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Website: abcwi.org
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Merit Shop Contractor Wisconsin is published six times annually by Associated Builders and Contractors of Wisconsin, Inc. (ISSN# 10642978) 5330 Wall St., Madison, WI 53718. Periodicals Postage Paid, Madison, WI and other additional mailing offices. (UPS 340-650). Subscription price is \$50 per year.

President and Publisher: John Mielke
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FROM OUR PRESIDENT

Growing Merit Shop Success

AS WE ENTER ANOTHER ELECTION CYCLE, MY THOUGHTS ARE ON WHAT WE CAN DO TO RAISE AWARENESS OF THE HARDWORKING PEOPLE IN THE MERIT SHOP CONSTRUCTION INDUSTRY. I find that both the public and our elected officials are often surprised to learn that nearly three quarters of Wisconsin's construction workers choose not to join a union, and instead work for a Merit Shop organization.

These same workers are working night and day to create the infrastructure that our communities need to be successful. They are working hard, providing excellent results, and are building hospitals, schools, churches and roads, all which make life better for Wisconsin.

And yet, both of our political parties court the union vote, and overlook the majority of our hard-working men and women in Wisconsin's construction industry.

ABC of Wisconsin has more members than ever before. We are sharing this news with our elected officials both in Wisconsin and in Washington DC. Our ad campaigns include discussion of the size of the merit shop workforce and our desire for open competition. We are advocating for opportunities for all companies to bid on large scale federal projects. We are also celebrating the legislators who champion our member companies and open shop policies.

Our message to the public is important, but it is only valuable if it matches the support we provide to our members. We are growing and expanding the resources available to member companies. Our Human Resources Committee has developed an online library of resources to equip members with information on best practices, and to help demonstrate the generous benefits available in a Merit Shop environment.

We are also emphasizing education. Our apprenticeship program is the largest single apprenticeship program in the state, and now has record enrollment this fall. These apprentices learn

from member companies, master their trades, and continue as leaders in their areas of expertise. But education doesn't end with apprenticeship. Our education team provides highly sought after courses like Construction U, Safety Training and more, to help more experienced workers grow their knowledge base. The increased attendance in these courses is noticeable and causing us to look for more ways to support healthy culture development in our member companies.

All of this is possible because our members are supporting this work, and they are building healthy cultures within their own organizations. We applaud the work you are doing to grow positive work environments throughout Wisconsin. This work is seen and appreciated. And we commit ourselves to raising awareness of the important work each member is doing in our state and beyond.

Another important note: This will be my last column as President of ABC of Wisconsin. I have accepted a new role as the Senior Director of Apprenticeship for ABC National. Part of the Merit Shop culture is growing talent within our organizations and allowing them to move into new roles and responsibilities. I'm happy to share that Kelly Tourdot was recently selected, by a unanimous Board vote, as ABC of Wisconsin's new president. Kelly has a long history with ABC of Wisconsin and is uniquely suited to lead the association through its next chapter and beyond. I look forward to the transition for us both and celebrate a strong future for ABC members! 

— John Mielke, President



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THE LAST 12 MONTHS OF **LABOR LAW**

A YEAR TO REMEMBER.

By Dan Barker
Attorney, Jackson Lewis P.C.

For over 50 years, ABC of Wisconsin has been advocating for the merit shop construction industry in labor matters of all kinds. Part of that advocacy includes making sure that members remain up to date on the latest developments in federal labor law as they affect members. Seeing all these developments in one place can help contractors see the big picture as we move into the fall. So this month, we're taking a quick look back at labor law developments from the past 12 months that merit shop contractors should know about to make sure that they are up to date on all things labor. Some of these developments involve significant change and others foreshadow some potentially sea-changing legal developments in the making. We'll start with the most interesting developments and then move on to some of the more depressing ones.



SPACE X HAS FILED SUIT IN FEDERAL COURT CLAIMING THAT THE NLRB'S ENFORCEMENT STRUCTURE VIOLATES THE U.S. CONSTITUTION.

• **SpaceX's Structural Challenge to the National Labor Relations Act**

Perhaps the most interesting legal development involving the NLRB to keep an eye on is SpaceX's challenge to the very structure of the National Labor Relations Act. This case has the potential to shock labor relations to its core. SpaceX has filed suit in federal court claiming that the NLRB's enforcement structure violates the U.S. Constitution because of how it protects NLRB members and administrative law judges from removal.

The initial ruling in the case has been promising, with a Texas federal judge writing that SpaceX might be expected to prevail on its argument. The judge explained that: "Congress exceeds its power when it attempts to neuter the president's constitutional power to remove and control executive officers by conferring a web of removal protections upon NLRB ALJs and the NLRB members...."

Keep an eye on this one. It's likely heading to the Supreme Court and could upend labor law as we know it. If SpaceX wins, the NLRB will have no power to enforce labor laws. While that might help employers in a number of situations, it could also work against employers because unions may feel free to engage in coercive actions that have long been illegal as well.

• **NLRB Withdraws Joint Employer Rule After Losing a Court Ruling.**

In 2023, the NLRB issued a rule that attempted to make ostensibly separate

employers jointly responsible for employment issues relating to each other's employees. In a nutshell, the joint employer rule said that if one employer has a contractual right to affect some kind of control over another employer's employees, that "retained control" would be enough to make the two employers joint employers. According to the NLRB's rule, this "retained control" would link two employers together even if it was never used. In other words, it was an attempt to rope in employers who subcontracted work to other employers. However, after a Texas federal court blocked the rule in a case brought by the U.S. Chamber of Commerce, the NLRB's defense of the rule crumbled like a sandcastle in a strong wave. It withdrew its appeal and let the lower court's ruling stand. This means that the 2023 rule is no longer in effect.

While the Board backed down in court on this issue, it's certainly not giving up. The NLRB can be expected to make another run at this issue by issuing caselaw rulings instead of through a formal administrative rule. As is often the case with the NLRB, we may see this one flip back and forth for a while. In the meantime, it's smart for contractors to make sure that when they subcontract work, they ensure that they do not attempt to retain or exercise direct or indirect control over the subcontractors' employees.

• **Union Organizing – Quickie Elections**

In another important development, the NLRB has adopted a new rule at the end of 2023

that dramatically accelerates the union election process. Under these new procedures (which had been undone during the Trump years), an employer served with an election petition needs to appear at a hearing within eight days and the election will usually occur within three to four weeks. While still not quite as fast as some rules in Canada (where elections can occur within a week), it still puts employers under the gun. Many employers can't even get all their stakeholders together on a conference call in a week – much less be ready for a surprise NLRB hearing. As always, the way to win the organizing game is to stay several steps ahead. Creating a workplace culture of respect and open communication beats union organizing most every time.

