

2015 DRAFTING REQUEST

Bill

Received: 10/15/2015 Received By: mduchek  
 For: Lena Taylor (608) 266-5810 Same as LRB:  
 May Contact: By/Representing: Craig  
 Subject: Employ Priv - minimum wage Drafter: mduchek  
 Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Sen.Taylor@legis.wisconsin.gov  
 Carbon copy (CC) to: gordon.malaise@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Gradually raise tipped minimum wage to 100% of regular

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 10/20/2015		_____			
/P1	mduchek 2/8/2016	kfollett 2/8/2016	_____	lparisi 10/27/2015		State S&L
/1			_____	lparisi 2/8/2016	lparisi 2/25/2016	State S&L

FE Sent For:

*atintus*  
*3/3/16*

<END>

**Duchek, Michael**

---

**From:** Trost, Craig  
**Sent:** Thursday, October 15, 2015 2:41 PM  
**To:** Duchek, Michael  
**Cc:** Jackson, Brandon; Jade Hall; Krieger, Jordan  
**Subject:** RE: Tipped Worker Minimum Wage Increase Drafting Instructions

Yes to the second question.

I'll defer to those cc'ed on this email who will be working on the Senator's economic policy to answer the first question.

---

**From:** Duchek, Michael  
**Sent:** Thursday, October 15, 2015 2:39 PM  
**To:** Trost, Craig <Craig.Trost@legis.wisconsin.gov>  
**Subject:** RE: Tipped Worker Minimum Wage Increase Drafting Instructions

Craig, one question. Current law has separate minimum wages for tipped employees depending on whether they are "opportunity employees" (\$2.13) or non-opportunity employees (\$2.33). Do you want your bill to maintain that distinction for the tipped minimum wage?

And are you saying that six months after enactment, the rate would first go up by 95 cents (i.e., to \$3.28)?

-Mike

---

**From:** Trost, Craig  
**Sent:** Thursday, October 15, 2015 11:43 AM  
**To:** Malaise, Gordon <Gordon.Malaise@legis.wisconsin.gov>  
**Cc:** Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Jade Hall <halljade32@yahoo.com>; Bryant, Michelle <Michelle.Bryant@legis.wisconsin.gov>; Krieger, Jordan <Jordan.Krieger@legis.wisconsin.gov>; Jackson, Brandon <Brandon.Jackson@legis.wisconsin.gov>  
**Subject:** Tipped Worker Minimum Wage Increase Drafting Instructions

Mr. Malaise,

**Senator Taylor would like a bill drafted that would change tipped workers' minimum wage from \$2.33 per hour to 70% of Wisconsin's minimum wage. Upon passage, our bill would incrementally raise the tipped wage 95 cents per year until it reaches the 70% threshold. This law would take effect six months after enactment.**

Per your request, I'm carbon copying Mr. Mike Duchek on this email. Furthermore, I am carbon copying other staff in our office who will be working on the bill.

*Craig J. Trost*

Communications Director  
Office of Sen. Lena Taylor

PO Box 7882  
Madison, WI 53707  
Ph: 608-266-5810  
[Twitter.com/SenTaylor](https://twitter.com/SenTaylor)  
[Facebook.com/SenLenaTaylor](https://facebook.com/SenLenaTaylor)  
[instagram.com/lena.taylor/](https://instagram.com/lena.taylor/)



-30-

## Duchek, Michael

---

**From:** Jade Hall <halljade32@yahoo.com>  
**Sent:** Monday, October 19, 2015 8:06 AM  
**To:** Trost, Craig; Duchek, Michael  
**Cc:** Jackson, Brandon; Krieger, Jordan  
**Subject:** RE: Tipped Worker Minimum Wage Increase Drafting Instructions

Good morning,

It does not seem necessary to keep that distinction unless we can change the age to under 18 and working 90 days or fewer.

