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Chapter Ind 70

CHILD LABOR

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History: Chapter Ind 70 as it existed on February 28, 1974 was repealed and a new chapter Ind 70 was created, Register, February, 1974, effective March 1, 1974.

Ind 70.001 Child labor permits. Section 103.71, Stats., permits the issuance of permits to minors 14 years of age and over, minors 12 and over in school lunch programs, in street trades, and as caddies on golf courses.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; am. (intro.) and r. (1) and (2), Register, September, 1980, No. 297, eff. 10-1-80.

Ind 70.01 Age certificate. (1) AGE LIMIT. Age certificates may be issued to persons 18 years of age and over.

(2) CHILD LABOR PERMIT. Every child labor permit issued under the authority of s. 103.70, Stats., shall, also, constitute a certificate of age under s. 103.75, Stats., as long as the child named in such permit continues in the employ of the employer named on the permit.

(3) APPRENTICES. An apprenticeship indenture which has been approved by the department of industry, labor and human relations shall constitute, under s. 103.75, Stats., a certificate of age of the minor signing the contract.

(4) PROOF OF AGE. Persons designated by the department of industry, labor and human relations to issue age certifiates under the authority of the statutes shall require the applicant to present proof of age as provided in s. Ind 70.02.

(5) METHOD OF ISSUING. (a) Age certificates shall be filled out in ink or by typewriter on blanks furnished by the department of industry, labor and human relations and shall be signed by the person issuing same.

(b) The applicant shall be required to affix their signature in ink to the age certificate and copies thereof in the presence of the person issuing the certificate.

(c) The age certificate shall be made out in triplicate. The original copy shall be delivered to the applicant. One copy shall be attached to the record of age and filed with the issuing officer, and one copy shall be sent to the department of department of industry, labor and human relations at Madison.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.02 Age proof for labor permits and age certificates. The department will accept the items in the order herein designated as evidence of age under the child labor law, s. 103.73 (1) (a), Stats., street trades law, s. 103.25, Stats., and the certificate of age law, s. 103.75, Stats.

(1) BIRTH CERTIFICATE. A birth certificate issued by a registrar of vital statistics or other officer charged with the duty of recording births or a certified record of birth from the hospital in which the birth occurred.

(2) BAPTISMAL CERTIFICATE. Record must give the minor's name, date of birth, date and place of baptism, name of church and signature of officiating or issuing clergyman. This record may be taken in lieu of a birth record providing the minor was baptized 10 or more years ago. If birth is not recorded, a baptismal certificate of any date will be accepted.

(3) OTHER PROOF. Only in cases where the above proofs of age are not obtainable, may the following be used:

(a) *Government record and insurance policy.* Other evidence satisfactory to the department of industry, labor and human relations such as government passport of certificate of arrival in the United States issued by the United States immigration officers, showing age of minor or a life insurance policy, provided such insurance policy has been in existence at least one year prior to the time it was offered in evidence and is supported by a school record of age.

(b) *Other proofs of age.* School age preferably from the first school attended, with a parent's, guardian's or custodian's statement of age and physician's statement of physical age.

(c) *Proof of age through court.* When none of the above proofs of age are obtainable, proof of age may be established through county court as provided in s. 889.28, Stats.

(4) PROOF OF IDENTITY IF NAME CHANGE. A marriage license or other certificate or legal document shall be required in addition to the proof of age used.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

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

(1) APPRENTICES. Minors indentured under the provisions of s. 106.01, Stats., shall not be subject to the law or rules concerning prohibited employment for minors insofar as such minors at the time of injury are performing service within the provisions of contracts of apprentice indenture approved by the department of industry, labor and human relations.

(2) HIGH SCHOOL GRADUATES. High school graduates shall not be subject to the law or rules concerning prohibited employment for minors except where other federal, state, or local regulations apply. This rule does not exempt high school graduates from the work permit requirements.

(3) STUDENT LEARNERS. Student learners shall not be subject to the law or rules concerning prohibited employments for minors except as

listed in par. (e) insofar as such minors at the time of injury are performing service within a bona fide school-work training program sponsored by an accredited school and authorized and approved by the state department of public instruction, or the board of vocational, technical and adult education.

(a) For the purpose of this order, a student learner is defined as a student of an accredited school who is employed on a part-time basis, under a bona fide written school-work training program agreement, to obtain both scholastic credit and employment training.

(b) Each school-work training agreement shall contain the name of the student learner, be signed by the parent, employer, and the school principal, shall be kept on file by both the school and the employer and must provide among other things:

1. That the work of the student learner in the occupations declared hazardous are incidental to his training, and shall be intermittent and only for short periods of time.

2. That such work shall be under the direct and close supervision of a qualified and experienced person.

3. That safety instructions will be given by the school and correlated by the employer with on-the-job training.

4. A schedule of organized and progressive work processes to be performed on the job.

(c) Child labor permits must be obtained for each student learner.

