THE CITY OF SAN DIEGO

Equal Opportunity Contracting

Pre-Construction Conference Packet

Pre-Construction Conference Date: _____

EOC Representative: _____

Prime Contractor Firm Name: _____

Bid #: _____

Project Title: _____

☐ This project is subject to prevailing wage requirements of Davis Bacon and Related Acts.

Prime contractor is responsible for providing City staff with all required reports for each contractor performing work for this project. Prime contractor must review reports for completion and accuracy prior to submission. Reports are due to City's representative by 5th day of each month.

Progress payments may be withheld if reports are not on time, accurate and complete.

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CALIFORNIA CODE OF REGULATIONS

(In accordance with CCR Section 16421 and 16430)

The Federal and State Labor law requirements applicable to the contract are composed of but not limited to the following items:

Project: _____

1) **Payment of Prevailing Wage** The contractor's duty to pay prevailing wages under Labor Code Section 1770 *et seq.*, should the project exceed the exemption amounts;

2) **Apprentices** The contractor's duty to employ registered apprentices on the public works project under Labor Code Section 1777.5;

3) **Penalties** The penalties for failure to pay prevailing wages (for non-exempt projects) and employ apprentices including forfeitures and debarment under Labor Code Sections 1775 and 1777.7;

4) **Certified Payroll Records** The requirement to keep and submit copies upon request of certified payroll records under Labor Code Section 1776:, and penalties for failure to do so under Labor Code Section 1776(g);

5) **Nondiscrimination in Employment** The prohibition against employment discrimination under Labor Code Section 1777.6, the Government Code, and Title VII of the Civil Rights Act of 1964;

6) **Kickback Prohibition** The prohibition against accepting or extracting kickbacks from employee wages under Labor Code Section 1778;

7) **Acceptance of Fees Prohibition** The prohibition against accepting fees for registering any person for public work under Labor Code Section 1779; or for filing work orders on public works under Labor Code Section 1780;

8) **Listing of Subcontractors** The requirement to list all subcontractors under Public Contract Code Section 4100 *et seq.*;

9) **Proper Licensing** The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractors License Law, found at Business and Professions Code Section 7000 *et seq.*;

10) **Unfair Competition Prohibited** The prohibition against unfair competition under Business and Professions Code Sections 17200-17208;

11) **Workers' Compensation Insurance** The requirement that the contractor be properly insured for Workers Compensation under Labor Code Section 1861;

12) **OSHA** The requirement that the contractor abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project;

13) **Undocumented Workers** The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers;

14) **Itemized Wage Statements** The requirement to provide itemized wage statements to employees under Labor Code section 226.

I certify the above and following information was presented to me at this Pre-Construction Conference as an essential condition to satisfying requirements of this project and I recognize and accept my responsibility as the prime contractor to inform subcontractor(s) about these conditions and to assure their compliance:

_____ _____

Name of Contractor's Representative | Signature of Contractor's Authorized Representative

Phone: _____ Fax: _____

General Information:

Substitution (subcontractor change) of any listed subcontractor requires written approval by the City prior to performance. Violations subject prime contractor to sanctions as stipulated in *Subletting and Subcontracting Fair Practices Act* of the Public Contract Code.

Posters: Equal Opportunity posters must be displayed publicly at job site; contractor will construct a portable stand to meet criteria for public visibility, if necessary (http://www1.eeoc.gov/employers/poster.cfm). Applicable wage rates must be posted at all prevailing wage job sites.

Reports Due at Project Start:

Contractor/Subcontractor/Vender Contact List must include contact information for the prime contractor as well as all subcontractors and venders. List must also include all trades and crafts to be used on the project.

Public Works Contract Award Information [DAS 140]: Must be submitted for each apprenticeable trade by the prime and all subcontractors. Contractors must list anticipated dates and number of apprentices to be employed and journey level hours. Original is sent to each apprenticeship committee; copy to City. This form is not a request for dispatch of apprentices; contractors must make a separate request for dispatch.

Request for Dispatch of an Apprentice [DAS 142]: Used to request the dispatch of an apprentice from the Apprenticeship Committee for the crafts and trades a contractor will use on the project. Must be submitted at least 72 hours prior to work commencing. Originals are sent to each apprenticeship committee; a copy to City

Fringe Benefit Statement Form: Required to be submitted before the start of a project and only needs to be submitted once unless there are changes. The statement should list the names of the approved plans or programs used to maintain the contractor's fringe benefits. If contractors pay fringe benefits in their employees hourly wage they should indicate "IN CASH" on their statement.

The Authorized Signatory Form: Must be signed by the company's owner or a designee. If delegating signatory authorization, both names must appear and remain current. The designee is usually the person preparing the payroll reports and other labor compliance forms.

Authorization for Payroll Deduction: Specifies any payroll deductions taken from employees paychecks. The form is required to be signed by the affected employee.

Reports Due Monthly

Due Dates: Each *Monthly Employment Report* and *Monthly Invoicing Report* must be submitted by the 5th day of the subsequent month to the EOC Program Manager at 1200 Third Avenue, Suite 200, San Diego, CA 92101 and to the Resident Engineer. Reports and documents can be submitted via email to the assigned Contract Compliance Officer.

Report Submission: Incomplete reports may cause payment delays and/or nonpayment of invoice. If no work is performed, a report should be submitted with "No Activity" written across face ofdocument. "Final Report" should be written across face of document when portion is complete

Monthly Employment Report: Must list each employee working on the specific project by full name, social security number, gender, ethnic category, craft and employee source. Prime contractor is responsible for collecting and submitting *Monthly Employment Report* from all subcontractors, at any level, working at the site. Contractors must submit report monthly for the total hours worked during the monthly reporting period, until their portion of work is complete

Monthly Invoicing Report: Requires prime contractor to list monthly payments made to subcontractors and/or suppliers based on invoices received. The Monthly Invoicing Report must be filled out completely and include name, address and phone number (with area code) of each subcontractor, vendor or supplier

Training Fund Contributions [CAC2]: Must be made even if the employer is not training apprentices; and it may not be made directly to employees. The amount of the contribution varies from one trade to the next and is indicated in the applicable wage determination.

Certified Payroll Reports: The Labor Code requires contractors and subcontractors to maintain weekly certified payroll records

Statement of Compliance: Each Certified Payroll Report must be accompanied by a Statement of Compliance which certifies the information contained in the payroll report is true and correct. Payroll reports will be rejected if the Statement of Compliance is not included

Statement of Non-Performance: Submitted when no work has been performed on a project for one week or longer

Reports Due at end of Project

Final Summary Report: Requires prime contractor to submit report including all subcontracting activity during the project to City of San Diego within fifteen (15) calendar days after Final Inspection of contract work. Failure to comply may result in assessment of liquidated damages or withholding of retention

State Wage Determination

Wage rates are set for each classification of crafts and trades. Usually - but not always - rates are based on regional collective bargaining agreements. The Bid Advertise Date determines the applicable General Prevailing Wage Determination.

State wage rates are available at the CA Division of Labor Statistics and Research web page. A single asterisk (*) after a wage expiration date indicates this rate is in effect for the duration of the project. Two asterisks (**) indicate this wage is effective until the expiration date and a rate increase has been determined for work performed after this date.

State Wage Determinations are published twice a year, February 22 and August 22, and are effective 10 days after issuance. Please be cognizant that increase dates do vary. Contract Division of Labor Statistics and Research (415) 703-4774 for new rates after 10 days from the expiration date if no subsequent determination is issued.

For additional information you may contact:

Division of Labor Statistics and Research (DLSR): (415) 703-4774

http://www.dir.ca.gov/OPRL/statistics_research.html

http://www.dir.ca.gov/OPRL/statistics_and_databases.html

Federal Wage Determination

The Davis Bacon Act (DBA) requires the payment of prevailing wage rates (which are determined by the U.S. Department of Labor to all laborers and mechanics on Federal government construction projects in excess of $2,000. Construction includes alterations and/or repair, including painting and decorating, of public buildings or public works.

