

ABC PRESIDENT'S MESSAGE: RISING TO THE CHALLENGES
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FROM OUR PRESIDENT

Rising to the Challenges



YOU MAY HAVE HEARD OF THE CURSE: "MAY YOU LIVE IN INTERESTING TIMES."

We are half-way through 2025 and so far this year has been interesting. . . and unprecedented. Tariffs have raised prices and uncertainties about the future costs for our members. Many regulations have been removed with a new administration, and others remain a challenge. In this issue, we are sharing an op-ed from ABC President Mike Bellaman, where he explains the damage caused by President Trump keeping the Biden administration's project labor agreement mandates on federal projects.

While we wrestle with these policies and unpredictable costs, R & R insurance provides some important information to consider before you renew your coverage for the next year. Here is something to think about: How much extra material have you pre-ordered, to avoid the tariffs? Are those materials insured? Consider this as you review your company's coverage and see several tips to make your renewal a positive process.

We also have guidance on key industry topics from some of our members with legal expertise.

They touch on recording meetings, social media monitoring and insurance liability.

Two legislators share their priorities for balanced budgets and expanding work opportunities across the state, especially as AI technology begins to grow and expand.

As we wrestle with so many important topics and try to discern the next steps in an unpredictable economy, I encourage you to remember the successes throughout our membership.

Construction workers are strong, creative, and capable of meeting the challenges of our current environment. The merit shop is growing, thriving, and serving our communities well. We have record apprenticeship enrollment, record membership, and we represent the clear majority of Wisconsin's construction workforce. Why? I believe it's because our people care deeply about each project, each employee, and share the common goal of building Wisconsin and growing together. Competition breeds excellence and, in our current environment, our members are displaying their excellence over, and over again.

- Kelly Tourdot, President



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BREEDS
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EXCELLENCE OVER,
AND OVER AGAIN.

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By Michael Bellaman – Associated Builders and Contractors

TRUMP KEEPS **BIDEN'S PRO-UNION**

RULES

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This decision inhibits fair and open competition and prioritizes special interests over taxpayers and workers.

June 12, the Trump administration delivered a shocking and costly setback to taxpayers, the business community and construction workers alike by saying it will continue to enforce a discriminatory and inflationary Biden-era policy mandating project labor agreements (PLAs) on federal construction projects of \$35 million or more.

This decision cannot be reconciled with the president's statements about merit, fairness, and nondiscrimination because it inhibits fair and open competition and prioritizes special interests over taxpayers and workers. It also doubles down on an unfair, wasteful policy that inflates costs and delays critical construction projects, including those important to the defense of our country.

PLAs are project-specific collective bargaining agreements that typically require contractors to hire union workers, follow union work rules and pay into union benefit and pension plans — regardless of whether their employees are union members. For the 90 percent of the U.S. construction workforce that does not affiliate with a union, PLAs are exclusionary by design. They discourage competition, serving as a taxpayer-funded handout to politically connected labor groups.

New data from a U.S. Army Corps of Engineers' 2025 study validates what ABC and its members have warned for years: PLA mandates are the most wasteful policy in military construction procurement. The government's own study found that labor requirements increased military construction costs by 22 percent — the highest cost impact of any procurement policy analyzed — with PLAs contributing 10 percent to 50 percent to total construction costs.

These numbers translate into billions in waste. At a time when infrastructure demand is surging and federal budgets are tightening, failed Bidenera policies that increase costs and reduce capacity should be abandoned — not embraced.

From a business perspective, this policy makes no sense. Eliminating 90 percent of my supply chain, which includes many of my highly qualified contractors, will result in increased costs and eroded shareholder value. In other words, if I ran a publicly traded company and implemented this policy, it would arguably be willful ignorance and a fireable offense. And data backs this up.

From 2009 through 2023, when federal agencies were encouraged, but still had discretion to impose PLA mandates based on market studies, they almost always chose not to do so. In that time, only 12 of 3,222 federal construction contracts over \$25 million included PLA requirements. The rest, representing over \$237 billion in federal work, were successfully completed without such mandates, proving they are neither necessary nor beneficial. In that timeframe, ABC members won the majority of federal contracts. Now, the Trump administration has chosen to sideline the most experienced, qualified contractors representing 90 percent of the construction workforce that is nonunion in favor of the 10 percent of the construction workforce that is in a union.

The path forward is clear. President Donald Trump should rescind the PLA mandate immediately and ensure America's infrastructure is built by the best-qualified teams, in a fair and competitive environment and at the best price — union or nonunion. If a contractor wants to voluntarily implement a PLA, they should have the choice — and not be mandated — to do so.

Ultimately, eliminating this mandate is about merit and nondiscrimination because every qualified contractor should have the opportunity to build America.



Michael Bellaman is the president and CEO of Associated Builders and Contractors.



This influx of capital is no accident. It is the direct result of a forward-thinking legislative environment.



