

Employee Rights under Wisconsin's Business Closing/Mass Layoff Notification Law

Under Wisconsin law, employees have certain rights and employers have certain obligations to give proper notice to their employees and others before taking certain actions.

What is a "business closing" or "mass layoff?"

A "business closing" requires notice if there is a permanent or temporary shutdown of an employment site or of one or more facilities or operating units at an employment site or within a single municipality that affects 25 or more employees (not including "new" or "low-hour" employees).

A "mass layoff" requires notice if there is a reduction in the workforce that is not a "business closing" and which affects the following number of employees (excluding new or low hour employees) at an employment site or within a single municipality:

1. **At least 25% of the employer's workforce or 25 employees, whichever is greater or**
2. **At least 500 employees.**

Employees are counted if their employment is terminated (not including discharges for cause, voluntary departures, or retirements), if they are laid off for more than 6 months, or if their hours are reduced more than 50 percent during each month of any 6-month period, as the result of a business closing or mass layoff. New or low-hour employees - who have been employed for fewer than 6 of the 12 months preceding the date on which a notice is required or who average fewer than 20 hours of work per week - are **not** counted.

Who must provide notice and when?

With certain exceptions, businesses employing 50 or more persons in the State of Wisconsin must provide written notice 60 days before implementing a "business closing" or "mass layoff" in this state. The federal or state government (and their political subdivisions), charitable or tax exempt institutions and organizations, and independent contractors are not covered under this law and do not have to provide notice. Additional exceptions exist in various situations involving strikes or lockouts, sales, relocations, temporary or seasonal employment, unforeseeable circumstances, natural or man-made disasters, temporary cessation in operations, or businesses in financial trouble.

What employees are entitled to receive notice?

Employees are entitled to receive notice if they are counted as part of "business closing" or "mass layoff." New or low-hour employees may also be entitled to receive notice in situations where there is a "business closing" or "mass layoff."

What can employees recover if notice is required and not given?

If an employer implements a "business closing" or "mass layoff" without providing required notice, an affected employee may recover back pay and benefits for each day that required notice was not provided (up to a maximum of 60 days). An affected employee may also recover attorney fees and costs in a lawsuit.

If you have questions regarding this law or wish to file a complaint, call or write us at:

**STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE ROOM A100
PO BOX 8928
MADISON WI 53708
Telephone: (608) 266-6860

819 N 6th ST
ROOM 723
MILWAUKEE WI 53203
Telephone: (414) 227-4384

Website: <https://dwd.wisconsin.gov/er/>

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

Hours and Times of Day Minors May Work in Wisconsin

State and federal laws do not limit the hours that minors 16 years of age or over may work, except that they may not be employed or permitted to work during hours of required school attendance under Wis. Stat. § 118.15.

State and federal laws also permit minors under 16 to work up to seven days per week in the delivery of newspapers and agriculture. In most other types of labor, minors under 16 may only work six days a week.

Most employers must obtain work permits for minors under 16 before permitting them to work. For further information, see the Wisconsin Employment of Minors Guide (ERD-4758-P).

Maximum Hours of Work for 14 & 15 year-old minors	After Labor Day through May 31	June 1 through Labor Day
<u>Daily Hours</u>		
Non-School Days	8 hours	8 hours
School Days	3 hours	3 hours
<u>Weekly Hours</u>		
Non-School Weeks	40 hours	40 hours
School Weeks	18 hours	18 hours
Permitted Time of Day	7am-7pm	7am-9pm

Employers subject to both federal and state laws must comply with the more stringent section of the two laws.

State child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs operated by the school.

Minors under 16 years of age are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day or week.

Minors under 14 years of age are allowed to work in certain occupations (e.g., street trades, agriculture, and work in school lunch programs. See the Wisconsin Employment of Minors Guide, ERD-4758-P, for more detail). These minors are subject to the same hourly and time of day restrictions as minors who are 14 or 15 years of age.

Minors under 18 years of age may not work more than 6 consecutive hours without having a 30-minute, duty free meal period.

