

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPARTMENT OF)
 WORKFORCE DEVELOPMENT)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Stewart, Secretary of the Department of Workforce Development, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Prevailing Wage Rates for State or Local Public Works Projects

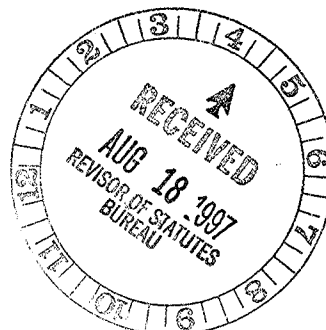
(Subject)

were duly approved and adopted by this department on August 15, 1997
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 11:20 am in the city of Madison, this 15th day of August A.D. 1997.

Connie L. Hogan
 Secretary



ORDER OF ADOPTION

Pursuant to authority vested in the Department of Workforce Development by section(s)

103.005(1), 66.293, 103.49 and 103.50

Stats., the Department of Workforce Development creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

DWD 290

(Number)

Prevailing Wage Rates for State or Local Public Works Projects

(Title)

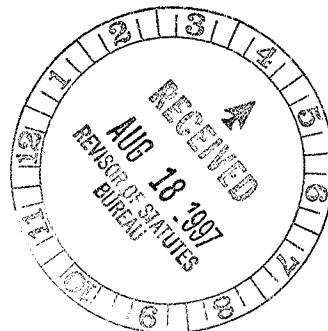
The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin this

Date: 8-18-97

DEPARTMENT OF WORKFORCE DEVELOPMENT

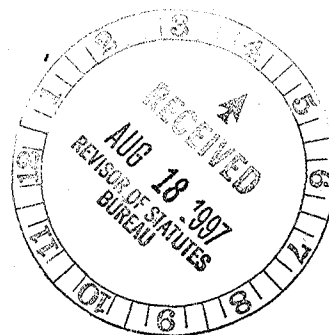
Connie L. Degen
Secretary





State of Wisconsin \ Department of Workforce Development

RULES in FINAL DRAFT FORM



Rule No.: DWD 290

Relating to: Prevailing Wage Rates for State or Local Public Works Projects

Date: August 11, 1997

CHAPTER DWD 290

PREVAILING WAGE RATES FOR STATE OR LOCAL PUBLIC WORKS PROJECTS

The Wisconsin Department of Workforce Development proposes an order to renumber ch. ILHR 290, DWD 290.01(3) to (14) and (16) to (19), 290.03 and 290.12; to repeal DWD 290.01(15) and 290.17; to amend ch. DWD 290(title), DWD 290.01(intro.), (2), (5), (11), (15) and (16)(a), 290.03(title), 290.08(title), and 290.155; to repeal and recreate DWD 290.015 and 290.10; and to create DWD 290.001, 290.01(1), (13), (16)(b), (18), and (20), 290.025, 290.03(2), 290.035, 290.08(4), and 290.12(2), relating to the determination of prevailing wage rates for workers employed on state or local public works projects.

Analysis

Authority for rule. §103.005(1), Stats., in conjunction with §§66.293, 103.49 and 103.50, Stats.

Statutes interpreted. §§66.293, 103.49 and 103.50, Stats.

Introduction. 1995 Wisconsin Act 215 made a number of major changes to the laws which require the Department of Workforce Development to determine prevailing wage rates for state and local public works projects. In place of case-by-case investigations, the department is required to conduct an annual survey of employers and issue prevailing wage rate determinations for all trades or occupations in all areas of the state throughout the year based on the survey data. The statutes also provide that members of the public, employers, local governmental units and state agencies may ask the DWD to review prevailing wage rate determinations under a number of specified circumstances. This rule establishes deadline and appeal criteria for the process that will be used to compile the annual survey results and consider requests for review, and makes further code changes as explained below.

