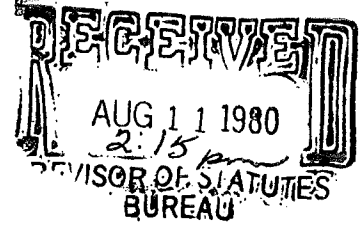


Ind 70

RULES CERTIFICATE



STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

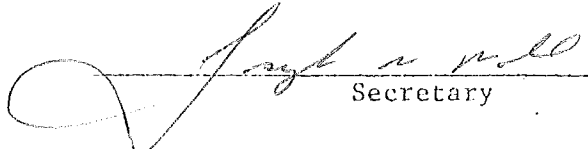
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Joseph N. Noll, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to the regulation of child labor, were duly approved and adopted by this department on August 8th, 1980.

(Subject)
(Date)

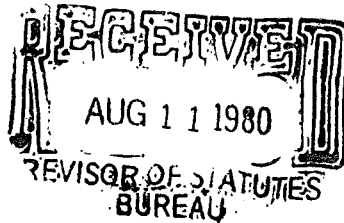
I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 201 E. Washington Av in the city of Madison, this 8th day of August A.D. 19 80.


Secretary

sent. off. date 10-1-80

ORDER OF ADOPTION



Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 103.66, Stats., the Department of Industry, Labor and Human Relations hereby ~~XXXXXXXXXXXXXX~~; amends; ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 70 Child Labor
(Number) *(Title)*

The attached rules shall take effect on October 1, 1980 pursuant to the authority granted by section 227.026, Stats.

Adopted at Madison, Wisconsin, this 8th
day of August; A.D., 1980.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS


Secretary

CHILD LABOR--EMPLOYMENT OF MINORS

RULES IN FINAL DRAFT FORM

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by s. 103.66, Stats., the Department of Industry, Labor and Human Relations hereby amends, repeals, renumbers, creates and adopts rules affecting Ind 70 Wis. Adm. Code as follows:

To amend Ind 70.001, 70.03 (INTRO), 70.05 (1) (c), 70.05 (2) (a) and (b), 70.06 (1) (a), (7) (a) 1, and (8) (b), and (19) (a), and 70.12 (1) (a) and (2).

To repeal Ind 70.001 (1) and (2), 70.03 (3) (e) 1, 7, 14 and 17, 70.05 (1) (e) 3 a to e, 70.06 (9) (b) 1, 70.06 (23), (29) and (30) and 70.12 (1) (b).

To renumber Ind 70.03 (3) (e) 2 to 6, 8 to 13, 15 and 16, 70.05 (1) (e) 3 f to j, 70.06 (9) (b) (2), 70.06 (24) to (28) and (31) to (36) and 70.12 (1) (c).

To create Ind 70.12 (6) of the Wis. Adm. Code Chapter Ind 70 as it relates to the employment of minors.

SECTION 1. Ind 70.001 (INTRO) is amended to read:

IND 70.001 (INTRO) CHILD LABOR PERMITS. Section 103.71, Wis. Stats., permits the issuance of permits to minors 14 years of age and over, minors 12 and over in school lunch programs, ~~boys-12-and-over~~ in street trades, ~~boys-12-and-over~~ as and as caddies on golf courses. ~~Section 103.71, Wis. Stats., is hereby modified to permit the issuance of child labor permits by duly authorized permit officers to minors under 14 years of age for the occupations and the ages indicated below:~~

SECTION 2. Ind 70.001(1) and (2) are repealed.

SECTION 3. Ind 70.03 (INTRO) is amended to read:

IND 70.03 EXEMPTIONS. Prohibited employment restrictions shall not apply to minors ~~16 and 14~~ through 17 years of age who are apprentices, high school graduates, and student learners, when employed under the following conditions:

SECTION 4. Ind 70.03 (3) (e) 1, 7, 14 and 17 are repealed.

SECTION 5. Ind 70.03 (3) (e) (INTRO) is amended to read:

IND 70.03 (3) (e) (INTRO) Student learners ~~shall not~~ may be employed in the following prohibited occupations as ~~shown in Wis. Adm. Code section Ind 70.06~~ provided in IND 70.06 except in the following:

SECTION 6. Ind 70.03 (3) (e) 2 to 6, 8 to 13, 15 and 16 are renumbered as Ind 70.03(3) (e) 1 to 13.

SECTION 7. Ind 70.05 (1) (c) is amended to read:

IND 70.05 (1) (c) Exceptions: Minors 16 and 17 may be employed in excess of the permitted hours of labor per day and per week on a voluntary basis in weeks when they are not required to attend school provided the employer pays overtime as provided under the employer's pay plan to other workers, but in no case shall the payment be less than time and one-half their regular rate of pay for all overtime hours worked over 10 hours per day or over 40 hours per week whichever is greater, but in no case may minors 16 and 17 years of age be employed more than 50 hours per week. This exception shall not be interpreted to permit a minor to work more than 8 hours per day on Saturday, Sunday or other days during the week when the minor is required to attend school on any day of that week.

SECTION 8. Ind 70.05 (1) (e) 3 a to e are repealed and recreated to read:

SECTION 9. Ind 70.05 (1) (e) 3 f to j are renumbered Ind 70.05 (1) (e) 3 a to e.

SECTION 10. Ind 70.05 (2) (a) and (b) are amended to read:

IND 70.05 (2) Time of Day Restrictions. (a) Minors 12 through 15 years of age may not be employed before 7:00 a.m. on any day, nor after 8:00 p.m. on days preceding school days and not later than 9:30 p.m. on days not preceding school days and during their school vacations, except in agriculture they may start at 5:00 a.m.