By Rep. Nate Gustafson - 55th Assembly District

WISCONSIN'S A'WAIT, DON'T ALFUNCTURE REGULATE' APPROACH

JULY/AUGUST 2025



Rep. Gustafson learns about solar storage technology from ABC member Faith Technology.

hum of progress is getting louder in Wisconsin, and it sounds a lot like artificial intelligence. From the factory floors of Milwaukee to the dairy farms of the Fox Valley, Al is no longer a futuristic fantasy; it's a present-day reality, quietly revolutionizing our state's key industries. This technological renaissance presents an incredible opportunity for economic growth and innovation.

Nowhere is this opportunity more tangible than in the multi-billion-dollar investments pouring into our state. Tech giants like Microsoft and Meta are making Wisconsin a central hub for their cloud computing and Al infrastructure, building massive data center campuses in areas like Mount Pleasant. These aren't just server farms; they are the physical foundation of the Al-driven economy. Microsoft's \$3.3 billion investment alone is a watershed moment, promising thousands of construction jobs and long-term tech sector employment.

This influx of capital is no accident. It is the direct result of a forward-thinking legislative environment. State Republicans have actively courted these investments through smart, targeted incentives. For example, 2023 Wisconsin Act 19 created a crucial sales and use tax exemption for equipment used in qualified data centers. This wasn't a giveaway; it was a strategic move that made Wisconsin competitive, signaling to the world that we are serious about building a 21st-century economy.

Recognizing the broader implications, state

leaders have taken a proactive and bipartisan approach to understanding Al. The creation of both the Governor's Task Force on Workforce and Artificial Intelligence and the Speaker's Task Force on Al demonstrates a desire to better understand the issue. The Governor's task force has rightly focused on preparing our workforce for the jobs of tomorrow, while the Speaker's has taken a wider view, examining the societal impacts of Al. This two-pronged approach—examining both workforce and broader societal implications—manifested a fuller picture of Wisconsin's position among other states.

Further Republican legislative efforts, like Assembly Bill 228, which creates even more incentive to companies looking to build data centers through tax incremental financing districts, show that Wisconsin is thinking critically about creating a fertile environment for tech growth. This is the right way to legislate: not by restricting the technology itself, but by clearing the path for the infrastructure that supports it. However, a cloud of regulatory uncertainty, particularly the looming threat of a federal moratorium on Al development, could cast a long and damaging shadow over the Badger State's burgeoning tech scene.

This brings us to the elephant in the room: the hypothetical "Big Beautiful Bill" from the federal

government. The notion of a nationwide moratorium on Al regulation, a key provision of this legislation, is a deeply concerning prospect for a state like Wisconsin. Such a heavy-handed, topdown approach would be a devastating blow to our ability to address our own unique challenges and capitalize on our strengths. The argument for a federal moratorium often centers on the fear of a "patchwork" of state-level regulations. While this is a valid concern, Wisconsin should not be punished for what California is doing. States are, and should be, the laboratories of democracy. We need the flexibility to experiment with policies that work for our specific economies and populations. What works in Silicon Valley may not be the right fit for the Silicon Prairie (or anywhere else for that matter.)

Instead of a blanket ban, a more prudent path forward is one of cautious optimism and a "wait, don't regulate" philosophy. This doesn't mean a complete absence of oversight. It means observing how AI technology evolves and is adopted before rushing to implement broad, restrictive laws. It means focusing on the application of existing laws to address any harms that may arise, rather than creating new regulations for the technology itself.

Let's allow our businesses, entrepreneurs, and researchers the space to innovate. Let's continue to support the work of our state officials as they chart a course for Wisconsin. And let's resist the allure of simplistic, one-size-fits-all solutions from Washington that would jeopardize the tangible economic progress we are finally seeing.

The future of Wisconsin's economy is inextricably linked to our ability to harness the power of artificial intelligence. We have laid the groundwork with smart incentives and are seeing the fruits of that labor with historic investments. Let's not allow fear and premature regulation to dim the bright promise of this transformative technology. The time for heavy-handed intervention will come if and when it is needed. For now, let's watch, let's learn, and let's let Wisconsin's innovators lead the way.



Vic Lutz and Paul Benedict of ABC member McMahon and Associates present state Representative Nate Gustafson with the Building Wisconsin Award for his efforts on behalf of open shop contractors.

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HOLDING BUREAUCRACY ACCOUNTABLE GOAT AIMS TO ELIMINATE GOVERNMENT INEFFICIENCIES

By Rep. Amanda Nedweski

Like many people in elected office, I never imagined myself here even a few years ago. Before becoming politically engaged during the COVID-19 pandemic, my primary focus was raising my child and building a successful private-sector career — goals shared by many Wisconsinites.

