

1991 Senate Bill 358

Date of enactment: **April 2, 1992**
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1991 WISCONSIN ACT 146

AN ACT to repeal 101.24; and to amend 109.09 (1) and 109.12 (2) of the statutes, relating to: eliminating the duty of the department of industry, labor and human relations to arbitrate and mediate labor disputes, the recovery of costs in a wage claim action that is referred by the department of industry, labor and human relations to a district attorney for prosecution and the annual report of the department of industry, labor and human relations regarding its activities related to the plant-closing law (suggested as remedial legislation by the department of industry, labor and human relations).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of industry, labor and human relations and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 101.24 of the statutes is repealed.

NOTE: This SECTION eliminates the statutory responsibility of the department of industry, labor and human relations to promote the voluntary arbitration, mediation and conciliation of labor disputes, a function that the department does not currently perform. Under subch. I of ch. 111, stats., it is the statutory responsibility of the Wisconsin employment relations commission to arbitrate, mediate and conciliate labor disputes.

SECTION 2. 109.09 (1) of the statutes is amended to read:

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employees as to alleged wage claims. The department may receive and investigate any wage claim which is filed with the department, or assigned to the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any

employee during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ss. 66.293, 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, it may take an assignment in trust for the assigning employee of any wage claim that it considers to be valid or any wage deficiency, such assignment to run to the department. The department may sue the employer on any wage claim or wage deficiency so assigned and ss. 109.03 (6) and 109.11 shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In such cases the actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) for the operation of the office of the district attorney who prosecuted the action.

NOTE: This SECTION transfers the deposit of taxable costs recovered in a wage claim action from the general fund of the state to the general fund of the county in which the violation occurs, to be used to meet those operational expenses of the

– 2 –

district attorney's office that are the responsibility of the county, rather than the state. This SECTION removes the previous disincentive to district attorneys to handle wage claim actions, and is consistent with the usual litigation rule that the winning party in a lawsuit may recover its taxable costs.

SECTION 3. 109.12 (2) of the statutes is amended to read:

109.12 (2) Not later than March 1 annually, beginning with 1990, submit a written report on its activities in the preceding ~~12 months~~ calendar year related to the

1991 Senate Bill 358

enforcement and administration of s. 109.07 to the chief clerk of each house of the legislature for distribution under s. 13.172 (3) to the standing committees with jurisdiction over labor.

NOTE: This SECTION simplifies the compilation of data for the annual report by the department of industry, labor and human relations on that department's activities under the plant-closing law by changing the period covered by the report from the preceding 12 months to the preceding calendar year.
