

IND 70.04, 77

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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I further certify that the attached copies of rules and regulations, relative to Child Labor, Street Trades, One Day Rest In Seven and Private Employment Agents, have been compared by me with the originals on file in this office, and the same are true and exact copies thereof.

The new orders will become effective the first day of the month following their publication in the Wisconsin Administrative Code.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol in the City of Madison, this 3rd day of January, A. D., 1957.


Secretary

Pursuant to Chapter 103 Wisconsin Statutes the Industrial Commission adopted the following:

Chapter 70
CHILD LABOR ~~RULES~~*

Ind 70.01 Age certificate (1) AGE LIMIT. Age certificates shall be issued to minors ¹⁶~~18~~ to 21 years of age.

(2) CHILD LABOR PERMIT. Every child labor permit issued under the authority of Section 103.70, Wisconsin Statutes, shall, also, constitute a certificate of age under Section 103.75, Wisconsin Statutes, as long as the child named in such permit continues in the employ of the employer named on the permit.

(3) APPRENTICES. An apprenticeship indenture which has been approved by the Industrial Commission shall constitute, under Section 103.75, a certificate of age of the minor signing the contract.

(4) PROOF OF AGE. Persons designated by the Industrial Commission to issue age certificates to minors under the authority of the statutes shall require the minor to present proof of age as provided in Ind 70.02.

(5) METHOD OF ISSUING. (a) Age certificates shall be filled out in ink or by typewriter on blanks furnished by the Industrial Commission and shall be signed by the person issuing same.

(b) The minor shall be required to affix his signature in ink to the age certificate and copies thereof in the presence of the person issuing the certificate.

(c) The age certificate shall be made out in triplicate except where issued in the Madison or Milwaukee office of the Industrial Commission. The original copy shall be delivered to the minor. One copy shall be attached to the record of age and filed with the issuing officer, and one copy shall be sent to the Industrial Commission at Madison.

* For rules for canning or first processing of fresh fruits and vegetables see Ind 73

Ind 70.02 Age proof for labor permits and age certificates. The Commission will accept the items in the order herein designated as evidence of age under the Child Labor Law, Section 103.73 (1) (a), Wisconsin Statutes, Street Trades Law, Section 103.25, Wisconsin Statutes and the Certificate of Age Law, Section 103.75, Wisconsin Statutes. (1) BIRTH CERTIFICATE. A birth certificate issued by a registrar of vital statistics or other officer charged with the duty of recording births or a certified record of birth from the hospital in which the birth occurred.

(2) BAPTISMAL CERTIFICATE. Record must give the minor's name, date of birth, date and place of baptism, name of church and signature of officiating or issuing clergyman. This record may be taken in lieu of a birth record providing the minor was baptized 10 or more years ago. If birth is not recorded, a baptismal certificate of any date will be accepted.

(3) Only in cases where the above proofs of age are not obtainable, may the following be used:

(a) GOVERNMENT RECORD AND INSURANCE POLICY. Other documentary evidence satisfactory to the Industrial Commission such as government passport or certificate of arrival in the United States issued by United States Immigration Officers, showing age of minor or a life insurance policy, provided such insurance policy has been in existence at least one year prior to the time it was offered in evidence and is supported by a school record of age.

(b) OTHER PROOFS OF AGE. School age preferably from the first school attended, with a parent's, guardian's or custodian's statement of age and physician's statement of physical age if under 18 years of age. If between 18 and 21 years of age, the school age with a parent's affidavit and the minor's affidavit.

(c) PROOF OF AGE THROUGH COURT. When none of the above proofs of age are obtainable, proof of age may be established through county court as provided in Section 327.28, Wisconsin Statutes.

(4) MARRIED GIRLS. A marriage license or certificate shall be required in addition to the proof of age used.

Ind 70.03 Apprentices - application of the Child Labor Law to indentured apprentices 16 to 18 years of age. Minors indentured under provisions of Section 106.01 shall not be subject to the law concerning prohibited employment for minors insofar as such minors at the time of injury are performing service within the provisions of contracts of apprentice indenture approved by the Industrial Commission.

