



Public Works

California State Labor Commissioners Office

DIR- Divisions and Units



- Office of the Director- Legal Unit (OD Legal)
Assists the Director With drafting coverage determinations
Acts as hearing officers for section 1742 appeals of CWPAAs
- Office of Policy, Research and Legislation (OPRL)
Formerly Division of Labor Statistics and Research (DLSR) Issues General Prevailing Wage Determinations
- Labor Commissioner's Office aka Division of Labor Standards Enforcement
Enforces Prevailing wage and apprenticeship laws
- Division of Apprenticeship Standards (DAS)
Certifies apprenticeship programs and approves standards
- Division of Occupational Health and Safety, also known as (OSHA)
- Division of Workers Compensation
- Other Various Offices, Boards and Commissions



Prevailing Wage Requirements

- By Statute, prevailing wages are required on public works projects.
- As a part of the contract, an awarding body can require a contractor to pay prevailing wages on any project, public works or not.

What is a Public Work?



- Public Works includes Construction, alteration, demolition, repair, maintenance, or installation performed under contract and paid for in whole or in part out of public funds. (LC1720(a)(1) and LC 1771)
- Includes pre-construction activities including soils/materials testing, surveying and other pre-construction activities
- Includes installation of freestanding modular furniture
- Includes final clean-up of a construction project
- AB 219- Includes the delivery of ready-mix concrete **UPDATE**



Labor Code Section 1771 requires prevailing wage to be paid to all workers employed on public works projects that are:

- Over \$1,000
- For which the work is performed under contract
 - Not applicable to work carried out by public agency with own forces (force account)
- Applies to contracts let for maintenance work

The SB854 requirements apply to all public works, as defined by the Labor Code



Under Section 1720(a)(1),

1. Construction, alteration, demolition, installation, or repair work.
 - Including Maintenance Work (Section 1771)
2. Paid for in whole or in part out of public funds
3. Done Under contract
 - Any type of contract will generally do and this requirement is typically satisfied unless work is done by public entity's own forces (Section 1771)

Once these elements are satisfied, then the project is a public work and prevailing wages are required, unless an exception applies.



Public Works in California

- Who does the Law Protect?
 - All Workers employed on Public Works (Labor Code Section(s) 1771 and 1774) which includes employees, independent contractors, partners, sole proprietor, owner-operators
 - Public Works defined
 - Labor Code Section 1720-1720.9
 - Posted Public Works coverage determinations
- Limited Exemptions
 - Work carried out by a public agency “with its own forces” (Labor Code Section 1771)
 - Certain janitorial services/guards (8 CCR 16000)



What must Awarding Bodies do to comply with the law?

1. Submit the PWC-100 Report to DIR within 5 days of the award (Labor Code Section 1773.3)
2. Include the Notice of the requirement described in [Section 1771.1] in all bid invitations and public works contracts
3. Ensure the contractors are registered. (1771.1)
4. Require Proof of PWCR (LC 1771.1(b))
5. Ensure Contractors are paying prevailing wages and are in compliance with PW Laws.
6. Report any violations (LC 1726(b))
7. Withhold and retain all amounts required to satisfy the Civil Wage and Penalty Assessment.

Precautionary Legal Notice to Awarding Bodies



SB 854 includes new or revised statutory obligations for “awarding bodies” (as defined in Labor Code Section 1722). These new and revised obligations are found in the following sections of the Labor Code:

1771.1(b) – Duty to include notice of contractor and subcontractor registration requirement in all bid and contract documents, and duty not to accept bid or enter into a contract without proof of the contractor’s current registration pursuant to Section 1725.5.

1771.4(a)(1) – Duty to specify in bid and contract documents that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

1771.4(a)(2) – Duty to post or require the prime contractor to post job site notices, as prescribed by regulation.

1773.3 – Duty to provide notice to the Department of Industrial Relations of any public works contract within five days of the award [using the online PWC-100 form].

This informational notice is being provided to ensure that awarding bodies are aware of the potential legal consequences arising from a failure to satisfy their own unique statutory obligations found in Article 2 of the Public Works Chapter. Article 2 is comprised of Labor Code Sections 1770 through 1782, and includes the new and revised obligations listed above.

The Labor Commissioner wants to remind all awarding bodies that Article 2 also includes Labor Code Section 1777, which was enacted in 1937 and remains the law today. Section 1777 establishes a criminal penalty (misdemeanor) against "any officer, agent, or representative of the state or of any political subdivision who wilfully violates any provision" of Article 2.

