STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
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October 19, 2010

El Monte Union High School
3537 Johnson Avenue
El Monte, Ca 91731

Attn.: Anthony M. Ortega, Assistant Superintendent

RE: Approval of Labor Compliance Program
LCP ID No. 2003.00305

Dear Mr. Ortega:

In accordance with the provisions of Title 8, California Code Regulations, section 16425, approval of the El Monte Unified High School (LCP) is hereby granted, effective as of October 25, 2010. This approval is limited to compliance monitoring and enforcement on El Monte Unified High School's *own* public works projects and applies to any type of public works project undertaken by El Monte Unified High School.

According to information supplied during the application process, your program intends to meet most of its day-to-day staffing needs through a contract with The Solis Group. Your approval is conditioned upon continued use of knowledgeable and experienced staff supplied through The Solis Group or another third party program that has been approved by the Director pursuant to section 16426 of the regulations. This restriction may be removed upon the submission of evidence demonstrating that your LCP is directly employing its own knowledgeable and trained staff to carry out the day-to-day functions set forth in section 16432 of the regulations.

Please note that because your LCP will rely on a contract with a third party to carry out its enforcement responsibilities and has been approved on this basis, Palm Springs Unified School Disrrict will *not* be entitled to a fee waiver on any project that is subject to fee-based monitoring and enforcement by this Department under Section 81704 of the Education Code, Section 1771.75 of the Labor Code, section 16455 of the regulations, and any related statute or regulation.

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. Your report should be made on the LCP-AR1 form, which is available for download on the Department's

website at http://www.dir.ca.gov/lcp/LCPReporting.htm. Unless a program has requested and the Director has agreed to a different reporting period, your annual report will be due by no later than August 31 of each year and must cover the preceding July 1 to June 30 fiscal year.

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

cc: Susan Nakagama, 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.