

(j) First aid facilities shall be equivalent to the 16 unit First Aid Kit recommended by the American red cross, and shall be provided in a ratio of 1 per 50 persons, except as provided under par. (k).

(k) A kit supplied to each family shall be deemed to satisfy the requirements of par. (i) if it contains at least the following items:

1. 3½ yards gauze bandage 1 inch width.
2. 1½ yards ½ inch adhesive tape.
3. 12 adhesive bandages.
4. 7/8 oz. first aid cream.
5. Two 2 x 2 2-12 ply gauze pads.

(l) No flammable or volatile liquids or materials may be stored in or adjacent to rooms used for living purposes, unless needed for current household use.

(m) Agricultural pesticides and toxic chemicals may not be stored in the housing area during the period of occupancy.

(22) CAMP OPERATORS' AND OCCUPANTS' RESPONSIBILITIES. (a) A camp operator or his/her agent may establish reasonable rules relating to the responsibility of camp occupants as to camp occupancy and care. A copy of all such rules shall be posted in the camp where they can be easily seen by the camp occupants and shall be given to the occupants together with the work agreement. All such rules shall be written in English and, if the customary language of any occupant is not English, in the language of the occupant.

(b) A camp operator or his/her agent shall:

1. Clearly explain to camp occupants their responsibilities under any rules established under par. (a).
2. At least once a week inspect the camp area, structures, toilets, showers, and other facilities and see that each is maintained in a clean and orderly condition and that broken or damaged property is promptly repaired.
3. Designate an individual to maintain the grounds and common use facilities in a clean and orderly condition at least daily, except that in camps occupied by 100 or more persons, the camp operator shall provide a full-time person to perform all duties required under this paragraph.
4. Designate an individual or employe to be responsible for the compliance with this section. Such person's name shall appear on the material posted under sub. (24).

(c) Each occupant of a camp shall:

1. Use the sanitary and other facilities furnished by the camp.
2. Keep in a clean and orderly manner that part of the camp and premise which the occupant occupies or uses.
3. Be responsible for the cleanliness of the dwelling units to which the occupant has been assigned and adjacent grounds.

Ind 201

4. Dispose of his/her rubbish and garbage by placing it in containers provided for rubbish and garbage.

(23) **INSPECTION.** (a) All migrant labor camps including individual dwelling units shall be opened to inspection at all reasonable daylight hours by representatives of the department.

(b) The department inspector shall make his/her presence known to the camp operator or an adult member of the operator's immediate family or the person designated as responsible for compliance with this section and to any affected occupant before making an inspection.

(24) **POSTING OF RULES.** A copy of this section prepared by the department in English and in the language of the camp occupants if other than English, shall be posted in the camp or where the occupants report for work in a place easily seen by the camp occupants. The copy shall state where copies of the rules may be obtained.

History: Cr. Register, April, 1978, No. 268, eff. 5-1-78; emerg. am. (11) (c), eff. 1-5-79; am. Register, May, 1979, No. 281, eff. 6-1-79; am. (9) (a) and cr. (1) (cm) and (cn), Register, May, 1981, No. 305, eff. 6-1-81; cr. (8) (f), Register, October, 1982, No. 322, eff. 11-1-82; corrections in (4), (6) (e), (11) (a) 1., (13) (c), (14) (h), (15) (a) and (m), (16) (o), (17) (a) 6. and (d) 19. and (21) (f) made under s. 13.93 (2m) (b) 7 and 14, Stats., Register, October, 1985, No. 358; am. (1), Register, March, 1986, No. 363, eff. 4-1-86.

Ind 201.08 Wages. (1) Drafts or checks shall be made payable to the order of individual workers.

(2) The term "termination of the period of employment for which the worker was employed" means termination by either party for whatever reason.

(3) Partial payment under s. 103.93 (1) (b), Stats., shall not be allowed unless the employer is unable to determine the amount of piece rate wages owed a worker because of a lack of confirmation from a processor buyer.

(4) Any additional wages due a worker under s. 103.92 (1) (b), Stats., shall be paid within 2 days after such wages are determined.

(5) Wage statements shall show the amount of gross and net wages paid by the employer to the worker, the number of hours worked and the amount of and reason for each deduction from the wages of the worker. A reasonable coding system may be used by an employer.

(6) Authorizations for deductions or withholding from wages must be specific as to the amount and reason for the deduction. A general statement authorizing the employer to make deductions for future loans, services, loss or damage to property shall be invalid.