I spent several years as a technology consultant working with Fortune 500 companies, then as a senior financial analyst for CNH Global in Racine — an equipment and services company serving the agricultural and construction industries. My mission was always clear: eliminate waste, identify inefficiencies, and improve operations to help the business thrive

But when the COVID pandemic hit, I became deeply concerned about its impact on students — especially those with disabilities — as schools closed and quarantines dragged on unnecessarily. At the same time, the government's response created massive uncertainty for businesses, costing many people their jobs and livelihoods.

That experience opened my eyes to just how significant government's influence is on both our economy and our everyday lives. It also revealed how often that influence creates unnecessary barriers to prosperity under vague labels like "safety" or "consumer protection."

With no prior plans to enter politics, I ran for the Kenosha County Board and later the State Assembly with two main goals: 1.) to reform education at both the K-12 and higher education levels so students are better prepared for life after graduation, and 2.) to reduce the size and scope of government to help our private sector grow.

Now in my second term, I serve as Chair of the Assembly Committee on Government Operations, Accountability, and Transparency — better known as GOAT — and as Vice-Chair of the Colleges and Universities Committee. While GOAT was formed as Wisconsin's counterpart to the federal DOGE initiative, the mission to dig into data and eliminate waste has been my personal calling long before I entered public service.

The work of the GOAT Committee is both rewarding and complex. Unlike federal DOGE programs or similar efforts in Republican-led states like lowa, GOAT is a legislative — not executive — committee. This means we have to navigate the challenges of divided government. We can't make sweeping cuts with a pen stroke or go into agencies with a metaphorical chainsaw, but rather it means taking deep dives into policy and investigating issues, bringing sunlight to government operations, and holding bureaucracies accountable to the people that fund them.

Early in this legislative session, I introduced a bill requiring most state employees to return to in-person work. A 2023 audit by the nonpartisan Legislative Audit Bureau found that many agencies — despite the pandemic being over — still had large numbers of employees working remotely, often without formal agreements. None of the audited agencies, including the UW System, evaluated cybersecurity risks in their telework policies, and oversight was virtually nonexistent. That kind of laxity — on the taxpayer's dime — is unacceptable.

I've also spent time examining the UW System and its 13 campuses to identify ways to reduce redundancies, eliminate inefficiencies, and increase accountability to taxpayers. This work builds on my experience chairing last summer's study committee on the Future of the UW System. While the UW offers valuable opportunities to students, it must also demonstrate transparency and fiscal responsibility to those who fund it.

One of the most exciting efforts I'm working on currently is the Red Tape Reset—a package of bills aimed at transforming Wisconsin's regulatory environment to better serve businesses and workers. Having worked in the private sector, I know firsthand how burdensome and outdated regulations can stifle innovation and prevent economic growth.

Now more than ever, our economy demands that government adapt, not obstruct. With new technologies emerging and industries evolving rapidly, we need a regulatory system that encourages progress—not one that shackles small business owners with decades-old red tape.

The Red Tape Reset includes four key bills:

• Sunset Reviews: This bill requires all regulatory rules to be reviewed at least once every seven years or they will automatically expire. This ensures that outdated rules don't linger for decades, blocking innovation and growth.

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Regulatory Budgeting: A net-zero policy would require that for every new administrative rule created, an old one must be eliminated to offset it. This keeps the total regulatory burden in check.

One Rule Per Scope: This bill limits agencies to one administrative rule per scope statement, preventing broad, overreaching rule packages that sneak in unrelated regulations under a single umbrella.

4 Legal Fee Recovery: If a citizen or business successfully challenges an unlawful rule in court, they would be entitled to recover their legal fees - ensuring the process isn't the punishment.

Why does this matter? Because Wisconsin is currently the 13th most regulated state in the nation - and second most regulated in the Midwest. Reducing our regulatory burden by just 10% over the next three years could unlock an estimated \$6.6 billion in GDP growth over the next decade. That's not just numbers on a page - that's more jobs, more investment, and more opportunity for Wisconsin families.

While regulatory reform may not grab headlines like other issues, it's one of the most powerful tools we have to unleash economic potential and send a clear message that Wisconsin is once again open for business.

We anticipate a public hearing on the Red Tape Reset bills in the GOAT Committee early this fall. I encourage anyone who's been impacted by excessive regulation or bureaucratic inefficiency to attend, testify, or contact my office. Your perspective matters.

The GOAT Committee exists because people across Wisconsin are demanding a more accountable, efficient, and transparent government. And the best ideas for how to improve it often come from those outside of government — business owners, employees, and citizens who deal with red tape every day.

If you know of a burdensome regulation that's standing in the way of your business or life-or if you're aware of inefficiencies within



State Rep. Amanda Nedweski is presented with the Associated Builders and Contractors of Wisconsin "Building Wisconsin" award by Danielle Ostrander of DAAXIT in Twin Lakes. Nedweski received the award for her efforts to cut red tape and overregulation in the construction industry.

a state agency — I want to hear from you. Please email my office at Rep.Nedweski@ legis.wisconsin.gov.

