PREVAILING WAGE/LABOR COMPLIANCE WEBINAR

KNOW YOUR DUTIES AND RESPONSIBILITIES UNDER THE LAW

Public Works
California Labor Commissioner's Office
Department of Industrial Relations
July 19, 2022

Disclaimer

California Labor Commissioner's Office

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

Contractor Responsibilities

Prevailing Wage

>$1,000

Contractor Registration

>$15,000

M

>$25,000

CADIR

Apprenticeship

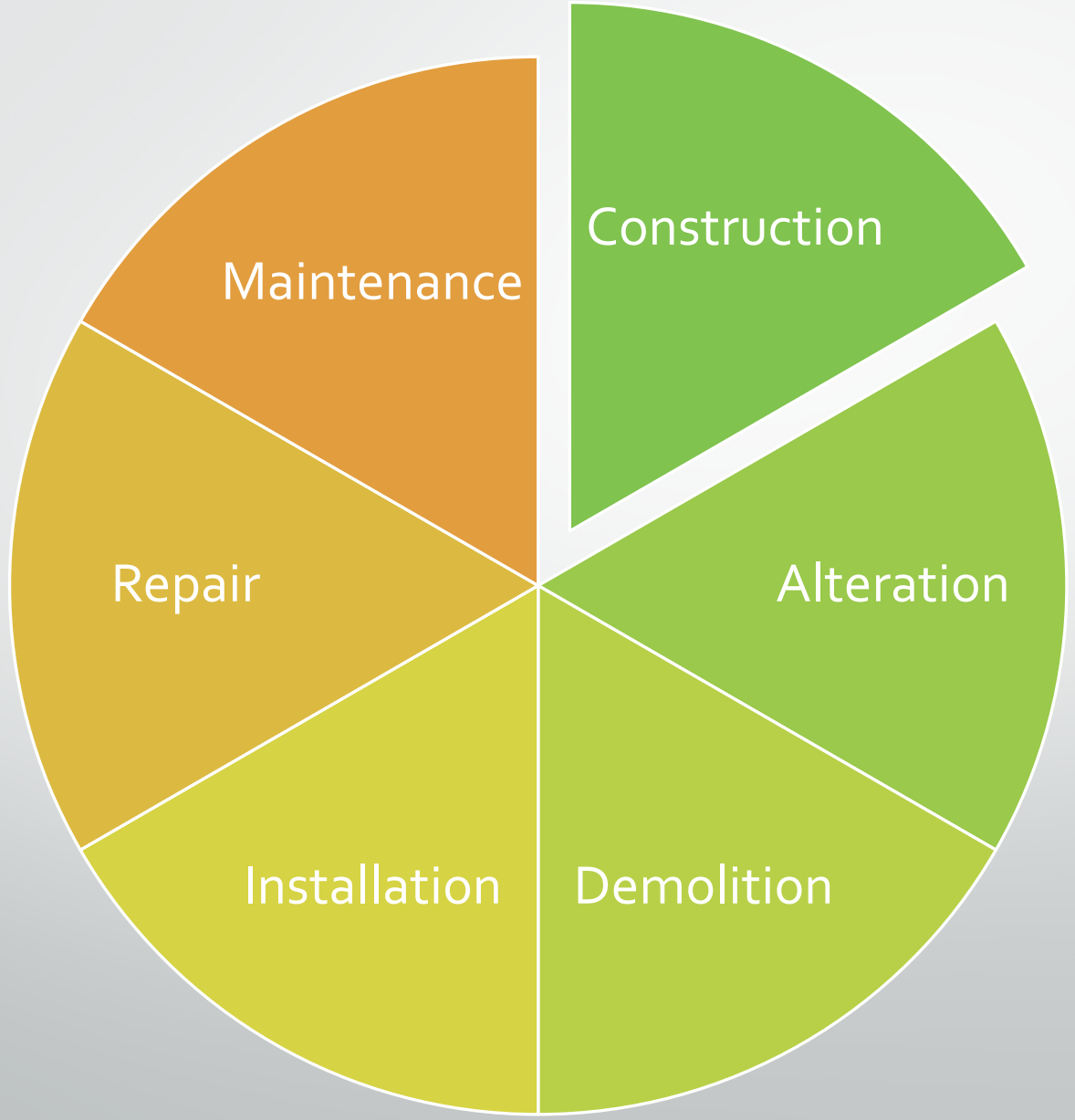
≥$30,000

Labor Code 1771, 1725.5, and 1777.5

Who is a Public Works Contractor?

Labor Code(s) 1720(1) and 1722.1

Public Works Project



Construction (expanded)

