



# Amy Loudenbeck

REPRESENTING WISCONSIN'S 31<sup>ST</sup> ASSEMBLY DISTRICT

**Testimony before Assembly Committee on Labor  
Assembly Bill 25  
Rep. Amy Loudenbeck  
February 9, 2017**

Thank you, Mr. Chairman and committee members for the opportunity to testify in favor of this bi-partisan legislation, Assembly Bill 25. AB 25 will improve access to employment for unaccompanied and homeless youth in Wisconsin. This bill is the first in a series of initiatives I plan to work on this session that will help these vulnerable members of our society gain employment, find access to other daily living supports, and put them on a path to self-sufficiency.

Last summer, Beloit School District Homeless Liaison Robin Stuht and I began researching state and federal laws that can impact a homeless minor's ability to act without parental consent. I decided to introduce this legislation as a direct result of that research.

In many instances, state and federal laws are silent, and a minor's ability to contact for services are governed by common law. Things like access to bank accounts and car insurance can be and in many instances are being met by the marketplace. State law, however, does create an unnecessary barrier for homeless and unaccompanied youths being able to obtain a job. Under current law, a work permit must be obtained and signed by a parent or guardian for anyone under 18 years of age who wishes to have a job in Wisconsin. This obviously creates a significant challenge for unaccompanied and homeless teens seeking a way to legally earn extra money to pay for personal and living expenses.

Assembly Bill 25 will remove one of the hurdles that these teens face by lowering the age requirement for a work permit to under 16 years of age. After researching policies related to the employment of minors in other states and contemplating the benefits of work experience for teens, I decided to offer a proposal to lower the work permit age requirement for all Wisconsin residents.

Wisconsin is currently one of just 15 states that require a work permit for all residents under the age of 18. There are currently 18 states that have age requirements similar to AB 25 including our neighboring states of Minnesota, Iowa, and Illinois. There are also an additional 12 states that do not have laws requiring work permits for minors of any age.



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It is also important to note that this legislation does not impact the times of the day that minors can work, the number of hours a minor is allowed to work, or the minimum statutory ages established for different types of employment.

As you will note, I have also introduced Assembly Amendment 1 to address a couple of technical issues that were brought to my attention by the Department of Workforce Development. The main focus of the amendment is to clarify that DWD can continue to issue "Certificates of Age," which are issued by the Department as evidence of an individual's age.

Unaccompanied and homeless youth are vulnerable to human trafficking, exploitation, and abuse. Often disconnected from family and friends, homeless youth are particularly susceptible to traffickers who will lure them with the promise of food, warmth, and even false love. Providing these young people with an opportunity for gainful employment so they can complete their education and become self-supporting adults will reduce their risk for negative outcomes.

I would be happy to answer any questions at this time.

## State Age Thresholds for Work Permits for Minors

### Under 18:

Alabama	Indiana	Louisiana	New York	Washington	Wisconsin
California (if in school too)	Georgia	Maryland	New Jersey	Pennsylvania	North Carolina
Delaware	DC	Michigan	Puerto Rico	Massachusetts	Virgin Islands

### Under 17:

Alaska

### Under 16:

West Virginia	Oklahoma	Missouri	Iowa	Arkansas
Vermont (during school hours)	New Mexico	Minnesota (during school hours)	Kansas (and not in secondary school)	Colorado (during school hours)
Virginia	New Hampshire	Maine	Hawaii	Connecticut
Rhode Island	Nebraska	Illinois	Guam	

### No Permit:

**\*\* (I) = not issued (P) = no provision \*\***

Wyoming (I)	Tennessee (I)	Oregon (I)	Idaho (I)
Utah (P)	South Dakota (I)	Montana (I)	Florida (P)
Texas (P)	South Carolina (P)	Kentucky (I)	Arizona (I)

### Other Provisions:

Alabama- 18 if working in mine  
 Alaska- 16 and 17 if employer licensed to sell alcohol  
 Mississippi- under 16 in mills, canneries, workshops, and factories  
 Nevada- under 14  
 Ohio- 16 and 17 during school term

### Works Cited:

“Wage and Hour Division (WHD) Employment/Age Certificate.” *United States Department of Labor*. U.S. Department of Labor. January 1, 2016. Web. July 20, 2016.

