

Subchapter 4. Labor Compliance Programs

Article 1. Operation of Labor Compliance Program and Contracts Subject to Labor Compliance Program Jurisdiction

* * *

§16423. Approved Labor Compliance Program Required by Statute.

(a) Whenever an Awarding Body is required by statute to enforce or contract to enforce a Labor Compliance Program that contains or meets the requirements of Labor Code section 1771.5, the Awarding Body must have its own program that has been approved by the Director pursuant to section 16425 below, unless it fully contracts out its responsibilities and decision-making authority to a third party program that has been approved by the Director pursuant to section 16426 below.

(b) The governing board of any Awarding Body that is required to enforce a Labor Compliance Program under subpart (a) above shall make a written finding that the Awarding Body has

(1) established its own Labor Compliance Program in accordance with the requirements of Labor Code Section 1771.5(b) and this subchapter; or

(2) has contracted with a third party that has been approved by the Director to operate a Labor Compliance Program in accordance with the requirements of Labor Code Section 1771.5(b) and this subchapter.

Copies of the finding required by this subpart (b) together with (A) notice of whether or not the Awarding Body intends to initiate and enforce its Labor Compliance Program for (i) all public works projects in which the Awarding Body participates, and (B) notice of any contract or agreement with a third party to operate a Labor Compliance Program shall be provided promptly to the Director and prior to certifying to any other entity that the Awarding Body has complied with the statutory requirement to have a Labor Compliance Program.

(c) For purposes of these regulations, an approved program refers to the entity that has applied for and received approval by the Director based on a consideration of the factors in sections 16425, 16426, or 16427 below, and not to that entity's manual or methodology for conducting

labor compliance enforcement.

(d) Unless otherwise required by statute, an Awarding Body is not required to have separate Labor Compliance Programs, and a third party Labor Compliance Program is not required to have separate approvals from the Director for different types of projects or funding sources, provided that (1) the Awarding Body has provided all notices required by subpart (b) above, (2) the Labor Compliance Program has timely filed all reports required by this subchapter, and (3) the Director has not otherwise limited the approved scope of operation for the Labor Compliance Program.

(e) The limited exemption from payment of prevailing wages provided by Labor Code Section 1771.5(a) shall not apply unless the Awarding Body initiates and enforces a Labor Compliance Program for all public works projects in which the Awarding Body participates.

(f) A list of statutes that require Awarding Bodies to have a Labor Compliance Program as a condition of project authorization, project funding, or use of specified contracting authority shall be maintained on the Department of Industrial Relations' website.

Authority cited: Section 1773.5, Labor Code. Reference: Section 1771.5, Labor Code.

* * *

Subchapter 4.5 Compliance Monitoring and Enforcement by Department of Industrial Relations [Repealed]

Article 1. Notices, Fees, and Fee Waivers. [Repealed]

§16450. Applicability. [Repealed]

NOTE: Authority cited: Sections 54, 55, 1771.3, 1771.55 and 1773.5, Labor Code. Reference: Sections 17250.30 and 81704, Education Code; Section 6531, Government Code; Sections 1771.3, 1771.5, 1771.55, 1771.7, 1771.75, 1771.8, 1771.85, and 1771.9, Labor Code; and Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6 and 20919.3, Public Contract Code.

Extension of Emergency Regulation(s) Amending Text in Section 16423 and Deleting Regulations in Subchapter 4.5 of Chapter 8, Title 8, California Code of Regulations [4-14-11]

§16451. Notice of Projects Subject to Fees. [Repealed]

NOTE: Authority cited: Sections 1771.3, 1771.55 and 1773.5, Labor Code. Reference: Sections 17250.30 and 81704, Education Code; Section 6531, Government Code; Sections 1771.3, 1771.5, 1771.55, 1771.7, 1771.75, 1771.8, 1771.85, 1771.9, 1773.2, and 1773.3, Labor Code; and Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6, and 20919.3, Public Contract Code.

§16452. Fees for Compliance Monitoring and Enforcement by Department of Industrial Relations. [Repealed]

NOTE: Authority cited: Sections 54, 55, 1771.3, 1771.55 and 1773.5, Labor Code. Reference: Sections 17250.30 and 81704, Education Code; Section 6531, Government Code; Sections 1771.3, 1771.5, 1771.55, 1771.7, 1771.75, 1771.8, 1771.85, and 1771.9, Labor Code; and Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6, and 20919.3, Public Contract Code.

§16453. Voluntary Payment of Fees for Compliance Monitoring and Enforcement by Department of Industrial Relations in Lieu of Enforcing Labor Compliance Program. [Repealed]

NOTE: Authority cited: Section 1773.5, Labor Code. Reference: Sections 17250.30 and 81704, Education Code; Section 6531, Government Code; Sections 1771.3, 1771.5, 1771.7, and 1771.8, Labor Code; Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6, and 20919.3, Public Contract Code; and Section 75075, Public Resources Code.

§16454. Payment of Fees for Compliance Monitoring and Enforcement by Department of Industrial Relations by an Awarding Body that Elects to Comply with the Requirements of Labor Code Section 1771.55(a). [Repealed]

NOTE: Authority cited: Sections 1771.3, 1771.55 and 1773.5, Labor Code. Reference: Sections 1771.3 and 1771.55, Labor Code.

§16455. Fee Waivers; Exemption from Requirements of this Subchapter. [Repealed]

NOTE: Authority cited: Sections 1771.3, 1771.55 and 1773.5, Labor Code. Reference: Sections 17250.30 and 81704, Education Code; Section 6531, Government Code; Sections 1771.3, 1771.5, 1771.55, 1771.75, 1771.85, and 1771.9, Labor Code; and Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6, and 20919.3, Public Contract Code.

Extension of Emergency Regulation(s) Amending Text in Section 16423 and Deleting Regulations in Subchapter 4.5 of Chapter 8, Title 8, California Code of Regulations [4-14-11]

Article 2. Compliance Monitoring by Labor Commissioner [Repealed]

§16460. Establishment of Compliance Monitoring Unit. [Repealed]

NOTE: Authority cited: Sections 54, 55, 1771.55 and 1773.5, Labor Code. Reference: Sections 1726, 1741, 1771.2, 1771.5, 1771.55, and 1781, Labor Code.

§16461. Review of Payroll Records and other Monitoring and Investigative Activities of Compliance Monitoring Unit. [Repealed]

NOTE: Authority cited: Sections 54, 55, 1771.55 and 1773.5, Labor Code. Reference: Sections 90, 207, 226, 1771.5, 1771.55, 1773.2, 1775, 1776, and 1813, Labor Code.

§16462. Complaints. [Repealed]

NOTE: Authority cited: Sections 54, 55, 1771.55 and 1773.5, Labor Code. Reference: Sections 1741, 1771.55, and 1775, Labor Code.

§16463. Withholding of Contract Payments When Payroll Records are Delinquent or Inadequate. [Repealed]

NOTE: Authority cited: Sections 1771.55 and 1773.5, Labor Code. Reference: Sections 1729, 1771.5, 1771.55, 1742, 1775, 1776, and 1813, Labor Code.

§16464. Issuance of Civil Wage and Penalty Assessment upon Determination that Contractor or Subcontractor has Violated Prevailing Wage Requirements. [Repealed]

NOTE: Authority cited: Sections 1771.55 and 1773.5, Labor Code. Reference: Section 1741, Labor Code.