



## 2009 SENATE BILL 349

October 14, 2009 – Introduced by Senator PLALE, cosponsored by Representative SINICKI. Referred to Committee on Children and Families and Workforce Development.

1     **AN ACT** *to renumber and amend* 103.70 (2); and *to create* 103.67 (2) (fm) and  
2           103.70 (2) (b) of the statutes; **relating to:** the employment of minors 12 years  
3           of age or older by nonprofit organizations in and around the homes of elderly  
4           persons and persons with disabilities to perform snow shoveling, lawn mowing,  
5           leaf raking, and other similar work usual to those homes.

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### *Analysis by the Legislative Reference Bureau*

Under the current child labor laws, subject to certain exceptions, a minor under 14 years of age may not be permitted to work at any gainful occupation and a minor who is permitted to work must first obtain a permit authorizing the employment of the minor (work permit). One of those exceptions permits a minor 12 years of age or over to be employed without a work permit in and around a home in work usual to the home of the employer, if the work is not in connection with or a part of the business, trade, or profession of the employer and the type of employment is not specifically prohibited by the child labor laws or by an order of the Department of Workforce Development (DWD).

Currently, the child labor laws prohibit a minor from working at any hazardous occupation; from working for such hours of the day or week, for such days of the week, or during such hours of the day as may be dangerous or prejudicial to the life, health, safety, or welfare of the minor; and from working during the hours that the minor is required to attend school. To enforce those prohibitions, DWD has promulgated rules classifying certain occupations as hazardous employment for minors, fixing the

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maximum hours per day and per week and the maximum days per week that a minor may work, and prohibiting minors from working before and after certain times of day.

This bill permits a minor to be employed without a work permit by a nonprofit organization in and around the home of an elderly person or a person with a disability to perform snow shoveling, lawn mowing, leaf raking, or other similar work usual to the home of the elderly person or person with a disability, if the work is not in connection with or a part of the business, trade, or profession of that person; the type of employment is not specifically prohibited by the child labor laws or by an order of DWD; the minor is paid the applicable state or federal minimum wage, whichever is greater, for the work; and the minor's parent or guardian provides the nonprofit organization with his or her written consent for the minor to perform the work.

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

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

1           **SECTION 1.** 103.67 (2) (fm) of the statutes is created to read:

2           103.67 (2) (fm) A minor 12 years of age or older may be employed by a nonprofit  
3 organization in and around the home of an elderly person or a person with a disability  
4 to perform snow shoveling, lawn mowing, leaf raking, or other similar work usual to  
5 the home of the elderly person or person with a disability, if all of the following apply:

6           1. The work is not in connection with or a part of the business, trade, or  
7 profession of that person.

8           2. The type of employment is not specifically prohibited by ss. 103.64 to 103.82  
9 or by an order of the department.

10           3. The minor is paid the applicable minimum wage under ch. 104 or under  
11 federal law, whichever is greater, for the work.

12           4. The minor's parent or guardian provides the nonprofit organization with his  
13 or her written consent for the minor to perform the work.

14           **SECTION 2.** 103.70 (2) of the statutes is renumbered 103.70 (2) (a) and amended  
15 to read:

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1           103.70 (2) (a) ~~Minors~~ A minor may be employed without ~~permits in any~~  
2           ~~employment limited to work~~ a permit in or around a home in work usual to the home  
3           of the employer, if the ~~employment~~ work is not in connection with or a part of the  
4           business, trade, or profession of the employer;~~;~~ is in accordance with the minimum  
5           age stated in s. 103.67 (2) (f);~~;~~ and is not specifically prohibited by ss. 103.64 to 103.82  
6           or by ~~any~~ an order of the department. ~~Minors~~

7           (c) A minor may also be employed without ~~permits as election inspectors a~~  
8           permit as an election inspector as provided in s. 7.30 (2) (am).

9           **SECTION 3.** 103.70 (2) (b) of the statutes is created to read:

10           103.70 (2) (b) A minor may be employed without a permit by a nonprofit  
11           organization in and around the home of an elderly person or a person with a disability  
12           in work usual to the home of the elderly person or person with a disability, if all of  
13           the following apply:

14           1. The work is not in connection with or a part of the business, trade, or  
15           profession of that person and is in accordance with the minimum age stated in s.  
16           103.67 (2) (fm).

17           2. The type of employment is not specifically prohibited by ss. 103.64 to 103.82  
18           or by an order of the department.

19           3. The minor is paid the applicable minimum wage under ch. 104 or under  
20           federal law, whichever is greater, for the work.

21           4. The minor's parent or guardian provides the nonprofit organization with his  
22           or her written consent for the minor to perform the work.

23           **(END)**