The Federal Wage Determination can be found online by accessing the following website:

http://www.gpo.gov/davisbacon/index.html

Publication Date

There is no set date that the Federal Wage Determination is published; it is modified as needed. You will need to use the date that is associated with your bid advertisement.

The applicable Federal Wage Determination is good for the life of the project.

Required:
All contractors must post a copy of the applicable State and/or Federal Wage Determination on site.

PREVAILING WAGE
CONTRACTOR HANDOUT

THE CITY OF SAN DIEGO
202 C Street, MS 56P
San Diego, CA 92101

THE PUBLIC WORKS REQUIREMENTS ARE:
(A) the appropriate number of apprentices is on the job site, as set forth in Labor Code Section 1777.5.
(B) worker's compensation coverage, as set forth in Labor Code Sections 1860 and 1861.
(C) keep accurate records of the work performed on the public works project, as set forth in Labor Code Section 1812.
(D) inspection of payroll records pursuant to Labor Code Section 1776, and as set forth in 8 CCR Section 16400(e).
(E) other requirements imposed by law.
(5) Withhold monies. See Labor Code Section 1727.
(6) Ensure that public works projects are not split or separated into smaller work orders or projects for the purpose of evading the applicable provisions of Labor Code Section 1771.
(7) Deny the right to bid on public work contracts to contractors or subcontractors who have violated public work laws, as set forth in Labor Code Section 1777.7.
(8) Not permit workers on public works to work more than eight hours a day or 40 hours in any one calendar week, unless compensated at not less than time and a half as set forth in Labor Code Section 1815.
Exception: If the prevailing wage determination requires a higher rate of pay for overtime work than is required under Labor Code Section 1815, then that higher overtime rate must be paid [as specified in 16200(a)(3)(F)].
(9) Not take or receive any portion of the workers' wages or accept a fee in connection with a public works project, as set forth in Labor Code Sections 1778 and 1779.
(10) Comply with those requirements as specified in Labor Code Sections 1776(g), 1777.5, 1810, 1813, and 1860.

THE CONTRACTOR AND SUBCONTRACTOR SHALL:
(1) Pay not less than the prevailing wage to all workers, as defined in CCR's section 16000(a), and as set forth in Labor Code Sections 1771 and 1774;
(2) Comply with the provisions of Labor Code Sections 1773.5, 1775, and 1777.5 regarding public works job sites;
(3) Provide workers' compensation coverage as set forth in Labor Code Section 1861;
(4) Comply with Labor Code Sections 1778 and 1779 regarding receiving a portion of wages or acceptance of a fee;
(5) Maintain and make available for inspection payroll records, as set forth in Labor Code Section 1776;
(6) Pay workers overtime pay, as set forth in Labor Code Section 1815 or as provided in the collective bargaining agreement adopted by the Director as set forth in 8 CCR Section 16200(a)(3); and
(7) Comply with Section 16101 of these regulations regarding discrimination.
(8) Be subject to provisions of Labor Code Section 1777.7, which specifies the penalties, imposed on a contractor who willfully fails to comply with provisions of Section 1777.5.
(9) Comply with those requirements as specified in Labor Code Sections 1810 and 1813.
(10) Comply with other requirements imposed by law.

APPRENTICE TRAINING
SEE LABOR CODE SECTION 1777.5 (e)
(e) Prior to commencing work on a contract for public works, every contractor shall submit contract award information to an applicable apprenticeship program that can supply apprentices to the site of the public work. The information submitted shall include an estimate of journeyman hours to be performed under the contract, the number of apprentices proposed to be employed, and the approximate dates the apprentices would be employed. A copy of this information shall also be submitted to the awarding body if requested by the awarding body. 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 programs shall retain this information for 12 months.

APPRENTICE TRAINING CONTRIBUTION REQUIREMENTS
SEE CALIFORNIA CODE OF REGULATIONS:
TITLE 8, ARTICLE 4,
16200(G***)*** **Wage rates, training contributions and apprenticeship contributions.**

Apprenticeship rates shall be determined by the Director of Industrial Relations using apprentice wage standards set forth in the collective bargaining agreement and/or approved by the California Apprenticeship Council. A contractor or subcontractor on a public works contract must pay training fund contributions or apprenticeship contributions in one of the following manners:

1. into the appropriate craft apprenticeship program in the area of the site of the public work; or
2. (if the trust fund is unable to accept such contributions) an equivalent amount shall be paid to the California Apprenticeship Council (CAC) administered by DAS.
3. If neither of the above will accept the funds, cash pay shall be as provided for in ccr's section 16200(a)(3)(I).

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 10, SECTION 230.2

§230.2. **Payment of Apprenticeship Training Contributions to the Council.**

(a) Contractors who are neither required nor wish to make apprenticeship training contributions to the applicable local training trust fund shall make their training contributions to the Council. Contractors may refer to the Director of the Department of Industrial Relations applicable prevailing wage determination for the amount owed for each hour of work performed by journeymen and apprentices in each apprenticeable occupation.

(b) Training contributions to the Council are due and payable on the 15th day of each month for work performed during the preceding month.

(c) Training contributions to the Council shall be paid by check and shall be accompanied by a completed CAC-2 Form, Training Fund Contributions, (Rev. 10/91), or the following information:

(1) The name, address, and telephone number of the contractor making the contribution.

(2) The contractor's license number.

(3) The name and address of the public agency that awarded the contract.

(4) The jobsite location, including the county where the work was performed.

(5) The contract or project number.

(6) The time period covered by the enclosed contributions.

(7) The contribution rate and total hours worked by apprenticeable occupation.

CERTIFYING PERSON

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8,GROUP 3, ARTICLE 1,16000 DEFINITIONS.

A person with the authority to affirm under penalty of perjury that the records provided, depict truly, fully and correctly the type of work performed, the hours worked, days worked and amounts paid.

CHANGES TO PREVAILING RATE AFTER AWARD

SEE LABOR CODE SECTION: 1773.6

No effect once the contract notice to bidders is published.

1773.6. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall make such change available to the awarding body and his determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published. *Exceptions; classifications marked as a double asterisks.*

CREDITS, FOR FRINGE BENEFIT PAYMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP 3, ARTICLE 4,

16200(i) Credit Available For Actual Payment of Fringe Benefit Costs up to the Prevailing Amount. The contractor obligated to pay the full prevailing rate of per diem wages may take credit for amounts up to the total of all fringe benefit amounts listed as prevailing in the appropriate wage determination. This credit may be taken only as to amounts, which are actual payments under Employer Payments Section 16000(1)-(3). In the event the total of Employer Payments by a contractor for the fringe benefits listed as prevailing is less than the aggregate amount set out as prevailing in the wage determination, the contractor must pay the difference directly to the employee. No amount of credit for payments over the aggregate amount of employer payments shall be taken nor shall any credit decrease the amount of direct payment of hourly wages of those amounts found to be prevailing for straight time or overtime wages.

And memo from the division of industrial relations dated 11-15-90.

THE RULE:

The contractor can pay amounts for individual benefits different than the state shows in the wage reports so long as it is not more than the total amount permitted for all benefits. Any contractor paid amount less than the total benefit requirements listed in the state wage reports must be paid to the employee.

EMPLOYEES SUBJECT TO PREVAILING WAGES

SEE LABOR CODE SECTION 1771, 1772 & 1776

City of San Diego General Conditions require all workers on the project shall be paid the wage of the trade they are most closely related to. This includes: anyone on site and off site even at remote manufacturing facilities.

1771. Except for public works projects of one thousand dollars ($1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

1772. Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.

