

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/05/2003**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Maribeth Witzel-Behl**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - minimum wage**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Minimum wage; tie to poverty level for family of four

---

**Instructions:**

See Attachredraft 2001 SB 33, but tie minimum wage increase to poverty level for family of four instead of three

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/05/2003	wjackson 10/02/2003		_____			S&L
/1			pgreensl 10/02/2003	_____	lnorthro 10/02/2003	mbarman 10/23/2003	

FE Sent For:

<END>

↪ A+  
Intro.

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/05/2003**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Maribeth Witzel-Behl**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - minimum wage**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Minimum wage; tie to poverty level for family of four

---

**Instructions:**

See Attachredraft 2001 SB 33, but tie minimum wage increase to poverty level for family of four instead of three

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/05/2003	wjackson 10/02/2003		_____			S&L
/1			pgreensl 10/02/2003	_____	Inorthro 10/02/2003		

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 09/05/2003

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Maribeth Witzel-Behl

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Employ Priv - minimum wage

Extra Copies:

Submit via email: YES

Requester's email: Sen.Chvala@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum wage; tie to poverty level for family of four

Instructions:

See Attacheddraft 2001 SB 33, but tie minimum wage increase to poverty level for family of four instead of three

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise	1 wlj 10/2	10 12 p8	10 12 p81 gr-			

FE Sent For:

<END>

# Bill Request Form

Legislative Reference Bureau  
100 N. Hamilton Street  
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9-4-03

Legislator, agency, or other person requesting this draft Senator Chvala

Person submitting request (name and phone number) Maribeth Witzel-Behl 266-9170

Persons to contact for questions about this draft (names and phone numbers) Maribeth  
266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

Redraft 2001 SB 33, with one change:  
calculate the minimum wage for employees  
generally using the federal poverty line  
for a family of four (instead of three).

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks?

YES

NO

Any legislator?

YES

NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent? YES  NO

If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

# **WISCONSIN MINIMUM WAGE RATES**

## **Effective September 1, 1997**

### **GENERAL MINIMUM WAGE RATES**

**Non-Opportunity Employees:**

**\$5.15 Per Hour**

**Opportunity Employees:**

**\$4.25 Per Hour**

### **MINIMUM WAGE RATES FOR TIPPED EMPLOYEES**

**\$2.33 Per Hour**

**\$2.13 Per Hour**

**Note: "Opportunity employee" means an employee who is not yet 20 years old and who has been in employment status with a particular employer for 90 or fewer consecutive calendar days from the date of initial employment.**

### **MINIMUM WAGE RATES FOR ALL AGRICULTURAL EMPLOYEES**

**Adults \$4.05 Per Hour**

**Minors \$3.70 Per Hour**

### **MINIMUM RATES FOR CADDIES**

**9 Holes \$3.35**

**18 Holes \$5.95**

**For more information contact:**

**Wisconsin Department of Workforce Development  
Equal Rights Division**

**1 S Pinckney St  
P.O. Box 8928  
Madison, WI 53708  
608/266-6860**

**819 N. 6th St., Room 255  
Milwaukee, WI 53203  
414/227-4384**

(over)

**WISCONSIN MAXIMUM ALLOWANCES FOR BOARD AND LODGING  
Effective September 1, 1997**

**NON-AGRICULTURAL EMPLOYMENT**

**NON-OPPORTUNITY EMPLOYEES**

**OPPORTUNITY  
EMPLOYEES**

<b>Meals</b>	<b>\$61.80 Per Week \$2.95 Per Meal</b>	<b>\$51.00 Per Week \$2.45 Per Meal</b>
<b>Lodging</b>	<b>\$41.20 Per Week \$5.90 Per Day</b>	<b>\$34.00 Per Week \$4.85 Per Day</b>

**AGRICULTURAL EMPLOYMENT**

**All Employees**

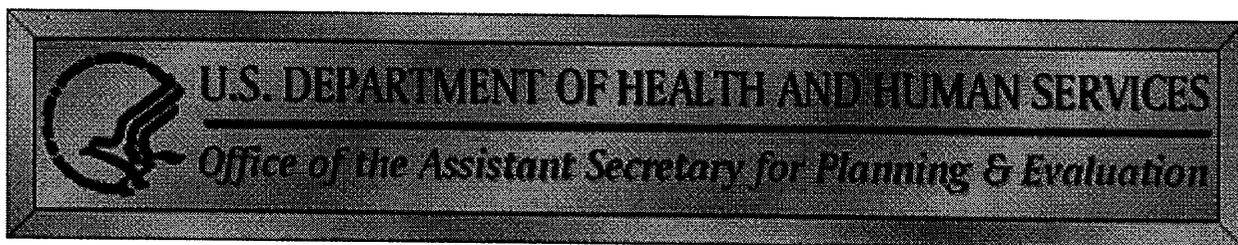
<b>Meals (Adults)</b>	<b>\$ 48.60 Per Week \$2.30 Per Meal</b>
<b>Meals (Minors)</b>	<b>\$44.40 Per Week \$2.10 Per Meal</b>
<b>Lodging (Adults)</b>	<b>\$32.40 Per Week \$4.65 Per Day</b>
<b>Lodging (Minors)</b>	<b>\$29.60 Per Week \$4.25 Per Day</b>

