



Labor Compliance Policy Bulletin

LCPB 08-1 Electrician Certification

References: California Labor Code Sections 1720-1815, "Public Works"
Section 3099(c), "Responsibilities of Division
of Apprenticeship Standards"
Section 3099.2(b), "Certification of
Electricians"
California Code of Regulations Sections 290-296.4 and 16000-16802

Effective Date: September 10, 2008

Approved: _____

A handwritten signature in black ink, appearing to read 'Mark Leja', written over a horizontal line.

MARK LEJA
Chief
Division of Construction

Approval Date: September 10, 2008

Background

In 1999 and 2001, the Legislature passed AB 931 and AB 1087, respectively, codifying the requirement for electrician certification. *Labor Code* Section 3099 (c) defines an electrician as a person who engages in the connection of electrical devices of 100 volt-amperes or more for an electrical contractor, and Section 3099.2(b) requires that only those electricians employed by C-10 electrical contractors be certified by the California Department of Industrial Relations, Division of Apprenticeship Standards. The *California Code of Regulations*, Title 8, Sections 290 through 296.4, provides the regulations for electrician certification. Since the laws and regulations requiring certification were enacted, the Department of Transportation's (Caltrans) labor compliance program has received numerous requests for interpretation and enforcement of electrician certification on its projects.

As a condition of its labor compliance program approval from the Department of Industrial Relations, the Caltrans Division of Construction's Labor Compliance Office is responsible for enforcement of the public works sections of the *Labor Code* (sections 1720 through 1815) and the implementing regulations related to the payment of prevailing wages on Caltrans projects found in the *California Code of Regulations*, Title 8, Sections 16000 through 16802. Certification of electricians is not a prevailing wage requirement of these sections of the *Labor Code* or the *California Code of Regulations*. Electrician certification is not, therefore, an enforcement requirement under Caltrans' approved labor compliance program. In addition, because the applicable *Labor Code* sections and implementing regulations for electrician certification do not provide for enforcement by any agency within the state, Caltrans has neither the responsibility nor the legal authority to require submission of such certifications from contractors for labor compliance purposes.

Existing Procedure

The *Labor Compliance Manual* does not address electrician certification.

New Procedure

District labor compliance staff shall not require contractors to provide evidence of electrician certification as a means of verifying prevailing wage compliance on Caltrans' public works contracts.

If you have questions please contact Angela Shell, Labor Compliance Program Manager, (916) 654-3501.