# **CSU.LC-00A: CHECKLIST OF LABOR LAW REQUIREMENTS**

# (for use on projects for which the DIR monitors labor compliance)

**REQUIREMENTS / REQUIRED DOCUMENTATION /**

**HELPFUL WEB SITES / CERTIFICATION**

***REQUIREMENTS***

The Prime Contractor and all subcontractors, including listed, replacement and sub-tier subcontractors, performing work on this public work project for are subject to federal and state labor law requirements which are composed of, but not limited to the following items:

• **Prevailing Wage Required**: Public works contract provisions require the Contractor and all subcontractors to pay all workers employed on the project not less than the specified general prevailing wage rates for the work classification in which they are performing.

 The Contractor or any subcontractor is responsible for ascertaining and complying with all applicable general prevailing wage rates for trades workers and any rate changes that may occur during the term of the contract. Prevailing wage rates and rate changes are to be posted at the job site for workers to view. Prevailing wage determinations for journeymen can be obtained at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>.

• **Overtime**: The time of service of any worker employed upon public work is limited and restricted to eight hours during any one calendar day, and 40 hours during any one calendar week (Labor Code Section 1811). Overtime (not less than 1-1/2 times basic rate of pay) must be paid for all work performed by employees on public work in excess of eight hours per day, and 40 hours during any one week. **If a contractor or any subcontractor requires its workers to work a four ten-hour-day work week, the contractor or subcontractor is required to pay its workers eight hours straight time and two hours in overtime for each day worked of that week (Labor Code Section 1815).**

 **Saturday Work**: The prevailing wage determinations for some crafts permit contractors to pay straight time rates for Saturday work if certain conditions are satisfied. Any such exception from the general prevailing wage requirements is construed narrowly in accordance with its express terms. **Furthermore, the exception must be included in the applicable prevailing wage determination in order to apply.** The DLSE will not recognize exceptions which may exist in underlying collective bargaining agreements which rates are adopted by the Director for purposes of public works, unless the Director also adopts the exception, and it is included in the determination.

• **Apprentices**: Contractor and all subcontractors shall employ registered apprentices on public works projects in accordance with Labor Code Section 1777.5. Prevailing wage determinations for apprentices can be obtained at: <http://www.dir.ca.gov/OPRL/pwappwage/PWAppWageStart.asp>. Please see *Required Documentation* below for apprenticeship forms required on CSU contracts for public work.

• **Penalties**: Penalties, including forfeitures and debarment, shall be imposed for Contractor or subcontractor failure to pay prevailing wages, failure to maintain and submit all requested documentation, failure to employ apprentices, failure to pay overtime, and failure to pay employees for all hours worked at the correct prevailing wage rate, in accordance with Labor Code Sections 1775, 1776, 1777.7, and 1813.

• **Certified Payroll Records:** Per Labor Code Section 1776, Contractor and all subcontractors are required to keep accurate payroll records which reflect the name, address, social security number, and work classification of each employee; the straight time and overtime hours worked each day and each week; the fringe benefits; and the actual per diem wages paid to each journeyperson, apprentice, worker, or other employee hired in connection with a public works project. In the event that there has been no work performed during a given week, the Certified Payroll Record shall be annotated “No Work” for that week.

 The Contractor’s and subcontractors’ payroll records shall be available for inspection at all reasonable hours, and a certified copy shall be made available upon request to the employee or his or her authorized representative, the Trustees, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards, 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. Please see *Required Documentation* below for payroll record submittal requirements on CSU contracts for public work.

• **Kickback Prohibited:** Per Labor Code Section 1778, contractors and all subcontractors are prohibited from accepting, taking wages illegally, or extracting “kickback” from employee wages.

**• Acceptance of Fees Prohibited:** Contractor and all subcontractors are prohibited from exacting any type of fee for registering individuals for public work (Labor Code Section 1779); or for filling work orders on public works contracts (Labor Code Section 1780).

**• Listing of Subcontractors:** Contractors are required to list in their bids all subcontractors hired to perform work on a public works project when that work is equivalent to more than one-half of one percent of the total effort (Public Contract Code Section 4100, *et seq*.). Any scopes of work that do not have listed subcontractors are required to be self-performed.