Minors 16 & 17 years of age who are employed after 11:00 pm must have 8 hours of rest between the end of one shift and the start of the next shift.

Minimum Wage for minors is \$7.25 per hour. Employers may pay an "Opportunity Wage" of \$5.90 per hour for the first 90 days of employment. On the 91st day, the wage must increase to \$7.25 per hour.

For further information about the federal child labor laws call (608) 441-5221, or write to U.S. Department of Labor, Wage & Hour, 740 Regent Street, Suite 102, Madison, WI 53715.

For further information about the state child labor laws, call the Equal Rights Division in Madison (608) 266-6860 or Milwaukee (414) 227-4384.

DEPARTMENT OF WORKFORCE DEVELOPMENT - EQUAL RIGHTS DIVISION

PO BOX 8928 MADISON WI 53708

Telephone: (608) 266-6860

Website: <https://dwd.wisconsin.gov/er/>

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information. Please contact the Equal Rights Division at (608) 266-6861 to request information in an alternate format, including translated to another language.

Employee Protections Against Use of Honesty Testing Devices (Wis. Stat. § 111.37)

Employers who use honesty testing must display this poster in one or more conspicuous places where notices to employees are customarily posted.

Under Wisconsin law, requiring or requesting that an employee or applicant take an honesty test (lie detector) is unlawful or heavily regulated. Further, employers may not discriminate against a person who refuses to take a test or objects to its use.

Exceptions

An employer **may request** that an employee take a test in connection with an investigation involving economic loss or injury to a business if the employee is a reasonable suspect.

Honesty tests **can be used** by law enforcement agencies and certain businesses engaged in providing security services, alarm systems, and who manufacture, distribute or sell controlled substances.

Employee & Applicant Rights

Any legally permitted honesty test is subject to strict safeguards, including an examinee's right to proper notice, the right to discontinue a test at any time and the right to advance written notice of the questions to be asked.

Enforcement

Victims of unlawful honesty testing may file a complaint within **300 days** after the date the unfair honesty testing occurred, at one of the offices below.

STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION

STREET ADDRESS:

201 E WASHINGTON AVE ROOM A100
MADISON WI 53703

819 N 6th ST ROOM 723
MILWAUKEE WI 53203

MAILING ADDRESS:

PO BOX 8928
MADISON, WI 53708-8928

Telephone: (608) 266-6860

Telephone: (414) 227-4384

Website: <https://dwd.wisconsin.gov/er/>

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Wisconsin Fair Employment Law

Section 111.31-111.395 Wisconsin Statutes and DWD 218 Wisconsin Administrative Code requires that all employers prominently display this Poster in all places of employment.

It is unlawful to discriminate against employees and job applicants because of their:

- Sex
- Color
- Ancestry
- Disability
- Marital Status
- Race
- Creed (Religion)
- Age (40 or Over)
- Declining to Attend a Meeting or Participate in any Communication About Religious or Political Matters
- Use of Lawful Products
- Arrest or Conviction
- Honesty Testing
- National Origin
- Pregnancy or Childbirth
- Sexual Orientation
- Genetic Testing
- Military Service

This law applies to employers, employment agencies, labor unions and licensing agencies.

Employers may not require certain types of honesty testing or genetic testing as a condition of employment, nor discipline an employee because of the results.

Employees may not be harassed in the workplace based on their protected status nor retaliated against for filing a complaint, for assisting with a complaint, or for opposing discrimination in the workplace.

There is a 300-day time limit for filing a discrimination complaint.

For more information or a copy of the law and the administrative rules contact:

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Wisconsin Family and Medical Leave Act

Section 103.10, Wisconsin Statutes, requires that all employers with 50 or more employees display a copy of this poster in the workplace. Employers with 25 or more employees are required to post their particular leave policy

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- **Up to six (6) weeks leave in a calendar year for the birth or adoption of the employee's child, providing the leave begins within sixteen (16) weeks of the birth or placement of that child.**
- **Up to two (2) weeks of leave in a calendar year for the care of a child, spouse, domestic partner, as defined in § 40.02(21c) or 770.01(1) or parent or a parent of a domestic partner with a serious health condition.**
- **Up to two (2) weeks leave in a calendar year for the employee's own serious health condition.**

This law only applies to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Family and Medical Leave. Employers may have leave policies, which are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law **must be filed within 30 days** after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:

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WISCONSIN BONE MARROW AND ORGAN DONATION LEAVE ACT

Section 103.11, Wisconsin Statutes, requires all employers with 50 or more employees to display a copy of this poster in the workplace. Employers with 25 or more employees are required to post their particular leave policies.

