

(3) If an employer does not use Form DILHR-JSD-5233 (Migrant Labor Work Agreement), he/she shall use a form approved by the department. An employer may not use a form unless it has been approved by the department prior to its use.

(4) When considering an employer's form for approval, the department shall, in addition to the requirements of s. 103.915 (4), Stats., take into account the clarity and design of such form.

(5) "Kind of work available" means in a cannery or freezing plant processing specified fruits or vegetables; or farm work planting, cultivating, harvesting, handling, drying, packing, packaging, grading or storing specified fruits or vegetables; or nursery work; or sod farming or Christmas tree cultivation or harvesting.

(6) The description in the work agreement of the housing to be supplied shall include a description of cooking, bathing, laundry and toilet facilities and a statement of the maximum number of persons to be accommodated in the sleeping area to which the worker will be assigned, in the case of single persons, or, in the case of families, in the housing unit to which the worker will be assigned.

(7) "Transportation arrangements" means:

(a) Costs, if any, to the worker.

(b) The specific mode of transportation, including the type of vehicle used if the employer is to provide transportation.

(c) The rate of payroll deduction for a travel or subsistence advance, if such advance is to be deducted.

(8) The minimum work guarantee shall cover the period from the date the worker is notified by the employer to report for work, which date shall be no later than 10 days from the approximate beginning date specified in the work agreement, or the date the worker reports for work, whichever is later, and continuing until the date of the final termination of employment, which date shall be no sooner than 7 days before the approximate ending date specified in the work agreement, or earlier if the worker is terminated for cause or due to seriously adverse circumstances beyond the employer's control. If a worker is notified by the employer to report for work or is employed prior to the approximate beginning date specified in the work agreement, the period of employment and the guarantee of minimum work shall begin on the date the worker is notified to report for work or the date the worker reports for work, whichever is later, and shall continue until the final termination of employment, as specified in the work agreement, signed at the time of recruitment, or earlier if the worker is terminated for cause or due to seriously adverse circumstances beyond the employer's control.

(9) The term "seriously adverse circumstances beyond the employer's control" means the substantial shutdown of the employer's operations for reasons including, without limitation because of enumeration, loss of crops, loss of, or inability to operate facilities or inability to store or process unmarketable, perishable agricultural produce; such term shall not apply to the shutdown of the employer's operation for change over of equipment or between packs or crops.

(10) "Terms and conditions of employment" includes, without limitation because of enumeration, job assignment, layoffs, discharge, filling vacancies, transfers, job bidding, seniority, hours, work schedule, overtime pay, leave of absence, benefits, insurance, pension, vacation, holiday leave, sick leave, or general working conditions.

(11) Elapsed time shall be computed, subject to the limits in s. 103.915 (5), Stats., on the basis of 500 miles of travel per day.

(12) (a) "Applicable wage rates" means the actual anticipated straight-time hourly rates the worker will be paid. If the worker will be paid on a piece rate basis, the work agreement shall show the employer's guarantee hourly rate. If at the time of recruitment the employer cannot anticipate the exact rate the worker will be paid, the work agreement shall specify a base rate which shall be not less than the base rate paid by the employer at the end of the preceding season for the kind of work specified, together with the words "or more" or similar phrase.

(b) In determining whether the employer has met the weekly or bi-weekly guarantee under s. 103.915 (4) (b), Stats., the straight-time hourly rate which the worker was paid for the greatest number of hours during the preceding work guarantee period, shall be used. If there was no preceding work guarantee period, the rate paid the worker during the current guarantee period, the rate paid the worker during the current guarantee period shall be used. If the worker has had no work under the work agreement, the rate specified in the work agreement shall be used. If the worker is paid on a piece rate basis, the employer's specified guaranteed hourly rate shall be used.

(13) If the applicable wage rate to be paid include a bonus provision, the work agreement shall clearly state the conditions under which the bonus shall be paid or forfeited.

History: Emerg. cr. (12) and (13), eff. 3-30-78; Register, April, 1978, No. 268, eff. 5-1-78; amerg. cr. (12) and (13), eff. 2-21-79; cr. (12) and (13), Register, May, 1979, No. 281, eff. 6-1-79.

