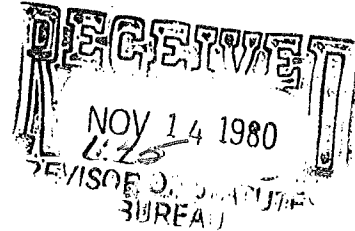


Ind 74

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)




TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Joseph N. Noll, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Ind 74 - Hours of Work and Overtime were duly approved and adopted by this department on November 14, 1980.

(Subject)
(Date)

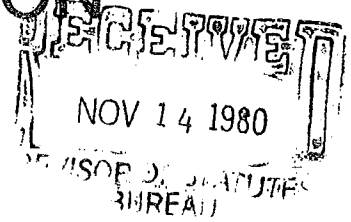
I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 201 E. Washington in the city of Madison, this 14th day of November A.D. 1980.


Secretary

Effective 1-1-81.

ORDER OF ADOPTION



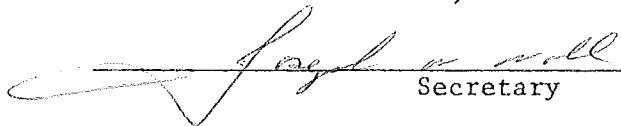
Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 103.02 and 227.014(2), Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 74 - Hours of Work and Overtime
(Number) (Title)

The attached rules shall take effect on the first day following publication
_____, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 14th
day of November, A.D., 1980.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS


Secretary

RULES IN FINAL DRAFT FORM

Section 1. Ind 74.01 (1) through (4) are amended to read:

Ind 74.01 (1) "Day" means a calendar day or a period of 24 consecutive hours.

Ind 74.01 (2) "Week" means a calendar week or a regular reoccurring period of 168 hours in the form of 7 consecutive 24 hour periods.

Ind 74.01 (3) "Regular" time means 40 hours of work per week. Except in restaurants as provided in Ind 74.03 ~~regular-time-means-46-hours-per-week.~~

Ind 74.01 (4) "Overtime" means hours in excess of 40 hours of work per week. Except in restaurants as provided in Ind 74.03 ~~overtime-means-hours-in-excess-of-46-hours-of-work-per-week.~~

Section 2. Ind 74.01 (5) is created to read:

Ind 74.01 (5) "Mercantile" means "pertaining to merchants or trade," and is synonymous with the word commercial. Commercial is viewed with regard to profit or designed for profit; designed for mass appeal, emphasizing skill and subjects useful in business. "Trade" means the business or work in which one engages regularly, an occupation requiring manual or mechanical skill; the persons engaged in an occupation, business, or industry, dealings between persons or groups; the business of buying and selling or bartering commodities or services; to do business with, to have dealings, to give one thing in exchange for another.

Section 3. Ind 74.015 is created to read:

Ind 74.015 APPLICABILITY OF CHAPTER. Pursuant to s. 103.01 (1) Stats., employes employed in manufactories, mechanical or mercantile establishments, beauty parlors, laundries, restaurants, confectionery stores, telegraph or telephone offices or exchanges or express or transportation establishments and hotels are covered by this chapter. Employes employed in farming, as defined in s. 102.04 (3), Stats., or in domestic service in household are not subject to this chapter.

Section 4. Ind 74.03 is amended to read:

Ind 74.03 OVERTIME PAY. Each employer subject to chapter Ind 74 shall pay to each employe time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week. Except in restaurants time and one-half the regular rate of pay shall be paid for all hours worked in excess of 44 46 hours per week. Effective January 1, 1982 in excess of 42 hours per week. Effective January 1, 1983 in excess of 40 hours per week.

Section 5. Ind 74.04 (INTRO) is amended to read:

Ind 74.04 EXEMPTIONS. Each employers employer subject to chapter Ind 74 shall be exempt from the overtime pay requirements in section Ind 74.03 and these exemptions shall be interpreted in such manner as to be consistent with any comparable federal statute or regulation in respect to the following employes:

Section 6. Ind 74.04 (7) is repealed.

Section 7. Ind 74.04 (8) is renumbered Ind 74.04 (7) and amended to read:

Ind 74.04 (7) Parts persons, salespersons, service managers, service writers, or mechanics selling or servicing automobiles, trucks, farm implements, trailers, boats, motorcycles, snowmobiles, other recreational vehicles or aircraft, when employed by a nonmanufacturing establishment primarily engaged in selling such vehicles to ultimate purchasers.

Section 8. Ind 74.04 (9) is renumbered Ind 74.04 (8).

Section 9. Ind 74.04 (9) is created to read:

Ind 74.04 (9) Employes of independent contractors such as those employes who erect silos and other farm buildings or equipment, build terraces, dig wells or build dams for ponds; employes engaged in inspecting and culling flocks of poultry and pilots and flagpersons engaged in the aerial dusting and spraying of crops.

Section 10. Ind 74.04 (10) is created to read:

Ind 74.04 (10) Employees employed in any motion picture theater.

Section 11. Ind 74.04 (11) is created to read:

Ind 74.04 (11) Employees of a hospital or other institutions primarily engaged in the care of the sick, the aged, the mentally ill or persons with developmental disabilities who reside on the premises may have an agreement between the employer and the employe before performance of the work for the purpose of overtime computation. A work period of 14 consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation if time and one-half the regular rate of pay is paid for all hours worked in excess of eight hours per day and 80 hours within the 14 day period.

Section 12. Ind 74.04 (12) is created to read:

Ind 74.04 (12) Employees employed as a driver or driver's helper making local deliveries, who are compensated for such employment on the basis of trip rates or other delivery payment plan, if each plan has the general purpose and effect of reducing hours worked by such employes to, or below, the maximum workweek applicable to them.

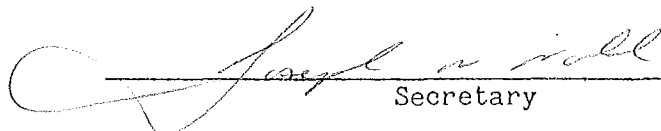
Section 13. Ind 74.04 (13) is created to read:

Ind 74.04 (13) Employees employed in any funeral establishment.

The rules contained herein shall become effective on the first day of the month following publication in the Wisconsin Administrative Code as provided in Section 227.026 (1), Wis. Stats.

Adopted at Madison, Wisconsin, this 14th
day of November, A.D., 1980.

Department of Industry, Labor and Human Relations


Secretary