



## 1995 ASSEMBLY BILL 333

April 28, 1995 - Introduced by Representatives NOTESTEIN, AINSWORTH, BAUMGART, WASSERMAN, R. POTTER, WIRCH, BOCK, GROBSCHMIDT, CARPENTER, R. YOUNG, TURNER, KRUSICK, BELL, DUEHOLM, ROBSON and BOYLE, cosponsored by Senators BURKE, CHVALA and PLEWA. Referred to Committee on Labor and Employment.

- 1 **AN ACT to renumber and amend** 103.69; **to amend** 103.24, 103.66 (2), 103.68  
2 (1), 103.68 (2) and 103.68 (3); and **to create** 103.64 (6), 103.68 (1m), 103.68 (2m)  
3 and 103.69 (2) of the statutes; **relating to:** the hours that children may work.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a child 16 or 17 years of age, other than a child employed in domestic service or farm labor, is permitted to work for no more than 8 hours per day, 40 hours per week, 6 days per week and not during the hours that the child is required to be in school. Current law also provides that a child under 16 years of age, other than a child employed in domestic service or farm labor, may work no more than 24 hours per week and only between the hours of 7 a.m. and 6 p.m. Current law, however, provides that these standards are subject to orders issued by the department of industry, labor and human relations (DILHR) regulating hours of employment for children. Under this authority, DILHR has promulgated rules limiting the maximum hours that a child may work as follows:

#### Children 16 Years of Age and Over

School days other than Fridays	5 hours per day
Fridays and nonschool days	8 hours per day
Weeks in which there are 5 school days	26 hours per week
Weeks in which there are 1 to 4 school days	32 hours per week
Weeks in which there are no school days	50 hours per week

#### Children Under 16 Years of Age

School days other than Fridays	4 hours per day
Fridays and nonschool days	8 hours per day
Weeks in which there are 5 school days	18 hours per week

Weeks in which there are 1 to 4 school days	24 hours per week
Weeks in which there are no school days	40 hours per week

This bill conforms the maximum hours per day and per week that a child may work, as specified in the statutes, to the maximum hours per day and per week that a child may work, as specified in the rules promulgated by DILHR, except that the bill permits a child to work no more than 4 hours on a school day other than a Friday. The bill also prohibits DILHR from promulgating rules that permit children to work longer hours per day and per week than those specified in the statutes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 103.24 of the statutes is amended to read:

2           **103.24 Hours of work.** The department shall determine and fix reasonable  
3 hours of employment for minors in street trades. In fixing hours of employment  
4 under this section, the department may not fix hours of employment that exceed the  
5 maximum hours per day and per week specified under s. 103.68 (1m) and (2m).

6           **SECTION 2.** 103.64 (6) of the statutes is created to read:

7           103.64 (6) "School day" means a day on which the school where a minor is or  
8 should be enrolled is in session.

9           **SECTION 3.** 103.66 (2) of the statutes is amended to read:

10           103.66 (2) The department may investigate and fix reasonable classifications  
11 of employments and hours of employment for minors and may issue general or  
12 special orders fixing maximum hours of employment for minors per day and per  
13 week, maximum days of employment per week, hours at which employment shall  
14 begin and end and the duration of lunch and other rest periods as are necessary to  
15 protect the life, health, safety, and welfare of minors. In fixing hours of employment

1 under this subsection, the department may not fix hours of employment that exceed  
2 the maximum hours per day and per week specified under s. 103.68 (1m) and (2m).

3 **SECTION 4.** 103.68 (1) of the statutes is amended to read:

4 103.68 (1) ~~No A minor shall~~ may not be employed or permitted to work at any  
5 gainful occupation other than domestic service or farm labor for more than 8 hours  
6 ~~in any one day nor more than 40 hours nor more than 6 days in any one week, nor~~  
7 or during such hours as the minor is required under s. 118.15 (2) to attend school.

8 **SECTION 5.** 103.68 (1m) of the statutes is created to read:

9 103.68 (1m) A minor 16 years of age or older may not be employed or permitted  
10 to work at any gainful occupation other than domestic service or farm labor for more  
11 than the following:

12 (a) On a school day other than a Friday, 4 hours.

13 (b) On a Friday or a day that is not a school day, 8 hours.

14 (c) During a week in which there are 5 school days, 26 hours.

15 (d) During a week in which there are between one and 4 school days, 32 hours.

16 (e) During a week in which there are no school days, 50 hours.

17 **SECTION 6.** 103.68 (2) of the statutes is amended to read:

18 103.68 (2) ~~No A minor under sixteen shall~~ 16 years of age may not be employed  
19 or permitted to work in any gainful occupation other than ~~domestic service or farm~~  
20 ~~labor more than twenty-four hours in any one week, nor, except in domestic service,~~  
21 ~~farm labor, or in public exhibitions, as defined in s. 103.78, or in street trades as~~  
22 ~~defined in s. 103.21, before seven A.M. nor~~ 7 a.m. or after ~~six P.M.~~ 6 p.m.

23 **SECTION 7.** 103.68 (2m) of the statutes is created to read:

1           103.68 **(2m)** A minor under 16 years of age may not be employed or permitted  
2 to work at any gainful occupation other than domestic service or farm labor for more  
3 than the following:

4           (a) On a school day other than a Friday, 4 hours.

5           (b) On a Friday or a day that is not a school day, 8 hours.

6           (c) During a week in which there are 5 school days, 18 hours.

7           (d) During a week in which there are between one and 4 school days, 24 hours.

8           (e) During a week in which there are no school days, 40 hours.

9           **SECTION 8.** 103.68 (3) of the statutes is amended to read:

10           103.68 **(3)** At least 30 minutes shall be allowed for each meal period which shall  
11 commence reasonably close to 6 a.m., ~~12 m.~~ noon, 6 p.m. or ~~12 p.m.~~ midnight or  
12 approximately midway of any work period or at such other times as deemed  
13 reasonable by the department. ~~No A minor under age 18 shall~~ may not be employed  
14 or permitted to work for more than 6 consecutive hours without a meal period.

15           **SECTION 9.** 103.69 of the statutes is renumbered 103.69 (1) and amended to  
16 read:

17           103.69 **(1)** The council on child labor shall review biennially the hours of  
18 employment for minors and the minimum ages for hazardous employment  
19 determined by the department under s. 103.66 and make recommendations to the  
20 department ~~it deems~~ that the council considers to be necessary to protect the life,  
21 health, safety and welfare of minors. ~~The~~ Subject to sub. (2), the department may,  
22 by orders issued under s. 103.66, give effect to the recommendations of the council.

23           **SECTION 10.** 103.69 (2) of the statutes is created to read:

