

City of Salinas

Labor Compliance Program



SALINAS

RICH IN LAND | RICH IN VALUES

Department of Public Works

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I. INTRODUCTION

1.1 Introduction

The City of Salinas (“City”) institutes this Labor Compliance Program (“LCP”) for the purpose of implementing its policy relative to the labor compliance provisions of state and federally-funded public works contracts and specifically to comply with the provisions of California Labor Code (“Cal. Lab. Code”) § 1771.5. This LCP contains the labor compliance standards required by the state and federal laws, regulations, and directives, as well as City policies and contract provisions.

The Cal. Lab. Code §1770, *et seq.* requires that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations (“DIR”), Division of Labor Statistics and Research (“DLSR”).

Cal. Lab. Code §1776 requires contractors to keep accurate payroll records of trade workers on all public works projects and to submit copies of certified payroll records upon request.

Cal. Lab. Code §1777.5 requires contractors to employ registered apprentices on public works projects.

This LCP contains the labor compliance standards required by State which include, but are not limited, to the following:

- 1) Payment of applicable general prevailing wage rates.
- 2) Employment of properly registered apprentices.
- 3) Providing certified payroll records upon request but not less than monthly.
- 4) Monitoring construction sites for the verification of proper payments of prevailing wage rates and work classification.
- 5) Conducting pre-job conferences with contractors/subcontractors.
- 6) Withholding contract payments and imposing penalties for noncompliance.
- 7) Applicable reports to the City Council.
- 8) Preparation and submittal of an Annual Report to the DIR and City Council.

1.2 Public Works Defined

Public works means “construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds.” Construction includes work performed during the design, site assessment, feasibility study, and any other preconstruction phases including inspection and land surveying work, regardless of whether any further construction work is conducted.

Public works also includes work done for irrigation, utility, reclamation, and improvement districts, and other districts of this type. The definition also includes tree removal work, street, sewer, or other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether the political subdivision or district operates under a freeholder’s charter or not. [As set forth in Cal. Lab. Code §1720.]

State prevailing wage rates as set forth in Cal. Lab. Code §§1720, 1720.2, 1720.3, and 1771, have been made applicable to construction contracts funded with public funds and include, but are not limited to, such types of work as construction, alteration, demolition, repair, or maintenance work. The DLSR predetermines the appropriate prevailing wage rates for construction trades and crafts by county.

Types of Contracts to Which Prevailing Wage Requirements Apply

As provided in Lab. Code § 1771.5, a Labor Compliance Program shall include the following steps:

- 1) Provide LCP compliance under the requirements of Cal. Lab. Code.
- 2) Submit appropriate Application and forms to DIR for approval of LCP compliance.
- 3) Review specifications and bid and contract documents (as requested) for compliance with prevailing wage language.
- 4) Conduct a Preconstruction Conference meeting and provide training and information on LCP requirements including providing handout materials (checklist) for all contractors and subcontractors.
- 5) Provide a phone line and email contact where contractors and subcontractors can contact the City of Salinas Labor Compliance Officer (“LCO”) for clarification on prevailing wage, certified payrolls, apprenticeship, and compliance issues.
- 6) License check and confirmation with California Contractor’s State License Board of current and active license status, as well as worker’s compensation coverage of all contractors and all listed subcontractors.
- 7) Review and compare of work classification with California prevailing wage classification to ensure the contractor is paying the correct prevailing wage rate.
- 8) Monitoring of all Apprenticeship Requirements. Collection and review of all DAS-I40 and DAS-I42 forms. Review of applicable apprenticeship ratios employed, correct wages paid, training contributions (CAC2 forms).
- 9) Monthly audit of certified payroll forms. This includes obtaining the applicable prevailing wage determinations for each project. Certified Payrolls are generally delivered by the Contractor for review and audit. Auditing the payrolls includes checking proper trade classifications, checking for overtime, weekend, holiday or shift work, checking for ** increases, reviewing fringe benefit contribution and verifying that amortization is correct (when used) and review of training contributions made. When appropriate, travel and subsistence is also reviewed.
- 10) Monthly jobsite audits and random interviews of workers (to determine veracity of certified payroll information, compliance with anti-kickback, equal employment opportunity requirements, jobsite posting requirements, etc.).
- 11) Verification of posting on the projects on a regular basis.
- 12) Periodic request for verification of payment by requesting each contractor and subcontractor on the project provide proof of payment (cancelled check and wage statement of direct deposit and wage statement) for an employee selected on a random basis from the certified payrolls.
- 13) Additional detailed audit and/or investigations of contractors through review of cancelled checks, timecards, and related records (as needed).

- 14) Monthly report to the Project Managers (PMs) regarding compliance of contractors and subcontractors audited. To the extent that a contractor is either not in compliance and/or additional paperwork is needed for review.
- 15) Communication of potential violations to the Project Manager (PM) with recommended action. In the event that potential paperwork or compliance issues with a contractor cannot be resolved quickly, the PM will be notified of this potential problem and a recommendation will be made to retain a certain portion of the scheduled progress payment until the issue is resolved.
- 16) Communications with Contractors. LCO will work with all contractors and subcontractors with the goal of amicable agreement on resolving issues related to violations, penalties, and compliance. All meeting and calls with contractors will be documented in the project folder maintained by LCO.
- 17) Third Party Requests for documents. A project with a high profile oftentimes draws attention of certain local watchdog groups who frequently request copies of certified payrolls and related "Public Documents." LCO will provide the appropriate redacted copies of certified payroll and related documentation to any third party who makes an appropriate request.
- 18) Issuing of all final close of project reports, including imposition of penalties and reports to Labor Commissioner (Request for Forfeiture); issues Notices to Withhold and other close out documentation with the approval of the City Council.
- 19) Provide Annual Report to DIR and City Council for all LCP projects on which LCO provided LCP services.

1.3 Prevailing Wage Defined

The Prevailing Wage is defined as not less than the general prevailing rate of pay for work of a similar character in the County in which the project is located and as determined by the Director of the DIR pursuant to the provisions of Division 2, Part 7, and Chapter 1 of the Cal. Lab. Code. Prevailing wages shall be paid to all workers employed for construction, alteration, demolition, installation, or repair work performed in the execution of a Public Works contract.

In accordance with provisions of § 1773 of the Cal. Lab. Code, the Director of the DIR has ascertained the general prevailing rate of wages and employer payments for health and welfare, pension, vacation, and similar purposes available to the particular craft, classification, or type of workers employed on the work.

The General Prevailing Wage Determination is available on the web site of the Office of Policy, Research, and Legislation ("OPRL"): <https://www.dir.ca.gov/oprl/dprevwagedetermination.htm>

All questions regarding prevailing wage requirements should be directed to the LCO or staff.

An employer, semimonthly or at the time of each payment of wages, shall furnish to his or her employee, either as a detachable part of the check, draft, or voucher paying employee's wages, or separately if wages are paid by personal check or cash, an accurate itemized statement in writing pursuant to Cal. Lab. Code § 226. The employer must establish a fixed workweek (Sunday through

Saturday, for example) and an established payday (such as every Monday or the preceding day should such payday fall on a holiday).

If an individual who works on the project is called a subcontractor, when in fact he/she is a journey level mechanic supplying only labor, such an individual would not be deemed a bona fide subcontractor and must be reported on the payroll of the prime contractor as a trade worker. Any person who does not hold a valid contractor's license cannot be a subcontractor, and anyone hired by that person is the worker of the general contractor for the purposes of prevailing wage requirements, certified payroll reporting, and workers' compensation laws.

1.3(a) Prevailing Wage Determination

All workers employed in the execution of a publicly funded project must be paid the prevailing wage rate of the trade they are most closely related to.

Each wage determination will indicate when the determination will expire and whether the rate will increase during the project.

- A single asterisk (*) after the expiration date indicates the rate is in effect for the life of the project.
- A double asterisk (**) after the expiration date indicates the rate for work performed after the expiration date has been determined. If work extends past that date, the new rate must be paid and should be incorporated in contracts entered at the time of bid. Wage determinations published by the OPRL also show any predetermined increases that may apply during the life of the project. The prevailing wage rates are published twice each year as prevailing wage determinations – in February and in August.

