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U.S. SUPREME COURT ALLOWS LAWSUIT
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DAYS IN CONGRESS**

**A DOSE OF REALITY
LOCAL DECISIONS DRIVE UP
CONSTRUCTION COSTS**

Legal + *regulatory*

**DEALING WITH
CONTRACTS, CODES,
AND CLAUSES**

AND JUST LIKE THAT
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Pictured: JLG 1644 Telehandler

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FROM OUR PRESIDENT

And Just Like That



AS YOU CAN SEE FROM THE PHOTOS IN THIS ISSUE, YOUR FELLOW MEMBERS OF ASSOCIATED BUILDERS AND CONTRACTORS OF WISCONSIN TOOK TIME AWAY FROM THEIR WORK AND FAMILIES TO GO TO THE NATION'S CAPITAL TO MEET WITH WISCONSIN FEDERAL LEGISLATORS.

In addition to lobbying Wisconsin's congressional delegation on the matters that matter to you, it is a chance for ABC WI staff to connect with other chapters on best practices and brainstorm. The reports from our neighboring states are, to be blunt, jarring, and serve as a cautionary tale.

Michigan fought for decades to achieve the "merit shop trifecta" of project labor agreement neutrality (2012), Right to Work (2013), and no state prevailing wage (2018) and was able to maintain them for years. Then in November 2022, pro-free enterprise candidates were decimated in the elections, and by March of this year all three hard fought achievements were undone.

And it was just as grim for merit contractors in our neighboring states that never achieved the big three. Already this year, Minnesota enacted joint and severable "wage theft" laws that coincidentally exempt union contractors. Illinois did the same, and then said, "hold my beer" and extended its state prevailing wage laws to power washing, biosolids hauling, and solar panel installations on low-income housing.

These are not always Democrat vs Republican issues. Bill Clinton ran for President on Arkansas being a right-to-work state. West Virginia until recently was deep, deep blue, and never had a

state prevailing wage. On the other side, there are Republicans in Wisconsin who defend Davis-Bacon federal prevailing wage.

I am fond of the saying in politics that "if you aren't at the table, you are on the menu." It is important that Wisconsin candidates who believe in open competition for projects and an "all the above" approach to bridging the construction skills gap are elected so they can be part of the public policy decision making process. That is why your Board of Directors is kicking off a campaign to raise political money this year before you are inundated next year with requests for "the most important election ever."

It seems like every election is the "most important election ever." But, as you can see from what's happening in our neighboring states, one election can wipe out decades of progress, just like that. That's why it is important to donate to the ABC of Wisconsin Political Action Committee (PAC) or Conduit, which sends 100% of your donations to Wisconsin candidates who believe in you. [abc.wisconsin](#)

“

I AM FOND OF THE SAYING IN POLITICS THAT "IF YOU AREN'T AT THE TABLE, YOU ARE ON THE MENU."

— John Meilke

HELP DEFEND WISCONSIN'S CHAMPIONS BEFORE IT IS TOO LATE

MINNESOTA

Up to 12 weeks of paid family medical leave. May 25, 2023

Noncompete agreements banned. June 6, 2023

Joint and several liability that makes nonunion general contractors responsible for subcontractor wage violations. Includes criminal penalties of up to 20 years in prison and up to a \$100,000 fine for wage theft in excess of \$35,000. June 6, 2023

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MICHIGAN

Project Labor Agreement neutrality repealed. March 24, 2023

Right to work enacted right-to-work repealed. March 24, 2023

State prevailing wage law reinstated. March 24, 2023

ILLINOIS

Nonunion general contractors liable for claims brought by subcontractors' employers for unpaid wages, benefits and contributions, including damages, interest, penalties and attorney's fees. September 9, 2022

Nonunion subcontractors must indemnify prime contractor for wage theft laws. September 9, 2022

Prevailing wage applied to power washing of public works projects. June 16, 2023

Prevailing wage applied to state grant funds to low income housing projects for installation of solar panels. June 20, 2023

Prevailing wage applied to hauling of biosolids away from wastewater treatment plants. June 22, 2023





U.S. SUPREME COURT ALLOWS LAWSUIT AGAINST UNIONS' DIRTY TRICKS

HOW FAR CAN A UNION GO IN ITS EFFORTS TO HARM OR DESTROY OUR BUSINESSES?

By Dan Barker – Attorney, Jackson Lewis, P.C.

L

abor relations can be a rough and tumble business. Time and again, the National Labor Relations Board (“NLRB”) has reminded employers that they must have a thick skin and need to tolerate a certain amount of insubordinate behavior from

employees when they are engaging in union or other protected activities.