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- ▶ Up to six (6) weeks leave in a 12-month period for the purpose of serving as a bone marrow or organ donor, provided that the employee provides his or her employer with written verification that the employee is to serve as a bone marrow or organ donor and so long as the leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure.

This law applies only to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Bone Marrow or Organ Donation Leave. Employers may have leave policies, which are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law must be filed within 30 days after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:



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Wisconsin Minimum Wage Rates

Effective July 24, 2009 (Wis. Stat. ch. 104)

General Minimum Wage Rates

Non-Opportunity Employees:

\$7.25 per Hour

Opportunity Employees:

\$5.90 per Hour

Minimum Wage Rates for Tipped Employees

Non-Opportunity Employees:

\$2.33 per Hour

Opportunity Employees:

\$2.13 per Hour

Note: "Opportunity employee" means an employee who is not yet 20 years old and who has been in employment status with a particular employer for 90 or fewer consecutive calendar days from the date of initial employment.

Minimum Wage Rates for All Agricultural Employees

Adults

\$7.25 per Hour

Minors

\$7.25 per Hour

Minimum Rates for Caddies

9 Holes

\$5.90

18 Holes

\$10.50

For more information contact:

**STATE OF WISCONSIN
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NOTICE TO WISCONSIN WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGE

Wisconsin Minimum Wage, Hours of Work and Overtime Laws

Generally, employees are covered by Wisconsin's minimum wage and overtime law provisions. The law requires payment of not less than the minimum wage for all hours worked, and payment of time and one-half an employee's regular rate of pay for all hours worked over forty in a work week. There may be other requirements. **Child labor law provisions apply to employees under 18 years of age.**

Special Minimum Wages under DWD 272.09

Workers whose disabilities impair their ability to perform their work may be employed under a special minimum wage license issued by the Department of Workforce Development. This establishment has such a license. The rates must reflect the productivity of the worker compared to the productivity of a worker not disabled for similar work, and to the wages paid to experienced workers performing the same or similar work in the vicinity.

To be able to pay less than the standard applicable minimum wage, this facility must also have a certificate under Section 14(c) of the Fair Labor Standards Act (FLSA), issued by the US Department of Labor.

Effective July 22, 2016, the FLSA prevents this establishment from employing persons 24 years of age or younger at a special minimum wage unless certain conditions are met. The Division of Vocational Rehabilitation (DVR) will provide documentation that these conditions have been met. DVR will also provide career counseling and information and referral services designed to promote opportunities for competitive, integrated employment, regardless of age, to individuals who are known to be employed at special minimum wages every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment.

Worker Notification

The employer shall inform orally and in writing, each worker with a disability, and parent and/or guardian if appropriate, of the terms of the special minimum wage license under which the worker is employed.

Review Process, Complaints, or Questions

A request for reconsideration or review under this law must be filed within 60 days after learning of the action. **To file such a request, make a complaint, for answers to questions about the law, or for a complete copy of the law, contact:**

STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION

201 E WASHINGTON AVE ROOM A100
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Advance Notice Required When Employers Decide to Cease Providing a Health Care Benefit Plan

Wisconsin law (Wis. Stat. § 109.075) requires employers who plan to discontinue health care benefits to current employees, retirees, and dependents of employees or retirees in some instances to provide the affected individuals with 60 days' notice of the cessation of benefits.

Q: Which employers must comply with this requirement?

A: An employer who operates a business enterprise in Wisconsin that employs 50 or more persons in the state must provide written notice of its intention to cease providing health care benefits to affected parties.

Q: Who is an affected individual entitled to this notice?