The availability of a criminal penalty applies to a broad group of entities and individuals because:

1. The definition of "awarding body" found at Labor Code Section 1722 includes the "department, board, authority, officer, or agent awarding a contract for public work," and
2. The term "political subdivision" as defined in Labor Code Section 1721 "includes any county, city, district, public housing authority, or public agency of the state, and any assessment or improvement districts."

Thank you for your anticipated and continuing cooperation in our enforcement of the public works chapter of the Labor Code.



California's Public Works
An Overview from the Perspective of
the Labor Commissioner's Office

PWC-100 Project Award Notice

- On-line Notice application for Awarding Bodies to provide DIR with Notice of Public Works Projects at <https://www.dir.ca.gov/pwc100ext/>



Public Works

Public Works in general means:

- Construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part out of public funds.
- It can include preconstruction and post-construction activities related to a public works project.
- For a full definition of Public Works refer to [Labor Code section 1720](#).

Anyone working on a Public Works project must be paid prevailing wages as determined by DIR. Projects of \$30,000 or more must meet DIR's apprenticeship requirements. Failure to comply with Public Works requirements can result in civil penalties, criminal prosecution, or both.

Resources

- [Apprenticeship Requirements](#)
- [Certified Payroll Reporting](#)
- [Enforcement of Public Works Law](#)
- [File a Public Works Complaint](#)
- [Labor Compliance Programs](#)
- [Prevailing Wage Requirements](#)
- [More Resources](#)

Contractors,
and others who work on Public
Works projects

Awarding Bodies,
public agencies or project
owners

Search

- [Find Public Works Projects](#)
- [Find Public Works Contractors](#)



▼ Awarding Bodies

What Is an Awarding Body?

An awarding body is the entity that awards a contract for Public Works and is sometimes known as the project owner. The awarding body can be any kind of public agency or official (state, county, city, school board, water district, etc.) or a private entity using public funds.

Awarding Body Responsibilities

- ✓ Register Public Works projects with DIR. [Project registration](#) must be completed within five days of awarding the contract.
- ✓ Obtain [prevailing wage rates](#) from DIR.
- ✓ Notify potential contractors that they must register with DIR and that the project is subject to enforcement by DIR.
- ✓ Require proof of Publics Works contractor registration before accepting a bid or awarding a contract. To find actively registered contractors, use: [Public Works Contractor Registration Search](#).
- ✓ Post or require contractors to post jobsite notices on Public Works requirements.
- ✓ Ensure that Public Works contractors pay [prevailing wages](#) and are in compliance with Public Works laws.
- ✓ Report any suspected [Public Works violations](#) to the Labor Commissioner.



Public Works

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Resources

- [List of Debarred Public Works Contractors](#)

Search

[Find a registered Public Works project](#)

Project Information

FORM
 Form Type: PWC-100 Project Award Date: 10/16/2012 (MM/DD/YYYY)

AWARDING BODY INFORMATION
 Search Awarding Body: [] Search
 Awarding Body: Test New AB Select
 Name: Test New AB Primary Contact: Johnny Dayao
 Address: Baner Road Primary Email: jdayao@hq.dir.ca.gov
 Pune, DE 98908 Work Phone: 5102222222

PROJECT INFORMATION
 Project Name: test proj-CANCELED Project #: 123123
 Brief Description: test Contract #: 333-333
 Contract Amount: 5000.00 Total Project Cost: 1000.00 Number of Prime Contractors: 1
 Alternative Model: None Apply Design/Build Job Order/Task Lease/Lease Back

Physical Address Address Location
 Address Line 1: 123 main street
 Address Line 2:
 City: anytown State: CA Zip Code: 99999 Mail Stop: County: ALAMEDA

Billing Address
 Same as Billing Address on file
 Address Line 1:
 Address Line 2:
 City: State: CA Zip Code: Mail Stop:

Project Information 2

Please complete the fields below
PWC-100
 Project Name: test proj-CANCELED Project #: 123123 Contract #: 333-333 Status: New Submission

PROJECT INFORMATION
Project Dates
 First Advertised Bid: 10/01/2012 Estimated or Actual Start: 09/14/2012 Estimated or Actual Completion: 11/02/2012

Propositions*:
 Yes No Will this project receive (or has it received) any funding from Proposition 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006)?
 Yes No Will this project receive (or has it received) any funding from Proposition 39 (California Clean Energy Jobs Act of 2012)?

