

# State of Wisconsin

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:**

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.

---

**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 11/14/2008	bkraft 11/18/2008		_____			S&L
/1			phenry 11/18/2008	_____	lparisi 11/18/2008		S&L
/2	gmalaise 12/02/2008	bkraft 12/02/2008	rschluet 12/02/2008	_____	mbarman 12/02/2008	mbarman 12/03/2008	

**LRB-0805**

12/03/2008 10:37:45 AM

Page 2

FE Sent For:

<END>

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/1			phenry 11/18/2008	_____	lparisi 11/18/2008		S&L
/2	gmalaise 12/02/2008	bkraft 12/02/2008	rschluet 12/02/2008	_____	mbarman 12/02/2008		

**LRB-0805**

12/02/2008 01:27:23 PM

Page 2

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/?	gmalaise 11/14/2008	bkraft 11/18/2008		_____			S&L
/1			phenry 11/18/2008	_____	lparisi 11/18/2008		

FE Sent For:

1/2 bjk 1/2

phenry  
11/18/2008

lparisi  
11/18/2008

<END>

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Pre Topic:

No specific pre topic given

Topic:


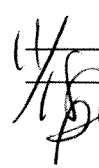
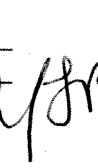
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1?	gmalaise	1 bjk 11/8					
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FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Decker (Bob)

SB 130 but increase to \$7.60

Also AP preemption of local ordinances (29-2159)





**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 ✓

### Minimum Wage Rates for Tipped Employees

Adult Employees:  
\$2.33 per Hour ✓

Minor Employee: [Non-Opportunity]  
\$2.33 per Hour ✓

Opportunity Employees:  
\$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 ROOM A300  
PO BOX 8928  
MADISON WI 53708

819 N 6th ST  
ROOM 255  
MILWAUKEE WI 53203

Telephone: (608) 266-6860  
TTY: (608) 264-8752

Telephone: (414) 227-4384  
TTY: (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
<b>Meals</b>	<b>\$78.00 Per Week \$3.70 Per Meal</b>	<b>\$70.80 Per Week \$3.35 Per Meal</b>
<b>Lodging</b>	<b>\$52.00 Per Week \$7.40 Per Day</b>	<b>\$47.20 Per Week \$6.75 Per Day</b>

### Agricultural Employment

#### All Employees

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

### Camp Counselor Employment

#### Weekly Salary for All Employees

	Board & Lodging	Board Only	No Board or Lodging
<b>Adults</b>	<b>\$189.00</b>	<b>\$240.00</b>	<b>\$315.00</b>
<b>Minors</b>	<b>\$165.00</b>	<b>\$209.00</b>	<b>\$275.00</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 rates.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Generally

7.60  
6.50  
1.10

650  $\overline{)110,000}$  169  
650

~ 17% increase

4500

3900

6000

5850

150

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Minor & Opportunity

5.90  
 .17  


---

 4130  
 5900  


---

 1,0030

5.90  
 ~ 1.00

96.90

Tipped Nonopportunity

2.33  
 .17  


---

 1631  
 2330  


---

 ,3961 ~ 2.33  
 ~ 40

2.73 ~ 2.75

Tipped Opp'y

2.13  
 .17  


---

 1491  
 2130  


---

 ,3621 ~ 2.13  
 ~ 36

2.49 ~ 2.50

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LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Adult Ag

5.15  
  17  
 3605

5150

  8755

5.15  
  88

6.03 ~ \$6.05

Minor AG

4.25  
  17

2975

4250

,7225

4.25  
  72

4.97 ~ \$4.95

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Adult Camp Counselors

315  
17  

---

2205

3150  

---

53.55

~ 315  

---

54

\$369 - no rm + bd

240  
17  

---

1680

2400  

---

40.80

~ 240  
41

\$281 bd/no room

189  
17  

---

1323

1890  

---

3213

189  
32  
~ \$221 (rm + bd)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Minor Camp Counselors

275  
17  
 1925

2750  
          
 4675 ~

275  
 47

\$322 - no rm + b2

209  
17  
 1463

2090  
          
 3553 ~

209  
 36

\$245 - b2/no rm

165  
17  
 1155

1650  
          
 2805 ~

165  
 28

\$193 - rm + b2



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Caddies

10.50

.17

7350

10500

10.50

1.80

1,7850 ~

\$2,300 - 18 holes

5.90

.17

4130

5900

5.90

1.00

1,0030 ~

\$6.90 - 9 holes

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Allowances

Employees Generally

Lodging

Week	Day
52	7.40
.17	.17
<hr/> 364	<hr/> 5180
520	7400
<hr/> 8,840 ~ 52	<hr/> 12,580 ~ 740

