

JURUPA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION REGULAR MEETING AGENDA

MISSION STATEMENT

The mission of the Jurupa Unified School District is to create for our students a dynamic learning environment that is safe, healthy, and based on mutual respect, cooperation, and support among students, staff, parents, and the broader community. Staff and parents serve as educators and positive role models for all students by helping them develop a sense of responsibility, character, creativity and the skills to become successful, productive citizens of our democracy.

BOARD OF EDUCATION Carolyn Adams, President Mary Burns, Clerk John Chavez Sam Knight
SUPERINTENDENT Rollin Edmunds

MONDAY, JUNE 2, 2003

EDUCATION CENTER BOARD ROOM, 4850 Pedley Road, Riverside, CA 6:00 p.m.

OPEN PUBLIC SESSION 6:00 P.M.

Call to Order in Public Session

(President Adams)

Roll Call: President Adams, Mrs. Burns, Mr. Chavez, Mr. Knight

HEARING SESSION 6:00 P.M.

PUBLIC VERBAL COMMENTS

This communication opportunity is included on the agenda to allow members of the public to comment on matters listed on the Agenda for Closed Session. A second opportunity for public comments is included on the Public Session agenda as well. California law states that there shall be no action on items not shown on the published Board agenda.

CLOSED SESSION 6:00 P.M.

The Board will adjourn to Closed Session in the Board Conference Room pursuant to Government/Education Codes listed below:

LABOR NEGOTIATIONS: Pursuant to Government Code Section 54957.6, the Board will be discussing its positions regarding any matter within the scope of representation and instructing its designated representatives for negotiations with employee groups. Name of Agency negotiator: Assistant Superintendent Personnel Services. Name of Employee Organizations: National Education Association-Jurupa and California School Employees Association-Jurupa Chapter #392.

PUBLIC EMPLOYMENT: Pursuant to Government Code Section 54957, the Board will be discussing personnel matters to include public employee discipline/dismissal/release/non-renewal/ reassignment/ reclassification/resignation/retirement/suspension/appointment to the following positions: Principal of Adult and Alternative Education, Elementary Principal, Elementary Assistant Principal, Director of Classified Personnel, High School Assistant Principal, Middle School Assistant Principal.

STUDENT DISCIPLINE: Pursuant to Education Code Sections 48900 and 48915, the Board will be discussing Discipline Cases #03-156, #03-175, #03-184, #03-185, #03-186, and #03-193.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a District meeting or other services offered by the District, please contact the Superintendent's Office at 909-360-4168. Notification at least 48 hours prior to the meeting or time when services are needed will assist the District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

PUBLIC SESSION 7:00 P.M.

Speaker cards are available on the side table for citizens wishing to address the Board in the communications session. Speakers are requested to limit comments to five minutes.

Roll Call Board Members: President Adams, Mrs. Burns, Mr. Chavez, Mr. Knight

Roll Call Student Board Members: Jacqueline Loomis, Marina Acosta

Flag Salute (Mrs. Adams)

Inspirational Comment (Mrs. Adams)

1. Report of Student Board Members

a. Welcome 2002-03 Student Board Members (Mr. Edmunds)

The Board welcomes Jacqueline Loomis, Jurupa Valley High Student Board Member, and Marina Acosta, Rubidoux High Student Board Member. Student Board Members may wish to address the Board regarding student achievements, interests, or other matters.

The Board and administration recognize the valuable contributions of our student Board members during this past year and wish Marina and Jacqueline much success in future endeavors. Plaques will be presented to student Board members.

2. Recognition

* a. Recognize Golden State Examination Scholars (Dr. Mason)

One hundred thirty-nine (139) Jurupa Unified students received high honors, honors, or school recognition in the Winter 2003 California incentive program, the Golden State Examinations (GSE), administered in January of 2003. In 2003, more than 76,323 students statewide took part in the economics and government/civics examinations. Seventy of these students attend Jurupa Valley High School and sixty-nine attend Rubidoux High School.

The purpose of these examinations, established by the California Education Reform Act of 1983 (SB813), is to identify and recognize students with outstanding achievement in first-year algebra, geometry, high school mathematics, economics, government/civics, U.S. history, reading/literature, written composition, biology, chemistry, second-year coordinated science, and Spanish. Students aim for one of three levels of award - high honors, honors, or school recognition. Students who achieve high honors or honors on the GSE receive a certificate of achievement from the State and an insignia on their diplomas. Notice of GSE achievement also will become part of each student's permanent transcript. A copy of the list of students receiving these awards is included in the supporting documents. Information only.

2. Recognition (Continued)

b. Accept Donations

(Mr. Duchon)

All donations are given to Jurupa Unified School District with the request that the money or item be used at the designated school.

The Sixth Grade Booster Club at Camino Real Elementary School wishes to donate \$487.00, with the request the funds be used to pay bus transportation costs for students to attend the Outdoor Science School.

Through an Edison International employee/employer contribution program, parents of Camino Real Elementary School students wish to donate a total of \$99.99. The funds will be used to purchase instructional materials for the school.

Parents of fifth and sixth grade students at Peralta Elementary School, along with the school's PTA, wish to donate \$793.60, with the request the funds be used to pay costs for a field trip to Colonial Chesterfield at Riley's Farm.

Ms. Tracy Kale, a resident, wishes to donate \$40.00, with the request the funds be used to purchase instructional supplies for Jacki Johnson's classroom at Peralta Elementary School.

Countrywide Home Loans, Inc., of Simi Valley, wishes to donate 15 computers and 15 17-inch monitors, with the request they be used in classrooms at Troth Street Elementary School. The estimated value totals \$4,500.00.

Through the Wal-Mart Foundation VAP Program (Volunteerism Always Pays), Wal-Mart raised \$200.00 and wishes to donate the funds to Van Buren Elementary School. During a three month period of time, Wal-Mart employees, Laurie and William La Grange, each volunteered 15-hours of service to the school under the VAP Program. The funds will be used to pay expenses for various educational field trips.

Through a corporate school fundraising program whereby parents use a Target Guest Card for 1% of the purchase to go to a school, Target Stores raised funds to donate to Mission Middle School in the amount of \$95.09. The funds will be used to purchase classroom materials and supplies.

Mr. and Mrs. Greg Sanner, of Riverside, wish to donate \$500.00, with the request the funds be used to benefit students in the baseball program at Rubidoux High School.

Administration recommends acceptance of donations with letters of appreciation to be sent.

3. Administrative Reports and Written Communications

- a. Hear Report on Comité Review (Dr. Mason)
As the Board will recall, in January 2000 the California State Comité Follow-Up Monitoring Unit selected Jurupa Unified School District for a program review. There have been three visitations and each visit has helped identify areas for improving services to the District's English learners. The Comité review for this year was held March 24 through March 27, 2003. The findings were very positive overall and most of the non-compliant items were resolved. However, the committee feels that there are two items that need to be addressed. This evening, Mrs. Norie Garavito, Coordinator of Language Services, will make a presentation to the Board on this year's Comité findings and the direction the District will now go to assist schools to become fully compliant. Information only.
- b. Other Administrative Reports and Written Communications

4. Public Verbal Comments

This communication opportunity is included on the Agenda of each regular Board meeting so citizens can make suggestions/identify concerns about matters affecting the District or request an item to be placed on a future agenda. The Board of Education encourages and invites the public to comment on items listed on its agenda or on matters within its subject jurisdiction. To help conduct the business of the Board in an orderly fashion, we request as follows:

- (a) If you would like to address the Board, please fill out a speaker card located on the table at the back of the Board Room and when completed, hand your card to the Superintendent's Assistant. Please submit your card at the start of the meeting. You are not, however, required to provide the information requested in the speaker card. If you choose not to provide this information, please inform the Superintendent's Assistant of your desire to address the Board prior to the start of the meeting. In this case, the Superintendent's Assistant will write a number on your card so that the Board President may call on you at the appropriate time.
- (b) The Public Comment section of the Agenda is the time and place for members of the public to make comments or request that an item be placed on a future agenda, unless otherwise determined by the Board President.
- (c) Generally, individual speakers will be limited to five continuous minutes. Depending on the number of items on the Agenda and the number of speaker cards, the Board President may establish shorter time limits for speakers. Speakers may not yield their time to others. The Board may terminate public comments when such comments become repetitious or when time is required by the Board for other business.
- (d) Please wait until the Board President calls you to the microphone to speak. Unless recognized by the Board President, members of the public are requested to refrain from comment so as not to disrupt the Board's business.
- (e) Under the provisions of the Brown Act, the Board is prohibited from taking action on oral requests not listed on the Agenda but the Board may refer the matter to staff or to a subsequent meeting.

5. Board Member Reports and Comments

Individual Board members may wish to share information about topics not on the agenda, report on committee activities, or request items on a future agenda.

HEARING SESSION

Hold Public Hearing on General Waiver Authority of Education Code 33050-33053 (Dr. Mason)

Due to cancellation of the spring administration of the Golden State Examinations (GSEs), many seniors are not able to complete the requirements of Education Code 51451. The District is required to hold a public hearing for a general waiver under Education Code 33050-33053 in order to reduce the requirements for seniors who were prevented from meeting the requirements due to budget restraints. The Board President should formally open a hearing on General Waiver Authority of Education Code 33050-33053 to assist seniors who were prevented from meeting the eligibility requirements for the 2003 Golden State Diploma under Education Code 51451. After public comments or questions, the hearing should be formally closed.

ACTION SESSION

A. Approve Routine Action Items by Consent

Administration recommends the Board approve/adopt Routine Action Items A 1-10 as printed.

- * 1. Approve Minutes of May 19, 2003 Regular Meeting
- * 2. Disbursement Orders (Mrs. Lauzon)
- * 3. Purchase Orders (Mrs. Lauzon)
- * 4. Agreements (Mr. Duchon)
- * 5. Approve Non-Routine Student Field Trip Request from Jurupa Middle (Dr. Mason)

Mr. Ken Sanford, teacher, and Mr. Stan Rowland, Assistant Principal at Jurupa Middle School, are requesting approval to travel with approximately 250 students to Knott's Berry Farm on Saturday June 7, 2003. The purpose of the trip is to provide a promotion trip for 8th grade students as a student behavior incentive. Travel will be by district vehicles, staff members will provide supervision, and **costs will be paid by community fundraising activities**. Administration has been assured that no student will be denied an opportunity to participate in this activity due to the lack of funds. A copy of the Non-Routine Student Field Trip Request is included in the supporting documents.

It is recommended that the Board approve the Non-Routine Student Field Trip request from Mr. Ken Sanford and Mr. Stan Rowland to travel to Knott's Berry Farm with approximately 250 students as a promotion trip for 8th grade students on June 7, 2003.

- * 6. Adopt Amended Resolution No. 03/38, Authorizing the Temporary Transfer of Funds From the State School Facilities Fund to the General Fund (Mr. Duchon)

When Resolution 03/38 was adopted on May 5, 2003 there was a technical error on the sample board resolution sent to the District by the Riverside County Office of Education. Due to this technical error the Riverside County Office of Education has asked that the Board adopt an amended resolution. The amended resolution is included in the supporting documents. The technical change is in paragraph 6 as noted below with the deleted word in bold lettering –

WHEREAS, the transfer shall **(not)** be accounted for as 'temporary borrowing' between funds or accounts and shall not be available for appropriation or be considered income to the borrowing fund or account, and amounts transferred shall be repaid either in the same fiscal year if the transfer takes place within the final 120 calendar days of the fiscal year.

The Legislature has enacted legislation that will defer to July 2003, the payment of the District's 2002/03 June State Aid Apportionment (\$7,382,345). This is in addition to the earlier deferrals of State Categorical funding for Transportation, School Improvement Programs and Supplemental Grant funding. These deferrals will negatively impact the District's ability to meet its financial obligations during June 2003, causing the District to have insufficient cash available in the General Fund.

Education Code 42603 allows the Board of Education to direct monies held in any fund or account to be temporarily transferred to another fund or account of the District for payment of obligations. The Riverside County Office of Education is recommending that Districts prepare for this temporary shortfall by adopting a resolution, which would allow a temporary transfer from another Fund. This resolution would allow the transfer of an amount not to exceed \$5,000,000 from the District's State School Facilities Fund to the General Fund if necessary.

Administration recommends the adoption of Amended Resolution 03/38, Authorizing the Temporary Transfer of Funds From the State School Facilities Fund to the General Fund.

- * 7. Adopt Resolution No. 03/45, Year-End Budget Transfers/Revisions (Mrs. Lauzon)

Each year at this time, the Riverside County Office of Education requests each school board to authorize budget revisions which may be necessary to correct imbalances in any major account at the end of the year. During the year, from October through May, the Board receives regular reports on appropriation transfer requests and resolutions for expenditure of excess funds.

The process of closing the financial records for the 2002/03 fiscal year has begun, and when all revenues and expenditures have been accrued, it may be necessary to process transfers in various funds to balance these accounts. This does not involve additional expenditures; rather, the budget is revised by transferring to an account, which has a negative balance from one, which has a positive balance, so that the final financial records of the District meet all legal requirements.

Administration recommends that the Board adopt Resolution 03/45, Resolution for Year-End Budget Transfer/Revisions.

A. Approve Routine Action Items by Consent (Continued)

- * 8. Resolution 03/46, Authorize Appropriation Transfers for Categorically Funded Programs
(Mrs. Lauzon)

For the past seventeen years, the Board has authorized Business Services to make appropriation transfers for categorically funded projects as needed. These projects are based on a formula allocation to sites and/or are based on specific site amounts as contained in the original applications for funding. Expenditures must conform to program requirements. Appropriation totals by site do not change after they are established originally, but transfers between objects are sometimes necessary in order to meet goals.

In order to expedite processing of appropriation transfers, administration is again requesting the Board to allow Business Services staff to make transfers in categorical program budgets without further submission of specific transfers to the Board. The Board will continue to receive financial reports showing actual expenditures for categorical projects. Administration recommends the Board adopt Resolution 03/46, Authorize Appropriation Transfers for Categorically Funded Projects for 2003/2004 fiscal year.

- * 9. Resolution 03/47, Authorize Appropriation Transfers Within the General and Lottery Funds
(Mrs. Lauzon)

For the past seventeen years, the Board has authorized Business Services to make appropriation transfers for the General fund budgets in the amount of \$200 or less. In many instances, these transfers are related to instructional allocation amounts, the totals for which may not be exceeded. Numbers of staff positions are not affected.

Administration is again requesting the Board to allow Business Services staff to process appropriation transfers to conform to the criteria contained in the resolution. Authorization will reduce paperwork and will approve timeliness of business transactions. The Board will continue to receive financial reports that show the results of appropriation transfers made by Business Services staff. Administration recommends the Board adopt Resolution 03/47, Authorize Appropriation Transfers Within the General and Lottery Funds for the 2003-2004 fiscal year.

- *10. Adopt Resolution #03/50, Authorization to Destroy Records
(Mr. Duchon)

Records that are no longer required by the District are listed in the supporting documents. These records have been retained for the minimum required period of time and include both Class 3 (disposable records) and Class 1 (permanent records) that have been microfilmed and are now ready for destruction. All records are eligible for disposal in accordance with Education Code criteria. Administration recommends that the Board adopt Resolution #03/50, Authorization to Destroy Records.

B. Approve Local Education Agency Plan Application

(Dr. Mason)

The No Child Left Behind (NCLB) Act of 2001 embodies four key principles: (1) a higher level of accountability for results, (2) greater flexibility and local control for states, school districts, and schools in the use of federal funds, (3) enhanced parental choice for parents of children from disadvantaged backgrounds, and (4) a focus on what works, emphasizing teaching methods that have been demonstrated to be effective.

In order to demonstrate the state's commitment to the development of an accountability system to achieve the goals of NCLB, the California's State Board of Education adopted five performance goals:

- All students will reach high standards, at a minimum attaining proficiency or better in reading and mathematics, by 2013-2014.
- All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.
- By 2005-2006, all students will be taught by highly qualified teachers.
- All students will be educated in learning environments that are safe, drug-free, and conducive to learning.
- All students will graduate from high school.

This evening, Dr. DeWayne Mason, Mr. Memo Mendez, Dr. Ellen Kinnear, Ms. Lucinda Sheppy, Ms. Norie Garavito, and Ms. Terri Moreno will make a presentation on NCLB, with a major focus on the Local Education Agency Plan application for the Jurupa School District that shows how the district plans to meet the criteria of state and federal guidelines of NCLB. The goals of the district will include:

- Ensure that all teachers are highly qualified
- Improve student academic achievement
- Meet specific state and federal programs and funding

Given the fact that State guidelines were not released until March, that many definitions are still emerging or being negotiated between the State and Federal government, and that most district energies this year have focused on CCR and Comité reviews, the final copy of the plan will be presented this evening. It is recommended that Board members approve the Local Education Agency Plan as presented.

* **C. Approve General Waiver Request for Golden State Seal Merit Diploma**

(Dr. Mason)

Education Code (E.C.) 51451 requires seniors to earn levels of 4 (recognition), 5 (honors), or 6 (high honors) on six Golden State Examinations including U.S. history; reading/literature or written composition; a mathematics exam; a science exam; and two other exams of the student's choice. GSE subjects include reading/literature, written composition, first-year algebra, geometry, high school mathematics, biology, chemistry, physics, second-year coordinated science, U.S. history, economics, government/civics, second-year Spanish language.

- * **C. Approve General Waiver Request for Golden State Seal Merit Diploma**(Con't) (Dr. Mason)
The State Board of Education will consider a General Waiver, called the Senior Waiver, to also allow students to be certified "as meeting the GSE requirements," provided that districts certify that students they recommend for the Golden Seal Merit Diploma meet the following requirements:
- 1) Receiving a high school diploma from the district
 - 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on four or more of the six required Golden State Examinations
 - 3) Be granted a waiver by the State Board of Education (SBE) to use ONLY up to two 2002 California Standards Tests (CSTs), with scale scores no lower than 350, to meet the subject-area requirements identified in Option ONE, number 2. To obtain a waiver, a CST scale score may be used only if the student has not previously taken the GSE for which the CST will substitute. The following are the CSTs that may be used for this waiver: Grade 11 English Language arts, Grade 11 History/Social Science (United States History), High School Mathematics, Algebra I, Algebra II, Geometry, Integrated Mathematics 1, 2, or 3, Biology, Chemistry, Physics, Earth Science.
 - 4) Students must still have achieved GSE recognition or CSTs with scale scores no lower than 350 for a total of six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.

Administration has determined that the District meets the criteria of the 2003 Senior Waiver and requests that all qualifying 2002-03 graduates be granted the waiver.

- * **D. Approve High School Course Plans: Computer Maintenance & Certification and Healthy Living** (Dr. Mason)
The supporting documents contain course plans that were developed for the high school courses listed below. The Board will recall that the Healthy Living course was previously approved as a "Pilot" course for the 2002-03 school year.

Computer Maintenance & Certification

Students will troubleshoot computer problems and maintain both stand alone and networked computers. Students will also troubleshoot software problems and the methods of installing software onto computer systems. They will understand the levels of computer certification and be introduced to the opportunities in the field of computer employment. Students completing the course will be prepared to sit for the A+ Certification Exam, a highly regarded designation in the computer technology employment arena.

Healthy Living

This course is designed to provide a transition to high school that will promote success, self-confidence and knowledge of health related issues. In the process of meeting the State mandated health requirement, the students will develop academic, social, and personal skills that are essential for educational success.

Administration recommends approval of the following course plans: Computer Maintenance & Certification and Healthy Living.

E. Approve Expenditure of Governor's Performance Bonus Award Funds for Peralta Elementary School (Dr. Mason)

As the Board will recall, Peralta Elementary School was allocated funds through the Governor's Performance Award in the amount of \$12,539.00. Dr. Karen Salvaggio, Principal, is requesting approval to purchase the items listed below. The School Site Council at its regular meeting on January 27, 2003 approved these expenditures.

Earthquake Preparedness Supplies	\$ 4,000.00
Tricycles for Kindergarten	500.00
Library Shelves	1,000.00
K-Playground (Turf)	5,500.00
Playground Equipment	500.00
Campus Murals	1,000.00
Trees	<u>539.00</u>
Total	\$ 13,039.00

It is recommended that the Board approve the request of Dr. Karen Salvaggio, Peralta Elementary School Principal, to expend the Governor's Performance Bonus Award funds in an amount not to exceed \$13,039.00.

F. Approve Amendment for Use of Governor's Performance Bonus Award Funds for Stone Avenue Elementary School (Dr. Mason)

As the Board will recall, Stone Avenue Elementary School was allocated funds through the Governor's Performance Bonus Award. Mrs. Caron Winston, Principal, is requesting approval for the proposed expenditures listed below: The School Site Council at its regular meeting on December 19, 2002 approved these amended purchases.

1. Classroom materials and supplies	\$ 14,500
2. Storage shed	2,000
3. New Risograph	8,000
4. New copy machine	7,800
5. P.E. Equipment	310
6. Rubbermaid Banquet Tables (6)	500
7. Floor carpet fans (2)	200
8. Upgrade on existing PA system	<u>1,000</u>
Total	\$ 34,310

It is recommended that the Board approve the request of Mrs. Caron Winston, Principal, Stone Avenue Elementary School, to expend the Governor's Performance Bonus Award for an amount not to exceed \$34,310 as approved by the School Site Council.

G. Approve Expenditure of Governor's Performance Bonus Award Funds for Sunnyslope Elementary School (Dr. Mason)

As the Board will recall, Sunnyslope Elementary was allocated funds through the Governor's Performance Bonus Award in the amount of \$43,354. Ms. Tammy Elzig, Principal, is requesting approval to purchase the items listed below. The School Site Council at its regular meeting on April 24, 2003 approved these expenditures.

Instructional Materials	\$ 24, 354
Equipment	19, 000
Total	\$ 43, 354

It is recommended that the Board approve the request by Ms. Tammy Elzig, Principal, Sunnyslope Elementary, to spend an amount not to exceed \$43,354 of the Governor's Performance Bonus Award.

H. Approve Expenditure of Governor's Performance Bonus Award Funds for Mission Middle School (Dr. Mason)

As the Board will recall, Mission Middle School was allocated funds through the Governor's Performance Bonus Award. Dr. Victor Palmer, Principal, is requesting approval for the proposed expenditures listed below. The School Site Council at its regular meeting on January 30, 2003 approved these expenditures.

1. Climbing Rock wall	\$ 2, 503.00
2. Workstation (registrar)	1, 538.37
3. Seventeen (17) Dell Computers	18, 759.50
4. Eighteen (18) Laser Printers	3, 685.05
5. Technology Supplies	5, 556.08
6. Staff Development	4, 750.00
7. Substitutes	8, 250.00
8. Student Incentives	3, 500.00
9. Instructional Materials	14, 000.00
10. Classified Hourly/Overtime	2, 500.00
11. Certificated Hourly	4, 000.00
12. Food	1, 000.00
Total	\$70, 042.00

It is recommended that the Board approve the request of Dr. Victor Palmer, Principal, Mission Middle School, to expend the Governor's Performance Bonus Award funds for an amount not to exceed \$70,042 as approved by the School Site Council.

I. Approve CIF Representative to League (Dr. Mason)

By Education Code, the California Interscholastic Federation (CIF) requires Board approval for the school's designated representative to CIF leagues. This action will give authority to the representative to vote on issues that impact athletics at the league and section level. The designated representative for 2003-2004 for Jurupa Valley High School is Mr. Ben Bunz, Assistant Principal. It is recommended that the Board approve Mr. Ben Bunz as Jurupa Valley High School's CIF representative for the 2003/04 school year.

J. Adopt Resolution #03/48, Authorizing the District's Labor Compliance Program as Required by AB 1506 and Labor Code Section 1771.7 (Mr. Duchon)

AB1506, which added Section 1771.7 to the California Labor Code, requires the District to implement and enforce a Labor Compliance Program (LCP) to insure prevailing wages are being paid for projects using funds made available by the Kindergarten-University Public Education Bond Act of 2002. The bill became effective on January 1, 2003, but only applies to School Facility Program projects where Notices to Proceed are issued on/after April 1, 2003. The District is required to submit their Labor Compliance Program to the Department of Industrial Relations (DIR) for approval and certification. Prior to the release of any State Bond funds, the district must have a DIR approved Labor Compliance Program in place.

In adopting an LCP, a school district is required to include certain notifications in bid documents, in a pre-bid meeting and in final contract documents. The program also includes Labor Compliance program coordination, investigation, and certified payroll review. In April 2003, Atkinson, Andelson, Loya, Ruud & Romo, submitted the District's Labor Compliance Program to the Department of Industrial Relations (DIR) for review and approval. The Director of DIR acknowledged receipt of the Labor Compliance Program application on April 21, 2003 and approved the application on April 22, 2003. The initial approval period is April 22, 2003 through April 21, 2004. A copy of the approved Labor Compliance Program is included in the supporting documents.

AB1506 also requires the State Allocation Board (SAB) to increase the per-pupil grant amounts to accommodate the State's share of the increased cost of new construction and modernization projects for the initiation and enforcement of the Labor Compliance Program. The increases will become effective on/or before July 1, 2003. Administration recommends the Board adopt Resolution #03/48, Approval of the Jurupa Unified School District Labor Compliance Program as required by AB 1506 and Labor Code Section 1771.7.

K. Approve Increasing Scope of Modular Restroom Project to Include Options 1, 2, & 3 of Aurora Modular Industries Proposal Dated February 21, 2003 (Mr. Duchon)

On April 7, 2003, the Board approved the purchase and installation of twelve (12) 12 x 40 Modular Restroom Buildings, from Aurora Modular Industries, to be placed at various school sites throughout the District. This Measure "C" Phase II Summer 2003 Campus Improvement Project conforms to the District's Implementation and Strategic Execution Plan. After further review, the District Facility Planning Committee recommends: (1) The modular buildings be placed on a flush-to-grade concrete foundation in lieu of the traditional elevated placement, eliminating the need for ramps and platforms, at a cost of \$6,206.00 each; (2) Provide ADA handicap accessible drinking fountains at each portable to provide closer access to drinking water for students and staff, at a cost of \$3,781.58 each; and (3) To substitute the metal toilet partitions with more durable plastic toilet partitions, at a cost of \$4,066 each for eleven (11) restrooms and \$3,875.00 for one restroom.

The total cost of \$168,451.96 will be funded from a combination of developer fees and Measure "C" funds. A copy of the Aurora Proposal, and a copy of the sites designated for modular portables are included as supporting documents. Board Policy requires that purchases in excess of \$12,000 be presented to the Board for approval. Administration recommends the Board approve staff to authorize Aurora Modular Industries to incorporate flush-to-grade concrete foundations, ADA drinking fountains, and plastic partitions to the Measure "C" Phase II Summer 2003 Modular Restroom Building project for a total cost of \$168,451.96.

* **L. Consider Suspension of Board Member Compensation & Benefits** (Mr. Edmunds)

At the request of Mr. Cook Barela, this item is placed on the Agenda requesting the Board to consider suspension of Board compensation and benefits during the budget crisis or "until conference expenditures are reinstated." In addition, Mr. Barela requested the disclosure of the actual cost to the District for health and welfare benefits for "each individual School Board Member" for the 2002-2003 school year and the projected cost to the District for health and welfare benefits "for each individual School Board Member" for the 2003-2004 school year. A copy of Mr. Barela's request along with a chart outlining Board member health and welfare benefits are included in the supporting documents. Following discussion, the Board may wish to consider suspension of Board member compensation and benefits.

* **M. Consider Reinstatement of Third Grade Class Size Reduction Program** (Mr. Edmunds)

Administration received a request from Ms. Jessica Phillips for the Board to consider reinstating the third grade Class Size Reduction program. As presented at the May 19, 2003 meeting, the recommendation to reinstate the Class Size Reduction program in grades K-2 was based on the information provided in the May Revise of the State Budget. At that time, it was not recommended as being financially feasible to reinstate the third grade Class Size Reduction program. Administration has not received any additional information from the State that indicates any more revenue is available at this time. Therefore, Administration recommends that the Board not reinstate the third grade Class Size Reduction program.

** **N. Act on Student Discipline Cases** (Mr. Edmunds)

The Board of Education hereby accepts and adopts as its own the Findings of Fact and the Conclusions of Law submitted by the Administrative Hearing Panel in the following discipline case subject to corrections and changes resulting from review in Closed Session.

EXPULSIONS:

- ** 1. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-156** for violation of Education Code Sections 48900 (a1), (b), (k), and 48915 (a2), (b1), (b2), (c2), (e1), (e2) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.
- ** 2. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-175** for violation of Education Code Sections 48900 (a2), (k) and 48915 (a5), (b1), (b2), (e1), (e2) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.

- ** 3. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-184** for violation of Education Code Sections 48900 (a1), (b) and 48915 (a2), (b) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.
- ** 4. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-185** for violation of Education Code Sections 48900 (a1), (b), (.2) and 48915 (a2), (b), (c2) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.
- ** 5. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-186** for violation of Education Code Sections 48900 (b), (k) and 48915 (b1), (e1) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.
- ** 6. The Administrative Hearing Panel recommends the expulsion of the pupil in Discipline Case **#03-193** for violation of Education Code Sections 48900 (a1), (k), (.4) and 48915 (b1), (b2), (e1), (e2) for the Spring Semester 2003 and Fall Semester 2003. The pupil shall be assigned to the Community Day School, operated at the District Learning Center, for the period of this expulsion. This case will be referred to the *Student Assistance Program* and the **School and Community OutREach Team (SCORE)** for follow-up. This case shall be reviewed for possible readmission to the Jurupa Unified School District on or before January 20, 2004.

Administration recommends the discipline actions as described and listed above subject to corrections and changes resulting from review in Closed Session.

O. Approve Personnel Matters

- * 1. Approve Personnel Report # 21 (Mrs. French)

Administration recommends approval of Personnel Report #21 as printed subject to corrections and changes resulting from review in Closed Session.

- * 2. Adopt Resolution #03/49 Layoff of Classified Employees (Mrs. French)
 Enclosed in the supporting documents is Resolution #03/49 Layoff of Classified Employees. Administration recommends that the Board pass and adopt Resolution #03/49, which directs the layoff of classified employees and direct the Assistant Superintendent Personnel Services to give written notice thereof as required by law.

- * 3. Adopt Resolution #03/51 Non-reelection of Certificated Employee (Mrs. French)
Enclosed in the supporting documents is Resolution #03/51 Non-reelection of Certificated Employee. Administration recommends that the Board pass and adopt Resolution #03/51 to non-reelect certificated employee #161308 and direct the Assistant Superintendent Personnel Services to give written notice thereof as required by law.
- 4. Required Reporting Out from Closed Session (Mrs. French)
- * 5. Adopt Declaration of Need for Fully Qualified Educators. (Mrs. French)

Each year, the Board must adopt a "Declaration of Need for Fully Qualified Educators" as a prerequisite to the issuance of emergency teaching permits for the District. This declaration is one of the state requirements of the Commission on Teacher Credentialing governing the issuance of emergency permits and the orientation, guidance and training of emergency permit holders. The District has historically needed to hire some teachers on emergency permits, particularly to fill partial assignments, specialized areas of instruction such as math and science, or areas of statewide shortage such as bilingual education and special education. The information shown in the supporting documents accounts for all these needs for next school year. It is recommended that the Board adopt the "Declaration of Need for Fully Qualified Educators" for 2003-2004.

- 6. Approve CBEST Waiver for Day-to-Day Substitute Teachers (Mrs. French)

The California Commission on Teacher Credentialing is allowing districts to temporarily waive the CBEST exam requirement for day-to-day (2003-2004) substitute teachers. The district-wide waiver would be for a maximum of one year. Substitute teachers would have one calendar year to take and pass CBEST, rather than having to pass prior to beginning work. The Commission has developed and it is recommended that the following statement be submitted to the Board for approval.

It is recommended that the Board declare that district has been unable to recruit enough day-to-day substitute teachers who have had an opportunity to take and pass the California Basic Education Skills Test (CBEST). The district anticipates employing fifty substitutes on variable term CBEST waivers for the 2003-2004 school year.

P. Review Information Reports

- * 1. Review 2003 Graduation and Promotion Exercises (Mr. Edmunds)
The supporting documents include the 2003 Graduation and Promotion Exercises chart. Information only.
- * 2. Review Education Services Organizational Chart (Mr. Edmunds)
At the May 19, 2003 Board meeting, Administration agreed to prepare an organizational chart showing supervision responsibilities in the Education Services restructuring plan. An organizational chart has been developed and is included in the supporting documents. Information only.

ADJOURNMENT

GOLDEN STATE EXAMINATION
Winter 2003 Golden State Scholars

ECONOMICS
HIGH HONORS

Jurupa Valley High

JULIA	BERRY
AMBER	CACCIATORI
ANGELA	CISNEROS
MERCEDES	ELKINS
GARRETT	GLUDD
NATHANAEL	HADDIX
DEVIN	MCBRIDE
TORI	MELGOZA
TRENTEN	MILLER
WESLEY	MORRISON
MARK	SMITH
ERICA	VELASCO

HIGH HONORS
Rubidoux High

ERIC	CAMPOS
TRISTEN	CARROLL
BRANDON	FOX
DONALD	GENTRY
JOHN	JAMISON
IVET	ORTIZ
MEGAN	RICHEY
ANTHONY	SARMIENTO
CASANDRA	TULLEYS
SHANEKA	WOODS

HONORS
Jurupa Valley High

URIEL	ARRELLANO
BRANDI	BOYD
ANNETTE	DEL REAL
PEDRO	ESTRADA
DEREK	HAWORTH
JUAN	QUESADA
RYAN	ROACH
ANGELA	ROBINSON
BRITTANY	ROTHACKER
MELINDA	SNELL
ANTHONY	VANDEVER
YARELI	VILLAGRANA
ELYSHIA	WILLIAMSON
JAMES	ZUCCA

HONORS
Rubidoux High

KEITH	BARCLAY
DAVID	BOCK
ANDRE	CHAVEZ
JOSHUA	CROSSEN
MITCHELL	EHRGOTT
MARISSA	JENSEN
KENDRA	LINDER

FABIAN	LOYA
PEDRO	LOYA
ALDO	LUNA
JOSE	MARTINEZ
EDDIE	NEVAREZ
JOSHUA	NIEMEYER
JAMIE	OLAIZ
VICTOR	ORTIZ
DANIEL	PRESS
NICHOLE	REIMER
MEGAN	ROUNTREE
JAVIER	SUAREZ
MATT	SUMMERS

GOVERNMENT/CIVICS
HIGH HONORS
Jurupa Valley High

SARAH	GWILT
JACOB	SCHLAGEL

HIGH HONORS
Rubidoux High

BRYAN	VIGORITO
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HONORS
Jurupa Valley High

DANIEL	ALVAREZ
JACQUELINE	BECKMAN
SHANNON	HEIDORN
DEJA	LEONARD
GARY	LEWIS
ASHLEY	MONTEMAYOR
JESSEE	ORTIZ
VANESSA	ROMERO

HONORS
Rubidoux High

DANIEL	DEL TORO
MATT	EVANS
BRANDON	FOX
CHERYL	FREERKSEN
NICHOLAS	HUTCHINS
WENDY	MEDINA
HOLLY	TYER
MICHAEL	WRIGHT

Report of Disbursement Order Purchases

Purchases Over \$1
05/05/03 thru 05/16/03

Fund	Schl	Resource	Vendor	Description	Amount
03	110	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 4/03-	410.03
03	110	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	548.03
03	120	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	422.63
03	125	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	1,601.26
03	135	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 4/03-	368.20
03	135	UNRESTRICTED RESOURCES	JURUPA COMMUNITY SERVICES	WATER SERV. 5/7/03	1,187.35
03	140	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	397.43
03	155	DONATIONS	H & L CHARTER CO., INC.	BUS SERVICES 4/03-	175.50
03	155	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	829.00
03	155	DONATIONS	DEBBIE LUCIO	REIMB SUPPLIES 5/03	859.29
03	170	DONATIONS	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	447.83
03	170	UNRESTRICTED RESOURCES	JURUPA COMMUNITY SERVICES	WATER SERV. 5/7/03	1,339.11
03	205	UNRESTRICTED RESOURCES	JURUPA COMMUNITY SERVICES	WATER SERV. 5/7/03	4,308.73
03	300	UNRESTRICTED RESOURCES	CHEVRON, U S A	GASOLINE CHGS 4/03	464.53
03	300	DISCRETIONARY	LAIDLAW TRANSIT, INC.	BUS SERVICE 3/26	90.50
03	300	UNRESTRICTED RESOURCES	INLAND EMPIRE STAGES LIMITED	BUS SERVICES 4/03-	2,840.00
03	300	DISCRETIONARY	LAIDLAW TRANSIT, INC.	BUS SERVICES 4/03-	1,150.17
03	300	DISCRETIONARY	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	645.43
03	300	UNRESTRICTED RESOURCES	ANTHONY ALLEGA	REIMB MILEAGE 5/2/03	40.50
03	305	UNRESTRICTED RESOURCES	SO CALIFORNIA EDISON	UTILITIES 05/12/03	16,227.05
03	305	DISCRETIONARY	JURUPA UNIFIED	POSTAGE	360.88
03	305	UNRESTRICTED RESOURCES	CHEVRON, U S A	GASOLINE CHGS 4/03	168.44
03	305	DONATIONS	LAIDLAW TRANSIT, INC.	BUS SERVICES 4/03-	75.00
03	305	DISCRETIONARY	LAIDLAW TRANSPORTATION	BUS SERVICES 4/03-	145.25
03	305	DISCRETIONARY	LAIDLAW TRANSPORTATION	BUS SERVICES 5/03.	120.50
03	305	DISCRETIONARY	OCE OFFICE SYSTEMS	C20119 2303481	3,036.00
03	305	UNRESTRICTED RESOURCES	ANTHONY ALLEGA	REIMB MILEAGE 5/2/03	40.50
03	405	UNRESTRICTED RESOURCES	SO CALIFORNIA EDISON	UTILITIES 05/12/03	124.02
03	500	UNRESTRICTED RESOURCES	PACIFIC TELEPHONE/WORLDCOM	PHONE BILL 05/12/03	56.27
03	500	UNRESTRICTED RESOURCES	RADISSON HOTEL	CONF LODGING 5/03	638.40
03	500	UNRESTRICTED RESOURCES	C.A.S.H. (COALITION ADEQ.SCH.)	CONF REG FEES 4/03	275.00
03	500	UNRESTRICTED RESOURCES	SCHOOL SERVICES OF CALIF. INC.	CONF REG FEES 5/03	297.00
03	500	UNRESTRICTED RESOURCES	RIVERSIDE CO. OFFICE OF EDUC.	CONF REG FEES 5/05	165.00
03	500	UNRESTRICTED RESOURCES	VERIZON WIRELESS	PHONE SERVICE 4/25/0	2.48