• **Union Organizing – Bargaining Demands and Bargaining Orders.**

As we mentioned last year in a video alert to members, the NLRB radically changed the law of union organizing last August when it said that: (1) Employers who do nothing in the face of a union demand for recognition can be unionized without an election; and (2) Employers who commit unfair labor practices during union organizing can also be unionized without an election.

While these decisions are still on appeal in the courts, that has not stopped the NLRB from applying its new rules. That means that any employer who receives a demand for recognition from a union – whether in writing or

not – may need to act on it within 14 days by filing its own union election petition. If it does not, then the employer may lose its chance for its employees decide, in a secret ballot election, to remain union free. This is a big deal and merit shop employers should make sure that they don't get tricked into giving up this important right.

• Continued Focus on Handbook Rules

In August 2023, the NLRB declared that any clause in an employee handbook which might have a “reasonable tendency to chill employees from exercising their rights” was presumptively unlawful. This development overturned several years of employer-friendly decisions from the Trump NLRB which took a more balanced approach.

Under this new standard, any employer rule or policy that could conceivably cause an employee to think twice before exercising a labor right would be automatically unlawful. For example, the NLRB says that rules which prohibit employees from gossiping, repeating rumors or making false statements about others are unlawful. Why? The NLRB thinks these rules could chill employees from discussing their supervisors or the company and doing anything that might cast the company in a bad light.

This new standard has caused many employers significant frustration because common

sense rules can be found illegal. The solution, however, is relatively benign – some simple revisions can make these rules lawful. In this regard, it is better to revise the rules before a union organizing campaign occurs, since an illegal rule could cause the NLRB to decide that a fair election is not possible and order the employer to bargain with the union without an election.

• Enhanced Protections for Disruptive/In-subordinate Activity.

Finally, the NLRB continues to find that employees who engage in abusive conduct to management or others in the course of union organizing or other protected activity are often protected by the law. While that seems like insubordination to most employers, the NLRB disagrees. For this reason, employers should be careful to avoid the knee jerk “you can’t do that!” reaction to an employee’s abusive or disruptive conduct if it occurs in the context of some controversy about the employer’s policies or involves some criticism of the employer. Yes, that seems to go against common sense. But once again, it is how the NLRB looks at things. For this reason, it always makes sense to review any potential disciplinary action through the lens that the NLRB may apply. That’s not always popular in some organizations – but doing it on the front-end is often way better than having to defend a charge at the Board.

• Expanded Use of Project Labor Agreements on Federal Projects

No mention of labor developments would be complete without reminding contractors that in late 2023, the Biden administration finalized its rule requiring use of project labor agreements on major federally construction projects. We’ve discussed this issue in detail in a recent article, but the effect on the merit shop construction industry remains significant. This development works against open competition in our industry and should not be ignored. Contractors thinking about bidding on these projects should remember to think carefully before letting the allure of a big contract take them in because of what signing a PLA can mean to their business long term.

In conclusion, we’ve seen a number of significant legal developments in the past year and the labor landscape continues to change. Much of what happens next will depend on who wins the White House in November. If Trump wins, we can expect the pendulum to swing back rapidly. We expect that he will fire the NLRB’s current General Counsel on the first day of the new administration and that changes in enforcement priorities will come swiftly. But if Harris wins, we can expect more of the same policy from an activist NLRB. Hang on tight.... Its going to be quite a ride for the next year. 

EVENT REMINDERS



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September 9, Milwaukee

• SUICIDE PREVENTION IN CONSTRUCTION

September 20, Pewaukee
September 26, Kaukauna

• QUALIFIED RIGGER & CRANE SIGNAL PERSON TRAINING

September 25, Milwaukee

• NETWORKING SOCIAL

September 26, Altoona

• FA/CPR TRAINING

September 27, Appleton

• TRANSITION TO TRAINER

September 27, Madison

• 10-HOUR OSHA CONSTRUCTION SAFETY & HEALTH OUTREACH

October 11, Appleton
October 24, Milwaukee

• CONSTRUCTION INCLUSION WEEK LUNCHEON

October 15, Madison

• CONSTRUCTION ESTIMATING PRINCIPLES & APPLICATION

October 15, Live-Online

• BLUEBEAM BASELINE BASICS

October 16, Live-Online
October 17, Live-Online

• BUSINESS TRANSITIONS

October 17-18, Madison

• CONSTRUCTION OPERATIONS-FROM FIELD TO OFFICE (DAY 1 OF 4)

October 22, Madison

• 2024 HUMAN RESOURCES +BUSINESS ADMINISTRATION CONFERENCE

October 23-24, Wisconsin Dells

• CONSTRUCTION OPERATIONS-FROM FIELD TO OFFICE (DAY 2 OF 4)

October 29, Madison

• BLUEBEAM FOR ADMINISTRATIVE PROFESSIONALS

October 29, Live-Online

• READING CONSTRUCTION DOCUMENTS

October 30, Live-Online

• NETWORKING SOCIAL

October 30, Waukesha



OVERT

DOL'S FINAL RULE AND ITS IMPACT ON EMPLOYERS

The U.S. Department of Labor issued a final rule which took effect July 1, 2024, and which impacts who is eligible for overtime pay. Employees are either “exempt” from overtime requirements or “non-exempt” from overtime requirements. It is estimated that at least 4 million more workers will now be eligible for overtime in the first year of this new rule change. Because of the wide-ranging impact of the rule, it would be wise to review what the rule requires and review some basic rules regarding “hours worked” and overtime.

Under the Fair Labor Standards Act (FLSA), employees generally must be paid overtime at 1.5 times their regular rate of pay for hours worked over 40 in a defined workweek. There are several exemptions from the overtime rule. For the most common exemp-



TIME

tions (the executive, administrative, and professional exemptions), employees must be paid a minimum amount of money, known as the salary level in order to be exempt from overtime. This requirement is in addition to the requirement that these employees be paid on a “salary basis” and meet certain tests based on their job duties.

Minimum Salary Level Increase

Previously, employees had to be paid a minimum of \$684 per week (\$35,568 per year) to meet the salary level for exempt status. Under the new rule, effective July 1, 2024, the minimum salary level is \$844 per week (\$43,888 annually). Effective January 1, 2025, the minimum salary level will increase to \$1,126 per week (\$58,552 annually). Employers are still permitted to satisfy up to 10% of the salary level using nondiscretionary bonuses and incentive payments (including commissions) paid annually or more frequently. The new rule does not change the “salary basis” or duties tests required for employees to qualify for exempt status. But many employers are not in compliance with those tests.