1776. (a) Each contractor and subcontractor shall keep an accurate payroll record, showing the name, address, social security number, work classification, and straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work.

EMPLOYER PAYMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000 DEFINITIONS

(1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program for the benefit of employees, their families and dependents, or retirees;

(2) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to employees, their families and dependents or to retirees pursuant to an enforceable commitment or agreement to carry out a financially responsible plan or program which was communicated in writing to the workers affected; and

(3) The rate of contribution irrevocably made by the contractor or subcontractor for apprenticeship or other training programs authorized by Section 3071 and/or 3093 of the Labor Code.

FRINGE BENEFIT PAYMENT REQUIREMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP 3, ARTICLE 1, 16000 DEFINITIONS

All fringe benefits must be irrevocably paid to an authorized fund or to the employee. No unpaid amounts are allowed.

FRINGE BENEFITS INCLUDE

CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS

3) The prevailing rate of employer payments for any or all programs or benefits for employees, their families and dependents, and retirees which are of the types enumerated below:

(A) medical and hospital care, prescription drugs, dental care, vision care, diagnostic services, and other health and welfare benefits;

(B) retirement plan benefits;

(C) vacations and holidays with pay, or cash payments in lieu thereof;

(D) compensation for injuries or illnesses resulting from occupational activity;

(E) life, accidental death and dismemberment, and disability or sickness and accident insurance;

(F) supplemental unemployment benefits;

(G) thrift, security savings, supplemental trust, and beneficial trust funds otherwise designated, provided all of the money except that used for reasonable administrative expenses is returned to the employees;

(H) occupational health and safety research, safety training, monitoring job hazards, and the like, as specified in the applicable collective bargaining agreement;

(I) See definition of “Employer Payments,” (3).

(J) other bonafide benefits for employees, their families and dependents, or retirees as the Director may determine; and

(4) travel time and subsistence pay as provided for in Labor Code Section 1773.8.

FRINGE BENEFITS DO NOT INCLUDE

CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS

(b) The term “general prevailing rate of per diem wages”

does not include any employer payments for:

(1) Job related expenses other than travel time and subsistence pay;

(2) Contract administration, operation of hiring halls, grievance processing, or similar purposes except for those amounts specifically earmarked and actually used for administration of those types of employee or retiree benefit plans enumerated above;

(3) Union, organizational, professional or other dues except as they may be included in and withheld from the basic taxable hourly wage rate;

(4) Industry or trade promotion;

(5) Political contributions or activities;

(6) Any benefit for employees, their families and dependents, or retirees including any benefit enumerated above where the contractor or

subcontractor is required by Federal, State, or local law to provide such benefit; or
(7) Such other payments as the Director may determine to exclude. Interested Party. When used with reference to a particular prevailing wage determination made by the Director, includes:

PAYROLL RECORDS INCLUDE
CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS
All time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project.

PERSONS REQUIRED TO RECEIVE PREVAILING WAGES
SEE LABOR CODE SECTIONS:
1771**……**, shall be paid to all workers employed on public works.
1774. The contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract.
City of San Diego General Conditions require all workers not in a prevailing wage classification to be paid the wage most closely related to the craft or trade they are involved with.

WITHHOLDING PAYMENTS, JUSTIFICATION
SEE LABOR CODE SECTION: 1727 & 1771.5(b),(5)
SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 5, SECTION
16435(a) "Withhold" means to cease payments by the awarding body, or others who pay on its behalf, or agents, to the general contractor. Where the violation is by a subcontractor, the general contractor shall be notified of the nature of the violation and reference made to its rights under Labor Code Section 1729.
(b) "Contracts." Except as otherwise provided by agreement, only contracts under a single master contract, or contracts entered into as stages of a single project, may be the subject of withholding.
(c) "Delinquent payroll records" means those not submitted on the date set in the contract.
(d) "Inadequate payroll records" are any one of the following:
(1) A record lacking the information required by Labor Code Section 1776;
(2) A record which contains the required information but not certified, or certified by someone not an agent of the contractor or subcontractor;
(3) A record remaining uncorrected for one payroll period, after the awarding body has given the contractor notice of inaccuracies detected by audit or record review. Provided, however, that prompt correction will stop any duty to withhold if such inaccuracies do not amount to 1 percent of the entire Certified Weekly Payroll in dollar value and do not affect more than half the persons listed as workers employed on that Certified Weekly Payroll, as defined in Labor Code Section 1776 and Title 8 CCR Section 16401.
(e) The withholding of contract payments when payroll records are delinquent or inadequate is required by Labor Code Section 1771.5 (b)(5), and it does not require the prior approval of the Labor Commissioner. The Awarding Body shall only withhold those payments due or estimated to be due to the contractor or subcontractor whose payroll records are delinquent or inadequate, plus any additional amount that the Labor Compliance Program has reasonable cause to believe may be needed to cover a back wage and penalty assessment against the contractor or subcontractor whose payroll records are delinquent or inadequate; provided that a contractor shall be required in turn to cease all payments to a subcontractor whose payroll records are delinquent or inadequate until the Labor Compliance program provides notice that the subcontractor has cured the delinquency or deficiency.
(f) When contract payments are withheld under this section, the Labor Compliance Program shall provide the contractor and subcontractor, if applicable, with immediate written notice that includes all of the following:
(1) a statement that payments are being withheld due to delinquent or inadequate payroll records, and that identifies what records are missing or states why records that have been submitted are deemed inadequate;
(2) specifies the amount being withheld; and
(3) informs the contractor or subcontractor of the right to request an expedited hearing to review the withholding of contract payments under Labor Code Section 1742, limited to the issue of whether the records are delinquent or inadequate or the Labor Compliance Program has exceeded its authority under this section.
(g) No contract payments shall be withheld solely on the basis of delinquent or inadequate payroll records after the required records have been produced.
(h) In addition to withholding contract payments based on delinquent or inadequate payroll records,

penalties shall be assessed under Labor Code Section 1776(g) for failure to timely comply with a written request for certified payroll records. The assessment of penalties under Labor Code Section 1776(g) does require the prior approval of the Labor Commissioner under section 16436 of these regulations.

DIRECTOR OF INDUSTRIAL RELATIONS PRECEDENTIAL DECISIONS WHICH REQUIRE PREVAILING WAGES:

Decision 92-036: stands for the payment of out of state workers if they are working on California "Public Works"

Decision 93-019: stands for the payment of truck drivers removing, delivering or relocating material on a "Public Works"

Decision 94-017: stands for the payment of waste processors off site if the waste is exclusively from a "Public Works"

COURT DECISIONS:

Standard Traffic Services v. Department of Transportation (case 132667) Shasta: partners are due prevailing wages if working on a "Public Works"

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
28 CIVIC CENTER PLAZA, ROOM 525
SANTA ANA, CA 92701

TO ALL PUBLIC WORKS CONTRACTORS

Congratulations on having been awarded a public works project.

The Division of Apprenticeship Standards wishes to bring to your attention your responsibilities under California Labor Code Section 1777.5 Apprentices on Public Works. (Excerpts from California Labor Code relating to apprentices on public works. DAS-10 is attached).

Compliance with California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

- Submit contract award information within ten (10) days of contract award, to the applicable Joint Apprenticeship Committee, which shall include an estimate of Journeymen hours to be performed under the contract, the number of apprentices to be employed, and the approximate dates the apprentices will be employed. This information may be submitted on the attached form. DAS 140.

- Employ apprentices on the public work in a ratio to journeymen of no less than one hour of apprentices work for every five hours of labor performed by a journeyman.

- Pay the apprentice rate on public works projects only to those apprentices who are registered as defined in Labor Code Section 3077.

- Contribute to the training fund in the amount identified in the Prevailing Wage Rate publication for journeymen and apprentices. Contractors who choose not to contribute to the local training trust fund must make their contribution to the California Apprenticeship Council (CAC) at P.O. Box 420603, San Francisco, CA 94142.