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Report of Disbursement Order Purchases

Purchases Over \$1
05/05/03 thru 05/16/03

Fund	Schl	Resource	Vendor	Description	Amount
03	500	UNRESTRICTED RESOURCES	BROKAR, WILBUR	REIMB BOOTS 5/03	53.69
03	500	UNRESTRICTED RESOURCES	AL BUTLER	REIMB MILEAGE 4/25	104.40
03	500	UNRESTRICTED RESOURCES	LUCINDA RUTTEN	REIMB MILEAGE 5/12	23.76
03	500	UNRESTRICTED RESOURCES	ELLIOTT DUCHON	REIMB TRAVEL EXP.	61.53
03	500	UNRESTRICTED RESOURCES	BARREIRO, LAZ	REIMB. PHYSICAL EXAM	87.32
TOTAL FUND 03					\$ 40,188.01
06	115	IASA:TITLE I BASIC GRANTS LOW-INCOM	LAILAW TRANSPORTATION	BUS SERVICES 5/03.	895.66
06	150	CALIF. PUBLIC SCHOOL LIBRARY ACT OF	FOLLETT LIBRARY RESOURCES	PO 44062 - SUPPLIES	932.23
06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	TOWN & COUNTRY HOTEL	CONF LODGING 8/03.	2,218.76
06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	AVID CENTER	CONF REG FEES 8/03.	1,940.00
06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	CLARK, LOIS	REIMB SUPPLIES	130.00
06	300	STAFF DEVELOPMENT-SCHOOL DEVELOPMEN	JAMES WAT	REIMB CONF EXP. 3/03	360.80
06	300	PARTNERSHIP ACADEMIES PROGRAM	JULIE HARRISON	REIMB CONF EXP. 3/03	99.07
06	300	AGRICULTURAL VOCATIONAL INCENTIVE G	JEFF RHINER	REIMB LODGING 5/03	169.40
06	305	AGRICULTURAL VOCATIONAL INCENTIVE G	QUALITY SUITES	CONF LODGING 6/03	1,311.20
06	305	AGRICULTURAL VOCATIONAL INCENTIVE G	CATA	CONF REG FEES 6/03	639.75
06	500	GIFTED & TALENTED EDUCATION (GATE)	JURUPA UNIFIED	REPLENISH PETTY CASH	754.25
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSIT, INC.	BUS SERVICE 3/26	206.13
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSPORTATION	BUS SERVICE 4/03	75.00
06	500	GIFTED & TALENTED EDUCATION (GATE)	LAILAW TRANSPORTATION	BUS SERVICE 4/17	223.00
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSPORTATION	BUS SERVICE 4/17	224.83
06	500	TRANSPORTATION-HOME TO SCHOOL	H & L CHARTER CO., INC.	BUS SERVICES 4/03-	262.00
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSIT, INC.	BUS SERVICES 4/03-	593.26
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSIT, INC.	BUS SERVICES 4/03-	1,441.10
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSPORTATION	BUS SERVICES 4/03-	185.15
06	500	TRANSPORTATION-HOME TO SCHOOL	LAILAW TRANSPORTATION	BUS SERVICES 5/03.	399.63
06	500	STAFF DEVELOPMENT-INTERSEG CTEI	AIMS EDUCATION FOUNDATION	CONF RE G FEES 4/03	165.00
06	500	ECONOMIC IMPACT AID: LIMITED ENGLIS	U C REGENTS	CONF REG FEES 5/03	40.00
06	500	IASA:TITLE I BASIC GRANTS LOW-INCOM	RIVERSIDE CO. OFFICE OF EDUCA.	CONF REG FEES 9/03	90.00
06	500	HEAD START	MARIA LARA	REIMB CHILD CARE	15.00
06	500	HEAD START	NORMA RODRIGUEZ	REIMB CHILD CARE	30.00
06	500	HEAD START	SHEREE FRIAS	REIMB CHILD CARE	15.00

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Report of Disbursement Order Purchases

Purchases Over \$1
05/05/03 thru 05/16/03

Fund	Sch	Resource	Vendor	Description	Amount
06	500	HEAD START	STACI HURT	REIMB CHILD CARE	60.00
06	500	IASA:TITLE I BASIC GRANTS LOW-INCOM	EIMERS, STEVE	REIMB CONF EXP. 4/03	275.62
06	500	HEAD START	WILLIS, MARSHA	REIMB EXP. 5/7/03	145.18
06	500	IASA:TITLE I BASIC GRANTS LOW-INCOM	WILLIS, MARSHA	REIMB EXP. 5/7/03	18.50
06	500	ECONOMIC IMPACT AID: LIMITED ENGLIS	LUZ E. SALAZAR	REIMB MILEAGE 4/03	30.74
06	500	HEAD START	WILLIS, MARSHA	REIMB SUPPLIES 4/03	124.93
06	500	IASA:TITLE I BASIC GRANTS LOW-INCOM	WILLIS, MARSHA	REIMB SUPPLIES 4/03	27.76
TOTAL FUND 06					\$ 14,098.95
11	401	UNRESTRICTED RESOURCES	BRANDY LOWE	TEXTBOOK REFUND	25.00
11	401	UNRESTRICTED RESOURCES	ROSA PEREZ	TEXTBOOK REFUND	25.00
11	401	UNRESTRICTED RESOURCES	STEPHEN LUDDEN	TEXTBOOK REFUND	25.00
TOTAL FUND 11					\$ 75.00
12	500	CHILD DEVELOPMENT: STATE PRESCHOOL	DOLORES SERRANO	REIMB CHILD CARE	15.00
12	500	CHILD DEVELOPMENT: STATE PRESCHOOL	WILLIS, MARSHA	REIMB EXP. 5/7/03	145.19
12	500	CHILD DEVELOPMENT: STATE PRESCHOOL	WILLIS, MARSHA	REIMB SUPPLIES 4/03	124.92
TOTAL FUND 12					\$ 285.11
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	TEXACO	FUEL 4/18/03	12.12
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	SWIFT PRODUCE	C7773 PRODUCE	22,184.18
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	DRIFTWOOD DAIRY	C7774 MILK	41,968.23
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	PEPSI-COLA COMPANY	C7775 GROCERY	10,559.24
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	LEABO FOODS, INC.	C7776 GROCERY	55,684.50
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	THE POPCORN MAN	C7777 GROCERY	1,900.00
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	ASR FOOD DISTRIBUTORS	C7778 GROCERY	6,750.00
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	DJ CO-OPS	C7779 GROCERY	2,388.40
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	CALJEN SALES COMPANY	C7780 SUPPLIES	1,012.42
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	DEVEREAUX CHARITA	C7781 MILEAGE REIMBURSE	135.92
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	DON LEE FARMS	C7782 WAREHOUSE SUPPLIES	4,153.00
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	SPARKLETTS/MCKESSON WATER PROD	C7783 WATER	38.30

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Report of Disbursement Order Purchases

Purchases Over \$1
05/05/03 thru 05/16/03

Fund	Schl	Resource	Vendor	Description	Amount
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	GRAINGER W W INC	C7784 WAREHOUSE SUPPLIES	61.61
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	GOLDEN WEST DIST.	C7785 GROCERY	157.72
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	INTERSTATE BRANDS CORP	C7786 GROCERY	5,712.65
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	SYSCO FOOD SERVICES OF L.A.	C7787 GROCERY	17,970.77
13	500	CHILD NUTRITION: SCHOOL PROGRAMS (E	REGIONAL CHEM LABS, INC.	C7788 SUPPLIES	1,015.50
TOTAL FUND 13					\$171,704.56
21	505	UNRESTRICTED RESOURCES	CHICAGO TITLE COMPANY	JCSD PROPERTY ACQUISITION	231,733.00
TOTAL FUND 21					\$231,733.00
25	500	RESTROOMS	DIVISION OF STATE ARCHITECT	DSA FEES G.H. & T.S.	625.00
25	500	RESTROOMS	RIVERSIDE COUNTY CLERK	FILING FEES 12 SITES	64.00
TOTAL FUND 25					\$ 689.00

71 DISBURSEMENT ORDERS FOR A GRAND TOTAL OF \$458,773.63

RECOMMENDED APPROVAL


DIRECTOR OF BUSINESS SERVICES

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Report of Purchases
Purchases Over \$200
05/03/03 thru 05/16/03

P.O.#	Fund	School	Resource	Vendor	Description	Amount
P42216	03	500	FUEL/STORES	POMA DISTRIBUTING CO.	TRANS-FUEL FOR DISTRICT VEHICLES	30,000.00
P42230	03	500	FUEL/STORES	SOUTHERN CALIFORNIA GAS CO.	TRANS-CNG FUEL FOR DISTRICT VEHICLES	30,000.00
P42320	06	500	TRANSPORTATION-HOME TO SCHOOL	RADIO COMMUNICATIONS SERVICE	TRANS-REPAIRS FOR DISTRICT VEHICLES	500.00
P42416	06	500	TRANSPORTATION-HOME TO SCHOOL	A-Z BUS SALES	TRANS-PARTS	1,000.00
P42484	06	500	TRANSPORTATION-HOME TO SCHOOL	NAPA AUTO PARTS	TRANS-PARTS	2,000.00
P42555	06	170	IASA:TITLE I BASIC GRANTS LOW-INCOM	OFFICEMAX	VB-OFFICE SUPPLIES	380.00
P43818	03	305	UNRESTRICTED RESOURCES	COSTCO WHOLESALE	EC-OPEN PO-INSTRUCTIONAL SUPPLIES	3,000.00
P44472	06	140	IASA:TITLE I BASIC GRANTS LOW-INCOM	STATER BROTHERS	PER-OPEN PO-INSTRUCTIONAL SUPPLIES	500.00
P44810	06	500	OTHER FEDERAL	PIZZA PIRATES	GA-OPEN PO-INCENTIVES/PIZZAS	400.00
P46057	03	500	UNRESTRICTED RESOURCES	A & H RENTALS	MOT-RH-JVH-MLM-JM- RENTALS	422.50
P46073	11	400	UNRESTRICTED RESOURCES	ZONES	LCAE-VIDEO CARDS	621.95
P46488	03	500	UNRESTRICTED RESOURCES	WESTERN FARM SERVICE, INC.	MAINT-SUPPLIES	299.59
P46497	03	500	UNRESTRICTED RESOURCES	OFFICE DEPOT	CSR-STOCK	1,762.52
P46562	06	500	ROUTINE REPAIR & MAINTENANCE	MOST DEPENDABLE FOUNTAINS	MAINT-SUPPLIES	655.00
P46564	03	500	UNRESTRICTED RESOURCES	RED HAWK SECURITY	MAINT-GUARD SERVICE FOR GRADUATION	3,240.00
P46565	03	500	UNRESTRICTED RESOURCES	SILVER BULLET	MAINT-RHS-WATER TRUCK SERVICES	350.00
P46566	06	500	ROUTINE REPAIR & MAINTENANCE	VISTA PAINT	MAINT-SUPPLIES	428.21
P46571	06	500	ROUTINE REPAIR & MAINTENANCE	TECHNICAL AIR CORPORATION	MAINT-SUPPLIES	780.00
P46574	03	500	UNRESTRICTED RESOURCES	JUSD PRINT SHOP	CSR-STOCK	5,909.50
P46607	06	500	ROUTINE REPAIR & MAINTENANCE	ATLANTIC ELECTRIC COMPANY	MAINT-MATERIALS FOR LIGHTING REPAIRS	284.48
P46608	06	300	ADVANCED PLACEMENT TEACHER TRAINING	CORPORATE EXPRESS	JVHS-SUPPLIES	1,824.63
P46610	06	500	ROUTINE REPAIR & MAINTENANCE	REFRIGERATION SUPPLIES DIST	MAINT-SUPPLIES	344.56
P46612	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	CDW-G	RHS-LASERJET 4200	971.97
P46613	06	305	IMMEDIATE INTERVENTION/UNDERPERFORM	CDW-G	RHS-CARTRIDGES	283.62
P46617	06	399	INSTRUCTIONAL MATERIALS REALIGNMENT	GOODHEART - WILCOX CO., INC.	RHS-TEXTBOOKS	1,920.26
P46620	06	155	SCHOOL IMPROVEMENT PROGRAM-GRADES K	I.M.P.A.C. GOVERNMENT SERVICES	SA-INSTRUCTIONAL SUPPLIES	507.77
P46623	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	I.M.P.A.C. GOVERNMENT SERVICES	RHS-TRIMMER	268.30
P46626	06	155	IASA:TITLE I BASIC GRANTS LOW-INCOME	CORPORATE EXPRESS	SA-INSTRUCTIONAL SUPPLIES	145.14
P46626	06	155	SCHOOL IMPROVEMENT PROGRAM-GRADES K	CORPORATE EXPRESS	SA-INSTRUCTIONAL SUPPLIES	145.14
P46627	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	ASCD	PED-BOOKS	923.06
P46646	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	APPLE COMPUTER, INC.	RHS-SOFTWARE	3,334.86
P46647	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	APPLE COMPUTER, INC.	RHS-SOFTWARE	3,174.32
P46648	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	APPLE COMPUTER, INC.	RHS-SOFTWARE	3,012.69
P46649	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	FREY SCIENTIFIC CO.	MMS-RESOURCE MATERIALS	289.34

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Report of Purchases

Purchases Over \$200

05/03/03 thru 05/16/03

P.O.#	Fund	School	Resource	Vendor	Description	Amount
P46650	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	OHIO STATE UNIVERSITY	RHS-LAB MATERIALS	583.31
P46651	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	GREAT PLAINS NATIONAL	MMS-INSTRUCTIONAL SUPPLIES	1,488.02
P46652	06	160	IMMEDIATE INTERVENTION/UNDERPERFORM	ANSMAR PUBLISHERS, INC.	SS-INSTRUCTIONAL SUPPLIES	8,583.98
P46653	06	305	ADVANCED PLACEMENT TEACHER TRAINING	APPLAUSE LEARNING RESOURCES	RHS-SUPPLIES	238.68
P46654	06	155	IASA:TITLE I BASIC GRANTS LOW-INCOME	BELLWORK ENTERPRISES	SA-MATH AND READING SUPPLIES	4,454.49
P46654	06	155	SCHOOL IMPROVEMENT PROGRAM-GRADES K	BELLWORK ENTERPRISES	SA-MATH AND READING SUPPLIES	1,484.82
P46655	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	BELLWORK ENTERPRISES	PED-MATH AND READING SUPPLIES	7,624.02
P46656	06	305	ADVANCED PLACEMENT TEACHER TRAINING	GLENCOE - MCGRAW HILL	RHS-TEXTBOOKS	612.18
P46657	06	399	INSTRUCTIONAL MATERIALS REALIGNMENT	GLENCOE - MCGRAW HILL	RHS-TEXTBOOKS	344.42
P46658	06	399	INSTRUCTIONAL MATERIALS REALIGNMENT	CONTINENTAL BOOK CO.	RHS-TEXTBOOKS	541.06
P46660	06	305	ADVANCED PLACEMENT TEACHER TRAINING	HOUGHTON MIFFLIN CO	RHS-TEXTBOOKS	380.80
P46661	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	ANSMAR PUBLISHERS, INC.	PED-TEXTBOOKS	8,096.49
P46662	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	FARONICS TECHNOLOGIES INC.	MMS-LICENSES	1,242.91
P46663	06	500	MEDI-CAL BILLING OPTION	PSYCHOLOGICAL ASSESSMENT	EC-TESTING MATERIALS	280.25
P46664	06	500	MEDI-CAL BILLING OPTION	M.H.S.	EC-INSTRUCTIONAL SUPPLIES	329.70
P46669	03	120	GOVERNOR'S READING AWARD PROGRAM	PROMOTE MARKETING CONCEPTS	IH-INSTRUCTIONAL SUPPLIES	1,018.54
P46670	06	155	IASA:TITLE I BASIC GRANTS LOW-INCOME	ZANER-BLOSER INC	SA-INSTRUCTIONAL SUPPLIES	1,105.68
P46670	06	155	SCHOOL IMPROVEMENT PROGRAM-GRADES K	ZANER-BLOSER INC	SA-INSTRUCTIONAL SUPPLIES	1,105.67
P46671	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	LOWE'S HOME IMPROVEMENT	RHS-INSTRUCTIONAL SUPPLIES	778.15
P46672	06	160	IMMEDIATE INTERVENTION/UNDERPERFORM	CURRICULUM ASSOCIATES, INC.	SS-TEXTBOOKS	2,132.98
P46673	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	PC & MACEXCHANGE	MMS-3 PC COMPUTER SPEAKER SETS	765.76
P46674	06	305	VOCATIONAL PROGRAMS: VOC & APPL TEC	PC & MACEXCHANGE	RHS-THINKFREE OFFICE FOR MAC	993.80
P46675	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	ZONES	MMS-INK CARTRIDGES	1,171.88
P46678	03	500	UNRESTRICTED RESOURCES	CORPORATE EXPRESS	EC-OFFICE SUPPLIES	269.01
P46683	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	HOUGHTON MIFFLIN CO	PED-TEXTBOOKS	18,668.56
P46684	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	HOUGHTON MIFFLIN CO	PED-TEXTBOOKS	1,674.41
P46685	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	HOUGHTON MIFFLIN CO	PED-PHONICS LIBRARY-K	1,981.39
P46686	06	160	IMMEDIATE INTERVENTION/UNDERPERFORM	HOUGHTON MIFFLIN CO	SS-ENGLISH WORK-BOOKS	9,715.33
P46687	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	SRA MACMILLAN/MCGRAW-HILL	PED-READING LABS	14,143.64
P46689	03	110	DISCRETIONARY	INTERNATIONAL LASER GROUP	GH-INK CARTRIDGES	783.30
P46690	06	120	SCHOOL IMPROVEMENT PROGRAM-GRADES K	INTERNATIONAL LASER GROUP	IH-INK CARTRIDGES	416.95
P46693	06	305	LOTTERY: INSTRUCTIONAL MATERIALS	LAGUNA CLAY	RHS-CLAY	261.99
P46694	06	305	ADVANCED PLACEMENT TEACHER TRAINING	I.M.P.A.C. GOVERNMENT SERVICES	RHS-BOOKS	657.49
P46696	06	135	IASA:TITLE I BASIC GRANTS LOW-INCOME	I.M.P.A.C. GOVERNMENT SERVICES	PED-BOOKS	839.74
P46698	12	500	CHILD DEVELOPMENT: STATE PRESCHOOL	LAKESHORE LEARNING MATERIALS	ECCAT-SUPPLIES	240.03

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Report of Purchases

Purchases Over \$200

05/03/03 thru 05/16/03

P.O.#	Fund	School	Resource	Vendor	Description	Amount
P46699	06	500	GAP-LITERACY ENHANCEMENT GRANT	I.M.P.A.C. GOVERNMENT SERVICES	ECCAT-SUPPLIES	1,053.33
P46701	03	110	DONATIONS	I.M.P.A.C. GOVERNMENT SERVICES	GH-SUPPLIES	353.73
P46703	06	205	LOTTERY: INSTRUCTIONAL MATERIALS	J.W. PEPPER & SON, INC.	MLMS-SUPPLIES	918.55
P46704	03	125	DONATIONS	FOLLETT LIBRARY RESOURCES	MB-BOOKS	500.00
P46705	12	500	CHILD DEVELOPMENT: INSTRUCTIONAL MA	CLASSROOM DIRECT COM.	EC-INSTRUCTIONAL SUPPLIES	691.38
P46706	06	500	GAP-LITERACY ENHANCEMENT GRANT	DISCOUNT SCHOOL SUPPLY	EC-CASSETTE PLAYERS	686.80
P46707	12	500	CHILD DEVELOPMENT: INSTRUCTIONAL MA	CM SCHOOL SUPPLY CO.	ECCAT-MEGA BLOCKS	670.21
P46708	06	500	GAP-LITERACY ENHANCEMENT GRANT	LAKESHORE LEARNING MATERIALS	EC-INSTRUCTIONAL SUPPLIES	4,563.21
P46711	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	CDW-G	MMS-INFOCUS PROJECTORS	11,502.16
P46712	06	300	ADVANCED PLACEMENT TEACHER TRAINING	CDW-G	JVHS-OFFICE EQUIPMENT	676.93
P46713	06	105	COMMUNITY-BASED TUTORING GRANTS	CM SCHOOL SUPPLY CO.	GA-INSTRUCTIONAL SUPPLIES	450.00
P46715	06	210	COMMUNITY-BASED TUTORING GRANTS	PRENTICE HALL	MMS-DICTIONARIES	449.91
P46718	06	115	IASA:TITLE I BASIC GRANTS LOW-INCOME	K-MART (LIMONITE STORE)	IA-OPEN PO-INSTRUCTIONAL SUPPLIES	500.00
P46720	06	500	HEAD START	PAGES, INC.	EC-SUBSCRIPTIONS	118.80
P46720	06	500	IASA:TITLE I BASIC GRANTS LOW-INCOME	PAGES, INC.	EC-SUBSCRIPTIONS	26.40
P46720	12	500	CHILD DEVELOPMENT: STATE PRESCHOOL	PAGES, INC.	EC-SUBSCRIPTIONS	118.80
P46725	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	PC & MACEXCHANGE	MMS-INK CARTRIDGES	2,271.28
P46730	21	500	WIRING/COMMUNICATIONS	B.R.A.T. COM/CONTINENTAL TELECOM	MMS-TECHNOLOGY WIRING FOR INTERNET	6,007.60
P46732	06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	DELL	JMS-MICROSOFT OFFICE VP	515.91
P46733	06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	DELL	JMS-COMPUTERS	11,170.23
P46734	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	DELL	MMS-COMPUTERS	5,003.26
P46746	06	500	GAP-LITERACY ENHANCEMENT GRANT	CM SCHOOL SUPPLY CO.	ECCAT-OPEN PURCHASE ORDER-SUPPLIES	800.00
P46747	06	205	IASA:TITLE I BASIC GRANTS LOW-INCOME	RENAISSANCE LEARNING SYSTEMS	MLMS-MATH SOFTWARE	3,347.57
P46748	06	500	IASA:TITLE I BASIC GRANTS LOW-INCOME	PARENT INSTITUTE, THE	ECCAT-SUBSCRIPTION	340.00
P46750	06	205	IASA:TITLE I BASIC GRANTS LOW-INCOME	SADDLEBACK EDUCATIONAL, INC.	MLMS-ACCELERATED READER SUPPLIES	1,523.69
P46751	06	500	GAP-LITERACY ENHANCEMENT GRANT	CREATIVE KIDS	ECCAT-SUPPLIES	1,804.27
P46752	06	210	IMMEDIATE INTERVENTION/UNDERPERFORM	SCHOLASTIC BOOK FAIRS	MMS-BOOKS	1,000.00
P46755	03	105	DONATIONS	PERFORMANCE/RIVERSIDE	GA-ADMISSIONS	250.00
P46756	06	170	IMMEDIATE INTERVENTION/UNDERPERFORM	ANSMAR PUBLISHERS, INC.	VB-EXCEL MATH CLASS-ROOM SETS	13,091.63
P46758	06	125	IASA:TITLE I BASIC GRANTS LOW-INCOM	READ NATURALLY	MB-READ NATURALLY MATERIALS	353.25
P46759	06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	PRENTICE HALL	JMS-SCIENCE SUPPLIES	5,933.79
P46762	06	200	IMMEDIATE INTERVENTION/UNDERPERFORM	PRENTICE HALL	JMS-SCIENCE SUPPLIES	5,933.79
P46764	06	405	SPECIAL EDUCATION	READ NATURALLY	LC-SUPPLIES	702.91
P46770	06	145	IASA:TITLE I BASIC GRANTS LOW-INCOME	ANSMAR PUBLISHERS, INC.	RL-EXCEL MATH SUPPLIES	8,817.12
P46771	06	175	IASA:TITLE I BASIC GRANTS LOW-INCOME	ANSMAR PUBLISHERS, INC.	WR-EXCEL MATH SUPPLIES	9,253.97

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Report of Purchases
Purchases Over \$200
05/03/03 thru 05/16/03

P.O.#	Fund	School	Resource	Vendor	Description	Amount
P46772	03	305	DISCRETIONARY	JOSTENS	RHS-GOWNS FOR GRADUATION	299.46
P46773	06	160	IMMEDIATE INTERVENTION/UNDERPERFORM	TOBY LARSON	SS-CONSULTING SERVICES	1,300.00
P46774	03	500	UNRESTRICTED RESOURCES	FOLLETT EDUCATIONAL SERVICES	EC-TECH+TEXTLINK INVENTORY	7,106.00
P46775	06	500	IASA:TITLE I BASIC GRANTS LOW-INCOME	MCSI	ECCAT-WHEEL CASE	107.09
P46775	06	500	SCHOOL IMPROVEMENT PROGRAM-GRADES K	MCSI	ECCAT-WHEEL CASE	107.08
P46776	06	165	IMMEDIATE INTERVENTION/UNDERPERFORM	WORLD BOOK SCHOOL AND LIBRARY	TS-ENCYCLOPEDIA PACKAGE	2,316.63
104 P.O.'s over \$200						307,325.58
56 P.O.'s NOT over \$200						4,713.57
160 TOTAL PURCHASE ORDERS						312,039.15

Recommend Approval: Shelia E. Carpenter 5/19/03
Director of Centralized Support Services

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JURUPA UNIFIED SCHOOL DISTRICT

2002/2003 AGREEMENTS

Agreement Number	Contractor	Amount	Fund/Program To Be Charged	Purpose
03-1	Consultant or Personal Service Agreements			
03-1-UUU	Anita Avellino-Cantwell	NTE \$18,000.00	IASA - Title I	Implement and monitor School Site Council (SSC), English Learner's Advisory Council (ELAC), and II-USP Plan for Troth Street Elementary School. 7/1/03 to 6/30/2004.
03-1-VVV	Clover Enterprises Inc. The SPORT Clinic	\$36,000.00	JVHS - 50% RHS - 50%	Athletic training services for Jurupa Valley High School and Rubidoux High School. Aug. 1, 2003 to June 20, 2004.
03-1-WWW	International Printing Museum	\$500.00	Other Federal	Provide assembly "History in Motion" with Franklin Show to Ina Arbuckle Elementary students' FAN afterschool program. 5/23/03.
03-1-XXX	Gregg Nelsen	NTE \$3,500.00	IASA - Title I	Work with Troth Street Elementary School's administration and grade level teams in analysis of school wide and classroom data. 7/1/03 to 6/30/2004.
03-1-YYY	Dr. Aylene Popka	NTE \$10,000.00	IASA - Title I	Provide assistance with the Coordinated Compliance Review. 6/1/02 to 6/30/2003.
03-8	Other Agreements			
03-8-PPP	County of Riverside - Dept. of Public Health (#DPH00K.k010)	\$400.00	Health	Provide tuberculin solution and syringes for the administration of Mantoux skin tests for students and staff. 7/1/03 to 6/30/2003.
03-8-QQQ	Jurupa Family YMCA	\$3,000.00	Medi-Cal Billing Option	Provide After School Program scholarships at various school sites. 4/1/03 to 6/30/2003.

Agreement Number	Contractor	Amount	Fund/Program To Be Charged	Purpose
03-8	<i>Other Agreements</i> (continued)			
03-8-RRR	Raincross Modular Group Inc.	N/A	N/A	Youth Opportunity Center Program Agreement for Affiliation for student learning experiences under the Workforce Investment Act Youth Program (WIA). From 5/12/2003 and ongoing.
03-8-SSS	School Services of California, Inc.	\$3,060.00 Plus Expenses	Business Services	Assist with State mandated program cost claims, school finance, legislation, school budgeting and general fiscal issues; provide CADIE and SABRE financial reports. 7/1/03 to 6/30/2004.
03-8-TTT	A-Vision Consulting	\$4,997.12	Jurupa Youth Opportunity Center	Provide the Jurupa Youth Opportunity Center with trained staff of a Business Liaison, Youth Advocate and Youth Development Specialist. June 9, 2003 thru June 30, 2003.
03-8-UUU	Riverside County District Attorney	N/A	N/A	Youth Opportunity Center Program Agreement for Affiliation for student learning experiences under the Workforce Investment Act Youth Program (WIA). From 5/15/2003 and ongoing.

The Deputy Superintendent Business Services & Governmental Relations will have copies of agreements available for review by the Board.

ED/et
6/2/2003

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NON-ROUTINE STUDENT FIELD TRIP/EXCURSION - REQUEST FOR APPROVAL

DATE(S): Saturday - June 7, 2003

LOCATION: Knott's Berry Farm

TYPE OF ACTIVITY: 8th Grade Promotion Field Trip

PURPOSE/OBJECTIVE: Student Behavior Incentive

NAMES OF ADULT SUPERVISORS (Note job title: principal, volunteer, etc.) _____

District Staff & Certificated Personnel will be attending

Ken Sanford, Stan Rowland

EXPENSES:	Transportation	\$ 1293.75	Number of Students	<u>Approx 250</u>
	Lodging	\$ _____		
	Meals	\$ _____		
	All Other	\$ 4000.00		
	TOTAL EXPENSE	\$ 5293.75	Cost Per Student	\$23.00
			(Total Cost ÷ # of Students)	

INCOME: List All Income By Source and Indicate Amount Now on Hand:

Source	Expected Income	Income Now On Hand
<u>Community</u>	<u>\$5,700.00</u>	<u>\$00.00</u>
_____	_____	_____
_____	_____	_____
TOTAL:	\$5,700.00	_____

Arrangements for Transportation: District Vehicles - Depart JMS at 9:00 a.m./Return 7:15 p.m.

Arrangements for Accommodations and Meals: _____

Planned Disposition of Unexpended Funds: N/A

I hereby certify that all other requirements of District regulations will be complete and on file in the District Office ten days prior to departure.

Signature: [Signature] Date: 5/21/03 School: Curupa Middle School

(Instructor)

All persons making the field trip shall be determined to have waived all claims against the District, the teachers, and the Board of Education for injury, accident, illness, or death occurring during or by reason of the field trip. All adult volunteers taking out-of-state field trips shall sign a statement waiving such claims. All student participants must submit a parental consent for medical and dental care and waiver of liability form.

Approvals: Principal: [Signature] Date: 5/21/03

Date approved by the Board of Education _____ Date: _____

Distribution: White copy to Assistant Superintendent Education Services
Yellow copy to Originator
Pink copy to Principal

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Jurupa Unified School District

RESOLUTION NO. 03/38 (Amended 6/2/03)

**RESOLUTION OF THE JURUPA UNIFIED SCHOOL DISTRICT AUTHORIZING THE
TEMPORARY TRANSFER OF FUNDS FROM THE STATE SCHOOL FACILITIES FUND TO
THE GENERAL FUND**

WHEREAS, the California State Legislature may enact legislation that would defer to July 2003, the payment of the District's 2002-03 June State Aid Apportionment; and,

WHEREAS, the California State Legislature may enact legislation that would defer to July 2003-04, reduce and/or eliminate the funding of 2002-03 state categorical programs operated by the District; and,

WHEREAS, the California State Legislature may enact legislation that would negatively impact the District's ability to meet its financial obligations; and,

WHEREAS, the District may have insufficient cash available in the General Fund to meet its financial obligations; and,

WHEREAS, Education Code 42603 allows the Board of Education of any school district to direct monies held in any fund or account to be temporarily transferred to another fund or account of the District for payment of obligations; and,

WHEREAS, the transfer shall be accounted for as temporary borrowing between funds or accounts and shall not be available for appropriation or be considered income to the borrowing fund or account, and amounts transferred shall be repaid either in the same fiscal year or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Jurupa Unified School District direct the County Treasurer to transfer an amount not to exceed \$5,000,000 from the District's State School Facilities Fund to the General Fund.

PASSED AND ADOPTED by the Board of Education of Jurupa Unified School District at its regular meeting held on June 2, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Burns, Clerk
Board of Education

JURUPA UNIFIED SCHOOL DISTRICT

**Resolution Number 03/45
Resolution for Year-End Budget Transfers/Revisions**

WHEREAS, the Jurupa Unified School District approves budget transfers and expenditure increases; and

WHEREAS, it appears certain that a number of budget revisions will be required after the close of the 2002/03 fiscal year; and

WHEREAS, the governing board of the Jurupa Unified School District has determined that additional income is assured in excess of the amounts previously budgeted, and will be required for budget balancing purposes after the close of the 2002/03 fiscal year; and

WHEREAS, the governing board of the Jurupa Unified School District can show just cause for the expenditure of such funds.

NOW THEREFORE BE IT RESOLVED that pursuant to Education Code Sections 42601 and 42602, the Jurupa Unified School District may appropriate any such excess funds, identify and make such transfers between the reserve for economic uncertainties and any expenditure classification(s), or balance any expenditure classification(s) of the budget of the Jurupa Unified School District for the 2000/01 fiscal year as are necessary to permit the payment of obligations of the Jurupa Unified School District incurred during the 2002/03 fiscal year.

BE IT THEREFORE RESOLVED that after all transfers have been made, the Jurupa Unified School District shall submit such transfers to the Jurupa Unified School Board for ratification. Said ratification shall be limited to major object classifications in accordance with the law.

Approved:

This is an exact copy of the resolution adopted by the governing board at a regular meeting on June 2, 2003.

David L. Long
Riverside County Superintendent of Schools

Clerk or Authorized Agent

By: _____

Jurupa Unified School District

RESOLUTION NO. 03/46
AUTHORIZE APPROPRIATION TRANSFERS
FOR CATEGORICALLY FUNDED PROJECT BUDGETS

WHEREAS, Education Code Section 42600 requires approval of the majority of school district governing board members for the transfer of funds between expenditure classification;

WHEREAS, there is no undistributed reserve or amount designated for economic uncertainties for categorical funding;

WHEREAS, the funding of categorical programs is determined by the donor, or funding authority, in order to meet specific program objectives as defined in the application for funding;

WHEREAS, IT SOMETIMES becomes necessary to transfer funds from one expenditure classification to another during the course of the funding year in order to meet program objectives, and after the Board has approved the original budgets;

NOW, THEREFORE, BE IT RESOLVED, that in order to provide for expenditures of these funds in a timely manner, the Board of Education of the Jurupa Unified School District hereby authorizes transfers of funds among expenditure classifications in categorically funded projects for the 2003/2004 fiscal year without additional submission to the Board, when such transfers are considered necessary by the appropriate program administrator and the Director of Business Services.

Carolyn Adams
Clerk of the Board

June 2, 2003
Date

Jurupa Unified School District

RESOLUTION NO. 03/47
AUTHORIZE APPROPRIATION TRANSFERS
WITHIN THE GENERAL AND LOTTERY FUNDS

WHEREAS, Education Code Section 42600 requires approval of the majority of school district governing board members for the transfer of funds between expenditure classifications;

WHEREAS, it sometimes becomes necessary to transfer funds from one expenditure classification to another during the course of the fiscal year in order to meet educational objectives, and after the board has approved the original budgets;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Jurupa Unified School District hereby authorizes the transfer of funds among expenditure classification for the 2003/2004 fiscal year, without additional submission to the Board, when the following conditions apply: 1) The transfer is \$200 or less; 2) The transfer is between expenditure classifications; and, 3) The transfer is considered appropriate by the responsible administrator and is approved by the Director of Business Services.

Carolyn Adams
Clerk of the Board

June 2, 2003
Date

Jurupa Unified School District

Resolution #03/50

Authorization to Destroy Records

WHEREAS, the Jurupa Unified School District, County of Riverside, State of California, has retained certain records for the period of time specified by Article 2, Section 16020 through 16028 of Title 5, California Code of regulation; and

WHEREAS, the District has determined these records are of no further use; and,

WHEREAS, the attached list of documents is submitted to the Board of Education to authorize final disposition;

NOW THEREFORE, BE IT RESOLVED that the Director of Purchasing is hereby authorized in the name and on behalf of the Jurupa Unified School District to schedule a date for record destruction and to dispose of all said records in the manner prescribed by law, and to prepare a written certification that such records have, in fact, been destroyed.

I, Mary Burns, Clerk of the Board of Jurupa Unified School District, do hereby certify that the foregoing is a true copy of a resolution duly and legally adopted by the Governing Board of said school district at a legal meeting of said Board duly and regularly held on June 2, 2003 and that said resolution has not been revoked.

Adopted this 2nd day of June, 2003
Board of Education

Mary Burns, Clerk
Board of Education
Jurupa Unified School District

STATE OF CALIFORNIA)
) ss
COUNTY OF RIVERSIDE)

I, Mary Burns, Clerk of the Board of Education of Jurupa Unified School District, do hereby certify that the foregoing resolution was duly adopted by the Board of Education of said District at a meeting of said Board held on the 2nd day of June, 2003 by the following vote:

AYES

NOES

ABSENT

ABSTAIN

Dated: _____, 2003

Clerk of the Board of Education
of Jurupa Unified School District

CLASS 3 DISPOSABLE RECORDS

2 boxes 1992-93 Jurupa Valley H.S. teacher grades
1 box 1992-93 Jurupa Middle School Discipline
1 box 1993-94 Jurupa Valley H.S. Attendance
2 boxes 1993-94 Jurupa Valley H.S. teacher grades
1 box 1993-94 Jurupa Middle School Discipline
2 boxes 1994-95 Jurupa Valley H.S. Attendance
2 boxes 1994-95 Jurupa Valley H.S. teacher grades
1 box 1994-95 Jurupa Valley H.S. expulsions
1 box 1994-95 Jurupa Valley H.S. Attendance
5 boxes 1995 Jurupa Middle School Discipline
3 boxes 1995-96 Mira Loma Middle School Discipline
1 box 1995-96 Jurupa Valley H.S. teacher grades
1 box 1995-96 Jurupa Valley H.S. expulsions
1 box 1995-96 Jurupa Middle School Discipline

1 box 1996-97 Jurupa Valley H.S. expulsions

1 box 1997 Jurupa Middle School Discipline

1 box 1997-98 Jurupa Valley H.S. teacher grades

2 boxes 1997-98 Jurupa Valley H.S. teacher grades

1 box 1997-98 Jurupa Valley H.S. expulsions

36 boxes 1997-98 Jurupa Valley H.S. Attendance

38 boxes 1998-99 Jurupa Valley H.S. Attendance

26 boxes 1998-99 Jurupa Valley H.S. Miscellaneous Office
files

tg/05-20-03

GENERAL WAIVER REQUEST- Golden State Seal Merit DiplomaGW-1 GSE (05/03) <http://www.cde.ca.gov/waiver/>

Page 1 of 2

To expedite, send copy by FAX (916) 319-0117

Waiver Office, California Department of Education

1430 N Street, Suite 5602

Sacramento, CA 95814

CDS CODE						
3	3	6	7	0	9	0

LEA:	Contact/recipient of approval/denial notice:	Contact Person's E-Mail Address:
Jurupa Unified School District	DeWayne A. Mason, Ph.D.	dmason@jusk.k12.ca.us
Address: (City) (State) (ZIP)	Phone (and extension, if necessary):	
4850 Pedley Road Riverside CA 92509	009) 3604164x	
	Fax Number: (909) 360-4167	
Period of Request: (month/day/year)	Local Board Approval date: (Required)	Date of Public Hearing: (Required)
For: 2002-2003 school year	June 2, 2003	June 2, 2003

LEGAL CRITERIA

1. Under the General Waiver Authority of Education Code 33050-33053, the particular Education Code or California Code of Topic of the waiver: Golden State Seal Merit Diploma; Golden State Exam requirement

E.C. 51451 Qualifications for diploma. A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:

- (a) *The completion of all requirements for a high school diploma.*
 (b) *A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

2. **Position of the Bargaining Unit.** Does the district have any employee bargaining units? ☐ No ☒ Yes If yes, please complete required information below:

Date(s) the bargaining unit(s) was (were) consulted: 5/20/03

Name of bargaining unit persons(s) consulted: : Fran Rice, -Laabs

The position(s) of the bargaining unit(s) was/were: ☐ Neutral ☒ Support ☐ Oppose (Please summarize below)

Comments (if appropriate): _____

3. **Public Hearing Requirement:** (A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. How was the required public hearing advertised?)

