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Civil Rights Bureau

1. Fair Employment (Sections 111.31 - 111.397, Wisconsin Statutes, Chapter DWD 218 Wisconsin Administrative Code)

Prohibits discrimination based on race, creed, color, national origin, ancestry, age – 40 and over, sex, disability, arrest or conviction record, sexual orientation, marital status, military status, and declining to attend a meeting or communication about religious or political matters. It prohibits unfair honesty testing and genetic testing. It also prohibits discrimination because of filing or assisting with a Labor Standards complaint or because of use or non-use of lawful products.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged discriminatory act.)

2. Open Housing (Section 106.50, Wisconsin Statutes, Chapter DWD 220 Wisconsin Administrative Code)

Prohibits housing discrimination based on race, color, religion, national origin, ancestry, sex, age-18 and over, disability, lawful source of income, marital status, sexual orientation, family status, and status as a victim of domestic abuse, sexual abuse, or stalking.

(Enforcement is by filing a complaint with the Equal Rights Division within 1 year of the alleged discriminatory act or through circuit court.)

3. Public Accommodations & Amusements (Section 106.52, Wisconsin Statutes, Chapter DWD 221 Wisconsin Administrative Code)

Prohibits discrimination in public places, based on race, color, creed, national origin, ancestry, sex, physical condition, developmental disability, or sexual orientation.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged discriminatory act, also through circuit court.)

4. Family & Medical Leave (Section 103.10, Wisconsin Statutes, Chapter DWD 225 Wisconsin Administrative Code)

For employers of 50 or more, requires that:

An employee of either sex is allowed up to six (6) weeks of leave in a twelve-month period for the birth or adoption of a child.

An employee is allowed up to two (2) weeks of leave in a twelve-month period for the care of the employee's child, spouse, parent, domestic partner (as defined in Section 40.02(1) or 770.01(1)), or a parent of a domestic partner.

An employee is allowed up to two (2) weeks of leave in a twelve-month period for the employee's own serious health condition.

(Enforcement is by filing a complaint with the Equal Rights Division within 30 days of the alleged violation.)

5. Post Secondary Education (Section 106.56, Wisconsin Statutes)

Prohibits discrimination because of physical condition or developmental disability in post-secondary education.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged discriminatory act.)

6. Civil Air Patrol Membership (Section 321.66, Wisconsin Statutes)

Prohibits discrimination because of membership in the civil air patrol or because the employee has taken a leave of absence under the law.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged discriminatory act.)

7. Reemployment Rights after National Guard, State Defense Force, or Public Health Emergency Service (Section 321.65(7), Wisconsin Statutes)

Provides reemployment rights after service in the National Guard, state defense force, or public health emergency service. The law also prohibits retaliation for filing a complaint, attempting to enforce a right, or for assisting in a proceeding to enforce a right under this section.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged violation.)

8. Emergency Responder Absence (Section 103.88(5), Wisconsin Statutes)

Prohibits an employer from discriminating against or interfering with an employee's right to be late or absent from work if the employee is a volunteer firefighter, emergency medical technician, first aid responder, or ambulance driver responding to an emergency that begins before the employee is required to report to work.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged violation.)

9. Retaliation Protections

a. Public Employee Health & Safety (Section 101.055(8), Wisconsin Statutes)

Protects a public employee who reports an actual or potential hazard to the Wisconsin Department of Safety and Professional Service's Division of Industry Services from retaliatory treatment by the employer. The law also protects a public employee who reasonably refuses to perform a task which represents a danger of serious injury or death, or who exercises any other right related to occupational safety and health from retaliatory treatment by the employer.

(Enforcement is by filing a complaint with the Equal Rights Division within 30 days of the alleged retaliation.)

- b. Employee Right to Know (Sections 101.595(2) and 101.599, Wisconsin Statutes)**
States that employees have a right to know what toxic substances might be encountered on the job. Also prohibits retaliation against an employee for exercising any rights under Section 101.58-101.599, stats. (Enforcement is by filing a complaint with the Equal Rights Division within 30 days of the alleged violation.)
- c. Elder Abuse Retaliation (Sections 46.90 and 16.009, Wisconsin Statutes)**
Prohibits retaliation against an employee for reporting the abuse of an elderly person to a state or county agency or to the board on aging and long-term care. (Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged retaliation.)
- d. Care and Service Residential Facilities Retaliation (Section 50.07, Wisconsin Statutes)**
Prohibits retaliation against an employee for reporting information about a violation of the residential facilities statutes to any state official including the long-term care ombudsman. (Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged retaliation.)
- e. Health Care Workers (Section 146.997, Wisconsin Statutes)**
Prohibits retaliation against any health care worker for reporting violations of laws, rules, or quality of care standards. (Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged retaliation.)
- f. Reporting an Adult-at-Risk (Section 55.043(1m)(c), Wisconsin Statutes)**
Prohibits retaliation against any of the persons specified in the law who report the abuse, financial exploitation, neglect, or self-neglect of an adult-at-risk. (Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged retaliation.)
- g. Reporting Fraud by Recipient of Public Assistance (Sections 49.197(6)(d) and 49.845(4)(d), Wisconsin Statutes)**
Prohibits retaliation against an employee of a public assistance agency who makes a good faith report of fraudulent activity related to the receipt of public assistance funds. (Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged retaliation.)
- h. Whistleblower Law for State Employees (Sections 230.80 – 230.89, Wisconsin Statutes)**
Prohibits retaliation against certain state employees who disclose information about violations of laws or rules, mismanagement, or abuse of authority. (Enforcement is by filing a complaint with the Equal Rights Division within 60 days of the alleged retaliation.)

