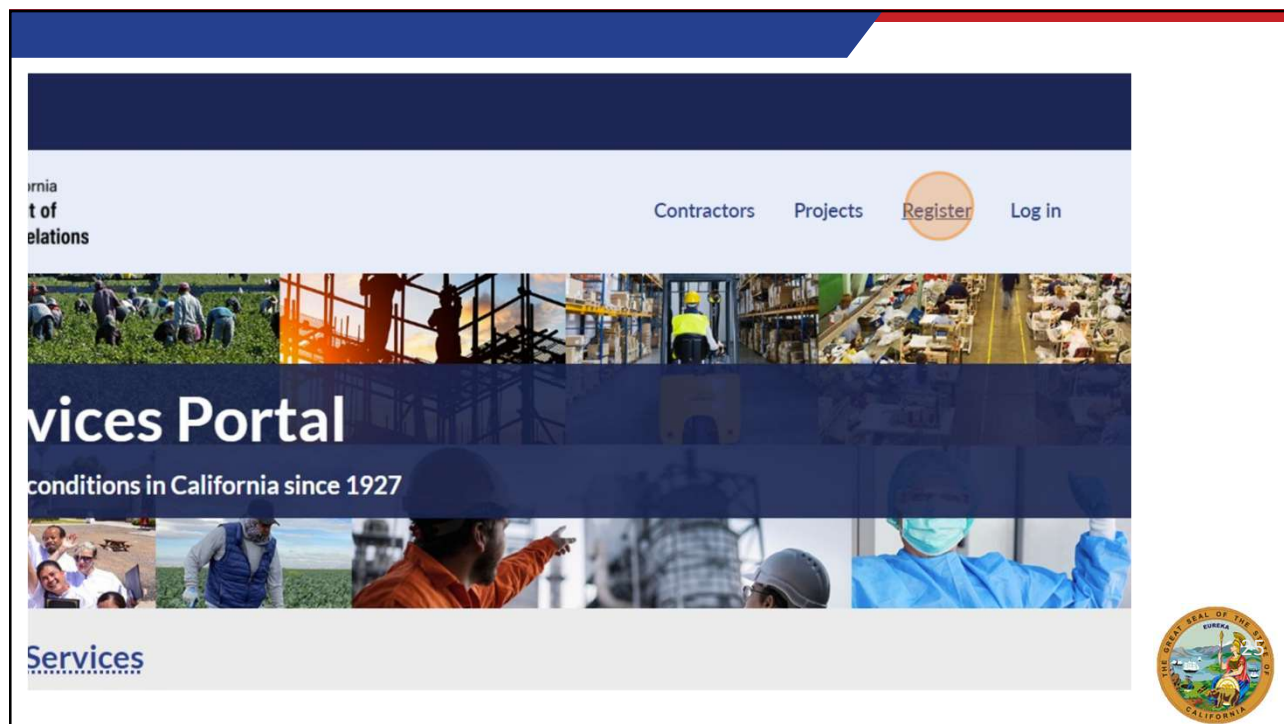


23

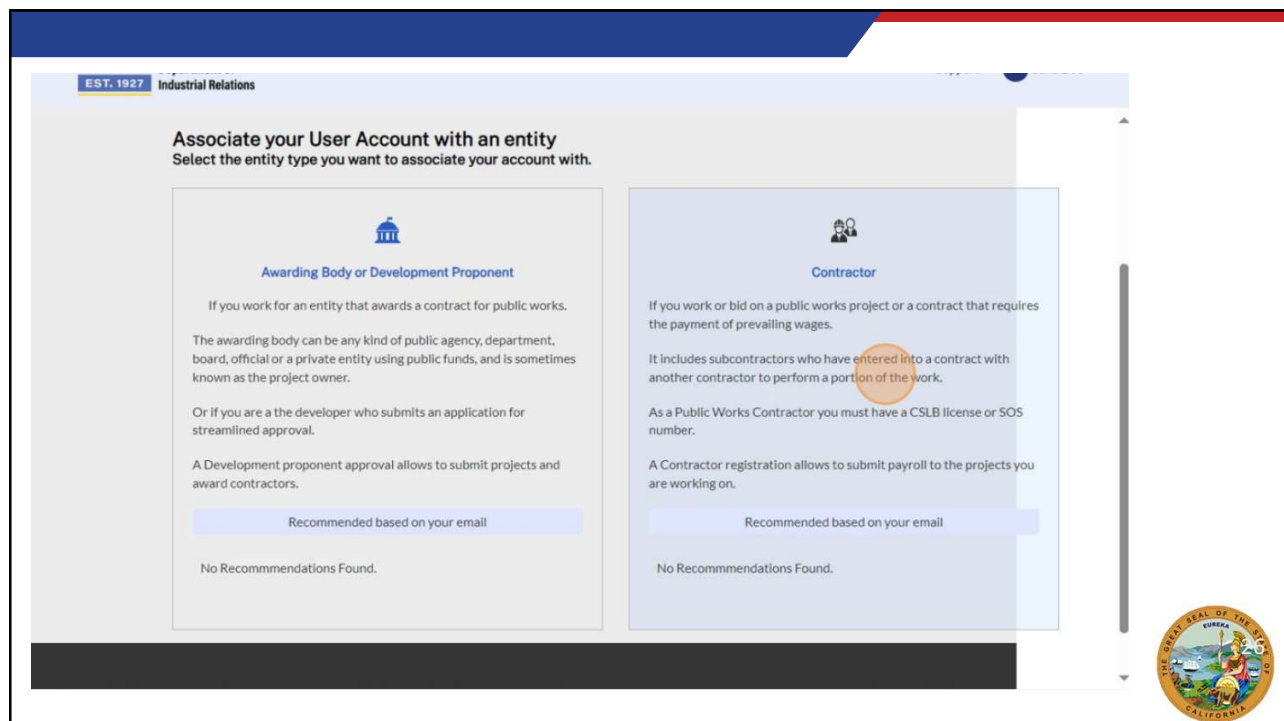
Navigating Website: Contractor Registration



24



25



26

[Back](#)

Register a new Contractor

Indicates required

Legal Information

PWCR Number (numbers only)

Please Enter the PWCR Number

Legal Entity Type DBA (Doing Business As)

Please select a legal entity type Please enter a value

Legal Entity Name President Name

Please enter the Legal Entity Name Please enter the president's name

CLSB Number SOS Number

Please enter the CLSB Please Enter the SOS Number

Business Email Approved Domains



27

conditions in California since 1927

Associated Accounts

Contractor Registrations in Progress

Registration Status

Contracting

Registration In-Progress

Complete registration application

Requested: 2024-06-24 16:02:11

Provide additional information and pay the fee to complete registration.