For example, the NLRB has held that an employer violated the law when it disciplined an employee for writing a Facebook post saying that a supervisor was a “Nasty #&%\$er.” In finding the employer’s discipline illegal, the NLRB famously said “[E]mployees receive some leeway since passions may run high and impulsive behavior is common.” Likewise,

employees who openly confront management officials when speaking up on group-related issues are routinely found to be protected from discipline. Finally, federal law protects employees who go on strike, which is clearly an attempt to harm their employers.

This concept, that federal labor law often protects efforts to harm a business, is hard for many people to grasp. That’s why it is so easy for supervisors who have not received labor relations training to unknowingly violate the law. But once employers begin to understand this concept, they usually ask: “Where is the line? How far can a union go in its efforts to harm or destroy our business?” In a recent case, the United States Supreme Court helped answer that question to a small degree. It made clear that at the beginning of a strike, federal labor

law does not even arguably protect striking workers who fail to take reasonable precautions to protect company property from “foreseeable, aggravated, and imminent danger” as a result of the strike.

In that case, Glacier Northwest, a ready-mix company in Washington State, filed a lawsuit against a local Teamsters union seeking damages stemming from the loss of concrete product on the first day of a strike. On the day the strike began, ready-mix drivers started their workday as normal. However, once a number trucks were loaded and on the road with perishable concrete, the drivers went on strike. In the ensuing court case, Glacier claimed that nine drivers abandoned their fully loaded trucks without telling anyone — thereby leaving the trucks “on a path to destruction.”



"THE U.S. SUPREME COURT RULED UNIONS HAVE A DUTY TO TAKE REASONABLE PRECAUTIONS TO PROTECT COMPANY PROPERTY FROM FORESEEABLE, AGGRAVATED AND IMMINENT DANGER."

That seemingly strategic action by the union caused Glacier to scramble to save its equipment. If the concrete hardened in the trucks, the trucks could be severely damaged. But that concrete couldn't be offloaded just anywhere. It had to be offloaded in an environmentally responsible manner. Thankfully for Glacier, its supervisors were able to offload all the concrete before it hardened. But Glacier still lost the value of its product.

Because its product had been damaged by the strike activity, Glacier sued the union, alleging that the union actively coordinated with workers to destroy its property. It claimed that union took no steps to help Glacier protect its product.

In response, the union tried to have the lawsuit thrown out. The union argued that because federal labor protects strike activity, the lawsuit was preempted by federal labor law. The case ultimately worked its way to U.S. Supreme Court. In an 8-1 decision, the Supreme Court held that striking unions have a duty to take reasonable precautions to protect company property from "foreseeable, aggravated and imminent danger." It therefore allowed the lawsuit to proceed finding that Glacier had a potentially viable claim.

While Glacier won the case at the U.S. Supreme Court, that does not mean that it wins the entire case. Instead, what Glacier won after years of fighting was the right to continue with its lawsuit. The case is not over yet, and the lawsuit will head back to a lower court where Glacier will try to prove its claim. To win, Glacier will need to prove that the Union used its strike weapon "in a manner designed to compromise the safety of Glacier's trucks and destroy its concrete."

No one knows how the case will turn out or whether Glacier will win at trial. But what we do know is that unions can put themselves at risk of lawsuits by pulling dirty tricks during a strike.

While this is a significant legal victory for employers, it does not mean that any unions can be held responsible for all strike-related damages to an employer. It should not be read or interpreted that way. Indeed, strikes are generally intended to harm an employer— that's the whole point. What the Supreme Court said is that there are some limits. The question remains, though, what will be considered "reasonable precautions" in future cases. Only time will tell and other courts and the NLRB will ultimately weigh in on these questions. We can hope, however, that the ruling sends a message to unions that they best not try tricks like this in future strikes because legal liability (perhaps including punitive damages) can follow.

It is also important to remember that employers that file lawsuits against unions do take some legal risks. If a lawsuit is thrown out or if the employer does not win, the unions will undoubtedly claim that the employer filed the

suit in retaliation for protected activity. The union will ask the NLRB for the employer to pay its legal fees spent defending the suit. Because of this, the decision to file a lawsuit against a union requires careful consideration and legal analysis.

Finally, while it is great to see employers win a case for a change, there is a powerful takeaway from this that merit shop employers can learn that has nothing to do with the legal issues in the case at all. That takeaway is that with a union, the risk of strikes and business damage (whether legal or illegal) always exists in the background.

