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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Labor and Election Process Reform...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

# Senate

## Record of Committee Proceedings

### **Committee on Labor and Election Process Reform**

#### **Assembly Bill 736**

Relating to: drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty.

By Representatives Stone, Towns, Albers, Hines, Townsend, Musser, Strachota, Vos, Ott, Zepnick, Bies and Sinicki; cosponsored by Senators Darling, Plale, Brown, Wirsch and Miller.

February 03, 2006      Referred to Committee on Labor and Election Process Reform.

March 1, 2006          **PUBLIC HEARING HELD**

Present:    (4)      Senators Reynolds, Lazich, Hansen and Carpenter.  
Absent:    (1)      Senator Kanavas.

#### Appearances For

- Jeff Stone — Representative, 82nd Assembly District
- Jeff Beiriger, Milwaukee — Mechanical Contractors Ass'n of WI

#### Appearances Against

- None.

#### Appearances for Information Only

- None.

#### Registrations For

- Brian Mitchell, Oconomowoc — Mechanical Contractors Assn of WI
- John Mielke, Madison — ABC of Wisconsin
- Mark Reihl, Madison
- Jim Boullion, Madison — Assoc. General Contractors of WI
- Chris Soenbeck, Milwaukee — WI Pipe Traders Assoc.
- Chirs Warren, Green Bay — Tweet-Garot Mechanical
- Mike Holzknicht, Green Bay — Construction Data Service
- Rex Loehe, Madison — DWD
- Alberta Darling — Senator

#### Registrations Against

- None.

March 1, 2006

EXECUTIVE SESSION - POLLING

Moved by Senator Reynolds, seconded by Senator Lazich that **Assembly Bill 736** be recommended for concurrence.

Ayes: (5) Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

Patrick Henneger  
Committee Clerk

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Carpenter

Please return your vote via ballot to Senator Reynolds' office (306 South) by 10:00 a.m., Thursday, March 2<sup>nd</sup>, 2006.

Any questions on the attached amendments can be directed to Russ Whitesel, Legislative Council for the committee. His direct line is 6-0922.

Thank you.

MOTION

Recommend confirmation of **Sue Bauman** of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2011.

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend confirmation of **Kathryn Daley** of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 268** relating to mandatory and permissive subjects of collective bargaining under the Municipal Employment Relations Act.

Aye \_\_\_\_\_ Nay  \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 736** relating to drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty..

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 857** relating to final offer limits under the Municipal Employment Relations Act.

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Joint Resolution 36** relating to requiring a photographic identification to vote, or register to vote, at the polls on election day (first consideration).

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

MOTION

Recommend introduction and adoption of LRB a2564/1 (copy attached) to **Senate Bill 564** relating to the number of ballots authorized to be printed at an election.

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

MOTION (Answer both alternatives)

Recommend **Senate Bill 564** for passage as amended (if amendment passes)

Aye \_\_\_\_\_ Nay ✓

Recommend **Senate Bill 564** for passage (if amendment fails)

Aye \_\_\_\_\_ Nay ✓

MOTION

Recommend adoption of **Senate Amendment 1** (attached) to **Senate Bill 612** relating to administration of elections; providing exemptions from and extending the time limit for emergency rule procedures; granting rule-making authority; and providing penalties.

Aye ✓ Nay \_\_\_\_\_

MOTION

Recommend introduction and adoption of LRB a2489/1 (copy attached) to **Senate Bill 612**

Aye \_\_\_\_\_ Nay ✓

← Changed to Aye per the Senator's request  
3-6-06

MOTION (Answer all alternatives)

Recommend **Senate Bill 612** for passage as amended (if both SA 1 and LRB a2489 pass)

Aye \_\_\_\_\_ Nay ✓

Recommend **Senate Bill 612** for passage as amended (if SA 1 passes but LRB a2489 fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

