

Wisconsin Employment Laws Quick Reference Guide

NOTE TO EMPLOYER: This reference guide provides a brief summary of important provisions and obligations of a number of employment laws and regulations affecting employers. It is not intended to be, nor should it be viewed as an all-inclusive listing of all laws and regulations, or the provisions and obligations associated with them. Because provisions and requirements are subject to change, this information will need to be reviewed to be certain it remains current. Always refer to specific laws or regulations for detailed descriptions of provisions and obligations and seek professional advice and counsel when further information or clarification is needed and when notified of any pending agency investigation or potential charges claiming to be a violation of law.

Wisconsin Law	Summary of Basic Provisions and Obligations	Compliance Thresholds
Child Labor	<p>Minors under the age of 16 must have a work permit on file with the employer before performing any work in a job that is not agriculture or domestic service work. Employers are required to reimburse the employee the cost of obtaining the work permit.</p> <p>Minors under the age of 18 may not be employed during the hours they are required to attend school. Requires posting the "Hours and Days of Work Minors May Work in Wisconsin" poster.</p>	1 or more employees
Clean Indoor Air Act	<p>Prohibits smoking in enclosed public places and places of employment. Employers are permitted to provide outdoor smoking areas, but these areas must be a "reasonable distance" from any entrance to the facility. Signage must be prominently placed near all entrances, state the applicable restriction and be at least 5X7".</p>	1 or more employees
Concealed Weapons	<p>Employers may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon during any part of the course of the employee's employment. This applies even if an employee has a concealed carry permit. An employer may not prohibit the holder of a concealed carry permit from storing a weapon in the employee's personal motor vehicle, even if the employee uses that vehicle in the course of employment or the vehicle is driven or parked on employer-owned property.</p>	1 or more employees
Contract Compliance	<p>Requires entities that do business with the State of Wisconsin to conduct their employment programs free of unlawful discrimination. Every contractor with the State of Wisconsin must post notices in conspicuous places available to employees and applicants that explains the Contract Compliance Law.</p>	1 or more employees

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Direct Deposit and Wage Payment	<p>Employers may pay wages in cash or by check. If an employer pays wages via paychecks or other paper method, they must be payable at a designated place of business in the county in which the work was performed, at the employer's office (if within Wisconsin), or at a bank within the state. State law requires employers to pay employees all wages at least once per month. Employers can make participation in a direct deposit pay program a condition of employment if 1) the employee is able to collect wages at a bank or facility in Wisconsin and 2) no charges are required of the employee. If an employee must establish an account solely to receive wages, fees for the account must be covered by the employer.</p>	1 or more employees
Drug Testing	<p>Requires employers who do public works projects to have in place a written program for the prevention of substance abuse among their employees. Defines the requirements for such a program.</p>	1 or more employees
Emergency Services Providers	<p>Employers may not terminate or take adverse action against any employee for joining or being a volunteer emergency services provider. Employers are not required to pay for the time the employee spends responding to emergency services calls; although employers are able to request written verification of time missed to perform such services.</p>	1 or more employees
Employee Access to Personnel Files	<p>Requires employers to provide past and current employees (twice per calendar year) with the opportunity to review, copy, and dispute contents of their personnel file at a location reasonably near the employee's place of employment during normal office hours or another reasonable time. The employer may ask that the request is in writing. Upon request, the employer has 7 working days to comply. The employer may charge a reasonable copying fee if the employee wants a copy of information from the file.</p>	1 or more employees

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Employee Reference Checks	Employers are immune from liability in civil court if, upon request of an employee or prospective employer of the employee, the employer provides a good faith reference concerning a current or former employee's job performance or qualifications.	1 or more employees
Fair Employment Law (WFEA)	Makes it unlawful for employers, employment agencies, labor unions, and licensing agencies to discriminate against employees and applicants because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters. Requires posting of "Wisconsin Fair Employment Law" poster .	1 or more employees
Genetic Information Bias	No employer, labor organization, employment agency or licensing agency may directly or indirectly solicit, require, or administer a genetic test to any person as a condition of employment, labor organization membership, or licensure.	1 or more employees
Health Care Workers Protection Law	Prohibits healthcare facilities or providers from retaliating against, discharging, or discriminating against healthcare workers for reporting violations of a law, rule, or quality of care standards posing a potential health risk to patients or residents. The law also protects anyone who initiates, testifies, or participates in any proceeding related to claims. Requires posting of "Retaliation Protection for Health Care Workers" poster for healthcare providers or for anyone owning or managing a healthcare facility.	1 or more employees
Health Insurance and Continuation Rights (WI-COBRA)	Requires that employers offer continuation coverage to covered employees, spouses, and dependents, who have been continuously covered for three months prior to termination. Specific requirements and employer procedures are outlined in the law.	1 or more employees
Honesty Testing	Requires employers who use honesty testing to post the "Employee Protections Against Use of Honesty Testing Devices" poster in one or more conspicuous places.	Employers who use honesty testing with 1 or more employees

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Jury Duty and Court Testimony	<p>Prohibits employers from discharging, taking disciplinary action, or discriminating with regard to seniority or pay advancement against an employee because the employee takes a leave of absence due to jury duty. Employers may not discharge an employee if subpoenaed to testify in court in a criminal or juvenile justice case. Employers are not required to pay the employee for the time away from work.</p>	1 or more employees
Meal and Rest Breaks	<p>Requires employers to provide a minimum 30-minute meal periods for employees <u>under age 18</u> who are working at least a six-hour shift. Employers are not required to provide rest periods, coffee breaks or meal periods for workers aged 18 or older, but the employer must pay for meal periods of less than 30 minutes or when work is required or when the employee is not free to leave the employer premises.</p>	1 or more employees
Medical Exam Costs	<p>Prohibits employers from requiring any employee or applicant for employment to pay the cost of a medical examination required by the employer as a condition of employment.</p>	1 or more employees
Minimum Wage, Hours of Work, and Overtime Law	<p>Requires employers to provide minimum wage and overtime to covered nonexempt workers at one-and-one-half times their regular rate of pay for all hours worked in excess of 40 hours per week. On-call hours are treated as hours worked for the purpose of determining the minimum wage if the employee is required to stay on or close to the employer's premises while on call.</p> <p>Requires posting of "Wisconsin Minimum Wage Rates" poster and "Minimum Wage, Workers With Disabilities..." poster.</p>	1 or more employees

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New Hire Reporting	Requires employers to report new hires to the State Directory of New Hires within 20 days after the employee starts work for the purpose of collecting child support payments. Employers must also report employees who are rehired after an unpaid interval of more than 60 days.	1 or more employees
One Day Rest in Seven Act	Requires factory and mercantile establishment employers to provide employees a minimum of 24 hours of rest in each calendar week unless an exception applies. An employee can voluntarily choose to work without at least 24 consecutive hours of rest in 7 consecutive days, provided in writing to the employer.	1 or more employees
Payment of Terminated Employee Wages	Requires employers to pay terminated employees in full by the employee's next regular pay date. If termination is due to an employer's merging, liquidating, or disposing of the business, or relocating the business, employees' final pay is due within 24 hours of termination.	1 or more employees
Right-to-Know	Requires employers to let employees know what toxic substances might be encountered on the job. If an employee has requested information about a toxic substance, infectious agent, or pesticide and has not received that information, the employee may refuse to work with or be exposed to the substance.	1 or more employees
Unemployment Compensation	Provides weekly payments to employees who have lost their jobs through no fault of their own and who have not found suitable re-employment. Requires a one-week waiting period in a benefit year. Employers are required to notify employees of the availability of unemployment insurance. Requires posting "Notice to Employees About Applying for Wisconsin Unemployment Benefits" poster .	1 or more employees

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Voting Leave	Employers must provide employees with up to three consecutive hours off between the opening and closing of the polls in which to vote. Employees can be required to apply for voting leave before the election. Employers may specify the times employees can be absent and are not required to pay the employee for the time away from work.	1 or more employees
Wage Deductions	Prohibits employers from making pay deductions for loss, theft, damage, or faulty workmanship without the written authorization of the employee unless the employer has a legal judgment against the employee, or the employer and employee representative agree the loss was due to employee negligence.	1 or more employees
Workers' Compensation	Provides benefits (i.e., care, treatment, and wage continuation) to workers resulting from workplace illnesses or injuries.	1 or more employees
Bone Marrow and Organ Donation Leave	Requires employers to allow employees up to six weeks of job-protected, unpaid leave in a 12-month period to donate bone marrow and organs (e.g., kidneys, partial livers, partial lungs, partial pancreas, partial intestine). Eligible employees must have been employed by the same employer for more than 52 consecutive weeks and worked at least 1000 hours during the preceding 52-week period. Bone marrow and organ donation leave may only be taken for the period necessary for the employee to undergo the donation procedure and to recover from that procedure. Requires posting of "Wisconsin Bone Marrow and Organ Donation Leave Act" poster .	50 or more employees Employers with 25 to 50 employees must post a notice describing their own particular leave policies with respect to leave for bone marrow and organ donation, if applicable.

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Family and Medical Leave (WFMLA)	<p>Requires employers to allow employees up to two weeks of unpaid leave for an employee's own health problems or to care for a family member with a serious health condition. Requires employers to provide unpaid leave of up to six weeks for birth or adoption of a child. Intermittent leave is required under the personal or family health care provision and within 16 weeks following birth or adoption of a child. Some provisions also extend to domestic partners. Employees must have worked at least 1000 hours in the previous 52 consecutive weeks. Hour eligibility is based on the number of hours paid, not worked. Employers cannot require the use of paid time during Wisconsin FMLA, although employees may choose to use it. Requires "Wisconsin Family and Medical Leave Act" poster.</p>	<p>50 or more employees. Out-of-state employers with at least 50 employees must provide to Wisconsin employees, regardless of the number of people living/working in Wisconsin.</p> <p>Employers with 25 to 50 employees must post a notice describing their own particular leave policies with respect to family or medical leave, if applicable.</p>
Health Care Discontinuation	<p>Requires employers who decide to cease providing health care benefits to give at least 60 days written notice to all affected employees, retirees, dependents of employees or retirees, and collective bargaining representatives. Requires posting of "Notification Required When Employers Decide to Cease Providing a Health Care Benefit Plan" poster.</p>	<p>50 or more employees</p>
Plant Closing and/or Mass Layoff (WI-WARN)	<p>Requires employers to promptly notify, in writing, the Department of Workforce Development affected employees, and any collective bargaining representatives no later than 60 days prior to the date of the business closing for situations affecting 50 or more employees, regardless of exempt or non-exempt status. In addition, the highest official of the municipality in which the employment site is located must be notified. Requires employers to post "Employee Rights Under Wisconsin's Business Closing/Mass Layoff Law" poster.</p>	<p>50 or more employees in the state</p>