Preconstruction

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

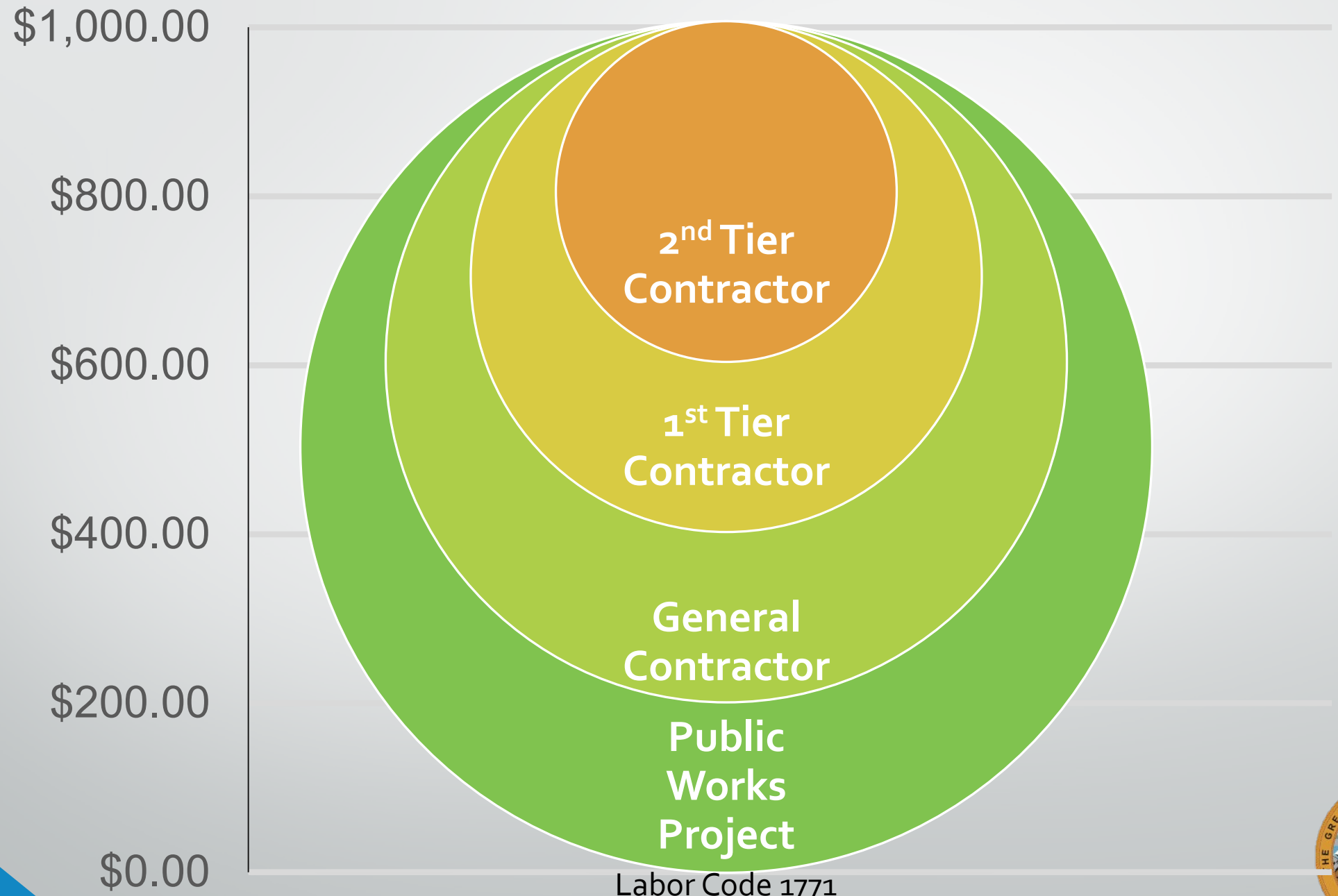
Postconstruction

- Cleanup

Polling Question 1

What is the threshold for the state prevailing wage requirement when performing work covered work?

a) When the project costs more than $1,000
b) When the general or specialty contract costs more than $1,000
c) When the subcontract costs more than $1,000



Labor Code 1771

>$1,000

Pay Prevailing Wages

Labor Codes 1771, 1774 and 1813

Prevailing Wage

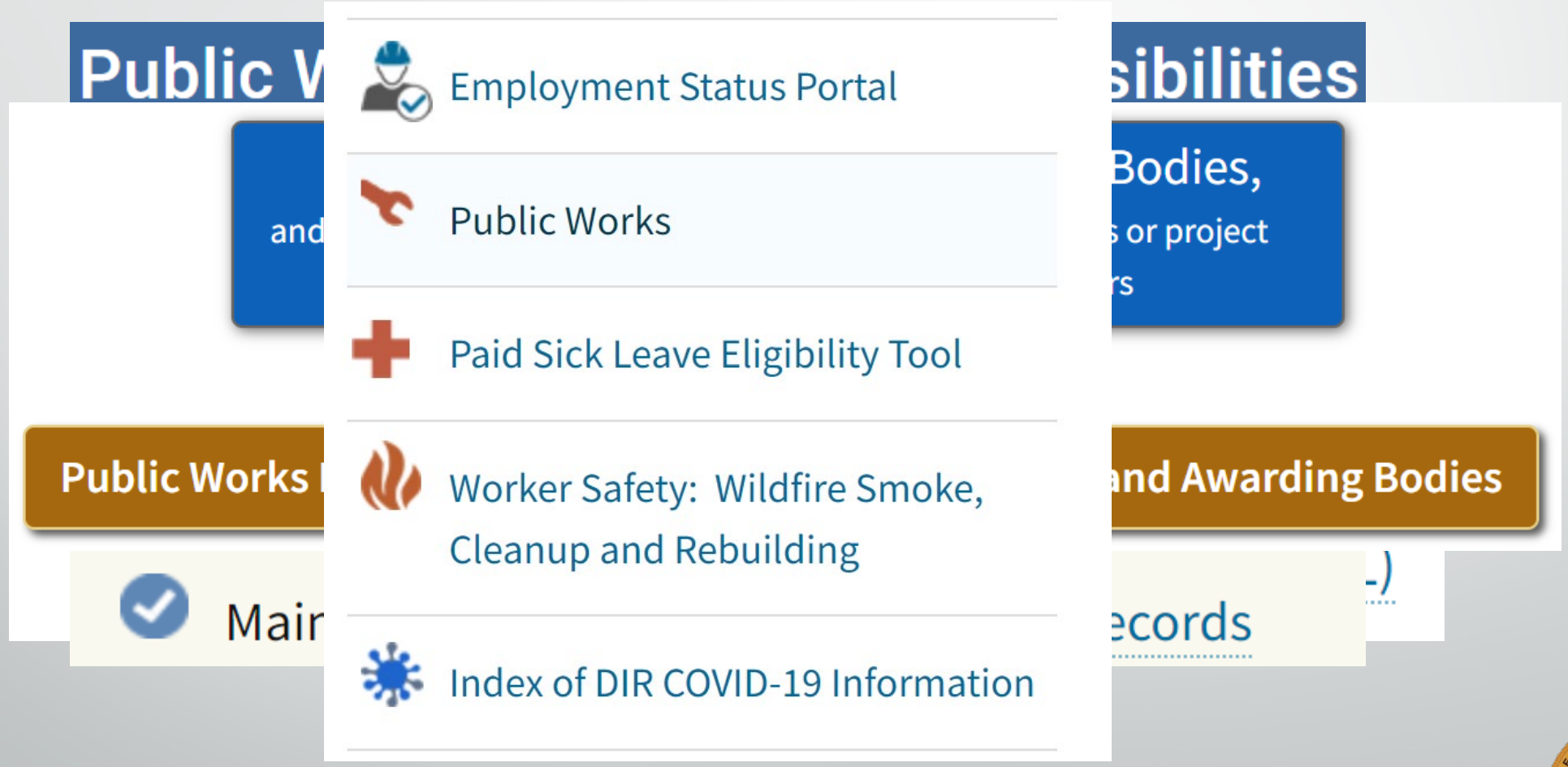
Bid Date or Contract Date

Location of Work

Work Classification

Applicable Wage Determination

Prevailing Wage Determinations Navigating Website



Prevailing Wage Determinations Navigating Website

- 2022-1 General prevailing wage determinations menu (journeyman)

First journeyman wage determination published in 2022

First apprentice wage determination published in 2022

Wage determinations published in prior periods

Residential wage determinations published in prior periods

- Frequently asked questions - Prevailing Wage
- Frequently asked questions - Off-Site Hauling
- Still have questions on prevailing wage?

Journeyman Wage Determinations

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.

