

Title 8. Industrial Relations
Division 1. Department of Industrial Relations
Chapter 6. Division of Labor Standards Enforcement
Subchapter 8. Garment Manufacturers

§ 13630. Registration of Manufacturers and Contractors.

All persons, within the meaning of Labor Code Section 2671(a), engaged in “garment manufacturing,” as defined in Labor Code Section 2671(b)(c), must register with the Labor Commissioner as either a “contractor” (defined at Labor Code Section 2671(d)(f)), or a “manufacturer,” according to that person's bona fide business practices. A person's designation on a registration as a “contractor” or “manufacturer” shall not preclude the introduction of evidence in any proceeding before the Labor Commissioner on the actual business practices of such person.

NOTE: Authority cited: Sections 2671(b) and 2672, Labor Code. Reference: Sections 2671 and 2675, Labor Code.

§ 13631. Recordkeeping.

(a) Every employer engaged in the business of garment manufacturing shall keep accurate records as required by Labor Code Sections 226 and 2673, any applicable order of the Industrial Welfare Commission, and section 13659 of this subchapter. These records shall be maintained for a period of no less than four years, unless otherwise specified, at the place of employment or at a central location within the State of California, and shall be made available to the Labor Commissioner, or ~~his or her~~ their agents, upon request for inspection and/or copying. Failure to provide these records to the Labor Commissioner within ten days of the date of request, or providing records that have been falsified, shall constitute grounds for revocation of registration or denial of an application for registration.

(b) Brand Guarantors shall keep accurate records as required by Labor Code Section 2673(b) as well as any other applicable Labor Code section, Industrial Welfare Commission wage order, or California Code of Regulations section for a period of no less than four years.

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 226, 1185, 2672, 2673 and 2675, Labor Code.

§ 13633. Registration of Employee Leasing Companies and Temporary Agencies.

(a) Every employee leasing company or temporary agency that leases or otherwise provides garment manufacturers or contractors with the services of employees engaged in sewing, cutting, making, processing, repairing, finishing, assembling, dyeing, altering a garment's design, causing another person to alter a garment's design, affixing a label to a garment, or otherwise preparing any garment or article of wearing apparel or accessories designed or intended to be worn by any individual is itself engaged in garment manufacturing, and must register with and obtain a valid registration certificate from the Labor Commissioner as a contractor.

(b) Every employee leasing company or temporary agency shall provide the Labor Commissioner with written notice whenever it enters into, or terminates, an arrangement to lease or otherwise provide employees engaged in any of the above enumerated garment manufacturing operations to a garment manufacturer or contractor. This notice shall include the name and address of the garment manufacturer or contractor that was or will be a party to the arrangement, the dates from beginning to end that employees were or will be leased or otherwise provided under the arrangement, the address(es) where the employees performed or will perform the garment manufacturing operations, and the number of employees that have been or will be leased or otherwise provided to the garment manufacturer or contractor under the arrangement. This notice shall be mailed to: Division of Labor Standards Enforcement, Licensing & Registration Unit, ~~PO Box 420603, San Francisco, CA 94142~~ 320 W. 4th Street, Suite 480, Los Angeles, CA 90013; or emailed to dlse.licensing@dir.ca.gov. Failure to provide this notice within ten days of the date of entering into or terminating the arrangement will constitute grounds for revocation of registration or denial of an application for registration.

NOTE: Authority cited: Sections 2671(b) and 2672, Labor Code. Reference: Sections 2671 and 2675, Labor Code.

§ 13634. Requirements for Registration.

(a) Applicants for registration shall complete the application form provided by the Labor Commissioner entitled, "Application for Registration Garment Manufacturing Industry" [DLSE 810 (REV. ~~11/2303/02~~)], which is hereby incorporated by reference. The form is available online at https://www.dir.ca.gov/dlse/apply_new_garment_manufacturers_and_contractors.htm. The form includes the following information which the applicant shall certify under penalty of perjury:

- (1) Name and business address of applicant, and the address of each location where employees will be engaged in garment manufacturing;
- (2) Form of business entity;
- (3) Name, social security number, California driver's license number, and residence address of owner, if sole proprietorship;
- (4) Name(s), social security number(s), California driver's license number(s), and residence address(es) of co-owners, if any;
- (5) Fictitious name, if any, under which the business is operated;
- (6) Names, social security number(s), California driver's license number(s), and residence addresses of all partners, if a partnership;
- (7) Names, social security numbers, California driver's license numbers, and residence addresses of all officers and directors, and their respective titles, if a corporation;
- (8) Number of employees, and a copy of the most recently filed quarterly report to the Employment Development Department reflecting the number of employees employed;
- (9) Type of business, and whether the business primarily operates as a garment manufacturer or a garment contractor;
- (10) Proof of current workers' compensation insurance coverage;
- (11) The name(s), address(es), and form(s) of business entities of persons and entities engaged in the business of garment manufacturing with whom the applicant has entered into contracts for the performance of garment manufacturing services during the past three years;
- (12) The applicant's employer tax identification number;
- (13) Name(s), social security number(s), California driver's license number(s), and residence address(es) of all managers and supervisors who directly or indirectly control the wages, hours, or working conditions of the applicant's employees.
- (14) Name(s), social security number(s), California driver's license number(s), and residence addresses of all substantial shareholders, and the percentage of their ownership in the business, if a corporation. For the purpose of this section, the term "substantial shareholder" shall mean any shareholder who owns at least 20% of the total value of all classes of stock, or, if no stock has been issued, who owns at least 20% of the beneficial interests in the corporation.

(15) Names, social security number(s), California driver's license number(s), and residence addresses of all members, if a limited liability corporation.

(16) Name and business address of the agent for service of process, if a corporation or limited liability company.

(17) The amount of gross sales receipts, as defined in section 13635(d), for the 12-month period immediately preceding the filing of the application.

(18) A list of all assessments of wages due and all penalty citations for violations of provisions of the Fair Labor Standards Act or the California Labor Code that were issued by the United States Department of Labor or the California Department of Industrial Relations within the past three years to the applicant or the applicant's owner(s), partners (if the applicant is a partnership), corporate officers, directors and substantial shareholders (if the applicant is a corporation), members (if the applicant is a limited liability company), or managers and supervisors; the names of the persons and businesses that were cited or assessed; the date and amount of each citation or assessment; the disposition of any appeal on the citation or assessment; and whether or not the citation or assessment has been paid, and if so, the date it was paid.

(19) A list of all judgments and settlement agreements for unpaid wages that were entered within the past five years against the applicant or the applicant's owner(s), partners (if the applicant is a partnership), corporate officers, directors and substantial shareholders (if the applicant is a corporation), members (if the applicant is a limited liability company), or managers and supervisors; the names of the persons and businesses against whom judgments or settlement agreements for unpaid wages were entered; the date of entry of judgment or the date of execution of the settlement agreement; the court that entered the judgment, the case number, and the amount found due in each judgment or settlement agreement; and whether or not the judgment or settlement agreement has been paid, and if so, the date it was paid.