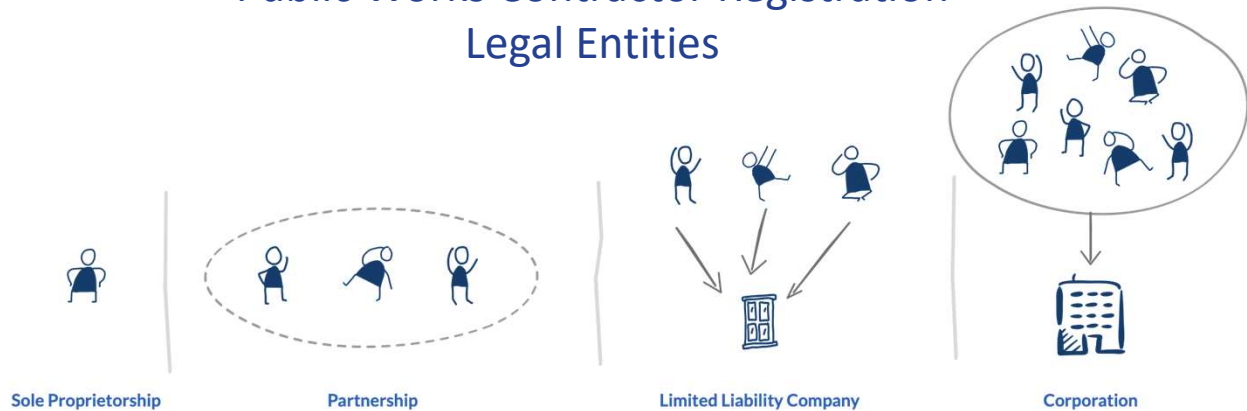
Welcome, Jane DEF

DEF Contracting 2000001261



28

Public Works Contractor Registration Legal Entities

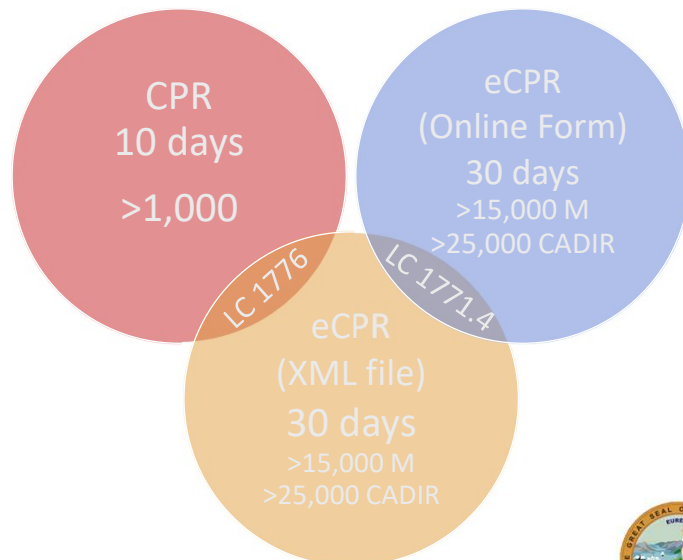
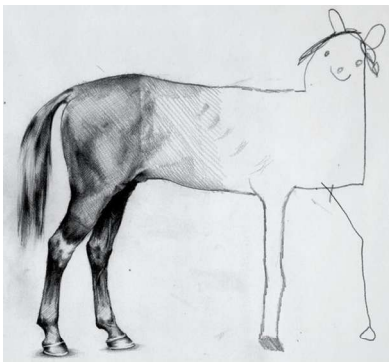


- Public Works Contractor Registrations are valid *per* legal entity
- A transition to different legal entity type will require a new registration



29

Maintain and Furnish Payroll Records



Labor Code(s) 1776 and 1771.4



30

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: _____



31

Form A-1-131

California
Department of
Industrial Relations**PUBLIC WORKS PAYROLL REPORTING FORM**

Page _____ of _____

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

32

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DIR State of California
 Department of Industrial Relations
 EST. 1927

Contractors Projects Services Your information **TU** Test User

Welcome, Test User

Example Contractor for Testing

DIR Approved
 Registration valid from to

[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
Example Project	123456789	Approved		Demo Awarding Body	Submit	View eCPRs
Painting	1234567	Approved		Example Awarding Body for Testing	Submit	View eCPRs

Rows 1 - 2 of 2

33

DIR State of California
 Department of Industrial Relations
 1927

Contractors Projects Services Your information **TU** Test User

Project Name: Example Project
 project status: Approved
 DIR Project ID 123456789
 Example Contractor for Testing

[Update Subcontractors List](#)
[See Project Information](#)
[Submit New eCPR](#) [Upload New eCPR](#)

Payroll Runs

Payroll Number	Start Date	End Date	Payroll Type	Created	Amendments	Submitted	State	Open eCPR	Amend
PRRUN0002172	2024-06-14	2024-06-20	Regular	2024-06-14 14:41:13	1		Draft	Open eCPR	Amend
PRRUN0002141	2024-06-01	2024-06-07	Regular	2024-06-13 10:24:27	0	2024-06-13	Submitted	Open eCPR	Amend
PRRUN0002173			Regular	2024-06-14 14:43:47	0		Draft	Open eCPR	Amend

Rows 1 - 3 of 3

34

State of California
Department of
Industrial Relations
EST. 1927

Support Contractors Projects Services Your information **TU** Test User

Payroll Setup
Action required

Employee Selection
Action required

Payroll Information
Action required

Review and Submit
Action required

Payroll Setup

Select Payroll type

☒ Regular
Work was performed during the payroll period

☐ Non-Performance
No work was performed during the payroll period

Is this the Final Payroll for this project?

☐ Yes ☐ No

Select reporting type

☐ Weekly
7 days

☐ BI-weekly
14 days

☐ Semi-monthly
From 1st to 15th OR from 16th to last day of the month

From Date

To Date

35

CA.GOV

State of California
Department of
Industrial Relations
EST. 1927

Support Contractors Projects Services Your information **TU** Test User

Project Name: Painting

project status: Approved

DIR Project ID

Example Contractor for Testing

Update Subcontractors List

See Project Information

Submit New eCPR

Upload New eCPR

Payroll Runs

Payroll Number	Start Date	End Date	Payroll Type	Created	Amendments	Submitted	State	Open eCPR	Amend
PRRUN0002230	2024-06-20	2024-06-26	Regular	2024-06-19 12:07:16	0		Draft	Open eCPR	Amend
PRRUN0002222	2024-06-19	2024-06-25	Regular	2024-06-19 09:00:29	0		Draft	Open eCPR	Amend
PRRUN0002221	2024-06-19	2024-06-25	Regular	2024-06-19 08:47:18	0		Draft	Open eCPR	Amend
PRRUN0002220	2024-06-12	2024-06-18	Regular	2024-06-19 08:32:58	0		Draft	Open eCPR	Amend

< > Rows 1 - 4 of 4

36

CA.GOV

DIR State of California Department of Industrial Relations EST. 1927

Support Contractors Projects Services Your information TU Test User

Upload eCPR XML Action required

Sign and Submit eCPR Action required

Upload ECPR XML

Upload ECPR XML File

- Indicates required
- Contractor: Example Contractor for Testing
- Project: Emergency Main Feed Water Line Repair
- Upload XML File: Required - Upload

Next Step

37

Information contained in this file is confidential, preliminary, and pre-decisional

Support Center

DIR State of California Department of Industrial Relations EST. 1927

Search

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

Public Works / Support Center

Support Center

Not sure how to do something? See our how-to guides.
Got a question? Explore our Frequently Asked Questions.
Need to get in touch? Reach out to DIR Public Works.
Need updates? Sign up for our communications.

[Go to How-To Guides](#)

Upcoming Trainings

The Labor Commissioner's Office offers educational seminars across the state to provide an overview of prevailing wage and apprenticeship standards compliance and public works enforcement. Discussions will include awarding body responsibilities, coverage determinations, and prequalification of contractors, contractor registration and Project Registration (formerly known as PWC-100). Some seminars are focused on requirements for specific groups such as contractors or public agencies.

Subject	Date and Time	Location	Audience	Notes	Registration

How to Submit a Manual Payroll Record

- Log in to your contractor landing page. Click "View eCPRs" for the project to which you would like to submit a manual payroll record.

1 Log in to your contractor landing page. Click "View eCPRs" for the project to which you would like to submit a manual payroll record.

DIR State of California Department of Industrial Relations EST. 1927

Welcome, Test User
Example Contractor for Testing

DIR Approved

My Projects

Name	Project Number	Status	Approval Date	Submit eCPR	View eCPR
Example Public	123456789	Approved	2024-01-01	Submit	View eCPR
Example Private	987654321	Approved	2024-01-01	Submit	View eCPR