Together, we can work toward a government that serves the people-not the bureaucracy. - Rep. Amanda Nedweski

EVENT REMINDERS



- GOLF SCRAMBLE AT MID VALLEE July 8, De Pere
- NETWORKING SOCIAL July 24, Fond du Lac August 14, La Crosse
- OSHA 10-HOUR TRAINING July 28, Tomah July 31, Sheboygan

August 1, Marshfield

• QUALIFIED RIGGER & CRANE **SIGNAL PERSON TRAINING**

August 1, Milwaukee August 15, Sheboygan

- THE BUILDING BLOCKS OF **SAFETY SUCCESS** August 12, Madison
- GOLF SCRAMBLE AT **WESTERN LAKES** August 20, Pewaukee

• TRANSITION TO TRAINER August 22, Madison

• FIRST AID & CPR TRAINING

July 18, Wausau August 15, La Crosse August 19, Tomah August 25, Green Bay August 26, Sheboygan

 CONSTRUCTION ESTIMATING **PRINCIPLES & APPLICATION**

August 5, Live-Online

• READING CONSTRUCTION **DOCUMENTS**

August 6. Live-Online

- BLUEBEAM BASELINE BASICS August 12, Live-Online
- BLUEBEAM BASICS **MATERIALS TAKEOFFS & ESTIMATES**

August 13, Live-Online

• BLUEBEAM ADVANCED MATERIALS **TAKEOFFS & ESTIMATES**

August 14, Live-Online

• BLUEBEAM FOR ADMINISTRATIVE **PROFESSIONALS**

August 19, Live-Online

• OSHA 30-HOUR TRAINING

August 28, Madison



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RENEWALINSURANCE TIPS



5 Steps You Should Consider

By Brad Stehno Sr. Account Executive - R&R Insurance Services

renewal time approaches for your property and casualty insurance your phone is most likely ringing off the hook. You may be getting inundated with emails or even be receiving "snail mail" from agents from all over the state, questioning if they can "quote your insurance". This can be a frustrating process that you have to endure year after year.

This article provides my insight after working in the industry for more than 30 years and how to take control of this process to help achieve the goals that you are looking for.

FIVE STEPS TO HELP YOU EVALUATE YOUR RENEWAL PROCESS:

Step 1. Have a Plan!



You should be asking yourself the following: What do I want to get out of the upcoming renewal? Should I market my account this year? Do I want to create competition? Do I have service issues with the agent, agency, or insurance carrier? Be specific. If you do have issues, what are they? Is my pricing competitive compared to my peers? Can

my agent illustrate where my rates compare against others in my industry? Lastly, but most overlooked, is coverage. Are current coverages in place the best to protect my company's interests? Do I have cyber exposure and, if so, do I have adequate coverage or coverage at all? Is my property adequately valued due to recent inflation? Are my liability limits adequate with the increase in "nuclear verdicts"?

Once these questions are answered, develop a strategy! What is my strategy to accomplish these goals? Do I have the right agent and/or agency involved? Do they represent the markets that meet my needs? And lastly, ask the final question: How do I want my company to be perceived in the marketplace? Is my company looking for a long-term relationship based on trust or am I simply looking for the best price? Neither is wrong but they are important questions to answer to make sure you get the results you are looking for.

If you decide to bring in outside competition you want to control the process! Do not allow the agent to control the process. Make sure you are aware of which carriers are going to be approached and, most importantly, why are they the ones being selected? Do not allow your agent or another agent to "blanket the market" with your submission/application. If you do not have control of this process, the insurance companies will recognize this as being disorganized and view it as a lack of control of your Risk Management Program.

Step 2. Choosing an Agency



The construction industry is a relationship-based industry. Companies want to work with other companies and vendors that they can trust. Choosing a Risk Management Partner is no different than choosing an attorney, a bank, accounting firm or other highly valued partner. Your Agent and/or Agency are quite often your company's

Risk Manager. A risk manager is a professional who identifies, assesses, and mitigates potential risks that could negatively impact an organization's operations, finances, reputation, or safety. They develop strategies to minimize or eliminate these risks, ensuring the organization's stability and success. A Risk Manager helps protect the assets you have worked hard to earn!

Do you have an Agent and Agency that focuses on these objectives and are experts in your industry? Every industry has specific exposures related to their industry. For example, if you are a concrete supplier, what exposure do you have if you deliver the incorrect batch of concrete to a site? The concrete is placed and finished, and you find out that the concrete does not meet strength. Will your coverage pay to replace that concrete? Another example is if you do excavation work, do you have Underground Data Liability Coverage? If you strike an underground or overhead fiber optic and a business is shut down, your policy may only pick up the damage to repair the fiber optic and not the business interruption which resulted from damaging the fiber

optic cable. I have seen countless times where complacency and relationship take over and Risk Management strategies slowly dissipate over time.