Ind 70.04 Bowling alleys. *Section 7-1-56* Permits may be issued for the employment of boys under 18 years of age as pinsetters under the following conditions:

(1) No boy under 18 years of age shall be employed in a bowling alley except as a pinsetter as provided in this order and on a labor permit duly issued.

(2) Boys 17 years of age shall be permitted to be employed as pinsetters but shall not be employed more than 8 hours on any day, nor more than 48 hours during any week, nor on more than 6 days in any week, nor later than 11:30 P.M. of any evening.

(3) Boys 16 years of age who are high school graduates shall be permitted to be employed as pinsetters but shall not be employed more than 8 hours on any day, nor more than 48 hours during any week, nor on more than 6 days in any week, nor later than 11:30 P.M. of any evening.

(4) Boys 16 years of age who are not high school graduates may be employed as pinsetters on Friday, Saturday, Sunday, and one other day of the week, but shall not be employed for more than 8 hours on any day and not later than 11:30 P.M. of any evening. During school vacations they shall not be employed more than 8 hours on any day nor more than 48 hours during any week, nor more than 6 days in any week, nor later than 11:30 P.M. on any evening.

(5) No boy under 18 years of age employed as a pinsetter in a bowling alley shall be permitted to dispense, serve or handle strong, spirituous or malt liquors, nor be permitted at any time to be in that part of the premises where such liquor is dispensed or served.

(6) If the principal of the school attended by a boy employed in a bowling

alley notifies the Industrial Commission that the boy is suffering deficient grades in school, the permit authorizing the employment of the boy shall be recalled by the Commission and shall not be reissued until the principal reports to the Commission that the scholastic deficiency has been remedied.

(7) The bowling alley proprietor or operator shall keep the following records of the employment of each boy employed:

- (a) Name and address
- (b) Date of birth
- (c) Date employment began
- (d) Time of beginning and ending of work on each day, and the total number of hours worked per day.
- (e) Wages paid per payroll period

(8) The Industrial Commission reserves the right in its discretion to revoke and deny permits for the employment of boys under 18 years of age by any bowling alley proprietor or operator, if such proprietor or operator is found by the Commission to have violated any of the provisions of this order.

Ind 70.05 Caddies on golf courses. Under Section 103.79 (2) the Commission makes these rules. (1) TRANSFER OF CADDIES. The labor permit issued by the Industrial Commission or by a person designated by it to issue labor permits for a boy under 18 years of age to be employed as a caddy by the golf club named in the permit, shall be deemed to permit the employment of the boy named in the permit as a caddy by such golf club on whose course inter-club matches, inter-service club matches or special events for non-members are being held, during the duration of such matches or events; provided that the club on whose course the matches or events are being held secures from the club to whom the permit or permits were issued a list of the caddies transferred prior to the employment of such caddies by the club to which transferred. This list shall contain the name, address, and date of birth of each boy transferred, together with the date of issuance of the permit, the name of the golf club to which it was issued, and the name of the golf club to which the boy was transferred. The golf club to which the permit or permits were issued shall keep on file at the club a duplicate of the above list. The golf club to which the caddy or caddies are transferred

shall add to the list the dates of employment by it of each boy named in the list and shall keep such list on file at the club.

(2) HOURS OF WORK. No boy between 16 and 18 years of age shall be employed or permitted to work as a caddy on a golf course for more than 8 hours in any one day, nor more than 48 hours in any one week, nor during such hours as he is required under Section 40.77 (2), Wisconsin Statutes, to attend school. No boy under 16 years of age shall be employed or permitted to work as a caddy on a golf course for more than 8 hours in any one day, nor more than 40 hours in any one week, nor before 7:00 A.M. or after 7:00 P.M. except that during the period from June 15th to September 10th, inclusive, he may be permitted to work not later than 8:00 P.M., nor during such hours as he is required under Section 40.77 (2), Wisconsin Statutes, to attend school.