Annual survey. The rule establishes procedures for the annual survey of wage rate information that is now required by statute. The department will set a deadline date for the return of survey information and will not compile responses that are late. Determinations will be made for each "area," which is defined by statute as a county, or (if there is insufficient data) a county with its surrounding contiguous counties, or (if there is still insufficient data) that territory included with the next tier of contiguous counties, or (if there is still insufficient data) the entire state. The department may include in its determinations future prevailing wage rates if a collectively bargained wage rate and fringe benefit package is found to prevail in a particular area for a particular trade or occupation and future rates are provided for by the agreement or its successor. If the wage rate data from all available sources is insufficient, the department may consider wage rate data for a similar trade or occupation in making its determinations.

Recalculation requests. Within 30 days after the department issues its initial determinations, any person may request a recalculation of any portion of a particular determination. In future years, a recalculation request will not be granted for the consideration of data that was not submitted on time. However, for the 1996 survey only, the department will accept recalculation requests on this basis.

Project determinations. The department will continue to issue prevailing wage rate determinations for individual projects. A project determination remains in effect until the end of the year (if issued on or before June 30) or for 180 days (if issued after June 30). A local government unit or state agency which receives a project determination may request an administrative review of any portion of a determination if it makes a written request within 30 days, the request is received before construction contracts are awarded or negotiated, and the request includes wage rate information for the contested trade or occupation from at least 3 projects of the same type within the city, village or town where the proposed project is located that took place and were reported within the survey period. In conducting administrative reviews, the department will consider other wage rate information on similar projects within the city, village or town where the proposed project is located and will issue a decision as to the prevailing wage rate for the contested trade or occupation in that city, village or town, using the same calculation criteria employed in the survey determinations.

“Highest-paid 51%.” When calculating the “highest-paid 51% of hours worked” for the purpose of determining the weighted average wage for a particular trade or occupation, the department will include all hours worked at the wage and corresponding fringe benefits that include the highest-paid 51% of hours worked.

Definitions and classifications. The rule adopts a detailed definition of the term “site of work” and describes in detail the characteristics of projects classified as agricultural, building, heavy, highway and residential construction. The rule also creates definitions for “minor subcontract” and “subjourneyperson” and specifies when the prevailing wage laws apply to employees who process, manufacture, pick up or deliver materials from a commercial establishment with a fixed place of business.

Subjourneypersons. (a) If a majority of the hours reported for a trade in a county are worked at the same rate as a reported collective bargaining agreement, the department will use the subjourneyperson provisions of the collective bargaining agreement to determine subjourneyperson rates for that county.

(b) If the number of hours reported for a trade in a county exceeds 500, and the majority of the total hours reported for that trade in the county were worked under one or more collective bargaining agreements, the department will use the subjourneyperson provisions of the collective bargaining agreement that covers the greatest number of employees in the trade in that county to determine subjourneyperson rates for that county.

(c) If neither par. (a) nor par. (b) applies, the department will determine subjourney person rates as follows: an entry-level subjourney person rate will be 35% of the journey person's hourly basic rate and 35% of the journey person's fringe benefit package, and a regular subjourney person rate will be 65% of the journey person's hourly basic rate and 65% of the journey person's fringe benefit package. An employe may not be employed at the entry-level subjourney person rate for more than one year of cumulative service in the trade; after that time, the employe must be advanced to the regular subjourney person rate, or be enrolled in an apprenticeship program, or the employe may not be employed on prevailing wage projects. An employer may employ one entry-level subjourney person for each current apprentice employed in the same trade, or may employ one entry-level subjourney person if the employer did employ an apprentice in the same trade within the last five years who completed his or her apprenticeship. Allowable ratios for subjourney persons in relation to journey persons are set out in a table in section 12 of the rule.

Minor subcontractors. A contractor or subcontractor that hires a minor subcontractor (defined as a subcontract of less than \$2,000 in cost and less than 3 days of work) must provide, within 7 days of the date that work is first performed by the minor subcontractor, either a copy of the prevailing wage rate determination for the project, or a written notice which states that the work to be performed is subject to a prevailing wage rate determination.