**• Proper Licensing:** Contractor and all subcontractors are required to be properly licensed. Penalties will be imposed for employing workers while unlicensed (Labor Code Section 1021 and Business and Professions Code Section 7000, *et seq.* under Contractors State License Law).

 **Public Works Registration:** Contractor and all subcontractors must be registered as eligible to bid and work on public works projects (Labor Code Section 1725.5). Go to <https://efiling.dir.ca.gov/PWCR/> to register.

**• Unfair Competition Prohibited:** Contractor and all subcontractors are prohibited from engaging in unfair competition (Business and Professions Code Sections 17200-17208).

**• Workers’ Compensation Insurance:** Contractor and all subcontractors are required to be insured against liability for workers’ compensation, or to undertake self-insurance in accordance with the provisions of Labor Code Section 3700 (Labor Code Section 1861).

**• OSHA:** Contractor and all subcontractors are required to comply with the Occupational, Safety and Health laws and regulations applicable to the particular public works project.

• **Travel & Subsistence**: Contractor and all subcontractors shall make travel and subsistence payments as defined in the applicable collective bargaining agreement, under each classification, filed with the Director of Industrial Relations (Labor Code Section 1773.1). To see Travel and Subsistence, look to the right of each classification, under “Holidays scope of work, travel & subsistence”, select and click on “Travel”. See the DIR web site: <http://www.dir.ca.gov/OPRL/PWD/index.htm>.

***REQUIRED DOCUMENTATION***

**Certified Payroll Records**

The Contractor and all subcontractors of every tier are required to submit to the Trustees a minimum of the first two weeks of certified payroll, and the Hourly Labor Rate Worksheet for its workers and all subcontractors included in change orders. Additional weeks of certified payroll records may be required at the discretion of the Trustees. The Contractor and all subcontractors are also required to furnish certified payroll records directly to the State Labor Commissioner at least monthly, and in the format prescribed by the Labor Commissioner, in accordance with Labor Code section 1771.4.

**Apprenticeship**

As previously stated, Contractor and all subcontractors, including listed, replacement and sub-tier subcontractors, shall employ registered apprentices on public works projects in accordance with Labor Code section 1777.5. A comprehensive overview of all apprenticeship requirements for State of California public works projects and required apprenticeship forms are available on the following website: <http://www.dir.ca.gov/das/publicworks.html> (follow links regarding public works). Prevailing wage rates for apprentices are available at <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>.

Apprenticeship forms are also available at <http://www.calstate.edu/CPDC/CM/Labor_Compliance/>. **Contractor and subcontractors, including listed, replacement and sub-tier subcontractors, shall review this information at the time of contract award and comply with all regulations regarding usage of apprentices on public works projects, as these regulations will be strictly enforced.**

Per Labor Code section 1777.5, all contractors and all subcontractors awarded work on a public works project are required to do the following tasks.

1. **Submit Contract Award Information** (Form DAS-140)

 Contractors who are not already approved to train by an apprenticeship program shall provide contract award information to all of the applicable apprenticeship committees whose geographic area of operation includes the location of the public works project. Submit contract award information for each apprenticeable craft or trade to the apprenticeship committee in the area that includes the location of the public works project and that has approved the contractors, who are participants in an approved apprenticeship program, to train apprentices. See Title 8, California Code of Regulations, Section 230.

 The contract award information shall be in writing and may be submitted on a Public Works Contract Information Form (DAS-140, <https://www.dir.ca.gov/DAS/DASForm140.pdf>). The filing of a DAS-140 is not a request for dispatch of registered apprentices**. The information shall be provided to the applicable apprenticeship committee within ten (10) days of the date of the execution of the prime or subcontract, but in no event later than the first day in which the contractor has workers employed on the public work.** See Title 8, California Code of Regulations Section 230.

2. **Employ Registered Apprentices** (Form DAS-142, <http://www.dir.ca.gov/das/DASForm142.pdf>)

 Contractor and all subcontractors, including listed, replacement and sub-tier subcontractors, must employ registered apprentices on the public works project in a ration of not less than one (1) hour of apprentice work for every five (5) hours performed by a journeyman. See Title 8, California Code of Regulations, Section 230.1.

