

Litigation Policy

In the course of administering apprenticeship programs, sponsors and/or local committees may be the subject of litigation. Whether the Department is able to provide legal representation of the sponsor, committee, or committee member depends on the nature of the complaint and the role of BAS in the circumstances leading to the complaint. The chart below identifies the situations in which the Department can provide legal representation.

| Case or Complaint Type | Office of Legal (OLC) Consultation Required | Explanation |
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| Discrimination Complaints filed with the Department of Workforce Development's Equal Rights Division or the Equal Employment Opportunity Commission | Yes | <p>In cases where a committee, or committee member, is the subject of an employment-related discrimination claim, and BAS was aware of the circumstances leading the complaint and concurred in the committee's action, OLC will respond, if requested, to the complaint on the committee's behalf.</p> <p>OLC will not provide representation when the circumstances leading to the filing of the complaint were unknown to BAS or contrary to guidance provided by BAS to the committee.</p> |
| Mandamus proceedings under Wis. Stat. § 19.37(1) or other litigation related to Wisconsin's Open Records Law as well as records requests made thereunder. | Yes | As an "authority" under Wis. Stat. § 19.32(1), local apprenticeship committees are required to comply with Wisconsin's open records law. Committees should always work with BAS in responding to open records request. If a committee receives a request for records, complaint, or legal notice related to its compliance with Wisconsin's Open Records law, that information should immediately be forwarded to BAS for consultation with OLC. |
| Enforcement actions under Wis. Stat. § 19.97 or other litigation related to Wisconsin's Open Meetings Law as well | Yes | As a "governmental body" under Wis. Stat. § 19.82, local apprenticeship committees are required to comply with Wisconsin's Open Meetings law. Committees should always |

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| as compliance questions related to the law. | | work with BAS to ensure compliance with open meetings law. BAS will forward specific legal questions related to the law's application to OLC. If a committee receives a complaint or legal notice related to its compliance with the open meetings law, that information should immediately be forwarded to BAS for consultation with OLC. |
| Administrative proceedings or other litigation stemming from complaint investigations or enforcement actions under Wis. Admin. Code Ch. DWD 296 | No | As the agency tasked with implementing the requirements of DWD chapter 296, including investigation complaints made under DWD 296.14, it would be a conflict of interest for OLC to provide representation, legal advice or guidance to local apprenticeship committees and/or sponsors related to these proceedings. |
| Administrative proceedings or other litigation related to hearings under Wis. Admin. Code § DWD 295.20 | No | As the agency tasked with implementing the requirements of DWD chapter 295, including conducting hearings on cancellations under DWD 295.20, it would be a conflict of interest for OLC to provide representation, legal advice or guidance to local apprenticeship committees and/or sponsors related to these proceedings. |
| All other litigation not specifically addressed above | No | Generally, items not addressed above will be beyond the scope of BAS regulatory authority; therefore, OLC is unable to provide legal advice or representation. Committees facing a novel legal issue should feel free to contact BAS about whether OLC consultation is warranted. |