

CR 94-214

RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

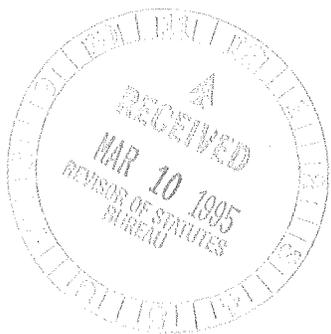
I, Carol Skornicka, Secretary of the Department of Industry, Labor and

Human Relations, and custodian of the official records of said department, do hereby certify that the

annexed rule(s) relating to Child Labor and Street Trades
(Subject)

were duly approved and adopted by this department on March 10, 1995.
(Date)

I further certify that said copy has been compared by me with the original on file in the 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 9:00 am in the city of Madison, this 10th day of March A.D. 1995.

Carol Skornicka
Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 (1), 103.66 and 103.805

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind 70 and 71

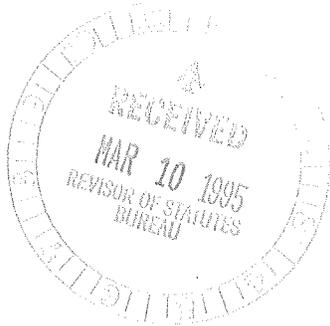
(Number)

Child Labor and Street Trades

(Title)

The attached rules shall take effect on on the first day of the month following

publication in the register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: March 10, 1995

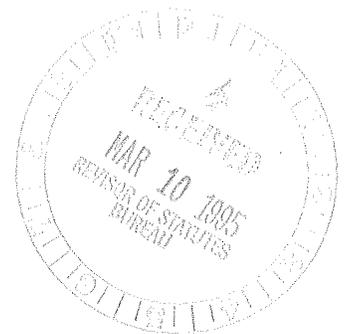
DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS


Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM



Rule No.: Ind 70 and 71

Relating to: Child Labor and Street Trades

Clearinghouse Rule No.: 94-214

TEXT OF PROPOSED RULE

The Department of Industry, Labor and Human Relations proposes an order to amend Sec. Ind 70.03(3), 70.03(3)(e)13, 70.05(1)(a) to(c) & (e), 70.05(2)(c), 70.05(4), create secs. Ind 70.05(4)(b) to (c) and amend Ind 70.16(1) & (2) and Ind 71.08(1) & (2) relating to the employment of minors.

ANALYSIS

The Council on Child Labor has recommended changes to Chapter Ind 70. Child Labor and Ind 71 Street Trades.

The recommended changes include some clean up language, permits the youth apprenticeship program authority to approve student learner programs, an increase of 1 hour of work per day for 16 and 17 year olds on a school day, establishes maximum weekly hours and removes daily hour and time of day limits for minors who are emancipated, living independently, head of household, enrolled in a GED program at a vocational or technical college or enrolled in home school and permits the department to suspend a work permit in addition to revocation.

SECTION 1. Ind 70.03 (3) (intro,) and (e) 13 are amended to read:

Ind 70.03 (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~~ student learners 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, board of vocational, technical and adult education college system board or the departments youth apprenticeship program.~~

Ind 70.03 (3) (e) 13. Ind 70.06 (~~28~~ 27) Manufacturing, mining, or processing occupations

SECTION 2. Ind 70.05 (1) (a), (b), (c), (e) 1, (2) (c) and (4) are amended to read:

Ind 70.05 (1) (a) Minors 12 and 13 years of age may be employed in agricultural pursuits, domestic employment, school lunch programs, caddies on a golf course and for parent or guardian employing their own children not more than 6 days per week, except in street trades; 4 hours per day, except 8 hours per day on ~~Fridays, Saturdays, Sundays,~~ the last school day of the week and other non-school days, 18 hours per calendar week, while their respective school is in session, or 24 hours per calendar week while their respective school is in session less than 5 days

per week, 8 hours per day 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 14 and 15 years of age may be employed not more than 6 days per week, except in street trades and agriculture; 4 hours per day except 8 hours per day on ~~Fridays, Saturdays, Sundays~~ the last school day of the week and other non-school days, 18 hours per calendar week, while their respective school is in session, or 24 hours per calendar week while their respective school is in session, less than 5 days per week, 8 hours per day or 40 hours per calendar week during the weeks they are not required to attend school on any day of the calendar week.