(b) Minors 16 and 17 years of age may not be employed before 6:00 a.m. on any day nor after 12.30 a.m. on any day except where they are under direct adult supervision, and providing that on days preceding a school day they receive at least 8 consecutive hours of rest between the ending of work and the beginning of school or the beginning of work the next day, except in agriculture they may start at 5:00 a.m. This paragraph shall not apply to minors employed in street trades nor as station captains or delivery clerks incidental to street trades.

SECTION 11. Ind 70.06 (1) (a), (7) (a) 1 and (8) (b) are amended to read:

IND 70.06 (1) AMUSEMENT PARKS, SKI HILLS, STREET CARNIVALS AND TRAVELING SHOWS. (a) Finding and declaration of fact. The following occupations involved in the operation of amusement parks, ski hills or-resorts, street carnivals and traveling shows are particularly hazardous for the employment of minors and their employment may be dangerous or prejudicial to the life, health, safety or welfare, of other employes or frequenters.

IND 70.06 (7) (a) 1. Work of operating an elevator, crane, derrick, hoist or high-lift truck, except operating an unattended automatic operation passenger elevator and ~~except operating an automatic elevator and an automatic signal operation elevator under the conditions~~ or an electric or air-operated hoist not exceeding one-ton capacity except as specified in paragraph (c).

IND 70.06 (8) (b) Exceptions applying to lifeguards and swimming instructors and aides: Minors 16 and 17 years of age may be employed as lifeguards and swimming instructors and aides ~~where constant adult supervision is provided and where pertinent Red Cross Certificates or the equivalent have been issued:~~ who have successfully completed a bonafide life saving course.

SECTION 12. Ind 70.06 (9) (b) 1 is repealed.

SECTION 13. Ind 70.06 (9) (b) 2 is renumbered as Ind 70.06 (9) (b) 1 and amended to read:

Ind 70.06 (9) (b) 1 Minors ~~16 and~~ 14 through 17 years of age may be employed in the following establishments where liquor is found on condition that they are not handling, or serving, selling, dispensing, or giving away the liquor.

a. ~~Hotels, motels, summer resorts~~

b. ~~Clubhouses~~

c. ~~Bowling alleys, including duck pin alleys located in taverns~~

d. ~~Restaurants~~

e. ~~Stores and wholesale warehouses in which liquor is sold only in sealed packages for consumption off the premises provided such minor does not engage in the retail sale of fermented malt beverages or intoxicating liquors and is under the supervision of the licensee or a licensed operator (also see 66.054, Wis. Stats.).~~

SECTION 14. Ind 70.06 (19) (a) is amended to read:

IND 70.06 (19) STRIKES AND LOCKOUTS. (a) Finding and declaration of fact. Any occupations or activities, including picketing, performed in or on the premises of any establishment where a strike or lockout is in active progress are particularly hazardous for the employment of minors or detrimental to their health or well-being.

SECTION 15. Ind 70.06 (23), (29) and (30) are repealed.

SECTION 16. Ind 70.06 (24) to (28) and (31) to (36) are renumbered as Ind 70.06 (23) to (33).

SECTION 17. Ind 70.06 (26) (TITLE) and (28) as renumbered, are amended to read:

IND 70.06 (26) (TITLE) HOSPITALS AND NURSING HOMES (personal care of patients).

(28) POWER-DRIVEN MACHINERY (light); in the operation of or assisting in the operation of the following machines;

(a) Lawn and garden equipment including sidewalk type snow blowers. (This restriction does not apply to work in and around private home of the employer and not in connection with his trade or business, or to students in a bonafide student learner program.)

(b) Machines; drill presses, grinder wheels, lathes and portable power-driven machinery such as drills, sanders and floor maintenance equipment--polishers and scrubbers.

~~(c) --Meat saws and slicers.~~

~~(c)~~ (c) Welding, light--light welding including spot welding in manufacturing operations.

SECTION 18. Ind 70.12 (1) (a) and (2) are amended to read:

Ind 70.12 (1) (a) On not more than ~~10~~ 18 weeks during the season, canning and freezing establishments may employ any individual minor 16 and-or 17 years of age more than 9 hours in any day and more than 54 hours in any week and more than 6 days per week but not more than 60 hours per week for 14 weeks and not more than 70 hours for 4 weeks providing that such employment shall not result in any undue hazard to his or her health and that each employe is paid not less than 1-1/2 times his or her regular rate of pay for hours worked over-~~8-hours~~ per-day or ~~48~~ 40 hours per week ~~whichever is greater.~~

SECTION 19. Ind 70.12 (1) (b) is repealed.

SECTION 20. Ind 70.12 (1) (c) is renumbered Ind 70.12 (1) (b).

SECTION 21. Ind 70.12 (2) is amended to read:

(2) REST PERIODS. Each 16 and 17 year old minor shall be given a period of rest of at least ~~9~~ 7 consecutive hours from the ending of work on any day to the beginning of work or the beginning of school the next day.

SECTION 22. Ind 70.12 (6) is created to read:

IND 70.12 (6) WAIVER OR MODIFICATION. The department may grant a waiver of modification under this section upon written application of management and labor, where a collective bargaining agreement exists, based upon practical difficulties or unnecessary hardships in complying with this section. If the department determines that compliance with this section is unjust or unreasonable based on existing circumstances, a waiver or modification may be granted if it is not dangerous or prejudicial to the life, health, safety or welfare of the employes.

The rules contained herein shall become effective on the first day of the month following publication in the Wisconsin Administrative Code as provided in Section 227, Wis. Stats.