

AMENDED IN SENATE AUGUST 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2862**

**Introduced by ~~Committee on Labor and Employment~~  
(~~Steinberg (Chair), Gallegos, Knox, Migden, Romero, and~~  
~~Shelley) Assembly Member Romero~~**

March 2, 2000

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~~An act to amend Section 1771.5 of the Labor Code, relating to public works. An act to amend Sections 1682, 1684, and 1695.7 of, and to add Sections 1696.8 and 1697.3 to, the Labor Code, relating to farm labor contractors.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as amended, ~~Committee on Labor and Employment~~ Romero. ~~Prevailing wages: labor compliance program~~ Farm labor contractors.

(1) Existing law prohibits a person from acting as a farm labor contractor unless he or she obtains a license issued by the Labor Commissioner, and unless the license is in full force and effect and is in his or her possession. Existing law requires every person acting in the capacity of a farm labor contractor, prior to entering into any contract or agreement to supply agricultural labor or services to an agricultural grower, to first provide the grower with his or her current state license. Under existing law, a violation of this provision is a misdemeanor, punishable as specified.

This bill would also require a person acting in the capacity of a farm labor contractor, prior to entering into that contract

or agreement, to first provide the grower with the license of any farm labor subcontractor, as defined in the bill, who will be involved in the supply of labor or services to the grower's operation. The bill would require the grower to keep a copy of the licenses for a period of 3 years following termination of the contract or agreement. The bill would provide for a single license to act as either a farm labor contractor or subcontractor.

(2) Existing law prohibits a grower from entering into a contract or agreement with a person who fails to provide a copy of his or her license, without first making reasonable inquiry to ensure that the license is valid.

This bill, instead, would provide that a grower has an affirmative duty to inspect the license of any person hired as a farm labor contractor or subcontractor and to verify that the license is valid. The bill would require the Labor Commissioner to establish and maintain a Farm Labor Contractor License Verification Unit commencing no later than July 1, 2001, to certify the status of the licenses of farm labor contractors and farm labor subcontractors to growers, upon request, as specified. The obligation under the bill to verify licensure would not become operative until that unit is operational.

The bill would prohibit a farm labor contractor, subcontractor, or employer of a farm labor contractor from discharging, or in any manner discriminating against an employee because the employee exercises rights under the statutory provisions on farm labor contracting or subcontracting or files a bona fide complaint or claim against the employer, or takes other specified actions under the jurisdiction of the Labor Commissioner.

The bill would make a violation of its provisions a misdemeanor punishable as specified. By creating new crimes, the bill would impose a state-mandated local program. The bill would also require license revocation upon conviction for one year in the case of a first offense, 2 years in the case of a 2nd offense, and permanently in the case of a 3rd offense.

(3) This bill would require the Director of Industrial Relations to establish an Agricultural Enforcement Prosecution Unit to develop a program to provide financial



and technical assistance to a county district attorney’s office that establishes a local agricultural enforcement unit.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law governing the hours of works and payment of workers employed on public works, an employee must be paid at the general prevailing rate of per diem wages. An awarding body does not have to comply with these provisions for projects of a limited size and type of work if the awarding body establishes a labor compliance program containing specified requirements for every public works under the authority of the awarding body. One of the requirements of a labor compliance program is that the awarding body withhold contract payments equal to the amount of underpayment and applicable penalties when, after investigation, it is established that underpayment has occurred.~~

~~This bill would provide that the awarding body, shall, in addition, withhold interest.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

- 1 ~~SECTION 1. Section 1771.5 of the Labor Code is~~
- 2 *SECTION 1. Section 1682 of the Labor Code is*
- 3 *amended to read:*
- 4 1682. As used in this chapter:
- 5 (a) “Person” includes any individual, firm,
- 6 partnership, association, limited liability company, or
- 7 corporation.
- 8 (b) “Farm labor contractor” ~~designates~~ *means* any
- 9 person who, for a fee, employs workers to render personal
- 10 services in connection with the production of any farm
- 11 products to, for, or under the direction of a third person,
- 12 or who recruits, solicits, supplies, or hires workers on



1 behalf of an employer engaged in the growing or  
2 producing of farm products, and who, for a fee, provides  
3 in connection therewith one or more of the following  
4 services: furnishes board, lodging, or transportation for  
5 those workers; supervises, times, checks, counts, weighs,  
6 or otherwise directs or measures their work; or disburses  
7 wage payments to these persons.

8 (c) “Farm labor subcontractor” means any person  
9 performing services specified in subdivision (b) for  
10 another farm labor contractor.

