LABOR COMPLIANCE

PRESENTS

PREVAILING WAGE REQUIREMENTS FOR

READY-MIX CONCRETE

WORKSHOP

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# LABOR COMPLIANCE
## READY-MIX CONCRETE WORKSHOP
### June 8, 2016
3390 Lanett Street
Sacramento, CA

**Instructor:** Lindsey Woolsey, Labor Compliance Officer

<table>
<thead>
<tr>
<th>Time</th>
<th>Min</th>
<th>Topic</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00</td>
<td>15</td>
<td>Welcome &amp; Introductions</td>
<td>Diane Xiong &amp; Lindsey Woolsey</td>
</tr>
<tr>
<td>8:15</td>
<td>15</td>
<td>Prevailing Wage Laws &amp; Labor Compliance Program History</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>8:30</td>
<td>60</td>
<td>Department of Industrial Relations: Wage Determination</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>9:30</td>
<td>30</td>
<td>Exercise 1: Calculating Rate of Pay</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>10:00</td>
<td>15</td>
<td><strong>BREAK</strong></td>
<td></td>
</tr>
<tr>
<td>10:15</td>
<td>60</td>
<td>Prevailing Wage &amp; Payroll Requirements</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>11:15</td>
<td>15</td>
<td>Payroll Submission</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>11:30</td>
<td>30</td>
<td>Wrap Up: Round Table Discussion/Questions</td>
<td>Lindsey Woolsey</td>
</tr>
<tr>
<td>12:00</td>
<td></td>
<td><strong>Adjourn</strong></td>
<td></td>
</tr>
</tbody>
</table>
Prevailing Wage Requirements for Ready-Mix Concrete

TRAINING OBJECTIVE

➢ Provide background and information on prevailing wage requirements for contracts awarded on or after July 1, 2016.

➢ Provide statutory regulations governing prevailing wage requirements.

➢ Familiarize Ready-Mix Concrete companies with Department of Industrial Relations (DIR) wage determinations.

➢ Explain certified weekly payroll records and how to appropriately complete the documentation required and submit for processing on Caltrans contracts.
PREVAILING WAGE LAWS & LABOR COMPLIANCE HISTORY

LABOR CODE SECTION 1722.1

Labor Code Section 1722.1

For the purposes of this chapter, "contractor" and "subcontractor" include a contractor, subcontractor, licensee, officer, agent, or representative thereof, acting in that capacity, when working on public works pursuant to this article and Article 2 (commencing with Section 1770).
ASSEMBLY BILL NO. 219

Approved by Governor Brown on October 10, 2015

An act to add Labor Code §1720.9 to the Labor Code, relating to public works

Expands the definition of "public works" to include the hauling and delivery of ready-mixed concrete

Requires the prevailing wage rate to be applicable to the geographic area in which the concrete factory/batch plant is located

Requires "contractor" and "subcontractor" to enter into a written agreement

Requires entity hauling to submit payroll and time records to the prime contractor within three (3) working days after the employee has been paid

Effective for contracts which are awarded on or after July 1, 2016

STATE OF CALIFORNIA
PREVAILING WAGE REQUIREMENTS

LABOR CODE §1720- §1815

CALIFORNIA CODE OF REGULATIONS, CHAPTER 8, SUBCHAPTER 3
§16000 - §16403 Payment of Prevailing Wages upon Public Works

CONTRACTUAL PROVISIONS
CALTRANS LABOR COMPLIANCE

➢ Caltrans' Labor Compliance Program (LCP) was approved by the Department of Industrial Relations (DIR) in 1990

➢ Caltrans has the authority to monitor and enforce compliance with required state prevailing wage laws on all Caltrans public works contracts

➢ Labor Code §1771.5 requirements for an approved program
  ➢ Construction contracts $25,000 or more
  ➢ Maintenance contracts $15,000 or more
  ➢ Pre-Job conference to be conducted
  ➢ Payrolls are to be submitted to Caltrans directly, not DIR
  ➢ Caltrans may withhold payments
  ➢ Caltrans may audit payroll records

CALTRANS LABOR COMPLIANCE

➢ Caltrans is responsible to monitor and enforce prevailing wage requirements for public works contracts where Caltrans is the awarding body

➢ Caltrans has the authority to withhold payment from the prime contractor for failure to comply with prevailing wage requirements

➢ The prime contractor has the ability to withhold payment from a subcontractor for failure to comply with prevailing wage requirements

➢ Caltrans has the authority to audit any contractor/subcontractor's payroll records for work performed under a Caltrans contract

➢ Caltrans will monitor and request confirmation of the written agreement required by AB219
PENALTIES

➢ Labor Code §1775:
  ➢ Up to $200 per day, per worker, for each worker paid less than the required prevailing wage rate

➢ Labor Code §1776(h):
  ➢ Failure to provide required documents within 10 days of written notice requesting payroll records may result in $100 per day per worker until strict compliance is effectuated

➢ Labor Code §1813:
  ➢ A $25 penalty may be assessed for failure to pay the required overtime rate of pay
  ➢ Liquidated damages in the amount of the underpayments may also be assessed
WAGE DETERMINATION

WHAT IS A WAGE DETERMINATION AND HOW DOES IT APPLY TO PREVAILING WAGE REQUIREMENTS?

