
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 963 (Petrie-Norris) - Public works: prevailing wages: access to records

Version: July 17, 2025

Policy Vote: L., P.E. & R. 4 - 1, JUD. 11 -
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Urgency: No

Mandate: No

Hearing Date: August 18, 2025

Consultant: Robert Ingenito

Bill Summary: AB 963 would require an owner or developer undertaking any public works project to make certain records available to the Division of Labor Standards Enforcement (DLSE), multi-employer Taft-Hartley trust funds, and joint labor-management committees (JLMCs), as specified.

Fiscal Impact:

- The Department of Industrial Relations (DIR) indicates that it would minimally incur first-year costs of \$876,000, and \$828,000 annually thereafter, to implement the provisions of the bill (State Public Works Enforcement Fund). Cost drivers would include investigating and adjudicating complaints for non-compliance with records requirements, and adopting rules for records release consistent with the California Public Records Act (CPRA). DIR notes it may need additional resources if there is a larger volume of complaints than anticipated.
- This bill could result in an increase in penalty revenue to the State. The magnitude is unknown, but probably minor (State Public Works Enforcement Fund).

Background: The CPRA requires documents and records of state and local agencies be open and available for public inspection unless they are exempt from disclosure. Exemptions generally include personnel records, investigative records, drafts, and material made confidential by other state or federal statutes. Under CPRA, when a state or local agency withholds a record because it is exempt from disclosure, the agency must notify the requester of the reasons for withholding the record, whose only remedy is to file a lawsuit in superior court to compel disclosure of the records.

Certified payroll records (CPRs) reflect a company's accounting of funds paid out on a contract performed for a public works project, detailing the hours worked, wages paid to each employee, and the jobs performed. The CPR's primary purpose is to provide the contracting agency with a method of oversight to guarantee contractors compensate employees with prevailing wages. Current law requires a public works contractor to (1) keep accurate CPRs, and (2) make a copy of any CPR available for inspection at the contractor's principal office by an employee or the employee's authorized representative. Additionally, current law requires a public works contractor to furnish CPRs to DLSE, at least monthly, via DIR's eCPR system. Payroll records with an individual's name, address and social security number redacted are generally accessible to the public on the DIR's website.

A Taft-Hartley trust fund (THTF) or joint labor-management committee (JLMC) may request, through the body awarding the contract or DLSE, a copy of a CPR with the individual's social security number redacted. Additionally, SB 954 (Archuleta, 2022) required DIR to establish an eCPR database specifically for THTFs and JLMCs, through which these entities can gain easier access to more detailed CPRs than records published on DIR's website, without having to rely on the awarding body or DLSE to facilitate inspection of a paper copy.

Proposed Law: This bill, among other things, would do the following:

- Require an owner or developer undertaking any public works project to make the following records available upon request to DLSE, to multiemployer THTFs, and to JLMCs, as specified: (1) final executed construction contracts, (2) a certified copy of payroll records, as described in Section 1776 of the Labor Code, if the owner or developer has possession, custody, or control of these records, and (3) if the owner or developer were required to provide an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project, the monthly reports required under Section 2602 of the Public Contract Code.
- Apply the above records requirements to any owner or developer that undertakes a development project that includes work subject to public works law, regardless of whether the project is in its entirety a public work.
- Provide that any records of work performed that are made available under the above requirements be redacted only to prevent disclosure of social security numbers, but allows an owner or developer to redact pricing information from contracts and subcontracts if that information has not been made public, as specified.
- Require an owner or developer to reasonably assist in identifying responsive records when the requesting department, trust fund, or JLMC has identified the documents or information sought with specificity.
- Provide that an owner or developer has 10 days in which to comply with a written request for specified records, and, in the event that the owner or developer fails to comply with a request from a multi-employer Taft-Hartley trust fund or JLMC, requires the fund or JLMC to submit a complaint to DLSE within 10 days after compliance was required. DLSE would be required to promptly investigate any complaints.
- Provide that if DLSE determines that an owner or developer has failed to comply with the provisions of this bill, the owner or developer shall be subject to a penalty by the Labor Commissioner, as specified.
- Provide that the penalty for an owner or developer's failure to provide certified payroll records, as specified, shall be one hundred dollars \$100 for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated.

- Provide that the penalty for an owner or developer's failure to provide final executed construction contracts and monthly reports demonstrating compliance with skilled and trained requirements, as specified, shall be \$500 for each calendar day, or portion thereof, until strict compliance is effectuated.
- Require the aforementioned penalty revenue to be deposited in the State Public Works Enforcement Fund, as specified.
- Require DIR to adopt rules consistent with the California Public Records Act and the Information Practices Act of 1977 governing the release of specified records, including the establishment of reasonable fees to be charged for reproducing copies of records.
- Provide that "owner or developer" includes a corporation, limited liability company, partnership, joint venture, or other legal entity but does not include the state or a political subdivision.
- Provide that a multiemployer Taft-Hartley trust fund or a joint labor-management committee shall not disclose or share a certified copy of payroll records or an executed construction contract received under the bill and shall maintain them as confidential. Further provide that a multiemployer Taft-Hartley trust fund or a joint labor-management committee may share a certified copy of payroll records or an executed construction contract with DLSE or an awarding agency to provide evidence of a violation.

Related Legislation:

- AB 538 (Berman) would require an awarding body, upon request by the public, to obtain CPRs from a contractor and make them available to the requesting entity. Contractors would have 10 days to comply upon receipt of a written notice. This bill is pending in the Senate Appropriations Committee.
- AB 3186 (Petrie-Norris, 2024) was nearly identical to this bill, and was held in the Senate Rules Committee.
- AB 2439 (Quirk-Silva, 2024) would have required an owner, developer, or the agent of an owner or developer, that, among other things, receives public funds from a public agency to perform specified public works projects, to make available specified records to JLMCs, multiemployer Taft-Hartley trust funds, and nonprofits established to ensure compliance within the building and construction trades. This bill was held under submission on the Suspense File of the the Assembly Appropriations Committee.
- AB 2182 (Haney, 2024) would have, among other things, specified that when the Labor Commissioner requests to review a contractor's payroll records to verify their accuracy, the contractor must make available all of the items specified in the California Code of Regulation's definition of payroll records. This bill was vetoed by Governor Newsom.

- AB 587 (Robert Rivas, Chapter 806, Statutes of 2023) required any copy of records requested by, and made available for inspection by or furnished to, a Taft-Hartley trust fund or JLMC to be on forms provided by the DLSE or contain the same information as the forms provided by the DLSE. Additionally, AB 587 clarified that copies of electronic certified payroll records do not satisfy payroll records requests made by Taft-Hartley trust funds and JLMCs.

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