

**ATTACHMENT 11:
JUDICIAL COUNCIL REQUEST TO DEPARTMENT OF INDUSTRIAL RELATIONS
FOR SPECIAL PREVAILING WAGE DETERMINATION
AND
SPECIAL PREVAILING WAGE DETERMINATION**



JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

JOHN WORDLAW
Chief Administrative Officer

MIKE COURTNEY
Director, Facilities Services

January 17, 2020

VIA EMAIL & FIRST CLASS MAIL

Department of Industrial Relations
Office of the Director – Research & Legislation
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102

RE: Request for Special Prevailing Wage Determination for “Building / Operating Engineer” (8 CCR § 16202, subd. (a))
Judicial Council of California – RFP-FS-SP-2019-03-JP

Dear Acting Director Hassid:

On September 23, 2019, the Judicial Council of California (“**Judicial Council**”) issued RFP-FS-SP-2019-03-JP for Facility Operations and Maintenance Services Contracts (“**RFP**”) for the maintenance of hundreds of court facilities in each county in the state.¹ The Judicial Council divides its facilities into three geographical regions, each of which currently has its own Facilities Operations and Maintenance contract: Bay Area/Northern Coastal, Northern/Central and Southern Regions. The current contracts expire June 30, 2020. By way of the RFP, the Judicial Council intends to issue three new contracts, one for each of the geographical regions, for performance of the Facilities Operations and Maintenance work.

On December 27, 2019, the Judicial Council of California (“**Judicial Council**”) requested that the Department of Industrial Relations (“**DIR**”) provide guidance regarding the prevailing wage determination(s) applicable to the “Building/Operating Engineer” scope of work attached hereto

¹ All documents related to the RFP can be accessed at: <https://www.courts.ca.gov/42951.htm>.

as **Attachment “A” (“Building/Operating Engineer Scope of Work”)**. On January 9, 2020, the DIR responded (“**DIR Response**”) that the DIR “does not issue a specific general prevailing wage determination that covers the entire scope of work” and provided five possible prevailing wage determinations that apply to the Building/Operating Engineer Scope of Work. As an alternative to using the existing published general prevailing wage determinations, the DIR informed the Judicial Council that it could request a special wage determination for the Building/Operating Engineer Scope of Work. The DIR Response is attached hereto as **Attachment “B.”**

Because there is not one general determination applicable to the Building/Operating Engineer Scope of Work, the Judicial Council hereby requests, pursuant to CCR § 16202, subdivision (a), that the DIR make a special prevailing wage determination for the Building/Operating Engineer Scope of Work.

Please note that the RFP is for work to be performed in each county of the state, and the Judicial Council will issue three separate contracts covering the areas and counties more specifically described in **Attachment “C” (“Procurement Map”)**. The Procurement Map is provided to aid the DIR in determining the applicable prevailing wage rates for the Building/Operating Engineer Scope of Work in the locality where the resulting contracts from the RFP will be performed. (See Public Contract Code § 1773.)

Please be advised that the Judicial Council cancelled the RFP prior to requesting this determination. Pursuant to CCR section 16202, subdivision (a), the Judicial Council will wait at least forty-five (45) days to advertise or reissue the RFP.

Thank you for your attention to this matter. Please feel free to contact the undersigned if you need any further information or have any questions.

Sincerely,



Mike Courtney
Director, Facilities Services

Enclosures

Cc: Eric W. Schnurpfeil, Deputy Chief Counsel, Legal Services, Judicial Council of California
John Wordlaw, Chief Administrative Officer, Judicial Council of California

ATTACHMENT "A"

BUILDING / OPERATING ENGINEER SCOPE OF WORK

The Building / Operating Engineer is distinguished from the Maintenance Worker series and other maintenance specialty classes by its emphasis on independent skilled maintenance, operation, and repair of HVAC equipment, boilers, heaters, pumps, compressors, condensers, evaporators and traps.

