

(2 orders)

Filed May 7, 1968

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Ind 72

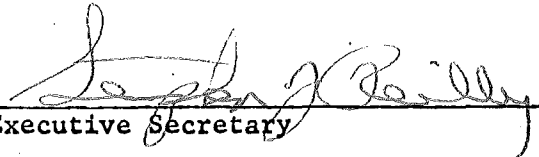
STATE OF WISCONSIN)
) SS.
 DEPARTMENT OF INDUSTRY,)
 LABOR AND HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Stephen J. Reilly, Executive Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said Department do hereby certify that the rules relating to Wisconsin Administrative Code Ind 72, attached hereto, were duly approved and adopted by the Department of Industry, Labor and Human Relations on December 22, 1967.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol, in the city of Madison, this 3 day of May, A. D., 1968.



 Executive Secretary

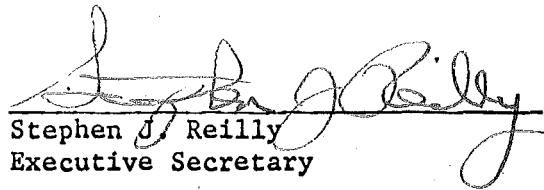
ORDER OF THE

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section 101.01 to 101.29, Wis. Stats., the Department of Industry, Labor and Human Relations hereby repeals and recreates and adopts Chapter Ind 72 Minimum Wage Regulations for Adult Women and Minors, attached hereto.

The rules attached hereto shall become effective on July 1, 1968 as provided in section 227.

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS


Stephen J. Reilly
Executive Secretary

May 3, 1968

Pursuant to Chapter 104 Wisconsin Statutes the Department of Industry, Labor and Human Relations adopts the following:

MINIMUM WAGE REGULATIONS FOR ADULT WOMEN AND MINORS

Chapter Ind 72

Effective July 1, 1968

Chapter Ind 72 is repealed and recreated to read:

Ind 72.00	Declaration of Policy	Ind 72.10	Non profit colleges and universities
Ind 72.01	Definitions	Ind 72.11	Caddies
Ind 72.02	Applicability of orders	Ind 72.12	Unwed mothers in Domestic Service
Ind 72.03	Minimum rates	Ind 72.13	Telephone exchanges
Ind 72.04	Deductions for meals and lodging	Ind 72.14	Sub-minimum wage licenses
Ind 72.05	Hotels, motels, and resorts	Ind 72.15	Listing deductions from wages
Ind 72.06	Domestic service in private homes	Ind 72.16	Permanent records to be kept by the employer
Ind 72.07	Agriculture	Ind 72.17	Posting of order
Ind 72.08	Agricultural piece rates	Ind 72.18	Forms
Ind 72.09	Non profit seasonal recreational camps		

IND 72.00(DECLARATION OF POLICY

(1) The Department, in fulfilling its statutory mandate, has caused extensive studies to be made relative to the consideration of a "living wage" and how the wage should be computed. The concept of "cost of living" and "living wage" is very complex because of the many variables. Any single concept is difficult to apply because of different assumptions, techniques and local conditions.

(2) It is the determination of the Department that the Consumers Price Index, prepared by the U. S. Department of Labor, in spite of its limitations, is the best index available for keeping a "living wage rate" reasonably up to date.

(3) The rates adopted in this chapter reflect compensation that has been determined to be adequate to permit any woman or minor employe to maintain herself or himself in reasonable comfort, decency, physical and moral well-being.

(4) It shall be the policy of the Department to review the Consumer Price Index in January of each even numbered year and revise the rates for women and minors 18 years of age and over upward or downward by 5 cents for each 4.5 point change in the preceding December index release, using the December 1967 release as a base for the computations. Any rate change adopted as a result of such review shall become effective the following July 1.

(5) The minimum wage rates for minors under 18 years of age shall be computed on the basis of 85% of the minimum wage for adult women and minors 18 years of age and over.

(6) Room allowances shall be computed on the basis of 20% of the prescribed minimum rate, based on a 40 hour week.

(7) Meal allowances shall be computed on the basis of 30% of the prescribed minimum rate, based on a 40 hour week.