At this time, if there are changes in fringe benefit rates, or training fees, for the trades and classifications that you are using on a public works project, you must send to your prime contractor, or if you are the prime contractor, you must send to the awarding body, a new Fringe Benefit Statement with the new fringes and training fees stated. It should be dated accordingly.

◇ Hourly Rate

The worker's rate for straight time hours must equal or exceed the "Prevailing Wage Determinations" rate for the class of work performed. Any work performed on Saturday, Sunday, and/or on a holiday, or portion thereof, must be paid the prevailing rate established for those days regardless of the fixed workweek. The hourly rate for hours worked in excess of 8 hours in a day and 40 hours in a workweek shall be premium pay. All work performed on Saturday, Sunday and holiday shall be paid pursuant to the Prevailing Wage Determination rate.

The application of state prevailing wage rates when higher is required whenever federally funded or assisted projects are controlled or carried out by California awarding bodies.

◇ **Fringe Benefits**

- a. Each wage determination for each classification of worker will indicate the basic wage rate and fringe benefit amounts which equal to the total required wage for each classification of worker for straight time and overtime work.
- b. The fringe benefits to workers must be paid either to a “bona fide” 3rd party funds or in the worker’s paycheck and added to the basic wage rate paid. If fringe benefits are paid, they must be paid to an independent 3rd party. The credit may be taken towards the total prevailing wage requirement so long as the worker is paid no less than the base rate in the wage determination, and only for amounts which are actual payments as defined under the Employer Payments Section CCR, Title 8, Article 1, § 16000. If the total of employer payments for the fringe benefits listed is less than the combined amount in the wage determination, the contractor must pay the difference directly to the employee. Total amount of the hourly wage including benefits, and training fees, must meet, or exceed the established prevailing wage rate.

◇ **Overtime/Saturday/Sunday/Holiday**

Any work performed on Saturday, Sunday, and/or on a holiday, or portion thereof, must be paid the prevailing rate established for those days regardless of the fixed workweek. Work performed by employees on public works in excess of eight (8) hours in a day and forty (40) hours in a workweek shall be paid at not less than 1 ½ times the basic rate of pay. Each craft or classification wage determination specifies the appropriate wage rate for overtime, Saturday, Sunday, and holiday work. The footnotes may contain exceptions or special requirements.

◇ **Travel/Subsistence Payments**

The law requires that workers receive the general prevailing rate of per diem as part of the contractor’s prevailing wage obligation, there may be a requirement to pay travel/subsistence. Requirements are contained in the approved collective bargaining agreement on file with OPRL for each craft/classification of worker. Those requirements can be downloaded from the OPRL website at: http://www.dir.ca.gov/OPRL/statistics_research.html.

◇ **Owner, Owner-Operator, Corporate Officers, and Partners**

Owners, owner-operators, corporate officers, and partners performing labor on a public works projects must be paid prevailing wages. Owner-operators are individuals that own and operate their own machines or equipment. Owner-operators are not to be confused with Operating Engineer employees, who operate equipment owned by a company and are employees of that company. Owner or employees, who are on the job site in a supervisory capacity only, should record their hours on the site and mark the payroll sheet “supervisory.”

When it comes to management, the key word is “work” or “labor.” If an individual is on the job as a salaried employee doing management only and no physical labor, with tools or a machine, then individual is exempt. A contractor caught not paying prevailing wages to every individual performing work on the project may be debarred from bidding public work for three years. Unpaid wages can become forfeitures and be collected from the contract. Also, a fine of up to two hundred dollars (\$200) per day per worker can be assessed as part of the penalty. The penalties are severe and range from misdemeanors to felonies. [Reference Cal. Lab. Code §1775(a) (1)]

2. BIDDING REQUIREMENTS ON PUBLIC WORKS CONTRACTS

Public works projects are procured according to the competitive bidding process outlined in [Salinas Municipal Code Section 12-21](#). All City bid advertisements (or bid invitations) and construction contracts shall contain appropriate language concerning the requirements of the Public Works chapter of the Cal. Lab. Code.

2.1 General Contracting Procedures for Projects

Below are procedures that, in general, Labor Compliance Programs must include for public works projects prior to construction:

- **Competitive Bidding – Contract Language**

Contract provisions for the payment of the prevailing wages shall be included in the bid documents prior to bid advertisement to facilitate compliance by the firm that is awarded the contract.

- **Pre-Bid Conference**

Contractors will receive information regarding the applicable prevailing wage determination and predetermined increases prior to bid. The prevailing wage rates, including the scope of work, travel, and holiday provisions, shift rates, and predetermined increases for each craft are available on the web site of OPLR.

- **Pre-Construction Conference**

After awarding the public works project and prior to commencement of the work a preconstruction meeting shall be held. At this meeting, contractor and subcontractors will be informed of labor requirements and procedures, including record keeping, wage determinations, apprenticeship requirements, and all labor compliance documentation that must be maintained to verify compliance with the prevailing wage requirements of the public works project. All contractors are provided a packet with sample forms. A sign-in sheet for participants who attended and a checklist showing which labor compliance requirements were discussed shall be completed and kept on file for each conference.

2.2 Pre-Construction Meeting Requirement

After the public works contract is awarded and prior to the commencement of the work, a Preconstruction meeting will be held. The prime contractor and all subcontractors that will be working on the project are invited to attend the Preconstruction meeting. It will be the responsibility of the prime contractor to notify all subcontractors.

At that meeting, the LCO will discuss the federal and state labor law requirements applicable to the contract, including prevailing wage requirements, the record keeping responsibilities, the requirement for the reporting of certified payroll records to the City, requirement to complete and submit other in-house documents, state apprenticeship requirements and the prohibition against discrimination in employment.

The LCO representative shall give the prime contractor and each subcontractor a **Checklist of Labor Law Requirements** (presented as Appendix E (Prime) and Appendix F (Subs) to this document) and will discuss in detail the following checklist topics:

- 1) The contractor's duty to pay prevailing wages under Cal. Lab. Code §1770 et. seq.;
- 2) The contractor's duty to employ registered apprentices on the public works project under Cal. Lab. Code §1777.5;
- 3) The penalties for failure to pay prevailing wages (for non-exempt projects) and employ apprentices including forfeitures and debarment under Cal. Lab. Code §§1775 and 1777.7;
- 4) The requirement to keep and submit copies, upon request, of certified payroll records under Cal. Lab. Code §1776; and penalties for failure to do so under Cal. Lab. Code §1777;
- 5) The prohibition against employment discrimination under Cal. Lab. Code §1777.6; the Government Code and Title VII of the Civil Rights Act of 1964;
- 6) The prohibition against accepting or extracting kickbacks from employee wages under Cal. Lab. Code §1778;
- 7) The prohibition against accepting fees for registering any person for public work under Cal. Lab. Code §1779; or for filling work orders on public works under Cal. Lab. Code §1780;
- 8) The requirement to list all subcontractors under Government Code §4100 et. seq. Those laws are referred to as the "Subletting and Subcontracting Fair Practices Act" and can be found at Public Contract **Code §4100 et seq.**;
- 9) The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Cal. Lab. Code §1021 and under the California Contractors License Law, found at Business and Professions Code §7000 et. seq.;
- 10) The prohibition against unfair competition under Business and Professions Code §§17200-17208;
- 11) The requirement that all contractors be properly insured for Workers' Compensation under Cal. Lab. Code §1861;
- 12) The requirement that all contractors abide by the Occupational, Safety and Health Laws and regulations that apply to the construction contract;
- 13) The requirement to provide itemized wage statements to employees under Cal. Lab. §226.

The contractors and subcontractors present at the preconstruction meeting will be given the opportunity to ask questions relative to the items contained in the Checklist of Labor Law Requirements. The checklists will then be signed by the contractor's representative, a representative of each subcontractor, and the LCO.

At the preconstruction meeting, the LCO will provide the contractor with a copy of the City's "LC Package" which includes: a copy of the Labor Compliance Program, applicable Prevailing Wage Determinations, blank certified payroll record forms, blank fringe benefit statement forms, State apprenticeship requirements and a copy of the Cal. Lab. Code relating to Public Works and Public Agencies (Part 7, Chapter 1, §§1720-1861).

It will be the Contractor's responsibility to provide copies of the LC package to any tier subcontractors required to pay prevailing wage on this project.

3. CONTRACTOR RESPONSIBILITIES

Contractor and any tier Subcontractor by entering or performing work under a city contract agree to comply with all provisions of applicable Federal and State law.