(d) This exemption for the employment of student learners may be revoked by the department in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

(e) Student learners may be employed in the prohibited occupations as provided in s. Ind 70.06 except the following:

1. Ind 70.06 (2) Bakery machines

2. Ind 70.06 (3) Brick, tile and kindred products

3. Ind 70.06 (4) Coal mine

4. Ind 70.06 (6) Explosives

5. Ind 70.06 (7) Hoists and hoisting apparatus

6. Ind 70.06 (10) Logging, sawmill, lath mill, shingle mill or cooperage stock mill

7. Ind 70.06 (12) Mining other than coal

8. Ind 70.07 (13) Motor vehicle driver and outside helper

9. Ind 70.06 (15) Radioactive substances and ionizing radiations

10. Ind 70.06 (19) Strikes and lockouts

11. Ind 70.06 (21) Wrecking, demolition and shipbreaking

12. Ind 70.06 (25) Gun clubs; as skeet and trap loaders

13. Ind 70.06 (28) Manufacturing, mining, or processing occupations

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; am. (intro.) and (3) (intro.), r. (3) (e) 1, 7, 14 and 17, renum. (3) (e) 2 to 6, 8 to 13, 15 and 16 to be (3) (e) 1 to 13; Register, September, 1980, No. 297, eff. 10-1-80.

Ind 70.04 Minimum ages in various employments. Section 103.67, Stats., is modified as provided under s. 103.66, Stats., regulating minimum ages of minors for various employments. The following minimum ages shall be deemed necessary for the protection of the minor from employments dangerous or prejudicial to their life, health, safety, or welfare.

(1) GENERAL EMPLOYMENT. No minor shall be employed or permitted to work in any gainful occupation during the hours he is required to attend school as defined in s. 118.15, Stats., except for those students participating in an approved high school or vocational school work training or work experience program for which proper scholastic credit is given.

(2) SPECIAL EMPLOYMENTS. No minor under 14 years of age shall be employed, or permitted to work in any gainful occupation at any time; except

(a) *Agricultural pursuits.* Minors 12 years of age or over may be employed in agricultural pursuits as provided in s. 103.67, Stats.

(b) *Domestic employment.* Minors 12 years of age or over may be employed in or around a home in work usual to the home of the employer, and not in connection with or a part of the business, trade, or profession of the employer; such as caring for children, mowing lawns, raking leaves, shoveling snow or other similar odd jobs. No work permit is required.

(c) *Public exhibitions.* Minors under 18 years of age may be employed in public exhibition as provided in s. 103.78, Stats.

(d) *Street trades.* Minors 12 years of age or over may be employed in street trades as provided in ss. 103.21 to 103.31, Stats.

(e) *Caddies on golf courses.* Minors 12 years of age and over may be employed as caddies on golf courses.

(f) *School lunch programs.* Minors 12 years of age and over may be employed in the school lunch programs of the schools which they attend.

(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.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; cr. (2) (g), Register, April, 1985, No. 352, eff. 5-1-85.

Ind 70.05 Hours of labor of minors. Section 103.68, Stats., is modified as provided under s. 103.66, Stats., regulating the hours of employment of minors in gainful occupations other than domestic service. The following schedule of hours shall be deemed to be necessary to protect minors from employment dangerous or prejudicial to their life, health, safety, or welfare.

(1) HOURS OF LABOR. (a) Minors 12 through 15 years of age may not be employed more than 6 days per week, except in street trades and agriculture; 8 hours per day, 24 hours per calendar week while their respective school is in session or 40 hours per calendar week during the weeks they are not required to attend school on any day of the calendar week.

(b) Minors 16 and 17 years of age may not be employed more than: 6 days per week, except in street trades, agriculture, and canning and freezing establishments, and as station captions or delivery clerks incidential to street trades; 8 hours per day, 40 hours per calendar week while their respective school is in session or 50 hours per calendar week during the weeks they are not required to attend school as provided in par. (c).

(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.

(d) Florists may employ minors 16 and 17 years of age in excess of the permitted hours of labor per day and per week on a voluntary basis during the 3-day period prior to Valentine's Day, Easter, Mother's Day, Memorial Day, and Christmas. During these peak periods, time and one-half the regular rate of pay must be paid for all overtime hours worked per day or per week whichever is greater as follows:

1. To minors 16 and 17 years of age working over 8 hours a day, 40 hours a week during the hours are not required to attend school when their respective school is in session.

2. This does not exempt florists employing minors under this order from complying with the time-of-day restriction specified in sub. (2).

(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 over-time hours worked over 50 hours per week:

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

(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.

(c) Minors may not be employed during the hours they are required to attend school as defined in s. 118.15, Stats., nor contrary to local curfew ordinances establishing an earlier restriction.

(3) MEAL PERIODS. At least 30 minutes shall be allowed for each meal period reasonably close to the usual meal period time, namely 6:00 a.m.; 12:00 noon; 6:00 p.m.: 12:00 midnight or at such other times as deemed reasonable by the department. In no case shall a minor be employed or permitted to work more than 6 consecutive hours without a meal period.

(4) HIGH SCHOOL GRADUATES OR OTHER MINORS WHO ARE EXEMPT FROM SCHOOL ATTENDANCE. Minors 16 and 17 years of age, who are high school graduates or exempt from school attendance as defined in s. 118.15, Stats., may be employed the same daily and weekly hours and time of day as adults.

(5) "Day" means a calendar day or a regular reoccurring period of 24 consecutive hours.

(6) "Week" means a calendar week or a regular reoccurring period of 168 hours in the form of 7 consecutive 24 hour periods.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; am. (1) (c) and (2) (a) and (b), r. (1) (e) 3. a. to e., renum. (1) (e) 3. f. to j. to be 3. a. to e., Register, September, 1980, No. 297, eff. 10-1-80; am. (1) (a) and (b), cr. (5) and (6), Register, April, 1983, No. 328, eff. 5-1-83; am. (1) (e), Register, April, 1985, No. 352, eff. 5-1-85.

