



2011 SENATE BILL 355

December 28, 2011 – Introduced by Senators LASSA, TAYLOR, HANSEN, RISSER, S. COGGS and C. LARSON, cosponsored by Representatives GRIGSBY, POCAN, DOYLE, PASCH, TURNER, SINICKI, BERCEAU, HEBL, ROYS, MASON, ZAMARRIPA, KESSLER, CLARK, HINTZ, C. TAYLOR and BEWLEY. Referred to Committee on Economic Development and Veterans and Military Affairs.

1 **AN ACT** *to repeal* 103.68 (2) (a) to (e); *to renumber and amend* 103.68 (2)
2 (intro.); and *to amend* 103.24, 103.65 (2), 103.66 (2) and 103.68 (1) of the
3 statutes; **relating to:** the hours that a minor may work.

Analysis by the Legislative Reference Bureau

Current law provides general standards for the employment of minors, including standards prohibiting minors under 16 years of age from being employed for such hours of the day or week or at such periods of the day as may be dangerous or prejudicial to the life, health, safety, or welfare of the minor. 2011 Wisconsin Act 32 made various changes to those standards, including:

1. Eliminating the statutory hours per day and per week and days per week and times of day that a minor 16 years of age or over may work.
2. Setting the hours that a minor under 16 years of age may work at three hours per day on a school day and eight hours per day on a nonschool day and at 18 hours per week in a school week and 40 hours per week in a nonschool week.
3. Setting the days in a week that a minor under 16 years of age may work at six.
4. Setting the times of day that a minor under 16 years of age may work at not before 7:00 a.m. and not after 7:00 p.m. from the day after Labor Day to May 31 and at not before 7:00 a.m. and not after 9:00 p.m. from June 1 to Labor Day.

2011 Wisconsin Act 32 also prohibited the Department of Workforce Development (DWD) from fixing for minors 16 years of age or over maximum hours of employment per day and per week, maximum days of employment per week, or

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hours at which employment may begin and end and from fixing for minors under 16 years of age maximum hours of employment per day and per week, maximum days of employment per week, or hours at which employment may begin and end that exceed those maximum hours per day and per week or those maximum days per week or that begin earlier or end later than those hours at which employment may begin and end.

This bill eliminates those changes, thereby restoring prior law. Specifically, the bill prohibits any minor, including a minor 16 years of age or over, but not including a minor employed in domestic service, farm labor, or service as an election inspector, from working for no more than eight hours per day, 40 hours per week, and six days per week, except that the bill permits a minor under 16 years of age, subject to those exceptions, to work for no more than 24 hours per week. The bill also prohibits a minor under 16 years of age from working before 7:00 a.m. or after 6:00 p.m., except in domestic service, farm labor, public exhibitions, or street trades. Finally, the bill provides that these standards are subject to orders issued by DWD fixing hours of employment for minors. Under prior law, DWD fixed those hours as follows:

Minors 16 or over*Hours per day*

School days other than last school day of week	Five hours per day
Nonschool days and the last school day of week	Eight hours per day

Hours per week

Weeks in which there are five school days	26 hours per week
Weeks in which there are one to four school days	32 hours per week
Weeks in which there are no school days	50 hours per week

Times of day

School days	Not before 7:00 a.m./not after 11:00 p.m. the night before
Nonschool days in a school week	Not before 5:00 a.m./not after 12:30 a.m. the night before
Day in a nonschool week	Unlimited

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School days other than last school day of week	Four hours per day
Nonschool days and the last school day of week	Eight hours per day

Hours per week

Weeks in which there are five school days	18 hours per week
Weeks in which there are one to four school days	24 hours per week
Weeks in which there are no school days	40 hours per week

Times of day

School days	Not before 7:00 a.m./not after 8:00 p.m. the night before
Nonschool days in a school week	Not before 7:00 a.m./not after 11:00 p.m. the night before
Day in a nonschool week	Not before 7:00 a.m./not after 11:00 p.m. the night before

For further information see the *state* 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, as affected by 2011 Wisconsin Act 32, is
2 amended to read:

3 **103.24 Hours of work.** The department shall determine and fix reasonable
4 hours of employment for minors under 16 years of age in street trades. ~~Except as~~

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

9 **SECTION 2.** 103.65 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is
10 amended to read:

11 103.65 (2) No minor under 16 years of age may be employed or permitted to
12 work at any employment for such hours of the day or week, for such days of the week,
13 or at such periods of the day as may be dangerous or prejudicial to the life, health,
14 safety, or welfare of the minor.

15 **SECTION 3.** 103.66 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is
16 amended to read:

17 103.66 (2) The department may investigate and fix reasonable classifications
18 of employments and hours of employment for minors under 16 years of age and may
19 issue general or special orders fixing for those minors maximum hours of
20 employment per day and per week, maximum days of employment per week, hours
21 at which employment may begin and end, and the duration of lunch and other rest
22 periods as are necessary to protect the life, health, safety, and welfare of those
23 minors. ~~For minors under 16 years of age, the department may not fix hours of~~
24 ~~employment that exceed the maximum hours per day and per week specified in s.~~
25 ~~103.68 (2) (a) and (b), that exceed the maximum days per week specified in s. 103.68~~

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1 ~~(2) (c), or that begin earlier or end later than the hours specified in s. 103.68 (2) (d)~~
2 ~~and (e). For minors 16 years of age or over, the department may fix the duration of~~
3 ~~lunch and other rest periods, but may not limit hours of employment or issue general~~
4 ~~or special orders fixing maximum hours of employment per day or per week,~~
5 ~~maximum days of employment per week, or hours at which employment may begin~~
6 ~~and end.~~

7 **SECTION 4.** 103.68 (1) of the statutes, as affected by 2011 Wisconsin Act 32, is
8 amended to read:

9 103.68 (1) ~~No~~ Except as provided in sub. (2), no minor may be employed or
10 permitted to work at in any gainful occupation, other than in domestic service, farm
11 labor, or service as an election inspector under s. 7.30 (2) (am), for more than 8 hours
12 in any one day, for more than 40 hours in any one week, or for more than 6 days in
13 any one week, or during such hours as the minor is required under s. 118.15 to attend
14 school.

15 **SECTION 5.** 103.68 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act
16 32, is renumbered 103.68 (2) and amended to read:

17 103.68 (2) No minor under 16 years of age may be employed or permitted to
18 work in any gainful occupation, other than in domestic service, or farm labor, for
19 more than 24 hours in any one week or before 7:00 a.m. or after 6:00 p.m., except in
20 domestic service, farm labor, street trades, as defined in s. 103.21 (6), or public
21 exhibitions, as provided in s. 103.78, ~~as follows:~~

22 **SECTION 6.** 103.68 (2) (a) to (e) of the statutes, as created by 2011 Wisconsin Act
23 32, are repealed.

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(END)