



# MINIMUM WAGE

## Guide to laws and regulations for restaurant owners

### Non-tipped employees

General minimum wage           **\$7.25/hour**  
Opportunity minimum wage       **\$5.90\*/hour**  
(14 - 19 year olds during the first 90 calendar days on the job)

*The federal opportunity wage rate is \$4.25. Wisconsin's opportunity wage rate of \$5.90 is higher and therefore more favorable for the employee and is the rate that should be used.*

*As of 7/24/09 the Wisconsin minor minimum wage is nullified. The opportunity wage of \$5.90 for eligible employees remains in effect. After the opportunity wage period of 90 consecutive calendar days on the job, all employees regardless of age must be paid the full minimum wage of \$7.25*

An **opportunity employee** is 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.

### Tipped employees

Employees age 20 or older           \$2.33/hour (base wages for general minimum wage)  
and employees age 14-19       +\$4.92/hour (tip credit)  
after 90 days of opportunity       \$7.25/hour wage  
has passed

New hires under age 20           \$2.13/hour (base wages for opportunity wage)  
(14-19 year olds during the       +\$3.77/hour (tip credit)  
first 90 calendar days on the       \$5.90/hour  
job with opportunity wage)

*The federal cash (or base) wage for tipped employees is \$2.13. Wisconsin's rate of \$2.33 is higher and therefore more favorable for the employee and is the rate that should be used.*

If over the work week, an employee does not receive enough money in tips plus actual base wages to bring him or her up to the full minimum wage, the employer must increase the base wages to make up the difference. This adjustment may be paid at the normal pay period.



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## Frequently Asked Questions

**Question:**

My restaurant occasionally has staff meetings. Do I have to pay my employees to attend? And if I do, how much do I have to pay my servers?

**Answer:**

Most meetings at work are going to be considered working time by the Department of Labor. The only time they won't be considered working time is if the following four criteria are met:

- Attendance is outside the employee's regular working hours.
- Attendance is truly voluntary.
- The subject of the meeting is not related to the employee's work.
- The employee doesn't perform any productive work during the meeting.

Even if the meeting is considered voluntary, it is probably related to work and you must pay your employees to attend. If you threw a company party on a day your restaurant was closed and employees could choose whether or not to attend, you would not have to pay.

A tipped employee would have to be paid the full minimum wage (currently \$7.25 for most workers, \$5.90 for opportunity wage earners) for attending a work related meeting. Tipped employees may only be paid below the full minimum wage during hours when they have an opportunity to earn tips or are doing side work for their tip-earning work. Since the servers can't earn tips during the meeting, you cannot take a tip credit.

For more information on tipped employee wages please refer to the Tips and Taxes section of the HERO.