Ind 70.06 Minimum age for hazardous employment. The employments and places of employment designated herein shall be deemed to be dangerous or prejudicial to the life, health, safety, and/or welfare of minors under the ages specified, and their employment may be dangerous or prejudicial to the life, health, safety and/or welfare of other employes or frequenters and no employer shall employ or permit such minors to work in such employments.

OCCUPATIONS PROHIBITED TO ALL MINORS

(1) AMUSEMENT PARKS, SKI HILLS, STREET CARNIVALS AND TRAVELING SHOWS. (a) *Finding and declaration of fact.* The following occupations in-

volved in the operation of amusement parks, ski hills, street carnivals and traveling shows are particularly hazardous.

1. The occupations involving the operating, assisting to operate, erection or dismantling, setting up, adjusting, repairing, oiling or cleaning of any rides or machinery, and the loading or unloading of passengers.

(2) BAKERY MACHINES. (Also see Federal Hazardous Occupations Order No. 11 Section 1500.62.) (a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven bakery machines are particularly hazardous:

1. The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; doughbrake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

2. The occupation of setting up or adjusting a cookie or cracker machine.

(3) BRICK, TILE AND KINDRED PRODUCTS (Also see Federal Hazardous Occupations Order No. 13 Section 1500.64). (a) *Findings and declaration of fact.* The following occupations involved in the manufacture of clay construction products and of silica refractory products are particularly hazardous.

1. All work in or about establishments in which clay construction products are manufactured, except work in storage and shipping; work in offices, laboratories, and storerooms; and work in the drying departments of plants manufacturing sewer pipe.

2. All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

3. Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations section.

(b) *Definitions.* 1. The term "clay construction products" shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following nonstructural-bearing clay products:

a. Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include nonclay construction products such as sand-lime brick, glass brick, or nonclay refractories.

2. The term "silica brick or other silica refractories" shall mean refractory products produced from raw materials containing free silica as their main constituent.

(4) COAL MINE. (Also see Federal Hazardous Occupations Order No. 3 Section 1500.53). (a) *Finding and declaration of fact.* All occupations in or about any coal mine, except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or

maintenance shops located in the surface of any coal mining plant, are particularly hazardous.

(b) *Definitions.* For the purpose of this section:

1. The term "coal" shall mean any rank of coal, including lignite, bituminous, and anthracite coals.

2. The term "all occupations in or about any coal mine" shall mean all types of work performed in any underground working, open-pit, or surface part of any coal mining plant that contribute to the extraction, grading, cleaning, or other handling of coal.

(5) EXCAVATION OPERATIONS. (Also see Federal Hazardous Occupations Order No. 17 Section 1500.68). (a) *Finding and declaration of fact.* The following occupations in excavation operations are particularly hazardous:

1. Excavating, working in, or backfilling (refilling) trenches, except manually excavating or manually backfilling trenches that do not exceed 4 feet in depth at any point, or working in trenches that do not exceed 4 feet in depth at any point.

2. Excavating for buildings or other structures or working in such excavations, except manually excavating to a depth not exceeding 4 feet below any ground surface adjoining the excavation, or working in an excavation not exceeding such depth, or working in an excavation where the side walls are shored or sloped to the angle of repose.

3. Working within tunnels prior to the completion of all driving and shoring operations.

4. Working within shafts prior to the completion of all sinking and shoring operations.

(6) EXPLOSIVES (Also see Federal Hazardous Occupations Order No. 1 Section 1500.51). (a) *Finding and declaration or fact.* The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous:

1. All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in subd. 2.) manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a "nonexplosive area" as defined in par. (b) 3.

2. The following occupations in or about any plant or establishment manufacturing or storing small arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small arms ammunition:

a. All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

b. All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

c. All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

d. All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

e. All occupations involved in the loading, inspecting, packing, shipping and storage of blasting caps.

(b) *Definitions.* For the purpose of this section:

1. The term "plant or establishment manufacturing or storing explosives or articles containing explosive components" means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.

2. The terms "explosives" and "articles containing explosive components" mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the interstate commerce commission in regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR Parts 71 to 78) issued pursuant to the act of June 25, 1948 (62 Stat. 739; 18 U.S.C. 835).

3. An area meeting all of the criteria in subpars. a. through d. shall be deemed a "nonexplosives area":

a. None of the work performed in the area involves the handling or use of explosives;

b. The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;

c. The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

d. Satisfactory controls have been established to prevent employes under 18 years of age within the area from entering any area in or about the plant which does not meet criteria of subpars. a. through c.

(7) HOISTS AND HOISTING APPARATUS (Also see Federal Hazardous Occupations Order No. 7 Section 1500.58). (a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous:

1. Work of operating an elevator, crane, derrick, hoist or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one-ton capacity except as specified in par. (c).

2. Work which involves riding on a man lift or on a freight elevator, except a freight elevator operated by an assigned operator.

3. Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

(b) *Definitions.* As used in this section:

1. The term "elevator" shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.

2. The term "crane" shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motortruck, overhead traveling, pillar jib, pintle, portal, semigantry, semiportal, storage bridge, tower, walking jib and wall cranes.

3. The term "derrick" shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy and stiff-leg derricks.

4. The term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

5. The term "high-lift truck" shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include high-lift trucks known under such names as forklifts, forktrucks, forklift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of material.