The strike weapon is a union's main source of bargaining power and employers should never forget it. So how can merit shop employers avoid being in a predicament where their employees choose union representation? It's easy. They need to remember that merit shops thrive when they intentionally focus on creating a company culture where every worker is valued and respected. Listening to employees, their needs, ideas, career goals, and perspectives is the only way to build that positive culture. All too often, in the hustle and bustle of getting projects done and work complete, it is easy to forget these things. The real lesson here is: Take steps now to create a fantastic workplace culture that drives down the risks of union organizing. Doing that is a lot easier than enduring a strike and a trip to the U.S. Supreme Court. [ABC Wisconsin](#)



Daniel D. Barker is the office managing principal of the Madison and Milwaukee, Wisconsin, offices of Jackson Lewis P.C and is the ABC of WI Chapter Labor Counsel.



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DURING MY FIRST 100 DAYS IN CONGRESS MAKING CONSTITUENTS A PRIORITY

By Rep. Derrick Van Orden – (R – Wisconsin's Third District)



Congressman Derrick Van Orden (right) visits with ABC member Advanced Plumbing Systems in Eau Claire.

S

ince I first arrived in DC, my goal has been to be the most accessible member of Congress and provide the best constituent services. With that end-goal in mind, I am proud of what my staff and I have accomplished in nearly 200 days in office, both in the areas of legislation and constituent services.

I have introduced eight bills that I believe will make life better for Wisconsin veterans, military families, and working men and women. As a member of the Veterans' Affairs Committee and Chairman of the Subcommittee on Economic Opportunity, I am particularly proud of my veterans' affairs bills, including the Protect Military Dependents Act, which passed the House of Representatives in May, as well as the Warrior Call Day Resolution and EMPLOY VETS Act.

The Protect Military Dependents Act, which was passed through the VET-TEC Authorization Act, ensures that dependents who receive educational benefits aren't penalized when a service member loses his/her benefits. The Warrior Call Day Resolution would designate November 12 as National Warrior Call Day to encourage Americans to call a veteran or active-duty service member and con-

nect struggling veterans with mental health services. The EMPLOY VETS Act permits the Department of Labor to contact service members during their transition from active duty to veteran to provide information on employment opportunities.


Additionally, I have focused on addressing concerns within my district. In April, a BNSF train derailed in De Soto, and a train car floated down the Mississippi River, filled with paint, heading straight toward a dam. My grandchildren live just three blocks away from the railroad tracks. If the train had been hauling other hazardous materials as they often do, the effect would have been catastrophic. Nearly two months later, we are still waiting for answers on what caused the derailment, which is unacceptable. That is why I introduced the Rail Inspector Safety Act, which authorizes the National Transportation Safety Board (NTSB) to add 15 new rail investigators. This bill will help officials get to the bottom of derailments faster and make our communities safer.

Additionally, one of the primary responsibilities of a congressional office is to work with federal agencies on behalf of our constituents. This process is called "casework." Since January 3, our constituent service representatives have closed nearly 400 cases on behalf of Wisconsinites in the Third District. We have

helped constituents recover taxes from the previous year when their spouses passed away, receive three years of Social Security backpay, and obtain Medicare claims that were denied.

By the numbers, our office has sent over 70,000 letters to constituents in response to questions on legislative issues and facilitated tours to hundreds of Wisconsinites visiting our nation's capital. We can also help you obtain a flag flown over the U.S. Capitol Building and receive a commendation or greeting on behalf of a constituent that deserves recognition.

When I arrived in D.C., my goal was to become the most accessible member of Congress. To date, I have completed hundreds of meetings with constituents and joined over 110 interviews with local and national media.

I'm proud of the work we have accomplished, but there is a lot more work to do over the next remainder of my two-year term. If you have a problem and aren't sure whether we can help, please ask. We work for. 

Derrick Van Orden represents Wisconsin's Third District in Congress. To receive assistance with a casework request, please visit VanOrden.House.Gov or contact the La Crosse District Office at (608) 782-2258 or the Eau Claire District Office at (715) 831-9214.



A DOSE OF REALITY

LOCAL DECISIONS DRIVE UP CONSTRUCTION COSTS

By John Schulze – ABC of Wisconsin Director of Legal and Government Affairs

S

ome old sayings are old because they are true. Take, for example, former Wisconsin Governor Lee Sherman Dreyfus' quote about the city of Madison – “35 square miles surrounded by reality.” He may have said it 50 years ago, but

the only change from then is that Madison has grown to be 77 square miles surrounded by reality. When it comes to passing new construction and development rules and regulations, the law of supply and demand is a reality Madison cannot overcome.

Elsewhere in this edition, Democratic State Representative Jodi Emerson wrote about the

workforce housing package of bills that passed with overwhelming Democrat and Republican support and was signed into law by Governor Evers. These initiatives will work to incentivize more housing options for low- and middle-income working families across Wisconsin. In contrast, the city of Madison is fighting against what it sees as the existential threat to society ... cars, or more accurately car parking spots.