☐ Notice in a newspaper? ☒ Notice posted at each school? ☐ Other: _____ (Please summarize below.)

4. **District/Parent Advisory Committee:** Please identify the council(s) or committee that reviewed this waiver:

District Advisory Committee _____ Date 5/21/03

There were objection(s) ☐ (Please summarize the objection(s)) _____

No Objections ☒



GENERAL WAIVER REQUEST

GW-1 GSE (01/03)

Page 2 of 2

5. Desired outcome/rationale.

Due to cancellation of the spring administration of the Golden State Examinations (GSEs) as a part of the current year budget cuts, many seniors are not able to complete the following requirement as of EC 51451:

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 1) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on six Golden State Examinations including U.S. history; reading/literature or written composition; a mathematics exam; a science exam; and two other exams of the student's choice.

GSE subjects included:

Reading/Literature, Written Composition, First-year Algebra, Geometry, High School Mathematics, Biology, Chemistry, Physics, Second-year Coordinated Science, U.S. History, Economics, Government/Civics, Second-year Spanish Language.

Therefore, the State Board of Education will consider a General Waiver, called the Senior Waiver, to also allow students to be certified "as meeting the GSE requirements," provided that districts certify that students they recommend for the Golden Seal Merit Diploma meet the following requirements:

2003 Senior Waiver: This waiver is available to seniors who were prevented from meeting the above requirements due to GSE program reductions.

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **four or more** of the six required Golden State Examinations
- 2) Be granted a waiver by the State Board of Education (SBE) to use **ONLY up to two 2002 California Standards Tests (CSTs), with scale scores no lower than 350**, to meet the subject-area requirements identified in Option ONE, number 2. To obtain a waiver, a CST scale score may be used only if the student **has not previously taken the GSE** for which the CST will substitute. The following are the CST's that may be used for this waiver: Grade 11 English Language Arts, Grade 11 History/Social Science (United States History), High School Mathematics, Algebra I, Algebra II, Geometry, Integrated Mathematics 1, 2, or 3, Biology, Chemistry, Physics, Earth Science.
- 3) Students must still have achieved GSE recognition or CST's with scale scores no lower than 350 for a **total of six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history**, with the remaining two subject matter areas selected by the student.

CERTIFICATION:

• I request that ALL qualifying 2002-03 graduates in our district be granted a waiver under the criteria of the 2003 Senior Waiver.

• I certify that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver

Signature of Superintendent or Designee:	Title: Assistant Superintendent Education Services	Date: 5/21/03
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Signature:	Title: Administrator, CDE Waiver Office	Date:

C.
192

JURUPA UNIFIED SCHOOL DISTRICT

COURSE PLAN

ADOPTED: 05/03

REVISED:

COURSE TITLE: Computer Maintenance & Certification

DEPARTMENT: Business Communication and Technology

CREDITS: 10

LENGTH OF COURSE: Year

PREREQUISITES: None

TARGET GROUP: 10-12 Grade

COURSE DESCRIPTION:

Students will troubleshoot computer problems and maintain both stand alone and networked computers. Students will also troubleshoot software problems and the methods of installing software onto computer systems. They will understand the levels of computer certification and be introduced to the opportunities in the field of computer employment. Students completing the course will be prepared to sit for the A+ Certification Exam, a highly regarded designation in the computer technology employment arena.

TEXTBOOK:

MEANS OF ASSESSING STUDENT LEARNING:

1. Tests
2. Evaluation of classroom and homework assignments; and
3. Classroom activities, participation, and assignments.

GENERAL GOALS OF THE COURSE:

1. Students will learn the basics of installation, configuration, and upgrading of computer hardware.
2. Students will diagnose and troubleshoot computer hardware.
3. Students will learn preventive maintenance within the computing environment.
4. Students will learn/understand the components of the computer (i.e.: motherboard, processors, memory.)
5. Students will learn the basics of printers and how to troubleshoot problems with them.
6. Students will learn basic networking skills in dealing with hardware.
7. Students will learn the basic operating system fundamentals.
8. Students will learn how to install, configure, and upgrade software.
9. Students will learn to diagnose and troubleshoot software problems.
10. Students will learn basic networking skills in dealing with software.

OBJECTIVES:

1. Students will identify basic terms, concepts, and functions of system modules (i.e.: system board, power supply, processor, memory, BIOS, ports), including how each module should work during normal operation and during boot process.
2. Students will identify and/or list basic procedures for adding, removing field replaceable modules (i.e.: system board, storage device, power supply, processors, memory, input devices) for both desktop and portable systems.
3. Students will identify available IRQs, DMAs, and I/O addresses and procedures for device installation and configuration.
4. Given a schematic of the computer, students will identify common peripheral ports, associated cabling, and their connectors.
5. Students will identify, demonstrate, and/or explain proper procedures for installing and configuring IDE/EIDE devices.
6. Students will identify, demonstrate, and/or explain the proper procedures for installing and configuring SCSI devices.
7. Students will identify, demonstrate, and/or explain the proper procedures for installing and configuring peripheral devices.
8. Students will identify hardware methods of upgrading system performance, procedures for replacing basic subsystem components, unique components and when to use them.
9. Students will identify common symptoms and problems associated with each module.
10. Students will demonstrate and/or explain how to troubleshoot and isolate the problems.
11. Students will identify basic troubleshooting procedures.
Given a scenario, students will demonstrate how to elicit problem symptoms from
12. Students will identify and/or explain the purpose of various types of preventive maintenance products and procedures and when to use them.
13. Students will identify issues, procedures, and devices for protection within the computing environment (i.e.: people, hardware, and the surrounding environment).
14. Students will identify, describe, and/or differentiate between the popular CPU chips in terms of their basic characteristics.

15. Students will identify and/or explain the categories of RAM (Random Access Memory) terminology, their locations, and physical characteristics.
16. Students will identify and/or explain the most popular type of motherboards, their components, and their architecture (i.e.: bus structures and power supplies).
17. Students will explain the purpose of CMOS (Complementary Metal-Oxide Semiconductor).
18. Students will list the components of CMOS.
19. Given a CMOS structure, students will demonstrate how to change its basic parameters.
20. Students will identify and/or explain the basic printer concepts, printer operations, and printer components.
21. Students will explain and/or demonstrate care and service techniques of printers.
22. Students will identify and/or explain common problems with primary printer types.
23. Students will identify the basic networking concepts (i.e.: how a network works, and the ramifications of repairs on the network).
24. Students will identify and/or explain the operating system's functions, structure, and major system files to navigate the operating system.
25. Students will explain how to get to needed technical information.
26. Students will explain and/or demonstrate basic concepts and procedures for creating, viewing, and managing files, directories and disks.
27. Students will explain and/or demonstrate the procedures for changing file attributes and the ramifications of those changes (i.e.: security issues).
28. Students will identify and/or explain the procedures for installing Windows 9x, and Windows 2000 for bringing the software to a basic operational level.
29. Students will explain and/or demonstrate the steps to perform an operating system upgrade.
30. Students will identify the basic system boot sequences and boot methods.
31. Students will explain and/or demonstrate the steps to create an emergency boot disk with utilities installed for Windows 9x, Windows NT, and Windows 2000.
32. Students will explain and/or demonstrate the procedures for loading/adding and configuring application device drivers, and the necessary software for certain devices.
33. Students will recognize and interpret the meaning of common error codes and startup messages from the boot sequence, and identify steps to correct the problems.
34. Students will identify common problems and determine how to resolve them.
35. Students will identify the networking capabilities of Windows including procedures for connecting to the network.
36. Students will identify and/or explain concepts and capabilities relating to the Internet.
37. Students will explain and/or demonstrate the basic procedures for setting up a system for Internet access.

Goal 1: *Students will develop appreciation, knowledge, understanding, and critical thinking skills in the installation, configuration, and upgrading of computer hardware.*

- 1.1 Students will identify basic terms, concepts, and functions of system modules (i.e.: system board, power supply, processor, memory, BIOS, ports), including how each module should work during normal operation and during boot process.
- 1.2 Students will identify and/or list basic procedures for adding, removing field replaceable modules (i.e.: system board, storage device, power supply, processors, memory, input devices) for both desktop and portable systems.
- 1.3 Students will identify available IRQs, DMAs, and I/O addresses and procedures for device installation and configuration.
- 1.4 Given a schematic of the computer, students will identify common peripheral ports, associated cabling, and their connectors.
- 1.5 Students will identify, demonstrate, and/or explain proper procedures for installing and configuring IDE/EIDE devices.
- 1.6 Students will identify, demonstrate, and/or explain the proper procedures for installing and configuring SCSI devices.
- 1.7 Students will identify, demonstrate, and/or explain the proper procedures for installing and configuring peripheral devices.
- 1.8 Students will identify hardware methods of upgrading system performance, procedures for replacing basic subsystem components, unique components and when to use them.

Goal 2: *Students will develop appreciation, knowledge, understanding, and critical thinking skills in diagnosing and troubleshooting computer hardware.*

- 2.1 Students will identify common symptoms and problems associated with each module.
- 2.2 Students will demonstrate and/or explain how to troubleshoot and isolate the problems.
- 2.3 Students will identify basic troubleshooting procedures.
- 2.4 Given a scenario, students will demonstrate how to elicit problem symptoms from customers.

Goal 3: *Students will develop appreciation, knowledge, understanding, and critical thinking skills in preventive maintenance within the computing environment.*

- 3.1 Students will identify and/or explain the purpose of various types of preventive maintenance products and procedures and when to use them.
- 3.2 Students will identify issues, procedures, and devices for protection within the computing environment (i.e.: people, hardware, and the surrounding environment).

Goal 4: *Students will develop appreciation, knowledge, understanding, and critical thinking skills of the components of the computer (i.e.: motherboard, processors, memory).*

- 4.1 Students will identify, describe, and/or differentiate between the popular CPU chips in terms of their basic characteristics.
- 4.2 Students will identify and/or explain the categories of RAM (Random Access Memory) terminology, their locations, and physical characteristics.
- 4.3 Students will identify and/or explain the most popular type of motherboards, their components, and their architecture (i.e.: bus structures and power supplies).

- 4.4 Students will explain the purpose of CMOS (Complementary Metal-Oxide Semiconductor).
- 4.5 Students will list the components of CMOS.
- 4.6 Given a CMOS structure, students will demonstrate how to change its basic parameters.

Goal 5: Students will develop appreciation, knowledge, understanding, and critical thinking skills of printers and troubleshooting printers.

- 5.1 Students will identify and/or explain the basic printer concepts, printer operations, and printer components.
- 5.2 Students will explain and/or demonstrate care and service techniques of printers.
- 5.3 Students will identify and/or explain common problems with primary printer types.

Goal 6: Students will develop appreciation, knowledge, understanding, and critical thinking skills in computer hardware networking.

- 6.1 Students will identify the basic networking concepts (i.e.: how a network works, and the ramifications of repairs on the network).

Goal 7: Students will develop appreciation, knowledge, understanding, and critical thinking skills in operating system fundamentals.

- 7.1 Students will identify and/or explain the operating system's functions, structure, and major system files to navigate the operating system.
- 7.2 Students will explain how to get to needed technical information.
- 7.3 Students will explain and/or demonstrate basic concepts and procedures for creating, viewing, and managing files, directories and disks.
- 7.4 Students will explain and/or demonstrate the procedures for changing file attributes and the ramifications of those changes (i.e.: security issues).

Goal 8: Students will develop appreciation, knowledge, understanding, and critical thinking skills in installation, configuration, and upgrading of software.

- 8.1 Students will identify and/or explain the procedures for installing Windows 9x, and Windows 2000 for bringing the software to a basic operational level.
- 8.2 Students will explain and/or demonstrate the steps to perform an operating system upgrade.
- 8.3 Students will identify the basic system boot sequences and boot methods.
- 8.4 Students will explain and/or demonstrate the steps to create an emergency boot disk with utilities installed for Windows 9x, Windows NT, and Windows 2000.
- 8.5 Students will explain and/or demonstrate the procedures for loading/adding and configuring application device drivers, and the necessary software for certain devices.

Goal 9: Students will develop appreciation, knowledge, understanding, and critical thinking skills in diagnosing and troubleshooting software problems.

- 9.1 Students will recognize and interpret the meaning of common error codes and startup messages from the boot sequence, and identify steps to correct the problems.
- 9.2 Students will identify common problems and determine how to resolve them.

Goal 10: *Students will develop appreciation, knowledge, understanding, and critical thinking skills in networking skills with software.*

- 10.1 Students will identify the networking capabilities of Windows including procedures for connecting to the network.
- 10.2 Students will identify and/or explain concepts and capabilities relating to the Internet.
- 10.3 Students will explain and/or demonstrate the basic procedures for setting up a system for Internet access.

Jurupa Unified School District

Course Plan

Course Title:	Healthy Living	Adopted:
Department/ Standards Groups:	Nondepartmental	
Grade Level:	9 th	
Credits / Meets:	5 credits / Meets State Health Requirements	
Length of Course:	1 semester	
Prerequisites:	None	
Course Description:	This course is designed to provide a transition to high school that will promote success, self-confidence and knowledge of health related issues. In the process of meeting the State mandated health requirement, the students will develop academic, social, and personal skills that are essential for educational success.	
Textbook:	State approved supplemental materials will be used.	
Course Goals:	Develop appreciation, knowledge, comprehension and critical thinking skills in: 1. Mental and Social Skills 2. Family Living, Sexuality, HIV and Aids 3. Personal Health 4. Substance Abuse	
Exit Standards:	See attached	
Assessment:	Tests-informal, textbook generated, teacher created: Classroom participation and activities Assignments Worksheets Research Paper Notebook	

MENTAL AND SOCIAL HEALTH

GOAL 1 DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION, CRITICAL THINKING SKILLS IN MENTAL AND SOCIAL HEALTH.

- 1.1 Students will identify and/or explain the concept of personality and the common personality traits associated with a mentally health person. (K, C) I/D
- 1.2 Given lists of characteristics, students will identify and/or explain the physical, mental, social, and emotional changes that occur throughout the life cycle. (K, C) I/D
- 1.3 Given the scenarios, students will identify and/or demonstrate with a written essay or verbal explanation, appropriate ways to express needs, wants, and feelings. (K, CTS) I/D
- 1.4 Students will identify and/or explain situations and behaviors that lead to interpersonal conflict and violence. (K, C) I/D
- 1.5 Students will identify and/or explain the interpersonal communication skills involved in active listening, assertiveness, negotiation, and collaboration. (K, C) I/D
- 1.6 Given scenarios, students will identify and/or explain acceptable responses to stress and anger management (K, C) I/D
- 1.7 Given scenarios, students will identify and/or explain the warning signs, coping strategies, and community resources for depression and suicide. (K, C) I/D
- 1.8 Students will identify and/or explain the stages of the grieving process. (K, C) I/D
- 1.9 Student will identify and/or demonstrate long-term and short-term goal setting processes. (K, C) I/D
- 1.10 Given scenarios, students will identify and/or explain how to differentiate between realistic and unrealistic goals. (K, C) I/D
- 1.11 Students will identify and/or explain the new responsibilities encountered in adolescence. (K, C) I/D

FAMILY LIVING, SEXUALITY, HIV, AND AIDS

GOAL 2A DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION, AND CRITICAL THINKING SKILLS RELATED TO FAMILY LIVING.

- 2a.1 Given scenarios, students will identify and/or explain the types of families such as nuclear, single parent, extended, blended, foster, and other types. (K, C) I/D
- 2a.2 Students will identify the components of healthy and unhealthy families. (K) I
- 2a.3 Students will identify and/or demonstrate the communications skills important for solving family problems. (K, C) I/D
- 2a.4 Given lists of characteristics, students will identify physical, sexual, and emotional abuse, neglect, and their consequences. (K, C) I
- 2a.5 Given information, students will identify school and community resources to deal with family violence and other family problems. (K) I

GOAL 2B TO DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION, AND CRITICAL THINKING SKILLS RELATING TO ADOLESCENT SEXUALITY.

- 2b.1 Students will identify and/or explain the development role that dating plays in adolescence. (K, C) I/D
- 2b.2 Students will identify and/or explain the components of healthy and unhealthy dating relationships. (K, CTS) I/D
- 2b.3 Students will identify and/or explain the rights and responsibilities regarding one's bode, including the refusal skills that support the decision to refrain from sexual activity. (K, C) I/D
- 2b.4 Students will identify and/or explain various pregnancy prevention methods, emphasizing abstinence as the 100% effective method. (K, C) I/D
- 2b.5 Students will identify and/or explain the characteristics of a successful marriage. (K, C) I/D
- 2b.6 Given scenarios, students will identify and/or explain the obstacles facing teenage marriages. (K, C) I/D
- 2b.7 Students will identify and/or explain the human reproductive process from conception through pregnancy to birth. (K, C) I/D

2b.8 Students will identify and/or explain how environment and nutrition affect prenatal and post-natal development. (K, C) I/D

2b.9 Students will identify and/or explain the challenges associated with teenage pregnancy. (K, C) I/D

GOAL 2 DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION, AND CRITICAL THINKING SKILLS RELATED TO HIV AND AIDS EDUCATION.

- 2c.1 Given a list, students will identify three methods of HIV transmission. (K) I
- 2c.2 Given a situation, students will match the appropriate level of risk (high, low, or none) for HIV transmission. (CTS) I
- 2c.3 Students will list four resources of current, accurate, information about transmission of the HIV virus. (K) I
- 2c.4 Given the description of an individual with disease characteristics, students will select the proper disease status. (HIV Positive, AIDS, HIV Negative, or Unknown) (CTS) I
- 2c.5 Students will identify immune suppression as the cause of the symptoms in people with AIDS. (K) I
- 2c.6 Students will match the acronyms/initials AIDS, HIV, STD, IV, with the purchase they represent. (K) I
- 2c.7 Given a situation, students will identify abstinence from sexual intercourse as the most effective way to prevent the sexual transmission of HIV. (K, C) I
- 2c.8 Given a situation, students will identify abstinence from drug use as the most effective way to prevent the transmission of HIV from unclean injection equipment. (K, C) I
- 2c.9 Given a situation, students will identify abstinenes from drug / alcohol use as the most effective way to prevent transmission of HIV due to impaired decision making. (K, C) I
- 2c.10 Given a series of descriptions, students will select the description that best universal precautions. (K, CTS) I
- 2c.11 Given a list, students will select the percentages that reflect the success and failure rates of condoms. (K) I
- 2c.12 Given a scenario, students will analyze the situation and identify the decision making and/or resistance skills illustrated. (CTS) I
- 2c.13 Given a stereotypical description of a person with HIV / AIDS, students will label the description as a stereotype. (C) I
- 2c.14 Given a description of a person with HIV / AIDS, students will label the description as a myth. (C) I

2c.15 Given a list that includes persons with chronic or disabling illnesses, students will match the illnesses with compassionate descriptions. (K, C) I

PERSONAL HEALTH

GOAL 3 DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION AND CRITICAL THINKING SKILLS IN PHYSICAL AND PERSONAL HEALTH.

- 3.1 Given information, students will identify and/or explain a personal health plan that includes management of nutrition, fitness, and stress. (CTS) I/D
- 3.2 Students will identify and / or explain good decision making skills related to their own personal health. (K, C) I/D
- 3.3 Given scenarios, students will identify the causes and preventions of heart disease, cancer, and diabetes. (K) I
- 3.4 Students will identify, explain, and demonstrate the first aid steps for hemorrhage control, cardiopulmonary resuscitation, and treatment of poisoning. (K, CTS) I/D
- 3.5 Students will identify, explain, and/or outline the steps in an emergency response plan for school, home, or community. (K, C) I/D
- 3.6 Students will identify and/or explain the importance of universal precautions in performing first aid. (K, C) I/D
- 3.7 Given examples, the students will identify and/or explain the effects of advertising and the media upon personal health. (K) I/D

SUBSTANCE ABUSE

GOAL 4 DEVELOP APPRECIATION, KNOWLEDGE, COMPREHENSION, AND CRITICAL THINKING SKILLS IN MEDICINES, DRUGS, ALCOHOL, AND TOBACCO.

- 4.1 Given lists of medicines and/or drugs, students will identify and/or explain their reactions as beneficial or harmful in the body. (K, C) I/D
- 4.2 Students will identify and/or explain the body's reaction to alcohol and tobacco. (K, C) I/D
- 4.3 Students will identify the effects of medicines, drugs, alcohol, and tobacco on young children and unborn child. (K) I
- 4.4 Students will identify sources of information about products and services regarding medicines, drugs, alcohol, and tobacco. (K) I
- 4.5 Given a list of possible influences such as family, friends, ads, billboards, and the media, students will identify and/or explain which are most likely to influence them. (K, C) I/D
- 4.6 Given scenarios, students will identify and/or demonstrate, through role playing coping mechanisms and refusal skills to keep off drugs, alcohol, and tobacco. (K, C) I/D
- 4.7 Students will identify the stages of developing a nicotine addiction. (K) I
- 4.8 Students will identify and/or explain the process of withdrawal from dependency on tobacco, alcohol, and drugs, and identify helpful techniques for quitting use. (K, D) I/D
- 4.9 Students will identify the characteristic of problem drinking and alcoholism. (K) I
- 4.10 Students will identify alcohol's immediate effects such as intoxication, alcohol combined with drugs, and too much alcohol too quickly. (K) I
- 4.11 Students will identify and/or explain the effects of substance abuse on society such as health care, driving, family involvement. (K, C) I/D
- 4.12 Students will identify and/or explain the effects of drug and abuse on crime, disease, and personal relationships. (K, C) I/D
- 4.13 Students will identify and/or explain physical dependency and addiction. (K, C) I/D

THE ACADEMIC SKILLS BELOW WILL BE INCLUDED IN THE PROCESS OF
TEACHING THE FOUR HEALTH GOALS.

1. Students will practice listening attentively when a person is giving directions, and identify those directions on a test or quiz.
2. Students will ask for help when needed.
3. Students will identify the information in, and utilize, the student planner book as a study guide and reminder.
4. Students will practice and improve reading skills.
5. Students will practice and improve writing skills.
6. Students will practice note-taking.
7. Student will identify and practice specific test taking skills.
8. Students will summarize a given reading assignment.
9. Students will prepare and present an oral report.
10. Students will prepare a written report.
11. Students will outline chapters from the textbook or other written material.
12. Students will interpret and/or explain a graph.
13. Students will interpret and/or explain a chart.
14. Given information, students will create charts and graphs.
15. Students will write an autobiography.
16. Students will take notes on videos.
17. Students will participate in cooperative learning and group projects.
18. Given written material, students will write an evaluative essay.
19. Students will edit work written by themselves and their peers.
20. Given criteria, students will evaluate their personal writing assignments.
21. Given instruction, students will write a descriptive essay.

Jurupa Unified School District

**RESOLUTION #03/48
AUTHORIZING THE DISTRICT'S LABOR COMPLIANCE PROGRAM
AS REQUIRED BY AB 1506 AND LABOR CODE SECTION 1771.7**

WHEREAS, existing law requires the payment of the general prevailing rate of per diem wages for public works projects exceeding \$1,000.00 and;

WHEREAS, AB1506, Chapter 868, Statutes of 2002 requires an awarding body that chooses to use funds for a public works project on or after April 1, 2003, from either the Kindergarten-University Public Education Facilities Bond Act of 2002 or 2004, to initiate and enforce, or contract with a 3rd party to initiate and enforce, a labor compliance program for public works projects and;

WHEREAS, the District intends to use funds from the 2002 and 2004 Bond Acts on public works projects which will commence on or after April 1, 2003 and therefore will require a Labor Compliance Program and;

WHEREAS, the District has submitted a Labor Compliance Program application to the Department of Industrial Relations for review and approval and;

WHEREAS, the Director, Department of Industrial Relations has approved the District's initial Labor Compliance Program application and;

WHEREAS, the District desires to authorize staff to take any and all action required to develop a Labor Compliance Program and obtain approval from the Department of Industrial Relations of its Labor Compliance Program and to submit said certification to the State Allocation Board to obtain funding for the public works projects and;

THEREFORE BE IT RESOLVED, that the Board of Education of the Jurupa Unified School District does hereby approve the District's initial Labor Compliance Program as required by AB 1506 and described in Labor Code Section 1771.7 and does hereby resolve, determine and order the Director, Centralized Support Services or designee to perform any and all action as may be required to initiate and enforce the District's Labor Compliance Program.

Passed and adopted this 2nd day of June 2003

BOARD OF EDUCATION

Clerk of the Board

Date



DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director

770 L Street, Suite 1160

Sacramento, CA 95814

(916) 324-4163 FAX (916) 324-8394



April 22, 2003

Sheila E. Carpenter
Director, Centralized Support Services
Jurupa Unified School District
4850 Pedley Road
Riverside, CA 92509

Re: Labor Compliance Program

Dear Ms. Carpenter:

In accordance with the provisions of Title 8, California Code of Regulations, Section 16426, initial approval of the Jurupa Unified School District' Labor Compliance Program is hereby granted effective April 22, 2003. As indicated in Section 16426(c), this approval automatically expires one year after approval date unless an extension of the initial approval is requested in writing or the Director grants final approval at least 30 days prior to the anniversary date of this approval. As you know, you may apply for final approval of the program after eleven continuous months of operation (CCR §16427).

Sincerely Yours,

A handwritten signature in cursive script that reads 'Chuck Cake'.

Chuck Cake
Acting Director

cc: Troy Fernandez
Susan Nakagama

PREFACE

The Jurupa Unified School District ("District") institutes this Labor Compliance Program for the purpose of implementing its policy relative to the labor compliance provisions of Labor Code Section 1771.7

This program is applicable to all public works projects which are funded under the Kindergarten-University Public Education Facilities Bond Acts of 2002 or 2004 and which commence construction after April 1, 2003.

California Labor Code Section 1770, et seq., requires that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research.

California Labor Code Section 1776 requires contractors to keep accurate payroll records of trades workers on all public works projects and to submit copies of certified payroll records upon request.

California Labor Code Section 1777.5 requires contractors to employ registered apprentices on public works projects.

This labor compliance program ("LCP") contains the labor compliance standards required by state laws, regulations, and directives, as well as School District policies and contract provisions, which include, but are not limited to, the following:

1. Contractors' payment of applicable general prevailing wage rates.
2. Contractors' employment of properly registered apprentices.
3. Contractors' providing certified payroll records at times designated in the contract or within 10 days upon request.
4. Program's monitoring District construction sites for the verification of proper payments of prevailing wage rates and work classification.
5. Program's conducting pre-job conferences with contractors/subcontractors.
6. Program's withholding contract payments and imposing penalties for noncompliance.
7. Program's preparation and submittal of annual reports.

The Labor Compliance Officer ("LCO") is the District's representative for enforcement of the LCP.

**JURUPA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE PROGRAM**

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ATTACHMENTS

- A. Checklist of Labor Law Requirements for Review at Job Start Meetings
- B. Audit Record Form
- C. Notice of Deadline for Forfeitures
- D. Notice of Withholding of Contract Payments
- E. Notice of Transmittal
- F. Notice of Opportunity to Review Evidence Pursuant To Labor Code Section 1742(b)
- G. Prevailing Wage Hearing Regulations, Title 8, CCR, Sections 17201-17270
- H. Forms
 - Public Works Contract Award Information (DAS 140)
 - Training Funds Contributions (CAC 2)
 - Contractor Fringe Benefit Statement
 - Monthly Employment Utilization Report (sample)
 - Certified Payroll Reporting Form (sample)
 - DIR Public Works Payroll Reporting Form A-1-131(2-80)
 - Prevailing Wage Determination (sample)
 - Labor Compliance Site Visitation Interview Form
 - Site Visitation Log

INTRODUCTION

The Jurupa Unified School District ("District") institutes this Labor Compliance Program ("LCP") for the purpose of implementing its policy to comply with the provisions of Labor Code Section 1771.7 pertaining to the use of funds derived from either the Kindergarten-University Public Facilities Bond Act of 2002 or the Kindergarten-University Public Facilities Bond Act of 2004. This LCP contains the labor compliance standards required by state laws, regulations, and directives, as well as School District policies and contract provisions.

The California Labor Code Section 1770, et seq., and Education Code Section 17424 require that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research, and any precedential decisions issued by the Department of Industrial Relations.

In establishing this LCP, the District adheres to the statutory requirements as enunciated in Section 1771.5(b) of the Labor Code. Further, it is the intent of the District to actively enforce this LCP by monitoring District construction sites for the payment of prevailing wage rates, and by requiring contractors and subcontractors having workers on District sites to submit copies of certified payroll records demonstrating their compliance with the payment of prevailing wage rates.

Should applicable Sections of the Labor Code or Title 8 of the California Code of Regulations undergo alteration, amendment, or deletion, the District will modify the affected portions of this program accordingly.

SECTION I
PUBLIC WORKS SUBJECT TO PREVAILING WAGE LAWS

State prevailing wage rates apply to all public works contracts as set forth in Labor Code Sections 1720 *et seq.*, and include, but are not limited to, such types of work as construction, alteration, demolition, repair, or installation work. The Division of Labor Statistics and Research (DLSR) predetermines the appropriate prevailing wage rates for particular construction trades and crafts by county.

A. Types of Contracts to Which Prevailing Wage Requirements Apply

As provided in Labor Code Section 1771.7(a) and (b), an awarding body that chooses to use funds derived from either the Kindergarten-University Public Education Facilities Bond Act of 2002 or the Kindergarten-University Public Education Facilities Bond Act of 2004 shall initiate and enforce a Labor Compliance Program as described in subdivision (b) of Section 1771.5 of the Labor Code with respect to that public works project. Accordingly, upon approval by the Director of the Department of Industrial Relations, this awarding body LCP shall apply to public works using funds derived from those Bond Acts which commence on or after April 1, 2003.

B. Applicable Dates for Enforcement of the LCP

The applicable dates for enforcement of awarding body Labor Compliance Programs is established by Section 16425 of the California Code of Regulations. Contracts are not subject to the jurisdiction of the Labor Compliance Program until after the program has received initial or final approval.

SECTION II
COMPETITIVE BIDDING ON DISTRICT PUBLIC WORKS CONTRACTS

All District bid advertisements (or bid invitations) and public works contracts shall contain appropriate language concerning the requirements of the Labor Code.

SECTION III
JOB START MEETING

After the District awards the public works contract, and prior to the commencement of the work, a mandatory Job Start meeting (Pre-Job conference) shall be conducted by the LCO with the contractor and those subcontractors listed in its bid documents.

At that meeting, the LCO will discuss the state labor law requirements applicable to the contract, including prevailing wage requirements, the respective record keeping responsibilities, the requirement for the submittal of certified payroll records to the District, and the prohibition against discrimination in employment.

The LCO will provide the contractor and each subcontractor with a Checklist of Labor Law Requirements (**presented as Attachment A to this document**) and will discuss in detail the following checklist items:

1. The contractor's duty to pay prevailing wages under Labor Code Section 1770 *et seq.*, should the project exceed the exemptions amounts;
2. The contractor's duty to employ registered apprentices on public works projects under Labor Code Section 1777.5;
3. The penalties for failure to pay prevailing wages (for non-exempt projects) and to employ apprentices, including forfeitures and debarment under Labor Code Sections 1775, 1777.7 and 1813;
4. The requirement to keep and submit copies upon request of certified payroll records under Labor Code Section 1776, and penalties for failure to do so under Labor Code Section 1776(g). This requirement includes and applies to all subcontractors performing work on District projects even if their portion of the work is less than one half of one percent of the total amount of the contract.
5. The prohibition against employment discrimination under Labor Code Sections 1735 and 1777.6; the Government Code, and Title VII of the Civil Rights Act of 1964;
6. The prohibition against accepting or extracting kickback from employee wages under Labor Code Section 1778;
7. The prohibition against accepting fees for registering any person for public work under Labor Code 1779; or for filing work orders on public works under Labor Code Section 1780;
8. The requirement to list all subcontractors under Public Contract Code Section 4100 *et seq.*;
9. The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractors License Law, found at Business and Professions Code Section 7000 *et seq.*;
10. The prohibition against unfair competition under Business and Professions Code Sections 17200-17208;
11. The requirement that the contractor and subcontractor be properly insured for Workers' Compensation under Labor Code Section 1861;
12. The requirement that the contractor abide by the Occupational, Safety and Health laws and regulations that apply to the particular public works project.

The contractors and subcontractors present at the Job Start meeting will be given the opportunity to ask questions of the LCO relative to the items contained in the Labor Law Requirements Checklist. The checklist will then be signed by the contractor's representative and the District's LCO, a representative of each subcontractor, and the LCO.

At the Job Start meeting, the LCO will provide the contractor with a copy of the District's LCP package which includes: a copy of the approved LCP, the checklist of Labor Law Requirements, Department of Industrial Relations website (www.dir.ca.gov) where the applicable prevailing wage determinations can be obtained, blank certified payroll record forms, fringe benefit statements, State apprenticeship requirements, and a copy of the Labor Code relating to Public Works and Public Agencies (Part 7, Chapter 1, Sections 1720-1861).

It will be the contractor's responsibility to provide copies of the LCP package to all contractors performing work on the project.

SECTION IV REVIEW OF CERTIFIED PAYROLL RECORDS

A. Certified Payroll Records Required

The contractor and each subcontractor shall maintain payrolls and basic records required under the Labor Code and applicable Industrial Welfare Commission Orders (for example, timecards, canceled checks, cash receipts, etc.) and shall preserve them for a period of three (3) years thereafter for all trades workers working on District projects which are subject to the LCP. Such records shall include the name, address, and social security number of each worker, his or her classification, a general description of the work each employee performed each day, the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits), daily and weekly number of hours worked, and actual wages paid.

1. Submittal of Certified Payroll Records

The contractor and each subcontractor shall maintain weekly certified payroll records for submittal to the District LCO at times designated in the contract or within 10 days upon request. The contractor shall be responsible for the submittal of payroll records of all its subcontractors. All certified payroll records shall be accompanied by a statement of compliance signed by the contractor or each subcontractor indicating that the payroll records are correct and complete, that the wage rates contained therein are not less than those determined by the Director of the Department of Industrial Relations, and that the classifications set forth for each employee conform with the work performed.

Time cards, front and back copies of cancelled checks, daily logs, employee sign-in sheets and/or any other record maintained for the purposes of reporting payroll may be requested by the Labor Compliance Officer at any time and shall be provided within 10 days following the receipt of the request.

2. Full Accountability

Each individual, laborer or craftsman working on a public works contract must appear on the payroll. The basic concept is that the employer who pays the tradesworkers must report that individual on its payroll. This includes individuals working as apprentices in an apprenticeable trade. Owner-operators are to be reported by the contractor employing them and rental equipment operators are to be reported by the rental company paying the workers' wages.

Sole owners and partners who work on a contract must also submit a certified payroll record listing the days and hours worked, and the trade classification descriptive of the work actually done.

The contractor shall provide the records required under this Section to the School District within five (5) days of each payday, and available for inspection by the Department of Industrial Relations, and shall permit representatives of each to interview tradesworkers during working hours on the project site.

3. Responsibility for Subcontractors

The contractor shall be responsible for ensuring adherence to labor standards provisions by its subcontractors. Moreover, the prime contractor is responsible for Labor Code violations of its subcontractors in accordance with Labor Code Section 1775.

4. Payment to Employees

Employees must be paid unconditionally, and not less often than once each week, the full amounts, that are due and payable for the period covered by the particular payday. Thus, an employer must establish a fixed workweek (Sunday through Saturday, for example) and an established payday (such as every Friday or the preceding day should such payday fall on a holiday). On each and every payday, each worker must be paid all sums due as of the end of the preceding workweek and must be provided with an itemized wage statement.

If an individual is called a subcontractor, whereas, in fact, he/she is merely a journey level mechanic supplying only his/her labor, such an individual would not be deemed a bona fide subcontractor and must be reported on the payroll of the prime contractor as a trades worker. Moreover, any person who does not hold a valid contractor's license when required cannot be a subcontractor, and anyone hired by that person is the worker or employee of the general contractor for purposes of prevailing wage requirements, certified payroll reporting and workers' compensation laws.

The worker's rate for straight time hours must equal or exceed the rate specified in the contract by reference to the "Prevailing Wage Determinations" for the class of work actually performed. The hourly rate for hours worked in excess of 8 hours in a day and 40 hours in a workweek shall be premium pay. All work performed on Saturday, Sunday and holidays shall be paid pursuant to the Prevailing Wage determination.

B. Apprentices

Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered and approved by the State Division of Apprenticeship Standards ("DAS"). Apprentices not registered in a DAS approved program may not be paid at the apprentice wage classification. The allowable ratio of apprentices to journeypersons in any craft/classification shall not be greater than the ratio permitted to the contractor as to its entire workforce under the registered program.

Any worker listed on a payroll at an apprentice wage rate who is not registered shall be paid the journey level wage rate determined by the Department of Industrial Relations for the classification of the work he/she actually performed.

