

DEPARTMENT OF INDUSTRIAL RELATIONS

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February 25, 2010

Evergreen Union Elementary School District
19500 Learning Way
Cottonwood, CA 96022

Attn.: Harley J. North, Superintendent

RE: Application for Approval of Labor Compliance Program
LCP ID No. 2003.00370

Dear Mr. North:

In accordance with the provisions of Title 8, California Code of Regulations, sections 16425, the application for approval of Evergreen Union School District's labor compliance program dated December 17, 2008 is denied. This action is based on the program's failure to establish its ability and capacity to operate an effective labor compliance program in accordance with applicable legal requirements. In particular, the application fails to identify anyone who has the responsibility as well as the necessary expertise to perform monitoring and enforcement responsibilities beyond the review of contractor payroll information. In addition, the manual accompanying your application is seriously out of date in that it fails to reflect significant changes in the laws and regulations governing labor compliance programs that have been adopted since 2003.

We apologize for our great delay in responding to your application, which was due to the priority given to the updating of approved programs last year as well as recent personnel changes. Your district may apply again for approval but must demonstrate familiarity and the ability to comply with current regulatory requirements. In lieu of becoming an approved LCP your district can contract with an approved third party labor compliance program in order to comply with any state statute that currently requires a local agency to have or contract for a labor compliance program as a condition for using state bond funding or design-build contracting authority.

Finally, please also note that within the next several months; most state LCP requirements will be replaced by a new system for fee-based monitoring and enforcement by the Division of Labor Standards Enforcement.

If you have any questions about this determination, please contact Victor Osorio, Program Analyst, at 415-703-5054.

Sincerely,


Nance Steffen, Special Assistant
to the Director of Industrial Relations

cc: Regional Manager, Division of Labor Standards Enforcement