

## ATTACHMENT 5

### **CONTRACT PROVISIONS FOR PREVAILING WAGES**

#### **PREVAILING WAGES**

Attention is called to the fact that this project is a public work as defined in the California Labor Code. As such, not less than the general prevailing rate of per diem wages and the general prevailing rates for holiday and overtime work shall be paid on this project. Contractors shall be responsible for compliance with all prevailing wage provisions found in California Labor Code Sections 1720 through 1861.

Copies of the General Prevailing Wage Determinations ([DIR Wage Index 2016-2](#)) made by the California Director of Industrial Relations in effect for this project and accompanied by a City of San Jose cover sheet are available at the City's Office of Equality Assurance, 200 East Santa Clara Street, 5th Floor, San Jose CA 95113-1905. All questions regarding prevailing wage requirements are to be directed to the Office of Equality Assurance at 408-535-8430.

Alternate workweek schedules that allow employees to work more than eight (8) hours per day without overtime pay are **not permitted** on public works construction contracts. **Please see attached DIR May 10, 2007 IMPORTANT NOTICE TO AWARDDING BODIES AND INTERESTED PARTIES REGARDING OVERTIME ON PUBLIC WORKS.**

Effective January 2, 2002, a Congestion Zone Fee (CZF) is required to be paid to each Ironworker [refer to Ironworker Master Agreement]. The CZF is currently \$9.00 per worker/per day. The CZF is to be included on the contractors' certified payroll reports under the Travel & subsistence column. Failure to pay the CZF will result in a prevailing wage violation requiring the contractor to make restitution to the affected worker(s). Additionally, liquidated damages will be assessed.

The appropriate craft classification for welding is **Ironworker [DIR Wage Index Page 2]**.

The appropriate craft classification for operating directional boring machine, bobcat, forklift, pilot car and skip loader (up to and including ½ cubic yard) is **Operating Engineer [DIR Wage Index Pages 39, 40A, 42]**. **Please see Page 48 – DIR July 15, 2002 NOTICE REGARDING ADVISORY SCOPE OF WORK FOR THE NORTHERN CALIFORNIA LABORERS' GENERAL PREVAILING WAGE DETERMINATION.**

Installation of draperies, blinds, shades and awnings under a construction contract is subject to prevailing wage requirements. The appropriate craft classification is **Laborer Group 3 [DIR Wage Index Pages 49-50]**.

The appropriate craft classification for on-going construction clean-up is **Laborer Group 3 [DIR Wage Index Pages 49-50]**.

The appropriate craft classifications for tree trimming and tree removal are: **Laborer Construction Specialist** and **Laborer Group 3 [DIR Wage Index Pages 49-50]**.

The appropriate craft classification for final construction clean-up is **Laborer Group 4 [DIR Wage Index Pages 49-50]**.

## Stator Rewinder

San Jose Living Wage rates are higher than the California general prevailing wage rates for the Stator Rewinder craft. Per San Jose City Council Policy, the San Jose Living Wage rates shall apply to the Stator Rewinder classifications.

The Living Wage rates for the period July 1, 2015 through June 30, 2016 are:

Living Wage With Health Benefits	Living Wage Without Health Benefits
\$18.32	\$19.57

The Living Wage rates for the period July 1, 2016 through June 30, 2017 are:

Living Wage With Health Benefits	Living Wage Without Health Benefits
\$20.14	\$21.39

## Slurry Seal Worker

San Jose Living Wage rates are higher than the California general prevailing wage rates for the Slurry Seal Worker craft. Per San Jose City Council Policy, the San Jose Living Wage rates shall apply to the Slurry Seal Worker classifications.