While Madison has had Transportation Demand Management Ordinances (TDM) on the books for more than 20 years, the most recent version passed late last year really ratchets up the war on cars by following the aspirational lead of liberal cities like San Francisco, Seattle, and Denver. New developments, or

those undergoing significant remodeling, are required to submit plans for how they would reduce parking and traffic, with the city conducting site visits and requiring reports on compliance. There is an appeals' process to the TDM rules so long as the property owners demonstrate “significant hardship.” Builders would have to rack up a certain number of points based on the different measures they take to reduce traffic, depending on the type of development, its location, and its size. Builders would get points for things like bike parking (1 point), clothes lockers and showers (1 point), providing bike maintenance facilities (1 point), and providing a package drop-off area (2). But the way to achieve the most



Wisconsin Institute for Law and Liberty attorneys Luke Berg (background) and Lucas Vebber (foreground) argue on behalf of ABC of Wisconsin in the Madison bird glass lawsuit at the Wisconsin Court of Appeals in Madison.

points (10) is to get rid of parking spaces or charge for parking.

According to Madison's elected officials, the result of fewer parking spaces will be more people walking or biking or busing or "Uber-ing" to get from here to there. In fact, I'm sure in their minds, these happy workers would be able to stop for a soy latte and maybe even sneak in a charity fun-run during their walk from home to work, worship, education, shopping, or medical appointment.

Unfortunately, here is where reality comes in. Ralph Waldo Emerson said "it's the journey, not the destination," but 'ole Ralph never had to get up early to drop the kids off at school before getting to work right on time, and then take grandma to the doctor over lunch, and then run errands on the way home. Anyone who relies on public transit knows that it can't get you everywhere you want to be when you need to be there. Also, ride share services can be expensive, and not all of Madison

is walkable. This problem of inaccessibility is only going to get worse as Wisconsin's population gets older and less mobile. Is the solution to drop your child off at daycare via bus? Or how about single parents, or couples that don't ride together because they have different work hours? And this isn't even taking into consideration the fact that most people who work in Madison live outside the city. People don't live or shop where they work for countless reasons, but one of the drivers is Madison's high taxes and housing costs. Eliminating available parking will detrimentally affect those who want to come to Madison. Not everyone can switch to transit if they are coming in from Jefferson or Columbia counties.

Madison's new TDM is just the latest local law that will affect development and construction:

- New multi-family housing, mixed-used building, and some commercial building in

"OLE RALPH NEVER HAD TO GET UP EARLY TO DROP THE KIDS OFF AT SCHOOL BEFORE GETTING TO WORK RIGHT ON TIME AND THEN TAKE GRANDMA TO THE DOCTOR OVER LUNCH."

Madison must provide EV charging parking spaces. During 2021 through 2025, if a new multi-family housing building has 6 or more parking spaces, at least 2% of the parking spaces must include at least a Level 2 EV charging station and at least 10% of the parking spaces must have empty conduit and space in the breaker box to provide them with EV charging stations in the future to meet future demand. During 2021 through 2025, a new building for a college or university, hotel, motel, hospital, medical clinic, offices or a school, or a new private parking facility, at least 1% of the parking spaces must include at least a Level 2 EV charging station and at least 10% of the parking spaces must have empty conduit and space in the breaker box to provide them with EV charging stations in the future to meet future demand.

■ Wider front-yard setbacks to create more room for street tree canopies in certain parts of the city. If the distance between the curb and the property line is less than 15 feet, the front-yard setback must be increased to 5 feet to allow more room for the canopies of larger


street trees planted in the terrace, even where a larger street tree will not be planted because of conditions in the terrace.

■ Bird-friendly glass ordinance that requires the use of expensive bird-friendly glass in the first 60 feet from the ground of façades of new buildings that are more than 10,000 square feet in total floor area, unless the developer and its architect design the building (a) to have less than 50% transparent glass on the façade or (b) to break up the areas of transparent glass to be about the size of a patio door or smaller. In addition, certain building features such as transparent glass railings on balconies and glass bridges between building towers always must have bird-friendly glass.

While all of the above will allow the city of Madison to be in the same group as its aspirational idols like San Francisco, Seattle, and Denver, these local ordinances will also hurt business growth by discouraging construction and adding costs to new and existing multi-family housing. The result will be that more working-class people will be priced out of living in Madison, and now it will be more

expensive and more difficult to get to work in the capitol city. And if the number of remote workers continues to increase, it is likely that they won't be making the trip to eat and shop in Madison.

