



Voluntary Overtime

Assembly Bill 118
Rep. Mark Born / Sen. Van Wanggaard

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Wisconsin statute §103.85 requires that workers in select fields have 24 hours off within a one-week period. This law only applies to a narrow set of jobs — including many, but not all, jobs in manufacturing and retail facilities. Restaurants, farms, hotels, truckers, service, sales, etc. are not impacted by the law.

Wisconsin law currently allows the day-off requirement to be waived. That happens routinely today when a company has extra production needs and willing workers who voluntarily give up their day off to work overtime at premium pay from time to time. Before workers can volunteer to work 7 straight days, however, they must first seek state permission.

AB 118 removes the state paperwork requirement and allows workers to voluntarily work 7 straight days without first seeking state authorization, while leaving all worker protections in place. This will allow workplaces to respond to ever-changing production demands in a timely fashion, and it will allow workers to earn extra money for their families without needing bureaucrats in Madison to grant permission first.



Process Under §103.85 to Volunteer to Work 7 Straight Days

A manufacturer has extra production needs and talks to its employees about overtime.

The company and its workforce agree to seek a state waiver to the 7th day off requirement.

They send a joint letter to DWD seeking permission.

DWD responds to the waiver.
**733 waiver requests were made over the last 5 years. All were granted.*

Individual employees decide whether or not to volunteer to work extra overtime.*

Voluntary Overtime Under AB 118

A manufacturer has extra production needs and talks to its employees about overtime.

Individual employees who volunteer to work 7 straight days sign a form waiving the day-off requirement.*

**Being intimidated and coerced by the labor union or employer into giving up one's day-off is prohibited. It must be voluntary. Employees are able to make complaints with DWD if they feel this is being violated.*

Myth Busting the Lies on AB 118

MYTH: Current law doesn't allow working 7 or more straight days. **FALSE!**

Current law explicitly allows working 7 or more straight days in all fields other than in manufacturing and mercantile establishments. In fact, in all fields other than those two industries, the overtime doesn't even have to be voluntary.

Current law also allows workers in those two fields to volunteer to work 7 straight days, but first they must petition Madison bureaucrats for permission. Workers regularly seek this waiver. In fact, over the last 5 years 733 petitions have been filed and 100% of them were granted.

It's also important to note that the federal government and the vast majority of states do not require workers to seek state permission before working 7 straight days.

MYTH: It will result in forced overtime. **FALSE!**

For the impacted industries, forced overtime without a day off per week is not allowed under current law, and it is not allowed under AB 118.

MYTH: It will result in dangerous working conditions. **FALSE!**

Under §103.02 no person may be permitted to work in any place or for a length of time that is dangerous to one's health, safety or welfare. AB 118 doesn't change this legal protection.

MYTH: It will take away weekends. **FALSE!**

The bill does not speak to weekends. It simplifies a waiver process that was used 733 times over the last 5 years. In those 733 instances, workers wanted to work 7 straight days, but first needed state permission. This bill specifically leaves the decision to take a day off or not with the employee, rather than Madison bureaucrats.

MYTH: Workers will be intimidated into giving up their day off. **FALSE!**

This isn't allowed under current law, and it isn't allowed under AB 118. Intimidation, by a labor union or by an employer, is simply not allowed. There are legal remedies under current law to protect workers, and those are unchanged under AB 118.