

Penalties for not paying full wage

Any employer found guilty of violating the wage laws may be fined and convicted of a felony for each offense. Each day is a separate offense. **If an employer requires an employee to give back (“kick-back”) any part of the wage, the employer can be fined and convicted of a felony.**

Penalties for accepting less than your full wage

State law requires that all workers working on the project site be paid the prevailing wage. ***If a worker agrees to accept less than the prevailing wage, they can be fined and convicted of a misdemeanor for each offense; each day is a separate offense.***

Records every worker should keep

Fill out your time sheet to accurately show the work you did and the hours you worked; employers can't pay you correctly without this information. In addition, keep your own written record of this information. Each day, write down: the hours you worked at each job classification; project information (highway, county, WisDOT project number, construction zone limits); and prime contractor. Keep copies of any other records that could be used to determine any wage claim, such as check stubs, trip tickets, and time sheets.

What to do if you are not being paid the prevailing wage

First, ask your employer for an explanation. If you can't resolve it with your employer, contact the Labor Compliance Specialist for the region where the work was performed. Action can be taken only for work on WisDOT projects.

Claims can be kept confidential

The initial contact regarding wage complaints is confidential. Every effort is made to not divulge your name to your employer without your permission. Maintaining this confidentiality may limit the ability to completely resolve your claim or to do so in a timely manner. The Labor Compliance Specialist will discuss your situation and options with you.

How to file a wage claim

All claims must be in writing, therefore a “Wages Claim” form will be sent to you by the Labor Compliance Specialist. The completed form must be returned with copies of any records that support your claim. If you have no proof for your claim, it may be impossible to resolve it.

Employer retaliation is against the law

Workers who feel they have been fired or retaliated against for filing or assisting in a wage investigation can file a discrimination complaint within 30 days of the act or within 30 days of learning about the act. Claims are filed with the Wisconsin Department of Workforce Development, Equal Rights Division. State and federal personnel are authorized to interview contractor employees on projects. Workers who are interviewed should not fear retaliation for participating in wage and EEO interviews.

WisDOT Regional Labor Compliance Specialists

Southwest Region

Madison office (Dane, Dodge, Green, Jefferson, Lafayette, Rock counties)
2101 Wright St., Madison, WI 53704
(608) 242-8040 Fax: (608) 243-3380

La Crosse office (Columbia, Crawford, Grant, Iowa, Juneau, La Crosse, Monroe, Richland, Sauk, Vernon counties)
3550 Mormon Coulee Road, La Crosse, WI 54601
(608) 785-9051 Fax: (608) 789-6306

I-39/90 and Verona Road Mega Project

111 Interstate Blvd., Edgerton, WI 53534
(608) 884-1178 Fax: (608) 221-6627

Southeast Region (Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties)

141 N.W. Barstow, P.O. Box 798
Waukesha, WI 53187-0798
(262) 521-5358 Fax: (262) 548-6891

North/South Mega Project

(262) 521-5337 Fax: (262) 548-6891

Zoo Interchange Mega Project

(262) 548-5923 or (262) 521-5337 Fax: (262) 548-6891

Northwest Region (Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, and Washburn counties)

1701 N. 4th Street, Superior, WI 54880
(715) 392-7977 Fax: (715) 394-2340

Northeast Region (Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, Sheboygan, and Winnebago counties)

944 Vanderperren Way, Green Bay, WI 54304
(920) 492-5728 Fax: (920) 492-0144

US 41 Mega Project

WIS 441 Mega Project
(920) 492-5657 Fax: (920) 492-0144

North Central Region (Adams, Florence, Forest, Green Lake, Iron, Langlade, Lincoln, Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano, Vilas, Waupaca, Waushara, and Wood counties)

510 N. Hanson Lake Road, Rhinelander, WI 54501
(715) 365-5732 Fax: (608) 226-5542

Aeronautics

4802 Sheboygan Ave., Room 701
P.O. Box 7914
Madison, WI 53707-7914
(608) 264-7607
Fax: (608) 267-6748



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**Have I
received my
full wage
and
benefits?**



Wisconsin Department of Transportation (WisDOT) let projects contain prevailing wage rates

State and federal laws require that the wage rates certified as prevailing in the geographic area of a WisDOT let construction project be paid to all workers doing labor on the site of the project. These wages, contained in each construction contract, are known as the “prevailing wage” or “white sheet” wages. If both state and federal rates are in the contract, the higher straight-time “total package” must be paid.

Most workers entitled to receive prevailing wage

Workers who work in classifications covered under the contract must be paid the prevailing wage. The types of classifications include truck drivers, landscapers, traffic control, laborers, operating engineers, consultant engineering staff who perform manual labor, etc. Work that is administrative, clerical, technical, or supervisory is NOT covered by prevailing wages, although, supervisors and others must be paid the prevailing wage for any time spent working in a covered classification and be included in the weekly submitted payrolls. There are also situations where truck drivers who deliver “by or for” commercial sources are not covered.

Wage rates posted on project site

Wages can vary depending on the type of work, the county where the work is performed, and the date the contract was let. **According to state and federal law, all wages must be posted on the project site.** They are often found near the project’s field office. If you’re not sure of the location, the prime contractor’s superintendent or WisDOT staff should be able to direct you to the wage board.

Benefits your employer can provide as part of your wage

The prevailing wage includes rates for benefits, such as health insurance, pension, vacation, and holidays. The actual benefits you receive can include other legitimate benefits such as life insurance, disability, accident insurance, etc. Not included as benefits are payments to the Transportation Education Fund (TEF), payments for food, lodging, or mileage; unemployment compensation; workers’ compensation; or similar benefits. When providing benefits, your employer **must** inform you ***in writing*** when you are eligible and should tell you how you can obtain more information on how to use the benefits.

Effect of benefits on your “take-home” pay

The benefit rate is added to the contract base hourly rate to determine the “straight-time total package” for the classification. The “overtime total package” is one and a half times the contract base rate or your base hourly rate if higher, plus the hourly fringe benefit rate.

Your employer has the choice to pay the total package rates entirely on your paycheck as a cash benefit or they can pay part to union benefit funds or other legitimate benefit funds. Your base hourly rate of pay or your benefit package may vary; however, your “total package” should at least equal prevailing wage. Bona fide fund benefits must be deposited no less than quarterly to the employee’s account.

Overtime on WisDOT contracts

State law requires that all workers on public work projects receive overtime pay at the rate of one and a half times the base rate and one times the fringes after working 10 hours in a weekday, after working 40 hours in a week, and all Saturdays, Sundays, or any of the six major holidays. WisDOT enforces overtime on a contract-by-contract basis.

Personal deductions need your written permission

Any deduction, other than those required by law, requires your written permission. Any deduction that benefits your employer, rather than you, is unlawful.

All wages and cash benefits for workers must be paid weekly

All workers on WisDOT let construction projects performing covered work must be paid weekly.

The driving portion of a truck driver’s payment must be computed at the hourly rate for truck driving.

How to determine when prevailing wage applies to truckers

The following items need to be considered:

Commercial Source – a fixed place of business from which the establishment supplies processed or manufactured materials or products.

Dedicated Source - a facility dedicated exclusively or nearly so to the contract or project and which is on the site of work or adjacent or virtually adjacent to the site of work.

Site of Work – the area defined in the contract and dedicated areas.

Next, check to see if prevailing wage applies:

Mineral Aggregate

Source	Prevailing Wage?
All sources in final place	Yes - Entire Haul
All sources not in final place	No

Non-Mineral Aggregate

Source	Prevailing Wage?
Commercial	No
Dedicated	Yes - Entire Haul

Manufactured or Processed Material such as Concrete or Asphalt

Source	Prevailing Wage?
Commercial	No
Dedicated	Yes - Entire Haul

Spoil or Excavated Material

Source	Prevailing Wage?
Site of work	Yes

Questions about whether a source is dedicated or commercial can be directed to WisDOT project staff or the WisDOT Labor Compliance Specialist for the geographic area.