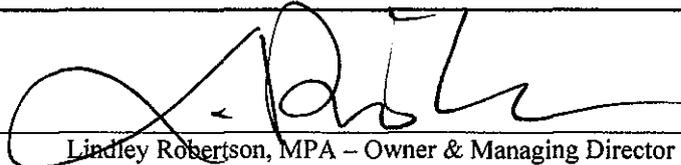


LABOR COMPLIANCE PROGRAM ANNUAL REPORT

Report for the reporting period 05/01/2009 to 04/30/2010

1. Name of Labor Compliance Program (LCP): The Labor Compliance Managers	
2. LCP I.D. Number: 2005.00465 (correction from 2004.00465)	3. Date of Initial Approval: May 25, 2005
4. Contact person (include name, title, address, telephone, fax, and e-mail, if available): Lindley Robertson, MPA The Labor Compliance Managers 4911 3rd Street, San Francisco, CA 94124 or 515 Blueberry Terrace, San Jose, CA 95129 Phone (408) 516-7238 or Email: rlindaly@yahoo.com	
RECEIVED JUN 30 2010 Department of Industrial Relations Office of the Director (S.F.)	
5. Awarding Bodies covered by this report: Live Oak School District, Alisal Union School District, Palo Alto Unified School District, Berkeley Unified School District, Franklin McKinley School District, Windsor Unified School District, and County of Santa Clara. Awarding Bodies with whom The Labor Compliance Managers has a contract to provide compliance enforcement as a 3 rd Party LCP: All that are listed directly above as "Awarding Bodies covered by this report."	
6. Suggestions for the DIR to better assist LCPs in the coming year: Continue to provide training focused on new regulations.	
SUBMITTED BY:	
 Lindley Robertson, MPA – Owner & Managing Director	<u>6/30/10</u> Date

Live Oak School District

6. LC § 1771.5 enforcement activities.

Awarding Body: Live Oak School District

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Fire Alarm Upgrades	10/08/09	Terra Construction	\$300,000.00
Permethium Project	01/01/10	Logical Choice	\$838,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Permethium Project	Logical Choice	\$10,299.26	\$10,299.26	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Inside Wiremen misclassified as Communication Technicians.
Total		\$10,299.26	\$10,299.26		

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Permethium Project	\$10,299.26	\$10,299.26	Logical Choice complied immediately upon notification that workers were misclassified. Underpayment not willful. Penalties not assessed. Contractor remained in compliance thereafter.
Total		\$10,299.26	

Live Oak School District

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

Alisal Union School District

6. LC § 1771.5 enforcement activities

Awarding Body: **Alisal Union School District**

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Alisal Multi-Purpose Room	10-01-09	F&H Construction	\$2.3 Million
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Alisal Multi-Purpose Room	Boeger Plastering	\$240.12	\$240.12	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of O.T. for a Saturday (LC 1813 \$50 penalty).
Total		\$240.12	\$240.12		

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Alisal Multi-Purpose Room	\$240.12	\$240.12	Boeger Construction complied immediately. \$190.12 paid in restitution and \$50 paid to Alisal Union School District. Total assessed was under \$1000.00.
Total	\$240.12	\$240.12	

Alisal Union School District

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

Palo Alto Unified School District

6. LC § 1771.5 enforcement activities

Awarding Body: **Palo Alto Unified School District**

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Gunn Interim Housing Project	1/29/2010	Rodan Builders, Inc.	\$805,000.00
Ohlone Interim Housing Project	1/29/2010	Coulter Construction	\$162,349.00
Paly Interim Housing Project	1/29/2010	Rodan Builders, Inc.	\$698,000.00
Paly Multi-Use Field Project	2/12/2010 & 2/26/2010	Valley Crest Landscape	\$2,693,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

Palo Alto Unified School District

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

Berkeley Unified School District

6. LC § 1771.5 enforcement activities.

Awarding Body: **Berkeley Unified School District**

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Berkeley HS Stadium Project	3/5/2010 & 3/12/2010	JLC Builders	\$6,996,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

Berkeley Unified School District

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

Franklin McKinley School District

6. LC § 1771.5 enforcement activities.

Awarding Body: **Franklin McKinley School District**

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Dahl ES Modernization Project	12/22/08 and 12/29/08	John Plane Construction	\$5,243,401.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Dahl ES Modernization	AAA Fence	\$803.23	\$803.23	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Laborers - reclassified as Ironworkers for short period.
Dahl ES Modernization	T&J Painting	\$650.25	\$650.25	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Painters – wage correction.
Dahl ES Modernization	Peterson-Dean Roofing	\$940.96	\$940.96	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Metal Roofers – corrected wages, and fringe benefits to union trust fund in Santa Clara County.
Total		\$2394.44	\$2394.44		

Franklin McKinley School District

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Dahl ES Modernization	\$803.23	\$803.23	AAA complied immediately, and restitution assessed was under \$1000.00
Dahl ES Modernization	\$650.25	\$650.25	T&J Painting complied immediately, and restitution assessed was under \$1000.00
Dahl ES Modernization	\$940.96	\$940.96	Peterson-Dean complied immediately, and restitution assessed was under \$1000.00
Total	\$2394.44	\$2394.44	

