STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
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March 9, 2010

Madera Unified School District
1902 Howard Road
Madera, CA 93637

Attn.: Rosalind Cox

RE: Approval of Labor Compliance Program
LCP ID No. 2010.00648

Dear Ms. Cox:

In accordance with the provisions of Title 8, California Code Regulations, section 16425, approval of the Madera Unified School District Labor Compliance Program (LCP) is hereby granted, effective as of March 9, 2010. This approval is limited to compliance monitoring and enforcement on Madera Unified School District's *own* public works projects and applies to any type of public works project undertaken by Madera Unified School District. 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.

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. Among other things, you are required to transmit the notices specified in section 16423 of the regulations promptly, and you 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 9 to February 28, and your annual report will be due by no later than April 30.

Please see the statement below for information about the 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 Victor Osorio, Program Analyst, (415) 703-5054.

Sincerely yours,

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

cc: Regional Manager, Division of Labor Standards Enforcement

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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.