(8) All rates computed under paragraphs (5), (6) and (7) above shall be rounded off to the nearest five cents.

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.

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.

IND 72.03 MINIMUM RATES

(1) Minimum Rates. Except as provided for in sections Ind 72.05 through Ind 72.14, 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: \$1.30
- (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 may pay as a minimum 85% of the wage rate prescribed in section Ind 72.03(1) or Ind 72.05(1) providing that he can establish by his records that for each week where credit is taken, when adding the tips received to the wages paid, no less than the minimum rate prescribed in section Ind 72.03(1) or Ind 72.05(1) was received by the employe.

(3) Allowance for Board and Lodging. Where board and/or lodging are furnished by the employer in accordance with section Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:

- (a) Lodging - \$10.50 per week or \$1.50 per day
- (b) Meals - \$15.60 per week or \$.75 per meal

(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 9 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.

IND 72.04. DEDUCTIONS FOR MEALS AND LODGING

(1) A meal means an adequate well balanced serving of a variety of wholesome and nutritious foods:

- (a) 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 employments where weekly room and board is provided and accepted.
- (b) An employer shall not require that meals be accepted as part payment of wages.
- (c) Employer must pay all employes for "on duty" meal periods. Such periods are to be counted as work time. An "on duty" meal period is one where the employer is in violation of the meal period rules and does not provide at least 30 minutes free from work. Any meal period when the employe is not free to leave the premises of the employer will also be considered an "on duty" meal period.
- (d) Authorized rest periods or breaks of less than 30 minutes time shall be counted as work time for which there shall be no deduction from wages.

(2) Lodging means living accommodations which are adequate, decent and sanitary, according to usual and customary standards. Employes shall not be required to share a bed.

IND 72.05 HOTELS, MOTELS, AND RESORTS

(1) Weekly Basis. The minimum wage of adult women and minors 18 years of age and over employed full time in hotels, motels, and resorts may 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 ---- \$71.50
2. If board only is furnished ----- \$55.90
3. If board and lodging are furnished ----- \$45.40

(2) Hourly Basis.

(a) Minimum rates. The minimum wage of adult women and minors employed in hotels, motels and resorts for less than 55 hours per week shall be computed on an hourly basis as prescribed in section Ind 72.03(1).

(b) Allowance for board and lodging. Where board and/or lodging are furnished by the employer in accordance with section Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:

1. Lodging - \$10.50 per week or \$1.50 per day
2. Meals - \$15.60 per week or \$.75 per meal

(3) Where an employer has not kept the employment records required by section Ind 72.16(e), (f) and (g), the minimum wage shall be computed on the basis of the weekly rates prescribed in Ind 72.05(1)(a).

IND 72.06 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 ---- \$58.50
2. If board only is furnished ----- \$42.90
3. If board and lodging are furnished ----- \$32.40

(b) Minors 17 years of age and under:

1. If board and lodging are not furnished ---- \$49.50
2. If board only is furnished ----- \$33.90
3. If board and lodging are furnished ----- \$23.40

(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 lodging are furnished by the employer in accordance with section Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:

1. Lodging - \$10.50 per week or \$1.50 per day
2. Meals - \$15.60 per week or \$.75 per meal

(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.

IND 72.07 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:

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

1. If board and lodging are not furnished ---- \$58.50
2. If board only is furnished ----- \$42.90
3. If board and lodging are furnished ----- \$32.40

(b) Minors 17 years of age and under:

1. If board and lodging are not furnished ---- \$49.50
2. If board only is furnished ----- \$33.90
3. If board and lodging are furnished ----- \$23.40

(2) Hourly Basis.

- (a) Minimum rates. The minimum wage of adult women and minors employed in agriculture for less than 45 hours per week shall be computed on an hourly basis as prescribed in section Ind 72.03(1). Employees not living on the farm, 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 in accordance with section Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:
 - 1. Lodging - \$10.50 per week or \$1.50 per day
 - 2. Meals - \$15.60 per week or \$.75 per meal

(3) Seasonal Non-resident Agricultural Workers. The minimum wage of adult women and minor seasonal agricultural employes who are not residents of Wisconsin and who are employed for less than 6 months in this state shall be computed on an hourly basis as prescribed in section Ind 72.03(1) or on a piece rate basis if a rate has been established and approved under section Ind 72.07(4).