Compliance and Agreements*:
 Yes No Is language included in the Contract Award to effectuate the requirements of Section 1771, 1774 - 1776, 1777.5, 1813 and 1815 of the Labor Code?
 Yes No Will you operate a DIR-Approved Labor Compliance Program (LCP) for this project?
 Yes No Is there a Project Labor Agreement (PLA) associated with this project?

If the answer is yes, Please email a copy of the PLA to publicworks@dir.ca.gov. If the same PLA has previously been transmitted, send an email indicating that the PLA was previously transmitted and include any additional information or evidence needed to establish that the PLA covers contractors in the current project.

Please enter all the information for the award

Project Manager
 Email Address: poojab@evolware.com First Name: pooja MI: Last Name: B Title: qa Work Phone: 325 - 346 - 3467 Ex 57

General Contractor 1

	Primary	CSLB	Name	Address	Email	Classification
Delete Edit	<input checked="" type="radio"/>	343332	AGRESTI ALBERT CHARLES	308 SOUTHWOOD DR SCOTTS VALLEY, CA 95066	unknown@com.com	CEMENT MASONS ELEVATOR MECHANIC
Delete Edit	<input type="radio"/>	411537	BECHTEL CORPORATION	50 BEALE STREET SAN FRANCISCO, CA 94105	unknown@com.com	BOILERMAKER

[Add Contractor](#)



Home | Search PWC-100 | Search Results

Select the ID number below to see more information about the project.

SEARCH RESULTS

Click the DIR Project ID to see more information about the project.

ID	Awarding Body	Project Name	Contractor	Sub Contractor	Site Address	Dates	Classification	County
Project Number: RFB-14-15-74 DIR Project ID: 24082	City of Visalia - Purchasing	2015 Cape Seal Amount: \$859998.73	Name: VSS INTERNATIONAL INC CSLB/Certificate Number: 293727	Name: CHRISP COMPANY CSLB/Certificate Number: 374600	Various Street within Visalia, CA	Advertised: 04/07/2015 Award: 06/01/2015 Est. Start: 07/07/2015 Est. Comp: 08/30/2015	LABORERS	TULARE
Project Number: RFB-14-15-03 DIR Project ID: 28312	City of Visalia - Purchasing	2015 Major Street Rehab Amount: \$2806009.00	Name: SAFETY STRIPING SERVICE INC CSLB/Certificate Number: 308669	Name: PAVEMENT RECYCLING SYSTEMS INC CSLB/Certificate Number: 569352 Name: MADCO ELECTRIC INC CSLB/Certificate Number: 749098	Various roads throughout the City of Visalia	Advertised: 05/15/2015 Award: 07/06/2015 Est. Start: 08/01/2015 Est. Comp: 12/31/2015	PAINTERS	TULARE
Project Number: RFB-14-15-73	City of Visalia - Purchasing	2015 Reclamite Seal Amount:	Name: INTERMOUNTAIN SLURRY SEAL	Name: SAFETY STRIPING SERVICE INC	Various locations throughout	Advertised: 04/27/2015 Award:	LABORERS	TULARE





SB 854- Public Works Contractor Registration

- Annual fee of \$300 good for fiscal year through 6/30 and renewable annually thereafter
- Contractors must meet minimum qualification standards, have no outstanding liabilities, have a valid CSLB license if required, have proof of WCI
- Applies to all contractors who want to bid on or be awarded public works contracts after April 1, 2015.



California's Prevailing Wage System An Overview from the Perspective of the Division of Labor Standards Enforcement

What must Public Works contractors do to comply with the law?

1. Stay registered when working or bidding in a public works project (Labor Code Section 1771.1)
2. Comply with apprenticeship requirements (Labor Code Section 1777.5)
3. Maintain and furnish records (Labor Code Section 1776)
4. Pay the prevailing wage rate to all workers (Labor Code Section 1771, 1774 and 1813)



What if a contractor fails to register?

