

## ● WAGE PAYMENT, CLAIMS, AND COLLECTION LAW

*STATUTORY CITATION:* Wis. Stat. §§ 109.01 – 109.12

*GENERAL SUMMARY:* Chapter 109 of the Wisconsin statutes prescribes the timeframes under which employees in the state are entitled to receive their pay, and establishes administrative procedures for processing and collecting claims for unpaid wages.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**FREQUENCY OF PAYMENT** — In contrast with the monthly pay period limit applicable to most other occupations, workers engaged in farm labor may be paid no less often than at regular quarterly intervals. A worker who is absent at the time fixed for payment, or for any other reason is not paid at that time, must be paid thereafter within 6 days of demand.

**COMPENSATION AT TERMINATION** — Agricultural and non-agricultural employees who do not have a written employment contract for a definite period must receive final wages in full no later than the date on which they would have received their next wages under the employer's established payroll schedule.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703 (608-266-6860)*. The Department may receive and investigate any wage claim which is filed with the agency no later than 2 years after the date the wages were due. If a claim is found to be valid, the Department may accept assignment of the claim in trust and may sue the employer on the worker's behalf to recover the difference between the amount required by law to be paid and the amount actually received by the worker. The employer is not only liable for the unpaid wages, but subject to a penalty ranging from 50 percent to 100 percent of the amount of the claim, payable to the worker. Violation of the wage payment law is also deemed a criminal offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

**PRIVATE CIVIL ACTION** — As an alternative to enforcement action by the Department, any worker may exercise a right of action against an employer in civil court for the full amount of the worker's wages due on each regular payday. In addition, the court may order the employer to pay the worker increased wages ranging from 50 percent to 100 percent of the amount of the claim, depending on the duration of the employer's delay in payment.