

Assembly Bill No. 852

CHAPTER 343

An act to add Section 1773.11 to the Labor Code, relating to prevailing wages.

[Approved by Governor September 8, 2003. Filed with Secretary of State September 8, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 852, Lieber. Prevailing rate of per diem wages: determinations.

Existing law generally requires the payment of the prevailing rate of per diem wages and the prevailing rate for holiday and overtime work to employees employed on public works projects that cost more than \$1,000. Existing law requires the Director of Industrial Relations to determine these wage rates and to provide these wage rates to an awarding body, as defined, that requests them.

This bill would require the director, upon a request by the state or a political subdivision of the state, to determine and provide these wage rates to the state or a political subdivision that agrees by contract with a private entity that that private entity's employees, in performing the contract, receive the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work. This bill would require the director to respond to these requests in the order in which the requests were received, as specified. This bill would require the director to respond only to the first 20 requests if more than 20 requests are pending in a calendar year. This bill would require the director to respond to additional requests in a calendar year only if the director determines that funding is available to provide these responses.

The people of the State of California do enact as follows:

SECTION 1. Section 1773.11 is added to the Labor Code, to read:

1773.11. (a) Notwithstanding any other provision of law and except as otherwise provided by this section, if the state or a political subdivision thereof agrees by contract with a private entity that the private entity's employees receive, in performing that contract, the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work, the director shall, upon a request by the state or the political subdivision, do both of the following:



(1) Determine, as otherwise provided by law, the wage rates for each craft, classification, or type of worker that are needed to execute the contract.

(2) Provide these wage rates to the state or political subdivision that requests them.

(b) This section does not apply to a contract for a public work, as defined in this chapter.

(c) The director shall determine and provide the wage rates described in this section in the order in which the requests for these wage rates were received and regardless of the calendar year in which they were received. If there are more than 20 pending requests in a calendar year, the director shall respond only to the first 20 requests in the order in which they were received. If the director determines that funding is available in any calendar year to determine and provide these wage rates in response to more than 20 requests, the director shall respond to these requests in a manner consistent with this subdivision.