Step 3. Prepare your Account for Underwriting



The Contractors that have the best Risk Management strategies want to be perceived as "best in class" with all aspects of their business. This ultimately helps them achieve the best rates in their industries and create easy renewals. This should be done for the incumbent insur-

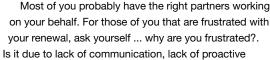
ance carrier partner or any potential new carrier relationships. You want to illustrate your company's Loss Prevention strategies, Contract Risk Transfer procedures and knowledge, Maintenance programs, Fleet Management, Written safety and HR policies, etc. If there are opportunities to improve in any of these areas, do not be afraid to voice these opportunities and work on them with your current agency and/or carrier partners.

Step 4. Loss Control Meetings

Each year, most companies will have their current insurance company partner visit them throughout the year.

They may visit once or sometimes much more frequently depending on the size of your company. Some of these meetings are used by the insurance company to help evaluate your management attitude, company culture, and overall Risk Management controls. The loss control representatives are typically safety professionals that ask a lot of questions and ultimately report their findings to the underwriter. Just like a bank, an underwriter is the one that decides or has a significant impact on the pricing you receive. The better your evaluation, the better the price! It also helps if you can support this with great loss experience!

Step 5. Selecting the Right Partner



Risk Management strategies, lack of understanding of your business, or simply that you are not getting the service or pricing you deserve? Once you have these answers, you can then make a decision that helps position your company to achieve the results you are looking for.



Brad Stehno, Sr. Account Executive, R&R Insurance Services

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ARE THEY LEGAL UNDER WISCONSIN LAW?

By Attorneys Jacob Harris & Jakob Seidler - Husch Blackwell, LLP

The proliferation of handheld electronic devices over the past thirty years or so has armed nearly everyone with a powerful evidencegathering tool: the ability to take high-quality photos, videos, and audio-recordings in real time. With quick access to such powerful technologies, employers and employees often have an incentive to secretly record sensitive conversations with one another. Depending on the content of the conversation, the recording may help establish an employee's claim or insulate the employer from wrongdoing.

However, these evidence-gathering capabilities are tempered by the legal and ethical problems associated with recording someone without their consent. This article examines the legality of discreetly recording conversations and telephone calls under Wisconsin law, the admissibility of such evidence in court, and an employer's ability to further restrict such actions.

The Legality of Secretly Recording Conversations

States take two distinct approaches when determining the legality of secretly recording conversations or telephone calls. The majority view,

reflected in most states, follows a "one-party consent" rule, which allows recordings as long as one party to the conversation consents. This means that if the person recording is a participant in the conversation, they can legally record without informing the other parties.

In contrast, the minority view requires "all-party consent," meaning that every participant in a private conversation must agree to the recording of the conversation. These states prioritize privacy and confidentiality, making it illegal to record such conversations without unanimous consent. For example, California law makes it a crime to, "without the consent of all parties to a confidential communication, use an electronic amplifying or recording device to eavesdrop upon or record the confidential communication." Cal. Penal Code § 632(a).

Wisconsin has adopted the majority approach. Wisconsin law provides that it is "not unlawful" for a person "to intercept a wire, electronic or oral communication where the person is a party to the communication . . . unless the communication is intercepted for the purpose of committing any criminal or tortious act . . ."

Wis. Stat. § 968.31(2)(c) (emphasis added). Thus, in Wisconsin, secretly recording a conversation does not result in criminal or civil liability if the recorder is a participant in the conversation.

The Admissibility of Secretly Recorded Conversations

Although secretly recording conversations in Wisconsin does not result in criminal or civil liability, the admissibility of such evidence in civil cases depends on the type of conversation recorded. Wisconsin law provides that "[e]vidence obtained as the result of the use of voice recording equipment for recording of telephone conversations, by way of interception of a communication or in any other manner, shall be totally inadmissible in the courts of this state in civil actions." Wis. Stat. § 885.365(1) (emphasis added). As such, secretly recorded telephone conversations are inadmissible in civil

Nevertheless, no similar provision applies with respect to in-person conversations. Thus, recordings of in-person conversations are generally admissible in both civil and criminal proceedings.



In Wisconsin, secretly recording a conversation does not result in criminal or civil liability if the recorder is a participant in the conversation.

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The NLRB has held that no-recording policies are generally permissible if they serve legitimate, facially neutral purposes.

No-Recording Policies in the Workplace

While it is legally permissible to secretly record conversations in Wisconsin, employers may prohibit secret recordings by instituting "no-recording policies" in the workplace. However, employers must tread carefully to ensure these policies do not infringe on employees' rights under the National Labor Relations Act (NLRA), which protects employees' ability to engage in "protected concerted activity." Courts have struck down overly broad no-recording policies for being too restrictive and potentially deterring employees from engaging in lawful activities like documenting unsafe working conditions or discussing workplace grievances. See e.g., Whole Foods Mkt. Grp., Inc. v. Nat'l Labor

Relations Bd., 691 F.App'x 49, 51 (2d Cir. 2017) (policy prohibited all recordings unless management gave approval); and T-Mobile USA, Inc. v. Nat'l Labor Relations Bd., 865 F.3d 265 (5th Cir. 2017) (policy prohibited "any and all photography or recording on corporate premises").

