

State and Federal Labor Compliance Pre-Construction Conference Checklist

CONTRACTOR NAME: _____

PROJECT NAME: _____

I. Checklist of Labor Law Requirements per California Code of Regulations Section 16421.

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

- ⇒ The contractor's requirement to be registered and qualified to perform public work pursuant to Section 1725.5 and in accordance with Section 1771.1 of the Labor Code.
- ⇒ The contractor's duty to pay prevailing wages under Labor Code Section 1770 et seq., should the project exceed the exemption amounts;
- ⇒ The contractor's duty to employ registered apprentices on the public works project under Labor Code Section 1777.5;
- ⇒ The penalties for failure to pay prevailing wages and employ apprentices including forfeitures and debarment under Labor Code Sections 1775 and 1777;
- ⇒ The requirement to keep and submit copies upon request of CPRs under Labor Code Section 1776, and penalties for failure to do so under Labor Code Section 1776(g);
- ⇒ The prohibition against employment discrimination under Labor Code Section 1777.6; the Government Code, and Title VII of the Civil Rights Act of 1964;
- ⇒ The prohibition against accepting or extracting kickback from employee wages under Labor Code Section 1778;
- ⇒ The prohibition against accepting fees for registering any person for public work under Labor Code Section 1779; or for filling work orders on public works under Labor Code Section 1780;
- ⇒ The requirement to list all subcontractors under Public Contracts Code Section 4104;
- ⇒ 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;
- ⇒ The prohibition against unfair competition under Business and Professions Code Sections 17200-17208;
- ⇒ The requirement that the contractor be properly insured for Workers Compensation under Labor Code Section 1861;
- ⇒ The requirement that the contractor abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project;

- ⇒ The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers.
- ⇒ The requirement to provide itemized wage statements to employees under Labor Code Section 226.

II. State vs. Federal

- ⇒ If there is a difference between the State prevailing wage rates and the federal general decision for similar classifications of labor, the higher wage rate will be the applicable prevailing wage rate.
- ⇒ All apprentices must be registered in a bonafide approved apprenticeship program which is recognized by the State of California Division of Apprenticeship Standards and Department of Labor, Office of Apprenticeship.

III. Overtime

- ⇒ Overtime is paid for work performed in excess of 8 hours in a day and 40 hours in a week unless stipulated in the State prevailing wage determination or federal wage decision.

IV. Certified Payroll Records

- ⇒ Certified Payroll Records (CPRs) for all contractors performing work on the jobsite are to be maintained weekly and submitted weekly to the Labor Compliance Officer by the **General Contractor**. A CPR marked "Non-Performance" is to be submitted for weeks for which no work activity has occurred.
- ⇒ Contract number is required on all CPRs.
- ⇒ A Statement of Compliance must be submitted with an original signature for each CPR.
- ⇒ Contractor shall retain all CPRs for at least 3 years past the Notice of Completion date.
- ⇒ Contractors employing owner-operators are required to submit the Owner-Operator Listing form. This form is to be completed by the Contractor that directly hires and pays the owner-operator and will not be accepted from the owner-operator himself/herself.
- ⇒ The last CPR shall be marked "Final". Additionally, a Public Works Affidavit is to be submitted by each contractor with the final payroll record.

V. Apprentices onsite

- ⇒ Apprentice Certifications from DIR and DOL must be submitted for each apprentice working onsite.
- ⇒ Provide a copy of the Apprenticeship Standards which were submitted and approved by the Department of Labor-Office of Apprenticeship for each apprenticeship program which apprentices are registered.

VI. Posting Requirements

- ⇒ Prevailing Wage Determinations must be available at the job site.
- ⇒ Employee Rights under the Davis-Bacon Act poster must be posted at the job site.

VII. Subcontractor

⇒ The prime contractor is responsible for the compliance of all subcontractors (of every tier).

In accordance with federal and State laws, I, the undersigned, acknowledge that I have been informed and am aware of the foregoing requirements, that I am authorized to make this certification on behalf of the contractor stated below, and that failure to comply with the above requirements may subject it to any penalties stipulated in the Labor Code.

PRINTED NAME: _____

SIGNATURE: _____

TITLE: _____

CONTRACTOR: _____

DATE: _____