“Child Labor.” *State of Wisconsin DWD*. Department of Workforce Development. Web. July 20, 2016.

# Hours and Times of Day Minors May Work in Wisconsin

State and federal laws do not limit the hours that minors 16 years of age or over may work, except that they may not be employed or permitted to work during hours of required school attendance under Wis. Stat. § 118.15.

State and federal laws also permit minors under 16 to work up to seven days per week in the delivery of newspapers and agriculture. In most other types of labor, minors under 16 may only work six days a week.

Most employers must obtain work permits for minors before permitting them to work. For further information, see the Wisconsin Employment of Minors Guide (ERD-4758-P).

Maximum Hours of Work for 14 & 15 year-old minors	After Labor Day through May 31	June 1 through Labor Day
<b><u>Daily Hours</u></b>		
<b>Non-School Days</b>	8 hours	8 hours
<b>School Days</b>	3 hours	3 hours
<b><u>Weekly Hours</u></b>		
<b>Non-School Weeks</b>	40 hours	40 hours
<b>School Weeks</b>	18 hours	18 hours
<b>Permitted Time of Day</b>	7am-7pm	7am-9pm

**Employers** subject to both federal and state laws must comply with the more stringent section of the two laws.

**State** child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs operated by the school.

**Minors under 16 years of age** are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day or week.

**Minors under 14 years of age** are allowed to work in certain occupations (e.g., street trades, agriculture, and work in school lunch programs. See the Wisconsin Employment of Minors Guide, ERD-4758-P, for more detail). These minors are subject to the same hourly and time of day restrictions as minors who are 14 or 15 years of age.

**Minors under 18 years of age** may not work more than 6 consecutive hours without having a 30-minute, duty free meal period.

**Minors 16 & 17 years of age** who are employed after 11:00 pm must have 8 hours of rest between the end of one shift and the start of the next shift.

**Minimum Wage** for minors is \$7.25 per hour. Employers may pay an "Opportunity Wage" of \$5.90 per hour for the first 90 days of employment. On the 91<sup>st</sup> day, the wage must increase to \$7.25 per hour.

**For further information** about the federal child labor laws call (608) 441-5221, or write to U.S. Department of Labor, Wage & Hour, 740 Regent Street, Suite 102, Madison, WI 53715.

**For further information** about the state child labor laws, call the Equal Rights Division in Madison (608) 266-6860 or Milwaukee (414) 227-4384.

## DEPARTMENT OF WORKFORCE DEVELOPMENT - EQUAL RIGHTS DIVISION

PO BOX 8928 MADISON WI 53708  
Telephone: (608) 266-6860 TTY: (608) 264-8752

**Website:** <http://dwd.wisconsin.gov/er/>

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Monday, February 6, 2017

To: State Representative Amy Loudenberg

Room 306 East  
State Capitol  
P.O. Box 8952  
Madison, WI 53708

Regarding: **Assembly Bill 25**

Relating to: child labor permits and modifying references to child labor in the statutes

My name is Joe Rose and I am a member of an advocacy group of 6 affectionately named "The Rockin' Top Shelfers", which was organized as part of the Leadership Development Academy of Rock County. All of our members currently reside in your district.

We would like to formally submit our support for Assembly Bill 25. We, as a group, hope that this legislation will ease the issues minors face (especially unaccompanied youth securing employment. We believe that one of the issues our youth face are the hurdles they encounter as they approach adulthood, are the restrictions that are placed upon them because they are viewed as minors. Without a steady home in which they are able to reside and find financial security in, they do not have viable options for employment without the parents' consent. This becomes difficult to achieve when the youth is unaccompanied or "couch surfing", faced with the task of finding a place to stay without any real consistency in their life. One constant that could help them find a permanent place to live, could be the income they could procure from a steady job. In an effort to eliminate some of these "hurdles", we would like to show our support for Assembly Bill 25.

