

DEPT. OF INDUSTRY, LABOR & HUMAN RELATIONS 23

(c) Employer must pay all employes for "on duty" meal periods. Such periods are to be counted as work time. An "on duty" meal period is one where the employer does not provide at least 30 minutes free from work. Any meal period where the employe is not free to leave the premises of the employer will also be considered an "on duty" meal period.

(d) Authorized rest periods or breaks of less than 30 consecutive minutes per shift shall be counted as work time for which there shall be no deduction from wages.

(2) Lodging means living accommodations which are adequate, decent and sanitary, according to usual and customary standards. Employes shall not be required to share a bed.

(3) Room and board deductions may not be made from the wages of a seasonal non-resident agricultural employe that would result in the employe receiving less than the prescribed minimum rate.

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

Ind 72.05 Agriculture. (1) **MINIMUM RATES.** The minimum wage of employes employed in agriculture shall be as follows:

	EFFECTIVE 8-1-78	EFFECTIVE 1-1-79	EFFECTIVE 1-1-80	EFFECTIVE 1-1-81
(a) Adult employes 18 years of age and over:	\$2.35 per hour	\$2.60 per hour	\$2.80 per hour	\$3.05 per hour
(b) Minors 17 years of age and under:	\$2.00 per hour	\$2.25 per hour	\$2.45 per hour	\$2.70 per hour

(2) **ALLOWANCE FOR BOARD AND LODGING.** Where board or lodging or both are furnished by the employer in accordance with section Ind 72.04, and accepted and received by the employe, an allowance may be made not to exceed the following amounts:

(a) Lodging—adults 18 years of age and over:	\$18.80 per week or \$2.70 per day	\$20.80 per week or \$2.95 per day	\$22.40 per week or \$3.20 per day	\$24.40 per week or \$3.50 per day
minors 17 years of age and under:	\$16.00 per week or \$2.30 per day	\$18.00 per week or \$2.55 per day	\$19.60 per week or \$2.80 per day	\$21.60 per week or \$3.10 per day
(b) Meals—adults 18 years of age and over:	\$28.20 per week or \$1.35 per meal	\$31.20 per week or \$1.50 per meal	\$33.60 per week or \$1.60 per meal	\$36.60 per week or \$1.75 per meal
minors 17 years of age and under:	\$24.00 per week or \$1.15 per meal	\$27.00 per week or \$1.30 per meal	\$29.40 per week or \$1.40 per meal	\$32.40 per week or \$1.55 per meal

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

Ind 72.06 Domestic service employment, casual employment, and companions in private homes. (1) **DOMESTIC SERVICE EMPLOYMENT.**

(a) "Domestic service employment" means all services related to the care of persons or maintenance of a private household or its premises, on a regular basis, by an employe of a private householder. Such occupations shall include, but not be limited to, the following: butlers; chauffeurs; cooks; day workers; gardeners; graduate nurses; grooms; handy persons; house cleaners; housekeepers; laundry persons; practical nurses; tutors; valets and other similar occupations.

(b) Domestic workers who reside in the employer's household are covered under the rates prescribed by section Ind 72.03. Employers may

take credit for board and lodging as prescribed by section Ind 72.03 (3). Record keeping requirement provided in Ind 72.11 shall apply.

(2) **CASUAL EMPLOYMENT.** "Casual employment" means employment which is on an irregular or intermittent basis for not more than 15 hours per week for any one employer. This applies to the following: baby-sitting, mowing lawns, raking leaves, shoveling snow or other similar odd jobs. The minimum rates prescribed by section Ind 72.03 shall not apply to casual employment in or around a home in work usual to the home of the employer, and not in connection with or part of the business, trade or profession of the employer.

(3) **COMPANIONS IN PRIVATE HOMES.** Persons who reside in the employer's household for the purpose of companionship and who spend less than 15 hours per week on general household work are not covered under the rates prescribed in section Ind 72.03. As used in this section, the term "companionship services" shall mean those services which provide fellowship, care and protection for a person, who, because of advanced age or physical mental infirmity, cannot care for his or her own needs. Such services may include, but not be limited to, household work related to the care of the aged or infirmed person such as meal preparation, bed making, washing of clothes and other similar services. They may also include the performance of general household work. The term "companionship services" does not include services relating to the care and protection of the aged or infirmed which require and are performed by trained personnel such as registered or practical nurses. While trained personnel do not qualify as companions, this fact does not remove them from the category of covered domestic service employes when employed in or about a private household.