Wage Determination Examined

Issue Date:
August 22, 2021

Effective Date:
September 1, 2021

Craft: Drywall Installer/Lather (Carpenter)#

Determination:

nation:
til superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the
5) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

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 (Journeyperson)	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	$44.44	$8.00	$5.66	$7.16	$0.62	$2.77	8.0	$68.65	$90.87	$90.87	$113.09

Issue Date Vs. Effective Date

February 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		22	23	24	25	26
27	28					

March 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	

August 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	22	23	24	25	26	27
28	29	30	31			

September 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1		

December 2022

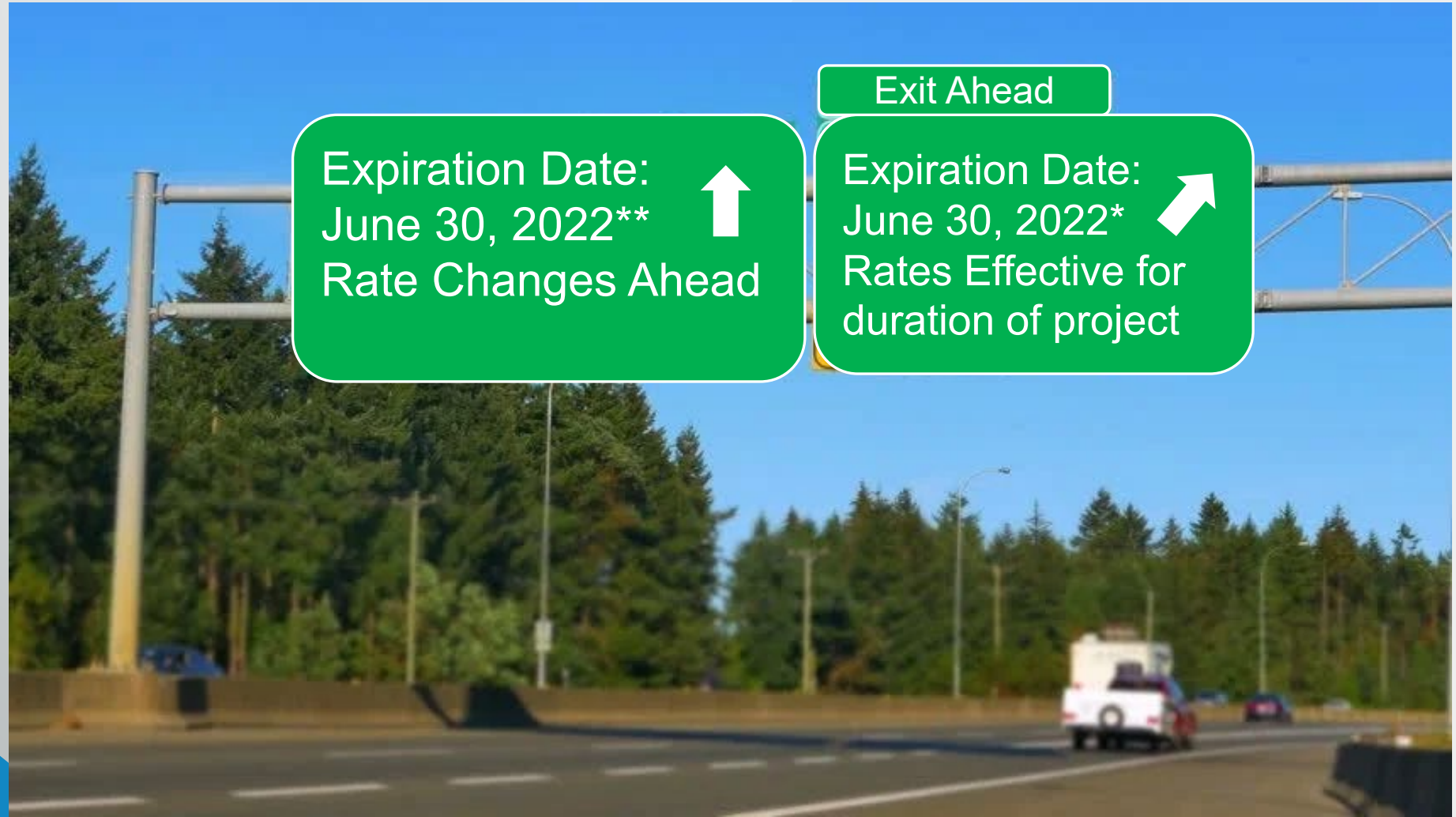
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11						

Polling Question 2

On a wage determination, what symbol indicates a predetermined increase?

a) A single asterisk (*) next to the expiration date
b) A double asterisk (**) next to the expiration date
c) A pound sign or hashtag (#) next to the craft/classification

Fixed (*) Vs. Variable (**) Wage Determinations



Wage Determination Examined

Craft: Drywall Installer/Lather (Carpenter)#

Determination:
SC-31-X-41-2021-1

Issue Date:
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Expiration date of determination:
June 30, 2022*

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 # Indicates apprenticeable classification

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Wages and Employer Paymen

Health and Welfare | Pension | Vacation and Holiday | Training | Other

Classification (Journeyperson)								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)
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Polling Question 3

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

Basic Hourly Rate	$40
Employer Payments (excluding training fund)	$10

a) Pay the worker $50 per hour

b) Pay the worker $30 per hour and contribute $20 per hour to the worker in the form of fringe benefits

c) Pay the worker $45 per hour and contribute $5 per hour in the form of fringe benefits

d) (a) and (c)