**CAMP COUNSELOR EMPLOYMENT**

**Weekly Salary For All Employees**

	<b>Board &amp; Lodging</b>	<b>Board Only</b>	<b>No Board or Lodging</b>
<b>Adults</b>	<b>\$91.00</b>	<b>\$110.00</b>	<b>\$140.00</b>
<b>Minors</b>	<b>\$74.00</b>	<b>\$92.00</b>	<b>\$123.00</b>

When board or lodging provided by an employer is accepted and received by an employee, the employer is permitted to deduct up to the above amounts from the worker's paycheck. The amounts deducted are used to determine if the employee is receiving the required minimum wage rate.



# THE 2003 HHS POVERTY GUIDELINES

## One Version of the [U.S.] Federal Poverty Measure

- [ [Federal Register Notice with 2003 Guidelines – Full Text](#) ]
- [ [Summary Figures and Federal Register References – Poverty Guidelines Since 1982](#) ]
- [ [Information Contacts/References – Poverty Guidelines & Thresholds – History of U.S. Poverty Lines](#) ]
- [ [Is There a Single Definition of "Income" That is Used with the Poverty Guidelines?](#) ]
- [ [Computations for the 2003 Poverty Guidelines](#) ]

There are two slightly different versions of the federal poverty measure:

- The poverty thresholds, and
- The poverty guidelines.

The **poverty thresholds** are the original version of the federal poverty measure. They are updated each year by the **Census Bureau** (although they were originally developed by Mollie Orshansky of the Social Security Administration). The thresholds are used mainly for **statistical** purposes — for instance, preparing estimates of the number of Americans in poverty each year. (In other words, all official poverty population figures are calculated using the poverty thresholds, not the guidelines.) Poverty thresholds since 1980 and weighted average poverty thresholds since 1959 are available on the Census Bureau's Web site.

The **poverty guidelines** are the other version of the federal poverty measure. They are issued each year in the *Federal Register* by the **Department of Health and Human Services** (HHS). The guidelines are a simplification of the poverty thresholds for use for **administrative** purposes — for instance, determining financial eligibility for certain federal programs. (The full text of the *Federal Register* notice with the 2003 poverty guidelines is available here.)

The poverty guidelines are sometimes loosely referred to as the "federal poverty level" (FPL), but that phrase is ambiguous and should be avoided, especially in situations (e.g., legislative or administrative) where precision is important.

A more extensive discussion of poverty thresholds and poverty guidelines is available on the Institute for Research on Poverty's Web site.

---

### 2003 HHS Poverty Guidelines

Size of Family Unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$ 8,980	\$11,210	\$10,330
2	12,120	15,140	13,940
3	15,260	19,070	17,550
4	18,400	23,000	21,160
5	21,540	26,930	24,770
6	24,680	30,860	28,380
7	27,820	34,790	31,990
8	30,960	38,720	35,600
For each additional person, add	3,140	3,930	3,610

**SOURCE:** *Federal Register*, Vol. 68, No. 26, February 7, 2003, pp. 6456-6458.

The separate poverty guidelines for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966-1970 period. Note that the poverty thresholds — the original version of the poverty measure — have never had separate figures for Alaska and Hawaii. The poverty guidelines are not defined for Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, the Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and Palau. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office which administers the program is responsible for deciding whether to use the contiguous-states-and-D.C. guidelines for those jurisdictions or to follow some other procedure.

The poverty guidelines apply to both aged and non-aged units. The guidelines have never had an aged/non-aged distinction; only the Census Bureau (statistical) poverty thresholds have separate figures for aged and non-aged one-person and two-person units.

Programs using the guidelines (or percentage multiples of the guidelines — for instance, 125 percent or 185 percent of the guidelines) in determining eligibility include Head Start, the Food Stamp Program, the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children's Health Insurance Program. Note that in general, cash public assistance programs (Temporary Assistance for Needy Families and its predecessor Aid to Families with Dependent Children, and Supplemental Security Income) do NOT use the poverty guidelines in determining eligibility. The Earned Income Tax Credit program also does NOT use the poverty guidelines to determine eligibility.

