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WISCONSIN ADMINISTRATIVE CODE

Chapter Ind 70

CHILD LABOR

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

(2) CHILD LABOR PERMIT. Every child labor permit issued under the authority of section 103.70, Wis. Stats., shall, also, constitute a certificate of age under section 103.75, Wis. Stats., 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, Wis. Stats., 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 Wis. Adm. Code section 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.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

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), Wis. Stats., Street Trades Law, section 103.25, Wis. Stats., and the Certificate of Age Law, section 103.75, Wis. Stats.

(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) **OTHER PROOF.** 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 of 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, Wis. Stats.

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

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

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, Wis. Stats., 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.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.04 Bowling alleys. Section 103.69 (3) (c), Wis. Stats., is modified to permit the employment of boys 16 and 17 years of age and girls 17 years of age in bowling alleys under the following conditions:

(1) Boys 16 and 17 years of age may not be employed after 11:30 p.m., on any day. Boys 16 years of age who are not high school graduates may be employed only on Friday, Saturday, Sunday, and one other day of the week during the school term.

(2) Girls 17 years of age and boys 16 and 17 years of age may be employed in restaurants and offices located in bowling alleys.

(3) Minors 16 and 17 years of age may not be employed more than 8 hours a day and 48 hours a week nor more than 6 days a week.

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(4) No minor under 18 years of age employed 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.

(5) If the principal of the school attended by a minor employed in a bowling alley notifies the industrial commission that the minor is suffering deficient grades in school, the permit authorizing the employment of the minor 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.

(6) The industrial commission reserves the right in its discretion to revoke and deny permits for the employment of minors 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.

History: Cr. Register, August, 1956, No. 8, eff. 9-1-56; am. 70.04 (4) Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 70.05 Caddies on golf courses. (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 subsection 40.77 (2), Wis. Stats., 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 9:00 P.M., nor during such hours as he is required under subsection 40.77 (2), Wis. Stats., to attend school.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.06 Gainful employment. Services, not prohibited by statute or regulation, performed by minors under 18 years of age on a part

time, occasional, and volunteer basis for organizations generally recognized not only as non-profit but also of an education, charitable, religious, or community service nature, are not regarded as gainful occupations or employments, where no employee-employer relationship, in fact, exists.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. Register, April, 1958, No. 28, eff. 5-1-58; Cr. Register, October, 1963, No. 94, eff. 11-1-63.

Ind. 70.07 History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. Register, April, 1958, No. 28, eff. 5-1-58.

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

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.09 Hoisting machines and lifts. Section 103.69 (3) (h), Wis. Stats., is modified to permit:

(1) The use of automatic self service elevators by minors under 18 years of age during the course of their employment but not as regularly employed elevator operators.

(2) 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.

(3) The employment of boys between 16 and 18 years of age in the operation of lifts and hoisting machines used for feeding pea vines into the pea viners which normally lift less than 200 pounds and normally lift the vines no higher than 3 feet and which hoisting machines are an integral part of the viners.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 70.10 Hotels and restaurants. Section 103.69 (3) (1) and 103.69 (4) (a), Wis. Stats., are modified to permit the employment of minors under 18 as follows:

(1) **GIRLS.** Girls 17 years of age may be employed in hotels and restaurants 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 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 16 and 17 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, nor work as bell hops in hotels.

(3) **DEFINITION.** A restaurant under this section is a public eating place in which the predominant business is the serving of meals and/or lunches.

(4) **VIOLATION OF PROVISIONS BY EMPLOYER.** The commission may in its discretion revoke the permission for 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 or if such action or refusal is in the best interest of the minor.

Note: Section 160.01 (1), Wis. Stats., defines "Hotels" as all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 70.11 Hours of labor of minors. Section 103.68 (1), (2), Wis. Stats., is modified to regulate the time of day and to extend the hours of employment of minors.

(1) **AGE 17 YEARS.** Minors 17 years of age may not be employed more than 8 hours a day and 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 not be employed more than 8 hours a day and 48 hours a week nor more than 6 days a week. When the schools are in session, they may not be employed more than 40 hours a week.