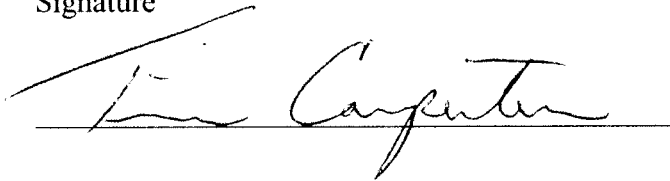
Recommend **Senate Bill 612** for passage as amended (if LRB a2489 passes but SA 1 fails)

Aye \_\_\_\_\_ Nay  \_\_\_\_\_

Recommend **Senate Bill 612** for passage (if both SA1 and LRB a2489 fail)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Signature

 \_\_\_\_\_

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SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Hansen

Please return your vote via ballot to Senator Reynolds' office (306 South) by 10:00 a.m., Thursday, March 2<sup>nd</sup>, 2006.

Any questions on the attached amendments can be directed to Russ Whitesel, Legislative Council for the committee. His direct line is 6-0922.

Thank you.

MOTION

Recommend confirmation of **Sue Bauman** of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2011.

Aye   X                        Nay \_\_\_\_\_

MOTION

Recommend confirmation of **Kathryn Daley** of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Aye   X                        Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 268** relating to mandatory and permissive subjects of collective bargaining under the Municipal Employment Relations Act.

Aye \_\_\_\_\_                      Nay   X

MOTION

Recommend concurrence of **Assembly Bill 736** relating to drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty..

Aye   X        Nay       

MOTION

Recommend concurrence of **Assembly Bill 857** relating to final offer limits under the Municipal Employment Relations Act.

Aye             Nay   X  

MOTION

Recommend concurrence of **Assembly Joint Resolution 36** relating to requiring a photographic identification to vote, or register to vote, at the polls on election day (first consideration).

Aye             Nay   X  

MOTION

Recommend introduction and adoption of LRB a2564/1 (copy attached) to **Senate Bill 564** relating to the number of ballots authorized to be printed at an election.

Aye   X        Nay

MOTION (Answer both alternatives)

Recommend **Senate Bill 564** for passage as amended (if amendment passes)

Aye \_\_\_\_\_ Nay X \_\_\_\_\_

Recommend **Senate Bill 564** for passage (if amendment fails)

Aye \_\_\_\_\_ Nay X \_\_\_\_\_

MOTION

Recommend adoption of **Senate Amendment 1** (attached) to **Senate Bill 612** relating to administration of elections; providing exemptions from and extending the time limit for emergency rule procedures; granting rule-making authority; and providing penalties.

Aye X \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend introduction and adoption of LRB a2489/1 (copy attached) to **Senate Bill 612**

Aye \_\_\_\_\_ Nay X \_\_\_\_\_

MOTION (Answer all alternatives)

Recommend **Senate Bill 612** for passage as amended (if both SA 1 and LRB a2489 pass)

Aye X \_\_\_\_\_ Nay \_\_\_\_\_

Recommend **Senate Bill 612** for passage as amended (if SA 1 passes but LRB a2489 fails)

Aye   X        Nay           

Recommend **Senate Bill 612** for passage as amended (if LRB a2489 passes but SA 1 fails)

Aye   X        Nay           

Recommend **Senate Bill 612** for passage (if both SA1 and LRB a2489 fail)

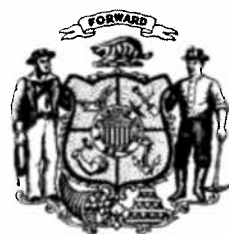
Aye   X        Nay           

Signature  
  Dave Hansen  

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# WISCONSIN STATE LEGISLATURE



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Kanavas

Please return your vote via ballot to Senator Reynolds' office (306 South) by 10:00 a.m., Thursday, March 2<sup>nd</sup>, 2006.

Any questions on the attached amendments can be directed to Russ Whitesel, Legislative Council for the committee. His direct line is 6-0922.

Thank you.

MOTION

Recommend confirmation of **Sue Bauman** of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2011.