However, recent rulings by the National Labor Relations Board (NLRB) have provided more clarity and flexibility for employers seeking to implement no-recording policies. For instance, the NLRB has held that no-recording policies are generally permissible if they serve legitimate, facially neutral purposes. NLRB Memorandum GC 18-04. Such purposes include facilitating open discussion and exchange of ideas, protecting privacy, property,

and proprietary and confidential information, avoiding legal liability, and maintaining the integrity of operations. Id. Further, the NLRB's General Counsel has held that, because of "the substantial legitimate interests behind such rules," there must be a specific showing that the policy was applied in a way that violates the NLRA to be struck down. Id.

Takeaways

For both employers and employees, understanding the legal framework surrounding secret recordings is essential to navigating workplace concerns. By staying informed about these laws and their implications, readers can better safeguard their rights and responsibilities in an increasingly digital and interconnected world.





Attorney Jacob Harris, Attorney Jakob Seidler,

Husch Blackwell, LLP Husch Blackwell, LLP

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LEGAL QUESTIONS



Doug Witte Boardman & Clark, LLP **MADISON**

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The process is simple. Contact ABC of Wisconsin at 608.244.5883 or 800.236.2224 and chapter staff will consult with you and determine if a free legal call is necessary and which attorney can best answer your question.

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Employees may be disciplined for sharing confidential company information on their personal online accounts without authorization.

By April K. Splittgerber – Axley Brynelson, LLP

SOCIAL MEDIA PROTECTION ACT

WHAT LIMITS DOES WISCONSIN LAW PLACE ON EMPLOYER ACCESS TO EMPLOYEE PERSONAL INFO?

Wisconsin law limits an employer's ability to access employees' personal information, and outlines specific restrictions and exceptions, which are also detailed in the Wisconsin Social Media Protection Act. This article discusses that Act.

What Restrictions Do Employers Face Under the Act?

Under the Wisconsin Social Media Protection Act, employers may not request or require employees to provide:

• Personal account login information.

- Access to private personal accounts.
- Social media connections (e.g., adding an employer as a friend or follower).
 - Access to private online content.
- Private emails, direct messages, or other personal communications.

Additionally, employers may not refuse to hire, terminate, or discriminate against employees for refusing to provide the above information.

Are There Any Exceptions?

Employee protections under the Act are subject to the following seven exceptions:

- Employers may request access to company-provided devices or work-related accounts but not employees' personal accounts.
- Employees may be disciplined for sharing confidential company information on their personal online accounts without authorization.
- Employers may investigate unauthorized data sharing, workplace misconduct, or legal violations—but they must have reasonable cause before investigating. They cannot demand an employee's personal account login credentials.
- Employers may restrict access to certain websites when employees use company-provided devices or networks.
- Employers must comply with laws requiring background checks or employee communication monitoring when legally mandated.
- **©** Employers may review publicly available information about employees or job applicants.
- Employers may request an employee's personal email address.

Employer Rights & Compliance

While the Act protects employees, it also offers several benefits to employers. Employers may investigate employees for unauthorized information sharing, workplace violations, or illegal activity—provided they have reasonable cause. The Act also sets clear boundaries between work life and personal life. It allows employers to comply with industry regulation, without overreaching into employees' personal lives. Employers also have the right to:

- Take action against employees who fail to protect confidential company information.
- Restrict internet access and monitor usage on company-provided devices.

If an employer inadvertently gains access to an employee's personal accounts, they may not be held liable. Additionally, employers may lawfully review publicly available online information without violating the Statute or the Act.

How Does an Employer Gain Access— They Can't Demand It?

Employers must follow strict guidelines when gathering social media information but can do so legally through the exceptions mentioned earlier. They may also update their employee handbook's social media policies. A clear policy outlining prohibited online behavior helps in case of an investigation, while also clarifying privacy rights and company monitoring practices for both employers and employees.

Employers can legally review publicly available social media content by searching for an employee's name. If a third party reports concerning behavior, the employer may request voluntary screenshots or links but must ensure the received information is credible.

Social media activity on company-owned devices or employer-managed accounts can be reviewed, provided it aligns with company policies. While employers cannot demand login credentials or access to private accounts, they may ask employees to share information voluntarily. However, employees have the right to refuse without retaliation.

Enforcement & Penalties

The Wisconsin Department of Workforce Development enforces the Act. Employers who violate the law may face penalties, including:

- fines of up to \$1,000,
- back pay,
- job reinstatement, and
- other appropriate relief for affected employees.

Bottom Line

While these exceptions provide employers with certain investigative and disciplinary rights, they must navigate them carefully to ensure compliance with the law and respect employees' privacy rights. While the Act imposes restrictions, it benefits employers by protecting company interests, reducing liability, and maintaining a professional boundary between work and personal life.