(3) **AGE 14 AND 15 YEARS.** (a) *During regular school vacations.* Minors 14 and 15 years of age may not be employed more than 8 hours a day and 40 hours a week nor more than 6 days a week nor before 7:00 A.M. nor after 9:00 P.M.

(b) *When schools are in session.* Minors 14 and 15 years of age may not be employed more than 8 hours a day and 24 hours a week nor more than 6 days a week or before 7:00 A.M. nor after 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) **HOURS BETWEEN SHIFTS.** All minors under 18 years of age must have a period of rest of at least 8 consecutive hours from the ending of work on any day and the beginning of work on the next day or the beginning of school the next day if the minor is attending school full time.

(5) **NIGHT WORK FOR GIRLS.** (a) Girls under 18 years employed in manufactories or laundries may not work after 6:00 P.M. nor before 6:00 A.M. on any day.

(b) Girls 16 and 17 years of age employed in restaurants, curb service stands and drive-in stands and girls 17 years of age employed in hotels may not work after 10:00 P.M. nor before 6:00 A.M. on any day.

(c) Girls 16 and 17 years of age employed in any other employments except domestic service and agriculture may not work after 12:00 midnight nor before 6:00 A.M. on any day.

(d) Girls 14 and 15 see Wis. Adm. Code section Ind 70.11 (3).

(6) **HIGH SCHOOL GRADUATES OR MARRIED MINORS.** (a) Boys 16 and 17 years of age, who are high school graduates or married may be

employed the same hours as boys 18 years of age or over. This exception does not alter the permit requirements nor apply to boys employed under chapter Ind 73.

(b) Girls 16 and 17 years of age, who are high school graduates or married may be employed the same total daily and weekly hours as women 18 years of age or over. This exception does not alter the permit requirements nor the limitations on the time of day prescribed by Wis. Adm. Code subsection Ind 70.11 (5).

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, April, 1958, No. 28, eff. 5-1-58; am. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 70.12 Meal periods. At least 30 minutes shall be allowed for each meal period 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 times as deemed reasonable by the commission. In no case shall a minor under 18 years of age be employed or permitted to work more than 6 consecutive hours without a meal period.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.13 Prohibited employments. In addition to hazardous employments prohibited by section 103.69 (3), Wis. Stats., 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 operation of power-driven meat grinders.
- (3) Operating or assisting in the operation of bulldozer.
- (4) In or about a sand or gravel pit.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.14 Road construction. Section 103.69 (3) (r), Wis. Stats., is modified to permit the employment of boys between 16 and 18 years of age 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.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.15 Threshing crews. Section 103.68, Wis. Stats., relating to hours of labor of boys 16 to 18 years of age and section 103.69 (3) (v), Wis. Stats., 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.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.16 Employment of minors in agriculture. No minor under 12 years of age may be employed or permitted to work under section 103.77 (2), Wis. Stats., in cherry orchards, market gardening, gardening conducted or controlled by canning companies and the culture of sugar beets and cranberries.

(1) The presence of a child under 12 at the place where his parent or guardian is employed, if merely for the purpose of supervision, is not prohibited by this order, and

(2) An employer is not deemed to have permitted a child to work at employment prohibited by this order if he has notified his employes of its provisions and has made reasonable effort to enforce such provisions and has not acquiesced in children under 12 performing such work.

Note: It is suggested that copies of this order be posted. Copies for posting may be obtained from the Industrial Commission, 4802 Sheboygan Ave., Madison 2, Wisconsin.

History: Cr. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.17 School lunch programs. Section 103.67 (2), Wis. Stats., is modified to permit the employment of minors 12 years of age and over in the school lunch programs of the school which they attend. Section 103.70 Wis. Stats., is also modified to permit the issuance of child labor permits by duly authorized permit officers to minors 12 and 13 years of age for employment in school lunch programs.

