

2007 SENATE BILL 526

February 22, 2008 – Introduced by Senators JAUCH, RISSER, SCHULTZ and ROESSLER, cosponsored by Representatives SHERMAN, SINICKI and BIES. Referred to Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.

- 1 **AN ACT** *to amend* 66.0903 (3) (av), 103.49 (3) (ar) and 103.50 (4m) of the statutes;
2 **relating to:** obtaining wage data from labor organizations to assist the
3 Department of Workforce Development in determining prevailing wage rates.

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 rate), as determined by the Department of Workforce Development (DWD). Current law requires DWD, for projects of public works other than state highway projects, to compile the prevailing wage rate for each trade or occupation commonly employed in those projects by January 1 of each year, and for state highway projects, to certify to the Department of Transportation the prevailing wages rates for all trades or occupations commonly employed in the highway construction industry by May 1 of each year. Current law also requires DWD, on the application of a local governmental unit or state agency that is contemplating a project of public works, to determine the prevailing wage rate for each trade or occupation required in the contemplated project of public works.

This bill directs DWD to require all contractors, subcontractors, and agents of a contractor or subcontractor employing in this state an employee in a trade or occupation that is commonly employed in a project of public works to provide DWD with wage data for the trade or occupation to assist DWD in determining the prevailing wage rate for the trade or occupation. If a contractor, subcontractor, or

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agent fails to provide DWD with wage data for a trade or occupation, the bill permits DWD to request a labor organization representing the employees of the contractor, subcontractor, or agent employed in the trade or occupation to provide DWD with that wage data.

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 (3) (av) of the statutes is amended to read:

2 66.0903 (3) (av) In determining prevailing wage rates under par. (am) or (ar),
3 the department shall require all contractors, subcontractors, and agents of a
4 contractor or subcontractor employing in this state an employee in a trade or
5 occupation that is commonly employed on a project that is subject to this section to
6 provide the department with wage data for the trade or occupation to assist the
7 department in determining those prevailing wage rates. If a contractor,
8 subcontractor, or agent fails to provide the department with wage data for a trade
9 or occupation, the department may request a labor organization representing the
10 employees of the contractor, subcontractor, or agent employed in the trade or
11 occupation to provide the department with that wage data. In determining
12 prevailing wage rates under par. (am) or (ar), the department may not use data from
13 projects that are subject to this section, s. 103.49 or 103.50 or 40 USC 276a unless
14 the department determines that there is insufficient wage data in the area to
15 determine those prevailing wage rates, in which case the department may use data
16 from projects that are subject to this section, s. 103.49 or 103.50 or 40 USC 276a.

17 **SECTION 2.** 103.49 (3) (ar) of the statutes is amended to read:

18 103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the
19 department shall require all contractors, subcontractors, and agents of a contractor

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1 or subcontractor employing in this state an employee in a trade or occupation that
2 is commonly employed on a project that is subject to this section to provide the
3 department with wage data for the trade or occupation to assist the department in
4 determining those prevailing wage rates. If a contractor, subcontractor, or agent fails
5 to provide the department with wage data for a trade or occupation, the department
6 may request a labor organization representing the employees of the contractor,
7 subcontractor, or agent employed in the trade or occupation to provide the
8 department with that wage data. In determining prevailing wage rates under par.
9 (a) or (am), the department may not use data from projects that are subject to this
10 section, s. 66.0903, 103.50₁, or 229.8275 or 40 USC 276a unless the department
11 determines that there is insufficient wage data in the area to determine those
12 prevailing wage rates, in which case the department may use data from projects that
13 are subject to this section, s. 66.0903, 103.50₁, or 229.8275 or 40 USC 276a.

14 **SECTION 3.** 103.50 (4m) of the statutes is amended to read:

15 103.50 **(4m)** WAGE RATE DATA. In determining prevailing wage rates for projects
16 that are subject to this section, the department shall require all contractors,
17 subcontractors, and agents of a contractor or subcontractor employing in this state
18 an employee in a trade or occupation that is commonly employed in the highway
19 construction industry to provide the department with wage data for the trade or
20 occupation to assist the department in determining those prevailing wage rates. If
21 a contractor, subcontractor, or agent fails to provide the department with wage data
22 for a trade or occupation, the department may request a labor organization
23 representing the employees of the contractor, subcontractor, or agent employed in
24 the trade or occupation to provide the department with that wage data. In
25 determining prevailing wage rates for projects that are subject to this section, the

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1 department shall use data from projects that are subject to this section, s. 66.0903
2 or 103.49 or 40 USC 276a.

3 **SECTION 4. Initial applicability.**

4 (1) STATE AND LOCAL PROJECTS OF PUBLIC WORKS. The treatment of sections
5 66.0903 (3) (av) and 103.49 (3) (ar) of the statutes first applies to prevailing wage rate
6 determinations for work performed on January 1, 2009.

7 (2) STATE HIGHWAY PROJECTS. The treatment of section 103.50 (4m) of the
8 statutes first applies to prevailing wage rate determinations for work performed on
9 May 1, 2009.

10 (END)