

**2015 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB422)**

Received: 2/2/2016 Received By: mduchek  
For: Chris Kapenga (608) 266-9174 Same as LRB:  
May Contact: By/Representing: Christian  
Subject: Unemployment Insurance Drafter: mduchek  
Addl. Drafters:  
Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Franchisor/franchisee

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**Instructions:**

See attached, do as sub

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 2/2/2016	eweiss 2/2/2016	_____			
/P1			_____	lparisi 2/2/2016		
/P2	mduchek 2/2/2016	kfollett 2/2/2016	_____	sbasford 2/2/2016		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			_____	lparisi 2/2/2016	lparisi 2/2/2016	

FE Sent For:

<END>

## Duchek, Michael

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**From:** Laatsch, Christian  
**Sent:** Tuesday, February 02, 2016 9:08 AM  
**To:** Duchek, Michael  
**Cc:** Koenen, Kyle; Spencer, Matt  
**Subject:** RE: Comments

I think your thought in the second paragraph is something that might work. Could you put a p-draft of that together for us?

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**Christian L. Laatsch** | Policy Advisor and Committee Clerk | 33rd Senate District  
Office of Senator Chris Kapenga | [www.SenatorKapenga.com](http://www.SenatorKapenga.com) | (608) 266-9174



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**From:** Duchek, Michael  
**Sent:** Monday, February 01, 2016 5:29 PM  
**To:** Laatsch, Christian <Christian.Laatsch@legis.wisconsin.gov>  
**Subject:** Comments

I spoke with someone over there briefly, and he said that even if they only looked at this when a claim was filed, that would be problematic since they are supposed to register with DWD when they first come into business, so you'd be saying in essence to apply the 9 point test at first, but then to apply a different test if a benefit claim was filed, which could mean that they'd be making a different decision retroactively. Not only does that seem problematic for them to possibly have to reverse their original determination, it would actually seem to go against the intent that the franchisor might be considered the employer. We talked about trying to discuss another solution tomorrow morning.

Another thought would be to create s. 108.065 (1e) (c), which would say, in essence, that the department would apply s. 108.065 (4) (the bill) if the franchisor was found to be the employer under s. 108.065 (1e) (a) and (b) (the 9-point test etc.). I think by doing this, we could avoid saying that the franchisor was ever the employer to begin with under sub. (1e) because the test under sub. (4) would in essence become part of the sub. (1e) test, *but they would only ever get to applying it if* it ever came up. I don't know if that sounds like a possible solution but that's my thought at the moment before I go.

-Mike



In 2-2  
TODAY ASAP

State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs 0295/P1

LRB-3874/1  
GM/AM/MD:emw  
jld

SSA to

2015 SENATE BILL 422

December 3, 2015 - Introduced by Senators KAPENGA, MARKLEIN and STROEBEL, cosponsored by Representatives KUGLITSCH, BORN, R. BROOKS, CRAIG, GANNON, HUTTON, JARCHOW, KNODL, MURPHY, ROHRKASTE, SANFELIPPO, SKOWRONSKI and TITTL. Referred to Committee on Labor and Government Reform.

S.A. ✓  
Kre ✓

- Regen.

1 AN ACT to create 102.04 (2r), 104.015, 108.065 (4), 109.015 and 111.3205 of the  
2 statutes; relating to: exclusion of a franchisor as the employer of a franchisee  
3 or of an employee of a franchisee.

substitute amendment

**Analysis by the Legislative Reference Bureau**

substitute amendment

This bill excludes a franchisor as the employer of a franchisee or of an employee of a franchisee for purposes of certain laws relating to employment. Specifically, the bill provides that for purposes of the laws relating to worker's compensation, unemployment insurance, employment discrimination, minimum wage, and wage payments, a franchisor is not considered to be the employer of a franchisee or of an employee of a franchisee, unless any of the following applies:

1. The franchisor has agreed in writing to assume that role.
2. The franchisor has been found to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

For further information see the **state** 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:**

4 SECTION 1. 102.04 (2r) of the statutes is created to read:  
of a franchisee or an employee of a franchisee

With respect to the unemployment insurance law, the substitute amendment provides for the application of the exclusion if a franchisor is found to be an employer under provisions in current law used for determining which employer

**SENATE BILL 422**

**SECTION 1**

1           102.04 (2r) For purposes of this chapter, a franchisor, as defined in 16 CFR  
2 436.1 (k), is not considered to be an employer of a franchisee, as defined in 16 CFR  
3 436.1 (i), or of an employee of a franchisee, unless any of the following applies:

- 4           (a) The franchisor has agreed in writing to assume that role.
- 5           (b) The franchisor has been found by the department or the division to have
- 6 exercised a type or degree of control over the franchisee or the franchisee’s employees
- 7 that is not customarily exercised by a franchisor for the purpose of protecting the
- 8 franchisor’s trademarks and brand.