➢ The wage determination for a contract is the prevailing wage rate of pay that is required for the life of the contract
➢ In order to ensure the correct prevailing wage rate is being paid the appropriate wage determination must be used
➢ The appropriate wage determination is based on the advertised date of the contract
➢ Once the appropriate wage determination has been identified, the employer should only use the classifications within that determination year

WAGE DETERMINATION

➢ DIR publishes two (2) wage determinations each year
  ➢ 2/22 = The Year − 1 (example: 2/22/16 published is 2016-1)
  ➢ 8/22 = The Year − 2 (example: 8/22/16 published is 2016-2)
➢ The publish date + 10 days is the EFFECTIVE date of the determination
  ➢ 2/22/16 + 10 days = March 3, 2016
  ➢ 8/22/16 + 10 days = September 1, 2016
➢ For a contract advertised between March 3, 2016 to August 31, 2016 the wage determination in effect would be 2016-1
➢ For a contract advertised between September 1, 2016 to March 2, 2017 the wage determination in effect would be 2016-2
WAGE DETERMINATION

➢ The prime contractor is responsible to use the appropriate determination when bidding on a Caltrans contract. General questions regarding what the appropriate determination should be for a contract may be directed to the prime contractor or the District’s Labor Compliance Office.

WAGE DETERMINATION

➢ Once the appropriate determination is identified, contractors should utilize DIR’s website to navigate and find the appropriate classification for the type of work that will be performed.

➢ The most appropriate classification for a Ready-Mix Concrete driver falls under the Statewide “DRIVER” classification.

➢ According to AB219 requirements, the geographic location of the batch plant will determine what wage rate shall be used within the “DRIVER” classification.
WAGE DETERMINATION

Director's General Prevailing Wage Determinations
- 2016 General prevailing wage determinations menu (journeyman)
- 2016 General prevailing wage apprentice determinations menu
- Superseded prevailing wage determinations

- Important notices (June 2016)
- Important notice: Office of Fair Wages and Workplaces
- Frequently asked questions: Prevailing Wage
- Still have questions on prevailing wage?

March 2016

http://www.dir.ca.gov/OPRL/dpwwagedetermination.htm

WAGE DETERMINATION

Index 2016-1 general prevailing wage journeyman determinations

General prevailing wage determinations made by the director of industrial relations
Pursuant to California Labor Code parts chapter 1, article 2, sections 1770, 1772, and 1773.1

The effective date of each determination is ten (10) days after the issuance date (CCR § 10000). The general determinations are issued twice a year (February 22nd and August 22nd) and go into effect ten days thereafter (March 3rd in a leap year and March 4th in a non-leap year for determinations issued on February 22nd, and September 1st for determinations issued on August 22nd).

To locate a particular journeyman wage determination, check the appropriate wage determination, holiday, advisory scope of work, or travel and subsistence provisions, please follow the six steps in the table below:

<table>
<thead>
<tr>
<th>Step one</th>
<th>Step two (A)</th>
<th>Step three</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide</td>
<td>Northern California</td>
<td>If you have not found your craft in step one, check this area to see if your craft's determination is one of Northern California's basic trades</td>
</tr>
</tbody>
</table>

Choose DIR Statewide to locate the Driver On/Off Hauling Rate
WAGE DETERMINATION

<table>
<thead>
<tr>
<th>Page</th>
<th>Determination</th>
<th>Holidays, scope of work, travel &amp; subsistence</th>
<th>Predetermined Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Dogerman-Blacksmith</td>
<td>[Select One □]</td>
<td>Increase</td>
</tr>
<tr>
<td>2</td>
<td>Iron Worker</td>
<td>[Select One □]</td>
<td>Increase</td>
</tr>
<tr>
<td>2A</td>
<td>Electrical Utility Lineman (a)</td>
<td>[Select One □]</td>
<td>Increase</td>
</tr>
<tr>
<td>2A-1</td>
<td>Electrical Utility Lineman (b)</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>2B-3</td>
<td>Telecommunications Technician</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>28-3</td>
<td>Telephone Installation Worker</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>28D</td>
<td>Tree Technician (High Voltage Line clearance)</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>2H</td>
<td>Stabil Runner</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>31</td>
<td>Electrical Utility Lineman (b)</td>
<td>[Select One □]</td>
<td>No increase *</td>
</tr>
<tr>
<td>2E</td>
<td>Initial Reading</td>
<td>[Select One □]</td>
<td>Increase</td>
</tr>
<tr>
<td>28-6</td>
<td>Driver (On/Off-Hauling To/From Construction Site)</td>
<td>[Select One □]</td>
<td>Increase</td>
</tr>
</tbody>
</table>

Choose the Driver On/Off Hauling Rate

WAGE DETERMINATION: CLASSIFICATION

Once you have accessed the "Driver" rate, click on the "Mixer Trucks" classification:

- Choose the county where the batch plant facility is located
- Once you have the appropriate county pulled up, the following can be accessed and reviewed:
  - Rate of pay required for work performed
  - Pre-determined increases
  - The "Scope of Work" to confirm the work performed is covered under the Mixer Truck classification.
  - Holiday provisions
## WAGE DETERMINATION

**Office of Policy, Research, and Legislation (OPRL)**
Statewide provision selection page

General prevailing wage determinations
made by the director of Industrial Relations

Pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1

<table>
<thead>
<tr>
<th>Craft: Driver (On/Off Hauling to/from Construction Site)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Page</strong></td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>2K</td>
</tr>
<tr>
<td>2L</td>
</tr>
</tbody>
</table>

