

CR 89-20

RULES CERTIFICATE

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

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MAY 15 1989
3:50 pm
Revisor of Statutes
Bureau

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 approved and adopted by this department on May 12, 1989.
(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 4:15 pm in the city of Madison, this 12th day of May A.D. 1989.

John T. Coughlin
Secretary

7-1-89

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ORDER OF ADOPTION

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):

<u>Ind 72</u> (Number)	<u>Minimum Wage</u> (Title)
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The attached rules shall take effect on July 1, 1989, or the last day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: May 12, 1989

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS


Secretary



RULES in FINAL DRAFT FORM

Rule: _____ IND 72

Relating to: _____ Minimum Wage

RULES IN FINAL DRAFT FORM

Pursuant to the authority vested in the state of Wisconsin department of industry, labor and human relations by s. 101.02(1) and s. 104.04, Stats., the department hereby creates Sections Ind 72.01(16) and Ind 72.025 and amends Ind 72.03(1), (2) and (3) and Ind 72.05(1) and (2).

SECTION 1. Ind 72.01(16) DEFINITIONS is created to read:

Ind 72.01(16) "Probationary employe" means a person who has been in employment status for an employer for a number of days equal to or less than the number of days specified in s. 101.26(3)(b)1 within a three-year period. In this subsection, "employer" means a separate entity unless there is common ownership of different establishments or enterprises and the employe worked in one or more of these establishments or enterprises during the probationary period.

Example: If an employe is in employment status 80 calendar days (even if he/she works and is paid for less than 80 calendar days) in one employment period and then returns to the same employer for another employment period, they would not have to start over to reach 120 calendar days, but would only have to be in employment status for 40 additional calendar days to reach the non-probationary rate.

SECTION 1M. Ind 72.025 is created to read:

Ind 72.025 STATEMENT OF INTENT. Nothing contained in Ind 72.03 prohibits an employer from paying more than the minimum rates listed in this chapter or from treating an employe as a probationary employe for less than the number of days specified in this chapter.

SECTION 2. Ind 72.03(1), (2) and (3) MINIMUM RATES are amended to read:

Ind 72.03 Minimum rates. (1) MINIMUM RATES. Except as provided in ss. Ind 72.05 to 72.09, no employer shall employ any employe in any occupation, trade, or industry at a lesser hourly rate than is indicated below:

	<u>EFFECTIVE</u> 9-1-87	<u>EFFECTIVE</u> 7-1-89 <u>PROBATIONARY</u> <u>EMPLOYES</u>	<u>EFFECTIVE</u> 7-1-89 <u>NON-PROBATIONARY</u> <u>EMPLOYES</u>
(a) Adult employes 18 years of age and over:	\$3.35-per-hr.	<u>\$3.45 per hr.</u>	<u>\$0.20 per hr. more than the rate applicable to probationary employes</u>
(b) Minors 17 years of age and under:	\$3.00-per-hr.	<u>\$3.10 per hr.</u>	<u>\$0.20 per hr. more than the rate applicable to probationary employes</u>

(2)(a) Minimum rates for tipped employes:

	<u>EFFECTIVE</u> 9-1-87	<u>EFFECTIVE</u> 7-1-89 <u>PROBATIONARY</u> <u>EMPLOYES</u>	<u>EFFECTIVE</u> 7-1-89 <u>NON-PROBATIONARY</u> <u>EMPLOYES</u>
1. Adult employes 18 years of age and over:	\$2.01-per-hr.	<u>\$2.07 per hr.</u>	<u>\$0.12 per hr. more than the rate applicable to probationary employes</u>
2. Minors 17 years of age and under:	\$1.71-per-hr.	<u>\$1.86 per hr.</u>	<u>\$0.12 more per hr. than the rate applicable to probationary employes</u>