3.1 California Department of Industrial Relations Contractor Registration

All Public Works contractors are required to register with the Department of Industrial Relations (“DIR”). A public works contractor is anyone who bids on or enters a contract to perform work that requires the payment of prevailing wages. It includes subcontractors who have entered a contract with another contractor to perform a portion of the work on a public works project. It includes sole proprietors and brokers who are responsible for performing work on a public works project, even if they do not have employees or will not use their own employees to perform the work.

Registration with the DIR is required at the time of bid for all listed contractors, at the time of contract award, and it also required through contract completion. Public works contractors and subcontractors must register or renew with the DIR annually by July 1st, with the option to register/renew for one, two, or three fiscal years (July 1-June 30).

If a contract is initially not subject to prevailing wage requirements but then undergoes a change order / change of scope that adds prevailing wage covered work, all contractors responsible for the payment of prevailing wage must register with the DIR at the time of the contract modification.

Public works contractors are also required to submit CPRs to the Labor Commissioner using DIR's electronic certified payroll reporting system.

3.2 Contractor's Responsibilities of any tier Subcontractors

The prime contractor shall be responsible for ensuring that its subcontractors follow the labor standards provisions. **In addition, the prime contractor is responsible for the Labor Code violations of any tier subcontractors.**

3.2(a) Subcontracting

The Contractor shall not subcontract part of the work covered by the contract or permit subcontracted work to be further subcontracted without the City's prior written approval. All contractors of any tier are required to adhere to all applicable Cal. Lab. Code laws. The Contractor shall insert in all construction Subcontracts (of any tier) the clauses set forth in this LCP.

The Contractor is to identify all subcontractors to the City before the subcontractor begins work on the project.

3.2(b) Contractor and Subcontractors Requirements

As mandated by the Cal. Lab. Code, the California Code of Regulations, and the contract documents, all Prime Contractors and any tier Subcontractors are responsible for, and in the event of non-compliance will be held accountable for:

- Paying no less than the prevailing wage to all workers
- Complying with Cal. Lab. Code §§ 1721-1861.

- Maintaining workers' compensation insurance (§1861)
- Not taking or receiving any portion of workers' wages or accepting any other fees (§§ 1778-1779)
- Maintaining and making available payroll records (§1776) in approved formats and at intervals specified in the contract general conditions.
- Paying workers overtime as required by §§ 1810 - 1813 and §1815
- Complying with CCR §16101 regarding discrimination
- Complying with all other requirements imposed by law
- Understanding the penalties (§1777.7) that can and will be imposed on them if they fail to comply with §1777.5

3.3 Workers Compensation

Contractors and subcontractors must be properly insured for Workers' Compensation under Cal. Lab. Code §1861. Contractor hereby represents that Contractor is aware of the provisions of § 3700 of the Cal. Lab. Code, which require every employee to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor will comply with such provisions before commencing.

3.4 Title or Status of Employee Irrelevant

A worker's title or status with the employer is not determinative of an individual's coverage by the prevailing wage laws. What is determinative is whether the duties performed by the individual on a public works project constitute covered work. An individual who performs skilled or unskilled labor on a public works project is entitled to be paid the applicable prevailing wage rate for the time the work is performed, regardless of whether the individual holds a particular status such as partner, owner, owner-operator, independent contractor or sole proprietor, or holds a particular title with the employer such as president, vice president, superintendent or foreman.

4. REVIEW OF CERTIFIED PAYROLL REPORTS

4.1 General Recordkeeping Requirement

The Contractor and any tier subcontractor must keep and certify on a weekly basis an accurate payroll record. Copies of payroll records shall be available for inspection at the contractor's principal office. Cal. Lab. Code §1776(b) (1)-(2) and 29CFR§3.4(b). Contractor and any tier Subcontractor shall preserve their weekly payroll records for a period of not less than three (3) years from the date of completion of the contract and must conform to requirements relative to the preservation of records. 29CFR§3.4(b), and Cal. Lab. Code §1776(g).

4.2 Certified Weekly Payroll Records Required

The contractor and any subcontractor shall maintain payrolls and basic records (timecards, canceled checks, cash receipts, trust fund forms, accounting ledgers, tax forms, superintendent and foreman daily logs, etc.) during the course of the work and shall preserve them for a period of three (3) years after project completion for all trades workers working on public works projects. Certified payroll records shall be on City form or (full name, address and social security number of each worker, his or her correct classification, rate of pay, daily and weekly number of hours worked, itemized deductions made, and actual wages paid. They shall also indicate apprentices and ratio of apprentices to journeymen) shall contain all the information reflected on the City form.

4.3 Submission of Certified Payroll Records Required

- A. Certified payrolls shall be maintained weekly and must be submitted at least monthly (within a month after the end of the payroll period) or more frequently if more frequent submission is required by the contract. The best practice is to submit the records weekly or at the conclusion of each payroll period.
- B. The CPRs shall be certified by a Statement of Compliance, signed by the Contractor's designated payroll agent, attesting the payrolls are correct and complete and that the wage rates contained are not less than those set by the applicable prevailing wage determination.
- C. The certified payroll records shall be mailed to the LCO. The **Statement of Compliance** and **Payroll Reports** shall be on forms furnished by the City or on any other document if the format contains same information. The submitted forms shall contain all information as indicated in Cal. Lab. Code §1776 and for federally assisted contracts in the DOL form WH-347.

4.4 Reporting of Workers

The payroll documentation must include the information for every individual, laborer, or craftsperson working on the project. Basically, the employer who pays the trade worker must report that individual on its payroll. This includes individuals working as apprentices in an apprenticeship trade. Owner-operators are to be reported by the contractor employing them. Sole owners and partners must also submit a certified payroll record listing the days and hours worked, and the trade classification descriptive of the work performed.

If an individual is called a subcontractor, when in fact he/she is a journey level mechanic supplying only labor, such an individual would not be deemed a bona fide subcontractor and must be reported on the payroll of the prime contractor as a trade worker. Moreover, any person who does not hold a valid contractor's license cannot be a subcontractor, and anyone hired by that person is considered the worker or employee of the general contractor for purposes of prevailing wage requirements, certified payroll reporting, and workers' compensation laws.

The contractor shall make the records required under this section available for inspection by an authorized LCP representative on behalf of the City and the DIR, and shall permit such representatives to interview trades workers during working hours on the project site, at no additional cost to the City.

4.5 Forfeiture for Failure to Submit Required Payrolls

As required by Cal. Lab. Code §1776(h) the Contractor shall be subject to penalties of up to one hundred dollars (\$100) per day, per worker, for failing to comply with request by the City for adequate payroll records. The City shall withhold the amount of penalties from Contractor payments for violation of Lab. Code. §1776.

4.6 Retention for Failure to Submit Satisfactory Payrolls

If, on or before the next monthly estimate, the Contractor has not submitted satisfactory payrolls to the City for all work performed during the previous monthly estimate, the City will retain from the next monthly estimate an amount equal to ten percent (10%) of the estimated value of work performed during the month except that such retention shall not exceed ten thousand dollars (\$10,000) nor be less than one thousand dollars (\$1,000). This section does not change the Contractor's obligation to submit payroll records on a weekly basis.

Retention for failure to submit satisfactory payrolls shall be in addition to all other retention provided for the contract. The retention for failure to submit satisfactory payrolls for any monthly period will be released with the first payment scheduled to be made following the date that satisfactory payrolls for that monthly period are submitted to the City.

4.7 Forfeiture for Noncompliance

The Contractor shall forfeit to the DIR not more than twenty-five dollars (\$25) per day, for each worker who is employed in excess of eight (8) hours per day or forty (40) hours per week without appropriate compensation paid. Cal. Lab. Code §1813.

The City may withhold penalties and forfeitures from payments due to the Contractor for non-compliance. Cal. Lab. Code §1727(a).

4.8 Reporting Requirements - Forms

All Contractors and any tier subcontractors will be required to submit labor compliance reports throughout the life of the project. Copies of the required forms are included in Appendices of this LCP.