Ind 70.06 Camps - mixed. Section 103.69 (3) (n), Wisconsin Statutes, is modified to permit the employment of minors under 18 years of age in camps where males and females are accommodated in the same camp whether as employees or guests, provided proper and adequate supervision of minor is provided. Such employment must be in accord with the provisions of the child labor and minimum wage laws relative to child labor permits, hours of labor, minimum wages and all other provisions of said laws.

Ind 70.07 Fairs held by agricultural associations, societies or boards. Section 103.69, Wisconsin Statutes, is modified to permit the employment of boys between 14 and 16 years of age at fairs held by agricultural associations, societies or boards which are supported in whole or in part by public funds. Such employment of boys between 14 and 16 years of age shall be limited to work in and about agricultural and dairy buildings and other structures controlled and operated by the agricultural association, society, or board concerned.

Ind 70.08 Fees for permits. The Commission fixes a fee of 25 cents for the issuing of each child labor and street trades permit and authorizes the retention of such fee by the permit officer as compensation for his services.

Ind 70.09 Hoisting machines and lifts. Section 103.69, Wisconsin Statutes, is modified to permit the employment of boys between 16 and 18 years of age in the operation of hoisting machines and lifts used in lifting not more than 500 pounds and which machines are integral or auxiliary parts of individual lathes or milling machines and in which the hoisting machine is used only in connection with such lathes or milling machines.

Ind 70.10 Hotels, restaurants and private clubs. (1) Girls. Section 103.69 (5) (a) is modified to permit girls 17 years of age to be employed in hotels and restaurants only, on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time and on the further condition that they shall not be employed before the hour of 6:00 A.M. nor after the hour of 10:00 P.M. on any day.

(2) Boys. Boys between 16 and 18 years of age may be employed in restaurants, hotels, and private clubs which dispense and/or serve strong, spirituous or malt liquors on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time or work in or about locker room. Boys under 18 years of age may not be employed as bell hops in hotels.

(3) Definition. A restaurant under this ^{section} ~~order~~ is a public eating place in which the predominant business is the serving of meals and/or lunches.

(4) The Commission may in its discretion revoke the permission for the employment of minors as provided in this rule in the case of an employer who is found by the Commission to have violated any of its provisions.

Ind 70.11 Hours of labor of minors between the ages of 14 and 18 years. (1) AGE 17 YEARS. Section 103.68 (1) (2), Wisconsin Statutes, is modified to extend the hours of employment of minors. Minors of this age may be employed not more than 8 hours a day nor more than 48 hours a week nor more than 6 days a week.

(2) AGE 16 YEARS. During regular school vacations, minors 16 years of age may be employed not more than 8 hours a day nor more than 48 hours a week nor more than 6 days a week.

(3) AGE 14 TO 16 YEARS. During regular school vacations, minors between 14

and 16 years of age may be employed not more than 8 hours per day nor more than 40 hours per week nor more than 6 days per week nor before 7:00 A.M. nor after 9:00 P.M. When schools are in session they may be employed not later than 8:00 P.M. except on any day which does not precede a school day they may be employed not later than 9:00 P.M.

(4) High school graduates or married minors. (a) Boys 16 to 18 years of age may be employed the same schedules as boys 18 years of age or over.

(b) Girls 16 to 18 years of age may be employed the same total daily and weekly hours as women 18 years of age or over.

Ind 70.12 Meal Periods. At least 30 minutes ^{shall} be allowed for dinner or other meal periods reasonably close to the usual meal period time, namely 6:00 A.M. 12 noon, 6:00 P.M., 12 midnight or at such other time as deemed reasonable by ^{a minor under 18 years of age be employed or} the Commission. In no case shall ~~an employee~~ be permitted to work more than 6 hours without a meal period.

Ind 70.13 Prohibited employments. In addition to hazardous employments prohibited by Section 103.69 (3), Wisconsin Statutes, the following employments shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of minors under 18 years of age:

- (1) In or about a stationary sawmill.
- (2) Operating or assisting in the operating of power-driven meat grinders.
- (3) Operating or assisting in the operating of bull dozer.
- (4) In or about a sand or gravel pit.

