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CHAPTER 457

AN ACT to repeal 103.41 and 103.42; to amend 103.49 (1) to (4) and 103.50 (3) (a); and to create 227.01 (5) (t) of the statutes, relating to the regulation of wage rates and hours of labor by the industrial commission.

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

SECTION 1. 103.41 and 103.42 of the statutes are repealed.

SECTION 2. 103.49 (1) to (4) of the statutes are amended to read:

103.49 (1) Each contract involving \$1,000 or more hereafter made for the erection, construction, * * * remodeling or repairing of any public building or for any other project of public works, except contracts for the construction or maintenance of public highways and bridges, to which the state * * *, any department thereof or any public building corporation is a party shall contain a stipulation that no laborer, workman * * * or mechanic * * * employed directly upon the site of the work by the contractor or * * * by any subcontractor, agent * * * or other person, doing or contracting to do all or a part of the work, shall be permitted to work a greater number of hours per day or per calendar week than the prevailing hours of labor determined pursuant to this section, except that any such laborer, workman or mechanic may be permitted or required to work more than such prevailing number of hours per day and per calendar week if he is paid for all hours in excess of the prevailing hours at a rate of at least 1-1/2 times his hourly basic rate of pay; nor shall he be paid less than the prevailing wage rate in the same or most similar trade or occupation in the * * * area wherein such public building or project of public works is situated * * *. The prevailing wage rates, prevailing hours of labor, and hourly basic rates of pay determined pursuant to this section shall be set forth specifically in the contract.

(2) The prevailing wage rate in any trade or occupation in any * * * area shall be the hourly basic rate paid * * * plus the hourly contribution for health and welfare benefits, vacation benefits, pension benefits and any other economic benefit, whether paid directly or indirectly, to a majority of all persons employed in such trade or occupation in such * * * area, or if there is no rate at which a majority are employed then the prevailing wage rate shall be the rate which is paid to a larger number of employes than any other rate paid in such * * * area for work in such trade or occupa-

tion. *The prevailing hours of labor in any trade or occupation in any area shall be the hours of labor per day and per week worked within the area by a larger number of workmen than are employed in such trade or occupation for any other number of hours per day or week. In no event shall the prevailing hours of labor be deemed to be more than 8 hours per day nor more than 40 hours per week. "Hourly basic rate" means the hourly wage paid to any employe, excluding any contributions or payments for health and welfare benefits, vacation benefits, pension benefits and any other economic benefits, whether paid directly or indirectly. "Area" means the county or other locality from which labor for any project would normally be secured.*

(3) Before bids are asked for any work to which this section * * * applies, the department or officer having the authority to prescribe the specifications * * * shall request the industrial commission to ascertain the prevailing wage * * * rates, prevailing hours of labor and hourly basic rates of pay for all trades and occupations required in the work under contemplation in the * * * area in which the work is to be done. The industrial commission shall make such investigations as may be necessary to enable it to ascertain the prevailing wage rate, prevailing hours of labor and hourly basic rate of pay for each such trade or occupation. It shall make its determination within 30 days after receipt of the request and shall file the same with the department or officer applying therefor. *The prevailing hours of labor, the prevailing wage rates, the hourly basic rates of pay and trades or occupations for all labor involved in each project to which this section is applicable shall, together with the provisions of subs. (1) and (4), be kept posted on the project by the employer in at least one conspicuous place for the information of the employes working on the project.*

(4) Any officer or employe of the state who * * * publishes any specifications or * * * executes any contract for the erection, construction, * * * remodeling or repairing of any public building or of any other project of public works as defined in sub. (1), to which the state * * *, any department thereof or any public building corporation is a party without complying with this section and any contractor, subcontractor * * * or agent thereof who, after executing a contract in compliance with this section, * * * pays to any laborer, workman * * * or mechanic employed directly upon the site of the work in his or their employ a lesser wage for work done under such contract than the prevailing wage rate as set forth in the contract shall be * * * fined not * * * more than \$200, or * * * imprisoned for not more than * * * 6 months, or * * * both * * *. *Such agent or subcontractor shall furnish to the contractor evidence of compliance with this section. Each day any violation of this subsection continues shall be deemed a separate offense.*

SECTION 3. 103.50 (3) (a) of the statutes is amended to read:

103.50 (3) (a) * * * The industrial commission * * * shall conduct * * * investigations * * * and hold public hearings necessary to define classes of laborers and mechanics and to inform itself as to the hours of labor and wage rates prevailing in all areas of the state for all classes of labor and mechanics commonly employed in highway construction work, with a view to ascertaining and determining prevailing hours and rates accordingly. * * *

SECTION 4. 227.01 (5) (t) of the statutes is created to read:

227.01 (5) (t) Ascertain and determines prevailing hours of labor, wage rates and truck rental rates pursuant to s. 103.50 and prevailing wage

rates and hours of labor pursuant to s. 103.49 but any such action or inaction which so ascertains and determines prevailing hours of labor, wage rates and truck rental rates pursuant to ss. 103.49 and 103.50 shall continue to be subject to judicial review, the same as a rule, as provided in this chapter.

Approved December 24, 1963.
