

State of Misconsin LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/03/2008 (Per: GMM)

Appendix A ... Pt. 01 of 02

The 2009 drafting file for LRB-0805/2

has been copied/added to the drafting file for

2009 LRB-1018

The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

2009 DRAFTING REQUEST

Bill

Received: 11/14/2008	Received By: gmalaise
Wanted: Soon	Identical to LRB:
For: Russell Decker (608) 266-2502	By/Representing: Barb Worcester
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.Decker@legis.wisconsin.gov	
Carbon copy (CC:) to:	
Pre Topic:	
No specific pre topic given	
Topic:	
Minimum wage	
Instructions:	

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise 11/14/2008	bkraft 11/18/2008					S&L
/1			phenry 11/18/2008	3	lparisi 11/18/2008		S&L
/2	gmalaise 12/02/2008	bkraft 12/02/2008	rschluet 12/02/2008	3	mbarman 12/02/2008	mbarman 12/03/2008	

Increase minimum wage to \$7.60 effective June 1, 2009 (or day after publication) then index to inflation after that. Also, repeal preemption of local living wage ordinances.

LRB-0805 12/03/2008 10:37:45 AM Page 2

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2009 DRAFTING REQUEST

Bill

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For: Russell Decker (608) 266-2502			By/Representing	g: Barb Worce	ester		
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Subject	: Emplo	y Priv - minim	um wage		Extra Copies:		
Submit	via email: YES	;					
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2009 DRAFTING REQUEST

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By/Representing: Barb Worcester

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May Contact:

Addl. Drafters:

Subject:

Employ Priv - minimum wage

Extra Copies:

Submit via email: YES

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Sen.Decker@legis.wisconsin.gov

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Minimum wage

Instructions:

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Russ Decker State Senator

PRESS RELEASE FROM STATE SENATOR RUSS DECKER FOR IMMEDIATE RELEASE: NOVEMBER 13, 2008 FOR INFORMATION CONTACT: 608) 266-2502 OR 715) 359-8739

DECKER TO MAKE MINIMUM WAGE INCREASE FIRST ORDER OF BUSINESS Bill Would Index Minimum Wage for Inflation

Madison - State Senator Russ Decker (D-Weston) announced that legislation to raise the minimum wage will be the first bill introduced in the State Senate in the upcoming session.

Senate Bill 1 will increase the minimum wage to \$7.60 per hour effective June 1, 2009. The bill will also change the law to index the wage to inflation. The current minimum wage in Wisconsin is \$6.50 per hour.

"For too long minimum wage workers have been working harder for less while the cost of gas, food and clothing," Decker said.

The Wisconsin Department of Workforce Development found that the last minimum wage increase to its current level benefitted approximately 250,000 people of which 80% were adults and more than one-third were heads-of-household. At the current minimum wage, a worker trying to support a family of three would earn \$4,080 less than the federal poverty line.

"We need to get our economy moving by paying workers a wage that enables them to support themselves and their families," Decker continued.

According to the U.S. Department of Labor, Wisconsin is one of only seven states with a state minimum wage lower than the federal minimum wage of \$6.55 per hour. Other Midwest states including Illinois, Michigan, Iowa, Indiana, Ohio and Missouri have a minimum wage at least equal to the federal minimum wage.

"More and more states are taking control of this issue instead of waiting over a decade for the federal government to act and Wisconsin should step up to the plate and do the same," Decker said.

A similar bill was blocked last session by Assembly Republicans, but Decker said he expects favorable consideration this session with Assembly Democrats now in control.

"Democrats are making it clear that they are going to put working families first," Decker concluded.

###

Wisconsin Minimum Wage Rates Effective June 1, 2007

General Minimum Wage Rates

Adult Employees: \$6.50 per Hour ✓ **Opportunity Employees:** \$5.90 per Hour ✓

Minor Employees: \$5.90 per Hour V

Minimum Wage Rates for Tipped Employees

Adult Employees:

Minor Employee: [Non-Opportunity]

Opportunity Employees:

\$2.33 per Hour 🗸

\$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

\$5.15 per Hour

Minors

\$4.25 per Hour

Minimum Rates for Caddies

9 Holes

\$5.90

18 Holes

\$10.50

For more information contact:

STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT **EQUAL RIGHTS DIVISION** LABOR STANDARDS BUREAU

201 E WASHINGTON AVE PO BOX 8928

ROOM A300

819 N 6th ST **ROOM 255**

MADISON WI 53708

MILWAUKEE WI 53203

Telephone: (608) 266-6860

Telephone: (414) 227-4384

TTY:

(608) 264-8752

(414) 227-4081

Website: http://dwd.wisconsin.gov/er/

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

Wisconsin Maximum Allowances for Board and Lodging

Effective June 1, 2007 Non-Agricultural Employment

	Non-Opportunity Employees	Minor And Opportunity Employees
Meals	\$78.00 Per Week \$3.70 Per Meal	\$70.80 Per Week \$3.35 Per Meal
Lodging	\$52.00 Per Week \$7.40 Per Day	\$47.20 Per Week \$6.75 Per Day

Agricultural Employment All Employees

Meals (Adults)	\$61.80 Per Week \$2.95 Per Meal
Meals (Minors)	\$51.00 Per Week \$2.40 Per Meal
Lodging (Adults)	\$41.20 Per Week \$5.90 Per Day
Lodging (Minors)	\$34.00 Per Week \$4.85 Per Day

Camp Counselor Employment Weekly Salary for All Employees

	Board & Lodging	Board Only	No Board or Lodging
Adults	\$189.00	\$240.00	\$315.00
Minors	\$165.00	\$209.00	\$275.00

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 rates.

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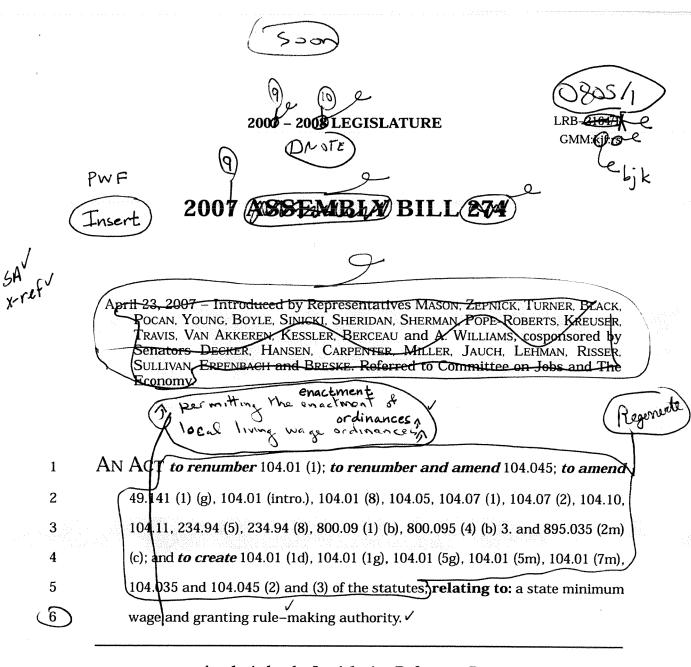
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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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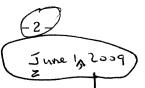


Analysis by the Legislative Reference Bureau

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 wages for various types of employees, including employees, generally; minor employees; opportunity employees, which are defined as employees under 20 years of age in their first 90 days of employment with a particular employer; tipped employees; agricultural employees; camp counselors; 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. DWD 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

