

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPARTMENT OF)
 WORKFORCE DEVELOPMENT)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

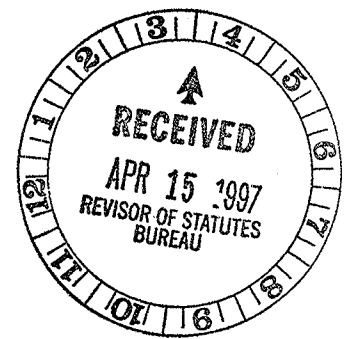
I, Linda Stewart, Secretary of the Department of Workforce Development, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Minimum Wage
 (Subject)

were duly approved and adopted by this department on April 15, 1997
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 11:00 Am
 in the city of Madison, this 15th
 day of April A.D. 1997.

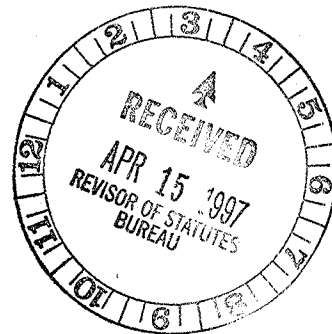
Linda Stewart
 Secretary





State of Wisconsin \ Department of Workforce Development

RULES in FINAL DRAFT FORM



Rule No.:

_____ DWD 272 _____

Relating to:

_____ Minimum Wage _____

CHAPTER DWD 272

MINIMUM WAGES

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 272.001(3), (4) and (5) and 272.01(11); to renumber ch. ILHR 272; to amend DWD 272.01(4), 272.07(title), (1), (4) and (5), 272.09(1)(g), (h) and (m), and 272.13(intro.) and (1); to repeal and recreate DWD 272.03(1), (2)(a), and (3); and to create DWD 272.03(1m), 272.03(3m) and 274.04(15), relating to the minimum wage.

Analysis

Statutory authority: §§103.005(1), 103.02 and 104.04, Stats.

Statutes interpreted: §§ 103.02 and 104.04, Stats.

This rule makes the following changes to Wisconsin's permanent administrative rules relating to minimum wage rates:

- The general minimum wage rate for all employees is set at \$4.75 per hour effective October 1, 1996, and \$5.15 per hour effective September 1, 1997. This matches the rates set by the federal Fair Labor Standards Act.
- [The following provision has been suspended by a vote of the Senate Committee on Labor, Transportation and Financial Institutions and is not adopted at this time: The rule defines an "opportunity employe" as an employe who is under 20 years of age and in his or her first 90 days of employment. The minimum wage for an opportunity employe is \$4.25 per hour. This provision is similar to the provision on probationary employes in the federal Fair Labor Standards Act.]
- The rules which set separate categories for minor employes (at \$0.35 per hour less than the basic minimum wage rate) and probationary employes (at \$0.30 per hour less than the basic minimum wage rate) are repealed.
- The rules which set the rates at which the department values board and lodging for regular and opportunity employes have been amended to reflect the new minimum wage rates. [The portions of these rules which relate to opportunity employes have also been suspended.]
- The rule provides that an employer may not displace an employe solely for the purpose of hiring an employe to be paid the opportunity wage. [Although the other portions of the rule which relate to opportunity employes are suspended as of April 10, 1997, this modification to the proposed rule has been retained because it was proposed by the Department and not objected to by the Committee.]

- The proposed rule contains a corrective amendment to the provisions on subminimum wage licenses, relating to changing the term “sheltered workshops” to “rehabilitation facilities.”
 - The proposed rule includes a provision similar to a recent amendment to the federal Fair Labor Standards Act which creates an exemption from the general requirement to pay overtime to “computer professionals” who are paid at least \$27.63 per hour.
-

SECTION 1. ch. ILHR 272 is renumbered ch. DWD 272.

SECTION 2. DWD 272.001(3), (4) and (5) are repealed.

SECTION 3. DWD 272.01(4) is amended to read:

DWD 272.01(4) “Department” means the department of ~~industry, labor and human relations~~ workforce development.

SECTION 5. DWD 272.01(11) is repealed.

SECTION 6. DWD 272.03(1) is repealed and recreated to read:

DWD 272.03(1) MINIMUM RATES. This subsection is in effect from October 1, 1996, to August 31, 1997. Except as provided in ss. DWD 272.05 to 272.09, no employer shall employ any employe in any occupation, trade or industry at a lesser hourly rate than is indicated below:

- (a) All employes except opportunity employes \$4.75 per hr.

SECTION 7. DWD 272.03(1m) is created to read:

DWD 272.03(1m) MINIMUM RATES. This subsection becomes effective on September 1, 1997. Except as provided in ss. DWD 272.05 to 272.09, no employer shall employ any employe in any occupation, trade or industry at a lesser hourly rate than is indicated below:

- (a) All employes except opportunity employes \$5.15 per hr.

