

2013 DRAFTING REQUEST

**Bill**

Received: 11/6/2012 Received By: gmalaise

Wanted: As time permits Same as LRB:

For: Robert Wirch (608) 267-8979 By/Representing: Jessica Karls-Ruplinger

May Contact: Drafter: gmalaise

Subject: Employ Priv - minimum wage Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Wirch@legis.wisconsin.gov

Carbon copy (CC) to: jessica.karls@legis.wisconsin.gov

**Pre Topic:**

No specific pre topic given

**Topic:**

Minimum wage

**Instructions:**

See attached--redraft version of 2009 SB 1 that passed the senate, i.e., SSA 1 to SB 1, as affected by SA 1 to SSA 1.

**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<br>11/6/2012 | jdyer<br>11/12/2012 |                       | _____          |                     |                        |                 |
| /1           |                       |                     | jmurphy<br>11/12/2012 | _____          | srose<br>11/12/2012 | sbasford<br>12/17/2012 | State<br>S&L    |

FE Sent For:

At Intro.

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 11/6/2012 Received By: gmalaise

Wanted: As time permits Companion to LRB:

For: Robert Wirch (608) 267-8979 By/Representing: Jessica Karls-Ruplinger

May Contact: Drafter: gmalaise

Subject: Employ Priv - minimum wage Addl. Drafters:

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|--------------|-----------------------|---------------------|--------------|----------------|---------------------|-----------------|-----------------|
| /?           | gmalaise<br>11/6/2012 | jdyer<br>11/12/2012 |              | _____          |                     |                 |                 |
| /1           |                       |                     | 11/12/2012   | _____          | srose<br>11/12/2012 |                 | State<br>S&L    |

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

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Wanted: As time permits Same as LRB:  
For: Robert Wirch (608) 267-8979 By/Representing: Jessica Karls-Ruplinger  
May Contact: Drafter: gmalaise  
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Extra Copies:

Submit via email: YES  
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Carbon copy (CC) to: jessica.karls@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Minimum wage

---

**Instructions:**

See attached--redraft version of 2009 SB 1 that passed the senate, i.e., SSA 1 to SB 1, as affected by SA 1 to SSA 1.

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | gmalaise       | 1 11/12 jld     |              | ==             |                  |                 |                 |

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Karls-Ruplinger, Jessica  
**Sent:** Monday, November 05, 2012 4:08 PM  
**To:** Malaise, Gordon  
**Cc:** Sen. Wirch  
**Subject:** Bill Request for Sen. Wirch

Gordon,

Sen. Wirch would like the version of 2009 Senate Bill 1 (relating to a state minimum wage) that passed the Senate redrafted for the 2013-14 session. Please let me know if you have any questions. Thanks.

Jessica

-----  
Jessica Karls-Ruplinger  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608) 266-2230  
[jessica.karls@legis.wisconsin.gov](mailto:jessica.karls@legis.wisconsin.gov)

# Wisconsin Minimum Wage Rates

## Effective July 24, 2009

### General Minimum Wage Rates

Non-Opportunity Employees:

\$7.25 per Hour

Opportunity Employees:

\$5.90 per Hour

### Minimum Wage Rates for Tipped Employees

Non-Opportunity Employees:

\$2.33 per Hour

Opportunity Employees:

\$2.13 per Hour

**Note:** "Opportunity employee" means an employee who is not yet 20 years old and who has been in employment status with a particular employer for 90 or fewer consecutive calendar days from the date of initial employment.

### Minimum Wage Rates for All Agricultural Employees

Adults

\$7.25 per Hour

Minors

\$7.25 per Hour

### Minimum Rates for Caddies

9 Holes

\$5.90

18 Holes

\$10.50

For more information contact:

STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION

201 E WASHINGTON AVE ROOM A300  
PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860  
TTY: (608) 264-8752

819 N 6th ST  
ROOM 723  
MILWAUKEE WI 53203

Telephone: (414) 227-4384  
TTY: (414) 227-4081

Website: <http://dwd.wisconsin.gov/er/>

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

# Wisconsin Maximum Allowances for Board and Lodging

Effective July 24, 2009

## Non-Agricultural Employment

|         | Non-Opportunity Employees           | Opportunity Employees               |
|---------|-------------------------------------|-------------------------------------|
| Meals   | \$87.00 Per Week<br>\$4.15 Per Meal | \$70.80 Per Week<br>\$3.35 Per Meal |
| Lodging | \$58.00 Per Week<br>\$8.30 Per Day  | \$47.20 Per Week<br>\$6.75 Per Day  |