Both political parties champion "local control," when it suits them. Construction, especially commercial construction, is one of those issues that ABC of Wisconsin believes should have statewide uniformity. That's why we championed the statewide commercial building code, and are currently suing the city of Madison for its bird glass ordinance that should not be allowed under the statewide code. That's why we helped pass Assembly Bill 245 into law, which limits local government's regulation of quarry operations to allow quarries to operate at night and cut costs of trucking gravel for material roads. And that is why we are working to pass Assembly Bill 45, which will protect consumer choice by prohibiting local governments from banning any fuel source for electricity.

ABC is working to inject a dose of reality into those areas of the state that need it. 

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By Tyler Manley – Attorney, Axley Brynson, LLP

CLAUSES PROHIBITED IN WISCONSIN CONSTRUCTION CONTRACTS

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hile Wisconsin statutes prohibit certain types of clauses within construction contracts, they don't specifically limit or prohibit indemnification clauses. Specific language in construction contracts often determines

the outcome of construction litigation, affecting a contractor's overall liability and ultimately, their bottom line. Like other states, Wisconsin prohibits many types of clauses within construction contracts. However, Wisconsin has not completely limited indemnification clauses.

Wisconsin's statutory prohibitions can be confusing to those who are unfamiliar with Wisconsin construction law, including new or small construction businesses or businesses from other states performing occasional work within Wisconsin. Two main statutes for construction contract clauses are Wis. Stat. sections 779.135 and 895.447.

Section 779.135

Wis. Stat. section 779.135 provides:

Construction Contracts, form of contract. The following provisions in contracts for the improvement of land in this state are void:

(1) Provisions requiring any person entitled to a construction lien to waive his or her right to a construction lien or to a claim against a payment bond before he or she has been paid for the labor, services, materials, plans, or specifications that he or she performed, furnished, or procured.

(2) Provisions making the contract subject to the laws of another state or requiring that any litigation, arbitration or other dispute resolution process on the contract occur in another state.

(3) Provisions making a payment to a prime contractor from any person who does not have a contractual agreement with the subcontractor, supplier, or service provider a condition precedent to a prime contractor's payment to a subcontractor, supplier, or service provider. This subsection does not prohibit contract provisions that may delay a payment to a subcontractor until the prime contractor receives payment from any person who does not have a contractual agreement with the subcontractor, supplier, or service provider.

Boiled down, section 779.135 is designed to protect contractors and others from unknowingly relinquishing their rights to construction liens; ensure that the dispute resolution

processes for Wisconsin projects are conducted within Wisconsin; and protect subcontractors' rights to payment from a prime contractor for a particular project.

Although many attorneys are familiar with these rules, unintended violations and costly mistakes regularly occur. For example, with respect to subsection (2), forum selection clauses and dispute resolution clauses that limit litigation and other dispute resolution to a specific state or jurisdiction are utilized almost automatically in the contractual world. This is especially true if the parties are not operating out of the same state. Additionally, these types of provisions are frequently considered "boilerplate" provisions and are automatically added to agreements without appropriate vetting.

With respect to subsection (3), a mistake can be based on one single word within the agreement. Although this subsection prohibits "pay-if-paid" provisions (i.e., provisions that condition a prime contractor's payment to a subcontractor to only if the prime contract gets paid by some third party), this subsection does not prohibit "pay-when-paid" provisions.

Unlike "pay-if-paid" provisions, "pay-when-

IF NOT HANDLED APPROPRIATELY, INEFFECTIVE INDEMNIFICATION CLAUSES AND VOID CONTRACTUAL PROVISIONS CAN CAUSE SERIOUS NEGATIVE IMPACT TO A CONTRACTOR'S BOTTOM LINE.

paid” provisions simply delay the payment to subcontractors based on third-party payment for a reasonable time, rather than making such third-party payment to a prime contractor a complete condition precedent to a prime contractor’s payment to a subcontractor. Such “pay-when-paid” provisions are allowed under this statute.

Section 895.447

Wisconsin further limits provisions relating to tort liability in construction contracts. However, despite the broad language and apparent applicability found in Wis. Stat. section 895.447, it does not prohibit indemnification clauses within such agreements.

Section 895.447 provides:

Certain agreements to limit or eliminate tort liability void.

(1) Any provision to limit or eliminate tort liability as a part of or in connection with any contract, covenant or agreement relating to the construction, alteration, repair or maintenance of a building, structure, or other work related to construction, including any moving, demolition or excavation, is against public policy and void.

(2) This section does not apply to any insurance contract or worker’s compensation plan.