Compliance with California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

1. Submit contract award information to the apprenticeship committee for each apprenticeable craft or trade in the area of the Project;
2. Request dispatch of apprentices from the applicable Apprenticeship Program(s) and employ apprentices on public works projects in a ratio to journeypersons which in no case shall be less than one (1) hour of apprentice work to each five (5) hours of journeyperson work; and
3. Contribute to the applicable Apprenticeship Program(s) or the California Apprenticeship Council in the amount identified in the prevailing wage rate publication for journeypersons and apprentices. If payments are not made to an Apprenticeship Program, they shall be made to the California Apprenticeship Council.

If the contractor is registered to train apprentices, it shall furnish written evidence of the registration (i.e., Apprenticeship Agreement or Statement of Registration) of its training program and apprentices, as well as the ratios allowed and the wage rates required to be paid thereunder for the area of construction, prior to using any apprentices in the contract work. It should be noted that a prior approval for a separate project does not confirm approval to train on any project. The contractor/subcontractor must check with the applicable Apprenticeship Committee to verify status.

C. Audit of Certified Payroll Records

Audits shall be conducted by the LCO when evidence establishes reasonable cause, or at the request of the Labor Commissioner, to determine whether all workers on project sites have been paid according to the prevailing wage rates. The audit record form (**presented as Attachment B to this document**) demonstrates the sufficient detail that is necessary to verify compliance with the Labor Code requirements.

SECTION V
REPORTING OF WILLFUL VIOLATIONS TO
THE LABOR COMMISSIONER

If an investigation reveals that a willful violation of the Labor Code has occurred, the LCO will make a written report to the Labor Commissioner which shall include: (1) an audit consisting of a comparison of payroll records to the best available information as to the actual hours worked, (2) the classification of workers employed on the public works contract. Six (6) types of willful violations are reported:

- A. Failure to Comply with Prevailing Wage Rate Requirements. Failure to comply with prevailing wage rate requirements (as set forth in the Labor Code and District contracts) may be determined to be a willful violation under Labor Code Section 1777.1.
- B. Falsification of Payroll Records, Misclassification of Work, and/or Failure to Accurately Report Hours of Work. Falsification of payroll records and failure to accurately report hours of work is characterized by deliberate underreporting of hours of work; underreporting the headcount; stating that the proper prevailing wage rate was paid when, in fact, it was not; clearly misclassifying the work performed by the worker; and any other deliberate and/or willful act which results in the falsification or inaccurate reporting of payroll records.

- C. Failure to Submit Certified Payroll Records. The contractors and subcontractors shall have ten (10) days upon notification by the LCO in which to comply with the requirement of submittal of weekly payroll records and/or to correct inaccuracies or omissions that have been detected.
- D. Failure to Pay Fringe Benefits. Fringe benefits are defined as the amounts stipulated for employer payments or trust fund contributions and are determined to be part of the required prevailing wage rate. Failure to pay or provide fringe benefits and/or make trust fund contributions on a timely basis is equivalent to payment of less than the stipulated wage rate and shall be reported to the Labor Commissioner as a willful violation, upon completion of an investigation and audit.
- E. Failure to Pay the Correct Apprentice Rates and/or Misclassification of Workers as Apprentices. Failure to pay the correct apprentice rate or classifying a worker as an apprentice when not properly registered is equivalent to payment of less than the stipulated wage rate and shall be reported to the Labor Commissioner as a willful violation upon completion of an investigation and audit.
- F. Taking of Kickbacks. Accepting or extracting kickbacks from employee wages under Labor Code Section 1778 constitutes a felony and may be prosecuted by the appropriate enforcement agency.

SECTION VI ENFORCEMENT ACTION

A. Duty of the Awarding Body

The District, as the awarding body having an approved LCP, has a duty to the Director of the Department of Industrial Relations to enforce Labor Code Section 1720 *et seq.* and the procedural regulations of the Department of Industrial Relations in a manner consistent with the practice of DLSE and regulations found at Title 8, California Code Regulations, Section 16000 *et seq.*

B. Withholding Contract Payments When Payroll Records are Delinquent or Inadequate

1. "Withhold" means to cease payments by the awarding body, its agents or others who pay on its behalf to the contractor. Where the violation is by a subcontractor, the prime contractor shall be notified of the nature of the violation and reference made to its rights under Labor Code Section 1729.

A release bond under Civil Code Section 3196 may not be posted for the release of the funds being withheld for the violation of the prevailing wage law.

2. "Contracts" except as otherwise provided by agreement, means only contracts under a single master contract, or contracts entered into as stages of a single project which may be the subject of withholding pursuant to Labor Code Sections 1720, 1720.2, 1720.3, 1720.4, 1771 and 1771.5.
3. "Delinquent payroll records" means those not submitted on the basis set forth in the District Contract and the LCP;
4. "Inadequate payroll records" are any one of the following:
 - a. A record lacking the information required by Labor Code Section 1776;

- b. A record which contains the required information but which is not certified, or certified by someone not an agent of the contractor or subcontractor;
- c. A record remaining uncorrected for one payroll period, after the awarding body has given the contractor notice of inaccuracies detected by audit or record review; provided, however, that prompt correction will stop any duty to withhold if such inaccuracies are *de minimus*.

Pursuant to Labor Code Section 1776, the contractor shall, as a penalty to the School District, forfeit twenty-five dollars (\$25) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated.

C. Withholding for Violation for Not Paying the Per Diem Prevailing Wages

- 1. "Amount equal to the underpayment" is the total of the following determined by payroll review, audit, or admission of the contractor or subcontractor:
 - a. The difference between the amounts paid to workers and the correct General Prevailing Wage Rate of Per Diem Wages as defined in Title 8, CCR Section 16000, et seq.;
 - b. The difference between the amounts paid to workers and the correct amounts of employer payments, as defined in Title 8 CCR Section 16000 *et seq.* and determined to be part of the prevailing rate costs of contractors due for employment of workers in such craft, classification, or trade in which they were employed and the amounts paid;
 - c. Estimated amounts of "illegal taking of wages"; and
 - d. Amounts of apprenticeship training contributions paid to neither the program sponsor's training trust nor the California Apprenticeship Council.
- 2. Provisions relating to the penalties under Labor Code Sections 1775, and 1813:
 - a. Pursuant to Labor Code Section 1775, the contractor shall, as a penalty to the School District, forfeit up to fifty dollars (\$50) for each calendar day, or portion thereof, for each worker paid less than the prevailing wages.
 - b. Pursuant to Labor Code Section 1813, the contractor shall, as a penalty to the School District on whose behalf the contract is awarded, forfeit twenty-five dollars (\$25) for each worker employed in the execution of the contract by the contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week.

D. Forfeitures Requiring Approval by the Labor Commissioner

- 1. "Forfeitures" are the amounts of unpaid penalties and wages assessed by the School District for violations of the prevailing wage laws, whether collected by withholding from the contract amount, by suit under the contract, or both.
- 2. "Failing to pay the correct rate of prevailing wages" means those public works violations which the Labor Commissioner has exclusive authority to approve before they are recoverable by the Labor Compliance Program, and which are appealable by the contractor before the Director of the

Department of Industrial Relations under Labor Code Sections 1742 and 1742.1 pursuant to the California Code of Regulations Title 8, Chapter 8, Subchapter 8 (§§ 17201 through 17270). Regardless of what is defined as prevailing "wages in contract terms, noncompliance with the following are considered failures to pay prevailing wages:

- a. Nonpayment of items defined as "Employer Payments" and "General Prevailing Rate of Per Diem Wages" in Title 8 CCR Section 16000 and Labor Code Section 1771.
- b. Failure to provide complete and accurate payroll records, as required by Labor Code Section 1776;
- c. Paying apprentice wages lower than the journey level rate to a worker who is not an apprentice as defined in Labor Code Section 3077, working under an apprentice agreement in a recognized program;
- d. Accepting or extracting kickbacks, in violation of Labor Code Section 1778;
- e. Engaging in prohibited actions related to fees for registration as a public works employee, in violation of Labor Code Section 1779;
- f. Failure to pay overtime for work over 8 hours in any one day or 40 hours in any one week, in violation of Labor Code Sections 1813, 1815, or Title 8 CCR Section 16200(a)(3)(F).

E. Determination of Amount of Forfeiture by the Labor Commissioner

1. Where the LCO requests a determination of the amount of forfeiture, the request shall include a file or report to the Labor Commissioner which contains at least the following information:
 - a. The date that the public work was accepted, and the date that a notice of completion was filed;
 - b. Any other deadline which, if missed, would impede collection;
 - c. Evidence of violation in narrative form;
 - d. Evidence that an "audit" or "investigation" occurred in compliance with Title 8 CCR Section 16432;
 - e. Evidence that the contractor was given the opportunity to explain why it believes there was no violation; or that any violation was caused by mistake, inadvertence, or neglect before the forfeiture was sent to the Labor Commissioner, and the contractor either did not do so or failed to convince the awarding body of its position;
 - f. Where the School District seeks not only amounts of wages but also a penalty as part of the forfeiture, and the contractor has unsuccessfully contended that the cause of violation was a mistake, inadvertence, or neglect, a statement should accompany the proposal for a forfeiture with a recommended penalty amount, pursuant to Labor Code Section 1775;
 - g. Where the School District seeks only wages or a penalty less than \$50 per day as part of the forfeiture, and the contractor has successfully contended that the cause of violation was a mistake, inadvertence, or neglect, then the file should include the evidence as to the

contractor's knowledge of its obligation, including the Program's communication to the contractor of the obligation in the bid invitations, at the pre-job conference agenda and records, and any other notice given as part of the contracting process. Included with the file should be a statement similar to that described in subsection (f) above and recommended penalty amounts, pursuant to Labor Code Section 1775;

- h. The previous record of the contractor in meeting prevailing wage obligations.
- 2. The file or report shall be served on the Labor Commissioner not less than 30 days before the final payment or, if that deadline has passed, not less than 180 days following the filing of the notice of completion as long as funds remain in the contract.
- 3. A copy of the file or report shall be served on the contractor at the same time as it is sent to the Labor Commissioner. The Notice of Deadlines for Forfeitures is **presented as Attachment C to this document**.

The School District may exclude from the documents served on the contractor/subcontractor or surety copies of documents secured from these parties during an audit, investigation, or meeting if those documents are clearly referenced in the file or report.

- 4. The Labor Commissioner shall affirm, reject, or modify the forfeiture in whole or in part as to penalty and/or wages due.
- 5. The determination of the forfeiture by the Labor Commissioner is effective on the following date for Labor Compliance Programs having **initial approval** pursuant to Section 16426 of the California Code of Regulations: on the date the Labor Commissioner serves by first class mail on the District and on the contractor, an endorsed copy of the proposed forfeiture, or a drafted forfeiture statement which sets out the amount of forfeiture approved. Service on the contractor is effective if made on the last address supplied by the contractor in the record.

The Labor Commissioner's approval, modification, or disapproval of the proposed forfeiture shall be served within 30 days of receipt of the proposed forfeiture.

F. Deposits of Penalties and Forfeitures Withheld

- 1. Where the involvement of the Labor Commissioner has been limited to a determination of the actual amount of penalty, forfeiture, or underpayment of wages, and the matter has been resolved without litigation by or against the Labor Commissioner, the School District shall deposit penalties and forfeitures into its General Fund.
- 2. Where collection of fines, penalties, or forfeitures results from court action to which the Labor Commissioner and the District are both parties, the fines, penalties, or forfeitures shall be divided between the General Funds of the State and the District, as the court may decide.
- 3. All amounts recovered by suit brought by the Labor Commissioner, and to which the District is not a party, shall be deposited in the General Fund of the State of California.
- 4. All wages and benefits which belong to a worker and are withheld or collected from a contractor or subcontractor, either by withholding or as a result of court action pursuant to Labor Code Section 1775, and which have not been paid to the worker or irrevocably committed on the

worker's behalf to a benefits fund, shall be deposited with the Labor Commissioner, who will deal with such wages and benefits in accordance with Labor Code Section 96.7.

G. Debarment Policy

1. It is the policy of the School District that the public works prevailing wage requirements set forth in the California Labor Code, Section 1720-1861, be strictly enforced. In furtherance thereof, construction contractors and subcontractors found to be repeat violators of the California Labor Code shall be referred to the Labor Commissioner for debarment from bidding on or otherwise being awarded any public work contract, within the state of California, for the performance of construction and/or maintenance services for the period not to exceed three (3) years in duration. The duration of the debarment period shall depend upon the nature and severity of the labor code violations and any mitigating and/or aggravating factors, which may be presented at the hearing conducted by the Labor Commissioner for such purpose.

SECTION VII
NOTICE OF WITHHOLDING AND REVIEW THEREOF

A. Notice of Withholding of Contract Payments

After determination of the amount of forfeiture by the Labor Commissioner, the School District shall provide notice of withholding of contract payments to the contractor and subcontractor, if applicable. The notice shall be in writing and shall describe the nature of the violation and the amount of wages, penalties, and forfeitures withheld. Service of the notice shall be completed pursuant to Section 1013 of the Code of Civil Procedure by first-class and certified mail to the contractor and subcontractor, if applicable. The notice shall advise the contractor and subcontractor, if applicable, of the procedure for obtaining review of the withholding of contract payments. The awarding body shall also serve a copy of the notice by certified mail to any bonding company issuing a bond that secures the payment of wages covered by the notice and to any surety on a bond, if their identities are known to the awarding body. **A copy of the Notice of Withholding of Contract Payments (NWCP) to be utilized by the School District is found as Attachment D to this document.**

B. Review of NWCP

1. An affected contractor or subcontractor may obtain review of a NWCP under this chapter by transmitting a written request to the office of the LCP that appears on the NCWP within 60 days after service of the NWCP. If no hearing is requested within 60 days after service of the NWCP, the NWCP shall become final.
2. Within ten days following the receipt of the request for review, the District shall transmit to the Office of the Director-Legal Unit the request for review and copies of the Notice of Withholding of Contract Payments, any audit summary that accompanied the notice, and a proof of service or other documents showing the name and address of any bonding company or surety that secures the payment of the wages covered by the notice. **A copy of the required Notice of Transmittal to be utilized by the School District is found as Attachment E to this document.**
3. Upon receipt of a timely request, a hearing shall be commenced within 90 days before the Director, who shall appoint an impartial hearing officer possessing the qualifications of an administrative law judge pursuant to subdivision (b) of Section 11502 of the Government Code.

The appointed hearing officer shall be an employee of the department, but shall not be an employee of the Division of Labor Standards Enforcement. The contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the LCP at the hearing within 20 days of the receipt of the written request for a hearing. Any evidence obtained by the LCP subsequent to the 20-day cutoff shall be promptly disclosed to the contractor or subcontractor. A copy of a Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b) form is found as Attachment F to this document.

The contractor or subcontractor shall have the burden of proving that the basis for the NWCP is incorrect. The NWCP shall be sufficiently detailed to provide fair notice to the contractor or subcontractor of the issues at the hearing.

Within 45 days of the conclusion of the hearing, the Director shall issue a written decision affirming, modifying, or dismissing the assessment. The decision of the Director shall consist of a notice of findings, findings, and an order. This decision shall be served on all parties pursuant to Section 1013 of the Code of Civil Procedure by first-class mail at the last known address of the party on file with the LCP. Within 15 days of the issuance of the decision, the Director may reconsider or modify the decision to correct an error, except that a clerical error may be corrected at any time.

The Director has adopted regulations setting forth procedures for hearings under this subdivision. The regulations are found as Attachment G to this document.

4. An affected contractor or subcontractor may obtain review of the decision of the Director by filing a petition for a writ of mandate to the appropriate superior court pursuant to Section 1094.5 of the Code of Civil Procedure within 45 days after service of the decision. If no petition for writ of mandate is filed within 45 days after service of the decision, the order shall become final. If it is claimed in a petition for writ of mandate that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.
5. A certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the state against the person assessed in the amount shown on the certified order.
6. A judgment entered pursuant to this procedure shall bear the same rate of interest and shall have the same effect as other judgments and shall be given the same preference allowed by law on other judgments rendered for claims for taxes. The clerk shall not charge for the service performed by him or her pursuant to this Section.
7. This procedure shall provide the exclusive method for review of a NWCP by the School District to withhold contract payments pursuant to Section 1771.7.

SECTION VIII
DISTRIBUTION OF FORFEITED SUMS

1. Before making payments to the contractor of money due under a contract for public work, the School District shall withhold and retain therefrom all amounts required to satisfy the NWCP. The amounts required to satisfy the NWCP shall not be disbursed by the School District until receipt of a final order that is no longer subject to judicial review.
2. Pending a final order, or the expiration of the time period for seeking review of the notice of the withholding, the School District shall not disburse any contract payments withheld.
3. From the amount recovered, the wage claim shall be satisfied prior to the amount being applied to penalties. If insufficient money is recovered to pay each worker in full, the money shall be prorated among all workers employed on the public works project who are paid less than the prevailing wage rate may have priority as required and set forth by State law over all Stop Notices filed against the prime contractor.
4. Wages for workers who cannot be located shall be placed in the Industrial Relations Unpaid Fund and held in trust for the workers pursuant to Section 96.7. Penalties shall be paid into the General Fund of the School District that has enforced this chapter pursuant to Section 1771.7.

SECTION IX
OUTREACH ACTIVITIES

To ensure the successful implementation of the District's Labor Compliance Program, there shall be several outreach activities initiated and maintained.

A. Providing Information to the Public

The Labor Compliance Officer shall be responsible for communication and outreach activities relative to public information on the District's Labor Compliance Program:

1. Regular presentations to contractors at all District Job Walk Meetings (Pre-Bid conferences) and Job Start Meetings (Pre-Job conferences);
2. Ongoing communication via correspondence and with workers at District job sites when review of the certified payroll records reveals the possibility of prevailing wage violations.
3. Periodic meetings with contractor organizations, prime contractors and subcontractors interested in public works contracting with the District.

B. In-service Management training on the Labor Compliance Program

The Labor Compliance Program shall provide ongoing management in-servicing and workshops for Facilities, Business, Accounting and legal staff relative to the terms, requirements and administration of the Labor Compliance Program.

SECTION X
ANNUAL REPORTS

A. Annual Report on the LCP to the Director of the Department of Industrial Relations and District Board of Education

The LCO will submit to the Director of the Department of Industrial Relations and its Board of Education an annual report on the operation of its LCP within 60 days after the end of its fiscal year, or accompany its request for an extension of initial approval, whichever comes first. The annual report will contain, as a minimum, the following information:

1. Number of public works contracts awarded using Bond Act funds, and their total value;
2. A summary of wages due to workers resulting from failure by contractors to pay prevailing wage rates; the total amount withheld from money due the contractors; and the total amount recovered by action in any court of competent jurisdiction;
3. A summary of penalties and forfeitures imposed and withheld, or recovered in a court of competent jurisdiction; and
4. A special summary of all audits that were conducted upon the request of the Labor Commissioner.

Copies of this report will be distributed to the Director of the Department of Industrial Relations, District Superintendent and the Board of Education.

ATTACHMENT A

*JURUPA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE PROGRAM*

**CHECKLIST OF LABOR LAW REQUIREMENTS
FOR REVIEW AT JOB START MEETINGS**

(In accordance with CCR Section 16430)

The state labor law requirements applicable to the contract are composed of, but not limited to, the following:

1. Payment of Prevailing Wage Rates

The award of a public works contract requires that all workers employed on the project be paid not less than the specified general prevailing wage rates by the contractor and its subcontractors.

The contractor is responsible for obtaining and complying with all applicable general prevailing wage rates for tradesworkers and any rate changes which may occur during the term of the contract. Prevailing wage rates and rate changes are to be posted at the job site for workers to view.

2. Apprentices

It is the duty of the contractor and subcontractors to employ registered apprentices on public works projects pursuant to Labor Code Section 1777.5;

3. Penalties

Penalties, including forfeitures and debarment, shall be imposed for contractor/subcontractor failure to pay prevailing wages, failure to maintain and submit accurate certified payroll records upon request, failure to employ apprentices, and for failure to pay employees for all hours worked at the correct prevailing wage rate, in accordance with Labor Code Sections 1775, 1776, 1777.7, and 1813.

4. Certified Payroll Records

Pursuant to Labor Code Section 1776, contractors and subcontractors are required to keep accurate payroll records which reflect the name, address, social security number, and work classification of each employee; the straight time and overtime hours worked each day and each week; the fringe benefits; and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee hired in connection with a public works project.

Contractors and subcontractors shall maintain their certified payrolls on a weekly basis and shall submit said payrolls to the LCO at times designated in the contract or within 10 days upon request. In the event that there has been no work performed during a given week, the Certified Payroll Record shall be annotated "No Work" for that week.

5. Nondiscrimination in Employment

Prohibitions against employment discrimination are contained in Labor Code Sections 1735 and 1777.6; the Government Code; and Title VII of the Civil Rights Act of 1964, as amended.

6. Kickback Prohibited

Pursuant to Labor Code Section 1778, contractors and subcontractors are prohibited from accepting, taking wages illegally or extracting "kickback" from employee wages;

7. Acceptance of Fees Prohibited

Contractors and subcontractors are prohibited from exacting any type of fee for registering individuals for public work (Labor Code Section 1779); or for filling work orders on public works contracts (Labor Code Section 1780);

8. Listing of Subcontractors

Contractors are required to list all subcontractors hired to perform work on a public works project when that work is equivalent to more than one-half of one percent of the Contractor's total bid (Public Contract Code Section 4100, *et seq.*);

9. Proper Licensing

Contractors and subcontractors are required to be properly licensed. Penalties will be imposed for employing workers while unlicensed (Labor Code Section 1021 and under California Contractors License Law, found at Business and Professions Code Section 7000, *et seq.*);

10. Unfair Competition Prohibited

Contractors and subcontractors are prohibited from engaging in unfair competition (Business and Professions Code Sections 17200-17208);

11. Workers' Compensation Insurance

All contractors and subcontractors are required to be insured against liability for workers' compensation, or to undertake self-insurance in accordance with the provisions of Labor Code Section 3700 (Labor Code Section 1861);

12. OSHA

Contractors and subcontractors are required to comply with the Occupational, Safety and Health laws and regulations applicable to the particular public works project.

In accordance with state laws, District policy and the contract documents, the undersigned contractor herein certifies that it will comply with the foregoing labor law requirements; and fully understands that failure to comply with these requirements will subject it to the penalties cited herein.

For the Contractor:

For the District:

Signature

Signature

Title

Title

Date

Date

ATTACHMENT B

**JURUPA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE PROGRAM**

AUDIT RECORD FORM

(For Use with CCR Section 16432 Audits)

When required, an audit record is sufficiently detailed to "verify compliance with the requirements of Chapter 1, Public Works, Part 7 of Division 2," when the audit record displays that the following procedures have been followed:

1. Audit of the obligation to secure workers' compensation insurance means producing written evidence of a binder issued by the carrier, or telephone or written inquiry to the Workers' Compensation Insurance Rating Bureau;
2. Audit of the obligation to employ and train apprentices means inquiry to the program sponsor for the apprenticeable craft or trade in the area of the public work as to: whether contract award information was received, including an estimate of journey person hours to be performed and the number of apprentices to be employed; whether apprentices have been requested, and whether the request has been met; whether the program sponsor knows of any amounts received from the contractor or subcontractor for the training trust or the California Apprenticeship Council; and whether persons listed on the certified payroll in that craft or trade as being paid less than the journey person rate are apprentices registered with that program and working under apprentice agreements approved by the Division of Apprenticeship Standards;
3. Audit of the obligation to pass through amounts made part of the bid for apprenticeship training contributions, to either the training trust or the California Apprenticeship Council, means asking for copies of checks sent, or when the audit occurs more than 30 days after the month in which payroll has been paid, copies of canceled checks;
4. Audit of "illegal taking of wages" means inspection of written authorizations for deductions (as listed in Labor Code Section 224) in the contractor's or subcontractor's files and comparison to wage deduction statements furnished to employees (Labor Code Section 226), together with an interview of several employees as to any payments made which are not reflected on the wage deduction statements;
5. Audit of the obligation to keep records of working hours, and pay not less than required by Title 8 CCR Section 16200(a)(3)(F) for hours worked in excess of 8 hours and audit of Certified Weekly Payrolls under Title 8 CCR Section 16432;
6. Audit of the obligation to pay the prevailing per diem wage means review and audit of Certified Weekly Payrolls for compliance with:
 - a. All elements defined as the "General Prevailing Rate of Per Diem Wages" in Title 8 CCR Section 16000, which were determined to be prevailing in the Director's determination in effect on the date of the call for bids, or any subsequent wage changes applicable to the contract, available at the principal office and posted;
 - b. All elements defined as "Employer Payments" set forth in Title 8 CCR Section 16000, which were determined to be prevailing in the Director's determination in effect on the date of the call for bids, or any subsequent wage changes applicable to the contract, available at the principal office and posted.

ATTACHMENT C

*JURUPA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE PROGRAM*

NOTICE OF DEADLINES FOR FORFEITURES
(Under CCR Section 16437)

TO: (NAME OF CONTRACTOR)

This document requests the Labor Commissioner of California to approve a forfeiture of money you would otherwise be paid. The Jurupa Unified School District Labor Compliance Program Officer is asking the Labor Commissioner of California to agree, in 30 days, that the enclosed Evidence Report and package of materials indicates that you have violated the law.

Your failure to respond to the Jurupa Unified School District's request that the Labor Commissioner approve a forfeiture by writing to the Labor Commissioner within 30 days of the date of service (the date of postmark) of this document on you may lead the Labor Commissioner to affirm the proposed forfeiture and may also end your right to contest those amounts further.

You must serve any written response on the Labor Commissioner and the Jurupa Unified School District Labor Compliance Program Officer by return receipt requested/certified mail. If you serve a written explanation, with evidence, as to why the violation did not occur or why the penalties should not be assessed, within the 30-day period, it will be considered.

And

If you change your address, or decide to hire an attorney, it is your responsibility to advise the Jurupa Unified School District Labor Compliance Program Officer and the Labor Commissioner by certified mail. Otherwise, notices will be served at your last address on file, and deadlines may pass before you receive such notice.

ATTACHMENT D

Labor Compliance Program <hr/> <hr/> <hr/> <hr/> <hr/> Phone: _____ Fax: _____	(SEAL)
Date: _____	In Reply Refer to Case No.: _____

Notice of Withholding of Contract Payments

Awarding Body _____	* Work Performed in County of _____
Project Name _____	* Project No. _____
Prime Contractor _____	
Subcontractor _____	

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, the Labor Compliance Program for _____ (A Labor Compliance Program@) has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code Sections 1771.5 and 1771.6, the Labor Compliance Program hereby issues this Notice of Withholding of Contract Payments.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

The Labor Compliance Program has determined that the total amount of wages due is: \$ _____

The Labor Compliance Program has determined that the total amount of penalties assessed under Labor Code Sections 1775 and 1813 is: \$ _____

The Labor Compliance Program has determined that the amount of penalties assessed under Labor Code Section 1776 is: \$ _____

LABOR COMPLIANCE PROGRAM

By: _____



Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Sections 1742 and 1771.6, an affected contractor or subcontractor may obtain review of this Notice of Withholding of Contract Payments by transmitting a written request to the office of the Labor Compliance Program that appears below within 60 days after service of the notice. **To obtain a hearing, a written Request for Review must be transmitted to the following address:**

Labor Compliance Program

Review Office-Notice of Withholding of Contract Payments

A **Request for Review** either shall clearly identify the Notice of Withholding of Contract Payments from which review is sought, including the date of the notice, or it shall include a copy of the notice as an attachment, and shall also set forth the basis upon which the notice is being contested. In accordance with Labor Code Section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing within 20 days of the Labor Compliance Program's receipt of the written **Request for Review**.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code Section 1743.

In accordance with Labor Code Section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

Opportunity for Settlement Meeting

In accordance with Labor Code Section 1742.1 (b), the Labor Compliance Program shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Notice of Withholding of Contract Payments, afford the contractor or subcontractor the opportunity to meet with the Labor Compliance Program's designee **to attempt to settle a dispute regarding the notice**. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, the settlement meeting, other than a final settlement agreement, is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is **in addition** to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written **Request for Review** has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Compliance Program's designee to attempt to settle a dispute regarding this notice must be transmitted to _____ at the following address:

Liquidated Damages

In accordance with Labor Code Section 1742.1, after 60 days following the service of this Notice of Withholding of Contract Payments, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the notice shall be liable for liquidated damages in an amount equal to the wages, or portion thereof that still remain unpaid. If the notice subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

The Amount of Liquidated Damages Available Under this Notice is \$ _____.

Distribution:

Prime Contractor
Subcontractor
Surety(s) on Bond

ATTACHMENT E

LABOR COMPLIANCE PROGRAM Review Office - Notice of Withholding of Contract Payments _____ Phone: _____ Fax: _____ Date: _____	(SEAL) In Reply Refer to Case No.: _____
------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------

Notice of Transmittal

To: Department of Industrial Relations
Office of the Director-Legal Unit
Attention: Lead Hearing Officer
P. O. Box 420603
San Francisco, CA 94142-0603

Enclosed herewith please find a Request for Review, dated _____, postmarked
_____, and received by this office on _____.

Also enclosed please find the following:

- _____ Copy of Notice of Withholding of Contract Payments
- _____ Copy of Audit Summary

LABOR COMPLIANCE PROGRAM

By: _____

cc: Prime Contractor
Subcontractor
Bonding Company

Please be advised that the Request for Review identified above has been received and transmitted to the address indicated. Please be further advised that the governing procedures applicable to these hearings are set forth at Title 8, California Code of Regulations Sections 17201-17270. These hearings are not governed by Chapter 5 of the Government Code, commencing with Section 11500.



ATTACHMENT F

LABOR COMPLIANCE PROGRAM <hr/> Review Office - Notice of Withholding of Contract Payments <hr/> <hr/> <hr/> Phone: Fax:	(SEAL)
Date:	In Reply Refer to Case No.:

Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b)

To: Prime Contractor

Subcontractor

Please be advised that this office has received your **Request for Review**, dated _____, and pertaining to the Notice of Withholding of Contract Payments issued by the Labor Compliance Program in Case No. _____.

In accordance with Labor Code Section 1742(b), this notice provides you with an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review, and the procedures for reviewing such evidence.

Rule 17224 of the Prevailing Wage Hearing Regulations provides as follows:

A(a) Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the affected contractor or subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing of the Request for Review.

(b) An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the affected contractor or subcontractor the option at said party's own expense to either (i) obtain copies of all such evidence through a commercial copying service or (ii) inspect and copy such evidence at the office of the Enforcing Agency during normal business

hours; or if (2) the Enforcing Agency at its own expense forwards copies of all such evidence to the affected contractor or subcontractor.

(c) The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

(d) The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline may be extended by written request or agreement of the affected contractor or subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code Section 1742(b) and this Rule, shall preclude the enforcing agency from introducing such evidence in proceedings before the Hearing officer or the Director.

(e) This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the affected contractor or subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another party in the proceeding. @

In accordance with the above Rule, please be advised that the Labor Compliance Program's procedure for you to exercise your opportunity to review evidence is as follows:

Within five calendar days of the date of this notice, please transmit the attached Request to Review Evidence to the following address:

Attention: _____

Request to Review Evidence

To: _____

From: _____

Regarding Notice of Withholding of Contract Payments Dated _____

Our Case No.: _____

The undersigned hereby requests an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review.

Phone No.: _____

Fax No.: _____

ATTACHMENT G

*JURUPA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE PROGRAM*

PREVAILING WAGE HEARING REGULATIONS

CALIFORNIA CODE OF REGULATIONS
TITLE 8, CHAPTER 8, SUBCHAPTER 6
(SECTIONS 17201 through 17270)

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ARTICLE 1. GENERAL

17201. Scope and Application of Rules.

(a) These Rules govern proceedings for review of civil wage and penalty assessments and the withholding of contract payments under Articles 1 and 2 of Division 2, Part 7, Chapter 1 (commencing with section 1720) of the Labor Code, as well as any notice assessing penalties for noncompliance with payroll record obligations under Labor Code section 1776. The provisions of Labor Code section 1742 and these Rules apply to all such assessments and notices served on a contractor or subcontractor on or after July 1, 2001 and provide the exclusive method for an Affected Contractor or Subcontractor to obtain review of any such notice or assessment. These Rules also apply to transitional cases in which notices were served but no court action was filed under Labor Code sections 1731-1733 prior to July 1, 2001, in accordance with Section 17270 (Rule 70) below.

(b) These Rules do not govern debarment proceedings under Labor Code section 1777.1, nor proceedings to review determinations with respect to the violation of apprenticeship obligations under Labor Code sections 1777.5 and 1777.7, nor any criminal prosecution.

(c) These Rules do not preclude any remedies otherwise authorized by law to remedy violations of Division 2, Part 7, Chapter 1 of the Labor Code.

(d) For easier reference, individual sections within these prevailing wage hearing regulations are referred to as "Rules" using only their last two digits. For example, this Section 17201 may be referred to as Rule 01.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, 1771.5, 1771.6(b), 1773.5, 1776, and 1777.1 – 1777.7, Labor Code; and Stats. 2000, Chapter 954, §1.

17202. Definitions.

For the purpose of these Rules:

(a) "Affected Contractor or Subcontractor" means a contractor or subcontractor (as defined under Labor Code section 1722.1) to whom the Labor Commissioner has issued a civil wage and penalty assessment pursuant to Labor Code section 1741, or to whom an Awarding Body has issued a notice of the withholding of contract payments pursuant to Labor Code section 1771.6, or to whom the Labor Commissioner or the Division of Apprentice Standards has issued a notice assessing penalties for noncompliance with payroll record obligations under Labor Code section 1776;

(b) "Assessment" means a civil wage and penalty assessment issued by the Labor Commissioner or his or her designee pursuant to Labor Code section 1741, and it also includes a notice issued by either the Labor Commissioner or the Division of Apprenticeship Standards pursuant to Labor Code section 1776;

(c) "Awarding Body" means an awarding body or body awarding the contract (as defined in Labor Code section 1722) that exercises enforcement authority under Labor Code section 1726 or 1771.5;

(d) "Department" means the Department of Industrial Relations;

(e) "Director" means the Director of the Department of Industrial Relations;

(f) "Enforcing Agency" means the entity which has issued an Assessment or Notice of Withholding of Contract Payments and with which a Request for Review has been filed; *i.e.*, it refers to the Labor Commissioner when review is sought from an Assessment, the Awarding Body when review is sought from a Notice of Withholding of Contract Payments, and the Division of Apprenticeship Standards when review is sought from a notice issued by that agency that assesses penalties under Labor Code section 1776;

- (g) "Hearing Officer" means any person appointed by the Director pursuant to Labor Code section 1742(b) to conduct hearings and other proceedings under Labor Code section 1742 and these Rules;
- (h) "Joint Labor-Management Committee" means a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code).
- (i) "Labor Commissioner" means the Chief of the Division of Labor Standards Enforcement and includes his or her designee who has been authorized to carry out the Labor Commissioner's functions under Chapter 1, Part 7 of Division 2 (commencing with section 1720) of the Labor Code;
- (j) "Party" means an Affected Contractor or Subcontractor who has requested review of either an Assessment or a Notice of Withholding of Contract Payments, the Enforcing Agency that issued the Assessment or the Notice of Withholding of Contract Payments from which review is sought, and any other Person who has intervened under subparts (a), (b), or (c) of Rule 08 [Section 17208];
- (k) "Person" means an individual, partnership, limited liability company, corporation, governmental subdivision or unit of a governmental subdivision, or public or private organization or entity of any character;
- (l) "Representative" means a person authorized by a Party to represent that Party in a proceeding before a Hearing Officer or the Director, and includes the Labor Commissioner when the Labor Commissioner has intervened to represent the Awarding Body in a review proceeding pursuant to Labor Code section 1771.6(b).
- (m) "Rule" refers to a section within this subchapter 6. The Rule number corresponds to the last two digits of the full section number. (For example, Rule 08 is the same as section 17208.)
- (n) "Surety" has the meaning set forth in Civil Code section 2787 and refers to the entity that issues the public works bond provided for in Civil Code sections 3247 and 3248 or any other surety bond that guarantees the payment of wages for labor.
- (o) "Working Day" means any day that is not a Saturday, Sunday, or State holiday, as determined with reference to Code of Civil Procedure sections 12(a) and 12(b) and Government Code sections 6700 and 6701.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 2787, 3247, and 3248, Civil Code; sections 12a and 12b, Code of Civil Procedure; sections 6700, 6701, 11405.60 and 11405.70, Government Code; sections 1720 et seq., 1722, 1722.1, 1726, 1741, 1742, 1742(b), 1771.5, 1771.6, 1771.6(b), and 1776, Labor Code; and 29 U.S.C. §175a.

17203. Computation of Time and Extensions of Time to Respond or Act.

- (a) In computing the time within which a right may be exercised or an act is to be performed, the first day shall be excluded and the last day shall be included. If the last day is not a Working Day, the time shall be extended to the next Working Day.
- (b) Unless otherwise indicated by proof of service, if the envelope was properly addressed, the mailing date shall be presumed to be: a postmark date imprinted on the envelope by the U.S. Postal Service if first-class postage was prepaid; or the date of delivery to a common carrier promising overnight delivery as shown on the carrier's receipt.
- (c) Where service of any notice, decision, pleading or other document is by first class mail, and if within a given number of days after such service, a right may be exercised, or an act is to be performed, the time within which such right may be exercised or act performed is extended five days if the place of address is within the State of California, and 10 days if the place of address is outside the State of California but within the United States. However, this Rule shall not extend the time within which the Director may reconsider or modify a decision to correct an error (other than a clerical error) under Labor Code section 1742(b).

(d) Where service of any notice, pleading, or other document is made by an authorized method other than first class mailing, extensions of time to respond or act shall be calculated in the same manner as provided under section 1013 of the Code of Civil Procedure, unless a different requirement has been specified by the appointed Hearing Officer or by another provision of these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1010 through 1013, Code of Civil Procedure; and section 1742(b), Labor Code.

17204. Appointment of Hearing Officers; Delegation of Appointment Authority to Chief Counsel.

(a) Upon receipt of a Request for Review of an Assessment or of a Notice of Withholding of Contract Payments, the Director, acting through the Chief Counsel (*see* subpart (d) below), shall appoint an impartial Hearing Officer to conduct the review proceeding.

(b) The appointed Hearing Officer shall be an attorney employed by the Office of the Director – Legal Unit. However, if no attorney employed by the Office of the Director – Legal Unit is available or qualified to serve in a particular matter, the appointed Hearing Officer may be any attorney or administrative law judge employed by the Department, other than an employee of the Division of Labor Standards Enforcement.