 All contractors who are not employing sufficient registered apprentices to comply with the one-to-five ratio, must request dispatch of required apprentices from the apprenticeship committees providing training in the apprenticeable craft or trade, and whose geographic area of operation includes the site of the public work by **giving the committee written notice of at least 72 hours** (excluding Saturdays, Sundays and holidays) **before the date on which apprentices are required.** Contractors who are not already participating in an approved program, and who did not receive sufficient number of apprentices from their initial request, must request dispatch of apprentices from another committee providing training in the applicable craft or trade, in the geographic area of the site of the public work, and must request apprentice dispatch(es) from each such committee, either consecutively or simultaneously, until the contractor has requested apprentice dispatches from each such committee in the geographic area. All requests for dispatch of apprentices shall be in writing, sent by first class mail, facsimile or e-mail. See 8, California Code of Regulations, Section 230.1(a).

3. **Make Training Fund Contributions (**Form CAC-2 or equivalent, <http://www.dir.ca.gov/das/DASCAC2.pdf>)

 All contractors shall make training fund contributions in the amount established in the prevailing wage rate publication for journeymen and apprentices. Contractors who contribute to an apprenticeship program are entitled to a full credit in the amount of these contributions. Contractors who do not contribute to an apprenticeship program must submit their contributions to the California Apprenticeship Council, P.O. Box 420603, San Francisco, CA 94142-0603. **Training fund contributions are due and payable on the 15th day 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 Training Fund Contributions Form (CAC-2), or a form containing the following ten items. See Title 8, California Code of Regulations, Section 230.2(c), <https://www.dir.ca.gov/DAS/tf/cac2.asp>.

1. The name, address, and telephone number of the contractor making the contribution.
2. The contractor’s license number *and* DIR public works registration 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.
8. The name of the program(s) that provided apprentices, if any.
9. The number of apprentice hours worked, by apprenticeable occupation and by program.

***HELPFUL WEB SITES***

California General Prevailing wage determinations:

 For journeymen: <http://www.dir.ca.gov/OPRL/PWD/index.htm>

 For apprentices: <http://www.dir.ca.gov/OPRL/pwappwage/PWAppWageStart.asp>

Director's Office of Policy, Research and Legislation (OPRL): <http://www.dir.ca.gov/OPRL/Statistics_Research.html>

Division of Labor Standards Enforcement: <http://www.dir.ca.gov/DLSE/dlse.html>

Division of Apprenticeship Standards: <http://www.dir.ca.gov/DAS/das.html>

California Apprenticeship Council: <http://www.dir.ca.gov/CAC/cac.html>

***CERTIFICATION***

In accordance with State laws, along with the Trustees of the California State University Contract Documents, the undersigned Contractor hereby certifies that he/she will comply with all labor law requirements and fully understands that failure to comply will subject Contractor to payment withholds, penalties, and forfeitures as prescribed by State law. The Contractor further acknowledges that labor law requirements were explained to the Contractor and listed subcontractors at the prevailing wage portion of the Preconstruction Meeting for this project. In the event a listed, replacement or sub-tier subcontractor was not in attendance at the meeting, the Contractor assumes responsibility of informing said subcontractor of all labor law requirements and enforcing compliance. Further the Contractor is responsible to obtain and submit the signed acknowledgement below for all subcontractors (including listed, replacement and sub-tier subcontractors).

**ACKNOWLEDGEMENT**

*I acknowledge that the aforementioned labor law requirements for this project have been explained to me. This checklist will be distributed for signature at the time of contract award to all subcontractors (including listed, replacement and sub-tier subcontractors) employed on this project.*

Project Name and ID No.:

 Contractor [Official Company Name]

By:

 Signature Date Signed

 Printed Name (First & Last) and Title of Person Signing

Contractor above is (check one): ❑ Prime Contractor

 ❑ Listed or Replacement Subcontractor

 ❑ Sub-tier Subcontractor

 If Contractor above is a sub-tier subcontractor, insert name of Contractor that issued the subcontract

 **The Trustees of the California State University**

By:

 Signature Date Signed

 [Print Name], Construction Administrator

 Campus Name