Jade

Happy Connecting. Sent from my Sprint Samsung Galaxy S@ 5

----- Original message -----

**From:** "Trost, Craig" <Craig.Trost@legis.wisconsin.gov>  
**Date:** 10/15/2015 2:40 PM (GMT-06:00)  
**To:** "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov>  
**Cc:** "Jackson, Brandon" <Brandon.Jackson@legis.wisconsin.gov>, Jade Hall <halljade32@yahoo.com>, "Krieger, Jordan" <Jordan.Krieger@legis.wisconsin.gov>  
**Subject:** RE: Tipped Worker Minimum Wage Increase Drafting Instructions

Yes to the second question.

I'll defer to those cc'ed on this email who will be working on the Senator's economic policy to answer the first question.

---

**From:** Duchek, Michael  
**Sent:** Thursday, October 15, 2015 2:39 PM  
**To:** Trost, Craig <Craig.Trost@legis.wisconsin.gov>  
**Subject:** RE: Tipped Worker Minimum Wage Increase Drafting Instructions

Craig, one question. Current law has separate minimum wages for tipped employees depending on whether they are “opportunity employees” (\$2.13) or non-opportunity employees (\$2.33). Do you want your bill to maintain that distinction for the tipped minimum wage?

And are you saying that six months after enactment, the rate would first go up by 95 cents (i.e., to \$3.28)?

-Mike

---

**From:** Trost, Craig  
**Sent:** Thursday, October 15, 2015 11:43 AM  
**To:** Malaise, Gordon <[Gordon.Malaise@legis.wisconsin.gov](mailto:Gordon.Malaise@legis.wisconsin.gov)>  
**Cc:** Duchek, Michael <[Michael.Duchek@legis.wisconsin.gov](mailto:Michael.Duchek@legis.wisconsin.gov)>; Jade Hall <[halljade32@yahoo.com](mailto:halljade32@yahoo.com)>; Bryant, Michelle <[Michelle.Bryant@legis.wisconsin.gov](mailto:Michelle.Bryant@legis.wisconsin.gov)>; Krieger, Jordan <[Jordan.Krieger@legis.wisconsin.gov](mailto:Jordan.Krieger@legis.wisconsin.gov)>; Jackson, Brandon <[Brandon.Jackson@legis.wisconsin.gov](mailto:Brandon.Jackson@legis.wisconsin.gov)>  
**Subject:** Tipped Worker Minimum Wage Increase Drafting Instructions

Mr. Malaise,

**Senator Taylor would like a bill drafted that would change tipped workers' minimum wage from \$2.33 per hour to 70% of Wisconsin's minimum wage. Upon passage, our bill would incrementally raise the tipped wage 95 cents per year until it reaches the 70% threshold. This law would take effect six months after enactment.**

Per your request, I'm carbon copying Mr. Mike Duchek on this email. Furthermore, I am carbon copying other staff in our office who will be working on the bill.

*Craig J. Trost*

Communications Director

Office of Sen. Lena Taylor

PO Box 7882

Madison, WI 53707

Ph: 608-266-5810

[Twitter.com/SenTaylor](https://twitter.com/SenTaylor)

[Facebook.com/SenLenaTaylor](https://facebook.com/SenLenaTaylor)

[instagram.com/lena.taylor/](https://instagram.com/lena.taylor/)



-30-

**Duchek, Michael**

---

**From:** Malaise, Gordon  
**Sent:** Monday, October 19, 2015 10:09 AM  
**To:** Duchek, Michael  
**Subject:** FW: Tipped Worker Minimum Wage

---

**From:** Trost, Craig  
**Sent:** Monday, October 19, 2015 8:44 AM  
**To:** Malaise, Gordon <Gordon.Malaise@legis.wisconsin.gov>  
**Subject:** Tipped Worker Minimum Wage

Mr. Malaise,

Would you kindly alter the drafting instructions of our tipped worker minimum wage bill to reflect the same 95 cents per year increase but instead of the 70% cap, we'd like those workers to be brought up to full minimum wage.