- Training fund contributions to the CAC are due and payable on the 15th day of each month for work performed during the preceding month.

- Training fund contributions to the CAC shall be paid by check and shall be accompanied by a completed form CAC-2 (attached).

Failure to comply with the provisions of the Labor Code Section 1777.5 may result in the loss of the right to bid on all public works projects for a period of one to three years and the imposition of a civil penalty of $100.00 for each calendar day of noncompliance. Contractors should provide a copy of this material to each subcontractor.

If the Division of Apprenticeship Standards can be of assistance to you, please contact our Headquarters at (415) 703-4920 or San Diego office at (619) 767-2045..

Division of Apprenticeship Standards

APPRENTICES ON PUBLIC WORKS

SUMMARY OF REQUIREMENTS

Compliance with California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

- Submit contract award information to the applicable joint apprenticeship committee, including an estimate of the journeyman hours to be performed under the contract, the number of apprentices to be employed, and the approximate dates the apprentices will be employed.

- The contract award information shall be in writing, and shall be provided to the applicable apprenticeship committee within 10 days of the date of the agreement or contract award, but in no event later than the first day in which the contractor has workers employed upon the public work. [California Code of Regulations, Title 8, Section 230.]

- Employ apprentices on the public work in a ratio to journeymen of no less than one hour of apprentice work for every five hours of labor performed by a journeyman.

- Contribute to the training fund in the amount identified in the Prevailing Wage Rate publication for journeymen and apprentices. Contractors who choose not to contribute to the local training trust fund must make their contributions to the California Apprenticeship Council, P.O. Box 420603, San Francisco, CA 94142. Training contributions to the Council are due and payable on the 15th of the month for work performed during the preceding month.

- Training contributions to the Council shall be paid by check and shall be accompanied by a completed CAC2 form, Training Fund Contributions, or the following information [California Code of Regulations, Title 8, Section 230.2 c]:

  1. The name, address and phone number of the contractor making the contribution.
  2. The contractor's license number.
  3. The name and address of the public agency that awarded the contract.
  4. The jobsite location, including the county where the work was performed.
  5. The contract or project number.
  6. The time period covered by the enclosed contributions.
  7. The contribution rate and total hours worked by the apprenticable occupation(s).

- Pay the apprentice rate on public works projects only to those apprentices who are registered, as defined in Labor Code Section 3077:

  Sec. 3077. The term "apprentice" as used in this chapter, means a person at least 16 years of age who has entered into a written agreement, in this chapter called an "apprentice agreement", with an employer or program sponsor. The term of apprenticeship for each apprenticeable occupation shall be approved by the chief, and in no case shall provide for no less than 2,000 hours or reasonably continuous employment for such person for his or her participation in an approved program of training through employment and through education in related and supplemental subjects.

EXCERPTS FROM THE CALIFORNIA LABOR CODE RELATING TO APPRENTICES ON PUBLIC WORKS

Chapter 1 of Division 2
APPRENTICES ON PUBLIC WORKS

1773.3. An awarding agency whose public works contract falls within the jurisdiction of Section 1777.5 shall, within five days of the award, send a copy of the award to the Division of Apprenticeship Standards. When specifically requested by a local joint apprenticeship committee, the division shall notify the local joint apprenticeship committee regarding all such awards applicable to the joint apprenticeship committee making the request. Within five days of a finding of any discrepancy regarding the ratio of apprentices to journeymen, pursuant to the certificated fixed number of apprentices to journeymen, the awarding agency shall notify the Division of Apprenticeship Standards.

1773.5. The Director of Industrial Relations may establish rules and regulations for the purpose of carrying out this chapter, including, but not limited to, the responsibilities and duties of awarding bodies under this chapter.

1776. (a) Each contractor and subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

(1) The information contained in the payroll record is true and correct.

(2) The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any work performed by his or her employees on the public works project.

(b) The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours at the principal office of the contractor on the following basis:

(1) A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or his or her authorized representative on request.

(2) 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, the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations.

(3) A certified copy of all payroll records enumerated in subdivision (a) shall be made available upon request by the public for inspection or for copies thereof. However, a request by the public shall be made through either the body awarding the contract, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement. If the requested payroll records have not been provided pursuant to paragraph (2), the requesting party shall, prior to being provided the records, reimburse the costs of preparation by the contractor, subcontractors, and the entity through which the request was made. The public may not be given access to the records at the principal office of the contractor.

(c) The certified payroll records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information as the forms provided by the division. The payroll records may consist of printouts of payroll data that are maintained as computer records, if the printouts contain the same information as the forms provided by the division and the printouts are verified in the manner specified in subdivision (a).

(d) A contractor or subcontractor shall file a certified copy of the records enumerated in subdivision (a) with the entity that requested the records within 10 days after receipt of a written request.

(e) Except as provided in subdivision (f), any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by the awarding body, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement shall be marked or obliterated to prevent disclosure of an individual's name, address, and social security number. The name and address of the contractor awarded the contract or the subcontractor performing the contract shall not be marked or obliterated. Any copy of records made available for inspection by, or furnished to, a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall be marked or obliterated only to prevent disclosure of an individual's name and social security number. A joint labor management committee may maintain an action in a court of competent jurisdiction against an employer who fails to comply with Section 1774. The court may award restitution to an employee for unpaid wages and may award the joint labor management committee reasonable attorney's fees and costs incurred in maintaining the action. An action under this subdivision may not be based on the employer's misclassification of the craft of a worker on its certified payroll records. Nothing in this subdivision limits any other available remedies for a violation of this chapter.

(f) (1) Notwithstanding any other provision of law, agencies that are included in the Joint Enforcement Strike Force on the Underground Economy established pursuant to Section 329 of the Unemployment Insurance Code and other law enforcement agencies investigating violations of law shall, upon request, be provided nonredacted copies of certified payroll records. Any copies of records or certified payroll made available for inspection and furnished upon request to the public by an agency included in the Joint Enforcement Strike Force on the Underground Economy or to a law enforcement agency investigating a violation of law shall be marked or redacted to prevent disclosure of an individual's name, address, and social security number.

(2) An employer shall not be liable for damages in a civil action for any reasonable act or omission taken in good faith in compliance with this subdivision.

(g) The contractor shall inform the body awarding the contract of the location of the records enumerated under subdivision (a), including the street address, city, and county, and shall, within five working days, provide a notice of a change of location and address.

(h) 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. Upon the request of the Division of Apprenticeship Standards or the Division of Labor Standards Enforcement, these penalties shall be withheld from progress payments then due. A contractor is not

subject to a penalty assessment pursuant to this section due to the failure of a subcontractor to comply with this section.

(i) The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section.

(j) The director shall adopt rules consistent with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code) governing the release of these records, including the establishment of reasonable fees to be charged for reproducing copies of records required by this section.

1777.5. (a) Nothing in this chapter shall prevent the employment of properly registered apprentices upon public works.

(b) Every apprentice employed upon public works shall be paid the prevailing rate of per diem wages for apprentices in the trade to which he or she is registered and shall be employed only at the work of the craft or trade to which he or she is registered.

(c) Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards that have been approved by the Chief of the Division of Apprenticeship Standards and who are parties to written apprentice agreements under Chapter 4 (commencing with Section 3070) of Division 3 are eligible to be employed at the apprentice wage rate on public works. The employment and training of each apprentice shall be in accordance with either of the following:

(1) The apprenticeship standards and apprentice agreements under which he or she is training.

(2) The rules and regulations of the California Apprenticeship Council.

