

DEPARTMENT OF INDUSTRIAL RELATIONS

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August 3, 2010

Los Angeles County Office of Education
12830 Clark Avenue
Downey, CA 90242

Attn.: David Albright, Facilities Planning Officer

Re: Approval of Labor Compliance Program
LCP ID No. 2004.00412

Dear Mr. Albright:

In accordance with the provisions of Title 8, California Code Regulations, section 16425, approval of the Los Angeles County Office of Education as a Labor Compliance Program (LCP) is hereby granted, effective as of August 1, 2010. This approval is limited to compliance monitoring and enforcement on the Los Angeles County Office of Education's *own* public works projects. You have also indicated that you will be using the LCP only for projects that otherwise would be subject to fee-based monitoring and enforcement by this Department under Labor Code section 1771.3 or another state statute. Based on this limitation, the Los Angeles County Office of Education is *not* entitled to the higher prevailing wage exemptions specified in section 16433 of the regulations.

Pursuant to section 16455(b) of the regulations, the Los Angeles County Office of Education will be entitled to automatic waiver of the fees otherwise due to this Department, provided that you continue to do all of the following: (1) submit a project notice for each project as specified in section 16452(a) of the regulations; (2) remain in compliance with all the requirements governing LCPs set forth in sections 16421 through 16439 of the regulations, as well as with all other statutes and regulations pertaining to the enforcement of the state's prevailing wage requirements; and (3) not contract out enforcement responsibilities to any third party, except as permitted under section 16455(c) of the regulations. Please also make note of the fact that the LCP will be required to file an annual report covering its

operations during the preceding fiscal year (July 1 – June 30) on or before August 31st of each year, using the appropriate form found on our website.

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 Victor Osorio, 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.