

WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 99-006**

AN ORDER to amend DWD 290.155, relating to the annual adjustment of the minimum estimated project costs for the application of the requirement to obtain a determination of prevailing wage rates for workers employed on state or local public works projects.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

01-15-99 RECEIVED BY LEGISLATIVE COUNCIL.

02-12-99 REPORT SENT TO AGENCY.

RNS:RJC:kjf;wu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 99-006

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

Both the fiscal impact statement and the fiscal estimate of the rule appear to be somewhat misleading in that they both seem to imply that, under the rule, single-trade public works projects that cost under \$32,000 and multi-trade public works projects with a cost below \$160,000 *will* be subject to prevailing wage rates. Clearly, that is not the purpose of the rule nor its effect. Perhaps the accuracy and clarity of the statement and estimate could be enhanced if the references to the old thresholds are removed and only the new upper limits are referred to. Thus, the fiscal impact would read, in part, ". . . a state or local government with a public works project that costs less than \$33,000 for a single-trade project or less than \$164,000 for a multi-trade project will not be covered by the prevailing wage requirement."



**State of Wisconsin  
Department of Workforce Development**

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 66.293(5) and 103.49(3g), Stats., the Department of Workforce Development proposes to hold a public hearing to consider the amendment of rules under chapter DWD 290, Wis. Adm. Code, on **Thresholds for Application of the Prevailing Wage Rates for State or Local Public Works Projects.**

### **Hearing Information**

February 11, 1999  
Thursday  
9:00 - 10:00 a.m.

MADISON  
G.E.F. 1 Building, Room 400X  
201 E. Washington Avenue

The hearing will be held in an accessible building. If you have special needs or circumstances which may make communication or accessibility difficult at the hearing, please call (608) 267-9403, at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio tape format will be made available on request to the fullest extent possible.

### **Analysis Prepared by the Department of Workforce Development**

The Wisconsin Department of Workforce Development proposes an order to amend DWD 290.155, relating to the annual adjustment of the minimum estimated project costs for the application of the requirement to obtain a determination of prevailing wage rates for workers employed on state or local public works projects.

**Authority for rule:** secs. 66.293(5) and 103.49(3g), Stats.

**Statutes interpreted:** secs. 66.293(5) and 103.49(3g), Stats.

The state prevailing wage laws require that, when a state agency or local governmental unit constructs a public works project, it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Under secs. 66.293(5) and 103.49(3g), Stats., and the current sec. DWD 290.155, Wis. Admin. Code, the state prevailing wage rate laws do not apply to any "single-trade public works project" (a project

involving the employment of only one trade) whose estimated cost is below \$32,000, and it does not apply to any "multi-trade public works project" whose estimated cost is below \$160,000.

Under secs. 66.293(5) and 103.49(3g), Stats., and DWD 290.15, the department is required to adjust the dollar amounts of the threshold limits each year, in proportion to any change in construction costs since the limits were last determined. The proposed rule changes the threshold limits to \$33,000 for single-trade projects and \$164,000 for multi-trade projects, based on a 2.6% increase in the construction cost index between November 1997 and December 1998.

## Rule Text

SECTION 1. DWD 290.155 is amended to read:

DWD 290.155 This chapter does not apply to any single-trade public works project for which the estimated cost of completion is below ~~\$32,000~~ \$33,000, and any multi-trade public works project for which the estimated cost of completion is below ~~\$160,000~~ \$164,000.

*circled* SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2)(intro.), Stats.

(End)

## Initial Regulatory Flexibility Analysis

The proposed rule does not affect small business.

## Fiscal Impact

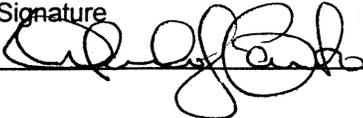
*The sum is* Under the proposed rule, a state or local government with a public works project that costs more than \$32,000 but less than \$33,000 for a single-trade project or more than \$160,000 but less than \$164,000 for a multi-trade project will not be covered by the prevailing wage requirement.

## Written Comments

Interested persons are invited to appear at the hearings and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing. Persons unable to attend the hearing or those who wish to supplement their hearing testimony may submit written comments no later than **February 19, 1999**. Written comments will be given the same consideration as testimony presented at the hearings. Written comments may be submitted to Elaine Pridgen, Department of Workforce Development, P.O. Box 7946, Madison, WI 53708. Call (608) 267-9403 for questions on internal processing of the rule.

