

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB508)

Received: **03/10/2004**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

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.Carpenter@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption of companionship services providers from overtime pay; definition of; reporting requiriement

Instructions:

Redraft AA1 to ASA 1 to AB 903 as SA to SSA1 to SB 508

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 03/10/2004	wjackson 03/10/2004		_____			
/1			jfrantze 03/10/2004	_____	lnorthro 03/10/2004	lnorthro 03/10/2004	

FE Sent For:

<END>

2003

Date (time) needed Today!

LRBa 2866 / 1

AMENDMENT

DM 012

3110

GMM : WLj : _____

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) ~~A~~ (AMENDMENT)

TO ~~S A~~ AMENDMENT _____ (LRBa _____ / _____),

TO ~~S A~~ (SUBSTITUTE AMENDMENT) 1 (LRBs WV)

TO 2003 (SB) ~~SJR SR AB AJR AR~~ 508 (LRB WV)

At the locations indicated, amend the substitute amendment as follows:

(fill ONLY if "engrossed" or "as shown by")

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

42866/1

2003 - 2004 LEGISLATURE

LRBa2099/1

GMM:wlj:rs

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 903**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1, line 3: after "services" insert "and granting rule-making authority".

3 2. Page 2, line 1: delete lines 1 to 17.

4 3. Page 3, line 1: delete lines 1 to 18 and substitute:

5 "SECTION 4m. 103.027 of the statutes is created to read:

6 **103.027 Hours of labor; companionship services.** (1) In this section:

7 (a) "Care" means intimate personal care services provided to a person who,
8 because of advanced age or physical or mental infirmity, cannot care for his or her
9 own needs, such as feeding the person or assisting the person with bathing, dressing,
10 grooming, or toileting.

11 (b) "Companionship services" means services that provide fellowship and
12 protection for a person who, because of advanced age or physical or mental infirmity,

1 cannot care for his or her own needs. “Companionship services” does not include
2 services relating to the care and protection of a person who, because of age or physical
3 or mental infirmity, cannot care for his or her own needs that require and are
4 performed by a trained individual, regardless of whether the trained individual is a
5 registered nurse or a licensed practical nurse, such as catheter and ostomy care,
6 injections, and tube feeding. “Companionship services” also does not include
7 transportation services, unless those services are provided on an occasional and
8 intermittent basis in conjunction with the provision of fellowship and protection
9 services.

10 (c) “Household work” means household work that is directly related to the care
11 of a person who, because of advanced age or physical or mental infirmity, cannot care
12 for his or her own needs, such as preparing the person’s meals, making the person’s
13 bed, washing the person’s clothes, and other similar services that are directly related
14 to the care of the person.

15 (d) “Protection” means being present in the home of a person who, because of
16 advanced age or physical or mental infirmity, cannot care for his or her own needs
17 to ensure the safety and well-being of the person.

18 (2) An employer is not required to pay overtime compensation, as defined in
19 s. 103.025 (1) (c), to an individual engaged in providing companionship services if all
20 of the following conditions are met:

21 (a) Fellowship and protection are the sole core duties of the individual, and the
22 individual spends not less than 80 percent of his or her total weekly hours worked
23 exclusively providing fellowship and protection.

24 (b) The individual spends no more than 20 percent of his or her total weekly
25 hours worked providing care and household work.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2866/1dn
GMM:wlj:kjf

March 10, 2004

Senator Carpenter:

This amendment is identical to AA1 to ASA1 to AB-903, which passed the assembly and was tabled this morning. The amendment does all of the following:

1. Defines "companionship services."
2. Exempts companionship services from overtime pay.
3. Requires employers of companionship services providers to report to DWD.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us