(20) Whether the applicant or the applicant's owner(s), partners (if the applicant is a partnership), corporate officers, directors and substantial shareholders (if the applicant is a corporation), members (if the applicant is a limited liability company), or managers and supervisors have had a garment registration certificate revoked or an application for registration denied, and if so, the name and address of the business whose registration or application for registration was revoked or denied, the period of revocation or date of denial, and the reasons for the revocation or denial.

(21) For any applicant that had an application for registration denied, or a registration revoked or suspended, pursuant to proceedings under section 13646 at

any time during the past three years, whether the applicant has had any gross sales receipts, as defined in section 13635(d), at any time during the three years prior to the filing of the application.

(22) For new applicants, whether the applicant or the applicant's owner(s), partners (if the applicant is a partnership), corporate officers, directors and substantial shareholders (if the applicant is a corporation), members (if the applicant is a limited liability company), managers and supervisors, or immediate family members of any of the above persons have ever previously operated as a garment manufacturer, contractor, or in any other capacity in garment manufacturing, including but not limited to exercising direct or indirect control over garment workers' wages, hours and working conditions, and if so, the name(s) and address(es) of the business(es), dates of operation, garment registration number(s), and dates of registration.

(b) Every person applying for registration as a manufacturer shall certify in writing that ~~he or she is~~ they are aware of the ~~wage guarantee provision of joint and several liability and proportional liability provisions in~~ Labor Code Section 2673.1, under which every garment manufacturer guarantees payment of his or her proportionate share of any unpaid minimum wages and overtime wages owing to any employees of the contractors with whom the manufacturer contracts, for work performed by the contractor's employees on behalf of the manufacturer. is (i) jointly and severally liable with the contractor and any brand guarantors for the full amount of unpaid wages, reimbursements for expenses, and any other compensation, including interest, the employee's reasonable attorney's fees and costs, and civil penalties for failure by the contractor to secure valid workers' compensation coverage and (ii) liable with the contractor for the full amount of damages and penalties, including interest, for a violation of the Labor Code. With regard to a manufacturer's liability for damages and penalties, if two or more manufacturers have performed work with the same contractor during the same pay period, the liability of each manufacturer shall be limited to their proportionate share, as determined by the Labor Commissioner.

(c) The residence addresses, social security numbers, and California driver's license numbers listed in the application for registration pursuant to subsections (a)(3),(4), (6), (7), (13), (14) and (15), above, are for the Labor Commissioner's use for licensing and law enforcement purposes, and are confidential and shall not be disclosed to any person other than an employee of a law enforcement agency, except if required by court order or if necessary for the prosecution, by the Labor Commissioner, of any judicial or administrative proceeding.

NOTE: Authority cited: Sections 2672 and 2675, Labor Code. Reference: Sections 2673.1, 2675, 2678 and 2684, Labor Code; and Section 6254(f), Government Code.

§ 13637. Amended Certificate.

The registrant shall notify the Labor Commissioner in writing at least two weeks prior to any change(s) of address. Such notification is required as to each location not already listed on the Registration Certificate where employees will be engaged in garment manufacturing. The mailing address is Division of Labor Standards Enforcement, Licensing & Registration Unit, 320 W. 4th Street, Suite 480, Los Angeles, CA 90013. The email address is dlse.licensing@dir.ca.gov. Following receipt of written notice from a garment contractor or manufacturer in possession of a current Registration Certificate, the Labor Commissioner shall, without additional cost, issue an amended certificate listing the new address(es), unless the business of garment manufacturing cannot legally or safely be carried on at the proposed address(es).

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 2651 and 2675, Labor Code.

§ 13644. Bonds for Filing an Appeal from an Order, Decision or Award.

(a) The bond that is required pursuant to Labor Code Section 2673.1(fg), as a condition precedent to filing an appeal from an order, decision or award of the Labor Commissioner, shall be issued by a surety licensed to do business in the State of California, in an amount equal to one and one-half times the award, and shall be made payable to and posted with the Labor Commissioner. An undertaking in the form of a cashier's check or money order made payable to the Labor Commissioner may be provided to the Labor Commissioner in lieu of posting this surety bond. The surety bond or undertaking shall be delivered to the office of the Labor Commissioner where the hearing that resulted in the order, decision or award was held. The bond or undertaking shall be conditioned that if any judgment is entered in favor of the employee, the contractor, manufacturer, or brand guarantor shall pay the amount owed pursuant to the judgment, and if the appeal is withdrawn or dismissed without entry of judgment, the contractor, manufacturer, or brand guarantor shall pay the amount owed pursuant to the order, decision or award of the Labor Commissioner unless the parties have executed a settlement agreement for payment of some other amount, in which case the contractor, manufacturer, or brand guarantor shall pay the amount that it is obligated to pay under the terms of the settlement agreement. If the contractor, manufacturer, or brand guarantor fails to pay the amount owed within 10 days of the entry of judgment, dismissal or withdrawal of the appeal, or the execution of a settlement agreement, a portion of the bond or undertaking equal to the amount owed, or the entire bond or undertaking if the amount owed exceeds the bond or undertaking, shall be forfeited to the employee.

(b) Upon receipt of this appeal bond or undertaking, the Labor Commissioner shall provide the contractor, manufacturer, or brand guarantor posting the bond or undertaking with a notice of posting of the bond with the Labor Commissioner pursuant to Labor Code Section 2673.1, stating the name and case number of the order, decision or award, the amount posted with the Labor Commissioner, the date this amount was posted, and that no additional appeal bond need be posted with the court because this case involves ~~minimum wages or overtime~~ compensation owed to garment workers, and thus, the appeal bond provisions of Labor Code Section 2673.1(~~fg~~), rather than the appeal bond provisions of Labor Code Section 98.2(b), apply to the filing of a de novo appeal from the Labor Commissioner's order, decision or award. The contractor, manufacturer, or brand guarantor filing an appeal from the order, decision or award shall advise the court with which it is filing this appeal that it has posted the required bond with the Labor Commissioner by attaching to its notice of appeal a copy of the notice of posting of the bond with the Labor Commissioner.

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 98.2(~~b~~) and 2673, Labor Code.

§ 13646. Hearings to Deny an Application and to Revoke or Suspend Registration.

(a) Denial of an application for registration and revocation or suspension of registration shall be upon proper notice and upon hearing, if appealed. The appeal shall be directed to the Labor Commissioner who shall assign the matter to a hearing officer for hearing. The hearing shall be conducted according to the rules set forth below, and except as specifically provided herein, the provisions of Title 2, Division 3, Part 1, Chapter 5 of the Government Code (commencing with Government Code Section 11500) shall not apply to these proceedings.

(b) Proceedings to determine whether a registration shall be revoked, suspended or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which set forth in ordinary and concise language the acts or omissions with which the registrant is charged, and shall specify the statutes or rules which the registrant is alleged to have violated. The accusation shall be verified unless made by a public officer acting in their ~~his or her~~ official capacity or by an employee of the Division of Labor Standards Enforcement.