6. The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) *Exception.* 1. This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other

than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive overtravel by the car.

2. For the purpose of this exception the term "automatic elevator" shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

3. For the purpose of this exception, the term "automatic signal operation elevator" shall mean an elevator which is started in response to the operation of a switch (such as a lever or pushbutton) in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors—from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

(8) LIFEGUARDS, SWIMMING INSTRUCTORS AND AIDES. (a) *Finding and declaration of fact.* The occupation of lifeguard and swimming instructors and aides is particularly hazardous.

(b) *Exceptions applying to lifeguards, swimming instructors and aides:* Minors 16 and 17 years of age may be employed as lifeguards and swimming instructors and aides who have successfully completed a bona fide life saving course.

(9) LIQUORS. (a) *Finding and declaration of fact.* All occupations in establishments in which strong, spiritous or malt liquors are manufactured, bottled, stored, sold or given away are particularly hazardous.

(b) *Exceptions in establishments where liquors are found.* Minors 14 through 17 years of age may be employed in establishments where liquor is found on condition that they are not serving, selling, dispensing, or giving away the liquor.

(10) LOGGING, SAWMILL, LATH MILL, SHINGLE MILL OR COOPERAGE STOCK MILL (Also see Federal Hazardous Occupations Order No. 4 Section 1500.54). (a) *Finding and declaration of fact.* All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are particularly hazardous except the following:

1. Exceptions applying to logging:

a. Work in offices or in repair or maintenance shops.

b. Work in the construction, operation, repair or maintenance of living and administrative quarters of logging camps.

c. Work in timber cruising, surveying, or logging-engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire-fighting equipment, constructing and maintain-

ing telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations:

d. Provided, that the provisions of this paragraph shall not apply to the felling or bucking 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.

e. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.

f. Work in the feeding or care of animals.

2. Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage-stock mill: Provided, that these exceptions do not apply to a portable sawmill the lumberyard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained: And further provided, that these exceptions do not apply to work which entails entering the sawmill building:

a. Work in offices or in repair or maintenance shops.

b. Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.

c. Pulling lumber from the dry chain.

d. Clean-up in the lumberyard.

e. Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power-driven equipment.

f. Clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks.

(b) *Definitions.* As used in this section:

1. The term "all occupations in logging" shall mean all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting and unloading of such products in connection with logging; the constructing, repairing and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term shall not apply to work performed in timber culture, timber stand improvement, or in emergency fire-fighting.

2. The term "all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill" shall mean all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock; storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or coop-

erage-stock mill. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill, or in any planing mill or remanufacturing plant not a part of a sawmill.

(11) METAL FORMING, PUNCHING AND SHEARING POWER-DRIVEN MACHINES (Also see Federal Hazardous Occupations Order No. 8 Section 1500.59). (a) *Finding and declaration of fact.* The following occupations are particularly hazardous:

1. The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:

a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

b. All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

c. All bending machines, such as apron brakes and press brakes.

d. All hammering machines, such as drop hammers and power hammers.

e. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

2. The occupations of setting-up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

(b) *Definitions.* 1. The term "operator" shall mean 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 operation of the machine.

2. The term "helper" shall mean 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 "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(12) MINING OTHER THAN COAL (Also see Federal Hazardous Occupations Order No. 9 Section 1500.60). (a) *Finding and declaration of fact.* All occupations in connection with mining, other than coal, are particularly hazardous and employment in such occupations is therefore prohibited under sub. (4) except the following:

1. Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.

2. Work in the operation and maintenance of living quarters.

3. Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches.

4. Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

5. Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

6. The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

a. Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters;

b. Work of hand sorting at picking table or picking belt;

c. General clean-up work:

d. Provided, however, that nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by other sections of these rules.

(b) *Definitions.* As used in this section: The term "all occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro-metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

(13) MOTOR VEHICLE DRIVER AND OUTSIDE HELPER. (Also see Federal Hazardous Occupations Order No. 2 Section 1500.52). (a) *Finding and declaration of fact.* Except as provided in par. (b), the occupations of motor vehicle driver and outside helper on any public road, highway, in or about mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in sub. (5) are particularly hazardous.

(b) *Exemptions.* Incidental and occasional driving. The finding and declaration in par. (a) shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours: Provided, such operation is only occasional

and incidental to the minor's employment; that the minor holds a state license valid for the type of driving involved in the job which they perform and they have completed a state approved driver education course: And provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used. This subparagraph shall not be applicable to any occupation of motor vehicle driver which involves the towing of vehicles.

(c) *Definitions.* For the purpose of this section:

1. The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

2. The term "driver" shall mean any individual who, in the course of their employment, drives a motor vehicle at any time.

3. The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

4. The term "gross vehicle weight" includes the truck chassis with lubricants, water and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, and special chassis and body equipment, and payload.

(14) PAPER-PRODUCTS MACHINES (Also see Federal Hazardous Occupations Order No. 12 Section 1500.62). (a) *Findings and declaration of fact.* The following occupations are particularly hazardous:

1. The occupations of operating or assisting to operate any of the following power-driven paper-products machines:

a. Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or-double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

b. Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

2. The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding.

(b) *Definitions.* 1. The term "operating or assisting to operate" shall mean all work which involves starting or stopping a machine covered by this section, placing materials into or removing them from the machine, or any other work directly involved in operating the machine.