(3) This section shall not apply to any provision of any contract, covenant or agreement entered into prior to July 1, 1978.

Although section 895.447 is nearly 50 years old, there have only been a few reported cases interpreting the statute and exactly the types of clauses it covers. *Rural Mutual Ins. Co. v. Lester Buildings, LLC*,¹ and its predecessor, *Gerdmann v. United States Fire Ins. Co.*,² reasoned that subrogation clauses (in the *Rural Mutual* case) and indemnification clauses (in the *Gerdmann* case) are not necessarily restricted by this statute.

The subrogation and indemnification clauses in these cases were used as liability-shifting provisions, as is the case in most instances, and not used to reduce the overall responsibility of the parties to third parties.

In other words, these clauses are not “limiting or eliminating tort liability.” Rather, these clauses were used to shift the liability from one party to another without reducing the overall security afforded to third parties.

These provisions, especially indemnification provisions, can be critical in reducing the overall potential liability and out-of-pocket expenses of a particular contractor.

Knowledge Makes Stronger Client Contracts

Ultimately, attorneys dealing with construction contracts in Wisconsin need to be aware of Wisconsin’s prohibition against certain contract terms to steer clear of accidentally including a void contract provision.

Further, although Wisconsin has banned contractually “limiting or eliminating tort liability” within construction contracts, contractors can still “contract around” this prohibition with the use of indemnification clauses. This allows parties to shift potential liability to other parties, such as insurance providers and even the owners of the project.

If not handled appropriately, ineffective indemnification clauses and void contractual provisions can cause serious negative impact to a contractor’s bottom line.



Tyler Manley is an associate with ABC member Axley Brynelson, LLP, in Madison, where he concentrates his practice on business, real estate, and intellectual property matters.

Endnotes: 1 *Rural Mutual Ins. Co. v. Lester Buildings, LLC*, 2019 WI 70, 387 Wis. 2d 414, 929 N.W.2d 180. 2 *Gerdmann v. United States Fire Ins. Co.*, 119 Wis. 2d 367, 350 N.W.2d 730 (Ct. App. 1984).



State Representative Loren Oldenburg (left) receiving the ABC Building Wisconsin award from Mark Miller of Miller Electric.

EXPAND YOUTH APPRENTICESHIP IN WISCONSIN

By State Representative Loren Oldenburg – (R-Viroqua)

T

he Youth Apprenticeship Program is something I've advocated for since being elected to the Wisconsin State Assembly in 2018. As a fourth generation farmer, I understand the importance of agriculture and other

skilled trade professions. I ran to represent the 96th Assembly District to help uplift rural communities and small businesses, and I believe strengthening youth apprenticeship is one of the best ways to achieve this. In the 2019-2021, 2021-2023, and 2023-2025 state budgets I have authored or sponsored motions providing funding for the Youth Apprenticeship

program. Aside from budget motions, I authored my own legislation which involved the funding of the Youth Apprenticeship program in both 2019 and 2021.

In 2019, I authored my first bill regarding Youth Apprenticeship. This bill would have increased the appropriation for grants through the program in 2018-2019 and created an

I UNDERSTAND THE NEED FOR STUDENTS TO HAVE OPTIONS AND NOT FEEL FORCED INTO ATTENDING COLLEGE.

appropriation to develop apprenticeship curriculum in 2019-2021. Unfortunately, this bill did not make it through the legislature. In 2021, I introduced Assembly Bills 932, 973, and 220. Assembly Bill 932 would have required Governor Evers to use at least \$20 million of the federal funds received from the American Rescue Plan Act to expand and promote the Youth Apprenticeship Program; specifically, increasing participation in school districts which do not offer youth apprenticeship opportunities for students. Unfortunately, this bill was vetoed by Governor Evers. Assembly Bill 973 made changes to the Youth Apprenticeship Program by creating incentive grants, completion awards, and allowing exceptions for expenses related to apprenticeship costs. This bill did not make it through the legislature either. Fortunately, Assembly Bill 220 was successfully passed by the legislature and approved by Governor Evers. Before this bill's passage, state statute provided that student report cards should be accompanied by a list of outside educational opportunities available

in the student's school district. Assembly Bill 220 adds the Youth Apprenticeship Program to this list of opportunities for high school students. This includes public high schools, charter high schools, and private high schools. While I was disappointed by the outcome of my other apprenticeship related legislation, I was pleased that Assembly Bill 220 has been signed into law and students will have more exposure to the program.