The final rule also adopts a mechanism to update the salary level every three years.

COMMON OVERTIME ISSUES AND EXEMPT/NONEXEMPT STATUS

Review of Overtime Basics. Under both state and federal law, covered employers must pay “non-exempt” employees overtime at a rate not less than one and one-half times the

employee’s “regular rate of pay” for all hours worked in excess of 40 in a work week. Employers are not required to pay overtime for hours in excess of 8 hours per day, or for work on Saturdays or Sundays, or holidays, although they may opt to do so. Employers and employees cannot enter into agreements to waive overtime obligations. For example, employees and employers cannot agree to “bank hours.” Employers are not required to count PTO, vacation, sick leave, or holiday hour toward the 40-hour threshold in a work week. Private sector employers may not grant “compensatory time” in lieu of paying overtime, except in the same workweek in which the overtime was performed (hour for hour) or in the same pay period in which the overtime was performed (at time and one half). Employers may have overtime policies that are more generous than the federal and state laws require.

Key Elements to the Overtime Exemptions. Wisconsin and federal law exempt certain employees from overtime requirements. When determining whether an employee is exempt from overtime, employers must consider the impact of both Wisconsin and federal laws.

In order to be deemed exempt from the overtime requirements, an employee must generally:

- a. Be paid on a salary basis;
- b. Meet a minimum salary requirement – currently \$844 per week; and
- c. Meet a duties test specific to a particular exemption recognized by law.

Employers may not treat an employee as exempt simply because they pay the employee a salary.

What Does it Mean to be Paid on a Salary Basis?

In order to be paid on a salary basis, an employee must receive a predetermined salary (currently at least \$844 per week) for any week in which the employees perform any work without reduction for quality or quantity of work. Part time employees are not exempt if they do not make \$844 per week. Employers cannot project a part-time employee’s wages as if the employee works full-time to determine whether the \$844 level is met.

An exempt employee must receive his or her full salary for any week in which he/she performs any work. However, employers may dock an exempt employee’s salary if one of the limited exceptions applies (which is beyond the scope of this article).

Employers may require exempt employees to work set schedules and track their work hours without jeopardizing exempt status.

Improper Pay Deductions. Improper deductions from exempt employee pay can result in loss of the exemption and create liability for back overtime if there is a determination that the employer did not intend to pay on a salary basis. Employers have a “window of correction” to reimburse for isolated or inadvertent improper deductions. Employers who have a clearly communicated policy prohibiting improper deductions may avoid liability of losing exempt status if they have a policy that includes a complaint mechanism, they reimburse employees for improper deductions, and they make a good faith effort to comply with the salary basis rules in the future. The Department of Labor has a model policy known as the “Safe Harbor” provision. It should go in handbooks.

SELECTED OVERTIME EXEMPTIONS

The Executive Exemption.

To meet the executive exemption, the employee must be paid a minimum of \$844 per week, be paid on a salary or fee basis; and the employee must meet the standard duties test. The employee’s primary duty must be managing the enterprise or managing a customarily recognized department or subdivision of the enterprise. Primary duty means the main, major, or most important duty the employee performs determined on a case-by-case basis. Generally, if the exempt duties are 50% or

more of the employee’s duties, the primary duty standard is met.

The employee must customarily and regularly direct the work of two or more other full-time employees. Customarily and regularly means at least once per workweek. The employee must have authority to hire or fire, or must have significant input on such decisions.

Under Wisconsin’s law, the employee must also customarily and regularly exercise discretionary powers and must not devote more than 20% of their hours (40% in a retail or service establishment) in the workweek to tasks that are not directly and closely related to their exempt work.

Work that is “directly and closely related” to exempt duties is also considered exempt work.

Business owners who have a 20% equity ownership interest in an enterprise in which they are employed are exempt if they are “actively engaged in the management of the business.” The minimum salary and salary basis rules do not apply to business owners.

The Administrative Exemption.

To meet the administrative exemption, the employee must be paid a minimum of \$844 per week paid on a salary or fee basis; and the employee’s primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers. The employee’s primary duty must include the exercise of discretion and independent judgment on matters of significance.

To determine whether duties relate to “the management or general business operations” of the employer, you must determine whether the employee assists with running or servicing the business vs. producing or selling the business’s product. Under Wisconsin’s law, the employee must also customarily and regularly exercise discretionary powers and must not devote more than 20% of their hours (40% in a retail or service establishment) in the workweek to tasks that are not directly and closely related to their exempt work. The exercise of “discretion and independent judgment must be more than the use of skill in applying well established techniques, procedures, or specific standards described in manuals or other sources.”

The Learned Professional Exemption.

To meet the learned professional exemption, the employee must be paid a minimum of \$844 per week paid on a salary or fee basis; and, the employee’s primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment. Advanced knowledge must be in a “field of science or learning,” as distinguished from the “mechanical arts or skilled trades.” Advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction. The threshold is generally assumed to be a 4 year undergraduate degree. Employees meeting the professional exemption must also customarily and regularly exercise discretion and judgment. Under Wisconsin law, the employee must not spend more than 20% of their hours in a workweek on activities that are not an essential part of and necessarily incident to their exempt work.

WHAT CONSTITUTES “HOURS WORKED”?

“Hours worked” generally includes all time an employee is required to be on duty or on the employer’s premises or at a prescribed workplace and all times when an employee is “suffered or permitted” to work for the employer. It includes:

- a. Work performed off premises must generally be compensated.
- b. Working through lunch.
- c. Working before or after start and end times.
- d. If you know about it, you are liable.

If an employer suffers or permits an employee to work overtime hours, the employer must pay the overtime, even where the employee did not obtain authorization to work overtime or worked overtime in violation of a directive. It is the employer’s duty to manage work hours

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it wants and does not want worked. You might have to discipline an employee who ignores the rules.

Waiting Time.

On duty time an employee spends waiting on the job where waiting time is an integral part of the job is generally compensable work time. Periods during which the employee is completely relieved from duties, and which are long enough to enable the employee to use the time effectively for his/her own purposes are not hours worked. Employees are not effectively relieved from duties unless they are definitively told in advance that they may leave the job and that they will not have to commence work until a specified hour has arrived.

Meal and Rest Periods.