Aye ✓                      Nay \_\_\_\_\_

MOTION

Recommend confirmation of **Kathryn Daley** of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Aye ✓                      Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 268** relating to mandatory and permissive subjects of collective bargaining under the Municipal Employment Relations Act.

Aye ✓                      Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 736** relating to drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty..

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 857** relating to final offer limits under the Municipal Employment Relations Act.

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Joint Resolution 36** relating to requiring a photographic identification to vote, or register to vote, at the polls on election day (first consideration).

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend introduction and adoption of LRB a2564/1 (copy attached) to **Senate Bill 564** relating to the number of ballots authorized to be printed at an election.

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION (Answer both alternatives)

Recommend **Senate Bill 564** for passage as amended (if amendment passes)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Recommend **Senate Bill 564** for passage (if amendment fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend adoption of **Senate Amendment 1** (attached) to **Senate Bill 612** relating to administration of elections; providing exemptions from and extending the time limit for emergency rule procedures; granting rule-making authority; and providing penalties.

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend introduction and adoption of LRB a2489/1 (copy attached) to **Senate Bill 612**

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION (Answer all alternatives)

Recommend **Senate Bill 612** for passage as amended (if both SA 1 and LRB a2489 pass)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_



Recommend **Senate Bill 612** for passage as amended (if SA 1 passes but LRB a2489 fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_


Recommend **Senate Bill 612** for passage as amended (if LRB a2489 passes but SA 1 fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Recommend **Senate Bill 612** for passage (if both SA1 and LRB a2489 fail)

Aye \_\_\_\_\_ Nay  \_\_\_\_\_

Signature

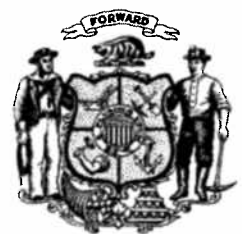


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# WISCONSIN STATE LEGISLATURE



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Lazich

Please return your vote via ballot to Senator Reynolds' office (306 South) by 10:00 a.m., Thursday, March 2<sup>nd</sup>, 2006.

Any questions on the attached amendments can be directed to Russ Whitesel, Legislative Council for the committee. His direct line is 6-0922.

Thank you.

MOTION

Recommend confirmation of **Sue Bauman** of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2011.

Aye   X                        Nay \_\_\_\_\_

MOTION

Recommend confirmation of **Kathryn Daley** of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Aye   X                        Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 268** relating to mandatory and permissive subjects of collective bargaining under the Municipal Employment Relations Act.

Aye   X                        Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 736** relating to drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty..

Aye X                      Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 857** relating to final offer limits under the Municipal Employment Relations Act.

Aye X                      Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Joint Resolution 36** relating to requiring a photographic identification to vote, or register to vote, at the polls on election day (first consideration).

Aye X                      Nay \_\_\_\_\_

MOTION

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Aye X                      Nay \_\_\_\_\_

MOTION (Answer both alternatives)

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Aye   X        Nay \_\_\_\_\_

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Aye   X        Nay \_\_\_\_\_

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Aye   X        Nay \_\_\_\_\_

MOTION (Answer all alternatives)

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Aye   X        Nay \_\_\_\_\_

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Aye   X        Nay \_\_\_\_\_

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Aye   X        Nay \_\_\_\_\_

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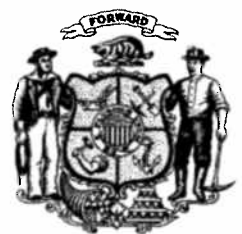
Aye   X        Nay \_\_\_\_\_

Signature

  Mary Hanich



# WISCONSIN STATE LEGISLATURE



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Reynolds

Please return your vote via ballot to Senator Reynolds' office (306 South) by 10:00 a.m., Thursday, March 2<sup>nd</sup>, 2006.

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Thank you.