9           **SECTION 2.** 104.015 of the statutes is created to read:

10           **104.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
11 as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,  
12 as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
13 following applies:

- 14           (1) The franchisor has agreed in writing to assume that role.
- 15           (2) The franchisor has been found by the department to have exercised a type
- 16 or degree of control over the franchisee or the franchisee’s employees that is not
- 17 customarily exercised by a franchisor for the purpose of protecting the franchisor’s
- 18 trademarks and brand.

19           **SECTION 3.** 108.065 (4) of the statutes is created to read:

Ins  
2-18

20           108.065 (4) ~~Notwithstanding sub. (1e), a~~ <sup>(a) A</sup> franchisor, as defined in 16 CFR 436.1  
21 (k), is not considered to be an employer of a franchisee, as defined in 16 CFR 436.1  
22 (i), or of an employee of a franchisee, unless any of the following applies:

- 23           <sup>ef.</sup> (a) The franchisor has agreed in writing to assume that role.
- 24           <sup>ed.</sup> (b) The franchisor has been found by the department to have exercised a type
- 25 or degree of control over the franchisee or the franchisee’s employees that is not

**SENATE BILL 422**

ns 3-2

1 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
2 trademarks and brand.

3 **SECTION 4.** 109.015 of the statutes is created to read:

4 **109.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
5 as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,  
6 as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
7 following applies:

8 (1) The franchisor has agreed in writing to assume that role.

9 (2) The franchisor has been found by the department to have exercised a type  
10 or degree of control over the franchisee or the franchisee's employees that is not  
11 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
12 trademarks and brand.

13 **SECTION 5.** 111.3205 of the statutes is created to read:

14 **111.3205 Franchisors excluded.** For purposes of this subchapter, a  
15 franchisor, as defined in 16 CFR 436.1 (k), is not considered to be an employer of a  
16 franchisee, as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless  
17 any of the following applies:

18 (1) The franchisor has agreed in writing to assume that role.

19 (2) The franchisor has been found by the department to have exercised a type  
20 or degree of control over the franchisee or the franchisee's employees that is not  
21 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
22 trademarks and brand.

23 **SECTION 6. Initial applicability.**





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**SENATE AMENDMENT ,**

**TO SENATE BILL 422**

*Ins 2-8*

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 18: after that line insert:

3 ~~SECTION 2g.~~ SECTION 2g. 108.065 (1e) (intro.), (a) (intro.) and (b) (intro.) of the statutes are  
4 amended to read:

5 108.065 (1e) (intro.) Except as provided in subs. (2) and (3), if there is more than  
6 one employing unit that has a relationship to an employee, the department shall  
7 determine which of the employing units is the employer of the employee by  
8 considering doing the following:

9 (a) (intro.) ~~An~~ Considering an employing unit's right by contract and in fact to:

10 (b) (intro.) ~~Which~~ Considering which employing unit:

11 SECTION ~~2f.~~ 2f. 108.065 (1e) (c) of the statutes is created to read:



ins  
2-18  
cont'd

1 108.065 (1e) (c) If, after the application of pars. (a) and (b), a franchisor, as  
2 defined in 16 CFR 436.1 (k), is determined to be the employer of a franchisee, as  
3 defined in 16 CFR 436.1 (i), or of an employee of a franchisee, applying sub. (4).<sup>je</sup>

4 **2.** Page 2, line 20: delete "Notwithstanding sub. (1e), a" and substitute "(a) A".

5 **3.** Page 2, line 23: delete "(a)" and substitute "1."

6 **4.** Page 2, line 24: delete "(b)" and substitute "2."

7 **5.** Page 3, line 2: after that line insert:

ins  
3-2  
8 <sup>e</sup>  
<sup>e</sup>(b) This subsection shall be applied as provided in sub. (1e) (c).<sup>je</sup>

9 (END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0295/P1  
GM/AM/MD:emw&jld

PZ  
RMR  
TWJ

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO SENATE BILL 422**

[IN - 2/2  
DVR - now  
Thk!]

