

**California Department of Parks and Recreation
Office of Grants and Local Services
February 2004**

Summary of Prevailing Wage Laws

Background

Senate Bill No. 966 (2003-2004 Reg. Session), effective January 1, 2004, amends the California Labor Code to allow a contractor of a public works to bring an action to recover from an awarding body the difference between the wages actually paid to an employee and the prevailing wages, penalties, costs, and attorney's fees associated with a prevailing wage violation if the awarding body fails to notify the contractor in the bid for the contract that the project is a public works.

Senate Bill No. 966 may affect grantees of the various grant programs administered by the Department of Parks and Recreation ("DPR"), Office of Grants and Local Services ("OGALS") as some grant projects may be public works subject to prevailing wage law. Pursuant to the Grant Contract and the Procedural Guides, grantees are required to comply with all applicable laws. If a grant project is a public works as defined by the California Labor Code §§ 1720, 1720.2, 1720.3, and 1720.4, a grantee as an awarding body may be required to comply with prevailing wage law. It is the responsibility of the grantee to determine whether a grant project is a public works as defined by the California Labor Code and comply with the applicable laws, including, but not limited to prevailing wage law, accordingly. If you have any questions related to whether a grant project is a public works and/or prevailing wage laws, please contact the Department of Industrial Relations, Division of Labor Standards Enforcement at www.dir.ca.gov.

Volunteer Services as Matching Funds

California Labor Code § 1771 requires contractors on public works, as defined by California Labor Code §§ 1720, 1720.2, 1720.3, and 1720.4, to pay not less than the general prevailing wage for work of a similar character in the locality in which the public works is performed to all workers employed on the public works. All "workers" includes volunteer workers. As such, unless an exemption applies, grantees may not use volunteer services on public works as defined by the California Labor Code or submit such volunteer services for the Matching Funds requirement of the various grant programs. Grantees may use and submit for the Matching Funds requirement volunteer services for work that is not a public works such as work performed solely by volunteers or design or administrative services. Pursuant to the Grant Contract and the Procedural Guides, grantees are required to comply with all applicable laws. It is the responsibility of the grantee to determine whether it may utilize and submit for the Matching Fund

requirement volunteer services for the grant project. If you have any questions related to prevailing wage laws and/or the use of volunteers on public works, please contact the Department of Industrial Relations, Division of Labor Standards Safety Enforcement at www.dir.ca.gov.