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Chapter Ind 72

MINIMUM WAGE REGULATIONS FOR ADULT WOMEN AND MINORS

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History: Chapter Ind 72 as it existed on October 1, 1963 was repealed and a new chapter Ind 72 created effective November 1, 1963.

Ind 72.01 Definitions. (1) The clause "cities of 1,000 or more" shall mean cities and villages with a population of 1,000 or more including communities and isolated establishments which are within the industrial and commercial areas of such cities, although outside of their territorial limits.

(2) In determining the population of the cities and villages the last federal census is controlling.

(3) Agriculture will mean the same as "farm premises" as defined in section 102.04 (3) of the Workmen's Compensation Act.

(4) A "minor" shall mean any person under 21 years of age.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.02 Minimum rates and method of computation. (1) **MINIMUM RATES.** Except in domestic service and agriculture as provided for in sections Ind 72.03 and Ind 72.04, no employer shall employ any adult woman or any minor in any occupation, trade or industry at a lesser hourly rate than is indicated below:

		Effective Sept. 1 1964
(a) Adult women and minors 16 years of age and over:		
1. In cities of 1,000 or more -----	95¢	\$1.10
2. Elsewhere in the state -----	85¢	1.00
(b) Minors under 16 years of age:		
1. In cities of 1,000 or more -----	75¢	.85
2. Elsewhere in the state -----	65¢	.75

(2) **ALLOWANCE FOR BOARD AND LODGING.** Where board and/or lodging are furnished by the employer an allowance may be made not to exceed the following amounts:

(a) In cities of 1,000 or more:

1. The value of a room shall be \$7 per week or \$1 per day; and the value of meals shall be \$14.50 per week or 70 cents per meal.

2. Effective September 1, 1964, the value of a room shall be \$8.75 per week or \$1.25 per day; and the value of meals shall be \$16.75 per week or 80 cents per meal.

(b) Elsewhere in the state:

1. The value of a room shall be \$6.25 per week or 90 cents per day; and the value of meals shall be \$13.50 per week or 65 cents per meal.
2. Effective September 1, 1964, the value of a room shall be \$8 per week or \$1.15 per day; and the value of meals shall be \$15.75 per week or 75 cents per meal.

(c) Meal deductions may be made only for bona fide meals consistent with employe's work shift. No deductions shall be made or credit given for meals not eaten except in employment where weekly room and board are provided and accepted.

(3) TIPS. In no case shall tips, gratuities or service charges in the nature of gratuities from patrons or others be counted as part of the minimum wage.

(4) PAYMENT OF WAGES ON OTHER THAN TIME BASIS. Where payment of wages is made upon a basis or system other than time rate, the actual wage paid per payroll period shall not be less than provided for in this order, but if the piece rates paid for any particular kind of work yield to 65% of the women and minors employed thereon five cents per hour more than the minimum hourly rates prescribed in subsection (1) then such piece rates are deemed adequate for such employes and differences between earnings at these rates and the prescribed hourly rates do not have to be made up by the employer.

(5) HOME WORK. Wages paid to home workers shall be not less than the rates prescribed in this order.

(6) DETERMINATION OF COMPLIANCE. The payroll period shall be taken as the unit of determining compliance with the minimum rates prescribed in this order.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.03 Domestic service in private homes. (1) WEEKLY BASIS. The minimum wage of adult women and minors employed in domestic service in private homes for 45 or more hours per week shall be computed on a weekly basis as follows:

		Effective Sept. 1 1964
(a) Adult women and minors 16 years of age and over:		
1. In cities of 1,000 or more		
a. If board and lodging are not furnished	\$42.75	\$49.50
b. If board only is furnished	28.25	32.75
c. If board and lodging are furnished	21.25	24.00
2. Elsewhere in the state:		
a. If board and lodging are not furnished	38.25	45.00
b. If board only is furnished	24.75	29.25
c. If board and lodging are furnished	18.50	21.25
(b) Minors under 16 years of age:		
1. In cities of 1,000 or more:		
a. If board and lodging are not furnished	\$33.75	\$38.25
b. If board only is furnished	20.25	23.00
c. If board and lodging are furnished	13.50	15.50

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		Effective Sept. 1 1964
2. Elsewhere in the state:		
a. If board and lodging are not furnished -----	29.25	33.75
b. If board only is furnished -----	17.50	20.25
c. If board and lodging are furnished -----	11.75	13.50

(2) **HOURLY BASIS.** The minimum wage of adult women and minors employed in domestic service in private homes for less than 45 hours per week shall be computed on an hourly basis as prescribed in Ind 72.02. Employes not living in the home, but who are required to be on duty for more than 45 hours per week shall be paid, as a minimum for 45 hours per week.