Scope, Holiday, Travel, Increases

COUNTY

County	Predetermined increase
Alameda	Increase
Alpine	Increase

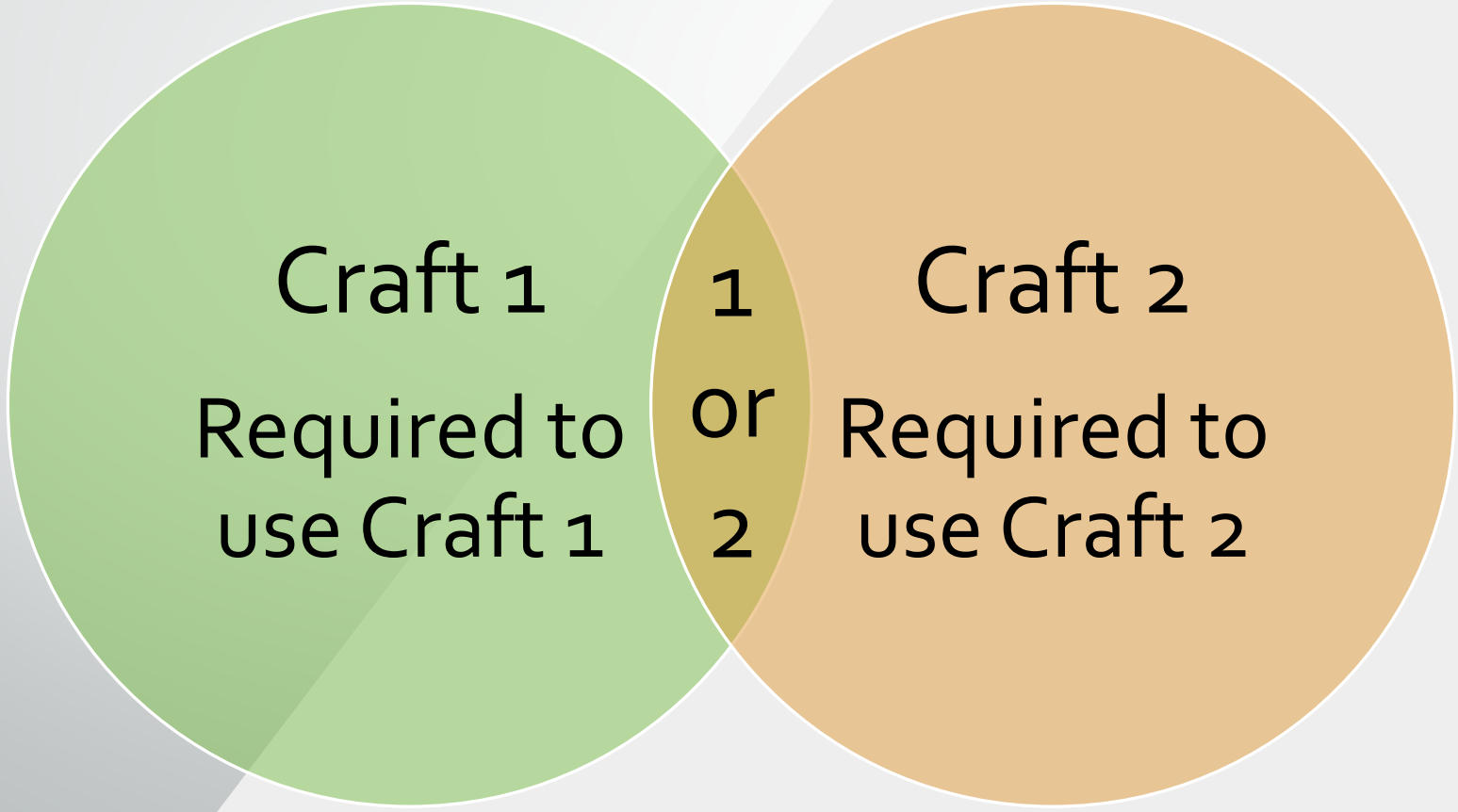
REGION

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

Select One
Select One
Holidays
Scope
Travel

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

Work Classification Overlap



Polling Question 4

There is a predetermined increase indicated on an apprentice wage determination, however the details of the increase were not provided. What rates should you use if work is performed after the expiration date?

a) Continue using the same rates for the duration of the project
b) Continue using the same rates until the next wage determination is published
c) Contact the Office of the Director - Research Unit at statistics@dir.ca.gov and request the breakdown of the predetermined increase

Office of the Director – Research Unit

Our staff is working remotely and is available to take public inquiries – please see the Contact Us page for information on how to reach us.

For Prevailing Wage questions, please send your inqu Statistics@dir.ca.gov rovide the following information with your inquiry.

- Your name
- Company or agency name
- Email address
- A summary of your question(s)
- Bid Advertisement Date
- Craft(s)/Classification(s)
- County Location of the Project

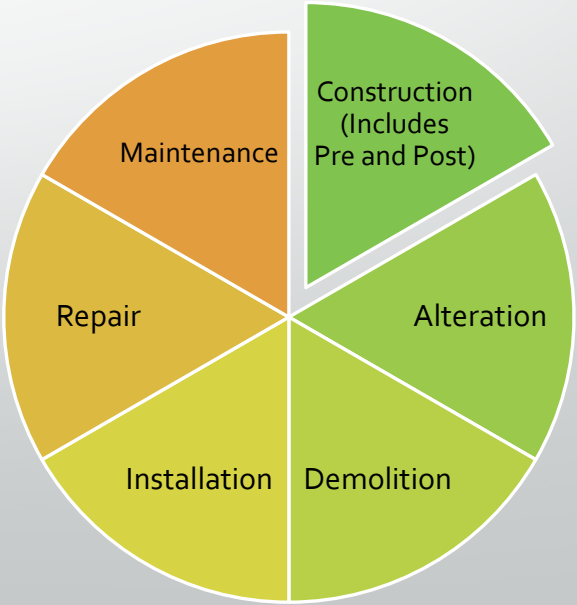
Contractor Responsibilities

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

Labor Code 1771, 1725.5, and 1777.5

Register as a Public Works Contractor

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



Labor Codes(s) 1725.5 & 1771.1

Polling Question 5

How may a contractor maximize the period that their contractor registration is valid for?

a) Make sure their registration is valid as of July 1st of each year (the start of the fiscal year)

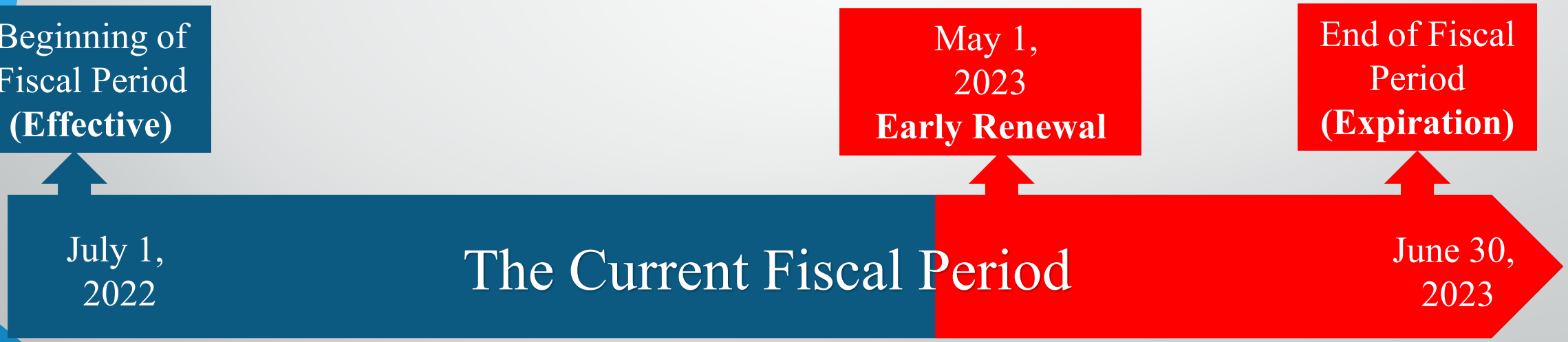
b) Renew their contractor registration during the early renewal period (May 1 - June 30)

c) Make sure to register on January 1 of each year (the start of the calendar year)