2007 - 2008 Legislature

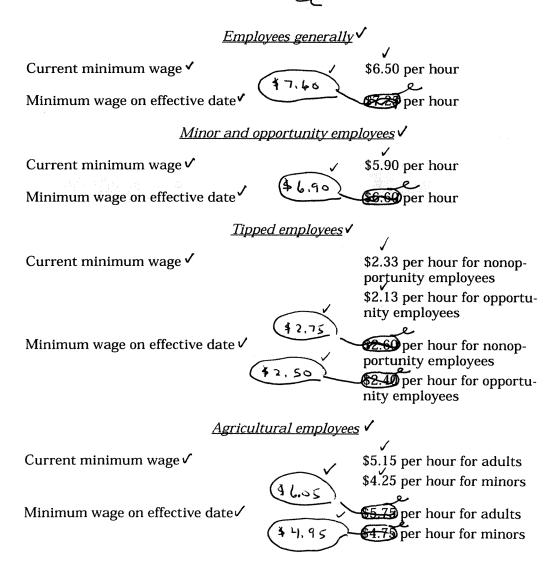
ASSEMBLY BILL 274

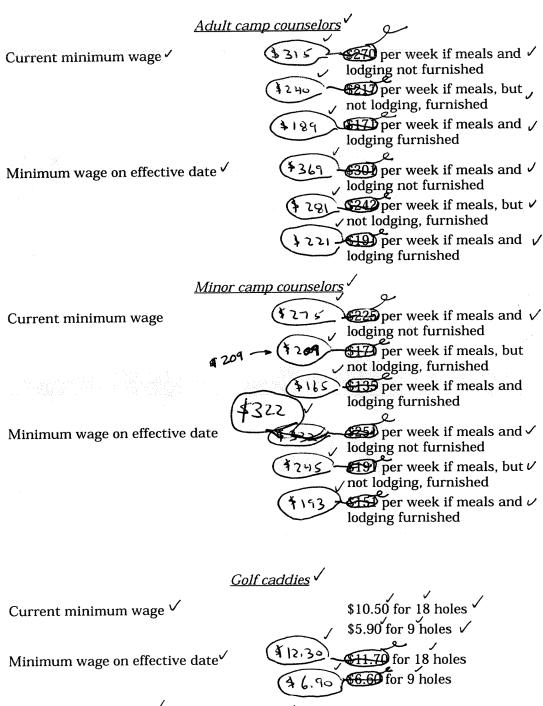


LRB-2164/1 GMM:kjf:rs

secondary school students performing work-like activities in their schools. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals or lodging for their employees.

Under this bill, DWD will continue to provide the exemptions listed above and separate minimum wages for 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 wages because of a disability. For other employees, however, the bill sets the minimum wages, effective on <u>September 1, 200</u> or on the day after publication of the bill, whichever is later, as follows:

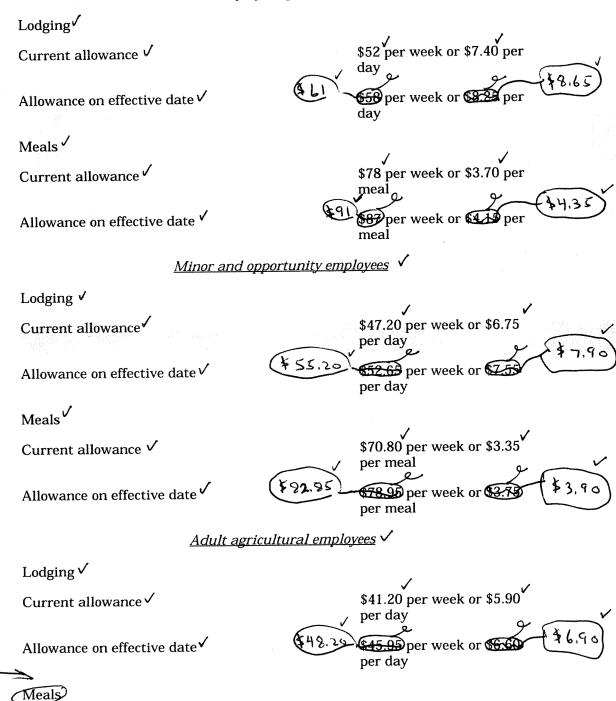




The bill also increases the allowance against the minimum wage that an employer who provides room and board for an employee may take, as follows:

Space

Employees generally V



2007 - 2008 Legislature	LRB-2164/1 GMM:kjf:rs
ASSEMBLY BILL 274	
Current allowance	\$61.80 per week or \$2.95
Allowance on effective date√	\$ 72.30 \$68.90 per week or \$3.45 per meal
<u>Mir</u>	or agricultural employees √
Lodging√	
Current allowance ✓	\$34 per week or \$4.85 per day
Allowance on effective date \checkmark	\$391. 30 \$37.90 per week or \$5.40 \$ 5.65 per day
Meals ✓	
Current allowance 1	\$51 per week or \$2.40 per meal
rules revising the minimum wa under the bill by determining t index for the preceding year adjusting the minimum wages year by that percentage differe of five cents or, in the case of a	ges and allowances for meals and lodging established the percentage difference between the consumer price and the consumer price index for the current year, and allowances in effect on Lugue 31 of the current nce, and rounding that result to the nearest multiple camp counselor, the nearest dollar.
enact as follows:	sconsin, represented in senate and assembly, do of the statutes is amended to read:
2	wage" means the state minimum hourly wage under
3 ch. 104 s. 104.035 (1) or the fed	eral minimum hourly wage under 29 USC 206 (a) (1),
whichever is applicable.	/
SECTION . 104.01 (intro.	of the statutes is amended to read:
SEC RP; 104.0	0

