2019 ASSEMBLY BILL 981

March 2, 2020 - Introduced by Representatives Zamarripa, Sinicki, Anderson, Bowen, Brostoff, Cabrera, Emerson, Fields, Neubauer, Pope and Stubbs. Referred to Committee on Labor and Integrated Employment.

AN ACT to renumber and amend 103.02; and to create 103.02 (3) of the statutes; relating to: overtime pay for individuals employed at motion picture theaters.

Analysis by the Legislative Reference Bureau

Under current administrative rules promulgated by the Department of Workforce Development, employees of motion picture theaters are exempt from being paid overtime rates. This bill requires employers of employees in motion picture theaters to pay those employees overtime pay and to pay those employees overtime pay on Thanksgiving and Christmas Day.

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:

SECTION 1. 103.02 of the statutes is renumbered 103.02 (1) and amended to read:

103.02 (1) No person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any
(2) The department shall investigate, ascertain, determine, and fix such reasonable classification, and promulgate rules fixing a period of time, or hours of beginning and ending work during any day, night, or week, which may be necessary to protect the life, health, safety, or welfare of any person, or to carry out the purposes of ss. 103.01 to 103.03. The department shall, by rule, classify such periods of time into periods to be paid for at regular rates and periods to be paid for at the rate of at least one and one-half times the regular rates. Such investigations, classifications, rules, and orders shall be made as provided in s. 103.005 and the penalties under s. 103.005 (12) shall apply to and be imposed for any violation of ss. 103.01 to 103.03. Such orders shall be subject to review in the manner provided in ch. 227. Section 111.322 (2m) applies to discharge or other discriminatory acts arising in connection with any proceeding under this section.

SECTION 2. 103.02 (3) of the statutes is created to read:

103.02 (3) (a) In this subsection, “motion picture theater” has the meaning given in s. 943.49 (1) (a).

(b) In promulgating rules under sub. (2), the department shall require that employees employed at motion picture theaters be paid at the rate of at least 1.5 times the regular rates for all hours worked in excess of 40 hours per week, and for any hours worked on the 4th Thursday in November and December 25th.