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

Ind 72.07 Seasonal recreational or educational camps. (1) **MINIMUM RATES.** The minimum wage of all employes employed in seasonal recreational or educational camps and day camps, except counselors, shall be computed on an hourly basis as prescribed in section Ind 72.03 (1), Wis. Adm. Code.

(2) **ALLOWANCE FOR BOARD AND LODGING.** Where board or lodging or both are furnished by the employer in accordance with section Ind 72.04, Wis. Adm. Code, and accepted and received by the employe, an allowance may be made not to exceed the amounts specified in Ind 72.03 (3), Wis. Adm. Code.

(3) **COUNSELORS.** The minimum wage of counselors employed in seasonal recreational or educational camps and day camps may be computed on a weekly basis as follows:

(a) Adult counselors 18 years of age and over:

	EFFECTIVE 8-1-78 PER WEEK	EFFECTIVE 1-1-79 PER WEEK	EFFECTIVE 1-1-80 PER WEEK	EFFECTIVE 1-1-81 PER WEEK
1. If board and lodging are not furnished	\$114.75	\$126.00	\$135.00	\$146.25
2. If board only is furnished	\$84.15	\$92.40	\$99.00	\$107.25
3. If board and lodging are furnished	\$63.75	\$70.00	\$75.00	\$81.25

(b) Counselors 17 years of age and under:

1. If board and lodging are not furnished	\$99.00	\$110.25	\$119.25	\$130.50
2. If board only is furnished	\$72.60	\$80.85	\$87.45	\$95.70
3. If board and lodging are furnished	\$55.00	\$61.25	\$66.25	\$72.50

(4) RECORDS. Seasonal recreational or educational camps and day camps will not have to keep the daily and weekly time records required by Ind 72.11 (1) (d), (e), and (f), Wis. Adm. Code, for counselors employed and paid on a weekly basis.

(5) DEFINITIONS. 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.

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

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

EFFECTIVE 8-1-78	EFFECTIVE 1-1-79	EFFECTIVE 1-1-80	EFFECTIVE 1-1-81
\$3.00 9 holes	\$3.25 9 holes	\$3.50 9 holes	\$3.75 9 holes
\$5.30 18 holes	\$5.80 18 holes	\$6.30 18 holes	\$6.80 18 holes

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

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 established Federal Fair Labor Standards Act rates.

(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: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

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.

2. The application shall contain answers to all questions presented on the form supplied by the department, including among other things, a description of the nature of the disabilities of the persons served by the workshop, a description of the type of employment and the programs and services provided by the workshop.

3. The application shall be signed by the president of the board of directors and by a duly authorized officer of the workshop.

(b) *Renewal of license.* Applications for renewal shall be filed 30 days prior to the expiration date.

(c) *Criteria for issuance of a license.* 1. The following criteria may be considered by the department in determining the necessity of issuing a license and the conditions to be specified therein.

a. The present and previous earnings of handicapped workers of the workshop.

b. Whether the individual handicapped workers are being paid wage rates commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality and quantity of work.

c. The nature and extent of the disabilities of individuals served by the workshop.

d. The types and duration of medical, educational, therapeutic, social work, and other rehabilitative services given to handicapped workers.

e. The extent to which the handicapped workers share, through wages, in the receipts for work done in the workshop.

f. The extent to which the handicapped workers may be learners or in other ways inexperienced.

g. The extent to which earned operating income, other than normal depreciation allowances, is used for capital expenditures for equipment, buildings or expansion of activities in situations where the adequacy of the wage rates proposed by the workshop cannot clearly be established.

h. Whether there exists any workshop/customer arrangement or subcontract agreement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels.

i. Whether, in the case of nongovernment operated workshops, the organization has obtained an exemption under section 501 (c) (3) of the internal revenue code of 1954 [26 U.S.C. 501 (c) (3)] and has registered as a nonprofit organization with the appropriate state or local agencies providing for such registration.

2. In addition, the following criteria will be considered in determining the advisability of issuing a special certificate for a training or evaluation program.

a. Whether there is competent instruction or supervision.