\$61/wk

\$865/day

Meals

Week	Day
78	3.70
.17	.17
<hr/> 556	<hr/> 2590
780	3700
<hr/> 13,360 ~ 78	<hr/> 6290 ~ 3.70

\$91/wk

4.33 ~ \$4,351/day

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Allowances

Minor's Opportunity

Lodging

Week

Day

47.20

6.75

.17

.17

33040

4725

47200

6750

6.75

80240 ~ 8

47.20

8

11475

~ 1.15

\$55.20 / wk

97.90 / day

Meals

70.80

2.3

3.35

.17

.17

49560

2345

70800

3350

3.35

120360 ~ 12.05

70.80

12.05

5695

~ 1.55

\$82.85 / wk

93.90 / day meal

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Allowances

Adult & y

Lodging

Week

Day

41.20

5.90

.17

.17

28840

48.30

41200

5900

70040

41.20  
~ 7.00

2730 3.90  
1,0030 ~ 1.00

\$48.20 / wk

96.90 / day

Meals

61.80

2.95

.17

.17

43260

2065

61800

2950

10,5060

61.80

2.95

~ 10.50

5015 ~ 50

\$72.30 / wk

\$3.45 / day

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Allowances

Minor AG

Lodging

Week

Day

34  
 .17  
        
 238  
 340

4.85  
 .17  
        
 3395  
 4850

       34  
 578 ~ 5.80

       4.85  
 8245 ~ .80

\$39.80/wk

\$5.65/day

Meals

51  
 17  
        
 357  
 510

24      2.40  
 .17      40  
        
 169

\$2.80/day

       51  
 8.67 ~ 8.65

240  
        
 408 ~ 24)  
~~28.10~~

\$59.65/wk

Soon

2000 - 2008 LEGISLATURE

0805/1

LRB-10474  
GMM:kjt

NOTE

PWF

Insert

2007 ASSEMBLY BILL 274

SAV  
x-refv

~~April 23, 2007 - Introduced by Representatives MASON, ZEPNICK, TURNER, BLACK, POCAN, YOUNG, BOYLE, SINICKI, SHERIDAN, SHERMAN, POPE, ROBERTS, KREUSER, TRAVIS, VAN AKKEREN, KESSLER, BERCEAU and A. WILLIAMS, cosponsored by Senators DECKER, HANSEN, CARPENTER, MILLER, JAUCH, LEHMAN, RISSER, SULLIVAN, ERPENBACH and BRESKE. Referred to Committee on Jobs and The Economy.~~

3) permitting the enactment of local living wage ordinances, <sup>enactment of ordinances</sup>

Regenerate

1 AN ACT to renumber 104.01 (1); to renumber and amend 104.045; to amend  
2 49.141 (1) (g), 104.01 (intro.), 104.01 (8), 104.05, 104.07 (1), 104.07 (2), 104.10,  
3 104.11, 234.94 (5), 234.94 (8), 800.09 (1) (b), 800.095 (4) (b) 3. and 895.035 (2m)  
4 (c); and to create 104.01 (1d), 104.01 (1g), 104.01 (5g), 104.01 (5m), 104.01 (7m),  
5 104.035 and 104.045 (2) and (3) of the statutes, relating to: a state minimum  
6 wage and granting rule-making authority.

**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

-2-  
June 1, 2009

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 ~~September 1, 2009~~, or on the day after publication of the bill, whichever is later, as follows:

Employees generally

Current minimum wage ✓ \$6.50 per hour  
Minimum wage on effective date ✓ \$7.60 per hour

Minor and opportunity employees

Current minimum wage ✓ \$5.90 per hour  
Minimum wage on effective date ✓ \$6.90 per hour

Tipped employees

Current minimum wage ✓ \$2.33 per hour for nonopportunity employees  
\$2.13 per hour for opportunity employees  
Minimum wage on effective date ✓ \$2.75 per hour for nonopportunity employees  
\$2.50 per hour for opportunity employees

Agricultural employees

Current minimum wage ✓ \$5.15 per hour for adults  
\$4.25 per hour for minors  
Minimum wage on effective date ✓ \$6.05 per hour for adults  
\$4.95 per hour for minors