Reger

1 **AN ACT to amend** 108.065 (1e) (intro.), (a) (intro.) and (b) (intro.); and **to create**  
2 102.04 (2r), 104.015, 108.065 (1e) (c), 108.065 (4), 109.015 and 111.3205 of the  
3 statutes; **relating to:** exclusion of a franchisor as the employer of a franchisee  
4 or of an employee of a franchisee.

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

This substitute amendment excludes a franchisor as the employer of a franchisee or of an employee of a franchisee for purposes of certain laws relating to employment. Specifically, the substitute amendment provides that for purposes of the laws relating to worker's compensation, unemployment insurance, employment discrimination, minimum wage, and wage payments, a franchisor is not considered to be the employer of a franchisee or of an employee of a franchisee, unless any of the following applies:

1. The franchisor has agreed in writing to assume that role.
2. The franchisor has been found to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

With respect to the unemployment insurance law, the substitute amendment provides for the application of the exclusion if a franchisor is found to be an employer

of a franchisee or of an employee of a franchisee under provisions in current law used for determining which employing unit is considered an employer.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 102.04 (2r) of the statutes is created to read:

2           102.04 (2r) For purposes of this chapter, a franchisor, as defined in 16 CFR  
3           436.1 (k), is not considered to be an employer of a franchisee, as defined in 16 CFR  
4           436.1 (i), or of an employee of a franchisee, unless any of the following applies:

5           (a) The franchisor has agreed in writing to assume that role.

6           (b) The franchisor has been found by the department or the division to have  
7           exercised a type or degree of control over the franchisee or the franchisee's employees  
8           that is not customarily exercised by a franchisor for the purpose of protecting the  
9           franchisor's trademarks and brand.

10          **SECTION 2.** 104.015 of the statutes is created to read:

11          **104.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
12          as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,  
13          as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
14          following applies:

15          (1) The franchisor has agreed in writing to assume that role.

16          (2) The franchisor has been found by the department to have exercised a type  
17          or degree of control over the franchisee or the franchisee's employees that is not  
18          customarily exercised by a franchisor for the purpose of protecting the franchisor's  
19          trademarks and brand.

20          **SECTION 3.** 108.065 (1e) (intro.), (a) (intro.) and (b) (intro.) of the statutes are  
21          amended to read:

*The department shall apply sub. (4) only as provided in this paragraph.*

1 108.065 (1e) (intro.) Except as provided in subs. (2) and (3), if there is more than  
2 one employing unit that has a relationship to an employee, the department shall  
3 determine which of the employing units is the employer of the employee by  
4 ~~considering~~ doing the following:

5 (a) (intro.) ~~An~~ Considering an employing unit's right by contract and in fact to:

6 (b) (intro.) ~~Which~~ Considering which employing unit:

7 **SECTION 4.** 108.065 (1e) (c) of the statutes is created to read:

8 108.065 (1e) (c) If, after the application of pars. (a) and (b), a franchisor, as  
9 defined in 16 CFR 436.1 (k), is determined to be the employer of a franchisee, as  
10 defined in 16 CFR 436.1 (i), or of an employee of a franchisee, applying sub. (4).

11 **SECTION 5.** 108.065 (4) of the statutes is created to read:

12 108.065 (4) (a) A franchisor, as defined in 16 CFR 436.1 (k), is not considered  
13 to be an employer of a franchisee, as defined in 16 CFR 436.1 (i), or of an employee  
14 of a franchisee, unless any of the following applies:

- 15 1. The franchisor has agreed in writing to assume that role.
- 16 2. The franchisor has been found by the department to have exercised a type
- 17 or degree of control over the franchisee or the franchisee's employees that is not
- 18 customarily exercised by a franchisor for the purpose of protecting the franchisor's
- 19 trademarks and brand.

20 (b) This subsection shall be applied only as provided in sub. (1e) (c).

21 **SECTION 6.** 109.015 of the statutes is created to read:

22 **109.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
23 as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,  
24 as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
25 following applies:



## McKean, Aaron

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**From:** Laatsch, Christian  
**Sent:** Tuesday, February 02, 2016 2:47 PM  
**To:** Duchek, Michael; McKean, Aaron  
**Subject:** RE: FW: FYI

Let's make those changes you mention in the first part of your response. As you mention for the second part, let's keep the test and statement in sub. (4).