Threshold costs. In accordance with amendments to the statutes, these amounts are amended so that the prevailing wage rate requirements do not apply to a single-trade project with an estimated cost below \$30,000 or a multi-trade project with an estimated cost below \$150,000.

SECTION 1. Chapter ILHR 290 is renumbered Chapter DWD 290.

SECTION 2. DWD 290(title) is amended to read:

Chapter DWD 290

CONTRACTS FOR CONSTRUCTION OF PUBLIC WORKS

SECTION 3. DWD 290.001 is created to read:

DWD 290.001 Scope. This chapter applies to all prevailing wage rate determinations under ss. 66.293 and 103.49, Stats., and to the certification of prevailing wage rates and the notification of minor subcontractors under s.103.50, Stats.

SECTION 4. DWD 290.01(intro.) is amended to read:

DWD 290.01(intro.) The following definitions shall apply in wage rate determinations made by the department pursuant to ~~s. 66.293, Stats.~~ this chapter:

SECTION 5. DWD 290.01(1) is created to read:

DWD 290.01(1) "Allowable rate" means the rate determined by the department from its review of a collective bargaining agreement by subtracting items which do not represent bona fide fringe benefits.

Note: This term is used in DWD 290.015(3). Two examples of items which do not represent bona fide fringe benefits are industry or contract administration funds.

SECTION 6. DWD 290.01(2) is amended to read:

DWD 290.01(2) "Area" ~~means the county or other locality from which labor for any project would normally be secured~~ has the same meaning as in ss. 66.293(1)(a), 103.49(1)(a) and 103.50(1)(a), Stats.

SECTION 7. DWD 290.01(3), (4), and (5) are renumbered DWD 290.01(12), (21) and (7).

SECTION 8. DWD 290.01(6) is renumbered DWD 290.01(11) and amended to read:

DWD 290.01(11) "Laborers, workers, and mechanics and truck drivers" ~~include includes~~ preapprentices, helpers, subjourneypersons trainees, learners and properly registered and indentured apprentices but exclude excludes clerical, supervisory, and other personnel not performing manual labor.

SECTION 9. DWD 290.01(7) is renumbered DWD 290.01(16)(a) and amended to read:

DWD 290.01(16)(a) "~~The prevailing~~ Prevailing wage rate" ~~included in a wage determination for any given trade or occupation is the hourly basic rate plus the hourly~~

contributions for the types of economic or fringe benefits for that trade or occupation has the same meaning as in s. 66.293(1)(g), 103.49(1)(d), and 103.50(1)(d), Stats.

SECTION 10. DWD 290.01(16)(b) is created to read:

DWD 290.01(16)(b) In calculating the weighted average of the "highest-paid 51% of hours worked" in a trade or occupation, the department shall include all hours worked at the wage and corresponding fringe benefits that include the highest-paid 51% of hours worked.

SECTION 11. DWD 290.01(8) to (13) are renumbered DWD 290.01 (14), (10), (22), (17), (3), and (9).

SECTION 12. DWD 290.01(13) is created to read:

DWD 290.01(13) "Minor subcontract" means a subcontract with an estimated cost that is less than \$2,000.00 and an estimated work duration of less than 3 days.

SECTION 13. DWD 290.01(14) is renumbered DWD 290.01(8).

SECTION 14. DWD 290.01(15) is repealed.

SECTION 15. DWD 290.01(16) is renumbered DWD 290.01(5) and amended to read:

DWD 290.01(5) "Department" means the state of Wisconsin department of ~~industry,~~
labor and human relations workforce development.

SECTION 16. DWD 290.01(17) is renumbered DWD 290.01(4).

SECTION 17. DWD 290.01(18) is renumbered DWD 290.01(19).

