

**POSITION DUTY STATEMENT**

PM-0924 (REV 7/2014)

CLASSIFICATION TITLE Staff Services Manager I	OFFICE/BRANCH/SECTION D8/Construction	
WORKING TITLE District Labor Compliance Officer	POSITION NUMBER 908-500-4800-	EFFECTIVE DATE

As a valued member of the Caltrans team, you make it possible for the Department to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. Caltrans is a performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation and teamwork.

**GENERAL STATEMENT:**

Under the general direction of a Construction Manager, a Supervising Transportation Engineer, the incumbent Staff Services Manager I (SSM I) acting as the District Labor Compliance Officer (DLCO), is responsible for district-wide technical labor compliance support in the administration of public works contracts, procurement contracts, and technical assistance executing the Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), Disabled Veteran Business Enterprise (DVBE) and subcontractor substitution provisions of construction contracts. The DLCO provides highly technical guidance to all District staff involved in labor compliance and related subjects, and may personally conduct or act as lead investigator for the most difficult field investigations. The DLCO provides all necessary assistance and labor standards enforcement oversight on Riverside and San Bernardino transportation projects having federal aid and State bond funding. These unique conditions place the responsibility of outreach and education of consultants, contractors, and county staff regarding administration of the local wage determinations upon the incumbent. Specific duties include but are not limited to:

**TYPICAL DUTIES:**

Percentage	Essential (E)/Marginal (M) <sup>1</sup>	Job Description
50%	E	Supervises and directs staff assigned to labor compliance in support of the District's public works contract administration, procurement contracts, and Estimates. Provides technical guidance and training, staff development, and direct assistance to subordinate district labor compliance and estimate staff. Prepares employee performance evaluations for individual development and training.
30%	E	Provides technical expertise regarding labor compliance, DBE, EEO, DVBE and subcontractor substitution for the District's construction program. Provides expert guidance in labor compliance to all the District public works contract administration staff including consulting services, right of way, maintenance, facilities, etc. Provides labor standards enforcement oversight and assistance to local agencies with fed-aid projects and bond-funded projects. Represents the District in negotiations to resolve compliance violations, and thus, avoid hearings, litigation, claims, and labor disruptions or project delivery delays. Provides technical analysis and recommendations on all coverage issues and determinations.
20%	M	Leads highly complex, difficult, hostile, or technical field investigations. Personally conducts or directs source document reviews, evidence collection and evaluation, interprets contract provisions, and prepares compliance cases. The DLCO will assist District or assume personal responsibility for investigations that have significant impact. Directs the review of monthly estimates for payment to contractors and preparation of monthly reports to the District and Headquarters. Resolves contract disputes of payments. Serves as expert resource on contract administration. Coordinates with consultants and Headquarters with implementation of new technology of contract payment process.

Maintains thorough and up-to-date knowledge of State and Federal Labor, Equal Opportunity, and Civil Rights law. Coordinates the exchange of information or directly interacts with Department of Industrial Relations (DIR) on such matters as official wage and covered work determinations. Stays abreast of all pertinent regulations, policies and procedures necessary to conduct a successful labor compliance program and maintain the "approved" status of Caltrans program. The DLCO will comprehensively read DIR or Department of Labor (DOL) determinations, interpretations and guidance. The DLCO will prepare the factual portion of transmittals to DIR or DOL. The DLCO will analyze the outcome of hearings relative to impacts or changes on procedures. Monitor, analyze and disseminate as appropriate information on new wage determinations, precedential

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determinations and regulations. Knowledge of current information is critical as effective enforcement is a real-time integrated aspect of contract administration, and resident engineers, District Assistant Labor Compliance Officers (ALCOs), and others need to be informed of changes and established procedures.

<sup>1</sup>ESSENTIAL FUNCTIONS are the core duties of the position that cannot be reassigned.

MARGINAL FUNCTIONS are the minor tasks of the position that can be assigned to others.

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### SUPERVISION OR GUIDANCE EXERCISED OVER OTHERS

The DLCO is the first line supervisor to the Associate Governmental Program Analysts and Staff Services Analysts assigned to Labor Compliance and Records Retention and Estimate functions.

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### KNOWLEDGE, ABILITIES, AND ANALYTICAL REQUIREMENTS

Must be able to interpret and apply federal law or regulations relative to labor standards enforcement including but not limited to the Copeland Anti-kickback Act, Davis-Bacon and Related Acts (DBRA), the Contract Work Hours and Safety Standards Act of 1962 (CWHSSA), and the False Information Act. The DLCO must comprehend and apply Caltrans Standard Specifications, Special Provisions, Proposal and Contracts, and the Construction Manual as it applies to prevailing wages, apprenticeships, and other labor compliance matters, as well as DBE, EEO, and subcontractor substitution. Must also be able to interpret and apply the California Code of Regulations (CCR) sections 16000 through 16802 and 17000 through 17270, and the following State Codes: Labor, Public Contract, Military and Veterans' (DVBEs), and Civil Procedure (as it pertains to administrative hearings). Additionally, the incumbent must correctly apply the precedential determinations of the Director of DIR.

The DLCO must be able to analyze and resolve complex and sensitive contract administration and labor compliance issues. Requires the ability to make fine distinctions to properly analyze coverage decisions. Analyze contractor payroll records and related and substantiating financial documents to determine whether prevailing wages are being paid. Evaluate evidence for accuracy and sufficiency prior to administrative hearing procedures. The DLCO needs to comprehend the Department's contract payment systems and how they interact with other contract administration procedures such as claims, stop notices, bonds, and terminations. The DLCO must be able to develop work plans and project schedules, create written, oral and electronic reports utilizing completed staff work for varied assignments dealing with construction and administrative issues. The DLCO needs to be able recognize opportunities to eliminate unnecessary administrative procedures and recommend innovative and effective options that conserve resources and more efficiently achieve program goals. Analyzes various business practices, rules and regulations to create initial written procedures or develop innovative improvements to existing ones.