History: Cr. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.18 Penalties. Any employer who employs any minor in violation of the permitted hours of labor notwithstanding other statutory penalties, shall be required to pay to each minor time and one-half the regular rate of pay for all excess hours worked per day or per week whichever is greater.

History: Cr. Register, October, 1963, No. 94, eff. 11-1-63.

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. Airport, except in hangar, office and other work which is a safe distance from the landing field.

2. Armored cars such as Brink's Service.

3. Drivers and helpers. a. Drivers and helpers on commercial vehicles used for hauling: freight, gasoline, fuel oil, liquefied gas, ice, passengers, explosives and dangerous chemicals b. drivers of plant trucks, snow plows or tractors with lift on loading device c. drivers of racing cars or workers in pits.

4. Fireman, volunteers or otherwise. No permits are required in emergencies or as outlined in section 26.14, Wis. Stats.

5. Games of skill. Except permits may be issued to boys 14 to 18 years of age if not in connection with prohibited employments.

6. Gun clubs—loading skeet or as trap boys.

7. Ice harvesting.

8. Life guards and swimming instructors. Except that where constant adult supervision is provided and where proper Red Cross certificates or the equivalent have been issued, labor permits may be issued to girls 16 and 17 years of age for employment as swimming instructor aides and to boys 16 and 17 years of age as life guards or swimming instructor aides.

9. 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.

10. Mental institutions and sanitariums. Any occupation in or about areas restricted by the medical staff of the mental institution or sanitarium.

11. Sand blasting operations.

12. Saws-chain saw, operating or assisting in operation.
13. Spraying or dusting operations—including the handling or cleaning of equipment used in spraying or dusting.
14. T.V. antenna—outside erection.
15. Tree trimming—except that minors 16 and 17 may be employed in work at ground level.
16. Trenches, ditches and excavations exceeding 4 feet in depth at any point.
17. Well drilling—operating or assisting to operate equipment or as an assistant well driller.
18. Window washing—where work is above the first floor and involves climbing ladders or using safety belts.
19. X-ray machines—operating equipment in hospitals, laboratories or in factories where metals are x-rayed.
 - (b) *Girls under 18 years of age.* 1. Ball parks.
 2. Outdoor theatres.
 3. Roller skating rinks—any job in or about.
 - (c) *Girls under 16 years of age.* 1. Fairs—any employment in or about.
 2. Park stands (other than ball parks, Wis. Adm. Code subsection Ind 70.20 (1) (b) 1.), road-side stands, drive-in stands, curb service, business in airports, bus and railway stations and amusement parks.
 - (d) *Minors under 16 years of age.* 1. Balers—operating or assisting in the operation of pick-up balers, tractor pulled balers or power-driven paper balers.
 2. Beaches and pools—checkers and attendants.
 3. Brewery office.
 4. Hospitals—personal care of patients in hospitals and nursing homes.
 5. Karting tracks.
 6. Kiddie rides and pony rides.
 7. Motor vehicles—driver or helper except under direct supervision of parent or guardian.
 8. Power-driven lawn mowers.
 9. Power-driven meat slicers and saws.
 10. Riding academies, camp stables, and jockeys.
 - (e) *Boys under 16 years of age.* 1. Roller skating rinks—any employment in or about.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. (1) (b) 6; am. (1) (a) 10; (1) (a) 14; (1) (a) 21; renum. (1) (b) 7 to be 6 and (1) (b) 8 to be 7; am. (1) (c) 3; renum. (1) (f) (a) r. (2) (b), Register, May, 1960, No. 53, eff. 6-1-60; am. Register, October, 1963, No. 94, eff. 11-1-63.

Ind 70.21 Forms. The following forms are listed in accordance with Sec. 227.013, Wis. Stats. These forms are issued by the Wage-Hour, Woman & Child Labor Division and may be obtained from the Industrial Commission, 633 Hill Farms, 4802 Sheboygan Ave., Madison, Wis. 53702.

- (1) CL-1 Child Labor Permit (For Minors under 18 years of age).
- (2) CL-17 Age Certificate.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57; am. Register, October, 1963, No. 94, eff. 11-1-63.

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