SECTION 8. DWD 272.03(2)(a) is repealed and recreated to read:

DWD 272.03(2)(a) Minimum rates for tipped employes:

- (a) All employes except opportunity employes \$2.33 per hr.

SECTION 9. DWD 272.03(3) is repealed and recreated to read:

DWD 272.03(3) ALLOWANCE FOR BOARD AND LODGING. This subsection is in effect from October 1, 1996, to August 31, 1997. Where board or lodging or both are furnished by the employer in accordance with s. DWD 272.04, and accepted and received by a particular employe, an allowance may be made not to exceed the following amounts:

- (a) Lodging:

All employes except opportunity employes \$38.00 per week or \$5.45 per day

- (b) Meals:

All employes except opportunity employes \$57.00 per week or \$2.70 per meal

SECTION 10. DWD 272.03(3m) is created to read:

DWD 272.03(3m) ALLOWANCE FOR BOARD AND LODGING. This subsection becomes effective on September 1, 1997. Where board or lodging or both are furnished by the

employer in accordance with s. DWD 272.04, and accepted and received by a particular employee, an allowance may be made not to exceed the following amounts:

(a) Lodging:

All employees except opportunity employees \$41.20 per week or \$5.90 per day

(b) Meals:

All employees except opportunity employees \$61.80 per week or \$2.95 per meal

SECTION 11. DWD 272.07(title) and (1) are amended to read:

DWD 272.07 **Recreational or educational camps.** (1) The minimum wage of all employees employed in ~~seasonal~~ recreational or educational camps and day camps, except counselors, shall be computed on an hourly basis as prescribed in s. ~~ILHR~~ DWD 272.03(1).

SECTION 12. DWD 272.07(4) and (5) are amended to read:

DWD 272.07(4) ~~Seasonal recreational~~ Recreational or educational camps and day camps ~~will not have~~ are not required to keep the daily and weekly time records required by s. ~~ILHR~~ DWD 272.11 (1) (d), (e), and (f), for counselors employed and paid on a weekly basis.

(5) For the purpose of this section:

(a) A "~~seasonal~~ recreational or educational camp" means a camp operated under trained leadership for the purpose of providing group experience for and contributing to the physical, mental, spiritual and social growth of campers who are less than 18 years of age and who make such camp their residence during the camping period.

(b) A "~~seasonal~~ recreational or educational day camp" means a camp operated under trained leadership for the purpose of providing group experience and contributing to the physical,

mental, spiritual and social growth of campers who participate in such camping program during daytime periods, but not overnight.

(c) A "camp counselor" means a person employed by a "~~seasonal~~ recreational or educational camp" or "~~seasonal~~ recreational or educational day camp" who leads, directs and instructs campers in such camps in their camping program and activities and shares responsibility for the total care and well-being of campers.

SECTION 13. DWD 272.09(1)(g), (h)(intro.) and (m) are amended to read:

DWD 272.09(1)(g) "Sheltered workshop" means a rehabilitation facility which is a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(h)(intro.) "Sheltered workshop training program" or "rehabilitation training program" means a program of not more than 12 months duration designed to:

(m) "Work activity center" means a rehabilitation facility, a workshop or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

SECTION 14. DWD 272.13 (intro.) and (1) are amended to read:

DWD 272.13 The following forms are listed in accordance with s. 227.23, Stats. These forms are issued by and may be obtained from the Equal Rights Division, Department of ~~Industry, Labor and Human Relations~~ Workforce Development, P.O. Box 8928, Madison, Wisconsin 53708.

(1) ER-39 Minimum Wage ~~Poster~~ Rates.

SECTION 15. DWD 274.04(15) is created to read:

DWD 274.04(15) Any employe who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, who, in the case of an employe who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour, and whose primary duty is one of the following:

- (a) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.
- (b) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.
- (c) The design, documentation, testing, creation or modification of computer programs related to machine operating systems.
- (d) A combination of the duties described in pars. (a), (b) and (c), the performance of which requires the same level of skills.

NOTE: This provision is intended to be interpreted in a manner consistent with 29 USC 213(a)(17).

SECTION 16. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2)(intro.), Stats.

(End)

Tommy G. Thompson
Governor
Linda Stewart
Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552
Fax: (608) 266-1784

State of Wisconsin Department of Workforce Development

April 15, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 96-181

RULE NO.: DWD 272

RELATING TO: Minimum Wage

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

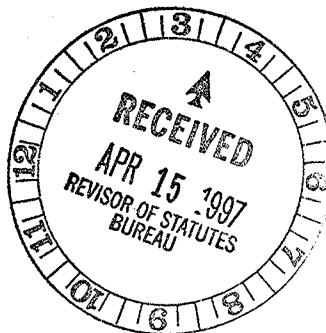
1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

Handwritten signature of Linda Stewart in cursive.