The poverty guidelines (unlike the poverty thresholds) are designated by the year in which they are issued. For instance, the guidelines issued in February 2003 are designated the 2003 poverty guidelines. However, the 2003 HHS poverty guidelines only reflect price changes through calendar year 2002; accordingly, they are approximately equal to the Census Bureau poverty thresholds for calendar year 2002. (The 2002 thresholds are expected to be issued in final form in September or October 2003; a preliminary version of the 2002 thresholds is now available from the Census Bureau.)

The computations for the 2003 poverty guidelines are available.

The poverty guidelines may be formally referenced as “the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).”

---

Go to the page of Information Contacts and References on the Poverty Guidelines, the Poverty Thresholds, and the Development and History of U.S. Poverty Lines.

Return to the main Poverty Guidelines, Research, and Measurement page.

Last updated 02/07/03

2080  $\overline{) 18,400}$   
      ~~720~~  
      16640  
      17600  
      16640

$\boxed{- \$8.85}$

53  
885

517  
6195  
8850  
442500  
457545

$\boxed{= \$4.60}$

9600  
8320  
1280

885

953  
12655

$\boxed{= \$8.45}$

74  
885  
929  
27965

4425  
7965  
843405

$\boxed{= \$8.20}$

1770

885

7965  
822165

87  
6195

$\boxed{= \$7.70}$

885

7080  
76995

548

7080

~~$\boxed{= \$7.50}$~~

35400

$\boxed{= \$4.85}$

~~708000  
750480~~

442500

484980

Mon 026

-3221/1

**2001 SENATE BILL 33**

Lps: Please  
proof amended  
Stats. w/Folio

~~January 29, 2001 - Introduced by Senators HANSEN, BAUMGART, BURKE, CEVALA, DECKER, ERPENBACH, JAUCH, MOEN, PLACHE, RISSER and SHIBLSKI, cosponsored by Representatives BALOW, BERCEAU, BLACK, BOCK, BOYLE, CARPENTER, COGGS, COLON, JOHNSRUD, KREUSER, KRUG, J. LEHMAN, MEYERHOFER, MILLER, MORRIS-TATUM, PLOUFFE, POCAN, REYNOLDS, RICHARDS, RYBA, SINICKI, TURNER, WILLIAMS and YOUNG. Referred to Committee on Labor and Agriculture.~~

Regenerate

1 AN ACT *to renumber and amend* 104.045, 104.08 (1), 104.08 (2) and 104.08 (3);  
 2 *to amend* 49.141 (1) (g), 104.01 (intro.), 104.01 (5), 104.01 (8), 104.02, 104.03,  
 3 104.04, 104.05, 104.06, 104.07 (1), 104.07 (2), 104.10, 104.11, 104.12, 234.94 (5),  
 4 234.94 (8), 800.09 (1) (b), 800.095 (4) (b) 3. and 895.035 (2m) (c); and *to create*  
 5 104.01 (5m), 104.01 (5p), 104.01 (7m), 104.035, 104.045 (2) and (3), 104.08 (1m)  
 6 (b) and 104.08 (3) (a) of the statutes; **relating to:** a state minimum wage,  
 7 providing an exemption from emergency rule procedures, providing an  
 8 exemption from rule-making procedures, granting rule-making authority, and  
 9 providing a penalty.

***Analysis by the Legislative Reference Bureau***

Currently, the state minimum wage law requires that employers pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has provided, by rule, minimum hourly wages for various classes of employment as follows:

SENATE BILL 33

Employees Generally

Opportunity employees	\$4.25
(employees under 20 years of age in their first 90 days of employment with a particular employer)	↓
Nonopportunity employees	\$5.15

Tipped employees

Opportunity employees	\$2.13
Nonopportunity employees	\$2.33

Agricultural employees

Adults	\$4.05
Minors	\$3.70

LPS:  
Please  
show  
rulings

\$18,400

and DWD

Also under current law, DWD has provided, by rule, separate minimum wage rates for counselors at recreational or educational camps, golf caddies, students employed at independent colleges and universities for less than 20 hours per week, student learners employed in bona fide school training programs, and individuals who are unable to earn the standard minimum wage because of a disability, and has exempted, by rule, from the minimum wage law employees who perform less than 15 hours per week of casual employment, such as baby-sitting or lawn mowing, in and around an employer's home, employees who provide companionship services to elderly or infirm individuals, and elementary and secondary school students performing work-like activities in their schools. Under this bill, DWD will continue to provide those separate minimum wage rates and exemptions. For other employees, however, including agricultural employees and tipped employees, the bill provides the method by which DWD must calculate the minimum wage.

Specifically, for employees generally, that is, employees who are not agricultural employees, tipped employees, opportunity employees (defined in the bill as employees under 20 years of age who have been employed for a cumulative total of 30 calendar days or less within the preceding three-year period) or employees for whom DWD provides a separate minimum wage, the bill directs DWD to calculate the minimum hourly wage by dividing the federal poverty line for a family of three persons (federal poverty line) (currently \$14,150 per year), by 2,080 (52 weeks in a year times 40 hours per week), and rounding the quotient to the nearest multiple of five cents. Accordingly, at the current federal poverty line, this bill raises the minimum wage for employees generally to \$6.80 per hour.

four

\$8.85

For other employees, the bill directs DWD to calculate the minimum hourly wage by multiplying the result obtained under the previous paragraph as follows:

1. For opportunity employees, by 92.9% <sup>percent</sup> and rounding the product to the nearest multiple of five cents, resulting in a minimum wage of \$6.30 per hour when calculated based on the current federal poverty line.

\$8.20

SENATE BILL 33

\$4.85

2. For tipped employees who are not opportunity employees, by 54.8%<sup>percent</sup> and rounding the product to the nearest multiple of five cents, resulting in a minimum wage of \$3.75 per hour when calculated based on the current poverty line.

\$4.60

3. For tipped employees who are opportunity employees, by 51.7%<sup>percent</sup> and rounding the product to the nearest multiple of five cents, resulting in a minimum wage of \$3.50 per hour when calculated based on the current poverty line.

\$8.45

4. For agricultural employees 18 years of age or over, by 95.3%<sup>percent</sup> and rounding the product to the nearest multiple of five cents, resulting in a minimum wage of \$6.50 per hour when calculated based on the current poverty line.

\$7.70

5. For agricultural employees under 18 years of age, by 87%<sup>percent</sup> and rounding the product to the nearest multiple of five cents, resulting in a minimum wage of \$5.90 per hour when calculated based on the current poverty line.

The bill further requires DWD to revise annually the minimum wages specified above within 30 days after the federal Department of Health and Human Services publishes its annual revision of the poverty line.

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:*

1 SECTION 1. 49.141 (1) (g) of the statutes is amended to read:

2 49.141 (1) (g) "Minimum wage" means the state minimum hourly wage under  
3 ~~ch. 104 s. 104.035 (2)~~ or the federal minimum hourly wage under 29 USC 206 (a) (1),  
4 whichever is applicable.

5 SECTION 2. 104.01 (intro.) of the statutes is amended to read:

6 **104.01 Definitions.** (intro.) ~~The following terms as used in ss. 104.01 to~~  
7 ~~104.12 shall be construed as follows~~ In this chapter:

8 SECTION 3. 104.01 (5) of the statutes is amended to read:

9 104.01 (5) ~~The term "living wage" shall mean~~ "Living wage" means  
10 compensation for labor paid, whether by time, piecework, or otherwise, sufficient to  
11 enable the employee receiving it to maintain himself or herself under conditions  
12 consistent with his or her welfare.

13 SECTION 4. 104.01 (5m) of the statutes is created to read:

**SENATE BILL 33**

1           104.01 (5m) “Opportunity employee” means a person under 20 years of age who  
2 has been employed for a cumulative total of 30 calendar days or less within the  
3 preceding 3-year period.

4           **SECTION 5.** 104.01 (5p)<sup>↓</sup> of the statutes is created to read:

5           104.01 (5p) “Poverty line” means the poverty guidelines for the continental  
6 United States, as revised annually by the federal department of health and human  
7 services under 42 USC 9902 (2).

8           **SECTION 6.** 104.01 (7m)<sup>↓</sup> of the statutes is created to read:

9           104.01 (7m) “Tipped employee” means an employee who in the course of  
10 employment customarily and regularly receives money or other gratuities from  
11 persons other than the employee’s employer.

12           **SECTION 7.** 104.01 (8)<sup>↓</sup> of the statutes is amended to read:

13           104.01 (8) ~~The term “wage” and the term “wages” shall each mean “Wage”~~  
14 means any compensation for labor measured by time, piece, or otherwise.

15           **SECTION 8.** 104.02<sup>↓</sup> of the statutes is amended to read:

16           **104.02 ~~Living wage prescribed~~ Living wage required.** Every wage paid  
17 or agreed to be paid by any employer to any employee, except as otherwise provided  
18 in s. 104.07, shall be not less than a ~~living wage~~ living wage.

