

DEPARTMENT OF INDUSTRIAL RELATIONS

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January 5, 2010

County of Alameda Public Works Agency (ACPWA)
951 Turner Court, Rm. 115
Hayward, CA 94545

Attn.: Moses de los Reyes - Contract Compliance Administrator

Re: Approval of Program Update
ID No. 2003-00354

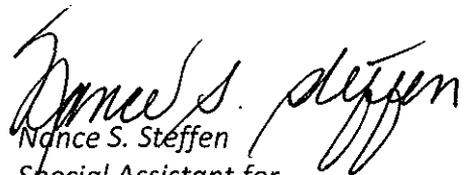
Dear Mr. de los Reyes:

Labor Compliance Providers, Inc. has satisfied the updating requirements of Title 8, California Code of Regulations, section 16425(f). Accordingly the status of this program has been converted from "extended initial approval" to "approved" without an expiration date. This approval is limited to compliance monitoring and enforcement on the County of Alameda's *own* public works projects and applies to any type of public works project undertaken by the County of Alameda. It is not necessary to have separate approvals for different types of projects. However, to provide LCP services to other awarding bodies, an LCP *must be approved* as a third party program pursuant to section 16426 of the regulations.

Your program must continue to comply with the requirements of Title 8, California Code of Regulations, sections 16421 through 16439, as well as with all other statutes and regulations requirements pertaining to the enforcement of the state's prevailing wage requirements. In particular, please note that your program has a continuing obligation to submit timely annual reports pursuant to section 16431 of the regulations, using the appropriate form prescribed by that section.

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

Sincerely yours,


Nance S. Steffen
Special Assistant for
John C. Duncan, Director of Industrial Relations

cc: Susan Nakagama, Regional Manager DLSE

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Availability of Competent Legal Support to Labor Compliance Program:

An LCP should rely upon its own legal counsel to answer public works coverage and enforcement questions and to handle any appeal following the issuance of a Notice of Withholding of Contract Payments pursuant to Labor Code Section 1771.6. This means that counsel should be familiar with prevailing wage law and with the procedures governing appeals under Labor Code Section 1742 and the prevailing wage hearing regulations at Title 8, California Code of Regulations, sections 17201 – 17270. Please note that an LCP must enforce prevailing wage requirements in a manner that is consistent with the practice of the Labor Commissioner, and that it is a practice of the Labor Commissioner to be represented by an attorney in enforcement proceedings. (8 Cal.Code Reg. §16434(a)) A pattern of failing to successfully defend enforcement actions or failing to comply with the procedural requirements in enforcement cases is grounds for revocation of approval under section 16428(a)(3) of the regulations.