

2001 SENATE BILL 268

October 4, 2001 – Introduced by Senators BURKE, BAUMGART, DECKER, GROBSCHMIDT, HANSEN, PLACHE and ROBSON, cosponsored by Representatives MEYERHOFER, BALOW, BOCK, BOYLE, CARPENTER, COLON, GRONEMUS, JOHNSRUD, KREUSER, LA FAVE, J. LEHMAN, MORRIS-TATUM, POCAN, RICHARDS, RYBA and TURNER. Referred to Committee on Labor and Agriculture.

1 **AN ACT** *to amend* 66.0903 (10) (a) and 103.49 (5) (a); and *to create* 103.50 (6m)
2 of the statutes; **relating to:** public inspection of the payroll records of
3 contractors, subcontractors, and agents performing work on those projects.

Analysis by the Legislative Reference Bureau

Under current law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located (prevailing wage law). This bill makes certain changes relating to public inspection of the payroll records of a contractor, subcontractor, and contractor's and subcontractor's agent performing work on a project that is subject to the prevailing wage law.

Specifically, under current law, each contractor, subcontractor, and contractor's or subcontractor's agent performing work on a project that is subject to the prevailing wage law must keep copies of payrolls and other records and information relating to compliance with the prevailing wage law and, on demand of the department of workforce development (DWD) or, in the case of a state highway project, the department of transportation (DOT), must furnish those records and information to DWD or DOT. This bill requires a contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to the prevailing wage law, on the request of any person, to permit that person to inspect and copy any of those records to the same extent as if the record were maintained by DWD or DOT and subject to the open records law, except that the bill requires the contractor,

SENATE BILL 268

subcontractor, or contractor's or subcontractor's agent to delete any personally identifiable information contained in the record about the laborer, worker, mechanic, or truck driver who is the subject of the record before permitting inspection and copying of the record.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0903 (10) (a) of the statutes is amended to read:

2 66.0903 **(10)** (a) Each contractor, subcontractor, or contractor's or
3 subcontractor's agent performing work on a project that is subject to this section
4 shall keep full and accurate records clearly indicating the name and trade or
5 occupation of every person performing the work described in sub. (4) and an accurate
6 record of the number of hours worked by each of those persons and the actual wages
7 paid for the hours worked. If requested by any person, a contractor, subcontractor,
8 or contractor's or subcontractor's agent performing work on a project that is subject
9 to this section shall permit that person to inspect and copy any of those records to the
10 same extent as if the record were maintained by the department, except that s. 19.36
11 (3) does not limit the duty of a subcontractor or a contractor's or subcontractor's agent
12 to permit inspection and copying of a record under this paragraph. Before permitting
13 the inspection and copying of a record under this paragraph, a contractor,
14 subcontractor, or contractor's or subcontractor's agent shall delete from the record
15 any personally identifiable information, as defined in s. 19.62 (5), contained in the
16 record about any person performing the work described in sub. (4).

17 **SECTION 2.** 103.49 (5) (a) of the statutes is amended to read:

18 103.49 **(5)** (a) Each contractor, subcontractor, or contractor's or subcontractor's
19 agent performing work on a project that is subject to this section shall keep full and

SENATE BILL 268

1 accurate records clearly indicating the name and trade or occupation of every person
2 performing the work described in sub. (2m) and an accurate record of the number of
3 hours worked by each of those persons and the actual wages paid for the hours
4 worked. If requested by any person, a contractor, subcontractor, or contractor's or
5 subcontractor's agent performing work on a project that is subject to this section
6 shall permit that person to inspect and copy any of those records to the same extent
7 as if the record were maintained by the department, except that s. 19.36 (3) does not
8 limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit
9 inspection and copying of a record under this paragraph. Before permitting the
10 inspection and copying of a record under this paragraph, a contractor, subcontractor,
11 or contractor's or subcontractor's agent shall delete from the record any personally
12 identifiable information, as defined in s. 19.62 (5), contained in the record about any
13 person performing the work described in sub. (2m).

14 **SECTION 3.** 103.50 (6m) of the statutes is created to read:

15 103.50 **(6m)** RECORDS; INSPECTION. Each contractor, subcontractor, or
16 contractor's or subcontractor's agent performing work on a project that is subject to
17 this section shall keep full and accurate records clearly indicating the name and
18 trade or occupation of every person performing the work described in sub. (2m) and
19 an accurate record of the number of hours worked by each of those persons and the
20 actual wages paid for the hours worked. If requested by any person, a contractor,
21 subcontractor, or contractor's or subcontractor's agent performing work on a project
22 that is subject to this section shall permit that person to inspect and copy any of those
23 records to the same extent as if the record were maintained by the department,
24 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or
25 subcontractor's agent to permit inspection and copying of a record under this

SENATE BILL 268

1 subsection. Before permitting the inspection and copying of a record under this
2 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall
3 delete from the record any personally identifiable information, as defined in s. 19.62
4 (5), contained in the record about any person performing the work described in sub.
5 (2m).

6 (END)