Return to main table

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## WAGE DETERMINATION

**Choose the county where batch plant is located**

<table>
<thead>
<tr>
<th>Page</th>
<th>Counties</th>
<th>Determination</th>
<th>Holidays, Scope of work, travel &amp; subsistence</th>
<th>Predetermined Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2K-1</td>
<td>Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties</td>
<td>C-MT-261-X-261</td>
<td>Select One</td>
<td>Increase</td>
</tr>
<tr>
<td>2K-2</td>
<td>Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties</td>
<td>C-MT-261-261-5</td>
<td>Select One</td>
<td>No increase *</td>
</tr>
<tr>
<td>2K-3</td>
<td>Butte, Colusa, El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties</td>
<td>C-MT-261-153-53</td>
<td>Select One</td>
<td>Increase</td>
</tr>
<tr>
<td>2K-4</td>
<td>Del Norte, Humboldt, and Mendocino Counties</td>
<td>C-MT-261-524-17</td>
<td>Select One</td>
<td>No increase</td>
</tr>
<tr>
<td>2K-5</td>
<td>Fresno, Madera, Mariposa, Merced, and Stanislaus Counties</td>
<td>C-MT-833-261-3</td>
<td>Select One</td>
<td>No increase *</td>
</tr>
<tr>
<td>2K-6</td>
<td>Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties</td>
<td>C-MT-261-261-2</td>
<td>Select One</td>
<td>No increase *</td>
</tr>
<tr>
<td>2K-7</td>
<td>Imperial and San Diego Counties</td>
<td>C-MT-261-35-96</td>
<td>Select One</td>
<td>Increase</td>
</tr>
</tbody>
</table>
SCOPE OF WORK

➢ The DIR Scope of Work determines which classification(s) may be used for the type of work performed.

➢ DIR's current Scope of Work for the "Mixer Truck" has been identified as the most appropriate classification for the Ready-Mix Concrete driver.

➢ Contractors may obtain the Scope of Work directly from DIR's website for review and confirmation.

SCOPE OF WORK

<table>
<thead>
<tr>
<th>Page</th>
<th>Counties</th>
<th>Determination</th>
<th>Holidays, scope of work, travel &amp; subsistence</th>
<th>Predetermined increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2K-1</td>
<td>Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties</td>
<td>C-MT-261-B-265</td>
<td>Scope</td>
<td>Increase</td>
</tr>
<tr>
<td>2K-2</td>
<td>Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties</td>
<td>C-MT-830-261-5</td>
<td>Select One</td>
<td>No increase</td>
</tr>
<tr>
<td>3K-2</td>
<td>Butte, Calaveras, Del Norte, Filerar, and Lake Counties</td>
<td>C-MT-261-140-23</td>
<td>Increase</td>
<td>15 percent</td>
</tr>
</tbody>
</table>
SCOPE OF WORK

SCOPE OF WORK PROVISION

FOR

DRIVER: MIXER TRUCK

IN

BUTTE, COLUSA, EL DORADO, PLACER, SACRAMENTO, SUTHERLAND, SULPHUR, YOLO AND YUBA COUNTIES


900 CONCRETE-MIXING TRUCK DRIVERS

This group includes occupations concerned with driving a truck and controlling a mounted concrete mixer to mix concrete and transport it to construction sites and dumping mixed concrete into chute leading to forms.

903.481-010 CONCRETE-MIXING TRUCK DRIVER (construction)

alternate titles: batch-mixing truck driver; mixer-mix operator; ready-mix truck driver; transit-mix operator

Drive truck equipped with auxiliary concrete mixer to deliver concrete mix to job sites. Drives truck under loading hopper to receive sand, gravel, cement, and water and starts mixer. Drives truck to location for unloading. Mounts mixer on truck to release concrete from truck chute into silo or other conveying container or directly into area to be poured with concrete. Cleans truck after delivery to prevent concrete from hardening in mixer and on truck, using water hose and brush. May spray surfaces of truck with protective compound to prevent adhering of concrete. May assemble concrete chute.

WAGE DETERMINATION

<table>
<thead>
<tr>
<th>Page</th>
<th>Counties</th>
<th>Determination</th>
<th>Holidays, scope of work, travel &amp; subsistence</th>
<th>Predetermined increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2K-1</td>
<td>Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties</td>
<td>C-MT-261-X-265 Scope</td>
<td>Increase</td>
<td></td>
</tr>
<tr>
<td>2K-2</td>
<td>Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties</td>
<td>C-MT-833-264-5 Select One</td>
<td>No increase</td>
<td></td>
</tr>
<tr>
<td>2K-3</td>
<td>Quiro, Amador El Dorado Placer</td>
<td>C-MT-263-150-60 Comp</td>
<td>Increase</td>
<td></td>
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</tbody>
</table>
WAGE DETERMINATION

GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.3 FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

CRAFT: DRIVER (ON-OFF-HAULING TO FROM CONSTRUCTION SITE)

Determination: C-011-SC-205-2016-1
Issue Date: February 23, 2016
Expiration Date: March 30, 2018
Contact the Office of the Director - Research Unit (415) 703-4774

Locality: All localities within Alameda, Contra Costa, Marin, Napa, Solano and Sonoma Counties

<table>
<thead>
<tr>
<th>Classification</th>
<th>Holiday</th>
<th>Weekday</th>
<th>Winter</th>
<th>Regular</th>
<th>Holiday</th>
<th>Training</th>
<th>Other</th>
<th>Hours</th>
<th>Rate</th>
<th>Daily</th>
<th>Saturday</th>
<th>Sunday</th>
<th>Regular Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Driver</td>
<td>$35.00</td>
<td>$32.00</td>
<td>$31.00</td>
<td>$27.85</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$27.85 per hour</td>
</tr>
</tbody>
</table>

RECOGNIZED HOLIDAYS: Holidays upon which the prevailing hourly wage rate for Holiday work shall be paid shall be all holidays as the collective bargaining agreement, applicable to the prevailing craft classification, in effect in any one or more of the projects which are covered by the provisions of this determination. The prevailing rate is not to exceed a collective bargaining rate or the hourly wage which is paid or to exceed the rate specified in Section 1770 of the Labor Code. You may contact the Director - Research Unit (415) 703-4774 for further information on the holiday rates.