1	104.01 Definitions. (intro.) The following terms as used in <u>In</u> this chapter
2 ,	shall be construed as follows:
3	SECTION 3. 104.01 (1) of the statutes is renumbered 104.01 (1m).
J	
4	SECTION 4. 104.01 (1d) of the statutes is created to read:
5	$\sqrt{104.01}$ (1d) "Agricultural employee" means an employee who is employed in
6	farming, as defined in s. 102.04 (3).
7	SECTION 5. 104.01 (1g) of the statutes is created to read:
8	$\sqrt{104.01}$ (1g) "Consumer price index" means the average of the consumer price
9	index over each 12-month period for all urban consumers, U.S. city average, as
10	determined by the bureau of labor statistics of the U.S. department of labor. \checkmark
11	SECTION 6. 104.01 (5g) of the statutes is created to read:
12	$\sqrt{104.01}$ (5g) "Minor employee" means a minor who is paid at the applicable
13	minimum wage rate for minors. ✓
14	SECTION 7. 104.01 (5m) of the statutes is created to read:
15	$\sqrt{104.01}$ (5m) "Opportunity employee" means a person under 20 years of age who
16	is in the first 90 consecutive days of employment with his or her employer.
17	SECTION 8. 104.01 (7m) of the statutes is created to read:
18	$\sqrt{104.01}$ (7m) "Tipped employee" means an employee who in the course of
19	employment customarily and regularly receives money or other gratuities from
20	persons other than the employee's employer.
21	SECTION 9. 104.01 (8) of the statutes is amended to read:
22	104.01 (8) The term "wage" and the term "wages" shall each mean "Wage"
23	means any compensation for labor measured by time, piece, or otherwise.
24	SECTION 10. 104.035 of the statutes is created to read:

LRB-2164/1 2007 - 2008 Legislature GMM:kjf:rs June 1 2010 , \$ 7.60 **ASSEMBLY BILL 274** 104.035 Minimum wage. (1) EMPLOYEES GENERALLY. (a) Minimum rates. 1 Except as provided in subs. (2) to (8), the minimum wage is as follows: 2 1. For wages earned before september 1, 2008, \$7.22 per hour. 2. For wages earned beginning on September 1, 2008, the amount determined by the department by rule promulgated under sub. (9). (b) Allowances for meals and lodging. Except as provided in subs. (2) (b) and 6 (4) (b), if an employer furnishes an employee with meals or lodging in accordance 7 with rules promulgated by the department under s. 104.045 (2), the employer may 8 deduct the following amounts from the wages of the employee: 9 2. 2008, \$53 per week or \$8.25 per 1. For lodging furnished before September 1. day and for meals furnished before U) per week or 🚮 per 12 meal. unely 2016 (\mathbf{Q}) 2. For meals and lodging furnished beginning on september 1, 2000 the amounts determined by the department by rule promulgated under sub. (9). 14 (2) MINOR AND OPPORTUNITY EMPLOYEES. (a) Minimum rates. Except as provided 15 in subs. (3) to (8), the minimum wage for a minor employee or an opportunity 16 employee is as follows:√ 17 18) 1. For wages earned before September 1, 2008 2. For wages earned beginning on September 1, 200 on the amount determined (19) by the department by rule promulgated under sub. (9). 20 (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an 21 22 employer furnishes a minor employee or an opportunity employee with meals or lodging in accordance with rules promulgated by the department under s. 104.045 23 (2), the employer may deduct the following amounts from the wages of the employee: \checkmark 24