Employers in Wisconsin are not required to provide rest or meal periods for employees over the age of 18 but are encouraged to do so. Under Wisconsin law, rest periods or breaks ranging up to 30 minutes in length are "hours worked" and must be paid. A meal period need not be paid time if it is at least 30 minutes in length and the employee is completely relieved of work duties. In addition, the employee must be allowed to leave the premises in order to have a meal period treated as unpaid non-worked time.

On-Call Time.

An employee must be paid for on-call time if the employee is required to remain on-call and cannot use the time effectively for his or her own purposes. The fact that an employee must carry a paging device, stay within a geographic range, and be able to arrive at work within a specified period of time may, but does not necessarily mean, that the on-call time is compensable as hours worked. Specific facts will determine whether the employee can nevertheless use the on-call time effectively for personal purposes.

Training and Seminar Time.

In order to be regarded as non-work time, meeting, training, and/or seminar time must meet all of the following criteria:

- a. Attendance must be outside of the employee's regular working hours;
- b. Attendance must be truly voluntary;
- c. The course, lecture or meeting must not be directly related to the employee's job; and
- d. The employee must not perform any productive work during such attendance.

Where employees, on their own initiative, attend independent schooling after hours, the time is not hours worked for the employer even if the courses are related to their jobs and the employer pays the tuition.

Time spent in introductory orientation and training, as well as time devoted to subsequent training in revised procedures, products, and processes will generally be compensable hours worked.

Travel Time (Is It Hours Worked?).

You can pay employees for the inconvenience of traveling even if it is not "hours worked." You can pay a different rate for travel.

- Normal travel from home to work at the beginning of the day and from work to home at the end of the day (commute time) is not work time.
- Travel that occurs within an employee's workday is always considered work time.
- When an employee takes a one-day assignment outside of the employee's normal work location, all travel time is considered time worked. The employee's normal commuting time may be deducted from the travel time on that day.
- Travel "away from the home community," defined as travel that keeps the employee away from home overnight is work time under Wisconsin law. Under the federal law, this category of travel time need only be compensated when it cuts across the employee's regular workday.
- Any work performed while traveling is considered work time. An employee who is required to drive a vehicle is considered working while driving. If an employee is offered public transportation but requests permission to drive his or her personal vehicle instead, the employer may count as hours worked either the time spent driving or the time it would take to use public transportation.

Bonuses

Bonuses must be taken into account for overtime purposes in certain circumstances. If bonuses are discretionary (e.g., gifts or amounts employees cannot calculate automatically), then you do not need to include any bonuses given in recalculating any overtime amounts which might be due. If bonuses are non-discretionary, those amounts must be included in the "regular rate" and overtime pay must be recalculated for the entire period affected as far as paying any overtime rates.

Calculating Overtime When Multiple Rates Are Used.

Employers have two options of calculating overtime when more than one rate is used during the work week.

- a. **Weighted average.** This is default method set forth in the FLSA and under Wisconsin law.
- b. **Rate in effect.** See 29 C.F.R. §§ 778.415 through 778.421.

Federal and state law both allow either method to be used. An employer must communicate the method used to employees before the work is performed.

Takeaways

Each of the topics touched on above can create potential liability if an employer is not careful. The State and Federal government are cracking down on these wage and hour issues. In addition, attorneys are being more aggressive in these areas and filing lawsuits and class action cases. Employers should take steps to educate themselves and their managers. One way to do so is to attend the ABC HR+Business Administration Conference in October. 



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IS A UNIFIED MOVEMENT BENEFITTING WISCONSIN'S SKILLED TRADES?

By Laura Kocum – Marketing and Communications Director at ABC of Wisconsin

At a time when the world shows deep divides, and people argue about politics, policy, family and social issues, there is a bright light emerging in the Merit Shop movement.

Contractors from all trades are working together, advocating for each other and providing opportunities for employees to grow and prosper, and they are doing it in record numbers.

ABC of Wisconsin has grown to include more than 1,000 members — a record number, both for Wisconsin, and for our neighboring ABC associations, too. This growth is reflected at association events, training seminars and in the apprenticeship training program.



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CONCERNED
ABOUT THE
INDIVIDUAL
EMPLOYEE THAN
WE ARE ABOUT
THEIR INDIVIDUAL
TRADE.

BILL ROZGA
Master Plumber

What is driving this growth? Master Plumber Bill Rozga, a business owner and long-time ABC member has some thoughts on this:

"It doesn't matter which trade we're in, we all have camaraderie. We're doing excellent work, and we share many of the same needs, like insurance, employee training and more."

Rozga says he first joined ABC, because he was impressed at the connections he could make with fellow contractors, regardless of

their trade specialty. He recognized the shared commitment to competition, excellence and good policy, and wanted to support an organization that would help him overcome barriers to his business.

"ABC fought diligently for members to have apprentices, a right that was already in the books, but wasn't being exercised. I wanted to hang my shingle with an organization that would do that—fight for its members," he explained. "Thirty years later, I'm still a member, and will be for good."

Rozga says the Merit philosophy lends itself to positive work environments. When companies have the freedom to design benefits packages that are uniquely suited to their employees, region of the state, or business model, everyone wins. Competition keeps employers working to retain a positive workforce. Employees are motivated by the opportunity to advance and grow new skills.

"We're more concerned about the individual employee than we are about their individual trade. Our heads and hearts are in a different place," Rozga said, when comparing Merit Shop to union alternatives.

Rozga said the merit philosophy has benefited his employees in several ways. One of the key benefits is keeping them working.

"When one area of our business is slow, our employees can be repurposed to work on other job sites. They have some cross-training and can support their co-workers in areas that a union member cannot," he said. "We're not worried about which employee moved the dry-wall. We're concerned with getting jobs done well and being efficient."

He continued, "ABC offered me the chance to join a group that makes things better for all of us. That's an association I want to belong to."

Alyssa Norsby Kolden of Stevens Construction Corp., another ABC member company, agrees with Rozga.

"Having resources like the committees, safety teams, and ongoing training make us better. It allows us to network and share our knowledge, too. I don't know how you'd ever put a price on that benefit."

Norsby Kolden sees training as a key component of the success of both ABC Wisconsin and the Merit Shop movement.

"We find more of our people are signing up for ongoing training. These kinds of partnerships are proof that the industry cares about our workforce. We don't just want people to perform a job. We want people who are interested in long-term positions with growth potential," Norsby Kolden explained.

