

Joint Labor Compliance Monitoring Program

Purpose/Intent:

The Joint Labor Compliance Monitoring Program is a partnership between the County of Santa Barbara and Compliance Group Representatives. Compliance Group Representatives are defined as outside organizations with knowledge and experience in the construction industry as it relates to State and Federal Labor Compliance. The purpose of the Compliance Group Representatives is to provide assistance in the monitoring of prevailing wage compliance on County construction projects. Thereby, decreasing the number of potential labor violations on County projects. The program will apply to Public Works, General Services, and the Community Services Department.

This program is intended to assist Santa Barbara County in enforcing the payment of prevailing wages to workers employed on County construction projects. The County utilizes the services of the Compliance Group Representatives to access construction sites on a monthly basis for the purpose of interviewing workers. Currently, the County interviews Contractor's employees as part of Federal and State compliance procedures. The Joint Labor Compliance Monitoring Program will assist and augment the interview process.

Benefits:

The information provided by the Compliance Group Representatives supplements that labor compliance information already obtained by Santa Barbara County through its own construction administration efforts. This information serves to strengthen the County's position in identifying whether or not workers employed on the County's projects are compensated properly. It also helps to prove the existence and identify workers which are not shown on certified payrolls. Further, this information serves to strengthen the County's position in administrative hearings before State appointed Hearing Officers. The ultimate desired effect is to deter contractors from attempting to circumvent prevailing wage laws; thus helping to insure a "level playing field" for all contractors working on County of Santa Barbara construction projects.

Rules of Engagement

The Compliance Group Representative, under the direction of the County of Santa Barbara Department Heads or it's Assigned Designee (Labor Compliance Coordinator, (LCC)) are authorized to conduct labor compliance site visits and interview workers on County of Santa Barbara construction projects. Also when requested, by the Department's Labor Compliance Coordinator (LCC), to assist with audits, hearings and review conferences and to assist under the following conditions:

1. As part of the routine monitoring activities: interviews shall be conducted with a frequency of one interview per trade, per month, per project as the maximum allowable number of interviews allowed under this program, unless otherwise authorized. Interviews shall be done jointly with a County Inspector.
2. If requested by the County, assist in comparing employee interviews with the certified payroll submittals.
3. When alerted by the County of Santa Barbara of potential areas of interest.
4. When complaints from workers are received.

Observance of County Rules and Regulations

All Compliance Group Representatives personnel shall observe County rules and regulations while on Santa Barbara County construction project sites. This includes, but is not limited to, job specific safety rules, the prohibition of violence, sexual harassment, and the possession of illegal drugs and/or weapons. Access to County construction project sites is for the sole purpose of conducting labor compliance interviews jointly with County Inspectors.

Additional Rules below shall be strictly abided by:

1. Wearing non-professional attire (such as, shirts or hats with logo advertisement, etc.) is not allowed.
2. Distributing literature is not allowed.
3. Engaging in conversation except for the explicit purpose of conducting an interview is not allowed.
4. Compliance Group Representatives should be on time for scheduled interviews or the interview may be cancelled.
5. Remaining on site after the interview is completed is not allowed.
6. Videotaping/or photographing of County projects is not allowed.
7. All Compliance Group Representatives shall exercise integrity and common sense while conducting business and shall jointly interview employee with the County Inspector present.
8. When interviewing workers at a County job site, the Compliance Group Representatives will record no more than the last four digits of the worker's social security number.
9. Compliance Group Representatives must provide their own safety gear (i.e.: hardhats, steel toe work boots, vests etc.) before being allowed on a job site.
10. Interviews will occur only once a month; with one interview per trade, per month, per County project.
11. Interviews shall be done in the presence of the County Inspector unless prior authorization is obtained by the LCC.

Any individual found to be in violation of the rules outlined above shall be immediately removed from the Compliance Group.

Notification

A Compliance Group Representative must contact the Department Head or its Assigned Designee (Labor Compliance Coordinator, LCC) and receive approval from the LCC to conduct a field interview. A scheduled interview with an exact place and time will be emailed or faxed back to the Compliance Group Representative.

Identification

The County of Santa Barbara will provide temporary County identification cards which will be made available at the project sites to Compliance Group Representatives. An identification such as a California Driver's license (or other photo identification) will be needed from all Compliance Group Representatives to be shown to the onsite inspector.

Upon entering a construction site, Compliance Group Representatives must contact the County's project inspector to coordinate a joint interview with the County Project Inspector present. Compliance Group Representatives must have their Identification in their possession in order to enter any County construction project site.

Reports

Interviews with workers shall be recorded on a Caltrans Employee form (Employee Interview: Labor Compliance/EEO, CEM 2504 or an equivalent County approved form). Each form will be completed in its entirety. Copies of all worker interviews shall be faxed or sent to the LCC within 48 hours of the time the interview was conducted.

County of Santa Barbara Contact-County Department Heads or their Appointed Designee

The LCC shall be the point of contact for purposes of coordinating all labor compliance activities. All issues having to do with labor compliance shall be processed through the LCC.

The LCC is:

<u>Public Works</u>	Linda Thompson	805-739-8780 North County
	Cecelia Barnes	805-681-5697 South County
<u>General Services</u>	Bob Nisbet	805-568-2626
<u>Community Services Department</u>	Brian Roney	805-568-2475

Joint Labor and Compliance Monitoring Program – Agreement and Liability Release

In-Service Labor Compliance

All Compliance Group Representatives must sign a copy of the attached agreement and liability release on the Rules of Engagement prior to commencing authorized monitoring of County of Santa Barbara construction projects. These Rules of Engagement are subject to amendment by the Department Heads.

COUNTY OF SANTA BARBARA

JOINT LABOR COMPLIANCE MONITORING PROGRAM

TERMS AND CONDITIONS AGREEMENT AND RELEASE OF LIABILITY

I HAVE READ AND UNDERSTAND THE ABOVE RULES OF ENGAGEMENT AND AGREE TO ABIDE BY THE COUNTY OF SANTA BARBARA TERMS AND CONDITIONS

Name (print) _____ Date: _____

Address: _____

Organization: _____

Office Number: _____ Fax: _____

Cell Number: _____ Pager: _____

Email Address: _____

Waiver of Liability, Assumption of Risk & Indemnity Agreement

WAIVER: In consideration of permission to use or visit, today and all future dates, the property, easements, facilities, staff, equipment and services of the County of Santa Barbara, I, for myself, my heirs, personal representative or assigns, do hereby release, waive, discharge, and covenant not to sue the County of Santa Barbara, its supervisors, directors, officers, employees or agents from liability for any and all claims, including the negligence of the County of Santa Barbara, its supervisors, directors, officers, employees or agents resulting in personal injury, accidents, illnesses, death and property loss arising from, but not limited to, my activities, participation in activities, observation and/or use of facilities, premises or equipment.

ASSUMPTION OF RISK: The use of the County property and County Construction projects, facilities, staff, equipment, and/or services carries with it certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. I hereby agree to freely and expressly assume all risk of danger, injury or death resulting from my own actions or the actions of others

