

DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director - Legal Unit
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Tel: (415) 703-4240 Writer's Direct Line: (415) 703-4265
Fax: (415) 703-4277

MAILING ADDRESS:
P. O. Box 420603
San Francisco, CA 94142-0603



February 24, 2010

County of Humboldt
825 5th Street
Eureka, California 95501

Attn.: Clif Clendenen, Chairperson of Board of Supervisors

Humboldt County Community Development Services Department
3015 H Street
Eureka, California 95501

Attn.: Kirk Girard, Director

Re: Approval of Labor Compliance Program
 LCP ID No. 2008.00616

Dear Mr. Clendenen and Mr. Girard:

In accordance with the provisions of Title 8, California Code Regulations, section 16426, approval of the County of Humboldt as a Labor Compliance Program (LCP) is hereby granted, effective as of March 1, 2010, and subject to the specific conditions set forth below.

This approval is limited to providing LCP services on the following types of projects: (1) any public works undertaken by the County of Humboldt, regardless of project type or funding source; and (2) up to twenty-one projects undertaken by other awarding bodies within the counties of Humboldt, Del Norte, Mendocino, Siskiyou, Modoc, Sonoma, and Trinity, for which the County of Humboldt serves as designated manager of the North Coast Integrated Regional Water Management Plan and disburses funds provided through the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 ("Proposition 50"). The authority to serve as a third party LCP on up to twenty-one projects funded by Proposition 50 is contingent upon having the staffing and resources needed to meet the specific review and site visit requirements of section 16432 of the regulations and is further limited to projects awarded prior to the effective date of the fee adopted by this Department pursuant to Labor Code Section 1771.85(a) and the regulations adopted pursuant to Labor Code Section 1771.55(b)(2).

During the first year of approved status, you must file quarterly reports to demonstrate your compliance with these requirements and ability to serve as an effective LCP over the extensive geographical area that you proposed to cover. These quarterly reports shall include the following information: 1) the number and location of projects being monitored; 2) the number of contractors and subcontractors at each project; 3) the number of job site visits to each project; 4) the number of workers interviewed at each job site visit; and 5) the number and nature of violations found, if any. You may adapt one of the forms found on the Department's website, such as the Labor Compliance Program Annual Report form (LCP-AR3) or the Suggested Single Project Labor Compliance Review and Enforcement Report Form [Appendix C following 8 CCR §16434], for making these quarterly reports. Quarterly reports will be due as follows:

<u>Reporting Period</u>	<u>Due date</u>
March 1 – May 31	June 30, 2010
June 1 – August 31	September 30, 2010
September 1 – November 30	December 31, 2010
December 1 – February 28	March 31, 2011

You must file each quarterly report whether or not you provided LCP services during the reporting period. The obligation to submit these reports is in addition to and does not replace or relieve you of the requirement to submit an annual report under section 16431 of the regulations.

An LCP must comply with the requirements of Title 8, California Code of Regulations, sections 16421 through 16439, as well as with all other statutes and regulations pertaining to the enforcement of the state's prevailing wage requirements. Any other awarding body that contracts with your LCP must promptly transmit the notices specified in section 16423 of the regulations and must designate which principals or employees of your program may have Political Reform Act filing responsibilities with that awarding body, as specified in section 16430 of the regulations.

Your program must file an annual report in accordance with the requirements of section 16431 of the regulations, whether or not your LCP conducted any monitoring or enforcement during the preceding year. The annual reporting period for your program is March 1 to the last day of February, and your annual report will be due by no later than 60 days following the close of your reporting period (*i.e.* April 29). Please also be aware of pending proposals to (1) revise some of the regulations governing LCPs, including a proposal to change the annual reporting period, and (2) adopt fees and regulations under Labor Code Sections 1771.3, 1771.55(b)(2), 1771.85(a), and related statutes. The proposals and explanatory documents are posted on the Department's website at <http://www.dir.ca.gov/LaborComplianceRegulations/LCP-SBX2-9.htm>.

Re: Approval of Labor Compliance Program No. 2008.00616

February 24, 2010

page 3

Please see the statement below for information about an LCP's use of legal counsel. For additional information and resources, including training opportunities and regulatory updates, please consult our website at <http://www.dir.ca.gov/lcp.asp>. If you have other questions that cannot be answered through your counsel or the resource materials available on our website, please contact my program assistant, Victor Osorio at (415) 703-5054.

Sincerely yours,



Nance S. Steffen

Special Assistant for

John C. Duncan, Director of Industrial Relations

cc: Regional Manager, Division of Labor Standards Enforcement

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.