Labor Standards Bureau

10. Prevailing Wage Rates (Chapter DWD 290 Wisconsin Administrative Code)

a. Prevailing Wage Rates and Hours of Labor for Local Government Unit Public Works Projects (Section 66.0903, Wisconsin Statutes)

Requires the department to determine the prevailing wage rates for all types of covered local public works projects and requires the department to investigate any alleged violation of such wage rates and hours of labor.

(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)

b. Prevailing Wage Rates and Hours of Labor for State Building Public Works Projects (Section 103.49, Wisconsin Statutes)

Requires the department to determine the prevailing wage rates for all types of covered state public works construction projects, except highways and bridges, and requires the department to investigate any alleged violations of such wage rates and hours of labor
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)

c. Prevailing Wage Rates and Hours of Labor for State Highway Projects (Section 103.50, Wisconsin Statutes)

Requires the department to determine the prevailing wage rates for all covered state contracted highway construction projects. The Department of Transportation is responsible for enforcement.
(Enforcement is by filing a complaint with the Department of Transportation within 2 years.)

11. Hours of Work and Overtime (Sections 103.01-03, Wisconsin Statutes, Chapter DWD 274, Wisconsin Administrative Code)

Requires payment of time and one-half the regular rate of pay for hours worked in excess of forty in a given week, and provides certain exemptions.
(Enforcement is by filing a complaint with the Equal Rights Division on in circuit court within 2 years.)

12. Records Open To Employee (Section 103.13, Wisconsin Statutes)

Provides employees or former employees the right to inspect their own personnel records.
(Enforcement is by filing a complaint with the Equal Rights Division.)

13. One Day of Rest in Seven (Section 103.85, Wisconsin Statutes, Chapter DWD 275, Wisconsin Administrative Code)

Requires employers in factories or mercantile establishments to provide at least one period consisting of twenty-four consecutive hours of rest in each calendar week. Allows the Division to waive or modify this requirement for employers when jointly requested by labor and management.
(Enforcement is by filing a complaint with the Equal Rights Division.)

14. Street Trades (Sections 103.21-32, Wisconsin Statutes, Chapter DWD 271, Wisconsin Administrative Code)

Establishes maximum daily and weekly hours, and sets time of day restrictions for minors (those under 18 years of age) engaging in street trades (delivering, distributing, or selling items door to door). Also provides for enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)

15. Child Labor (Sections 103.64-82, Wisconsin Statutes, Chapter DWD 270, Wisconsin Administrative Code)

Establishes maximum daily and weekly hours, and sets time of day restrictions for the employment of minors, and explains employment prohibitions (by type of employment) for minors under 18 years of age. Also provides for enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)

16. Minimum Wage (Sections 104.01-12, Wisconsin Statutes, Chapter DWD 272, Wisconsin Administrative Code)

Sets minimum wage rates, provides for special minimum wage licenses for rehabilitation facilities and for workers with disabilities and student learners, and defines what comprises "hours worked."
(Enforcement is by filing a complaint with the Equal Rights Division or in circuit court within 2 years.)

17. Private Employment Agents (Sections 105.01-16, Wisconsin Statutes, Chapter DWD 277, Wisconsin Administrative Code)

Provides rules for the licensing of private employment agents (those that require applicant-paid fees), and for the registration of employer-paid fee agents. Section authorizes enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division or in circuit court.)

18. Wage Payment and Collection (Sections 109.01-11, Wisconsin Statutes)

Requires the department to process individual wage claims from employees who have not received earned wages, and establishes when employees must be paid.

(Enforcement is by filing a complaint with the Equal Rights Division or in circuit court within 2 years.)

19. Business Closing & Mass Layoff (Section 109.07, Wisconsin Statutes, Chapter DWD 279, Wisconsin Administrative Code)

For employers of 50 or more in the State of Wisconsin requires sixty days' written notice of a business closing or mass layoff. Notices must be provided to the department, affected employees, the union, and the highest official of the municipality in which the business is located.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged violation.)

20. Cessation of Health Care Benefits (Section 109.075, Wisconsin Statutes)

For employers of 50 or more in the State of Wisconsin requires sixty days' written notice when an employer decides to terminate a health care benefit plan. Notices must be provided to the employees, retirees, and their dependents. The law does not require notification to employees who quit or who are terminated, nor does it requires notification when an employer makes changes to an existing plan.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days of the alleged violation.)

21. Health Care Notification Law (Section 105.115, Wisconsin Statutes, Section DWD 277.19, Wisconsin Administrative Code)

Requires home care placement agencies that place home care workers in the residence of a consumer to provide notice to the consumer concerning the duties, responsibilities, and liabilities of the consumer.

22. Traveling Sales Crew Law (Section 103.34, Wisconsin Statutes, Chapter DWD 273, Wisconsin Administrative Code)

Provides protection for traveling sales crew workers recruited working in Wisconsin.

For more information regarding these laws, contact:

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