

DEPARTMENT OF INDUSTRIAL RELATIONS

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## **IMPORTANT NOTICE TO AWARDING BODIES AND OTHER INTERESTED PARTIES CONCERNING TREE TRIMMING DETERMINATIONS AND SCOPES OF WORK**

On February 22, 2015, the Department issued General Prevailing Wage Determination SC-102-X-14-2015-1. #Landscape/Irrigation Laborer/Tender. It includes the classification "Landscape Maintenance Tree Trimmer." The Landscape Maintenance Tree Trimmer classification is only applicable for work performed that constitutes maintenance under Labor Code section 1771 and California Code of Regulations, title 8, section 16000. The Landscape Maintenance Tree Trimmer classification does not apply to the work of a landscape laborer employed on landscape construction (work incidental to construction or post-construction maintenance during the plant installation and establishment period) or to tree trimming work involving line clearance.

Due to some confusion with respect to the rates for tree trimming work performed under maintenance contracts, and in accordance with this notice, the Landscape Maintenance Tree Trimmer classification will be strictly enforced for all public works projects advertised for bids on or after June 9, 2015. Further, because DIR previously published two rates that are arguably applicable to maintenance work involving trimming of trees and shrubs (Laborer [*Commercial Building, Highway, Heavy Construction and Dredging Projects*] and Landscape Maintenance Laborer) and because of the potential overlap of the scopes of work for these classifications, either the Laborer or the Landscape Maintenance Laborer rate was appropriate for tree trimming performed under maintenance contracts (per section 1771) (not involving line clearance or work of a laborer employed on landscape construction) undertaken prior to this notice. (See *Sheet Metal Workers Intern. Ass'n, Local Union No. 104 v. Rea* (2007) 153 Cal.App.4th 107.)