(d) When the contractor to whom the contract is awarded by the state or any political subdivision, in performing any of the work under the contract, employs workers in any apprenticeable craft or trade, the contractor shall employ apprentices in at least the ratio set forth in this section and may apply to any apprenticeship program in the craft or trade that can provide apprentices to the site of the public work for a certificate approving the contractor under the apprenticeship standards for the employment and training of apprentices in the area or industry affected. However, the decision of the apprenticeship program to approve or deny a certificate shall be subject to review by the Administrator of Apprenticeship. The apprenticeship program or programs, upon approving the contractor, shall arrange for the dispatch of apprentices to the contractor. A contractor covered by an apprenticeship program's standards shall not be required to submit any additional application in order to include additional public works contracts under that program. "Apprenticeable craft or trade," as used in this section, means a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the California Apprenticeship Council. As used in this section, "contractor" includes any subcontractor under a contractor who performs any public works not excluded by subdivision (o).

(e) Prior to commencing work on a contract for public works, every contractor shall submit contract award information to an applicable apprenticeship program that can supply apprentices to the site of the public work. The information submitted shall include an estimate of journeyman hours to be performed under the contract, the number of apprentices proposed to be employed, and the

approximate dates the apprentices would be employed. A copy of this information shall also be submitted to the awarding body if requested by the awarding body. 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 programs shall retain this information for 12 months.

(f) The apprenticeship program that can supply apprentices to the area of the site of the public work shall ensure equal employment and affirmative action in apprenticeship for women and minorities.

(g) The ratio of work performed by apprentices to journeymen employed in a particular craft or trade on the public work may be no higher than the ratio stipulated in the apprenticeship standards under which the apprenticeship program operates where the contractor agrees to be bound by those standards, but, except as otherwise provided in this section, in no case shall the ratio be less than one hour of apprentice work for every five hours of journeyman work.

(h) This ratio of apprentice work to journeyman work shall apply during any day or portion of a day when any journeyman is employed at the jobsite and shall be computed on the basis of the hours worked during the day by journeymen so employed. Any work performed by a journeyman in excess of eight hours per day or 40 hours per week shall not be used to calculate the ratio. The contractor shall employ apprentices for the number of hours computed as above before the end of the contract or, in the case of a subcontractor, before the end of the subcontract. However, the contractor shall endeavor, to the greatest extent possible, to employ apprentices during the same time period that the journeymen in the same craft or trade are employed at the jobsite. Where an hourly apprenticeship ratio is not feasible for a particular craft or trade, the Chief of the Division of Apprenticeship Standards, upon application of an apprenticeship program, may order a minimum ratio of not less than one apprentice for each five journeymen in a craft or trade classification.

(i) A contractor covered by this section that has agreed to be covered by an apprenticeship program's standards upon the issuance of the approval certificate, or that has been previously approved for an apprenticeship program in the craft or trade, shall employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the applicable apprenticeship standards, but in no event less than the 1-to-5 ratio required by subdivision (g).

(j) Upon proper showing by a contractor that he or she employs apprentices in a particular craft or trade in the state on all of his or her contracts on an annual average of not less than one hour of apprentice work for every five hours of labor performed by journeymen, the Chief of the Division of Apprenticeship Standards may grant a certificate exempting the contractor from the 1-to-5 hourly ratio, as set forth in this section for that craft or trade.

(k) An apprenticeship program has the discretion to grant to a participating contractor or contractor association a certificate, which shall be subject to the approval of the Administrator of Apprenticeship, exempting the contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(1) Unemployment for the previous three-month period in the area exceeds an average of 15 percent.

(2) The number of apprentices in training in the area exceeds a ratio of 1 to 5.

(3) There is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either on a statewide basis or on a local basis.

(4) Assignment of an apprentice to any work performed under a public works contract would create a condition that would jeopardize his or her life or the life, safety, or property of fellow employees or the public at large, or the specific task to which the apprentice is to be assigned is of a nature that training cannot be provided by a journeyman.

(l) When an exemption is granted pursuant to subdivision (k) to an organization that represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis, the member contractors shall not be required to submit individual applications for approval to local joint apprenticeship committees, if they are already covered by the local apprenticeship standards.

(m) (1) A contractor to whom a contract is awarded, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade shall contribute to the California Apprenticeship Council the same amount that the director determines is the prevailing amount of apprenticeship training contributions in the area of the public works site. A contractor may take as a credit for payments to the council any amounts paid by the contractor to an approved apprenticeship program that can supply apprentices to the site of the public works project. The contractor may add the amount of the contributions in computing his or her bid for the contract.

(2) At the conclusion of the 2002-03 fiscal year and each fiscal year thereafter, the California Apprenticeship Council shall distribute training contributions received by the council under this subdivision, less the expenses of the Division of Apprenticeship Standards for administering this subdivision, by making grants to approved apprenticeship programs for the purpose of training apprentices. The funds shall be distributed as follows:

(A) If there is an approved multiemployer apprenticeship program serving the same craft or trade and geographic area for which the training contributions were made to the council, a grant to that program shall be made.

(B) If there are two or more approved multiemployer apprenticeship programs serving the same craft or trade and geographic area for which the training contributions were made to the council, the grant shall be divided among those programs based on the number of apprentices registered in each program.

(C) All training contributions not distributed under subparagraphs (A) and (B) shall be used to defray the future expenses of the Division of Apprenticeship Standards.

(3) All training contributions received pursuant to this subdivision shall be deposited in the Apprenticeship Training Contribution Fund, which is hereby created in the State Treasury. Upon appropriation by the Legislature, all money in the Apprenticeship Training Contribution Fund shall be used for the purpose of carrying out this subdivision and to pay the expenses of the Division of Apprenticeship Standards.

(n) The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. The stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

(o) This section does not apply to contracts of general contractors or to contracts of specialty contractors not bidding for work through a general or prime contractor when the contracts of general contractors or those specialty contractors involve less than thirty thousand dollars ($30,000).

(p) All decisions of an apprenticeship program under this section are subject to Section 3081. 1777.6. An employer or a labor union shall not refuse to accept otherwise qualified employees as registered apprentices on any public works on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as provided in Section 3077 of this code and Section 12940 of the Government Code.

1777.7. (a) (1) A contractor or subcontractor that is determined by the Chief of the Division of Apprenticeship Standards to have knowingly violated Section 1777.5 shall forfeit as a civil penalty an amount not exceeding one hundred dollars ($100) for each full calendar day of noncompliance. The amount of this penalty may be reduced by the Chief if the amount of the penalty would be disproportionate to the severity of the violation. A contractor or subcontractor that knowingly commits a second or subsequent violation of Section 1777.5 within a three-year period, where the noncompliance results in apprenticeship training not being provided as required by this chapter, shall forfeit as a civil penalty the sum of not more than three hundred dollars ($300) for each full calendar day of noncompliance. Notwithstanding Section 1727, upon receipt of a determination that a civil penalty has been imposed by the Chief, the awarding body shall withhold the amount of the civil penalty from contract progress payments then due or to become due.

(2) In lieu of the penalty provided for in this subdivision, the Chief may, for a first-time violation and with the concurrence of an apprenticeship program described in subdivision (d), order the contractor or subcontractor to provide apprentice employment equivalent to the work hours that would have been provided for apprentices during the period of noncompliance.

(b) In the event a contractor or subcontractor is determined by the Chief to have knowingly committed a serious violation of any provision of Section 1777.5, the Chief may also deny to the contractor or subcontractor, and to its responsible officers, the right to bid on or be awarded or perform work as a subcontractor on any public works contract for a period of up to one year for the first violation and for a period of up to three years for a second or subsequent violation. Each period of debarment shall run from the date the determination of noncompliance by the Chief becomes a final order of the Administrator of Apprenticeship.

(c) (1) An affected contractor, subcontractor, or responsible officer may obtain a review of the determination of the Chief imposing the debarment or civil penalty by transmitting a written request to the office of the Administrator within 30 days after service of the determination of debarment or civil penalty. A copy of this report shall also be served on the Chief. If the Administrator does not receive a timely request for review of the determination of debarment or civil penalty made by the Chief, the order shall become the final order of the Administrator.