(c) Proceedings to determine whether a registration certificate shall be issued or renewed shall be initiated by filing a statement of issues. The statement of issues shall be a written statement specifying the statutes and rules with which the applicant must show compliance by producing proof at the hearing and, in addition, any particular matters that have come to the attention of the initiating party that would authorize a denial of the application for registration. The statement of issues shall be verified unless made by a public officer acting in their ~~his or her~~ official capacity or by an employee of the Division of Labor Standards Enforcement.

(d) Upon the filing of an accusation or statement of issues, the Division of Labor Standards Enforcement shall serve a copy thereof on the registrant or applicant in a manner provided by Government Code Section 11505(e). The copy of the accusation or statement of issues shall include or be accompanied by:

(1) a statement that the respondent may request a hearing by filing a notice of defense within 15 days after service upon the respondent of the accusation or statement of issues, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and

(2) a form entitled notice of defense which, when signed by or on behalf of the respondent and returned to the Division, will constitute a request for a hearing.

(e) Within 15 days after service of the accusation or statement of issues, the respondent may file with the Division a notice of defense in which the respondent may:

(1) Request a hearing;

(2) Object to the accusation or statement of issues on the ground that it does not state acts or omissions upon which the Division may proceed;

(3) Object to the form of the accusation or statement of issues on the ground that it is so indefinite or uncertain that the respondent cannot prepare a defense;

(4) Admit the accusation or statement of issues in whole or in part; or

(5) Present new matter by way of a defense.

The respondent shall be entitled to a hearing on the merits if the respondent files a timely notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation or statement of issues not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the Division, in its discretion, may nevertheless grant a hearing.

(f) If the respondent either fails to file a notice of defense or to appear at the hearing, the Division may take action based upon the respondent's express admissions or upon other evidence, and declarations may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that the respondent is entitled to the issuance or renewal of a registration, the Division may proceed by default without scheduling a hearing or taking evidence.

(g) Declarations may be admitted into evidence at a contested hearing in accordance with the procedure for admitting affidavits set forth at Government Code Section

11514.

(h) At any time before the matter is submitted for decision, the Division may file or permit the filing of an amended or supplemental accusation or statement of issues. If the amended or supplemental accusation or statement of issues presents new charges, the Division shall afford the respondent a reasonable opportunity to prepare a defense thereto. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation or statement of issues may be made orally during the hearing.

(i) The provisions of Government Code Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding to deny an application for registration or to revoke or suspend a registration. A party shall have 20 days from the date of the mailing of the request for discovery to provide the requested discovery to the requesting party. Any party claiming non-compliance with a discovery request made under this section may file with the hearing officer a motion to compel discovery. Any such motion shall be served upon the party from whom discovery is sought within 15 days of that party's failure or refusal to provide the discovery. The party against whom discovery is sought may file a written response to the motion by filing such response within 10 days of service of the motion. The motion may be decided with or without a hearing, at the discretion of the hearing officer. The order denying the motion, or granting the motion in whole or in part, shall be in writing.

(j) The Division shall deliver or mail a notice of hearing to all parties at least 10 days prior to the hearing. The notice of hearing shall be in substantially the same form as set forth at Government Code Section 11509, and shall include notice of the right to request an interpreter for a party or witness who cannot proficiently speak or understand English.

(k) The hearing shall be presided over by a hearing officer appointed by the Labor Commissioner. A contested hearing shall be conducted in accordance with the procedures set forth at sections 13651 to 13654 of this subchapter.

(l) The hearing officer's proposed decision shall be in writing, be based on the record, and include a statement of the factual and legal basis of the decision, as provided in Government Code Section 11425.50. Within 45 days of the conclusion of the hearing, the hearing officer shall transmit the proposed decision to the Labor Commissioner, who may either:

(1) Adopt the proposed decision in its entirety, or

(2) Modify any part of the proposed decision, including the order, or

(3) Remand the case to the hearing officer for further proceedings. Within 60 days of the conclusion of the hearing, copies of the Labor Commissioner's decision, and the hearing officer's proposed decision which shall be attached thereto, shall be

delivered to the parties personally or sent to them by certified mail. The decision shall become effective 30 days after it is delivered or mailed to the respondent, unless the decision provides for an earlier date, or a stay of execution has been granted by the Division. A stay of execution may be included in the decision or granted by the Division at any time before the decision becomes effective, and may be accompanied by an express condition that the respondent comply with specified conditions or terms of probation.

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 2673.1(m), 2675(a)(2) and 2679(b), Labor Code.

§ 13655. Determination of ~~Guarantor's~~ Manufacturer's Proportionate Share of Liability.

The Labor Commissioner may determine ~~the a~~ a manufacturer's proportionate share of liability ~~of a wage guarantor for damages and penalties~~ under Labor Code Section 2673.1(b) by using any one of the following methods, at the discretion of the Labor Commissioner. Records maintained by the contractor, manufacturer, or brand guarantor ~~and guarantor(s)~~ may be used to establish proportionate share, but in the event that any necessary records are not produced, incomplete, or inaccurate, the Labor Commissioner may rely on any other available evidence, including the testimony of claimants, with respect to these issues:

- (a) Contractor's Gross Sales -- The amount earned by the contractor as a result of work performed by the contractor's employees on behalf of the ~~wage guarantor~~ manufacturer during a pay period as a percentage of the total amount earned by the contractor as a result of work performed by its employees during that pay period.
- (b) Employees' Hours Worked -- The amount of time that the contractor's employees spent performing work on behalf of the ~~wage guarantor~~ manufacturer during a pay period as a percentage of the total hours worked by the contractor's employees during that pay period.
- (c) Garments Produced -- The number of garments or articles of wearing apparel finished, assembled, produced or otherwise prepared by the contractor's employees on behalf of the ~~wage guarantor~~ manufacturer during a pay period as a percentage of the total number of garments or articles of wearing apparel finished, assembled, produced or otherwise prepared by the contractor's employees during that pay period.
- (d) Presumption in the Absence of Records -- In the absence of records, the Labor Commissioner will make just and reasonable inferences about a manufacturer's

wage guarantor's proportionate share based on the competent testimony of the claimant(s). If such testimony is insufficient to allow the Labor Commissioner to determine proportionality based on subsections (a), (b), or (c) above, the full amount of the claim for damages and penalties ~~unpaid minimum wages and overtime~~ will be apportioned equally amongst the known manufacturers ~~guarantors~~.

NOTE: Authority cited: Section 2672, Labor Code. Reference: Section 2673.1(b), Labor Code

§ 13656. Amounts Included in Assessment of Wages Owed and Order, Decision or Award.

The Labor Commissioner's assessment of wages owed issued pursuant to Labor Code Section 2673.1, and any subsequently issued order, decision or award, shall set out the amounts owed by the contractor, manufacturer(s), and brand guarantor(s) ~~and wage guarantor(s)~~ as follows:

(a) The amounts owed by the contractor for:

- (1) Unpaid minimum wages;
- (2) Unpaid overtime wages;
- (3) Other unpaid (including regular or other premium) wages;
- (4) Other compensation owed, including unreimbursed business expenses, pursuant to the Labor Code or applicable Industrial Welfare Commission order;
- (5) Liquidated damages in an amount equal to the unpaid minimum wages;
- (6) Liquidated damages in an amount equal to the unpaid overtime wages;
- (7) Interest on all unpaid wages and on the liquidated damages from the date such wages became due, pursuant to Labor Code Section 98.1(c);
- (8) Penalties pursuant to Labor Code Section 203; and,
- (9) Any other penalties or damages arising under the Labor Code or applicable Industrial Welfare Commission order.