2. The term "paper-products machine" shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment.

(15) RADIOACTIVE SUBSTANCES AND TO IONIZING RADIATIONS (Also see Federal Hazardous Occupations Order No. 6 Section 1500.57). (a) *Finding and declaration of fact.* The following occupations involving exposure to radioactive substances and to ionizing radiations are particularly hazardous:

1. Any work in any workroom in which (i) radium is stored or used in the manufacture of self-luminous compound, (ii) self-luminous compound is made, processed, or packaged, (iii) self-luminous compound is stored, used, or worked upon, (iv) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged, (v) other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for the occupational exposure by the national committee on radiation protection.

2. Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

(b) *Definitions.* As used in this section:

1. The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element;

2. The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling;

3. The term "ionizing radiations" shall mean alpha and beta particles, electrons, protons, neutrons, gamma and X-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X-ray.

(16) ROOFING (Also see Federal Hazardous Occupations Order No. 16 Section 1500.67), (a) *Finding and declaration of fact.* All occupations in roofing operations are particularly hazardous.

(b) *Definition of "roofing operations."* The term "roofing operations" shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with:

1. The installation of roofs, including related metal work; such as flashing, and

2. Alterations, additions, maintenance, and repair, including painting, and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheeting or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

(17) CIRCULAR SAWS, BANDSAWS AND GUILLOTINE SHEARS (Also see Federal Hazardous Occupations Order No. 14 Section 1500.65). (a) *Findings and declaration of fact.* The following occupations are particularly hazardous:

1. The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection.

a. Circular saws.

b. Band saws.

c. Guillotine shears.

d. Chain saws.

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

(b) *Definitions.* 1. The term "operator" 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" 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" 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" 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" means a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

6. The term "guillotine shear" 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.

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.

(18) SLAUGHTERING, MEAT PACKING OR PROCESSING OR RENDERING (Also see Federal Hazardous Occupations Order No. 10 Section 570.61). (a) *Finding and declaration of fact.* The following occupations in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments are particularly hazardous:

1. All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, runners, handtruckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.

2. All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines.

3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

4. All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including setting-up, adjusting, repairing, oiling, or cleaning such machines: meat patty forming machines, meat and bone cutting saws, knives (except bacon-slicing machines), head-splitters, and guillotine cutters; snout-pullers and jaw-pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines).

5. All boning occupations.

6. All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.

7. All occupations involving hand-lifting or hand-carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

(b) *Definitions.* As used in this section:

1. The term "slaughtering and meat packing establishments" shall mean places in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

2. The term "rendering plants" shall mean establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

3. The term "killing floor" shall include that workroom or workplace where cattle, calves, hogs, sheep, lambs, goats, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.

4. The term "curing cellar" shall include that workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include that workroom or workplace where meats are smoked.

5. The term "hide cellar" shall include that workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.

6. The term "boning occupations" shall mean the removal of bones from meat cuts. It shall not include work that involves cutting, scrapping, or trimming meat from cuts containing bones.

(19) STRIKES AND LOCKOUTS. 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.

(20) WOODWORKING POWER-DRIVEN MACHINES (Also see Federal Hazardous Occupations Order No. 5 Section 570.55). (a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous:

1. The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

2. The occupations of setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines.

3. The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) *Definitions.* As used in this section:

1. The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

2. The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include (i) the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (ii) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(21) WRECKING, DEMOLITION AND SHIPBREAKING (Also see Federal Hazardous Occupations Order No. 15 Section 1500.66). (a) *Finding and declaration of fact.* All occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous.

(b) *Definitions.* The term "wrecking, demolition, and shipbreaking operations" shall mean all work, including clean-up and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel, motor vehicle.

OCCUPATIONS PROHIBITED TO MINORS UNDER 16 YEARS OF AGE

(22) AGRICULTURE (Also see Federal Hazardous Occupations Involved in Agriculture Section 570.71). (a) *Findings and declaration of fact as to specific occupations.* The following occupations in agriculture are particularly hazardous for the employment of minors 12 through 15 years of age.

1. Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

2. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

a. Corn picker, cotton picker, grain combine, hay mower, forage, harvester, hay baler, potato digger, or mobile pea viner;

b. Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-loading wagon or trailer; or

c. Power post-hole digger, power post driver, or nonwalking type rotary tiller.

3. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

a. Trencher or earthmoving equipment;

b. Forklift;

c. Potato combine; or

d. Power-driven circular, band, or chain saw.

4. Working on a farm in a yard, pen, or stall occupied by a:

a. Bull, boar, or stud horse maintained for breeding purposes, or

b. Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

5. Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.

6. Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.

7. Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

8. Working inside:

a. A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;

b. An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;

c. A manure pit; or

d. A horizontal silo while operating a tractor for packing purposes.

9. Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as Category I of toxicity, identified by the word "poison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "warning" on the label;

10. Handling or using a blasting agent, including but not limited to, dynamite, black power, sensitized ammonium nitrate, blasting caps, and primer cord; or

11. Transporting, transferring, or applying anhydrous ammonia.

(b) *Occupational definitions.* In applying machinery, equipment, or facility terms used in par. (a), the department will be guided by the definitions contained in the current edition of "Agricultural Engineering," a dictionary and handbook, Interstate Printers and Publishers, Danville, Illinois.