Examples of Duties:

- i. Performs a wide variety of maintenance, repair, environmental compliance, and efficiency optimization tasks in the operation and repair of heating, air conditioning, refrigeration, and ventilating systems in buildings.
- ii. Repairs and maintains boilers, pipes, thermostats, air filters, pumps, cooling towers, blower fans, belts, and bearings.
- iii. Operates and repairs computerized heating/cooling equipment for large, complex systems at centralized and decentralized building plants.
- iv. Troubleshoots, diagnoses, and repairs/re-programs electric, electronic, and pneumatic controls of buildings by reading schematics and using computer energy management software.
- v. Oversees contract compliance and contractor work for the Facility on HVAC repair and replacement projects.
- vi. Leads and/or instructs Building Maintenance Workers in performance of routine maintenance of HVAC equipment, boilers, heaters, pumps, compressors, condensers, evaporators and traps.
- vii. Performs maintenance and repair tasks on 550V and below electrical components and equipment.
- viii. Performs Data entry related to Preventative Maintenance, environmental compliance, and energy efficiency.
- ix. Calculates amount of refrigerant to be used in air conditioning systems and refrigerant losses and additions.
- x. Oversees contract compliance and hazardous materials contractor work for asbestos, mold, lead-based paint, and other hazardous materials.

1 Employment Standards:

- i. Four years of journey-level experience operating, maintaining, and repairing HVAC/boiler equipment or,
- ii. A combination of training, education, and experience that is equivalent to the employment standard listed above and that provides the required knowledge, abilities, and universal CFC License.

- iii. Operating Engineer Apprenticeships, Technical Program Certifications, or Prior Military training in Building Automation Systems (BAS), Central Utility Plant (CUP) operations preferred.
- iv. Possession of a valid universal CFC License is required.

2 Additional Qualifications:

Knowledge of:

- i. Methods, tools, and equipment used in the repair of heating and air conditioning equipment in buildings and structures.
- ii. Operating principles, efficiency optimization practices, and compliance requirements of heating, air conditioning, and refrigeration equipment.
- iii. Computerized energy management software.
- iv. Basic arithmetic.
- v. Work safety practices related to HVAC work.

Ability to:

- i. Recognize and locate conditions which require repair and maintenance work.
- ii. Keep records.
- iii. Communicate effectively.
- iv. Regulate and control their operations.
- v. Complete written forms.
- vi. Read and interpret schematics; read and apply operating/repair instructions and contract provisions.
- vii. Explain technical information to others.
- viii. Learn and apply principles and practices of contract administration.
- ix. Work independently.
- x. Use a computer.

ATTACHMENT "B"

DIR RESPONSE TO JUDICIAL COUNCIL'S REQUEST FOR GUIDANCE



FAX TRANSMISSION

Urgent Action Needed Original will follow by mail As You Requested For Your Information

DATE: January 9, 2020
TO: Mike Courtney, Director
COMPANY: Judicial Council of California
NUMBER OF PAGES: 2
FROM: Ramil Noche, Research Data Supervisor
SUBJECT: Judicial Council of California - RFP-FS-SP-2019-03-JP

MESSAGE

On December 27, 2019, we received your letter requesting the general prevailing wage determination(s) applicable to the "Building/Operating Engineer" scopes of work taken from the "Exhibit A" attached to your letter. On January 6, 2020, you sent an email to Justin Lobo, of our office, highlighting the changes you made to the "Building/Operating Engineer" scope of work.

