

DEPARTMENT OF TRANSPORTATION
DIVISION OF CONSTRUCTION - LABOR COMPLIANCE
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*Serious drought
Help save Water!*

Prevailing Wage Requirements for Ready-Mix Concrete Workshop Question & Answer Sheet

Question 1:

When is the written agreement between the subcontractor and the prime contractor due to Caltrans?

Answer 1:

Caltrans will expect a copy of this agreement with the first certified payroll submittal from the prime contractor.

Question 2:

Do all work hours have to be broken down on the certified payroll records for a Caltrans project?

Answer 2:

Yes.

Question 3:

Are driver signatures required on all time records?

Answer 3:

Yes. Caltrans may accept ID numbers and/or codes (electronic versions) reflected on each time record provided that the contractor submit a master list verification for all employee names and ID/codes.

Question 4:

Is a blanket statement acceptable for driver acknowledgment on time records?

Answer 4:

Yes, as long as the language includes the "penalty of perjury" statement with full signature of the driver.

Question 5:

Will Caltrans accept codes for plant/batch address locations?

Answer 5:

No.

Question 6:

Does Caltrans require a contractor registration number?

Answer 6:

The Department of Industrial Relations (DIR) registration requirement applies to all contractors and subcontractors, as defined by Labor Code section 1722.1. Any person or entity who is covered by California's prevailing wage statutes and who is hired as independent contractor rather than as an employee must meet the contractor registration requirements in Labor Code section 1725.5(a) and be

registered pursuant to that section.

Question 7:

Please clarify the footnote "a" language found in the DIR Driver/Mixer Trucks classification for the following example below:

The 2016-1 DIR driver/mixer trucks classification in Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties, Health and Welfare fringe rate of \$3.09/hour footnote "a": *The contribution applies to all hours until \$535.26 is paid for the month.*

Answer 7:

This applies only to Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties. The fringe benefit contribution for Health & Welfare (H&W) of \$3.09 applies for each hour until a maximum of \$535.26 has been reached for each employee. At which time the H&W hourly rate will no longer be enforced for that month.

Question 8:

Can we get credit for "Vacation and Holiday" fringe payment if we have PTO (personal time off) hours bundled into the employee vacation and sick pay?

Answer 8:

No. The PTO hours can be annualized into vacation hours but sick hours are not eligible for credit.

Please see California Labor Code § 1773.1(c) for more information:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1770-1784>

Question 9:

If one driver has three different loads & plant locations, can we log all the information on the same certified time report sheet?

Answer 9:

If your company chooses to put all three (3) projects for one driver on the same certified time record sheet, please make sure each project reflects the correct corresponding Caltrans project number, driver signature, and all other appropriate information pertaining to that project. Your company may also choose to complete separate certified time records for each separate Caltrans project and the driver would have to sign each separate sheet.

Question 10:

The wording on the effective date has changed. The way we read it now is that AB 219 takes effect on all jobs "first advertised on July 1, 2016 or after" is the only deciding factor. Some people are saying advertised or awarded. Which is correct?

Answer 10:

SB 836(23) amended AB 219 to provide that these provisions do not apply to public works contracts advertised for bid or awarded prior to July 1, 2016.

Clarifications:

- Senate Bill No. 836, Chapter 31, Item 23 extends the time to submit employee payroll records to 5 days. This bill would provide that these provisions do not apply to public works contracts advertised for bid or awarded prior to July 1, 2016.
- Provisions on delayed contracts – SB 836(23) amended AB 219 to provide that these provisions do not apply to public works contracts advertised for bid or awarded prior to July 1, 2016.
- Self-insured contractors are not considered a fringe benefit.

If you have questions, please contact Diane Xiong at (916) 654-6060.

Sincerely,

Diane Xiong

DIANE XIONG

Labor Compliance Liaison

Division of Construction

Attachments:

Assembly Bill No. 219

Senate Bill No. 836

Labor Compliance District Region Map

PDF copy of the AB 219 Workshop Presentation