11 (d) “License” means a license issued by the Labor  
12 Commissioner to carry on the business, activities, or  
13 operations of a farm labor contractor *and farm labor*  
14 *subcontractor* under this chapter. *The license shall entitle*  
15 *the holder to act as both a farm labor contractor and farm*  
16 *labor subcontractor.*

17 ~~(d)~~

18 (e) “Licensee” means ~~a farm labor contractor who~~  
19 ~~holds~~ the holder of a valid and unrevoked license under  
20 this chapter.

21 ~~(e)~~

22 (f) “Fee” ~~shall mean~~ means (1) the difference  
23 between the amount received by a labor contractor and  
24 the amount paid out by him or her to persons employed  
25 to render personal services to, for or under the direction  
26 of a third person; (2) any valuable consideration received  
27 or to be received by a farm labor contractor for or in  
28 connection with any of the services described above, and  
29 ~~shall include~~ includes the difference between any  
30 amount received or to be received by him or her, and the  
31 amount paid out by him or her, for or in connection with  
32 the rendering of ~~such~~ those services.

33 SEC. 2. Section 1684 of the Labor Code is amended to  
34 read:

35 1684. The Labor Commissioner shall not issue to any  
36 person a license to act as a farm labor contractor *or farm*  
37 *labor subcontractor*, nor shall the Labor Commissioner  
38 renew that license, until all of the following conditions are  
39 satisfied:



1 (a) The person has executed a written application  
2 therefor in a form prescribed by the Labor  
3 Commissioner, subscribed and sworn to by the person,  
4 and containing all of the following:

5 (1) A statement by the person of all facts required by  
6 the Labor Commissioner concerning the applicant's  
7 character, competency, responsibility, and the manner  
8 and method by which the person proposes to conduct  
9 operations as a farm labor contractor *or farm labor*  
10 *subcontractor* if the license is issued.

11 (2) The names and addresses of all persons, except  
12 bona fide employees on stated salaries, financially  
13 interested, either as partners, associates, or profit sharers,  
14 in the proposed operation as a farm labor contractor *or*  
15 *farm labor subcontractor*, together with the amount of  
16 their respective interests.

17 (3) A declaration consenting to the designation by a  
18 court of the Labor Commissioner as an agent available to  
19 accept service of summons in any action against the  
20 licensee if the licensee has left the jurisdiction in which  
21 the action is commenced or otherwise has become  
22 unavailable to accept service.

23 (b) The Labor Commissioner, after investigation, is  
24 satisfied as to the character, competency, and  
25 responsibility of the person.

26 (c) The person has deposited with the Labor  
27 Commissioner a surety bond in the amount of ten  
28 thousand dollars (\$10,000). Where the *farm labor*  
29 *contractor or farm labor subcontractor* has been the  
30 subject of a final judgment in a year in an amount equal  
31 to that of the bond required, he or she shall be required  
32 to deposit an additional bond within 60 days. The bond  
33 shall be payable to the people of the State of California  
34 and shall be conditioned that the farm labor contractor *or*  
35 *farm labor subcontractor* will comply with all the terms  
36 and provisions of this chapter and will pay all damages  
37 occasioned to any person by failure to do so, or by any  
38 violation of this chapter, or false statements or  
39 misrepresentations made in the procurement of the  
40 license. The bond shall also be payable for interest on



1 wages and for any damages arising from violation of  
2 orders of the Industrial Welfare Commission, but shall not  
3 be payable for penalties on nonpayment or late payment  
4 of wages pursuant to Section 203. If a deposit is given  
5 instead of a bond, the Labor Commissioner may charge  
6 reasonable legal fees against the deposit for handling  
7 claims, other than wage claims, filed against the deposit.

