

California Prevailing Wage Law



Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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California Prevailing Wage Law requires contractors and subcontractors performing work on publicly funded construction and maintenance projects to pay their workers minimum prevailing wage rates and to comply with other apprenticeship and recordkeeping obligations. Ogletree Deakins' California Prevailing Wage Law attorneys are experienced in all aspects of this very complex and ever changing area of public contracting law, including:

- Counsel and representation in determining whether a particular project or type of work is subject to California's Prevailing Wage Law
- Advice and counsel in determining the correct classification and rates, apprenticeship requirements, recordkeeping, and fringe benefit credits
- Defense of wage and penalty assessments by state enforcement agencies and awarding bodies
- Defense of single-plaintiff, multi-plaintiff, and class/collective action lawsuits
- Advice and counsel in interpreting Project Labor Agreements and their interplay with California's Prevailing Wage Laws on public works projects

KNOWLEDGEABLE AND TIMELY GUIDANCE

Our attorneys are strategically located in Ogletree Deakins' offices throughout California. They include former Chief Counsels and a former Labor Commissioner of the California Division of Labor Standards Enforcement (DLSE), the state agency responsible for the enforcement of California Prevailing Wage Law. They participated directly in the state enforcement of California Prevailing Wage Law, including authoring significant opinion letters and key portions of the DLSE's Public Works Manual. Ogletree Deakins' California Prevailing Wage Law attorneys are ready and able to provide knowledgeable and timely guidance and representation to contractors, subcontractors, developers, and project owners on all California Prevailing Wage Law issues including coverage issues, prevailing wage classifications and wage rates, apprenticeship, recordkeeping, employer payments and fringe benefits, project labor agreements, enforcement by state and local agencies, and private civil and class action litigation.

PROJECT COVERAGE

Determining whether a particular project is a public work covered by California's Prevailing Wage Law is often a complicated and detailed analysis. Ogletree Deakins' California Prevailing Wage Law attorneys are experienced and able to interpret and analyze development agreements, funding source documents, lease agreements, prime contracts, and other documents relevant to determining whether a particular project is a public work subject the prevailing wage requirements. Our attorneys also assist public entities, developers, and other interested parties in obtaining coverage determinations from the Department of Industrial Relations (DIR) confirming whether a particular project is subject to California Prevailing Wage Law.

TYPES OF WORK

The types of work covered by California Prevailing Wage Law are often unclear and subject to dispute among project owners, contractors, building trades unions, and the state's enforcement agencies. Common areas of dispute include hauling, off-site manufacturing, inspection, and testing, among others. Ogletree Deakins' California Prevailing Wage Law attorneys are experienced in evaluating the applicable standards used in evaluating whether a particular type of work is covered by California Prevailing Wage Law and are available to provide guidance and counseling in determining whether a particular type of work is subject to the prevailing wage requirements.

CLASSIFICATIONS AND RATES OF PAY

Selecting the applicable classification and rate of pay under California Prevailing Wage Law normally falls upon the public works contractor and subcontractor. The failure to select the correct classification and rate of pay can lead to back pay awards, the assessment of significant penalties and liquidated damages, and possibly debarment from working on future California public works projects. The issue is often made more complicated by the overlapping work jurisdiction claims made by competing building trades unions. Ogletree Deakins' California Prevailing Wage Law attorneys are able to assist and guide contractors and subcontractors in identifying the applicable classifications and rates of pay based upon the state standards used for classification and rate selection.

ALL ASPECTS OF CALIFORNIA PREVAILING WAGE LAW

The California Prevailing Wage Law attorneys at Ogletree Deakins are highly skilled and prepared to represent and counsel contractors, subcontractors, developers, and public entities in all aspects of California Prevailing Wage Law issues including:

- Determining whether a project or specific type of work is a public work covered by California Prevailing Wage Laws
- Obtaining coverage determinations from the DIR
- Determining the correct classification and prevailing rate of pay
- Interpreting travel and subsistence requirements
- Obtaining special determinations
- Interpreting California's apprenticeship requirements and exemptions
- Determining permissible fringe benefits and other employer payments
- Preparing Certified Payroll Reports, fringe benefit statements, and complying with other recordkeeping requirements
- Defending against Civil Wage and Penalty Assessments issued by the DLSE and Notices to Withhold issued by Awarding Bodies and Labor Compliance Programs
- Defending contractors and subcontractors in single plaintiff, class action, and representative prevailing wage lawsuits
- Seeking judicial review of DIR coverage determinations and enforcement decisions
- Drafting, interpreting, and complying with project labor agreements (PLAs)

Our group is able to advise and assist clients with compliance and litigation matters with respect to all of these areas, so that we provide full service representation to clients in connection with California prevailing wage law matters.

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