(c) Any person appointed to serve as a Hearing Officer in any matter shall possess at least the minimum qualifications for service as an administrative law judge pursuant to Government Code section 11502(b) and shall be someone who is not precluded from serving under Government Code section 11425.30.

(d) The Director's authority under Labor Code section 1742(b) to appoint an impartial Hearing Officer, is delegated in all cases to the Chief Counsel of the Office of the Director or to the Chief Counsel's designated Assistant or Acting Chief Counsel when the Chief Counsel is unavailable or disqualified from participating in a particular matter. This delegation includes all related authority under Rule 40 [Section 17240] below to appoint a different Hearing Officer to conduct all or any part of a review proceeding as well as the authority to consider and decide or to assign to another Hearing Officer for consideration and decision any motion to disqualify an appointed Hearing Officer.

NOTE: Authority cited: sections 7, 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11425.30 and 11502(b), Government Code; and sections 7, 55, 59, and 1742(b), Labor Code.

17205. Authority of Hearing Officers.

(a) In any proceeding assigned for hearing and decision under the provisions of Labor Code section 1742, the appointed Hearing Officer shall have full power, jurisdiction and authority to hold a hearing and ascertain facts for the information of the Director, to hold a prehearing conference, to issue a subpoena and subpoena duces tecum for the attendance of a Person and the production of testimony, books, documents, or other things, to compel the attendance of a Person residing anywhere in the state, to certify official acts, to regulate the course of a hearing, to grant a withdrawal, disposition or amendment, to order a continuance, to approve a stipulation voluntarily entered into by the Parties, to administer oaths and affirmations, to rule on objections, privileges, defenses, and the receipt of relevant and material evidence, to call and examine a Party or witness and introduce into the hearing record documentary or other evidence, to request a Party at any time to state the respective position or supporting theory concerning any fact or issue in the proceeding, to extend the submittal date of any proceeding, to exercise such other and additional authority as is delegated to Hearing Officers under these Rules or by an express written delegation by the Director, and to prepare a recommended decision, including a notice of findings, findings, and an order for approval by the Director.

(b) There shall be no right of appeal to or review by the Director of any decision, order, act, or refusal to act by an appointed Hearing Officer other than through the Director's review of the

record in issuing or reconsidering a written decision under Rules 60 [Section 17260] and 61 [Section 17261] below.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11512, Government Code and section 1742(b), Labor Code.

17206. Access to Hearing Records.

(a) Hearing case records shall be available for inspection and copying by the public, to the same extent and subject to the same policies and procedures governing other records maintained by the Department. Hearing case records normally will be available for review in the office of the appointed Hearing Officer; *provided however*, that a case file may be temporarily unavailable when in use by the appointed Hearing Officer or by the Director or his or her designee.

(b) Nothing in this Rule shall authorize the disclosure of any record or exhibit that is required to be kept confidential or is otherwise exempt from disclosure by law or that has been ordered to be kept confidential by an appointed Hearing Officer.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 6250 et seq. Government Code and section 1742(b), Labor Code.

17207. Ex Parte Communications.

(a) Except as provided in this Rule, once a Request for Review is filed, and while the proceeding is pending, there shall be no direct or indirect communication regarding any issue in the proceeding to the appointed Hearing Officer or the Director, from the Enforcing Agency or any other Party or other interested Person, without notice and the opportunity for all Parties to participate in the communication.

(b) A communication made on the record in the hearing is permissible.

(c) A communication concerning a matter of procedure or practice is presumed to be permissible, unless the topic of the communication appears to the Hearing Officer to be controversial in the context of the specific case. If so, the Hearing Officer shall so inform the other participant and may terminate the communication or continue it until after giving all Parties notice and an opportunity to participate. Any written communication concerning a matter of procedure or practice, and any written response, or a written memorandum identifying the participants and stating the substance of any such oral communication or response, shall be added to the case file so that all Parties have a reasonable opportunity to review it. Unless otherwise provided by statute or these Rules, the appointed Hearing Officer may determine a matter of procedure or practice based upon a permissible ex-parte communication. The term "matters of procedure or practice" shall be liberally construed.

(d) A communication from the Labor Commissioner to the Hearing Officer or the Director which is deemed permissible under Government Code section 11430.30 is permitted only if any such written communication and any written response, or a written memorandum identifying the participants and stating the substance of any such oral communication or response, is added to the case file so that all Parties have a reasonable opportunity to review it.

(e) If the Hearing Officer or the Director receives a communication in violation of this Rule, he or she shall comply with the requirements of Government Code section 11430.50.

(f) To the extent not inconsistent with Labor Code section 1742, the provisions of Article 7 of Chapter 4.5 of Title 2, Division 3, Part 1 (commencing with section 11430.10) of the Government Code governing ex parte communications in administrative adjudication proceedings shall apply to review proceedings conducted under these Rules.

(g) This Rule shall not be construed as prohibiting communications between the Director and the Labor Commissioner or between the Director and any other interested Person on issues or policies of general interest that coincide with issues involved in a pending review proceeding; *provided that* (1) the communication does not directly or indirectly seek to influence the outcome of any pending proceeding; (2) the communication does not directly or indirectly identify or

otherwise refer to any pending proceeding; and (3) the communication does not occur at a time when the Director or the other party to the communication knows that a proceeding in which the other party to the communication is interested is under active consideration by the Director.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11430.10 through 11430.80, Government Code, and section 1742(b), Labor Code.

17208. Intervention and Participation by other Interested Persons.

(a) The Labor Commissioner may intervene as a matter of right in any review from a Notice of Withholding of Contract Payments, either as the Representative of the Awarding Body or as an interested third Party.

(b) A bonding company and any Surety on a bond that secures the payment of wages covered by the Assessment or Notice of Withholding of Contract Payments shall be permitted to intervene as a matter of right in any pending review filed by the contractor or subcontractor from the Assessment or Withholding of Contract Payments in question; *provided that*, intervention is sought at or before the first prehearing conference held pursuant to Rule 31 [Section 17231] below and within either 30 days after the bonding company or Surety was served with a copy of the Assessment or Notice of Withholding of Contract Payments or 30 days after the filing of the Request for Review, whichever is later. Thereafter, any request to intervene by such a bonding company or Surety shall be treated as a motion for permissive participation under subpart (e) of this Rule. A bonding company or Surety shall have the burden of proof with respect to any claim that it did not receive notice of the Assessment or Notice of Withholding of Contract Payments until after the filing of the Request for Review.

(c) The employee(s), labor union, or Joint Labor-Management Committee who filed the formal complaint which led the Enforcing Agency to issue the Assessment or Notice of Withholding of Contract payments shall be permitted to intervene in a pending review filed by the contractor or subcontractor from the Assessment or Withholding of Contract Payments in question; *provided that*, intervention is sought at or before the first prehearing conference held pursuant to Rule 31 [Section 17231] below and there is no good cause to deny the request. Thereafter, any request to intervene by such employee(s), labor union, or Joint Labor-Management Committee shall be treated as a motion for permissive participation as an interested Person under subpart (d) of this Rule.

(d) Any other Person may move to participate as an interested Person in a proceeding in which that Person claims a substantial interest in the issues or underlying controversy and in which that Person's participation is likely to assist and not hinder or protract the hearing and determination of the case by the Hearing Officer and the Director. Interested Persons who are permitted to participate under this Rule shall *not* be regarded as Parties to the proceeding for any purpose, but may be provided notices and the opportunity to present arguments under such terms as the Hearing Officer deems appropriate.

(e) Rights to intervene or participate as an interested party are only in accordance with this Rule. Intervention or permissive participation under this Rule shall not expand the scope of issues under review nor shall it extend any rights or interests which have been forfeited as a result of an Affected Contractor or Subcontractor's own failure to file a timely Request for Review. The Hearing Officer may impose conditions on an intervener's or other interested Person's participation in the proceeding, including but not limited to those conditions specified in Government Code §11440.50(c).

(f) No Person shall be required to seek intervention in a review proceeding as a condition for pursuing any other remedy available to that Person for the enforcement of the prevailing wage requirements of Division 2, Part 7, Chapter 1 (starting with section 1720) of the Labor Code.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11440.50(c), Government Code; and sections 1720 et seq., 1741, 1742, and 1771.6, Labor Code.

17209. Representation at Hearing.

- (a) A Party may appear in person or through an authorized Representative, who need not be an attorney at law; *however*, a Party shall use the form Authorization for Representation by Non-Attorney [8 CCR 17209(b) (New 1/15/02)] to authorize representation by any non-attorney who is not an owner, officer, or managing agent of that Party.
- (b) Upon formal notification that a Party is being represented by a particular individual or firm, service of subsequent notices in the matter shall be made on the Representative, either in addition to or instead of the Party, unless and until such authorization is terminated or withdrawn by further written notice. Service upon an authorized Representative shall be effective for all purposes and shall control the determination of any notice period or the running of any time limit for the performance of any acts, regardless of whether or when such notice may also have been served directly on the represented Party.
- (c) An authorized Representative shall be deemed to control all matters respecting the interests of the represented Party in the proceedings.
- (d) Parties and their Representatives shall have a continuing duty to keep the appointed Hearing Officer and all other Parties to the proceeding informed of their current address and telephone number.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17210. Proper Method of Service.

- (a) Unless a particular method of service is specifically prescribed by statute or these Rules, service may be made by: (1) personal delivery; (2) priority or first class mailing postage prepaid through the U. S. Postal Service; (3) any other means authorized under Code of Civil Procedure section 1013; or (4) if authorized by the Hearing Officer pursuant to Rule 11 [Section 17211] below, by facsimile or other electronic means.
- (b) Service is complete at the time of personal delivery or mailing, or at the time of transmission as determined under Rule 11 [Section 17211] below.
- (c) Proof of service shall be filed with the document and may be made by: (1) affidavit or declaration of service; (2) written statement endorsed upon the document served and signed by the party making the statement; or (3) copy of letter of transmittal.
- (d) Service on a Party who has appeared through an attorney or other Representative shall be made upon such attorney or Representative.
- (e) In each proceeding, the Hearing Officer shall maintain an official address record which shall contain the names and addresses of all Parties and their Representatives, agents, or attorneys of record. Any change or substitution in such information must be communicated promptly in writing to the Hearing Officer. The official address record may also include the names and addresses of interested Persons who have been permitted to participate under Rule 08(d) [Section 17208].

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure and section 1742(b), Labor Code.

17211. Filing and Service of Documents by Facsimile or Other Electronic Means.

- (a) In individual cases the Hearing Officer may authorize the filing and service of documents by facsimile or by other electronic means, subject to reasonable restrictions on the time of transmission and the page length of any document or group of documents that may be transmitted by facsimile or other electronic means, and subject to any further requirements on the use of cover sheets or the subsequent filing and service of originals or hard copies of documents as the Hearing Officer deems appropriate. Filing and service by facsimile or other electronic means shall not be authorized under terms that substantially disadvantage any Party appearing or participating in the proceeding as a matter of right. A document transmitted by facsimile or other

electronic means shall not be considered received until the next Working Day following transmission unless it is transmitted on a Working Day and the entire transmission is completed by no later than 4:00 p.m. Pacific Time.

(b) Filings and service by facsimile or other electronic means shall not be authorized or accepted as a substitute for another method of service that is required by statute or these Rules, unless the Party served has expressly waived its right to be served in the required manner.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17212. Administrative Adjudication Bill of Rights.

(a) The provisions of the Administrative Adjudication Bill of Rights found in Article 6 of Chapter 4.5 of Title 2, Division 3, Part 1 (commencing with section 11425.10) of the Government Code shall apply to these review proceedings to the extent not inconsistent with a state or federal statute, a federal regulation, or a court decision which applies specifically to the Department. The enumeration of certain rights in these Rules may expand but shall not be construed as limiting the same or similar provision of the Administrative Adjudication Bill of Rights; nor shall the enumeration of certain rights in these Rules be construed as negating other statutory rights not stated.

(b) Ex parte communications shall be permitted between the appointed Hearing Officer and the Director in accordance with Government Code section 11430.80(b).

(c) The presentation or submission of any written communication by a Party or other interested Person during the course of a review proceeding shall be governed by the requirements of Government Code §11440.60 (b) and (c).

(d) Unless otherwise indicated by express reference within the body of one of these Rules, the provisions of Chapter 5 of Title 2, Division 3, Part 1 (commencing with section 11500) of the Government Code shall *not* apply to these review proceedings.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11415.20, 11425.10 et seq., and 11430.80(b), Government Code; and section 1742(b), Labor Code.

ARTICLE 2. ASSESSMENT OR NOTICE AND REQUEST FOR REVIEW

17220. Service and Contents of Assessment or Notice of Withholding of Contract Payments.

(a) An Assessment, a Notice of Withholding of Contract Payments, or a notice assessing penalties under Labor Code section 1776 shall be served on the contractor and subcontractor, if applicable, by first class and certified mail pursuant to the requirements of Code of Civil Procedure section 1013. A copy of the notice shall also be served by certified mail on any bonding company issuing a bond that secures the payment of the wages covered by the Assessment or Notice and to any Surety on a bond, if the identities of such companies are known or reasonably ascertainable. The identity of any Surety issuing a bond for the benefit of an Awarding Body as designated obligee, shall be deemed "known or reasonably ascertainable," and the Surety shall be deemed to have received the notice required under this subpart if sent to the address appearing on the face of the bond.

(b) An Assessment or Notice of Withholding of Contract Payments shall be in writing and shall include the following information:

- (1) a description of the nature of the violation and basis for the Assessment or Notice;
- and

(2) the amount of wages, penalties, and forfeitures due, including a specification of amounts that have been or will be withheld from available contract payments, as well as all additional amounts that the Enforcing Agency has determined are due, including the amount of any liquidated damages that potentially may be awarded under Labor Code section 1742.1.

(c) An Assessment or Notice of Withholding of Contract Payments shall also include the following information:

- (1) the name and address of the office to whom a Request for Review may be sent;
- (2) information on the procedures for obtaining review of the Assessment or

Withholding of Contract Payments;

- (3) notice of the Opportunity to Request a Settlement Meeting under Rule 21 [Section 17221] below; and

(4) the following statement which shall appear in bold or another type face that makes it stand out from the other text:

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure, and sections 1741, 1742, 1743, 1771.6, and 1776, Labor Code.

17221. Opportunity for Early Settlement.

(a) The Affected Contractor or Subcontractor may, within 30 days following the service of an Assessment or Notice of Withholding of Contract Payments, request a meeting with the Enforcing Agency for the purpose of attempting to settle the dispute regarding the Assessment or Notice.

(b) Upon receipt of a timely written request for a settlement meeting, the Enforcing Agency shall afford the Affected Contractor or Subcontractor a reasonable opportunity to meet for such purpose. The settlement meeting may be held in person or by telephone and shall take place before expiration of the 60-day limit for filing a Request for Review under Rule 22 [Section 17222].

(c) Nothing herein shall preclude the Parties from meeting or attempting to settle a dispute after expiration of the time for making a request or after the filing of a Request for Review.

(d) Neither the making or pendency of a request for a settlement meeting, nor the fact that the Parties have met or have failed or refused to meet as required by this Rule shall serve to extend the time for filing a Request for Review under Rule 22 [Section 17222] below.

(e) No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, such a settlement meeting shall be admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, such a settlement meeting, other than a final settlement agreement, shall be admissible or subject to discovery in any administrative or civil proceeding.

NOTE: Authority cited: sections 55, 59, 1742(b) and 1773.5, Labor Code. Reference: sections 1742, 1742.1, and 1771.6, Labor Code.

17222. Filing of Request for Review.

(a) Any Request for Review of an Assessment or of a Notice of Withholding of Contract Wages shall be transmitted in writing to the Enforcing Agency within 60 days after service of the Assessment or Notice. Failure to request review within 60 days shall result in the Assessment or

the Withholding of Contract Wages becoming final and not subject to further review under these Rules.

(b) A Request for Review shall be transmitted to the office of the Enforcing Agency designated on the Assessment or Notice of Withholding of Contract Payments from which review is sought.

(c) A Request for Review shall be deemed filed on the date of mailing, as determined by the U.S. Postal Service postmark date on the envelope or the overnight carrier's receipt in accordance with Rule 03(b) [Section 17203(b)] above, or on the date of receipt by the designated office of the Enforcing Agency, whichever is earlier.

(d) An additional courtesy copy of the Request for Review may be served on the Department by mailing to the address specified in Rule 23 [Section 17223] below at any time on or after the filing of the Request for Review with the Enforcing Agency. The service of a courtesy copy on the Department shall *not* be effective for invoking the Director's review authority under Labor Code section 1742; however, it may determine the time within which the hearing shall be commenced under Rule 41(a) [Section 17241(a)] below.

(e) A Request for Review either shall clearly identify the Assessment or Notice from which review is sought, including the date of the Assessment or Notice, or it shall include a copy of the Assessment or Notice as an attachment. A Request for Review shall also set forth the basis upon which the Assessment or Notice is being contested. A Request for Review shall be liberally construed in favor of its sufficiency; however, the Hearing Officer may require the Party seeking review to provide a further specification of the issues or claims being contested and a specification of the basis for contesting those matters.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, and 1771.6(a), Labor Code.

17223. Transmittal of Request for Review to Department.

Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall transmit to the Office of the Director – Legal Unit, the Request for Review and copies of the Assessment or Notice of Withholding of Contract Wages, any Audit Summary that accompanied the Assessment or Notice, and a Proof of Service or other document showing the name and address of any bonding company or Surety entitled to notice under Rule 20(a) [Section 17220(a)] above. The Enforcing Agency shall transmit these items to the following address.

Department of Industrial Relations
Office of the Director - Legal Unit
Attention: Lead Hearing Officer
P.O. Box 420603
San Francisco, CA 94142-0603

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(a) and 1771.6(a), Labor Code.

17224. Disclosure of Evidence.

(a) Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the Affected Contractor or Subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing on the Request for Review.

(b) An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the Affected Contractor or Subcontractor the option, at the Affected Contractor or Subcontractor's own expense, to either (A) obtain copies of all such evidence through a commercial copying service or (B) inspect and copy such evidence at the office of the Enforcing Agency during normal business hours; or if (2) the Enforcing Agency at its own expense forwards copies of all such evidence to the Affected Contractor or Subcontractor.

(c) The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

(d) The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline may be extended by written request or agreement of the Affected Contractor or Subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code section 1742(b) and this Rule, shall preclude the Enforcing Agency from introducing such evidence in proceedings before the Hearing Officer or the Director.

(e) This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the Affected Contractor or Subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another Party in the proceeding.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(b) and 1771.6, Labor Code.

17225. Withdrawal of Request for Review; Reinstatement.

(a) An Affected Contractor or Subcontractor may withdraw a Request for Review by written notification at any time before a decision is issued or by oral motion on the hearing record. The Hearing Officer may grant such withdrawal by letter, order or decision served on the Parties.

(b) For good cause, a Request for Review so dismissed may be reinstated by the Hearing Officer or the Director upon a showing that the withdrawal resulted from misinformation given by the Enforcing Agency or otherwise from fraud or coercion. A motion for reinstatement must be filed within 60 days of service of the letter, order or decision granting withdrawal of the Request for Review or, in the event of fraud which could not have been suspected or discovered with the exercise of reasonable diligence, within 60 days of discovery of such fraud. The motion shall be accompanied by a declaration containing a statement that any facts therein are based upon the personal knowledge of the declarant.

(c) Notwithstanding any application or showing made under subpart (b) of this Rule, neither the Hearing Officer nor the Director may reinstate any Request for Review where the underlying Assessment or Withholding of Contract Payments has become final and entered as a court judgment.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742 and 1771.6, Labor Code.

17226. Dismissal or Amendment of Assessment or of Notice of Withholding of Contract Payments.

(a) Upon motion to the appointed Hearing Officer, an Enforcing Agency may dismiss or amend an Assessment or Notice of Withholding of Contract Payments as follows:

(1) An Assessment or Notice of Withholding may be dismissed or amended to eliminate or reduce all or part of any claim for wages, damages, or penalties that has been satisfied or that is not warranted under the facts and circumstances of the case or to conform to an order of the Hearing Officer or the Director.

(2) An Assessment or Notice of Withholding may be amended to eliminate a claim for penalties as to the affected contractor upon a determination that the affected contractor is not liable for same under either Labor Code section 1775(b) [subcontractor's failure to pay prevailing rate] or Labor Code section 1776 (g) [failure to comply with request for certified payroll records].

(3) For good cause, an Assessment or Notice of Withholding of Contract Payments may be amended to revise or increase any claim for wages, damages, or penalties based upon a recomputation or the discovery of new evidence subsequent to the issuance of the original Assessment or Notice.

(b) The Hearing Officer shall grant any motion to dismiss or amend an Assessment or Notice of Withholding downward under subparts (a)(1) or (a)(2) absent a showing that such dismissal or amendment will result in the forfeiture of substantial substantive rights of another Party to the proceeding. The Hearing Officer may grant a motion to amend an Assessment or Notice of Withholding upward under subpart (a)(3) under such terms as are just, including where appropriate the extension of an additional opportunity for early settlement under Rule 21 [Section 17221]. Unless the Hearing Officer determines otherwise, an amended Assessment or Notice of Withholding shall be deemed fully controverted without need for filing an additional or amended Request for Review.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, 1771.6, 1775(b), and 1776(g), Labor Code.

17227. Early Disposition of Untimely Assessment, Withholding, or Request for Review.

(a) Upon the application of any Party or upon his or her own motion, the appointed Hearing Officer may issue an Order to Show Cause why an Assessment, a Withholding of Contract Payments, or a Request for Review should not be dismissed as untimely under the relevant statute.

(b) An Order to Show Cause issued under subpart (a) of this Rule shall be served on all Parties who have appeared or been served with any prior notice in the matter and shall provide the Parties with at least 10 days to respond in writing to the Order to Show Cause and an additional 5 days following the service of such responses to reply to any submission by any other Party. Evidence submitted in support or opposition to an Order to Show Cause shall be by affidavit or declaration under penalty of perjury. There shall be no oral hearing on an Order to Show Cause issued under this Rule unless requested by a Party or by the Hearing Officer.

(c) After the time for submitting responses and replies to the Order to Show Cause has passed or after the oral hearing, if any, the Hearing Officer may do one of the following: (1) recommend that the Director issue a decision setting aside the Assessment or Withholding of Contract Payments or dismissing the Request for Review as untimely under the statute; (2) find the Assessment, Withholding, or Request for Review timely and direct that the matter proceed to hearing on the merits; or (3) reserve the timeliness issue for further consideration and determination in connection with the hearing on the merits.

(d) A decision by the Director which sets aside an Assessment or Withholding of Contract Payments or which dismisses a Request for Review as untimely shall be subject to reconsideration and to judicial review in the same manner as any other Final Order or Decision of the Director. A determination by the Hearing Officer that the Assessment, Withholding, or Request for Review was timely or that the timeliness issue should be reserved for further consideration and determination in connection with the hearing on the merits shall *not* be subject to appeal or review except as part of any reconsideration or appeal from the Decision of the Director made after the hearing on the merits.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1741, 1742, 1771.5, and 1771.6, Labor Code.

17228. Finality of Assessment or of Withholding of Contract Payments When No Timely Request for Review is Filed; Authority of Awarding Body to Disburse Withheld Funds.

(a) Upon the failure of an Affected Contractor or Subcontractor to file a timely Request for Review under Labor Code section 1742(a) and Rule 22(a) [Section 17222(a)] above, the Assessment or Notice of Withholding of Contract Payments shall become a "final order" as to the

Affected Contractor or Subcontractor that the Labor Commissioner may certify and file with the superior court in accordance with Labor Code section 1742(d).

(b) Where an Assessment or Notice of Withholding of Contract Payments has become final as to at least one but not as to every Affected Contractor or Subcontractor, the Awarding Body shall continue to withhold and retain the amounts required to satisfy any wages and penalties at stake in a review proceeding initiated by any other Affected Contractor or Subcontractor until there is a final order in that proceeding that is no longer subject to judicial review.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1727, 1742, and 1771.6, Labor Code.

17229. Finality of Notice of Withholding of Contract Payments; Authority of Awarding Body to Recover Additional Funds.

Where a Notice of Withholding of Contract Payments seeks to recover wages, penalties, or damages in excess of the amounts withheld from available contract payments (*see* Rule 20(b)(2) [Section 17220(b)(2)] above), an Awarding Body may recover any excess amounts that become or remain due when the Notice of Withholding of Contract Payments has become final under Labor Code section 1771.6. To recover the excess amounts, the Awarding Body shall transmit to the Labor Commissioner the Notice together with any decision of the Director or court that has become final and not subject to further review. The Labor Commissioner in turn shall certify and file the final order with the superior court in accordance with Labor Code section 1742(d).

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(d), and 1771.6, Labor Code.

ARTICLE 3. PREHEARING PROCEDURES

17230. Scheduling of Hearing; Continuances and Tolling.

(a) The appointed Hearing Officer shall establish the place and time of the hearing on the merits, giving due consideration to the needs of all Parties and the statutory time limits for hearing and deciding the matter. Parties are encouraged to communicate scheduling needs to the Hearing Officer and all other Parties at the earliest opportunity. It shall not be a violation of Rule 07 [Section 17207]'s prohibition on *ex parte* communications for the Hearing Officer or his or her designee to communicate with Parties individually for purposes of clearing dates and times and proposing locations for the hearing. The Hearing Officer may also conduct a prehearing conference by telephone or any other expeditious means for purposes of establishing the time and place of the hearing.

(b) Once a hearing date is set, a request for a continuance that is not joined in by all other Parties or that is for more than 30 days will not be granted absent a showing of extraordinary circumstances, giving due regard to the potential prejudice to other Parties in the case and other Persons affected by the matter under review. Absent an enforceable waiver (*see* subpart (d) below), no continuance will be granted nor any proceeding otherwise delayed if doing so is likely to prevent the Hearing Officer from commencing the hearing on the matter within the statutory time limit.

(c) A request for a continuance that is for 30 days or less and is joined by all Parties shall be granted upon a showing of good cause. Notwithstanding subpart (b) above, a unilateral request for a continuance made by the Party who filed the Request for Review shall be granted upon a showing of good cause if the new date for commencing the hearing is no more than 150 days after the date of service of the Assessment or Notice of Withholding of Contract Payments.

(d) If a Party makes or joins in any request that would delay or otherwise extend the time for hearing or deciding a review proceeding beyond any prescribed time limit, such request shall also be deemed a waiver by that Party of that time limit.

(e) The time limits for hearing and deciding a review proceeding shall also be deemed tolled (1) when proceedings are suspended to seek judicial enforcement of a subpoena or other order to compel the attendance, testimony, or production of evidence by a necessary witness; (2) when the proceedings are stayed or enjoined by any court order; (3) between the time that a proceeding is dismissed and then ordered reinstated under Rule 25 [Section 17225] above; (4) upon the order of a court reinstating or requiring rehearing of the merits of a proceeding; or (5) during the pendency of any other cause beyond the Director's direct control (including but not limited to natural disasters, temporary unavailability of a suitable hearing facility, or absence of budget authority) that prevents the Director or any appointed Hearing Officer from carrying out his or her responsibilities under these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17231. Prehearing Conference.

(a) Upon the application of any Party or upon his or her own motion, the appointed Hearing Officer may conduct a prehearing conference for any purpose that may expedite or assist the preparation of the matter for hearing or the disposition of the Request for Review. The prehearing conference may be conducted by telephone or other means that is convenient to the Hearing Officer and the Parties.

(b) The Hearing Officer shall provide reasonable advance notice of any prehearing conference conducted pursuant to this Rule. The Notice shall advise the Parties of the matters which the Hearing Officer intends to cover in the prehearing conference, but the failure of the Notice to enumerate some matter shall not preclude its discussion or consideration at the conference.

(c) With or without a prehearing conference, the Hearing Officer may issue such procedural Orders as are appropriate for the submission of evidence or briefs and conduct of the hearing, consistent with the substantial rights of the affected Parties.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11511.5, Government Code, and section 1742(b), Labor Code.

17232. Consolidation and Severance.

(a) The Hearing Officer may consolidate for hearing and decision any number of proceedings where the facts and circumstances are similar and consolidation will result in conservation of time and expense. Where the Hearing Officer proposes to consolidate proceedings on his or her own motion, the Parties shall be given reasonable notice and an opportunity to object before consolidation is ordered.

(b) The Hearing Officer may sever consolidated proceedings for good cause.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11507.3, Government Code, and section 1742(b), Labor Code.

17233. Prehearing Motions; Cut Off Date.

(a) Any motion made in advance of the hearing on the merits, any opposition thereto, and any further reply shall be in writing and directed to the appointed Hearing Officer. No particular format shall be required; however, the following information shall appear prominently on the first page: (1) the case name (*i.e.*, names of the Parties); (2) any assigned case number; (3) the name of the Hearing Officer to whom the paper is being submitted; (4) the identity of the Party submitting the paper; (5) the nature of the relief sought; and (6) the scheduled date, if any, for the hearing on the merits of the Request for Review. The motion shall also include a Proof of Service, as defined in Rule 10 [Section 17210] above, showing that copies have been served on all other Parties to the proceeding.

(b) Prehearing motions shall be served and filed no later than 20 days prior to the hearing on the merits of the Request for Review. Any opposition shall be served and filed no later than 10 days



after service of the motion or at least 7 days prior to the hearing on the merits, whichever is earlier. The Hearing Officer may in his or her discretion decide the motion in writing in advance of the hearing on the merits or reserve the matter for further consideration and determination at the hearing on the merits.

(c) There shall be no right to a separate oral hearing on any prehearing motion, except in those instances in which an oral hearing has been specially requested by a Party or the Hearing Officer and in which the enforcement or forfeiture of a fundamental right is at stake. When the Hearing Officer determines that such an oral hearing is necessary or appropriate, it may be conducted by telephone or other manner that is convenient to the Parties.

(d) With the exception of timeliness challenges under Rule 27 [Section 17227], prehearing motions which seek to dispose of a Request for Review or any related claim or defense are disfavored and ordinarily will not be considered prior to the hearing on the merits.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17234. Evidence by Affidavit or Declaration.

(a) At any time 20 or more days prior to commencement of a hearing, a Party may serve upon all other Parties a copy of any affidavit or declaration which the proponent proposes to introduce in evidence, together with a notice as provided in subpart (b). Unless another Party, within 10 days after service of such notice, delivers to the proponent a request to cross-examine the affiant or declarant, the right to cross-examine such affiant or declarant is waived and the affidavit or declaration, if introduced in evidence, shall be given the same effect as if the affiant or declarant had testified in person. If an opportunity to cross-examine an affiant or declarant is not afforded after request therefor is made as herein provided, the affidavit or declaration may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

(b) The notice referred to in subpart (a) shall be substantially in the following form with the appropriate information inserted in the places enclosed by brackets:

"The accompanying affidavit or declaration of [name of affiant or declarant] will be introduced as evidence at the hearing in [title and other information identifying the proceeding]. [Name of affiant or declarant] will not be called to testify orally, and you will not be entitled to question the affiant or declarant unless you notify [name of the proponent, Representative, agent or attorney] at [address] that you wish to cross-examine the affiant or declarant. Your request must be mailed or delivered to [name of proponent, Representative, agent or attorney] on or before [specify date *at least* 10 days after anticipated date of service of this notice on the other Parties]."

(c) If a timely request is made to cross-examine an affiant or declarant under this Rule, the burden of producing that witness at the hearing shall be upon the proponent of the witness. If the proponent fails to produce the witness, the affidavit or declaration may be introduced in evidence, but shall be given only the same effect as other hearsay evidence under Rule 44 [Section 17244].

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: Rule 1613, California Rules of Court; section 11514, Government Code; and section 1742(b), Labor Code.

17235. Subpoena and Subpoena Duces Tecum.

(a) Subpoenas and subpoenas duces tecum may be issued for attendance at a hearing and for the production of documents at any reasonable time and place or at a hearing.

(b) Subpoenas and subpoenas duces tecum shall be issued by the Hearing Officer at the request of a Party, or by the attorney of record for a Party, in accordance with sections 1985 to 1985.6, inclusive, of the Code of Civil Procedure. The burden of serving a subpoena that has been issued by the Hearing Officer shall be upon the Party who requested the subpoena.

(c) Service of subpoenas and subpoenas duces tecum, objections thereto, and mileage and witness fees shall be governed by the provisions of Government Code sections 11450.20 through 11450.40.

(d) Subpoenas and subpoenas duces tecum shall be enforceable through the Contempt and Monetary Sanctions provision set forth in Rule 47 [Section 17247] below. A Party aggrieved by the failure or refusal of any witness to obey a subpoena or subpoena duces tecum shall have the burden of showing to the satisfaction of the Hearing Officer that the subpoena or subpoena duces tecum was properly issued and served and that the testimony or evidence sought was necessary to prove or disprove a significant claim or defense in the proceeding.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1985 through 1988, Code of Civil Procedure; section 1563, Evidence Code; sections 11450.20 through 11455.30, Government Code; and section 1742(b), Labor Code.

17236. Written Notice to Party in Lieu of Subpoena.

(a) In the case of the production of a Party of record in the proceeding or of a Person for whose benefit a proceeding is prosecuted or defended, the service of a subpoena upon any such witness is not required if written notice requesting the witness to attend, with the time and place of the hearing, is served on the attorney of the Party or Person. For purposes of this Rule, a Party of record in the proceeding or Person for whose benefit a proceeding is prosecuted or defended includes an officer, director, or managing agent of any such Party or Person.

(b) Service of written notice to attend under this Rule shall be made in the same manner and subject to the same conditions provided in section 1987 of the Code of Civil Procedure for service of written notice to attend in a civil action or proceeding.

(c) The Hearing Officer shall have authority under Rule 47 [Section 17247] below to sanction a Party who fails or refuses to comply with a written notice to attend that meets the requirements of this Rule and has been timely served in accordance with section 1987 of the Code of Civil Procedure. However, the Hearing Officer may not initiate contempt proceedings against the witness for failing to appear based solely on non-compliance with a written notice to attend served on the Party's attorney. A Party seeking sanctions for another Party's failure or refusal to comply with a written notice to attend shall have the burden of showing to the satisfaction of the Hearing Officer that the written notice to attend was properly issued and timely served and that the testimony or evidence sought was necessary to prove or disprove a significant claim or defense in the proceeding.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1987, Code of Civil Procedure; sections 11450.50 through 11455.30, Government Code; and section 1742(b), Labor Code.

17237. Depositions and Other Discovery.

(a) There shall be no right to take oral depositions or obtain any other form of discovery that is not expressly authorized under these Rules.

(b) Oral depositions may be conducted only by stipulation of all Parties to the proceedings or by order of the appointed Hearing Officer upon a showing of substantial good cause. Oral depositions will be permitted only for purposes of obtaining the testimony of witnesses who are likely to be unavailable to testify at the hearing.

(c) Nothing in this Rule shall preclude the use of deposition testimony or other evidence obtained in separate proceedings, if such evidence is otherwise relevant and admissible.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1987, Code of Civil Procedure; sections 11450.50 through 11455.30, Government Code; and section 1742(b), Labor Code.

ARTICLE 4. HEARINGS

17240. Notice of Appointment of Hearing Officer; Objections.

(a) Notice of the Appointment of a Hearing Officer under Rule 04 [Section 17204] above shall be provided to the Parties as soon as practicable and no later than when the matter is noticed for a prehearing conference or hearing.

(b) The Director may appoint a different Hearing Officer to conduct and hear the review or to conduct and dispose of any preliminary or procedural matter in a given case.

(c) A Party wishing to object to the appointment of a particular Hearing Officer, including for any one or more of the grounds specified in sections 11425.30 and 11425.40 of the Government Code or section 1742(b) of the Labor Code, shall within 10 days after receiving notice of the appointment and no later than the start of any hearing on the merits, *whichever is earlier*, file a motion to disqualify the appointed Hearing Officer together with a supporting affidavit or declaration. The motion shall be filed with the Chief Counsel of the Office of the Director at the address indicated in Rule 23 [Section 17223] above. Notwithstanding the foregoing time limits, if a Party subsequently discovers facts constituting grounds for the disqualification of the appointed Hearing Officer, including but not limited to that the Hearing Officer has received a prohibited ex parte communication in the pending case, the motion shall be filed as soon as practicable after the facts constituting grounds for disqualification are discovered.

(d) Upon receipt of a motion to disqualify the appointed Hearing Officer, the Director may: (1) consider and decide the motion or appoint another Hearing Officer to consider and decide the motion, in which case the challenged Hearing Officer shall first be given an opportunity to respond to the motion, but no proceedings shall be conducted by the challenged Hearing Officer until the motion is determined; or (2) appoint another Hearing Officer to hear the Request for Review, in which case the motion shall be deemed moot.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code . Reference: sections 170.3(c)(1), Code of Civil Procedure; sections 11425.30 and 11425.40, Government Code; and section 1742(b), Labor Code.

17241. Time and Place of Hearing.

(a) A hearing on the merits of a timely Request for Review shall be commenced within 90 days after the date it is received by the Office of the Director. The hearing shall be conducted at a suitable location within the county where the appointed Hearing Officer maintains his or her regular office, unless the hearing is moved to a different county in accordance with subpart (b) below.

(b) Upon the agreement of the Parties or upon a showing of good cause by either the Party who filed the Request for Review or the Enforcing Agency, the hearing shall be conducted at a suitable location within either (1) the county where a majority of the subject public works employment was performed, or (2) any other county that is proximate to or convenient for the Parties and necessary witnesses.

(c) A suitable location under this section means one that is open and accessible to members of the public and which includes appropriate facilities for the recording of testimony. Any facility that is regularly used by any state agency or by the Awarding Body for public hearings and that will reasonably accommodate the anticipated number of Parties and witnesses involved in the proceeding, is presumed suitable in the absence of a contrary showing. Parties seeking to change the location of a hearing under subpart (b) shall make reasonable efforts to identify, agree upon, and arrange for the availability of a suitable location within a county specified in subpart (b)(1) or (b)(2).

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11425.20, Government Code; and section 1742(b), Labor Code.

17242. Open Hearing; Confidential Evidence and Proceedings; and Exclusion of Witnesses.

(a) Subject to the qualifications set forth below, the hearing shall be open to the public. If all or part of the hearing is conducted by telephone, television, or other electronic means, the Hearing Officer shall conduct the hearing from a location where members of the public may be physically present, and members of the public shall also have a reasonable right of access to the hearing record and any transcript of the proceedings.

(b) Notwithstanding the provisions of subpart (a), the Hearing Officer may order closure of a hearing or make other protective orders to the extent necessary to: (1) preserve the confidentiality of information that is privileged, confidential, or otherwise protected by law; (2) ensure a fair hearing in the circumstances of the particular case; or (3) protect a minor witness or a witness with a developmental disability from intimidation or other harm, taking into account the rights of all persons.