(c) *Exemption—Agriculture, student-learners.* The findings and declaration of fact in par. (a) shall not apply to the employment of any minor as vocational agriculture student-learner in any of the occupations described in par. (a) 1. to 6. when each of the following requirements are met:

1. The student-learner is enrolled in a vocational education training program in agriculture under a recognized state or local educational authority, or in a substantially similar program conducted by a private school;

2. Such student-learner is employed under a written agreement which provides:

a. That the work of the student-learner is incidental to his training;

b. That such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;

c. That safety instruction shall be given by the school and correlated by the employer with on-the-job training; and

d. That a schedule of organized and progressive work processes to be performed on the job has been prepared;

3. Such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and

4. Copies of each such agreement are kept on file by both the educational authority or school and by the employer.

(e) *Federal extension service.* The findings and declarations of fact in par. (a) shall not apply to the employment of a minor under 16 years of age in those occupations in which they have successfully completed one or more training programs described in subd. 1., 2. or 3. provided the minor has been instructed by the employer on safe and proper operation of the specific equipment the minor is to use; is continuously and closely supervised by the employer where feasible; or where not feasible, in work such as cultivating, their safety is checked by the employer at least at midmorning, noon, and midafternoon.

1. 4-H tractor operation program. The minor is qualified to be employed in an occupation described in par. (a) 1. provided:

a. The minor is a 4-H member;

b. The minor is 14 year of age, or older;

c. The minor is familiar with the normal working hazards in agriculture;

d. The minor has completed a 10-hour training program which includes the following units from the manuals of the 4-H tractor program conducted by, or in accordance with the requirements of, the Cooperative Extension Service of a land grant university:

(i) First-Year Manual:

Unit 1—Learning How to be Safe;

Unit 4—The Instrument Panel;

Unit 5—Controls for Your Tractor;

Unit 6—Daily Maintenance and Safety Check; and

Unit 7—Starting and Stopping Your Tractor;

(ii) Second-Year Manual:

Unit 1—Tractor Safety on the Farm;

(iii) Third-Year Manual:

Unit 1—Tractor Safety on the Highway;

Unit 3—Hitches, Power-take-off, and Hydraulic Controls;

e. The minor has passed a written examination on tractor safety and has demonstrated their ability to operate a tractor safely with a two-wheeled trailed implement on a course similar to one of the 4-H Tractor Operator's Contest Courses; and

f. The employer has on file with the minor's records (name, address and date of birth) a copy of a certificate signed by the leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university to the effect that the minor has completed all the requirements specified in subd. 1 a. through e. of this subparagraph.

2. 4-H machine operation program. The minor is qualified to be employed in an occupation described in par. (a) 2. provided:

a. The minor satisfies all the requirements specified in subd. 1. a. through e. of this paragraph:

b. The minor has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, Unit 1, Safe Use of Farm Machinery;

c. The minor has passed a written and practical examination on safe machinery operation; and

d. The employer has on file with the minor's records (name, address and date of birth) a copy of a certificate signed by the leader who conducted the training program and by an extension agent of the cooperative extension service of a land grant university, to the effect that the minor has completed all of the requirements specified in subpars. a. through c.

3. Tractor and machine operation program. The minor is qualified to be employed in an occupation described in par. (a) 1. and 2. providing:

a. The minor is 14 years of age, or older;

b. The minor has completed a 4-hour orientation course familiarizing him with the normal working hazards in agriculture;

c. The minor has completed a 20-hour training program on safe operation of tractors and farm machinery, which covers all material specified in subds. 1. d. and 2. b.;

d. The minor has passed a written examination on tractor and farm machinery safety, and has demonstrated their ability to operate a tractor with a two-wheeled trailed implement on a course similar to a 4-H Tractor Operator's Contest Course, and to operate farm machinery safely; and

e. The employer has on file with the minor's records (name, address and date of birth) a copy of a certificate signed by the volunteer leader who conducted the training program and by an extension agent of the cooperative extension service of a land grant university, to the effect that all of the requirements of subpars. a. through d. have been met.

f. Vocational agriculture training. The findings and declarations of fact in par. (a) shall not apply to the employment of a vocational agriculture student under 16 years of age in those occupations in which they have successfully completed one or more training programs described in 1) or 2) and who has been instructed by the employer in the safe and proper operation of the specific equipment the minor is to use, who is continuously and closely supervised by the employer where feasible or, where not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, and who satisfies whichever of the following program requirements are pertinent:

1) Tractor operation program. The student is qualified to be employed in an occupation described in par. (a) 1. provided:

a) The minor is 14 years of age, or older;

b) The minor is familiar with the normal working hazards in agriculture;

c) The minor has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and acceptable by the U.S. Department of Labor.

d) The minor has passed both a written test and a practical test on tractor safety including a demonstration of the minor's ability to operate safely a tractor with a two-wheeled trailed implement on a test course similar to that described in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

e) The employer has on file with the minor's records (name, address and date of birth) a copy of a certificate signed by the Vocational Agri-

culture teacher who conducted the program to the effect that the student has completed all the requirements specified in a) through d).

2) Machinery operation program. The student is qualified to be employed in an occupation described in par. (a) 2. provided the minor has completed the Tractor Operation Program described in 1) and:

a) The minor has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and approved by the U.S. Department of Labor;

b) The minor has passed both a written test and a practical test on safe machinery operation similar to that described in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

c) The employer has on file with the minor's records (name, address and date of birth) a copy of a certificate signed by the Vocational Agriculture teacher who conducted the program to the effect that the student has completed all the requirements specified in a) and b).