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**From:** Duchek, Michael  
**Sent:** Tuesday, February 02, 2016 2:45 PM  
**To:** Laatsch, Christian <Christian.Laatsch@legis.wisconsin.gov>; McKean, Aaron <Aaron.McKean@legis.wisconsin.gov>  
**Subject:** Re: FW: FYI

We could add language to 108.065 (4) (b) to add the word "only" and also say that the department may not use the new test except under that circumstance.

I would recommend leaving the test and statement in sub. (4) though because of the wording of the (1e) introduction it would get messy to put it all in (1e) (c) without changing your language around and our statutes only let us go down so far as far as breaking things into subunits.

Sent from Outlook on Android

On Tue, Feb 2, 2016 at 12:37 PM -0800, "Laatsch, Christian" <[Christian.Laatsch@legis.wisconsin.gov](mailto:Christian.Laatsch@legis.wisconsin.gov)> wrote:

Hi Aaron, please see below for a request from my boss regarding the substitute amendment to Senate Bill 422. The LRB number for the substitute amendment is s0295/P1. Can we have these changes made as a P/2?

We need this ASAP, as we are going to be making a final decision on everything today yet.

---

**Christian L. Laatsch** | Policy Advisor and Committee Clerk | 33rd Senate District  
Office of Senator Chris Kapenga | [www.SenatorKapenga.com](http://www.SenatorKapenga.com) | (608) 266-9174



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**From:** Laatsch, Christian  
**Sent:** Tuesday, February 02, 2016 2:26 PM  
**To:** Duchek, Michael <[Michael.Duchek@legis.wisconsin.gov](mailto:Michael.Duchek@legis.wisconsin.gov)>  
**Subject:** RE: FYI

My boss would like to find a way to further clarify that the department is **not allowed** to trigger the extra test on page three, lines 15-19, unless the franchisor is found to be the employer as a result of the nine-point test, etc. We need to explicitly direct the department what not to do.

Also, instead of having the part on page three, lines 12-19, as a separate subsection of 108.065, is there a way we can put it as a subsection of (1e)(c)? If possible, my boss thinks it will make the section flow better (and easier for the department to understand).

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**From:** Duchek, Michael  
**Sent:** Tuesday, February 02, 2016 2:15 PM  
**To:** Laatsch, Christian <[Christian.Laatsch@legis.wisconsin.gov](mailto:Christian.Laatsch@legis.wisconsin.gov)>  
**Subject:** RE: FYI

Let me know but Aaron McKean will be able to help. Do you have something in mind?

Sent from Outlook on Android

On Tue, Feb 2, 2016 at 12:09 PM -0800, "Laatsch, Christian" <[Christian.Laatsch@legis.wisconsin.gov](mailto:Christian.Laatsch@legis.wisconsin.gov)> wrote:

Who should I talk to if we need a change to the substitute amendment?

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**From:** Duchek, Michael  
**Sent:** Tuesday, February 02, 2016 11:58 AM  
**To:** Laatsch, Christian <[Christian.Laatsch@legis.wisconsin.gov](mailto:Christian.Laatsch@legis.wisconsin.gov)>  
**Subject:** FYI

I have to take my son to the doctor on the west side, so I'll be leaving probably a little after 1 and then probably won't be back in until tomorrow due to the snow. I will be checking email and can get things jacketed if necessary.



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0295/P  
GM/AM/MD:emw/jld/wlj

In 2-3  
TODAY if poss

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE SUBSTITUTE AMENDMENT ,  
TO SENATE BILL 422**

1 **AN ACT to amend** 108.065 (1e) (intro.), (a) (intro.) and (b) (intro.); and **to create**  
2 102.04 (2r), 104.015, 108.065 (1e) (c), 108.065 (4), 109.015 and 111.3205 of the  
3 statutes; **relating to:** exclusion of a franchisor as the employer of a franchisee  
4 or of an employee of a franchisee.