(2) Within 20 days of the timely receipt of a request for review, the Chief shall provide the contractor, subcontractor, or responsible officer the opportunity to review any evidence the

Chief may offer at the hearing. The Chief shall also promptly disclose any nonprivileged documents obtained after the 20-day time limit at a time set forth for exchange of evidence by the Administrator.

(3) Within 90 days of the timely receipt of a request for review, a hearing shall be commenced before the Administrator or an impartial hearing officer designated by the Administrator and possessing the qualifications of an administrative law judge pursuant to subdivision (b) of Section 11502 of the Government Code. The affected contractor, subcontractor, or responsible officer shall have the burden of providing evidence of compliance with Section 1777.5.

(4) Within 45 days of the conclusion of the hearing, the Administrator shall issue a written decision affirming, modifying, or dismissing the determination of debarment or civil penalty. The decision shall contain a statement of the factual and legal basis for the decision and an order. This decision shall be served on all parties and the awarding body pursuant to Section 1013 of the Code of Civil Procedure by first-class mail at the last known address of the party that the party has filed with the Administrator. Within 15 days of issuance of the decision, the Administrator may reconsider or modify the decision to correct an error, except that a clerical error may be corrected at any time.

(5) An affected contractor, subcontractor, or responsible officer who has timely requested review and obtained a decision under paragraph (4) may obtain review of the decision of the Administrator by filing a petition for a writ of mandate to the appropriate superior court pursuant to Section 1094.5 of the Code of Civil Procedure within 45 days after service of the final decision. If no timely petition for a writ of mandate is filed, the decision shall become the final order of the Administrator. The decision of the Administrator shall be affirmed unless the petitioner shows that the Administrator abused his or her discretion. If the petitioner claims that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in light of the entire record.

(6) The Chief may certify a copy of the final order of the Administrator and file it with the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the state against the person assessed in the amount shown on the certified order. A judgment entered pursuant to this section shall bear the same rate of interest and shall have the same effect as other judgments and be given the same preference allowed by the law on other judgments rendered for claims for taxes. The clerk shall not charge for the service performed by him or her pursuant to this section. An awarding body that has withheld funds in response to a determination by the Chief imposing a penalty under this section shall, upon receipt of a certified copy of a final order of the Administrator, promptly transmit the withheld funds, up to the amount of the certified order, to the Administrator.

(d) If a subcontractor is found to have violated Section 1777.5, the prime contractor of the project is not liable for any penalties under subdivision (a), unless the prime contractor had knowledge of the subcontractor's failure to comply with the provisions of Section 1777.5 or unless the prime contractor fails to comply with any of the following requirements:

(1) The contract executed between the contractor and the subcontractor or the performance of work on the public works project shall include a copy of the provisions of Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.

(2) The contractor shall continually monitor a subcontractor's use of apprentices required to be employed on the public works project pursuant to subdivision (d) of Section 1777.5, including, but not limited to, periodic review of the certified payroll of the subcontractor.

(3) Upon becoming aware of a failure of the subcontractor to employ the required number of apprentices, the contractor shall take corrective action, including, but not limited to, retaining funds due the subcontractor for work performed on the public works project until the failure is corrected.

(4) Prior to making the final payment to the subcontractor for work performed on the public works project, the contractor shall obtain a declaration signed under penalty of perjury from the subcontractor that the subcontractor has employed the required number of apprentices on the public works project.

(e) Any funds withheld by the awarding body pursuant to this section shall be deposited in the General Fund if the awarding body is a state entity, or in the equivalent fund of an awarding body if the awarding body is an entity other than the state.

(f) The Chief shall consider, in setting the amount of a monetary penalty, in determining whether a violation is serious, and in determining whether and for how long a party should be debarred for violating this section, all of the following circumstances:

(1) Whether the violation was intentional.

(2) Whether the party has committed other violations of Section 1777.5.

(3) Whether, upon notice of the violation, the party took steps to voluntarily remedy the violation.

(4) Whether, and to what extent, the violation resulted in lost training opportunities for apprentices.

(5) Whether, and to what extent, the violation otherwise harmed apprentices or apprenticeship programs. If a party seeks review of a decision by the Chief to impose a monetary penalty or period of debarment, the Administrator shall decide de novo the appropriate penalty, by considering the same factors set forth above.

(g) The interpretation of Section 1777.5 and this section shall be in accordance with the regulations of the California Apprenticeship Council. The Administrator may adopt regulations to establish guidelines for the imposition of monetary penalties and periods of debarment and may designate precedential decisions under Section 11425.60 of the Government Code.

NOTE: THE ABOVE CALIFORNIA LABOR CODE SECTIONS ARE AVAILABLE FROM THE INTERNET @ www.dir.ca.gov/.

DAS 10 (Rev. 02-12)

Employment of Apprentices

The contractor shall abide by the requirements of Sections 1777.5, 1777.6, and 1777.7 of the State of California Labor Code concerning the employment of apprentices by a Contractor and any Subcontractor performing a public works contract.

Apprenticeable Crafts for San Diego County

Asbestos Worker, Hear and Frost Insulator
Boilermaker-Blacksmith
Bricklayer, Stonemason
Bricktender
Building Construction Inspector
Carpenter
Carpet, Linoleum and Resilient Floor Layer
Cement Mason
Chainman/Rodman
Chief of Party
Drywall Installer/Lather (Carpenter)
Electrical Utility Lineman
Electrician, Inside Wireman
Elevator Constructor
Field Surveyor Chainman/Rodman
Finisher
Glazier
Iron Worker
Laborer
Landscape/Irrigation Fitter
Marble Finisher
Millwright
Operating Engineer
Painter Drywall
Parking and Highway Improvement (Striper-Laborer)
Pile Driver (Carpenter)
Pile Driver (Operating Engineer)
Plaster Tender
Plasterer
Plumber, Pipefitter
Roofer
Sheet Metal Worker
Sound & Signal Technician
Sprinkler Fitter (Fire Protection/Fire Control System)
Stator Rewinder
Terrazzo Finisher
Terrazzo Worker
Tile Finisher
Tile Setter

Approved Apprenticeship Programs

Associated General Contractors
6212-B Ferris Square
San Diego, CA 92121
(858) 558-0739

Associated Builders & Contractors
13825 Kirkham Way
Poway, CA 92064
(858) 513-4700

Innercity Community UAC
6125 Imperial Avenue
San Diego, CA 92114
(619) 263-9791

California Apprenticeship Council (CAC)
P.O. Box 420603
San Francisco, CA 94142
(415) 703-1128

Western Electrical Contractors Association (WECA-IEC)
3695 Bleckely Street, Rancho
Cordova, CA 95655San Diego, CA 92123
(916) 453-0112

****If using any of the listed crafts you will be required to request an apprentice OR pay into the apprenticeable craft training program.**

List of Trades/Crafts
Contractor Subcontractor Contact

As the awarded contractor, you are required to submit to the City's Equal Opportunity Contracting Program:

1) List of crafts and/or trades for work to be performed by your firm and each subcontractor, vendor or supplier.

2) The name, contact person, business address, telephone and fax number (including area code), and e-mail address for the prime contractor, each subcontractor, vendor or supplier along with the specific dollar amount of each subcontract. If different from the specified business address, provide address and telephone number of the facility where payroll records are located and maintained.

NOTE: You must list all subcontractors, vendors, and suppliers, regardless of dollar amount. Submit the item(s) with the initial submission of required documentation.

