



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 108

**Reaffirming Executive Branch Practice
Relating to the Employment of Apprentices
on State Construction Projects**

WHEREAS, a well-trained construction workforce is critical to the ability of the State of Wisconsin to construct public projects; and

WHEREAS, apprenticeship training programs are very effective in providing training and experience to individuals seeking to enter or advance in the workforce; and

WHEREAS, by providing for apprenticeship utilization on public projects, state government can help create opportunities for training and experience that will help ensure a trained workforce for the future; and

WHEREAS, former Governor Patrick Lucey, by Executive Order, directed state governmental agencies to include a clause in state construction contracts requiring the employment of apprentices on such projects; and

WHEREAS, it is desirable to reaffirm the state's commitment to employment of apprentices on state construction projects;

NOW THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

1. Direct the Departments of Administration and Transportation to include in chapters 16 and 84 construction contracts, a clause providing that as a condition to performing work under such contracts, contractors and subcontractors employing five (5) or more craft workers of trades apprenticeable in the state of Wisconsin, as determined by the Department of Workforce Development, shall meet one of the following requirements:
 - a. Employ or have employed at any time during the current or previous calendar year the maximum number of apprentices allowed by the training ratio for each trade included in the bid; or
 - b. Employ or have employed at any time during the current or previous calendar year a skilled workforce of at least ten percent apprentices for projects performed under Chapter 16 of the Wisconsin Statutes, and five percent for projects performed under Chapter 84 of the Wisconsin Statutes; or
 - c. Employ apprentices on a contract jobsite at the maximum ratio or, where the ratio is not jobsite specific, at ten percent of the contract hours to be performed on that site for projects performed under Chapter 16 of the Wisconsin Statutes, and five percent for projects performed under Chapter 84 of the Wisconsin Statutes; or

- d. Agree that "new hire apprentices" will be engaged at least at the maximum ratio of journey level workers to apprentices allowed under the standards established by the Department of Workforce Development; and
2. **Apprenticeship Program.** Consistent with this order, the Departments of Administration and Transportation shall ensure that no contracts or subcontracts are awarded for construction work performed on state-owned projects in Wisconsin unless the contractor is currently approved as a Wisconsin Trade Trainer or has applied for approval as an Apprenticeship Trade Trainer to the Department of Workforce Development and agrees to an acceptable apprenticeship program which includes specific ratios of apprentices in skills trades which have been determined as apprenticeable by the Department of Workforce Development; and
3. **Invitations for Bids.** The Departments of Administration and Transportation shall include in all invitations for bids or other solicitations used for construction contracts, a notice stating that as a condition to performing work under the contract, each contractor or subcontractor shall be required to agree to employ apprentices in accordance with this order; and
4. **Demonstration of Compliance.** All construction contracts subject to this order shall contain a provision requiring all contractors and subcontractors to maintain records to demonstrate compliance with the contract provisions implementing this order.

The Department of Workforce Development - Bureau of Apprenticeship Standards shall review the training programs with respect to meeting and maintaining an acceptable quality of training. In the event of failure to meet the contract provisions implementing this order, contractors and subcontractors shall be given an opportunity to demonstrate that every good faith effort was made to meet contract requirements. If the contractor or subcontractor is determined to be in compliance with the contract provisions implementing this order, or demonstrates that every good faith effort has been made to meet requirements of this order, no further action will be taken; and

5. **Subcontractor Compliance.** Contractors shall not be responsible for their subcontractors complying with any contract provisions implementing this order; and
6. **Exemptions and Modifications.** Reasonable exemptions and modifications to and from any or all requirements of this order and its policy guidelines will be determined by the Department of Workforce Development - Bureau of Apprenticeship Standards using criteria that may include but is not limited to the following:
 - a. The occupation is apprenticeable;
 - b. A demonstrated lack of availability of apprentices in specific geographic areas;
 - c. Program unsuitability or unavailability;
 - d. A disproportionately high ratio of material costs to labor hours;
 - e. A documented depression of the local construction market;
 - f. Specific safety or certification considerations;

- g. The necessity to meet Equal Employment Opportunity or other legal workforce participation requirements; or
- h. Receipt and approval by the Department of Workforce Development of an "intent to comply" letter in regard to work performed on future projects from a "first time contractor," where applicable;

A request for an exemption or modification, with justification, shall be made in writing, addressed to Department of Workforce Development - Bureau of Apprenticeship Standards, P.O. Box 7972, Madison, WI 53707; and

7. Definitions.

- a. The term "apprentice" refers to a person registered as such under Chapter 106 of the Wisconsin Statutes;
- b. The term "Apprenticeship Trade Trainer" refers to contractors and sub-contractors who meet the specific established trade standards for training apprentices and have been approved by the Department of Workforce Development. Contractors who do not meet the standards for a Trade Trainer established by the Department of Workforce Development will not be excluded from bidding on state projects;
- c. The term "First Time Contractor" refers to a contractor or subcontractor who was or is unintentionally not in compliance with the provisions of this order on the first project performed under contract covered by this order, after the effective date of this order; and
- d. The term "new hire apprentices" refers to apprentices or journey workers hired in addition to a contractor's or subcontractor's existing or pre-existing workforce, or, as a replacement for an employee disengaged from employment by said contractor. A "new hire" does not include the reemployment of an employee who was temporarily laid off; and

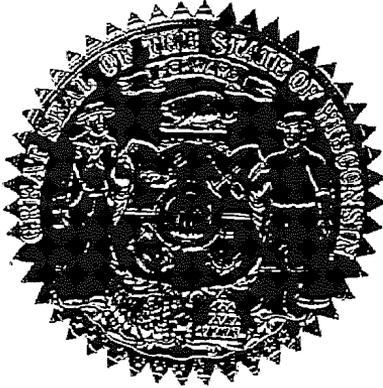
8. Scope and Effective Date.

- a. This order shall apply to projects for which the invitations for bids or other solicitations for bids are published on or after January 1, 2006;
- b. This order shall apply to all projects under Chapters 16 and 84 of the Wisconsin Statutes that meet the minimum cost thresholds for prevailing wage determinations under Chapter 66 of the Wisconsin Statutes; and

9. General Provisions.

- a. Nothing in this order shall require the Departments of Administration or Transportation to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law;
- b. If any provision in this order conflicts with any laws, rules, or other legal requirements or obligations imposed by state or federal law, the state or federal law shall control;
- c. Nothing in this order creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the State of Wisconsin, its agencies or any person; and

d. Nothing in this order shall be interpreted to require the employment of apprentices to the extent that employment may result in the displacement of journey workers employed by a performing contractor.



By the Governor:

Douglas La Follette
DOUGLAS LA FOLLETTE
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-ninth day of June, in the year two thousand five.

Jim Doyle

JIM DOYLE
Governor