

State Executive Order #108

Reaffirming Executive Branch Practice
Relating to the Employment of Apprentices
on State Construction Projects



CONTRACTOR APPLICATION: Beginning January 1, 2006, contractors who employ five (5) or more craft workers on Wisconsin public projects are required to comply with State Executive Order #108. Compliance requires contractors to:

- be currently approved, or in the process of being approved, as a Wisconsin Trade Trainer
- sponsor an acceptable apprenticeship program

To determine whether contractors operate an acceptable apprenticeship program, the contractors' total skilled workforce (individuals who work in apprenticeable trades) OR project-specific skilled workforce is reviewed. The most expedient determination method is to examine the total skilled workforce, which may qualify the contractor for a one-year Executive Order #108 (EO108) compliance certification.

TOTAL SKILLED WORKFORCE: The number of apprentices a contractor employs, in comparison with the total skilled workforce over the past 12 months is reviewed to determine a contractor's total skilled workforce. The total workforce determination is a "point-in-time" determination. Contractors are in compliance if, at any point during the past 12 months, it can be verified that:

- the contractor employed apprentices at the applicable trade's maximum ratio; or
- apprentices comprised at least 10% of the contractor's skilled workforce (5% for Dept. of Transportation projects)

Contractors who meet compliance in this manner will be certified as compliant with EO #108 for one year from the approval date and will not need to provide Project-Specific Workforce information (described below). Contractors who are certified as compliant will not be asked for workforce information again during the certification period.

PROJECT SPECIFIC WORKFORCE: Contractors that are not able to confirm compliance through examination of total skilled workforce (described in paragraph above) will be required to submit project-specific compliance information. There are three alternatives to confirm project-specific compliance, all of which require the submission of payroll records:

- 10% of the project's contract hours will be performed by existing apprentices (5% for DOT projects); or
- the contractor employs existing apprentices on the project at the maximum ratio applicable for each trade; or
- the contractor's hiring schedule for the project will achieve the maximum apprentice-to-journeyworker ratio for the trade. The first "new hire" for the project must be an apprentice and subsequent hiring can be journeyworkers, within ratio limits, until the contractor employs the maximum number of apprentices allowed by the trade's prescribed ratio.

EXEMPTIONS: There may be situations that allow for contractors/subcontractors to be exempt from compliance with EO 108. Requests for exemption must be made in writing and mailed to the address below. Exemption reasons include:

- The project, as a whole, does not meet the minimum cost thresholds for prevailing wage determinations under Chapter 66 of the Wisconsin Statutes; or
- The contracted work being performed is not considered apprenticeable in the state of Wisconsin; or
- The contractor/subcontractor provides sufficient documentation to demonstrate one or more of the following:
 - apprentices are not available in a specific geographic area; or
 - the applicable apprenticeship program is unsuitable or unavailable; or
 - there is a disproportionately high ratio of material costs to labor hours exists for the project; or
 - there is a documented depression of the local construction market which prevents compliance; or
 - there are specific safety or certification considerations which prevent compliance; or
- Specific EEO or other legal workforce participation requirements prevent compliance.

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