



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Senate Bill 11

*SENATE COMMITTEE ON PUBLIC BENEFITS, LICENSING AND STATE-FEDERAL
RELATIONS*

March 15, 2017

I would like to thank the members of the committee for hearing my testimony on Senate Bill 11. Additionally, I would like to thank Representative Loudenberg for her leadership on this issue in the Assembly.

Current law creates an unnecessary hurdle for minors who want or need to work by requiring them to obtain a written permit where the state must first authorize their employment. The process of obtaining a work permit includes obtaining a signed letter or letters from the employer and the parent or guardian. These permits must then be obtained at a school or local government office for a fee of \$10.00. This regulation is an inconvenience and often an obstacle to teens looking for employment.

There are 35 other states who do not require work permits for minors, and with this bill we will join the majority of states who recognize there is no pervasive public safety risk in this area that would warrant the government needing to approve someone's employment. Note this bill does not touch either the current state and federal laws related to hours and times of day a minor may work, or the restricted or prohibited employment for minors.

Last week a constituent called my office and was upset that the state was making it difficult for his son to get a job as a dishwasher. He explained how inconvenient it for him to get something from the employer, drive to the local high school, fill out and pay for a permit, and then return a second time at a later date to the school to pick it up.

I also received an email from a small business owner that hires teens for summer employment. This business owner said SB11 will make it easier for him to find help by allowing access to work for more teens.

The number one problem faced by Wisconsin businesses is finding employees. SB11 directly targets this top issue for our employers. It is a positive step for both Wisconsin's employees and employers by eliminating the work permit requirements for those 16 and over. I look forward to working with you on the passage of this important and impactful legislation.

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 |
|--|-----------------------------------|-----------------------------|
| <u>Daily Hours</u> | | |
| Non-School Days | 8 hours | 8 hours |
| School Days | 3 hours | 3 hours |
| <u>Weekly Hours</u> | | |
| Non-School Weeks | 40 hours | 40 hours |
| School Weeks | 18 hours | 18 hours |
| Permitted Time of Day | 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 91st 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/>

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.



740 N. Randall Avenue
Janesville, WI 53545
(608) 314-5501
www.project1649.org

March 15, 2017

To Chairperson Senator Chris Kapenga and Members of the Committee on Public Benefits,
Licensing and State-Federal Relations:

On behalf of Project 16:49, a non-profit organization serving unaccompanied homeless youth in Rock County, I am writing to express our support of Senate Bill 11, and to thank you for your efforts to address the needs of our young people.

More than 300 unaccompanied youth are identified each year in Rock County. Our organization partners with local schools to provide these youth with assistance with basic needs, referrals and access to services. We also offer intensive, personalized case management and support, and operate Robin House – a transitional living home for our older female students. Project 16:49's goal is to ensure these youth's basic needs are met and that they have access to the services and support they need to complete their high school education and increase their self-sufficiency.

Seventy-five percent of the youth we work with have been physically and/or sexually abused, one-third have spent time in Foster Care, and at least 28% of our girls are victims of human trafficking.

Our unaccompanied youth are a particularly vulnerable population, and there is always someone waiting to take advantage of their desperation. Without a parent or guardian willing or able to act on their behalf, those under 18 have little or no access to most community services and few means to support their survival. They become easy targets for having their food share taken, illegal labor and sexual exploitation.

Two specific stories I would like to share are those of Nikohl and Chad.

At 17, Nikohl spent most of her nights couch surfing. When she was unable to find a friend to stay with, she would sleep in convenience store bathrooms until she was asked to leave – or around the corner of the handicap access ramp at the Hedberg Public Library in Janesville. She had no means of supporting herself, often resorting to survival crime – shoplifting food on weekends when she didn't have access to school. Unfortunately, she also was preyed on and victimized by those offering to 'help' in exchange for sexual acts.

Empowering Rock County's unaccompanied homeless youth to take action to achieve their goals.

Chad was abandoned by his mother at age 14, when she moved to another state and left him in Beloit. When we first met Chad, he was working approximately 40 hours for \$80 cash. He didn't have a birth certificate or anyone to sign for him to be able to work legally. Today, Chad is 19 and self-sufficient. Reflecting on his past experience, he says 'I knew I needed to be working. Even though I see now I was being taken advantage of, work was a safe place for me to be when I didn't have a home. It made me feel good to be productive and have some sense of being able to take care of myself. It also gave me options of better places to stay. My friends' parents saw I was a hard worker and had some money to take care of myself and wouldn't be expecting them to support me. They would let me stay there without wanting anything from me.'

For the at-risk population Project 16:49 works with employment equals empowerment. Time and again, we witness the role a job plays in improving our youth's self-esteem. Our youth don't want to be viewed or treated as charity cases - they want to be as self-reliant as possible. Removing the work permit barrier and making it easier for them to obtain legal work and be paid fairly is an important step, and allows us to help them get on and stay on a positive path. Employment also offers a sense of control, which is an important part of the healing process for those who have experienced trauma.