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	2007 - 2008 Legislature	$\left(-8-\right)$	LRB-2164/1 GMM:kjf:rs	
	ASSEMBLY BILL 274	f	✓ SECTION 10	·
\sim	√	Fine 18 50108 } 2		\$7.90
(A)	0 0	before September 1, 2008.	•	
(2)	per day and for meals furnished	d before September 1, 2008	\$78.920) er week or \$3.75	\$3.90
3	per meal.	1420104 482.85	9- June 1, 2	
4	2. For meals and lodging	ng furnished beginning on	September 1, 2008 the	
5	amounts determined by the de	partment by rule promulga	ated under sub. (9). 🗸	
6	(3) TIPPED EMPLOYEES. (a)	Minimum rates. Except	as provided in subs. (4) to	1
7	(8), if an employer of a tipped en	mployee establishes by the	employer's payroll records	
8	that, when adding the tips rece	eived by the tipped employ	ee in a week to the wages	
9	paid to the tipped employee in t	that week, the tipped emplo	oyee receives not less than	:
10	the applicable minimum wage	specified in sub. (1) or (2), t		
11	tipped employee is as follows:		Inne 12 5010)	(3x)
જો	1. For wages earned befor	e September 1, 2008, by a t	ipped employee who is not	
13	an opportunity employee,	per hour.		
14)	2. For wages earned befor	re September 1, 2008 by a t	tipped employee who is an	
(15)	opportunity employee,	er hour.	1	
16	3. For wages earned begin	nning on September 1, 200	the amounts determined	
17	by the department by rule pror	mulgated under sub. (9). \checkmark		
18	(b) Allowances for meal	s and lodging. If an emp	oloyer furnishes a tipped	
19	employee with meals or lodg	_		
20	department under s. 104.045 (2	2), the employer may deduc	ct the applicable amounts	
SD SD	specified in shirt (1) (b) or (2) ((b) from the wages of the ti	pped employee.	
22	,	EES. (a) <i>Minimum rates</i> . E	-	
23	(7) and (8), the minimum wage	for an agricultural employ	vee is as follows: ✓	
24)	 For wages earned be 	efore September 1 2806	by an adult agricultural	
23	employee, \$5.75 per hour.	\$6.05		
_			Que 1/2010	

)

2007 - 2008 Legislature GMM:kjf:rs **ASSEMBLY BILL 274** by a minor agricultural For wages earned before September employee, 542 3. For wages earned beginning on September 1, 280% the amounts determined by the department by rule promulgated under sub. (9). (b) Allowances for meals and lodging. If an employer furnishes an agricultural 5 employee with meals or lodging in accordance with rules promulgated by the 6 department under s. 104.045 (2), the employer may deduct the following amounts 7 from the wages of the employee: \ \(\frac{1}{2} \lambda 2010 \\ \frac{1}{3} \lambda 2 8 1. For lodging furnished to an adult agricultural employee, before ceptember per day and for meals furnished to an adult 2008, \$68.90 per week or ber meal agricultural employee, before September For lodging furnished to a minor agricultural employee before September day and for meals furnished to a minor agricultural employee before Septem 3. For meals and lodging furnished beginning on certain J5) amounts determined by the department by rule promulgated under sub. (9). 16 (5) CAMP COUNSELORS. (a) Minimum rates for adult counselors. The minimum 17 wage for a counselor at a seasonal recreational or educational camp, including a day 18 camp, who is an adult is as follows: [] whe 120101 \$ 369 19 1. For wages earned before September 2008, 530 per week if meals and 20 lodging are not furnished, per week if only meals are furnished, and per 21 week if both meals and lodging are furnished. 22 June 1,2010 2. For wages earned beginning on September 1, 2005, the amounts determined 23) by the department by rule promulgated under sub. (9). 24

	V V
1	(b) Minimum rates for minor counselors. The minimum wage for a counselor
2	at a seasonal recreational or educational camp, including a day camp, who is a minor
3	is as follows: [June 1, 2010, \$322)
4	1. For wages earned before September 1, 2008, \$25 per week if meals and
$\overline{\mathscr{Q}}$	lodging are not furnished, per week if only meals are furnished, and 15 per
6	week if both meals and lodging are furnished.
7	2. For wages earned beginning on September 1, 2000 the amounts determined
8	by the department by rule promulgated under sub. (9).
9	(6) GOLF CADDIES. The minimum wage for a golf caddy is as follows:
10)	(a) For wages earned before September 1, 2008, \$11.70 for caddying 18 holes.
(11)	(b) For wages earned before September 1, 2008, \$6.60 for caddying 9 holes. June h 2010
(12)	(c) For wages earned beginning on September 1. 200 the amounts determined 4 6,907
13	by the department by rule promulgated under sub. (9).
14	(7) MINIMUM WAGE ESTABLISHED BY DEPARTMENT. The department shall
15	promulgate rules providing the minimum wage for all of the following:
16	(a) An employee or worker with a disability covered under a license under s.
17	104.07.
18	(b) A student learner. ✓
19	(c) A student employed by an independent college or university for less than
20	20 hours per week. √
21	(8) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate
22	rules exempting from the minimum wage requirements under subs. (1) to (7) all of
23	the following:√
24	✓(a) A person engaged in casual employment in and around an employer's home
25	on an irregular or intermittent basis for not more than 15 hours per week.