TRAVEL, AIRED OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.3 and 1773.8, contractors shall make travel and/or subsistence payments to work in accordance with the regulations of the Secretary of Labor. You may contact the Director - Research Unit (415) 703-4774 for further information on travel and/or subsistence payments for workers or represented subcontractors.

WAGE RATE

Contractors are required to pay the following:

- **TOTAL HOURLY RATE** for work performed for the first 8 hours in a calendar day
- **OVERTIME RATE OF PAY (1x)** for hours worked after 8 hours in a calendar
- **SATURDAY RATE OF PAY (1x)** for all work performed on a Saturday
- **SUNDAY RATE OF PAY (2x)** for all work performed on a Sunday
- When there is an identified pre-determined increase, overtime rate of pay and Saturday/Sunday premium rate of pay must be recalculated
WAGE RATE

If there is a pre-determined increase the contractor/subcontractor must identify how the increase is allocated. If there is an increase to the Basic Hourly Rate (BHR), the following calculations must be completed to identify the new overtime and Saturday/Sunday rate of pay:

➤ Overtime Rate of Pay & Saturday Rate of Pay calculation
   (new BHR x 1.5) + Fringe Benefit

➤ Sunday Rate of Pay & Holiday Rate of Pay calculation
   (new BHR x 2) + Fringe Benefit

WAGE RATE: BREAKDOWN

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic Rate</th>
<th>Health</th>
<th>Vacation</th>
<th>Hourly &amp; Weekend</th>
<th>Pension</th>
<th>Holiday</th>
<th>Training</th>
<th>Other</th>
<th>Single-Time Hours</th>
<th>Overtime Hourly Rate</th>
<th>Total Daily</th>
<th>Total Saturday</th>
<th>Total Holiday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ready Mix Drivers</td>
<td>$25.90</td>
<td></td>
<td></td>
<td>$12.30</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8.0</td>
<td>$47.62</td>
<td>$90.57</td>
<td>$80.57</td>
<td>$19.52</td>
</tr>
</tbody>
</table>

BASIC HOURLY RATE ($25.90) + EMPLOYER PAYMENTS ($21.72) =
TOTAL HOURLY RATE REQUIRED ($47.62)
## WAGE RATE: HOLIDAYS

Holiday provisions can be found using the same drop-down box used to locate the Scope of Work.

### Driver (mixer trucks) determination and provision selection page

General prevailing wage determinations made by the Director of Industrial Relations

Pursuant to California Labor Code, part 7, chapter 1, article 2, sections 1176, 1177, and 1177.1

Craft: Driver (on/off hauling to/from construction site) - Mixer Trucks

<table>
<thead>
<tr>
<th>Page</th>
<th>Counties</th>
<th>Determination</th>
<th>Holidays, scope of work, travel &amp; subsistence</th>
<th>Predetermined increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2K-1</td>
<td>Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties</td>
<td>C-07T-251-X-265</td>
<td>Holidays</td>
<td>Increase</td>
</tr>
<tr>
<td>2K-2</td>
<td>Above, Amador, Calaveras, San Joaquin, and Tuolumne Counties</td>
<td>C-07T-030-095</td>
<td>Select Code</td>
<td>No increase</td>
</tr>
</tbody>
</table>

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## WAGE RATE: HOLIDAYS

Pursuant to Labor Code section 1773 the holidays for this craft are based upon movement code section 670.

- **4700**: The holidays in this wage area:
  - Every Sunday.
  - Martin Luther King Jr. Day.
  - The second Monday in February, known as "Columbus Day."
  - The third Monday in February, known as "Washington's Birthday."
  - The first Monday in May, known as "Labor Day."
  - The second Monday in September.
  - The last Monday in October, known as "Columbus Day."
  - The second Monday in November, known as "Veteran's Day."
  - The second Tuesday in November.

- **47.50**: The wage area does not include a four-day work week. If a four-day work week is employed by the contractor or the employer for a public works construction project, the provisions of the wage area shall be interpreted within the framework of the public works construction project. The provisions of a succession of understandings reached pursuant to such wage areas shall be interpreted within further understanding and subject to interpretation under the provisions of a succession of understandings reached pursuant to such wage areas.
WAGE RATE: HOLIDAYS

> Make sure the Holiday provisions apply for the county which the batch plant is located.

> When an employee performs work on a date identified as Holiday within the provisions they must be paid at the Holiday Rate of Pay.

WAGE RATE: FOOTNOTES

> Many determinations have footnotes which may change some of the calculation or rate of pay.

> Contractors must include any information provided in the footnotes that may apply when calculating the rate of pay for an employee.

> Examples of footnotes effecting the wage rate calculations are:
  > Additional amounts to be included in the overtime rate calculation (such as the pension)
  > Years of service automatic increases
WAGE RATE: FOOTNOTES

subsequent determination is issued
Localities: All localities within Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties

<table>
<thead>
<tr>
<th>Employee Payables</th>
<th>Basic</th>
<th>Health</th>
<th>Vacation</th>
<th>Total</th>
<th>Hours</th>
<th>Weekly</th>
<th>Holiday</th>
<th>Training</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Wage</td>
<td>Pension</td>
<td>Hours</td>
<td>$28.35</td>
<td>$4245*</td>
<td>$4425*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver Mixer Track</td>
<td>$20.10</td>
<td>$3.80</td>
<td></td>
<td>39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The contribution applies to all hours until $355.56 is paid for the month
2. $1.90 after 3 years of service
3. $3.00 after 5 years of service
4. $3.50 after 8 years of service
5. Rate applies to work in excess of eight (8) hours daily and forty (40) hours weekly.
6. There is no predetermined increase applicable to this determination.