Ind 70.14 Road Construction. Section 103.69, (3) (r), Wisconsin Statutes, is modified to permit the employment of boys between 16 and 18 years of age ~~for employ-~~
~~ment~~ in road construction. Such employment must be in accord with the provisions of the child labor and minimum wage laws relative to child labor permits, hours of labor, minimum wages and all other provisions of said laws.

Ind 70.15 Threshing crews. Section 103.68 the Wisconsin Statutes, relating to hours of labor of boys 16 to 18 years of age and Section 103.69 (3) (v), Wisconsin Statutes, relating to the employment of such boys as members of threshing crews is modified to permit the employment of boys 16 to 18 years of age as members of threshing crews and to remove the restrictions on hours of labor of boys 16 to 18 years of age while so employed.

Ind 70.20 Policies. (1) It is the policy of the Industrial Commission to refuse to issue permits for the employment of minors for the following ages and occupations:

(a) Minors under 18 years of age

- 1 (1) Airport. Except in hanger, office and other work which is a safe distance from the landing field.
- 2 (2) Armored cars ^{such} as Brink's Service
- 3 (3) Asylums, *any occupation in or about insane asylums*
- 4 (4) Brewery office - except if office is in separate building and minor has nothing to do in brewery building.

5 (5) Drivers or helpers. a. Drivers or helpers on fuel oil and gasoline trucks; propane gas delivery and hook up for home use; delivery of cars over state lines; ice trucks if ice cake to be lifted weighs in excess of 50 lbs. - if under 50 lbs. permits may be issued for the employment of boys 16 to 18 years of age.

b. Drivers of school bus or motor vehicle transporting children; or public passenger or freight transportation.

c. Drivers of taxi cabs.

d. ^{Drivers of} Hot rod racing cars or stock cars or ^{workers} working in pits.

e. ^{Drivers of} Motor driven plant trucks with or without lifting devices.

f. ^{Drivers of} Tractor snow plow or tractor with front-end lift or loader.

6 (6) Fire fighting ^{ers}, volunteer or other firemen. In emergencies or as outlined in Section 26.14 Wisconsin Statutes, no permits are required.

7 (7) Games of skill ~~are not covered by (3) & amusement parks~~. Except permits may be issued to boys 14 to 18 years of age if not in connection with prohibited employments.

- 8 ~~(18)~~ Gun clubs - loading skeet traps or as trap boys.
- 9 ~~(17)~~ Ice harvesting
- 10 ~~(16)~~ Life guards and swimming instructors. Except that permits may be ^{the employment of} issued for boys 16 to 18 years of age who have senior life saving certificates from the Red Cross and who are employed under constant ^{Permits may be issued for the employment of} adult supervision, ~~and to~~ girls 16 to 18 years of age as swimming instructor aids where proper Red Cross certificates have been issued ^{that are} at beaches and pools, where not open to the public.
- 11 ~~(14)~~ Metal pots - No permits for minors under 18 years of age to tend metal pots in which a mixture of lead antimony and tin contain a high percentage of lead.
- 12 ~~(13)~~ Projectionists in theatres.
- 13 ~~(12)~~ Sand blasting operations.
- 14 ~~(11)~~ Sanitaria T.B. ^{Tuberculosis, any occupation in or about}
- 15 ~~(10)~~ Saws - Chain saws, ^{operating or assisting in operating}
- 16 ~~(9)~~ Spraying or dusting - handling or cleaning equipment used in spraying or dusting or in pea spraying or dusting.
- 17 ~~(8)~~ T.V. antenna - outside erection.
- 18 ~~(7)~~ Tree trimming - except that minors 16 to 18 may be employed in work at ground level.
- 19 ~~(6)~~ Trenches, ditches - except for ground-level work for boys 16 to 18 years of age.
- 20 ~~(5)~~ Well drilling - operating or assisting to operate equipment or as assistant well driller.
- 21 ~~(4)~~ Window washing - where work involves climbing ladders or using safety belts.
- 22 ~~(3)~~ X-ray machines - operating equipment in hospitals, laboratories or in factories where they x-ray metals.