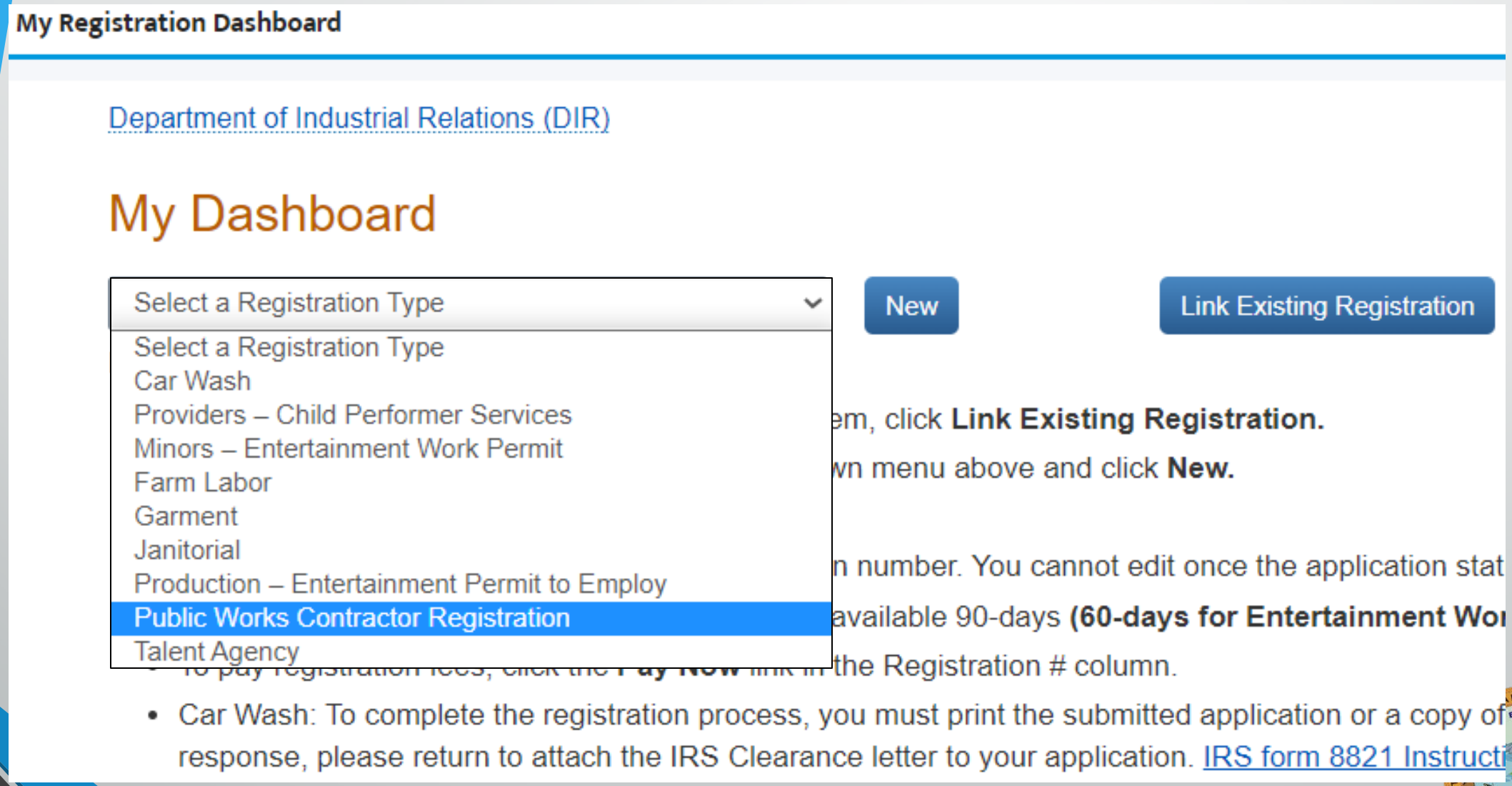
d) a and b

Fiscal Periods for Registrations

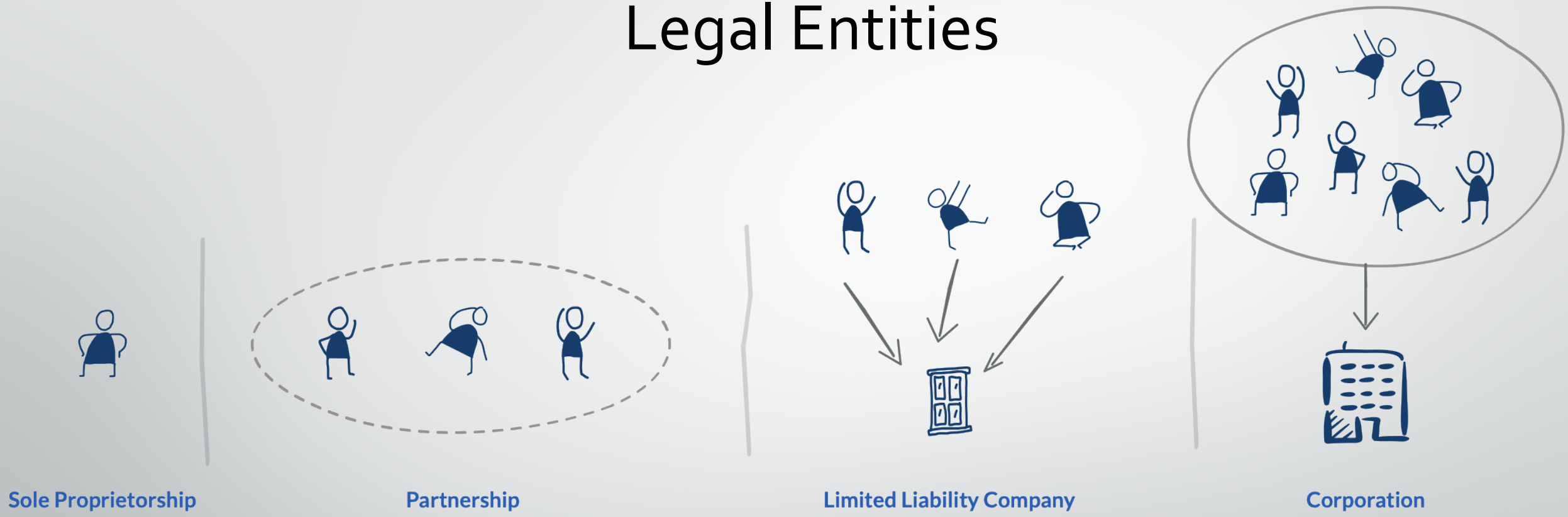
- **Registration is required** in order to bid on projects to be listed on bids, or to engage in the performance of public works contracts
  - Participating in these activities without an active registration will result in a lapse in registration.
- *Users can register/renew to be active during one, two, or three fiscal periods*
  - *Fiscal periods cover periods from July 1 thru June 30*
  - *$400 non-refundable fee per fiscal period*



