

## Chapter Ind 74

## MAXIMUM HOURS OF WORK OF WOMEN 18 YEARS OF AGE AND OVER\*

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**Ind 74.01 History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, August, 1958, No. 32, eff. 9-1-58; am. Register, June, 1961, No. 66, eff. 7-1-61; r. Register, January, 1968, No. 145, eff. 2-1-68.

**Ind 74.02 Day work.** Except as otherwise provided in chapter Ind 74, women 18 years of age or over may not be employed at day work by employers covered by chapter Ind 74 for more than 9 hours per day or 50 hours per week.

(1) Day work for manufactories and laundries, shall be construed as work performed between the hours of 6:00 A.M. and 6:00 P.M. on the same day. If any work is performed before 6:00 A.M. or after 6:00 P.M. on any day, then all the work performed within that week shall be considered night work.

(2) Day work for mercantile or mechanical establishments, confectionary stores, telegraph offices, telephone offices and exchanges, express and transportation establishments, shall be construed as work performed within the hours of 6:00 A.M. and 6:30 P.M. of the same day, except it may be permissible to work one night per week after 6:30 P.M. without such time being classified as night work. If work is done after 6:30 P.M. on more than one night per week, then all the work performed within that week shall be considered night work.

(3) Day work for restaurants and beauty parlors shall be construed as work performed within the hours of 6:00 A.M. and 8:00 P.M. of the same day, except it may be permissible to work one night per week after 8:00 P.M. without such time being classified as night work. If work is done after 8:00 P.M. on more than one night per week, then all work performed within the week shall be considered night work.

(4) Telephone operators see sections Ind 74.20 to 74.24 inclusive.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, June, 1961, No. 66, eff. 7-1-61.

**Ind 74.03 Maximum hours at night work.** Except as otherwise provided in chapter 74, the employment of women at night work in any place of employment for more than 8 hours per day, or more than 48

\* For rules for canning or first processing of fresh fruits and vegetables see chapter Ind 73.

hours per week, is prohibited as being prejudicial to the life, health, safety and welfare of such women.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, June, 1961, No. 66, eff. 7-1-61.

**Ind 74.01 Emergencies or peak periods.** Employers covered by chapter Ind 74 may employ any female employe, 18 years of age or over, for emergency or peak periods, in excess of 9 hours per day or 50 hours per week at day work and 8 hours per day or 48 hours per week at night work under the following conditions:

(1) That the employer request permission from the commission for such overtime employment giving the nature of the emergency, peak period or unusual circumstance. Advance permission will not be required where overtime employment does not extend beyond one day providing the other requirements of this order are complied with.

(2) That no woman be employed in excess of the permitted hours of labor for more than 4 weeks or 24 days in any calendar year.

(3) That no woman be employed more than 10 hours in any day or 55 hours during any week.

(4) That the employer pay to each woman time and one-half the regular rate of pay for all excess hours worked per day or per week whichever is greater.

(5) That the employer report to the commission at the close of the payroll period the following information for each woman employed under the provisions of this order:

(a) Name.

(b) Address.

(c) Total hours worked per day and per week during the overtime period.

(d) Regular wage rate.

(e) Overtime wage rate.

(f) Total wages paid to each employe for emergency period.

(g) Restaurant and catering service. 1. A quarterly report covering overtime employment of women by employers in the restaurant industry will be accepted in lieu of the detailed report now required under this section. The quarterly report shall give the number of days that women were employed excess hours under the provisions of (2) and (3) of this section and a statement indicating that time and one-half the regular rate of pay was paid for all excess hours worked.

2. Where employes of catering services are required to work at distances beyond the reasonable travel limits from their primary place of employment, they shall be paid for travel time. Travel time shall not be counted as work time for overtime purposes under the provisions of the Women's Hour Law and the Department of Industry, Labor and Human Relations orders.

(6) Florists may employ adult women 18 years of age and over in excess of the permitted hours of labor per day and per week on a voluntary basis during the three-day period prior to Valentine's Day, Easter, Mother's Day, Memorial Day and Christmas. During these peak periods, time and one-half the regular rate of pay must be paid

for all overtime hours worked per day or per week, whichever is greater as follows:

(a) To women working over eight hours per day and forty-eight hours per week.

The reports required under (5) will not be required, but the florist must keep a record of all overtime hours and pay, available for inspection by deputies of the Department of Industry, Labor and Human Relations.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60; cr. (5) (g) and (6), Register, January, 1969, No. 157, eff. 2-1-69.

**Ind 74.05 Hours between shifts.** All women employed by employers covered by chapter Ind 74 must have a period of rest of at least 8 consecutive hours from the ending of work on any day and the beginning of work on the next day.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

**Ind 74.06 Minimum meal period.** Employers covered by chapter Ind 74 shall allow women employes at least 30 minutes for each meal period reasonably close to the usual meal period time, namely 6:00 A.M., 12:00 noon, 6:00 P.M., or 12:00 midnight, or at such other time as deemed reasonable by the commission. In no case shall a woman employe be employed or permitted to work more than 6 consecutive hours without a meal period.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

**Ind 74.07 Exemptions.** Women 21 years of age or over who are executives, professional women, registered pharmacists, registered assistant pharmacists, doctors, dentists or registered nurses shall be exempt from the restrictions upon the hours of labor of women contained in sections 103.01 to 103.04, inclusive, Wis. Stats., and the orders of the industrial commission issued pursuant thereto.