Training is expanding to include an emphasis on soft skills like emotional intelligence, building trust and respect, and managing stress. Companies are recognizing that they need a healthy culture to be an employer of choice. And everyone wants to attract and retain



OUR ABC MEMBERS WHO EMPLOY APPRENTICES ARE GENERALLY FAMILY COMPANIES, PLACING HIGH VALUE ON THE CULTURE AND RELATIONSHIPS ON THEIR JOBSITES

KELLY TOURDOT
ABC Incoming President

workers in a market where there is still a labor shortage. Having a full package of benefits like health insurance, 401K plans and additional resources also helps.

"We are focusing on our employees by giving them the tools and training they need to succeed," she explained. "There is great flexibility to what our workforce can do to keep them happy and employed."

As an open shop employer, Stevens cross-trains employees to do a wider variety of work on various projects. The company finds the Merit Shop focus benefits them in several ways. Primarily, it allows them to partner with the best sub-contractor options for each project, without being limited by an affiliation. It also allows them to self-perform, with cross-trained employees who can create a stronger team environment.

"As an industry, we are changing and evolving. We're recognizing what makes us perform well."

Norsby Kolden believes the pandemic and its aftermath also influenced the growth of the construction industry. "We kept working. It helped change the perception of construction. The public saw that these people are vital to the economy and continued working when others couldn't."

This has helped their recruitment efforts. And she believes it has helped to unite the Merit Shop companies in Wisconsin. The success of Wisconsin's open shop companies isn't just in ABC membership. It is also reflected in the growth of apprenticeship programs.

This fall, ABC of Wisconsin's Apprenticeship program has close to 2,500 apprentices- a record number for the association. Apprentices in the program are employed by member companies.

"Our ABC members who employ apprentices are generally family companies, placing high value on the culture and relationships on their jobsites," said Kelly Tourdot, ABC Incoming President. "In addition, our members work on important projects like hospitals, schools and public safety centers that transform and improve communities. Apprentices who join these projects find meaningful work, generous wages and positive work environments."

Melody Norris enrolled in ABC's sheet metal apprenticeship program and will finish her apprenticeship within the next year. She is excited for the career opportunities she sees in the skilled trades, and says it was the perfect opportunity to improve her family life.

"It's a Monday through Friday job. It's solid. It pays very well. I make double what I made



HAVING RESOURCES LIKE THE COMMITTEES, SAFETY TEAMS, AND ONGOING TRAINING MAKE US BETTER.

ALYSSA NORSBY KOLDEN
Stevens Construction Corp.

in the kitchen," the former chef explained. She began her apprenticeship looking for a way to support her family as a single mother, and to find long-term stability for her future career. "Everyone needs heat and air. That's not going away," she explained. "My opportunities are pretty much endless. I can go anywhere with the trades."

"I think we are realizing, not everyone is wired for college. You can make a very good living in the trades and avoid the debt liability from student loans. AND- you have the skills to do the home repairs for your own family. That's a tremendous cost savings!" Rozga said.

Rozga, Norsby Kolden, Tourdot and Norris all celebrate the expansion of the Merit Shop movement. They are excited by the opportunities in growing skilled labor, and the connections being made between employees, employers, and companies across the state.

"I got tired of the divisiveness; it was worse than a political rally," Rozga explained, when looking at his early career, before joining ABC. "You don't have that divisiveness here. We have camaraderie. I am surrounded by like-minded business tradespeople," said Rozga. "We have a genuine desire to make things better."

By all accounts, it appears the desire to improve the industry is translating to growth, and there is an exciting future being built in the Merit Shop movement. 

LAWSUITS STYMIE

FTC

ATTEMPT TO BAN NO

5 TAKE-AWAYS BUSINESSES SHOULD CONSIDER NOW

Background

On April 23, 2024, the Federal Trade Commission (FTC) voted to publish a final rule in the Federal Register to effectively ban existing and future non-compete agreements for a broad group of workers, with limited exceptions. The FTC published this “Non-Compete Rule” on May 7, 2024, with an effective date of September 4, 2024.

Since its publication, the FTC’s Non-Compete Rule has been subject to numerous legal challenges and hit

its first significant roadblock in August 2024, when a federal court blocked the rule from going into effect, at least for the time being.

The fate of the Non-Compete Rule is yet to be determined but its potential impact on business operations remains significant. Key provisions of the Non-Compete Rule and an explanation of the first court decision setting it aside are discussed below, along with a few takeaways.





THE FATE OF THE NON-COMPETE RULE IS YET TO BE DETERMINED BUT ITS POTENTIAL IMPACT ON BUSINESS OPERATIONS REMAINS SIGNIFICANT.

Key Provisions of the FTC's

Non-Compete Rule

Comprehensive Ban on New Non-Competes with Most Workers. Businesses may not require any worker to sign non-compete clauses on or after the Non-Compete Rule's effective date.

- A "non-compete" means a term or condition of employment that prohibits, penalizes, or prevents a worker from seeking or accepting work, or operating a business, after the conclusion of employment.

- A "worker" is any person who works or previously worked, paid or unpaid, and includes (but is not limited to) employees, independent contractors, externs, interns, volunteers, apprentices, or sole proprietors providing a service to a person. "Worker" includes

date are no longer enforceable, except non-competes entered into before the effective date with "senior executives."

- A "senior executive" is a worker who (1) was in a policy-making position and (2) received total annual compensation of at least \$151,164 in the preceding year, or \$151,164 in total compensation on an annualized basis.

- A "policy-making position" means a business entity's President, CEO or the equivalent, or any other officer or person with authority to make policy decisions that control significant aspects of a business entity or common enterprise.

Notice of Non-Enforcement by the Effective Date. Businesses must provide workers with a "clear and conspicuous notice" that their

is broader than the initially proposed rule that only allowed non-competes with persons who owned 25% or more of a business. However, the FTC comments caution that not all sale contexts will be eligible for this exception.

- The Non-Compete Rule allows employers to enforce non-competes where the cause of action accrued prior to the effective date.

- The Non-Compete Rule states that it is not an unfair method of competition to seek to enforce a non-compete provided a person has a good faith basis to believe that the FTC's ban is inapplicable.

- Certain industries also are exempt from the Federal Trade Commission Act, specifically, banks, savings and loan institutions, federal credit unions, common carriers, air carriers and foreign air carriers, and persons, partnerships, and corporations subject to the Packers and Stockyards Act. The Non-Compete Rules also does not generally apply to non-profits.

State Law Preemption. Conflicting state laws are superseded. Thus, even state laws that prohibit non-competes for low-income workers – like the Illinois law that prohibits non-competes with workers making less than \$75,000 per year – will be superseded. Other than state laws in conflict, the Non-Compete Rule provides that it is not intended to exempt compliance with or prevent enforcement of state law, including state antitrust law, consumer protection laws, or common law.