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Aye   /                        Nay \_\_\_\_\_

MOTION

Recommend confirmation of **Kathryn Daley** of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Aye   X                        Nay \_\_\_\_\_

MOTION

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Aye   X                        Nay \_\_\_\_\_



MOTION

Recommend concurrence of **Assembly Bill 736** relating to drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works, other than state highway projects, and providing a penalty..

Aye ~~\_\_\_\_\_~~      Nay \_\_\_\_\_

MOTION

Recommend concurrence of **Assembly Bill 857** relating to final offer limits under the Municipal Employment Relations Act.

Aye ~~\_\_\_\_\_~~      Nay \_\_\_\_\_

MOTION

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Aye ~~\_\_\_\_\_~~      Nay \_\_\_\_\_

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Aye ~~\_\_\_\_\_~~      Nay \_\_\_\_\_

MOTION (Answer both alternatives)

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Aye X                      Nay \_\_\_\_\_

Recommend **Senate Bill 564** for passage (if amendment fails)

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MOTION

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Aye X                      Nay \_\_\_\_\_

MOTION

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Aye X                      Nay \_\_\_\_\_

MOTION (Answer all alternatives)

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Aye X                      Nay \_\_\_\_\_

Recommend **Senate Bill 612** for passage as amended (if SA 1 passes but LRB a2489 fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Recommend **Senate Bill 612** for passage as amended (if LRB a2489 passes but SA 1 fails)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Recommend **Senate Bill 612** for passage (if both SA1 and LRB a2489 fail)

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Signature

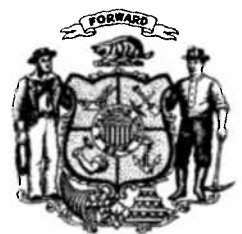


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# WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

**2005 Assembly Bill 736**

**Assembly Substitute  
Amendment 1**

*Memo published: January 19, 2006*

*Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)*

**CURRENT LAW**

Generally, under current law, laborers, workers, mechanics, and truck drivers employed on a public works project for the state or a local government must be paid the prevailing wage if the estimated cost of completion of a single-trade project is \$41,000 or more or if the estimated cost of a multiple-trade project is \$200,000 or more. The prevailing wage rate, generally, is the rate paid for a majority of the hours worked in the employee's trade or occupation in the county in which the project is located.

**2005 ASSEMBLY BILL 736**

2005 Assembly Bill 736 imposes various drug and alcohol testing requirements on contractors, subcontractors and workers working, or seeking to perform work, on a public works project.

**ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 prohibits an employee to use, possess, attempt to possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol while performing work on a public works project (other than a state highway project).

Under Assembly Substitute Amendment 1, before an employer may begin working on a covered public works project, the employer must have in place a written program for the prevention of substance abuse among its employees. The program must include, at a minimum, all of the following elements:

1. A prohibition on the use of drugs and alcohol while performing on a public works project.
2. A requirement that employees performing work on a public works project submit to random, reasonable suspicion, and post-accident drug and alcohol testing. Employees must also submit to drug and alcohol testing before commencing work on a project, except that such testing is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project.

3. A procedure for notifying an employee violating the drug and alcohol prohibition, who tests positive for the presence of a drug in his or her system, or who refuses to submit to testing as required by the employer's program that the employee may not perform work on a public works project until he or she provides documentation that he or she has tested negative for the presence of drugs in his or her system and is not under the influence of alcohol and has been approved to return to work in accordance with the employer's substance abuse prevention program.

Under Assembly Substitute Amendment 1, each employer is responsible for the cost of developing, implementing, and enforcing its substance abuse prevention program, including the cost of drug and alcohol testing of its employees. The public agency letting the public works project is not responsible for those costs.

Assembly Substitute Amendment 1 prohibits an employer from permitting an employee who uses drugs or alcohol on a project, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program to work on a project until he or she provides documentation that he or she has tested negative for the presence of drugs in his or her system and is not under the influence of alcohol and has been approved to return to work in accordance with the employer's substance abuse prevention program. An employer must immediately remove an employee from work on a project if the employee uses drugs or alcohol on a project, tests positive for drugs or alcohol, or refuses to submit to drug and alcohol testing as required, or if an officer or employee of the contracting agency has a reasonable suspicion that the employee is using drugs or alcohol on the project and requests the employer to immediately remove the employee.