SECTION 18. DWD 290.01(18) is created to read:

DWD 290.01(18)(a) "Site of work" means the physical place or places where the construction called for in the contract will remain when work on it has been completed and other adjacent or nearby property used by a contractor or subcontractor in connection with the project.

(b) "Site of work" includes fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards and similar facilities, when these facilities are substantially dedicated to the performance of the contract or project and are located in proximity to the actual construction location.

(c) "Site of work" does not include: 1. A permanent home office, branch plant establishment, fabrication plant or tool yard whose location and continued operation is determined without regard to a particular contract or project.

2. A fabrication plant, batch plant, borrow pit, job headquarters, tool yard or similar facility which is established by a supplier of materials before the opening of bids, whether or not the operations of the facility may be substantially dedicated to the performance of the contract for a period of time.

SECTION 19. DWD 290.01(19) is renumbered DWD 290.01(15) and amended to read:

DWD 290.01(15) "~~Prevailing hours of labor;~~" ~~included in a wage determination for any given trade or occupation, are the hours per day and per calendar week for which hourly basic rates of pay are paid~~ has the same meaning as in s. 103.49(1)(c), Stats.

SECTION 20. DWD 290.01(20) is created to read:

DWD 290.01(20) "Subjourneyperson" means a worker who primarily works under the direction of, and directly assists, a skilled trade employe by frequently using the tools of a specific

trade. "Subjourneyperson" does not include an apprentice, a laborer, a heavy equipment operator or a truck driver.

SECTION 21. DWD 290.015 is repealed and recreated to read:

DWD 290.015 Collecting and compiling wage rate information.

(1) ANNUAL SURVEY. For the purpose of making prevailing wage rate determinations, the department shall conduct an annual survey of employers and compile the prevailing wage rate for each trade or occupation in each area. The survey shall consist of forms mailed by the department to employers for completion and return.

Note: The form referred to in this subsection may be obtained from the Department of Workforce Development, Equal Rights Division, P.O. Box 8928, Madison WI 53708.

(2) SURVEY DEADLINE. The department shall include a deadline date on the forms sent to employers. A survey form shall be accepted for initial compilation if it is received at the department's offices with a postmark that is on or before the deadline date and it is properly completed.

(3) COLLECTIVE BARGAINING AGREEMENTS. If a collectively bargained wage rate and fringe benefit package is found to prevail in a particular area for a particular trade or occupation on a particular type of work and that rate is identical to an allowable rate in a collective bargaining agreement for that trade or occupation which has been filed with the department during the current survey period, the department shall include in its determinations any future contractual increase or decrease provided for in the collective bargaining agreement or a successor agreement that is filed before January 1 of the calendar year following the end of the survey period. The department may determine premium pay, with the exception of height pay, pay for work with particular products, shift differential, and supervisory pay.

(4) CORRECTIONS. The department may correct errors in compiling data from the completed surveys, based upon its own determination or its inquiry to an employer.

(5) INSUFFICIENT DATA. If the wage rate data which the department may consider from all sources is insufficient to determine the prevailing wage rate for a particular trade or occupation in a particular area or for a particular type of project, the department may consider wage rate data compiled for a similar trade or occupation.

(6) INITIAL DETERMINATIONS AND RECALCULATION REQUESTS. (a) The department shall issue its initial prevailing wage determinations based on the annual survey. Any person may request a recalculation of any portion of an initial determination, based upon the submission of the evidence required by s. 66.293(3)(bm) or 103.49(3)(b), Stats., if the request and the accompanying evidence are received at the department's offices within 30 days after the initial determination date.

(b) The department will accept a recalculation request on the basis of evidence that the employer did not receive a survey, that the employer properly mailed a survey form which the department did not receive, or that the survey data previously submitted was erroneous. Except as provided in sub. (6m), a recalculation request will not be granted for the consideration of data that could have been submitted as a part of the annual survey but was not submitted on time.

Note: The department is required to affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation. §§66.293(3)(bm), 103.49(3)(b).

