

**EXCLUSIONS FROM PREVAILING WAGE REQUIREMENTS
(Rev2.20.2015JE)**

Five (5) categories of work excluded from Prevailing Wages Requirements therefore, excluded from SB854 / PWC-100. (DLSE Public Works Manual, Section 2.8 to 2.8.5, Dated June 2014)

1. Volunteers

- An individual who performs work for civic, charitable, or humanitarian reasons, for a public agency or corporation without promise, expectation, or receipt of any compensation for work performed.
- The exclusion does not apply to work performed by anyone other than those persons specifically falling within the definition.
- Additionally, a volunteer may not be employed for compensation at any time in the construction, alteration, demolition, installation, repair, or maintenance work performed on the same project.
- However, an individual may receive reasonable meals, lodging, transportation, and incidental expenses or nominal nonmonetary awards without losing volunteer status if, in the entire context of the situation, those benefits and payments are not a substitute form of compensation for work performed.

2. Public Agency's Own Forces

- Labor Code § 1771 expressly provides that the prevailing wage requirement is “not applicable to work carried out by a public agency with its own forces.”
- The California Attorney General has opined that the public agency exclusion for its own forces applied to actual “employees” of a county, and there is no published judicial decision which extends the exclusion to non-employees.

3. Janitorial Services

- The definition of “maintenance” found at 8 CCR § 16000 requires payment of wages at the prevailing rate and includes a variety of specific examples of work related to the “preservation, protection and keeping of publicly owned or publicly operated” facilities.
- The prevailing wage requirement does not apply, however, to “janitorial services of a routine, recurring or usual nature.” (8 CCR § 16000.)
- This exception to the prevailing wage requirements applies to routine and recurring janitorial services, such as washing, vacuuming, litter removal, etc. at a public facility.
- The exclusion does not apply to non-routine clean-up which, for example, might occur during, or at the conclusion of, a public works construction project.

4. Guards

- The “maintenance” definition also excludes from the prevailing wage requirements “protection of the sort provided by guards, watchmen, or other security forces.” (8 CCR § 16000.)

5. Landscape Maintenance Work At ‘Sheltered Workshops.’”

- The “maintenance” definition also excludes this particular and unique type of work from the prevailing wage requirements.
- “Sheltered workshop” is defined as a nonprofit organization, licensed by the DLSE, employing mentally and/or physically disabled workers. (8 CCR § 16000.)

OTHER MAINTENANCE SERVICES EXCLUDED FROM FILING PWC-100:

- 1) Fire Extinguisher Installer/Maintenance Technician;