

DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director

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April 12, 2010

Total School Solutions

4751 Mangels Blvd.

Fairfield, CA 94534

Attn.: Henry Petrino

RE: Approval of Labor Compliance Program

LCP ID No. 2006.00523

Dear Mr. Petrino:

In accordance with the provisions of Title 8, California Code Regulations, section 16426, approval of the Total School Solutions Labor Compliance Program (LCP) is hereby granted, effective as of April 7, 2010. There is no restriction or limitation on the types of public works projects for which you provide LCP services, provide you have the staffing and resources needed to meet the specific review and site visit requirements of section 16432 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 awarding body that contracts with your LCP is required to promptly transmit the notices specified in section 16423 of the regulations and to designate which principals or employees of your program have filing responsibilities under the Political Reform Act, 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 April 1 to March 31, and your annual report will be due by no later than May 31.

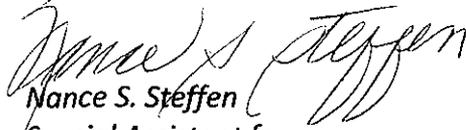
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Please see the statement below for information about an LCP's use of legal counsel. For additional information and resources, including training opportunities and regulatory updates, please consult our website at <http://www.dir.ca.gov/lcp.asp>. If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