Page 1 of 2

CA.GOV

38

38



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

DIR State of California
Department of
Industrial Relations
EST. 1927



39

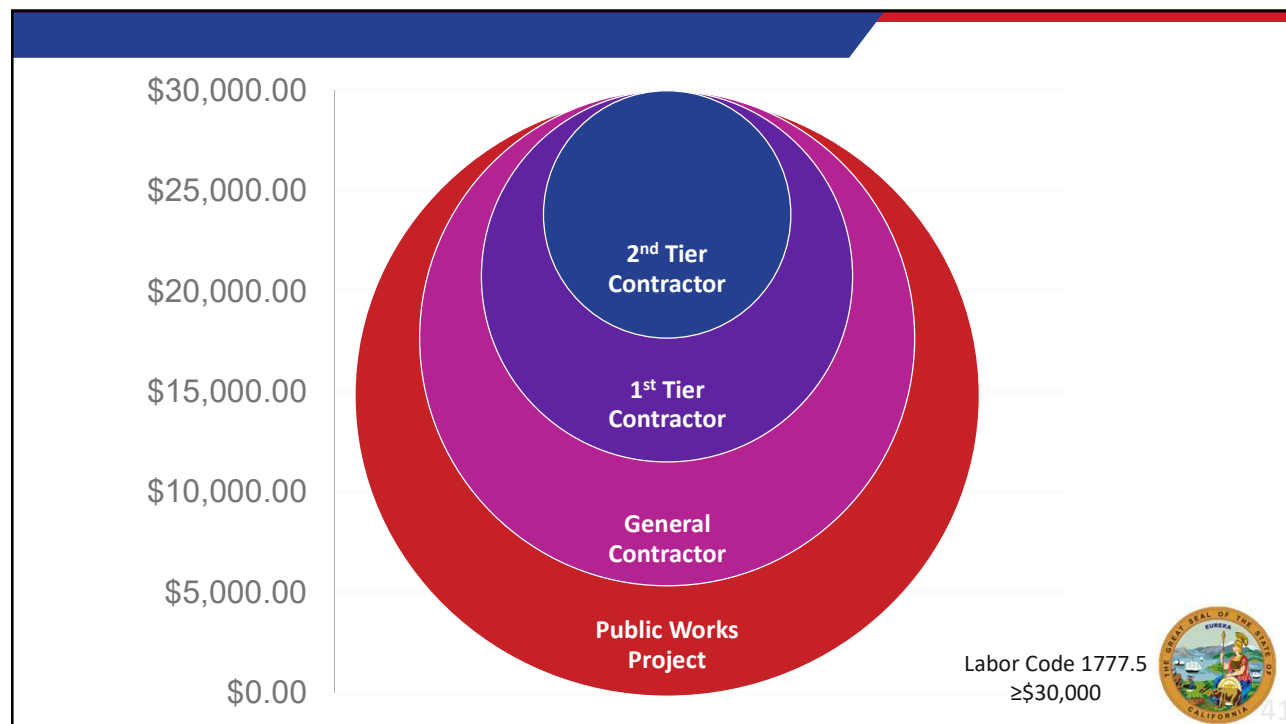
Contractor Responsibilities

Prevailing Wage >\$1,000	Contractor Registration >\$15,000 M >\$25,000 CADIR	Apprenticeship ≥\$30,000
--	---	--

Labor Code 1771, 1725.5, and 1777.5



40



41

Wage Determination Examined

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

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

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

Issue Date:
August 22, 2022

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

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

Wages and Employer Payments:

Classification (Journeyman)	Basic Hourly Rate	Health and Welfare	Pension	Vacation and Holiday ^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



42

Contract Award Information

PUBLIC WORKS CONTRACT AWARD INFORMATION

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

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

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



43

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 _____

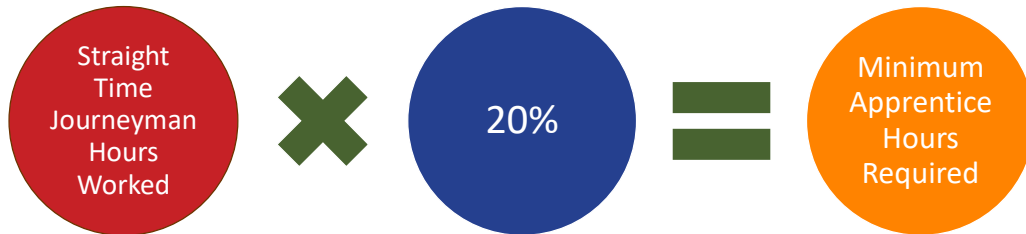
State of California - Department of Industrial Relations DIVISION
OF APPRENTICESHIP STANDARDS

DAS 140 (REV. 1/04)



44

Minimum Apprenticeship Ratio



LC 1777.5
CCR 230.1



47

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 apprentice hours count towards
the minimum ratio requirement



48

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: Name: _____ Address: _____ _____ License No. _____ PWC Registration Number: _____ Tel. No. _____ Fax No. _____
To Applicable Apprenticeship Committee: Name: _____ Address: _____ _____ Tel. No. _____ Fax No. _____	



49

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. <u>Proof of submission may be required.</u> 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)



50

At Least 72 Hours' Notice Required



CCR 230.1



51

Apprenticeship Status and Safety Training Certification

Apprenticeship status certification for public works

Enter search string (LLLLF9999) here

How to compile the search string:

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

Examples:

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

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

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

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

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

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


52

STATE OF CALIFORNIA
Gavin Newsom, Governor

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	Occupation	Action	Effective Date	Cert. id
Mason Smith	* Cement Mason	Start	03-02-2016	SmitM1234
Mason Smith	* Cement Mason	Comp	12-25-2017	SmitM1234

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



Glen Forman
Deputy Chief



53

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)*

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

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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



54

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



55

STATE OF CALIFORNIA

Gavin Newsom, Governor

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.

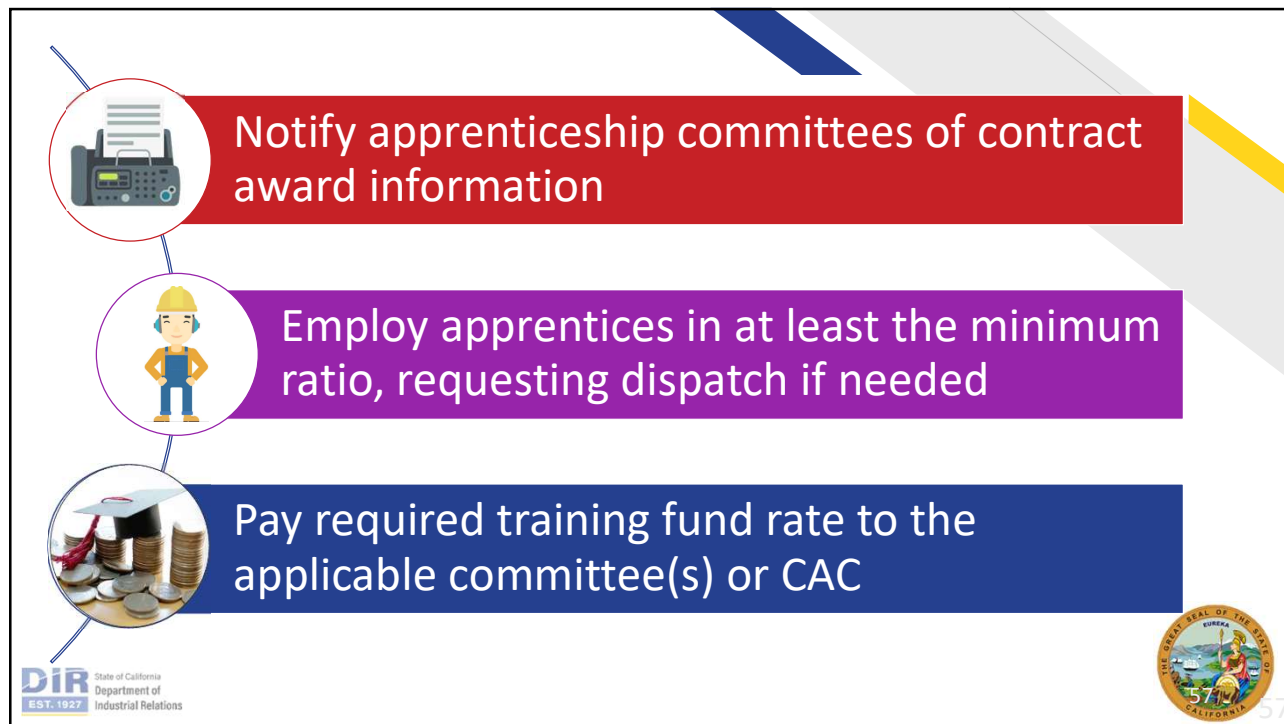
County	Occupation	Check date	Amount in \$
Project			
Los Angeles	Cement Masons	04/05/2017	97.92
SP-98765			
Los Angeles	Laborers	04/05/2017	142.14
SP-98765			