Adult camp counselors ✓

Current minimum wage ✓

~~\$315~~ ✓ ~~\$270~~ ✓ per week if meals and lodging not furnished ✓  
~~\$240~~ ✓ ~~\$217~~ ✓ per week if meals, but not lodging, furnished ✓  
~~\$189~~ ✓ ~~\$170~~ ✓ per week if meals and lodging furnished ✓

Minimum wage on effective date ✓

~~\$369~~ ✓ ~~\$300~~ ✓ per week if meals and lodging not furnished ✓  
~~\$281~~ ✓ ~~\$242~~ ✓ per week if meals, but not lodging, furnished ✓  
~~\$221~~ ✓ ~~\$190~~ ✓ per week if meals and lodging furnished ✓

Minor camp counselors ✓

Current minimum wage

~~\$275~~ ✓ ~~\$225~~ ✓ per week if meals and lodging not furnished ✓  
\$209 → ~~\$209~~ ✓ ~~\$170~~ ✓ per week if meals, but not lodging, furnished ✓  
~~\$165~~ ✓ ~~\$135~~ ✓ per week if meals and lodging furnished ✓

Minimum wage on effective date

~~\$322~~ ✓ ~~\$250~~ ✓ per week if meals and lodging not furnished ✓  
~~\$245~~ ✓ ~~\$190~~ ✓ per week if meals, but not lodging, furnished ✓  
~~\$193~~ ✓ ~~\$150~~ ✓ per week if meals and lodging furnished ✓

Golf caddies ✓

Current minimum wage ✓

\$10.50 for 18 holes ✓  
\$5.90 for 9 holes ✓

Minimum wage on effective date ✓

~~\$12.30~~ ✓ ~~\$11.70~~ ✓ for 18 holes ✓  
~~\$6.90~~ ✓ ~~\$6.60~~ ✓ for 9 holes ✓

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: ✓



Employees generally ✓

Lodging ✓

Current allowance ✓

\$52 per week or \$7.40 per day ✓

Allowance on effective date ✓

~~\$58~~ per week or ~~\$8.25~~ per day ✓  
\$61 ✓ \$8.65 ✓

Meals ✓

Current allowance ✓

\$78 per week or \$3.70 per meal ✓

Allowance on effective date ✓

~~\$87~~ per week or ~~\$4.15~~ per meal ✓  
\$91 ✓ \$4.35 ✓

Minor and opportunity employees ✓

Lodging ✓

Current allowance ✓

\$47.20 per week or \$6.75 per day ✓

Allowance on effective date ✓

~~\$52.65~~ per week or ~~\$7.55~~ per day ✓  
\$55.20 ✓ \$7.90 ✓

Meals ✓

Current allowance ✓

\$70.80 per week or \$3.35 per meal ✓

Allowance on effective date ✓

~~\$78.95~~ per week or ~~\$3.75~~ per meal ✓  
\$92.95 ✓ \$3.90 ✓

Adult agricultural employees ✓

Lodging ✓

Current allowance ✓

\$41.20 per week or \$5.90 per day ✓

Allowance on effective date ✓

~~\$45.95~~ per week or ~~\$6.60~~ per day ✓  
\$48.25 ✓ \$6.90 ✓

Space →

Meals



**ASSEMBLY BILL 274**

Current allowance ✓

\$61.80 ✓ per week or \$2.95 ✓  
per meal

Allowance on effective date ✓

\$72.30 ✓ ~~\$68.90~~ per week or ~~\$3.30~~ ✓ ~~\$3.45~~ ✓  
per meal

Minor agricultural employees ✓

Lodging ✓

Current allowance ✓

\$34 ✓ per week or \$4.85 ✓  
per day

Allowance on effective date ✓

\$39.80 ✓ ~~\$37.90~~ per week or ~~\$5.40~~ ✓ ~~\$5.65~~ ✓  
per day

Meals ✓

Current allowance ✓

\$51 ✓ per week or \$2.40 ✓  
per meal

Allowance on effective date ✓

\$59.65 ✓ ~~\$56.85~~ per week or ~~\$2.70~~ ✓ ~~\$2.80~~ ✓  
per meal

June 1, 2010

May

> Beginning on ~~September 1, 2008~~, the bill requires DWD annually to promulgate rules revising the minimum wages and allowances for meals and lodging established under the bill by determining the percentage difference between the consumer price index for the preceding year and the consumer price index for the current year, adjusting the minimum wages and allowances in effect on ~~August 31~~ of the current year by that percentage difference, and rounding that result to the nearest multiple of five cents or, in the case of a camp counselor, the nearest dollar.