The Office of the Director – Research Unit does not issue a specific general determination that covers the entire scope of work listed on Exhibit A. The Director's General Prevailing Wage Determinations (PWD) determine the proper pay classification for a type of work. The nature of the work actually performed, not the title of the worker, is determinative of the rate that must be paid. For example, for work involving the maintenance of boilers, the scope of work provisions for the craft of Boilermaker-Blacksmith may include similar types of work. For work involving compressors, the scope of work provisions for the craft of Millwright may include similar types of work. For work involving the maintenance of HVAC equipment, the scope of work provisions for the craft of Sheet Metal Worker and Plumber may include similar types of work. For work involving maintenance and repair of electrical components, the scope of work provisions for the craft of Electrician may include similar types of work. In this case, it is the responsibility of the awarding body to determine the appropriate crafts/classifications and wage rates for the project. An alternative to using the existing published general prevailing wage determinations, would be for an awarding body to request a special prevailing wage determination 45 days prior to bid advertisement date of a project.

Please note that the scopes of work are strictly advisory information and may provide guidance to the awarding body in determining the appropriate crafts/classifications and wage rates on public works projects. The decision about which craft or classification is appropriate for the type of work requires comparison of the scope of work contained in the PWD with the actual work duties performed. In accordance with Labor Code Section 1773.2, "*The body awarding any contract for public work, or otherwise undertaking any public work, shall specify in the call for bids for the contract, and in the bid specifications and in the contract itself, what the general rate of per diem wages is for each craft, classification, or type of worker needed to execute the contract. ...*". The awarding body may refer to the general prevailing wage determinations in effect when the project was advertised for bid and the advisory scope of work provisions posted for each craft/classification that may include similar types of work. Any worker in any craft may perform the work. The prevailing wage determinations only reflect the minimum rate of pay for the type of work performed.

*Mike Courtney
Judicial Council of California
January 9, 2020
Page 2 of 2*

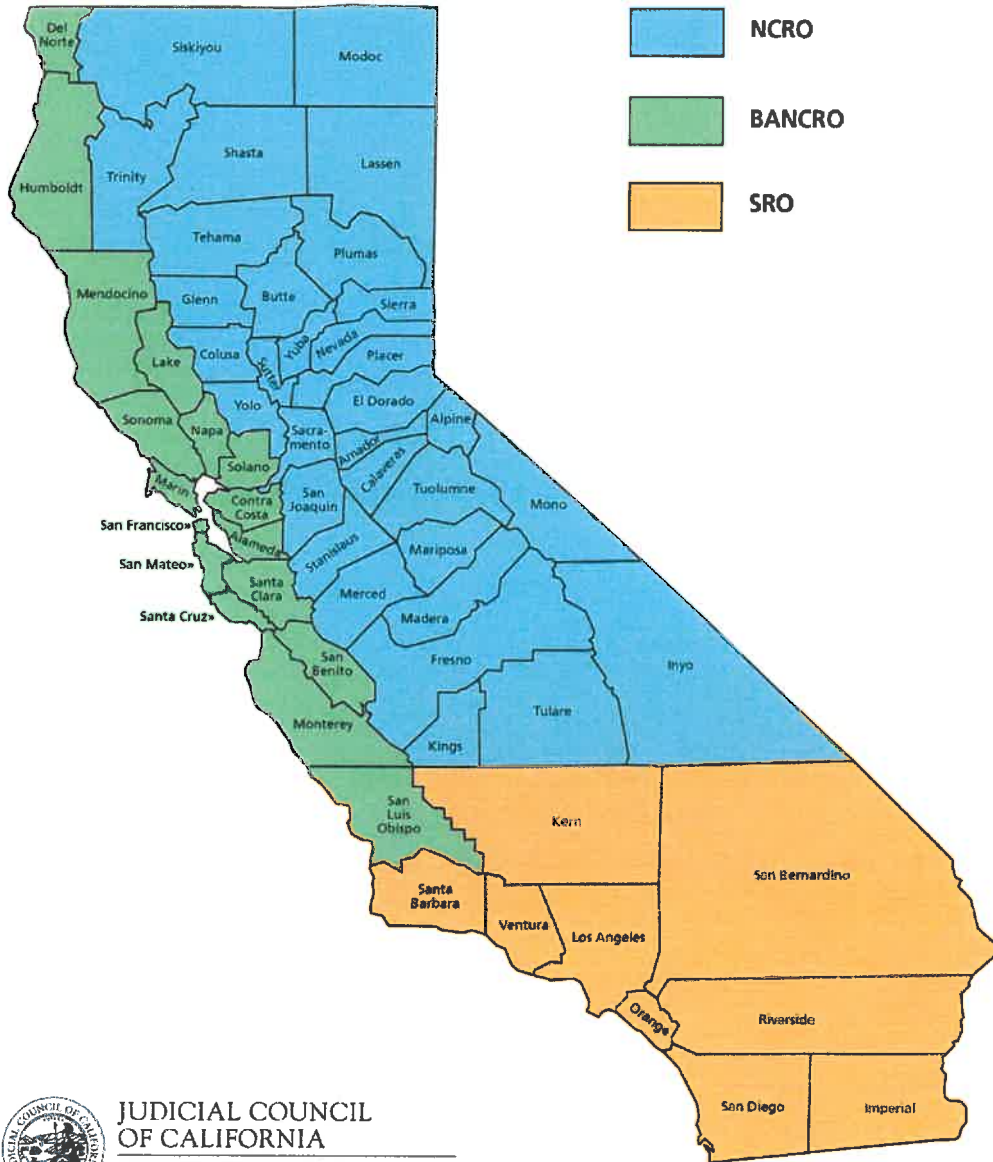
We hope this information has been helpful. If you have any questions, please contact the Prevailing Wage Unit at the address mentioned above or call (415) 703-4774. You may also visit our website at <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm> to obtain current prevailing wage information.

