

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR - LEGAL UNIT
455 GOLDEN GATE AVENUE
San Francisco, CA 94102



ADDRESS REPLY TO:
Office of the Director - Legal Unit
P.O. Box 420603
San Francisco, CA 94142
(415) 703-4240
FAX No.: (415) 703-4277

June 30, 2002

L. L. "Don" Hendrix, Supervisor
Labor Compliance Program
San Diego City Schools
2351 Cardinal Lane, Annex O
San Diego, CA 92123

Re: Public Works Case No. 2001-050
Installation of Pre-Manufactured Modular Classrooms
San Diego Unified School District

Dear Mr. Hendrix:

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-referenced project under the public works laws and is made pursuant to Title 8, California Code of Regulations, section 16000(a). Based upon my review of the facts of this case and an analysis of the applicable law, it is my determination that the installation¹ of pre-manufactured modular classroom buildings for the San Diego Unified School District ("District") is a public work subject to the payment of prevailing wages.

In this case, the District purchased several pre-manufactured modular classroom buildings from Williams Scotsman, Inc. on a piggyback contract through the Beardsley School District. Scotsman subcontracted with Sun Rise Construction to install the modular buildings for use as classrooms.

The scope of the installation work consists of constructing foundations, anchoring foundations to meet earthquake requirements, connecting several modular buildings to make one classroom, installing carpeting, installing plumbing, performing electrical work, building ramps, doing siding trim out, installing skirting and doing finish painting of all exposed surfaces.

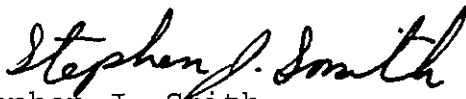
¹ The inquiry requests a public works coverage determination for only the installation of the classrooms, not for their manufacture which may, under certain circumstances, be public work. See, e.g. Precedential Public Works Coverage Determination Case No. 99-032, San Diego City Schools, Construction of Portable Classrooms (June 23, 2000).

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What is now Labor Code section 1720(a)(1)² defines "public works" in relevant part as: "Construction, alteration, demolition, installation or repair work done under contract and paid for in whole or part out of public funds." Consistent with past precedential determinations,³ the above-described installation work constitutes construction and alteration done under contract and paid for out of public funds. It is therefore a public work within the meaning of section 1720(a) subject to the payment of prevailing wages.

I hope this determination satisfactorily answers your inquiry.

Sincerely,


Stephen J. Smith
Director

² All subsequent statutory references are to the Labor Code unless otherwise indicated.

³ Precedential Public Works Coverage Determination, Case No. 99-069, Lozano Caseworks, Inc., Installation of Pre-Fabricated Cabinets, Chaffey Joint Union High School District, et al. (June 26, 2000). See also, Precedential Public Works Coverage Determination, Case No. 2000-008, Fiber Optic Cable Installation (June 13, 2000).