

Ind 70 Filed Sept 16 - 1963
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STATE OF WISCONSIN)
DEPT. OF INDUSTRIAL COMMISSION) SS.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Stephen J. Reilly, Secretary of the Industrial Commission, and custodian of the official records of said commission, do hereby certify that the annexed rules and regulations relating to Chapter Ind 70, Wisconsin Administrative Code, were duly approved and adopted by the Industrial Commission on September 4, 1963.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the department
at the Capitol, in the city of
Madison, this 16th day of
September, A. D., 1963.


Secretary

Pursuant to Chapter 103, Wisconsin Statutes, the Industrial Commission adopts the following:

CHILD LABOR

Chapter Ind 70

Effective November 1, 1963

The following changes in the Wisconsin Administrative Code Chapters Ind 70 are made: Adopt Ind 70.06, 70.18, amend or revise Ind 70.04, 70.09, 70.10, 70.11, 70.20 while Ind 70.01, 70.02, 70.03, 70.05, 70.08, 70.12, 70.13, 70.14, 70.15, 70.16, and 70.17 will remain the same.

Ind 70.04 Bowling alleys. Section 103.69 (3) (c) Wis. Stats., is modified to permit the employment of boys 16 and 17 years of age and girls 17 years of age in bowling alleys under the following conditions:

(1) Boys 16 and 17 years of age may not be employed after 11:30 p.m., on any day. Boys 16 years of age who are not high school graduates may be employed only on Friday, Saturday, Sunday, and one other day of the week during the school term.

(2) Girls 17 years of age and boys 16 and 17 years of age may be employed in restaurants and offices located in bowling alleys.

(3) Minors 16 and 17 years of age may not be employed more than 8 hours a day and 48 hours a week nor more than 6 days a week.

(4) No minor under 18 years of age employed in a bowling alley shall be permitted to dispense, serve or handle strong, spirituous or malt liquors, nor be permitted at any time to be in that part of the premises where such liquor is dispensed or served.

(5) If the principal of the school attended by a minor employed in a bowling alley notifies the Industrial Commission that the minor is suffering deficient grades in school, the permit authorizing the employment of the minor shall be recalled by the commission and shall not be reissued until the principal reports to the commission that the scholastic deficiency has been remedied.

(6) The Industrial Commission reserves the right in its discretion to revoke and deny permits for the employment of minors under 18 years of age by any bowling alley proprietor or operator, if such proprietor or operator is found by the commission to have violated any of the provisions of this order.

Ind 70.06 Gainful Employment. Services, not prohibited by statute or regulation, performed by minors under 18 years of age on a part time, occasional, and volunteer basis for organizations generally recognized not only as non-profit but also of an educational, charitable, religious, or community service nature, are not regarded as gainful occupations or employments, where no employee-employer relationship, in fact, exists.

Ind 70.09 Hoisting machines and lifts. Section 103.69 (3) (h), Wis. Stats., is modified to permit:

(1) The use of automatic self service elevators by minors under 18 years of age during the course of their employment but not as regularly employed elevator operators.

(2) The employment of boys between 16 and 18 years of age in the operation of hoisting machines and lifts used in lifting not more than 500 pounds and which machines are integral or auxiliary parts of individual lathes or milling machines and in which the hoisting machine is used only in connection with such lathes or milling machines.

(3) The employment of boys between 16 and 18 years of age in the operation of lifts and hoisting machines used for feeding pea vines into the pea viners which normally lift less than 200 pounds and normally lift the vines no higher than 3 feet and which hoisting machines are an integral part of the viners.

Ind 70.10 Hotels and Restaurants. Section 103.69 (3) (1) and 103.69 (4) (a), Wis. Stats., are modified to permit the employment of minors under 18 as follows:

(1) Girls 17 years of age may be employed in hotels and restaurants which dispense and/or serve strong, spirituous or malt liquors on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time and on the further condition that they shall not be employed before the hour of 6:00 A.M. nor after the hour of 10:00 P.M. on any day.

(2) Boys 16 and 17 years of age may be employed in restaurants, hotels and private clubs which dispense and/or serve strong, spirituous or malt liquors on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time or work in or about locker room, nor work as bell hops in hotels.

(3) DEFINITION. A restaurant under this section is a public eating place in which the predominant business is the serving of meals and/or lunches.