Linda Stewart
Secretary



RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPARTMENT OF)
 WORKFORCE DEVELOPMENT)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Stewart, Acting Secretary of the Department of Workforce Development, and custodian of the official records of said department, do hereby certify that the

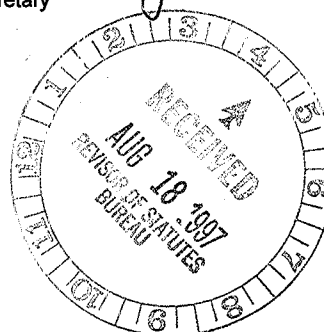
annexed rule(s) relating to Minimum Wage - Opportunity Wage
 (Subject)

were duly approved and adopted by this department on August 15, 1997
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 11:00a in the city of Madison, this 15th day of August A.D. 1997.

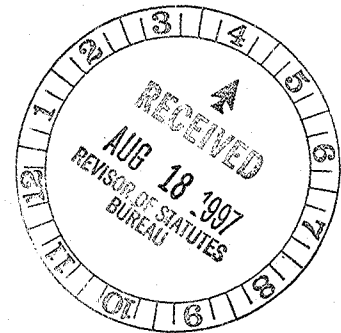
Connie L. Hagen
 Secretary





State of Wisconsin \ Department of Workforce Development

RULES in FINAL DRAFT FORM



Rule No.: DWD 272

Relating to: Minimum Wage - Opportunity Wage

Date: August 15, 1997

CHAPTER DWD 272

MINIMUM WAGES

The Wisconsin Department of Workforce Development proposes an order to amend DWD 272.03(3) and 272.03(3m) and to create DWD 272.01(11) and 272.03(1)(b), (1m)(b), and (2)(b), relating to the minimum wage.

Expiration of Suspension

On April 10, 1997, the State Senate Committee on Labor, Transportation and Financial Institutions suspended the portions of CR 96-181 relating to the opportunity wage. The Department proceeded with formal adoption of the provisions of the rule that were not suspended, which became effective on June 1, 1997.

The review period of the Joint Committee for the Review of Administrative Rules under sec. 227.19(5), Stats., on the suspended portions of the rule has expired without action by the Committee. Under these circumstances, the suspension has expired and the Department is now promulgating the portions of the rule that had been affected by the suspension.

Analysis

Statutory authority: §§103.005(1), 103.02 and 104.04, Stats.

Statutes interpreted: §§ 103.02 and 104.04, Stats.

This rule makes the following changes to Wisconsin's administrative rules relating to minimum wage rates:

- The rule defines an "opportunity employe" as an employe who is under 20 years of age and in his or her first 90 days of employment with each new employer. The minimum wage for an opportunity employe is \$4.25 per hour. This provision is similar to the provision on probationary employes in the federal Fair Labor Standards Act.
 - The rule amends the provisions on allowances for board and lodging to include proportional amounts that are applicable to opportunity employes.
-

SECTION 1. DWD 272.01(11) is created to read:

DWD 272.01(11) "Opportunity employe" means an employe who is not yet 20 years old, during the first 90 consecutive days after the employe is initially employed by the employer.

SECTION 2. DWD 272.03(1)(b) is created to read:

DWD 272.03(1)(b) Opportunity employees \$4.25 per hr.

SECTION 3. DWD 272.03(1m)(b) is created to read:

DWD 272.03(1m)(b) Opportunity employees \$4.25 per hr.

SECTION 4. DWD 272.03(2)(b) is created to read:

DWD 272.03(2)(b) Opportunity employees \$2.13 per hr.

SECTION 5. DWD 272.03(3) is amended to read:

DWD 272.03(3) ALLOWANCE FOR BOARD AND LODGING. This subsection is in effect from October 1, 1996, to August 31, 1997. Where board or lodging or both are furnished by the employer in accordance with s. DWD 272.04, and accepted and received by a particular employe, an allowance may be made not to exceed the following amounts:

(a) Lodging:

All employes except opportunity employes \$38.00 per week or \$5.45 per day

Opportunity employes \$34.00 per week or \$4.85 per day

(b) Meals:

All employes except opportunity employes \$57.00 per week or \$2.70 per meal

Opportunity employes \$51.00 per week or \$2.45 per meal

SECTION 6. DWD 272.03(3m) is amended to read:

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All employes except opportunity employes \$61.80 per week or \$2.95 per meal

Opportunity employes \$51.00 per week or \$2.45 per meal

SECTION 7. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

(End)

Tommy G. Thompson
Governor
Linda Stewart
Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

August 15, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

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TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 96-181

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At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Stewart".

Linda Stewart
Secretary