A: Employees, any union representing employees of the business, retirees, and dependents of employees and retirees currently covered by the health care plan are entitled to receive 60 days' written notice that the benefits will cease.

Q: Why should an affected person file a complaint about not receiving 60 days' notice of the cessation of a health care benefit plan?

A: A person who did not receive proper notice may receive either the value of the insurance premium(s) for the period without notice or the actual value of medical expenses incurred during the non-notification period (maximum of 60 days).

Q: If I have questions concerning this requirement or if I wish to file a complaint about not receiving notice, whom should I contact?

A: Contact either the Equal Rights Division in Milwaukee or Madison listed below.

STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION

201 E WASHINGTON AVE, ROOM A100
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Retaliation Protection for Health Care Workers in Wisconsin

Any facility, as defined in s. 647.01 (4), or any hospital, nursing home, community based residential facility, county home, county infirmary, county hospital, county mental health complex or other place licensed or approved by the department of health and family services **must display** this poster in one or more conspicuous places where notices to employees are customarily posted.

Under section 146.997 of Wisconsin Statutes, as an employee of a health care facility or provider, you may not be disciplined at work for good faith reporting of:

- any potential violations of state or federal law by the health care facility or provider,
- any situation where care is provided in a manner that violates state or federal standards, laws, or recognized clinical or ethical standards.

Covered reporting includes internal reports to any director, officer, or supervisor of the health care facility or provider, or reports to an agency or body that accredits, certifies, or approves the facility or provider, unless disclosure is prohibited by law.

Victims of unlawful retaliation may file a complaint, **within 300 days** of the date the retaliation or threat of retaliation occurred, at one of the offices below.

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Notice to Employees About Applying for WISCONSIN UNEMPLOYMENT BENEFITS



dwd.wisconsin.gov/uiiben/handbook/apply.htm

When To Apply

- You are totally unemployed,
- Your weekly earnings are reduced,
- You expect to be laid off within the next 13 weeks, or
- You are participating in the Trade Adjustment Assistance (TAA) program.

Unsure if you will qualify? Apply to find out if you are eligible. Only DWD can determine if you will qualify.

IMPORTANT: You must file an initial claim application within seven days of the end of the calendar week in which you want to receive a UI benefit payment.

Information You Need To Apply

- ☐ A username and password (for filing online).
- ☐ A valid email address or mobile phone number.
- ☐ Your current address.
- ☐ Your social security number.
- ☐ Your Wisconsin driver license or identification number (if you have one).
- ☐ Your work history for the last 18 months, including:
 - Employers' business names.
 - Employers' addresses (including zip code).
 - Employers' phone number.
 - First and last dates of work with each employer.
 - Reason for no longer working with each employer.
- ☐ If you are not a U.S. citizen, your alien registration number, document number and expiration date.
- ☐ If you served in the military in the last 18 months, Form DD-214.
- ☐ If you are a federal civilian employee, Form SF-50 or SF-8.
- ☐ If you are a union member, the name and local number of your union hall.
- ☐ If you want UI benefit payments by direct deposit, your bank's routing number and your account number.

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Unemployment Insurance Division at (414) 435-7069 or toll-free at (844) 910-3661 to request information in an alternate format, including translated to another language.

How To Apply

1. Go to **my.unemployment.wisconsin.gov**
2. Read and accept terms and conditions.
3. Create a username and password.
Note: When you authorize to use online services, you may be mailed an identity verification letter with a code that **must** be entered within seven days.
4. Log on to access your claimant portal.
5. Complete your initial claim application.

Apply online during these times:

Sunday	9:00 AM – Midnight
Monday – Friday	Available 24 Hours
Saturday	Midnight – 3:00 PM

Need Help?

For access to a computer and workforce services:

- Visit your closest Job Center
wisconsinjobcenter.org/directory

For help using online services or if you are unable to go online:

- Call Unemployment Insurance (UI) at (414) 435-7069 or toll-free (844) 910-3661 during business hours.

