

1985 Assembly Bill 642

Date of enactment: April 10, 1986  
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## 1985 Wisconsin Act 220

AN ACT to renumber and amend 893.44; to amend 109.09 (1); and to create 893.44 (2) of the statutes, relating to wage claims filed with the department of industry, labor and human relations.

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

SECTION 1. 109.09 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employees as to alleged wage claims.

The department may receive and investigate any wage claim which is filed with the department no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employe during the period commencing 2 years before the date the claim is filed. The

department shall enforce this chapter and ss. 66.293, 103.02, 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 it deems to be valid 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 ss. 109.03 (6) and 109.11 shall apply to such actions. The department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In such cases the taxable costs recovered shall be paid into the general fund.

SECTION 2. 893.44 of the statutes is renumbered 893.44 (1) and amended to read:

893.44 (1) Any action to recover unpaid salary, wages or other compensation for personal services, except actions to recover fees for professional services and except as provided in sub. (2), shall be commenced within 2 years after the cause of action accrues or be barred.

SECTION 3. 893.44 (2) of the statutes is created to read:

893.44 (2) An action to recover wages under s. 109.09 shall be commenced within 2 years after the claim is filed with the department of industry, labor and human relations or be barred.

SECTION 4. **Initial applicability.** This act first applies to a wage claim filed with the department of industry, labor and human relations on the effective date of this SECTION.

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