(c) Minors 16 and 17 years of age may be employed not more than 6 days per week, except in street trades, agriculture, and canning and freezing establishments, and as station captains or delivery clerk incidental to street trades; 4 5 hours per day except 8 hours per day on ~~Fridays, Saturdays, Sundays~~ the last school day of the week and other non-school days, 26 hours per calendar week while their respective school is in session, or 32 hours per calendar week while their respective school is in session less than 5 days per week.

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

(2) (c) Minors 16 and 17 years of age may not be employed before 7:00 a.m. on school days nor before 5:00 a.m. on non-school days nor after 11:00 p.m. on days preceding school days, nor after 12:30 a.m. on days not preceding school days except that in agriculture they may start at 5:00 a.m. During non-school weeks, the time of day is not regulated except between the hours of 12:30 a.m. and 5:00 a.m. they shall be under direct supervision and they shall receive at least 8 consecutive hours of rest between the ending of work and the beginning of work the next day, except in agriculture adult supervision is not required. This paragraph shall not apply to minors employed in street trades nor as station captains or delivery clerks incidental to street trades.

(4) ~~HIGH SCHOOL GRADUATES OR OTHER MINORS WHO ARE EXEMPT FROM SCHOOL ATTENDANCE~~ EMANCIPATED, LIVING INDEPENDENTLY, HEAD OF HOUSEHOLD, ENROLLED IN A GENERAL EQUIVALENT DIPLOMA PROGRAM AT A VOCATIONAL OR TECHNICAL COLLEGE OR ENROLLED IN HOME SCHOOL. (a) Minors 16 and 17 years of age, who are high school graduates ~~or exempt from school attendance as defined in a. 118.15, States.,~~ may be employed the same daily and weekly hours and time of day as adults.

SECTION 3. Ind 70.05 (4) (b) and (c) are created to read:

Ind 70.05 (4) (b) Minors 16 and 17 years of age, who are emancipated, living independently, head of household or enrolled in a general equivalent diploma program at a vocational or technical college may work up to 40 hours per week during the weeks public schools are in session and up to 50 hours per week during non school weeks. The daily hour limits and time of day restrictions do not apply.

(c) Minors 16 and 17 years of age, who are enrolled in home school may work up to 26 hours per calendar week during the weeks the public schools are in session or 32 hours per calendar week if the public schools are in session less than 5 days per week and up to 50 hours per calendar week during non school weeks. The daily hour limits and time of day restrictions do not apply.

SECTION 4. Ind 70.16 (title) (1) and (2) are amended to read:

Ind 70.16 REVOCATION OR SUSPENSION OF PERMITS. (1) The department may revoke or suspend any permit whenever the permit has been improperly or illegally issued, or the physical, moral welfare or the best interests of the minor would be served by revocation or suspension.

(2) The department may revoke or suspend any permit if requested in writing by the school principal or the minors parent or guardian who has legal custody or the minor or the court-ordered foster parent while the minor is under their care and supervision. The requesting party shall demonstrate some attempt has taken place to resolve the work problem between the minor, school, parent or guardian and the employer before the request for revocation or suspension is made to the department.

SECTION 5. Ind 71.08 (title) (1) and (2) are amended to read:

Ind 71.08 REVOCATION OR SUSPENSION OF PERMITS. (1) The department may revoke or suspend any permit whenever the permit has been improperly or illegally issued, or the physical, moral welfare or the best interest of the minor would be served by revocation or suspension.

(2) The department may revoke or suspend any permit if requested in writing by the school principal or the minors parent or guardian who has legal custody of the minor or the court-ordered foster parent while the minor is under their care and supervision. The requesting party shall demonstrate some attempt has taken place to resolve the work problem between the minor, school, parent or guardian and employer before the request for revocation or suspension is made to the department.

SECTION 6. EFFECTIVE DATE. These rules shall take effect on the first day of the month following publication in the Wisconsin Administrative register, as provided in s.227.22 (2), Stats.

Tommy G. Thompson
Governor
Carol Skornicka
Secretary



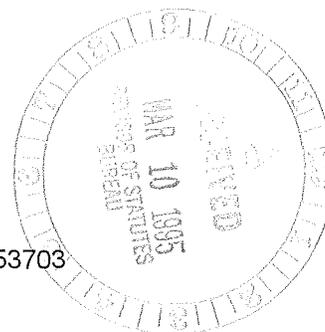
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State of Wisconsin Department of Industry, Labor and Human Relations

March 10, 1995

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 94-214

RULE NO.: Ind 70 and 71

RELATING TO: Child Labor and Street Trades

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with 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 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Carol Skornicka'.

Carol Skornicka
Secretary