

Chapter Ind 72

MINIMUM WAGES

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History: Chapter Ind 72 as it existed on December, 1972 was repealed, and a new chapter Ind 72 was created, Register, December, 1972, No. 204, eff. 1-1-73.

Ind 72.001 Declaration of policy. (1) The department, in fulfilling its statutory mandate, has caused extensive studies to be made relative to the consideration of a "living wage" and how the wage should be computed. The concept of "cost of living" and "living wage" is very complex because of the many variables. Any single concept is difficult to apply because of different assumptions, techniques and local conditions.

(2) It is the determination of the department that the consumer's price index prepared by the U.S. department of labor, in spite of its limitations, is the best index available for keeping a "living wage rate" reasonably up to date.

(3) The dates adopted in this chapter reflect compensation that has been determined to be adequate to permit any employe to maintain herself or himself in minimum comfort, decency, physical and moral well-being.

(4) It shall be the policy of the department to review the national consumer price index in January of each year. The department may revise upward or downward by a ratio of one cent for each .4 point change in the preceding December index release using the December 1972 release as a base for the computations, but in no case shall the state minimum wage for adult employes fall below 90% of the federal minimum wage.

(5) **Employes 18 years of age and over:**

(a) Effective on January 1, 1973 the hourly rate for employes 18 years of age and over shall be the same as presently required by the federal minimum wage act. In the future the rate shall be computed as provided under section Ind 72.001 (4), Wis. Adm. Code.

(b) The minimum hourly rate for employes in agriculture 18 years of age and over shall be computed on the basis of 90% of the rates for employes 18 years of age and over as provided in section Ind 72.001 (5) (a), Wis. Adm. Code, rounded off to the nearest cent.

(6) **Minors 17 years of age and under:**

(a) The minimum hourly and weekly rates for minors 17 years of age and under shall be computed on the basis of 80%, rounded off to

the nearest cent, of the minimum rates for employes 18 years of age and over.

(b) The minimum hourly rate for minor employes in agriculture 17 years of age and under shall be computed on the basis of 80% of the agriculture rates for employes 18 years of age and over as established by section Ind 72.001 (5) (b), Wis. Adm. Code and rounded off to the nearest cent.

(7) Room allowances shall be computed on the basis of 20% of the prescribed minimum rate for employes based on a 40 hour week, rounded off to the nearest 5 cents.

(8) Meal allowance shall be computed on the basis of 30% of the prescribed minimum rate for employes based on a 40 hour week, rounded off to the nearest 5 cents.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; emerg. am. (5) (b) and (6) (b), eff. 4-1-74; am. (5) (b) and (6) (b), Register, May, 1974, No. 221, eff. 6-1-74; am. (4), Register, June, 1975, No. 234, eff. 7-1-75.

Ind 72.01 Definitions. As used in this chapter:

(1) "Agriculture" will mean the same as "farm premises" as defined in section 102.04 (3), Wis. Stats., of the workmen's compensation act.

(2) "Bona fide school training program" means a program sponsored by an accredited school and authorized and approved by the state department of public instruction or the board of vocational, technical and adult education or other recognized educational body and provides for part-time employment training which may be scheduled for a part of the workday or workweek, supplemented by and integrated with a definitely organized plan of instruction and where proper scholastic credit is given by the school.

(3) "Department" means the department of industry, labor and human relations.

(4) "Employer." (a) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(b) The term "employer" shall also include any person, partnership, or corporation engaged in the processing of cucumbers into pickles, who is responsible directly or indirectly for the wages paid for the services of "workers" engaged in the harvesting of cucumbers providing:

1. That the processor or his agent directly or indirectly pays each "worker" performing services in the harvesting of cucumbers or,

2. That the processor or his agent has the right (whether exercised or not) to terminate the services of the "worker" or to transfer his services from one grower to another.

(5) "Evaluation program" means a program of not more than 6 months duration, except that longer periods may be approved in unusual circumstances, using the medium of work to determine a client's potential, and which meets the department of health and

such camps in their camping program and activities and shares responsibility for the total care and well-being of campers.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; emerg. r. and recr., eff. 4-1-74; r. and recr., Register, May, 1974, No. 221, eff. 6-1-74; am. (3), Register, June, 1975, No. 234, eff. 7-1-75.

Ind 72.08 Caddies. (1) The minimum wage of employes employed as caddies shall be:

EFFECTIVE 7-1-75	EFFECTIVE 1-1-76	EFFECTIVE 1-1-77
2.50 9 holes	2.65 9 holes	2.75 9 holes
4.35 18 holes	4.60 18 holes	4.80 18 holes

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; emerg. am., eff. 4-1-74; am. Register, May, 1974, No. 221, eff. 6-1-74.

Ind 72.085 Independent colleges and universities. (1) Independent colleges and universities may employ full-time students 18 years of age and over 20 hours per week at the following rates. July 1, 1975, \$1.70 per hour; January 1, 1976, \$1.87 per hour; January 1, 1977, \$1.96 per hour.

(2) All hours worked over 20 hours per week must be paid for at the rates established under Wis. Adm. Code section Ind 72.03.

History: Emerg. cr. eff. 7-11-75; cr. Register, October, 1975, No. 238, eff. 11-1-75.

Ind 72.09 Subminimum wage licenses. (1) SHELTERED WORKSHOPS.. Licenses may be issued for: the entire workshop, a department of the workshop, a work activities center, a training or evaluation program, and an individual handicapped worker or any combination thereof.

(a) *Application for a workshop license.* 1. Applications for licenses may be filed with the department.

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