



# WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

October 4<sup>th</sup>, 2017

TO: Senate Committee on Workforce Development, Military Affairs and Senior Issues  
FR: Representative Dale Kooyenga & Senator Luther Olsen  
RE: Senate Bill 251 / Assembly Bill 326

Thank you for holding a hearing on this bill.

Currently in Wisconsin, an individual can take the course to be a lifeguard at age 15 but cannot be employed as a lifeguard until age 16. Most states allow employment at age 15, as does the American Red Cross and the Federal Government. Senator Olsen and I have introduced Senate Bill 251 and Assembly Bill 326 to change the age of employment for lifeguards to 15 and bring Wisconsin into parity with other states.

SB 251 / AB 326 will also aid aquatics facilities across the state by increasing the amount of potential employees that could work at their facilities.

Senator Olsen has also introduced Senate Amendment 1 to Senate Bill 251 to further clarify that an adult employee must be on the premises if a 15 year old lifeguard is on duty.

Thank you again for taking the time to discuss SB 251 / AB 326. I am open to any questions the committee may have.

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Ray Allen, Secretary

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## Senate Committee on Workforce Development, Military Affairs, and Senior Issues

### Testimony on Senate Bill 251

#### **Jim Chiolino, Deputy Administrator, Department of Workforce Development**

Chairperson Testin and members of the Senate Committee:

I am Jim Chiolino, the Division of Equal Rights Deputy Administrator 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.

Governor Walker says workforce development is economic development. As we help employers find skilled workers to fill their labor market needs, we also give them the confidence to take on additional work and expand operations in Wisconsin. This leads to job creation and, ultimately, even more opportunity for Wisconsin's workers.

Thanks to Governor Walker and the support of our partners in the Legislature, Wisconsin's unemployment rate is at 3.4 percent, a near record low. Wisconsin also outpaces the nation in labor force participation rate. These strong economic indicators also point to challenges facing our state. Employers are struggling to find skilled talent to fill good-paying jobs. DWD's top priority is to continue to use the funds provided by Governor Walker and the Legislature to make smart, strategic investments in solutions to meet employers' labor market needs.

Currently, lifeguards must be 16 or 17 years old to receive a work permit with completion of a bona fide lifesaving course. SB 251 reduces the age of the employment of a minor to 15 for DWD to issue a work permit with completion of a bona fide lifesaving course. If SB 251 is signed into law, DWD would work quickly to update its rule and revise its publications related to the employment of minors as lifeguards.

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.

## Prepared Statement Re: Assembly Bill 326

Written by: Brandon Schindler- Aquatics Director- Wilderness Resorts, Inc.

Thank you for your time today and for allowing me the opportunity to speak in favor of passing bill 326 to allow 15 year-olds to work as certified lifeguards. I've been working in the Dells area since I was 16 years-old myself, and have spent the last 19+ years working at The Wilderness. I've been witness to a tremendous amount of change and growth in the Dells area at large and The Wilderness specifically during that time. That growth and change continues to this day with many new businesses coming to the Dells area and new attractions and expansions being added to the amenity mix at The Wilderness annually.

The Dells area, as a result of this relatively explosive growth, has become an extremely competitive job market for employers. Allowing "the waterpark capital of the world" another pool of potential employees through the passing of this bill would, in my estimation, positively impact our waterpark related businesses and the guests we serve. I would also argue that it benefits the 15 year-olds who may end up working in and around our waterparks.

Any waterpark operator would tell you their number one goal is to ensure that their park visitors are safe during the time they spend in their parks and on their attractions. Some might argue that introducing 15 year-old lifeguards to this environment would negatively impact safety. I disagree. In fact, I believe it would enhance safety. I'll use the Wilderness, because that is what I know best, to present my case here.

We have 3 large indoor and 3 large outdoor waterparks. During our outdoor season, over two thirds of the aquatics staff is comprised of J1 visa students. During the winter and spring months, roughly half are J1 visa students. This means that for three-fourths of the year, over 50 percent of the staff are J1 students. While I enjoy the J1 visa program, and it helps The Wilderness tremendously, it is not without its struggles. Most of the countries our J1 students come from do not speak English as a primary language. That presents difficulties for us as operators in both training and in day-to-day interaction with our guests. Replacing a J1 student with a local 15 year-old would allow for less confusion and difficulty in working with other staff members and with guests. To me, this is a net positive in terms of safety.

Further, there are questions surrounding the future of the J1 program and seasonal visa denial issues already present difficulties for business like The Wilderness. By allowing 15 year-olds to work as lifeguards, we may be able to decrease our dependence/reliance on J1 students and better shoulder the times when those students aren't available to us.

Speaking of that, in the fall, there are no J1 students and businesses like the Wilderness are left to work to keep adequate staffing in place solely through the local population. This presents its own difficulties that 15 year-olds could at least, in part, help to minimize. Pools or attractions that may have had to be

closed due to lack of staff can now be opened and operated. Areas that may have been staffed at state minimum can be bulked up on. Overtime burdens and double shifts could be eased back for year-round staff. All of this serves to allow waterpark businesses to better provide guests with safe, fun experiences that they will enjoy and remember for a lifetime.

Another argument that may be made is that 15 year-olds lack the sense of responsibility to serve as capable lifeguards. I would counter that it is the individual and the team around them that will ultimately determine their understanding of the responsibilities and the weight of their job, not the date on their birth certificate. At the Wilderness, we have a comprehensive lifeguard training program run entirely in house by a dedicated team. There is an American Red Cross certified instructor trainer on staff who has trained all of our lifeguard instructors. Those individuals, in turn, train all of our lifeguards. Training also doesn't stop once class is finished. In-services are run daily in the parks both before open and after close. Skills taught in class are practiced and perfected. We have an audit program as well that helps reinforce skills learned in class and allows us to identify and work with those who may need extra help.

Each of our major parks, which consist of between 15 and 35 staff members, are also under constant supervision by an individual dedicated to only that park. All staff members work as a team. No man is an island and, thus, each staff member is only a whistle blow away from getting assistance if needed. This type of structured, supervised, rule driven environment creates a path for success for all team members regardless of age.

In fact, I would argue that this environment creates paths for success in life, not just in work, that would provide great benefit to a 15 year-old perhaps just getting into the working world. The environment quickly teaches them how to be responsible, how to adhere to policies and rules, that there are negative consequences for failing to abide by those policies and rules, how to work as a team, and how to engage with people of different cultures and backgrounds.

The Wilderness currently recruits from 16 school districts. Assuming for the purposes of this argument that each of these districts has 100, 15 year-olds and that area business are recruiting in these same places, passing this bill would allow the number of potential employees for the Dells area to grow by 1600. That is no small number in a market as competitive as the Dells. That is 1600 young people who could help ensure that "the waterpark capital of the world" remains a location dedicated to the safety of its visitors, the viability of its business, and the future leaders of its surrounding communities.

Thank you again for your time and for the opportunity to present my thoughts in favor of passing Assembly Bill 326.