8 (d) The person has paid to the Labor Commissioner a  
9 license fee of three hundred fifty dollars (\$350) plus a  
10 filing fee of ten dollars (\$10). However, where a timely  
11 application for renewal is filed, the ten dollar (\$10) filing  
12 fee is not required. The Labor Commissioner shall deposit  
13 twenty-five dollars (\$25) of each licensee's annual license  
14 fee into a separate account. Funds from this account shall  
15 be disbursed by the Labor Commissioner only to persons  
16 determined by the Labor Commissioner to have been  
17 damaged by any licensee when the damage exceeds the  
18 limits of the licensee's bond, or to persons determined by  
19 the Labor Commissioner to have been damaged by an  
20 unlicensed farm labor contractor *or unlicensed farm*  
21 *labor subcontractor*. In making these determinations, the  
22 Labor Commissioner shall disburse funds from the  
23 account to satisfy claims against farm labor contractors  
24 ~~or~~, *farm labor subcontractors*, unlicensed farm labor  
25 contractors, *or unlicensed farm labor subcontractors*,  
26 which shall also include interest on wages and any  
27 damages arising from the violation of orders of the  
28 Industrial Welfare Commission, but shall not include  
29 penalties on nonpayment or late payment of wages  
30 pursuant to Section 203. Any disbursement of funds from the  
31 account to satisfy a claim against an unlicensed farm labor  
32 contractor *or unlicensed farm labor subcontractor* shall  
33 not exceed ten thousand dollars (\$10,000). Any disbursed  
34 funds subsequently recovered by the Labor  
35 Commissioner pursuant to Section 1693, or otherwise,  
36 shall be returned to the separate account.

37 (e) The person in an oral or written examination, or  
38 both, demonstrates an essential degree of knowledge of  
39 the current laws and administrative regulations  
40 concerning farm labor contractors as the Labor



1 Commissioner deems necessary for the safety and  
2 protection of farmers, farmworkers, and the public. This  
3 examination shall include a demonstration of knowledge  
4 of the current laws and regulations regarding wages,  
5 hours, and working conditions, employee housing and  
6 transportation, collective bargaining, field sanitation, and  
7 safe work practices related to pesticide use, including all  
8 of the following subjects:

9 (1) Field reentry regulations.

10 (2) Worker pesticide safety training.

11 (3) Employer responsibility for safe working  
12 conditions.

13 (4) Symptoms and appropriate treatment of pesticide  
14 poisoning.

15 The Labor Commissioner shall consult with the  
16 Director of Pesticide Regulation, the Department of the  
17 California Highway Patrol, the Department of Housing  
18 and Community Development, the Employment  
19 Development Department, the Department of Food and  
20 Agriculture, the Department of Motor Vehicles, and the  
21 Division of Occupational Safety and Health in preparing  
22 this examination and the appropriate educational  
23 materials pertaining to the matters included in the  
24 examination, and may charge a fee of not more than one  
25 hundred dollars (\$100) to cover the cost of administration  
26 of the examination.

27 (f) The Labor Commissioner may renew a license  
28 without requiring the applicant for renewal to take the  
29 examination specified in subdivision (e) if the Labor  
30 Commissioner finds that the applicant meets all of the  
31 following criteria:

32 (1) Has satisfactorily completed the examination  
33 during the immediately preceding two years.

34 (2) Has not during the preceding year been found to  
35 be in violation of any applicable laws or regulations  
36 including, but not limited to, Division 7 (commencing  
37 with Section 12501) of the Food and Agricultural Code  
38 Part 1 (commencing with Section 17000) of Division 13 of  
39 the Health and Safety Code, Division 2 (commencing  
40 with Section 200), Division 4 (commencing with Section



1 3200), and Division 5 (commencing with Section 6300) of  
2 this code, and Chapter 1 (commencing with Section  
3 12500) of Division 6 of the Vehicle Code.

4 (3) Has complied with all other requirements of this  
5 section.

6 (g) The person has registered as a farm labor  
7 contractor pursuant to the federal Migrant and Seasonal  
8 Agricultural Worker Protection Act, when registration is  
9 required pursuant to federal law.

10 *SEC. 3. Section 1695.7 of the Labor Code is amended*  
11 *to read:*

12 1695.7. (a) (1) Prior to entering into any contract or  
13 agreement to supply agricultural labor or services to an  
14 agricultural grower, every person acting in the capacity  
15 of a farm labor contractor shall first provide to the grower  
16 a copy of his or her current valid state license *and the*  
17 *license of any farm labor subcontractor who will be*  
18 *involved in the supply of labor or services to the grower's*  
19 *operation. A failure to do so is a violation of this chapter.*  
20 *The grower shall keep a copy of the licenses for a period*  
21 *of three years following the termination of the contract*  
22 *or agreement.*

23 (2) In the event that the licensee or prospective  
24 licensee has fulfilled all the requirements for a license, but  
25 the Labor Commissioner has not been able to timely issue  
26 or renew a license, the Labor Commissioner shall issue to  
27 the person applying for a license, or renewal of a license,  
28 a letter of authorization permitting that person to operate  
29 or continue to operate as a farm labor contractor *or farm*  
30 *labor subcontractor. For purposes of this section, a "valid*  
31 *state license" shall include such a letter of authorization*  
32 *issued pursuant to this paragraph.*