*Note:* Executive and professional women are those engaged in work predominantly intellectual, managerial or creative, requiring exercise of discretion and independent judgment for which the remuneration is not less than \$350.00 per month.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57.

**Ind 74.08 Two or more jobs.** The total hours of work per day and per week of women who are employed in regulated industries by 2 or more employers may not exceed those permitted by law. If women are so employed in excess of the hours of labor permitted by law, any employers who employ them will be considered as guilty of a violation of the law even though the period of employment with such employer is only a few hours per day or per week.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57.

**Ind 74.09 Office employes.** Women may be employed in general offices of regulated establishments in excess of the permitted hours of labor providing the work is limited strictly to office work and providing further that time and one-half the regular rate of pay is paid for all hours worked in excess of the legal limits.

**History:** Cr. Register, March, 1957; No. 15, eff. 4-1-57; r. and recr. Register, June, 1961, No. 66, eff. 7-1-61; am. Register, January, 1969, No. 145, eff. 2-1-69.

*R* **Ind 74.10 Penalties.** Any employer who employs women in excess of the hours permitted by sections Ind 74.01, 74.02, 74.03 and 74.22 in violation of Ind 74.04, notwithstanding other statutory penalties, shall be required to pay to each woman time and one-half the regular rate of pay for all excess hours worked, per day or per week whichever is greater.

**History:** Cr. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, June, 1961, No. 66, eff. 7-1-61.

*R* **Ind 74.20 Telephone exchanges; definitions.** In the following sections the term "day shift" shall mean the time from 6:00 A.M. to 10:00 P.M. of the same day. The term "night shift" shall mean the time from 10:00 P.M. of one day to 6:00 A.M. of the following day.

**History:** Cr. Register, May, 1956, No. 5, eff. 6-1-56.

*R* **Ind 74.21 Telephone exchanges in private residences.** Section Ind 74.20 to Ind 74.24 inclusive and the schedule contained in section 103.02 of the Wis. Stats., regulating hours of labor of women shall not apply to members of a family in telephone exchanges which are located in private residences and in which the work is done primarily by members of the family occupying such private residences.

**History:** Cr. Register, May, 1956, No. 5, eff. 6-1-56.

*R* **Ind 74.22 Hours counted for women telephone operators.** (1) In all telephone exchanges, the total number of hours that a woman is on duty during the day shift shall be counted.

(2) In telephone exchanges having fewer than 200 telephones, women may be employed not to exceed 10 hours in any one day, and not to exceed a total of 60 hours in any one week. In such exchanges the night shift shall be counted as 4 hours.

*Reg* (3) In telephone exchanges having 200 telephones but fewer than 400 telephones, women may be employed not to exceed 10 hours in any one day, and not to exceed a total of 54 hours in any one week. In such exchanges, the night shift shall be counted as 5 hours.

*Aggr* (4) In telephone exchanges having 400 telephones but fewer than 600 telephones, women may be employed not to exceed 10 hours in any one day and not to exceed a total of 54 hours in any one week. In such exchanges, the night shift shall be counted as 6 hours.

*1971* (5) In telephone exchanges having 600 telephones but fewer than 1500 telephones, women may be employed not to exceed 10 hours in any one day and not to exceed a total of 50 hours in any one week. In such exchanges, the night shift shall be counted as 8 hours.

(6) In telephone exchanges having 1500 telephones and over:

(a) If all of a woman's work is done between 6:00 A.M. and 6:30 P.M. on each day of the week, or on each day of the week but one, she may be permitted to work not to exceed 9 hours in any one day during that week and not to exceed a total of 50 hours during the entire week.

(b) If any part of a woman's work is done before 6:00 A.M. or after 6:30 P.M. on more than one day in the week, she shall not be permitted to work more than 8 hours in any one day during that week nor more than a total of 48 hours during the entire week.

## (7) Summary.

## Size of Exchange

Number of Telephones	Hours Counted from 6:00 A.M. to 10:00 P.M.	Hours Counted from 10:00 P.M. to 6:00 A.M.	Total Hours Counted Per Day	Maximum Hours of Work Permitted	
				Per Day	Per Week
1- 199-----	16	4	20	10	60
200- 399-----	16	5	21	10	54
400- 599-----	16	6	22	10	54
600-1499-----	16	8	24	10	50
1500 and over-----	16	8	24	9 Day 8 Night	50 48

**History:** Cr. Register, May, 1956, No. 5, eff. 6-1-56.

**Ind 74.23 Meal period.** Women shall be allowed at least 30 minutes free from work for each meal.

**History:** Cr. Register, May, 1956, No. 5, eff. 6-1-56.

**Ind 74.24 Classification.** In determining the classification of an exchange, all telephones served by the exchange must be counted. This includes all main telephones connected to the central office equipment, all extension telephones, including P B X extensions, and all telephones for which switching service is performed on lines not owned by the exchange giving switching service.

**History:** Cr. Register, May, 1956, No. 5, eff. 6-1-56.