All of this being said, my connection to youth apprenticeship goes far beyond my policy. After graduating from Viroqua High School, I began pursuing higher education at the University of Wisconsin-La Crosse. I enjoyed living on campus and meeting students from different backgrounds, but I found myself unsure of my plans after college graduation. I eventually decided to work on my family's dairy farm and started a career in the agricultural sector. I understand the need for students to have options and not feel forced into attending college. I know not every student is as lucky as I was, and the majority do not have a con-

nection to a profession they feel passionate about. I remember when I was in high school it was relatively easy for my fellow classmates and me to find work on the farm and in the trades through our friends and family. As our communities grow and evolve, it is crucial that we continue to create opportunities for young people to explore different career paths. The Youth Apprenticeship Program helps the state of Wisconsin in many ways, but most importantly it provides our youth with more choices.

Meeting with students from the 96th this year, it became clear to me that there was a higher demand than ever before for youth apprenticeship opportunities. Before enrolling in an apprenticeship program, these students explained how they struggled to concentrate and frequently worried about what the future after high school graduation would hold. A lack of interest in traditional learning and higher education made school simply unenjoyable. However, after becoming involved with the Youth Apprenticeship Program, these same students reported feeling more engaged in



State Representative Loren Oldenburg meets with southwest Wisconsin youth apprentices in his capitol office.

AS OUR COMMUNITIES GROW AND EVOLVE, IT IS CRUCIAL THAT WE CONTINUE TO CREATE OPPORTUNITIES FOR YOUNG PEOPLE TO EXPLORE DIFFERENT CAREER PATHS.

school and on the job. Currently, there are over 100 students participating in the Youth Apprenticeship Program across Crawford, Monroe, and Vernon counties. These students have been matched with over 90 employers in their respective counties, who will help guide them through their apprenticeship experience.

For context, the Youth Apprenticeship Program is a one- or two-year program for high school juniors and seniors that helps students engage with a chosen occupation. Students have the opportunity to receive on-the-job training and earn a paycheck while finishing their high school education. There are 11 broad Youth Apprenticeship Program Areas that students can choose from, including: Agriculture & Natural Resources, Architecture & Construction, Arts & Communications, Finance, Health Sciences, Hospitality & Tourism, Information Technology, Manufacturing, Marketing, Science, Technology, Engineering, & Mathematics (STEM), and Transportation. After selecting a program area, students apply and interview with employers who have partnered with the Youth Apprenticeship Program. Once hired, students are paired with a mentor to help them while working on-site. Employers also regularly check in with their apprentices to ensure they are not falling behind or feeling overwhelmed.


More often than not, these part-time youth apprenticeship jobs translate into full-time positions or adult apprenticeship after graduation. Each student who participates also graduates with a “workplace credential” along with their high school diploma.

This session, I worked closely with Rep. Warren Petryk to create a budget recommendation for the Youth Apprenticeship Program. While the students of Wisconsin are important to us both, Wisconsin businesses have also been struggling due to a shortage of entry-level employees. The state is lacking in workers with soft and technical skills, so it was crucial that we consider this perspective when crafting our proposal. Our recommendation included an additional \$3 million dollars in 2024 and \$4 million dollars in 2025 for program funding. With this money, total funding for the program would be \$9 million in 2024 and \$10 million in 2025. On May 23rd, the Joint Committee on Finance held an executive session on budget items in the Department of Workforce Development. This department funds and administers the Youth Apprenticeship Program. The Joint Finance Committee voted in favor of Representative Petryk and I’s proposal, adding \$7 million in program funding this biennium. I am hopeful that this increase in funding will help connect

employers in Wisconsin to apprenticeship students, and provide both parties with an opportunity to learn and grow.

Although I am pleased that the Joint Finance Committee was receptive to our budget motion, I do not feel my work with apprenticeship is done yet. I have been working to try and perfect some of my apprenticeship legislation that was vetoed last session, specifically Assembly Bill 973. The updated version of this bill expands the Apprenticeship Completion Award Program (ACAP) so that these awards may be used to not only cover costs of tools, materials, and travel costs, but for additional expenses as well. It also creates a new Youth Apprenticeship Completion Award Program (YACAP). This program works similar to ACAP, which reimburses eligible apprenticeship students or sponsors for specific costs associated with a Wisconsin registered apprenticeship. Funding the basics of youth apprenticeship is important, but making sure students are supported while working is what will make them successful in the long term.

I am excited to continue working on youth apprenticeship and make it as accessible as possible. I have written various budget motions and bills involving the Youth Apprenticeship Program since joining the legislature, and I will continue to work to make the program the best it can be. Youth apprenticeship is not only a valuable resource for students across Wisconsin, but something I wish I had access to when I was in school. Rep. Petryk and I were able to make good progress during this session, and I want to take advantage of this momentum to continue to expand apprenticeship opportunities in Wisconsin. This will not only empower our youth, but will provide employers in Wisconsin with the best employees possible. When our businesses are equipped with hard working staff, the positive effects are reflected in the state’s economy.