33 (3) No grower shall enter into a contract or agreement  
34 with a person who fails to provide a copy of his or her  
35 license, ~~without first making reasonable inquiry, to~~  
36 ~~ensure that the person possesses a valid license.~~ *A grower*  
37 *has an affirmative obligation to inspect the license of any*  
38 *person hired as a farm labor contractor or farm labor*  
39 *subcontractor and a copy of whose license is provided to*  
40 *the grower pursuant to paragraph (1), and to verify that*



1 *the license is valid. Failure to comply with this paragraph*  
2 *is a violation of this chapter.*

3 (4) If a contract or agreement entered into with a farm  
4 labor contractor extends beyond the expiration date of his  
5 or her license, *extends beyond the expiration of the*  
6 *license of a farm labor subcontractor, a copy of whose*  
7 *license was provided to the grower pursuant to paragraph*  
8 *(1), or extends beyond the date contained in the letter of*  
9 *authorization to operate, the farm labor contractor or*  
10 *farm labor subcontractor, as the case may be, shall*  
11 *provide to the grower* ~~shall make reasonable inquiry of~~  
12 ~~the contractor prior to each time he or she utilizes the~~  
13 ~~licensee's services after that date unless the contractor~~  
14 ~~provides, in lieu thereof, upon renewal of the license or~~  
15 *letter of authorization a copy of his or her current valid*  
16 *renewed license or a copy of a renewed letter of*  
17 *authorization issued by the Labor Commissioner. In the*  
18 *event the farm labor contractor's license is not renewed,*  
19 *the farm labor contractor shall notify the grower within*  
20 *10 days. In the event a farm labor subcontractor's license*  
21 *is not renewed, the farm labor subcontractor shall notify*  
22 *the farm labor contractor within 10 days, who shall notify*  
23 *the grower within three business days.*

24 (b) A failure by the person acting as a farm labor  
25 contractor *or farm labor subcontractor* to provide a copy  
26 of the license *or letter of authorization of any farm labor*  
27 *subcontractor involved in the supply of services to the*  
28 *agricultural grower's operation, to the agricultural*  
29 *grower shall not constitute a defense against liability*  
30 *under this section for an agricultural grower who*  
31 *subsequently fails to* ~~make reasonable inquiry about~~  
32 ~~whether that person has a valid state license comply with~~  
33 *the requirements of paragraph (3) of subdivision (a).*

34 (c) (1) Any person who acts in the capacity of a farm  
35 labor contractor, ~~as defined in this chapter, or farm labor~~  
36 *subcontractor without first securing a license or after his*  
37 *or her license has been suspended or revoked, is guilty of*  
38 *a misdemeanor punishable by a fine of not less than one*  
39 *thousand dollars (\$1,000) nor more than five thousand*  
40 *dollars (\$5,000), or imprisonment in the county jail for not*



1 more than six months, or both, and is subject to other  
2 sanctions under this chapter, including subdivisions (b)  
3 and (c) of Section 1697.

4 (2) Any grower who enters into a contract or  
5 agreement in violation of this section, shall be subject to  
6 a civil action by an aggrieved worker for any claims  
7 arising from the contract or agreement that are a direct  
8 result of any violation of any state law regulating wages,  
9 housing, pesticides, or transportation committed by the  
10 unlicensed farm labor contractor *or an unlicensed farm*  
11 *labor subcontractor*. The court shall grant a prevailing  
12 plaintiff reasonable attorney's fees and costs.

13 (3) *Any grower, farm labor contractor, or farm labor*  
14 *subcontractor who fails to pay wages as required by law*  
15 *is guilty of a misdemeanor punishable as set forth in*  
16 *subdivision (f).*

17 (4) Any aggrieved worker who, claims a violation of  
18 this section, may bring a civil action for injunctive relief  
19 and, *lost wages, and* upon prevailing, shall recover  
20 reasonable attorney's fees and costs.

