

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB531)

Received: 11/30/2007

Received By: gmalaise

Wanted: Today

Identical to LRB:

For: Workforce Development 6-1756

By/Representing: Rex Loeh

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Employ Priv - wage claims

Extra Copies:

Submit via email: YES

Requester's email: rex.loeh@dwd.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Frequency of wage payments to part-time members of volunteer fire departments and emergency medical services programs

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 11/30/2007	kfollett 11/30/2007		_____			
/1			pgreensl 11/30/2007	_____	sbasford 11/30/2007	sbasford 11/30/2007	

FE Sent For:

<END>

Sent to
Rep. Parisi (Att: Lori)
12-04-2007
(see attached)

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/?	gmalaise	11/30 11/30	11/30 ps	11/30 ps			

FE Sent For:

<END>

Malaise, Gordon

From: Loehe, Rex - DWD [Rex.Loehe@dwd.state.wi.us]
Sent: Thursday, November 29, 2007 11:55 AM
To: Malaise, Gordon
Cc: Colón, Héctor; Loehe, Rex - DWD; Shannon, Pam; Rep.Parisi; Whitmore, Lori; Anderson, Bob S - DWD; Ortiz, Jennifer A - DWD
Subject: Proposed Amendment to AB 53: Frequency of Wage Payments to Volunteer Fire Department and EMT's

Attachments: AB 531.pdf

Good morning Gordon:

Attached is a PDF outlining DWD's concerns and proposed amendment to AB 531 (Rep. Parisi/Sen. Miller) that I spoke to you about on the phone this morning. I'm also copying Pam Shannon, Legislative Counsel Attorney assigned to the Committee on Homeland Security and State Preparedness, so that she knows that you're working on this amendment draft for Rep. Parisi when she returns to the office next week. The Executive Session is scheduled for Tuesday, December 4, 2007, at 10:00 a.m.

Please let me know if you have any questions or concerns. Thank you.

Rex Loehe
Executive Staff Assistant
Office of the Secretary
Wisconsin Department of Workforce Development
(608) 266-1756



AB 531.pdf (30 KB)

AB 531

Problems:

1. Statute doesn't define what constitutes a "volunteer firefighter" or a "volunteer emergency medical technician". Since volunteers are normally thought of as non-employees who perform work without compensation and §109.03(1)(e) is prescribing how often these individuals must be paid there seems to be a contradiction here. It appears to me we are actually talking about "firefighters" and "emergency medical technicians" who are employed on a part-time basis for a volunteer fire department operated by a governmental entity. That point should be clarified in the legislation. Failure to do so will permit any private ambulance service, for example, to pay their emergency medical technicians on a frequency of less than monthly.
2. The problem with Act 7 currently being addressed in AB 531 is that someone wants to pay their "volunteers" on a quarterly basis rather than annually or semi-annually. AB 531 perpetuates the limited language in ACT 7. It makes more sense to redraft AB 531 to permit volunteer fire departments to pay their firefighters and emergency medical technicians utilizing any frequency of pay up to annually provided the employer and employee agree to the arrangement.

Proposed Language:

§109.03(1)(e) A government operated volunteer fire department by agreement with its part-time firefighters or emergency medical technicians pays the firefighter or emergency medical technician is paid on a regular basis at least annually.



State of Wisconsin
2007 - 2008 LEGISLATURE

GMM

LRBs0187/?

gfo

JDM!

FRI 11/30

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2007 ASSEMBLY BILL 531**

NOTE

Gen

1 **AN ACT ...; relating to:** the frequency of wage payments to part-time fire fighters
2 and emergency medical technicians who are members of a volunteer fire
3 department or emergency medical services program maintained by a public
4 organization or who are members of a private, nonprofit volunteer fire
5 company.

Analysis by the Legislative Reference Bureau

Current law generally requires an employer to pay an employee his or her wages by no later than 31 days after the date on which the wages are earned. Current law, however, permits a volunteer fire fighter or a volunteer emergency medical technician, by agreement with the entity employing the volunteer, to be paid semiannually or annually. This substitute amendment permits a part-time fire fighter or a part-time emergency medical technician who is a member of a volunteer fire department or emergency medical services program maintained by a county, city, village, or town or of a private, nonprofit volunteer fire company and who, by

agreement with the entity employing the fire fighter or emergency medical technician, to be paid at regular intervals, but no less often than annually.

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

1 SECTION 1. 109.03 (1) (e) of the statutes, as created by 2007 Wisconsin Act 7,

2 is amended to read:

3 109.03 (1) (e) A volunteer part-time fire fighter or a voluntary part-time

4 emergency medical technician who is a member of a volunteer fire department or

5 emergency medical services program maintained by a county, city, village, or town

6 of a volunteer fire company organized under ch. 181 or ch. 213 and who, by agreement

7 between the volunteer fire fighter or emergency medical technician and the entity

8 employing the volunteer fire fighter or emergency medical technician, is paid

9 semiannually or at regular intervals, but no less often than annually.

10

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0187/1dn

GMM...:..

gf

Date

Rex:

In reviewing this draft, please note all of the following:

1. An emergency medical technician (EMT) might be a member not only of a volunteer fire department but also of an emergency medical services program under s. 146.55 (2).
2. Not all towns and villages have their own fire departments. Rather, ss. 60.55 (1) (a) 4. and 61.65 (2) (b) 4. authorize towns and villages to utilize a fire company organized under ch. 213 to provide fire protection services.
3. Accordingly, this draft includes fire fighters and EMTs who are members of a fire company organized under ch. 213 and EMTs who are members of an emergency medical services program maintained by a governmental unit.

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0187/1dn
GMM:kjf:pg

November 30, 2007

Rex:

In reviewing this draft, please note all of the following:

1. An emergency medical technician (EMT) might be a member not only of a volunteer fire department but also of an emergency medical services program under s. 146.55 (2).
2. Not all towns and villages have their own fire departments. Rather, ss. 60.55 (1) (a) 4. and 61.65 (2) (a) 4. authorize towns and villages to utilize a fire company organized under ch. 213 to provide fire protection services.
3. Accordingly, this draft includes fire fighters and EMTs who are members of a fire company organized under ch. 213 and EMTs who are members of an emergency medical services program maintained by a governmental unit.

Basford, Sarah

From: Loehe, Rex - DWD [Rex.Loehe@dwd.state.wi.us]
Sent: Tuesday, December 04, 2007 9:23 AM
To: Basford, Sarah
Cc: Colon, Hector; Whitmore, Lori; Loehe, Rex - DWD; Ortiz, Jennifer A - DWD; Anderson, Bob S - DWD; Williams, Vincent; Sweet, Richard
Subject: RE: LRB 07s0187 Topic: Frequency of wage payments to part-time members of volunteer fire departments and emergency medical services programs

Good morning Sarah:

This email is confirmation for release of the stripes for this amendment to Rep. Parisi. Please let me know if there are any problems. If needed, I will pick up the amendment and get it to Rep. ~~Parisi~~'s office for the 10:00 a.m. executive session on the bill.

Thank you,

Rex Loehe
Executive Staff Assistant
Office of the Secretary
Wisconsin Department of Workforce Development
(608) 266-1756

From: Basford, Sarah
Sent: Friday, November 30, 2007 2:35 PM
To: Loehe, Rex - DWD
Subject: LRB 07s0187 Topic: Frequency of wage payments to part-time members of volunteer fire departments and emergency medical services programs

The attached proposal has been jacketed for introduction.

A copy has also been sent to: