

2001 ASSEMBLY BILL 85

February 1, 2001 - Introduced by Representatives SCHNEIDER, WILLIAMS and BOYLE. Referred to Committee on Labor and Workforce Development.

1 **AN ACT to amend** 103.16 of the statutes; **relating to:** seating for employees.

Analysis by the Legislative Reference Bureau

Under current law, every employer employing employees in any manufacturing, mechanical, or mercantile establishment in this state must provide suitable seats for its employees and must permit its employees to use those seats when not necessarily engaged in the active duties for which they are employed. This bill specifically includes retail stores in the coverage of those requirements, specifies that the seat provided for an employee must be in reasonable proximity to the area in which the employee is employed and requires the employer to permit the employee to use the seat for intermittent rest not only when the employee is not necessarily engaged in the active duties for which the employee is employed, but also when the employee is not required to stand in order to perform the duties for which the employee is employed.

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:

2 **SECTION 1.** 103.16 of the statutes is amended to read:

3 **103.16 Seats for employees; penalty.** Every employer employing employees
4 an employee in any manufacturing, mechanical, or mercantile establishment,

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1 ~~including a retail store,~~ in this state shall provide ~~suitable seats for its employees,~~
2 a suitable seat for the employee that is in reasonable proximity to the area in which
3 the employee is employed and shall permit the ~~use of those seats by its employees~~
4 ~~when the employees are~~ employee to use the seat for intermittent rest when the
5 employee is not necessarily engaged in the active duties for which ~~they are employed~~
6 the employee is employed or when the employee is not required to stand in order to
7 perform the duties for which the employee is employed. Any employer who violates
8 this section may be fined not less than \$10 nor more than \$30 for each offense.

SECTION 2. Initial applicability.

9
10 (1) This act first applies to employees who are affected by a collective
11 bargaining agreement that contains provisions inconsistent with section 103.16 of
12 the statutes, as affected by this act, on the day on which the collective bargaining
13 agreement expires or is extended, modified, or renewed, whichever occurs first.

14 (END)