21 (d) As used in this section:

22 (1) ~~“Reasonable inquiry” shall mean that, if the person~~  
23 ~~acting in the capacity as a farm labor contractor does not~~  
24 ~~provide an agricultural grower with a copy of his or her~~  
25 ~~current valid license when required to do so, the~~  
26 ~~agricultural grower shall inquire of, and inspect the~~  
27 ~~license of, each such person prior to entering into any~~  
28 ~~contract or agreement. The agricultural grower shall only~~  
29 ~~be required to ascertain that the license presented is valid~~  
30 ~~on its face.~~

31 ~~(2) “Agricultural grower” or “grower” means any~~  
32 ~~person who owns or leases land used for the planting,~~  
33 ~~cultivation, production, harvesting, or packing of any~~  
34 ~~farm products, and includes a packing shed, whether or~~  
35 ~~not he or she owns or leases the land, if he or she hires or~~  
36 ~~uses persons acting as farm labor contractors.~~

37 (2) *“Inspect,” with regard to inspecting a license,*  
38 *means to visually ensure that a license is facially valid.*



1 (3) "License verification unit" means the Farm Labor  
2 Contractor License Verification Unit established  
3 pursuant to subdivision (e).

4 (4) "Verify," with respect to verifying a license, means  
5 to contact the license verification unit to confirm the  
6 validity of a license and to record in the grower's files the  
7 unique verification number provided by the license  
8 verification unit to document that the grower confirmed  
9 the licenses of the farm labor contractor with whom he or  
10 she has entered into a contract or agreement to supply  
11 services and any farm labor subcontractor supplying any  
12 of those services.

13 (e) The Labor Commissioner shall establish and  
14 maintain a Farm Labor Contractor License Verification  
15 Unit commencing no later than July 1, 2001. The license  
16 verification unit shall, upon the request of a grower,  
17 certify the status of a state license issued to a farm labor  
18 contractor or farm labor subcontractor. The license  
19 verification unit shall assign a unique verification number  
20 to the grower recording the grower's request as specified  
21 in paragraph (4) of subdivision (d). The obligation under  
22 this section to verify licenses shall not become operative  
23 and the penalties in this section for failure to verify a  
24 license shall not be applicable until the license  
25 verification unit becomes operational.

26 (f) (1) Notwithstanding subdivision (a) of Section  
27 1697, a violation of this section is a misdemeanor and is  
28 punishable as follows:

29 (A) A first offense is punishable by imprisonment in a  
30 county jail for not more than six months, a fine of not less  
31 than one thousand dollars (\$1,000) nor more than five  
32 thousand dollars (\$5,000), or both, and is subject to other  
33 sanctions under this chapter, including subdivisions (b)  
34 and (c) of Section 1697. Upon conviction, the defendant's  
35 license shall be revoked and the defendant shall be  
36 ineligible for a license for a period of one year.

37 (B) A second offense is punishable by imprisonment in  
38 a county jail for not less than six months and a fine of not  
39 less than one thousand dollars (\$1,000) nor more than five  
40 thousand dollars (\$5,000), and is subject to other sanctions



1 under this chapter, including subdivisions (b) and (c) of  
2 Section 1697. Upon conviction of a second offense, the  
3 defendant's license shall be revoked and the defendant  
4 shall be ineligible for a license for a period of two years.

5 (C) A third or subsequent offense is punishable by  
6 imprisonment in a county jail for six months and a fine of  
7 not less than one thousand dollars (\$1,000) nor more than  
8 five thousand dollars (\$5,000), and is subject to other  
9 sanctions under this chapter, including subdivisions (b)  
10 and (c) of Section 1697. Upon conviction of a third  
11 offense, the defendant's license shall be revoked and the  
12 defendant shall not thereafter be eligible to obtain a  
13 license.

14 (2) Upon appropriation, the fines collected pursuant  
15 to this section shall be allocated to the department for the  
16 support of the Agricultural Enforcement Prosecution  
17 Unit established pursuant to Section 1696.8.

18 (h) (1) No farm labor contractor, farm labor  
19 subcontractor, or employer of a farm labor contractor  
20 shall discharge or in any manner discriminate against any  
21 employee because that employee seeks to exercise rights  
22 under this chapter or because that employee files a bona  
23 fide complaint or claim, or institutes, or causes to be  
24 instituted, any proceeding, or testifies in any proceeding,  
25 relating to the employee's rights or the rights of another,  
26 that is under the jurisdiction of the Labor Commissioner.

27 (2) Any employee who is discharged, threatened with  
28 discharge, demoted, suspended, or in any other manner  
29 discriminated against in the terms and conditions of his  
30 or her employment because the employee seeks to  
31 exercise rights under this chapter or because the  
32 employee files a bona fide complaint or claim pursuant to  
33 this chapter shall be entitled to reinstatement and  
34 reimbursement for lost wages and work benefits caused  
35 by the acts of the employer. Any farm labor contractor,  
36 farm labor subcontractor, or employer of a farm labor  
37 contractor who willfully refuses to rehire, promote, or  
38 otherwise restore an employee or former employee who  
39 has been determined to be eligible for rehiring or  
40 promotion by a grievance procedure, arbitration, or



1 hearing authorized by law, is guilty of a misdemeanor  
2 punishable as set forth in subdivision (f).