## Agricultural Employment

### All Employees

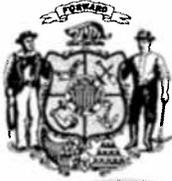
|         |                                     |
|---------|-------------------------------------|
| Meals   | \$87.00 Per Week<br>\$4.15 Per Meal |
| Lodging | \$58.00 Per Week<br>\$8.30 Per Day  |

## Camp Counselor Employment

### Weekly Salary for All Employees [Adults and Minors]

|              | Board & Lodging | Board Only | No Board or Lodging |
|--------------|-----------------|------------|---------------------|
| Salary Rates | \$210.00        | \$265.00   | \$350.00            |

When board or lodging provided by an employer is accepted and received by an employee, the employer is permitted to deduct up to the above amounts from the worker's paycheck. The amounts deducted are used to determine if the employee is receiving the required minimum wage rates.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2832A

GMM:jld:ph

↑  
keep

IN 11/6

NOTE

2011 ~~SENATE~~ BILL 187

due SOON

PWF  
11/12 Jm

September 15, 2011 - Introduced by Senators WIRCH, HANSEN, CARPENTER, S. COGGS, RISSER, C. LARSON, VINEHOUT, JAUCH, ERPENBACH, TAYLOR and MILLER, cosponsored by Representatives MASON, GRIGSBY, PASCH, CLARK, POCAN, E. COGGS, BEWLEY, BERCEAU, KESSLER, YOUNG, POPE-ROBERTS, ROYS, TOLES, ZEPNICK, DANOU, TURNER, ZAMARRIPA, MILROY, C. TAYLOR and FIELDS. Referred to Committee on Labor, Public Safety, and Urban Affairs.

X

Gen

Referred to

1 AN ACT *to repeal* 104.001; *to renumber* 104.01 (1); *to renumber and amend*  
2 104.045; *to amend* 49.141 (1) (g), 103.67 (2) (fm) 3., 103.70 (2) (b) 3., 104.01  
3 (intro.), 104.01 (8), 104.05, 104.07 (1), 104.07 (2), 104.10, 104.11, 234.94 (5),  
4 234.94 (8), 800.09 (1j), 800.095 (1) (d) and 895.035 (2m) (c); and *to create* 104.01  
5 (1d), 104.01 (1g), 104.01 (5g), 104.01 (5m), 104.01 (7m), 104.035 and 104.045 (2)  
6 and (3) of the statutes; **relating to:** a state minimum wage, permitting the  
7 enactment of local living wage ordinances, extending the time limit for  
8 emergency rule procedures, providing an exemption from emergency rule  
9 procedures, providing an exemption from rule-making procedures, and  
10 requiring the exercise of rule-making authority. ✓

**Analysis by the Legislative Reference Bureau**

Currently, the state minimum wage law requires that employers pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has provided, by rule, minimum wages for various types of employees, including employees, generally; minor employees; opportunity employees, which are defined as employees under 20 years of age in their first 90 days of employment with

**SENATE BILL 187**

a particular employer; tipped employees; agricultural employees; camp counselors; golf caddies; students employed at independent colleges and universities for less than 20 hours per week; student learners employed in bona fide school training programs; and individuals who are unable to earn the standard minimum wage because of a disability. DWD has exempted, by rule, from the minimum wage law employees who perform less than 15 hours per week of casual employment, such as baby-sitting or lawn mowing, in and around an employer's home; employees who provide companionship services to elderly or infirm individuals; and elementary and secondary school students performing work-like activities in their schools. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals or lodging for their employees.

Under this bill, DWD will continue to provide the exemptions listed above and separate minimum wages for students employed at independent colleges and universities for less than 20 hours per week, student learners employed in bona fide school training programs, and individuals who are unable to earn the standard minimum wages because of a disability. For other employees, however, the bill sets the minimum wages as follows:

Employees generally

|                                |                   |
|--------------------------------|-------------------|
| Current minimum wage           | \$7.25 per hour ✓ |
| Minimum wage on effective date | \$7.60 per hour ✓ |

Minor employees

|                                |                   |
|--------------------------------|-------------------|
| Current minimum wage           | \$7.25 per hour ✓ |
| Minimum wage on effective date | \$7.25 per hour ✓ |

Opportunity employees

|                                |                   |
|--------------------------------|-------------------|
| Current minimum wage           | \$5.90 per hour ✓ |
| Minimum wage on effective date | \$6.90 per hour ✓ |

Tipped employees

|                      |   |
|----------------------|---|
| Current minimum wage | ✓ \$2.33 per hour for nonop-<br>portunity employees<br>✓ \$2.13 per hour for opportu-<br>nity employees |
|----------------------|---|

**SENATE BILL 187**

Minimum wage on effective date

\$2.75<sup>✓</sup> per hour for nonop-  
portunity employees  
\$2.50<sup>✓</sup> per hour for opportu-  
nity employeesAgricultural employees