- (a) Room and board deductions may not be made from the wages of a seasonal non-resident agricultural employe that would result in the employe receiving less than the prescribed minimum rate.

(4) Payment of Wages on Other Than Time Basis in Agricultural Work.

- (a) 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 section Ind 72.03(4).
- (b) The Department 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.
- (c) Where such piece rates are established, the requirements of sections 72.16 (i) (e), (f) and (g) shall be waived.

IND 72.08 AGRICULTURAL PIECE RATES

(1) In accordance with the provisions of section Ind 72.07(4)(b) the following piece rates are approved:

- (a) Picking cherries. 28 cents per 9 pound pail or 3.1 cents per pound.
- (b) Picking strawberries. 9 cents per quart.
- (c) Harvesting green or table onions. 16 cents per dozen bunches.
- (d) Picking cucumbers. The processor or employer may establish specific piece rates based on size distribution providing that the sum of the grading rates paid times the size distribution percentage returns to the picker not less than \$2.32 per CWT. The distribution percentages shall be based on the following chart:

Wisconsin Percent Distribution of Field Run Cucumbers

Diameter	Percent	Diameter	Percent	Diameter	Percent
Up to 13/16" --	11	Up to 1 - 4/16" --	4	Up to 1 - 11/16" --	4
14/16" --	3	1 - 5/16" --	5	1 - 12/16" --	4
15/16" --	3	1 - 6/16" --	5	1 - 13/16" --	4
1" --	3	1 - 7/16" --	5	1 - 14/16" --	4
1 - 1/16" --	3	1 - 8/16" --	4	1 - 15/16" --	4
1 - 2/16" --	4	1 - 9/16" --	4	2" --	4
1 - 3/16" --	4	1 - 10/16" --	4	Oversize -	14

NOTE: The above field run distribution is based on a three-year average of pounds per grade data from five of the largest cucumber processors in Wisconsin.

IND 72.09 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 ---- \$58.50
2. If board only is furnished ----- \$42.90
3. If board and lodging are furnished ----- \$32.40

(b) Minors 17 years of age and under:

1. If board and lodging are not furnished ---- \$49.50
2. If board only is furnished ----- \$33.90
3. If board and lodging are furnished ----- \$23.40

(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 hourly basis as prescribed in section Ind 72.03(1).

IND 72.10 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 \$1.10 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 72.16.

IND 72.11 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.

IND 72.12 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 \$21.00 per week plus room and board.

IND 72.13 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 72.03(1).

(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:

Size of exchange	Hours to be counted as pay hours
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:

Size of exchange	Hours to be counted as pay hours
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 \$1.65 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 R B X extensions and telephones for which switching service is performed on lines not owned by the exchange giving the switching service.

IND 72.14 SUBMINIMUM WAGE LICENSES

(1) Handicapped employe. A sub-minimum wage license may be issued for a woman or minor employe who is unable to earn the prescribed minimum wage. Each license so granted shall establish a wage for the licensee which shall be commensurate with his or her ability, and no licensee shall be employed at a rate less than the rate so established.

(2) Work training or work experience program. A sub-minimum wage license may be issued to a woman or minor student who is enrolled in an approved high school or vocational school work training or work experience program, providing the employment is a true learning experience, is based on a bona-fide curriculum, and where proper scholastic credit is given. Such license will apply only to work performed during regular school hours.

(2) Employers complying with the provisions of Ind 72.05(1), Ind 72.06(1), Ind 72.07(1), 72.09(1) and 72.12 will not be required to keep information required by Ind 72.16(1) (e), (f) and (g) for those employees employed on a weekly basis.

IND 72.17 POSTING OF ORDER

A summary of 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 Department.

IND 72.18 FORMS

The following form is listed in accordance with section 227.013, Wis. Stats. This form is issued by and may be obtained from the Division of Labor Standards, Department of Industry, Labor and Human Relations, 4802 Sheboygan Avenue, Madison, Wisconsin 53701. (P. O. Box 2209)

(1) LS-39 Minimum Wage for Adult Women and Minors (Summary for posting - see section Ind 72.17).