- Ineligible to bid on public works (with exceptions for joint ventures and federally-funded projects if qualified at time of award)
- Ineligible to work on public works
- For first violation in 12-month period, may pay \$2000 to register if otherwise qualified
- For inadvertent lapsed renewal, 90 day grace period to pay double fee to re-register
- Right to appeal if registration denied or revoked [procedure still in development]
- Inadvertent listing of unregistered subcontractor on bid doesn't invalidate bid and may be cured
- Failure to register is grounds for substituting subcontractors
- Contract with unregistered contractor or subcontractor subject to cancellation but not void
- Where project bid as private work but later found to be public work, may register without penalty



Apprentices

Contractors working on a Public Works project valued at \$30,000 or more have an obligation to hire apprentices. With few exceptions, this duty applies to all contractors and subcontractors on a project, even if their part of the project is valued at less than \$30,000. These exceptions include:

- General contractors whose contract is worth under \$30,000.
- When the craft or trade is not appropriate for apprentices.
- When the contractor holds a sole proprietor license and personally performs all the work from start to finish, unassisted.
- In the case of a federal project when funding does not include any city, county, or state monies and that is not administered, controlled, or carried out by awarding bodies in California.



Apprentices

- All contractors must timely submit:
 1. DAS 140 Notice of Contract Award to apprenticeship programs in the area of the project before beginning work.
 2. DAS 142 Request for Dispatch of an Apprentice as required, and employ DAS-registered apprentices complying with minimum and maximum ratios of work hours performed by apprentices to journeyman (in many cases the minimum would be one hour of apprentice work for every five hours of journeyman work).



Certified Payroll Reports

- Pursuant to Labor Code Section 1776:
 - All contractors must maintain and provide payroll records on a weekly basis of all workers employed on a public work, their names, addresses and social security numbers, their daily and weekly hours of work, classification of work, rate of pay, all payroll deductions, their net and gross pay, and check numbers. These records must be certified under penalty of perjury.
- **What happens if they don't have them?**
 - Failure to provide those records to DLSE within 10 days after receipt of written request is subject to a \$100 per day per worker penalty. (Even though there is now electronic submission, the statute states that contractors will still be required to submit them directly to us in another form if we request them during an investigation).



Electronic Certified Payroll Uploads for Contractors

- Beginning January 1, 2016, Contractors are required to upload Certified Payroll records on all public works projects, new or ongoing.
- As of August 1, 2016 DIR will resume Enforcement of the Requirement to Submit Certified Payroll records online.
- On DIR website at:
<http://www.dir.ca.gov/Public-Works/Certified-Payroll-Reporting.html>
- Exceptions for projects monitored by:
 - DIR-approved legacy Labor Compliance Programs
 - Project Labor or Stabilization Agreements



▼ Certified Payroll Reporting

Contractors and subcontractors on most Public Works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner using DIR's electronic certified payroll reporting system.

A few categories of Public Works projects are exempt from reporting online to DIR.

Submit Payroll Records

[Enter Payroll Online](#)

[Submit Payroll in XML File *](#)

NOTE: If you would like to save or print the information you enter in the online certified payroll record, click on the PDF icon that appears on your confirmation page.

Find Payroll Records Online

Payroll records are available to the public using the [Payroll Search tool](#). Confidential information has been removed.

Resources

- [Watch the CPR tutorials](#)
- [Online Form User Guide](#)
- [XML Upload User Guide](#)

* Software Requirements for XML Files:

- Create your own template using the [CPR XML schema V1.3](#).
 - Download and use the [XML schema file](#).
 - View a [sample XML file](#).

OR

- Use compatible software to create certified payroll records in XML format. Although DIR does not endorse or guarantee their products,

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eCPR Search

Enter search criteria:

To run a search, enter your search text in one or more of the optional fields below, and enter the dates of your search in the Date Range (To and From) fields.

You can also type part of a word in any optional field to run a wildcard search. For example, if you enter "San" as your search for Awarding Body, your search result set will contain Awarding Body names including "Santa Maria", "San Francisco" and "Sandstone, Inc".

*indicates a required field

DIR Project ID:

Awarding Body:

Project Name:

*Date Range: From

PWCR Number:

Contractor Name:

County:

*Date Range: To

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What Classification?



