



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 361
[2013 Assembly Bill 516]

**Administrative Rule-Making and
Traveling Sales Crews**

2013 Wisconsin Act 361 modifies certain administrative rules concerning the pay and identification requirements for traveling sales crews.

Rule-Making Procedures

Typically, administrative agencies initiate changes to the Wisconsin Administrative Code such as rule promulgation, repeal, or modification. Generally, under this procedure, an agency identifies a need for rule-making and drafts proposed changes to the administrative code, which the agency may promulgate after Legislative Council review, public hearings, approval by the Governor, and passive review by the Legislature.

2013 Wisconsin Act 361 (“Act 361”) does not alter this existing, agency-driven rule-making procedure. However, the Act adds an alternative rule-making procedure through which the Legislature may enact changes to the administrative code. Under Act 361, if the Legislature enacts a bill that repeals or modifies an administrative rule, the ordinary rule-making procedures do not apply. Instead, the Legislative Reference Bureau (LRB) must publish the repeal or modification in the code and the register; and the repeal or modification takes effect on the first day of the first month beginning after publication, subject to certain exceptions. Additionally, the Act modifies the authority of the LRB to make certain technical and clerical revisions to the administrative code.

Changes to Rules for the Administration of Laws Governing Traveling Sales Crews

The Department of Workforce Development (DWD) promulgates rules for the administration of the laws governing traveling sales crews. A traveling sales crew is two or more individuals who are employed as salespersons or in related support work, who travel

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

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together in a group, and who are absent overnight from their permanent places of residence for the purpose of selling consumer goods or services from house to house, on any street, or in any other place that is open to the public.

Current DWD rules require the employer of a traveling sales crew to pay its employees on regularly agreed upon pay dates. Act 361 modifies this requirement, adding that these pay dates shall occur at least semi-monthly. DWD rules also require certain statements to accompany pay, such as number of hours worked, rate of pay, and deductions. Under current law, an employer may provide this information on a worker's paycheck, pay envelope, or paper accompanying the wage payment. Under Act 361, the employer may also provide this information on a worker's pay stub or on a simultaneously issued electronic statement corresponding to the wage payment.

Current DWD rules require an operator to obtain a permit from DWD for each traveling sales crew worker who works in this state or is recruited from this state. Both the operator and the worker must carry the permit on all traveling sales crew activities. Act 361 adds the requirement that an operator must also obtain an identification card from DWD for each worker, and the operator and the worker must carry the identification card on all traveling sales crew activities.

Effective date: Act 361 took effect April 25, 2014, except that certain provisions affecting publication requirements for rules modified by the Legislature take effect on January 1, 2015.

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