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

Windsor Unified School District

6. LC § 1771.5 enforcement activities.

Awarding Body: **Windsor Unified School District**

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Cali Calmecac Academy Campus Improvement	4/25/10 & 5/2/10	FRC Inc.	\$1,884,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

Windsor Unified School District

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

County of Santa Clara

6. LC § 1771.5 enforcement activities.

Awarding Body: County of Santa Clara

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Demolition of the San Jose Medical Center	12/4/09	Cleveland Wrecking Company	\$2,615,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

County of Santa Clara

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

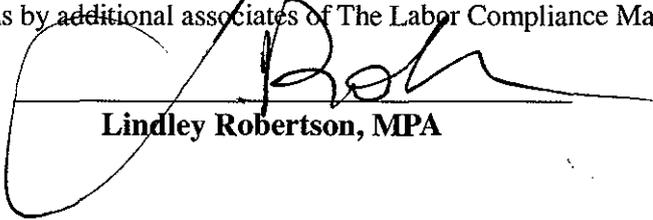
7. Conflict of Interest Certification Statement Under Penalty & Perjury, as Defined Under 2 CCR, Section 18701

I hereby certify that neither myself as Principal of The Labor Compliance Managers, nor any personnel, management, independent consultants, or other parties associated with our 3rd Party LCP has any affiliation with any (1) construction contractor or subcontractor within the preceding five years that has been awarded a public works contract within the geographical area in which our program operates or intends to operate, or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety of such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors, professional organizations, or other parties competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts, that can be construed as a conflict of interest.

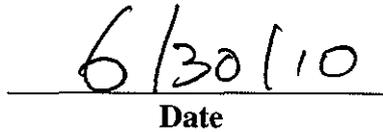
The above statement is hereby certified as true and accurate, under penalty and perjury and is in compliance with (updated) requirements noted in the Title 8, California Code of Regulations §16430 which also describes how the filing of Statements of Economic Interest (FPPC Form 700) by Designated Employees and Consultants of Labor Compliance Program should be completed as described below:

- (a) An Awarding Body that operates either its own labor compliance program or that contracts with a third party to operate all or part of its labor compliance program shall determine and designate those employees and consultants of the program who participate in making governmental decisions for the Awarding Body within the meaning of Title 2, California Code of Regulations, sections 18700 – 18702.4. Those designated employees and consultants shall be required to file Statements of Economic Interest (FPPC Form 700) and to comply with other applicable requirements of the Political Reform Act (commencing with Section 87100 of the Government Code) in connection with work performed on behalf of the Awarding Body.
- (b) Designated employees and consultants who operate or are employed by a third party labor compliance program shall file their Statements of Economic Interest (FPPC Form 700) with the filing officer of each Awarding Body with which the third party program contracts, unless the Department of Industrial Relations or the Fair Political Practices Commission specifies a different or alternative filing location.
Authority cited: Section 1773.5, Labor Code. Reference: Sections 87100, et seq., Government Code; Section 1771.5, Labor Code.

Certificates of Compliance per 2 CCR Section 18701 were filed by **Lindley Robertson** (all awarding agencies), **Charlie Atilano** (Live Oak School District and Alisal Union School District), **Judson Robertson** (Palo Alto Unified School District and County of Santa Clara), and **Peter Robertson** (Berkeley Unified School District and Windsor Unified School District). Projects reported in subsequent annual reports will likely have certifications by additional associates of The Labor Compliance Managers.



Lindley Robertson, MPA



Date

8. Please update the following information per 8 CCR § 16426(a)(2), (3) and (5) disclosure requirement.

A. Identify the geographical areas in which the program intends to operate and the identity of any public agencies not previously identified in this report with which the program intends to contract to provide labor compliance enforcement.

San Francisco Bay areas, including Santa Clara, Santa Cruz, Monterey, Alameda and Sonoma Counties.

B. State whether the entity shares personnel, management, ownership or other close affiliation with any of the following: (1) any contractor or subcontractor that within the preceding five years has been awarded a public works contract within the geographical area in which the program operates or intends to operate or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety on such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts.

For each affiliation, please provide the name, address, telephone number, and principal contact person for the person or entity; please identify shared personnel, management, and ownership; and if applicable, please provide a short description of the nature and extent of any other close affiliation:

Contractor or Subcontractor: **NONE**

Person or entity as surety on a contract: **NONE**

Joint Labor-Management Committee or Trust: **NONE**

Union representative or NLRA campaign: **NONE**

C. Identify the attorney or law firm available to provide legal support for the LCP, and whether the persons or firms providing that support also represent any contractor, subcontractor, surety, or worker representative referred to in the preceding item.

Victoria Li, Esq. 1254 Rhode Island Street, #16, San Francisco, CA 94107, and Phone (415) 948-7388. Ms. Li does not represent any contractor, surety or worker referred to in Item C. above. She has over nine (9) years experience in Public Works contract compliance, including labor compliance procedures.