(b) The amounts owed by each manufacturer ~~wage guarantor~~ ~~for the guarantor's proportionate share of liability for:~~

(1) their joint and several liability for the full amount of unpaid minimum, regular, overtime, and other premium wages, reimbursement for expenses, and any other compensation, including interest under Labor Code Section 2673.1(a); and Unpaid minimum wages;

(2) their proportionate share of liability for damages and penalties, including interest, under Labor Code Section 2673.1(b). Unpaid overtime wages;

(3) Interest on all unpaid minimum wages and overtime wages from the date such wages became due, pursuant to Labor Code Section 98.1(e); and,

(4) If it is found that the guarantor acted in bad faith within the meaning of Labor Code Section 2673.1(e), liquidated damages in an amount equal to the unpaid minimum wages and overtime wages, plus interest thereon.

(c) The amounts owed by each brand guarantor for their joint and several liability for the full amount of unpaid minimum, regular, overtime, and other premium wages, reimbursement for expenses, and any other compensation, including interest under Labor Code Section 2673.1(a).

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 98, 98.1(e), 203, 226.7, 1194.2, 1195.5, 2673.1(e) and 2802, Labor Code.

§ 13657. Attorney's Fees and Costs.

(a) For the purpose of Labor Code Section 2673.1(e~~f~~), the failure by the contractor, manufacturer(s), or brand guarantor(s) to pay the full amount of the assessment at the meet-and-confer conference shall be deemed to constitute a refusal to pay the full amount of the assessment, and the employee will subsequently be deemed to have prevailed at the hearing held pursuant to Labor Code Section 2673.1(d)(4), if the Labor Commissioner issues an order, decision or award in any amount in favor of the employee.

(b) For the purpose of Labor Code Section 2673.1(e~~f~~), if the employee rejects the assessment at the meet-and-confer conference, the employee will subsequently be deemed to have prevailed at the hearing held pursuant to Labor Code Section 2673.1(d)(4), if the Labor Commissioner issues an order, decision or award in favor of the employee for a total amount (excluding attorney's fees and costs) greater than the amount deposited with the Labor Commissioner by the contractor, manufacturer(s), or brand guarantor(s) for payment to the employee of the amount assessed against the contractor, manufacturer(s), or brand guarantor(s). To be considered for this purpose, the full amount of the assessment must be deposited with the Labor Commissioner at the meet-and-confer conference held pursuant to Labor Code Section 2673.1(d)(3)(~~f~~), for immediate and unconditional payment to the

employee, regardless of the outcome of the hearing. Any such amounts deposited with the Labor Commissioner shall be transmitted to the employee forthwith, and a form shall be transmitted by a deputy labor commissioner to the hearing officer stating (without specifying the amount) that prior to the conclusion of the meet-and-confer conference, the contractor, manufacturer(s) and/or brand guarantors unconditionally paid the full amount of the assessment to the employee. In the event that the full amount of the assessment is not so paid, attorney's fees shall be awarded to the claimant on the basis of any net recovery at the adjudicative hearing.

(c) Attorney's fees recoverable under Labor Code Section 2673.1(e) shall be based on the reasonable hours expended on the case multiplied by a reasonable hourly rate for the legal work performed. A reasonable hourly rate is the prevailing hourly rate charged by private attorneys in the geographic area with similar experience to that of the attorney(s) making the application for fees.

(d) Costs recoverable under Labor Code Section 2673.1(e) shall mean the costs of preparing for and proceeding with the hearing, including but not limited to witness fees, mileage fees, and cost of service of process.

(e) At the hearing held pursuant to Labor Code Section 2673.1(d)(4), the employee, or ~~their his or her~~ attorney(s), shall submit evidence of reasonable attorneys' fees and costs sought to be recovered under Labor Code Section 2673.1(e). Such evidence may be in the form of a declaration signed by the attorney(s) under penalty of perjury, setting forth an itemization of hours worked on the case, the basis of the hourly rate(s) claimed, and costs incurred. The other parties at the hearing shall have the right to present any contrary evidence, and to cross-examine the employee, or ~~their his or her~~ attorney(s), on these matters.

(f) Reasonable attorneys' fees and costs, if any, shall be included in the order, decision or award of the Labor Commissioner as follows:

(1) Reasonable fees and costs are awarded against the contractor if the contractor refused to pay the assessment and the claimant prevails at the hearing, as provided in subsection (a) herein;

(2) Reasonable fees and costs are awarded jointly and severally against the contractor, manufacturer(s), and brand guarantor(s) if the claimant rejects the assessment and prevails at the hearing, as provided in subsection (b) herein; and

(3) Reasonable fees and costs are awarded against the manufacturer(s) or brand guarantor(s) if ~~the guarantor(s) they~~ refuse(s) to pay the assessment, and the claimant prevails at the hearing, as provided in subsection (a) herein.;

~~(4) Reasonable fees and costs are awarded jointly and severally against the guarantor(s) for the contractor's share of the attorney's fees and costs if the guarantor(s) acted in bad faith, within the meaning of Labor Code Section 2673.1(f).~~

NOTE: Authority cited: Section 2672, Labor Code. Reference: Sections 98 and 2673.1, Labor Code.

§ 13658. Labor Commissioner's Enforcement of Liability Against Contractors, Manufacturers and Brand Guarantors ~~Wage Guarantee~~.

(a) The Labor Commissioner may, during the course of an investigation pursuant to Labor Code Section 2673.1(ij), serve a subpoena duces tecum on any contractor, ~~or manufacturer, or brand guarantor~~ subject to the investigation in order to examine any books and records as may be necessary to determine the amount of wages or other compensation that may be owed to any employees and the identity of any potential manufacturers or brand guarantors for payment of the unpaid wages, damages, or penalties. The failure to comply with such a request for books and records, within 10 days of service of the notice, shall constitute grounds for revocation of registration or denial of an application for registration.

(b) The Labor Commissioner may perform a payroll audit based on the relevant documentation and information received during the course of the investigation. If the Labor Commissioner decides to proceed against any manufacturers or brand guarantors ~~wage guarantors~~, ~~he or she the Labor Commissioner~~ shall issue findings and an assessment of the amount of the liability of each manufacturer and brand guarantor wages due, ~~which shall include a determination of each wage guarantor's proportionate share of liability~~. The Labor Commissioner shall schedule a meet-and-confer conference with the brand guarantors, manufacturers ~~guarantors~~, contractors, and affected employees to attempt to resolve the matter, and shall provide written notice to each brand guarantor, manufacturer, contractor, wage guarantor ~~and affected employee~~, to the extent that the identities and whereabouts of such persons are known, of the assessment and the date, time, location and purpose of the meet-and-confer conference.

