

Court Issues Ruling on Prevailing Wage Suit

Dane County Circuit Court Judge, John Markson issued his ruling today (May 20th) on the suit brought by Associated Builders and Contractors of Wisconsin challenging the implementation of prevailing wage reporting requirements adopted as part of the state's biannual budget bill.

At issue was the amount of information the Department of Workforce Development proposed to collect under the new reporting requirements. ABC of Wisconsin argued that the state overstepped its authority by originally requiring contractors to submit more than fifty fields of information related to payroll records rather than the four fields specifically identified in the statute.

Today Judge Markson disagreed with ABC of Wisconsin. The court ruled that the department has broad authority in implementing the new law and that the statute allowed the department to collect sufficient information it deemed necessary.

The ABC board of directors will be reviewing the decision and considering all our options at a meeting scheduled for tomorrow, May 21st.

Contractors will be required to submit the information required by the department on prevailing wage projects going back to January 1, 2010.

According to the terms of an agreement reached with the Department prior to today's ruling, contractors will have 45 days to comply with the reporting requirements before the department begins "full and standard enforcement action."

While disappointed in the decision, ABC still feels it was appropriate to challenge the department. This decision doesn't change our opinion that this is bad law and ABC leaders felt compelled to do what they could to try to protect the interests of our members.

We believe that just bringing the suit put pressure on the department to reduce the amount of information they were requesting. Originally the department was asking for more than 50 separate fields of information and since the suit was filed they have reduced it to approximately thirty fields.

Our legal action has helped to draw attention to this issue. Now contractors, local elected officials, and legislators around the state have a heightened sense of awareness about problems associated with this law. We hope to use that momentum to push for a legislative fix in the next legislative session.

For assistance in completing the required reporting contact the ABC of Wisconsin Office at 608-244-5883.