**Contact Information**

For substantive questions concerning the proposed rule, call Gary Shealy, Construction Wage Standards Section Chief, at (608) 266-3193.

Secretary's Signature 	Date 1/14/99
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State of Wisconsin  
Department of Workforce Development

# **RULES in FINAL DRAFT FORM**

**Rule No.:** DWD 290.155 – Emergency Rule

**Relating to:** Threshold Costs relating to Prevailing Wage Rates  
for State or Local Public Works Projects

# State of Wisconsin Department of Workforce Development

## EMERGENCY RULE

### THRESHOLD COSTS RELATING TO PREVAILING WAGE RATES FOR STATE OR LOCAL PUBLIC WORKS PROJECTS

The Wisconsin Department of Workforce Development proposes an order to amend DWD 290.155, relating to the annual adjustment of the minimum estimated project costs for the application of the requirement to obtain a determination of prevailing wage rates for workers employed on state or local public works projects.

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#### Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety and welfare. A statement of the facts constituting the emergency is:

As explained in more detail in the analysis below, the Department of Workforce Development, acting under its statutory authority to adjust threshold limits in accordance with changes in construction costs, has determined that the increase in construction costs between November 1997 and December 1998 requires that the threshold limits for prevailing wage rate determinations be raised from \$32,000 to \$33,000 for single-trade projects and from \$160,000 to \$164,000 for multi-trade projects.

If these new threshold limits are not put into effect by an emergency rule, the old limits will remain in effect for approximately six months, until the conclusion of the regular rulemaking process. The practical effect of this would be that, between now and 7/1/99, a single-trade project costing more than \$32,000 but less than \$33,000, or a multi-trade project costing more than \$160,000 but less than \$164,000, would not be exempt from the requirement to get a prevailing wage rate determination. A local unit of government or state agency proceeding with a public works project in this cost range during this period would incur the added complication of complying with the state prevailing wage laws, despite the fact that the threshold limit adjustment is based on national construction cost statistics and is very unlikely to be changed by the regular rulemaking process. The Department is proceeding with this emergency rule to avoid imposing this additional administrative burden on local governments and state agencies.

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**Analysis**

**Authority for rule:** secs. 66.293(5) and 103.49(3g), Stats.

**Statutes interpreted:** secs. 66.293(5) and 103.49(3g), Stats.

The state prevailing wage laws require that, when a state agency or local governmental unit constructs a public works project, it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Under secs. 66.293(5) and 103.49(3g), Stats., and the current sec. DWD 290.155, Wis. Admin. Code, the state prevailing wage rate laws do not apply to any "single-trade public works project" (a project involving the employment of only one trade) whose estimated cost is below \$32,000, and it does not apply to any "multi-trade public works project" whose estimated cost is below \$160,000.

Also under secs. 66.293(5) and 103.49(3g), Stats., the department is required to adjust the dollar amounts of the threshold limits each year, in proportion to any change in construction costs since the limits were last determined. The proposed rule changes the threshold limits to \$33,000 for single-trade projects and \$164,000 for multi-trade projects, based on a 2.6% increase in the construction cost index between November 1997 and December 1998.

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SECTION 1. DWD 290.155 is amended to read:

DWD 290.155. This chapter does not apply to any single-trade public works project for which the estimated cost of completion is below ~~\$32,000~~ \$33,000, and any multi-trade public works project for which the estimated cost of completion is below ~~\$160,000~~ \$164,000.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect upon publication in accordance with sec. 227.24, Stats.

(End)

LRB or Bill No./Adm. Rule No.  
DWD 290.155

Amendment No. if Applicable

FISCAL ESTIMATE  
DOA-2048 E (R 07/97)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

Subject  
Prevailing Wage - Minimum Project Costs

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:

- Towns
- Villages
- Cities
- Counties
- Others \_\_\_\_\_
- School Districts
- WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

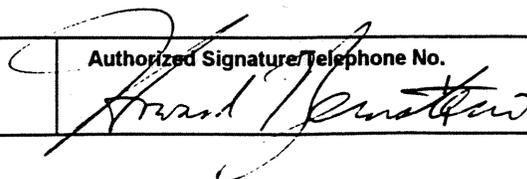
Currently, a public works project which costs more than \$32,000 (for a single-trade project) or \$160,000 (for a multi-trade project) must obtain a prevailing wage rate determination from DWD and pay wages at those rates. This rule raises the limits to \$33,000 and \$164,000 to reflect the increase in construction costs since November of 1997. Under this rule, a local government with a public works project that costs more than \$32,000 But less than \$33,000 (for a single trade project) or more than \$160,000 but less than \$164,000 (for a multi-trade project) will now not be covered by the prevailing wage requirement.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)  
Howard Bernstein 266-9427

Authorized Signature/Telephone No.