5. APPRENTICES

5.1 General Requirements

The Contractor and any tier Subcontractor, shall comply with the requirements of the apprenticeship provisions of the Cal. Lab. Code, including, but not limited to §§1777.5, 1777.6, and 1777.7, and in cases of federally assisted contracts, the provisions of the CFR, including but not limited to §5.5(a)(4). The Contractor is responsible for compliance with this section for all apprenticeable occupations. [Cal. Lab. Code §1777.5(n)]

All contractors on public works projects valued at \$30,000 or more are obligated to utilize apprentices, regardless of subcontract value. (Cal. Lab. Code 1777.5)

5.2 Summary of Provisions Governing Employment of Apprentices

- A. Only apprentices approved by the Chief of California Division of Apprenticeship Standards (“DAS”) are eligible to be employed at the apprentice wage rate on public works. Cal. Lab. Code §1777.5(c).
- B. Contractor and any tier Subcontractor shall employ apprentices in the ratio set forth by the Cal. Lab. Code, or the ratio established under a recognized properly registered program that the contractor participates in, for any work under the Contract performed by workers in an apprenticeable craft or trade. Cal. Lab. Code §1777.5(d) and 29CFR(a)(4).
This ratio should not be less than one hour of apprentice work for every five hours of journeyman work on the project. Cal. Lab. Code §1777.5(g).
- C. The Contractor and any tier Subcontractor shall submit contract award information (DAS 140 Form) to an applicable apprenticeship program, including estimate of journeyman hours, number of apprentices proposed to be employed, and dates of apprentice utilization. After concluding work, each contractor shall submit to the City a verified Statement of the journeyman and apprentice hours performed on the project. Cal. Lab. Code §1777.5(e).
- D. The Contractor and any tier Subcontractor shall contribute to the California Apprenticeship Council (“CAC”) in accordance with that specified by the DIR in the prevailing wage determination. Cal. Lab. Code §1777.5(m) (1).
Contractors that are signatory to unions must submit trust fund payments and provide proof of payment upon request.
- E. Prior to making final payment to the Subcontractor, the Contractor shall obtain a declaration signed under the penalty of perjury from the Subcontractor that the Subcontractor employed the required number of apprentices on the public works project. Cal. Lab. Code §1777.7(d) (4).
- F. The City is required to withhold penalties upon determination of noncompliance with the apprenticeship requirement provisions of Cal. Lab. Code §1777.5. Cal. Lab. Code §1777.7(a) (1).

6. CLOSE OUT

6.1 Final Certificate

Upon completion of the contract, the Contractor shall submit to the City, with its final pay request for any work performed under the contract, a certificate concerning wages and classifications for laborers and mechanics, including apprentices and trainees employed on the project. A copy of the required forms is available in Appendix P of this LCP.

6.2 Implementation of LCP

The Labor Compliance Officer is authorized by the City of Salinas to administer this LCP and to ensure that all prevailing wage requirements as mandated by the Cal. Labor Code, the California Code of Regulations, and the contract documents are being met by all contractors by performing the following:

- Verify apprentices are employed at a minimum ratio of 1 apprentice to 5 journeymen. Cal. Lab. Code §1861
- Review and ensure records are accurate for the work performed. Cal. Lab. Code §1812)
- Inspect payroll records per Cal. Lab. Code §1776 and CCR §16400(e)
- Ensure all persons on the project are either employees of a contractor or a licensed contractor. Cal. Lab. Code §1021
- Process money withholdings per Cal. Lab. Code §1771.5(b) (5) & (6)
- Identify contractors or subcontractors that have failed to abide by applicable prevailing wage laws called for by the contract and report to the Director of Public Works any finding of non-compliance and bring to Council pursuant to Section 12-34 and 12-35 of the Salinas Municipal Code.

6.3 Outreach Activities

Several outreach activities will be initiated and maintained to ensure the successful implementation of the City's LCP. The LCO will be responsible for communication and outreach activities relative to public information on the City's LCP:

- 1) Regular presentations to contractors at all City Pre-Bid conferences and Job Pre-Constructions conferences;
- 2) Ongoing communication via correspondence, with workers at the City's job sites when review of the certified payroll records reveals the possibility of prevailing wage violations;
- 3) Periodic meetings with contractor organizations, prime contractors, and subcontractors interested in public works contracting with the City.

7. ANNUAL REPORTS

7.1 Annual Report on Prevailing Wage Monitoring to the City Council

The LCO will submit to the City Council an Annual Report on prevailing wage monitoring which will include the following information:

- 1) Progress Report on the implementation of the LCP.
- 2) Summary of activities during the year.
- 3) Monitoring Activities
 - a. Recordkeeping activities
 - b. Cal. Lab. Code violations identified and reported to DLSE
 - c. Statistical analysis of prevailing wage violations on City's public works construction projects during the year
 - d. Summary of LCP outreach activities for the year.

7.2 Annual Report to Department of Industrial Relations

The LCO will submit to the Director of the DIR an Annual Report on the operation of LCP within sixty (60) days after the close of its annual reporting period. For this section, the annual reporting period shall be deemed to commence on July 1 and shall conclude on June 30 of the fiscal year. Annual Reports are due to the DIR by no later than August 31 and shall be completed on the form provided by the State (LCP-AR2). The Annual Report shall contain, at the minimum the following information:

- 1) Number of construction contracts awarded, and their total value.
- 2) A summary of wages due to workers resulting from failure by contractor to pay prevailing wage rates; the total amount withheld from money due to the contractor; and the total amount recovered by action in any court of competent jurisdiction.
- 3) A special summary of all audits that were conducted upon the request of the Director of the DIR.

8. FREQUENTLY ASKED QUESTIONS (FAQS)

- 1) **Q. Who must receive prevailing wages on public works projects?**
 - A. The prevailing wage must be paid to all workers on public works projects, including owners, partners, or owner-operators who are performing the work.

- 2) **Q. What is the penalty for not paying the prevailing wage?**
 - A. This is defined in Cal. Lab. Code §§ 1775 and 1813.

- 3) **Q. How often are Certified Payroll Records due and who should receive them?**
 - A. Certified payrolls shall be maintained weekly and must be submitted at least monthly (within a month after the end of the payroll period) or more frequently if more frequent submission is required by the contract. The best practice is to submit the records weekly or at the conclusion of each payroll period.

- 4) **Q. As a contractor or subcontractor when should I hire and train apprentices?**
 - A. When employing workers in an apprenticeable craft or trade, the contractor or subcontractor must apply to the appropriate joint apprenticeship committee for certification to employ and train apprentices in the affected industry. Contractors not signatory to a trust agreement shall contribute a training fee to the California Apprenticeship Council for each hour worked on the project. Prime contracts of less than \$30,000 are exempt from this provision.

- 5) **Q. How do I know what is the correct prevailing wage rate?**
 - A. The current prevailing wage rates are available on the internet at: <http://www.dir.ca.gov/OPRL/PWD> A copy is available from the contracting department. Copies of all wage determinations are also available from: Department of Industrial Relations, Office of Policy, Research and Legislation Prevailing Wage Unit, P. O. Box 420603 San Francisco, CA 94142. Prevailing Wage Unit Telephone: (415)703-4774 Email: Statistics@dir.ca.gov

- 6) **Q. How do I know what is the correct craft or classification for the work my employees are doing?**
 - A. The Scope of Work for each craft is found on the DIR website and listed next to each classification. If there are questions about the type of work that may be required for the project, please reach out to the Project Manager at (831) 758-7241.

- 7) **Q. If owners or partners work on a project, do they have to be paid prevailing wages?**
 - A. Yes, anyone who works on a project must be paid the prevailing wage rate for all hours worked. This does not include office staff and supervisors who are not hands on employees.