Thank you to the Associated Builders and Contractors of Wisconsin for giving me this chance to discuss youth apprenticeship and for supporting my budget motion this year. My office welcomes any input or ideas regarding future apprenticeship expansion. Please feel free to reach out at Rep.Oldenburger@legis.wisconsin.gov or at (608) 237-9196. 



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Rep. Emerson (in red) with Wisconsin legislators from both parties at Governor Evers' signing of the workforce housing legislation package.

BUILDING SOLUTIONS

DEMOCRATS AND REPUBLICANS BUILDING WORKFORCE HOUSING SOLUTIONS

By State Rep. Jodi Emerson – (D–Eau Claire)

O

n June 22, Governor Evers signed several bills to address our workforce and senior housing shortage. As the lead Democratic author of these bills, I am confident that the enactment of these initiatives will help address

the lack of affordable housing in our state, ease construction costs for developers, and reduce renovation costs for homeowners. Wisconsin's low unemployment and workforce shortage has put a strain on our housing stock as more people move to Wisconsin from out of state. Affordable housing has become a crisis seen all across our state. This bipartisan legislation

is intended to address the problems plaguing Wisconsin's housing.

In March, the city of Eau Claire turned 151 years old. Our community has a vibrant history characterized by our artistic and independent culture. Our long history is a point of pride, but has led to a few drawbacks. I and many other Eau Claire residents live in homes that are over

a century old. Across Wisconsin, many homes and rental properties are in need of repairs, updates, and improvements as they age in order to maintain access to housing and a high quality of life for Wisconsin residents. Beyond expanding access to affordable housing, this bill package will ensure that our existing housing can be maintained for decades more use by Wisconsin families.

Eligible homeowners are able to apply for low-interest loans for home improvements through Assembly Bill 267. These loans will help with the costs of structural improvements, removal of lead and other hazards, and more. The loans will provide up to \$50,000 for eligible applicants seeking to improve homes built 40 or more years ago. This initiative will provide a financial lifeline to Wisconsinites who wish to improve their housing and ensure that their homes are livable for decades to come.

Through Assembly Bill 264, we established revolving loan funds for workforce and senior housing. This bill authorized the Wisconsin Housing and Economic Development Authority to award loans to eligible government accompanying a developer loan to cover additional infrastructure costs, especially when the costs are not directly related to the project itself. By allowing residential housing projects to be completed with more state support, the creation of additional housing units can be hastened and we can take an important step toward solving our housing crisis.

Assembly Bill 265 improves Main Street housing rehabilitation projects throughout the state. Through more WHEDA loans, a single-family housing or multifamily-housing rental project can be considered for state loans to aid in the rehabilitation of the project. This will help ensure that renters are afforded a safe, decent and sanitary condition to live in. During the height of the pandemic and since, Main Streets across our state have been hit hard and this legislation will help provide more rental properties for Wisconsinites.

Assembly Bill 268 authorizes WHEDA to convert existing and vacant commercial buildings into residential buildings for seniors and workforce housing. This increase in housing options for seniors is vital. The placement of housing options near commercial properties will help increase the walkability of municipalities in Wisconsin and allow seniors to easily access businesses and basic amenities steps away from their homes.



Rep. Emerson with ABC members Hagen Decorators in Altoona.

As the lead Democratic author of these important bills, I was happy to work across the aisle with Republican legislators to make real progress that will address a critical issue in our state. When we work together for the people of Wisconsin, everyone in our state benefits. These bills are an important step toward lifting the burdens and obstacles to affordable housing, creating additional housing, and helping homeowners.

These bills were written over the course of several months. Their passage required time, hard work from everyone involved, and dedication to bipartisanship. We crafted these bills with stakeholders in mind, brought them to the table, and heeded their advice about what solutions will best address the housing problems facing individuals seeking housing, developers working to expand our stock of housing, and homeowners. This was a successful effort that we in the legislature should replicate. Crafting successful legislation involves compromise, collaboration, and stakeholder input. There is an old saying that is so appropriate when it comes to legislation and life: if you want to go fast, go alone. If you want to go far, go together. I look forward to working together with you so Wisconsin can go far. [ABC Wisconsin](#)

THESE BILLS ARE AN IMPORTANT STEP TOWARD LIFTING THE BURDENS AND OBSTACLES TO AFFORDABLE HOUSING, CREATING ADDITIONAL HOUSING, AND HELPING HOMEOWNERS.

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