

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 508**

**AN ACT** *to renumber* 103.01 (1); *to amend* 103.02 and 103.025 (2); and *to create* 103.01 (1g) of the statutes; **relating to:** an overtime pay exemption for providers of companionship services.

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*Analysis by the Legislative Reference Bureau*

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

- 1           **SECTION 1.** 103.01 (1) of the statutes is renumbered 103.01 (1r).
- 2           **SECTION 2.** 103.01 (1g) of the statutes is created to read:
- 3           103.01 **(1g)** “Companionship services” mean services that provide fellowship,  
4 care, and protection for a person who, because of advanced age or physical or mental  
5 infirmity, cannot care for his or her own needs, including household work relating to  
6 the care of that person such as meal preparation, bed making, clothes washing, and

1 other similar services and including general household work that does not exceed 20  
2 percent of the total weekly hours worked. “Companionship services” do not include  
3 services relating to the care and protection of a person who, because of age or physical  
4 or mental infirmity, cannot care for his or her own needs that require and are  
5 performed by a trained professional such as a registered nurse or a licensed practical  
6 nurse.

7 **SECTION 3.** 103.02 of the statutes is amended to read:

8 **103.02 Hours of labor.** No person may be employed or be permitted to work  
9 in any place of employment or at any employment for such any period of time during  
10 any day, night, or week, ~~as that~~ is dangerous or prejudicial to the person’s life, health,  
11 safety, or welfare. The department shall investigate, ascertain, determine, and fix  
12 such reasonable ~~classification~~ classifications, and promulgate rules fixing a period  
13 of time, or hours of beginning and ending work during any day, night, or week, ~~which~~  
14 ~~shall be~~ as are necessary to protect the life, health, safety, or welfare of any person,  
15 or to carry out the purposes of ss. 103.01 to 103.03. The department shall, by rule,  
16 classify such ~~those~~ periods of time into periods to be paid for at regular rates and  
17 periods to be paid for at the rate of at least ~~one and one-half~~ 1.5 times the regular  
18 rates. ~~Such, except that no employer of a person employed to perform companionship~~  
19 ~~services may be required to pay that person at the rate of at least 1.5 times the~~  
20 ~~person’s regular rate for any overtime hours worked. Those~~ investigations,  
21 classifications, and orders shall be made as provided in s. 103.005, and the penalties  
22 under s. 103.005 (12) shall apply to and be imposed for any violation of ss. 103.01 to  
23 103.03. ~~Such~~ Those orders shall be subject to review in the manner provided in ch.  
24 227. Section 111.322 (2m) applies to discharge or other discriminatory acts arising  
25 in connection with any proceeding under this section.

