

ATTACHMENT A

CHECKLIST OF LABOR LAW REQUIREMENTS TO REVIEW AT JOB CONFERENCE MEETINGS

(Pursuant to Title 8, Section 16421 of the California Code of Regulations)

NAME (print) _____ Date _____
COMPANY _____ Phone _____
Address _____ Fax # _____
City _____ State _____ Zip Code _____
Project Manager _____ Superintendent/Foreman _____
Certified Payroll _____ Phone/Ext. _____
Contractor License No. _____ Exp. Date _____ Specialty License No. _____
Self-Insured Certificate No. _____ Workers Comp. Policy No. _____
Project Name _____ Project #/Bid Package# _____
School District _____ Advertisement Date: _____
If sub-contracting, list your Prime / General Contractor _____
CONTRACT AWARD AMOUNT: _____

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

1. 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 are to be 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/dlsr/statistics_research.html).

2. 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.**

3. Penalties

There are penalties required for contractor's/subcontractor's failure to pay prevailing wages and for failure to employ apprentices, including forfeitures and debarment under Labor Code Sections 1775; 1776; 1777.1; 1777.7 and 1813.

4. Certified Payroll Reports

Under Labor Code Section 1776, contractors and subcontractors are required to keep accurate payroll records showing the name, address, social security number and work classification of each employee and owner performing work; also the straight time and overtime hours worked each day for each week, the fringe benefits, and, the actual per diem wage paid to each owner, journey person, apprentice worker or other employee hired in connection with the public works project.

Each contractor and subcontractor shall submit its certified payroll reports to the District LCPR *on a weekly basis*. **The certified LCP payroll records shall be on forms provided by the Kern County Superintendent of Schools Labor Compliance Program OR the Division of Labor Standards Enforcement Form A 1-131 - <http://www.dir.ca.gov/dlse/DLSEFormA-1-131.pdf> with an enhanced Statement of Compliance.**

Prime Contractors are responsible for submittal of their payrolls and those of their respective subcontractors as one package. Any payroll not submitted in the proper form will be rejected. In the event that there has been no work performed during a given week, the Certified Payroll Report shall be annotated: "No work" for that week or a Non-Performance Statement must be submitted.

Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor/subcontractor, or shall be furnished to any employee, or his/her authorized representative on request, pursuant to Labor Code Section 1776.

Under Labor Code Section 1776(g) there are penalties required for contractor's/subcontractor's failure to maintain and submit copies of certified payroll records on request.

5. 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.

6. Kickbacks Prohibited

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

7. 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.

8. 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.

9. 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.

10. Unfair Competition Prohibited

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

11. Workers Compensation Insurance

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

12. OSHA

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

13. 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.

14. 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)

For the LCP:

Kern County Superintendent of Schools (3rd Party LCP) (Date)