



# Labor Compliance Policy Bulletin

## LCPB 17-1 Prevailing Wage Enforcement for Ready-Mix Hauling and Delivery Drivers

References: *California Labor Code*

Section 1720.9, “ ‘Public Works’ as including hauling and delivery of ready-mixed concrete; Applicable prevailing wage rate; Written subcontract agreement; Submission of certified copy of payroll records; Applicability”

*Labor Compliance Manual*

Section 2-102A, “Certified Payrolls Format”  
Section 2-102B, “Checking Certified Payrolls”  
Section 3-102A, “(30 Vendors, Suppliers, and Fabricators”  
Table 3-2.1, “Trucking Coverage”

*2010 Standard Specifications*

Section 7-1.02K(1), “General”  
Section 7-1.02K(3), “Certified Payroll Records”

*2010 & 2015 Revised Standard Specifications*

Section 7-1.02K(1), “General”  
Section 7-1.02K(3), “Certified Payroll Record”

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Approved:   
For: RACHEL FALSETTI, Chief  
Division of Construction

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### New Procedure

Under California Labor Code, Section 1720.9, the Department of Transportation (Caltrans) is required to enforce payment of prevailing wages to drivers who haul and deliver ready-mix concrete (ready-mix) on all public works contracts advertised for bid on or after July 1, 2016. Ready-mix suppliers are required to enter into a written subcontract agreeing to comply with this section of the Labor Code and are considered to be a subcontractor solely for the purpose of labor compliance enforcement for ready-mix drivers.

Certified payrolls are required to be collected and reviewed by labor compliance staff as outlined in the Caltrans *Labor Compliance Manual*. The enforced prevailing wage rate will be for the geographic location of the batch plant (plant) in which the driver received the concrete, not the location of the project. If a plant is in a neighboring state, the applicable wage rate is for the county in California nearest to the out-of-state plant.

A written time record, signed by the driver certifying under penalty of perjury that the information contained in it is true and correct, must accompany each submitted certified payroll. The time record must include the truck driver’s full name, the name and location of the plant, the time the concrete was loaded, and the time the truck returned to a plant.

Staff will review the written time record, certified payrolls, and daily reports to confirm the time and distance between the plant and the project. It may be necessary to use a web-based mapping program such as Google Maps, Yahoo Maps, or Map Quest to map the distance from the plant to the project and back to the plant where the truck returned. This will help verify that the reported travel time is reasonable. Staff may also request truck tags from the resident engineer to confirm that locations listed are correct.

Hauling and delivery of ready-mix subject to prevailing wages includes each round trip delivery, beginning with the truck receiving the concrete at the plant, the drive to the project, delivery on the project, and the return trip to the plant. If the driver travels to a non-public works location during the trip, that location is included in the round trip and is considered covered work to be paid at the applicable prevailing wage rate. If the driver does not return to a plant, but travels back to the yard, the yard would be the end of the return trip. If a driver returns to a plant other than the originating plant, that destination will be counted as the return point.

All documentation, including the written subcontract, must be provided, upon request to verify compliance. Refer to Section 5-1.24C, "Record Inspection, Copying, and Auditing," of the *Standard Specifications* for more information.

## **Background**

Hauling and delivery of ready-mix concrete was considered to be material supply and delivery, and not subject to prevailing wages. On April 4, 2000, the Department of Industrial Relations overturned the decision on Public Works Case No. 99-037, which stated that prevailing wages were required on public works projects. By this action, the Department of Industrial Relations confirmed prevailing wages were not required to be paid to drivers delivering ready-mixed concrete to the project.

The requirement to pay prevailing wages to ready-mix drivers changed with the execution of Assembly Bill 219 in October 2015 and Senate Bill 836 in June 2016.

There are no existing policies or procedures for enforcement of prevailing wages for ready-mix concrete delivery drivers.

If you have questions or comments regarding this bulletin, please contact Pat Maloney, Division of Construction, at [pat.maloney@dot.ca.gov](mailto:pat.maloney@dot.ca.gov) or (916) 654-3501.