Under Assembly Substitute Amendment 1, testing for the presence of drugs or alcohol in an employee's system and the handling of test specimens shall be conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by the Substance Abuse and Mental Health Services Administration of the federal Department of Health and Human Services.

Assembly Substitute Amendment 1 provides that a local governmental unit may enact an ordinance regulating the conduct regulated by Assembly Substitute Amendment 1 only if the ordinance strictly conforms to the provisions of Assembly Substitute Amendment 1.

The provisions of Assembly Substitute Amendment 1 take effect on the first day of the 13<sup>th</sup> month beginning after publication of Assembly Substitute Amendment 1 as an act.

### **Legislative History**

Assembly Substitute Amendment 1 was offered by Representatives Stone and Nass on January 11, 2006. It was recommended for adoption by the Assembly Committee on Labor on January 18, 2006 unanimously, and the bill was recommended for passage, as amended, on the same date on a unanimous vote.

RJC:ksm



**Testimony**  
**Assembly Bill 736**  
**Substance Abuse Testing on Public Sector Projects**  
**Thursday, February 16, 2006**

Jeffrey J. Beiriger, CAE  
For  
Mechanical Contractors Association of Wisconsin

Good morning. My name is Jeffrey J. Beiriger, and I am speaking today on behalf of the Mechanical Contractors Association (MCAW). MCAW members and the contractors we represent service and install plumbing, heating, air conditioning, refrigeration, fire protection and process piping systems for commercial, residential and institutional owners throughout the State. I am here today to testify in support of Assembly Bill 736.

I should point out that while I am now working as a lobbyist for the MCAW, my history with this bill and with this issue dates back to a time when I was serving as Executive Vice President for the MCAW. IN that capacity I also served as the staff administrator for the substance abuse testing program agreed to by the Association and the Wisconsin Pipe Trades Association. That program covered hundreds of employers and thousands of employees across the state.

In addition, for nearly 10 years now, I have been a member of the State's Worker's Compensation Advisory Council, serving as a management member and serving as a conduit for information to and from the construction industry. At each meeting, the Council discusses the nature and cost of benefits that are provided to injured workers. Yet every one of us on the Council knows that the system is best served when we avoid a workplace accident in the first place. AB 736 improves our chances of making that happen.

I have seen this legislation evolve over the past several years, and I am proud of the effort the industry has made in bringing this proposal to you today. The approach in this bill provides all of the necessary protections included in testing programs while still allowing employers, or where there is a collective bargaining agreement, labor and management, to adopt policies that reflect the specific needs of their business or industry.



Substance abuse testing is not a new concept. States have taken differing approaches to address the issue of drug and alcohol use in the workplace. Florida has legislation similar to AB 736. So does North Carolina. And Ohio did something similar through an Executive Order.

In the private sector, the number of owners with requirements for substance abuse testing is increasing all of the time. As agents of the owner, insurance carriers almost always include substance abuse testing as part of an overall project safety program when implementing a “wrap-up” or “owner-controlled insurance program.” They do this because it lowers risk and save money.

I should point out that the State itself includes language in its construction contracts regarding substance abuse, and that it is this language that forms the foundation of AB 736. But where the State now “encourages” a drug-free workplace, AB 736 requires it.

None of these programs, and nothing in this bill, decides for anyone what happens to an employee if he or she tests positive (except as it relates to returning to the public-sector project). These programs are designed to secure a jobsite.

Still, it is important to note that the substance abuse policies and programs required under this bill must include information about resources available to employees who test positive. Frankly, the industry invests as many as five years into training our future workers by way of our apprenticeship programs. Our interest has been and will continue to be returning drug and alcohol free workers to our jobsites.