RN:sr

ATTACHMENT "C"

LOCALITIES IN WHICH WORK PERFORMED

FACILITIES SERVICES
Service Provider–Operations and Maintenance Contract



JUDICIAL COUNCIL
OF CALIFORNIA
ADMINISTRATIVE DIVISION
FACILITIES SERVICES

March 2019

**PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR
OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA LABOR CODE
PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773, & 1773.1**

Issue Date: March 19, 2020

Determination: S-2020-2

Craft: Stationary Engineer#

Reference: 63-501-25

Project: This prevailing wage determination is being issued pursuant to your request, received on January 17, 2020, for the Judicial Council of California – Facility Operations and Maintenance Service Contracts. This wage determination applies only to the project(s) for which it was requested in Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura counties. If this contract is modified or extended, a new determination will be required.

Wage Rates:

<u>Classification(s)</u>	<u>Basic Straight-Time Hourly Rate</u>
Stationary Engineer	\$36.36**
Maintenance Attendant	\$20.56**
Utility Engineer	\$18.56**

Employer Payments: (Labor Code Section 1773.1)

<u>Health & Welfare:</u>	\$8.91 per hour worked / \$1543.74 per month
<u>Pension:</u> (Stationary Engineer) (Maintenance Attendant) (Utility Engineer)	\$10.50 per hour worked (includes \$2.50 for Annuity) ^a \$5.10 per hour worked (includes \$1.60 for Annuity) ^a \$6.00 per hour worked
<u>Vacation:</u> (Stationary Engineer) (Maintenance Attendant) (Utility Engineer)	\$1.40 ^b per hour worked (after 1 year of service) \$0.79 ^c per hour worked (after 1 year of service) \$0.71 ^d per hour worked (after 1 year of service)
<u>Holidays:</u> (Stationary Engineer) (Maintenance Attendant) (Utility Engineer)	10 paid holidays per year or \$1.40 per hour worked 10 paid holidays per year or \$0.79 per hour worked 10 paid holidays per year or \$0.71 per hour worked
<u>Training/Other Payments:</u>	\$0.43 per hour worked

Straight time hours:

Eight (8) hours per day, forty (40) hours in any five (5) consecutive workdays within a workweek.

Overtime: One and one-half times (1 1/2X) the basic straight-time hourly rate is paid for the first four (4) daily overtime hours, on holidays worked, and the first ten (10) hours worked on the sixth (6th) day of any workweek. All other time is paid at double (2X) the basic straight-time hourly rate.