19           **SECTION 9.** 104.03<sup>↓</sup> of the statutes is amended to read:

20           **104.03 Unlawful wages.** Any employer paying, offering to pay, or agreeing  
21 to pay any employee a wage lower or less in value than a ~~living wage~~ living wage is  
22 guilty of a violation of ~~ss. 104.01 to 104.12~~ this chapter.

23           **SECTION 10.** 104.035<sup>↓</sup> of the statutes is created to read:

24           **104.035 Minimum wage. (1)** DEPARTMENT TO PROMULGATE RULES. The  
25 department shall promulgate rules providing minimum hourly wages for the

SENATE BILL 33

1 employees specified in subs. (2) to (5). The department shall calculate those  
 2 minimum hourly wages according to the methods specified in subs. (2) to (5).  
 3 Annually, within 30 days after the federal department of health and human services  
 4 publishes its annual revision of the poverty line, the department, using the  
 5 procedure under s. 227.24 and the methods specified in subs. (2) to (5), shall  
 6 promulgate rules revising the minimum hourly wages provided under subs. (2) to (5).

7 Notwithstanding s. 227.24 (1) (a) ~~and~~ (2) (b) <sup>and (3)</sup>, the department is not required to  
 8 ~~provide evidence of the necessity of preserving the public peace, health, safety, or~~  
 9 ~~welfare in promulgating rules revising the minimum wages provided under subs. (2)~~

10 ~~to (5)~~ A revised minimum wage provided under subs. (2) to (5) shall first apply to  
 11 wages earned beginning on the first day of the first month beginning after the date  
 12 on which that minimum wage is revised.

13 (2) EMPLOYEES GENERALLY. Subject to the minimum wages provided under subs.  
 14 (3) to (6) and (8), the department shall calculate the minimum hourly wage for  
 15 employees generally by dividing the poverty line for a family of 3 persons by 2,080  
 16 and rounding the quotient to the nearest multiple of 5 cents.

17 (3) OPPORTUNITY EMPLOYEES. Notwithstanding the minimum wage provided  
 18 under sub. (2), but subject to the minimum wages provided under subs. (4) to (6) and  
 19 (8), the department shall calculate the minimum wage for opportunity employees by  
 20 multiplying the result obtained under sub. (2) by 92.9% <sup>2 percent</sup> and rounding the product to  
 21 the nearest multiple of 5 cents.

22 (4) TIPPED EMPLOYEES. (a) Notwithstanding the minimum wages provided  
 23 under subs. (2) and (3), but subject to the minimum wages provided under subs. (5),  
 24 (6), and (8), the department shall calculate the minimum wage for tipped employees  
 25 as follows:

may promulgate an emergency rule under s. 227.24  
 revising the minimum wages provided under subs. (2) to  
 (5) without providing evidence that the emergency rule  
 is necessary to preserve the public peace, health, safety, <sup>for</sup> welfare and  
 without a finding of emergency

**SENATE BILL 33**

1           1. For persons who are not opportunity employees, by multiplying the result  
2 obtained under sub. (2) by 54.8<sup>2 percent</sup>% and rounding the product to the nearest multiple  
3 of 5 cents.

4           2. For persons who are opportunity employees, by multiplying the result  
5 obtained under sub. (2) by 51.7<sup>2 percent</sup>% and rounding the product to the nearest multiple  
6 of 5 cents.

7           (b) An employer may pay the minimum wages specified in par. (a) only if the  
8 employer establishes by the employer's payroll records that, when adding the tips  
9 received by an employee to the wages under par. (a) paid to that employee, the  
10 employee receives not less than the minimum wage specified in sub. (2) or (3),  
11 whichever is applicable.

12           (5) AGRICULTURAL EMPLOYEES. Notwithstanding the minimum wages provided  
13 under subs. (2) to (4), but subject to the minimum wages provided under subs. (6) and  
14 (8), the department shall calculate the minimum wage for persons 18 years of age or  
15 over who are agricultural employees by multiplying the result obtained under sub.  
16 (2) by 95.3<sup>2 percent</sup>% and rounding the product to the nearest multiple of 5 cents and shall  
17 calculate the minimum wage for persons under 18 years of age who are agricultural  
18 employees by multiplying the result obtained under sub. (2) by 87.0<sup>87 percent</sup>% and rounding  
19 the product to the nearest multiple of 5 cents.

20           (6) MINIMUM WAGE ESTABLISHED BY DEPARTMENT. The department shall  
21 promulgate rules providing the minimum wage for all of the following:

22           (a) A counselor employed at a seasonal recreational or educational camp,  
23 including a day camp, for campers under 18 years of age.

24           (b) A caddy on a golf course.

**SENATE BILL 33**

1 (c) An employee or worker with a disability covered under a license under s.  
2 104.07.<sup>1</sup>

3 (d) A student learner.

4 (e) A student employed by an independent college or university for less than  
5 20 hours per week.

6 (7) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate  
7 rules exempting from the minimum wage requirements under subs. (2) to (5) all of  
8 the following:

9 (a) A person engaged in casual employment in and around an employer's home  
10 on an irregular or intermittent basis for not more than 15 hours per week.

11 (b) A person who resides with and who provides companionship and care, not  
12 including practical or professional nursing, as defined in s. ~~441.11~~ (3) and (4), and not  
13 more than 15 hours per week of general household work for an employer who, due  
14 to advanced age or physical or mental disability, cannot care for his or her own needs.

15 (c) An elementary or secondary school student performing student work-like  
16 activities in the student's school.

17 (8) DEPARTMENT MAY REVISE. The department may promulgate rules to increase  
18 a minimum wage provided under subs. (2) to (5).

19 **SECTION 11.** 104.04 of the statutes is amended to read:

20 **104.04 Classifications; department's authority.** The department shall  
21 investigate, ascertain, determine, and fix such reasonable classifications, and shall  
22 impose general or special orders, determining the ~~living wage~~ living wage, and shall  
23 carry out the purposes of ~~ss. 104.01 to 104.12~~ this chapter. Such investigations,  
24 classifications, and orders shall be made as provided under s. 103.005, and the  
25 penalties specified in s. 103.005 (12) shall apply to and be imposed for any violation

**SENATE BILL 33**

1 of ~~ss. 104.01 to 104.12~~ this chapter. In determining the ~~living wage~~ living wage, the  
2 department may consider the effect that an increase in the ~~living wage~~ living wage  
3 might have on the economy of the state, including the effect of a ~~living wage~~ living  
4 wage increase on job creation, retention, and expansion, on the availability of  
5 entry-level jobs, and on regional economic conditions within the state. The  
6 department may not establish a different minimum wage for men and women. Said  
7 orders shall be subject to review in the manner provided in ch. 227.

8 **SECTION 12.** 104.045 of the statutes is renumbered 104.045 (intro.)<sup>✓</sup> and  
9 amended to read:

10 **104.045 ~~Tipped employees~~ Tips, meals, lodging, and hours worked.**

11 (intro.) The department shall ~~by rule determine what amount of~~ promulgate rules  
12 governing all of the following:

13 **(1)** The counting of tips or similar gratuities ~~may be counted~~ toward fulfillment  
14 of the employer's obligation under this chapter.

15 **SECTION 13.** 104.045 (2) and (3) of the statutes are created to read:

16 104.045 **(2)** The deduction of meals or lodging provided by an employer to an  
17 employee from the employer's obligations under this chapter.

18 **(3)** The determination of hours worked by an employee during which the  
19 employee is entitled to a living wage under this chapter.

20 **SECTION 14.** 104.05<sup>✓</sup> of the statutes is amended to read:

21 **104.05 Complaints; investigation.** The department shall, within 20 days  
22 after the filing of a verified complaint of any person ~~setting forth~~ alleging that the  
23 wages paid to any employee ~~in any occupation~~ are not sufficient to enable the  
24 employee to maintain himself or herself under conditions consistent with his or her

## SENATE BILL 33

1 welfare, investigate and determine whether there is reasonable cause to believe that  
2 the wage paid to ~~any~~ the employee is not a ~~living wage~~ living wage.

3 SECTION 15. 104.06<sup>1</sup> of the statutes is amended to read:

4 **104.06 Wage council; determination.** If, upon investigation, the  
5 department finds that there is reasonable cause to believe that the wages paid to any  
6 employee are not a ~~living wage~~, it living wage, ~~the department~~ shall appoint a wage  
7 council, selected so as fairly to represent employers, employees, and the public, to  
8 assist in its investigations and determinations. ~~The living wage department may~~  
9 use the results of an investigation under this section to establish a living wage. A  
10 living wage so determined ~~upon~~ shall be the ~~living wage~~ living wage for all  
11 employees within the same class as established by the ~~classification of the~~  
12 department under s. 104.04.<sup>1</sup>

13 SECTION 16. 104.07 (1)<sup>1</sup> of the statutes is amended to read:

14 104.07 (1) The department shall ~~make~~ promulgate rules and, except as  
15 provided under subs. (5) and (6), grant licenses, to any employer who employs any  
16 employee who is unable to earn ~~the living wage theretofore determined upon,~~  
17 ~~permitting such person to a living wage so that the employee may work for a wage~~  
18 ~~which shall be~~ that is commensurate with the employee's ability ~~and each~~. Each  
19 license so granted shall establish a wage for the licensee employees of the licensee  
20 who are unable to earn a living wage.