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

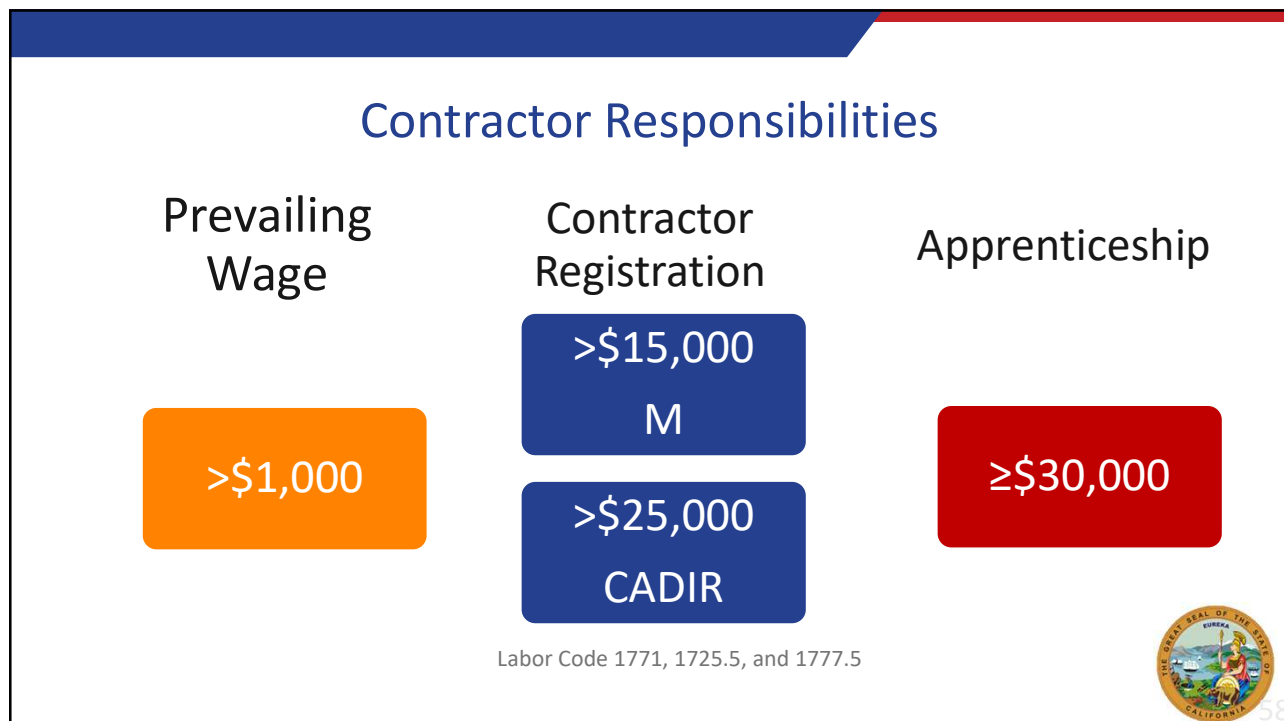
Glen Forman
for the Secretary, California Apprenticeship Council



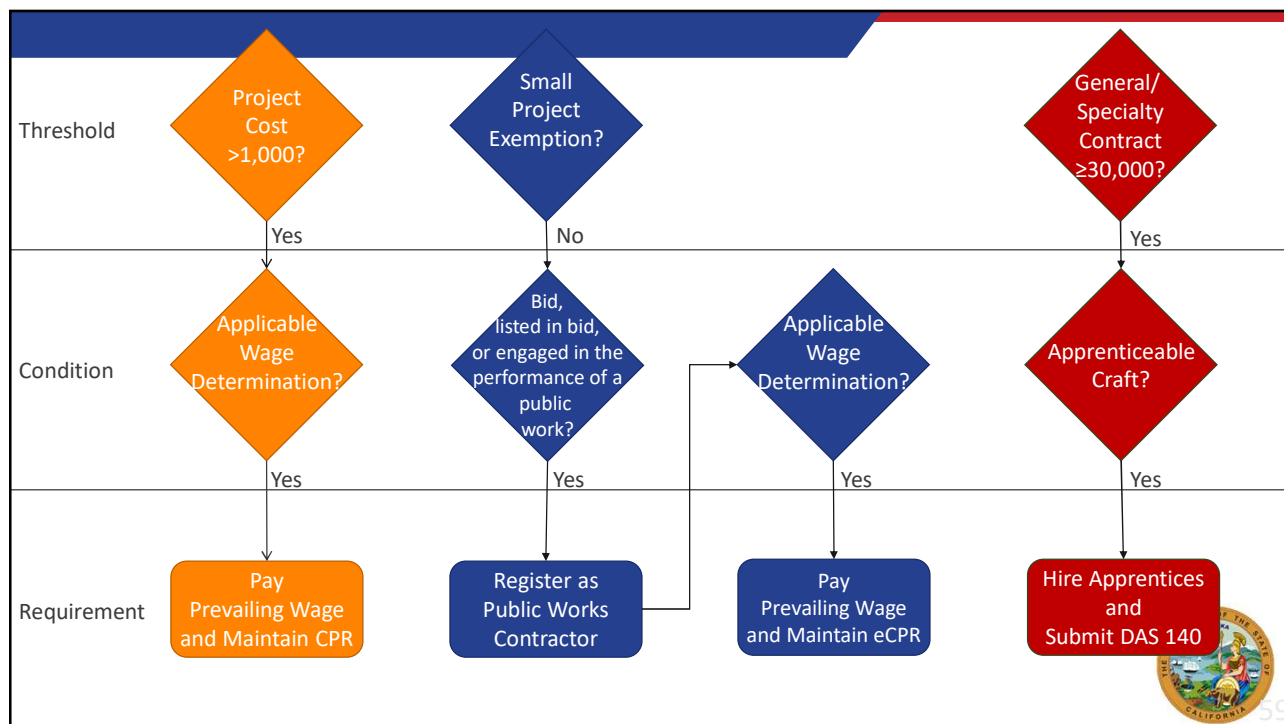
56



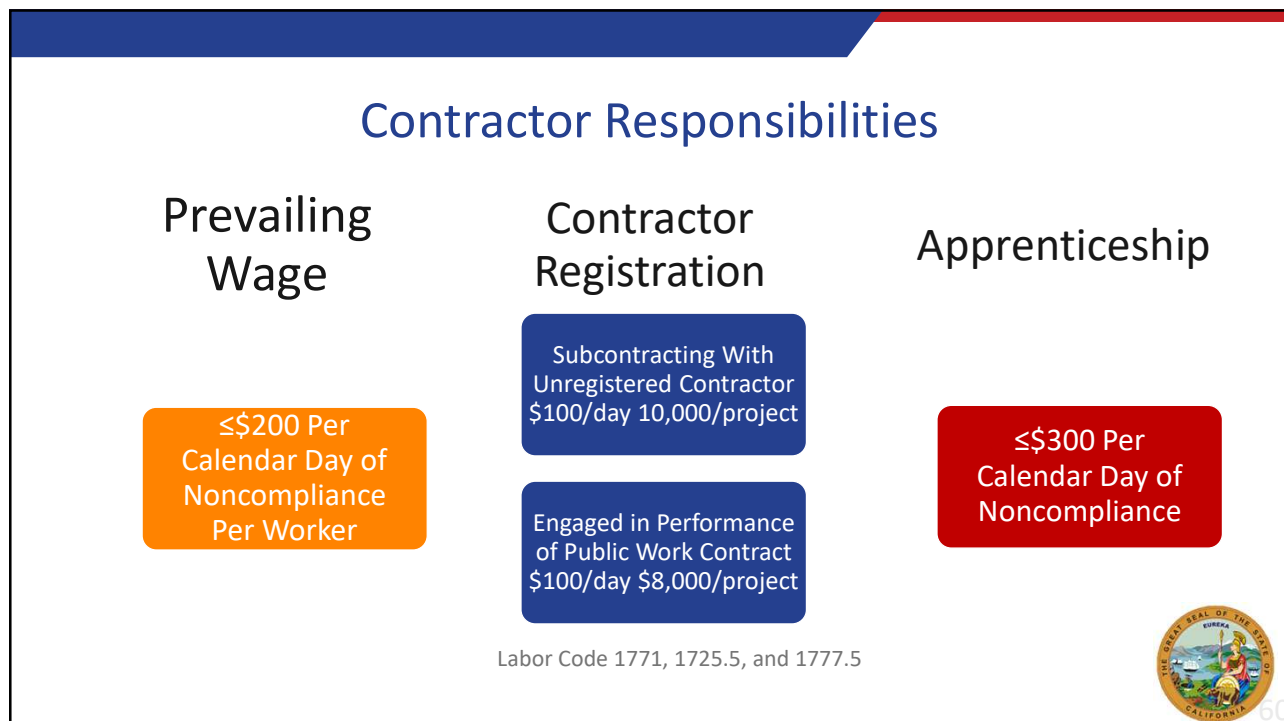
57



58



59



60

STATE OF CALIFORNIA
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

Lilia Garcia-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

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 Garcia-Brower
California Labor Commissioner

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.*)

61

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 details in the subject line
 - **PWCR** (Public Works Contractor Registration)
 - **eCPR** (Electronic Certified Payroll Reporting)
 - **Awarding Body** (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.)






