

CR 84-210

RULES CERTIFICATE

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

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, 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 Child Labor were duly approved and adopted by this department on March 1, 1985.
(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 2:30 in the city of Madison, this 1st day of March A.D. 1985.

Howard S. Bellman
Secretary

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1) and 103.66, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 70 Child Labor
(Number) (Title)

The attached rules shall take effect on publication
_____, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 1st
day of March, A.D., 1985.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS
Howard S. Bellman
Secretary

An order to amend and create Wis. Adm. Code Sections of Ind 70 Child Labor.

PLAIN LANGUAGE ANALYSIS OF PROPOSED RULES BY THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

The proposed changes of Ind 70 primarily can be considered as clarification or clean-up language. They are based on the recommendations of the Child Labor Council.

Ind 70.04 (g) Clarifies that minors 12 and 13 years of age may be employed in their parents' or guardian's business, trade or profession if they can legally be employed in the same job at age 14.

Ind 70.05 1 (e) Is simply clean-up language as the time table has run on the deleted language.

Ind 70.06 (10) Clarifies that minors under 18 years of age cannot operate a chain saw in logging operations.

Ind 70.06 (17) Clarifies and adds chain saws to prohibited type of saws for all minors under 18 years of age.

Pursuant to the authority vested in the Department of Industry, Labor and Human Relations under s. 101.02 (1) and 103.66, Stats., the department hereby amends and creates sections of Chapter Ind 70 Child Labor as follows:

Section 1. Ind 70.04 (2) (g) is created to read:

(g) Parents or Guardians Employing Their Own Children. Minors 12 years of age or older may be employed under the direct supervision of the minor's parent or guardian in connection with the parent's or guardian's business, trade or profession, provided they can legally be employed at age 14 in the same job.

Section 2. Ind 70.05 (1) (e) is amended to read.

(e) Minors 12 through 17 years of age may be employed in agricultural pursuits in excess of the permitted hours of labor per week on a voluntary basis during peak periods. During these peak periods, time and one-half the regular rate of pay must be paid for all overtime hours worked over 50 hours per week as follows:

1.---To-minors-12-through-17-years-of-age-working-over-the-permitted hours-of-labor-of-50-hours-a-week-during-the-hours-they-are-not-required to-attend-school-when-their-school-is-in-session.

2.---To-minors-12-through-17-years-of-age-working-over-60-hours-a-week during-their-school-vacations.

~~3.---Effective-January-1-of-each-year-the-permitted-weekly-hours-shall decrease-by-one-hour-per-week-as-follows:~~

~~a.---Effective-January-1,-1980-----54-hours-per-week~~

~~b.---Effective-January-1,-1981-----53-hours-per-week~~

~~c.---Effective-January-1,-1982-----52-hours-per-week~~

~~d.---Effective-January-1,-1983-----51-hours-per-week~~

~~e.---Effective-January-1,-1984-----50-hours-per-week~~

Section 3. Ind 70.06 (10) (a) 1 d is amended to read:

(d) Provided, that the provisions of this paragraph shall not apply to the felling or backing of timber, the collecting or transporting of logs, the operation of chain saws and other power-driven machinery, the handling or use of explosives and work on trestles.

Section 4. Ind 70.06 (17) (b) 2, 3, 4, 5 and 6 are amended to read:

2. The occupations of setting up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.

(b) Definitions. 1. The term "operator" ~~shall-mean~~ means a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in the operation of the machine.

2. The term "helper" ~~shall-mean~~ means a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

3. The term "machines equipped with full automatic feed and ejection" ~~shall-mean~~ means machines covered by this section which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.

4. The term "circular saw" ~~shall-mean~~ means a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

5. The term "band saw" ~~shall-mean~~ means machines equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

4. The term "guillotine shear" ~~shall-mean~~ means a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

Section 5. Ind 70.06 (17) (a) 1 d & (b) 7 are created:

1. d. Chain saws.

7. The term "chain saw" means a machine equipped with an endless steel chain having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

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The Wisconsin Department of Industry, Labor and Human Relations

March 1, 1985

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MAR 4 1985

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Revisor of Statutes
Bureau

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 84-210

RULE NO. Ind 70

RELATING TO: Child Labor

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

- 1. Order of Adoption.
- 2. Rules Certificate Form.
- 3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person