

1971 Assembly Bill 709

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CHAPTER 237, Laws of 1971

AN ACT to amend 101.10 (14) and 103.39 (1) and (4) of the statutes, relating to wage payment and collection.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.10 (14) of the statutes is amended to read:

101.10 (14) (a) To investigate and attempt equitably to adjust controversies between employers and employes as to alleged wage claims and to enforce ~~s. ss. 103.02, 103.29, 103.39, 103.49, 103.82 and 104.12.~~ In pursuance of this duty, it may take an assignment in trust for the assigning employe of any wage claim deemed to be valid in the opinion of the department and not exceeding \$500 or any wage deficiency, such assignment to run to the department. The department may sue the employer on any wage claim or wage deficiency so assigned and s. 103.39 (3) and (4) shall apply. The department may join in a single proceeding any number of wage claims or wage deficiencies against the same employer, but the court may order separate trials or hearings. In such cases the taxable costs recovered shall be paid into the general fund.

(b) As used in this subsection:

1. "Wage" means remuneration payable to an employe for personal services, including salaries, commissions, vacation pay, dismissal wages, bonuses and any other similar advantages agreed upon between the employer and the employe.

2. "Wage deficiency" means the difference between the amount required by law to be paid and that amount actually paid to the employe.

SECTION 2. 103.39 (1) and (4) of the statutes are amended to read:

103.39 (1) Every person engaged in any enterprise or business for pecuniary profit within the state shall as often as on the ~~fifteenth~~ 15th and on the last day of each month pay to every employe engaged in its business, except those employes engaged in ~~hospitals, or sanatoriums,~~ logging operations, farm labor, domestic service or

employees employed on a salary basis equal to at least ~~\$350~~ \$500 per month, all wages or salaries earned by such employe to a day not more than 16 days prior to the date of such payment. Any such employe who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon 6 days' demand. Any such employe, except sales agents employed on a commission basis, not having a written contract for a definite period who quits his employment shall be paid in full upon 3 days' demand, and any employe who is discharged shall be paid in full within 3 days. No person coming within the meaning of this section shall by special contract with employes or by any other means secure exemption from this section and each employe coming within the meaning of this section shall have a right of action against any such person for the full amount of his wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than 8 days prior to the day of payment if the day fixed for the semimonthly payment falls on Sunday or a holiday payment shall be made on the previous business day.

(4) Any person violating this section who, having the ability to pay, fails to pay the wages or salary due and payable as herein provided or falsely denies the amount or validity thereof or that the same is due, with intent to secure any discount upon such indebtedness or with intent to annoy, harass, oppress, hinder or defraud the person to whom such wages or salaries are due, ~~is guilty of a misdemeanor and shall~~ may be fined not less than \$25 nor more than \$100 or imprisoned in the county jail for not less than 10 days nor more than 90 days or both. Each failure or refusal to pay each employe the amount of wages or salaries due him at the time, or under the conditions required in this section, constitutes a separate offense. In addition to the criminal penalty herein provided, every person violating this section shall be liable for the payment of the following increased wages or salaries: ~~10 per cent %~~ 10 per cent % if the delay does not exceed 3 days; ~~20 per cent %~~ 20 per cent % if the delay is more than 3 days, but does not exceed 10 days; ~~30 per cent %~~ 30 per cent % if the delay is more than 10 days, but does not exceed 20 days; ~~40 per cent %~~ 40 per cent % if the delay is more than 20 days, but does not exceed 30 days; ~~50 per cent %~~ 50 per cent % if the delay is more than 30 days; but in no event shall such increased wages or salaries exceed ~~\$50~~ \$100.