Public Works Contractor Registration System



Public Works Contractor Registration
Legal Entities



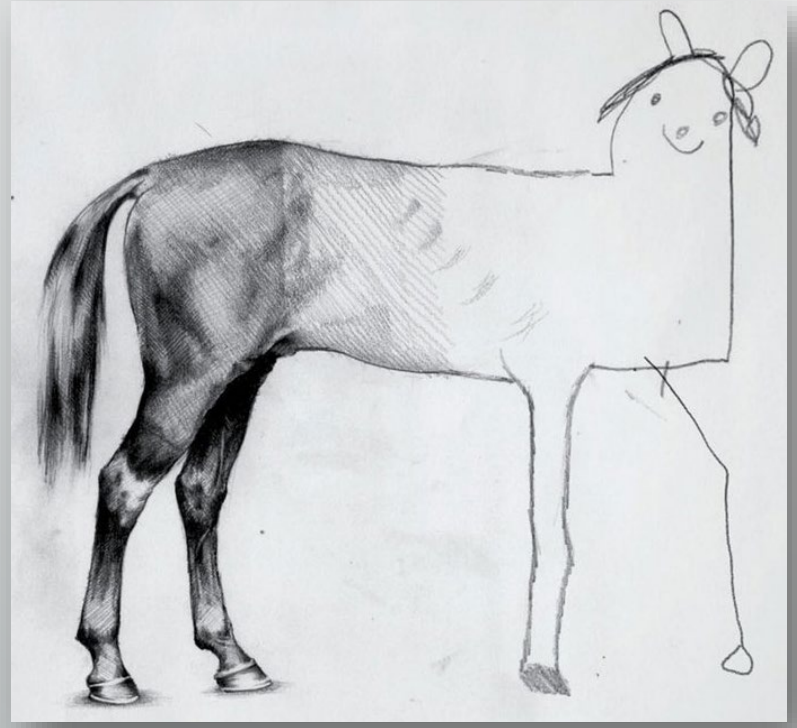
- Public Works Contractor Registrations are valid ***per*** legal entity
- A transition to different legal entity type will require a new registration

Polling Question 6

What would render payroll records **not** compliant with a Labor Code 1776 request for certified payroll records?

a) If the payroll records are not certified under penalty of perjury
b) If the payroll records do not include **at least** the same information identified in the DLSE Sample Payroll Reporting Form A-1-131
c) All of the above

Maintain and Furnish Payroll Records



CPR
10 days
>1,000

eCPR
(Online Form)
30 days
>15,000 M
>25,000 CADIR

LC 1776

LC 1771.4

eCPR
(XML file)
30 days
>15,000 M
>25,000 CADIR

Labor Code(s) 1776 and 1771.4

Polling Question 7

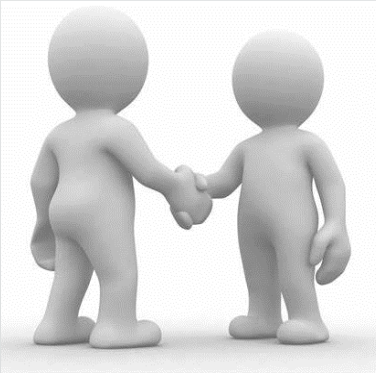
What is the deadline to respond to a Labor Code 1776 Request for Payroll Records from the Labor Commissioner's Office?

a) Ten (10) business days from receipt of request
b) Ten (10) calendar days from receipt of request
c) Thirty (30) days from receipt of request

Contractor Responsibilities

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

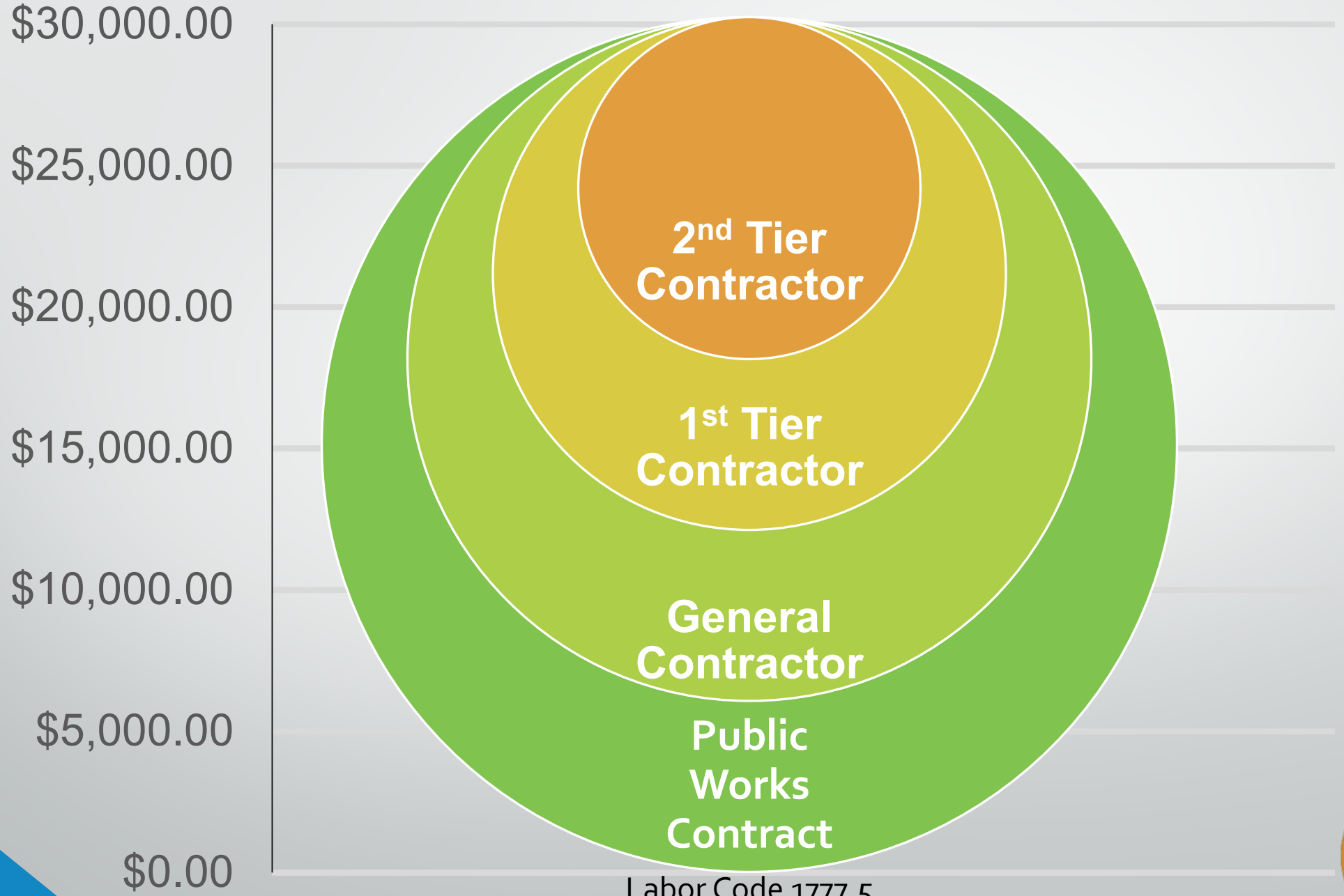
Labor Code 1771, 1725.5, and 1777.5



Employ apprentices in at least the minimum ratio

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

Notify apprenticeship committees of contract award information



Labor Code 1777.5

≥$30,000

Wage Determination Examined

Craft: Drywall Installer/Lather (Carpenter)#

 # Indicates apprenticeable classification

Determination:
SC-31-X-41-2021-1

Issue Date:
August 22, 2021

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June 30, 2022* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director - Research Unit (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