(3) ALLOWANCE FOR BOARD AND LODGING. Where board or lodging or both are furnished by the employer in accordance with s. Ind 72.04, and accepted and received by a particular employe, an allowance may be made not to exceed the following amounts:

	<u>EFFECTIVE</u> 8-1-78	<u>EFFECTIVE</u> 1-1-79	<u>EFFECTIVE</u> 1-1-80	<u>EFFECTIVE</u> 1-1-81
(a) Lodging-adults 18 years of age and over:	\$20.40-per week-or \$2.90-per-day	\$22.40-per week-or \$3.20-per-day	\$24.00-per week-or \$3.45-per-day	\$26.00-per week-or \$3.70-per-day
Lodging-minors 17 years of age and under:	\$17.60-per week-or \$2.50-per-day	\$19.60-per week-or \$2.80-per-day	\$21.20-per week-or \$3.05-per-day	\$23.20-per week-or \$3.30-per-day

	<u>EFFECTIVE</u> 7-1-89 <u>PROBATIONARY</u> <u>EMPLOYES</u>	<u>EFFECTIVE</u> 7-1-89 <u>NON-PROBATIONARY</u> <u>EMPLOYES</u>
(a) Lodging-adults 18 years of age and over:	<u>\$27.60 per week or \$3.95 per day</u>	<u>\$1.60 per week or \$0.20 per day more than the applicable probationary employe rate</u>
Minors 17 years of age and under:	<u>\$24.80 per week or \$3.55 per day</u>	<u>\$1.60 per week or \$0.20 per day more than the applicable probationary employe rate</u>

	<u>EFFECTIVE</u> 8-1-78	<u>EFFECTIVE</u> 1-1-79	<u>EFFECTIVE</u> 1-1-80	<u>EFFECTIVE</u> 1-1-81
(b) Meals-adults 18 years of age and over:	\$30.60-per week-or \$1.45-per-meal	\$33.60-per week-or \$1.60-per-meal	\$36.00-per week-or \$1.70-per-meal	\$39.00-per week-or \$1.85-per-meal
Meals-minors 17 years of age and under:	\$26.40-per week-or \$1.25-per-meal	\$29.40-per week-or \$1.40-per-meal	\$31.80-per week-or \$1.50-per-meal	\$34.80-per week-or \$1.65-per-meal

	<u>EFFECTIVE</u> <u>7-1-89</u> <u>PROBATIONARY</u> <u>EMPLOYEES</u>	<u>EFFECTIVE</u> <u>7-1-89</u> <u>NON-PROBATIONARY</u> <u>EMPLOYEES</u>
(b) Meals—adults 18 years of age and over:	<u>\$41.40 per week or</u> <u>\$1.95 per meal</u>	<u>\$2.40 per week or \$0.15 per</u> <u>meal more than the applicable</u> <u>probationary employe rate</u>
Minors 17 years of age and under:	<u>\$37.20 per week or</u> <u>\$1.75 per meal</u>	<u>\$2.40 per week or \$0.15 per</u> <u>meal more than the applicable</u> <u>probationary employe rate</u>

SECTION 3. Ind 72.05(1) and (2) AGRICULTURE are amended to read:

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

	<u>EFFECTIVE</u> <u>9-1-87</u>	<u>EFFECTIVE</u> <u>7-1-89</u> <u>PROBATIONARY</u> <u>EMPLOYEES</u>	<u>EFFECTIVE</u> <u>7-1-89</u> <u>NON-PROBATIONARY</u> <u>EMPLOYEES</u>
(a) Adult employes 18 years of age and over:	<u>\$3.15-per-hr.</u>	<u>\$3.25 per hr.</u>	<u>\$0.20 per hr. more</u> <u>than the rate applicable</u> <u>to probationary employes</u>
(b) Minors 17 years of age and under:	<u>\$2.80-per-hr.</u>	<u>\$2.90 per hr.</u>	<u>\$0.20 per hr. more</u> <u>than the rate applicable</u> <u>to probationary employes</u>