Footnote B in this example states that the Vacation & Holiday amount be increased depending on years of service.

If the employee has been working 4 years the Vacation & Holiday changes to $1.78 from $1.005.
This changes the total hourly rate required to: $24.97

WAGE RATE: EXCEPTIONS

There are exceptions to paying overtime and Saturday/Sunday Rate of Pay
California Code of Regulations Section 16200

- **Exception 1:** If a workweek other than Monday through Friday is a fixed business practice or is required by the awarding body, no overtime payment is required for the first eight hours on Saturday or Sunday.

- **Exception 2:** If the collective bargaining agreement provides for Saturday and Sunday work at straight-time, no overtime payment is required for the first eight (8) hours on Saturday or Sunday.

- **Exception 3:** If the awarding body determines that work cannot be performed during normal business hours or work is necessary at off hours to avoid danger to life or property, no overtime is required for the first eight hours in any one calendar day, and 40 hours during any one calendar week.

- **Exception 4:** No overtime payment is required for less than 40 hours in a standard work week or for less than eight hours in a calendar workday unless specified in the collective bargaining agreement used as the basis for the prevailing wage determination.
WAGE RATE

Does a company still have to pay the total hourly rate if they do not have employer payments (fringe benefits)?

Yes!!!

WAGE RATE

- All employers are required to pay at the total hourly rate to/on behalf of their employees
- Contractors who pay fringe benefits directly to a third party trust/fund/program may receive credit towards the total hourly rate required
- Contractors which do not pay fringe benefits on behalf of their employee(s) must pay the total hourly rate directly to the employee
WAGE RATE: PRE-DETERMINED INCREASE

- Pre-determined increases are available at the time of publishing for a wage determination.
- The pre-determined increases must be taken into consideration as the increase is the required rate of pay during the course of the contract.
- Not all classifications have pre-determined increases. If there is no predetermmened increase the website will not have an available link and will indicate "No Increase".
- If a pre-determined increase exists for the classification there will be a blue link and will indicate "Increase".
- Pre-determined increases may also be identified by the "\*\*" (asterisk sign) located next to the expiration date of the wage determination.

<table>
<thead>
<tr>
<th>Page</th>
<th>Counties</th>
<th>Determination</th>
<th>Holidays, scope of work, travel &amp; subsistence</th>
<th>Predetermined Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2K-1</td>
<td>Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties</td>
<td>C-MT-261-X-265</td>
<td>Scope</td>
<td>Increase</td>
</tr>
<tr>
<td>2K-2</td>
<td>Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties</td>
<td>C-MT-261-261-5</td>
<td>Select One</td>
<td>No increase</td>
</tr>
<tr>
<td>2K-3</td>
<td>Butte, Colusa, El Dorado, Placer</td>
<td>C-MT-261-140-53</td>
<td>Scope</td>
<td>Increase</td>
</tr>
</tbody>
</table>
WAGE RATE:
PRE-DETERMINED INCREASE

Next to the expiration date:

* = No pre-determined increase
** = Pre-determined increase

GENERAL PREVAILING WAGE DETERMINATION MADE PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 2, SUBCHAPTER 2, FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY 
CRAFT: DRIVER (ON-OFF HAULING TO FROM CONSTRUCTION SITE)

Determination: C-MT-261-X-265-2016-1

Expiration date of determination: June 30, 2016

The rate to be paid for all work performed in this determination is as described below:

Classification: Driver

Rate: $18.75

Employer Pay:

Base: $18.75

Wages: $18.75

The wage determined by this determination is effective January 1, 2016.

When referencing an earlier determination, please note that the determination applies only to work performed prior to the effective date of the new determination and is superseded by the new determination.

Effective dates:

- Effective July 1, 2016, there will be an increase to be allocated to wages and/or employer payroll costs.
- Effective July 1, 2017, there will be an increase to be allocated to wages and/or employer payroll costs.

These increases apply to all work performed on or after the effective date.
WAGE RATE:
PRE-DETERMINED INCREASE

When there is a pre-determined increase the contractor must include the increased amount to the employee's rate of pay on the effective date:

*EXAMPLE*

☐ A project has a wage determination of 2016-1. The batch plant facility is in Alameda County.

☐ Original total hourly rate required to be paid: $47.62

☐ On 7/1/16 an increase of $1.00 becomes effective.

☐ Work performed beginning 7/1/16 for this project must have a total hourly rate paid to the employee[s] of $48.62

☐ On 7/1/17 an increase of $.61 becomes effective.