(23) Airports; in or about landing strip, taxi or maintenance apron.

(24) Gun clubs; as skeet and trap loaders.

(25) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines; (Also see Federal Child Regulations Section 1500.33)

(26) Hospitals and nursing homes (personal care of patients).

(27) Manufacturing, mining or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed; (Also see Federal Labor Regulation Section 1500.33)

(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 the private home of the employer and not in connection with his trade or business, or to students in a bona fide 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) Welding, light—light welding including spot welding in manufacturing operations.

(32) Public Messenger Service: (Also see Federal Child Labor Regulation 3 Section 1500.33)

(33) Occupations which are found to be hazardous for the employment of minors or detrimental to their health or well-being; (Also see Federal Child Labor Regulation 3 Section 1500.33)

(34) Occupations in connection with: (Also see Federal Child Labor Relation 3 Section 1500.33)

(a) Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

(b) Warehousing and storage;

(c) Communications and public utilities;

(d) Construction (including demolition and repair); except such office (including ticket office) work, or sales work, in connection with pars. (a), (b), (c) and (d), as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

(e) Street carnivals and traveling shows.

PERMITTED AND PROHIBITED OCCUPATIONS IN RETAIL, FOOD SERVICE, AND GASOLINE SERVICE ESTABLISHMENTS. (Also see Child Labor Regulation 8 Section 1500.34)

(35) This section shall apply to the following permitted occupations for minors 14 years of age and over employed by retail, food service and gasoline service establishments.

(a) Office and clerical work, including the operation of office machines;

(b) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;

(c) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;

(d) Bagging and carrying out customers' orders;

(e) Errand and delivery work by foot, bicycle, and public transportation;

(f) Clean-up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters;

(g) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;

(h) Work in connection with cars and trucks if confined to the following: dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring;

(i) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separated from those where the work described in sub. (36) (g) is performed.

(36) Paragraph (a) shall not be construed to permit the application of this subpart to any of the following occupations in retail, food service, and gasoline service establishments for minors under 16 years of age:

(a) All occupations listed in subs. (22) through (34) except occupations involving processing, operation of machines and work in rooms where processing and manufacturing take place which are permitted by sub. (35);

(b) Work performed in or about boiler or engine rooms;

(c) Work in connection with maintenance or repair of the establishment, machines or equipment;

(d) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

(e) Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;

(f) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery type mixers; persons must be 18 years of age. See sub. (18).

(g) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in sub. (35) (i);

(h) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(i) All occupations in warehouses except office and clerical work.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; emerg. am. eff. 7-7-80; am. (1) (a), (7) (a) 1., (8) (b), (19) (a), r. (9) (b) 1., renum. (9) (b) 2., r. (23), (29) and (30), renum. (24) to (28) and (31) to (36) to be (23) to (33), as renum. am. (28), Register, September, 1980, No. 297, eff. 10-1-80; am. (1) (a) (intro.), (2) (a) (intro.), (3) (a) (intro.), (4) (a), (5) (a) (intro.), (6) (a) (intro.), (7) (a) (intro.), (8) (a), (9) (a), (10) (a) (intro.), (11) (a) (intro.), (12) (a) (intro.), (13) (a), (14) (a) (intro.), (15) (a) (intro.), (16) (a), (17) (a) (intro.), (18) (a) (intro.), (19), (20) (a) (intro.), (21) (a), (36) (intro.) and (f); Register, April, 1983, No. 328, eff. 5-1-83; am. (10) (a) 1. d., (17) (b) 2. to 6., cr. (17) (a) 1. d. and 7., Register, April, 1985, No. 352, eff. 5-1-85.

Ind 70.07 Caddies on golf courses. The labor permit issued by the department of industry, labor and human relations or by a person designated by it to issue labor permits for a minor to be employed as a caddy by the golf club named in the permit, shall be deemed to permit the employment of the minor named in the permit as a caddy by such golf club on whose course inter-club matches, inter-service club matches or special events for nonmembers are being held during the duration of such matches or events; provided that the club on whose course the matches or events are being held secures from the club to whom the permit or permits were issued a list of the caddies transferred prior to the employment of such caddies by the club to which transferred. This list shall contain the name, address, and date of birth of each minor transferred, together with the date of issuance of the permit, the name of the golf club to which it was issued, and the name of the golf club to which the minor was transferred. The golf club to which the permit or permits were issued shall keep on file at the club a duplicate of the above list. The golf club to which the caddy or caddies are transferred shall add to the list the dates

of employment by it of each minor named in the list and shall keep such list on file at the club.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.08 Volunteer services. (1) Services, not prohibited by statute or regulation, performed by minors on a part-time, occasional, and volunteer basis for nonprofit organizations generally recognized not only as nonprofit, but also of an educational, charitable, religious, or community service nature, are not regarded as gainful occupations or employments, where no employer-employe relationship, in fact, exists.

(a) A nonprofit organization is one which is not operating for a profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) Minors may engage in part-time occasional services on a volunteer basis for nonprofit organizations of a charitable, educational and religious nature or a community service under the following conditions:

1. Volunteers may not serve at any job or in any area that is prohibited by the child labor law or orders of the department.

2. The hours of contributed service and the time of day shall be limited to those permitted by Wisconsin child labor regulations for minors.

