

DEPARTMENT OF INDUSTRIAL RELATIONS

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September 30, 2008

Kevin Emigh
Contra Costa County, Public Works Department
255 Glacier Drive
Martinez, CA 94553

RE: Application to Director for Initial Approval of Labor Compliance Program
LCP ID. : 2008.00608

Dear Mr. Emigh:

In accordance with the provisions of Title 8, California Code of Regulations, Section 16425, initial approval of the Contra Costa County, Public Works Department Labor Compliance Program is hereby denied for the following reasons:

- The Labor Compliance Program manual the applicant submitted with its application requires changes in order that the manual be considered adequate.
- The applicant does not demonstrate that its personnel possesses the training and experience necessary to implement a Labor Compliance Program.
- The response to Item F of the Entity's Application is insufficient.

If you have any questions or concerns, please contact Tess Gormley at 415/703-5063.

Sincerely yours,

A handwritten signature in black ink that reads "Tess Gormley".

Tess Gormley
Special Assistant for
John C. Duncan, Director of Industrial Relations

cc: Susan Nakagama, Regional Manager
Lauro Cons, Deputy Labor Commissioner III

Connor Schmeding

From: Lauro Cons
Sent: Wednesday, September 24, 2008 5:46 PM
To: Susan Nakagama
Cc: Elsa Jenabi; Tess Gormley; Connor Schmeding
Subject: 00608/Contra Costa County/Denied

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: LCP

Wednesday, September 24, 2008

Re: 00608/Contra Costa County/Denied

The initial package has been reviewed and **approval cannot be recommended** at this time. The initial package is **denied** for the following reason:

- **The applicant did not include a Labor Compliance Program “manual” outlining their procedures and responsibilities.**
- **The applicant does not have “trained” and “experienced” personnel to implement a Labor Compliance Program.**
- **The applicant did not reply correctly to question related to the “method by which the LCP will notify the Labor Commissioner of willful violations as defined in Labor Code Section 1771.1(d)”.**

Please see Deputy Elsa Jenabi’s notes dated August 14th, 2008:

I reviewed the application and the Labor Compliance Program submitted by Contra Costa County and I recommend denial for the following reasons:

1. The program Submitted only addresses issues related to contract change orders, monthly pay estimates, etc.
2. I spoke with Janet Dowling today and asked her what her duties were. She said she was going to review the certified pay roll records to make sure the correct prevailing wage rates were paid. I asked her to explain to me how she was going to verify that the correct rate was paid. She said she was going to go to DIR’s web site but she did not know what information is needed to pull the rate applicable to the project.
3. The LCP application asks for the method by which the LCP will notify the Labor Commissioner of willful violations as defined in Labor Code Section 1771.1(d)

There answer was "The County's Affirmative Action Officer would be notified of violations, which would then be followed by the County's Administrator's Office".

4. Staffing not adequate for the number of projects being administer each year (10 to 15)