Sincerely,

Rockin' Top Shelfers of the Rock County Leadership Development Academy  
Joe Rose  
714 E Morning Glory Ln  
Beloit, WI 53511  
[jrose@town.beloit.wi.us](mailto:jrose@town.beloit.wi.us)

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**Assembly Committee on Labor  
Testimony on Assembly Bill 25**

**Georgia Maxwell, Deputy Secretary, Department of Workforce Development**

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Chairperson Kulp and members of the Assembly Committee:

I am Georgia Maxwell, the Deputy Secretary for the Department of Workforce Development (DWD). On behalf of DWD, I would like to thank you for allowing me to testify for information only.

Currently, minors are required to obtain a work permit issued by the Division of Equal Rights to be employed in permitted work, as set by state and federal laws. In 2016, 70,258 permits were issued to 16 or 17 year old workers. The permits cost \$10 each. \$5 of the fee DWD uses to fund 6 FTE positions that enforce and educate on the laws related to employment of minors. \$2.50 goes to the local issuer of the permit, which often is a school. There are around 1,000 permit officers who use a computer program to verify that the job is authorized for that age before issuing the permit. The rest becomes General Purpose Revenue for state operations.

The legislation before you today, Assembly Bill 25 eliminates the requirement minors aged 16 or 17 obtain a work or a street trade permit. The reduction in DWD program revenue of \$350,000 annually would mean that DWD would have to find alternative funding to support the staff that enforces laws related to employment of minors.

The Division of Workers Compensation (WC) would also see lost revenues of \$30,000 annually. WC is responsible for issuing various penalties to businesses, after a minor is injured, for either failing to obtain the permit or having a minor work in prohibited employment. Amendment 1 would restore the ability to enforce penalties for prohibited employment, regardless of permit. The funds resulting from the penalties are placed in the Worker Injury Supplemental Benefit Fund.

The state's general fund revenue would decrease \$175,000 annually. Permits would still be required for minors under the age of 16 and all restrictions on work performed by minors would remain in effect. Other aspects of AB 25 are a replacement of the term "child labor" in statute with "the employment of minors" and repeal of an obsolete provision related to licensing of theatrical exhibitions of minors under the age of 15.

I would be happy to answer any technical questions you may have. Thank you again for your time and for the opportunity to testify today.



# CHRIS KAPENGA

WISCONSIN STATE SENATOR

## **Testimony on Assembly Bill 25**

*Assembly Committee on Labor*

February 9, 2017

I would like to thank Chairman Kulp and the members of the committee for holding a hearing on Assembly Bill 25. Additionally, I would like to thank Representative Loudenberg for her leadership on this issue in the Assembly.

Current law prohibits a minor from being employed or permitted to work at any employment unless the minor's employer obtains a written permit authorizing the employment of the minor. The process of obtaining a work permit includes providing a signed letter or letters from the employer and the parent or guardian. These permits are available at schools and many local government offices for a fee of \$10.00.

Working with local youth activists, Representative Loudenberg discovered that obtaining a signed letter from a parent or guardian creates a significant challenge for unaccompanied and homeless teens. The requirement for these youth to obtain a permit exhibits an unnecessary hurdle to work and self-sufficiency. Vulnerable youth deserve a way to legally earn extra money to pay for personal and living expenses.

Assembly Bill 25 removes one of the barriers to employment that unaccompanied and homeless teens face by lowering the age requirement for a work permit to under 16 years of age. Eliminating the work permit requirement for 16 and 17 years olds will eliminate an unnecessary layer of bureaucracy. All current state and federal laws related to hours and times of day a minor may work, and restricted or prohibited employment for minors are not being changed.

Wisconsin is currently one of just 15 states that require a work permit for residents under the age of 18. There are currently 18 states that have age requirements similar to Assembly Bill 25 including Minnesota, Iowa, and Illinois. There are also an additional 12 states that do not have laws requiring work permits for minors of any age.

I ask you to consider the recommendation of Assembly Bill 25 for a vote in front of the full Assembly. Thank you again, Chairman Kulp and members of the committee, for taking the time to hold this public hearing. I look forward to working with you on the passage of this legislation.

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