



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1095/1
MIM:skw

2021 SENATE BILL 50

January 28, 2021 - Introduced by Senators BERNIER and FELZKOWSKI, cosponsored by Representatives SCHRAA, BROOKS, CALLAHAN, HAYWOOD, KITCHENS, KNODL, KUGLITSCH, MOSES, ROZAR, SKOWRONSKI, TAUCHEN, THIESFELDT, WICHGERS, ZIMMERMAN and SWEARINGEN. Referred to Committee on Labor and Regulatory Reform.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT** *to amend* 104.045 (1) of the statutes; **relating to:** counting of tips for
2 tipped employees and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, minimum wage is generally \$7.25 per hour. However, if the employer of a tipped employee can demonstrate through payroll records that the employee has earned at least the applicable minimum wage in a week, based on the employee's tips and wages paid to the employee in that week, the employer may pay a minimum wage of \$2.13 for opportunity employees, and \$2.33 for general tipped employees.

This bill requires the Department of Workforce Development to promulgate rules allowing an employer to require tipped employees to use an electronic signature or other electronic means that uniquely identifies the employee when the employee is acknowledging the counting of tips toward fulfillment of the employer's obligation to pay the minimum wage.

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:

- 3 **SECTION 1.** 104.045 (1) of the statutes is amended to read:

SENATE BILL 50

SECTION 1

104.045 (1) The counting of tips or similar gratuities toward fulfillment of the employer's obligation under this chapter s. 104.035 (3). The rules promulgated under this subsection shall allow an employer to require a tipped employee to use an electronic signature or other electronic means that uniquely identifies the employee to acknowledge the counting of tips or similar gratuities for purposes of s. 104.035 (3). In this subsection, "electronic signature" has the meaning given in s. 137.11 (8).

(END)