(2) ALLOWANCE FOR BOARD AND LODGING. Where board or lodging or both are furnished by the employer in accordance with s. Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:

	<u>EFFECTIVE</u> <u>8-1-78</u>	<u>EFFECTIVE</u> <u>1-1-79</u>	<u>EFFECTIVE</u> <u>1-1-80</u>	<u>EFFECTIVE</u> <u>1-1-81</u>
(a) Lodging—adults 18 years of age and over:	<u>\$18.80-per</u> <u>week-or</u> <u>\$2.70-per-day</u>	<u>\$20.80-per</u> <u>week-or</u> <u>\$2.95-per-day</u>	<u>\$22.40-per</u> <u>week-or</u> <u>\$3.20-per-day</u>	<u>\$24.40-per</u> <u>week-or</u> <u>\$3.50-per-day</u>
Lodging—minors 17 years of age and under:	<u>\$16.00-per</u> <u>week-or</u> <u>\$2.30-per-day</u>	<u>\$18.00-per</u> <u>week-or</u> <u>\$2.55-per-day</u>	<u>\$19.60-per</u> <u>week-or</u> <u>\$2.80-per-day</u>	<u>\$21.60-per</u> <u>week-or</u> <u>\$3.10-per-day</u>

EFFECTIVE
7-1-89
PROBATIONARY
EMPLOYES

EFFECTIVE
7-1-89
NON-PROBATIONARY
EMPLOYES

(a) Lodging-adults 18 years of age and over:	<u>\$26.00 per week or</u> <u>\$3.70 per day</u>	<u>\$1.60 per week or \$0.25 per</u> <u>day more than the applicable</u> <u>probationary employe rate</u>
Minors 17 years of age and under:	<u>\$23.20 per week or</u> <u>\$3.30 per day</u>	<u>\$1.60 per week or \$0.25 per</u> <u>day more than the applicable</u> <u>probationary employe rate</u>

	<u>EFFECTIVE</u> <u>8-1-78</u>	<u>EFFECTIVE</u> <u>1-1-79</u>	<u>EFFECTIVE</u> <u>1-1-80</u>	<u>EFFECTIVE</u> <u>1-1-81</u>
(b) Meals-adults 18 years of age and over:	<u>\$28.20-per</u> <u>week-or</u> <u>\$1.35-per-meal</u>	<u>\$31.20-per</u> <u>week-or</u> <u>\$1.50-per-meal</u>	<u>\$33.60-per</u> <u>week-or</u> <u>\$1.60-per-meal</u>	<u>\$36.60-per</u> <u>week-or</u> <u>\$1.75-per-meal</u>
Meals-minors 17 years of age and under:	<u>\$24.00-per</u> <u>week-or</u> <u>\$1.15-per-meal</u>	<u>\$27.00-per</u> <u>week-or</u> <u>\$1.30-per-meal</u>	<u>\$29.40-per</u> <u>week-or</u> <u>\$1.40-per-meal</u>	<u>\$32.40-per</u> <u>week-or</u> <u>\$1.55-per-meal</u>

EFFECTIVE
7-1-89
PROBATIONARY
EMPLOYES

EFFECTIVE
7-1-89
NON-PROBATIONARY
EMPLOYES

(b) Meals-adults 18 years of age and over:	<u>\$39.00 per week or</u> <u>\$1.85 per meal</u>	<u>\$2.40 per week or \$0.10 per</u> <u>meal more than the applicable</u> <u>probationary employe rate</u>
Minors 17 years of age and under:	<u>\$34.80 per week or</u> <u>\$1.65 per meal</u>	<u>\$2.40 per week or \$0.10 per</u> <u>meal more than the applicable</u> <u>probationary employe rate</u>

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro), Stats., these rules shall take effect July 1, 1989.



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

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Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

May 15, 1989

MAY 15 1989

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. 89-20

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