The Living Wage rates for the period July 1, 2015 through June 30, 2016 are:

Living Wage With Health Benefits	Living Wage Without Health Benefits
\$18.32	\$19.57

The Living Wage rates for the period July 1, 2016 through June 30, 2017 are:

Living Wage With Health Benefits	Living Wage Without Health Benefits
\$20.14	\$21.39

The appropriate craft classifications for **streetlight and traffic signal projects and parking lots** are:

- Installation of poles, pull ropes, all conductors, signal display/fire preemption/traffic camera/service/special electrical equipment, luminaries, splicing of conductors and installation of loop conductors is **Electrician: Inside Wireman, Technician [DIR Wage Index Page 145]**
- General labor work, installation of conduit **under direct supervision of Electrician: Inside Wireman, Technician**, installation of pull boxes and assisting in placing concrete is **Laborer: Group 3. Laborers are not allowed to install, pull or handle conductors.**
- Operating boom truck, Bobcat, backhoes, concrete saws, pavers, boring machines, augers and rollers is **Operating Engineer (Heavy and Highway Work) [DIR Wage Index Page 39]**
- Placing, floating and finishing concrete is **Cement Mason [DIR Wage Index Page 53]**

Attached is an Informational Only Holiday Schedule for the construction trades. Please note that not all DIR classifications are shown. Please refer to the DIR website at <http://www.dir.ca.gov/oprl/PWD/index.htm> for holidays by classification.

Please note the following classifications are not allowed on City of San Jose public works construction contracts:

**Electrical Utility Lineman**

Pole Restoration & Treatment

**Stator Rewinder**

Stator Rewinder Helper (First 6 Months)

Stator Rewinder Helper (After 6 Months)

**Laborer and Related Classifications**

Group 7 – Stage 1 (1<sup>st</sup> 6 months)

Stage 2 (2<sup>nd</sup> 6 months)

Stage 3 (3<sup>rd</sup> 6 months)

**Slurry Seal Worker**

Traffic Controlperson

**Teamster (Applies Only to Work on the Construction Site)**

Group 8 (Trainee)

Step I – 1<sup>st</sup> 1,000 Hours

Step II – 2<sup>nd</sup> 1,000 Hours

Step III – 3<sup>rd</sup> 1,000 Hours

**Landscape Maintenance Laborer**

**Carpet, Linoleum**

Floor Covering Handler Less Than 3 Years

Floor Covering Handler Trainee, First 3 Months

Floor Covering Handler Trainee, Second 3 Months

**Electrician**

Material Handler, Fourth Six Months

Material Handler, Third Six Months

Material Handler, Second Six Months

Material Handler, First Six Months

**Plumber**

Underground Utility Tradesman

Landscape Tradesman I

Landscape Tradesman II

Construction Tradesman (Year 2)

Construction Tradesman (Year 3)

Construction Tradesman (Year 4)

Construction Tradesman (Year 5)

**Water Well Driller**

Pump Installer

Helper

**In the performance of this Agreement:**

**I. Standards of Responsibility: Prevailing Wages (Municipal Code 4.10.200)**

The city requires in all of its procurement procedures that all persons who submit bids, proposals or offers to enter into a contract with the city to do so truthfully and in good faith, and shall not attempt to mislead the city with respect to the following including, but not limited to, records regarding the nature or quality of the work performed under the contract, payroll records, classification of employees on payroll records, and payment of prevailing wages where called for by the contract.

**II. Labor Standards**

Please refer to Special Provisions – Labor Standards set forth in Section 7-1.01A.

