

CR 87-44

RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John T. Coughlin, 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

Minimum Wage were duly

(Subject)
approved and adopted by this department on 7/23/87.
(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 8:50 am in the city of Madison, this 23rd day of July A.D. 19 87.

John T. Coughlin
Secretary

RECEIVED
JUL 23 1987
11:20 am
Revisor of Statutes
Bureau

ORDER OF ADOPTION

RECEIVED

JUL 23 1987

Revisor of Statutes
Bureau

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1) and 104.04,

Stats., the Department of Industry, Labor and Human Relations creates;

amends; repeals and recreates; repeals and adopts rules of Wisconsin

Administrative Code chapter (s):

Ind 72

Minimum Wage

(Number)

(Title)

The attached rules shall take effect on the first day of the month following
publication in the Wisconsin Administrative Register pursuant to section
227.22, Stats.

Adopted at Madison, Wisconsin, this

date: July 23, 1987

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

John T. Conklein
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RECEIVED

July 23, 1987

JUL 23 1987

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Telephone 608/266-7552

Revisor of Statutes
Bureau

Gary Poulson
Assistant Revisor of Statutes
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 87-44

RULE NO. Ind 72

RELATING TO Minimum Wage

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

John T. Coughlin
Secretary



RULES in FINAL DRAFT FORM

Rule: Ind 72
Relating to: Minimum Wage

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JUL 23 1987

Revisor of Statutes
Bureau.

RULES IN FINAL DRAFT FORM

Pursuant to the authority vested in the Department of Industry, Labor and Human Relations under ss. 101.02(1) and 104.04, Wis. Stats., the department hereby amends sections Ind 72.03 and 72.09(2).

Section 1. Ind 72.01(15) is created to read:

(15) "Sponsoring Agency" means a sheltered workshop, governmental agency or a nonprofit charitable organization or institution carrying out an occupational rehabilitating activity of an educational or therapeutic nature.

Section 2. Ind 72.03(1) is amended to read:

Ind 72.03 Minimum rates. (1) Minimum Rates. Except as provided for in sections ss. Ind 72.05 through ~~Ind 72.09~~ to 72.09, Wis. Adm. Code, no employer shall employ any employe in any occupation, trade, or industry at a lesser hourly rate than is indicated below:

	Effective 8-1-78	Effective 1-1-79	Effective 1-1-80	Effective 1-1-81	Effective 9-1-87
(a) Adult employes 18 years of age and over:	\$2.55 per-hr.	\$2.80 per-hr.	\$3.00 per-hr.	\$3.25 per-hr.	<u>\$3.35</u> per hr.
(b) Minors 17 years of age and under:	\$2.20 per-hr.	\$2.45 per-hr.	\$2.65 per-hr.	\$2.90 per-hr.	<u>\$3.00</u> per hour

Section 3. Ind 72.03(2)(a) is amended to read:

(a) Minimum rates for tipped employes:

	Effective 8-1-78	Effective 1-1-79	Effective 1-1-80	Effective 1-1-81	Effective 9-1-87
(1) Adult employes 18 years of age and over:	\$1.80 per-hr.	\$1.85 per-hr.	\$1.90 per-hr.	\$1.95 per-hr.	<u>\$2.01</u> per hr.
(2) Minors 17 years of age and under:	\$1.50 per-hr.	\$1.55 per-hr.	\$1.60 per-hr.	\$1.65 per-hr.	<u>\$1.71</u> per hour

Section 4. Ind 72.05(1)(a) and (b) is amended to read:

Ind 72.05 Agriculture. (1) Minimum Rates. The minimum wage of employes employed in agriculture shall be as follows:

	Effective 8-1-78	Effective 1-1-79	Effective 1-1-80	Effective 1-1-81	Effective 9-1-87
(a) Adult employes 18 years of age and over:	\$2.35 per-hr.	\$2.60 per-hr.	\$2.80 per-hr.	\$3.05 per-hr.	<u>\$3.15</u> per hr.
(b) Minors 17 years of age and under:	\$2.00 per-hr.	\$2.25 per-hr.	\$2.45 per-hr.	\$2.70 per-hr.	<u>\$2.80</u> per hour

Section 5. Ind 72.09(2)(a) 1. repealed and recreated.

(2) HANDICAPPED WORKER. A license may be issued for a handicapped employe engaged in work whose earning capacity is so impaired that ~~they-are~~ he or she is unable to earn the rate prescribed in section Ind 72.03.

(a) Application for an individual handicapped worker license.

~~1. Applications shall be filed with the department by the employer.~~

1. Two types of handicapped worker licenses may be issued. A type one is a license issued to the employer to employ a handicapped worker in their establishment.

A type two license shall be requested by a sponsoring agency on behalf of a handicapped worker. A type two license may be issued by the department to a handicapped worker and will authorize an employer to pay the rate of pay stated on the license. An employer who hires a licensed handicapped worker shall retain a photocopy of the license for the employer's records. This license may be issued for a period of time not to exceed one year.

Note: The intent of issuing a type two license to the handicapped worker instead of to the employer is to permit the sponsoring agency to make short-term placements which would enable the handicapped worker to gain a variety of experiences without putting the burden on each employer to obtain a license. This should not be interpreted as relieving any employer from complying with the federal Fair Labor Standards Act which requires an individual subminimum wage certificate be issued to the federally covered employer.

Section 6. Ind 70.09(2)(a) 2. is amended to read:

2. The application must be signed by the employer (type one only), the employe, and the appropriate sponsoring agency official if an agency is involved. It shall contain answers to all of the questions presented on the form furnished by the department, including: a description of the employe's disabilities, type of work to be performed, schedule of hours to be worked per day and per week, and proposed hourly rate or progressive wage schedule. If room or board are to be provided as part payment of wages, the number of meals and nights' lodging to be furnished must be stated.