☐ Work performed beginning 7/1/17 for this project must have a total hourly rate paid to the employee[s] of $49.23

---

EXERCISE 1:

CALCULATING THE REQUIRED RATE OF PAY
PREVAILING WAGE & PAYROLL REQUIREMENTS

PREVAILING WAGE REQUIREMENTS

- All workers employed in the execution of a public works project, including sole-proprietors, partners, and corporate officers, must be paid not less than the specified prevailing wage rates for the type of work performed
- Overtime must be paid for all hours worked over 8 in a calendar day AND 40 hours in a week. Violations may be subject to a state penalty of $25 per day per worker
- Work on Saturday & Sunday shall be paid at the premium rate identified on the prevailing wage determination
- Violations of prevailing wage requirements are subject to a penalty of up to $200 per day per worker, paid in addition to underpayments. Liquidated damages in the amount of underpayments may also apply
PAYROLL REQUIREMENTS

➢ Payrolls submitted must be complete with accurate information and contain the correct Caltrans contract number
➢ Caltrans requires all payrolls to be submitted no later than the 15th of the month for the previous month's work
➢ Payrolls must be completed and shall contain all information required by Labor Code 1776 including all information as reflected on the Caltrans forms
➢ Any classification indicated on a payroll document must be recognized by DIR and must meet the Scope of Work as pursuant to DIR
➢ Payroll documents must clearly show gross and net wages, including but not limited to, any fringe benefits that the employer pays

PAYROLL REQUIREMENTS

PAYROLL RECORDS REQUIRED TO BE SUBMITTED:

➢ CEM-2501: FRINGE BENEFIT STATEMENT
➢ CEM-2502: CONTRACTOR/SUBCONTRACTOR WEEKLY CERTIFIED PAYROLL
➢ CEM-2503: STATEMENT OF COMPLIANCE
➢ CEM-2505: OWNER-OPERATOR LISTING
➢ CEM-2510: TRUCK OWNER OPERATING CERTIFICATION
➢ TIME RECORDS
FRINGE BENEFITS

FRINGE BENEFITS ARE ALSO REFERRED TO AS EMPLOYER PAYMENTS

California Code of Regulations §16000 defines employer payments as:

Employer Payments include:

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 STATEMENT

WHAT IS THE FRINGE BENEFIT STATEMENT (FBS) AND WHY IS IT A REQUIRED PAYROLL RECORD?

- An employee working under public works in a specific classification must be paid at the minimum the TOTAL HOURLY RATE required for the type of work performed

- Fringes paid by an employer directly to a 3rd party trust, fund or program on behalf of the employee(s) may be considered part of the employee(s) pay and an employer may receive credit for the payments made. The employer must submit a completed FBS to receive credit

- An employee's total hourly rate of pay = the hourly rate paid directly to the employee on the weekly payroll + total hourly fringe benefits paid (as identified on the completed FBS)
FRINGE BENEFIT STATEMENT

Requirements of a Fringe Benefit:
➢ Irrevocable, in writing, to a 3rd party trust, fund or program
➢ Cannot decrease the basic hourly rate of pay required by DIR’s determination

What qualifies as a Fringe Benefit?
➢ Employer payments for medical, pension, insurance etc.
➢ Does not include: workers comp, sick leave or any other benefit required by law

FRINGE BENEFIT STATEMENT

➢ The Fringe Benefit Statement (FBS) is submitted for an employer to receive credit for benefits paid by the employer directly to a 3rd party trust, fund or program that benefits the employee
➢ The Fringe Benefit Statement (FBS) must be submitted with the first payroll and if/when fringe benefit amounts or subsistence changes
➢ The Fringe Benefit Statement (FBS) must reflect the hourly amount to be credited, and include the name and address of the plans(s) where the fringe benefit is being paid
➢ The Fringe Benefit Statement (FBS) must be signed under penalty of perjury
FRINGE BENEFIT STATEMENT

HOW DO I CALCULATE THE HOURLY RATE FOR A FRINGE BENEFIT?

- Often times Fringe Benefits are paid monthly, quarterly, bi-annually or annually and do not have an official hourly rate
- In order to find the hourly rate required on the FBS, the employer must conduct a method called the "Annualization" principle of the fringe benefit
- The benefit is calculated to a yearly/annual rate and then divided by the full time employees hours worked in a year: 2,080 hours
  - EXAMPLE: Medical is paid by the employer at the rate of $200 per month
    - $200 x 12 = $2,400 a year
    - $2,400 divided by 2,080 hours is: $1.15 hourly credit

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
FRINGE BENEFIT STATEMENT
CEC 2001 (REV 2/16)

CONTRACTOR (PRINT): ____________________________
CONTRACT NUMBER: ____________________________
LEGAL AND PROJECT NUMBER: ______________________

TO: RESIDENT ENGINEER OR DISTRICT LABOR COMPLIANCE OFFICER
BUSINESS ADDRESS______________________________

Labor Compliance uses the following fringe benefits information (shown or referenced on wage rate determination) paid to or on behalf of employees in various crafts or classifications to check payrolls or apply to force account work on the above contract.

COMPLETE AND SUBMIT THIS FORM WITH THE FIRST CERTIFIED PAYROLL OR WHEN THERE HAVE BEEN CHANGES.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Fringe Benefit Hourly Amount</th>
<th>Name and Address of Plan, Fund, or Program</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vacation $</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health and Welfare $</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pension $</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apprentice or $</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Training Fees $</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other $</td>
<td></td>
</tr>
</tbody>
</table>

Complete thoroughly

Give Classification / Employee Name

Effective Date

Subsistence and/or Travel Pay $
WEEKLY CERTIFIED PAYROLL

LABOR CODE §1776(a) AND §1776(c) REQUIREMENTS

➢ Name, address and full social security number of each employee
➢ Classification of work (the most appropriate classification for Ready-Mix Concrete work is “DRIVER”)
➢ Hourly and overtime rate of pay
➢ Week ending date, date and day of work, hours worked each day and total hours for the week
➢ Gross & Net pay with deductions
➢ Check number or direct deposit transaction number
➢ Project location
➢ Federal-Aid Number
➢ Caltrans Contract number

WEEKLY CERTIFIED PAYROLL

➢ All deductions from an employee’s paycheck must be explained. Any deduction marked “other” (i.e., garnishments, 401k, payroll advances etc.) must be explained on the payroll or on the Statement of Compliance (SoC)