History: Cr. Register, April, 1978, No. 268, eff. 5-1-78.

Ind 201.09 Field sanitation standards. In operations where 6 or more migrant workers are engaged in hand labor, the employer shall meet the requirements of subs. (1) to (5) without cost to the worker.

(1) **TOILET FACILITIES.** Toilet facilities shall be provided in the ratio of one facility per every 20 workers, regardless of gender, located within $\frac{1}{4}$ mile of each employe's work place in the field or, if not feasible, at the closest vehicular access. Toilet facilities shall have doors than can be closed and latched from the inside.

Register, June, 1986, No. 366

(2) **HANDWASHING FACILITIES.** (a) Handwashing facilities shall be provided in the ratio of one facility per every 20 workers, regardless of gender, located within $\frac{1}{4}$ mile of each employe's work place in the field, or if not feasible, at the closest vehicular access.

(b) The department may authorize the substitution of prepackaged towelettes for handwashing facilities when such a variation is necessary to prevent a practical difficulty or unnecessary hardship and the substitution does not compromise the health and safety of the worker.

(c) Written application for a variance under par. (b) shall be filed with the department on the DILHR-JSD 5942 form. A variance shall not be effective until granted in writing by the department.

(3) **DRINKING WATER.** Potable drinking water to meet worker needs shall be provided at a readily accessible location. The water provided to the workers shall be cool and kept in insulated containers which are clean and sanitary. A supply of water shall be available in sufficient amount to meet worker needs. The water shall be dispensed in single serving drinking cups. The use of common drinking cups or dippers is prohibited.

(4) **MAINTENANCE.** (a) Toilet and handwashing facilities shall be clean and sanitary.

(b) Potable water containers shall be covered, cleaned and refilled daily.

(c) Disposal of wastes from facilities shall not cause unsanitary conditions.

(d) Toilet facilities shall be provided with an adequate supply of toilet paper.

(5) **REASONABLE USE.** Workers shall be allowed reasonable opportunities during the workday to use the facilities.

(6) **DEFINITIONS.** (a) "Toilet facility" means a facility provided for the purpose of defecation or urination, or both, including water closets and biological or chemical toilets, and urinals.

(b) "Handwashing facility" means a facility provided with running water for washing hands, arms, face and head, including lavatories, basins and sinks, both for cleanliness and for safety purposes.

(c) "Potable water" means all water which may be distributed by any agency or individual, public or private, for human consumption, washing of the person, the preparation of foods or beverages, or for the cleansing of any utensil or article used in the course of preparation or consumption of food or beverages for human beings.

(d) "Sanitary condition" means that condition of good order and cleanliness which precludes the probability of disease transmission.

(e) "Hand labor" means that work which is performed manually in the field.

(f) "Work place" means the area in which work is performed as defined in Ind 201.06 (5) except canneries and freezing plants, and is not in the proximity of any existing sanitary facilities.

History: Cr. Register, October, 1985, No. 358, eff. 1-1-86.

Register, June, 1986, No. 366

(7) VARIANCES. (a) The department may grant variance to a provision of this section if it determines that an equivalency is established in the petition for variance which meets the intent of the provision involved.

(b) An equivalency is established for the purposes of par. (a) when appropriate alternative measures have been taken to protect the health and safety of workers and to assure that the purpose of the provision from which the variance is sought will be observed.

(c) A variance issued under this subsection may be either temporary or permanent. In granting a variance, the department may impose specific conditions to promote the protection of the health, safety and welfare of the workers. Violation of any condition under which a petition is granted constitutes a violation of this chapter for which a compliance order may be issued or a variance may be revoked.

(d) Any person who wishes to contest a determination on a petition for variance may, within 30 days after the date of the determination, file a request for hearing with the secretary. The request shall contain a statement of the specific reasons for contesting the determination. The secretary may deny the request if he or she determines that it sets forth insufficient reasons for a hearing. If the secretary grants the request, he or she may designate a hearing examiner to conduct the hearing and to issue either a recommended decision to the secretary or a final decision.

History: Cr. Register, October, 1985, No. 358, eff. 1-1-86, emerg. cr. (7), eff. 2-10-86; r. (1) (b), renum. (1) (a) to be (1); cr. (7), Register, June, 1986, No. 366, eff. 7-1-86.