Severability Clause. The FTC included a severability clause. Thus, if a court holds certain provisions of the Non-Compete Rule unenforceable, the FTC can still argue for the enforceability of other provisions.

First Successful Legal Challenge to the FTC's Non-Compete Rule

Federal Judge blocks Non-Compete Rule from taking effect nationwide. On August 20,

a natural person who works for a franchisee or franchisor but does not include a franchisee in the context of a franchisee-franchisor relationship.

- While the Non-Compete Rule does not prohibit confidentiality and non-solicitation clauses, if these provisions prevent a worker from seeking or accepting other work, they may meet the definition of non-compete, and therefore, be unenforceable.

Existing Non-Competes No Longer Enforceable, Except with Senior Executives. Non-competes entered before the effective

existing non-compete will not, and cannot, be enforced. Notice is due by the effective date, and the FTC supplied a model notice.

Businesses will not be required to provide such notice to "senior executives," as the ban does not invalidate their pre-existing non-competes.

Exceptions for Bona Fide Sales of Business, Existing Causes of Action, Good Faith, and Certain Industries. There are a few other limited exceptions to the Non-Compete Rule:

- The Non-Compete Rule does not apply to non-competes entered by a person pursuant to a "bona fide sale of a business." This exception

NON-COMPETES

5

TAKE-AWAYS BUSINESSES SHOULD CONSIDER NOW

❶ The Non-Compete Rule is Not Currently in Effect.

❷ Identify and Evaluate Existing Agreements.

❸ Consider Implementing Non-Competes with Senior Executives Before the Effective Date.

❹ Bolster Trade Secret Protections.

❺ Analyze Enforceability of Non-Solicitation Provisions.



FOR NOW,
EXISTING
NON-COMPETE
CLAUSES
WILL NOT BE
INVALIDATED
BY VIRTUE
OF THE
NON-COMPETE
RULE.

2024, a judge in the United States District Court for the Northern District of Texas issued a ruling in *Ryan, LLC v. FTC*, holding that:

- The FTC lacks statutory authority to promulgate the Non-Compete Rule;
- The Non-Compete Rule is arbitrary and capricious;
- The Court must “hold unlawful” and “set aside” the Non-Compete Rule;
- The Non-Compete Rule “shall not be enforced or otherwise take effect on September 4, 2024, or thereafter;” and
- The Court’s decision has nationwide effect.

The FTC may appeal, but for now, existing non-compete clauses will not be invalidated by virtue of the Non-Compete Rule, employers do not need to notify workers that their non-compete clauses are unenforceable, as the Non-Compete Rule required, and employers may continue to use non-compete clauses and other restrictive covenants, as long as these provisions comply with applicable state laws.

Take-Aways

❶ The Non-Compete Rule is Not Currently in Effect. Pending lawsuits have not reached final resolution. In the meantime, employees may incorrectly believe they are no longer subject to a non-compete; be ready to explain the uncertainty regarding the timing and ultimate fate of the rule.

❷ Identify and Evaluate Existing Agreements. Identify existing non-competes and determine if each is with a senior executive exempt from the potential ban or a worker for whom the ban will apply if it becomes effective. Analyzing that issue now will position businesses to timely provide the required rescis-

sion notice if the ban eventually takes effect. Though most businesses were waiting to issue notices rescinding their non-compete clauses, as required by the Non-Compete Rule, until its September 4, 2024 effective date, those that did should contact legal counsel to discuss their options.

❸ **Consider Implementing Non-Competes with Senior Executives Before the Effective Date.** If senior executives do not have a non-compete and one is desired, the business should seek a non-compete with those individuals before the Non-Compete Rule could go into effect. Thereafter, the senior executive exemption would not apply.

❹ **Bolster Trade Secret Protections.** Consider whether a ban on non-competes would trigger the need for additional trade secret and confidential information protections. If so, bolster those protections now.

❺ **Analyze Enforceability of Non-Solicitation Provisions.** Determine if your company’s current non-solicitation restrictions should be drafted more narrowly to increase the likelihood such provisions will be enforced, considering the Non-Compete Rule’s potential critical evaluation of non-solicits. [ABC Wisconsin](#)



For more information on this topic, or to learn how Godfrey & Kahn can help, contact Maggie Cook via email at mcook@gklaw.com or 414-287-9569.



PROMISING PRACTICES FOR **PREVENTING HARASSMENT** IN THE CONSTRUCTION INDUSTRY

Introduction

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that prohibit discrimination in the workplace based on race, color, religion, sex, national origin, age, disability, or genetic information. One of the significant issues in workplace discrimination is harassment, which remains a prevalent problem across various industries, including construction. The construction industry, in particular, faces unique challenges that make it susceptible to harassment, such as a predominantly male workforce, decentralized workplaces, and pressure to conform to traditional stereotypes.

Harassment not only affects the individuals targeted but also poses a barrier to recruiting and retaining women and people of color in the industry. It is also a safety concern, as harassment can lead to dangerous work conditions on construction sites. The EEOC's Strategic Enforcement Plan (SEP) for Fiscal Years 2024-2028 emphasizes combatting systemic harassment and focuses on industries like con-

struction where women and workers of color are underrepresented. The EEOC recommends that general contractors take a leadership role in preventing harassment across construction worksites.

This document outlines promising practices for preventing and addressing harassment in the construction industry, drawing from the EEOC's existing resources and focusing on the unique challenges faced by the industry.

Core Principles for Combatting Harassment

The Co-Chair Task Force Report identified five core principles effective in preventing and addressing harassment:

- 1 Committed and engaged leadership.
- 2 Consistent and demonstrated accountability.
- 3 Strong and comprehensive harassment policies.
- 4 Trusted and accessible complaint procedures.
- 5 Regular, interactive training tailored to the audience and the organization.

These principles are applied to the specific challenges in the construction industry in this document.

Leadership and Accountability

A successful harassment prevention strategy requires consistent and demonstrated commitment from leadership at all levels. This includes project owners, general contractors, crew leads, and union stewards, who should frequently and unequivocally communicate that harassment is prohibited.

Holistic Approach to Harassment Prevention

- Project owners and general contractors should prioritize site-wide collaboration to prevent harassment. They should strive to prevent harassment against all workers, even those not covered by anti-discrimination laws.
- General contractors should assist smaller subcontractors or staffing agencies that may need help with their legal responsibilities.



A SUCCESSFUL HARASSMENT PREVENTION STRATEGY REQUIRES CONSISTENT AND DEMONSTRATED COMMITMENT FROM LEADERSHIP AT ALL LEVELS.