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WHO PAYS THE BILL UNDER WISCONSIN LAW? DANGE DA

By Adam S. Bazelon - Axley Brynelson, LLP

In Wisconsin, if an employee causes damage to a customer's vehicle, can we deduct the cost from the employee's paycheck without special consent?

Short answer — no, the employer must have provided consent or some form of written agreement with the employee in order to deduct the cost of the damages from the employee's paycheck.

Under Wisconsin law, it is unlawful for an employer to make deductions from an employee's earned wages for "defective or faulty workmanship, lost or stolen property, or damage to property" unless certain conditions are met.

Specifically, under Wisconsin law, one of the following three things must occur:

• Written Authorization – The employee authorizes the employer in writing to make the deduction;

- ❷ Mutual Determination The employer and a representative designated by the employee i.e., a union representative—determine that the defective or faulty workmanship, loss, theft, or damage is due to the employee's negligence, carelessness, or willful and intentional conduct; or,
- **❸** Court Determination The employee is found guilty or held liable in court for the negligence, carelessness, or willful and intentional conduct that caused the damage.

In the event of a disagreement between the employee and the employer, the employee may file a complaint for unpaid wages with the Wisconsin Department of Workforce Development

The public policy goal of the Wisconsin law is to prevent the employer from arbitrarily deducting earned wages at its sole discretion.

Accordingly, a blanket policy that employees

will be responsible for damage they cause is not sufficient to meet the above conditions. This is because the goal of the statute is violated by an employer who requires an employee to be bound by deductions before any damage occurs, or by an employer who requires an employee to agree to deductions and release all claims as a condition for receiving compensation without giving the employee an opportunity to challenge the deductions. Simply put, an employer may not deny an employee the right to disagree with his/her alleged fault for the particular incident of loss or damage.

Similarly, the statute seeks to prevent an employer from shifting the liability for the costs of operating a business, which are properly absorbed by the employer, to the employee.

It is important to note that the statute provides that if an employer makes an improper deduction from an employee's wages, the employer is liable for twice the amount of the deduction.

In conclusion, in the original question above, an employer in Wisconsin could deduct from an employee's paycheck the cost of damage to the vehicle caused by the employee if one of the three conditions laid out above is met. The employer is prohibited from making a unilateral deduction or making the deduction pursuant to a blanket policy.

Every state has different state employment laws, so if you are not in Wisconsin, your state laws may allow such deductions.



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Description: Associate Member Sponsor: Jessica Cannizzaro, Milestone

Plumbing, Inc.

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. Best Self Leadership, LLC

Sarah Fecht N5250 County Road M West Salem, WI 54669 608-386-5775

Description: Associate Member

Sponsor: Abby Voss, Wieser Brothers General

Contractor, Inc.

Beam Club Members-to-Date: 1

Clear View Plumbing

Dennis Nowak S33 W28256 Wern Way Waukesha, WI 53189 414-412-7038

Description: Contractor Member

Sponsor: Brian Kuhn, S&K Pump & Plumbing,

Beam Club Members-to-Date: 1

• D.L. Douglass Electric

Daniel Douglass 6854 Jubilee Ave. West Bend, WI 53090 414-617-9937

Description: Contractor Member Sponsor: Jessica Cannizzaro, Milestone

Plumbing, Inc.

Beam Club Members-to-Date: 36

• Industrial Ladder & Supply Co.

Tim Welchman 4235 N. 124th St. Brookfield, WI 53005 262-232-0523

Description: Supplier Member

Sponsor: Tim Probst, Ewald Fleet Solutions,

HC

Beam Club Members-to-Date: 2

• Kelly Electric LLC

Justin Kelly

W18870 Peterson Coulee Road

Blair. WI 54616 715-797-4455

Description: Contractor Member

Sponsor: Adam Wieser, Wieser Brothers Gen-

eral Contractor, Inc.

Beam Club Members-to-Date: 6

• Nasi Roofing, LLC

Todd Nasi

2610 S. Casaloma Drive Appleton, WI 54914 920-574-2599

Description: Contractor Member

Sponsor: Sam Daniels, Daniels Construction

Beam Club Members-to-Date: 4.5

• Optimum Electric Inc.

Bobbi Reedv 16350 Keller Road Kiel, WI 53042 920-980-7471

Description: Contractor Member Sponsor: Courtney Stelter, Ansay &

Associates, LLC

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• Paulsen Mechanical Inc.

Marcus Paulsen P.O. Box 80145 Saukville, WI 53080 262-483-4616

Description: Contractor Member

Sponsor: Andrew Kaehny, Steiner Electric, Inc.

Beam Club Members-to-Date: 15

• Rick's Plumbing, Inc.

Kim Jones 28 E. Sumner St.

Hartford, WI 53027 262-673-6284

Description: Contractor Member

Sponsor: Roger Thimm, Wondra Construction,

Inc.