- The Office of Policy, Research and Legislation will provide the classifications based on the scope of work performed by the contractor and its workers:
 - Director's Office of Policy Research and Legislation (OPRL)
Research Unit
P.O. Box 420603,
San Francisco, CA 94142,
Telephone: (415) 703-4774
Email: statistics@dir.ca.gov

RESOURCES



- Labor Commissioner's Public Works Manual
- Laws Relating to Prevailing Wage Requirements
- Laws, Regulations, Determinations & Decisions
- Civil Wage and Penalty Assessments

Forms

- DAS 140 - Public Works Contract Award Information
- DAS 142 - Request for Dispatch of an Apprentices
- CAC 2 - Training Fund Contribution
- PW 26 - Statement of Employer Payments
- File a public works complaint

Online forms

- Public Works Contractor Registration
- Certified Payroll Reporting Form
- PWC-100 - Online Project Registration

Online Searchable Databases

- Public works projects
- Contractor registration search tool
- Labor Code section 1741(c) Judgments - Public Works
- Contractor debarment
- Public Works Training Fund contributions
- Apprentice prevailing wage rates
- Certified Payroll Records Search tool
- Certified Payroll Records Achieves

Resources

- Watch the CPR tutorials you tube
- Online Form User Guide
- XML Upload User Guide

Frequently Asked Questions



Awarding Bodies

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1. What is an awarding body?

An awarding body is the entity that awards a contract for Public Works and is sometimes known as the project owner. The awarding body can be any kind of public agency (state, county, city, school board, water district, etc.) or a private entity using public funds (Labor Code, section 1722).

2. Do all trades need to be identified on the PWC-100 at the time projects are registered?

Awarding bodies should list information for all trades identified when they register projects (using the PWC-100 form). Awarding bodies are not required to provide information that is not available at the time of project registration.

3. What happens if an awarding body does not register a project within five days of awarding the contract for a Public Works project?

Failure to provide timely notice can jeopardize an awarding body's ability to obtain state funding for a project. It can also compromise important objectives of the Public Works laws. An official who intentionally ignores this requirement may be subject to criminal prosecution.

4. If an awarding body has an annual open purchase order for over \$1,000 for a registered contractor, does it need to report that contract only once a year?

Yes, an awarding body can report the master agreement to comply with the PWC-100 notice requirements. Individual task orders do not need to be reported.

5. What if an awarding body has a single small job for \$250 or a series of jobs with the same contractor/vendor that total over \$1,000?

Prevailing wage requirements apply to Public Works projects over \$1,000. The law does not permit jobs to be parceled in order to avoid the \$1,000 threshold. If the awarding body knows that total yearly project costs or projects awarded to the same vendor will exceed \$1,000, that vendor must be registered with the DIR as a Public Works contractor, and the contract for those projects should be registered using the PWC-100 form.

6. If an agency is subject to the California Uniform Public Construction Cost Accounting Act (Public Contract Code, section 22002), which excludes "maintenance work" from its definition of "public project," do contractors hired for maintenance work still need to register? Are public agencies required to report projects that do not go through the competitive bidding process, such as emergency work and maintenance projects?

Public agencies are required to report maintenance projects and emergency work, even if they haven't conducted a bidding process. Contractors on maintenance projects that are part of Public Works projects are also required to register with the DIR, even if the awarding body is subject to the California Uniform Public Construction Cost Accounting Act.

7. What is the process for projects funded through Proposition 84? Is the contracting agency required to register (i.e., fill out the PWC-100 form), and will the contractors and subcontractors be required to submit/upload certified payroll records to the Labor Commissioner?

Awarding bodies must provide project information to DIR using the PWC-100 form on all Public Works projects



Public Works Newsline

Launched December 2015:

- **Keeps all users apprised of the latest public works updates:**
 - PWC 100 Enhancement Project
 - Electronic Certified Payroll Record Application
 - Contractor Registration Application
 - New Public Works Laws



Instructions to Subscribe

- Go to DIR website at www.dir.ca.gov
- Click on 'Get DIR email updates'
- Enter your email address, name
- Check the Public Works Newsline box
- Click on the subscribe tab



Public Works Contractors and Subcontractors

\$2K penalty for lapsed registrations goes into effect January 1, 2016

Public Works

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Fighting the Underground Economy

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Office of Governor
Edmund G. Brown Jr.
[Visit his Website](#)

Secretary
David M. Lanier
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Director of Industrial Relations

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You may also contact Public Works at:



Public Works Contacts

For Questions Regarding:

Apprenticeship

DAS@dir.ca.gov

Public Works

PublicWorks@dir.ca.gov
or call

Contractor Registration

the Labor Commissioner's Office nearest your public works project, or DIR's Call Center at 844-LABOR-DIR (844-522-6734)

Electronic Certified Payroll Reporting System

Public Agencies or Awarding Bodies

Outreach and Education:

To request a public works expert to speak or participate in an event

Please complete the [Outreach Request Form](#)