(b) Girls under 18 years of age:

- 1 ~~(A)~~ Ball parks ~~in concession stands.~~
- 2 ~~(B)~~ Chauffeurs
- 3 ~~(C)~~ Dormitories. Except upon proper showing that the work done will not be detrimental to the health, welfare and morals of girls the Commission will make exceptions to this rule such as for girls working in girls' dormitories.
- 4 ~~(D)~~ Gas stations, except girls 16 to 18 years of age may be employed between 6:00 A.M. and 6:00 P.M.
- 5 ~~(E)~~ Military academies
- 6 ~~(F)~~ Motels
- 7 ~~(G)~~ Outdoor theatres
- 8 ~~(H)~~ Roller skating rinks - any job in or about

(c) Girls under 17 years of age:

~~(A) Dormitories.~~

- 1 ~~(A)~~ Fairs - in restaurant stands and in curb service. No permits under 18 years of age if beer or liquor is sold. Except permits may be issued to girls 16 years of age for employment in mercantile stands in fair buildings operated by fair associations.
- 2 ~~(B)~~ Kiddie rides and pony rides - ~~where it is not a traveling show.~~
(boys may secure permits at 14 years.)
attention ball parks Sec I ind 70.2d 6)
- 3 ~~(B)~~ Park stands, roadside stands, drive-in stands, curb service, businesses in airports, bus and railway stations ^{and} amusement parks ~~where rides are operated as a traveling show.~~

(d) Minors under 16 years of age:

- 1 ~~(A)~~ Balers - operating or assisting in the operation of pick-up balers, tractor pulling ^{ad} balers or power driven paper balers.
- 2 ~~(B)~~ Beaches and pools
 1. Checkers and attendants.

3 (a) Motor vehicles - driver or helper except under direct supervision of parent or guardian.

4 (b) Mowers - power-driven lawn.

5 (c) Riding academies, camp stables, and jockeys

(d) Boys under 16 years of age: Roller skating rinks - any employment in or about.

(e) Girls under 16 years of age: (a) Hospitals - no permits shall be issued for personal care of patients.

(2) It is policy to issue permits for the following: (a) Forestry, United States, State and County services; ¹⁸May have permits for boys 14 to 18 years of age.

(b) School cafeteria or lunch program - for students 14 to 18 years of age.

Pursuant to Chapter 103 Wisconsin Statutes the Industrial Commission adopted the following:

Chapt 71
STREET TRADES RULES

Ind 71.01 Identification. The badge as provided in Section 103.25, Wisconsin Statutes, shall not be required for boys employed in street trades. In lieu of the badge, identification cards furnished by the Commission shall be issued to boys employed in street trades. No charge shall be made for the identification cards.

Ind 71.02 Fees. The Commission fixes a fee of 25 cents for the issuing of each child labor and street trades permit, and authorizes the retention of such fee by the permit officer as compensation for his services.

CHAPTER 75

ONE DAY REST IN SEVEN

Ind 75.01. Day of Rest. Modification of Section 103.85, Wisconsin Statutes, is made herewith. (1) Twenty-four consecutive hours of rest in each calendar week shall be deemed compliance with this section.

(2) Men employes in paper and pulp mills.

(a) This section shall not apply to superintendents and department heads whose work is supervisory and not manual.

(b) This section shall apply to machine men, but shall not apply to millwrights, electricians, pipefitters, and other employes whose duties include not more than 5 hours of essential work on Sunday, making necessary repairs to boilers, piping, wiring or machinery.

Ind 74.01 Records to be kept. All employment agents shall keep a register or record in a form approved by the industrial commission, of all accepted applications for employment and for help, of all persons referred to employers, whether they were hired or not, and if a fee has been paid the amount of such fee.