Project Title/Bid Number: _____

PRIME CONTRACTOR:	*Telephone:*	*Fax:*
Address:	*Anticipated Start Date:*	
Contact Person:	Email:	

LIST OF TRADES AND/OR CRAFTS

TRADE/CRAFT	CLASSIFICATION	DETERMINATION NUMBER

Subcontractor/Supplier/Vender Name:	*Telephone:*	*Fax:*
Address:	*Anticipated Start Date:*	
Contact Person:	Email:	

LIST OF TRADES AND/OR CRAFTS

TRADE/CRAFT	CLASSIFICATION	DETERMINATION NUMBER

List of Trades/Crafts
Contractor Subcontractor Contact

Subcontractor/Supplier/Vender Name:	*Telephone:*	*Fax:*
Address:	*Anticipated Start Date:*	
Contact Person:	Email:	

LIST OF TRADES AND/OR CRAFTS

TRADE/CRAFT	CLASSIFICATION	DETERMINATION NUMBER

Subcontractor/Supplier/Vender Name:	*Telephone:*	*Fax:*
Address:	*Anticipated Start Date:*	
Contact Person:	Email:	

LIST OF TRADES AND/OR CRAFTS

TRADE/CRAFT	CLASSIFICATION	DETERMINATION NUMBER

Subcontractor/Supplier/Vender Name:	*Telephone:*	*Fax:*
Address:	*Anticipated Start Date:*	
Contact Person:	Email:	

LIST OF TRADES AND/OR CRAFTS

TRADE/CRAFT	CLASSIFICATION	DETERMINATION NUMBER

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 AWARDING CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED

This is not a request for dispatch of apprentices.

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

Check One Of The Boxes Below

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

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

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

Signature _____ *Date* _____

Typed Name _____

Title _____

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

DAS 140 (REV. 1/04)

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/DAS/PublicWorksForms.htm 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 journeyman work, you must request and employ apprentices in no less than 8 hour increments.**

Date:

To Applicable Apprenticeship Committee:

Name:_____

Address:_____

_____

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

Contractor Requesting Dispatch:

Name: _____

Address: _____

_____

License No. _____

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

Project Information:

Contract No. _____

Name of the Project:_____

Address:_____

Dispatch Request Information:

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

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

Name of Person to Report to: _____

Address to Report to: _____

_____

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

DAS 142 (Revised 12/11)

RESET PRINT CLEAR

State of California
Department of Industrial Relations
California Apprenticeship Council
P.O. Box 101325
Pasadena, CA 91189-0005

TRAINING FUND CONTRIBUTIONS

Please use a separate form for each jobsite, listing the occupations for the jobsite. One check payable to the California Apprenticeship Council may be submitted for all jobsites and/or occupations. Training fund contributions are not accepted by the California Apprenticeship Council for federal public works projects, unless the project is administered by a public agency or for non- apprenticeable occupations such as utility technicians, lead abatement worker, etc.

California Apprenticeship Council

****Training Fund Contributions are due on the 15th of each month****

PLEASE TYPE OR PRINT IN BLACK OR BLUE INK. ALL FIELDS MUST BE FILLED IN TO ENSURE SUCCESSFUL SUBMISSION AND PROCESS OF PAYMENT.

NAME AND ADDRESS OF CONTRACTOR/SUB CONTRACTOR MAKING CONTRIBUTION	CONTRACTOR'S LICENSE NUMBER
	CONTRACT OR PROJECT NUMBER
NAME AND ADDRESS OF PUBLIC AGENCY AWARDING CONTRACT	JOBSITE LOCATION (INCLUDE COUNTY) IF APPLICABLE - GIVE NAME OF SCHOOL, HOSPITAL, BUILDING, etc.
	PERIOD COVERED BY CONTRIBUTION (FROM - TO)

CLASSIFICATIONS OF WORKERS (CARPENTER, PLUMBER, ELECTRICIAN, ETC).	COUNTY WORK PERFORMED IN	ALL HOURS	CONTRIBUTION RATE PER HOUR	AMOUNT
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
			TOTAL	$ 0.00

IF APPRENTICES WERE EMPLOYED, PLEASE LIST THE APPRENTICESHIP PROGRAM AND NUMBER OF APPRENTICE HOURS WORKED	
TYPE OR PRINT YOUR NAME AND TITLE	DATE
EMAIL	AREA CODE & TELEPHONE NUMBER

FRINGE BENEFIT STATEMENT

Contract Bid # and W/O#:	Contract Name and Location:	Today's Date:
Contractor/Subcontractor Name:	Business Address and Telephone:	

In order that the proper Fringe Benefit rates can be verified when checking payrolls on the above contract, the hourly rates for fringe benefits, subsistence and/or travel allowance payment made for employees on the various classes of work are tabulated below.

Classification: Determination Number:	Effective Date: Determination Expires:	Subsistence or Travel Pay: $ _____

FRINGE BENEFITS			
Health & Welfare	$ _____	PAID TO:	Name: _____ Address/Phone:
Pension	$ _____	PAID TO:	Name: _____ Address/Phone:
Vacation/ Holiday	$ _____	PAID TO:	Name: _____ Address/Phone:
Training and/or Other	$ _____	PAID TO:	Name: _____ Address/Phone:

Classification: Determination Number:	Effective Date: Determination Expires:	Subsistence or Travel Pay: $ _____

FRINGE BENEFITS			
Health & Welfare	$ _____	PAID TO:	Name: _____ Address/Phone:
Pension	$ _____	PAID TO:	Name: _____ Address/Phone:
Vacation/ Holiday	$ _____	PAID TO:	Name: _____ Address/Phone:
Training and/or Other	$ _____	PAID TO:	Name: _____ Address/Phone:

Classification: Determination Number:	Effective Date: Determination Expires:	Subsistence or Travel Pay: $ _____

FRINGE BENEFITS			
Health & Welfare	$ _____	PAID TO:	Name: _____ Address/Phone:
Pension	$ _____	PAID TO:	Name: _____ Address/Phone:
Vacation/ Holiday	$ _____	PAID TO:	Name: _____ Address/Phone:
Training and/or Other	$ _____	PAID TO:	Name: _____ Address/Phone:

Revised statements must be submitted during the progress of work should a change in rate of any of the classifications be made.

Submitted By: Name/Title (Please Print)	Signature:

AUTHORIZED SIGNATORY

Project Name: _____

Bid Number: _____

Company: _____

Address: _____

City, State, Zip: _____

Date: _____

Labor Compliance Unit
Equal Opportunity Contracting Program
City of San Diego
1200 Third Avenue, Suite 200
San Diego, CA 92101

This correspondence is to affirm that the person(s) indentified below have the authority under penalty of perjury to so affirm, that the records are originals or are full, true, and correct copies of the original and depict truly, fully and correctly, the craft or type of work performed, hours and days worked, and the amounts by category listed, disbursed by way of cash, check, or in whatever form or manner to each person by job classification and/or skill pursuant to a public works contract. **To affirm signatory authorization, or to delegate signatory authorization, the person identified below must be owners or officers of the company. If delegating signatory authorization, both names must appear and remain current.**

Print Name of Authorized Signatory Owner/Officer	Print Name of Approved Authorized Signatory
Signature of Authorized Signatory	Signature of Authorized Signatory
Title of Authorized Signatory	Title of Authorized Signatory

If authorization changes resubmit form with original signature

AUTHORIZATION FOR PAYROLL DEDUCTION

Project Name: _____

Bid Number: _____

Employee Name: _____

I hereby authorize, _____
(Name of Company)

to deduct the following from my payroll check:

Amount of deduction: _____

Start of deduction: _____

Frequency of deduction: _____

Termination of deduction: _____

Reason(s) for deduction:

_____

_____

_____

_____

_____ _____

Employee's Signature *Date*

Monthly Employment Report

Contractor: _____ Employer I.D. No. _____
Project Title: _____ Work Order No. _____
Reporting Period: From: _____ To: _____ Bid Number _____