➢ Any deductions from an employee’s paycheck must be authorized and meet Labor Code §221 & §224 requirements

➢ Labor Compliance is responsible to monitor and enforce any violations and order any payroll records which have prevailing wage work. Confirmation of authorized deductions may be requested by Caltrans
If a paycheck includes work not associated with the specific Caltrans contract, how does the company document the information on the weekly payroll?
STATEMENT OF COMPLIANCE

- Certifies the weekly certified payroll record under “Penalty of Perjury”
- Signature required
- First and Last Day of Pay Period required (corresponding to dates on the weekly certified payroll record)
- ITEM 2: Director of Department of Industrial Relations is the required wage rate for DRIVER
- ITEM 4: This section is completed based on the contractor’s payment process

<table>
<thead>
<tr>
<th>STATE OF CALIFORNIA</th>
<th>DEPARTMENT OF TRANSPORTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF COMPLIANCE</td>
<td>CALENDAR WEEK X WEEK</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIRST DAY AND DATE OF PAY PERIOD</th>
<th>LAST DAY AND DATE OF PAY PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I do hereby certify under penalty of perjury:
(1) The name of the contractor is the party that is the employer of the workers referenced herein. All wages, salaries, or any other compensation paid by the contractor to the workers referenced herein have been paid directly by the contractor. The worker or his agent or representative is paid on the last day of each pay period without deduction except as stated herein.

(2) The payroll was prepared in accordance with the applicable wage determination incorporated into the contract.

(3) The information in the above paragraphs is true and accurate, and the person certifying this statement attests to the accuracy of the information provided.

(4) The wage rates, hours, and other terms and conditions of employment are as indicated in the applicable wage determination.

EXCEPTION DATE: [ ]
EXPLANATION: [ ]

[ ]

NAME (PLEASE PRINT): [ ]
TITLE: [ ]
SIGNATURE: [ ]
**SoC - ITEM 4:** Paid directly to a third party or directly to the employee?

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>FRINGE BENEFIT OR HOURLY AMOUNT</th>
<th>NAME AND ADDRESS OF PLAN, FUND, OR PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Engineer</td>
<td></td>
<td>ABC Trust Fund, 123 Street, Town, CA</td>
</tr>
<tr>
<td>7/1/2013</td>
<td></td>
<td>Kaiser Permanente, 456 Lane, Town, CA</td>
</tr>
<tr>
<td>Jona Worker</td>
<td></td>
<td>Wall Street Fund, 227 Road, City, CA</td>
</tr>
<tr>
<td>Subsistence and/or Travel Pay.</td>
<td></td>
<td>CAC, PO Box 42000, SF, CA</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrician</td>
<td></td>
<td>California Apprenticeship Council</td>
</tr>
<tr>
<td>7/1/2013</td>
<td></td>
<td>P.O. Box 10125</td>
</tr>
<tr>
<td>Jim Worker</td>
<td></td>
<td>Pasedena, CA 91180-0005</td>
</tr>
<tr>
<td>Subsistence and/or Travel Pay.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**SoC - Item 4: "Other" deductions**

- [x] Have been or will be paid to the approved plan(s), fund(s), or program(s) for the benefit of listed employees, except as noted below.
- [ ] Have been paid directly to the listed employee, except as noted below.
- [ ] See exceptions noted below.

<table>
<thead>
<tr>
<th>Partner</th>
<th>Training Funds Paid to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>California Apprenticeship Council</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 511283</td>
</tr>
<tr>
<td></td>
<td>Los Angeles, CA 90017-7838</td>
</tr>
</tbody>
</table>

- [ ] Employee Name Here: **Brown** - Additional Voluntary Deductions for Health Insurance (dependent coverage) paid to California Choice.
- [ ] Employee Name Here: **Jones** - $13,814 reimbursement paid to employer, Employee Support Number Deduct paid to Cal State Disturb Unit.
- [ ] Child Support Order Deduct paid to Cal State Disturb Unit.

---

**PLEASE REVIEW:** Title
OWNER-OPERATOR PAYROLLS

➢ If the work is being performed by an “owner-operator”, payrolls may be used that are specific to owner-operators.

➢ CEM-2505 “Owner-Operator Listing” CEM-2510 “Truck Owner Operator Certification of Ownership”, the contractor employing an owner-operator must complete the forms. The forms will not be accepted from the equipment owner-operator unless the hiring contractor signs the owner-operator statement of compliance.

➢ CEM-2510 is a requirement for *bona fide* truck owner-operators hauling to/from the jobsite and must be resubmitted if/when information changes.

---

OWNER-OPERATOR LISTING

---
TRUCK OWNER-OPERATOR CERTIFICATION OF OWNERSHIP

SECTION 1
- Business Name:
- Name of Registered Owner:
- Name of Operator:
- Driver's License Number:
- Address:
- City, State, Zip:
- Phone Number:
- Truck Type:
- Truck License Number:

SECTION 2
- Description of Work:
- Truck Owner:
- Truck Number:
- Truck License Number:

SECTION 3
- Certification:

Please complete all information on Section 1 and either Section 2 or Section 3.

TIMECARDS

➢ AB219 requires timecards and certified weekly payrolls to be submitted to the prime contractor within three (3) business days after the employee has been paid.

➢ Per Caltrans Standard Specifications Section 7-1.02K(3) the prime contractor is required to submit all timecards with the required certified payroll records no later than the 15th of the month for the prior month's work.

➢ There is currently no specific form for timecards. However; the Standard Specifications outline the required information on timecards for Ready-Mix Concrete Drivers.