*Craig J. Trost*

Communications Director  
Office of Sen. Lena Taylor

PO Box 7882  
Madison, WI 53707  
Ph: 608-266-5810  
[Twitter.com/SenTaylor](https://twitter.com/SenTaylor)  
[Facebook.com/SenLenaTaylor](https://facebook.com/SenLenaTaylor)  
[instagram.com/lena.taylor/](https://instagram.com/lena.taylor/)



-30-





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3615/P1  
MED...*blm*

*In 10-20  
Out 10-29*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Generate catalog*

1 AN ACT ...; relating to: the minimum wage required to be paid to tipped  
2 employees.

---

***Analysis by the Legislative Reference Bureau***

This bill raises the separate minimum wage required to be paid to tipped employees by \$0.95 per year until it reaches \$7.08 per hour, one year after which the bill eliminates the separate minimum wage for tipped employees altogether, making tipped employees subject to the general minimum wage of \$7.25 per hour.

Generally under current law, every wage paid by any employer to any employee must be not less than the applicable minimum wage established under the statutes. However, if an employer of a tipped employee establishes 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 (generally \$7.25 per hour), the minimum wage for the tipped employee is \$2.33 per hour or, with respect to an employee under 20 years of age in the first 90 consecutive days of employment with his or her employer (opportunity employee), \$2.13 per hour.

Beginning approximately six months after enactment, this bill eliminates the alternate minimum wage for tipped employees who are opportunity employees and raises the minimum wage for all tipped employees by \$0.95, to \$3.28 per hour. The bill further raises the minimum wage for tipped employees by \$0.95 per year until it reaches \$7.08 per hour. Beginning one year after it reaches \$7.08 per hour, the bill eliminates the separate minimum wage for tipped employees altogether, making tipped employees subject to the general minimum wage of \$7.25 per hour.

*For, for opportunity employees, \$5.90 per hour*

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.** 104.035 (3) (a) (intro.) of the statutes, as created by 2015 Wisconsin  
2 Act 55, is amended to read:

3           104.035 (3) (a) *Minimum rates.* (intro.) Except as provided in par. (am) and  
4 subs. (4) to (8), if an employer of a tipped employee establishes by the employer's  
5 payroll records that, when adding the tips received by the tipped employee in a week  
6 to the wages paid to the tipped employee in that week, the tipped employee receives  
7 not less than the applicable minimum wage specified in sub. (1), (2), or (2m), the  
8 minimum wage for the tipped employee is as follows:

9 *History:* 2015 a. 55 ss. 3078h, 3078i. **SECTION 2.** 104.035 (3) (a) 1. of the statutes, as created by 2015 Wisconsin Act

10 55, is amended to read:

11           104.035 (3) (a) 1. For wages earned before the effective date of this subdivision  
12 .... [LRB inserts date], by a tipped employee who is not an opportunity employee,  
13 \$2.33 per hour.

14 *History:* 2015 a. 55 ss. 3078h, 3078i. **SECTION 3.** 104.035 (3) (a) 2. of the statutes, as created by 2015 Wisconsin Act

15 55, is amended to read:

16           104.035 (3) (a) 2. For wages earned before the effective date of this subdivision  
17 .... [LRB inserts date], by a tipped employee who is an opportunity employee, \$2.13  
18 per hour.

19 *History:* 2015 a. 55 ss. 3078h, 3078i. **SECTION 4.** 104.035 (3) (a) 3. to 7. and (am) of the statutes are created to read:

1 104.035 (3) (a) 3. For wages earned beginning on the effective date of this  
 2 subdivision .... [LRB inserts date], and prior to the date that is <sup>one</sup> 1 year after the  
 3 effective date of this subdivision .... [LRB inserts date], \$3.28 per hour.

4 4. For wages earned beginning on the date that is <sup>one</sup> 1 year after the effective date  
 5 of this subdivision .... [LRB inserts date], and prior to the date that is 2 years after  
 6 the effective date of this subdivision .... [LRB inserts date], \$4.23 per hour.