Insert  
A

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 (1) or the federal minimum hourly wage under 29 USC 206 (a) (1),
- 4 whichever is applicable.

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

SEC RP; 104.001

## ASSEMBLY BILL 274

## SECTION 2

1           **104.01 Definitions.** (intro.) The following terms as used in In this chapter  
2 shall be construed as follows:

3           **SECTION 3.** 104.01 (1) of the statutes is renumbered 104.01 (1m).

4           **SECTION 4.** 104.01 (1d) of the statutes is created to read:

5           √ 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           √ 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.

11           **SECTION 6.** 104.01 (5g) of the statutes is created to read:

12           √ 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           √ 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           √ 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:

-7-

June 1, 2010, \$7.60

1 **104.035 Minimum wage.** (1) EMPLOYEES GENERALLY. (a) *Minimum rates.*

2 Except as provided in subs. (2) to (8), the minimum wage is as follows:

3 1. For wages earned before ~~September 1, 2008, \$7.25~~ per hour. June 1, 2010

4 2. For wages earned beginning on ~~September 1, 2008~~, the amount determined  
5 by the department by rule promulgated under sub. (9).

6 (b) *Allowances for meals and lodging.* Except as provided in subs. (2) (b) and

7 (4) (b), if an employer furnishes an employee with meals or lodging in accordance  
8 with rules promulgated by the department under s. 104.045 (2), the employer may

9 deduct the following amounts from the wages of the employee: June 1, 2010, \$6.1

10 1. For lodging furnished before ~~September 1, 2008, \$5.8~~ per week or ~~\$8.25~~ per

11 day and for meals furnished before ~~September 1, 2008, \$8~~ per week or ~~\$4.15~~ per

12 meal.

13 2. For meals and lodging furnished beginning on ~~September 1, 2008~~, the  
14 amounts determined by the department by rule promulgated under sub. (9).

15 (2) MINOR AND OPPORTUNITY EMPLOYEES. (a) *Minimum rates.* Except as provided

16 in subs. (3) to (8), the minimum wage for a minor employee or an opportunity  
17 employee is as follows:

18 1. For wages earned before ~~September 1, 2008, \$6.60~~ per hour. June 1, 2010

19 2. For wages earned beginning on ~~September 1, 2008~~, the amount determined  
20 by the department by rule promulgated under sub. (9).

21 (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an

22 employer furnishes a minor employee or an opportunity employee with meals or  
23 lodging in accordance with rules promulgated by the department under s. 104.045

24 (2), the employer may deduct the following amounts from the wages of the employee:

ASSEMBLY BILL 274

SECTION 10

1. For lodging furnished before ~~September 1, 2008, \$52.63~~ per week or ~~\$7.50~~ per day and for meals furnished before ~~September 1, 2008, \$78.94~~ per week or ~~\$3.75~~ per meal.

Handwritten notes: June 1, 2010 \$55.20, \$7.90, \$3.90, June 1, 2010 \$82.85

2. For meals and lodging furnished beginning on ~~September 1, 2008~~, the amounts determined by the department by rule promulgated under sub. (9).

(3) TIPPED EMPLOYEES. (a) *Minimum rates.* Except as provided in subs. (4) to (8), if an employer of a tipped employee establishes by the employer's payroll records that, when adding the tips received by the tipped employee in a week to the wages paid to the tipped employee in that week, the tipped employee receives not less than the applicable minimum wage specified in sub. (1) or (2), the minimum wage for the tipped employee is as follows:

1. For wages earned before ~~September 1, 2008~~, by a tipped employee who is not an opportunity employee, ~~\$2.50~~ per hour.

Handwritten note: June 1, 2010 (3x), \$2.75

2. For wages earned before ~~September 1, 2008~~, by a tipped employee who is an opportunity employee, ~~\$2.40~~ per hour.

Handwritten note: \$2.50

3. For wages earned beginning on ~~September 1, 2008~~, the amounts determined by the department by rule promulgated under sub. (9).

(b) *Allowances for meals and lodging.* If an employer furnishes a tipped employee with meals or lodging in accordance with rules promulgated by the department under s. 104.045 (2), the employer may deduct the applicable amounts specified in ~~subs.~~ (1) (b) or (2) (b) from the wages of the tipped employee.