21 SECTION 17. 104.07 (2)<sup>1</sup> of the statutes is amended to read:

22 104.07 (2) The department shall ~~make~~ promulgate rules and, except as  
23 provided under subs. (5) and (6), grant licenses to sheltered workshops to permit the  
24 employment of workers with disabilities who are unable to earn ~~the living wage at~~  
25 a living wage so that those workers may work for a wage that is commensurate with

SENATE BILL 33

abilities

1 their ~~ability~~ and productivity. A license granted to a sheltered workshop under this  
2 section may be issued for the entire workshop or a department of the workshop.

3 SECTION 18. 104.08 (1) of the statutes is renumbered 104.08 (2m) and amended  
4 to read:

5 104.08 (2m) ~~All persons~~ Any person working in ~~an occupation~~ a trade industry  
6 for which a ~~living wage~~ living wage has been established for minors, and who ~~shall~~  
7 ~~have~~ has no trade, shall, ~~if employed in an occupation which is a trade industry,~~ be  
8 indentured under ~~the provisions of s. 106.01.~~

9 SECTION 19. 104.08 (1m) (b) of the statutes is created to read:

10 104.08 (1m) (b) "Trade industry" means an industry involving physical labor  
11 and characterized by mechanical skill and training such as render a period of  
12 instruction reasonably necessary.

13 SECTION 20. 104.08 (2) of the statutes is renumbered 104.08 (1m) (intro.) and  
14 amended to read:

15 104.08 (1m) (intro.) ~~A "trade" or a "trade industry" within the meaning of ss.~~  
16 ~~104.01 to 104.12 shall be a trade or~~ In this section:

17 (a) "Trade" means an industry occupation involving physical labor and  
18 characterized by mechanical skill and training such as render a period of instruction  
19 reasonably necessary. ~~The department shall investigate, determine and declare~~  
20 ~~what occupations and industries are included within the phrase a "trade" or a "trade~~  
21 ~~industry".~~

22 SECTION 21. 104.08 (3) of the statutes is renumbered 104.08 (3) (b) and  
23 amended to read:

24 104.08 (3) (b) The department may make exceptions to the operation of subs.  
25 (1) and (2) (1m) and (2m) where conditions make their application unreasonable.

## SENATE BILL 33

1 SECTION 22. 104.08 (3) (a)<sup>√</sup> of the statutes is created to read:

2 104.08 (3) (a) The department shall investigate, determine, and declare what  
3 occupations and industries are included within a trade or a trade industry.

4 SECTION 23. 104.10<sup>√</sup> of the statutes is amended to read:

5 **104.10 Penalty for intimidating witness.** Any employer who discharges or  
6 threatens to discharge, or who in any way discriminates, or threatens to  
7 discriminate against any employee because the employee has testified or is about  
8 to testify, or because the employer believes that the employee may testify, in any  
9 investigation or proceeding relative to the enforcement of ~~ss. 104.01 to 104.12~~, is  
10 guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of  
11 ~~\$25~~ this chapter may be fined \$500 for each offense.

12 SECTION 24. 104.11<sup>√</sup> of the statutes is amended to read:

13 **104.11 Definition of violation.** Each day during which any an employer  
14 shall employ employs a person for whom a ~~living wage~~ living wage has been fixed  
15 established at a wage less than the ~~living wage fixed established~~ living wage shall  
16 constitute a separate and distinct violation of ~~ss. 104.01 to 104.12~~ this chapter.

17 SECTION 25. 104.12<sup>√</sup> of the statutes is amended to read:

18 **104.12 Complaints.** Any person may register with the department a  
19 complaint that the wages paid to employees for whom a ~~living wage~~ living wage has  
20 been established are less than that rate, and the department shall investigate the  
21 matter and take all proceedings necessary to enforce the payment of a wage not less  
22 than ~~the living wage~~ a living wage. Section 111.322 (2m) applies to discharge and  
23 other discriminatory acts arising in connection with any proceeding under this  
24 section.

25 SECTION 26. 234.94 (5)<sup>√</sup> of the statutes is amended to read:

Handwritten: "Hat" in a circle with an arrow pointing to the word "which" in the text below.

