

No. 243, A.]

[Published June 19, 1931.]

CHAPTER 262.

AN ACT to amend section 103.39 and subsection (5) of section 307.02 and to create subsection (2) of section 20.57, subsection (14) of section 101.10 and subsections (2) and (3) of section 103.39 of the statutes, relating to wage payment and wage collection, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 103.39 and subsection (5) of section 307.02 of the statutes are amended to read: 103.39 (1) Every *person, firm or corporation* * * * engaged in any enterprise or business for *pecuniary profit* within the state of Wisconsin * * * shall as often as on the fifteenth and on the last day of each month pay to every employe engaged in its business, except * * * those employes engaged in *hospitals or sanatoriums, lumbering and logging operations, farm labor or domestic service*, all wages or salaries earned by such employe to a day not more than sixteen days prior to the date of such payment. Any *such* employe who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand * * * . Any *such* employe * * * *not having a written contract for a definite period who quits his* * * * employment * * * shall be paid in full * * * upon three days' demand, and any employe who is discharged shall be paid in full within three days. No *person, firm or corporation* coming within the meaning of this * * * section shall by special contract with employes or by any other means secure exemption from the provisions of this * * * section and each and every employe * * * coming within the meaning of this * * * section shall have * * * a right of action against any such *person, firm or corporation* for the full amount of his * * * wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than eight days prior to the day of payment in the event the day fixed for the semimonthly payment falls on Sunday or a holiday payment shall be made on the previous business day. * * *

* * * (4) Any *person, firm or corporation* violating the pro-

visions of this * * * section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars * * * or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment. Each and every failure or refusal to pay each employe the amount of wages due him * * * at the time, or under the conditions required in this * * * section shall constitute a separate offense. In addition to the criminal penalty herein provided, every person, firm or corporation violating the provisions of this section shall be liable for the payment of the following increased wages or salaries: Ten per cent if the delay does not exceed three days; twenty per cent if the delay is more than three days, but does not exceed ten days; thirty per cent if the delay is more than ten days, but does not exceed twenty days; forty per cent if the delay is more than twenty days, but does not exceed thirty days; fifty per cent if the delay is more than thirty days; but in no event shall such increased wages or salaries exceed fifty dollars.

(307.02) (5) In actions for work and labor an attorney's fee of not less than five dollars nor more than twenty dollars, in the discretion of the justice, on any amount recovered under * * * one hundred dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit.

SECTION 2. A new subsection is added respectively to sections 20.57 and 101.10 and two new subsections are added to section 103.39 of the statutes to read: (20.57) * * *

(101.10) (14) To investigate and attempt equitably to adjust controversies between employers and employes as to alleged wage claims and to enforce the provisions of section 103.39. In pursuance of this duty, it may take an assignment in trust for the assigning employe of any wage claim deemed to be valid in the opinion of the commission and not exceeding one hundred dollars, such assignment to run to the industrial commission. The commission may sue the employer on any wage claim so assigned and the provisions of subsection (3) of section 103.39 shall apply. The commission may join in a single proceeding any number of wage claims against the same employer, but the court may order

separate trials or hearings. In such cases the taxable costs recovered shall be paid into the general fund.

(103.39) (2) In case of the death of an employe to whom wages are due, the full amount of the wage due shall upon demand be paid by the employer to the wife, children, husband or other dependent living with such employe at the time of his death. Any employer may not less than five days after the death of an employe and before the filing of a petition for letters testamentary or of administration in the matter of the decedent's estate, make payment of the wage due the deceased employe to the wife, children, father or mother, brother or sister of the decedent, giving preference in the foregoing order; or, if no such relative survive, the employer may apply such payment or so much thereof as may be necessary to paying creditors of the decedent in the order of preference prescribed in section 313.16 for satisfaction of debts by executors and administrators. The making of payment in such manner shall be a discharge and release of the employer to the amount of such payment.

(3) In an action by an employe against his employer on a wage claim, no security for payment of costs shall be required. In any such proceeding the court may allow the prevailing party, in addition to all other costs, a reasonable sum not exceeding ten dollars for expenses. No assignee of a wage claim shall be benefited or affected by this subsection except as expressly provided by subsection (14) of section 101.10.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 15, 1931.

No. 64, S.]

[Published June 17, 1931.

CHAPTER 263.

AN ACT to amend section 331.04 of the statutes, relating to the damages recoverable for death by wrongful act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 331.04 of the statutes is amended to read: 331.04 (1) Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered shall belong and be paid over to the husband or