➢ Timecards will only meet requirements as long as they contain all information identified in the Standard Specifications.
TIMECARDS

*Standard Specifications 7-1.02K(3)*

Submitted certified payrolls for hauling and delivering ready-mixed concrete must be accompanied by a written time record. The time record must include:

1. Truck driver's full name and address
2. Name and address of the factory or batching plant
3. Time the concrete was loaded at the factory or batching plant
4. Time the truck returned to the factory or batching plant
5. Truck driver's signature certifying under penalty of perjury that the information contained in this written time record is true and correct

PAYROLL RECORDS OVERVIEW

- The *Fringe Benefit Statement (FBS)* is due with the first weekly payroll records and if/when fringe or subsistence amounts change
- The *Statement of Compliance* must be completed, signed under Penalty of Perjury and submitted along with every weekly certified payroll record
- *Timecards* with all required information must be submitted with the weekly certified payroll. Failure to submit completed timecards will be considered delinquent
- AB219 requires payroll records to be submitted to the prime contractor within three (3) business days after payment has been made. The prime contractor must submit all payroll documents to Caltrans by the 15th of the month for the prior month's work
PAYROLL SUBMISSION

➢ AB219 requires payroll records to be submitted to the prime contractor within three (3) business days after payment has been made.

➢ The prime contractor is required to submit all weekly payroll records for work performed to Caltrans labor compliance by the 15th of the following month.

➢ Failure to provide payroll records as required will result in a withholding of payment up to $10,000 for the prime contractor.

➢ Penalties may be assessed for failure to provide payroll records as required pursuant to Labor Code §1775, §1776 & §1810-1815.
PAYROLL SUBMISSION

- Payrolls may be submitted electronically to Caltrans:
- Submissions must be in an unmodifiable PDF format and contain all information required by labor code.

- A Contractor's Acknowledgment form must be completed by the submitting party prior to submitting payrolls electronically and can be found at: http://www.dot.ca.gov/hq/construc/LaborCompliance/index.htm

- The form must be sent to the Labor Compliance Officer who responds confirming receipt and accepting the e-mails containing payrolls.

- When submitting electronic payrolls to Caltrans the prime contractor and hiring contractor should be included on the e-mail.

ELECTRONIC PAYROLL SUBMITTAL

California Department of Transportation
Compliance Program

Notice of Exception Requirement for Electronic Submission of Certified Payroll Records

Contract Number: ____________________________

Contractor Name: ____________________________

Title 8, California Code of Regulations, Section 1778 provides that certified payroll records required by Labor Code Section 1778 may be maintained and submitted electronically. The Labor Code requires that a contractor maintain certified payroll records in order to ensure adequate record-keeping control. A contractor submitting payroll records must be capable of providing certified payroll records to the Department of Industrial Relations electronically.

The California government has adopted federal requirements of the Federal Information Security Management Act (FISMA) which regulates security of electronic documents during the storage, transmission, and archival process. Any contractor that submits electronic payroll records to Caltrans must be prepared to provide copies of the data to third parties. This requirement applies to every contractor submitting payroll records on electronic payroll form or any contractor working for the project.

Contractor's Acknowledgment

I am a contractor doing business with the State of California, Department of Transportation. I understand the requirements to submit electronic documents that contain personal or confidential information, and/or K-12 public education records. As a condition of contract, I must agree to maintain current and accurate electronic payroll records, and to provide copies of the data to third parties as required by the Department of Industrial Relations. In order to receive electronic payroll records, I agree to the requirement to maintain current and accurate electronic payroll records, and to provide copies of the data to third parties as required by the Department of Industrial Relations.

Contractor's Representative: ____________________________

Date: ____________________________

Contractor's Representative: ____________________________

Date: ____________________________

Note: The subcontractor must provide a copy of this acknowledgment to the prime contractor.
OVERVIEW

► According to DIR's Scope of Work, the most appropriate wage determination and classification to be used is **Driver: Mixer Truck for Ready-Mix Concrete**

► The prevailing wage rate will be based on the location of the batch plant, not the Caltrans project site

► The total hourly rate for straight time work is required to be paid to/on behalf of the employee(s). Contractors may receive credit for employer payments that meets requirements

► Overtime must be paid for all hours over 8 in a calendar day and 40 hours in a week

► Saturday & Sunday Rate of Pay is required for all hours worked on those days unless it falls within the allowed exceptions

OVERVIEW

► Payroll documents must contain all information required by Labor Code §1776 including all information reflected on the Caltrans forms

► The Fringe Benefit Statement (FBS) is required to be submitted with the first payroll and if/when fringe benefits or subsistence amounts change

► Timecards must contain all information required by the **Standard Specifications**

► Weekly certified payrolls and timecards are to be submitted to the prime contractor within three (3) business days after payment is made

► The prime contractor is required to submit all payrolls & timecards by the 15th of the month for the prior month's work
OVERVIEW

➤ Penalties may be assessed for failure to meet prevailing wage requirements

➤ Caltrans has the authority to audit any prime contractor and subcontractor payroll records for work performed under a Caltrans contract

➤ Caltrans has the authority to withhold payment from the prime contractor for failure to comply with prevailing wage requirements

➤ The prime contractor has the ability to withhold payment from a subcontractor for failure to comply with prevailing wage requirements

RESOURCES

➤ Caltrans Labor Compliance: http://www.dot.ca.gov/hq/construc/LaborCompliance/

➤ DIR Director’s General Prevailing Wage Determinations: http://www.dir.ca.gov/OPRL/dprevagedetermination.htm