STATE OF WISCONSIN



Department of Workforce Development

dwd.wisconsin.gov/ui

Notice to Employers: All employers covered by Wisconsin's Unemployment Insurance law are required to prominently display this poster where employees will easily see it. If employers do not have a permanent work site regularly accessed by employees, an individual copy is to be provided to each employee. For additional copies, visit: dwd.wisconsin.gov/dwd/publications/ui/notice.htm or call (414) 438-7705.

Notice to Employees: The federal Social Security Act requires that you give us your social security number. It will be used to verify your identity and determine your eligibility. If you do not provide your social security number, we cannot take your claim.

Notice to Employees About Applying for Wisconsin Unemployment Benefits

The directions below are for non-native English speakers who may need to reference one of the following languages. The text reads:

To ask questions about or to apply for unemployment benefits, call 414-435-7069 between 7:35 AM and 3:30 PM on Monday - Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

▪ Shqip - Albanian

Për pyetje lidhur me përfitimet e papunësisë ose për të kërkuar përfitime papunësie, telefononi: 414-435-7069 nga ora 7:35 paradite deri 3:30 mbasdite nga e hëna deri të premten. Do t'ju vihet në dispozicion një përkthyes falas për shërbimet e Sigurimit të Papunësisë.

▪ Bosanski/Hrvatski/Srpski - Bosnian/Croatian/Serbian

Za pitanja o beneficijama u toku nezaposlenosti (unemployment benefits) ili da se za njih prijavi, nazovite 414-435-7069 između 7:35 i 15:30 od ponedjeljka do petka. Besplatan tumač će biti obezbeđen za usluge osiguranja tokom nezaposlenosti (Unemployment Insurance).

▪ ຄົນລາວ - Laotian

ຖ້າທ່ານຕ້ອງການຕິດຕໍ່ຂໍຊາບລາຍລະອຽດກ່ຽວກັບສະຖານະການຊ່ວຍເຫຼືອຄົນຕົກວຽກ ຫລືຕ້ອງການຮ້ອງຂໍເອົາສະຖານະການດັ່ງກ່າວ, ໃຫ້ໂທຫາ 414-435-7069 ຕັ້ງແຕ່ 7:35 ໂມງເຊົ້າ ຫາ 3:30 ໂມງແລງ ວັນຈັນ ຫາ ວັນສຸກ. ຈະຈັດຫາພາສາລາວໄວ້ສໍາຫລັບການບໍລິການທາງດ້ານການປະກັນການຕົກວຽກ ໂດຍບໍ່ຄິດຄ່າບໍລິການໃດ ໆ ທັງສິ້ນ.

▪ Język polski - Polish

Uzyskać informację o zasiłkach dla bezrobotnych albo złożyć podanie o nie można dzwoniąc na numer 414-435-7069 między 7.35 a 15.30 od poniedziałku do piątku. W załatwianiu spraw związanych z ubezpieczeniem od bezrobocia zapewniamy bezpłatne usługi tłumacza.

▪ Русский - Russian

Задать вопросы о пособии по безработице или подать заявление о назначении этого пособия можно, позвонив по телефону 414-435-7069 с 7:35 до 15:30 с понедельника по пятницу. Услуги переводчика в связи со страхованием от безработицы будут предоставляться бесплатно.

▪ Soomaali - Somali

Si aad u codsatid munaafacooyinka shaqola'aanta ama aad su'aalo u wedydiisid, waxaad wacdaa 414-435-7069 inta u dhexeysa 7:35 aroornimo ilaa 3:30 galabnimo ee Isniin ilaa Jimce. Wixii la xiriira adeegyada Caymiska Shaqola'aanta waxaa si kharash la'aan ah laguugu keeni doona turjubaan.

▪ Tiếng Việt – Vietnamese

Muốn nêu câu hỏi hoặc nạp đơn hưởng trợ cấp thất nghiệp, xin gọi 414-435-7069 từ 7 giờ 35 sáng đến 3 giờ 30 chiều, từ thứ Hai đến thứ Sáu. Chúng tôi có phiên dịch viên miễn phí cho những dịch vụ Bảo hiểm Thất nghiệp.