Ind 201.07 Migrant labor camps. (1) **APPLICATION FEE.** The application fee for operating a migrant labor camp shall be \$10. Issuance of a certificate to operate will be contingent on the camp satisfying the minimum standards of this chapter. The application fee for a registration after March 31 shall be \$25.

(2) **CLOSING ORDER.** Within 3 working days from the date of an order closing a camp, the department shall transmit the file and a copy of the order to the attorney general or the district attorney for the county in which the violation occurred for prosecution.

(3) **NOTICE OF REVOCATION.** Every notice of revocation of a certificate to operate a camp shall be accompanied by a closing order.

(4) **GATES AND GATEWAYS.** "Gates and gateways" means a gate or gateway width of which is no less than the aggregate width required for exits under Wis. Adm. Code Ind 51.15 (6) on the effective date of this rule for a building the occupant load of which is the same as the occupant load of the migrant labor camp.

Note: The effective date of this rule is May 1, 1978.

Register, May, 1979, No. 281
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(5) DEFINITIONS. (a) "Camp operator" means a person who maintains a migrant labor camp.

(b) "Common use facilities" means structures or areas other than sleeping or living quarters designed to be used by camp occupants not members of the same family.

(c) "Occupant" means any person who lives in a migrant labor camp.

(d) "Service buildings" means common use facilities for toilets, lavatories, showers and laundry facilities.

(6) PLANS AND SPECIFICATIONS. (a) Except as provided under par. (b), plans and specifications for all new construction including additions to existing buildings intended for use as housing or common use facilities shall be approved by the department before letting contracts or commencing work.

(b) An operator constructing any of the following buildings shall not be required to submit plans and specifications under par. (a) if the operator submits notice of intent to construct such a building to the department prior to constructing such a building:

1. Single story buildings for use as housing for not more than 2 families.
2. Buildings for use by not more than 10 persons not members of the same family.
3. Common use facilities containing less than 25,000 cubic feet total volume providing they have no floor or roof span greater than 30 feet and are not more than 2 stories high.

(c) Three copies of plans and one copy of specifications are required for approval.

(d) Plans shall include:

1. A plot plan of the migrant camp which includes the location and grades of adjoining streets, alleys, lot lines and any other buildings on the same lot or property.
2. Name of owner.
3. Intended use or uses of all rooms, and the number of persons to be accommodated therein.

(e) All requirements of the Wis. Adm. Code chapters 50-60 [50-64] Building and Heating, Ventilating and Air Conditioning Code applicable to approval of plans shall apply unless specifically exempted from this code.

(f) One set of approved plans shall be kept by the owner or camp operator and made available to the inspector.

(7) VARIATIONS. (a) The department may grant written permission to individual camp operators to vary temporarily from particular provisions set forth in this section, which variation may not extend beyond March 31 of the year immediately following the year of approval, if the extent of the variation is clearly specified and if the camp operator demonstrates to the department that:

1. A variation is necessary to obtain a beneficial use of an existing facility.

2. A variation is necessary to prevent a practical difficulty or unnecessary hardship; and

(b) The department may grant written permission to a camp operator to permanently vary from the provisions of this section if:

1. The camp operator satisfies the requirements of par. (a) 1 and 2.

2. Appropriate alternative measures have been taken to protect the health and safety of the occupants and to assure that the purpose of the provisions from which variation is sought will be observed.

(c) Written application for a variation under this subsection shall be filed with the department on Form SB-8. A variation shall not be effective until granted in writing by the department.

(8) HOUSING SITE. (a) Housing sites shall be well drained and free from depressions in which water may stagnate.

(b) Housing shall not be subject to, or in proximity to conditions which create or are likely to create or attract insects or be subject to noise, traffic, or any similar hazardous condition.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related to the size of the facility and type of occupancy.

(e) No mobile home unit shall be located less than 10 feet from any other building or from the boundary line of the premises on which it is located.

(9) WATER SUPPLY. (a) An adequate and convenient supply of water safe for human consumption shall be provided to meet the standards of the department.

(b) A cold water tap independent of laundry facilities shall be available within 100 feet of each individual living unit when water is not provided in the unit.

(c) Common drinking cups shall not be permitted.

(d) Drinking fountains shall not be located in toilet rooms.

(10) EXCRETA AND LIQUID WASTE DISPOSAL. (a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface of the camp.

(c) If public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(d) If public sewers are not available, a subsurface septic tank, seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets, shall be provided.

