

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR
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March 12, 2002

Stacey Simon
Deputy County Counsel
Office of the County Counsel
Mono County
South County Offices
P.O. Box 2415
Mammoth Lakes, CA 93546

Re: Public Works Case No. 2001-057
Crushing and Hauling from County of Mono Transfer Stations
and Landfills

Dear Ms. Simon:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations, section 16001(a). Based on my review of the facts of this case and an analysis of the applicable law, it is my determination that the crushing and hauling of items from the County of Mono ("County") transfer stations and landfills by a contractor under contract with County is not a public work subject to the payment of prevailing wages.

County entered into a contract with Brown's Supply, Inc. ("Contractor") to extract freon from "white goods" and then consolidate and remove the white goods, as well as scrap metal and vehicle bodies from County landfills and transfer stations. The items are recycled.

Labor Code section¹ 1720(a) defines "public works" as "construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds...." Section 1772 provides that workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.

Contractor's work at the County sites does not fall within any of the types of work enumerated in section 1720(a) as public works. For this reason, the hauling performed by Contractor is not a public work under Section 1772 because it is not done in the execution of a public work.

¹ All section references are to the Labor Code.

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Section 1720.3 includes in the definition of "public works" "the hauling of refuse from a public works site to an outside disposal location, with respect to contracts involving any state agency..., or any political subdivision of the state." The hauling work performed by Contractor is also not a public work under section 1720.3 both because the items are not hauled from a public work site and because they are recycled, and thus do not constitute refuse.

In conclusion, the crushing and hauling of white goods and other discarded items from the Mono County transfer stations and landfills is not a public work subject to the payment of prevailing wages.

I hope this determination satisfactorily answers your inquiry.

Sincerely,



Stephen J. Smith
Director