Current minimum wage

\$7.25 per hour<sup>✓</sup>

Minimum wage on effective date

\$7.25 per hour<sup>✓</sup>Camp counselors

Current minimum wage

\$350 per week if meals and<sup>✓</sup>  
lodging not furnished  
\$265 per week if meals, but<sup>✓</sup>  
not lodging, furnished  
\$210 per week if meals and<sup>✓</sup>  
lodging furnished

Minimum wage on effective date

\$350 per week if meals and<sup>✓</sup>  
lodging not furnished  
\$265 per week if meals, but<sup>✓</sup>  
not lodging, furnished  
\$210 per week if meals and<sup>✓</sup>  
lodging furnishedGolf caddies

Current minimum wage

\$10.50 for 18 holes<sup>✓</sup>  
\$5.90 for 9 holes<sup>✓</sup>

Minimum wage on effective date

\$12.30 for 18 holes<sup>✓</sup>  
\$6.90 for 9 holes<sup>✓</sup>

The bill also increases the allowance against the minimum wage that an employer who provides room and board for an employee may take, as follows:

Employees generally

Lodging

Current allowance

<sup>✓</sup>\$58 per week or \$8.30 per  
day

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Allowance on effective date ✓ \$61 per week or \$8.65 per day

## Meals

Current allowance ✓ \$87 per week or \$4.15 per meal

Allowance on effective date ✓ \$91 per week or \$4.35 per meal

Minor employees

## Lodging

Current allowance ✓ \$58 per week or \$8.30 per day

Allowance on effective date ✓ \$58 per week or \$8.30 per day

## Meals

Current allowance ✓ \$87 per week or \$4.15 per meal

Allowance on effective date ✓ \$87 per week or \$4.15 per meal

Opportunity employees

## Lodging

Current allowance ✓ \$47.20 per week or \$6.75 per day

Allowance on effective date ✓ \$55.20 per week or \$7.90 per day

## Meals

Current allowance ✓ \$70.80 per week or \$3.35 per meal

Allowance on effective date ✓ \$82.85 per week or \$3.90 per meal

**SENATE BILL 187**Agricultural employees

## Lodging

Current allowance ✓ \$58 per week or \$8.30 per day

Allowance on effective date ✓ \$58 per week or \$8.30 per day

## Meals

Current allowance ✓ \$87 per week or \$4.15 per meal

Allowance on effective date ✓ \$87 per week or \$4.15 per meal

September 1, 2014 ✓

August 31 ✓

Beginning on ~~May 1, 2014~~ ✓, the bill requires DWD ✓ annually to promulgate rules revising the minimum wages and allowances for meals and lodging established under the bill by determining the percentage difference between the consumer price index for the preceding year and the consumer price index for the current year, adjusting the minimum wages and allowances in effect on ~~April 30~~ ✓ of the current year by that percentage difference, and rounding that result to the nearest multiple of five cents or, in the case of a camp counselor, the nearest dollar. ✓ This requirement does not apply, however, if the consumer price index for the current year has not increased over the consumer price index for the preceding year.

Finally, current law prohibits a city, village, town, or county from enacting and administering an ordinance establishing a living wage. This bill eliminates that prohibition.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. ✓ 49.141 (1) (g) of the statutes is amended to read:  
2 49.141 (1) (g) "Minimum wage" means the state minimum hourly wage under  
3 ~~ch. 104 s. 104.035~~ ✓ (1) or the federal minimum hourly wage under 29 USC 206 (a) (1),  
4 whichever is applicable.

5 SECTION 2. 103.67 (2) (fm) 3. of the statutes is amended to read:

## SENATE BILL 187

1           103.67 (2) (fm) 3. The minor is paid the applicable minimum wage under ch.  
2 ~~104 s. 104.035~~<sup>✓</sup> or under federal law, whichever is greater, for the work.

3           **SECTION 3.** 103.70 (2) (b) 3. of the statutes is amended to read:

4           103.70 (2) (b) 3. The minor is paid the applicable minimum wage under ch. 104  
5 s. ~~104.035~~<sup>✓</sup> or under federal law, whichever is greater, for the work.

6           **SECTION 4.** 104.001<sup>✓</sup> of the statutes, ~~as affected by 2011 Wisconsin Act 28~~<sup>✓</sup> is  
7 repealed.

8           **SECTION 5.** 104.01 (intro.) of the statutes is amended to read:

9           **104.01 Definitions.** (intro.) ~~The following terms as used in~~ In this chapter  
10 shall be construed as follows:

11           **SECTION 6.** 104.01 (1)<sup>✓</sup> of the statutes is renumbered 104.01 (1m)<sup>✓</sup>.

