

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 409

Of Subject

Name) Phil Nevinsfeldt

Street Address or Route Number) 6333 W Blewett

City & Zip Code) Mt SBAIS

(Representing) US ARMY

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 409

Of Subject

Name) Jim Boulton

Street Address or Route Number) 2001 Grasslands Dr

City & Zip Code) Madison WI 53718

(Representing) Associated Builders & Contractors

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
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State Capitol
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. 193409

Of Subject Prevailing Wage

Name) Sheehan Donoghue

Street Address or Route Number) Dept. of Workforce Development

City & Zip Code) Administrator, Div. of Equal Right

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

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TESTIMONY ASSEMBLY LABOR COMMITTEE

AB 409

Good Morning Chairperson Vrakas and members of the Assembly Labor Committee.

My name is Sheehan Donoghue. I am the Administrator of the Equal Rights Division of the Department of Workforce Development.

I am here to speak for passage of AB 409, the trailer bill to ACT 215 that reformed the Prevailing Wage Laws and administrative procedure for the administration of the Prevailing Wage laws. Just by way of explanation, the terms "prevailing wage laws" and "Construction Wage Laws" mean the same thing and are used interchangeably.

Assembly bill 409 is a clean-up bill that was developed and agreed upon by union and non-union contractors as well as the construction trades unions working in conjunction with the department. The bill makes the following changes to the three construction laws, Chap.'s 66.293, 103.49 and 103.50.

- The bill deletes references to DWD determining prevailing hours of labor. Act 215 set the prevailing hours of labor in these statutes as up to 10 hours per day and up to 40 hours per week. Anything over 10 hours per day or 40 hours per week qualifies as overtime.
- It clarifies the coverage of laborers, workers, mechanics or truck drivers who are regularly employed to process, manufacture, pick up or deliver material or product from a commercial establishment. When these laborers, workers, mechanics or truck drivers go to the source of mineral aggregate that is to be immediately incorporated into the work, pick up the mineral aggregate and deliver it to the site of the public project and deposit it substantially in place, they must be paid in accordance with the prevailing wage laws. This language was placed into the bill because the current law fails to clearly define whether laborers, workers, mechanics or truck drivers are covered by the prevailing wage laws when going to the source of

the mineral aggregate, picking it up, delivering it to the site and depositing it substantially in place.

- When Act 215 was passed, we missed the coordination of the technical language in the method or formula to be used to determine the prevailing wage rates in §103.49. §66.293 (1), defined "area" and how it was to be used in determining the prevailing wage rate when there were insufficient hours at each level of the formula. This bill inserts the same language found in §66.293, into §103.49. The effect of this change is to standardize the methodology for setting the rates so that §§66.293 and 103.49 are consistent with each other. They now will define area in the same way.
- It cleans up the statutory language describing the evidence necessary to request a recalculation of any portion of an initial determination and the evidence required for a governmental unit to request a review of any wage rate determination. Current law erroneously refers to the evidence as work performed within the previous twelve months. AB 409 replaces this language with language clarifying evidence to mean work performed within the current survey period. It also clarifies the difference between a recalculation of an initial determination and a recalculation of a project determination.

The department is seeking passage of AB 409 to make the language in the various prevailing wage laws (§66.293, §103.49 and §103.50) consistent with each other (where appropriate) and with the new terminology adopted in Act 215 of the 1995-1996 legislative session. I appreciate the opportunity to appear before you speaking in support of Assembly bill 409.