**SENATE BILL 33**

1           234.94 (5) "Primary employment" means work ~~which~~ pays at least the  
2 minimum wage as established under ~~ch. 104 s. 104.035 (2)~~ or under federal law,  
3 whichever is greater, offers adequate fringe benefits, including health insurance,  
4 and is not seasonal or part time.

5           **SECTION 27.** 234.94 (8) of the statutes is amended to read:

6           234.94 (8) "Target group" means a population group for which the  
7 unemployment level is at least 25% higher than the statewide unemployment level,  
8 or a population group for which the average wage received is less than 1.2 times the  
9 minimum wage as established under ~~ch. 104 s. 104.035 (2)~~ or under federal law,  
10 whichever is greater. No population group is required to be located within a  
11 contiguous geographic area to be considered a target group.

12           **SECTION 28.** 800.09 (1) (b) of the statutes is amended to read:

13           800.09 (1) (b) If the defendant agrees to perform community service work in  
14 lieu of making restitution or paying the forfeiture, assessments, and costs, or both,  
15 the court may order that the defendant perform community service work for a public  
16 agency or a nonprofit charitable organization that is designated by the court.  
17 Community service work may be in lieu of restitution only if also agreed to by the  
18 public agency or nonprofit charitable organization and by the person to whom  
19 restitution is owed. The court may utilize any available resources, including any  
20 community service work program, in ordering the defendant to perform community  
21 service work. The number of hours of community service work required may not  
22 exceed the number determined by dividing the amount owed on the forfeiture by the  
23 minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped~~  
24 ~~employment~~ s. 104.035 (2). The court shall ensure that the defendant is provided a

**SENATE BILL 33**

1 written statement of the terms of the community service order and that the  
2 community service order is monitored.

3 **SECTION 29.** 800.095 (4) (b) 3.<sup>↓</sup> of the statutes is amended to read:

4 800.095 (4) (b) 3. That the defendant perform community service work for a  
5 public agency or a nonprofit charitable organization designated by the court, except  
6 that the court may not order the defendant to perform community service work  
7 unless the defendant agrees to perform community service work and, if the  
8 community service work is in lieu of restitution, unless the person to whom the  
9 restitution is owed agrees. The court may utilize any available resources, including  
10 any community service work program, in ordering the defendant to perform  
11 community service work. The number of hours of community service work required  
12 may not exceed the number determined by dividing the amount owed on the  
13 forfeiture, or restitution, or both, by the minimum wage established under ~~ch. 104~~  
14 ~~for adults in nonagriculture, nontipped employment s. 104.035 (2).~~ The court shall  
15 ensure that the defendant is provided a written statement of the terms of the  
16 community service order and that the community service order is monitored.

17 **SECTION 30.** 895.035 (2m) (c)<sup>↓</sup> of the statutes is amended to read:

18 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and  
19 938 may order that the juvenile perform community service work for a public agency  
20 or nonprofit charitable organization that is designated by the court in lieu of making  
21 restitution or paying the forfeiture or surcharge. If the parent agrees to perform  
22 community service work in lieu of making restitution or paying the forfeiture or  
23 surcharge, the court may order that the parent perform community service work for  
24 a public agency or a nonprofit charitable organization that is designated by the court.  
25 Community service work may be in lieu of restitution only if also agreed to by the

**SENATE BILL 33**

1 public agency or nonprofit charitable organization and by the person to whom  
2 restitution is owed. The court may utilize any available resources, including any  
3 community service work program, in ordering the juvenile or parent to perform  
4 community service work. The number of hours of community service work required  
5 may not exceed the number determined by dividing the amount owed on the  
6 restitution, forfeiture, or surcharge by the minimum wage established under ~~ch. 104~~  
7 ~~for adults in nonagriculture, nontipped employment s. 104.035 (2)~~. The court shall  
8 ensure that the juvenile or parent is provided with a written statement of the terms  
9 of the community service order and that the community service order is monitored.

10 (END)

## Barman, Mike

---

**From:** Malaise, Gordon  
**Sent:** Thursday, October 23, 2003 12:43 PM  
**To:** Barman, Mike  
**Subject:** FW: bill jacket request

Mike:

Sen. Chvala would like LRB-3221/1 jacketed.

Gordon

-----Original Message-----

**From:** Witzel-Behl, Maribeth  
**Sent:** Thursday, October 23, 2003 12:10 PM  
**To:** Malaise, Gordon  
**Subject:** bill jacket request

Gordon -

Could Senator Chvala get LRB 3221/1 (minimum wage bill) jacketed? Thank you!

- Maribeth

Senator Chvala's Office