



1997 ASSEMBLY BILL 83

February 12, 1997 - Introduced by Representatives VANDER LOOP, RYBA, AINSWORTH, BALDWIN, BOCK, BOYLE, LINTON, MUSSER and SPRINGER, cosponsored by Senators DECKER and BRESKE. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 103.85 (2) (c); and **to create** 103.023 and 103.85 (2) (cm) of the
2 statutes; **relating to:** hours of labor and one day of rest in 7 for persons
3 employed in the manufacture of butter, cheese or other dairy products from
4 nonperishable milk, in the distribution of nonperishable milk or cream or in
5 canning or freezing nonperishable agricultural commodities and granting
6 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, every employer who owns or operates a factory or mercantile establishment must allow every person employed in the factory or mercantile establishment to have at least 24 consecutive hours of rest in every period of 7 consecutive days (one day of rest in 7). Currently, an employer of a person employed in the manufacture of butter, cheese or other dairy products, or in the distribution of milk or cream, or in a cannery or freezer, is not required to allow the person to have one day of rest in 7. This bill requires a person employed in the manufacture of butter, cheese or other dairy products from nonperishable milk, in the distribution of nonperishable milk or cream or in canning or freezing nonperishable agricultural commodities to be given one day of rest in 7, unless the person voluntarily agrees to work without one day of rest in 7. The bill, however, continues the exception to the one day of rest in 7 law for persons employed in the manufacture of butter, cheese or other dairy products from fresh milk, in the

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distribution of fresh milk or cream or in canning or freezing perishable agricultural commodities.

Under current law, no person may be employed or permitted to work for a period of time during any day, night or week (hours of labor) that is dangerous or prejudicial to the person's life, health, safety or welfare. Current law requires the department of industry, labor and job development (DILJD) to promulgate rules fixing the hours of labor that are necessary to protect the life, health, safety or welfare of any person. This bill requires DILJD, in promulgating those rules, to promulgate a rule prohibiting a person employed in the manufacture of butter, cheese or other dairy products from nonperishable milk, in the distribution of nonperishable milk or cream or in canning or freezing nonperishable agricultural commodities from being employed or permitted to work for more than 60 hours in any period of 7 consecutive days, unless the person voluntarily agrees to do so.

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

1 **SECTION 1.** 103.023 of the statutes is created to read:

2 **103.023 Hours of labor; agricultural commodity processing employes.**

3 In promulgating rules under s. 103.02, the department shall promulgate a rule
4 prohibiting a person who is employed in the manufacture of butter, cheese or other
5 dairy products from nonperishable milk, in the distribution of nonperishable milk
6 or cream or in canning or freezing nonperishable agricultural commodities from
7 being employed or permitted to work for more than 60 hours in any period of 7
8 consecutive days, unless the person voluntarily agrees to work for more than 60
9 hours in a period of 7 consecutive days.

10 **SECTION 2.** 103.85 (2) (c) of the statutes is amended to read:

11 103.85 (2) (c) Persons who are employed in the manufacture of butter, cheese
12 or other dairy products ~~or~~ from fresh milk, in the distribution of fresh milk or cream,
13 or in canneries ~~and freezers~~ canning or freezing perishable agricultural
14 commodities.

15 **SECTION 3.** 103.85 (2) (cm) of the statutes is created to read:

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1 103.85 (2) (cm) Persons who are employed in the manufacture of butter, cheese
2 or other dairy products from nonperishable milk, in the distribution of nonperishable
3 milk or cream or in canning or freezing nonperishable agricultural commodities and
4 who voluntarily agree to work for 7 or more consecutive days without 24 consecutive
5 hours of rest in those 7 or more days.

6 **SECTION 4. Initial applicability.**

7 (1) This act first applies to persons who are affected by a collective bargaining
8 agreement that contains provisions inconsistent with section 103.85 (2) (c) of the
9 statutes, as affected by this act, or with section 103.85 (2) (cm) of the statutes, as
10 created by this act, on the day after the collective bargaining agreement expires or
11 on the day on which the collective bargaining agreement is extended, modified or
12 renewed, whichever occurs first.

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(END)