(c) Upon motion of any Party or upon his or her own motion, the Hearing Officer may exclude from the hearing room any witnesses not at the time under examination. However, a Party to the proceeding and the Party's Representative shall not be excluded.

(d) This section does not apply to any prehearing or settlement conference.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 777, Evidence Code, section 11425.20, Government Code, and section 1742(b), Labor Code.

17243. Conduct of Hearing.

(a) Testimony shall be taken only on oath or affirmation under penalty of perjury.

(b) Every Party shall have the right to call and examine witnesses; to introduce exhibits; to question opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which Party first called the witness to testify; and to rebut any opposing evidence. A Party may be called by an opposing Party and examined as if under cross-examination, whether or not the Party called has testified or intends to testify on his or her own behalf.

(c) The Hearing Officer may call and examine any Party or witness and may on his or her own motion introduce exhibits.

(d) The Hearing Officer shall control the taking of evidence and other course of proceedings in a hearing and shall exercise that control in a manner best suited to ascertain the facts and safeguard the rights of the Parties. Prior to taking evidence, the Hearing Officer shall define the issues and explain the order in which evidence will be presented; *provided that*, for good cause the Hearing Officer later may vary the order of presentation as circumstances warrant.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11513, Government Code; and section 1742(b), Labor Code.

17244. Evidence Rules; Hearsay.

(a) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

(b) The rules of privilege shall be recognized to the same extent and applied in the same manner as in the courts of this state.

(c) The Hearing Officer may exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

(d) Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it either would be admissible over objection in a civil action or no Party raises an objection to such use. Unless previously waived, an objection or argument that evidence is insufficient in itself to support a finding because of its hearsay character shall be timely if presented at any time before submission of the case for decision.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11513, Government Code; and section 1742(b), Labor Code.

17245. Official Notice.

(a) A Hearing Officer may take official notice of (1) the Director's General Prevailing Wage Determinations, the Director's Precedential Coverage Decisions, and wage data, studies, and reports issued by the Division of Labor Statistics and Research; (2) any other generally accepted technical fact within the fields of labor and employment that are regulated by the Director under Divisions 1, 2, and 3 of the Labor Code; and (3) any fact which either must or may be judicially noticed by the courts of this state under Evidence Code sections 451 and 452.

(b) The Parties participating in a hearing shall be informed of those matters as to which official notice is proposed to be taken and given a reasonable opportunity to show why and the extent to which official notice should or should not be taken.

(c) The Hearing Officer or the Director shall state in a decision, order, or on the record the matters as to which official notice has been taken.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 451, 452 and 455, Evidence Code; section 11515, Government Code; and section 1742(b), Labor Code.

17246. Failure to Appear; Relief from Default.

(a) Upon the failure of any Party to appear at a duly noticed hearing, the Hearing Officer may proceed in that Party's absence and may recommend whatever decision is warranted by the available evidence, including any lawful inferences that can be drawn from an absence of proof by the non-appearing Party.

(b) For good cause and under such terms as are just, the appointed Hearing Officer or the Director may relieve a Party from the effects of any failure to appear and order that a review proceeding be reinstated or reheard. A Party seeking relief from non-appearance shall file a written motion at the earliest opportunity and no later than 10 days following a proceeding of which the Party had actual notice. Such application shall be supported by an affidavit or declaration based on the personal knowledge of the declarant, and copies of the application and any supporting materials shall be served on all other Parties to the proceeding. No application shall be granted unless and until the other Parties have been afforded a reasonable opportunity to make a showing in opposition. An Order reinstating a proceeding or granting a rehearing under this section may be conditioned upon providing reimbursement to the Department and the other Parties for the costs associated with the prior non-appearance.

(c) Notwithstanding any application or showing made under subpart (b) of this Rule, neither the Hearing Officer nor the Director may reinstate any Request for Review where the underlying Assessment or Withholding of Contract Payments has become final and entered as a court judgment.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 473, Code of Civil Procedure; and section 1742(b), Labor Code.

17247. Contempt and Monetary Sanctions.

(a) If any Person in proceedings before an appointed Hearing Officer disobeys or resists any lawful order or refuses, without substantial justification, to respond to a subpoena, subpoena duces tecum, or refuses to take the oath or affirmation as a witness or thereafter refuses to be

examined or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceedings, or violates the prohibition against ex parte communications under Rule 07 [Section 17207] above, the Hearing Officer may do any one or more of the following: (1) certify the facts to the Superior Court in and for the county where the proceedings are held for contempt proceedings pursuant to Government Code section 11455.20; (2) exclude the Person from the hearing room; (3) prohibit the Person from testifying or introducing certain matters in evidence; and/or (4) establish certain facts, claims, or defenses if the Person in contempt is a Party.

(b) Either the appointed Hearing Officer by separate order or the Director in his or her decision may order a Party, the Party's authorized Representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another Party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay as defined in section 128.5 of the Code of Civil Procedure. Such order or the denial of such an order shall be subject to judicial review in the same manner as a decision of the Director on the merits. The order shall be enforceable in the same manner as a money judgment or by the contempt sanction.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 128.5, Code of Civil Procedure; sections 11455.10 through 11455.30, Government Code; and section 1742(b), Labor Code.

17248. Interpreters.

(a) Proceedings shall be conducted in the English language. The notice advising a Party of the hearing date shall also include notice of the Party's right to request an interpreter for a Party or witness who cannot speak or understand English, or who can do so only with difficulty, or who is deaf or hearing impaired as defined under Evidence Code section 754.

(b) A request for an interpreter for a Party or witness shall be submitted as soon as possible after the requesting Party becomes aware of the need for an interpreter and prior to the commencement of the hearing. The request should include information that (1) will enable the Hearing Officer and Department to obtain an interpreter with appropriate skills; and (2) will assist the Hearing Officer in determining whether the Department or the requesting Party should pay for the cost of the interpreter.

(c) Upon receipt of a timely request, the Hearing Officer shall direct the Department to provide an interpreter and shall also decide whether the Department or the requesting Party shall pay the cost of the interpreter, based upon an equitable consideration of all the circumstances, including the requesting Party's ability to pay.

(d) A person is qualified to serve as an interpreter if he or she (1) is on the current State Personnel Board List of Certified Administrative Hearing Interpreters maintained pursuant to Government Code section 11435.25; and (2) has also been examined and determined by the Department to be sufficiently knowledgeable of the terminology and procedures generally used in these proceedings.

(e) In the event that a qualified interpreter under subpart (d) is unavailable or if there are no certified interpreters for the language in which assistance is needed, the Hearing Officer may qualify and appoint another interpreter to serve as needed in a single hearing or case.

(f) Before appointment of an interpreter, the Hearing Officer or a Party may conduct a brief supplemental examination of the prospective interpreter to see if that person has the qualifications necessary to serve as an interpreter, including whether he or she understands terms and procedures generally used in these proceedings, can explain those terms and procedures in English and the other language being used, and can interpret those terms and procedures into the other language. An interpreter shall not have had any prior substantive involvement in the matter under review, and shall disclose to the Hearing Officer and the Parties any actual conflict of interest or appearance of conflict. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if an interpreter is an employee

of, acquainted with, or related to a Party or witness to the proceeding, or if an interpreter has an interest in the outcome of the proceeding.

(g) The Hearing Officer shall disqualify an interpreter if the interpreter cannot understand and interpret the terms and procedures used in the hearing or prehearing conference, has disclosed privileged or confidential communications, or has engaged in conduct which, in the judgment of the Hearing Officer, creates an appearance of bias, prejudice, or partiality.

(h) Nothing in this section limits any further rights extended by Evidence Code section 754 to a Party or witness who is deaf or hard of hearing.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 754, Evidence Code; sections 11435.05 through 11435.65, and 68560 through 68566, Government Code; and section 1742(b), Labor Code.

17249. Hearing Record; Recording of Testimony and other Proceedings.

(a) The Hearing Officer and the Director shall maintain an official record of all proceedings conducted under these Rules. In the absence of a determination under subpart (b) below, all testimony and other proceedings at any hearing shall be recorded by audiotape. Recorded testimony or other proceedings need not be transcribed unless requested for purposes of further court review of a decision or order in the same case.

(b) Upon the application of any Party or upon his or her own motion, the Hearing Officer may authorize the use of a certified court reporter, videotape, or other appropriate means to record the testimony and other proceedings. Any application by a Party under this subpart shall be made at a prehearing conference or by prehearing motion filed no later than 10 days prior to the scheduled date of hearing. Upon the granting of any such application, it shall be the responsibility of the Party or Parties who made the application to procure and pay for the services of a qualified person and any additional equipment needed to record the testimony and proceedings by the requested means. Ordinarily the granting of such application will be conditioned on the applicant's paying for certified copies of the transcript for the official record and for the other Parties. The failure of a requesting Party to comply with this requirement shall not be cause for delaying the hearing on the merits, but instead shall result in the proceedings being tape recorded in accordance with subpart (a).

(c) The Parties may, at their own expense, arrange for the recording of testimony and other proceedings through a different means other than the one authorized by the Hearing Officer, *provided that* it does not in any way interfere with the Hearing Officer's control and conduct of the proceedings, and *further provided that*, it shall not be regarded as an official record for any purpose absent a stipulation by all of the Parties or order of the Hearing Officer.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17250. Burdens of Proof on Wages and Penalties.

(a) The Enforcing Agency has the burden of coming forward with evidence that the Affected Contractor or Subcontractor (1) was served with an Assessment or Notice of Withholding of Contract Payments in accordance with Rule 20 [Section 17220]; (2) was provided a reasonable opportunity to review evidence to be utilized at the hearing in accordance with Rule 24 [Section 17224]; and (3) that such evidence provides prima facie support for the Assessment or Withholding of Contract Payments.

(b) If the Enforcing Agency meets its initial burden under (a), the Affected Contractor or Subcontractor has the burden of proving that the basis for the Civil Wage and Penalty Assessment or for the Withholding of Contract Payments is incorrect.

(c) With respect to any civil penalty established under Labor Code section 1775, the Affected Contractor or Subcontractor shall have the burden of proving that the Labor Commissioner

abused his or her discretion in determining that a penalty was due or in determining the amount of the penalty.

(d) All burdens of proof and burdens of producing evidence shall be construed in a manner consistent with relevant sections of the Evidence Code, and the quantum of proof required to establish the existence or non-existence of any fact shall be by a preponderance of the evidence, unless a higher standard is prescribed by law.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 500, 502, and 550, Evidence Code; and sections 1742(b) and 1775, Labor Code. .

17251. Liquidated Damages.

(a) With respect to any liquidated damages for which an Affected Contractor, Subcontractor, or Surety on a bond becomes liable under Labor Code section 1742.1, the Enforcing Agency shall have a further burden of coming forward with evidence to show the amount of wages that remained unpaid as of 60 days following the service of the Assessment or Notice of Withholding of Contract Payments. The Affected Contractor or Subcontractor shall have the burden of demonstrating that he or she had substantial grounds for believing the Assessment or Notice to be in error.

(b) To demonstrate "substantial grounds for believing the Assessment or Notice to be in error," the Affected Contractor or Subcontractor must establish (1) that it had a reasonable subjective belief that the Assessment or Notice was in error; (2) that there is an objective basis in law and fact for the claimed error; and (3) that the claimed error is one that would have substantially reduced or eliminated any duty to pay additional wages under the Assessment or Notice.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(b), 1742.1, and 1773.5, Labor Code.

17252. Oral Argument and Briefs.

(a) Parties may submit prehearing briefs of reasonable length under such conditions as the appointed Hearing Officer shall prescribe. Parties shall also be permitted to present a closing oral argument of reasonable length at or following the conclusion of the hearing.

(b) There shall be no automatic right to file a post-hearing brief. However, the Hearing Officer may permit the Parties to submit written post-hearing briefs, under such terms as are just. The Hearing Officer shall have discretion to determine, among other things, the length and format of such briefs and whether they will be filed simultaneously or on a staggered (opening, response, and reply) basis.

(c) In addition to or as an alternative to post-hearing briefs, the Hearing Officer may also prepare proposed findings or a tentative decision or may designate a Party to prepare proposed findings, and thereafter give the Parties a reasonable opportunity to present arguments in support of or opposition to any proposed findings or tentative decision prior to the issuance of a decision by the Director under Rule 60 [Section 17260] below.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

17253. Conclusion of Hearing; Time for Decision.

(a) The hearing shall be deemed concluded and the matter submitted either upon the completion of all testimony and post-hearing arguments or upon the expiration of the last day for filing any post-hearing brief or other authorized submission, whichever is later. Thereafter, the Director shall have 45 days within which to issue a written decision affirming, modifying, or dismissing the Assessment or the Withholding of Contract Wages.

(b) For good cause, the Hearing Officer may vacate the submission and reopen the hearing for the purpose of receiving additional evidence or argument, in which case the time for the Director to issue a written decision shall run from the date of resubmission.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

ARTICLE 6. DECISION OF THE DIRECTOR

17260. Decision.

(a) The appointed Hearing Officer shall prepare a recommended decision for the Director's review and approval. The decision shall consist of a notice of findings, findings, and an order, and shall be in writing and include a statement of the factual and legal basis for the decision, consistent with the requirements of Labor Code section 1742 and Government Code section 11425.50.

(b) A recommended decision shall have no status or effect unless and until approved by the Director and issued in accordance with subpart (c) below.

(c) A copy of the decision shall be served by first class mail on all Parties in accordance with the requirements of Code of Civil Procedure section 1013. If a Party has appeared through an authorized Representative, service shall be made on that Party at the last known address on file with the Enforcing Agency in addition to service on the authorized Representative.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure; section 11425.50, Government Code; and section 1742(b), Labor Code.

17261. Reconsideration.

(a) Upon the application of any Party or upon his or her own motion, the Director may reconsider or modify a decision issued under Rule 60 [Section 17260] above for the purpose of correcting any error therein.

(b) The decision must be reconsidered or modified within 15 days after its date of issuance pursuant to Rule 60(c) [Section 17260(c)]. Thereafter, the decision may not be reconsidered or modified, except that a clerical error may be corrected at any time.

(c) The modified or reconsidered decision shall be served on the Parties in the same manner as a decision issued under Rule 60 [Section 17260].

(d) A Party is not required to apply for reconsideration before seeking judicial review of a decision of the Director. An application for reconsideration made by any Party shall *not* extend the time for seeking judicial review pursuant to Labor Code section 1742(c) unless the Director issues a modified or reconsidered decision within the 15-day time limit prescribed in subpart (b) of this section.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742, Labor Code.

17262. Final Decision; Time for Seeking Review.

(a) The decision of the Director issued pursuant to Section Rule 60 [Section 17260] above shall be the final decision of the Director from which any Party may seek judicial review pursuant to the provisions of Labor Code section 1742(c) and Code of Civil Procedure section 1094.5; *provided however*, that if the Director has issued a modified decision pursuant to and within the 15-day limit of the Director's reconsideration authority under Section Rule 61 [Section 17261] above and Labor Code section 1742(b), the right of review and time for seeking such review shall extend from the date of service of the modified decision rather than from the original decision.

(b) The modification of a decision to correct a clerical error after expiration of the 15-day time limit on the Director's reconsideration authority shall *not* extend the time for seeking judicial review.

(c) The time for seeking judicial review shall be determined from the date of service of the decision of the Director under Code of Civil Procedure section 1013, including any applicable extension of time provided in that statute.

(d) Any petition seeking judicial review of a decision under these Rules may be served (1) upon the Director by serving the Office of the Director – Legal Unit where the appointed Hearing Officer who conducted the hearing on the merits regularly maintains his or her office; and (2) upon the Labor Commissioner (in cases in which the Labor Commissioner was the Enforcing Agency) by the serving the regular office of the attorney who represented the Labor Commissioner at the hearing on the merits. The intent of this subpart is to authorize and designate a preferred method for giving the Director and the Labor Commissioner formal notice of a court action seeking review of a decision of the Director under these Rules; it does not preclude the use any other service method authorized by law.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5. Reference: sections 1013 and 1094.5, Code of Civil Procedure; and section 1742, Labor Code.

17263. Preparation of Record for Review.

(a) Upon notice that a Party intends to seek judicial review of a decision of the Director and the payment of any required deposit, the Department, under the direction of the appointed Hearing Officer, shall immediately prepare a hearing record consisting of all exhibits and other papers and a transcript of all testimony which the Party has designated for the inclusion in the record on review.

(b) The Party who has requested the record or any part thereof shall bear the cost of its preparation, including but not necessarily limited to any court reporter transcription fees and reasonable charges for the copying, binding, certification, and mailing of documents. Absent good cause, no record will be released to a Party or filed with a court until adequate funds to cover the cost of preparing the record have been paid by the requesting Party to the Department or to any third party designated to prepare the record. However, upon notice that a Party seeking judicial review has been granted *in forma pauperis* status under California Rule of Court 985, the Department shall bear the cost of preparing and filing the record where necessary for a proper review of the proceedings.

(c) The pendency of any request for the Department to prepare a hearing record shall *not* extend the time limits for filing a petition for review under Labor Code section 1742(c) and Code of Civil Procedure section 1094.5.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1094.5, Code of Civil Procedure; California Rule of Court 985; section 68511.3, Government Code; and section 1742(c), Labor Code.

17264. Request for Participation by Director in Judicial Review Proceeding.

Although the Director should be named as the Respondent in any action seeking judicial review of a final decision, the Director ordinarily will rely upon the Parties to the hearing (as Petitioner and Real Party in Interest) to litigate the correctness of the final decision in the writ proceeding and on any appeal. The Director may participate actively in proceedings raising issues that specifically concern the Director's authority under the statutes and regulations governing the payment of prevailing wages on public work contracts, or the validity of related laws, regulations, or the Director's decisions as to public works coverage or generally applicable prevailing wage rates. Any Party may request the Director to file a response in the action by including a separate written request with any court pleading being served on the Director in accordance with Rule 62(d) [Section 17262(d)]. Any such separate written request should specify briefly what issues are raised by the petition that extend beyond the facts of the case and warrant the Director's participation.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1094.5, Code of Civil Procedure and section 1742(c), Labor Code.

ARTICLE 7. TRANSITIONAL RULE.

17270. Applicability of these Rules to Notices Issued Between April 1, 2001 and June 30, 2001.

- (a) These Rules shall apply to any notice issued by the Labor Commissioner or an Awarding Body with respect to the withholding or forfeiture of contract payments for unpaid wages or penalties under the prevailing wage laws in effect prior to July 1, 2001; *provided that*, the party seeking review has not commenced a civil action with respect to such notice under the provisions of Labor Code sections 1731-1733 [repealed effective July 1, 2001].
- (b) An Affected Contractor or Subcontractor may appeal any such notice served between April 1, 2001 and June 30, 2001 by filing a Request for Review with the Enforcing Agency that issued the notice, in the manner and form specified in Rule 22 [Section 17222] above. Any such Request for Review shall be in writing and shall include a statement indicating the date upon which the contractor or subcontractor was served with the notice of withholding or forfeiture.
- (c) This Rule shall *not* extend the time available to appeal the notice under the former law. A Request for Review of a notice issued prior to July 1, 2001 must be filed with the Enforcing Agency within ninety (90) days after service of the notice.
- (d) A contractor or subcontractor who has sought review of a notice issued prior to July 1, 2001 by filing a court action under the repealed provisions of Labor Code sections 1731-1733 on or after July 1, 2001, shall, if said action would have been timely under those sections, be afforded the opportunity to dismiss the action without prejudice, after entering into a stipulation that the proceeding be transferred to the Director for hearing in accordance with these Rules. The stipulation shall also provide that the time for commencing a hearing under Rule 41 [Section 17241] shall not begin to run until the case has been formally transferred to and received by the Office of the Director.
- (e) Any hearing request made pursuant to Labor Code section 1771.7 [repealed effective July 1, 2001] that has not been heard and decided by a Hearing Officer prior to July 1, 2001 shall be handled in accordance with these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

ATTACHMENT H

JURUPA UNIFIED SCHOOL DISTRICT LABOR COMPLIANCE PROGRAM

FORMS

- Public Works Contract Award Information (DAS 140)
- Training Funds Contributions (CAC 2)
- Contractor Fringe Benefit Statement
- Monthly Employment Utilization Report (sample)
- Certified Payroll Reporting Form (sample)
- DIR Public Works Payroll Reporting Form A-1-131(2-80)
- Prevailing Wage Determination (sample)
- Labor Compliance Site Visitation Interview Form
- Site Visitation Log

This form should be sent to the Apprenticeship Committee of the craft or trade in area of the site of the public work. If you have any questions as to the address of the appropriate Apprenticeship Committee, contact the nearest office of the Division of Apprenticeship Standards (DAS). Consult your telephone directory under California, State of, Industrial Relations, for the DAS office in your area. *Do not send this form to the Division of Apprenticeship Standards.*

PUBLIC WORKS CONTRACT AWARD INFORMATION

Name of Contractor:	Contractor's State License No.:
Contractor's Mailing Address – Number & Street, City, Zip Code:	Area Code & Telephone No.:
Name & Location of Public Works Project:	Date of Contract Award:
	Date of Expected or Actual Start of Project:
Name & Address of Public Agency Awarding Contract	Estimated Number of Journeymen Hours:

APPRENTICES		
Occupation of Apprentice	Number To Be Employed	Approximate Dates To Be Employed

Check One Of The Boxes Below

Please Note: Your election of options is not to be deemed a request for the immediate dispatch of apprentices. Contractors must make a separate request for actual dispatch.

- Box 1 ☐ We will request dispatch of apprentice(s) for this job in accordance with Section 230.1 (A), California Code of Regulations. We voluntarily choose to comply with the applicable Apprenticeship Committee Standards for the duration of this job only, with regard to training apprentices and to the payment of training contributions.
- Box 2 ☐ We will request dispatch of apprentice(s) for this job in accordance with Section 230.1 (A), California Code of Regulations, but do not agree to be bound by the applicable Apprenticeship Committee Standards in training the apprentices; instead, we agree to employ and train apprentice(s) in accordance with the California Apprenticeship Council regulations, including section 230.1 of the California Code of Regulations. governing employment of apprentices on public work projects.
- Box 3 ☐ We are already approved to train apprentices by the applicable Apprenticeship Committee and we will employ and train under the Standards. We will request dispatch of apprentices for this job in accordance with Section 230.1 (A), California Code of Regulations.
- Box 4 ☐ We will not request the dispatch of apprentice(s) since apprentices are not required on this job under the provisions of California Labor Code Section 1777.5, because:

Signature: _____

Typed Name _____

Title: _____ Date: _____



State of California
Department of Industrial Relations
P.O. Bo 420603
San Francisco, CA 94142

Please use a separate form for each jobsite, listing the occupations for the jobsite. One check, payable to the California Apprenticeship Council, may be submitted for all jobsites and/or occupations. Training fund contributions are not accepted by the California Apprentice Council for federal public works projects, or for non-apprenticable occupations such as laborers, utility technicians, teamsters, etc.

TRAINING FUND CONTRIBUTIONS

California Apprenticeship
Council

Name and Address of Contractor/Subcontractor making Contribution	Contractor's License Number		
	Contract or Project Number		
Name and Address of Public Agency Awarding Contract	Jobsite Location (Including County)		
	Period Covered by Contribution		
Classification(s) or Workers (Carpenter, Plumber, Electrician, Etc.)	Hours	Cont. Rate per Hour	Amount
Signature	Date		
Title	Area Code & Telephone Number		

JURU UNIFIED SCHOOL DISTRICT CONTRACTOR FRINGE BENEFIT STATEMENT

Contract Number / Name:	Contract Location:	Today's Date:
-------------------------	--------------------	---------------

Contractor / Subcontractor Name:	Business Address:
----------------------------------	-------------------

In order that the proper Fringe Benefit rates can be verified when checking payrolls on the above contract, the hourly rates for fringe benefits, subsistence and/or travel allowance payment made for employees on the various classes of work are tabulated below.

Classification:		Effective Date:	Subsistence or Travel Pay: \$ _____
FRINGE BENEFITS	Health & Welfare \$ _____	PAID TO: Name: _____ Address: _____	
	Pension \$ _____	PAID TO: Name: _____ Address: _____	
	Vacation/ Holiday \$ _____	PAID TO: Name: _____ Address: _____	
	Training and/or Other \$ _____	PAID TO: Name: _____ Address: _____	

Classification:		Effective Date:	Subsistence or Travel Pay: \$ _____
FRINGE BENEFITS	Health & Welfare \$ _____	PAID TO: Name: _____ Address: _____	
	Pension \$ _____	PAID TO: Name: _____ Address: _____	
	Vacation/ Holiday \$ _____	PAID TO: Name: _____ Address: _____	
	Training And/or Other \$ _____	PAID TO: Name: _____ Address: _____	

Classification:		Effective Date:	Subsistence or Travel Pay: \$ _____
FRINGE BENEFITS	Health & Welfare \$ _____	PAID TO: Name: _____ Address: _____	
	Pension \$ _____	PAID TO: Name: _____ Address: _____	
	Vacation/ Holiday \$ _____	PAID TO: Name: _____ Address: _____	
	Training And/or Other \$ _____	PAID TO: Name: _____ Address: _____	

Supplemental statements must be submitted during the progress of work should a change in rate of any of the classifications be made.

Submitted: Contractor / Subcontractor	By: Name / Title	
---------------------------------------	------------------	---------------------------------------------------------------------------------------

Minority Employment Organization Report

Current Goals		Reporting Period		Name and Location of Contractor		Employers I.D. No.	
Minority	24%	From	06-01-00			90-2111100	
Female	6.9%	To	06-30-00				

CONSTRUCTION TRADE	Classifications	Total All Employees By Trade		Black (Not of Hispanic Origin)		Hispanic		Asian or Pacific Islander		American Indian or Alaskan Native		Minority Percentage	Female Percentage	Total Number of Employees		Total Number of Minority Employees
		M	F	M	F	M	F	M	F	M	F			M	F	
Plumbers	Journey Worker	1500	200	140		60				100				8	2	3
	Apprentice	120						120						1		1
	Trainee		60									22%	13%		1	
Laborers	Journey Worker	3270	600		100			240		120				25	5	5
	Apprentice	735												5		
	Trainee	160										9%	12%	2		
Carpenters	Journey Worker	1625	240	125				100						12	2	2
	Apprentice	200		100										2		1
	Trainee											15%	11%			
Electricians	Journey Worker	810	120											6	1	
	Apprentice															
	Trainee	60				60						6%	12%	1		1
Masons	Journey Worker	540												4		
	Apprentice															
	Trainee	80										0%	0%	1		
Total Journey Workers		7745	1160	265	100	60		340		220				55	10	8
Total Apprentices		1055		100				120						8		2
Total Trainees		300	60			60						12%	11%	3	2	1
Grand Total		10320		465		120		460		220				78		12

Company Official's Signature and Title		Telephone Number Include area code	Date Signed	Page 1 of 1
----------------------------------------	--	---------------------------------------	-------------	----------------

Name of Contractor: or Subcontractor: Business Address: Contractor's License#: Worker's Compensation Policy#

S = Straight Time O = Overtime SDI = State Disability Insurance
*Other = Any other deductions, contributions and/or payments whether or not included or required by prevailing wage determinations must be separately listed.

Employee's Name, Address and Social Security Number: John Smith, 444 5th Avenue, CA 92111, 444-55-6666

Work Classification: Fixture Cleaner

of withholding exemptions: S-4

Hours Worked Each Day: 8 8

Day & Date: M T W T H F S S

Net Wages Paid for Week: 168.63

Deductions, Contributions and Payments: Federal Tax 0, FICA Soc Sec Tax 14.08, State Tax 0, SDI 1.29, Health & Welfare, Pension, Training, Fund Admin, Dues, Travel/Savings, Other*, Total Deductions 15.37

Total Hours: 16, Rate of Pay: 11.50, Gross Amount Earned: 184.00

All Projects: 725.00

John Gomez, 1212 Main Street, CA 95555, 555-66-9999

Work Classification: Fixture Cleaner

of withholding exemptions: M-3

Hours Worked Each Day: 8 8

Day & Date: M T W T H F S S

Net Wages Paid for Week: 409.58

Deductions, Contributions and Payments: Federal Tax 29.00, FICA Soc Sec Tax 36.72, State Tax 1.34, SDI 3.36, Health & Welfare, Pension, Training, Fund Admin, Dues, Travel/Savings, Other*, Total Deductions 70.42

Total Hours: 40, Rate of Pay: 12.00, Gross Amount Earned: 480.00

All Projects: 936.00

Mary Jones, the undersigned, am (Name -- print) with the authority to act for and on behalf of ABC Lighting, certify under penalty of perjury that the records or copies thereof submitted and consisting of 1 (description, no. of pages) are the originals or true, full, and correct copies of the originals which depict the payroll record(s) of the actual disbursements by way of cash, check, or whatever form to the individual or individuals named.

Date: 5/25/63 Signature: Page 1 of 1

Our of Industrial Relations

PROJECT AND LOCATION

CERTIFICATION must be completed

A public entity may require a more strict and/or more extensive form of certification.

DETERMINATION: SD-23-31-4-2000-1

ISSUE DATE: February 22, 2000

EXPIRATION DATE OF DETERMINATION: June 30, 2000** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Division of Labor Statistics and Research for specific rates at (415) 703-4774.

LOCALITY: All localities within Contra Costa County

CLASSIFICATION (JOURNEYPERSON) and	Basic Hourly Rate	Employer Payments				Straight-Time		Overtime Hourly Rate		
		Health and Welfare	Pension	Vacation/ Holiday	Training	Hours	Total Hourly	Daily	Saturday ^a	Sunday
ENGINEERING CONSTRUCTION								1 1/2X	1 1/2X	Holiday
Carpenter (Heavy and Highway work)	\$25.25	2.30	1.01	2.72 b	.30	8	31.58	44.205	44.205	56.83
Light Commercial Bridge Carpenter	20.40	2.30	1.01	2.72 b	.30	8	26.73	36.93	36.93	47.13
Highway work)	25.38	2.30	1.01	2.72 b	.30	8	31.71	44.40	44.40	57.09
Millwright	25.75	2.30	1.01	2.72 b	.30	8	32.08	44.955	44.955	57.83
File Driver	25.38	2.30	1.01	2.72 b	.30	8	31.71	44.40	44.40	57.09
Diver, Wet up to 50 ft. depth)cd	55.76	2.30	1.01	2.72 b	.30	8	62.09	89.97	89.97	
	117.85									
Diver, Standby	28.38	2.30	1.01	2.72 b	.30	8	34.71	48.90	48.90	63.09
Diver's Tender	27.38	2.30	1.01	2.72 b	.30	8	33.71	47.40	47.40	61.09

DETERMINATION: SD-23-31-4-2000-1A

ISSUE DATE: February 22, 2000

EXPIRATION DATE OF DETERMINATION: July 1, 2000** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Division of Labor Statistics and Research for specific rates at (415) 703-4774.

LOCALITY: All localities within _____ County

BUILDING CONSTRUCTION										
Carpenter	\$23.40	2.30	1.01	2.17 b	.30	8	29.18	40.88	40.88	52.58
Light Commercial	18.72	2.30	1.01	2.17 b	.30	8	24.50	33.86	33.86	43.22

DETERMINATION: SD-31-741-1-2000-1

ISSUE DATE: FEBRUARY 22, 2000

EXPIRATION DATE OF DETERMINATION: May 31, 2000* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Division of Labor Statistics and Research (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

LOCALITY: All localities within _____ County

Classification (Journey person)	Basic Hourly Rate	Employer Payments				Straight-Time		Overtime Hourly Rate		
		Health and Welfare	Pension	Vacation/ Holiday	Training	Hours	Total Hourly	Daily	Saturday ^a	Sunday
								1 1/2X	1 1/2X	Holiday
Plumbing Installer	\$29.55	2.30	1.01	1.72 b	-	8	34.58	49.355	49.355	64.13
Plumbing Finisher	23.05	2.30	1.01	1.72 b	-	8	28.08	39.605	39.605	51.13

Indicates an apprenticeable craft. Rates for apprentices are available in the General Prevailing Wage Apprentice Schedules. ^a Saturday in the same workweek may be worked straight-time rate for the first 8 hours if the employee was unable to complete the 40 hours during the normal workweek. ^b Includes supplemental dues. ^c Shall receive a minimum of 8 hours pay for any day or part thereof. ^d For specific rates over 50 ft. depth, contact the Division of Labor Statistics and Research.

DESCRIPTION:

Engineering Construction

Refers to construction which requires a Class A license and includes bridges, highways, dams and also power plants and other heavy industrial type projects.

Building Construction

Requires a Class B license and includes non-residential buildings (such as hospitals, government buildings, public schools) and commercial buildings (with the exception of industrial buildings).

RECOGNIZED HOLIDAYS: Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at <http://www.dir.ca.gov/DLSR/PWD>. Holiday provisions for current or superseded determinations may be obtained by contacting the Prevailing Wage Unit at (415) 703-4774.

TRAVEL AND/OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification or type of worker may be obtained from the Prevailing Wage Unit at (415) 703-4774.

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pg 65

JL JFA UNIFIED SCHOOL DISTRICT
LABOR COMPLIANCE SITE VISITATION INTERVIEW FORM
FORMA DE ENTREVISTA DEL SITIO SOBRE CONDECENCIA LABORARIA

SITE NAME: _____ DATE _____
SITIO: _____ FECHA: _____

PROJECT NAME: _____

CONTRACT #: _____ Interior / Exterior (circle)

CONTRACTOR: _____
CONTRANTE: _____

SUBCONTRACTOR: _____
SUBCONTRATANTE: _____

Person Interviewed: _____
Nombre de Persona Entrevistada

S/S Number _____ / _____ / _____
Numero de Seguro Social

Position Title: _____
Posision O Titulo del Entrevistado

Task Being Performed at Time of This Interview: _____

Clase de Labor Desenpenando al Tiempo de Entrevista

Hourly Pay Rate: \$ _____
Salario Horario

OBSERVATIONS:

Site Inspector: _____ Telephone _____

Project Superintendent: _____ Telephone _____

Total number of workers observed on the visit: _____

Type of work observed: _____

Type of workers observed: _____

Was the worker believable? Yes No

Did the superintendent or foreman accompany you on the site? Yes No

Explain additional information received from the worker: _____

Interview Conducted by: _____



SITE VISITATION LOG

[illegible]

1

APPLICATION TO DIRECTOR FOR INITIAL APPROVAL
OF LABOR COMPLIANCE PROGRAM

JURUPA UNIFIED SCHOOL DISTRICT

Contact Information:

Shelia E. Carpenter- Director, Centralized Support Services
4850 Pedley Road
Riverside, California 92509
Tel.: (909) 360-4102
Fax: (909) 360-4106
scarpenter@jusd.k12.ca.us

A. Identity of individuals employed by the school district who will primarily be responsible for enforcing the Labor Compliance Program:

1. Name: Shelia E. Carpenter (Labor Compliance Officer)

Title: Director, Centralized Support Services

Experience/training on public works/ labor compliance issues: The Director of Centralized Support Services is responsible for compliance with various policies, codes, procedures and directives related to the activities of the District. The Director is responsible for the administration of public works contracts to include compliance with prevailing wage rates, services agreements and contracts throughout the District including formal bidding, and the processing of pay requests related to contracts and leases. Ms. Carpenter worked for the Air Force for two years as a Purchasing Agent before going to work as a Contract/Purchasing Technician with the Riverside County Office of Education. Ms. Carpenter worked for the RCOE for 17 years, first as a Contract Technician, and later as the Coordinator of Facilities.

2. Name: Paul Walker

Title: Warehouse Manager, Centralized Support Services

Experience/training on public works/ labor compliance issues: Worked for a General Contractor, TNT Constructors, for four years, 1992-1996 on federal and public work projects. Independent GC from 1996-2000 and worked on projects that required compliance with the "Davis Bacon Act" for all federally funded projects. Certified payrolls were submitted to the public agency, along with rate determinations. Mr. Walker has eleven years of experience in the field of construction.



NOTE: If circumstances arise that require the District to perform audits and/or investigations related to compliance with the LCP, and such work is beyond the experience and expertise of the individuals listed above, the District will retain a third labor compliance consultant to assist the District in such matters.

- B. All other staff who will be involved in LCP functions:

Name	Title
------	-------

N/A

- C. The average number of public works contracts the school district annually administers.

New Construction Projects: 1

Modernization Projects: 7 scheduled to begin within a year

- D. State whether the proposed LCP is a joint or cooperative venture among awarding bodies, and if so, how the resources and expanded responsibilities of the LCP compare to the awarding bodies involved:

The proposed LCP is NOT a joint or cooperative venture with other awarding bodies.

- E. The school district's record of taking cognizance of Labor Code violations in the preceding five years, including any withholding of funds from public works contractors:

If the District becomes aware of any violations, the District's policy is to take steps to immediately resolve them. To date, there have been no records of any violations, and as such, no contractor funds have been withheld. The District has not had any complaints against it related to prevailing wage issues.

- F. Identity of attorney or law firm available to provide legal support for the LCP, including handling of the LCP's responsibilities during the administrative review process set forth in Labor Code Section 1771.6:

Atkinson, Andelson, Loya, Ruud & Romo
17871 Park Plaza Drive, Suite 200
Cerritos, California 90703
Contact: Thomas W. Kovacich
(562) 653-3200

- G. Attached hereto as Exhibit "A" is the school district's proposed manual outlining the responsibilities and procedures of the LCP.



H. The method by which the LCP will notify the Labor Commissioner of willful violations as defined in Labor Code Section 1777.1(d).

If an investigation reveals that a willful violation of the Labor Code has occurred, the District will make a written report to the Labor Commissioner which shall include (1) an audit consisting of a comparison of payroll records to the best available information as to the actual hours worked, and (2) the classification of workers employed on the construction contract. It is the policy of the District that the public works prevailing wage requirements set forth in the California Labor Code be strictly enforced. In furtherance thereof, construction contractors and subcontractors found to be repeat violators of the California Labor Code shall be referred to the Labor Commissioner for debarment from bidding on, or otherwise being awarded any public work contract within the State of California.

DATED: April 10, 2003

JURUPA UNIFIED SCHOOL DISTRICT

Shelia E. Carpenter
SHELIA E. CARPENTER

AB 1506

Labor Compliance Program
Manual & Guidebook

JURUPA UNIFIED SCHOOL DISTRICT

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These materials are intended to educate and assist those seeking approval of a labor compliance program. This information is not intended to replace the technical details in the Labor Code or California Code of Regulations. Please visit the Department of Industrial Relations' Web site (www.dir.ca.gov) for information about the laws and regulations governing this process.