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(11) HOUSING. (a) Housing shall comply with the following codes or sections of this code.

1. Structural design and construction shall meet requirements of Wis. Adm. Code chapters 50-60 [50-64], Building and Heating, Ventilating and Air Conditioning.

2. Exit requirements shall be as specified under sub. (21).

3. Maintenance of facilities shall be as specified under sub. (22).

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(bm) Except as provided under par. (c), the following space requirements shall be provided:

1. For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

2. For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

3. For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(c) For new housing, and major modification of existing housing begun on or after January 1, 1979, the following space requirements shall be provided:

1. Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant.

2. In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided.

(d) Housing used for a family with one or more children over 6 years of age shall have a room or partitioned sleeping area for the spouses. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) In dormitory accommodations a camp operator shall make available upon request curtains, or partitions to permit reasonable privacy between individual sleeping units. A double bunk bed shall be considered an individual sleeping unit.

(f) Separate sleeping accommodations shall be provided for all the members of each sex or for each family.

1. Partitions between living units in a multifamily shelter shall extend from the floor to the ceiling of the shelter.

(g) There shall be adequate and separate arrangements for hanging clothing and storing personal effects for each person or family.

(gm) Except as provided under par. (h), at least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) After January 1, 1979, the floor area in each living unit shall have a minimum ceiling height of 7 feet.

(i) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors.

1. The minimum total window or skylight areas, including windows in doors, shall equal at least 10% of the usable floor area.

2. The total window area which opens shall equal at least 45% of the minimum window or skylight area required, unless comparable adequate ventilation is supplied by mechanical or some other method.

(12) SCREENING. (a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair and equipped with self-closing devices.

(13) HEATING. (a) All living quarters and service buildings shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 70° F. if, during the period of normal occupancy, the temperature in such quarters falls below 70°.

(b) In the absence of permanently installed heating equipment in living quarters, approved portable electric heaters shall be available for occupancies between June 1 and September 15.

(c) A stove or other source of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases and shall be in compliance with the Wis. Adm. Code, chapters 50-60 [50-64], Building and Heating, Ventilating and Air Conditioning.

(d) No portable heaters other than those operated by electricity shall be provided in living quarters.

(e) If a solid or liquid fuel stove is used in a room with wood or other combustible flooring, the stove shall sit on a concrete slab, insulated metal sheet, or other fireproof material, extending at least 24 inches beyond the perimeter of the base of the stove.

(f) Any wall or ceiling within 24 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material.

(g) An approved vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(h) If a heating system has automatic controls, the control shall be of the approved type which cuts off the fuel supply upon failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

(14) ELECTRICITY AND LIGHTING. (a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas including, without limitation due to enumeration: laundry rooms, toilets, hallways, stairways, shall contain adequate ceiling or wall type light fixtures.

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(c) In existing buildings at least one wall type electrical convenience outlet shall be provided in each individual living room.

(d) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(e) All electrical wiring and lighting fixtures shall be installed and maintained in a safe condition and shall comply with the provisions of the Wis. Adm. Code, Electrical Vol. II except as provided under par. (c).

