

CHAPTER 484

AN ACT to renumber 66.293 (3); to amend 66.293 (1) and (2); and to create 66.293 (3) of the statutes, relating to wage rates to be paid by contractors to employes under contracts with municipalities for construction of public works projects, highways, streets and bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.293 (1) and (2) of the statutes are amended to read:

66.293 (1) ~~It shall be the duty of~~ Every city, village, township, county, school board, school district, sewer district, drainage district, commission, public or quasi-public corporation or any other governmental unit, which proposes the making of a contract for any ~~project of public works~~ highway, street or bridge construction, ~~to shall~~ determine the rate of wage scale which shall be paid by the contractor to the employes upon ~~such~~ the project. Reference to such rate of wage scale shall be published in the notice issued for the purpose of securing bids for ~~such~~ the project. Whenever any contract for a ~~project of public works~~ highway, street or bridge construction is entered into, the rate of wage scale shall be incorporated in and made a part of such contract. All employes working upon the ~~project~~ highway, street or bridge construction shall be paid by the contractor in accordance with the rate of wage scale incorporated in the contract. Such rate of wage scale shall not be altered during the time that ~~such~~ the contract is in force.

(2) Whenever any city, village, township, county, school board, school district, sewer district, drainage district, commission, public or quasi-public corporation or any governmental unit, ~~shall~~ by ordinance, resolution, rule or bylaw, ~~establish~~ establishes a rate of wage scale to be paid to employes upon any ~~project of public works~~ highway, street or bridge construction by a contractor, be he individual, co-partnership, or corporation, and it ~~shall be~~ is found upon due proof that ~~such~~ the contractor is not paying or has failed to pay the wage scale ~~thus~~ established, or is directly or indirectly, by a system of rebates or otherwise, violating the ~~provisions of such~~ ordinance, rule, resolution or bylaw of ~~such~~ the city, village, township, county, school board, school district, sewer district, drainage district, commission, public or quasi-public corporation or any governmental unit, ~~such~~ contractor shall be deemed guilty of a misdemeanor and shall be punished therefor by imprisonment in the county jail for a period of not more than one year nor less than 30 days or by a fine of ~~may be fined~~ not to exceed \$500 for each offense or both.

SECTION 2. 66.293 (3) of the statutes is renumbered 66.293 (4).

SECTION 3. 66.293 (3) of the statutes is created to read:

66.293 (3) Every municipality, before soliciting bids on a contract for any project of public works except highway, street or bridge construction, shall apply to the industrial commission to ascertain the prevailing wage rate in all trades and occupations required in the work contemplated. The commission shall determine the prevailing wage rate for each trade or occupation pursuant to s. 103.49, shall make its determination within 30 days after receiving the request and shall file the same with the municipality applying therefor. Reference to such prevailing wage rates shall be published in the notice issued for the purpose of securing bids for the

project. Whenever any contract for a project of public works except highway, street or bridge construction is entered into, the wage rate shall be incorporated into and made a part of the contract. All employes working on the project shall be paid by the contractor in accordance with the wage rate incorporated in the contract. Such wage rate shall not be altered during the time that the contract is in force.

(a) Any contractor, subcontractor or agent thereof, who fails to pay the prevailing rate of wages determined by the commission under this section, shall be liable to the employes affected in the amount of their unpaid minimum wages or their unpaid overtime compensation and an additional equal amount as liquidated damages. Action to recover the liability may be maintained in any court of competent jurisdiction by any one or more employes for and in behalf of himself and other employes similarly situated. No employe shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and the consent is filed in the court in which the action is brought. The court shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee and costs to be paid by the defendant.

(b) In this subsection, "municipality" means any city, village, town, county, common school district, high school district, unified school district, county-city hospital established under s. 66.47, sewerage commission organized under s. 144.07 (4), metropolitan sewerage district organized under s. 66.209 or any other unit of government or any agency or instrumentality of 2 or more units of government in this state.

(c) This subsection shall not apply to any highway, street or bridge construction or to any public works project for which the estimated project cost of completion is below \$2,500 where a single trade is involved and \$25,000 where more than one trade is involved on such project.

(d) The commission, upon petition of any municipality, shall issue an order exempting the municipality from this subsection when it is shown that an ordinance or other enactment of the municipality sets forth the standards, policy, procedure and practice that results in standards as high or higher than those under s. 103.49.

Approved December 15, 1965.