(c) During the meet-and-confer conference, the Labor Commissioner's investigator shall present their his or her findings and assessment of wages, damages, and penalties, including interest, owed and ~~each guarantor's proportionate share the liability of each manufacturer and brand guarantor~~, and shall make a demand for payment of the amount of the assessment. In the event that the amounts found due are not paid within 10 days of the conclusion of the meet-and-confer conference, the Labor Commissioner shall set the matter for an investigative hearing. The brand guarantors, manufacturers, contractors, wage guarantors ~~and affected employees~~, to

the extent that the identities and whereabouts of such persons are known, shall be provided with written notice of the date, time, location, and purpose of the investigative hearing.

(d) The hearing conducted under this section shall be investigative in nature, and the purpose of the hearing is to assist the Labor Commissioner in deciding whether to initiate a civil action pursuant to Labor Code Section 2673.1(ij). The provisions of Government Code Sections 11400, et seq. are not applicable to this hearing. The Labor Commissioner may subpoena the attendance of witnesses and the production of records to the hearing as provided by Labor Code Section 92. The hearing officer shall inquire fully into all matters at issue. The hearing may be electronically recorded, and testimony shall be given under oath or affirmation. In the hearing officer's discretion, the parties may be permitted to call, examine, and cross-examine witnesses, and to introduce documentary evidence. The hearing shall be informal, and shall not be conducted in accordance with technical and formal rules of evidence. Evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs. The investigator's findings and assessment shall be admitted into evidence, provided the investigator is available to testify thereto. Within thirty days after the close of the hearing, the hearing officer shall issue a written recommended disposition of the case, stating the amounts, if any, that the hearing officer believes are owed by the contractors, manufacturers, and brand guarantors. ~~and wage guarantors.~~ The hearing officer's recommended disposition shall have no res judicata or collateral estoppel effect, and shall be entitled to no weight in any subsequently filed civil action.

(e) If the matter is not resolved to the Labor Commissioner's satisfaction within 10 days of the issuance of the hearing officer's recommended disposition, the Labor Commissioner may thereupon file a civil action to enforce the liability found ~~the wage guarantee,~~ and for any other appropriate relief. Any manufacturers or brand guarantors whose identity or existence was unknown at the time of the investigative hearing may be sued in the civil action without the necessity of further administrative proceedings.

(f) The time limits set forth in Labor Code Section 2673.1(d) shall not apply to any proceedings under this section.

(g) All notices under this section may be served by regular first class mail to the last known address of the affected employees, ~~and to the last address of record for the contractor~~ contractors, manufacturers, and brand guarantors ~~and wage guarantors,~~ including the last known address of record as set forth on the most recent application for registration ~~as required under this subchapter~~ for any party required to register.

NOTE: Authority cited: Sections 2672 and 2673.1(j), Labor Code. Reference: Sections 92, 98.3, 1193.6, 1194.5 and 2673.1, Labor Code.

§ 13659. Information To Be Contained in Contracts Between Manufacturers and Contractors, and on Itemized Wage Statements Provided to Employees.

(a) Every applicant for registration shall certify, in writing and under oath, that the applicant will maintain for inspection and copying, and will make available upon request to the Labor Commissioner or any agent thereof, for a period of no less than four years from the date of execution, a written contract with each party with whom it contracts for the manufacture, sewing, cutting, making, processing, repairing, finishing, assembling, dyeing, altering a garment's design, causing another person to alter a garment's design, affixing a label to a garment, or otherwise preparing any garment or any article of wearing apparel or accessories. Each such contract shall contain the following:

- (1) The garment manufacturer's correct legal entity, any fictitious business names, and if a corporation or limited liability company, the name and address of the designated agent for service of process;
- (2) The garment manufacturer's business address, telephone and facsimile numbers;
- (3) The garment manufacturer's garment registration certificate number, and its date of expiration;
- (4) The garment manufacturer's workers' compensation carrier, policy number, and its date of expiration;
- (5) The contractor's correct legal entity, any fictitious business names, and if a corporation or limited liability company, the name and address of the designated agent for service of process;
- (6) The contractor's business address, telephone and facsimile numbers;
- (7) The contractor's garment registration certificate number, and its date of expiration;
- (8) The contractor's workers' compensation carrier, policy number, and its date of expiration;
- (9) The date the contract was entered into;
- (10) The date the contracted garments or articles of wearing apparel are due for completion;

(11) The unit price, number of garments or articles of wearing apparel covered by the contract, and a description of the garment or apparel type, style, and color;

(12) The style numbers, cut or lot numbers;

(13) The total price of the contract; and,

(14) The date that payment is due from the manufacturer.

(15) Any changes from the original contract, including but not limited to changes in completion dates, unit price, number of units, and total price.

(b) Every contract between persons engaged in garment manufacturing for the manufacture, sewing, cutting, making, processing, repairing, finishing, assembling, dyeing, altering a garment's design, causing another person to alter a garment's design, affixing a label to a garment, or preparation of any garment or article of wearing apparel or accessories for sale or resale shall be in writing, shall be maintained for no less than four years from the date of its execution, shall be made available upon request to the Labor Commissioner or any agent thereof for inspection and copying, and shall contain the information set out in subsection (a)(1)-(15), above. The failure to maintain such written contracts, or to make them available to the Labor Commissioner for inspection and copying, shall constitute grounds for revocation of registration or denial of an application for registration.

(c) Every garment contractor shall include, in the written itemized wage earnings and deduction statements it is required, pursuant to Labor Code Section 226, to provide to its employees whenever wages are paid, the name(s) of any manufacturer(s) for whom the contractor performed any garment manufacturing operations at the location at which such employees were employed during the pay period covered by the itemized wage statements. The failure to include this information on employees' itemized wage statements shall constitute grounds for revocation of registration or denial of an application for registration.

NOTE: Authority cited: Sections 2672 and 2675, Labor Code. Reference: Sections 2673.1 and 2675, Labor Code.