12           **SECTION 7.** 104.01 (1d) of the statutes is created to read:

13           104.01 (1d) “Agricultural employee” means an employee who is employed in  
14 farming, as defined in s. 102.04<sup>✓</sup> (3).

15           **SECTION 8.** 104.01 (1g) of the statutes is created to read:

16           104.01 (1g) “Consumer price index”<sup>✓</sup> means the average of the consumer price  
17 index over each 12-month period for all urban consumers,<sup>✓</sup> U.S. city average, as  
18 determined by the bureau of labor statistics of the U.S. department of labor.<sup>✓</sup>

19           **SECTION 9.** 104.01 (5g)<sup>✓</sup> of the statutes is created to read:

20           104.01 (5g) “Minor employee”<sup>✓</sup> means a minor who is paid at the applicable  
21 minimum wage rate for minors.

22           **SECTION 10.** 104.01 (5m)<sup>✓</sup> of the statutes is created to read:

23           104.01 (5m) “Opportunity employee” means a person under 20<sup>✓</sup> years of age who  
24 is in the first 90<sup>✓</sup> consecutive days of employment with his or her employer.

25           **SECTION 11.** 104.01 (7m) of the statutes is created to read:

SENATE BILL 187

1 104.01 (7m) "Tipped employee" means an employee who in the course of  
2 employment customarily and regularly receives money or other gratuities from  
3 persons other than the employee's employer.

4 SECTION 12. 104.01 (8) of the statutes is amended to read:

5 104.01 (8) The term "wage" and the term "wages" shall each mean "Wage"  
6 means any compensation for labor measured by time, piece, or otherwise.

7 SECTION 13. 104.035 of the statutes is created to read:

8 104.035 Minimum wage. (1) EMPLOYEES GENERALLY. (a) Minimum rates.

9 Except as provided in subs. (2) to (8), the minimum wage is as follows: (use 7 times)

10 1. For wages earned before ~~May 1, 2012~~, \$7.60 per hour. September 1, 2014

11 2. For wages earned beginning on ~~May 1, 2012~~, the amount determined by the  
12 department by rule promulgated under sub. (9)(a)

13 (b) Allowances for meals and lodging. Except as provided in subs. (2) (b) and  
14 (4) (b), if an employer furnishes an employee with meals or lodging in accordance  
15 with rules promulgated by the department under s. 104.045 (2), the employer may  
16 deduct the following amounts from the wages of the employee:

17 1. For lodging furnished before ~~May 1, 2012~~, \$61 per week or \$8.65 per day and  
18 for meals furnished before ~~May 1, 2012~~, \$91 per week or \$4.35 per meal.

19 2. For meals and lodging furnished beginning on ~~May 1, 2012~~, the amounts  
20 determined by the department by rule promulgated under sub. (9)(a)

21 (2) MINOR EMPLOYEES. (a) Minimum rates. Except as provided in subs. (2m)  
22 to (8), the minimum wage for a minor employee is as follows:

23 1. For wages earned before ~~May 1, 2012~~, \$7.25 per hour.

24 2. For wages earned beginning on ~~May 1, 2012~~, the amount determined by the  
25 department by rule promulgated under sub. (9)(a)

SENATE BILL 187

SECTION 13

1 (b) Allowances for meals and lodging. Except as provided in sub. (4) (b), if an  
 2 employer furnishes a minor employee or an opportunity employee with meals or  
 3 lodging in accordance with rules promulgated by the department under s. 104.045  
 4 (2), the employer may deduct the following amounts from the wages of the employee:

5 1. For lodging furnished before ~~May 1, 2012~~, \$58 per week or \$8.30 per day and  
 6 for meals furnished before ~~May 1, 2012~~, \$87 per week or \$4.15 per meal.

7 2. For meals and lodging furnished beginning on ~~May 1, 2012~~, the amounts  
 8 determined by the department by rule promulgated under sub. (9) (a)

9 (2m) OPPORTUNITY EMPLOYEES. (a) Minimum rates. Except as provided in subs.  
 10 (3) to (8), the minimum wage for an opportunity employee is as follows:

11 1. For wages earned before ~~May 1, 2012~~, \$6.90 per hour.

12 2. For wages earned beginning on ~~May 1, 2012~~, the amount determined by the  
 13 department by rule promulgated under sub. (9) (a) September 1, 2014 (use 8 times)

14 (b) Allowances for meals and lodging. Except as provided in sub. (4) (b), if an  
 15 employer furnishes an opportunity employee with meals or lodging in accordance  
 16 with rules promulgated by the department under s. 104.045 (2), the employer may  
 17 deduct the following amounts from the wages of the employee:

18 1. For lodging furnished before ~~May 1, 2012~~, \$55.20 per week or \$7.90 per day  
 19 and for meals furnished before ~~May 1, 2012~~, \$82.85 per week or \$3.90 per meal.