Recognized Holidays:

New Year's Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and three (3) floating holidays. In the event a holiday falls upon a Sunday, the following Monday shall be considered as the holiday. In the event a holiday falls upon a Saturday it shall be observed on the preceding Friday.

Travel and Subsistence:

There are no required travel and subsistence payments for these classifications.

Indicates an apprenticeable craft. Rates for apprentices will be furnished on request.

(Continued)

^a Amount for Annuity is factored at the applicable overtime multiplier rate for each overtime hour.

^b \$2.10 after 4 years of service; \$2.80 after 9 years of service; \$3.50 after 19 years of service.

^c \$1.19 after 4 years of service; \$1.58 after 9 years of service; \$1.98 after 19 years of service.

^d \$1.07 after 4 years of service; \$1.43 after 9 years of service; \$1.78 after 19 years of service.

**** The following predetermined hourly increases are applicable to the Stationary Engineer:**

Effective November 1, 2020, there will be an increase of \$1.50 to the basic hourly rate, \$0.06 to vacation, \$0.08 to vacation after 4 years of service, \$0.11 to vacation after 9 years of service, \$0.14 to vacation after 19 years of service, and \$0.06 to holiday.

Effective December 1, 2020, there will be an increase of \$0.75 to pension (includes \$0.50 to Annuity).

Effective January 1, 2021, there will be an increase of \$0.02 to training.

The following predetermined hourly increases are applicable to the Maintenance Attendant:

Effective November 1, 2020, there will be an increase of \$0.27 to the basic hourly rate, \$0.01 to vacation, \$0.01 to vacation after 4 years of service, \$0.02 to vacation after 9 years of service, \$0.02 to vacation after 19 years of service, and \$0.01 to holiday.

Effective December 1, 2020, there will be an increase of \$0.65 to pension (includes \$0.40 Annuity).

Effective January 1, 2021, there will be an increase of \$0.02 to training.

The following predetermined hourly increases are applicable to the Utility Engineer:

Effective November 1, 2020, there will be an increase of \$0.94 to the basic hourly rate, \$0.04 to vacation, \$0.06 to vacation after 4 years of service, \$0.07 to vacation after 9 years of service, \$0.10 to vacation after 19 years of service, and \$0.04 to holiday.

Effective December 1, 2020, there will be an increase of \$0.25 to pension.

Effective January 1, 2021, there will be an increase of \$0.02 to training.

There are no further increases applicable to this determination.

**PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR
OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA LABOR CODE
PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773, & 1773.1**

Issue Date: April 17, 2020

Determination: S-2020-3A

Craft: Stationary Engineer#

Reference: 63-39-2

Project: This prevailing wage determination is being issued pursuant to your request, received on April 10, 2020, for the Judicial Council of California - Facility Operations and Maintenance Service Contracts. This prevailing wage determination supersedes determination S-2020-3. This wage determination applies only to the project(s) for which it was requested in Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties. If this contract is modified or extended, a new determination will be required.

Wage Rates:

<u>Classification(s)</u>	<u>Basic Straight-Time Hourly Rate</u>
Stationary Engineer	\$54.77**
Utility Engineer	\$30.12**

Employer Payments: (Labor Code Section 1773.1)

<u>Health & Welfare:</u>	\$12.84 per hour worked / \$2226.00 per month
<u>Pension:</u>	\$12.36 per hour worked
<u>Vacation:</u>	
(Stationary Engineer)	\$2.11 ^a per hour worked (after 1 year of service)
(Utility Engineer)	\$1.16 ^b per hour worked (after 1 year of service)
<u>Holidays:</u>	
(Stationary Engineer)	10 paid holidays per year or \$2.11 per hour worked
(Utility Engineer)	10 paid holidays per year or \$1.16 per hour worked
<u>Training/Other Payments:</u>	\$0.39 per hour worked

Straight time hours:

Eight (8) hours per day, forty (40) hours in any five (5) consecutive workdays within a workweek.