When people talk about drug testing, the focus of the discussion seems to be the small percentage that will test positive. I think the discussion should more properly be focused on those who will not test positive. They are the ones at risk if they are working alongside someone whose judgment may be impaired. We think we should be focusing more of our energies on protecting the best of our workforce while remaining committed to identifying and assisting those who need help.

Although our trades will continue to test, it simply isn't enough to have one trade or another adopt a substance abuse testing program. To secure a jobsite, everyone needs to be covered by a program. To secure a site, everyone must comply. Think about this in

terms of existing industry regulations. Would we have safer jobsites if only certain trades were required to comply with OSHA standards?

In closing, I note that this bill was advanced by participants in the industry. It is not a reaction to some accident involving drugs or alcohol on the jobsite. Rather, it is an attempt to keep that accident from happening in the first place. The Assembly Committee on Labor Committee and the full Assembly unanimously endorsed the efforts of the industry. We hope that you will too and ask that you approve AB 736.

Thank you. If you have any questions, I will be happy to answer them.

For Mechanical Contractors Association of Wisconsin:

**Jeffrey J. Beiriger**  
**Cook & Franke, S.C.**  
**660 East Mason Street**  
**Milwaukee, WI 53202**  
**(414) 227-1202**  
**beiriger@cf-law.com**



**Testimony In Support of  
Assembly Substitute Amendment to  
2005 Assembly Bill 736**

**Before the Senate Labor and Election Process Reform,  
February 16, 2006  
11:30 am, Room 300-SE**

Good morning, my name is Mike Holzknicht, and I am here this morning representing Construction Data Service or CDS. CDS is a company that, among other things, provides substance abuse testing programs for the construction industry. We have first-hand experience with the benefits of substance abuse testing on construction projects, having been involved with Lambeau and Marquette Interchange projects.

**We encourage you to support Assembly Bill 736 for the following reasons:**

- \* Drug testing reduces workplace injuries.
- \* Drug testing is becoming increasingly common in the construction industry, whether at the customer's request, through the cooperative efforts of labor and management, or through association-sponsored programs. It is time for the largest construction purchasers – the state and other units of government – to adopt a substance abuse policy as well.
- \* The ability to move from one project to the next while maintaining the structure of a substance abuse program is important. The strict conformance requirement of AB 736 is, in our opinion, a valuable part of this bill.
- \* The bill requires conformance with recognized standards for testing laboratories.
- \* The bill provides certain safeguards for employees, including communication of the company's written substance abuse testing policy and program. This bill gives employees the opportunity to return to work following completion of the employer's substance abuse prevention program.

Companies such as CDS, and there are several around the state, will provide the technical expertise to conduct substance abuse testing.

- \* We have access to policies, programs, and such so they don't need to be reinvented.
- \* We can provide any training necessary to help with issues such as reasonable suspicion testing, privacy, confidentiality, and more.
- \* We can develop testing "consortiums" or "pools" - something done by the Department of Transportation to facilitate the testing of those holding a Commercial Driver's License (CDL).
- \* Because we purchase tests for large numbers of contractors, we can offer significant discounts to employers and access to testing clinics throughout the State. This saves time for taking the tests and on the cost of the test itself. Plus, we do all of the research to make sure that the clinics and labs are only those that meet or exceed the standards required in AB 736.

\* We can refer employers and employees to useful resources – companies who can provide no-cost or low-cost employee assistance programs.

You may have specific question about testing and lab procedures associated with substance abuse testing. If so, I can answer most of your questions or get the answers you need. If you have any questions about my testimony, I'd be happy to answer them for you as well.

Thank you for the opportunity to express our support for Assembly Bill 736.



