

Chapter Ind 72

MINIMUM WAGE REGULATIONS FOR ADULT
WOMEN AND MINORS

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History: Chapter Ind 72 as it existed on January 31, 1967 was repealed and a new chapter Ind 72 was created effective February 1, 1967.

Ind 72.01 Definitions. As used in this chapter:

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

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

History: Cr. Register, December, 1966, No. 132, eff. 2-1-67; emerg. cr. (3), eff. 6-28-67.

Ind 72.02 Applicability of orders. (1) The rates prescribed in this chapter shall apply to all women and minors employed at private employments including non-profit organizations, whether paid on a time, piece rate, commission, or other basis.

Note: Section 104.07, Wis. Stats., provides that an employer may obtain a subminimum wage license from the Industrial Commission for those persons who are unable to earn the prescribed minimum rates.

History: Cr. Register, December, 1966, No. 132, eff. 2-1-67.

Ind 72.03 Minimum rates. (1) **MINIMUM RATES.** Except in domestic service, agriculture, hotels, motels, and resorts, as provided for in Wis. Adm. Code sections Ind 72.04, Ind 72.05, and Ind 72.06, 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:

(a) Adult women and minors 18 years of age and over: \$1.25.

(b) Minors 17 years of age and under: \$1.10.

(2) **TIPS.** Where tips or gratuities are received by the employe from patrons or others, the employer shall pay as a minimum 90% of the wage rate prescribed in section Ind 72.03 (1) providing that the employer can establish that when adding the tips received to the wages paid no less than the minimum rate prescribed in subsection (1) was received by the employe.

(3) **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) The value of a room shall be \$10 per week or \$1.40 per day.

(b) The value of meals shall be \$20 per week or \$.95 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.

(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 8 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 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, December, 1966, No. 132, eff. 2-1-67.

Ind 72.04 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:

- (a) Adult women and minors 18 years of age and over:
- | | |
|---|--------------|
| 1. If board and lodging are not furnished | -----\$56.25 |
| 2. If board only is furnished | -----\$36.25 |
| 3. If board and lodging are furnished | -----\$26.25 |
- (b) Minors 17 years of age and under:
- | | |
|---|--------------|
| 1. If board and lodging are not furnished | -----\$49.50 |
| 2. If board only is furnished | -----\$29.50 |
| 3. If board and lodging are furnished | -----\$19.50 |

(2) HOURLY BASIS. (a) *Minimum rates.* 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 section Ind 72.03 (1). 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.

(b) *Allowance for board and lodging.* Where board and/or lodging are furnished by the employer to employes employed on an hourly basis, an allowance may be made not to exceed the following amounts:

1. The value of a room shall be \$10 per week or \$1.40 per day.
2. The value of meals shall be \$20 per week or \$.95 per meal.

3. 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.

being served in accordance with the recognized rehabilitation program of a sheltered workshop within the facilities of such agency or in or about the home of the handicapped person.

(3) The special license shall be granted for a designated period of time. It shall provide a minimum rate below which the handicapped employes may not be paid. When workers are paid on a piece rate basis, the piece rate shall not be less than the prevailing piece rate paid to non-handicapped workers in the same work. Each worker on a piece rate must be paid his full piece rate earnings but not less than the hourly rate allowed by the special license.

(4) A license may be granted to a workshop to employ handicapped workers at a wage less than the minimum wage if the workshop and the workers are covered by definitions (1) and (2) and the following conditions are met.

(a) Workers are so handicapped that they are unable to earn the minimum wage.

(b) The workshop is carrying out a recognized rehabilitation program, medical, therapeutic, or educational, and the handicapped person may learn and gain experience.

(c) That a subcontract agreement of the workshop does not constitute an unfair method of competition in commerce.

(d) That the workshop is registered as a non-profit organization.

(5) Severely handicapped and inexperienced individuals who are unable to earn the rate set for the workshop may be granted a temporary individual license for employment at a lower rate than the rate set for the workshop.

(6) The special license may be cancelled by the commission if it is found that:

(a) The license was obtained through fraud.

(b) Any terms of this order or the license has been violated.

(c) The license is no longer necessary.

(7) A special license will not exempt the sheltered workshop from the records requirement of section Ind 72.08.

History: Cr. Register, April, 1967, No. 136, eff. 5-1-67.

Ind 72.14 Nonprofit colleges and universities. (1) Recognized nonprofit colleges and universities subject to the minimum wage law may employ students enrolled in the institution at a lesser wage than prescribed in section Ind 72.03 but not less than \$1.00 per hour. This lower rate will apply only to full-time students carrying 12 or more credits who work on a part-time basis and for not more than 15 hours per week. Employment records of such students must contain the information required by section Ind 72.08.

History: Cr. Register, April, 1967, No. 136, eff. 5-1-67.

Ind 72.15 Nonprofit seasonal recreational camps. (1) WEEKLY BASIS. The minimum wage of adult women and minors employed in nonprofit seasonal recreational camps for 45 or more hours per week shall be computed on a weekly basis as follows:

(a) Adult women and minors 18 years of age and over:

1. If board and lodging are not furnished-----\$56.25
2. If board only is furnished-----\$36.25
3. If board and lodging are furnished-----\$26.25

(b) Minors 17 years of age and under:

1. If board and lodging are not furnished.....\$49.50
2. If board only is furnished.....\$29.50
3. If board and lodging are furnished.....\$19.50

(2) **HOURLY BASIS.** The minimum wage of adult women and minors employed in nonprofit seasonal recreational camps for less than 45 hours per week shall be computed on an hourly basis as prescribed in section Ind 72.03.

History: Cr. Register, April, 1967, No. 136, eff. 5-1-67.

Ind 72.16 Caddies. (1) The minimum wage of adult women and minors employed as caddies shall be \$1.50 for 9 holes or \$3.00 for 18 holes.

History: Cr. Register, April, 1967, No. 136, eff. 5-1-67.

Ind 72.17 Agricultural piece rates. (1) In accordance with the provisions of section Ind 72.05 (4) (b) the following piece rates are approved.

(a) *Picking cherries.* 27 cents per 9 pound pail or 3 cents per pound.

(b) *Picking strawberries.* 9 cents per quart.

History: Cr. Register, April, 1967, No. 136, eff. 5-1-67.

Ind 72.18 Unwed mothers in domestic service. The minimum wage of unwed mothers placed in domestic service by the state department of public welfare or an agency licensed under the provisions of section 48.66, Wis. Stats., shall not be less than \$20 per week plus room and board.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.