3 SEC. 4. Section 1696.8 is added to the Labor Code, to  
4 read:

5 1696.8. (a) The director shall establish an  
6 Agricultural Enforcement Prosecution Unit. The unit  
7 shall develop a program to provide financial and  
8 technical assistance to a county district attorney's office  
9 that establishes a local agricultural enforcement unit. Any  
10 funds appropriated to the department for purposes of this  
11 section shall be administered and allocated by the  
12 director.

13 (b) A local agricultural enforcement unit that receives  
14 financial or technical assistance pursuant to this section  
15 shall concentrate enhanced prosecution efforts and  
16 resources on the prosecution of individuals who violate a  
17 state law regulating wages, housing, health and safety, or  
18 transportation. For purposes of this subdivision,  
19 "enhanced prosecution efforts and resources" include,  
20 but are not limited to, all of the following:

21 (1) "Vertical" prosecutorial representation, whereby  
22 the prosecutor who makes the initial filing or appearance  
23 performs all subsequent court appearances on a  
24 particular case through its conclusion, including the  
25 sentencing phase.

26 (2) Assignment of highly qualified investigators and  
27 prosecutors to agricultural enforcement cases.

28 (3) Significant reduction of caseloads for investigators  
29 and prosecutors assigned to agricultural enforcement  
30 cases.

31 SEC. 5. Section 1697.3 is added to the Labor Code, to  
32 read:

33 1697.3. Upon the determination of the Labor  
34 Commissioner that a licensee has failed to pay wages to  
35 its employees, the licensee shall immediately pay those  
36 wages. If payment is not made within 30 days of the  
37 determination, the Labor Commissioner shall forward  
38 the matter to the local district attorney's office for  
39 prosecution.



1 SEC. 6. No reimbursement is required by this act  
2 pursuant to Section 6 of Article XIII B of the California  
3 Constitution because the only costs that may be incurred  
4 by a local agency or school district will be incurred  
5 because this act creates a new crime or infraction,  
6 eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section  
8 17556 of the Government Code, or changes the definition  
9 of a crime within the meaning of Section 6 of Article  
10 XIII B of the California Constitution.

11 amended to read:

12 ~~1771.5. (a) Notwithstanding Section 1771, an~~  
13 ~~awarding body may not require the payment of the~~  
14 ~~general prevailing rate of per diem wages or the general~~  
15 ~~prevailing rate of per diem wages for holiday and~~  
16 ~~overtime work for any public works project of~~  
17 ~~twenty-five thousand dollars (\$25,000) or less when the~~  
18 ~~project is for construction work, or for any public works~~  
19 ~~project of fifteen thousand dollars (\$15,000) or less when~~  
20 ~~the project is for alteration, demolition, repair, or~~  
21 ~~maintenance work, if the awarding body elects to initiate~~  
22 ~~and enforce a labor compliance program pursuant to~~  
23 ~~subdivision (b) for every public works project under the~~  
24 ~~authority of the awarding body.~~

25 ~~(b) For the purposes of this section, a labor compliance~~  
26 ~~program shall include, but not be limited to, the following~~  
27 ~~requirements:~~

28 ~~(1) All bid invitations and public works contracts shall~~  
29 ~~contain appropriate language concerning the~~  
30 ~~requirements of this chapter.~~

31 ~~(2) A prejob conference shall be conducted with the~~  
32 ~~contractor and subcontractors to discuss federal and state~~  
33 ~~labor law requirements applicable to the contract.~~

34 ~~(3) Project contractors and subcontractors shall~~  
35 ~~maintain and furnish, at a designated time, a certified~~  
36 ~~copy of each weekly payroll containing a statement of~~  
37 ~~compliance signed under penalty of perjury.~~

38 ~~(4) The awarding body shall review, and, if~~  
39 ~~appropriate, audit payroll records to verify compliance~~  
40 ~~with this chapter.~~



1 ~~(5) The awarding body shall withhold contract~~  
2 ~~payments when payroll records are delinquent or~~  
3 ~~inadequate.~~

4 ~~(6) The awarding body shall withhold contract~~  
5 ~~payments equal to the amount of underpayment,~~  
6 ~~interest, and applicable penalties when, after~~  
7 ~~investigation, it is established that underpayment has~~  
8 ~~occurred.~~

