



## SIERRA CLUB MARIN GROUP

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March 22, 2004

Governor Arnold Schwarzenegger  
State Capitol Building Sacramento, CA 95814

Dear Governor:

We are writing to express our concern about the application of the requirement to pay prevailing wages to all workers on certain community-based and environmental education projects that depend on community volunteers. Watershed restoration and community based education use volunteerism as an underpinning strategy for the successful completion of public works projects. Yet a recent interpretation by the Department of Industrial Relations (DIR) of Cal. Labor Code Section 1720 jeopardizes watershed restoration work that is funded wholly or in part by public funds, and that uses a combination of volunteer and paid workers. There is a building consensus that this situation requires a long-term legislative change, as well as immediate administrative attention. Without your leadership on this issue, many organizations, such as the undersigned, will be unable to continue with their community outreach, volunteer involvement, and public education programs in their current capacity.

We seek your assistance in helping us to work with DIR to ensure that grant funded projects now in process will not be disrupted. We request your support for a long-term solution; to this end we believe a legislative change is needed that would allow for continued funding of community and volunteer based projects. In the interim, we need an administrative solution to preserve our existing watershed restoration projects that are publicly-funded and that integrate volunteers (some of whom are students who receive course credit and/or a stipend) with paid workers.

We are currently working with Assemblywoman Hancock who introduced AB 2690 to address this very issue. The goal of AB 2690 is to preserve the rights of labor to obtain fair wages while simultaneously permitting community action and public education projects, such as those aimed at watershed restoration, to receive public funds even when using volunteers. Although the Labor Code provides an exemption from the requirement to pay prevailing wages for public works, this exemption is narrow and does not address the vast majority of volunteer efforts throughout California.

### **DIR's Interpretation Jeopardizes Community Outreach and Public Education Projects**

The watershed restoration community is concerned because most of our projects receive public funding and use a mix of paid and volunteer personnel. In many cases, the ability of non-profit community organizations whose goals are watershed and natural resource

restoration to qualify for grants from government entities actually depends on their use of volunteers. Limiting the ability of watershed restoration organizations to use volunteers puts many of these organizations, and ultimately the health of their watersheds and communities, at risk.

Educational institutions involved in service-learning programs share these concerns. The recent DIR ruling appears to prohibit students from participating in most public works projects unless they are paid prevailing wages. This removes many opportunities for students to use real world settings as a venue for learning, and greatly impairs the ability of students to become involved in their communities. Limiting student volunteerism is just the opposite of what is called for in the recently developed Strategic Initiatives for Enhancing Environmental Education, which current research indicates is an effective strategy for improving education.

**Legislative Amendment Needed to Protect Volunteer Contributions**

We endorse the policy of Government Code Section 3112 (e), which states that, "Legal and market disincentives and impediments need to be eliminated in order to establish an optimum environment for citizen initiative and volunteer action." We seek your support for a legislative change that would uphold this policy.

Your efforts to revitalize California government could start at no better place than the reinvigoration of the great enthusiasm for volunteerism in California. The number and diversity of the undersigned organizations provide you with just a glimpse of how many different organizations are concerned about this issue. Please let us know at your earliest opportunity how your administration will be able to help us resolve this matter.

Sincerely,

Gordon Bennett, Vice-Chair Marin Group

cc: THE HONORABLE Victoria Bradshaw, Undersecretary  
Labor and Workforce Development Agency  
THE HONORABLE Terry Tamminen, Secretary  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
THE HONORABLE Mike Chrisman, Secretary  
Resources Agency  
Jose Millan, Deputy Secretary  
Enforcement, Department of Industrial Relations  
THE HONORABLE Paul Koretz, Chair  
Assembly Labor and Employment Committee  
THE HONORABLE Richard Alarcon  
Chair, Senate Labor and Industrial Relations Committee  
The Honorable Loni Hancock  
John Burton, President pro Tem. State Senate  
Fabian Nunez, Speaker State Assembly