(6m) RECALCULATION REQUESTS FOR THE 1996 SURVEY. For recalculation requests which pertain to the 1996 survey, the department will accept for consideration data that could have been submitted as a part of the annual survey but was not submitted on time.

(7) FINAL DETERMINATIONS. The department shall issue its final annual prevailing wage determinations after it has issued decisions on all timely recalculation requests.

SECTION 22. DWD 290.025 is created to read:

DWD 290.025 Subjourneypersons. (1) The department shall include a determination of one or more subjourneyperson wage rates for a particular trade or occupation in a prevailing wage determination under the criteria set forth in this section.

(2) The department shall determine whether there are at least 500 countable hours reported for a particular trade or occupation within a county, whether a collectively bargained wage rate and fringe benefit package prevails in the county for that trade or occupation, whether that wage rate is identical to an allowable rate in a collective bargaining agreement for that trade or occupation which has been filed with the department during the current survey period, and whether the collective bargaining agreement includes a wage rate for a classification equivalent to a subjourneyperson. If these conditions are present, the department shall determine subjourneyperson wage rates for the particular trade or occupation, based on the wage rates in the collective bargaining agreement applicable to that county. The department shall not consider data from contiguous counties when making a determination under this subsection.

(3) As an alternative to sub. (2), the department shall determine whether there are at least 500 countable hours reported for a particular trade or occupation within a county and whether the majority of the total hours reported for the trade or occupation were worked under collective bargaining agreements. If these conditions are present, the department shall determine subjourneyperson wage rates for the particular trade or occupation in accordance with the collective bargaining agreement that covers the greatest number of employes in the particular

trade or occupation and is applicable to that county. The department shall not consider data from contiguous counties when making a determination under this subsection.

(4) If neither the conditions in sub. (2) nor the conditions in sub. (3) are met, and there are at least 500 countable hours reported for a particular trade or occupation within a county, then the department shall determine subjourneyperson wage rates under this subsection.

(a) The entry-level subjourneyperson hourly basic rate of pay shall be equal to 35% of the journeyperson's hourly basic rate of pay for the trade or occupation plus 35% of the journeyperson's fringe benefit package.

(b) The regular subjourneyperson hourly basic rate of pay shall be equal to 65% of the journeyperson's hourly basic rate of pay for the trade or occupation plus 65% of the journeyperson's fringe benefit package.

(c) The hourly basic rate of pay under par. (a) or par. (b) shall not be less than the minimum wage.

(d) An employe shall not be employed at the entry-level subjourneyperson wage rate after one year of cumulative service in the trade or occupation. After one year of cumulative service, the employe shall be advanced to the regular subjourneyperson wage rate or be enrolled in an apprenticeship program or the employer shall not employ that employe on any project subject to a prevailing wage rate determination.

(e) The department shall determine wage rates for subjourneypersons in accordance with the following required job site ratios:

<u>Number of journeypersons in the trade or occupation employed on the job site</u>	<u>Maximum allowable number of subjourneypersons (either entry-level or regular) on the job site</u>
1	1
5	2
9	3
13	4
more than 13	1 for every 4 journeypersons

(f) Subject to the job site ratios in par. (e), an employer may employ one person as an entry-level subjourneyperson for each current apprentice employed in the same trade or occupation.

(g) As an alternative to par. (f) and subject to the job site ratios in par. (e), an employer may employ one person as an entry-level subjourneyperson if the employer has no current apprentice in the same trade or occupation but did employ an apprentice in the same trade or occupation within the last five years who completed his or her apprenticeship during that time.

(h) The department shall not consider data from contiguous counties when making a determination under this subsection.

SECTION 23. DWD 290.03(title) is amended to read:

DWD 290.03 Classification of laborers, workers and mechanics.

SECTION 24. DWD 290.03 is renumbered DWD 290.03(1).