62

10:20 AM – 10:45 AM

SSkilled and Trained Workforce Enforcement

Jeyde Cardenas



DEPARTMENT OF INDUSTRIAL RELATIONS

State Labor Commissioner's Office



**Prevailing wage
LABOR COMPLIANCE SEMINAR
Skilled & Trained Workforce
Requirements**

Public Works
California Labor Commissioner's Office
Department of Industrial Relations
June 5, 2025

1

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.



2

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.



3

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



4



Skilled & Trained Workforce Requirement

Public Contract Code §2600

5

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.



6



Bidding Requirements & Enforceable Agreements

Public Contract Codes §2600, §2600.5 & §2602

7

7

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.



8

8

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.



9

9



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

Public Contract Code §2601

10

10

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)



11

11

Who is a “Skilled Journeyperson”?

Public Contract Code §2601(e)

A Skilled Journeyperson is a worker who EITHER:

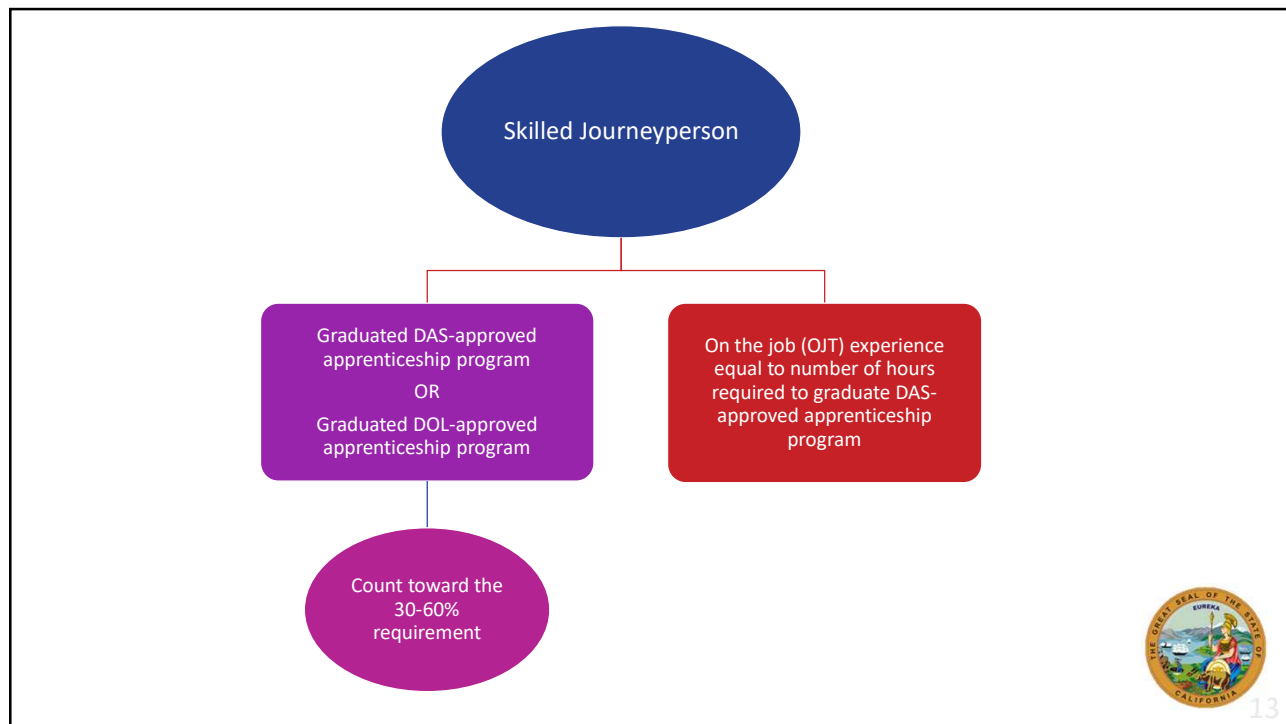
- Graduated from a DAS-approved apprenticeship program for the applicable occupation or a DOL-approved apprenticeship program outside California **OR**
- Has at least as many hours of on-the-job experience in the applicable occupation as would be required to graduate from a DAS-approved apprenticeship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



12

12



13

DIR State of California
EST. 1927 Department of
Industrial Relations

STW Apprenticeship Graduation Requirement

Public Contract Code §2601

14

Graduation Percentage Requirement

Applies to work performed 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)



15

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%



16

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.



17

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

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



18

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.

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



19

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.



20

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.



21

21



Monthly Reports & Awarding Body Obligations

Public Contract Code §2600

22

22

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.



23

23

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.



24

24

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.



25

25



Labor Commissioner's Enforcement Process

Under Public Contract Code §2603

26

26

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.



27

27

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.



28

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.**



29

Skilled and Trained Workforce Statute & FAQs

Summary of Skilled and Trained Workforce Statutes:

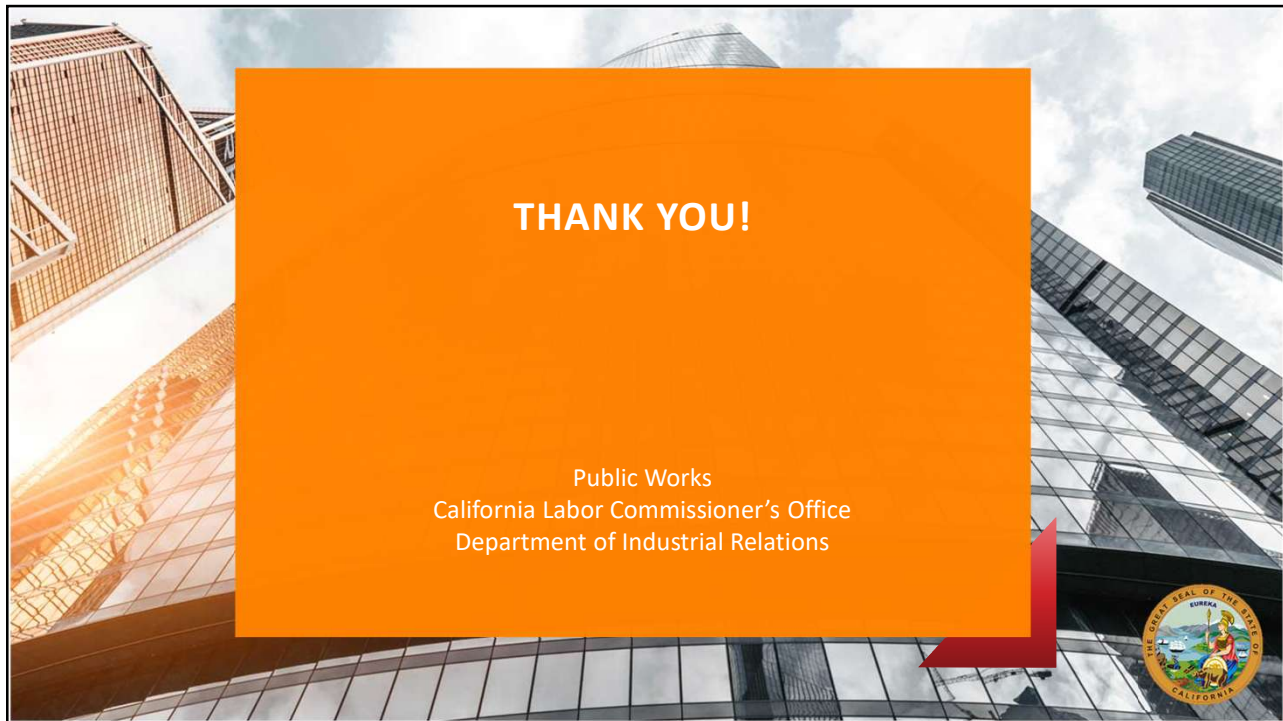
<https://www.dir.ca.gov/Public-Works/ADA-Compliant-STW-Chart-without-New-PRC-Provision.pdf>

