

Department of Workforce Development  
Equal Rights Division  
P.O. Box 8928  
Madison, WI 53708-8928  
Telephone: (608) 266-6860  
Fax: (608) 267-4592  
TTY: (608) 264-8752



State of Wisconsin  
Department of Workforce Development  
Jim Doyle, Governor  
Roberta Gassman, Secretary  
Jennifer A. Ortiz, Division Administrator

March 26, 2010

RECEIVED

MAR 30 2010

Manitowoc County  
Corporation Counsel

Atty. Steven Rollins  
Manitowoc County Corp Counsel  
1010 South 8th St  
Manitowoc, WI 54220

Dear Atty. Rollins:

Thank you for your letter concerning Manitowoc County's recent experiences with Triple P Inc. dba Peters Concrete Company. I always appreciate it when people take the time to forward to my bureau potential violations of state labor standards laws. Like most government entities in recent years our budget and staff have been limited. Referrals like this one help us maintain a broader law enforcement presence throughout the state.

The basis for your referral in this instance was that the county personnel director believed that Triple P was operating as a private employment agent as defined under s. 105.01(1) without having a license to conduct such activities. In reviewing the information in your letter it appears this belief was based upon the fact that Triple P contracted with Manitowoc County to provide labor to perform clerical, housekeeping, maintenance and management at the Manitowoc County Expo grounds and Ice Center in exchange for a management fee. In other words Triple P would assign its employees to perform various tasks at the county facility and the county would pay Triple P for the work performed.

In reviewing s. 105.01(1) Wisconsin Statutes it appears to me that these services do not constitute the services of an "employment agent". Just as the county might contract with a private business to plow snow or haul away excess accumulations of snow in the winter months, the county opted to contract out some of the work involved in operating the expo grounds and ice center. This is not what a private employment agent does or is. A private employment agent is a person or entity that helps unemployed persons find employment in exchange for receiving a placement fee from the job seeker. An employment agent may also be someone who assists employers in finding individuals to hire and who collects a placement fee from the employer. As you can see from these two scenarios of what is covered Triple P fits neither.

On the other hand it appears Triple P is either just a regular employer who contracts with customers to have Triple P employees perform services for the customer OR Triple P could fit the description of a temporary help agency as defined in s. 105.01(1)(b) Note that this temporary help agency circumstance is listed as a specific exception to the definition of what is an employment agent. Given the facts you described it appears to me that Triple P is most likely just an ordinary employer operating a business selling the services of its employees to customers like Manitowoc county. Consequently I don't believe Triple P is an employment agency and there is no need to investigate this matter.

Sincerely,

Labor Standards Bureau

***Robert S. Anderson***

Robert S. Anderson

Bureau Director

Ph. (608) 266-3345

Email: [bob.anderson@dwd.Wisconsin.gov](mailto:bob.anderson@dwd.Wisconsin.gov)