• Unions play a critical role in preventing and addressing harassment by committing to this in their governing documents, helping members navigate reporting channels, and supporting inclusive apprenticeship programs.

Including Anti-Harassment Measures in Contract Bids

• Contract bids should include a plan to prevent and address workplace harassment. This could include maintaining a comprehensive harassment policy, an accessible complaint system, regular training, and a discipline policy proportional to the severity of misconduct.

General Contractors in a Coordinating Role

- General contractors are well-positioned to coordinate harassment prevention efforts across a worksite. They can provide sitewide training, monitor subcontractor compliance, and convene a sitewide leadership committee to address emerging issues.
- They should also ensure that subcontractors follow through with their harassment-prevention commitments, and where necessary, assist in finding solutions to harassment issues.
- General contractors should acknowledge individuals who take action to prevent or address harassment.

Evaluating Policies and Seeking Feedback

• General contractors should seek feedback from workers on the effectiveness of anti-harassment efforts, potentially through anonymous surveys or partnerships with researchers.

Comprehensive and Clear Harassment Policies

A clear and comprehensive harassment policy outlines unacceptable behaviors, reporting procedures, and the steps an employer will take in response to harassment. These policies should be developed with input from both supervisors and workers and communicated in an accessible format to all workers.

Key Elements of a Harassment Policy

- A clear description of who is covered by the policy.
- A clear description of prohibited conduct with examples tailored to the construction environment.
- A statement that harassment is prohibited, including conduct beyond what is explicitly covered by law.
- A description of the complaint and reporting processes.
- A commitment to prompt, impartial, and thorough investigations.
- A statement that retaliation is prohibited, with examples of potential retaliation in a construction context.

Ensuring Accessibility of Anti-Harassment Policies

- Policies should be written and communicated in a clear, easy-to-understand format in all languages used by workers.
- Policies should be posted in consistent and easy-to-find places and made available on digital platforms.
- General contractors should ensure that policies are regularly updated and reviewed for consistency.

Effective and Accessible Harassment Complaint System

The complexity of multiple employers on construction sites presents challenges to traditional reporting structures. However, it also offers opportunities to create a "no wrong door" environment where workers can report harassment through various channels.

Key Features of an Effective Complaint System

- The system should be fully resourced and accessible in all languages used by workers.
- It should include multiple ways to complain, both formally and informally, and have clearly identified reporting channels.
- The system should allow complaints to be made through more than one channel, reducing the risk of retaliation.

• The complaint system should be able to handle complex situations where the identity or employer of an alleged harasser is unknown.

Role of General Contractors in Oversight

- General contractors should ensure that all workers have multiple reporting channels.
- They should provide shared, site-wide complaint channels and require onsite employers to notify the general contractor of complaints received.
- Periodically testing the effectiveness of the complaint systems is recommended.

Effective Harassment Training

Regular, interactive, and comprehensive training can help workers understand applicable rules, policies, procedures, and consequences of misconduct. Training should be provided in a clear, easy-to-understand format and tailored to the workforce and work environment.

Key Elements of Effective Training

- Training should be tailored to the workforce and work environment and developed with input from worksite leaders and workers.
- Senior leaders should champion the training, which should be repeated and reinforced regularly.
- Training should be presented in brief segments throughout a project's lifecycle, reaching all workers, including those who arrive onsite later.

Conclusion

The construction industry faces unique challenges in preventing and addressing harassment. However, by adopting the promising practices outlined in this document, including committed leadership, comprehensive policies, accessible complaint systems, and effective training, the industry can create safer, more inclusive worksites. Implementing these practices can help prevent harassment, protect workers' safety, and promote equal employment opportunities for all. 

NEW MEMBERS

For membership information contact **Bill Stranberg, Membership Director**
Associated Builders and Contractors of Wisconsin – 608-244-5883

JULY 2024

• 5G Benefits & Goebel Insurance

Tony Goebel
131 N Rolling Meadows Dr.
Fond du Lac, WI 54937
920-251-9004

Description: Associate - Under 25 employees

Sponsor: Jenna Milis, Milis Flat-work
Beam Club Members-to-Date: 3

• All Phase Electric

Devin Kissinger
1150 Western Ave
Kewaskum, WI 53040
920-689-3489

Description: Under \$300,000
Sponsor: Andrew Kaehny, Steiner Electric, Inc.
Beam Club Members-to-Date: 13

• American Enterprises

David Miller
5119 Bong Rd
Waunakee, WI 53597
608-577-8465

Description: \$300,000 - \$500,000
Sponsor: Kyle Kraemer, Kraemer Brothers
Beam Club Members-to-Date: 9

• Atomic Plumbing, LLC

Jeremiah Storer
1145 W. Fond du Lac St.
Ripon, WI 54971
920-748-2075

Description: \$1,000,000 - \$2,000,000

Sponsor: Gerry Krebsbach, K-W Electric, Inc.
Beam Club Members-to-Date: 37

• BW Electric LLC

Blake Weber
4484 Tyler Way
Colgate, WI 53017
414-651-0559

Description: Under \$300,000

Sponsor: Jessica Cannizzaro, Milestone Plumbing, Inc.
Beam Club Members-to-Date: 22

• Croker Electric LLC

David Croker
PO Box 1665
Wausau, WI 54402
715-675-4968

Description: \$500,000 - \$750,000

Sponsor: Mitch Altmann, Altmann Construction Co., Inc.
Beam Club Members-to-Date: 9

• Dean's Electric

Dean Sixel
W2939 State Road 32
Sheboygan, WI 53083
920-565-7517

Description: \$300,000 - \$500,000

Sponsor: Gerry Krebsbach, K-W Electric, Inc.
Beam Club Members-to-Date: 38

• DeClark Plumbing LLC

Daren DeClark
9605 E Gardner Rd.
Brussels, WI 54204
920-493-6218

Description: \$500,000 - \$750,000

Sponsor: Courtney Stelter, Ansay & Associates, LLC
Beam Club Members-to-Date: 1

• Endries Solar and Electric

Krystal Pfeifer
200 S Business Park Dr Suite 5
Oostburg, WI 53070
920-889-8955

Description: \$2,000,000 - \$3,000,000

Sponsor: Ryan Gartman, CLA
Beam Club Members-to-Date: 5

• Filut Electric

Dan Filut
N56W34882 Lake Dr.
Oconomowoc, WI 53066
262-719-3015

Description: Under \$300,000

Sponsor: Jeff Disher, Disher Electric, Inc.
Beam Club Members-to-Date: 10

• Gould Plumbing, Inc.

