



Governor Signs New Executive Order #108 Regarding Apprentices on State Construction Projects

June, 2005

Governor Doyle recently signed a new executive order intended to promote apprenticeship in Wisconsin's construction industry. This order replaced an existing order regarding apprenticeship issued by Governor Lucey in 1971. The new Doyle executive order is substantially different than one issued by Governor Lucey, so contractors should be aware of this order as it may impact their company.

[For the full text of the Executive Order visit the "Hot Topics" section of the ABC web site at www.abcwi.org or contact John Mielke at 800-236-2224.]

Frequently Asked Questions

What does the Executive Order require?

The Executive Order requires contractors on certain state construction projects to "comply" with the order by employing apprentices or by receiving a waiver

Who does the Executive Order apply to?

Generally, contractors working on Wisconsin Department of Administration or Wisconsin Department of Transportation construction projects

When does the Executive Order take effect?

The order applies to projects for which the invitations for bids or other solicitations for bids are published on or after January 1, 2006.

How will I know if the project I am working on is covered?

The Wisconsin Departments of Administration and the Wisconsin Department of Transportation will include a notice in all invitations for bids or other solicitations used for construction contracts.

Is it possible that other projects may have a similar provision regarding apprentices?

There may be other public projects (not covered by this executive order) that have similar apprenticeship provisions in their construction contracts independent of this order.

The Executive Order requires contractors to be an approved "Apprenticeship Trade Trainer", what does this mean?

If you are approved to train apprentices in the ABC Apprenticeship program (or any other state approved apprenticeship program) you are an approved "Apprenticeship Trade Trainer"

If I am currently training apprentices in the ABC Apprenticeship Program do I meet the requirements of the Executive Order?

You meet the first requirement of being an approved “Apprenticeship Trade Trainer” but there are additional specific provisions that must be met.

What if I don’t have any apprentices, am I excluded from bidding on state projects?

No. The intention of the Executive Order is to encourage apprenticeship, not exclude contractors from working on state construction projects. There are several ways to comply with the order including a process for obtaining a waiver.

Does the Executive Order apply to small contractors?

The order applies to “large” contractors. However, a “large” contractor is defined as a contractor or a subcontractor who employs five or more craft workers in trades apprenticeable in Wisconsin.

If you feel your company may be exempt under this provision or are uncertain if the crafts you employ are apprenticeable in Wisconsin, contact John Mielke at the ABC office (800-236-2224).

I do not currently train apprentices but I am interested in training in the future, who do I contact?

Contact ABC of Wisconsin Apprenticeship staff at 800-829-9926 or visit the ABC apprenticeship web site at <http://www.abcwi.org/apprenticeship/index.html>

What if I have applied to be approved as a Trade Trainer and been denied?

Depending on the reason you were denied you may be eligible for a waiver from the Executive Order. Contact the ABC office for more information.

What if there are no ABC apprenticeship programs for my trade(s) in my geographic area?

If there is no ABC program available to you and you do not wish to train in the JAC program you should request and be granted a waiver from this Executive Order.

What if hiring an apprentice would cause me to lay off a journeyman?

The order specifically states “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”

Are general or prime contractors responsible for the compliance of sub-contractors?

No, contractors are not responsible for their subcontractors complying with any contract provisions implementing this order.

Who should I contact if I feel I may be covered by the order and may have difficulty complying?

The order provides for a variety of ways to meet the requirements. If you are bidding on or have been awarded a project covered by this Executive Order, and have questions about compliance, contact John Mielke at 800-236-2224.

Compliance, Exemptions, and Modifications

Compliance: Contractors doing work on a project covered by the order must comply by meeting only one of the following four provisions or be granted waivers under the Exemptions and Modifications provisions below.

1. 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
2. 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
3. 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
4. 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.

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:

1. The occupation is not apprenticeable;
2. A demonstrated lack of availability of apprentices in specific geographic areas;
3. Program unsuitability or unavailability;
4. A disproportionately high ratio of material costs to labor hours;
5. A documented depression of the local construction market;
6. Specific safety or certification considerations;
7. The necessity to meet Equal Employment Opportunity or other legal workforce participation requirements; or
8. 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.