

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB508)

Received: **03/10/2004**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian Moran**

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: **Rep.Krusick@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 requirement

Instructions:

Redraft a2699 as amendment 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	_____	Inorthro 03/10/2004	Inorthro 03/10/2004	

FE Sent For:

<END>

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1/?	gmalaise	11 WJ 3/10	3/10				

FE Sent For:

<END>

2003

Date (time) needed

Today: 3/10

LRBa 2864 1 1

AMENDMENT

NOTE

GMM: WLj:

See form AMENDMENTS — COMPONENTS & ITEMS.

A [AMENDMENT]

TO S A AMENDMENT (LRBa 1 1),
TO S A SUBSTITUTE AMENDMENT (LRBs 1 1),
TO 2003 SB SJR SR AB AJR AR 508 (LRB- 1 1) ✓

bill, as shown by senate substitute amendment 13

At the locations indicated, amend the [A] as follows:

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

#. Page , line :
#. Page , line :
#. Page , line :
#. Page , line :
#. Page , line :

92864/1

~~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**

LRBa2864/1dn
GMM:wlj:jf

March 10, 2004

Representative Krusick:

This amendment is identical to AA1 to ASA1 to AB-903, which passed the assembly this morning and was tabled; that is, 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.

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