3. Each organization utilizing the service of a minor volunteer must obtain the written consent of the minor's parent.

4. Teenage volunteers must be under the supervision of a responsible adult, and shall have such orientation training and supervision as will make their services a genuine learning experience.

5. The organizations utilizing volunteers should provide by means of insurance, or otherwise, for on-duty injuries that may occur to the volunteer when contributing service to the organization. It is also recommended that some type of liability coverage be provided to protect the volunteer in the event that the volunteer causes an accident to a third party.

6. Teenage volunteers are not to be economically exploited.

7. Nothing in this policy shall be construed to prohibit activities by organized volunteer groups engaged in providing entertainment such as singing, playing or performing, solely for the patients of the hospitals or institutions.

(2) Services not prohibited by statute or regulation performed by students during regular school hours while enrolled in an approved high school or vocational school work training or work experience program are not regarded as gainful occupations or employments, where no employer-employe relationship, in fact, exists.

(a) Minors may engage in work training or work experience programs under the following conditions:

1. The hours of service shall be performed as specified in the training agreement.

2. Minors may not serve at any job prohibited by statute or orders of the department.

3. The program provides a true learning experience and is based on a bona fide curriculum.

4. Proper scholastic credit is given.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.09 Fees for permit and certificate of age. The department fixes a fee of $1 for the issuing of each Child Labor Permit or Certificate of Age and authorizes the retention of 50 cents of the fee by the permit officer as compensation for his services. The permit officer shall forward 50 cents of the fee to the department to cover the cost of administration, materials and supervision. The department authorizes the Milwaukee school board to retain the full fee as compensation for their services due to the volume of permits issued, the high cost of facilities and salaries in the city of Milwaukee.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.10 Employment of minors in agriculture. No minor under 12 years of age may be employed or permitted to work in agriculture.

(1) The presence of a minor under 12 at the place where a parent or guardian is employed, if merely for the purpose of supervision, is not prohibited by this section.

(2) Sections 103.64 to 103.82, Stats., do not apply to the employment of a minor engaged in farm work performed outside school hours in connection with the minor's own home farm and directly for their parent or guardian, or on another farm, with the consent of minor's parent or guardian where the farm work is primarily for exchange purposes.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.12 Canning or first processing perishable fresh fruits and vegetables. Section 103.68, Stats., and Ind 70.05 are modified as provided under 103.66, Stats., regulating the hours of employment of minors 16 and 17 years of age, including married minors, and other minors exempt from school attendance, in canning and freezing establishments during the season of actual first processing of perishable fruits and vegetables as follows:

(1) HOURS OF LABOR. Minors 16 and 17 years of age shall not be required nor permitted to work more than 9 hours in any day nor more than 54 hours in any week, except:

(a) On not more than 18 weeks during the season, canning and freezing establishments may employ any individual minor 16 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 1-½ times his or her regular rate of pay for hours worked over 40 hours per week.

(b) Section Ind 70.05 (2) (b) Time of day shall not apply to minors 16 and 17 years of age employed under the provisions of par. (a).

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

(3) MEAL PERIODS. At least 30 minutes shall be allowed for each meal period reasonably close to the usual meal period time; namely, 6:00 a.m., 12:00 noon, 6:00 p.m., 12:00 midnight or near the middle of a shift. In no case shall a minor be employed or permitted to work more than 6 consecutive hours without a meal period.

(4) DEFINITIONS. For the purpose of this order, "a day" is the 24 hours beginning at 6:00 a.m. of each calendar day; "a week" means a calendar week, or a regular recurring period of 168 hours in the form of 7 consecutive 24-hour periods.

(5) HOURS, BEFORE AND AFTER SEASON. The hours of work of minors 16 and 17 years of age employed in canning and freezing establishments before and after the season of actual first processing of fresh fruits and vegetables must be kept within the limits provided in s. Ind 70.05.

(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.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; emerg. am. (1), (2) and (6), eff. 7-7-80; emerg. am. (1), eff. 7-26-80; am. (1) (a) and (2), r. (1) (b), renum. (1) (c) to be (1) (b) and cr. (6), Register, September, 1980, No. 297, eff. 10-1-80.

Ind 70.13 Higher standards. Nothing in ss. Ind 70.01 to 70.13 shall authorize noncompliance with any federal or state law, regulation, or municipal ordinance establishing a higher standard. If more than one standard within this Administrative Code applies to a single activity, the higher standard shall be applicable.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.14 Permanent records to be kept by the employer. (1) Every employer shall make and keep for at least 3 years payroll or other records for each of their employes which contain:

(a) Name and address.

(b) Date of birth.

(c) Dater of entering and leaving employment.

(d) Time of beginning and ending of work each day.

(e) Time of beginning and ending of meal peiods. When employe's meal periods are required or when such meal periods are to be deducted from work time. This requirement shall not apply when work is of such a nature that production or business activity ceases on a regularly scheduled basis.

(f) Total number of hours worked per day and per week.

(g) Rate of pay and wages paid each payroll period.

(h) The amount of and reason for each deduction from the wages earned.

(i) Output of employe, if paid on other than time basis.

(2) The required records or a duplicate copy thereof shall be kept safe and accessible at the place of employment or business at which the employe is employed, or at one or more established central record keeping offices in the state of Wisconsin.

(3) The required records shall be made available for inspection and transcription by a duly authorized deputy of the department during the business hours generally observed by the office at which they are kept or in the community generally.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.