# WISCONSIN PIPE TRADES ASSOCIATION

11175 West Parkland Avenue · Milwaukee, WI 53224-3135 · OFC: (414) 359-1310 · FAX: (414) 359-1323

## Testimony In Support of Assembly Substitute Amendment to 2005 Assembly Bill 736

Before the Senate Labor and Election Process Reform,  
February 16, 2006  
11:30 am, Room 300-SE

Chris Schoenbeck, Vice President  
Wisconsin Pipe Trades Association

---

Good morning Chairman Reynolds and members. Thank you for the opportunity to testify on behalf of the 7,800 working men and women of the Wisconsin Pipe Trades Association in support of AB 736. This legislation will ensure safer construction work sites by implementing substance abuse testing programs on public works projects.

My name is Chris Schoenbeck and I have been involved in the construction industry for two decades. I currently serve as the Vice President for the Wisconsin Pipe Trades Association.

The Wisconsin Pipe Trades has tested for substance abuse since the late 1990's, and while many contractors already have programs in place, this bill creates a standard for all workers on public works projects. We are not here to reinvent the wheel; we simply modeled this bill off current state policy. Construction is a high-risk industry and the intent of this bill is to help prevent senseless accidents on the job by reducing the potential of drug and alcohol abuse.

The illegal use of drugs and alcohol is already prohibited by State law. This legislation just specifically expands this prohibition to public construction projects. A worker under the influence of drugs or alcohol is not only a danger to himself or herself, but also to all other workers on a construction site. **My workers that are already subject to mandatory drug testing are not protected when working alongside workers who are not required to undergo testing.** Therefore, a standard for drug testing is needed to ensure safety on the worksite. Substance abuse testing is the proper enforcement mechanism to ensure that Wisconsin's public-sector projects job sites are drug free.

Because it serves our customers and our industry well, the Wisconsin Pipe Trades Association will continue to test our employees regardless of whether this legislation is passed. But we can only go so far to address what is really an industry-wide issue. I am here today on behalf of all workers currently tested to urge your support of AB 736. Their safety, and the safety of the public, is dependent on a standard program that helps to ensure all workers on the job site are drug and alcohol free.

Thank you for the opportunity to testify on behalf of the thousands of members of the Wisconsin Pipe Trades Association. I would be happy to address any questions or concerns at this time.





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Before the Senate Labor and Election Process Reform,  
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11:30 am, Room 300-SE

**Chris Warren, Safety Director  
Tweet-Garot Mechanical**

---

Good morning Chairman Reynolds and members of the Senate Labor Committee. Thank you for the opportunity to testify on behalf of the Mechanical Contractors Association of Wisconsin (MCAW) in support of Assembly Bill 736.

My name is Chris Warren and as the Safety Director for Tweet-Garot Mechanical in Green Bay, I am here today to assure you that substance abuse testing does prevent worker injuries, it does reduce insurance costs and it does promote a safer work environment. I have worked in this business for 15 years and have observed the many problematic situations with substance abuse on the job site. I am here today to protect our employees who are already in a substance abuse testing consortium because, when working alongside people not subject to testing, they are still at risk. AB 736 is a necessary step to help curb the problem of substance abuse on construction sites.

Construction sites are naturally hazardous, without the added danger of mixing drugs or alcohol on the job site. AB 736 extends an already successful policy to a standard on all public works projects. Many large-scale projects, including Lambeau Field, Miller Park and many power plants, have used drug and alcohol testing policies during construction. Commercial Drivers License carriers and airport workers have similar rules. Many labor organizations, construction contractors and private sector businesses already have adopted drug and alcohol testing programs. However, a uniform standard is truly ideal. This legislation will help ensure that all workers on the job are drug-free.

The benefits of a mandatory drug testing policy for all public works projects far exceed the costs associated with implementation of this law. Studies have shown that drug testing, along with responsible safety practices, can help construction companies slash work-related injuries and the resulting worker's compensation cost and claims by as much as 51 percent. And in my experience, this is absolutely true.

Requiring drug testing would reduce health insurance costs for employers. Substance abusers incur nearly 300 percent more medical costs than non-users. Drug testing would also reduce workers' compensation costs. These testing programs are a huge deterrent. We are deterring workers from using illegal substances on the job site. Now they can turn to other companies, but at least with this legislation, they will need to fix their substance abuse problem.