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Static X Electrical LLC

Jason Nelson

N14634 State Hwy 13 Park Falls, WI 54552 715-661-9004

Description: Contractor Member

Sponsor: Tom Altmann, Altmann Construction

Co., Inc.

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• The Management Training Company

Jason Chance 1302 N. High Point Road Middleton, WI 53562 920-786-2258

Description: Associate Member Sponsor: Kyle Kraemer, Kraemer Brothers

Beam Club Members-to-Date: 14

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• Todd R Thone Carpentry, LLC

Todd Thone

2430 Weeden Creek Road Sheboygan, WI 53081 920-207-6778

Description: Contractor Member

Sponsor: Jaime Rahe, Kleiber Construction,

Beam Club Members-to-Date: 1

• Valley Temperature Service, Inc.

Toni Thiel

2375 American Drive Neenah, WI 54956 920-939-7432

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JUNE 2025

• All Industrial Electric, Inc.

Piotr Langner 911 American Way Lake Mills, WI 53551 847-885-9600

Description: Contractor Member

Sponsor: Aaron Mills, DAAXIT, The Contrac-

tor's CFO

Beam Club Members-to-Date: 4

• Essman Electric, LLC

Mike Essman W4633 Pebble Drive Elkhorn, WI 53121 262-488-5567

Description: Contractor Member Sponsor: Jay Zahn, Hausmann Group Beam Club Members-to-Date: 72

• Fowler Heating & Air Conditioning

Jess Riedner

2517 Advance Road, Ste. E Madison, WI 53718 608-630-8802

Description: Contractor Member Sponsor: Kyle Kraemer, Kraemer Brothers

Beam Club Members-to-Date: 15

• Guske Electric, Inc.

Jen Castillo 2004 Waverly Court Sheboygan, WI 53083 920-458-4286

Description: Contractor Member

Sponsor: Ryan Gartman, CLA (CliftonLarson-

Allen, LLP)

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Continued on next page

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Nick Matter P.O. Box 535 Grafton, WI 53024 262-483-4552

Description: Contractor Member

Sponsor: Andrew Kaehny, Steiner Electric, Inc.

Beam Club Members-to-Date: 16

• Neumann's Electric of Sauk County Inc.

Jessica Machovec 634 Bascom Hill Drive Baraboo, WI 53913 608-393-7755

Description: Contractor Member **Sponsor:** Jack Vogel, Hill's Wiring, Inc. Beam Club Members-to-Date: 18

Watts Up Electric

Paul Mazurek N63W23311 Main St. Apt. 302 Sussex, WI 53089 262-666-1238

Description: Contractor Member **Sponsor:** Jessica Cannizzaro, Milestone

Plumbing, Inc.

Beam Club Members-to-Date: 37

• Forward Heating & Cooling

Samuel Jones 2037 Catlin Place Madison, WI 53713 608-230-6638

Description: Contractor Member **Sponsor:** Holly Jones, Dave Jones, LLC Beam Club Members-to-Date: 3

Action Plumbing LLC

Andrew Uttech 899 South Bird St. Sun Prairie, WI 53590 608-837-3638

Description: Contractor Member **Sponsor:** Amber Anderson, Aerotek, Inc. Beam Club Members-to-Date: 16

• Freedom Mechanical, LLC

Ben Gabrielse 4620 S. Taylor Drive Sheboygan, WI 53081 920-627-4849

Description: Contractor Member

Sponsor: Nicholas DeTroye, DeTroye Electric

Service, Inc.

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Packerland Electric

Troy Beyer 1023 Ashwaubenon St. Green Bay, WI 54304 920-366-8600

Description: Contractor Member **Sponsor:** Steve Klessig, Keller, Inc. Beam Club Members-to-Date: 76

Kohel Drywall LLC

Dana Kohel W14801 US Highway 45 Tigerton, WI 54486 715-754-2464

Description: Contractor Member

Sponsor: Mitch Altmann, Altmann Consdtruc-

tion Co., Inc.

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• Holz Motors, Inc.

Chase Seufzer 5961 S. 108th St. Hales Corners, WI 53130 262-470-6426

Description: Supplier Member

Sponsor: Dave Murphy, PDC - Electrical

Contractors

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Alpha Custom Apparel

Nicole Kison

1315 Schloemer Drive West Bend, WI 53095 920-296-8105

Description: Supplier Member

Sponsor: Andrew Kaehny, Steiner Electric, Inc.

Beam Club Members-to-Date: 17

• Elite Electrical Contractors

Kevin Rohland 232746 N. 128th Ave. Marathon, WI 54448 715-432-8561

Description: Contractor Member

Sponsor: Mitch Altmann, Altmann Consdtruc-

tion Co., Inc.

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• Nicolet Electrical Contractors, LLC

Kathleen Polaski 7443 Fifield Road Gillett, WI 54124 715-927-2739

Description: Contractor Member **Sponsor:** Bill Monfre, Monfre Consulting Beam Club Members-to-Date: 16



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