Date  
12/21/98

**LOCAL ESTIMATE WORKSHEET**

**1997 Session**

Unfiled Estimate of Annual Fiscal Effect  
 OA-2047 (R 07/97)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 DWD 290.155

Amendment No.

Subject  
 Prevailing Wage - Minimum Project Costs

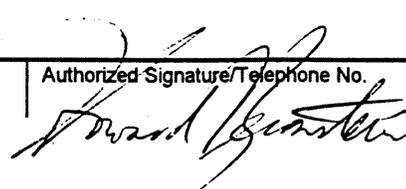
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 \$0

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$0	\$ -0
(FTE Position Changes)		( FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
<b>TOTAL State Costs by Category</b>		<b>\$0</b>	<b>\$ -0</b>
<b>B. State Costs by Source of Funds</b>		<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>III. State Revenues -</b> Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>TOTAL State Revenues</b>		<b>\$0</b>	<b>\$ -0</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)  
 DWD/ASD Howard Bernstein

Authorized Signature/Telephone No.  
 266-9427

Date  
 12/21/98

Tommy G. Thompson  
Governor

Linda Stewart  
Secretary



OFFICE OF THE SECRETARY  
201 East Washington Avenue  
P.O. Box 7946  
Madison, WI 53707-7946  
Telephone: (608) 266-7552  
Fax: (608) 266-1784  
<http://www.dwd.state.wi.us/>

State of Wisconsin

Department of Workforce Development

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March 4, 1999

Senator Fred Risser  
President of the Senate  
220 South, State Capitol  
Madison, Wisconsin 53702

Representative Scott Jensen  
Speaker of the Assembly  
211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

**NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM**

CLEARINGHOUSE RULE NO.: 99-006

RULE NO.: DWD 290.155

RELATING TO: Thresholds for Application of the Prevailing Wage Rates for  
State or Local Public Works Projects

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form
2. Report consisting of:
  - a) Public Hearing Comment and Agency Response Form
  - b) Legislative Council Rules Clearinghouse Report
  - c) DWD Response to Legislative Council Rules Clearinghouse Report
  - d) Fiscal Estimate
  - e) Final Regulatory Flexibility Analysis

Also included is a waiver of authority letter. If the respective standing committees have no objections to the rules, we respectfully request that their chairpersons sign the letter and return it as soon as possible.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink that reads "Linda Stewart". The signature is written in a cursive, flowing style.

Linda Stewart, Ph.D.  
Secretary



State of Wisconsin  
Department of Workforce Development

## **Rules in Final Draft Form**

**Rule No.:** DWD 290.155

**Relating to:** **Thresholds for Application of the Prevailing  
Wage Rates for State or Local Public Works  
Projects**

**State of Wisconsin**  
**Department of Workforce Development**

**Thresholds for Application of the Prevailing Wage  
Rates for State or Local Public Works Projects**

**Analysis**

The Wisconsin Department of Workforce Development proposes an order to amend DWD 290.155, relating to the annual adjustment of the minimum estimated project costs for the application of the requirement to obtain a determination of prevailing wage rates for workers employed on state or local public works projects.

**Authority for rule:** secs. 66.293(5) and 103.49(3g), Stats.

**Statutes interpreted:** secs. 66.293(5) and 103.49(3g), Stats.

The state prevailing wage laws require that, when a state agency or local governmental unit constructs a public works project, it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Under secs. 66.293(5) and 103.49(3g), Stats., and the current sec. DWD 290.155, Wis. Admin. Code, the state prevailing wage rate laws do not apply to any "single-trade public works project" (a project involving the employment of only one trade) whose estimated cost is below \$32,000, and it does not apply to any "multi-trade public works project" whose estimated cost is below \$160,000.

Under secs. 66.293(5) and 103.49(3g), Stats., and DWD 290.15, the department is required to adjust the dollar amounts of the threshold limits each year, in proportion to any change in construction costs since the limits were last determined. The proposed rule changes the threshold limits to \$33,000 for single-trade projects and \$164,000 for multi-trade projects, based on a 2.6% increase in the construction cost index between November 1997 and December 1998.