Skilled and Trained Workforce Frequently Asked Questions:

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



30



31

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

32

32

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

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- 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

33

33

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

34

34

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

35

35

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%

36

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:
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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%

37

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

38

38

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

39

39

10:45 AM – 11:00 AM

PW Strategic Enforcement Presentation

Megan Cole



Labor Enforcement Task Force (LETf)

Strategic Enforcement of Public Works Construction

Labor Enforcement Task Force (LETF)



State of California
**Department of
Industrial Relations**



State of California
**Gavin Newsom
Governor**

1



The Labor Enforcement Task Force (LETF), 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.



State of California
**Department of
Industrial Relations**

2

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



3

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.



4

Homekey

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

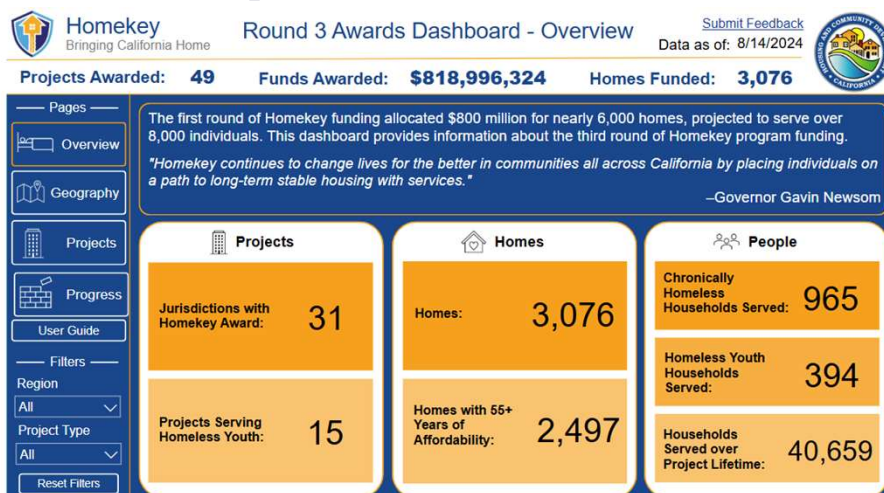
Bringing California Home

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.



5

Homekey Round 3 Overview



6



NOFA	DESCRIPTION	ESTIMATED NOFA AMOUNT
GENERAL NOFA	Veteran-serving projects	TOTAL \$1.033 billion (Proposition 1)
	All Projects (includes Prop 1 and HHAP Homekey supplemental funds)	\$805 million (Proposition 1) <u>\$291 million</u> HHAP Homekey Supplemental (General Fund) TOTAL \$1.096 billion to include: homeless or at-risk youth target (age 18-25) of approximately \$74 million
TRIBAL NOFA	Tribal Applicants (includes Prop 1 and HHAP Homekey supplemental funds)	\$89 million (Proposition 1) <u>\$32 million</u> HHAP Homekey Supplemental TOTAL \$121 million
	Total Funds Available	\$2.250 billion



State of California
 Department of
 Industrial Relations

NOFA: Notice of Funding Available

7

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.

8

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

1:00 PM – 1:30 PM

Upcoming Bills/Legislation

Isaac Nicholson



Office of the Director - Legal



Public Works

State of California

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, and is not intended to amend, interpret, or make specific any existing law or regulation. Any opinions expressed are solely those of the author/speaker and are not necessarily the official position of the Department of Industrial Relations (DIR), its Director, or any related public entity. The information in this presentation is not intended as legal advice, and does not guarantee any outcome in specific enforcement or coverage proceedings within the jurisdiction of DIR.

 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](#)

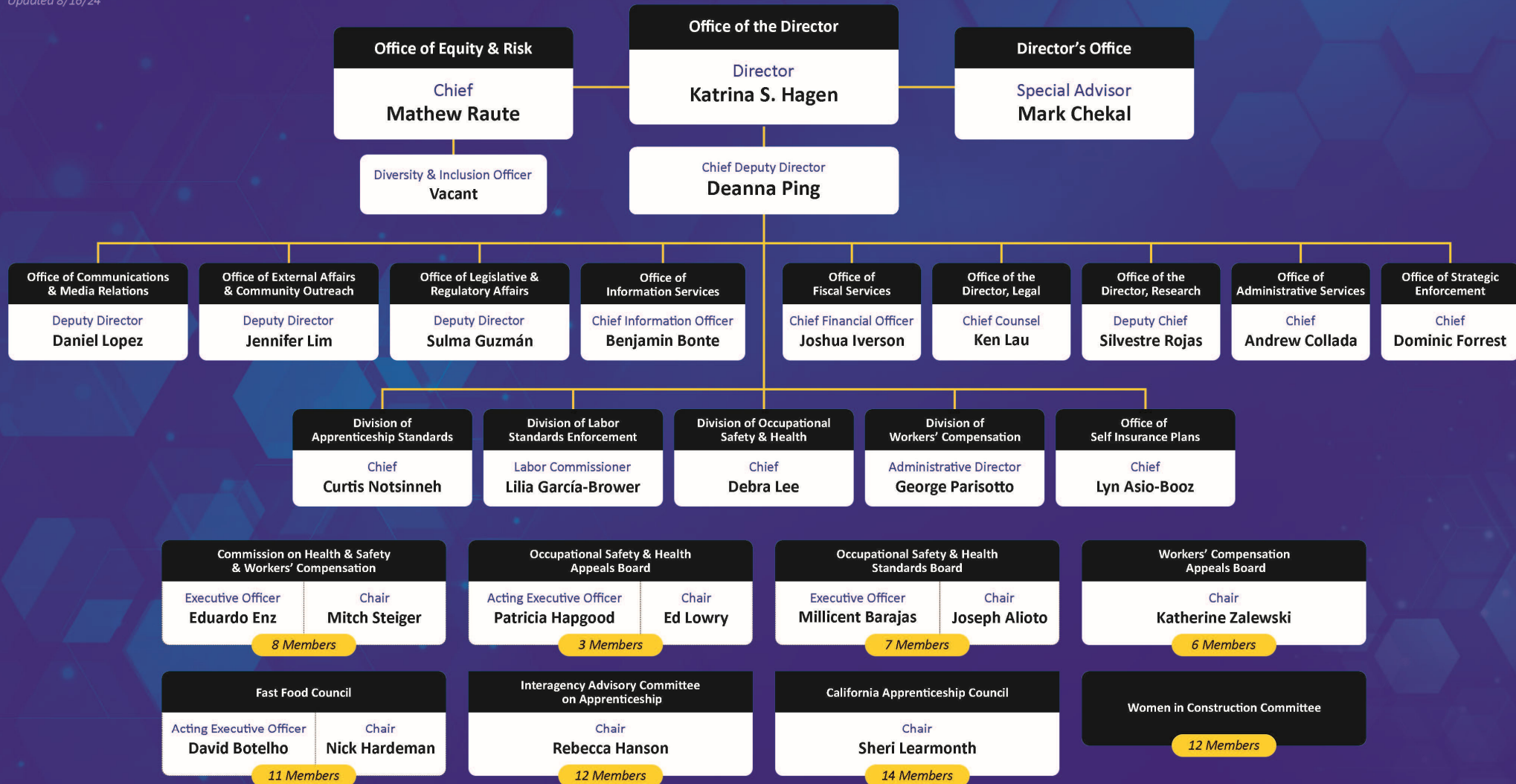
 Other Resources

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

Department of Industrial Relations | Org Chart

Department of Industrial Relations reports to **California Labor and Workforce Development Agency Secretary Stewart Knox** who in turn reports to **Governor Gavin Newsom**.