The DLCO must have the ability to conduct field investigations, recognize and collect evidence, and organize the evidence into a concise written report. The DLCO must reason logically and creatively; utilize a variety of analytical techniques to resolve complex problems, develop complicated written letters and reports on a variety of issues, and maintain a level of professional integrity to ensure that the best interests of the Department are served. The DLCO must have the ability to work well in groups, possess a high degree of tact, and have the ability to support a highly complex and critically sensitive program involving federal and state civil rights and labor law requirements.

Knowledge of the Department's construction operations and a highly detailed and comprehensive understanding of those state and federal regulations and laws pertaining to labor compliance, DBE, DVBE, EEO and subcontractor substitution.

The DLCO must be well versed in the California Labor Code and Caltrans Standard Specifications as they both relate to "public works" labor compliance. The DLCO must have a working knowledge of the various directives issued by the DIR and the "Laws and Regulations Governing the Payment of Prevailing Wages."

The DLCO must be familiar with the standards and methods of conducting financial investigations and preparing the resultant information to be used as evidence in an administrative hearing or court proceeding. In addition, the DLCO must have knowledge of the principles and current trends of public and business administration as well as the Department's formal goals and objectives.

Knowledge of principles and techniques of personnel management and supervision's role in affirmative action, health and safety and labor relations programs and the processes available to meet their objectives.

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Ability to communicate effectively and contribute to the Department's affirmative action objectives, plan and direct the work of others and adopt an effective course of action, and prepare comprehensive reports and correspondence.

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### RESPONSIBILITY FOR DECISIONS AND CONSEQUENCES OF ERROR

Timely, professional and independent decisions related to labor compliance, civil rights and "public works" contract administration issues are required on a regular basis. Errors or poor judgment result in costly coverage determinations or in improper enforcement of federal and state laws and regulations relating to labor standards, DBE and EEO. Failure to ensure enforcement of the applicable federal labor law, Civil Rights Act of 1964, and EEO regulations could jeopardize federal funding participation or require increased oversight by the Federal Highway Administration (FHWA).

Improper enforcement of the applicable sections of the Labor Code could result in the Director of DIR withdrawing the approved status of the Department's Labor Compliance Program and thus increase the costs for administering minor contracts.

A lack of timely, accurate, and comprehensive staff work or poor judgment in conducting investigations and administering wage cases and appeals, such as having faulty evidence, violating "due process" or exceeding the statute of limitations, jeopardizes the legal and equitable recovery of wages owed to contractor employees. Further, erroneous investigations and inappropriate penalty assessments and sanctions can cause excessive contractor moneys to be retained, thus, exposing the Department to claims and arbitration. Also, delays or errors could subject the Department to increased construction costs and project completion delays.

Failure to appropriately maintain the confidentiality of contractor employee information, identity of complainants, or the investigation findings from potential violations can subject the Department and the incumbent to litigation or sanctions pursuant to the Information Privacy Act, 29 CFR 5.5 (a)(3)(ii) and LC section 1776.

If the DLCO, as a representative of the Department (State), is found to have willfully violated Article 2 Wages, Chapter 1 Public Works, Part 7 Public Works and Public Agencies of the California Labor Code, he or she is guilty of a misdemeanor.

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### PUBLIC AND INTERNAL CONTACTS

Maintains frequent contact with construction, labor compliance, and other contract administration staff regarding technical prevailing wage and apprenticeship matters. Represents the District and has direct contact with DIR, DOL, FHWA, the Underground Economy Task Force, industry representatives and unions regarding labor compliance issues. Has direct contact with contractors, their attorneys, contractor employees, union representatives, labor management groups, and construction/engineering industry representatives.

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### PHYSICAL, MENTAL, AND EMOTIONAL REQUIREMENTS

Physical: Requires manual dexterity to operate computer for preparation of reports, correspondence, and various forms. Must be able to travel to various field offices and construction sites throughout the District. May also travel to other District offices and Headquarters.

Mental: Will be required to maintain sustained mental activity needed for analysis and reasoning, auditing financial records, problem solving and report creation and writing. Must be able to develop and maintain cooperative working relationships with staff as well as other departmental employees. Must recognize and respond appropriately to difficult situations and priority issues arising within a dynamic work environment, and must facilitate effective solutions. Must be able to assertively deal with contractors in spite of adversarial circumstances arising from investigations or the need to withhold progress payments when necessary to achieve compliance.

Emotional: Must be able to maintain emotional control during conflicts. Must be able to develop and maintain cooperative working relations, respond appropriately to difficult situations; recognize emotionally charged issues or problems and perform appropriately.

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### WORK ENVIRONMENT

Will work in a climate-controlled office under artificial lighting. Will be required to visit District offices, work sites, construction field offices, private businesses, and other government agencies as needed for investigations, conferences, or other assigned duties. Fieldwork may occur in less than hospitable environments.

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I have read, understand and can perform the duties listed above. (If you believe you may require reasonable accommodation, please discuss this with your hiring supervisor. If you are unsure whether you require reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Reasonable Accommodation

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Coordinator.)

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EMPLOYEE (Print)

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EMPLOYEE (Signature)

DATE

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I have discussed the duties with, and provided a copy of this duty statement to the employee named above.

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SUPERVISOR (Print)

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SUPERVISOR (Signature)

DATE