

1979 Senate Bill 391

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## CHAPTER 269, Laws of 1979

AN ACT to amend s. 103.50 (7); and to create 946.15 of the statutes, relating to prohibiting work on public construction contracts at less than full rate and providing a penalty.

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

SECTION 1. 103.50 (7) of the statutes is amended to read:

103.50 (7) PENALTIES. (a) Any ~~Except as provided in par. (b),~~ any contractor, subcontractor or agent thereof who violates this section may be fined not less than \$50 nor more than \$200 or imprisoned not more than 18 months or both. Each day that any such violation continues shall be deemed a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project subject to this section to give up or forego any part of the wages to which he or she is entitled under the contract governing such project by threat not to employ, by threat of dismissal from such employment or by any other means ~~may be fined not exceeding \$1,000 or imprisoned not more than one year or both~~ is guilty of an offense under s. 946.15 (1).

(c) Any person employed on a project under a contract subject to this section who knowingly permits the contractor or subcontractor to pay him or her less than the prevailing wage rate set forth in such the contract, or who gives up any part of the compensation to which he or she is entitled ~~thereunder, may be fined not exceeding \$20 or imprisoned not more than 30 days or both.~~ Each day any violation of this paragraph continues shall

~~be deemed a separate offense~~ under the contract, is guilty of an offense under s. 946.15 (2).

SECTION 2. 946.15 of the statutes is created to read:

**946.15 Public construction contracts at less than full rate.** (1) Any employer, or any agent or employe of an employer, who induces any person employed pursuant to a public contract as defined in s. 66.29 (1) (c) or employed on a project on which a prevailing wage rate has been established by the department of industry, labor and human relations under s. 66.293 (3) to give up, waive or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage determination made by the department is guilty of a Class E felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.29 (1) (c) or employed on a project on which a prevailing wage has been established by the department of industry, labor and human relations under s. 66.293 (3) who gives up, waives or returns to the employer or agent of the employer any part of the compensation to which the employe is entitled under his or her contract of employment or under the prevailing wage determination made by the department is guilty of a Class C misdemeanor.

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