20 2. For meals and lodging furnished beginning on ~~May 1, 2012~~, the amounts  
 21 determined by the department by rule promulgated under sub. (9) (a)

22 (3) TIPPED EMPLOYEES. (a) Minimum rates. Except as provided in subs. (4) to  
 23 (8), if an employer of a tipped employee establishes by the employer's payroll records  
 24 that, when adding the tips received by the tipped employee in a week to the wages  
 25 paid to the tipped employee in that week, the tipped employee receives not less than

SENATE BILL 187

(Use 8 times)

or (2m)

1

the applicable minimum wage specified in sub. (1) ~~or (2)~~, the minimum wage for the  
2 tipped employee is as follows: September 1, 2014

3

1. For wages earned before ~~May 1, 2012~~, by a tipped employee who is not an  
4 opportunity employee, \$2.75 per hour.

5

2. For wages earned before ~~May 1, 2012~~, by a tipped employee who is an  
6 opportunity employee, \$2.50 per hour.

7

3. For wages earned beginning on ~~May 1, 2012~~, the amounts determined by the  
8 department by rule promulgated under sub. (9) ~~(a)~~

9

(b) *Allowances for meals and lodging.* If an employer furnishes a tipped  
10 employee with meals or lodging in accordance with rules promulgated by the  
11 department under s. 104.045 (2), the employer may deduct the applicable amounts  
12 specified in sub. (1) (b) ~~(2) (b)~~ or (2m)(b) from the wages of the tipped employee.

13

(4) AGRICULTURAL EMPLOYEES. (a) *Minimum rates.* Except as provided in subs.  
14 (7) and (8), the minimum wage for an agricultural employee is as follows:

15

1. For wages earned before ~~May 1, 2012~~, \$7.25 per hour.

16

2. For wages earned beginning on ~~May 1, 2012~~, the amounts determined by the  
17 department by rule promulgated under sub. (9) ~~(a)~~

18

(b) *Allowances for meals and lodging.* If an employer furnishes an agricultural  
19 employee with meals or lodging in accordance with rules promulgated by the  
20 department under s. 104.045 (2), the employer may deduct the following amounts  
21 from the wages of the employee:

22

1. For lodging furnished before ~~May 1, 2012~~, \$58 per week or \$8.30 per day and  
23 for meals furnished before ~~May 1, 2012~~, \$87 per week or \$4.15 per meal.

24

2. For meals and lodging furnished beginning on ~~May 1, 2012~~, the amounts  
25 determined by the department by rule promulgated under sub. (9) ~~(a)~~

5  
(Use 1 time)

SENATE BILL 187

September 1, 2014

1 (5) CAMP COUNSELORS. The minimum wage for a counselor at a seasonal  
2 recreational or educational camp, including a day camp, is as follows:

3 (3) (a) For wages earned before ~~May 1, 2012~~, \$350 per week if meals and lodging  
4 are not furnished, \$265 per week if only meals are furnished, and \$210 per week if  
5 both meals and lodging are furnished.

6 (6) (b) For wages earned beginning on ~~May 1, 2012~~, the amounts determined by  
7 the department by rule promulgated under sub. (9). (a)

8 (6) GOLF CADDIES. The minimum wage for a golf caddy is as follows:

9 (a) For wages earned before ~~May 1, 2012~~, \$12.30 for caddying 18 holes.

10 (b) For wages earned before ~~May 1, 2012~~, \$6.90 for caddying 9 holes.

11 (c) For wages earned beginning on ~~May 1, 2012~~, the amounts determined by  
12 the department by rule promulgated under sub. (9). (a)

13 (7) MINIMUM WAGE ESTABLISHED BY DEPARTMENT. The department shall  
14 promulgate rules providing the minimum wage for all of the following:

15 (a) An employee or worker with a disability covered under a license under s.  
16 104.07.

17 (b) A student learner.

18 (c) A student employed by an independent college or university for less than  
19 20 hours per week.

20 (8) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate  
21 rules exempting from the minimum wage requirements under subs. (1) to (7) all of  
22 the following:

23 (a) A person engaged in casual employment in and around an employer's home  
24 on an irregular or intermittent basis for not more than 15 hours per week.

SENATE BILL 187

1 (b) A person who resides in the home of an employer who, due to advanced age  
2 or physical or mental disability, cannot care for his or her own needs, for the purpose  
3 of companionship and who spends not more than <sup>✓</sup>15 hours per week on general  
4 household work for the employer.

