

CR 86-243

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John T. Coughlin, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Minimum Cost of Public Works Projects Requiring a Prevailing Wage Rate Determination and Related Material were duly approved and adopted by this department on May 7, 1987.

(Subject)

(Date)

I further certify that said copy has been compared by me with the original on file in this 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 10:00 a.m. in the city of Madison, this 7th day of May A.D. 1987.

John T. Coughlin
Secretary

RECEIVED

MAY 7 1987
10:15 am
Revisor of Statutes
Bureau

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1) and 66.293(3)(c), Stats., the Department of Industry, Labor and Human Relations creates; amends; repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter (s): Municipal Contracts for Construction of Public Works and State Contract Building and Public Works Projects, Except Bridges and Highways Ind 90 and 92
(Number) (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: May 7, 1987

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

John T. Campbell
Secretary

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MAY 7 1987

Division of Statistics
Bureau



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MAY 7 1987

Revisor of Statutes
Bureau

RULES in FINAL DRAFT FORM

Rule: Ind 90 and 92

Relating to: Minimum Cost of Public Works Projects Requiring a
Prevailing Wage Rate Determination and Related Material

An order to amend the Note to Ind 90.08, 90.10(1)(c), 90.11(1), 90.13, 90.14(2), 90.155 and Note, footnote ¹⁰ in Ind 90 and 92.01(8)(c)2.b. relating to prevailing wage rates.

***** ANALYSIS OF PROPOSED RULE *****

The primary rule change that is being proposed concerns adjusting the minimum project coverage thresholds applicable to all state building and municipal public works projects that are subject to s. 103.49 or s. 66.293(3), Stats. DILHR is required, by statute, to make these adjustments every two years. The last adjustment became effective on January 1, 1985. This proposal raises the thresholds from \$8,000 and \$80,000 to \$9,000 and \$90,000. The adjustments are based on the change in the Composite Cost Index, as compiled by the U. S. Department of Commerce, which occurred since the date the last similar adjustment became effective.

All of the remaining rule changes are being proposed to correct typographical or grammatical errors in the existing rules. These changes are being proposed to ensure consistency and clarity.

Pursuant to the authority vested in the state of Wisconsin department of industry, labor and human relations by s. 101.02(1) and s. 66.293(3)(c), Stats., the department hereby amends the rules interpreting s. 103.49 and s. 66.293(3), Stats., as follows:

SECTION 1. The Note in Ind 90.08 is amended to read:

NOTE: "Application For A Prevailing Wage Rate Determination", ~~see~~ form DILHR-ERD-5719, may be obtained at no charge from the Department of Industry, Labor and Human Relations, Equal Rights Division, P. O. Box 8928, Madison, WI 53708.

SECTION 2. Ind 90.10(1)(c) is amended to read:

(c) The request shall be made prior to the date ~~the bids~~ contracts are awarded or ~~the contracts~~ are negotiated.

SECTION 3. Ind 90.11(1) is amended to read:

(1) When a municipality does not request or incorporate the prevailing wage rate determination required under s. 66.293(3), Stats., the department's notification of noncompliance required by s. 66.293(3)(j), Stats., shall include:

SECTION 4. Ind 90.13 is amended to read:

Ind 90.13 EVIDENCE OF COMPLIANCE BY AGENT AND SUBCONTRACTOR. Each agent and subcontractor shall file with the contractor, upon completion of their portion of work on the public works project, an affidavit stating that all of the provisions and requirements of s. 66.293(3), Stats., have been fully complied with and that full and accurate records have been kept which clearly indicate the name, trade or occupation of every laborer, worker, or mechanic employed on the project, the number of hours worked by each employe and the actual wages paid therefor. The affidavit

shall state where these records shall be kept and the name, address and telephone number of the person who shall be responsible for keeping them. These payroll records shall be retained and made available for a period of at least 3 years following the completion of the project of public works and shall not be removed without prior notification to the municipality. 10

SECTION 5. Ind 90.14(2) is amended to read:

(2) That full and accurate records have been kept, which clearly indicate the name and trade or occupation of every laborer, worker or mechanic employed by the contractor in connection with work on the project. The records shall show the number of hours worked by each employe and the actual wages paid therefor; where these records shall be kept and the name, address and telephone number of the person who shall be responsible for keeping them. The records shall be retained and made available for a period of at least 3 years following the completion of the project of public works and shall not be removed without prior notification to the municipality. 10

SECTION 6. Ind 90.155 and Note are amended to read:

Ind 90.155 MINIMUM PROJECT COSTS. Section 66.293(3), Stats., does not apply to any public works project for which the estimated cost of completion is below ~~\$8,000~~ \$9,000, where a single trade is involved, and ~~\$80,000~~ \$90,000, where more than one trade is involved on such project.

NOTE: The dollar amounts in this section were adjusted on ~~January-1, 1985~~ (the effective date of this rule) when the estimated project cost of completion ceiling was changed from ~~\$7,500~~ \$8,000 to ~~\$8,000~~ \$9,000 where ~~one~~ a single trade was is involved and from ~~\$75,000~~ \$80,000 to ~~\$80,000~~ \$90,000 where more than one trade is involved.

SECTION 7. Footnote 10 in Chapter Ind 90 is amended to read:

¹⁰ For ~~s. ss.~~ Ind 90.13 and 90.14, completion of the entire project means the last day on which physical work was performed on the site of the project.

SECTION 8. Ind 92.01(8)(c)2.b. is amended to read:

b. It could be reasonably anticipated to provide benefits described in s. 103.49, Stats., and sub. ~~(9)~~ (8);

The above cited rules shall take effect on publication pursuant to s. 227.22(2) (intro.), Stats.

7/1/87



State of Wisconsin \ Department of Industry, Labor and Human Relations

RECEIVED

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

May 7, 1987

MAY 7 1987

Revisor of Statutes
Bureau

Gary Poulson
Assistant Revisor of Statutes
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-243

RULE NO. Ind 90 and 92

RELATING TO Minimum Cost of Public Works Projects Requiring a Prevailing
Wage Rate Determination and Related Material

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 also included.

Respectfully submitted,

John T. Coughlin
Secretary