SECTION 25. DWD 290.03(2) is created to read:

DWD 290.03(2) A laborer, worker, mechanic or truck driver who is regularly employed to process, manufacture, pick up or deliver materials or products from a commercial

establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products is not entitled to receive the prevailing wage rate or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

(a) The laborer, worker, mechanic or truck driver is employed to deliver mineral aggregate such as sand, gravel or stone that is immediately incorporated into the work, and not stockpiled or further transported by truck, to or from the site of a project that is subject to this chapter by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

(b) The laborer, worker, mechanic or truck driver is employed to transport excavated material or spoil from and return to the site of a project that is subject to this chapter.

SECTION 26. DWD 290.035 is created to read:

DWD 290.035 Classification of projects. (1) **AGRICULTURAL.** (a) An agricultural construction project includes all buildings, structures or facilities that are primarily used for agricultural or farming purposes and excludes commercial and residential buildings.

(b) Examples of agricultural construction projects include, but are not limited to, barns, breeding facilities, cribs, fencing, greenhouses that are not incidental to retail, irrigation or water wells, land clearing, manure pits, sheds, silos, stables, storage and outbuildings, and training, riding and exhibition facilities.

(2) **BUILDING.** (a) A building construction project includes sheltered enclosures with access for the purpose of housing persons, machinery, equipment and supplies. It includes all

construction of these structures, the installation of utilities and the installation of equipment, both above and below grade level, as well as incidental grading, utilities and paving. A structure need not be habitable to be a building construction project. The installation of heavy machinery or equipment does not change the character of a building construction project.

(b) Examples of building construction projects include, but are not limited to, apartment buildings comprising five stories and above, arenas that are enclosed, auditoriums, automobile parking garages, banks and financial buildings, barracks, bathhouses, bleachers that are indoor or outdoor, churches, city halls, civic centers, commercial buildings, courthouses, detention facilities, dormitories, fire stations, grandstands, hospitals, hotels, industrial buildings, institutional buildings, libraries, mausoleums, motels, museums, nursing and convalescent facilities, office buildings, out-patient clinics, passenger and freight terminal buildings, police stations, post offices, power plants, prefabricated buildings, restaurants, retirement homes, schools, service stations, shopping centers, stadiums, stores, subway stations, theaters, warehouses, and water and sewage treatment plant buildings.

(3) HEAVY. (a) A heavy construction project includes projects that are not properly classified as building, residential, agricultural or highway construction projects under subs. (1), (2), (4) and (5).

(b) Examples of heavy construction projects include, but are not limited to, antenna towers, breakwaters, caissons other than buildings or highways, canals, channels, channel cut-offs, chemical complexes or facilities other than buildings, cofferdams, coke ovens, dams, demolition

that is not incidental to construction, dikes, docks, drainage projects, dredging projects, electrification projects that are outdoors, flood control projects, golf courses other than buildings, industrial incinerators other than buildings, irrigation projects, jetties, kilns, land drainage that is not incidental to other construction, land reclamation, landfills, levees, locks, oil refineries, pipelines, ponds, pumping stations that are pre-fabricated drop-in units, railroad construction, reservoirs, revetments, sewage collection and disposal lines, sewers, shoreline maintenance, ski tows, storage tanks, swimming pools that are outdoor with no buildings, subways other than buildings, tipples, tunnels, unsheltered piers and wharves, viaducts other than highway, water mains, waterways, water supply lines that are not incidental to buildings, water and sewage treatment plants other than buildings, and water wells other than residential or agricultural.

(4) HIGHWAY (a) A highway construction project includes roads, streets, highways, bridges, runways, taxiways, alleys, trails, paths, parking areas, sidewalks and other similar construction not incidental to agricultural, building, heavy or residential construction projects.