Chapter 1

Introduction to Assembly Bill 1506, Statutes of 2002, enacted as Labor Code section 1771.7

Introduction

For more than 60 years, the California Labor Code has required that workers employed by contractors or subcontractors in the execution of public work contracts must be paid the state-determined prevailing wage. The public works chapter of the Labor Code, comprised of Labor Code sections 1720 through 1861, details the prevailing wage system, explaining who the law protects, what contractors must do to comply with the law, what constitutes the prevailing wage, how it is determined, and how the prevailing wage requirements are enforced. The Labor Code sections are supplemented by regulations published as Title 8 of the California Code of Regulations cited as 8 CCR 16000 et seq. Over the years, a body of law has developed containing interpretations of the statutes and the regulations. That body of law is in published decisions of state and federal courts and in certain administrative decisions designated as precedential.

The Division of Labor Standards Enforcement (DLSE), a part of the California Department of Industrial Relations (DIR), is the government agency primarily responsible for the enforcement of prevailing wage requirements on California public works projects. Since 1989, the Legislature has provided a statutory mechanism permitting political subdivisions of the state which award public works contracts (awarding bodies) to initiate and enforce their own labor compliance programs (LCPs) in conjunction with the DIR and the DLSE. The DIR director has the authority to grant or revoke approval of LCPs, and monitors the performance of LCPs in enforcing the prevailing wage system. The DLSE, through the Office of the Labor Commissioner, approves on a case-by-case basis the amounts of unpaid penalty and wage money assessed by LCPs against their public works contractors who have failed to comply with the prevailing wage laws. An approved LCP has a legal duty to the director to enforce prevailing wage requirements "in a manner consistent with the practice of DLSE." (8 CCR 16434)

With the enactment of Labor Code section 1771.7 (AB 1506) the Legislature is now requiring certain awarding bodies to initiate and enforce their own LCPs (or contract with a third party LCP) as a precondition to using funds from the Kindergarten-University Public Education Facilities Bond Act of 2002 (or 2004) for a public works project.

This guidebook was adapted from a guidebook originally prepared by the DLSE and knowledgeable individuals in the private and public sector with a wide range of experience in school district issues, construction projects, public works and labor compliance. This guidebook is intended to facilitate requests to the DIR director from awarding bodies seeking approval of their own LCPs to conform to the requirements of Labor Code section 1771.7.

This guidebook is not intended to be used as a substitute for the full text of statutes and regulations which comprise the prevailing wage system, or the continually developing body of law which prevailing wage enforcement has generated over the past six decades and will continue to generate in the future. Rather, this information should be viewed as a framework for implementation of an effective LCP designed to enforce prevailing wage requirements consistent with the practice of DLSE.

Chapter 2

Mandatory requirements for approval of a labor compliance program

Mandatory requirements

To be approved, a section 1771.7 labor compliance program must include the following:

1. All bid invitations and public works contracts issued by the District shall contain appropriate language about the requirements of the public works chapter of the California Labor Code, comprised of Labor Code sections 1720-1861.
2. A pre-job conference shall be conducted with the contractor or subcontractors to discuss the state labor law requirements applicable to the contract.
3. Project contractors and subcontractors shall maintain and furnish to the District, at a designated time, a certified copy of each weekly payroll with a statement of compliance signed under penalty of perjury.
4. The District shall review and, if appropriate, audit payroll records to verify compliance with the public works chapter of the Labor Code.
5. The LCP shall require the District to withhold contract payments when payroll records are delinquent or inadequate.
6. The LCP shall require the District to withhold contract payments equal to the amount of underpayment and applicable penalties when, after investigation, it is established that underpayment has occurred.

LCP approval process

Attached in Appendix 1 is a recommended application form to be mailed to the director of the California Department of Industrial Relations (DIR). The form was developed to allow the director to determine whether the District seeking approval has the ability to operate its LCP in compliance with the requirements of Labor Code Section 1771.5(b). It also is a convenient way for LCPs to receive approval from the director. LCP officials only need to complete the application, adopt and attach the model program plan currently enclosed in this packet, and send it to the director.

The process of approving labor compliance programs is authorized and regulated by Title 8 of the California Code of Regulations, sections 16425-16439. Request for approval is a two-step process that includes initial approval for up to one year and then final approval.

Submissions to the California Department of Industrial Relations (DIR) will be accepted by the director of the Department of Industrial Relations and subsequently forwarded to the Division of Labor Standards Enforcement (DLSE) for review. The DLSE, under the leadership of the state labor commissioner, enforces labor laws that range from prevailing wage issues and labor standards to laws that govern the payment of wages.

The director will record the date of submission for approval and may take up to 30 days for review prior to determining if the proposal will be initially approved or denied. The director will inform the awarding body or third party administrator of the effective date of an approved LCP.

If denied, the director will inform the awarding body of the reasons for denial.



Chapter 3

Benefits of a labor compliance program

A comprehensive labor compliance program may result in the following:

Competitive bidding process integrity

When a comprehensive labor compliance program (LCP) is initiated and enforced, it prevents underbidding by contractors, or contractors who utilize subcontractors and who do not pay prevailing wages. Awarding bodies benefit from receiving a higher number of qualified bidders.

Regeneration of funds to the community

Ensuring that prevailing wage is paid to the workers employed on the project benefits the entire community by the regeneration of project funds back to the community.

Better labor relations

A strong labor compliance program is a sound approach to the promotion of responsible working conditions. Cooperation and communication among all constituencies interested in school construction offer the best long-term prospects for a sustained, positive labor and management relationship.

Successful contracts

Under an LCP, awarding bodies audit and enforce their contracts with contractors and subcontractors. This enables better scrutiny of construction projects, which helps to ensure the terms of the contract coincide with the awarding bodies' specifications.

Ability to hold penalties and contract payment

For a DIR-certified LCP, an awarding body may withhold contract payments for certain violations of the Labor Code and collect penalties against a contractor when it is established through an investigation that there has been an underpayment of wages. The awarding body also may withhold contract payments when payroll records are delinquent or inadequate.

Chapter 4

The prevailing wage law – an overview for labor compliance programs

An overview for labor compliance programs

- I. Who does the law protect?
 - A. All workers employed on public works (Labor Code section 1771)
(includes employees, independent contractors, partners, sole proprietors, owner-operators)
 - B. Public workers defined
 1. Labor Code sections 1720-1720.3
 2. Precedential public works decisions
 - C. Limited exemptions
 1. Work carried out by a public agency “with its own forces” (Labor Code section 1771)
 2. Certain janitorial services/guards (8 CCR 16000)
- II. What must public works contractors do to comply with the law?
 - A. Maintain and furnish records (Labor Code section 1776)
 - B. Pay the prevailing rate to all workers (Labor Code sections 1771, 1774 AND 1813)
 - C. Comply with apprenticeship requirements (Labor Code section 1777.5)
- III. What is the prevailing wage rate?
 - A. Published prevailing wage determinations
 - B. Process by which prevailing wage rates are established (Labor Code sections 1773.1 and 1773.9; 8 CCR 16200-16300)
- IV. How does an LCP enforce the law?
 - A. Conduct investigations
 1. Monitor certified payroll records (CPRs), investigate complaints from workers, monitor agencies and contractors
 2. Prepare audits and findings
 - B. Obtain approval of recommended forfeitures from labor commissioner (8 CCR 16436-16437)
 - C. Issue and serve notices of withholding of contract payments (NWCPs) (Labor Code section 1771.6)
 - D. Defend NWCPs in administrative review proceedings and in court (Labor Code sections 1742-1743)
 - E. Collect and disburse wages and penalties (Labor Code section 1743)

Note: All of the citations to the Labor Code sections and the California Code of Regulations (CCR) noted above are available by accessing the California Department of Industrial Relations home page (www.dir.ca.gov) and links to that page. The Web site also includes the precedential public works decisions referenced in the above outline at IB(2), and the prevailing wage determinations referenced at IIIA.



Outline explanation

The preceding outline was originally created as part of a training class for DLSE staff responsible for enforcing the prevailing wage law on public works projects. As a practical matter, the most important section of the outline for LCPs to consider is section IV, dealing with a LCP's enforcement duties. Later chapters of this guidebook provide practical advice on how to conduct investigations, but LCP officials also must become familiar with three forms which the DLSE has specifically developed for LCPs to utilize after an investigation has been completed and after the LCP has obtained case-by-case approval from the labor commissioner to withhold unpaid wages and penalties from a public works contractor. The three forms are attached as Appendices 2, 3 and 4 at the end of this guidebook.

Appendix 2, containing the form titled Notice of Withholding of Contract Payments (NWCP), is to be completed by the LCP and served on the contractor, any affected subcontractor, and any bonding company issuing a bond securing payment of wages on the public works project. On page 2 of the NWCP, the contractor and subcontractor are advised of their right to obtain review of the LCP's monetary assessment by filing a written request for review at the address designated by the LCP in the space provided. The LCP should insert in this space the identity and address of the individual the LCP has assigned the tasks of receiving requests for review and, in turn, providing the party requesting review with the notices they are entitled to under the law. On page 3 of the NWCP, the contractor and subcontractor are advised of their opportunity to informally settle any dispute they may have with the LCP's monetary assessment. Again, the LCP should designate in the space provided the identity and address of the individual the contractor should mail their written requests to for a settlement opportunity. This individual may or may not be the same individual the LCP chooses to receive the written requests for review.

In the DLSE's experience, nearly all contractors and subcontractors will request at least a settlement meeting, and will likely request formal review once an NWCP has been served upon them. If there is no request for formal review, the assessment becomes a final order and the withheld funds can be disbursed.

As mentioned above, the LCP's receipt of a written request for review triggers an obligation on the part of the LCP to complete and mail the two other forms attached as Appendix 3 and Appendix 4.

Appendix 3 is a Notice of Transmittal that must be completed and timely mailed by the LCP to the Department of Industrial Relations at the address indicated. Under the NWCP administrative review process in the Labor Code, once the contractor or subcontractor has requested review of the NWCP, it is the task of the DIR to provide the contractor a hearing with a presiding hearing officer. Consequently, the Notice of Transmittal is the tool utilized by the LCP to notify the DIR of its statutory obligation to begin the administrative review process and provide the contractor requesting review a hearing.

Appendix 4 is another notice the LCP must complete and mail to the party requesting review once that request has been received by the LCP. This form, a Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b), simply satisfies the LCP's statutory obligation to let the contractor and subcontractor know the materials contained in the LCP's investigative file which support the LCP's issuance of the assessment will be made available.

LCP staff involved in the administrative review process, as well as the attorney or law firm representing the LCP, should become familiar with the prevailing wage hearing regulations at 8 CCR 17201-17270. These regulations also are available via links at www.dir.ca.gov. Briefly, the regulations comprise the rules that must be followed by LCPs and contractors throughout the administrative review process, beginning with service of the NWCP and ending with a final decision under the review system. The regulations are extremely detailed, but are helpful in understanding the review process.

Chapter 5

Labor compliance program components

Labor compliance program requirements prior to construction

Advertisement for bid/construction contract

The call for bids and the contract or purchase order must contain language appropriate to the requirements of prevailing wage law as contained in Labor Code sections 1771, 1775, 1777.5, 1813 and 1815.

Pre-job conference

This meeting is to be held by the District before commencement of the work for contractors and subcontractors with accepted bids. The District representative at the meeting must be prepared to discuss and answer questions about requirements and procedures, including record keeping, wage determinations, apprenticeship requirements and required form filing. Information on paying training fees and giving notice to use registered apprentices should also be given out at the pre-construction meeting. Labor Code sections 1777.5 and 1777.6 contain the instructions for hiring apprentices and the ratios to journey persons. A checklist showing which state labor law requirements were discussed shall be kept for each conference. A sample checklist can be found in Appendix 6.

Payroll records

There must be a requirement in the program that certified payroll records be kept by the contractor in accordance with Labor Code section 1776 and furnished to the awarding body at times designated in the contract or within 10 days of request by the awarding body.

Review

There must be a program for orderly review of payroll records and, if necessary, for audits to verify compliance with the statutory requirements.

Withholdings

There must be a prescribed routine for withholding penalties, forfeitures and underpayment of wages for prevailing wage violations.

Delinquency

All contracts to which prevailing wage requirements apply shall include a provision that contract payments shall not be made when payroll records are delinquent or inadequate.

Public works contract award form

The Public Works Contract Award Form (DAS 140) must be filled out by contractors and subcontractors with the appropriate apprenticeship box checked and sent to the appropriate local apprenticeship committee within five days of signing the contract. The District must have a copy of this form in the project file. A copy of this form can be printed from <http://www.dir.ca.gov/DAS/DASForm140.pdf>.

Proof of general liability and workers' compensation insurance

The District must require appropriate evidence of required insurance. The evidence should be a part of the permanent project file.

Documentation and forms required during construction

Payroll records

Each contractor and subcontractor is required by Labor Code section 1776 to keep and maintain certified payroll reports.

All certified payroll reports are to be submitted to the District for review during the course of the contract and furnished to the District at times designated in the contract or within 10 days of the request by the awarding body. The certified payroll reporting form (A-1-131) can be obtained from any office of the Department of Industrial Relations' Division of Labor Standards Enforcement (DLSE) or downloaded from the Web site at <http://www.dir.ca.gov/dlse/publicWorksPayrollInstructions.htm>. If the contractor uses his/her own form, it must contain the following information:

- Employee full name, address and social security number.
- Work classification.
- Amount paid per hour. If payments are made to any third party trust, funds or plans for health and welfare, pension or vacation trusts, as part of the employer's prevailing wage obligation, then those payments should be indicated on the payroll report. The basic wage rate paid per hour plus the amounts contributed per hour for benefits, including training fund contributions, must at least equal the total prevailing rate required for that classification.
- Daily regular, overtime and holiday hours and weekly totals.
- Gross/net wages paid for this project/all projects.
- Contractor's full name and address.
- Project name and location.
- Dates of the payroll.
- Certification statement signed by a person with the authority to represent the company. This statement must declare under penalty of perjury that 1) the information contained in the payroll record is true and correct and 2) the employer has complied with the requirements of Labor Code sections 1771, 1811 and 1815 for any work performed by his or her employees on the public works project.

It is important that each contractor write "final" on the last submitted payroll for the project.

The contractor must complete a non-performance report for each week in which no work is performed. All days worked on a project must be accounted for, including Saturdays, Sundays and holidays.

Statement of employer payments

The form, Statement of Employer Payments (PW 26), must be completed by each contractor and subcontractor who pays benefits to a third party trust, plan or fund for health and welfare benefits, vacation funds, or makes pension contributions. It must contain the fund or trust name, address, administrator, and amount per hour contributed and frequency of contributions for each classification of worker. Training fund contributions must be reported on this form. A copy of the form can be downloaded from <http://www.dir.ca.gov/dlse/DLSEForm-PW26.pdf>.

Payroll rate verification

The District must acquire and review new prevailing wage rates at least twice yearly through the Department of Industrial Relations' Division of Labor Statistics and Research or from the Web site at http://www.dir.ca.gov/DLSR/statistics_research.html. Payrolls should be checked to make sure the new rates are in effect for each trade. New determinations are published in February and again in August. The rates go into effect the day after the expiration date on the determination.

Job site monitoring**Workforce documentation**

The District shall require the prime contractor to keep a daily record of all workers at the job site. Job classifications should be included. The District may also request that the inspector of record (IOR) include this information in the daily report form.

Random onsite inspections

Onsite, random inspections must be conducted on a regular basis to observe and interview workers and check hourly wage and classifications.

Close-out documentation and procedures**Final payroll**

The District must verify project payrolls have been submitted by each prime contractor or subcontractor. The final payroll from each must be marked "final" by the contractor.

Final release of funds

Prior to final release of the funds, the payroll monitor for the District and the contract administrator review the log to verify all documentation has been received.

Chapter 6

Labor compliance investigation

- In addition to monitoring all certified payroll records provided by the contractors, the LCP must investigate worker complaints of underpayment of prevailing wage rates. The major components and tasks related to this responsibility are as follows:
 - Gather supporting documents from all available sources and analyze for authenticity.
 - Conduct a complete certified payroll record (CPR) and/or project audit. Review CPRs for errors, inconsistencies, discrepancies, falsification, misclassification, under-reporting, and any other omissions that render the records inaccurate where needed by comparing the inspector of records daily log with all available records.
- On an as-needed basis according to the circumstances and issues that may arrive:
 - Calculate back wages and penalties using the proper wage determinations and trade classifications pursuant to the Department of Industrial Relations' Division of Labor Statistics and Research (DLSR) directives and records.
 - Review findings with contractor/subcontractor.
 - Write a complete summary of investigation with a statement of finding and recommended action for submission to the Department of Industrial Relations' Division of Labor Standards Enforcement for approval of withholdings.
 - Conduct settlement negotiations.
 - Testify on behalf of the school district in appeal hearings and in litigation.
 - Attend pre-bid and job-start meetings and monitor active construction projects.
 - Interview workers to validate complaints.

Chapter 7

Guidelines for prevailing wages

Labor Code section 1771 requires that workers receive the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and the general prevailing rate of per diem wages for holiday and overtime work.

Prevailing wage rate determinations

The law requires that workers on a publicly-funded project must be paid the prevailing wage of the area in which the project is located. Prevailing wage rates are established by the director of the Department of Industrial Relations by various methods, and these rates are made available to the District, contractors, workers and the general public by the department's Division of Labor Statistics and Research (DLSR) or on their Web site at http://www.dir.ca.gov/DLSR/statistics_research.html. The rates are published twice each year as prevailing wage determinations. Some trades are issued regionally (northern or southern California) and other subtrades are issued by county in which the project is located.

Each wage determination for each classification of worker will indicate the basic wage rate and fringe benefit amounts which equal the total required wage for each classification of worker for straight time and overtime work.

If you need help with a special or unknown classification, you can submit a written request to the DLSR and they will make a determination.

The contractor is obligated to pay the full prevailing rate of per diem wages. He/she, however, may take credit for amounts up to the total of fringe benefit amounts listed as prevailing in the determination. The credit may be taken only for amounts which are actual payments as defined under the Employer Payments Section CCR 16000(1)-(3). If the total of employer payments for the fringe benefits listed is less than the aggregate amount in the wage determination, the contractor must pay the difference directly to the employee. No amount of credit for payments over the aggregate amount of employer payments shall be taken as a credit towards the hourly wage required to be paid.

The determinations indicate the amount required for straight-time work, overtime, holiday, and Saturday and Sunday work. There may be special requirements for the payment of overtime and Saturday/Sunday work, and these requirements will be indicated by footnotes. These footnotes should be examined carefully.

There are separate determinations issued for apprentices on public works. These footnotes should also be examined carefully.

Each wage determination will indicate when the determination will expire and whether the rate will increase during the project. A single asterisk after the expiration date indicates the rate is good for the life of the project.

A double asterisk after the expiration date indicates the rate for work performed after the expiration date has been determined. If work extends past that date, the new rate must be paid and should be incorporated in contracts entered into at the time of bid. Contact DLSR to obtain any predetermined increases.

Overtime

Work performed by employees on public works in excess of eight hours per day and 40 hours per week must be paid for at not less than one-and-one-half times the basic rate of pay (Labor Code section 1815). Each wage determination will specify the wage rate required for overtime pay. Failure to pay the required rate will subject the contractor to a penalty of \$25 per worker per violation (Labor Code section 1813).

Holidays

Work performed on certain holidays may require the payment of overtime or double time. A list of designated holidays for each craft or classification of labor can be found on the Division of Labor Statistics and Research (DLSR) Web site at http://www.dir.ca.gov/DLSR/statistics_research.html. Each wage determination will specify the appropriate wage rate for holiday work.

Saturday/Sunday work

Most classifications of workers require the payment of overtime or double time for work performed on Saturdays and Sundays. Each wage determination will specify the required wage rate for this work. Pay attention to any footnotes that may contain exceptions or special requirements.

Travel/subsistence payments

Because the law requires that workers receive the general prevailing rate of per diem as part of the contractor's prevailing wage obligation, there may be a requirement to pay travel/subsistence. Many classifications require the payment of mileage or subsistence for traveling certain distances. These requirements are contained in the collective bargaining agreement on file with DLSR for each craft/classification of worker. You can download those requirements from the DLSR Web site at http://www.dir.ca.gov/DLSR/statistics_research.html.

Owner, operator, partners

The law prescribes that workers on a public works project receive prevailing wages. Owners, partners, owner-operators or officers of corporations performing labor on a prevailing wage project must be paid prevailing wage rates.

Chapter 8

Contractor's responsibility for certified payroll

The District must make sure contractors on the project are aware of their responsibilities to pay prevailing wages. This is done through the language in the general conditions of the bidding documents, the contract language and the pre-job meeting.

A partial list of the requirements follows:

- The contract executed between the prime contractor and the subcontractor for the performance of work on the public works project contains provisions of Labor Code sections 1771, 1775, 1777.5, 1813 and 1815.
- The prime contractor must monitor the specified determination rate of hourly wages paid by the subcontractor to employees by reviewing the payroll records of each subcontractor.
- Upon becoming aware of the failure of any subcontractor to pay workers the specified per diem wages, the prime contractor must halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for work performed on the public works project to cover the wage deficiency and;
- Before making final payment to the subcontractor for work performed on the public works project, the prime contractor must obtain an affidavit, signed under penalty of perjury, from the subcontractor, stating that he/she has paid the specified, determined prevailing wage rate of per hour wages to employees.
- The contractor must complete a non-performance report form when required. This form is completed when no work is performed on the project for a period of time. On the form the contractor states there was no payroll for a specific time period. All days for a project must be accounted for, including Saturdays, Sundays and holidays.
- Complete the Statement of Employer Payments. This form can be downloaded from <http://www.dir.ca.gov/dlse/DLSEForm-PW26.pdf>. It must be submitted at the time of bid acceptance. The prime contractor must inform the awarding body of any fringe benefit amounts paid on behalf of workers.
- In February and in August of each year during the project, verify changes in wage rates for the trade or classification used on the project. Send in a new statement of employer payments reflecting the changes in wages and/or fringes or training fees. It should be dated accordingly.

Contractor's responsibilities to apprentices

In addition to the items above, there are additional requirements of the contractor regarding the use of apprentices (sections 1777.5 and 1777.6 of the California Labor Code):

- Notify the local apprenticeship committee of the award of a contract by submitting a copy of a Division of Apprenticeship Standards (DAS 140) form for the trades involved. A copy of this form can be printed from <http://www.dir.ca.gov/DAS/DASForm140.pdf>.
- Request the dispatch of apprentices.
- Only employ apprentices who have a written apprenticeship agreement registered with the state, (DAS). Apprentices must be employed according to the ratio set by the apprenticeship program standards, but not less than a 1-to-5 hour ratio, measured against the number of journey person hours worked by the contractor for that particular trade. This rule applies to all apprenticeable trades, in accordance with the rules and regulation of the California Apprenticeship Council (CAC).
- Pay the apprentices the correct wages and benefits.
- Pay to either an apprenticeship committee approved by the DAS or the CAC the apprenticeship fees listed on the wage rate determination for each hour of work for all journey persons and apprentices of that craft on the project.

Penalties

Failure to pay prevailing wages to every worker on the project may result in the contractor being prohibited from bidding on public works projects for three years. In addition, wages not paid become forfeitures and can be collected from the contractor. Fines of up to \$50 per day per worker can also be assessed. The penalties are severe and range from misdemeanors to felonies (Labor Code sections 1777.5-1777). Although the fundamental obligation to pay prevailing wage rates rests with the contractor, ensuring payment also is important to the District.

Failure to pay required overtime wages will result in the assessment of \$25 per worker per violation.

It is against the law for an employer or other person to accept any compensation from workers on a prevailing wage project. Anyone found guilty of accepting fees, bribes or any other form of compensation or kickbacks from a worker on a prevailing wage project is guilty of a felony. Any person or company that attempts to charge a fee for registration or information about public works employment is guilty of a misdemeanor.

Chapter 9

Audit, investigative and enforcement responsibilities

Introduction

Audit, investigative and enforcement responsibilities are the most challenging aspects of operating a labor compliance program. If these responsibilities are approached objectively and consistently, however, the challenges are far less daunting.

Audits should be conducted on a random or as-needed basis. An audit is the comparison of certified payroll records (CPRs) to records or documents maintained independent of CPRs or those records used to gather the information contained in CPRs. These are usually referred to as source documents and include but are not limited to front and back copies of cancelled checks, trust fund reports, time cards, copies of pay check stubs, payroll registers, personnel sign in sheets, daily logs and any other document which authenticates or corroborates that which has been reported.

Investigative activities are the duties and tasks engaged in to verify the payment of prevailing wage rates upon receipt of a complaint or in conducting an audit of records. Prior to filing a Notice of Withholding of Contract Payments (see Appendix 2) a school district must demonstrate a thorough and objective investigation took place.

Consequently, all activities aimed at verifying a complaint or the accuracy of records must be documented and maintained in the event of an appeal or litigation.

Enforcement responsibility is extended to agencies by the Division of Labor Standards Enforcement (DLSE) that operate an LCP according to Labor Code section 1771.5. Enforcement encompasses activities that result in compliance with requirements to pay prevailing wage rates on public works projects. The most common aspect of enforcement is the assessment of penalties and the withholding of back wages owed to workers. It is of utmost importance to develop a fair and objective philosophy and criteria for enforcement and then consistently apply this criterion to each case. The most effective criteria for enforcement are simple written statements with the consequences of the failure to comply clearly stated.

Below is an outline of critical steps for document collection, which should be routinely applied in every prevailing wage violation case and particularly for those cases that lead to the filing of a Notice of Withholding of Contract Payments (see Appendix 2).

Case preparation and documentation guidelines

- Copy of worker complaint
 - Notes from worker interview.
 - Calendar of dates and hours worked.
 - Copies of check stubs or other form of proof of underpayment.
 - Document all attempts to authenticate the complaint.
 - Other supporting documentation where necessary.
- Copy of all correspondence to contractor
 - Job-start meeting checklist.
 - Initial notification of complaint.
 - Invitation to review the preliminary findings.
 - Request for additional documentation such as canceled checks, check stubs, time cards, cash receipts, ledgers, etc.
 - Log of all calls to contractor with notes about the content of discussion.
- Certified payroll records
 - For the period of time covered in the complaint and the corresponding audit.
- Inspector's daily log
 - Or another detailed record of work performed by date and the numbers of workers on project.
 - For the period of time covered in the complaint.
- Correct prevailing wage determination and applicable increases
 - For each classification appearing in the audit.
- Scope of work for trade classifications used
 - From Division Labor Statistics and Research (DLSR).
- Tabulation of bids
 - Advertisement date(s).
 - List of subcontractors.
 - Contract award amounts.
 - Description of project.
- Notice to proceed
 - Official project start and completion dates.
 - Duration of project.
- Notice of completion (if applicable)
 - With date stamp showing when it was recorded.
 - Any withholding or action must take place within 180 days from the date of recording.
 - Another 180 days is granted beyond this date if funds are still available in contract.



- Surety company information
 - The surety is entitled to receive a copy of any action taken or Notice of Withholding of Contract Payments filed.
- Contractor's previous record of violations (if applicable)
 - Formal actions and withholdings.
 - Informal actions and withholdings.
- The Notice of Withholding of Contract Payments (if applicable)
 - Always attach a copy of the audit spreadsheet.
- Release of Notice of Withholding of Contract Payments (if applicable)
 - Returns withheld funds.
 - Filed when a case is settled in whole or part.
 - Filed when it is determined the violation did not occur.
- Memo to file
 - Explains circumstances and reasons for case closure without action.
 - Provides explanation and reasons for settlement and spells any agreements reached with contractor or other parties.

Chapter 10

Contact and resource information

Department Of Industrial Relations

For labor compliance program information when you have a question on the components of a LCP:

Troy Fernandez (415) 703-5070

Debbie Jimenez (415) 703-4810

E-mail info@dir.ca.gov

Requests for information are encouraged to be in writing or faxed to:

Department of Industrial Relations

Division of Labor Standards Enforcement

Labor compliance programs

Attn: Debbie Jimenez

455 Golden Gate Avenue, 9th floor

San Francisco, CA 94102

Fax: (415) 703-4807

Art Lujan, labor commissioner, contact: Debbie Jimenez (415) 703-4810

For California labor compliance program information when you have a question on the components of a LCP or on the Labor Code:

Division of Labor Standards Enforcement

Susan Nakagama, regional manager (562) 499-6308

Lauro Cons, senior deputy (213) 897-4231

Tom Fredericks, attorney (562) 590-5461

Contact: Lisa Cervantes (562) 499-6311

When you have questions about classifications and scope of work:

Division of Labor Statistics and Research

Headquarters and library address:

455 Golden Gate Avenue, 8th floor

San Francisco, CA 94102

(415) 703-4780

http://www.dir.ca.gov/DLSR/statistics_research.html

When you have questions about prevailing wage determinations or special determinations for a specific project:

Division of Labor Statistics and Research

Headquarters and library address:

455 Golden Gate Avenue, 8th floor

San Francisco, CA 94102

http://www.dir.ca.gov/DLSR/statistics_research.html

Mailing address:

Department of Industrial Relations
Division of Labor Statistics and Research
PO Box 420603
San Francisco, CA 94142
(415) 703-4780
Hotline: (415) 703-4774
Fax: (415) 703-4771

When you need to verify the status of an individual apprentice or an apprenticeship program:

Division of Apprenticeship Standards
455 Golden Gate Avenue, 8th floor
San Francisco, CA 94102

(415) 703-4920
Fax: (415) 703-5477

Helpful Web sites

California Apprenticeship Council, www.dir.ca.gov/CAC/cac.html
Department of General Services Office of Public School Construction, www.opsc.dgs.ca.gov.
Department of Industrial Relations, www.dir.ca.gov
Division of Labor Statistics and Research, www.dir.ca.gov/DLSR/statistics_research.html
Division of Labor Standards Enforcement, www.dir.ca.gov/DLSE/dlse.html
Division of Apprenticeship Standards, www.dir.ca.gov/DAS/das.html
Northern California basic trade journey person rates, <http://www.dir.ca.gov/DLSR/PWD/index.htm>

Forms

- Notice of Withholding of Contract Payments (Appendix 1)
- Notice of Transmittal (Appendix 2)
- Notice of Opportunity to Review Evidence (Appendix 3)
- Public Works Contract Award Form DAS 140, <http://www.dir.ca.gov/DAS/DASForm140.pdf>
- Certified Payroll Reporting Form A-1-131,
<http://www.dir.ca.gov/dlse/publicWorksPayrollInstructions.htm>
- Statement of Employer Payments of PW 26, <http://www.dir.ca.gov/dlse/DLSEForm-PW26.pdf>
- California Apprenticeship Council 2 Training Fund Contributions,
<http://www.dir.ca.gov/DAS/DASCAC2.pdf>

Law Codes

Law codes must be obtained from the Internet or the Department of Industrial Relations.
California Code of Regulations, <http://ccr.oal.ca.gov/>

Relevant code sections:

Division 1. Department of Industrial Relations

Chapter 8. Office of the Director

Subchapter 4. Awarding Body Labor Compliance Programs

- Article 1. Applicable Dates for Enforcement of Awarding Body Labor Compliance Programs (Section 16425)
- Article 2. Approval and Revocation of Approval of Labor Compliance Programs by Director (Section 16426–16428)
- Article 3. Notice and Components of LCP (Section 16429–16432)
- Article 5. Enforcement (Section 16434–16439)
- Article 6. Severability (Section 16500)
- Article 8. Debarment (Section 16800–16802)
- Appendix A, Appendix B and Appendix C

California Labor Code, www.leginfo.ca.gov

Relevant code section

Labor Code Section 1771.5 – Labor Compliance Programs

Appendix 1

Recommended format of application to director for initial approval of labor compliance program
(Labor Code section 1771.7)

Entity/Awarding Body Seeking Approval:

Name

Address

Entity's/Awarding Body's Contact Person:

Name

Address

Phone

Fax

E-Mail

- A. Identify the two or more individuals employed by the entity/awarding body who will be primarily responsible for enforcing the Labor Compliance Program:

1. _____
Name

Title

Experience/training on public works/labor compliance issues:

(Attach additional sheets, if necessary.)

2. _____
Name

Title

Experience/training on public works/labor compliance issues:

(Attach additional sheets, if necessary.)

B. List all other staff who will be involved in LCP functions:

<u>Name</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Attach additional sheets, if necessary.)

C. State the average number of public work projects the entity/awarding body annually administers:

D. State whether the proposed LCP is a joint or cooperative venture among awarding bodies, and, if so, how the resources and expanded responsibilities of the LCP compare to the awarding bodies involved:

(Attach additional sheets, if necessary.)

E. Describe the entity's/awarding body's record of taking cognizance of Labor Code violations in the preceding five years, including any withholding of funds from public works contractors:

(Attach additional sheets, if necessary.)

- F. Identify the attorney or law firm available to provide legal support for the LCP, including handling of the LCP's responsibilities during the administrative review process set forth in Labor Code Section 1771.6.

_____ Attorney/Law Firm Name
_____ Address
_____ Contact Person & Phone Number

- G. Attach to the application a proposed manual outlining the responsibilities and procedures of the LCP.

- H. Identify the method by which the LCP will notify the Labor Commissioner of willful violations as defined in Labor Code Section 1777.1(d):

(Attach additional sheets, if necessary.)

DATED: _____

Entity/Awarding Body Representative

Mail this form, with enclosures, to:

Office of the Director
DEPARTMENT OF INDUSTRIAL RELATIONS
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102



Appendix 2

Labor Compliance Program <hr/> <hr/> <hr/> <hr/> <hr/> Phone: _____ Fax: _____	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> (SEAL)
Date: _____	In Reply Refer to Case No.: _____

Notice of Withholding of Contract Payments

Awarding Body	Work Performed in County of _____
Project Name	Project No. _____
Prime Contractor	
Subcontractor	

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, the Labor Compliance Program for _____ (A Labor Compliance Program) has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code sections 1771.5 and 1771.6, the Labor Compliance Program hereby issues this Notice of Withholding of Contract Payments.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

The Labor Compliance Program has determined that the total amount of wages due is: \$ _____

The Labor Compliance Program has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$ _____

The Labor Compliance Program has determined that the amount of penalties assessed under Labor Code section 1776 is: \$ _____

LABOR COMPLIANCE PROGRAM

By: _____

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code sections 1742 and 1771.6, an affected contractor or subcontractor may obtain review of this Notice of Withholding of Contract Payments by transmitting a written request to the office of the Labor Compliance Program that appears below within 60 days after service of the notice. **To obtain a hearing, a written Request for Review must be transmitted to the following address:**

Labor Compliance Program

Review Office-Notice of Withholding of Contract Payments

A **Request for Review** either shall clearly identify the Notice of Withholding of Contract Payments from which review is sought, including the date of the notice, or it shall include a copy of the notice as an attachment, and shall also set forth the basis upon which the notice is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing within 20 days of the Labor Compliance Program's receipt of the written **Request for Review**.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code Section 1742.1 (b), the Labor Compliance Program shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Notice of Withholding of Contract Payments, afford the contractor or subcontractor the opportunity to meet with the Labor Compliance Program's designee to attempt to settle a dispute regarding the notice. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, the settlement meeting, other than a final settlement agreement, is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Compliance Program's designee to attempt to settle a dispute regarding this notice must be transmitted to _____ at the following address:

Liquidated Damages

In accordance with Labor Code section 1742.1, after 60 days following the service of this Notice of Withholding of Contract Payments, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the notice shall be liable for liquidated damages in an amount equal to the wages, or portion thereof that still remain unpaid. If the notice subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

The Amount of Liquidated Damages Available Under this Notice is \$_____.

Distribution:

Prime Contractor
Subcontractor
Surety(s) on Bond

Appendix 3

LABOR COMPLIANCE PROGRAM Review Office - Notice of Withholding of Contract Payments Phone: Fax: Date:	(SEAL) In Reply Refer to Case No.:
-------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------

Notice of Transmittal

To: Department of Industrial Relations
Office of the Director-Legal Unit
Attention: Lead Hearing Officer
P. O. Box 420603
San Francisco, CA 94142-0603

Enclosed herewith please find a Request for Review, dated _____, postmarked
_____, and received by this office on _____.

Also enclosed please find the following:

- _____ Copy of Notice of Withholding of Contract Payments
- _____ Copy of Audit Summary

LABOR COMPLIANCE PROGRAM

By: _____

cc: Prime Contractor
Subcontractor
Bonding Company

Please be advised that the Request for Review identified above has been received and transmitted to the address indicated. Please be further advised that the governing procedures applicable to these hearings are set forth at Title 8, California Code of Regulations sections 17201-17270. These hearings are **not** governed by Chapter 5 of the Government Code, commencing with section 11500.



Appendix 4

LABOR COMPLIANCE PROGRAM <hr/> Review Office - Notice of Withholding of Contract Payments <hr/> <hr/> <hr/> Phone: Fax: Date:	<div style="text-align: center; height: 150px;">(SEAL)</div> In Reply Refer to Case No.:
---------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------

Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b)

To: Prime Contractor

Subcontractor

Please be advised that this office has received your **Request for Review**, dated _____, and pertaining to the Notice of Withholding of Contract Payments issued by the Labor Compliance Program in Case No. _____.

In accordance with Labor Code section 1742(b), this notice provides you with an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review, and the procedures for reviewing such evidence.

Rule 17224 of the Prevailing Wage Hearing Regulations provides as follows:

A(a) Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the affected contractor or subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing of the Request for Review.

(b) An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the affected contractor or subcontractor the option at said party's own expense to either (i) obtain copies of all such evidence through a commercial copying service or (ii) inspect and copy such evidence at the office of the Enforcing Agency during normal business hours; or if (2) The Enforcing Agency at its own expense forwards copies of all such evidence to the affected contractor or subcontractor.

(c) The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

(d) The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline may be extended by written request or agreement of the affected contractor or subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code Section 1742(b) and this Rule, shall preclude the enforcing agency from introducing such evidence in proceedings before the Hearing officer or the Director.

(e) This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the affected contractor or subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another party in the proceeding.@

In accordance with the above Rule, please be advised that the Labor Compliance Program's procedure for you to exercise your opportunity to review evidence is as follows:

Within five calendar days of the date of this notice, please transmit the attached Request to Review Evidence to the following address:

Attention: _____

Request to review evidence

To: _____

From: _____

Regarding Notice of Withholding of Contract Payments Dated _____

Our Case No.: _____

The undersigned hereby requests an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review.