(3) **CASUAL EMPLOYMENT IN PRIVATE HOMES.** The minimum rates prescribed by this order shall not apply to casual employment in or around a home in work usual to the home of the employer, and not in connection with or a part of the business, trade, or profession of the employer; such as caring for children, mowing lawns, raking leaves, shoveling snow or other similar odd jobs. For the purpose of this paragraph "casual" employment shall mean employment for not more than 15 hours per week for any one employer.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.04 Agriculture. (1) **WEEKLY BASIS.** The minimum wage of adult women and minors employed in agriculture for 45 or more hours per week shall be computed on a weekly basis as follows:

		Effective Sept. 1 1964
(a) Adult women and minors 16 years of age and over:		
1. If board and lodging are not furnished -----	\$38.25	\$45.00
2. If board only is furnished -----	24.75	29.25
3. If board and lodging are furnished -----	18.50	21.25
(b) Minors under 16 years of age:		
1. If board and lodging are not furnished -----	29.25	33.75
2. If board only is furnished -----	17.50	20.25
3. If board and lodging are furnished -----	11.75	13.50

(2) **HOURLY BASIS.**

(a) The minimum wage of adult women and minors 16 years of age or over employed in agriculture on an hourly basis for less than 45 hours per week shall not be less than 85¢ per hour (effective Sept. 1, 1964, \$1.00 per hour). Minors under 16 years of age shall not be paid less than 65¢ per hour (effective Sept. 1, 1964, 75¢ per hour).

(b) Where board/and or lodging are furnished to women and minors employed on an hourly basis, an allowance may be made not to exceed the following amounts:

1. The value of a room shall be \$6.25 per week or 90 cents per day; and the value of meals shall be \$13.50 per week or 65 cents per meal.

2. Effective September 1, 1964, the value of a room shall be \$8.00 per week or \$1.15 per day; and the value of meals shall be \$15.75 per week or 75 cents per meal.

(3) **PAYMENT OF WAGES ON OTHER THAN TIME BASIS IN AGRICULTURAL WORK.** Where the payment of wages is made on a basis or system other than time rate, the actual wage shall not be less than provided for in subsection Ind 72.02 (4). The commission may also, upon the application of an employer or group of employers covered by this section, approve specific piece rates for any particular kind of employment on the basis of such tests or studies as it deems adequate. Where such piece rates are established, the requirements of subsections Ind 72.09 (5) and (6) shall be waived.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.05 Minimum rates and pay hours in telephone exchanges.

(1) **MINIMUM RATES.** The minimum hourly rates to be paid by telephone exchanges to adult women and minors employed as operators are those prescribed in section Ind 72.02.

(2) **PAY HOURS.** (a) For the 16 hour period 6:00 a.m. to 10:00 p.m. of the same day, telephone exchanges shall pay their operators as a minimum for no less than the number of hours indicated on the following schedule:

	Hours to be counted as pay hours
Size of exchange	
1-199 telephones -----	12
200 telephones and over -----	16

(b) For the 8 hour period 10:00 p.m. of one day to 6:00 a.m. of the following day, telephone exchanges shall pay their operators as a minimum for not less than the number of hours indicated in the following schedule:

	Hours to be counted as pay hours
Size of exchange	
1-199 telephones -----	3
200-399 -----	4
400-599 -----	6
600 telephones or over -----	8

(3) **PRIVATE RESIDENCE.** In telephone exchanges which are located in a private residence and operated primarily by members of the household, the payment of wage for the operation of the switchboard of \$1.25 per month (effective Sept. 1, 1964, \$1.40 per month) per phone will be regarded as a compliance with the minimum wage law, but if outside help is employed, such help must be paid upon the basis outlined in subsections (1) and (2).

(4) **CLASSIFICATION.** In determining the classification of an exchange, all telephones served by the exchange must be counted. This includes all main telephones connected to the central office equipment, all extension telephones including P B X extensions and telephones for which switching service is performed on lines not owned by the exchange giving the switching service.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.09 Permanent records to be kept by the employer. Each employer shall keep permanent records for at least two years, available for inspection and transcription by a duly authorized deputy of the industrial commission, showing the following facts concerning each woman and minor employe.

- (1) Name and address.
- (2) Age.
- (3) Date of birth of all minors.
- (4) Dates of entering and leaving employ.
- (5) Time of beginning and ending of work and of meal periods each day.
- (6) Total number of hours worked per day and per week.
- (7) Total wages paid each payroll period.
- (8) Output of employe, if paid on other than time basis.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.10 Listing deductions from wages. An employer shall state clearly on the employe's pay check, pay envelope, or paper accompanying the wage payment the amount of and reason for each deduction from the wages due or earned by the employe, except such miscellaneous deductions as may have been authorized by request of individual employe for reasons personal to himself. A reasonable coding system may be used by the employer.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.11 Posting of order. The provisions of this chapter must be posted in a conspicuous place in all places of employment except domestic and agricultural employments on a form prescribed by the industrial commission.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 72.12 Forms. The following forms are listed in accordance with Sec. 227.013, Wis. Stats. These forms are issued by the Wage-Hour, Woman & Child Labor Division and may be obtained from the Industrial Commission, 1 West Wilson Street, Madison.

(1) CL-39 Minimum Wage For Adult Women And Minors (Summary for posting—see Ind 72.11).

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.