5 (c) An elementary or secondary school student performing student work-like  
6 activities in the student's school. (1)

7 (9) DEPARTMENT TO REVISE. (a) Subject to pars. (b) and (c), by ~~May~~ <sup>September</sup> 1 of each year,  
8 the department, using the procedures under s. 227.24, shall promulgate rules to  
9 revise the minimum wages and allowances for meals and lodging established under  
10 subs. (1) to (7). <sup>✓</sup>The department shall determine those revised minimum wages and  
11 allowances by calculating the percentage difference between the consumer price  
12 index for the 12-month period ending on ~~January~~ <sup>May</sup> 31 of the preceding year and the  
13 consumer price index for the 12-month period ending on ~~January~~ <sup>May</sup> 31 of the current  
14 year, adjusting the minimum wages and allowances in effect on ~~April 30~~ <sup>August 31</sup> of the  
15 current year by that percentage difference, and rounding that result to the nearest  
16 multiple of 5 cents, except that, for a minimum wage under sub. (5), <sup>✓</sup>the department  
17 shall round the result to the nearest dollar. <sup>P 2,</sup> Notwithstanding s. 227.24 (1) (a), (2) (b),  
18 and (3), <sup>✓</sup>the department may promulgate an emergency rule under s. 227.24 revising  
19 the minimum wages and allowances established under subs. (1) to (7) <sup>✓</sup>without  
20 providing evidence that the emergency rule is necessary to preserve the public peace,  
21 health, safety, or welfare and without a finding of emergency. A revised minimum  
22 wage or allowance determined under this paragraph shall first apply to wages  
23 earned or meals or lodging furnished on ~~May~~ <sup>September</sup> 1 of the year in which the wage or  
24 allowance is revised.

Notwithstanding s. 227.24 (1)(c)12, if the governor does not disapprove ~~the~~ the statement of the scope of the rules ~~revised~~ under this paragraph by the 7th day after the department presents the rules to the governor, the statement is considered approved by the governor. Notwithstanding s. 227.24 (1)(c)13, if the governor does not reject the rules under this paragraph by the 14th day after the rules are submitted to the governor in final draft form the rules are considered approved by the governor.

- 12 -  
May  
=

1  
2

(b) Paragraph (a) does not apply if the consumer price index for the 12-month period ending on ~~January~~ 31 of the current year has not increased over the consumer price index for the 12-month period ending on ~~January~~ 31 of the preceding year.

3  
4

(c) Paragraph (a) does not preclude the department from promulgating rules to increase a minimum wage provided under subs. (1) to (7).

6

SECTION 14. 104.045<sup>x</sup> of the statutes is renumbered 104.045 (intro.)<sup>✓</sup> and amended to read:

7

8

**104.045 Tipped employees Tips, meals, lodging, and hours worked.**<sup>✓</sup>  
(intro.)<sup>✓</sup> The department shall by rule determine what amount of promulgate rules governing all of the following:<sup>✓</sup>

9

10

11

**(1)** The counting of tips or similar gratuities may be counted<sup>✓</sup> toward fulfillment of the employer's obligation under this chapter.

12

13

SECTION 15. 104.045 (2) and (3)<sup>✓</sup> of the statutes are created to read:

14

15

104.045 **(2)** The deduction of meals or lodging provided by an employer to an employee from the employer's obligation under this chapter.<sup>✓</sup>

16

17

**(3)** The determination of hours worked by an employee during which the employee is entitled to a living wage under this chapter.<sup>✓</sup>

18

19

SECTION 16. 104.05<sup>x</sup> of the statutes is amended to read:

20

21

22

23

**104.05 Complaints; investigation.** ~~The department shall, within~~ Within 20 days after the filing of a verified complaint of any person ~~setting forth~~ alleging that the wages paid to any employee in any occupation are not sufficient to enable the employee to maintain himself or herself under conditions consistent with his or her welfare, the department shall <sup>✓</sup> investigate and determine whether there is reasonable cause to believe that the wage paid to any employee is not a living wage.

24

25

SECTION 17. 104.07 (1)<sup>x</sup> of the statutes is amended to read:

## SENATE BILL 187

1           104.07 (1) The department shall ~~make~~ promulgate<sup>✓</sup> rules, and, except as  
2 provided under subs. (5) and (6), grant licenses to any employer who employs any  
3 employee who is unable to earn the living wage determined by the department,  
4 permitting the employee to work for a wage that is commensurate with the  
5 employee's ability. Each license so granted shall establish a wage for the licensee  
6 employees of the licensee who are unable to earn a living wage<sup>✓</sup>.