Handwritten note: sub.

(4) AGRICULTURAL EMPLOYEES. (a) *Minimum rates.* Except as provided in subs. (7) and (8), the minimum wage for an agricultural employee is as follows:

1. For wages earned before ~~September 1, 2008~~, by an adult agricultural employee, ~~\$5.75~~ per hour.

Handwritten note: \$6.05

June 1, 2010

ASSEMBLY BILL 274

- 9 -  
June 1, 2010 (use twice)

1 2. For wages earned before ~~September 1, 2008~~ by a minor agricultural  
2 employee, ~~\$4.90~~ \$4.95

3 3. For wages earned beginning on ~~September 1, 2008~~, the amounts determined  
4 by the department by rule promulgated under sub. (9). ✓

5 (b) Allowances for meals and lodging. If an employer furnishes an agricultural  
6 employee with meals or lodging in accordance with rules promulgated by the  
7 department under s. 104.045 (2), the employer may deduct the following amounts  
8 from the wages of the employee: June 1, 2010, \$48.20 June 1, 2010, \$72.30

9 1. For lodging furnished to an adult agricultural employee, before ~~September~~  
10 ~~1, 2008~~, ~~\$45.90~~ \$6.90 per week or ~~\$6.90~~ per day and for meals furnished to an adult  
11 agricultural employee, before ~~September 1, 2008~~, ~~\$68.90~~ per week or ~~\$3.30~~ per meal. \$3.45

12 2. For lodging furnished to a minor agricultural employee before ~~September 1,~~  
13 ~~2008~~, ~~\$37.90~~ June 1, 2010, \$39.80 \$5.65 per week or ~~\$5.65~~ per day and for meals furnished to a minor  
14 agricultural employee before ~~September 1, 2008~~, ~~\$56.80~~ June 1, 2010, \$59.65 per week or ~~\$2.70~~ per meal. \$2.80

15 3. For meals and lodging furnished beginning on ~~September 1, 2008~~, the  
16 amounts determined by the department by rule promulgated under sub. (9). ✓

17 (5) CAMP COUNSELORS. (a) Minimum rates for adult counselors. The minimum  
18 wage for a counselor at a seasonal recreational or educational camp, including a day  
19 camp, who is an adult is as follows: June 1, 2010, \$369

20 1. For wages earned before ~~September 1, 2008~~, ~~\$390~~ \$281 per week if meals and  
21 lodging are not furnished, ~~\$240~~ \$221 per week if only meals are furnished, and ~~\$190~~ per  
22 week if both meals and lodging are furnished. June 1, 2010

23 2. For wages earned beginning on ~~September 1, 2008~~, the amounts determined  
24 by the department by rule promulgated under sub. (9).

ASSEMBLY BILL 274

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:

4 1. For wages earned before ~~September 1, 2008, \$25~~ per week if meals and  
5 lodging are not furnished, ~~\$24~~ per week if only meals are furnished, and ~~\$15~~ per  
6 week if both meals and lodging are furnished.

June 1, 2010, \$322

\$245

\$193

June 1, 2010

7 2. For wages earned beginning on ~~September 1, 2008~~, the amounts determined  
8 by the department by rule promulgated under sub. (9).

June 1, 2010, \$12.30

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 1, 2010  
\$6.90

12 (c) For wages earned beginning on ~~September 1, 2008~~, the amounts determined  
13 by the department by rule promulgated under sub. (9).

June 1, 2010

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.

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

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

7 (9) DEPARTMENT TO REVISE. (a) Subject to par. (b), by ~~September~~ <sup>June</sup> 1 of each year,  
8 the department, using the procedures under s. 227.24, shall promulgate rules to  
9 revise the minimum wages and allowances for meals and lodging established under  
10 subs. (1) to (7). The department shall determine those revised minimum wages and  
11 allowances by calculating the percentage difference between the consumer price  
12 index for the 12-month period ending on ~~May 31~~ <sup>February 28</sup> of the preceding year and the  
13 consumer price index for the 12-month period ending on ~~May 31~~ <sup>February 28</sup> of the current year,  
14 adjusting the minimum wages and allowances in effect on ~~August~~ <sup>May</sup> 31 of the current  
15 year by that percentage difference, and rounding that result to the nearest multiple  
16 of 5 cents, except that for a minimum wage under sub. (5), the department shall  
17 round the result to the nearest dollar. Notwithstanding s. 227.24 (1) (a), (2) (b), and  
18 (3), the department may promulgate an emergency rule under s. 227.24 revising the  
19 minimum wages and allowances established under subs. (1) to (7) without providing  
20 evidence that the emergency rule is necessary to preserve the public peace, health,  
21 safety, or welfare and without a finding of emergency. A revised minimum wage or  
22 allowance determined under this paragraph shall first apply to wages earned or  
23 meals or lodging furnished on ~~September~~ <sup>June</sup> 1 of the year in which the wage or allowance  
24 is revised.