Thank you for the opportunity to share the needs of our unaccompanied teens. We appreciate your consideration of Senate Bill 11. If I can provide additional information related to our program or the population we serve, please let me know. I am happy to assist in any way I can with identifying solutions and removing barriers for these kids.

Sincerely,

A handwritten signature in cursive script that reads "Tammy DeGarmo".

Tammy DeGarmo
Executive Director

Senate Committee on Public Benefits, Licensing and State-Federal Relations
Testimony on Senate Bill 11
Georgia Maxwell, Deputy Secretary, Department of Workforce Development

Chairperson Kapenga and members of the Senate 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, Senate Bill 11 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 SB 11 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.



33 EAST MAIN STREET, SUITE 701 • MADISON, WI 53703 • 608/244-7150 • FAX 608/244-9030

Wisconsin Grocers Association
Statement in Support of SB 11
March 15, 2017

On behalf of the Wisconsin Grocers Association, representing nearly 1,000 grocery stores, food warehouses and manufacturers in Wisconsin, we would like to register our support for Senate Bill 11, authored by Senator Kapenga.

In 2011, the Wisconsin Legislature federalized child labor laws. Wisconsin was one of very few states that had specific time and date requirements on 16 & 17 year olds. The Federal child labor laws do not regulate the number of hours and times of day that workers this age may work and they do not require them to obtain work permits.

According to the Federal DOL, the purpose of a work permit is to protect the employer from prosecution for employing an under-aged worker. Perhaps, in Wisconsin, it was also a way to ensure this age group was complying with time of day and hour requirements. But now that Wisconsin does not have specific requirements on that age group, there is no need to require work permits either.

For employers, such as grocers that employ a large number of minors, work permits are seen as a burdensome regulation and an unnecessary fee. Work permits are issued by the school and must be kept on file by the employer as well. Therefore, there is no enforcement or assistance, leaving employers to provide the information and ensure work permits are provided.

One of the requirements for work permits mandates that the student brings a letter from the employer expressing intent to hire, on letterhead. Because of this provision there is always a delay in being able to start the job while the student obtains their work permit.

Grocers have reported situations where work was delayed weeks and even months because the school was not open during vacations and summer breaks. In addition, there are often issues with the student obtaining their birth certificate, their social security card or a written parent's consent.

One grocer shared a story about an individual in foster care who was not able to obtain their documentation because it was left at a previous residence. The grocer was not able to offer them a job.

Work permits for grocers are a completely unnecessary and burdensome step. They truly are an impediment for workers 16 & 17 year olds trying to get a job. We urge the committee to vote yes on this bill and hope the Legislature will also take swift action.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony before Senate Committee on Public Benefits, Licensing and State-Federal Relations

Senate Bill 11

Rep. Amy Loudenbeck

March 15, 2017

Thank you, Mr. Chairman and committee members for the opportunity to testify in favor of Senate Bill 11, the companion to Assembly Bill 25. SB 11 will improve access to employment for older teens, particularly unaccompanied and homeless youth in Wisconsin. This bill is the first in a series of initiatives we are working on to help vulnerable members of our society gain employment, find access to other daily living supports, and get on a path to self-sufficiency.

There has recently been a lot of miscommunication about this legislation, so I want to be very clear in the beginning of my testimony that Senate Bill 11 simply lowers the age requirement for a work permit to under 16 years of age. 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. All of the protections that we have for minors who are employed in Wisconsin remain in place under Senate Bill 11.

There has also been a mischaracterization of where the idea came from for SB 11, so I want to be clear how this legislation was crafted. 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 on this issue, so a minor's ability to contact for services is generally governed by common law. Access to bank accounts and car insurance can be, and in many instances are, met by the marketplace. State law, however, does create an unnecessary barrier for homeless and unaccompanied youth being able to get a job.

The process of obtaining a work permit in Wisconsin includes providing a signed letter or letters from the employer and the parent or guardian and the payment of a \$10 fee. The permit is employer specific, so a teen may be required to obtain multiple permits prior to reaching the age of 18. 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.

Senate Bill 11 will remove one of the hurdles that these teens face by, as I stated earlier, 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, we decided to offer a proposal to lower the work permit age requirement for all Wisconsin residents. We were concerned that providing an exception for homeless/unaccompanied teens could lead to another layer of bureaucracy and create more work for permit officers, social workers and homeless youth liaisons.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

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 SB 11, 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. This means there are 30 states that have provisions that are identical to SB 11, or even less restrictive.

As you will note, Senate Amendment 1 has been introduced to address a couple of technical issues that were brought to our 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 DWD as evidence of an individual's age.

Unaccompanied and homeless youth are vulnerable to human trafficking, exploitation, abuse, and other negative outcomes. Often disconnected from family and friends, these teens are particularly susceptible to traffickers who will lure them with the promise of food, warmth, and even false love. SB 11 affords these teens an opportunity for gainful employment so they can complete their education and become self-supporting adults.