7           **SECTION 18.** 104.07 (2) of the statutes is amended to read:

8           104.07 (2) The department shall ~~make~~ promulgate<sup>✓</sup> rules, and, except as  
9 provided under subs. (5) and (6), grant licenses to sheltered workshops, to permit the  
10 employment of workers with disabilities who are unable to earn the living wage at  
11 a wage that is commensurate with their ability and productivity. A license granted  
12 to a sheltered workshop under this subsection may be issued for the entire workshop  
13 or a department of the workshop.

14           **SECTION 19.** 104.10<sup>✓</sup> of the statutes is amended to read:

15           **104.10 Penalty for intimidating witness.** Any employer who discharges or  
16 threatens to discharge, or who in any way discriminates, or threatens to discriminate  
17 against, any employee because the employee has testified or is about to testify, or  
18 because the employer believes that the employee may testify, in any investigation or  
19 proceeding relative to the enforcement of this chapter, ~~is guilty of a misdemeanor,~~  
20 ~~and upon conviction thereof shall be punished by a fine of~~ may be fined<sup>✓</sup> \$25 for each  
21 offense.

22           **SECTION 20.** 104.11 of the statutes is amended to read:

23           **104.11 Definition of violation.** Each day during which any employer shall  
24 employ employs a person for whom a living wage has been fixed at a wage that is less

## SENATE BILL 187

## SECTION 20

1 than the living wage fixed shall constitute a separate and distinct violation of this  
2 chapter.

3 **SECTION 21.** 234.94 (5) <sup>✓</sup> of the statutes is amended to read:

4 234.94 (5) "Primary employment" means work ~~which~~ that pays at least the  
5 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ <sup>✓</sup> or under federal law,  
6 whichever is greater, offers adequate fringe benefits, including health insurance,  
7 and is not seasonal or part time.

8 **SECTION 22.** 234.94 (8) of the statutes is amended to read:

9 234.94 (8) "Target group" means a population group for which the  
10 unemployment level is at least 25% higher than the statewide unemployment level,  
11 or a population group for which the average wage received is less than 1.2 times the  
12 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ <sup>✓</sup> or under federal law,  
13 whichever is greater. No population group is required to be located within a  
14 contiguous geographic area to be considered a target group.

15 **SECTION 23.** 800.09 (1j) of the statutes is amended to read:

16 800.09 (1j) If the court orders the defendant to perform community service  
17 work in lieu of making restitution or of paying the forfeiture, surcharges, fees and  
18 costs, or both, the court may order that the defendant perform community service  
19 work for a public agency or a nonprofit charitable organization that is approved by  
20 the court and agreed to by the public agency or nonprofit charitable organization.  
21 Community service work may be in lieu of restitution only if also agreed to by the  
22 person to whom restitution is owed. The number of hours of community service work  
23 required may not exceed the number determined by dividing the amount owed on the  
24 forfeiture by the minimum wage established under ~~ch. 104 for adults in~~  
25 ~~nonagriculture, nontipped employment~~ s. 104.035 (1) <sup>✓</sup>. The court shall ensure that

**SENATE BILL 187**

1 the defendant is provided a written statement of the terms of the community service  
2 order and that the community service order is monitored.

3 **SECTION 24.** 800.095 (1) (d) <sup>X</sup> of the statutes is amended to read:

4 800.095 (1) (d) That the defendant perform community service work for a  
5 public agency or nonprofit charitable organization approved by the court and agreed  
6 to by the agency or nonprofit charitable organization. If the community service work  
7 is in lieu of restitution, then the person to whom restitution is owed must agree; the  
8 defendant shall be given credit at the rate of not less than the minimum wage  
9 established under ~~ch. 104 for adults in nonagriculture, nontipped employment s.~~  
10 104.035 (1) <sup>✓</sup> for each one hour of community service completed. The defendant shall  
11 be given a written statement of the community service order. Nothing in this  
12 paragraph makes the defendant an employee or agent of the court or the  
13 municipality. The defendant shall be responsible for providing the court with proof  
14 that the community service hours have been completed.

15 **SECTION 25.** 895.035 (2m) (c) <sup>X</sup> of the statutes is amended to read:

16 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and  
17 938 may order that the juvenile perform community service work for a public agency  
18 or nonprofit charitable organization that is designated by the court in lieu of making  
19 restitution or paying the forfeiture or surcharge. If the parent agrees to perform  
20 community service work in lieu of making restitution or paying the forfeiture or  
21 surcharge, the court may order that the parent perform community service work for  
22 a public agency or a nonprofit charitable organization that is designated by the court.  
23 Community service work may be in lieu of restitution only if also agreed to by the  
24 public agency or nonprofit charitable organization and by the person to whom  
25 restitution is owed. The court may utilize any available resources, including any

## SENATE BILL 187

1 community service work program, in ordering the juvenile or parent to perform  
2 community service work. The number of hours of community service work required  
3 may not exceed the number determined by dividing the amount owed on the  
4 restitution, forfeiture, or surcharge by the minimum wage established under ~~ch. 104~~  
5 ~~for adults in nonagriculture, nontipped employment s. 104.035 (1)~~.<sup>✓</sup> The court shall  
6 ensure that the juvenile or parent is provided with a written statement of the terms  
7 of the community service order and that the community service order is monitored.

