



## 2021 SENATE BILL 332

April 28, 2021 - Introduced by Senators FELZKOWSKI, BALLWEG, MARKLEIN and NASS, cosponsored by Representatives LOUDENBECK, KNODL, SORTWELL, CALLAHAN, MURSAU, ARMSTRONG, BOWEN, BROOKS, DITTRICH, DUCHOW, EDMING, KRUG, KUGLITSCH, MAGNAFICI, MURPHY, ROZAR, SCHRAA, STEFFEN and WICHGERS. Referred to Committee on Labor and Regulatory Reform.

1     **AN ACT** *to renumber and amend* 103.68 (2); *to amend* 103.24 and 103.66 (2);  
2             and *to create* 103.68 (2) (bm) of the statutes; **relating to:** the employment of  
3             minors.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain employment exceptions, no minor under 16 years of age may work before 7:00 a.m. or after 7:00 p.m. from the day after Labor Day to May 31, or before 7:00 a.m. or after 9:00 p.m. from June 1 to Labor Day. These work hour requirements are consistent with federal law.

This bill expands the permissible work hours a minor under 16 years of age may work to not before 6:00 a.m. or after 9:30 p.m. on a day preceding a school day, and not before 6:00 a.m. or after 11:00 p.m. on a day preceding a nonschool day, when the minor is working for an employer that is not covered by the federal Fair Labor Standards Act, and whose employees are not covered by the federal Fair Labor Standards Act. Minors under 16 years of age who are employed after 10:00 p.m. must receive at least eight consecutive hours of rest from the end of one shift to the beginning of the next shift.

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

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

**SENATE BILL 332****SECTION 1**

1           **103.24 Hours of work.** The department shall determine and fix reasonable  
2 hours of employment for minors under 16 years of age in street trades. Except as  
3 provided in this section, the department may not fix hours of employment for minors  
4 under 16 years of age in street trades that exceed the maximum hours per day and  
5 per week specified in s. 103.68 (2) ~~(a) and (b)~~ (am) 1. and 2. and (bm) 1. a. and b., that  
6 exceed the maximum days per week specified in s. 103.68 (2) ~~(c)~~ (am) 3. and (bm) 1.  
7 c., or that begin earlier or end later than the hours specified in s. 103.68 (2) ~~(d) and~~  
8 ~~(e)~~ (am) 4. and 5. and (bm) 1. d. and e. The department may not limit the hours of  
9 employment for minors 16 years of age or over in street trades or the hours of  
10 employment for minors of any age who are engaged in the delivery of newspapers to  
11 the consumer.

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

13           **103.66 (2)** The department may investigate and fix reasonable classifications  
14 of employments and hours of employment for minors under 16 years of age and may  
15 issue general or special orders fixing for those minors maximum hours of  
16 employment per day and per week, maximum days of employment per week, hours  
17 at which employment may begin and end, and the duration of lunch and other rest  
18 periods as are necessary to protect the life, health, safety, and welfare of those  
19 minors. For minors under 16 years of age, the department may not fix hours of  
20 employment that exceed the maximum hours per day and per week specified in s.  
21 103.68 (2) ~~(a) and (b)~~ (am) 1. and 2. and (bm) 1. a. and b., that exceed the maximum  
22 days per week specified in s. 103.68 (2) ~~(c)~~ (am) 3. and (bm) 1. c., or that begin earlier  
23 or end later than the hours specified in s. 103.68 (2) ~~(d) and (e)~~ (am) 4. and 5. and (bm)  
24 1. d. and e. For minors 16 years of age or over, the department may fix the duration  
25 of lunch and other rest periods, but may not limit hours of employment or issue

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1 general or special orders fixing maximum hours of employment per day or per week,  
2 maximum days of employment per week, or hours at which employment may begin  
3 and end.

4 **SECTION 3.** 103.68 (2) of the statutes is renumbered 103.68 (2) (am), and 103.68  
5 (2) (am) (intro.), as renumbered, is amended to read:

6 103.68 (2) (am) (intro.) ~~No~~ Except as provided in par. (bm), no minor under 16  
7 years of age may be employed or permitted to work in any gainful occupation, other  
8 than in domestic service, farm labor, or public exhibitions, as provided in s. 103.78,  
9 as follows:

10 **SECTION 4.** 103.68 (2) (bm) of the statutes is created to read:

11 103.68 (2) (bm) 1. Subject to subd. 2., no minor under 16 years of age working  
12 for an employer that is not covered by the federal Fair Labor Standards Act, 29 USC  
13 201 to 219, and whose employees are not covered by the federal Fair Labor Standards  
14 Act, 29 USC 201 to 219, may be employed or permitted to work in any gainful  
15 occupation, other than in domestic service, farm labor, or public exhibitions, as  
16 provided in s. 103.78, as follows:

- 17 a. For more than 3 hours on a school day or 8 hours on a nonschool day.  
18 b. For more than 18 hours in a school week or 40 hours in a nonschool week.  
19 c. For more than 6 days in a week.  
20 d. Before 6:00 a.m. or after 9:30 p.m. on a day preceding a school day.  
21 e. Before 6:00 a.m. or after 11:00 p.m. on a day preceding a nonschool day.

22 2. Minors under 16 years of age who are employed after 10:00 p.m. shall receive  
23 at least 8 consecutive hours of rest from the end of one shift to the beginning of the  
24 next shift.

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(END)