Mark Gould
292 Niehoff Dr.
Fall River, WI 53932
920-484-3460

Description: \$500,000 - \$750,000

Sponsor: Mark Dudzinski, North-central Construction Corporation
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Eliot Motu
 2920 Enloe St. Ste 103
 Hudson, WI 54016
 651-252-7729

Description: Associate - Under 25 employees

Sponsor: Jenna Milis, Milis Flatwork
 Beam Club Members-to-Date: 4

• **Korman Plumbing**

Anne Korman
 29761 Clover Lane
 Waterford, WI 53185
 262-514-2660

Description: \$500,000 - \$750,000

Sponsor: JR Reesman, Reesman's Excavating & Grading, Inc.
 Beam Club Members-to-Date: 37

• **Luedtke Electric, Inc.**

Kim Luedtke
 214 N 10th St, Oostburg, WI 53070
 920-564-2022

Description: Under \$300,000

Sponsor: Ryan Gartman, CLA
 Beam Club Members-to-Date: 4

• **Power Plus Inc.**

Paula Gross
 N180 County HWY A
 Columbus, WI 53925
 (608) 228-1803

Description: \$750,000 - \$100,000

Sponsor: Denita Schreier, W.D.S. Construction, Inc.
 Beam Club Members-to-Date: 5

• **Sparks Electric LLC**

Blake Sparks
 N11830 Whispering Pines
 Trempealeau, WI 54661
 608-790-1334

Description: Under \$300,000

Sponsor: Adam Wieser, Wieser Brothers General Contractor, Inc.
 Beam Club Members-to-Date: 3

• **The Right Light LLC**

Sandi Mickelson
 6874 Pape Road
 Mazomanie, WI 53560
 608-370-7250

Description: \$300,000 - \$500,000

Sponsor: Dan Bertler, Supreme Structures, Inc.
 Beam Club Members-to-Date: 68

• **Tom's Wiring Service, Inc.**

Dan Craker
 W11354 Brown Deer Dr.
 Hancock, WI 54943
 (414) 333-2662

Description: Under \$300,000

Sponsor: Mitch Altmann, Altmann Construction Co., Inc.
 Beam Club Members-to-Date: 10

• **Trachte, LLC**

Jamie Shotliff
 422 N Burr Oak Ave
 Oregon, WI 53575
 608-289-3312

Description: \$100,000,000 - \$250,000,000

Sponsor: Holly Jones, Dave Jones
 Beam Club Members-to-Date: 1

• **Wally Blanton Inc.**

Deb Blanton
 3233 Philips Ave
 Mount Pleasant, WI 53403
 262-771-8792

Description: \$1,000,000 - \$2,000,000

Sponsor: Jay Zahn, Hausmann Group
 Beam Club Members-to-Date: 69

• **Wiremen Electric, LLC**

Toby Bolden
 S959 County Road Y
 Wonewoc, WI 53968
 608-464-7100

Description: \$1,000,000 - \$2,000,000

Sponsor: Adam Wieser, Wieser Brothers General Contractor, Inc.
 Beam Club Members-to-Date: 4

AUGUST 2024

• **A+ Plumbing Services LLC**

Jeff Gassman
 11014 Blackhawk Dr
 Blue Mounds, WI 53517
 6084378822

Description: \$2,000,000 - \$3,000,000

Sponsor: Holly Jones, Dave Jones
 Beam Club Members-to-Date: 2

• **Absolute Electric**

Andrew Schoone
 426 Deer Park Rd
 Tomahawk, WI 54487
 715-453-2868

Description: \$500,000 - \$750,000

Sponsor: Mitch Altmann, Altmann Construction Co., Inc.
 Beam Club Members-to-Date: 11

• **Associated Technical Service, Inc.**

Troy Salchow
 10010 West Schlinger Avenue
 Milwaukee, WI 53214
 414-472-4200

Description: Supplier - Under 25 employees

Sponsor: Jessica Cannizzaro, Milestone Plumbing, Inc.
 Beam Club Members-to-Date: 23

• **Center Valley Electric LLC**

Mike Goffard
 N4466 Meade St.
 Appleton, WI 54913
 920-470-2095

Description: Under \$300,000

Sponsor: Kyle Kraemer, Kraemer Brothers
 Beam Club Members-to-Date: 10

• **Foremost Electric, LLC**

Phil Johnson
 801 Geneva Pkwy N, Ste 101
 Lake Geneva, WI 0
 262-442-2636

Description: \$3,000,000 - \$6,000,000

Sponsor: JR Reesman, Reesman's Excavating & Grading, Inc.
 Beam Club Members-to-Date: 38

• **Lake Park Electric Inc.**

Todd Haas
 1718 Saemann Ave
 Sheboygan, WI 0
 9202079798

Description: Under \$300,000

Sponsor: Courtney Stelter, Ansay & Associates, LLC
 Beam Club Members-to-Date: 2

• **Marquardt Electrical Services LLC**

Melissa Marquardt
 PO Box 71
 Peshtigo, WI 54157
 920-373-0076

Description: Under \$300,000

Sponsor: Jenna Milis, Milis Flatwork
 Beam Club Members-to-Date: 5

• **Martens Plumbing & Heating, Inc.**

Jeff Martens
 117 MacArthur Drive
 Mukwonago, WI 53149
 262-363-7146

Description: \$750,000 - \$1,000,000

Sponsor: Jessica Cannizzaro, Milestone Plumbing, Inc.
 Beam Club Members-to-Date: 24

• **Purple Wave Auctions**

Alec Weltzer
 825 Levee Dr
 Manhattan, KS 66502
 414-731-1033

Description: Associate - Under 25 employees

Sponsor: Dan Bertler, Supreme Structures, Inc.
 Beam Club Members-to-Date: 69

• **Terra Translations, Inc.**

Loretta Mulberry
 4525 N Frederick Ave
 Whitefish Bay, WI 53211
 414-732-4733

Description: Supplier - Over 25 employees

Sponsor: Courtney Stelter, Ansay & Associates, LLC
 Beam Club Members-to-Date: 3

• **Thermo-Tech Mechanical Insulation**

David Schroeder
 508 West Main Street
 Watertown, WI 53094
 920-262-0099

Description: \$8,000,000 - \$10,000,000

Sponsor: Casey Malesevich, Sure-Fire, Inc.
 Beam Club Members-to-Date: 17

• **Vrakas CPAs + Advisors**

Scott Blazek
 445 S Moorland Rd., Suite 400
 Brookfield, WI 53005
 262-797-7895

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