## SECTION 26. Effective date.

9 (1) MINIMUM WAGE. This act takes effect on the first day of the first month  
10 beginning after publication.<sup>✓</sup>

11 (END)

NOTE

Jessica:

In the interim since 2009 SB-1 was drafted, DWD  
substantially revised ch. DWD 272 relating to the minimum wage.  
Accordingly, this draft is based on Senator Wirsch's 2011 minimum  
wage bill, 2011 SB-187.

GMM

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

LRB-0504/1dn  
GMM:jld:jm

November 12, 2012

Jessica:

In the interim since 2009 SB-1 was drafted, DWD substantially revised ch. DWD 272 relating to the minimum wage. Accordingly, this draft is based on Senator Wirch's 2011 minimum wage bill, 2011 SB-187.

Gordon M. Malaise  
Senior Legislative Attorney  
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**Barman, Mike**

---

**From:** Malaise, Gordon  
**Sent:** Friday, December 14, 2012 10:08 AM  
**To:** Barman, Mike  
**Subject:** FW: Draft review: LRB -0504/1 Topic: Minimum wage

Mike:

See below.

Gordon

**From:** Karls-Ruplinger, Jessica  
**Sent:** Friday, December 14, 2012 7:57 AM  
**To:** Malaise, Gordon  
**Subject:** RE: Draft review: LRB -0504/1 Topic: Minimum wage

Gordon,

Sen. Wirsch wants this draft jacketed for introduction.

Jessica

-----  
Jessica Karls-Ruplinger  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608) 266-2230  
[jessica.Karls@legis.wisconsin.gov](mailto:jessica.Karls@legis.wisconsin.gov)

**From:** LRB.Legal  
**Sent:** Monday, November 12, 2012 1:14 PM  
**To:** Karls-Ruplinger, Jessica  
**Subject:** Draft review: LRB -0504/1 Topic: Minimum wage

**Draft Requester: Sen. Robert Wirsch**

**Following is the PDF version of draft LRB -0504/1 and drafter's note.**

## Rose, Stefanie

---

**From:** Rose, Stefanie  
**Sent:** Friday, January 04, 2013 11:46 AM  
**To:** McGuire, Paula  
**Subject:** Per your request  
**Attachments:** 13-0504/1

Hi Paula,  
Attached is a copy of the draft you requested.

Stefanie

Stefanie Rose  
Program Assistant  
Wisconsin Legislative Reference Bureau  
(608) 266-3561  
[Stefanie.Rose@legis.wisconsin.gov](mailto:Stefanie.Rose@legis.wisconsin.gov)

## Rose, Stefanie

---

**From:** Rose, Stefanie  
**Sent:** Friday, January 04, 2013 12:22 PM  
**To:** Malaise, Gordon  
**Cc:** Selkowe, Vicky  
**Subject:** FW: Per your request  
**Attachments:** 13-0504/1

Gordon – please see Rep. Mason’s request for an Assembly companion to LRB-0504/1, which has been jacketed for the Senate.

Thanks.

Stefanie

---

**From:** Selkowe, Vicky  
**Sent:** Friday, January 04, 2013 12:09 PM  
**To:** Rose, Stefanie  
**Subject:** FW: Per your request

Stefanie,

Rep. Mason needs an Assembly companion drafted for this bill.

Thank you!

Vicky

**Vicky Selkowe**  
**Office of State Representative Cory Mason**  
**62nd Assembly District**  
State Capitol, Room 6 North  
PO Box 8953, Madison, WI 53708  
Phone: (608) 266-0634  
Toll-free: (888) 534-0062

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**From:** McGuire, Paula  
**Sent:** Friday, January 04, 2013 11:47 AM  
**To:** Selkowe, Vicky; Gillitzer, Steven  
**Subject:** FW: Per your request

**From:** Rose, Stefanie  
**Sent:** Friday, January 04, 2013 11:46 AM  
**To:** McGuire, Paula  
**Subject:** Per your request

Hi Paula,

Attached is a copy of the draft you requested.

Stefanie

Stefanie Rose  
Program Assistant  
Wisconsin Legislative Reference Bureau  
(608) 266-3561  
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