7 5. For wages earned beginning on the date that is 2 years after the effective date  
 8 of this subdivision .... [LRB inserts date], and prior to the date that is 3 years after  
 9 the effective date of this subdivision .... [LRB inserts date], \$5.18 per hour.

10 6. For wages earned beginning on the date that is 3 years after the effective date  
 11 of this subdivision .... [LRB inserts date], and prior to the date that is 4 years after  
 12 the effective date of this subdivision .... [LRB inserts date], \$6.13 per hour.

13 7. For wages earned beginning on the date that is 4 years after the effective date  
 14 of this subdivision .... [LRB inserts date], and prior to the date that is 5 years after  
 15 the effective date of this subdivision .... [LRB inserts date], \$7.08 per hour.

16 (am) <sup>Nonapplicability</sup> Paragraph (a) does not apply to wages earned beginning on the date that  
 17 is 5 years after the effective date of this <sup>paragraph</sup> subdivision).... [LRB inserts date]. Except  
 18 as provided in subs. (4) to (8), beginning on the date that is 5 years after the effective  
 19 date of this <sup>paragraph</sup> subdivision) .... [LRB inserts date], the minimum wage for tipped  
 20 employees shall be the applicable minimum wage specified in sub. (1), (2), or (2m).

21 **SECTION 5.** 104.045 (1) of the statutes <sup>↑ as affected by 2015 Wisconsin Act 55</sup> is amended to read:

22 104.045 (1) The counting of tips or similar gratuities toward fulfillment of the  
 23 employer's obligation under this chapter. Rules promulgated under this subsection

1 do not apply beginning on the date that is 5 years after the effective date of this

2 subdivision.... [LRB inserts date].

3 History: 1977 c. 179; 2015 a. 55.

**SECTION 6. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after  
5 publication.

6 (END)

## **Duchek, Michael**

---

**From:** Krieger, Jordan  
**Sent:** Monday, February 08, 2016 10:35 AM  
**To:** Duchek, Michael  
**Subject:** Bill (LRB- 3615/P1) Ready for Introduction

Hi Michael,

We would like LRB – 3615/P1 to be sent as a /1 and drafted as ready for introduction.

Thanks!

**Jordan Krieger**

Legislative Aide, LTE  
Office of Senator Lena Taylor

PO Box 7882  
Madison, WI 53707  
Ph: 608-266-5810  
[Twitter.com/SenTaylor](https://twitter.com/SenTaylor)  
[Facebook.com/SenLenaTaylor](https://facebook.com/SenLenaTaylor)  
[instagram.com/lena.taylor/](https://instagram.com/lena.taylor/)



State of Wisconsin  
2015 - 2016 LEGISLATURE

lu 2-8-16 TODAY

LRB-3615/1

MED:klm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No changes

- 1 **AN ACT to amend** 104.035 (3) (a) (intro.), 104.035 (3) (a) 1., 104.035 (3) (a) 2. and  
2 104.045 (1); and **to create** 104.035 (3) (a) 3. to 7. and (am) of the statutes;  
3 **relating to:** the minimum wage required to be paid to tipped employees.

---

***Analysis by the Legislative Reference Bureau***

This bill raises the separate minimum wage required to be paid to tipped employees by \$0.95 per year until it reaches \$7.08 per hour, one year after which the bill eliminates the separate minimum wage for tipped employees altogether, making tipped employees subject to the general minimum wage.

Generally under current law, every wage paid by any employer to any employee must be not less than the applicable minimum wage established under the statutes. However, if an employer of a tipped employee establishes 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 (generally \$7.25 per hour), the minimum wage for the tipped employee is \$2.33 per hour or, with respect to an employee under 20 years of age in the first 90 consecutive days of employment with his or her employer (opportunity employee), \$2.13 per hour.