(4) VIOLATION OF PROVISIONS BY EMPLOYER. The Commission may in its discretion revoke the permission for employment of minors as provided in this rule in the case of an employer who is found by the commission to have violated any of its provisions, or if such action or refusal is in the best interest of the minor.

NOTE: Section 160.01 (1), Wis. Stats., defines "Hotel" as all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith.

Ind 70.11 Hours of labor of minors. Section 103.68 (1), (2), Wis. Stats., is modified to regulate the time of day and to extend the hours of employment of minors.

(1) Age 17 years. Minors 17 years of age may not be employed more than 8 hours a day and 48 hours a week nor more than 6 days a week.

Ind 70.20 Policies.

(1) It is the policy of the Industrial Commission to refuse to issue permits for the employment of minors for the following ages and occupations:

(a) MINORS UNDER 18 YEARS OF AGE.

1. Airport, except in hangar, office and other work which is a safe distance from the landing field.
2. Armored cars such as Brink's Service.
3. Drivers and helpers. (a) drivers and helpers on commercial vehicles used for hauling: freight, gasoline, fuel oil, liquified gas, ice, passengers, explosives and dangerous chemicals (b) drivers of plant trucks, snow plows or tractors with lift on loading devices. (c) drivers of racing cars or workers in pits.
4. Fireman, volunteers or otherwise. No permits are required in emergencies or as outlined in section 26.14, Wis. Stats.
5. Games of skill. Except permits may be issued to boys 14 to 18 years of age if not in connection with prohibited employments.
6. Gun clubs--loading skeet or as trap boys.
7. Ice harvesting.
8. Life guards and swimming instructors. Except that where constant adult supervision is provided and where proper Red Cross certificates or the equivalent have been issued, labor permits may be issued to girls 16 and 17 years of age for employment as swimming instructor aides and to boys 16 and 17 years of age as life guards or swimming instructor aides.
9. Metal pots--no permits for minors under 18 years of age to tend metal pots in which a mixture of lead, antimony and tin contain a high percentage of lead.
10. Mental institutions and sanitariums any occupation in or about areas restricted by the medical staff of the mental institution or sanitarium.
11. Sand blasting operations.
12. Saws-chain saw, operating or assisting in operation.
13. Spraying or dusting operations--including the handling or cleaning of equipment used in spraying or dusting.
14. T.V. antenna--outside erection.
15. Tree trimming--except that minors 16 and 17 may be employed in work at ground level.
16. Trenches, ditches and excavations exceeding 4 feet in depth at any point.
17. Well drilling--operating or assisting to operate equipment or as an assistant well driller.
18. Window washing--where work is above the first floor and involves climbing ladders or using safety belts.
19. X-ray machines--operating equipment in hospitals, laboratories or in factories where metals are x-rayed.

(b) GIRLS UNDER 18 YEARS OF AGE.

1. Ball Parks.
2. Outdoor theatres.
3. Roller skating rinks--any job in or about.

(c) GIRLS UNDER 16 YEARS OF AGE.

- 1. Fairs--any employment in or about.
- 2. Park stands (other than ball parks, section Ind 70.20 (1) (b) 1.), road-side stands, drive-in stands, curb service, business in airports, bus and railway stations and amusement parks.

(d) MINORS UNDER 16 YEARS OF AGE.

- 1. Balers--operating or assisting in the operation of pick-up balers, tractor pulled balers or power-driven paper balers.
- 2. Beaches and pools - Checkers and attendants.
- 3. Brewery office.
- 4. Hospitals - personal care of patients in hospitals and nursing homes.
- 5. Karting tracks.
- 6. Kiddie rides and pony rides.
- 7. Motor vehicles - driver or helper except under direct supervision of parent or guardian.
- 8. Power-driven lawn mowers.
- 9. Power-driven meat slicers and saws.
- 10. Riding academies, camp stables, and jockeys.

(e) BOYS UNDER 16 YEARS OF AGE.

- 1. Roller skating rinks - any employment in or about.

Dated at Madison, Wisconsin, this 4th day of September, 1963.

INDUSTRIAL COMMISSION OF WISCONSIN

Inau J. Seunary
Chairman

A. J. Peterson
Commissioner

Carl E. Lauri
Commissioner

Attest:

Stephanie Kelly
Secretary