Repealed

APPLICATION FOR REGISTRATION GARMENT MANUFACTURING INDUSTRY



INSTRUCTIONS: Answer all questions. All requested information must be clearly typed or printed in ink. If the question is not applicable to you, put "NA." Submit this application with the required fees payable to the Division of Labor Standards Enforcement. Fees shall be **paid by certified check, cashier's check or money order.**

**If additional space is needed to answer any question, attach a separate sheet of paper and include the number of the question that you are continuing.*

1. Type of Ownership (Check One) <input type="radio"/> Sole Proprietorship <input type="radio"/> Partnership <input type="radio"/> Limited Liability Company <input type="radio"/> Corporation <input type="radio"/> Other _____ specify	
2a. Name(s) of Legal Entity	2b. Type of Registration (Check One) <input type="radio"/> New <input type="radio"/> Renewal _____ (Registration No.) <input type="radio"/> Change of Entity _____ (Previous Registration No.)
3a. State Employment Tax ID (SEIN) No.	3b. Internal Revenue Service (FEIN) No.
4a. Fictitious or Doing Business as (DBA) Name(s)	
4b. Total Number of Employees for All Locations (attach most recently filed EDD DE 6 Quarterly Report)	4c. Amount of Gross Sales Receipts for the 12-month Period Preceding the Filing of this Application
5. Main Office Address (Number, Street, City, State, Zip Code)	5b. Business Telephone
6a. Branch Locations or Other Locations Where Employees Will Work (Number, Street, City, State, Zip Code)	6b. Business Telephone
7a. Have you had an application for garment registration denied, or registration revoked or suspended during the past 3 years? <input type="radio"/> Yes <input type="radio"/> No	
7b. If yes, have you had any gross sales receipts at any time during the 3 years prior to filing this application for registration? <input type="radio"/> Yes <input type="radio"/> No	
8a. Type of Applicant's Business (Check One Box Only) <input type="radio"/> Manufacturer <input type="radio"/> Contractor	8b. To Determine the Amount of Fees to Be Paid, Refer to Pages 5 and 6. Enter the Amount Here _____

DO NOT WRITE BELOW THIS LINE

SHADED AREA FOR OFFICE USE ONLY <input type="checkbox"/> WCI <input type="checkbox"/> FED <input type="checkbox"/> CON <input type="checkbox"/> INC <input type="checkbox"/> 24 CANC _____ IRS Clear Date <input type="checkbox"/> FBN <input type="checkbox"/> STATE <input type="checkbox"/> IRS <input type="checkbox"/> LLC <input type="checkbox"/> EDD QTR Report _____ WCI Date <input type="checkbox"/> PHL <input type="checkbox"/> EXAM <input type="checkbox"/> I.D. <input type="checkbox"/> BOND Amount Received _____ Registration # _____	Postmark Date	Date Approved
	Reviewed By	Approved By
	Effective Date	Expiration Date

Repealed

9. An Examination is Required. This Examination is Given Only in The Languages Listed Below. (Check One Box Only)

English
 Spanish
 Chinese
 Korean
 Vietnamese
 Thai
 Other _____

Specify, Interpreter Will be Provided

10. Name, Title and Mailing Address (Street, City, Zip Code) of the Person (listed in items 11 (a, b, c) below) Authorized to Take the Examination

11. In the Spaces Below, Provide the Following Information

Full Name	Residence Address	Social Security #	Percentage of Interest	Drivers License No.
(a) Sole Proprietorship				
(b) Co-ownership, Partnership, Corporation, LLC (List Each Co-Owner, Partner, Corporate Officer, Director, LLC Member)				
			%	
			%	
			%	
(c) Principal Investors and/or Shareholders (Include Only Those Having Financial Interest of 20% or More)				
			%	
			%	

12. Managers and Supervisors Who Directly or Indirectly Control Wages, Hours And Working Conditions of Employees

13. Name and Business Address of Agent For Service of Process, If Corporation or Limited Liability Company

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14a. Within the past three years has any person named in items 11(a) through (c) or 12 above been issued a citation or assessment by either the United States Department of Labor or the Department of Industrial Relations for violating the Fair Labor Standards Act or the California Labor Code? Yes No

14b. If yes, give the name of each person and business that was cited or assessed, the date and amount of the citation or assessment, the disposition of any appeal on the citation or assessment, and whether the citation or assessment was paid and the date of payment.

Was a bond required? Yes No

15a. If you checked "New" in question 2 b, have you, your immediate family members, any person listed in items 11(a) through (c) or 12, or any of their immediate family members operated in any capacity in the garment manufacturing industry? This includes, but is not limited to, manufacturing and contracting operations as well as the exercise of direct or indirect control over garment workers, wages, hours, and working conditions. Yes No

15b. If yes, provide the following: name(s) and address(es) of the businesses, date(s) of operation, garment registration number(s) and date(s) of registration.

Repealed

List the names and addresses (number, street, city, state, zip Code) of all firms engaged in the garment manufacturing industry with whom you have done business, such as manufacturers, contractors, subcontractors, and leasing companies, etc. during the past 3 years. (Use Attachment if Necessary)

Registration #	Name	Address

17a. Within the past five years, has any person named in items 11(a) through (c) or 12 above been issued a judgment or entered into a settlement agreement for unpaid wages? Yes No

17b. If yes, provide the following:

- (1) Name of the Person and Business that Was Issued Judgment or that Entered into the Settlement Agreement.
- (2) Date the Judgment or Settlement Agreement was Entered
- (3) Court Entering Judgment
- (4) Case Number
- (5) Amount Due According to Judgment or Settlement Agreement
- (6) Has this Amount Been Paid? Yes No
- (7) If Paid, Date of Payment

18a. Has any person listed in items 11(a) through (c) or 12 had a garment registration revoked or an application for registration denied at any time? Yes No

18b. If yes, provide the following:

- (1) Name And Address of Business
- (2) The Period of Revocation or Date of Denial
- (3) The Reason(s) for the Revocation or Denial

19. Has any person listed in items 11(a) through (c) or 12 filed bankruptcy last year? If so, please Indicate case number and court. Yes No

Case #: _____ Court: _____

CERTIFICATION

I hereby certify, under penalty of perjury, that the foregoing statements are true and correct.

I understand that ANY MATERIAL MISREPRESENTATION IS GROUNDS FOR DENIAL OR SUBSEQUENT REVOCATION OF THIS APPLICATION.

I understand that I may not operate as a garment manufacturer until I receive a Certificate of Registration issued by the Division of Labor Standards Enforcement (Labor Commissioner) following successful completion of an examination.

I understand that I agree as a condition of registration that I or any agents acting on my behalf must permit the Labor Commissioner or his or her designees access to all the business records or other information required in Part 11 of Division 2 of the Labor Code, commencing with Section 2670 and Subchapter 8 of Chapter 6 of Division 1 of Title 8 of the California Code of Regulations.

Signature of Individual Owner, Partner, Member Or Corporate Officer

Date _____

Clearly Print Name and Title

Repealed

MANUFACTURER'S CERTIFICATION (REQUIRED) LABOR CODE § 2673.1

If you are applying for a garment registration certificate as a manufacturer (you checked "Manufacturer" in answer to Item 8a, "Type of Applicant's Business" on the application form), Section 13634(b) of Division 1 of Title 8 of the California Code of Regulations requires that you certify the following statement:

I have applied for registration as a garment manufacturer. I hereby certify that I am aware of the wage provision of Labor Code § 2673.1. Under that provision, I, as a garment manufacturer, guarantee payment of my proportionate share of any unpaid minimum and overtime wages owing to any employees of the contractors with whom I contract for work performed by the contractor's employees on my behalf.

Signature of Sole Proprietor, Partner, Member, or Corporate Officer

Name and Title (clearly printed)

Date

PRIVACY ACT NOTICE

We ask for the information on the "Application for Registration – Garment Manufacturing Industry" [DLSE 810 REV. (03/02)] for the review of licensing qualification and to determine fitness for licensing. The disclosure of your social security number(s) (SSN) is mandated by the California Code of Regulations, Title 8 § 13634(a). The only purpose of this disclosure is to enable us to properly identify individual applicants when accessing law enforcement records.