Updated 8/16/24



Labor Code Section 1771

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

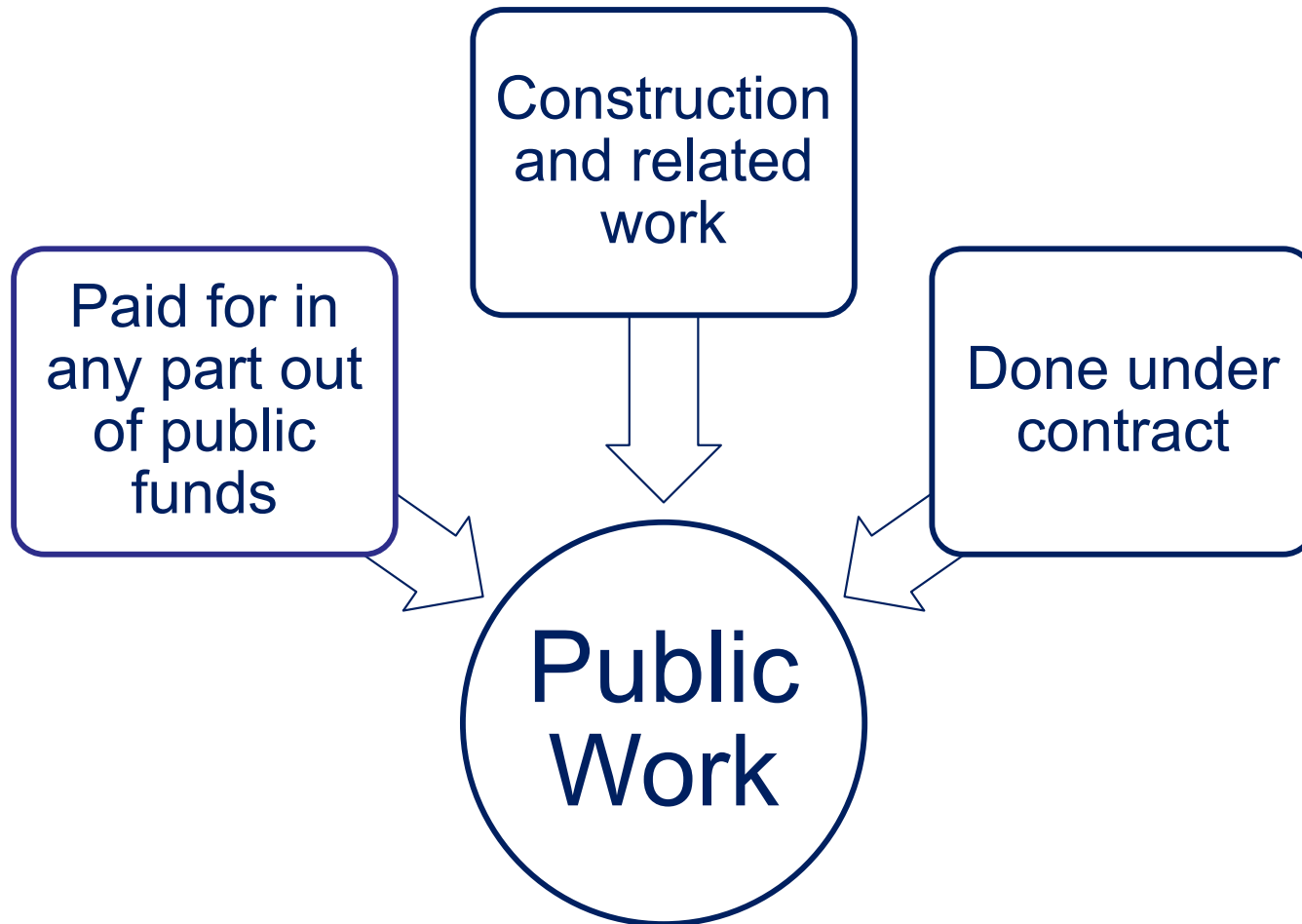
This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for maintenance work.

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



What exactly is the prevailing wage?





Labor Code Section 1720

(Labor Code 1720(a)(1))

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

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

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

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 [On-haul of PGF/Off-haul of refuse]
- Section 1720.6 [Private renewable energy projects on public property]
- Section 1720.7 [Work done on general acute care hospitals]
- Section 1720.8 [Work done on charter schools]
- Section 1720.9 [Hauling of ready-mixed concrete]
- PUC 769.2 [renewable electrical generation facilities]

PUC 769.2 [renewable electrical generation facilities]

- 1) Construction of any renewable electrical generation facility, and
- 2) Any associated battery storage
- 3) Receives NEM or NBT tariffs
- 4) Interconnection application submitted on or after 1/1/24

Except:

- 1) A residential facility that has a maximum generating capacity of 15 kilowatts or less of electricity;
- 2) A residential facility installed on a single-family home;
- 3) A facility that serves only a modular home, a modular home community, or multiunit housing that has two or fewer stories;
- 4) Already public work.

PUC 769.2 [renewable electrical generation facilities]

Contractor responsibilities:

- 1) Maintain and verify CPRs
- 2) Submit digital copies of CPRs to CPUC twice a year (7/1 and 12/31)
- 3) All other public works requirements:
 - a) Project registration
 - b) Contractor registration
 - c) eCPR submission
 - d) Employment of apprentices

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

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

Paid for in whole or in part out of public funds

(Labor Code 1720(b))

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

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

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

Public Work without direct public funding

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

Tenant Improvements Paid for by Private Landlord

Private Office Building
with 100,000 total sq. ft.

**City Leases
60,000 sq. ft.**

Tenant improvements done by the private landlord before the City even signs a lease.

Tenant improvements are done according to the City's specs.

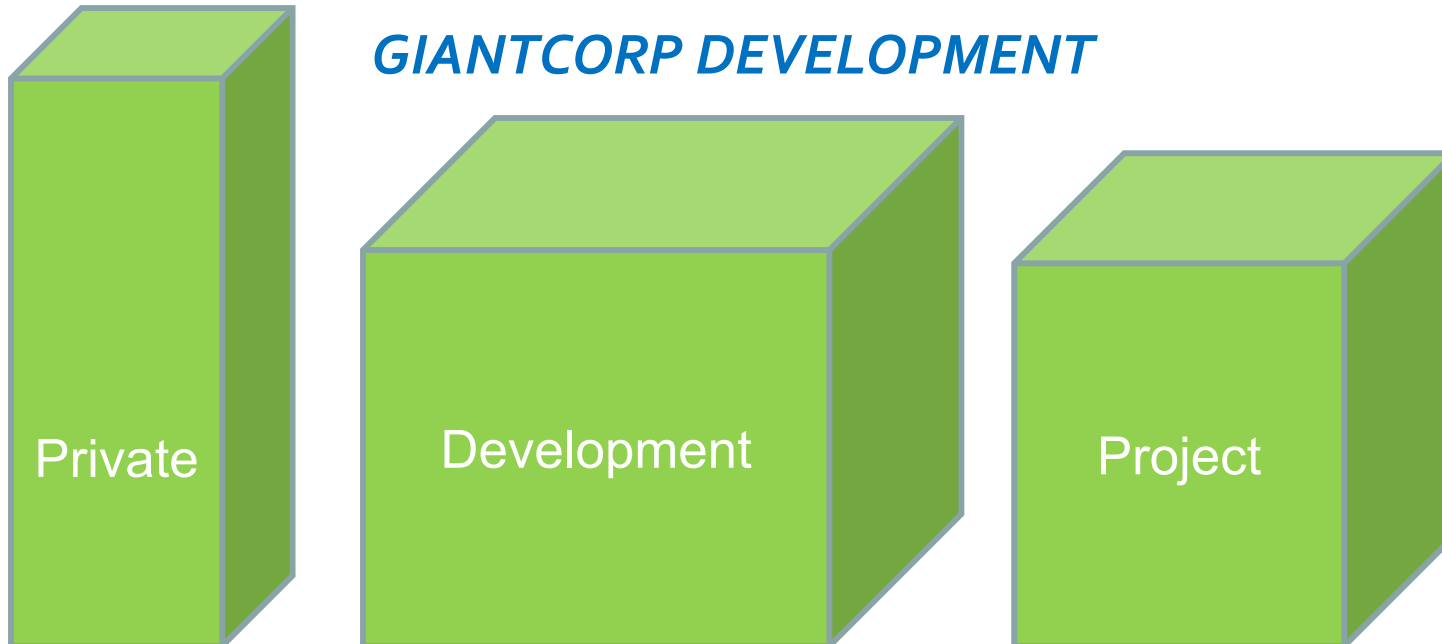
(Section 1720.2)

Public Funding – partial coverage of work on project

Section 1720(c)(2) exception

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

GIANTCORP DEVELOPMENT



**\$200M Project – City requires Sidewalks and Traffic
Signals as a Condition of Regulatory Approval
Cost of Sidewalk and Signals \$10M, Public Subsidy, \$8M**

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

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

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

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

What is a coverage determination?

