



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5220/1
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2019 ASSEMBLY BILL 981

March 2, 2020 - Introduced by Representatives ZAMARRIPA, SINICKI, ANDERSON, BOWEN, BROSTOFF, CABRERA, EMERSON, FIELDS, NEUBAUER, POPE and STUBBS. Referred to Committee on Labor and Integrated Employment.

1 **AN ACT** *to renumber and amend* 103.02; and *to create* 103.02 (3) of the
2 statutes; **relating to:** overtime pay for individuals employed at motion picture
3 theaters.

Analysis by the Legislative Reference Bureau

Under current administrative rules promulgated by the Department of Workforce Development, employees of motion picture theaters are exempt from being paid overtime rates. This bill requires employers of employees in motion picture theaters to pay those employees overtime pay and to pay those employees overtime pay on Thanksgiving and Christmas Day.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 103.02 of the statutes is renumbered 103.02 (1) and amended to
5 read:

6 103.02 (1) No person may be employed or be ~~permitted~~ allowed to work in any
7 place of employment or at any employment for ~~such~~ any period of time during any

ASSEMBLY BILL 981**SECTION 1**

1 day, night, or week, ~~as that~~ is dangerous or prejudicial to the person's life, health,
2 safety, or welfare.

3 **(2)** The department shall investigate, ascertain, determine, and fix such
4 reasonable ~~classification~~ classifications, and promulgate rules fixing a period of
5 time, or hours of beginning and ending work during any day, night, or week, ~~which~~
6 ~~shall~~ that may be necessary to protect the life, health, safety, or welfare of any person,
7 or to carry out the purposes of ss. 103.01 to 103.03. The department shall, by rule,
8 classify such periods of time into periods to be paid for at regular rates and periods
9 to be paid for at the rate of at least ~~one and one-half~~ 1.5 times the regular rates. Such
10 investigations, classifications, rules, and orders shall be made as provided in s.
11 103.005 and the penalties under s. 103.005 (12) (a) shall apply to and be imposed for
12 any violation of ss. 103.01 to 103.03. Such orders ~~shall be~~ are subject to review in the
13 manner provided in ch. 227. Section 111.322 (2m) applies to discharge or other
14 discriminatory acts arising in connection with any proceeding under this section.

15 **SECTION 2.** 103.02 (3) of the statutes is created to read:

16 103.02 **(3)** (a) In this subsection, "motion picture theater" has the meaning
17 given in s. 943.49 (1) (a).

18 (b) In promulgating rules under sub. (2), the department shall require that
19 employees employed at motion picture theaters be paid at the rate of at least 1.5
20 times the regular rates for all hours worked in excess of 40 hours per week, and for
21 any hours worked on the 4th Thursday in November and December 25th.

22 **(END)**