- 8) **Q. What should I do if an employee performs more than one type of work each day?**
- A. You must keep accurate records of how many hours the employee works in each classification. The employee must be paid the prevailing wage rate for each craft, classification, and type of work performed. If accurate records are not kept, the highest wage rate may be required.
- 9) **Q. What if an employee is just learning a trade or is just a helper on the project. Can I pay him/her a lesser wage?**
- A. No. All employees must be paid the prevailing wage rate for the type of work they perform. Only apprentices who are enrolled in a State-approved program are allowed to be paid less than journeyman rates.
- 10) **Q. What happens if I don't understand the prevailing wage rates?**
- A. If you are unsure of the rates you should pay, you should contact the City of Salinas Compliance Officer for clarification.
- 11) **Q. What is the methodology for determining the prevailing wage rates?**
- A. The prevailing wage rate is the basic hourly rate paid on public works projects to a majority of workers engaged in a particular craft, classification or type of work within the locality and the nearest labor market area (if a majority of such workers are paid at a single rate). If there is no single rate paid to a majority, then the single or modal rate being paid to the greater number of workers is prevailing.
- 12) **Q. How does the prevailing wage affect me?**
- A. California's prevailing wage laws ensure that the ability to get a public works contract is not based on paying lower wage rates than a competitor. All bidders are required to use the same wage rates when bidding on a public works project. California law requires that not less than the general prevailing rate of per diem wages be paid to all workers employed on a public works project.
- 13) **Q. What is a general prevailing wage determination?**
- A. When the Director of the California DIR determines that the general prevailing rate of per diem wages for a particular craft, classification, or type of worker is uniform throughout an area, the Director issues a determination enumerated county by county, but covering the entire area.
- 14) **Q. What is a special prevailing wage determination?**
- A. When a craft, classification, or type of worker is not covered by a general determination, the awarding body may request a special prevailing wage determination. Requests must be made at least 45 days prior the bid advertisement date.

- 15) **Q. What is an issue date?**
A. The date upon which copies of the determinations of the Director are deposited in the mail. Determinations are issued twice a year on February 22 and August 22.
- 16) **Q. Why is there an expiration date for each prevailing wage determination?**
A. The expiration date indicates when the determination of the Director of the California DIR is subject to change.
- 17) **Q. What does it mean when there is a single asterisk (*) or double asterisk (**) after the expiration date of a prevailing wage determination?**
A. Prevailing wage determinations with a single asterisk (*) after the expiration date, remain in effect for the life of the project. Prevailing wage determinations with double asterisks (**) after the expiration date indicate that an increase to the wage rate for work performed after this date has been predetermined. If work is to extend past this date, the new rate must be paid and should be incorporated in contracts entered.
- 18) **Q. What is a predetermined change?**
A. Definite changes to the basic hourly wage rate, overtime, holiday pay rates and employer payments which are known and specified in the applicable collective bargaining agreement at the time of the bid advertisement date and which are referenced in the general prevailing rate of per diem wages.
- 19) **Q. What is the effective date of a prevailing wage determination?**
A. The date upon which the determinations of the Director of the California Department of Industrial Relations go into effect. This date is 10 days after the issue date of the determination.
- 20) **Q. What is a coverage determination?**
A. A process in which the awarding body or any other interested party (such as a contractor, employee, union or labor-management compliance organization) may request a written determination by the Director of the DIR about a specific construction project or type of work performed.
- 21) **Q. When does overtime pay apply?**
A. Compensation for all hours worked in excess of eight (8) hours per day and forty (40) hours during any one week should not be less than one-and-one half times the basic rate of pay. For specific overtime rates and requirements, refer to the prevailing wage determinations for each craft. Some crafts require the payment of overtime after seven (7) hours per day.
- 22) **Q. What are the threshold requirements for a public works project?**
A. Prevailing wages must be paid to all workers employed on a public works project when the public works project is over \$1,000.

9. COMMON VIOLATIONS

The Cal. Lab. Code requires that workers employed by contractors or subcontractors in the execution of a public works contract must be paid the State-determined prevailing wage rate. All contractors and subcontractors are responsible for ascertaining and complying with all current general prevailing wage rates for each craft, classification, and type of work performed, and for any rate changes that occur during the life of the contract. The following are common mistakes contractors tend to make:

- Using the incorrect wage determination
- Not understanding the double asterisk (***) rule
- Not applying Predetermined Increases
- Ignoring the footnotes in the wage determination
- Failure to pay Saturday, Sunday or Holiday Rate
- Non-payment of travel, subsistence, or standby pay. Certain classifications have a congestion zone fee that must be paid in addition to the wage rate.
- Overtime must be paid after 8 hours per day (some crafts have a seven (7) hour day). Contractors may not pay 4 – ten (10) hour days without the payment of overtime.
- Not utilizing the Important Notices issued by the Department of Industrial Relations (DIR) and Advice Letters
- Failure to submit Certified Payroll Reports
- Misclassification of workers (Contractors are advised to read the DIR Scope of Work for each craft or call the Labor Compliance Officer)
- Not following Apprenticeship Requirements
- Insufficient classification of workers. Please use the appropriate group (i.e., Laborer Group 1, Group 3 etc.) rather than only “Laborer.”
- Misuse of Group 4 Laborer classification. This classification may only be used for final clean up at the end of the project, right before occupancy. It may not be used while the project is ongoing and for cleanup at the end of days or weeks.
- Failure to make timely fringe benefit payments
- Failure to include Owners, Partners, or Owner/Operators on the certified payroll records.
- Using unregistered apprentices or employing apprentices in a trade or craft to which they were not apprenticed.
- Apprentice training funds must be paid monthly (by the 15 day of the month following the month of work) to an approved Apprenticeship program or to the California Apprenticeship Council and such payments must accompany the CAC 2 form.

To avoid these mistakes, it is recommended all contractors work closely with the Labor Compliance Officer to review the requirements that must be met to comply with each of the areas listed above.

APPENDIX A: PRE-BID MEETING HANDOUT**LABOR COMPLIANCE PROGRAM REQUIREMENTS**

- This project is subject to the City’s Labor Compliance Program (“LCP”).
- This project is a public works project. Therefore, the State and Federal Labor Law requirements applicable to this contract are composed of, but not limited, to the following items:
 - All contractors and any tier subcontractors must be properly licensed and maintain current workers’ compensation insurance
 - All contractors and any tier subcontractors must be registered with the Department of Industrial Relations (“DIR”)
 - All contractors and any tier subcontractors must pay no less than the prevailing rate of wages (as determined by the California DIR and/or Federal Department of Labor), including fringe benefit (employer) payments, and training fund contributions
 - All contractors and any tier subcontractors must abide by the laws pertaining to the use of apprentices
 - Contractors must submit Certified Payrolls electronically to the DIR and all required LCP-required documents on a weekly/monthly basis to the City’s LCO.
- The California State prevailing wage determination applicable to this project can be found on the DIR website at: <https://www.dir.ca.gov/oprl/dprevagedetermination.htm>
- The Federal prevailing wage determination applicable to this project can be found on the Department of Labor website at: <https://beta.sam.gov/search?index=wd>
- You must refer to the current Prevailing Wage Determinations ([REDACTED]) On Projects with both Federal and State Funding, you must meet the requirements of both the Federal and State Determinations
- At the preconstruction conference meeting, the LCO will go over the LCP in detail. At this meeting we will discuss all the LCP details, the LCP document submittal schedule, and the consequences and potential penalties for noncompliance.
- If you have any questions about which prevailing wages to use for this project, or any questions about the City’s LCP, please contact the project manager associated with this bid solicitation: [REDACTED]

Sample - Pre-Bid Meeting Handout

APPENDIX B:

1ST REQUEST FOR CERTIFIED PAYROLLS

October 6, 2020

Certified Mail

Ms. Jane Doe
ABC Construction Co.
1234 Labor Street
Salinas, CA 93901

Sample
1st Request for
Certified Payrolls

Dear Ms. Doe:

The City of Salinas' Labor Compliance Officer is formally requesting copies of Certified Payroll Records and Monthly Employment Reports for the improvements of Lincoln Avenue, and West Alisal Road. We are requesting records from the beginning of the project through project completion for your firm and all subcontractors.

This request is made pursuant to, and authorized by, California State Labor Code Section 1776 (b) (2) and Section 1776 (h) and the contract general conditions requiring weekly employee payments and weekly certified payroll submittals.

Labor Code Section 1776 (b) (2) states: "A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the body awarding the contract and the Division of Labor Standards Enforcement of the Department of Industrial Relations."

Labor Code 1776 (h) states: "The contractor or subcontractor has 10 days in which to comply subsequent to receipt of a written notice requesting the records enumerated in subdivision (a). In the event that the contractor or subcontractor fails to comply within the 10-day period, he or she shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated."

Please forward all weekly Certified Payroll Records and Monthly Employment Reports on the City and State approved forms previously provided to: City of Salinas, Public Works Labor Compliance Officer, 200 Lincoln Avenue, Salinas, CA 93901.

If you have any questions, contact me at (831) 758-7979.