In addition to substantially reducing costs, mandatory drug testing is proven to promote responsibility and a reduction of drug and alcohol abuse. This legislation also reflects taxpayer values concerning drug and alcohol abuse, sending a clear signal from the largest purchaser of construction that illegal use of alcohol and drugs will not be tolerated.

Implementation of this bill will increase safety and provide an overall cost savings to employers. This testing program gives employers options. Small contractors would have the option to join consortiums; therefore, the program would impose minimal costs. Rather than requiring all employers to provide testing individually, these consortiums allow large groups of employers to pool their employees with other small shops to improve the quality of service while saving save on cost.

A public project site is no place for substance abuse; drugs and alcohol only present a danger to workers and the public, and jeopardize the quality of projects. AB 736 will increase safety on the jobsite, reduce health related costs and send a message of responsibility and accountability to public works projects. All of this is accomplished at a minimal cost to employers that is far exceeded by the saving benefits.

Thank you for the opportunity to testify on such a valuable, life-saving measure. I would be happy to address any questions or concerns you might have at this time.





## JEFF STONE

STATE REPRESENTATIVE  
82ND DISTRICT

February 23, 2006

Senator Tom Reynolds, Chair  
Committee on Labor and Election Process Reform  
306 South, State Capitol  
Madison, WI 53702

Dear Senator Reynolds: *Tom*

My reason for writing is to request your assistance in scheduling for action two of my bills currently in the Committee on Labor and Election Process Reform. Assembly Joint Resolution 36 is awaiting a public hearing and executive action and Assembly Bill 736, which was heard on February 16, is also awaiting a committee vote.

It is my understanding that a second public hearing will be conducted March 1 on AB 736, due to weather-related concerns associated with the hearing held on February 16. I would ask for your consideration in scheduling both AJR 36 and AB 736 for a vote by the committee at that time. The Senate Majority leader is prepared to place AB 736 on the Senate calendar of March 2.

As you know, few days remain in the session for legislative activity to take place. I would appreciate your quick action on these two bills.

Thank you for your thoughtful consideration of my request.

Sincerely,

Jeff Stone  
State Representative  
82<sup>nd</sup> Assembly District

JS:mld

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GREENDALE, WISCONSIN 53129  
(414) 529-5535



**Testimony In Support of  
Assembly Substitute Amendment to  
2005 Assembly Bill 736**

**Before the Senate Labor and Election Process Reform,  
March 1, 2006  
1:00 pm, Room 400-SE**

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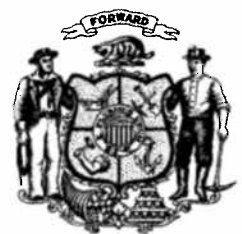
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# WISCONSIN STATE LEGISLATURE





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no date

## Assembly Bill 736

Assembly Bill 736 deals with important safety issues for the construction industry. The bill would require drug and alcohol testing on public sector construction sites subject to the State's prevailing wage laws. State law currently prohibits illegal drug and alcohol use; AB 736 extends these provisions to, and mandates them on public construction sites.

The proposal before you incorporates a number of changes to the bill I introduced last session that I believe address the concerns raised at that time.

Construction sites are dangerous by nature, and proven even more dangerous when drugs and alcohol are involved. Testing was required of construction workers at Miller Park and Lambeau Field. It is now recommended in most State contracts. AB 736 will assure illegal drug and alcohol use will not be tolerated on public sector construction projects.

Prescriptive approach – objective of a drug and alcohol free workplace – allows greater flexibility.

This bill is based on comments from two years ago. The Industry supported last session's bill, but had questions concerning the approach. As the changes were made, these groups began to come on board. We have focused on identifying ways to make sure a public sector construction site is following state law and securing job sites and it will have an enlightening effect on construction in general. The bill also sends a strong message to young people wanting to come into the trade.

*Jeff Stone*