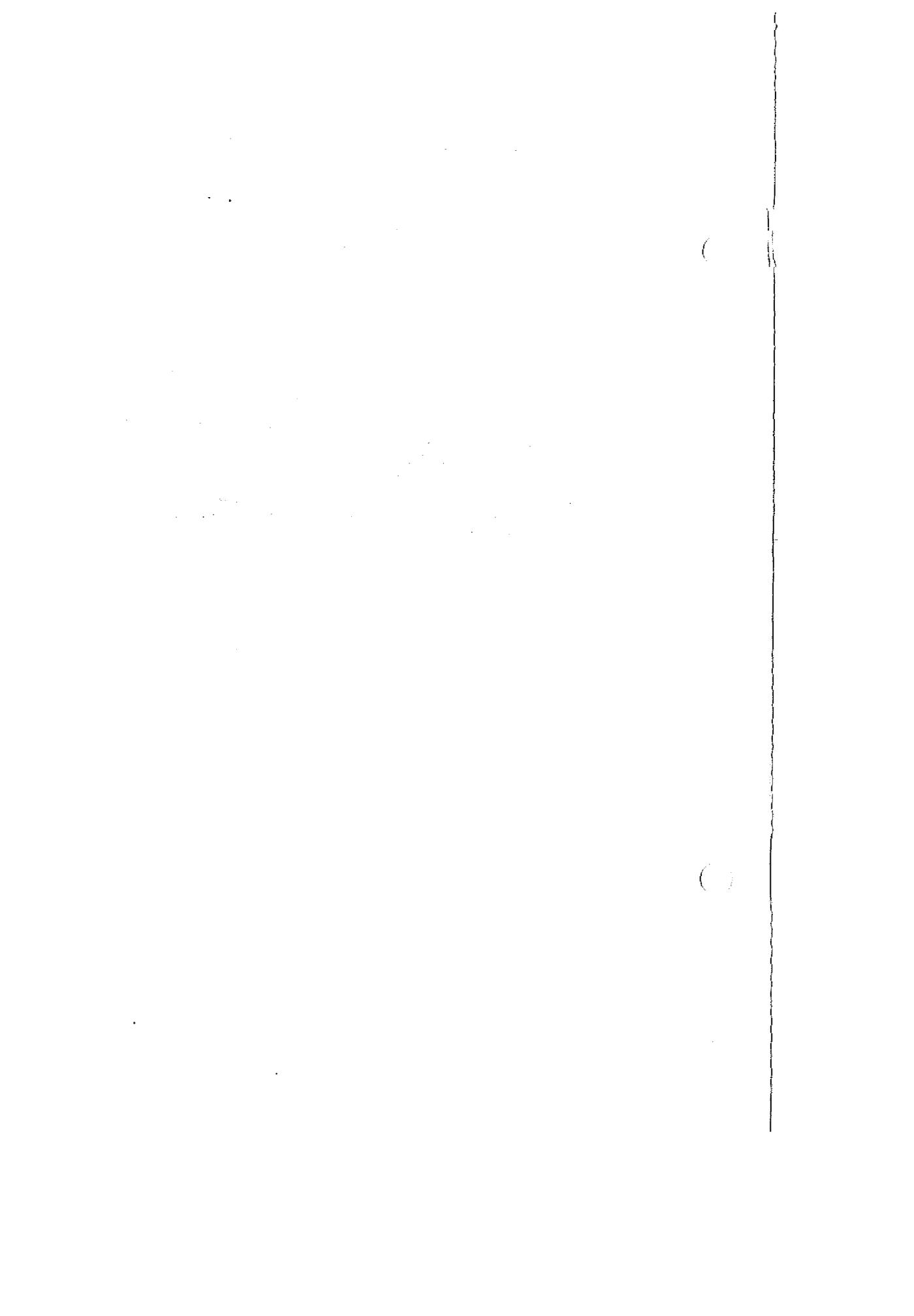
(f) Common use facilities shall be provided with a light switch at the entrance door.

(g) Illumination of common use facilities shall be not less than 10 foot candles 30 inches above the floor.

(h) Public passageways, stairway and exit doors shall be illuminated in accordance with the Wis. Adm. Code chapters 50-60 (50-64), Building and Heating, Ventilating and Air Conditioning.

(15) TOILETS. (a) All toilet rooms shall comply with the applicable provisions of the Wis. Adm. Code, chapters 50-60 (50-64), Building and Heating, Ventilating and Air Conditioning except that privies for single family use need not be provided with artificial light.

(b) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.



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(21) FIRE, SAFETY AND FIRST AID. (a) All buildings shall be constructed and maintained in accordance with applicable state or local fire and safety laws.

(b) Any family housing and housing units for less than 10 persons, of one story construction, shall have 2 means of escape.

(c) One of the 2 required means of escape may be a readily accessible window with space of not less than 24 x 24 inches which may be opened.

(d) All sleeping quarters intended for use by 10 or more persons, central dining facilities and common assembly rooms shall have at least 2 doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(e) Sleeping and common use rooms located on or above the second story shall comply with the state and local fire and building codes relative to multi-story dwellings except that:

1. On two-story buildings a modified class 'A' fire escape constructed of wood may be provided as a second exit serving not more than 8 persons.

2. The fire escape and its connectors shall be capable of supporting 100 pounds per square foot and shall be fastened to the building by through bolts (at least 7/8 inch diameter and nut and washer (at least 4 inch diameter).