Phone No.: _____
Fax No.: _____

Appendix 5

Commonly used terms

Awarding body	Owner of project, body awarding contract
CAC	California Apprenticeship Council
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CPR	Certified payroll record
DAS	Division of Apprenticeship Standards
DIR	Department of Industrial Relations
DLSE	Division of Labor Standards Enforcement
DLSR	Division of Labor Statistics & Research
DSA	Department of State Architect
FBS	Fringe benefit statement
IOR	Inspector of Record, DSA assigned building inspector
JATC	Joint apprenticeship training committee
LCP	Labor compliance program
LEA	Local education agency
PW	Public works or prevailing wage, depending on context
PWD	Prevailing wage division
T&M	Time & material

Appendix 6

Checklist of labor law requirements

District labor compliance program (Pursuant to CCR 16430)

The state labor law requirements applicable to the contract are composed of but not limited to the following:

1. Payment of prevailing wage rates

The contractor to whom the contract is awarded and its subcontractors hired for the public works project are required to pay the specified general prevailing wage rates to all workers employed in the execution of the contract. The contractor's duty to pay prevailing wages under Labor Code section 1770 et seq., should the project exceed the exemption amounts.

The contractor is responsible for ascertaining and complying with all current general prevailing wage rates for crafts and any rate changes that occur during the life of the contract. Information on all prevailing wage rates and all rate changes are to be posted at the job site for all workers to view.

2. Apprentices

It is the duty of the contractor and subcontractors to employ registered apprentices on the public works project under Labor Code section 1777.5.

3. Penalties

There are penalties required for contractor or subcontractor failure to pay prevailing wages (for nonexempt projects) and for failure to employ apprentices including forfeitures and debarment under Labor Code sections 1775, 1777.7 and 1813.

4. Certified payroll records

Contractors and subcontractors are required to keep accurate payroll records showing the name, address, social security number and work classification of each employee and owner performing work, the straight time and overtime hours worked each day and each week, the fringe benefits, and the actual per diem wage paid to each owner, journey person, apprentice worker or other employee hired for the public works project under Labor Code section 1776.

Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor or subcontractor or shall be furnished to any employee, or his/her authorized representative on request, according to Labor Code section 1776.

Each contractor and subcontractor shall submit its certified payroll record to the District at times designated in the contract or within 10 days of request by the District. If there was no work performed during a given week, the certified payroll record shall be annotated: "no work" for that week.

There are penalties required for contractor/subcontractor's failure to maintain and submit copies of certified payroll records on request under Labor Code section 1776 (g).

5. **Nondiscrimination in employment**

Employment discrimination is prohibited under Labor Code sections 1735 and 1777.6, the Government Code, the Public Contracts Code, and Title VII of the Civil Rights Act of 1964, as amended.

6. **Kickbacks prohibited**

Contractors and subcontractors are prohibited from accepting, taking wages illegally or extracting "kickback" from employee wages under Labor Code section 1778.

7. **Acceptance of fees prohibited**

Contractors or subcontractors are prohibited from accepting fees for registering any person for public work under Labor Code section 1779 or for filling work orders on public works contracts pursuant to Labor Code section 1780.

8. **Listing of subcontractors**

All prime contractors are required to list properly all subcontractors hired to perform work on the public works projects covering more than one-half of one percent of the prime contractors total bid in accordance with Public Contract Code section 4100 et seq.

9. **Proper licensing**

Contractors are required to be licensed properly and to require that all subcontractors be properly licensed. Penalties are required for employing workers while unlicensed under Labor Code section 1021 and under the California Contractor License Law found at Business and Professions Code section 7000 et seq.

10. **Unfair competition prohibited**

Contractors and subcontractors are prohibited from engaging in unfair competition as specified under Business and Professions Code sections 17200 to 17208.

11. **Workers' compensation insurance**

Labor Code section 1861 requires contractors and subcontractors be insured properly for workers' compensation.

12. **OSHA**

Contractors and subcontractors are required to abide by the occupational, safety and health laws and regulations that apply to the particular construction project.

Jurupa Unified School District

LOCATION OF RESTROOM PORTABLE BUILDINGS
MEASURE "C" PROJECT

Site	Student/Staff Restrooms
Granite Hill Elementary School	1
Ina Arbuckle Elementary School	1
Indian Hills Elementary School	1
Mission Bell	1
Pacific Avenue Elementary School	1
Rustic Lane Elementary School	1
Sky Country Elementary School	1
Troth Street Elementary School	1
West Riverside Elementary School	1
Mira Loma Middle School	1
Mission Middle School	1
Rubidoux High School	1
GRAND TOTAL	12



February 21, 2003
March 3, 2003

Shelia Carpenter
Jurupa USD
3924 Riverview Dr.
Riverside, CA 92509

RE: Proposal –(11) Standard 12'x40 'B' (1) B-1 Restroom Buildings

Aurora Modular Industries is pleased to submit the following scope of work and price of our standard restroom buildings. The building is as rigid frame construction using primarily steel components for its structural integrity and is currently engineered to seismic zone IV requirements for state facilities. The exterior quoted is a dura temp siding and a mono TPO roof. The price is based on a Cooperative Purchase Agreement purchase off of our contract with Brawley School District. Price includes the following:

(11) Standard 12'x40' "B" Restroom Buildings

1. Payment and performance bond
2. Plans and calculation for submittal by your office to DSA
3. Sheet Vinyl Flooring
4. (4)3068 Exterior doors
5. Deliver and installation at site
6. FRP Interior Walls
7. Exhausts
8. 70 MPH Wind Load
9. 70# Floor Load
10. Sinks - Cold Water Only

Total Price \$ 60,770.00 ea.

Additional Options

Option #1 – Flush to Grade Concrete Foundation	\$6,206.00 ea.
Option #2 – Hi/Low Drinking Fountains	\$3,781.58
Option #3 – Plastic Partitions	\$4,066.00 ea.

(1) Standard 12'x40' "B-1" Restroom Building

1. Payment and performance bond
2. Plans and calculation for submittal by your office to DSA
3. Sheet Vinyl Flooring
4. (5)3068 Exterior doors
5. Deliver and installation at site
6. FRP Interior Walls
7. Exhausts
8. 70 MPH Wind Load
9. 70# Floor Load
10. Sinks - Cold Water Only

Total Price \$ 68,540.00 ea.

Additional Options

Option #1 - Flush to Grade Concrete Foundation	\$6,206.00 ea.
Option #2 - Hi/Low Drinking Fountains	\$3,781.58 ea.
Option #3 - Plastic Partitions	\$3,875.00 ea.

ITEMS INCLUDED IN YOUR (12) 12'x40' TB BUILDINGS PROJECT

- ❑ Buildings engineering to seismic zone IV requirements.
- ❑ Building plans and calculations for submittal by clients architect to
- ❑ DSA.
- ❑ Payment and performance bond.
- ❑ Any change orders will be handled according to the Aurora Modular change order policy.
- ❑ All project billings will be according to the Aurora Modular billing procedure policy.
- ❑ HVAC is Aurora Standard as shown. If title 24 or other code requirements are discovered during the mechanical engineering process the HVAC could change and will be subject to change order.
- ❑ Electrical panel box quotes are Aurora standard. When electrical design is complete a change could be needed in panel size depending upon client site and needs. Any changes will be a change order. If electrical design is complete prior to quote the designed electrical will be quoted.
- ❑ Fire sprinklers are included only on multipurpose buildings, full kitchen buildings, gymnasiums, assembly rooms, and all two-stories. Any other fire rating or fire rating that must be done instead of sprinklers is not included in quote since it cannot be determined until the engineering process. A change order will be done for any additional fire rating requirements.
- ❑ Quote includes normal building sets. Any reverse or side loads needed due to site conditions will be a change order.
- ❑ Foundation spoils will be stockpiled up to 100 feet from building site if directed by client.
- ❑ Crane service for any two-story building is included.

ITEMS TO BE PERFORMED BY THE CUSTOMER

- ❑ Site preparation including rough and finish grading, excavation and removal of dirt.
- ❑ Finished graded pad will be within 5" from point to point (.10).
- ❑ Excavate crawl space 12" minimum and 18" in plumbing areas (except in toilet buildings Aurora Modular will excavate plumbing areas). For flush-to-grade concrete foundations, Aurora Modular will include all excavations.
- ❑ All site and utility connections.
- ❑ Provide clear and unobstructed access to building site location.
- ❑ Low voltage wiring and devices.
- ❑ Fencing, temporary toilet facilities and/or any other district site requirement.
- ❑ DSA inspections.
- ❑ Foundation spoils haul away.

- ☐ Any architectural or civil work required.
- ☐ Any site or approval fees.
- ☐ Backfill of foundations to finished grade.
- ☐ Hardscape and walkways up to building foundations.
- ☐ Signage as indicated on plans throughout project.
- ☐ Soils report and testing. Soils must be capable of supporting 1000 PSF load bearing foundation.
- ☐ Any landscape repair.
- ☐ Buildings with deck and ramp require hard surface landing at bottom of the ramp. The landing area is to be six linear feet in length (in the direction of travel) by the same width as the ramp. Cross slope max of ¼ per foot.
- ☐ Master keying.
- ☐ Crane service (if needed) for all single-story buildings. All concrete foundations require crane service.

PLEASE NOTE THE FOLLOWING

In the event that you are purchasing casework, such as cabinets, countertops, cubbies and other similar types of furnishings, to be installed in the modular building, please be aware that we have available "no formaldehyde" and/ or "reduced formaldehyde" selections for the casework. These are available as alternatives for standard grade, particle-based casework at your option and expense.

The carpeting you specify contains a backing with "SBR" which may contain some level of formaldehyde. YOUR MODULAR BUILDING WITH SBR BACKING SHOULD RECEIVE A MINIMUM OF 72 HOURS AIRING-OUT TIME, UNDER WELL-VENTILATED CONDITIONS, AFTER INSTALLTION AND BEFORE YOU PERMIT OCCUPANCY.

Thank you for your interest in Aurora Modular's products and services. If you should have any questions or concerns regarding the information given thus far, please feel free to contact me at 800-670-4515.

This pricing proposal will remain in effect for forty-five (45) days from the date of this letter.

Sincerely,

Adela Ellis
Sales & Marketing

K.
AGS

R.M. Cook Barela
5974 Palencia Drive
Riverside, California 92509
909-685-0700

RECEIVED

MAY 22 2003

JURUPA UNIFIED SCHOOL DISTRICT
SUPERINTENDENT

May 20, 2003

Members of the board of education
Jurupa Unified School district
Superintendent of schools
Rollin Edmunds

Dear members of the board,

In a May 18th Press enterprise newspaper story, school board member Mary Burns mentioned "We don't do this (serve as board members) for the money." I do believe Mrs. Adams has stated the same thing at a recent school board meeting. A few weeks ago, the board and administration brought up for reconsideration and for a vote the conferences expenditures of school board members. Those are district funds allocated for board needs. However they remain district funds if not used.

It has been noted at several board meetings that the public has called upon the board to relinquish their stipend and benefits. I am now requesting for your June 2 school board meeting an item to appear for action on the agenda, for the board to reconsider and vote on, the suspension of board members stipend (compensation) and benefits during this budget crisis or until conference expenditures are reinstated.

Respectfully Submitted,



R.M. Cook Barela

**Jurupa Unified School District
Board Member's Health Welfare Expenditures**

Name	Actual 2002/03 Expense * 9 months Coverage	Estimated 2003/04 Expense 12 months Coverage
Carolyn Adams	\$ 4,814.49	\$ 7,121.76
Mary Burns	\$ 5,059.47	\$ 7,108.74
John Chavez	\$ 4,809.83	\$ 7,108.74
Sam Knight	\$ -	\$ -
Ray Teagarden (thru 4/30/03)	\$ 3,924.55	N/A
TOTAL	\$ 18,608.34	\$ 21,339.24

* Due to a change in insurance providers the District Benefit Plan Year was changed from October 1 through September 30 to July 1 through June 30 in 2002/03. This resulted in a one-time shift to reflect 9 months of coverage in 2002/03 and then back to 12 months of coverage in 2003/04.

Jessica L. Phillips
2135 Rorimer Drive
Riverside Ca. 92509

Jurupa Unified School District
President of the Board, Carolyn A. Adams
Members of the Board
Superintendent of Schools, Rollin Edmunds
4850 Pedley Road
Riverside Ca. 92509

RECEIVED

MAY 21 2003

JURUPA UNIFIED SCHOOL DISTRICT
SUPERINTENDENT

Dear Mrs. Adams,

I attended the May 19, 2003 board meeting. As you may recall I expressed the importance of 3rd grade class size reduction. My daughter who is a wonderful student is also a very quite one in turn. If she were sharing a class with 29 more students when her grades slowly began to slip this year she would have been lost in the crowd. Since her class size is smaller her teacher was able to help bring up her grades again by spending the time with her. I am saddened to realize you did not reinstate the 3rd grade class size reduction. After listening to Mrs. Brewer's presentation that we can adjust our budgets and tighten our belts it appears to me that there is a possibility that we can find the funds to keep the remaining 17 teachers, which would enable us to keep the 3rd grade. I am requesting for this subject to please be placed on the June 2, 2003 agenda. Mr. Knight so eloquently called for community unity. Let us join together parents and administration and find a solution. We can show our children that the quality of their education is not dependent on a dollar sign.

Sincerely,

Jessica L. Phillips

M.

Jurupa Unified School District

Personnel Report #21

June 2, 2003

Intern Assignment

Teacher	Ms. Sara Raygor 19811 Rotterdam Street Riverside, CA 92508	Eff. September 2, 2003 through June 16, 2004 Multiple Subject Internship Credential
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From Intern Assignment to Regular Probationary

Teacher	Ms. Carolyn Snow 5329 Valinda Avenue Alta Loma, CA 91737	Eff. May 13, 2003 Multiple Subject w/ supplemental Business Credential
---------	----------------------------------------------------------------	---------------------------------------------------------------------------------

From Temporary Assignment to Regular Probationary

Teacher	Ms. Sara Reynolds 3907 Pierce Street #335 Riverside, CA 92505	Eff. February 28, 2003 Single Subject-Social Science Credential
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Salary Payment Adjustment

Discontinue deferred pay option for Ms. Lynda Finch, Teacher, effective May 12, 2003 and reimburse her the appropriate deferred pay due her.

Additional Subject Authorizations

To teach additional subjects not listed on base credential under the authorization of Education section 44263 (additional course work in subject matter): Jose Guillen - ELD; Guadalupe Hernandez - ELD

Extra Compensation Assignment

Administrative Services; 2002-2003 school year; to serve as a Home Hospital Teacher; appropriate hourly rate of pay; Funding Source: Unrestricted Resources; \$4,326 total.

Mr. Scott Eckstrom

Education Services; optional Staff Development Day at the Learning Center and Nueva Vista High; May 31, 2003; \$250 each; Funding Source: Staff Development Buy Out; \$9,914 total.

Ms. Christina Bold	Ms. Judith Hanlon	Ms. Annette Nickson
Ms. Diane Peareson	Mr. John Radovich	Mr. Tim Titus
Mr. Guy Vanderveen	Mr. Charles Wolfe	Ms. Lucile Arntzen
Ms. Margery Ashwood	Mr. Louis Cunningham	Mr. Gary Ennis
Mr. Steven Gomez	Ms. Maudie Gooden	Ms. Lillie Hall
Mr. Art Huerta	Mr. James Huff	Mr. Jeff Jacobs
Ms. Karen Lancaster	Mr. Terence Prosser	Mr. Joe Ramer
Ms. LeDair Sanner	Mr. Quenton Torbert	Mr. Richard Torbert
Ms. Mariann Vethrus		

Personnel Report #21

CERTIFICATED PERSONNEL

Extra Compensation Assignment

Education Services; optional Staff Development Day at West Riverside Elementary; May 20, 2003 and May 27, 2003; \$250 each; Funding Source: Staff Development Buy Out; \$11,163 total.

Ms. Jodi Archibald	Ms. Carolyn Bolz	Mr. Thomas Buchanan
Ms. Elsa Buenrostro	Ms. Sharon Carey	Mr. Maurice Castro
Ms. Teresa Chavez	Ms. Kathleen Doubravsky	Ms. Katherine Edmond
Mr. Chester Edmunds	Ms. Lupe Flint	Ms. Emma Garza
Ms. Barbara Godoy	Ms. Mary Golden	Ms. Laura Gonzales
Mr. Mark Gonzales	Ms. Sophia Gray	Ms. Danielle Guttirez
Ms. Vickie Hawkins	Ms. Dolores Hernandez	Ms. Amy Lopez
Ms. Mayra McClain	Ms. Stephanie Medina	Ms. Deborah Monical
Ms. Corinne Mora	Ms. Beth Ochs	Ms. Aminta Ortega
Ms. Carole Patty	Ms. Martha Rodriguez	Mr. Rafael Ruvalcaba
Ms. Kathleen Sakaki	Mr. Hector Sanchez	Ms. Agueda Sapien
Ms. Maria Saucedo	Ms. Margaret Schmidt	Mr. Richard Shannon
Ms. Arlene Stevens	Ms. Monette Stewart	Ms. Veronica Villalobos
Ms. Kristy Wiley		

Personnel Department; 2002-2003 school year; one-time English learner stipend for obtaining authorization to teach English learners; \$500 each; Funding Source: Unrestricted Resources; \$2,500 total.

Ms. Carolyn Snow	Ms. Sally Louis	Ms. Helen Roseberry
Ms. Christy Coello	Mr. Andrew Elliott	

Student & Community Services; elementary counseling program; February 1, 2003 through June 30, 2003; not to exceed 7.5 hours total; appropriate hourly rate of pay; Funding Source: Other Federal; \$252.75 total.

Mr. Roger Liverman

Youth Opportunity Center; to provide class series for Youth Opportunity Center; April 1, 2003 through June 30, 2003; not to exceed 10 hours total; appropriate hourly rate of pay; Funding Source: Work Force Investment Opportunity; \$337 total.

Ms. Gayle Dowling

Granite Hill Elementary; to provide extended learning opportunities to assist all students in mastering grade level curriculum standards; May 3, 2003 through May 17, 2003; not to exceed 20 hours each; appropriate hourly rate of pay; Funding Source: IASA-Title I Basic Grants Low Income; \$718.06 total.

Ms. Kara Davis	Ms. Sara Vigrass	Mr. Sean Edwards
Ms. Kristin DeFrance	Ms. Jessica Caforio	

Granite Hill Elementary; to provide parent workshop, childcare and refreshments to help their children become more involved in their child's education; April 23, 2003; not to exceed two (2) hours each; appropriate hourly rate of pay; Funding Source: Community Based English Tutoring (CBET); \$471.80 total.

Ms. Maria McCollum	Ms. Sherine Patton	Mr. Sean Edwards
Ms. Carol Palacios-Araiza	Ms. Michelle Maisel	Ms. Lorena Fong
Ms. Jennifer Ruiz		

Personnel Report #21

CERTIFICATED PERSONNEL

Extra Compensation Assignment

Ina Arbuckle Elementary; at-risk student tutoring; November 1, 2002 through June 30, 2003; not to exceed 306 hours total; appropriate hourly rate of pay; Funding Source: Governor's Performance Awards; \$11,512 total.

Ms. Gloria Morales	Ms. Carmen Mendez	Ms. Martha Molina
Ms. Norma Velasquez	Ms. Connie Dam	Ms. Silvana Diaz
Ms. Adriana Flores	Ms. Beth VandenRaadt	Ms. Wendy Wilson
Mr. Jason Atkinson	Ms. Mabel Armenta	Ms. Shari Cook
Ms. Karen Garinger	Ms. June VanGenuchten	Ms. Josefina Gamez
Ms. Jackie Andrews	Ms. Bertha Fletes	Ms. Julie Vanderman
Ms. Nancy Velasquez	Ms. Kate Jardine	Ms. Gloria Cabrera
Ms. Bridgette Ivory	Ms. Nancy Summers	Ms. Sally Quintana
Ms. Leona Williams	Mr. Timothy Crider	Ms. Jana Dexter
Ms. Cathe Giles	Ms. Marsha Grigsby	

Peralta Elementary; 2002-2003; extra duties; appropriate annual rate of pay; Funding Source: Discretionary-Allocations; \$452 total.

Principal's Designee Ms. Tiffany Coleman

Sunnyslope Elementary; to organize GATE activities, testing, and provide after school instruction; September 1, 2002 through June 30, 2003; not to exceed 29 ½ hours total; appropriate hourly rate of pay; Funding Source: Gifted and Talented Education (GATE); \$1,110 total.

Ms. Deborah Knodel

Sunnyslope Elementary; 2002-2003 school year; extra duties; appropriate annual rate of pay; Funding Source: School Improvement Program Grades K-6/Title II-Teacher Quality; \$101.25 total.

Principal's Designee Ms. Dani Andersen

West Riverside Elementary; parent meetings to help parents understand homework, standards, expectations, etc.; May 29, 2003; not to exceed 1.5 hours total; appropriate hourly rate of pay; Funding Source: IASA-Title I Basic Grants Low Income; \$57 total.

Ms. Monette Stewart	Ms. Jodi Archibald	Ms. Laura Gonzales
Ms. Lupe Flint	Ms. Maria Saucedo	Ms. Mary Golden

Jurupa Valley High School Athletics; 2002-2003 school year; appropriate seasonal rate of pay; Funding Source: Donations; \$1,116 total.

Mr. Peter McGowan

Learning Center; Pathway development and data collection for tech. prep. activities; May 19, 2003 through June 30, 2003; not to exceed 26.5 hours total; appropriate hourly rate of pay; Funding Source: School to Career (RCC); \$998 total.

Ms. Kathy Schroeder

Substitute Assignment

Teacher	Ms. Elizabeth Baylor 1375 Iverson Place Riverside, CA 92506	As needed Emergency 30-Day Permit
---------	-------------------------------------------------------------------	--------------------------------------

Personnel Report #21

CERTIFICATED PERSONNEL

Substitute Assignment

Teacher	Ms. Cheri Gregory 5429 Camino Real Riverside, CA 92509	As needed Emergency 30-Day Permit
Teacher	Mr. Jason Karner 2197 Saddleback Drive Corona, CA 92879	As needed CBEST Waiver
Teacher	Mr. Joseph Rocha 10336 Pendleton Street Riverside, CA 92505	As needed CBEST Waiver

Leave of Absence

Teacher	Ms. Lorena Fong 16401 Mountain Mist Street Riverside, CA 92503	Maternity Leave eff. May 19, 2003 through June 18, 2003 with use of sick leave benefits.
Teacher	Ms. Bernadette Lopez 2501 Prince Albert Drive Riverside, CA 92507	Maternity Leave eff. June 12, 2003 through June 18, 2003 with use of sick leave benefits.
Teacher	Ms. Helen McNab-Blanco 7469 Ramona Avenue Rancho Cucamonga, CA 91730	Maternity Leave eff. May 21, 2003 through June 18, 2003 with use of sick leave benefits.
Teacher	Ms. Traci Skinner 6173 Lucretia Avenue Mira Loma, CA 91752	Maternity Leave eff. May 28, 2003 through June 18, 2003 with use of sick leave benefits.
Teacher	Ms. Heather Thompson 8663 Farmhouse Lane Riverside, CA 92508	Unpaid Special Leave September 2, 2003 through June 16, 2004 without compensation, health and welfare benefits or increment advancement.
Teacher	Ms. Claudia Vasquez 6765 Cartilla Avenue Alta Loma, CA 91701	Maternity Leave eff. May 28, 2003 through June 18, 2003 with use of sick leave benefits.
Teacher	Ms. Veronica Villalobos 1283 Porfirio Elias Way Colton, CA 92324	Maternity Leave eff. May 27, 2003 through June 18, 2003 with use of sick leave benefits.

Personnel Report #21

CLASSIFIED PERSONNEL

Short-Term/Extra Work

Education Services; optional Staff Development Day at the Learning Center and Nueva Vista High; May 31, 2003; \$134 each; Funding Source: Staff Development Buy Out; \$9,914 total.

Instructional Aide	Ms. Joyce Alexander
Instructional Aide	Ms. Kim Alford
Independent Study Aide/ Instructional Aide	Ms. Karen Boyd
Independent Study Aide/ Instructional Aide	Ms. Shirley Brown
Instructional Aide	Ms. Marlene Dalgetty
Instructional Aide	Ms. Elsa Garcia
Bil. Language Tutor	Ms. Zayra Hall
Instructional Aide	Ms. Stephanie Kendricks
Independent Study Aide	Ms. Heather Smith
Instructional Aide	Mr. Daniel Torchia
Bil. Language Tutor	Ms. Myrna Alba
Instructional Aide	Ms. Marsha Bane
Instructional Aide	Ms. Daniella Bridge
Instructional Aide	Ms. Dina Hickman
Instructional Aide	Ms. Josephine Mollinedo
Instructional Aide	Ms. Susie Perla
Instructional Aide	Ms. Patricia Woolery
Instructional Aide	Ms. Vicki Jacobs

Education Support Services; clerical support during peak time; June 23-27, 2003 and August 1, 2003 through September 2, 2003; not to exceed eight (8) hours per day; appropriate hourly rate of pay; Funding Source: Unrestricted Resources; \$3,517 total.

Clerk-Typist Ms. Roberta Hamersma

Research & Assessment; extra help for the administration, necessary demographic coding and shipping procedures involved with the STAR testing; May 12, 2003 through June 2, 2003; not to exceed 50 hours total; appropriate hourly rate of pay; Funding Source: STAR testing; \$713 total.

Instructional Aide Ms. Kim Payne

Transportation; 2002-2003 school year; to serve as the designated site translator; appropriate annual rate of pay; Funding Source: Transportation: Home to School/Transportation: Special Education; \$550 total.

Transportation Technician Ms. Irma Aduato
Transportation Technician Ms. Connie Garcia

Granite Hill Elementary; to provide extra compensation to personnel to assist in proctoring tests; May 12, 2003 through May 23, 2003; not to exceed 22 hours each; appropriate hourly rate of pay; Funding Source: IASA-Title I Basic Grants Low Income; \$1,576.78 total.

Activity Supervisor	Ms. Tempie Velehradsky
Bil. Language Tutor	Ms. Jhessenia Valenzuela
Activity Supervisor	Ms. Jodi Sarra
Activity Supervisor	Ms. Dorothy Gonzalez
Activity Supervisor	Mr. Art DeLeon
Activity Supervisor	Ms. Mary Almaguer
Activity Supervisor	Ms. Angela Elam

Personnel Report #21

CLASSIFIED PERSONNEL

Short-Term/Extra Work

Sunnyslope Elementary; for SDC Preschool transportation supervision; March 1, 2003 through June 30, 2003; not to exceed 37 hours total; appropriate hourly rate of pay; Funding Source: Child Nutrition School Programs; \$452.62 total.

Activity Supervisor Ms. Angela Painter

Troth Street Elementary; August registration for new students; August 25-29, 2003; not to exceed 40 hours total; appropriate hourly rate of pay; Funding Source: Unrestricted Resources; \$378 total.

Clerk-Typist Ms. Janet Richards

Mira Loma Middle; to interpret at evening parent retention meeting; April 22, 2003; not to exceed two (2) hours total; appropriate hourly rate of pay; Funding Source: IASA-Title I Basic Grants Low Income; \$30.00 total.

Bil. Language Tutor Ms. Jossie Dowling

Leave of Absence

Custodian	Mr. Kyle Culverson 10601 Poplar Street #1 Loma Linda, CA 92354	Unpaid Special Leave May 7, 2003 through September 1, 2003 without compensation, health and welfare benefits, increment advancement or the accrual of seniority for layoff or reduction in force purposes.
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Substitute Assignment

Custodian	Mr. Anthony Douglas 6470 Rathke Drive Riverside, CA 92509	As needed
Custodian	Mr. David Rivera 5225 Warren Street Riverside, CA 92503	As needed
Custodian	Ms. Rosemarie Slater 1261 Monte Verde Avenue Upland, CA 91786	As needed

Resignation

Instructional Aide	Ms. Candice Larr 6080 Homestead Street Riverside, CA 92509	Eff. May 16, 2003
Instructional Aide	Ms. Lynda Martinez 3931 Chestnut Street Riverside, CA 92501	Eff. August 8, 2003

Personnel Report #21

CLASSIFIED PERSONNEL

Resignation

Cafeteria Assistant II	Mr. Robert Wood 6130 Camino Real #72 Riverside, CA 92509	Eff. May 16, 2003
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Retirement

Instructional Aide	Ms. Donna Stoddard 5233 Marlatt Mira Loma, CA 91752	Eff. June 2, 2003
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OTHER PERSONNEL

Short-Term Assignment

Jurupa Valley High School; 2002-2003 school year; extra duties; appropriate annual rate of pay; Funding Source: Unrestricted Resources; \$784 total.

Freshman Class Advisor	Ms. Christina Reyes
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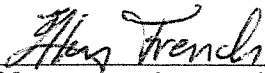
Jurupa Valley High School Athletics; February 17, 2003 through March 1, 2003; CIF Competition; 10% coaches stipend; Funding Source: Discretionary Allocations; \$716 total.

Head Girls Basketball	Mr. Anthony Williams
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Rubidoux High School Athletics; 2002-2003 school year; appropriate seasonal rate of pay; Funding Source: Unrestricted Resources; \$52,125 total.

Head Softball Coach	Ms. Jenna Saugstad
Assistant Softball Coach	Mr. Jerry Bowman
Assistant Softball Coach	Mr. Harrison Cole
Assistant Softball Coach	Ms. Bridgette Ivory
Head Boys Tennis Coach	Mr. Sam Drapiza
Assistant Boys Tennis	Mr. Josh Runyan
Head Baseball Coach	Mr. Ray Marisnick
Assistant Baseball Coach	Mr. John Mosher
Assistant Baseball Coach	Mr. Jeremy Wooten
Assistant Baseball Coach	Mr. Joe Galvin
Head Golf Coach	Mr. Charles Meyerett
Head Swim Coach	Mr. Bryan Kendall
Assistant Swim Coach	Ms. Julia Hong
Assistant Swim Coach	Mr. David Vietch
Assistant Swim Coach	Ms. Jaclyn Lothridge
Head Track Coach	Mr. Jay Hammer
Assistant Track Coach	Mr. Sam Gee
Assistant Track Coach	Mr. Steve Bennyworth
Assistant Track Coach	Mr. Jeff Huerta
Assistant Track Coach	Ms. Brianna Donnelly

The above actions are recommended for approval:



Ellen French, Assistant Superintendent-Personnel Services

Resolution #03/49
Resolution of the Board of Education
Of the Jurupa Unified School District

WHEREAS, funding for the 21st Century Community Learning Centers Grant will terminate on July 1, 2003, and;

WHEREAS, funding for the West Ed Youth Connect Grant will terminate on July 1, 2003, and;

WHEREAS, funding for the Elementary Schools Counseling Grant will terminate on July 1, 2003, and;

WHEREAS, the Specialized Secondary Program Grant has been discontinued and funding has been reduced for the Agriculture Program at Jurupa Valley High School and;

WHEREAS, the District budget has been reduced by an excess of \$3,917,000 for the 2003-2004 fiscal year and;

WHEREAS, because of these conditions, recommendations have been received from District administrators and managers which call for reduced amount of District-wide service from Classified employees, and;

WHEREAS, Education Code Section 45117 requires that thirty (30) days notice be given prior to the effective date of any lay-off or reduction in hours for lack of work or lack of funds;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Education as follows:

1. That due to a lack of work and/or a lack of funds the following classified positions be discontinued:
 - a. Six (6) Activity Facilitator positions.
 - b. Six (6) Clerk-Typist positions.
 - c. Three (3) Translator Clerk-Typist positions.
2. That due to a lack of work and/or a lack of funds the following Agriculture Assistant position be reduced:
 - a. One position from six (6) hours to four (4) hours.
3. That due to a lack of work and/or a lack of funds the following classified management position be discontinued:
 - a. Director of Facility Planning and Development

4. That the positions specified herein above be discontinued or reduced pursuant to District rules and regulations and applicable provisions of the Education Code and the negotiated agreement with the C.S.E.A.
5. That the Superintendent be and he hereby is directed to give notices of layoff or reduction in hours to the employees affected by this resolution pursuant to Education Code 45117.
6. That said layoffs or reductions shall become effective August 1, 2003.
7. That the employees laid off pursuant to this Resolution shall be eligible for reemployment pursuant to Education Code Section 45298.

Passed and adopted at a regular meeting of the Board of Education of the Jurupa Unified School District on June 2, 2003.

Ayes _____
Noes _____
Absent _____

Carolyn Adams
President, Board of Education



BOARD OF EDUCATION
JURUPA UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 03/51
NON-REELECTION OF
PROBATIONARY CERTIFICATED EMPLOYEE

BE IT RESOLVED, that the probationary certificated employee #161308 not be reemployed for the 2003-2004 school year, and that the Assistant Superintendent Personnel Services be directed to give written notice thereof as required by law.

PASSED AND ADOPTED at the regular meeting of the Jurupa Unified School District Board of Education on the 2nd day of June, 2003, by the following notice:

AYES:

NOES:

ABSENT:

Carolyn Adams
President, Board of Education



State Of California
California Commission On Teacher Credentialing
Box 944270
1900 Capitol Avenue
Sacramento, CA 94244-2700

Telephone:
(916) 445-7254 or (888) 921-2682
E-mail: credentials@ctc.ca.gov
Web site: www.ctc.ca.gov

DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

- ☐ Original declaration of need for year 2003-2004
☐ Revised declaration of need for year _____

For Service in a School District

Name of District Jurupa Unified District CDS Code 67090
Name of County Riverside County CDS Code 33

By submitting this annual Declaration the district is certifying the following:

- a diligent search, as defined on page 4 of this Declaration, to recruit a fully prepared teacher for the assignment(s) was made
- if a suitable fully prepared teacher is not available to the school district, the district make a reasonable effort to recruit based on the priority stated on page 4 of this Declaration

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 06 / 02 / 03 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

► *Enclose a copy of the Board agenda item*

With my signature below I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2004.

Submitted by (Superintendent, Board Secretary, or Designee):

<u>Ellen French</u>	<u>Asst. Suptl Personnel Services</u>
<i>Name</i>	<i>Title</i>
<u>(909) 360-4127</u>	<u>June 3, 2003</u>
<i>Fax Number</i>	<i>Date</i>
<u>4850 Pedley Road Riverside, CA 92509</u>	
<i>Mailing Address</i>	

For Service in a County Office of Education, State Agency or Non-Public School or Agency

Name of County _____ County CDS Code _____
Name of State Agency _____
Name of NPS/NPA _____ County of Location _____

(Complete only the appropriate line.)

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ____/____/____, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

► *Enclose a copy of the public announcement*

(continued)



Subjects on Emergency Single Subject Teaching Permits

Identify the subjects of estimated need with a check mark:

- | | |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Agriculture | <input checked="" type="checkbox"/> Language Other than English (cont.) |
| <input checked="" type="checkbox"/> Art | <input checked="" type="checkbox"/> German |
| <input checked="" type="checkbox"/> Biological Sciences (Specialized) | <input checked="" type="checkbox"/> Spanish |
| <input type="checkbox"/> Business | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> Chemistry (Specialized) | <input checked="" type="checkbox"/> Math |
| <input checked="" type="checkbox"/> English | <input checked="" type="checkbox"/> Music |
| <input checked="" type="checkbox"/> Geosciences (Specialized) | <input checked="" type="checkbox"/> Physical Education |
| <input checked="" type="checkbox"/> Foundational-Level Mathematics | <input checked="" type="checkbox"/> Physics (Specialized) |
| <input type="checkbox"/> Health Science | <input checked="" type="checkbox"/> Science: Biological Sciences |
| <input type="checkbox"/> Home Economics | <input checked="" type="checkbox"/> Science: Chemistry |
| <input checked="" type="checkbox"/> Industrial & Technology Education | <input checked="" type="checkbox"/> Science: Geosciences |
| <input checked="" type="checkbox"/> Language Other than English | <input checked="" type="checkbox"/> Science: Physics |
| <input checked="" type="checkbox"/> French | <input checked="" type="checkbox"/> Social Science |

Target Language(s) on Bilingual Emphasis and BCLAD Permits

List the target languages of estimated need under the appropriate category.

Multiple Subject	Single Subject	BCLAD Permits
1. _____	1. _____	1. _____
2. _____	2. _____	2. _____
3. _____	3. _____	3. _____
4. _____	4. _____	4. _____
5. _____	5. _____	5. _____

(continued)

If yes, how many interns do you expect to have this year? 30

If yes, list each college or university with which you participate in an internship program. UC Riverside, Univ of Redlands, Cal State San Bernardino, Cal Poly Pomona, Claremont Univ., Cal State Fullerton, Azusa Pacific, Chapman University, National University

If no, explain why you do not participate in an internship program.



**Jurupa Unified School District
2003 GRADUATION AND PROMOTION EXERCISES**

<u>SCHOOL</u>	<u>TIME AND PLACE</u>	<u>BOARD OF EDUCATION *</u>	<u>ADMINISTRATORS</u>
Nueva Vista High Graduation	Thursday, June 12, 2003, 6:00 p.m. University of California Theater	Carolyn Adams Sam Knight**	Rollin Edmunds DeWayne Mason
Jurupa Middle School Promotion	Tuesday, June 17, 2003, 10:00 a.m. Jurupa Middle P.E. Field	Mary Burns	DeWayne Mason
Jurupa Valley High School Graduation	Tuesday, June 17, 2003, 6:00 p.m. Jurupa Valley H.S. Football Field	Carolyn Adams** Sam Knight	Elliott Duchon Ellen French
Mission Middle School Promotion	Tuesday, June 17, 2003, 9:30 a.m. Mission Middle School Quad	Sam Knight	Rollin Edmunds
Mira Loma Middle School Promotion	Tuesday, June 17, 2003, 10:00 a.m. Mira Loma Middle School P.E. Field	John Chavez	Elliott Duchon
Rubidoux High School Graduation	Tuesday, June 17, 2003, 7:00 p.m. Edward E. Hawkins Stadium (RHS)	Mary Burns John Chavez**	Rollin Edmunds DeWayne Mason
Jurupa Valley High Awards Night	Tuesday, June 10, 2003, 7:00 p.m. Jurupa Valley High Gym		Ellen French
Rubidoux High Awards Night	Thursday, June 12, 2003, 7:00 p.m. Rubidoux High School Gym		Elliott Duchon Rollin Edmunds

Ò Caps and Gowns: Mrs. Adams, Mrs. Burns, Mr. Knight, Mr. Chavez, Mr. Edmunds, Mr. Duchon, Dr. Mason

* Board members not in the ceremony but in attendance please let the principal know you are present for introduction purposes.
** Board member receiving Class of 2003

5/5/03
RE/bh