Repealed

HOW TO DETERMINE YOUR REGISTRATION FEE

The amount you pay for registration is determined by your answers to certain questions and the amount of gross sales receipts that you report for a specified time period. Your answers to the following items on the application form will determine the amount of your registration fee.

IF YOU ANSWERED "NO" TO APPLICATION ITEM 7a

If you have **not** had an application for registration denied and if you have **not** had a registration revoked or suspended during the **three years** preceding the filing of this application, use **TABLE 1** to find the amount of your registration fee. (If your answer to **7a** was "yes," go to the next section entitled, "If You Answered 'Yes' to Application Item 7a.")

IF YOU ANSWERED "YES" TO APPLICATION ITEM 7a

If you have had an application for registration denied or if you have had a registration revoked or suspended during the **three years** preceding the filing of this application, use **TABLE 2** to determine the amount of your registration fee.

TABLE 1

FOR USE BY APPLICANTS THAT ANSWERED "NO" TO APPLICATION ITEM 7a

TYPE OF BUSINESS (YOUR ANSWER TO ITEM 8a OF APPLICATION FORM)	GROSS SALES RECEIPTS FOR THE PRIOR 12 MONTHS (YOUR ANSWER TO ITEM 4c OF APPLICATION FORM ROUNDED TO THE NEAREST DOLLAR)	YOUR ANNUAL FEE IS
CONTRACTOR	\$100,000 or less	\$250
CONTRACTOR	\$100,001 to \$500,000	\$350
CONTRACTOR	\$500,001 to \$1,000,000	\$500
CONTRACTOR	\$1,000,001 or more	\$1,000
<hr/>		
MANUFACTURER	\$500,000 or less	\$750
MANUFACTURER	\$500,001 to \$3,000,000	\$1,000
MANUFACTURER	\$3,000,001 to \$7,000,000	\$1,500
MANUFACTURER	\$7,000,001 or more	\$2,500

Repealed

TABLE 2

FOR USE BY APPLICANTS THAT ANSWERED "YES" TO APPLICATION ITEM 7a

TYPE OF BUSINESS (YOUR ANSWER TO ITEM 8a OF APPLICATION FORM)	HAVE YOU HAD ANY GROSS SALES RECEIPTS AT ANYTIME DURING THE 3-YEAR PERIOD PRIOR TO FILING THIS APPLICATION? (YOUR ANSWER TO ITEM 7b OF APPLICATION FORM)	YOUR ANNUAL FEE IS
CONTRACTOR	No	\$500
CONTRACTOR	Yes	\$1,000
<hr/>		
MANUFACTURER	No	\$1,500
MANUFACTURER	Yes	\$2,500

APPLICATION FOR REGISTRATION GARMENT MANUFACTURING INDUSTRY



INSTRUCTIONS: Answer all questions. All requested information must be clearly typed or printed in ink. If the question is not applicable to you, put "NA." Submit this application with the required fees payable to the Division of Labor Standards Enforcement. Fees shall be **paid by certified check, cashier's check or money order.**

**If additional space is needed to answer any question, attach a separate sheet of paper and include the number of the question that you are continuing.*

1. Type of Ownership (Check One)	
<input type="radio"/> Sole Proprietorship <input type="radio"/> Partnership <input type="radio"/> Limited Liability Company <input type="radio"/> Corporation <input type="radio"/> Other _____ specify	
2a. Name(s) of Legal Entity	2b. Type of Registration (Check One) <input type="radio"/> New <input type="radio"/> Renewal _____ (Registration No.) <input type="radio"/> Change of Entity _____ (Previous Registration No.)
3a. State Employment Tax ID (SEIN) No.	3b. Internal Revenue Service (FEIN) No.
4a. Fictitious or Doing Business as (DBA) Name(s)	
4b. Total Number of Employees for All Locations (attach most recently filed EDD DE 6 Quarterly Report)	4c. Amount of Gross Sales Receipts for the 12-month Period Preceding the Filing of this Application
5. Main Office Address (Number, Street, City, State, Zip Code)	5b. Business Telephone
6a. Branch Locations or Other Locations Where Employees Will Work (Number, Street, City, State, Zip Code)	6b. Business Telephone
7a. Have you had an application for garment registration denied, or registration revoked or suspended during the past 3 years? <input type="radio"/> Yes <input type="radio"/> No	
7b. If yes, have you had any gross sales receipts at any time during the 3 years prior to filing this application for registration? <input type="radio"/> Yes <input type="radio"/> No	
8a. Type of Applicant's Business (Check One Box Only) <input type="radio"/> Manufacturer <input type="radio"/> Contractor	8b. To Determine the Amount of Fees to Be Paid, Refer to Pages 5 and 6. Enter the Amount Here _____

DO NOT WRITE BELOW THIS LINE

SHADED AREA FOR OFFICE USE ONLY <input type="checkbox"/> WCI <input type="checkbox"/> FED <input type="checkbox"/> CON <input type="checkbox"/> INC <input type="checkbox"/> 24 CANC <input type="checkbox"/> FBN <input type="checkbox"/> STATE <input type="checkbox"/> IRS <input type="checkbox"/> LLC <input type="checkbox"/> EDD QTR Report <input type="checkbox"/> PHL <input type="checkbox"/> EXAM <input type="checkbox"/> I.D. <input type="checkbox"/> BOND Amount Received _____ Registration # _____ <div style="text-align: center;"> _____ IRS Clear Date _____ WCI Date </div>	Postmark Date	Date Approved
	Reviewed By	Approved By
	Effective Date	Expiration Date

adopted

9. An Examination is Required. This Examination is Given Only in The Languages Listed Below. (Check One Box Only)

English Spanish Chinese Korean Vietnamese Thai Other _____
Specify, Interpreter Will be Provided

10. Name, Title and Mailing Address (Street, City, Zip Code) of the Person (listed in items 11 (a, b, c) below) Authorized to Take the Examination

11. In the Spaces Below, Provide the Following Information

Full Name	Residence Address	Social Security #	Percentage of Interest	Drivers License No.
(a) Sole Proprietorship				
(b) Co-ownership, Partnership, Corporation, LLC (List Each Co-Owner, Partner, Corporate Officer, Director, LLC Member)				
			_____%	
			_____%	
			_____%	
(c) Principal Investors and/or Shareholders (Include Only Those Having Financial Interest of 20% or More)				
			_____%	
			_____%	

12. Managers and Supervisors Who Directly or Indirectly Control Wages, Hours And Working Conditions of Employees

Full Name	Residence Address	Social Security #	Percentage of Interest	Drivers License No.

13. Name and Business Address of Agent For Service of Process, If Corporation or Limited Liability Company

Full Name	Residence Address	Social Security #	Percentage of Interest	Drivers License No.

14a. Within the past three years has any person named in items 11(a) through (c) or 12 above been issued a citation or assessment by either the United States Department of Labor or the Department of Industrial Relations for violating the Fair Labor Standards Act or the California Labor Code?

