

**STATEMENT OF SCOPE**  
Department of Workforce Development

**Rule No.**

DWD 278

**Relating to**

Human trafficking crimes training to every employee who is likely to interact with the public and vulnerable individuals, and affecting small business, as defined under s. 227.114 (1).

**Rule Type**

Permanent

**Finding of Emergency**

Not applicable

**Detailed Description of the Objective of the Proposed Rule**

2023 Wisconsin Act 237 creates s. 103.155, Stats., relating to mandatory training regarding human trafficking for employees and certain owners of types of entities that interact with the public and vulnerable individuals and granting rule-making authority. The objective of this proposed rule is to create chapter DWD 278 to implement 2023 Wisconsin Act 237.

**Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives**

The new policies which will be proposed in the rule will outline requirements and processes for mandatory training regarding human trafficking for employees in specific types of employment. The policy alternative is to do nothing. If the Department does not promulgate the proposed rule, current DWD administrative rules will not be in compliance with 2023 Wisconsin Act 237.

**Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)**

Section 3. 103.155 of the statutes is created to read:

103.155 Mandatory training regarding human trafficking.

(1) DEFINITIONS. In this section:

(a) "Campground" means a parcel or tract of land owned by a person, the state, or a local government that is designed, maintained, intended, or used for the purpose of providing campsites, offered

with or without charge, for temporary overnight sleeping accommodations.

(b) “Entity principal” means the owner of a lodging establishment or the main contact designated by the owner or organization to represent the owner.

(c) “Human trafficking crimes” has the meaning given in s. 165.505 (1) (am).

(d) “Lodging establishment” means any of the following:

1. A bed and breakfast establishment, as defined in s. 97.01 (1g).

2. A hotel or motel. In this subdivision, “hotel” or “motel” has the meaning given for “hotel” in s. 97.01 (7).

3. A tourist rooming house, as defined in s. 97.01 (15k).

4. A short-term rental, as defined in s. 66.0615 (1) (dk).

5. A campground.

(e) “Site principal” means the person designated by an entity principal to oversee the day-to-day operations of a lodging establishment.

## (2) TRAINING.

(a) Each employer shall provide training regarding identifying and preventing human trafficking crimes to employees who are likely to interact with the public and vulnerable individuals, as determined by the department. At a minimum, employers shall provide such training to all of their employees who are private security officers, public transit managers, and adult entertainment establishment managers. Owners of adult entertainment establishments are required to undergo the same training at the same intervals as managers employed at those entities.

(b) Each entity principal shall provide training regarding identifying and preventing human trafficking crimes to employees who are likely to interact with the public and vulnerable individuals, as determined by the department. At a minimum, each entity principal shall provide such training to the site principal. Entity principals are required to undergo the same training at the same intervals as the site principal.

(c) The training required under this section shall include at least all of the following:

1. The definitions of human trafficking and the commercial exploitation of children.

2. Guidance on how to identify individuals who are most at risk for human trafficking.

3. Guidance on how to identify the signs of human trafficking and how to identify individuals potentially engaged in the act of trafficking.

4. As relevant, the difference between labor trafficking and sex trafficking specific to the hotel and motel sector.

5. As relevant, guidance on the role of hospitality employees in reporting and responding to human trafficking.

6. The contact information of appropriate agencies, including the toll-free telephone number of the National Human Trafficking Hotline or the telephone numbers of the appropriate local law enforcement agencies.

(d) The training required under this section shall be at least 20 minutes in length, in person or interactive, and shall be undergone or provided within 60 days of an individual becoming an entity principal, site principal, or owner of an adult entertainment establishment, or an employee being hired, and at least every 2 years thereafter.

(e) Except for individuals who are required by law to report suspected human trafficking to law enforcement agencies, the failure to report a human trafficking case by an owner or employee who is trained as required under this section does not, by itself, result in the civil liability of any entity principal, site principal, owner, or employee to the human trafficking victim in the case in question or to any other party.

(3) RULES. The department shall promulgate rules to implement this section.

(4) EDUCATIONAL VIDEO. The department shall produce a training video regarding the subjects in sub. (2) (c) and make the video available to the public at no cost on the department's website.

### **Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule**

100 hours

### **List with Description of All Entities that May Be Affected by the Proposed Rule**

The rule will impact every employee likely to interact with the public and vulnerable individuals, small businesses, as defined under s. 227.114 (1)., and certain other entities and employees.

### **Summary and Preliminary Comparison with Any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule**

According to the United States (U.S.) Department of Justice, there are several federal regulations which may be relevant to the subject of the proposed rule. In particular, the Trafficking Victims Protection Act of 2017 requires the U.S. Attorney General to issue human trafficking victim screening protocol for use in all federal anti-trafficking law enforcement operations, and to

consult the U.S. Department of Health and Human Services in identifying tools and recommended practices for the screening of human trafficking victims.

**Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)**

The proposed rule will effectuate the anticipated economic impact intended by the Legislature in enacting 2023 Wisconsin Act 237.

**Contact Person:** Jennifer Wakerhauser, Chief Legal Counsel, Department of Workforce Development [JenniferL.Wakerhauser@dwd.wisconsin.gov](mailto:JenniferL.Wakerhauser@dwd.wisconsin.gov), (608) 261-6705.