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(b) A person who resides in the home of an employer who, due to advanced age or physical or mental disability, cannot care for his or her own needs, for the purpose of companionship and who spends not more than 15 hours per week of general household work for the employer.

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

(9) DEPARTMENT TO REVISE. (a) Subject to par. (b), by September 1 of each year, the department, using the procedures under s. 227.24, shall promulgate rules to revise the minimum wages and allowances for meals and lodging established under subs. (1) to (7). The department shall determine those revised minimum wages and allowances by calculating the percentage difference between the consumer price index for the 12-month period ending on that of the preceding year and the consumer price index for the 12-month period ending on war of the current year, adjusting the minimum wages and allowances in effect on sugas 31 of the current year by that percentage difference, and rounding that result to the nearest multiple of 5 cents, except that for a minimum wage under sub. (5), the department shall round the result to the nearest dollar. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department may promulgate an emergency rule under s. 227.24 revising the \checkmark \checkmark \checkmark minimum wages and allowances established under subs. (1) to (7) without providing evidence that the emergency rule is necessary to preserve the public peace, health, safety, or welfare and without a finding of emergency. A revised minimum wage or allowance determined under this paragraph shall first apply to wages earned or meals or lodging furnished on 1 of the year in which the wage or allowance is revised.√

1	(b) Paragraph (a) does not preclude the department from promulgating rules
2	to increase a minimum wage provided under subs. (1) to (7).
3	SECTION 11. 104.045 of the statutes is renumbered 104.045 (intro.) and
4	amended to read:
5	√ 104.045 Tipped employees Tips, meals, lodging, and hours worked.
6	(intro.) The department shall by rule determine what amount of promulgate rules
7	governing all of the following:
8	(1) The counting of tips or similar gratuities may be counted toward fulfillment
9	of the employer's obligation under this chapter.
10	SECTION 12. 104.045 (2) and (3) of the statutes are created to read:
11	$\sqrt{104.045}$ (2) The deduction of meals or lodging provided by an employer to an
12	employee from the employer's obligation under this chapter.
13	\checkmark (3) The determination of hours worked by an employee during which the
14	employee is entitled to a living wage under this chapter. \checkmark
15	SECTION 13. 104.05 of the statutes is amended to read:
16	√ 104.05 Complaints; investigation. The department shall, within Within 20
17	days after the filing of a verified complaint of any person setting forth alleging that
18	the wages paid to any employee in any occupation are not sufficient to enable the
19	employee to maintain himself or herself under conditions consistent with his or her
20	welfare, the department shall investigate and determine whether there is
21	reasonable cause to believe that the wage paid to any employee is not a living wage.
22	SECTION 14. 104.07 (1) of the statutes is amended to read:
23	$\sqrt{104.07}$ (1) The department shall make promulgate rules, and, except as
24	provided under subs. (5) and (6), grant licenses to any employer who employs any
25	employee who is unable to earn the living wage determined by the department,

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1	permitting the employee to work for a wage that is commensurate with the
2	employee's ability. Each license so granted shall establish a wage for the licenses
3	employees of the licensee who are unable to earn a living wage.
4	SECTION 15. 104.07 (2) of the statutes is amended to read:
5	√ 104.07 (2) The department shall make promulgate rules, and, except as
6	provided under subs. (5) and (6), grant licenses to sheltered workshops, to permit the
7	employment of workers with disabilities who are unable to earn the living wage at
8	a wage that is commensurate with their ability and productivity. A license granted
9	to a sheltered workshop under this subsection may be issued for the entire workshop
10	or a department of the workshop.
11	SECTION 16. 104.10 of the statutes is amended to read:
12	✓ 104.10 Penalty for intimidating witness. Any employer who discharges on
13	threatens to discharge, or <u>who</u> in any way discriminates, or threatens to discriminate
14	against, any employee because the employee has testified or is about to testify, or
15	because the employer believes that the employee may testify, in any investigation or
16	proceeding relative to the enforcement of this chapter, is guilty of a misdemeanor
17	and upon conviction thereof shall be punished by a fine of may be fined \$25 for each
18	offense.
19	SECTION 17. 104.11 of the statutes is amended to read:
20	✓ 104.11 Definition of violation. Each day during which any employer shall
21	employ employs a person for whom a living wage has been fixed at a wage that is less
22	than the living wage fixed shall constitute a separate and distinct violation of this
23	chapter.