(f) Exit lights and signs shall be provided in accordance with Wis. Adm. Code chapters 50-60 (50-64), Building and Heating, Ventilating and Air Conditioning.

(g) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit.

(h) Fire extinguishing equipment shall provide protection equal to a 2½ gallon stored pressure or 5 gallon pump type water extinguisher.

(i) First aid facilities shall be provided and readily accessible for use at all times.

(j) First aid facilities shall be equivalent to the 16 unit First Aid Kit recommended by the American Red Cross, and shall be provided in a ratio of 1 per 50 persons, except as provided under par. (k).

(k) A kit supplied to each family shall be deemed to satisfy the requirements of par. (i) if it contains at least the following items:

1. 3½ yards gauze bandage 1 inch width.
2. 1½ yards ½ inch adhesive tape.
3. 12 adhesive bandages.
4. 7/8 oz. first aid cream.
5. Two 2 x 2 2-12 ply gauze pads.

(l) No flammable or volatile liquids or materials may be stored in or adjacent to rooms used for living purposes, unless needed for current household use.

(m) Agricultural pesticides and toxic chemicals may not be stored in the housing area during the period of occupancy.

(22) **CAMP OPERATORS' AND OCCUPANTS' RESPONSIBILITIES.** (a) A camp operator or his/her agent may establish reasonable rules relating to the responsibility of camp occupants as to camp occupancy and care. A copy of all such rules shall be posted in the camp where they can be easily seen by the camp occupants and shall be given to the occupants together with the work agreement. All such rules shall be written in English and, if the customary language of any occupant is not English, in the language of the occupant.

(b) A camp operator or his/her agent shall:

1. Clearly explain to camp occupants their responsibilities under any rules established under par. (a).

2. At least once a week inspect the camp area, structures, toilets, showers, and other facilities and see that each is maintained in a clean and orderly condition and that broken or damaged property is promptly repaired.

3. Designate an individual to maintain the grounds and common use facilities in a clean and orderly condition at least daily, except that in camps occupied by 100 or more persons, the camp operator shall provide a full-time person to perform all duties required under this paragraph.

4. Designate an individual or employe to be responsible for the compliance with this section. Such person's name shall appear on the material posted under sub. (24).

(c) Each occupant of a camp shall:

1. Use the sanitary and other facilities furnished by the camp.

2. Keep in a clean and orderly manner that part of the camp and premise which the occupant occupies or uses.

3. Be responsible for the cleanliness of the dwelling units to which the occupant has been assigned and adjacent grounds.

4. Dispose of his/her rubbish and garbage by placing it in containers provided for rubbish and garbage.

(23) **INSPECTION.** (a) All migrant labor camps including individual dwelling units shall be opened to inspection at all reasonable daylight hours by representatives of the department.

(b) The department inspector shall make his/her presence known to the camp operator or an adult member of the operator's immediate family or the person designated as responsible for compliance with this section and to any affected occupant before making an inspection.

(24) **POSTING OF RULES.** A copy of this section prepared by the department in English and in the language of the camp occupants if other than English, shall be posted in the camp or where the occupants report for work in a place easily seen by the camp occupants. The copy shall state where copies of the rules may be obtained.

History: Cr. Register, April, 1978, No. 268, eff. 5-1-78; emerg. am. (11) (c), eff. 1-5-79; am. Register, May, 1979, No. 281, eff. 6-1-79.

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Ind. 201.08 Wages. (1) Drafts or checks shall be made payable to the order of individual workers.

(2) The term "termination of the period of employment for which the worker was employed" means termination by either party for whatever reason.

(3) Partial payment under s. 103.93 (1) (b), Stats., shall not be allowed unless the employer is unable to determine the amount of piece rate wages owed a worker because of a lack of confirmation from a processor buyer.

(4) Any additional wages due a worker under s. 103.92 (1) (b), Stats., shall be paid within 2 days after such wages are determined.

(5) Wage statements shall show the amount of gross and net wages paid by the employer to the worker, the number of hours worked and the amount of and reason for each deduction from the wages of the worker. A reasonable coding system may be used by an employer.

(6) Authorizations for deductions or withholding from wages must be specific as to the amount and reason for the deduction. A general statement authorizing the employer to make deductions for future loans, services, loss or damage to property shall be invalid.

History: Cr. Register, April, 1978, No. 268, eff. 5-1-78.