**Rule Text**

SECTION 1. DWD 290.155 is amended to read:

DWD 290.155 This chapter does not apply to any single-trade public works project for which the estimated cost of completion is below ~~\$32,000~~ \$33,000, and any multi-trade public works project for which the estimated cost of completion is below ~~\$160,000~~ \$164,000.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2)(intro.), Stats.

(End)

**Public Hearing Comment and Agency Response**  
**Department of Workforce Development**

**Rule number:** DWD 290.155

**Hearing location:** G.E.F. 1, Room 400X,  
 Madison

**Hearing date:** February 11, 1999

**Related to:** Thresholds for Application of the Prevailing Wage Rates for State or Local Public Works Projects

Comment in Sup. Opp.	For info.	Exh no.	Presenter, group represented	Comments/Recommendations	Agency Response
	X		Jim Boullion Associated Builders and Contractors		

Tommy G. Thompson  
Governor  
Linda Stewart  
Secretary



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State of Wisconsin  
Department of Workforce Development

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**Response to Legislative Council Clearinghouse Report**

Clearinghouse Rule No.: 99-006  
Rule No.: DWD 290.155  
Relating To: Thresholds for Application of the Prevailing Wage Rates for State or Local Public Works Projects

Agency contact person for substantive questions.

Name: Gary Shealy  
Title: Construction Wage Standards Section Chief  
Telephone No. (608) 266-3193

Legislative Council report recommendations accepted in whole.

Yes  No

1. Review of statutory authority (s.227.15(2)(a))
  - a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
  
2. Review of rules for form, style and placement in administrative code (s.227.15(2)(c))
  - a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

3. Review rules for conflict with or duplication of existing rules (s.227.15(2)(d))
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms (s.227.15(2)(e))
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness (s.227.15(2)(f))
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations (s.227.15(2)(g))
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline (s.227.15(2)(h))
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

**FISCAL ESTIMATE WORKSHEET**

**1999 Session**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
DWD 290.155

Amendment No.

Subject  
Prevailing Wage-Minimum Project Costs

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
\$0

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$0</b>	<b>\$0-</b>

B. State Costs by Source of Funds	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-

III. State Revenues -	Annualized Fiscal impact on State funds from:	
	Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$ 0-</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$0	see narrative
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)  
DWD/Elaine Pridgen

Authorized Signature/Telephone No.

*Elaine Pridgen*

267-9403

Date

LRB or Bill No./Adm. Rule No.  
DWD 290.155  
Amendment No. if Applicable

FISCAL ESTIMATE  
DOA-2048 N(R03/97)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject**  
Prevailing Wage-Minimum Project Costs

**Fiscal Effect**  
State:  No State Fiscal Effect  
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget     Yes     No  
 Decrease Costs

Local:  No local government costs

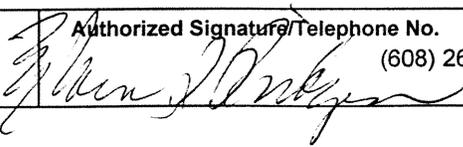
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities
2. <input checked="" type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties <input checked="" type="checkbox"/> Others _____ <input checked="" type="checkbox"/> School Districts <input checked="" type="checkbox"/> WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**  
 GPR    FED    PRO    PRS    SEG    SEG-S

**Assumptions Used in Arriving at Fiscal Estimate**

Currently a public project that costs more than \$32,000 for a single-trade project or \$160,000 for a multi-trade project must obtain a prevailing wage rate determination from DWD and pay wages at those rates. This rule raises the thresholds to \$33,000 and \$164,000 to reflect the increase in construction costs since November of 1997. Under this rule, a state or local government with a public works project that costs less than \$33,000 for a single-trade project or less than \$164,000 for a multi-trade project will not be covered by the prevailing wage requirement.

**Long-Range Fiscal Implications**  
None

Agency/Prepared by: (Name & Phone No.) DWD/Elaine Pridgen	Authorized Signature/Telephone No.  (608) 267-9403	Date
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# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Workforce Development

CLEARINGHOUSE RULE NO.: 99-006

RULE NO.: DWD 290.155

RELATING TO: Thresholds for Application of the Prevailing Wage Rates for State or Local Public Works Projects

Final regulatory flexibility analysis not required. (Statement of determination required.)

The rule change will not affect small business.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.
3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small business.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.