

Proposed Changes Without Regulatory Effect (Cal. Code Regs., tit. 1, § 100)
Title 8, Chapter 8,
Section 17223 Transmittal of Request for Review to Department

The Director of Industrial Relations is submitting a request for a filing pursuant to California Code of Regulations, title 1, section 100, to change where Enforcing Agencies transmit the Request for Review (prevailing wage hearing request) to the Office of the Director—Legal Unit (ODL). ODL is utilizing a new electronic filing system and is proposing to update the regulations to have documents sent electronically. The proposed change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations (CCR) provision.

The Director proposes to amend CCR, title 8, section 17223, which instructs an agency to submit a Request for Review and other specified documents to ODL.

Title 1, section 100(a) (Rule 100), provides that an agency may amend a regulation without complying with the rulemaking procedures of Government Code section 11346, et seq. “if the change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provisions.” (1 CCR section 100(a)(6)).

ODL is transitioning to an “eAttorney” web-based case management system. With this new system, documents, including the ones specified in section 17223, are maintained electronically. Rather than send documents to a physical address, the Director is proposing to add the option for these same documents be sent electronically, through a public website portal. The required documents and timeframe to send the documents will remain the same. The only proposed revision to this process is the addition of another “location” where/how the documents will be sent.

As this proposed amendment is to add another method by which the required documents described in section 17223 will be sent, it meets the requirements of Section 100 of the Administrative Procedure Act in that it does not alter a requirement, right, responsibility, condition, or prescription contained in the existing standards.

Enclosed are copies of the proposed revisions and the Form 400. Please contact Senior Counsel Ann Wu at awu@dir.ca.gov if there are any questions.