**Holiday Schedule for DIR Wage Determination 2016-2 (Santa Clara County)**

Please Note - Not all DIR trades are shown - Please refer to DIR website

**This is FYI ONLY. PLEASE CHECK HOLIDAYS AS LISTED IN DIR 2016-2**

Please see Additional Holidays for classifications with \*

TRADE	New Year's Eve	New Year's Day	MLK Day	Presidents' Day	Cesar Chavez Day	Good Friday	Memorial Day	Independence Day	Labor Day	Columbus Day	Veteran's Day	Thanksgiving Day After Thanksgiving	Christmas Eve	Christmas Day After Christmas
Ironworker		x		x			x	x	x			x	x	
Metal Roofing		x	x	x		x	x	x	x			x	x	x
Asbestos/Heat/Frost Insul Mechanic		x		x		x	x	x	x triple pay			x	x	x
Asbestos/Hazard Material Handler		x		x			x	x	x			x		x
Asbestos Removal (Laborer)		x		x			x	x	x			x		x
Bldg Const Inspector/Field Soil Material Tester		x		x			x	x	x			x	x	x
*Carpenter/Drywall/Lather*		x	x	x			x	x	x			x	x	x
Cement Mason		x	x	x			x	x	x			x	x	x
Elevator Constructor		x					x	x	x		x	x	x	x
Laborer		x		x			x	x	x			x	x	x
Modular Furniture Installer		x	x	x			x	x	x			x	x	x
Operating Engineer		x		x			x	x	x			x	x	x
*Slurry Seal Worker*		x	x	x	x	noon to 3 pm	x	x	x	x	x	x		x
Teamster		x		x			x	x	x			x	x	x
Traffic Control/Lane Closure & Hwy Improvement Painter		x		x			x	x	x			x	x	x

**Additional holidays by Classification: DDO = Designated Days Off**

\*Carpenters/Drywall/Lather - 4 DDO: 02/12/16, 05/27/16, 07/01/16, 09/02/16

\*Slurry Seal Worker - 2 DDO: 02/12/16; 09/09/16

**Holiday Schedule for DIR Wage Determination 2016-2 (Santa Clara County)**

Please Note - Not all DIR trades are shown - Please refer to DIR website

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Bricklayer/Tender		x		x			x	x	x			x	x		x
*Carpet Layer*		x	x	x			x	x	x			x	x	x	x
*Electrician: Inside Wireman & Comm System*		x	x	x			x	x	x		x	x	x	x	
		x	x	x			x	x	x		x	x		x	
		x		x			x	x	x			x	x		x
*Glazier*		x	x	x			x	x	x		x	x	x	x	
*Marble Mason/Finisher*		x	x	x	x		x	x	x			x	x		x
*Painter*		x	x	x			x	x	x			x	x	x	x
*Taper*		x	x	x			x	x	x			x	x		x
*Plasterer & Plaster Tender*		x	x	x			x	x	x			x	x		x
Underground Pipefitter		x		x			x	x	x			x	x		x
*Plumber/Steam Fitter/HVAC*	x	x	x	x		x	x	x	x	x	x	x	x	x	x
*Fire Sprinkler*	x	x	x	x			x	x	x			x	x	x	x
Roofer		x		x			x	x	x			x	x		x
Sheet Metal Worker		x	x	x		x	x	x	x			x	x		x
Sheet Metal Decking & Siding		x		x			x	x	x			x	x		x
Tile Finisher/Setter		x		x			x	x	x			x	x		x

**Additional holidays by Classification: DDO = Designated Days Off**

- \*Carpet Layer - 6 DDO: 03/25/16, 05/27/16, 06/17/16, 09/02/16, 11/11/16, 12/23/16
- \*Electrician: Inside Wireman & Comm/System - 5 DDO: 02/12/16, 05/27/16, 07/01/16, 09/02/16, 12/23/16
- \*Glazier - 9 DDO: 02/12/16, 03/25/16, 05/27/16, 06/17/16, 07/01/16, 09/02/16, 11/11/16, 11/25/16, 12/23/16
- \*Marble Mason/Finisher - 2 DDO: 05/27/16, 09/02/16
- \*Painter - 8 DDO: 02/12/16, 03/25/16, 05/27/16, 06/17/16, 07/01/16, 09/02/16, 11/25/16, 12/23/16
- \*Taper - 7 DDO: 03/25/16, 05/27/16, 06/17/16, 09/02/16, 11/11/16, 11/25/16, 12/30/16
- \*Plasterer/Plaster Tender - 2 DDO: 05/27/16; 09/02/16
- \*Plumber - DDO: 1st Friday in August 08/05/16: PLEASE check DIR web site for additional holidays
- \*Fire Sprinklers - 4 DDO: 02/17/16, 05/27/16, 07/01/16, 09/02/16