(b) Examples of highway construction projects include, but are not limited to, airport runways, airport taxiways, alleys, base courses, bituminous treatments, bridle paths, concrete pavement, curbs, excavation and embankment for road construction, fencing for highways, grade crossing elimination such as overpasses or underpasses, guard rails on highway, gutters, highway or pedestrian bridges, highway signs, medians, parking lots, parkways, resurfacing streets and highways, roadbeds, roadways, shoulders, stabilizing courses, storm or sanitary sewers and water supply lines incidental to road construction, street paving, surface courses, and trails.

(5) **RESIDENTIAL.** (a) A residential construction project includes single family houses or apartment buildings of no more than four stories in height. It includes all incidental items such as water wells, site work, driveways, parking areas, utilities, and private sidewalks.

(b) Examples of residential construction projects include, but are not limited to, town or row houses, apartment buildings comprising four stories or less, condominiums comprising four stories or less, single family houses, garages and outbuildings, and student housing comprising four stories or less.

SECTION 27. DWD 290.08(title) is amended to read:

DWD 290.08 Wage determinations for individual projects.

SECTION 28. DWD 290.08(4) is created to read:

DWD 290.08(4) A prevailing wage rate determination that is issued on or before June 30 in a particular year shall remain in effect for the remainder of the calendar year. A prevailing wage rate determination that is issued after June 30 shall remain in effect for 180 days.

SECTION 29. DWD 290.10 is repealed and recreated to read:

DWD 290.10 Procedure for an administrative review. (1) This section applies to a request for review by a local government unit under s. 66.293(3)(br), Stats., or a state agency under s. 103.49(3)(c), Stats.

(2) A request for review by a local governmental unit or a state agency will be accepted for consideration if the request meets the following requirements:

(a) The request is in writing.

(b) The request is made within 30 days from the date the determination was issued. A request is timely under this section if it is received by mail with a postmark date within the review period.

(c) The request is made at least ten days before the date that construction contracts are awarded or negotiated.

(d) The request includes wage rate information for the contested trade or occupation on at least 3 projects of the same type located in the city, village or town where the proposed project is located and on which some work was performed within the applicable survey period and which was previously considered by the department in issuing the determination.

(3) In the course of its review, the department shall consider wage rate information from all other similar projects on which work was performed within the city, village or town during the applicable survey period. The department shall follow the same calculation criteria employed in the survey determinations.

Note: The department is required to affirm or modify the determination within 15 days after the date on which the department receives the request for review. §§66.293(3)(br), 103.49(3)(c).

SECTION 30. DWD 290.12 is renumbered DWD 290.12(1).

SECTION 31. DWD 290.12(2) is created to read:

DWD 290.12(2) Within 7 days of the date that work is first performed by a minor subcontractor, a contractor or subcontractor that hires a minor subcontractor shall either provide a copy of the prevailing wage rate determination for the project to the minor subcontractor or

provide written notification to the minor subcontractor that the work to be performed is subject to a prevailing wage rate determination issued by the department.

SECTION 32. DWD 290.155 is amended to read:

DWD 290.155 ~~Section 66.293(3), Stats.,~~ This chapter does not apply to any single-trade public works project for which the estimated cost of completion is below \$11,000, where a single trade is involved, and \$110,000 where more than one trade is involved on such project \$30,000, and any multi-trade public works project for which the estimated cost of completion is below \$150,000.

Note: §103.49(1), Stats., defines "single-trade public works project" as "a public works project in which a single trade accounts for 85% or more of the total labor cost of the project," and "multi-trade public works project" is defined as "a public works project in which no single trade accounts for 85% or more of the total labor cost of the project."

SECTION 33. DWD 290.17 is repealed.

SECTION 34. 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)

Tommy G. Thompson
Governor
Linda Stewart
Secretary



Mailing Address:
201 E. Washington Avenue
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State of Wisconsin Department of Industry, Labor and Human Relations

August 15, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 97-033

RULE NO.: DWD 290

RELATING TO: Prevailing Wage Rates for State or Local Public Works Projects

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully Submitted,

Linda Stewart
Secretary

ADM-7239