Beginning approximately six months after enactment, this bill eliminates the alternate minimum wage for tipped employees who are opportunity employees and raises the minimum wage for all tipped employees by \$0.95, to \$3.28 per hour. The bill further raises the minimum wage for tipped employees by \$0.95 per year until it reaches \$7.08 per hour. Beginning one year after it reaches \$7.08 per hour, the bill eliminates the separate minimum wage for tipped employees altogether, making

tipped employees subject to the general minimum wage of \$7.25 per hour or, for opportunity employees, \$5.90 per hour.

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.** 104.035 (3) (a) (intro.) of the statutes, as created by 2015 Wisconsin  
2 Act 55, is amended to read:

3           104.035 (3) (a) *Minimum rates.* (intro.) Except as provided in par. (am) and  
4 subs. (4) to (8), if an employer of a tipped employee establishes by the employer's  
5 payroll records that, when adding the tips received by the tipped employee in a week  
6 to the wages paid to the tipped employee in that week, the tipped employee receives  
7 not less than the applicable minimum wage specified in sub. (1), (2), or (2m), the  
8 minimum wage for the tipped employee is as follows:

9           **SECTION 2.** 104.035 (3) (a) 1. of the statutes, as created by 2015 Wisconsin Act  
10 55, is amended to read:

11           104.035 (3) (a) 1. For wages earned before the effective date of this subdivision  
12 ... [LRB inserts date], by a tipped employee who is not an opportunity employee,  
13 \$2.33 per hour.

14           **SECTION 3.** 104.035 (3) (a) 2. of the statutes, as created by 2015 Wisconsin Act  
15 55, is amended to read:

16           104.035 (3) (a) 2. For wages earned before the effective date of this subdivision  
17 ... [LRB inserts date], by a tipped employee who is an opportunity employee, \$2.13  
18 per hour.

19           **SECTION 4.** 104.035 (3) (a) 3. to 7. and (am) of the statutes are created to read:

1           104.035 (3) (a) 3. For wages earned beginning on the effective date of this  
2 subdivision ... [LRB inserts date], and prior to the date that is one year after the  
3 effective date of this subdivision ... [LRB inserts date], \$3.28 per hour.

4           4. For wages earned beginning on the date that is one year after the effective  
5 date of this subdivision ... [LRB inserts date], and prior to the date that is 2 years  
6 after the effective date of this subdivision ... [LRB inserts date], \$4.23 per hour.

7           5. For wages earned beginning on the date that is 2 years after the effective date  
8 of this subdivision ... [LRB inserts date], and prior to the date that is 3 years after  
9 the effective date of this subdivision ... [LRB inserts date], \$5.18 per hour.

10          6. For wages earned beginning on the date that is 3 years after the effective date  
11 of this subdivision ... [LRB inserts date], and prior to the date that is 4 years after  
12 the effective date of this subdivision ... [LRB inserts date], \$6.13 per hour.

13          7. For wages earned beginning on the date that is 4 years after the effective date  
14 of this subdivision ... [LRB inserts date], and prior to the date that is 5 years after  
15 the effective date of this subdivision ... [LRB inserts date], \$7.08 per hour.

16          (am) *Nonapplicability.* Paragraph (a) does not apply to wages earned  
17 beginning on the date that is 5 years after the effective date of this paragraph ...  
18 [LRB inserts date]. Except as provided in subs. (4) to (8), beginning on the date that  
19 is 5 years after the effective date of this paragraph ... [LRB inserts date], the  
20 minimum wage for tipped employees shall be the applicable minimum wage  
21 specified in sub. (1), (2), or (2m).

22          **SECTION 5.** 104.045 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
23 is amended to read:

24          104.045 (1) The counting of tips or similar gratuities toward fulfillment of the  
25 employer's obligation under this chapter. Rules promulgated under this subsection



1 do not apply beginning on the date that is 5 years after the effective date of this  
2 subsection .... [LRB inserts date].

3 **SECTION 6. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after  
5 publication.

6 (END)

**Parisi, Lori**

---

**From:** Krieger, Jordan  
**Sent:** Wednesday, February 24, 2016 4:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3615/1

Please Jacket LRB -3615/1 for the SENATE.