Overtime: One and one-half times (1 1/2X) the basic straight-time hourly rate is paid for the first two (2) daily overtime hours, on holidays worked, and the first ten (10) hours worked on the sixth (6th) day of any workweek. All other time is paid at double (2X) the basic straight-time hourly rate as well as an hours worked on the seventh (7th) consecutive day.

Recognized Holidays:

New Year's Day, Labor Day, Presidents Day, Thanksgiving Day, Memorial Day, Christmas Day, Fourth of July, Employee's Birthday, and two (2) floating holidays. In the event a holiday falls upon a Saturday, the preceding Monday shall be considered as the holiday. In the event a holiday falls upon a Sunday, the following Monday shall be considered as the holiday. Another day may be substituted in lieu of the individual Employee's Birthday by mutual agreement between the individual Employer and the individual Employee involved.

Travel and Subsistence:

There are no required travel and subsistence payments for these classifications.

(Continued)

Indicates an apprenticeable craft. Rates for apprentices will be furnished on request.

^a \$3.16 after 4 years of service; \$4.21 after 9 years of service; \$5.27 after 19 years of service.

^b \$1.74 after 4 years of service; \$2.32 after 9 years of service; \$2.90 after 19 years of service.

** **The following predetermined hourly increases are applicable to the Stationary Engineer:**

Effective October 1, 2020, there will be an increase of \$2.25 to the basic hourly rate, \$0.60 to pension, \$0.08 to vacation after 1 years of service; \$0.13 to vacation after 4 years of service, \$0.18 to vacation after 9 years of service, \$0.21 to vacation after 19 years of service, and \$0.08 to holiday.

Effective January 1, 2021, there will be an increase of \$0.02 to training.

Effective October 1, 2021, there will be an increase of \$2.40 to the basic hourly rate, \$0.60 to pension, \$0.10 to vacation after 1 years of service; \$0.14 to vacation after 4 years of service, \$0.18 to vacation after 9 years of service, \$0.23 to vacation after 19 years of service, and \$0.10 to holiday.

Effective January 1, 2022, there will be an increase of \$0.02 to training.

Effective October 1, 2022, there will be an increase of \$2.51 to the basic hourly rate, \$0.60 to pension, \$0.09 to vacation after 1 years of service; \$0.14 to vacation after 4 years of service, \$0.19 to vacation after 9 years of service, \$0.24 to vacation after 19 years of service, and \$0.09 to holiday.

Effective January 1, 2023, there will be an increase of \$0.02 to training.

The following predetermined hourly increases are applicable to the Utility Engineer:

Effective October 1, 2020, there will be an increase of \$1.24 to the basic hourly rate, \$0.60 to pension, \$0.05 to vacation after 1 years of service; \$0.07 to vacation after 4 years of service, \$0.09 to vacation after 9 years of service, \$0.12 to vacation after 19 years of service, and \$0.05 to holiday.

Effective January 1, 2021, there will be an increase of \$0.02 to training.

Effective October 1, 2021, there will be an increase of \$1.32 to the basic hourly rate, \$0.60 to pension, \$0.05 to vacation after 1 years of service; \$0.08 to vacation after 4 years of service, \$0.10 to vacation after 9 years of service, \$0.12 to vacation after 19 years of service, and \$0.05 to holiday.

Effective January 1, 2022, there will be an increase of \$0.02 to training.

Effective October 1, 2022, there will be an increase of \$1.38 to the basic hourly rate, \$0.60 to pension, \$0.05 to vacation after 1 years of service; \$0.08 to vacation after 4 years of service, \$0.11 to vacation after 9 years of service, \$0.14 to vacation after 19 years of service, and \$0.05 to holiday.

Effective January 1, 2023, there will be an increase of \$0.02 to training.