**ASSEMBLY BILL 274**

**SECTION 10**

1            <sup>✓</sup> (b) Paragraph <sup>✓</sup> (a) does not preclude the department from promulgating rules  
2 to increase a minimum wage provided under subs. <sup>✓</sup> (1) to <sup>✓</sup> (7).<sup>✓</sup>

3            ~~X~~ <sup>✓</sup> SECTION 11. 104.045 of the statutes is renumbered 104.045 (intro.) and  
4 amended to read:

5            <sup>✓</sup> **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:<sup>✓</sup>

8            <sup>✓</sup> **(1) The counting of tips or similar gratuities may be counted toward fulfillment**  
9 **of the employer's obligation under this chapter.**<sup>✓</sup>

10           <sup>✓</sup> SECTION 12. 104.045 (2) and (3) of the statutes are created to read:

11           <sup>✓</sup> 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.<sup>✓</sup>

13           <sup>✓</sup> **(3)** The determination of hours worked by an employee during which the  
14 employee is entitled to a living wage under this chapter.<sup>✓</sup>

15           ~~X~~ <sup>✓</sup> SECTION 13. 104.05 of the statutes is amended to read:

16           <sup>✓</sup> **104.05 Complaints; investigation.** The department shall, ~~within~~ <sup>✓</sup> Within 20  
17 days after the filing of a verified complaint of any person ~~setting forth~~ <sup>✓</sup> 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 <sup>✓</sup> investigate and determine whether there is  
21 reasonable cause to believe that the wage paid to any employee is not a living wage.

22           ~~X~~ <sup>✓</sup> SECTION 14. 104.07 (1) of the statutes is amended to read:

23           <sup>✓</sup> 104.07 **(1)** The department shall ~~make~~ <sup>✓</sup> 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,

**ASSEMBLY BILL 274**

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 licensee  
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 or  
13 threatens to discharge, or who 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.

24 **SECTION 18.** 234.94 (5) of the statutes is amended to read:

## ASSEMBLY BILL 274

## SECTION 18

1        ✓ 234.94 (5) "Primary employment" means work which <sup>✓</sup> ~~that~~ pays at least the  
2        minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ <sup>✓</sup> 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 19. <sup>✓</sup> 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 (1)~~ <sup>✓</sup> 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 20. <sup>✓</sup> 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~~ <sup>✓</sup> s. 104.035 (1). The court shall ensure that the defendant is provided a

**ASSEMBLY BILL 274**

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

3 **SECTION 21.** 800.095 (4) (b) 3. 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 (1).~~ ✓ 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 22.** 895.035 (2m) (c) 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

**ASSEMBLY BILL 274**

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 (1). 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 **SECTION 23. Effective date.**

June 1, 2009

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

13 (END)

D-note

09-0159  
e0905/1

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert A

It finally based on a legislative finding that the  
<sup>provision</sup>  
 provision of a living wage that is uniform throughout the  
 state is a matter of statewide concern, current law  
 prohibits a city, village, town or county from enacting  
 and administering and establishing and administering an ordinance establishing a living  
 wage. This bill eliminates that finding and  
 prohibiting

(end of insert)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-~~15-111~~ 0805/1 dr  
GMM: ~~KJ~~ e  
e bjk

March 7, 2007

e Date

Senator Decker  
= Representative Mason: e

17

results

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 ~~15~~ percent, which is the percentage increase that ~~results~~ when increasing the current minimum wage of \$6.50 for employees generally by ~~15~~ ~~cents~~ to ~~\$7.25~~ as requested.

\$1.10

g g  
\$7.60

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  
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State of Wisconsin  
LEGISLATIVE REFERENCE BUREAU

**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 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 appropriate, to the new 2009 drafting file. If requested the version will be returned and added, as a separate appendix, to the electronic drafting file folder.

Ⓜ The cover sheet was added to top of the original 2009 drafting file. The drafting file was then returned, intact, to its holder and filed.