Respectfully,

Labor Compliance Program Officer

APPENDIX C: MISSING DOCUMENT LIST

Prime Contractor:

Project:

Original Request: 09/27/2020

This Request: 10/27/2020

- 1. Monthly Employment Reports must be provided for:**
- 2. Training Fund Contributions (Form CAC 2 or equivalent) must be provided for:**
- 3. Public Works Contract Award Information (Form DAS 140) with the name, address and phone number of the training program notified by all project contractors must be provided for:**
- 4. Fringe Benefits Statements must be provided for:**
- 5. Signed certified Payroll report or statement of Non-Performance with original signatures must be provided for:**

Contractors are responsible for submittal of their payrolls and those of their respective subcontractors as one package, which must be in the City's Labor Compliance **Officer within one week of each weekly paycheck**. In the event there has been no work performed during a given week, the certified payroll record shall be annotated with the words "No Work" for that week.

- 6. To determine the required hours for apprentices on this project we will need the contractor to identify all sub-contractors who will perform work on the project.**
- 7. Either the Public Works Payroll Reporting Form (Form A-1-131) or the City of Salinas reporting form must be used.**

Sample

Missing Document List

APPENDIX D: FORM SUBMITTAL LISTING

Document Name	Frequency	Due to City	Notes
Pre-construction Checklist	One Time – Prior to Starting Work	W/I ten (10) days of the preconstruction meeting.	Prime must initial all subs’ checklists before forwarding to the City.
Public Works Contract Award Information Form (DAS 140)	One Time – Prior to Starting Work	W/I ten (10) days of the date of execution of contract.	Original to be submitted to appropriate Apprenticeship Committee(s) and a copy, with proof to the City’s LCO. **Only exceptions are non-apprenticeable trades.
Request for Dispatch of an Apprentice Form (DAS 142)	One Time – Prior to Starting Work	W/I ten (10) days of the date of execution of contract.	Original to be submitted to appropriate Apprenticeship Committee(s) and a copy, with proof to the City’s LCO. **Only exceptions are non-apprenticeable trades.
Fringe Benefit Statement	One Time or As Needed	W/first Certified Payroll and as needed.	Please provide updated FBS as information changes (i.e., craft or predetermined increases).
Public Works Payroll Reporting Form and Statement of Nonperformance (NP)	Weekly Submittal	Federally funded contracts: W/I seven (7) days of the end of the payroll period. State Funded: W/I ten (10) days of the end of the payroll period.	If no work was performed that period, please submit a Statement of Nonperformance
Statement of Compliance (Certification)	Weekly Submittal	W/I seven (7) to ten (10) days of the end of the payroll period.	With each weekly payroll report.
Owner-Operator Listing and Certification (SOC)	As Needed	W/I ten (10) days of the payroll period.	All Owner-Operators are to be reported on this form. If no work is to be performed during a period, please submit a Statement of Nonperformance.
Local Hiring Residency Compliance Form	Weekly Submittal	Locally funded contracts only: W/I ten (10) days of the payroll period.	With each weekly payroll report on locally funded projects.
Monthly Utilization Report	Monthly Submittal	W/I fifteen (15) days of the end of the reporting month.	Prime must submit a signed report for its aggregate project work force. Each subcontractor must separately provide a report for its aggregate project work force.
CAC Training Fund Contributions	Monthly Submittal	W/I fifteen (15) days of the end of the reporting month.	Please provide a copy of CAC report and a copy of the check for all training contributions on behalf of employees to the CAC.
Verification Statement of Apprentice and JM Hours	One Time - Upon Completion	Upon concluding work with Final Payroll.	Each contractor and subcontractor are obligated by LC code 1777.5(e) to submit the ratios of apprentice and JM hours for each classification.
Affidavit of Compliance with Cal. Lab. §§ 1720-1815	One Time - Upon Completion	Upon concluding work with Final Payroll.	Each contractor and subcontractor are obligated to comply with applicable prevailing state laws.
Authorization for Payroll Deduction	As Needed	W/first CPR they appear on.	All non-standard deductions in payroll must be accounted.
Employer’s Monthly Report to Trust, Funds, or Programs	As Requested / Monthly	W/In fifteen (15) days of the end of the reporting month.	Please provide a copy of the check for each trust fund report. Letters of Good Standing are not acceptable.
Apprentice Certification	As Needed	W/first CPR they are reported on.	Copies of apprentice certification for all utilized apprentices must be provided with the first payroll they appear on. All apprentices must be certified by the State. For federal funded contracts, Bureau of Apprentice Training certificate must be submitted.

The Prime Contractor is responsible for reviewing the subcontractors’ submittals for accuracy and compliance before submitting to the City for approval as one complete packet.

APPENDIX E: PRE-CONSTRUCTION CHECKLIST (PRIME CONTRACTOR)

NAME (print) _____ DATE _____
 COMPANY _____ PHONE _____
 ADDRESS _____ FAX# _____
 PROJECT _____

Contractor License Number _____

The federal and state labor law requirements applicable to the contract are composed of, but not limited to the following items:

LCO Initials	Prime Contractor's Initials	
_____	_____	(1) The contractor's duty to pay prevailing wages under Cal. Lab. Code § 1770 et. seq., should the project exceed the exemption amounts;
_____	_____	(2) The contractor's duty to employ registered apprentices on the public works project under Cal. Lab. Code § 1777.5;
_____	_____	(3) The penalties for failure to pay prevailing wages (for non-exempt projects) and employ apprentices including forfeitures and debarment under Cal. Lab. Code §§ 1775 and 1777.7;
_____	_____	(4) The requirement to keep and submit copies, upon request, of certified payroll records under Cal. Lab. Code § 1776; and penalties for failure to do so under Cal. Lab. Code § 1777;
_____	_____	(5) The prohibition against employment discrimination under Cal. Lab. Code § 1777.6; the Government Code and Title VII of the Civil Rights Act of 1964;
_____	_____	(6) The prohibition against accepting or extracting kickbacks from employee wages under Cal. Lab. Code § 1778;
_____	_____	(7) The prohibition against accepting fees for registering any person for public work under Cal. Lab. Code § 1779; or for filling work orders on public works under Cal. Lab. Code § 1780;
_____	_____	(8) The requirement to list all subcontractors under Government Code § 4100 et. seq.;
_____	_____	(9) The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Cal. Lab. Code § 1021 and under the California Contractors License Law, found at Business and Professions Code § 7000 et. seq.;
_____	_____	(10) The prohibition against unfair competition under Business and Professions Code § 17200-17208;
_____	_____	(11) The requirement that the contractor be properly insured for Workers' Compensation under Cal. Lab. Code § 1861;
_____	_____	(12) The requirement that the contractor abide by the Occupational, Safety and Health Laws and regulations that apply to the particular construction contract;
_____	_____	(13) The requirement to provide itemized wage statements to employees under Cal. Lab. Code § 226.

Certification:

I acknowledge that I have been informed and am aware of the foregoing requirements and that I am authorized to make this

certification on behalf of _____ (Company Name)

Name of Person Signing and Title _____ Date _____

APPENDIX F: PRE-CONSTRUCTION CHECKLIST (SUBCONTRACTORS)

NAME (print) _____ DATE _____
 COMPANY _____ PHONE _____
 ADDRESS _____ FAX# _____
 PROJECT _____

Contractor License Number _____

The federal and state labor law requirements applicable to the contract are composed of, but not limited to the following items:

Prime Contractor's Initials	Subcontractor's Initials	
_____	_____	(1) The contractor's duty to pay prevailing wages under Cal. Lab. Code § 1770 et. seq., should the project exceed the exemption amounts;
_____	_____	(2) The contractor's duty to employ registered apprentices on the public works project under Cal. Lab. Code § 1777.5;
_____	_____	(3) The penalties for failure to pay prevailing wages (for non-exempt projects) and employ apprentices including forfeitures and debarment under Cal. Lab. Code §§ 1775 and 1777.7;
_____	_____	(4) The requirement to keep and submit copies, upon request, of certified payroll records under Cal. Lab. Code § 1776; and penalties for failure to do so under Cal. Lab. Code § 1777;
_____	_____	(5) The prohibition against employment discrimination under Cal. Lab. Code § 1777.6; the Government Code and Title VII of the Civil Rights Act of 1964;
_____	_____	(6) The prohibition against accepting or extracting kickbacks from employee wages under Cal. Lab. Code § 1778;
_____	_____	(7) The prohibition against accepting fees for registering any person for public work under Cal. Lab. Code § 1779; or for filling work orders on public works under Cal. Lab. Code § 1780;
_____	_____	(8) The requirement to list all subcontractors under Government Code § 4100 et. seq.;
_____	_____	(9) The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Cal. Lab. Code § 1021 and under the California Contractors License Law, found at Business and Professions Code § 7000 et. seq.;
_____	_____	(10) The prohibition against unfair competition under Business and Professions Code § 17200-17208;
_____	_____	(11) The requirement that the contractor be properly insured for Workers' Compensation under Cal. Lab. Code § 1861;
_____	_____	(12) The requirement that the contractor abide by the Occupational, Safety and Health Laws and regulations that apply to the particular construction contract;
_____	_____	(13) The requirement to provide itemized wage statements to employees under Cal. Lab. Code § 226.