Section 1773.5 and Cal. Code Regs., title 8, sections 16001-16002.5

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

New Laws 2025

AB 2705 (signed 9/14/24) (Same SOL against sureties)

SB 1303 (signed 9/29/24) (LCPs)

SB 1162 (signed 9/28/24) (apprentice grad date/other info on monthly STW report)

New Laws 2025

SB 1162

- Full name of, and identify the apprenticeship program name, location, and graduation date of, each worker relied upon to satisfy the apprenticeship graduation percentage requirements for STW. (Monthly report/PCC 2602)
- 7/1/25 – DAS apprentice database searchable by first name, last name, and graduation date. (PCC 2604)

New Laws 2025

SB 1303 (New Section 1771.8)

- Private entity cannot provide services for AB and contractor bidding work for AB. Must sign dec.
- Before withholding, must confer w/ negotiating parties
- Within 20 days after R4R, “provide a venue for a public works contractor or subcontractor to review and respond to evidence of alleged violations.”

New Bills 2026

AB 889 (Getting rid of annualization exemptions)

AB 1104 (Change to AB 2143)

AB 1198 (PW rate applies when work is performed)

AB 963 (CPRs, contracts, STW reports from developers)

AB 538 (Clarify CPR requirements)

AB 1439 (PERS/STRS funded development – PW/STW)

New Bills 2026

AB 1445 (Expanding commercial to res conversion)

AB 1260 (Renewable energy subscription program)

AB 527 (CEQA exemption geothermal exploratory project)

SB 272 (SamTrans JOC)

Recent Cal. Supreme Court Decisions

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



Office of the Director – Legal Unit Public Works Inquiries

PWCoverage@dir.ca.gov

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/>

1:30 PM - 2:30 PM

Davis-Bacon Compliance Principles

Rebecca Clark



US DEPARTMENT OF LABOR

Federal Requirements



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

Page 128 of 166

Disclaimer

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

The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.



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



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.

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

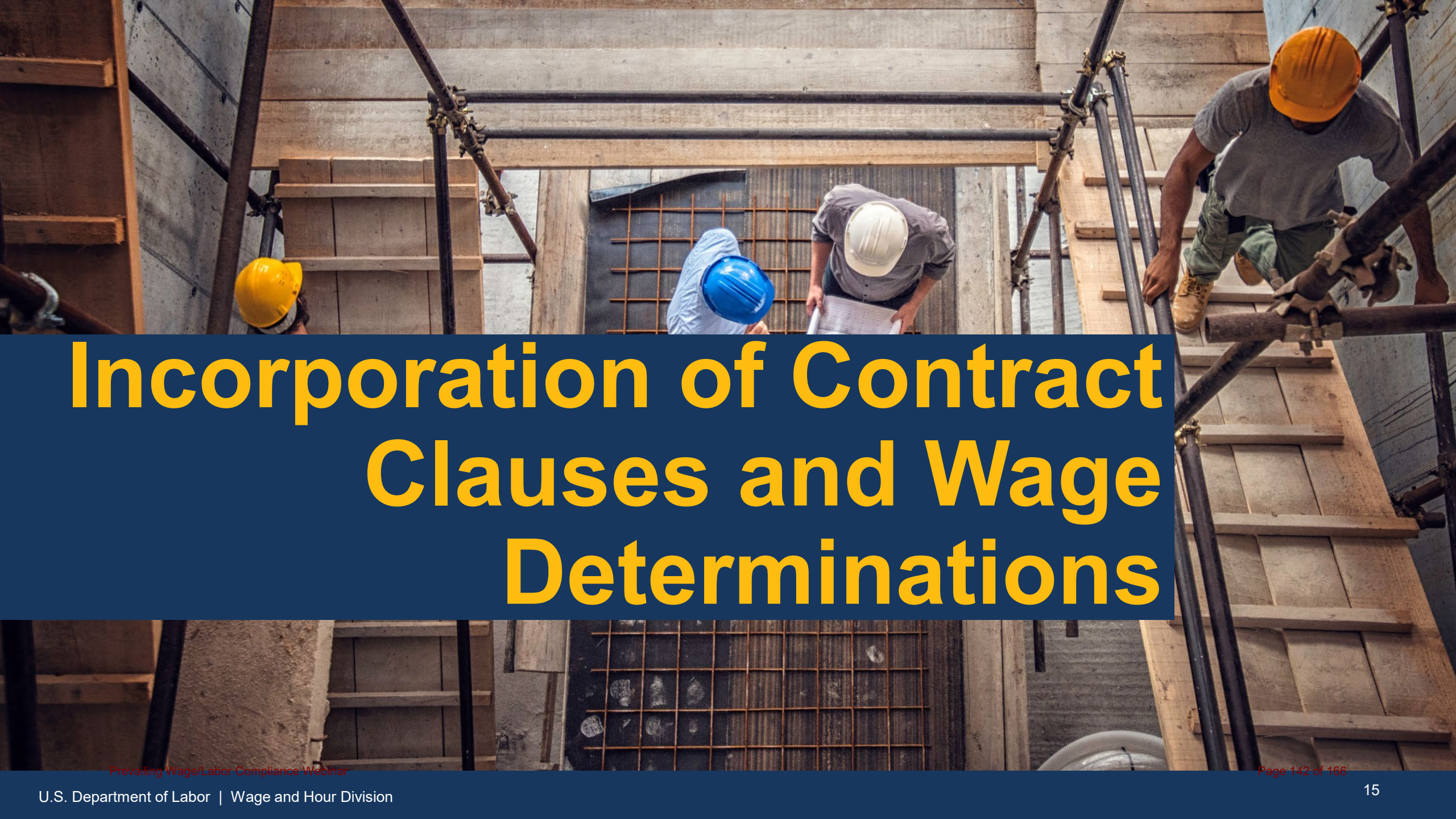
- Construction of a portion of a building or work carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public is still considered a public building or public work, even when the entire building or work would not be considered a public building or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



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.

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 in the upper right, with its hook hanging down. Three workers wearing hard hats (one blue, one yellow, one white) are visible in the middle ground, looking towards the crane. The foreground shows a concrete slab with rebar and construction materials. 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.

The background of the slide features a warm, golden-orange sunset sky. In the foreground, three construction workers are silhouetted against the bright light. The worker on the left is wearing a white hard hat and a green safety vest, gesturing with his right hand towards the left. The worker in the center is wearing a dark hard hat and a green safety vest, holding a large sheet of paper (blueprints). The worker on the right is wearing a tan hard hat and a red safety vest, holding a long tool (possibly a level or a long screwdriver) over his shoulder. A blue horizontal bar is positioned across the middle of the image, containing the word 'Recordkeeping' in large, bold, yellow letters.

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.

The background image shows a construction site. In the foreground, there are several rows of steel rebar laid out on a wooden formwork. In the background, a worker in an orange shirt and blue jeans is visible, working on a structure. Other workers and construction equipment are also visible in the distance.

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.

A photograph of three construction workers on a rooftop at sunset. The workers are wearing hard hats and safety vests, looking at blueprints. A large crane is visible in the background, and the city skyline is visible in the distance. The sky is a mix of orange, yellow, and blue.

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>

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