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Polling Question 8

On a wage determination, what does the pound symbol (#) next to the name of the craft indicate?

a) A predetermined increase takes effect after the expiration date
b) The rates are valid for the duration of the project
c) The craft is apprenticeable
d) The craft is **not** apprenticeable

#Journeyman Hours Worked

Daily Straight Time ≤8hrs

Weekly Straight Time ≤40hrs

Daily Overtime >8hrs

Weekly Overtime >40hrs

Used to Calculate Minimum Apprentice Hours Required

Excluded from Minimum Ratio Calculation

Apprentice Hours Worked

- Daily Straight Time ≤8hrs
- Weekly Straight Time ≤40hrs
- Daily Overtime >8hrs
- Weekly Overtime >40hrs

Used to Satisfy
Apprentice Hours Required

Minimum Apprenticeship Ratio

Straight Time Journeyman Hours Worked

×

20%

=

Minimum Apprentice Hours Required

Department of Industrial Relations
STATE OF CALIFORNIA

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:

To Applicable Apprenticeship Committee:

Name:_____

Address:_____

_____

Tel. No._____**Fax No.** _____

Contractor Requesting Dispatch:

Name: _____

Address: _____

_____

License No. _____

PWC Registration Number: _____

Tel. No._____**Fax No.** _____

Project Information: PWC Project Number _____ Contract Number _____

Total Contract Amount. _____ Sub-Contract Amount _____

Name of the Project:_____

Address:_____

Dispatch Request Information:

Number of Apprentice(s) Needed:_____Craft or Trade: _____

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

Name of Person to Report to: _____

Address to Report to: _____

_____

Polling Question 9

Assume a Request for Dispatch of an Apprentice (Form DAS 142) is submitted to the applicable apprenticeship committee on Friday at 5 p.m. for dispatch on the upcoming Monday at 7 a.m. How many hours should be deducted to calculate the hours of notice between the date/time the request was submitted and the dispatch date/time?

a) 24
b) 48
c) 72
d) No hours should be deducted

At Least 72 Hours' Notice Required

Total Hours of Notice

−

Saturday/ Sunday/ Holiday Hours

=

≥72 Hours Notice

Polling Question 10

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

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

Apprenticeship Status and Safety Training Certification

Apprenticeship status certification for public works

Enter search string (LLLLF9999) here SmitM1234 Search

How to compile the search string:

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

Examples:

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

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

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

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

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

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

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

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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

987654 Submit

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

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. Lic.# 987654
9876 Ocean Blvd
Long Beach, CA 90802

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

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

Glen Forman
for the Secretary, California Apprenticeship Council

PUBLIC WORKS CONTRACT AWARD INFORMATION

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

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

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

This is not a request for dispatch of apprentices.

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

Check One Of The Boxes Below

1. ☐ We are already approved to train apprentices by the _____ Apprenticeship Committee. We will employ and train under their Standards.
   Enter name of the Committee

2. ☐ We will comply with the standards of _____ Apprenticeship Committee for the duration of this job only.
   Enter name of the Committee

3. ☐ We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including § 230.1 (c) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the direct supervision of journeyman/men.

Signature _____ *Date* _____

Typed Name _____

Title _____

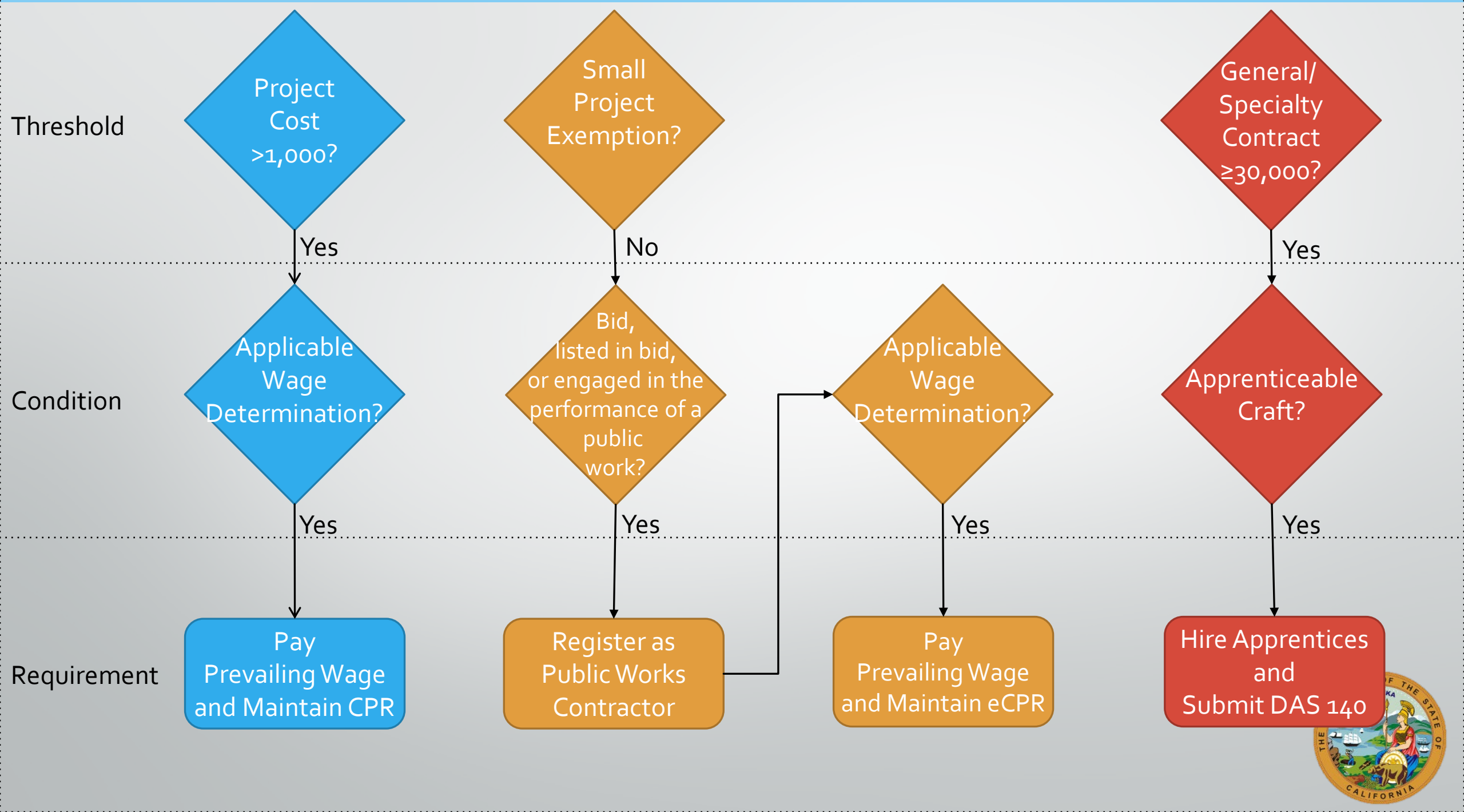
State of California - Department of Industrial Relations DIVISION OF APPRENTICESHIP STANDARDS