Section 18. 234.94 (5) of the statutes is amended to read:

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

SECTION 19. 234.94 (8) of the statutes is amended to read:

√ 234.94 (8) "Target group" means a population group for which the unemployment level is at least 25% higher than the statewide unemployment level, or a population group for which the average wage received is less than 1.2 times the minimum wage as established under ch. 104 s. 104.035 (1) or under federal law, whichever is greater. No population group is required to be located within a contiguous geographic area to be considered a target group.

SECTION 20. 800.09 (1) (b) of the statutes is amended to read:

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

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

SECTION 21. 800.095 (4) (b) 3. of the statutes is amended to read:

J 800.095 (4) (b) 3. That the defendant perform community service work for a public agency or a nonprofit charitable organization designated by the court, except that the court may not order the defendant to perform community service work unless the defendant agrees to perform community service work and, if the community service work is in lieu of restitution, unless the person to whom the restitution is owed agrees. The court may utilize any available resources, including any community service work program, in ordering the defendant to perform community service work. The number of hours of community service work required may not exceed the number determined by dividing the amount owed on the forfeiture, or restitution, or both, by the minimum wage established under ch. 104 for adults in nonagriculture, nontipped employment s. 104.035 (1). The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

SECTION 22. 895.035 (2m) (c) of the statutes is amended to read:

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

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public agency or nonprofit charitable organization and by the person to whom restitution is owed. The court may utilize any available resources, including any community service work program, in ordering the juvenile or parent to perform community service work. The number of hours of community service work required may not exceed the number determined by dividing the amount owed on the restitution, forfeiture, or surcharge by the minimum wage established under ch. 104 for adults in nonagriculture, nontipped employment s. 104.035 (1). The court shall ensure that the juvenile or parent is provided with a written statement of the terms of the community service order and that the community service order is monitored. June 1, 2009

SECTION 23. Effective date.

(1) MINIMUM WAGE. This act takes effect on September 1, 2007, yor on the day after publication, whichever is later.

(END)

D. Note

09-0159

state of wisconsin – Legislative Reference Bureau

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-CONS/11n GMM: (1):00-6



Senator Decker ()
Representative Mason:

There is more than one minimum wage. In addition to the minimum wage for employees generally, there are separate minimum wages for minor and opportunity employees, tipped employees, agricultural employees, camp counselors, and golf caddies. In addition, employers that provide board and lodging are permitted to deduct certain amounts for the board and lodging provided.

results

Accordingly, this draft increases not only the minimum wage for employees generally but also the separate minimum wages and board and lodging allowances provided under current DWD rules. Specifically, the draft increases those minimum wages and allowances by percent, which is the percentage increase that results when increasing the current minimum wage of \$6.50 for employees generally by the second to

as requested.

Gordon M. Malaise

Senior Legislative Attorney

Phone: (608) 266-9738

E-mail: gordon.malaise@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0805/1dn GMM:bjk:ph

November 18, 2008

Senator Decker:

There is more than one minimum wage. In addition to the minimum wage for employees generally, there are separate minimum wages for minor and opportunity employees, tipped employees, agricultural employees, camp counselors, and golf caddies. In addition, employers that provide board and lodging are permitted to deduct certain amounts for the board and lodging provided.

Accordingly, this draft increases not only the minimum wage for employees generally but also the separate minimum wages and board and lodging allowances provided under current DWD rules. Specifically, the draft increases those minimum wages and allowances by 17 percent, which is the percentage increase that results when increasing the current minimum wage of \$6.50 for employees generally by \$1.10 to \$7.60, as requested.

Gordon M. Malaise Senior Legislative Attorney Phone: (608) 266-9738

 $E-mail: \ gordon.malaise@legis.wisconsin.gov$



RESEARCH APPENDIX PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 11/21/2008 (Per: GMM)

➡ Appendix A

The 2009 drafting file for LRB-0805/1

has been copied/added to the drafting file for

2009 LRB-0908

The attached 2009 death was occuprosted area the new 2009 death based above. For restaurch purposes, this cover wheat each the anached destings file were replack, and added, as a explanation, to the new 2009 deathing file. If introduced this vection will be examined and added, as a repease approving, to the silectronic destings file follows:

*** This cover sheet was added to rear of the congress 2009 dealing file. The dealing file was then returned, retact, to as felder and filed.