---

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

This substitute amendment excludes a franchisor as the employer of a franchisee or of an employee of a franchisee for purposes of certain laws relating to employment. Specifically, the substitute amendment provides that for purposes of the laws relating to worker's compensation, unemployment insurance, employment discrimination, minimum wage, and wage payments, a franchisor is not considered to be the employer of a franchisee or of an employee of a franchisee, unless any of the following applies:

1. The franchisor has agreed in writing to assume that role.
2. The franchisor has been found to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

With respect to the unemployment insurance law, the substitute amendment provides for the application of the exclusion if a franchisor is found to be an employer

Only



of a franchisee or of an employee of a franchisee under provisions in current law used for determining which employing unit is considered an employer.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 102.04 (2r) of the statutes is created to read:

2           102.04 (2r) For purposes of this chapter, a franchisor, as defined in 16 CFR  
3 436.1 (k), is not considered to be an employer of a franchisee, as defined in 16 CFR  
4 436.1 (i), or of an employee of a franchisee, unless any of the following applies:

5           (a) The franchisor has agreed in writing to assume that role.

6           (b) The franchisor has been found by the department or the division to have  
7 exercised a type or degree of control over the franchisee or the franchisee's employees  
8 that is not customarily exercised by a franchisor for the purpose of protecting the  
9 franchisor's trademarks and brand.

10          **SECTION 2.** 104.015 of the statutes is created to read:

11          **104.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
12 as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,  
13 as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
14 following applies:

15          (1) The franchisor has agreed in writing to assume that role.

16          (2) The franchisor has been found by the department to have exercised a type  
17 or degree of control over the franchisee or the franchisee's employees that is not  
18 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
19 trademarks and brand.

20          **SECTION 3.** 108.065 (1e) (intro.), (a) (intro.) and (b) (intro.) of the statutes are  
21 amended to read:

1           108.065 (1e) (intro.) Except as provided in subs. (2) and (3), if there is more than  
2 one employing unit that has a relationship to an employee, the department shall  
3 determine which of the employing units is the employer of the employee by  
4 ~~considering~~ doing the following:

5           (a) (intro.) ~~An~~ Considering an employing unit's right by contract and in fact to:

6           (b) (intro.) ~~Which~~ Considering which employing unit:

7           **SECTION 4.** 108.065 (1e) (c) of the statutes is created to read:

8           108.065 (1e) (c) If, after the application of pars. (a) and (b), a franchisor, as  
9 defined in 16 CFR 436.1 (k), is determined to be the employer of a franchisee, as  
10 defined in 16 CFR 436.1 (i), or of an employee of a franchisee, applying sub. (4). The  
11 department shall apply sub. (4) only as provided in this paragraph.

12           **SECTION 5.** 108.065 (4) of the statutes is created to read:

13           108.065 (4) (a) A franchisor, as defined in 16 CFR 436.1 (k), is not considered  
14 to be an employer of a franchisee, as defined in 16 CFR 436.1 (i), or of an employee  
15 of a franchisee, unless any of the following applies:

16           1. The franchisor has agreed in writing to assume that role.

17           2. The franchisor has been found by the department to have exercised a type  
18 or degree of control over the franchisee or the franchisee's employees that is not  
19 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
20 trademarks and brand.

21           (b) This subsection shall be applied only as provided in sub. (1e) (c).

22           **SECTION 6.** 109.015 of the statutes is created to read:

23           **109.015 Franchisors excluded.** For purposes of this chapter, a franchisor,  
24 as defined in 16 CFR 436.1 (k), is not considered to be an employer of a franchisee,

1 as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless any of the  
2 following applies:

3 (1) The franchisor has agreed in writing to assume that role.

4 (2) The franchisor has been found by the department to have exercised a type  
5 or degree of control over the franchisee or the franchisee's employees that is not  
6 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
7 trademarks and brand.

8 **SECTION 7.** 111.3205 of the statutes is created to read:

9 **111.3205 Franchisors excluded.** For purposes of this subchapter, a  
10 franchisor, as defined in 16 CFR 436.1 (k), is not considered to be an employer of a  
11 franchisee, as defined in 16 CFR 436.1 (i), or of an employee of a franchisee, unless  
12 any of the following applies:

13 (1) The franchisor has agreed in writing to assume that role.

14 (2) The franchisor has been found by the department to have exercised a type  
15 or degree of control over the franchisee or the franchisee's employees that is not  
16 customarily exercised by a franchisor for the purpose of protecting the franchisor's  
17 trademarks and brand.

18 **SECTION 8. Initial applicability.**

19 (1) **EXCLUSION OF FRANCHISORS AS EMPLOYERS.** This act first applies to work  
20 performed on the effective date of this subsection.

21 (END)