Certification:

I acknowledge that I have been informed and am aware of the foregoing requirements and that I am authorized to make this

certification on behalf of _____ (Company Name)

 Name of Person Signing and Title

 Date

APPENDIX G: PUBLIC WORK CONTRACT AWARD INFORMATION (DAS 140 FORM)

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/das/PublicWorksForms.htm> 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 City of Salinas 200 Lincoln Avenue Salinas, CA 93901	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED

This is not a request for dispatch of apprentices.

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

Check One Of The Boxes Below

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

Signature _____ Date _____

Typed Name _____

Title _____

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

DAS 140 (REV. 1/04)

APPENDIX H: REQUEST FOR DISPATCH OF APPRENTICE (DAS 142 FORM)

 REQUEST FOR DISPATCH OF AN APPRENTICE – DAS 142 FORM DO NOT SEND THIS FORM TO DAS	
<p>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.</p> <p style="text-align: center;">List one occupation/craft per form</p>	
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: _____	
<p><i>You may use this form to make your written request for the dispatch of an apprentice. Requests for dispatch must be in writing and submitted at least 72 hours in advance (excluding weekends and holidays) via first class mail, fax or email. Proof of submission may be required. Please take note of California Code of Regulations, Title 8, § 230.1 (a) for all applicable requirements regarding apprenticeship requests and/or</i></p> <p><i>visit https://www.dir.ca.gov/das/PublicWorksForms.htm</i></p> <p><i>DAS 142 (Revised 10/18)</i></p>	

APPENDIX I: FRINGE BENEFIT STATEMENT

CONTRACTOR OR SUBCONTRACTOR (Please Print)		CONTRACT NUMBER	DATE
DEPARTMENT OF INDUSTRIAL REGISTRATION NUMBER	CONTRACTORS STATE LICENSE BOARD NUMBER	FEDERAL-AID PROJECT NUMBER	
TO: RESIDENT ENGINEER OR DISTRICT LABOR COMPLIANCE OFFICER City of Salinas, Department of Public Works Leticia Altamirano, PW Labor Compliance Officer 200 Lincoln Avenue Salinas CA 93901 <i>Direct: (831) 758-7979</i>		BUSINESS ADDRESS	

Labor Compliance uses the following fringe benefits information (shown or referenced on wage rate determinations) paid to or on behalf of employees in various crafts or classifications to check payroll or apply to force account work on the above contract.

COMPLETE AND SUBMIT THIS FORM WITH THE FIRST CERTIFIED PAYROLL OR WHEN THERE HAVE BEEN CHANGES.

Classification	Fringe Benefit Hourly Amount	Name and Address of Plan, Fund, or Program
Effective Date	Vacation \$ _____ Health and Welfare \$ _____	
Subsistence and/or Travel Pay	Pension \$ _____ Apprentice or Training Fees \$ _____	
\$	Other \$ _____	

Classification	Fringe Benefit Hourly Amount	Name and Address of Plan, Fund, or Program
Effective Date	Vacation \$ _____ Health and Welfare \$ _____	
Subsistence and/or Travel Pay	Pension \$ _____ Apprentice or Training Fees \$ _____	
\$	Other \$ _____	

Classification	Fringe Benefit Hourly Amount	Name and Address of Plan, Fund, or Program
Effective Date	Vacation \$ _____ Health and Welfare \$ _____	
Subsistence and/or Travel Pay	Pension \$ _____ Apprentice or Training Fees \$ _____	
\$	Other \$ _____	

I certify under penalty of perjury that fringe benefits are paid to the approved Plans, Funds, or Programs listed above.

NAME AND TITLE (Please Print)

SIGNATURE

BUSINESS TELEPHONE NUMBER

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

APPENDIX J: STATEMENT OF COMPLIANCE (CERTIFICATION)

CONTRACTOR/SUBCONTRACTOR	CONTRACT NUMBER
DEPARTMENT OF INDUSTRIAL RELATIONS REGISTRATION NUMBER	CONTRACTORS STATE LICENSE BOARD NUMBER
FIRST DAY AND DATE OF PAY PERIOD	LAST DAY AND DATE OF PAY PERIOD

I do hereby certify under penalty of perjury:

(1) That I pay or supervise payment to employees of the above-referenced contractor on the above-referenced contract. All persons employed on said project for the above-referenced time period have been paid their full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said contractor from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person other than permissible deductions.

(2) That any payrolls otherwise under this control required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wages rates:

(a) Specified in the applicable wage determination incorporated into the contract;

(b) Determined by the Director of Industrial Relations for the county or counties in which the work is performed; that the classification set forth therein for each laborer or mechanic conform with the work he or she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency.

(4) That fringe benefits as listed in the contract:

(a) Have been or will be paid to the approved plan(s), fund(s), or program(s) for the benefit of listed employee(s), except as noted below.

(b) Have been paid directly to the listed employee(s), except as noted below.

(c) See exceptions noted below.

EXCEPTION CRAFT	EXPLANATION

REMARKS

NAME (PLEASE PRINT)	TITLE
SIGNATURE	DATE

On federally funded projects, permissible deductions are defined in Code of Federal Regulations, Title 29, Part 3. Also, the willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution (see United States Code, Title 18, Section 1001 and Title 31, Section 3729).

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APPENDIX K: INSTRUCTION FOR PREPARATION OF STATEMENT OF COMPLIANCE

This statement of compliance meets needs of the state and federal payroll requirements to pay fringe benefits in addition to payment of the minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of the fringes to the various preapproved plans, funds, or programs or by making these payments directly to the employees as part of their weekly wage payments.

The contractor must **show on the face of his or her payroll all monies paid to the employees** whether as basic rates or total hourly wage amount in lieu of fringes. The contractor shall report in the statement of compliance that **he or she is paying to other** fringes required by the contract and not paid directly to the employees in lieu of fringes.

INSTRUCTIONS:**Contractors required to pay Federal Wage Rates:**

Such a contractor shall check paragraph 2(a) of the statement to indicate that the wage rates for laborers or mechanics contained in the payroll are not less than the applicable wage rates specified in the applicable wage determination incorporated into the contract.

Contractors required to pay the State Prevailing Wage Rates as determined by the Director of Industrial Relations:

Such a contractor shall check paragraph 2(b) of the statement to indicate that the wage rates for laborers or mechanics contained in the payroll are not less than the applicable wage rates determined by the Director of Industrial Relations for the county or counties in which the work is performed.

Contractor who pay all required fringe benefits:

A contractor who pays fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decisions shall continue to show on the face of his or her payroll the basic hourly rate and overtime rate paid to his or her employees, just as he or she has always done. Such a contractor shall check paragraph 4(a) of the statement to indicate that he or she is also paying approved plans, funds, or programs within the times required for the receipt of those sums, not less than the amount predetermined as fringe benefits for each craft. Any exception shall be noted in Section 4(c).

Contractors who pay no fringe benefits:

A contractor who does not pay fringe benefits to an approved plan shall pay a like amount to the employee. This payment can be reported by inserting in the straight time hourly rate column of his or her payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on wages paid in lieu of fringes, the overtime rate shall be not less than one and one-half the basic predetermined rate, plus the required cash in lieu of fringes at the straight time rate. To simplify computation of overtime, it is suggested that the straight time basic rate and payment in lieu of fringes be separately stated in the hourly rate column. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he or she is paying fringe benefits directly to his or her employees. Any exceptions shall be noted in Section 4(c).