There are no further increases applicable to this determination.

**PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR
OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA LABOR CODE
PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773, & 1773.1**

Issue Date: April 17, 2020

Determination: S-2020-4A

Craft: Stationary Engineer#

Reference: 63-39-1

Project: This prevailing wage determination is being issued pursuant to your request, received on April 10, 2020, for the Judicial Council of California - Facility Operations and Maintenance Service Contracts. This prevailing wage determination supersedes determination S-2020-4. This wage determination applies only to the project(s) for which it was requested in Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba counties. If this contract is modified or extended, a new determination will be required.

Wage Rates:

Classification(s)

Stationary Engineer
Utility Engineer

**Basic Straight-Time
Hourly Rate**

\$50.96**
\$28.03**

Employer Payments: (Labor Code Section 1773.1)

Health & Welfare:

\$12.84 per hour worked / \$2226.00 per month

Pension:

\$8.50 per hour worked

Vacation:

(Stationary Engineer)
(Utility Engineer)

\$1.96^a per hour worked (first 5 years of service)
\$1.08^b per hour worked (first 5 years of service)

Holidays:

(Stationary Engineer)
(Utility Engineer)

13 paid holidays per year or \$2.55 per hour worked
13 paid holidays per year or \$1.40 per hour worked

Training/Other Payments:

\$0.30 per hour worked

Straight time hours:

Eight (8) hours per day, forty (40) hours in any five (5) consecutive workdays within a workweek.

Overtime:

One and one-half times (1 1/2X) the basic straight-time hourly rate is paid for the daily overtime hours and for all hours worked on holidays. All hours worked on the seventh (7th) day of the employee's work week are paid at double (2X) the basic straight-time hourly rate.

Recognized Holidays:

New Year's Day, Labor Day, Martin Luther King Jr. Day, Columbus Day, Lincoln's Birthday, Veteran's Day, Washington's Birthday, Thanksgiving Day, Cesar Chavez Day, Day after Thanksgiving, Memorial Day, Christmas Day, and Independence Day.

Travel and Subsistence:

There are no required travel and subsistence payments for these classifications.

Indicates an apprenticeable craft. Rates for apprentices will be furnished on request.

^a \$2.94 after 5 years of service; \$3.92 after 10 years of service

^b \$1.62 after 5 years of service; \$2.16 after 10 years of service.

** **The following predetermined hourly increases are applicable to the Stationary Engineer:**

Effective May 1, 2020, there will be an increase of \$1.53 to the basic hourly rate, \$0.50 to pension, \$0.06 to vacation first 5 years of service; \$0.09 to vacation after 5 years of service, \$0.12 to vacation after 10 years of, and \$0.07 to holiday.

(Continued)

Effective January 1, 2021, there will be an increase of \$0.01 to training.

Effective May 1, 2021, there will be an increase of \$1.57 to the basic hourly rate, \$0.50 to pension, \$0.06 to vacation first 5 years of service; \$0.09 to vacation after 5 years of service, \$0.12 to vacation after 10 years of, and \$0.08 to holiday.

Effective January 1, 2022, there will be an increase of \$0.01 to training.

The following predetermined hourly increases are applicable to the Utility Engineer:

Effective May 1, 2020, there will be an increase of \$0.84 to the basic hourly rate, \$0.50 to pension, \$0.03 to vacation first 5 years of service; \$0.05 to vacation after 5 years of service, \$0.06 to vacation after 10 years of, and \$0.04 to holiday.

Effective January 1, 2021, there will be an increase of \$0.01 to training.

Effective May 1, 2021, there will be an increase of \$0.86 to the basic hourly rate, \$0.50 to pension, \$0.03 to vacation first 5 years of service; \$0.05 to vacation after 5 years of service, \$0.07 to vacation after 10 years of, and \$0.05 to holiday.

Effective January 1, 2022, there will be an increase of \$0.01 to training.

There are no further increases applicable to this determination.