Ind 74.02 Reports to industrial commission. On the last day of every month every employment agent shall send to the industrial commission at Madison a report, in such form as the commission may prescribe, giving the number of applications for employment and for help and the number of positions filled during that month by industries and occupations.

Ind 74.03 Written order from employers. Every employment agent who sends an applicant for employment to apply for the same outside of the city in which the employment office is located shall have a written order from the employer giving his name and address, the number and the kind of workers wanted, the probable duration of the employment, the rate of wages, whether a strike is on at the place where the men are wanted and what the price of board and lodging is if these are furnished by the employer or if he deducts the cost of these from the wages. Provided, however, that an employment agent may send applicants out of town in response to a telephone order if the employer promises to confirm the order in writing within two days. In a telephone order confirmation is not required for any employee whose salary will exceed \$5,000.00 per year where the regulations otherwise have been followed.

Ind 74.04 Introduction card or letter. (1) Every employment agent who sends any applicant for employment to apply for a position at any place outside of the city or town in which the office of the employment agent is located shall give to such applicant a card or letter stating the name and address of the person to whom the applicant is referred, the kind of work supposed to be obtainable, the name of the

applicant for the position, the probable duration of employment, the rate of wages to be paid by the employer, the price of board and lodging if these are to be deducted from the earnings, the cost of transportation to the employment and by whom it is to be paid, and any other deductions that are to be made from the earnings. In case of a strike or lockout the card or letter shall also state this fact.

(2) Nothing contained herein shall prevent any employment agent from referring an applicant for employment to a place of possible employment by means of the telephone, and without any card or letter, in any case where prompt action is necessary, provided that in every such case the information that is required to be stated in such card or letter shall be communicated in writing to such applicant as soon as is reasonably possible.

Ind 79.05 Promises of positions. Whenever any employment agent induces a person to come to a city from a distance on the promise of a position, or whenever any employment agent sends a person to a distant place outside of the city where his office is located, if the applicant fails to secure employment through no fault of his own, the employment agent shall pay all the necessary expenses incurred by such person; provided, however, that the employment agent shall not be liable for these expenses if he has informed the applicant in writing that the applicant travels at his own risk.

Ind 79.06 Discharge of employees. No employment agent shall persuade, induce or procure, or attempt to persuade, induce or procure any employer or agent of any employer to discharge any employee; or persuade or induce any employee to break a contract with his employer.

Ind 79.07 Moving place of business. No licensee shall open, conduct or maintain an office at any other place than that specified in the license without first

obtaining the written consent of the industrial commission. Such consent may be withheld for any reason for which an original application might have been rejected if such place had been mentioned therein.

Ind 77.08 Posting of licenses and rules. Every licensed employment agent shall post his license and keep in a conspicuous place in every room of his office copies of Chapter 105 of ^{the} ~~the~~ ^{Wis Stat} statutes, together with all rules and orders of the industrial commission issued in pursuance thereof; and further shall post on his outside door or window a sign with his name and the fact that he is a licensed employment agent thereon. All stationery and advertising matter, shall likewise contain the name of the employment agent and a statement that he is licensed.

Ind 77.09 Posting of schedule of rates. Every licensed employment agent shall post in a conspicuous place in every room of his office copies of the schedule of rates or fees required to be filed with the industrial commission. This schedule must show the fees to be charged both to employers and to employees for all kinds of employment as to which the licensee proposes to act as employment agent. It must show also to what extent, if at all, such fees for each kind of employment are to vary with the rate of wages received by the employee/ or with the duration of the employment obtained. If different fees are to be charged for male and female employees, the rates for each sex shall be clearly stated. The schedules so posted may be changed at any time provided that a copy of such changes is filed with the industrial commission before such changes are posted or acted upon.

Ind 77.10 Registration fees. ~~and~~ No employment agent shall charge a registration fee without permission from the industrial commission. This rule shall not apply to licensees who act as employment agents only with reference to teachers and other employees of educational institutions, and with reference to trained nurses.