Employee List			Employee Address (City, State Zip ONLY)	Female or Male	1 Ethnic Symbol	Craft	2 Employee Source	Number of Hours Worked
	Last Name, First Name, Middle Initial	Last 4 SSN						
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

1 Ethnic Symbol	
Asian, Pacific Islander	AP
Black, African American	BL
White, Caucasian	CA
Filipino	FI
Hispanic, Latino, Mexican American, Puerto Rican	HS
Native American, American Indian, Eskimo	NA
Other Race/Ethnicity Not Listed above	OT

2 Employee Source	
Apprenticeship Program	A
Employment Agency	E
Training Program	T
Union Hiring Hall	U
Other	O

I certify under penalty of perjury that the foregoing information is true and correct:

_____ _____ _____
Authorized Signature *Printed Name/ Title* *Date Prepared*

MONTHLY INVOICING REPORT

Prime Contractor:_____
Construction Project Title:_____
Contact Person and Phone:_____

Reporting Month:_____
Bid Number:_____
Original Contract Amount:_____
Contract Amount to Date:_____

SUBCONTRACTORS / SUPPLIERS (List Names of all Subcontractors / Suppliers)	DBE, DVBE, OBE, MBE, WBE, ELBE, SLBE, WoSB, HUBZone, OR SDVOSB	Actual Start Date	Date of Last Invoice	Dollar Amount Paid This Month	Amount Invoiced to Date	CUMULATIVE AMOUNTS PAID TO DATE		ORIGINAL AMOUNTS LISTED IN BID		Change Order Paid This Month
						Dollar Amount	% of Contract	Dollar Amount	% of Contract	
SUBCONTRACTORS:										
VENDORS/SUPPLIERS:										
TOTAL **DBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **DVBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **MBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **WBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **ELBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **SLBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL **WoSB,** SUBCONTRACTORS / SUPPLIERS										
TOTAL **HUBZone** SUBCONTRACTORS / SUPPLIERS										
TOTAL **SDVOSB** SUBCONTRACTORS / SUPPLIERS										
TOTAL **OBE** SUBCONTRACTORS / SUPPLIERS										
TOTAL AMOUNT PAID TO **PRIME**										

I certify under penalty of perjury that the foregoing is true and correct:

Authorized Signature _____ Printed Name / Title _____ Date _____

California Department of Industrial Relations

PUBLIC WORKS PAYROLL REPORTING FORM

Page _____ of _____

NAME OF CONTRACTOR: OR SUBCONTRACTOR:

CONTRACTOR'S LICENSE NO.: SPECIALITY LICENSE NO.:

ADDRESS:

PAYROLL NO.:

FOR WEEK ENDING:

SELF-INSURED CERTIFICATE NO.:

WORKERS' COMPENSATION POLICY NO.:

PROJECT OR CONTRACT NO.:

PROJECT AND LOCATION:

(1) NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF WITH-HOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY	M	T	W	TH	F	S	S	(5) TOTAL HOURS	(6) HOURLY RATE OF PAY	(7) GROSS AMOUNT EARNED		(8) DEDUCTIONS, CONTRIBUTIONS AND PAYMENTS							(9) NET WGS PAID FOR WEEK	(9) CHECK NO.
				DATE																			
				HOURS WORKED EACH DAY																			
			S										THIS PROJECT	ALL PROJECTS	FED. TAX	FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION		
			O												TRAING.	FUND ADMIN	DUES	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC-TIONS		
			S										THIS PROJECT	ALL PROJECTS	FED. TAX	FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION		
			O												TRAING.	FUND ADMIN	DUES	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC-TIONS		
			S										THIS PROJECT	ALL PROJECTS	FED. TAX	FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION		
			O												TRAING.	FUND ADMIN	DUES	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC-TIONS		
			S										THIS PROJECT	ALL PROJECTS	FED. TAX	FICA (SOC. SEC.)	STATE TAX	SDI	VAC/ HOLIDAY	HEALTH & WELF.	PENSION		
			O												TRAING.	FUND ADMIN	DUES	TRAV/ SUBS.	SAVINGS	OTHER*	TOTAL DEDUC-TIONS		

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

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

*OTHER – Any other deductions, contributions and/or payments whether or not included or required by prevailing wage determinations must be separately listed. Use extra sheet(s) if necessary

CERTIFICATION **MUST** be completed
(See reverse side)

STATEMENT OF COMPLIANCE

Payroll Number _____

Date _____ Bid No. _____

I, _____ _____do hereby **certify under penalty of perjury:**
(Name of Signatory Party) (Title)

(1) That I pay or supervise the payment of the persons employed by _____on
(Contractor or Subcontractor)

_____, that during the payroll commencing on the _____ day of _____,
(Project Title)

20_____and ending the _____day of _____, 20 _____, all persons employed on said project 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 _____ from the full weekly wages earned
(Contractor or Subcontractor)

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, as **described below:**

(2) That any payrolls otherwise under this contract 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 wage rates contained in any wage determination incorporated into the contract; 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 recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS

☐ In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ Each laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below:

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS:	
NAME AND TITLE	SIGNATURE

On Federally funded projects, permissible deductions are defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c).
Also, the willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution (see Section 1001) of Title 18 and Section 231 of Title 31 of the United States Code).

City of San Diego
Equal Opportunity Contracting
1200 Third Avenue, Suite 200 ▪ MS 56P
San Diego, CA 92101

Non-Performance Payroll Report

(Statement of Non-Performance)

Date:_____ Payroll #_____

Contractor Name:_____

I _____do hereby state that no person(s) were employed on the
(Name of Signatory Party)

construction of_____ Bid No:_____
(Project Title)

during the payroll period commencing on the _____day of_____, 20_____,

and ending on the _____day of _____, 20_____.

_____
Signature of Authorized Representative

_____
Title

Final Summary Report

City of San Diego
EQUAL OPPORTUNITY CONTRACTING PROGRAM
1200 Third Avenue, Suite 200 – San Diego, CA 92101
(619) 236-6054, FAX: (619) 236-5904

Project Title: _____ Bid No: _____ Contact Name: _____
Contractor: _____ Address: _____

The objective of the *Equal Employment Opportunity Contracting Program*, San Diego Municipal Code Sections 22.3501 through 22.3517, is to ensure that contractors doing business with the City, or receiving funds from the City, do not engage in unlawful discriminatory employment practices prohibited by State and Federal law.

Additionally, San Diego Municipal Code Sections 22.2701 through 22.2707 requires all prime contractors doing business with the City, and their subcontractors, to comply with the City's Equal Employment Opportunity Outreach Programs. The Contractor shall maintain records of all subcontracts entered into with all firms, all project invoices received from subcontractors, vendors/suppliers, all purchases of materials and services from vendors/suppliers, and all joint venture participation. Records shall show name, telephone number including area code, and business address of each subcontractor, vendor/supplier, and joint venture partner, and the total amount actually paid to each firm.

These records maintained shall be consolidated into a Final Summary Report, certified as correct by an authorized representative of the Prime Contractor, and submitted to the Engineer and the EOC Program Manager at 1200 Third Ave., Suite 200, San Diego, CA 92101, thirty (30) days prior to completion. A Notice of Completion and Acceptance will not be filed by the City until after its review of the Final Summary Report.

Form to be returned to: _____
(Field Engineer)

Subcontractor/Supplier/Trucker Name, Address, Telephone	Certification Type*	Description of Work	Contractor (C) Vendor (V) Supplier (S) Trucker (T)	Joint Venture Partner Y/N	Original Dollar Amount in Bid	Final Dollar Amount	Reasons for Discrepancy (Change Order No. & $)

*DBE, DVBE, MBE, WBE, ELBE, SLBE, OBE, WoSB, HUBZone, or SDVOSB
The above listed Final Summary Report is complete and certified as correct by:

Signature (Authorized by Representative of the Contractor	**Print Name and Title**	**Telephone Number**	**Date**