

# CHECKLIST OF LABOR LAW REQUIREMENTS TO REVIEW AT JOB CONFERENCE MEETINGS

This project is subject to: Department of Industrial Relations (DIR), Public Works requirements.

Project Name \_\_\_\_\_ Project #/Bid Package# \_\_\_\_\_

School District \_\_\_\_\_ Advertisement Date: \_\_\_\_\_

If sub-contracting, list your Prime / General Contractor \_\_\_\_\_

**CONTRACT AWARD AMOUNT:** \_\_\_\_\_

COMPANY \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Fax # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Project Manager \_\_\_\_\_ Superintendent/Foreman \_\_\_\_\_

Certified Payroll \_\_\_\_\_ Phone/Ext. \_\_\_\_\_

Payroll Contact E-mail \_\_\_\_\_ DIR Registration No. \_\_\_\_\_

Contractor License No. \_\_\_\_\_ Exp. Date \_\_\_\_\_ Specialty License No. \_\_\_\_\_

Self-Insured Certificate No. \_\_\_\_\_ Workers Comp. Policy No. \_\_\_\_\_

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

**1. DIR Registration for Public Work**

Any contractor working on this project must be validly registered with the Department of Industrial Relations pursuant to Labor Code Section 1725.5 which requires an “annual” (fiscal year) registration before they can bid on, be listed in a bid proposal, or perform work on a public work project.

Additionally, all contractors are required to maintain proper active registration during the life of this project.

**2. Payment of Prevailing Wage Rates**

The contractor to whom the contract is awarded and its subcontractors hired for the public works project are required to pay not less than the specified general prevailing wage rates to all workers employed in the execution of the contract. Labor Code Section 1770 et seq.

The contractor is responsible for ascertaining and complying with all current general prevailing wage rates for crafts and any rate changes that occur during the life of the contract. Information on all prevailing wage rates and all rate changes is posted at the job site for all workers to view. Additionally, current wage rate information can be found at the DLSR web site, (<http://www.dir.ca.gov/Public-Works/PublicWorks.html>).

### 3. **Apprentices**

It is the duty of the contractor and subcontractors to employ registered apprentices on the public works project and to **comply with all aspects of Labor Code Section 1777.5, relating to Apprentices on Public Works.**

### 4. **Penalties**

- Prevailing wage payment penalties may be assessed at \$200 per day, per worker, for contractor's and/or subcontractor's who fail to pay the proper prevailing wages pursuant to Labor Code §§1774 & 1775.
- Certified payroll submittal penalties will be assessed at \$100 per day, per worker, for failure to submit certified payrolls within 10 days of a written request pursuant to Labor Code §1776(h). Additionally, pursuant to Labor Code §1777.1(c) contractor's and/or subcontractor's will be subject to debarment if certified payroll records are not produced within 30 days after receipt of a written notice to produce the records.
- Apprenticeship program (Labor Code §1777.5) violation penalties (Labor Code §1777.7(a)) may be assessed at \$100 for each full calendar day of noncompliance.
- Contractors and/or subcontractors who violate the prevailing wage payment requirements “with intent to defraud” OR fail to report apprentice hours at the end of the project may be ineligible to: (1) bid on or be awarded a contract for a public works project; and/or (2) perform work as a subcontractor on a public works project, for a maximum period of 3 years.
- Failure to pay the proper “overtime” in excess of 8 hours/day or 40 hours/week will be assessed at \$25 per day, per worker, pursuant to Labor Code §1813.

### 5. **Certified Payroll Reports**

Pursuant to Labor Code Section 1776, contractors and subcontractors are required to 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 employee, owner, journey person, apprentice or other employee hired in connection with a public works project. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury; That the payroll record is true and correct and complies with Labor Code §§ 1771,1811, and 1815. This requirement includes and applies to all sub-contractors performing work on the Awarding Body’s projects, even if their portion of the work is less than one half of one percent (0.05%) of the total amount of the project’s contract.

ALL Contractor’s and Subcontractor’s (at all levels) shall submit their certified payrolls as follows:

- Submit certified payroll records (CPRs) to the DIR using the State’s electronic certified payroll (eCPR) system. CPRs must be submitted at least monthly, or more frequently if required by the public works contract. To enroll in the eCPR System go to the State’s website at <http://www.dir.ca.gov/Public-Works/Certified-Payroll-Reporting.html> to create an account and/or enter your information.
- Submit certified payroll records (CPRs) to the awarding body directly, if requested.

### 6. **Nondiscrimination in Employment**

There exist prohibitions against employment discrimination under Labor Code Sections 1735 and 1777.6, the Government Code, the Public Contracts Code, and Title VII of the Civil Rights Act of 1964.

### 7. **Kickbacks Prohibited**

Contractors and subcontractors are prohibited from recapturing wages illegally by accepting or extracting "kickbacks" from employee wages under Labor Code Section 1778.

**8. Acceptance of Fees Prohibited**

There exists a prohibition against contractor/subcontractor acceptance of fees for registering any person for public work under Labor Code Section 1779; or for filling work orders on public works contracts pursuant to Labor Code Section 1780.

**9. Listing of Subcontractors**

All prime contractors are required to list properly all subcontractors hired to perform work on the public works projects covering more than one-half of one percent, pursuant to Government Code Section 4104.

**10. Proper Licensing**

Contractors are required to be licensed properly and to require that all subcontractors be properly licensed. Penalties are required for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractor License Law found at Business and Professions Code Section 7000 et seq.

**11. Unfair Competition Prohibited**

Contractors/Subcontractors are prohibited from engaging in unfair competition as specified under Business and Professions Code Sections 17200 to 17208.

**12. Workers Compensation Insurance**

Labor Code Section 1861 requires that contractors and subcontractors be insured properly for Workers Compensation.

**13. OSHA**

Contractors and subcontractors are required to abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project.

**14. Proof of Eligibility/Citizenship**

The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers, is required.

**15. Itemized Wage Statement**

Labor Code Section 226 requires that employees be provided with itemized wage statements.

**Certification:**

**I acknowledge that I have been informed and am aware of the foregoing requirements and that**

**I am authorized to make this certification on behalf of \_\_\_\_\_.**  
(Company Name)

**I fully understand that failure to comply with any of the above requirements may subject me, or my company, to penalties as provided above.**

For the Contractor:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)