Use of Section 4(c), Exceptions:

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination required is obligated to pay the deficiency directly to the employees as wages in lieu of fringes. Any exceptions to Section 4(a) and 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid the employees as wages in lieu of fringes, and the hourly amount paid to plans, funds, or programs as fringes (see United States Code, Title 18, Section 1001, and Title 31, Section 3729).

APPENDIX M: LOCAL HIRING RESIDENCY COMPLIANCE FORM

In conformance with Article IV in Chapter 12 of the Salinas Municipal Code, each Contractor and Subcontractor shall complete and attach this **Local Hiring Residency Compliance Documentation** to each weekly prevailing wage statement as they are submitted to the City Engineer.

Project Title: _____ *Project No.* _____ *For the Pay Period Ending* _____

Contractor (or Subcontractor): _____ *License No.* _____

Address: _____ *City:* _____ *State:* _____ *Zip:* _____

1) For each employee, complete residency compliance information by checking appropriate trade:

Employee Name:	Classification/Trade:	** Resident of Monterey Bay Area.
1.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
2.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
3.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
4.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
5.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
6.	Journeyman, Apprentice, Other, ___ Trade:	Yes No
7.	Journeyman, Apprentice, Other, ___ Trade:	Yes No

** Resident of Monterey Bay Area = Living in Monterey, Santa Cruz, San Benito Counties or hired through a local hiring hall with jurisdiction over the Monterey Bay Area.

- 2) Calculate total weekly project local hiring percentage based on all labor work hours reported on prevailing wage statement:%
_____ %
- 3) **I certify that the information contained in this form is true and correct, to the best of my knowledge,** (Please sign all pages.) (Submitted under penalty of perjury, Salinas City Code, Section 12-31)

Signature (signature in blue ink) **Date**

Name (Please Print) *Title or Position (Please Print)*

Page ___ of ___

Revision Date March 2003 This Form May Be Copied as Needed

APPENDIX O: STATEMENT OF NON-PERFORMANCE

Statement of Non-Performance

Date: _____ Consecutive Payroll Number: _____

Prime Contractor: _____

Subcontractor: _____

I do hereby state that no persons were employed on the construction of the project

(Project Name) *(Project Number)*

During the payroll period commencing on the _____ day of _____, 20__

Ending on the _____ day of _____, 20__.

Comments:

Final Payroll: _____ Yes _____ No

(Please print Name of Authorized Person and Title)

(Signature of Authorized Person) *(Date)*

This statement is not required to be submitted until after the submission of the initial report.

APPENDIX P: AFFIDAVIT OF COMPLIANCE

AFFIDAVIT OF COMPLIANCE WITH CALIFORNIA PREVAILING WAGE LAW, CALIFORNIA LABOR CODE SECTIONS 1720-1815

Certification of Payment of Prevailing Wages

I, _____ as owner of _____
(NAME) (COMPANY)

I hereby, certify under penalty of perjury:

- 1) That I am the Official Representative of the above-named company and therefore responsible for compliance with the Public Works laws on this project.
- 2) That as Owner of this company, I was informed of the California Public Works laws and was given the information and forms to complete the project in compliance with these laws at the beginning of the project.
- 3) That all payrolls were true and complete, as submitted.
- 4) That the classifications listed for each worker on the payroll was applicable to the work performed by each mechanic, journeyman, or laborer.
- 5) That all workers who performed labor on the project have been paid all prevailing wages as listed in the applicable determination due to them in the course of the work as listed on their timecards, including fringe benefits.
- 6) That all training fees, if applicable, to the trade in which they were employed have been paid to the appropriate, approved fund.
- 7) That all workers listed and paid as apprentices were registered, state apprentices.

Title: _____

Signature: _____

Date: _____ Project: _____

APPENDIX Q: VERIFICATION OF APPRENTICE AND JOURNEYMAN HOURS

(1777.5 (e)) Within 60 days after concluding work on the contract, each contractor and subcontractor shall submit to the awarding body, if requested, AND to the apprenticeship program a verified statement of the journeyman and apprentice hours performed on the contract. The information under this subdivision shall be public. The apprenticeship committee shall retain this information for 12 months.

I _____ declare under penalty of perjury that:

1) I am the _____ of _____
(Owner, officer, partner, etc.) (Company)

responsible for the payment of persons employed by _____
(Company)

who performed work on the _____, in the classification of _____
(Name of project)

(Worker Classification(s))

The labor performed by these workers can be best described as: _____

2) During the payroll period(s) commencing _____ and ending on _____ all persons employed by my company on this project have been paid the specified general prevailing rate of per diem wages for the specified craft or classification pursuant to Labor Code 1771. *

3) ___ No Apprentices were dispatched in response to my two submission(s) of a DAS 142, "Request for Dispatch of an Apprentice," and therefore all workers were classified as Journeyman. Attached is a copy of the response(s) received from the apprenticeship committee(s).

-Or-

4) ___ Apprentice(s) worked a total of _____ hours and _____ Journeymen worked a total of hours establishing an apprentice/journeyman ratio in hours _____ to _____.

Executed this _____ day of _____ 20_____, at _____ in California.



(Signature)

* 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.

APPENDIX R: PUBLIC WORKS RESOURCES**Enforcement Resources**

- Labor Commissioner’s Public Works Manual: <https://www.dir.ca.gov/dlse/PWManualCombined.pdf>
- Laws Relating to Prevailing Wage Requirements: <https://www.dir.ca.gov/Public-Works/documents/Laws-Relating-to-Prevailing-Wage-Requirements.pdf>
- Laws, Regulations, Determinations & Decisions: <https://www.dir.ca.gov/Public-Works/PublicWorksLawsRegsDetDec.html>
- Civil Wage and Penalty Assessments: <https://www.dir.ca.gov/dlse/DLSE-Databases.htm>

Forms

- DAS 140 – Public Works Contract Award Information: <https://www.dir.ca.gov/DAS/DASFormI40.pdf>
- DAS 142 – Request for Dispatch of Apprentices: <https://www.dir.ca.gov/das/DASFormI42.pdf>
- CAC 2 - Training Fund Contribution: <https://www.dir.ca.gov/DAS/tf/cac2.asp>
- PW 26 - Statement of Employer Payments: <https://www.dir.ca.gov/dlse/DLSEForm-PW26.pdf>
- File a public works complaint: <https://www.dir.ca.gov/dlse/HowToFilePWComplaint.htm>

Online Forms

- Public Works Contractor Registration Form: <https://efiling.dir.ca.gov/PWCR/>
- Certified Payroll Reporting Form: <https://efiling.dir.ca.gov/eCPR/pages/eCPROnlineForm.jsp>
- PWC-100 - Online Project Registration: <https://www.dir.ca.gov/pwcI00ext/LoginPage.aspx>

Online Searchable Databases

- Public works projects: <https://www.dir.ca.gov/pwcI00ext/ExternalLookup.aspx>
- Contractor registration search tool: <https://efiling.dir.ca.gov/PWCR/Search>
- Labor Code section 1741(c) Judgments - Public Works: <https://www.dir.ca.gov/dlse/DLSE-Databases.htm>
- Contractor debarment: <https://www.dir.ca.gov/dlse/debar.html>
- Public works Training Fund contributions: <https://www.dir.ca.gov/CAC/trainingfund/Tfsearch.html>
- Prevailing wage rates: <https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>
- Apprentice prevailing wage rates: <https://www.dir.ca.gov/OPRL/pwappwage/PWAppWageStart.asp>
- Certified Payroll Records search tool: <https://efiling.dir.ca.gov/eCPR/pages/search>
- Jobsite Postings: <https://www.dir.ca.gov/wpnodb.html>
 - Additional Posters Required for *Federally* Funded Projects: <https://dot.ca.gov/programs/construction/labor-compliance/labor-compliance-posters>

Need Help?

- Frequently Asked Questions: <https://www.dir.ca.gov/Public-Works/PublicWorksSB854FAQ.html>
- Tutorials: https://www.dir.ca.gov/Public-Works/eCPR_Tutorials.html
- Public Works Contacts: <https://www.dir.ca.gov/Public-Works/ContactUs.htm>

For more information and to find exact legal definitions and language please see the [Public Works Chapter](#) of the [California Labor Code](#) and [Payment of Prevailing Wages upon Public Works](#).