

# CLC UPDATE

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California Legislative Conference of the Plumbing, Heating and Piping Industry

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## **Are You in Compliance with State Requirements Relating to Public Works & Apprenticeship?**

The California State legislature and the California Department of Industrial Relations have recently taken a renewed interest in enforcing California's apprenticeship laws. Specifically, employer obligations. Contractors need to be aware that California Labor Code Section 1777.5 and related regulations require all public works contractors and subcontractors to submit contract award information, employ registered apprentices and make training fund contributions. Public works contractors need to be vigilant in ensuring they are adhering to the laws and regulations governing the use of apprentices on public works projects as the penalties can be costly and severe. Below is a brief outline of the California's apprenticeship requirements and the penalties for noncompliance.

### Notification of Contract Award Information - Submitting the DAS 140 Form

Contractors and their subcontractors are required to submit the contract award information (DAS 140 Form) to their apprenticeship committee for each applicable craft within ten (10) working days of the date of the execution of the contract, but no later than the first day workers are employed upon the project.

This is simply a notification of award; it is not automatically a request for dispatch of a registered apprentice.

The DAS 140 Form can be retrieved through the DIR website:

<http://www.dir.ca.gov/DAS/DASForm140.pdf>

### Requesting State Registered Apprentices - Submitting the DAS 142 Form

All contractors and their subcontractors must request the dispatch of apprentices from an apprenticeship program (for each apprenticeable craft or trade) by giving the program actual notice of at least seventy-two (72) hours (business days only) before the date on which the apprentices are required.

If apprentices are not dispatched within seventy-two (72) hours (business days only), the contractor shall not be considered in violation of the requirement to employ apprentices for the remainder of the project.

The DAS 142 Form can be retrieved through the DIR website:

<http://www.dir.ca.gov/DAS/DASForm142.pdf>

### Employing State Registered Apprentices

All contractors and their subcontractors must employ State registered apprentices in accordance with the required apprentice-to-journeyman ratio as specified by the apprenticeable trade or craft; but in no case, shall the ratio be less than one (1) hour of apprentice work for every five (5) hours performed by a journeyman. Contractors should monitor the total apprentice hours and journeyman hours per project for each craft. Apprenticeship ratios are calculated at the end of the project or at the end of the subcontractors' portion of the project.

### Assessment of Penalties - Labor Code §1777.7

A contractor or subcontractor that knowingly violates Labor Code §1777.5 and/or related apprentice regulations, including failure to submit the Division of Apprenticeship Standards Form (DAS 140 Form) is subject to a penalty of one hundred dollars (\$100) for each full calendar day of noncompliance. A contractor or subcontractor, that knowingly commits a second or subsequent violation within a three-year period, shall forfeit as a civil penalty the sum of not more than three hundred dollars (\$300) for each full calendar day of noncompliance.