

SixTen and Associates

MANDATE REIMBURSEMENT SERVICES

PROGRAM: 868/02 PREVAILING WAGE RATE (K-14)

PWR 1.2

REIMBURSABLE ACTIVITIES: (FROM THE FILED TEST CLAIM)

Pursuant to:

Labor Code Sections 1720, 1720.2, 1720.3, 1726, 1727, 1733, 1735, 1741, 1742, 1742.1, 1743, 1750, 1770, 1771, 1771.5, 1771.6, 1771.7, 1772, 1773, 1773.1, 1773.2, 1773.3, 1773.5, 1773.6, 1775, 1776, 1777.1, 1777.5, 1777.6, 1777.7, 1812, 1813, 1861, and Public Contract Code Section 22002;

Title 8, CCR, Sections 16000, 16001-16003, 16100-16102, 16200-16206, 16300-16304, 16400-16403, 16410-16414, 16425-16428, 16429-16433, 16436-16439, 16500, 16800-16802, 17201-17212, 17220-17237, 17240-17253, 17260-17264;

The School Facility Program Substantial Progress and Expenditure Audit Guide, May 2003, and AB1506 Labor Compliance Program Guidebook - February 2003, and the Antioch Unified School District Labor Compliance Program, January 17, 2003;

For each eligible school district, county office of education, and community college district, the direct and indirect costs incurred for the following mandate activities are reimbursable:

1. Policies and Procedures

Developing and periodically updating policies and procedures necessary for determining and ensuring that contractors and subcontractors on public works projects of the district are meeting all the requirements of the prevailing wage laws.

2. Staff Training

Training staff to implement this mandate.

3. Prevailing Wage Rates

Obtaining the applicable general prevailing wage rate from the Director of Industrial Relations and ensuring that it is correct. Requesting a coverage determination regarding a specific project and filing a petition for review and/or appealing a determination by the Director of Industrial Relations when found incorrect.

Including a statement of prevailing wage rates in all calls and advertisements for bids

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and the public works contract, and posting the statement at all job sites, or in lieu of this, including a statement that copies of the prevailing wage rates are on file in the call for bids and contract.

Maintaining records of ineligible contractors/subcontractors and not granting them public works projects of the district. Sending copies of all awards to the Division of Apprenticeship Standards and notifying the Division of any discrepancies.

Inspecting and auditing contractor/subcontractor payroll records when necessary or requested by the Director of Industrial Relations and obtaining and providing copies when requested by appropriate parties.

4. Labor Compliance Program

Contracting, and paying the reasonable fees of a third party, to initiate and enforce a Labor Compliance Program (LCP).

Submitting evidence of the third party's ability to operate its LCP when seeking approval.

Completing a request for approval deemed by the Director to be deficient, or making other corrections as required, and resubmitting the request for approval of an LCP.

Submitting a request for an extension of an LCP at least 30 days prior to the anniversary date of the initial approval.

Making a written finding that the district has initiated and enforced, or contracted with a third party to initiate and enforce, a labor compliance program and transmitting a copy to the State Allocation Board.

Complying with all of the requirements of a Labor Compliance Program when initiated and enforced by the district.

5. Investigations and Audits

Conducting investigations and reviewing findings with the contractor/subcontractor when investigating worker complaints of underpayment of prevailing wage rates.

Gathering supporting documents from all available sources and analyzing them for authenticity, and conducting a complete certified payroll record and/or project audit.

Writing a complete summary of the investigation with a statement of findings and recommended action for submission to the Department of Industrial Relations' Division

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of Labor Standards Enforcement.

When the State Allocation Board is conducting a post-award audit, submitting a copy of the Department of Industrial Relations approved Labor Compliance Program, or if applicable, a copy of the third party provider contract, and upon request, submitting all bid invitations and contract materials.

If the district has elected to use its own employees for its LCP, providing the name(s) of the district employee(s) performing the LCP duties and a complete breakdown of all related costs.

6. Notices and Court Proceedings

Providing contractors and subcontractors, bonding companies and sureties with a Notice of Withholding of Contract Payments when minimum wage law violations are discovered by the district.

Conducting settlement negotiations and testifying on behalf of the school district in appeal hearings and in litigation.

Defending Notices to Withhold Contract Payments in administrative review proceedings and in court.