

2003 SENATE BILL 94

April 2, 2003 – Introduced by Senators HANSEN and RISSER, cosponsored by Representatives BOYLE, BERCEAU and J. LEHMAN. Referred to Committee on Labor, Small Business Development and Consumer Affairs.

1 **AN ACT** *to amend* 103.85 (2) (c); and *to create* 103.85 (2) (cm) and 103.85 (2m)
2 of the statutes; **relating to:** one day of rest in 7 for a person who is employed
3 exclusively in the production of pasteurized cheese products that have
4 expiration dates that are not less than 60 days after the date on which the
5 products were packaged.

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 seven consecutive days (one day of rest in seven). Currently, an employer of a person employed in the manufacture of butter, cheese, or other dairy products, 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 seven. This bill requires a person who is employed exclusively in the production of pasteurized processed cheese products that have expiration dates that are not less than 60 days after the date on which the products were packaged to be given one day of rest in seven, unless the person voluntarily agrees to work without one day of rest in seven.

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For further information see the *state* 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:

1 **SECTION 1.** 103.85 (2) (c) of the statutes is amended to read:

2 103.85 (2) (c) Persons employed in the manufacture of butter, cheese, or other
3 dairy products or, in the distribution of milk or cream, or in canneries and freezers,
4 except as provided in sub. (2m).

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

6 103.85 (2) (cm) Persons described in sub. (2m) who voluntarily agree to work
7 for 7 or more consecutive days without 24 consecutive hours of rest in those 7 or more
8 days.

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

10 103.85 (2m) Notwithstanding sub. (2) (c) and except as provided in sub. (2)
11 (cm), this section applies to a person who is employed exclusively in the production
12 of pasteurized processed cheese products that have expiration dates that are not less
13 than 60 days after the date on which the products were packaged.

14 **SECTION 4. Initial applicability.**

15 (1) This act first applies to persons who are affected by a collective bargaining
16 agreement that contains provisions inconsistent with section 103.85 (2) (cm) and
17 (2m) of the statutes, as created by this act, on the day on which the collective
18 bargaining agreement expires or is extended, modified, or renewed, whichever
19 occurs first.

20

(END)