Yes No

14b. If yes, give the name of each person and business that was cited or assessed, the date and amount of the citation or assessment, the disposition of any appeal on the citation or assessment, and whether the citation or assessment was paid and the date of payment.

Was a bond required? Yes No

15a. If you checked "New" in question 2 b, have you, your immediate family members, any person listed in items 11(a) through (c) or 12, or any of their immediate family members operated in any capacity in the garment manufacturing industry? This includes, but is not limited to, manufacturing and contracting operations as well as the exercise of direct or indirect control over garment workers, wages, hours, and working conditions.

Yes No

15b. If yes, provide the following: name(s) and address(es) of the businesses, date(s) of operation, garment registration number(s) and date(s) of registration.

adopted

16. List the name and address (Number, Street, City, State, Zip Code) of all firms engaged in the garment manufacturing industry with whom you have done business, such as manufacturers, contractors, subcontractors, and leasing companies, etc. during the past 3 years. (Use Attachment if Necessary)

Registration #	Name	Address

17a. Within the past five years, has any person named in items 11(a) through (c) or 12 above been issued a judgment or entered into a settlement agreement for unpaid wages? Yes No

17b. If yes, provide the following:

(1) Name of the Person and Business that Was Issued Judgment or that Entered into the Settlement Agreement.

(2) Date the Judgment or Settlement Agreement was Entered

(3) Court Entering Judgment

(4) Case Number

(5) Amount Due According to Judgment or Settlement Agreement

(6) Has this Amount Been Paid? Yes No

(7) If Paid, Date of Payment

18a. Has any person listed in items 11(a) through (c) or 12 had a garment registration revoked or an application for registration denied at any time? Yes No

18b. If yes, provide the following:

(1) Name And Address of Business

(2) The Period of Revocation or Date of Denial

(3) The Reason(s) for the Revocation or Denial

19. Has any person listed in items 11(a) through (c) or 12 filed bankruptcy last year? If so, please Indicate case number and court. Yes No

Case # : _____ Court : _____

CERTIFICATION

I hereby certify, under penalty of perjury, that the foregoing statements are true and correct.

I understand that ANY MATERIAL MISREPRESENTATION IS GROUNDS FOR DENIAL OR SUBSEQUENT REVOCATION OF THIS APPLICATION.

I understand that I may not operate as a garment manufacturer until I receive a Certificate of Registration issued by the Division of Labor Standards Enforcement (Labor Commissioner) following successful completion of an examination.

I understand that I agree as a condition of registration that I or any agents acting on my behalf must permit the Labor Commissioner or his or her designees access to all the business records or other information required in Part 11 of Division 2 of the Labor Code, commencing with Section 2670 and Subchapter 8 of Chapter 6 of Division 1 of Title 8 of the California Code of Regulations.

Signature of Individual Owner, Partner, Member Or Corporate Officer _____ Date _____

Clearly Print Name and Title _____

adopted

MANUFACTURER'S CERTIFICATION (REQUIRED) LABOR CODE § 2673.1

If you are applying for a garment registration certificate as a manufacturer (you checked "Manufacturer" in answer to Item 8a, "Type of Applicant's Business" on the application form), Section 13634(b) of Division 1 of Title 8 of the California Code of Regulations requires that you certify the following statement:

I have applied for registration as a garment manufacturer. I hereby certify that I am aware of the wage provision of Labor Code § 2673.1. Under that provision, I, as a garment manufacturer, am jointly and severally liable for the full amount of unpaid minimum, regular, overtime, and other premium wages, reimbursement for expenses, and any other compensation, including interest, due to any and all employees who performed the manufacturing operations for any violation of the California Labor Code; the employee's reasonable attorney's fees and costs; and civil penalties for failing to secure valid workers' compensation coverage as required by Section 3700. I will also be responsible for my proportionate share of any other damages and penalties owing to any employees of the contractors with whom I contract for work performed by the contractor's employees on my behalf.

Signature of Sole Proprietor, Partner, Member, or Corporate Officer

Name and Title (clearly printed)

Date

PRIVACY ACT NOTICE

We ask for the information on the "Application for Registration – Garment Manufacturing Industry" [DLSE 810 REV. (11/23)] for the review of licensing qualification and to determine fitness for licensing. The disclosure of your social security number(s) (SSN) is mandated by the California Code of Regulations, Title 8 § 13634(a). The only purpose of this disclosure is to enable us to properly identify individual applicants when accessing law enforcement records.

adopted

HOW TO DETERMINE YOUR REGISTRATION FEE

The amount you pay for registration is determined by your answers to certain questions and the amount of gross sales receipts that you report for a specified time period. Your answers to the following items on the application form will determine the amount of your registration fee.

IF YOU ANSWERED "NO" TO APPLICATION ITEM 7a

If you have **not** had an application for registration denied and if you have **not** had a registration revoked or suspended during the **three years** preceding the filing of this application, use **TABLE 1** to find the amount of your registration fee. (If your answer to **7a** was "yes," go to the next section entitled, "If You Answered 'Yes' to Application Item 7a.")

IF YOU ANSWERED "YES" TO APPLICATION ITEM 7a

If you have had an application for registration denied or if you have had a registration revoked or suspended during the **three years** preceding the filing of this application, use **TABLE 2** to determine the amount of your registration fee.

TABLE 1

FOR USE BY APPLICANTS THAT ANSWERED "NO" TO APPLICATION ITEM 7a

TYPE OF BUSINESS (YOUR ANSWER TO ITEM 8a OF APPLICATION FORM)	GROSS SALES RECEIPTS FOR THE PRIOR 12 MONTHS (YOUR ANSWER TO ITEM 4c OF APPLICATION FORM ROUNDED TO THE NEAREST DOLLAR)	YOUR ANNUAL FEE IS
CONTRACTOR	\$100,000 or less	\$250
CONTRACTOR	\$100,001 to \$500,000	\$350
CONTRACTOR	\$500,001 to \$1,000,000	\$500
CONTRACTOR	\$1,000,001 or more	\$1,000
<hr/>		
MANUFACTURER	\$500,000 or less	\$750
MANUFACTURER	\$500,001 to \$3,000,000	\$1,000
MANUFACTURER	\$3,000,001 to \$7,000,000	\$1,500
MANUFACTURER	\$7,000,001 or more	\$2,500

TABLE 2

FOR USE BY APPLICANTS THAT ANSWERED "YES" TO APPLICATION ITEM 7a

TYPE OF BUSINESS (YOUR ANSWER TO ITEM 8a OF APPLICATION FORM)	HAVE YOU HAD ANY GROSS SALES RECEIPTS AT ANYTIME DURING THE 3-YEAR PERIOD PRIOR TO FILING THIS APPLICATION? (YOUR ANSWER TO ITEM 7b OF APPLICATION FORM)	YOUR ANNUAL FEE IS
CONTRACTOR	No	\$500
CONTRACTOR	Yes	\$1,000
<hr/>		
MANUFACTURER	No	\$1,500
MANUFACTURER	Yes	\$2,500