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

Contractor Responsibilities

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

Labor Code(s) 1771, 1725.5, and 1777.5


Threshold
Condition
Requirement
Project Cost >1,000?
Small Project Exemption?
General/ Specialty Contract ≥30,000?
Yes
No
Yes
Applicable Wage Determination?
Bid, listed in bid, or engaged in the performance of a public work?
Applicable Wage Determination?
Apprenticeable Craft?
Yes
Yes
Yes
Yes
Pay Prevailing Wage and Maintain CPR
Register as Public Works Contractor
Pay Prevailing Wage and Maintain eCPR
Hire Apprentices and Submit DAS 140

Contractor Responsibilities

Prevailing Wage

≤$200 Per Calendar Day of Noncompliance Per Worker

Contractor Registration

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

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

Apprenticeship

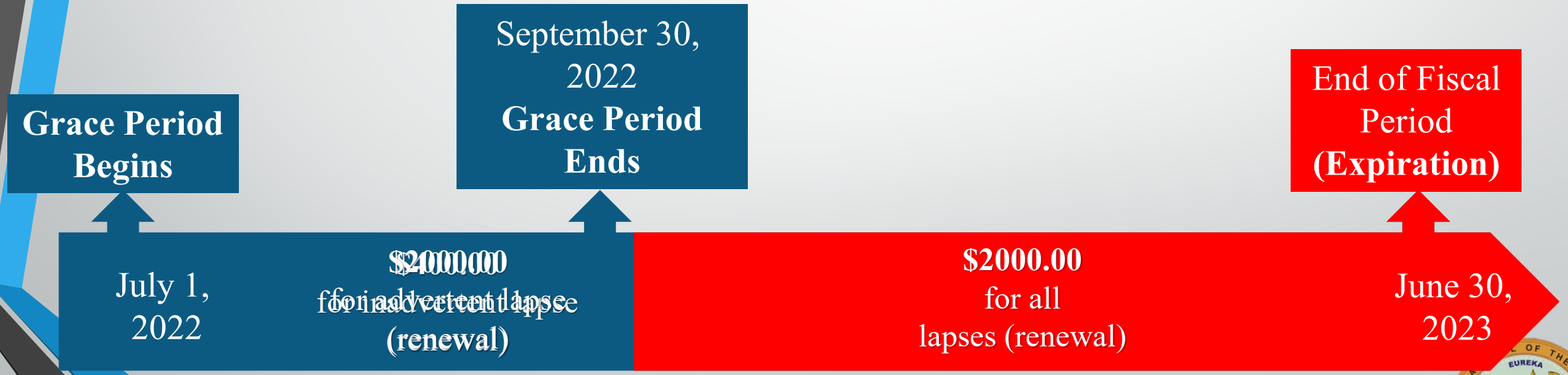
≤$300 Per Calendar Day of Noncompliance

Labor Code(s) 1775(a) (1), 1771.1 (g) and (h) (1), and 1777.7

Contractor Responsibilities

Late <u>Renewal</u>:

- *Grace period:* ***$400.00*** *penalty for an inadvertent lapse,* ***$2000.00*** *penalty if lapse is not inadvertent*
- *After Grace Period:* ***$2000.00*** *for all lapses*

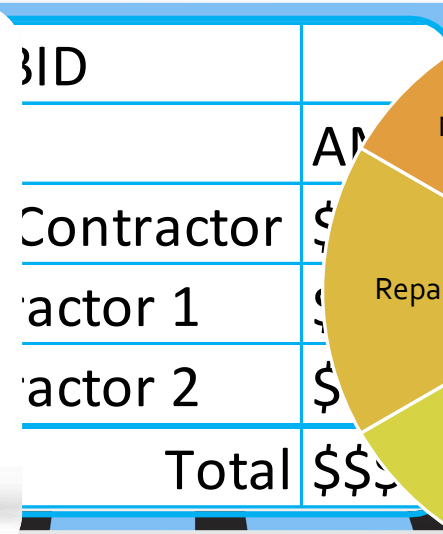


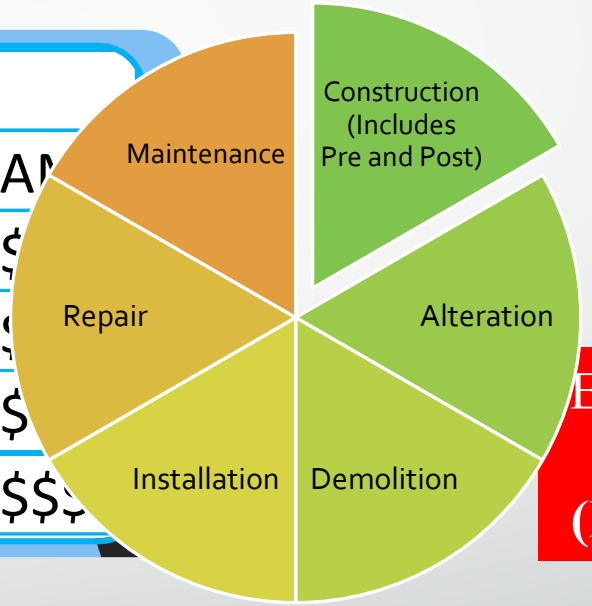
Labor Code 1725.5

Contractor Responsibilities

Late <u>Registration</u>:

- ***$2000.00*** *penalty for a lapse for first time registration*





Beginnin
Fiscal Pe
(Effecti

End of Fiscal Period **(Expiration)**

July 1, 2022

$2000.00 for a lapse in registration

June 30, 2023

Labor Code 1725.5

Thank you for attending!

General questions or system issues?
Labor Commissioner's Office - publicworks@dir.ca.gov

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

The work I am engaged in requires prevailing wages, what craft that applies?
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.)