



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

## **Testimony for AB 324**

Representative Amy Loudenberg and Senator Mary Felzkowski  
Assembly Committee on Labor and Integrated Employment  
September 29, 2021

Good afternoon Chairman Edming and Committee Members,

Thank you for the opportunity to testify on Assembly Bill 324, which will extend the hours of employment for minors.

Wisconsin is home to hundreds of small businesses, from restaurants to golf courses and everything in between. These establishments are often the lifeblood of their communities. Businesses throughout the state see a massive increase in traffic during the summer tourist season, so much so that it can be difficult to find employees to work odd hours and seasonal times. To round out their workforce, businesses often hire young people over the summer months and on weekends when things are busiest. These jobs provide opportunities for young workers to not only make money, but to grow a responsible work ethic that will benefit them throughout their lives.

As it stands now, current law hampers employers by limiting work hours for when a minor may work. For example, a mini-golf course that hires young workers may be open until 10pm during the heavy summer tourism season. However, the law currently stipulates that minors cannot work beyond 9pm, requiring the employer to hire additional adult staff on hand just to close out the last business hour. If an establishment cannot find someone to work those hours, they often must choose to close early. This creates an inconvenience for employers and employees alike.

Assembly Bill 324 would expand the allowable work hours for 14 and 15 year olds to between 6:00 a.m. and 9:30 p.m. on a day preceding a school day, and between 6:00 a.m. and 11:00 p.m. on a day preceding a non-school day, as long as the employer and employee are not covered by the federal Fair Labor Standards Act (FLSA).

An employer and/or employee is covered by the FLSA if a person works for an enterprise that:

- Has an annual dollar volume of sales or business done of at least \$500,000; or
- Is a hospital, business providing medical or nursing care for residents, school and preschool, or government agency; or
- Is involved in interstate commerce. Examples of this are: involved in the production of goods to be sent out of the state (includes letters), regularly makes phone calls to persons located in other states, handles records of interstate transactions, travels to other states for their jobs, or does janitorial work in buildings where goods are produced for shipment outside the state.

The bill also requires minors under the age of 16 who are employed after 10:00 p.m. to receive at least eight consecutive hours of rest between shifts. There are several states, including Arizona, Missouri, Pennsylvania, South Dakota, and Wyoming, that allow minors to work beyond 9:00 p.m. as long as the employer and employee don't fall under the FLSA.

AB 324 would provide Wisconsin's smallest businesses one more tool to remain fully staffed, especially at the height of the tourist season, while also providing greater opportunities for young employees to make money and learn skills that will be with them for the rest of their lives.

Thank you for your time today, and thank you for your consideration of this bill.

Dear Wisconsin Representatives,

Our names are Rod and Kay Berg, and our family owns 2 ice cream shoppes and a miniature golf course in Tomahawk. Between our 2 businesses we employ approximately 30 + teens. Our businesses are open from the beginning of May into September. The nature of the jobs that our businesses create is to serve ice cream and provide a fun miniature golfing experience for families and tourists. We take seriously the fact that we provide the first job experience for many teens. We work very hard to instill a strong work ethic and develop leadership skills in all of our teen employees.

Employing teens today is becoming increasingly difficult as they are involved in so many activities. There are many demands on their time. To properly staff our businesses it is necessary to have 14 & 15 year olds as well as 16+ years old. The time constraints in the current child labor laws make it almost impossible to employ younger teens during the school year and extremely challenging in the summer months. Specifically, to our businesses between Memorial Day and Labor Day, we stay open until 9:00PM, however, as in any business, we can't just shut the door, there is cleaning, prepping, and restocking to do for the next day. Due to current labor laws, we have to allow the 14/15 year olds to leave right at 9:00PM. This puts a burden on the remaining teens we employ as they bear the brunt of the work. It is even worse before Memorial Day and after Labor Day due to the fact that they are limited to only 3 hours of work per day and must leave at 8:00PM on school days. But, since many of them start at 4:00PM, after school, they have to leave at 7:00PM. No business can operate with such restrictions on their employees.

In our 20+ years of business, we have noticed that the 14/15 year olds are the most ambitious to work – anyone who says teens are lazy has not employed a teen. We find them to be loyal, trustworthy, and eager to be a good employee.

Having raised 4 children of our own, who were all involved in extra- curricular activities, there were many nights we would pick them up from their activity after 10:00PM and even close to midnight if they had to travel to their event – and this was on school nights! With this in mind, we have often wondered what the difference is between a teen getting home past 8:00PM from a school sponsored activity vs. getting home later from a job. There are many teens who rely on income from a job to buy their own clothes, put gas in their cars, save money for their first car, save for college, or perhaps even help support their household. Where is the backing from the community for kids who would rather have a job than participate in sports or any other extra-curricular activity?

We realize that there needs to be some regulations on child labor, but, as the work force has evolved, there needs to be some re-consideration for what is practical, necessary and realistic. Many jobs for teens are not physically demanding, or dangerous. Teens can do this work, they want to do this work and many of them NEED to do this work.

In our opinion, allowing a teen to work until 10:00PM, whether it is a school night, weekend, or summer, would be more realistic in the lifestyle of a teen today. They are able to handle it, we are confident of that. Thank you for the opportunity to express our experience and opinion. We look forward to giving you our input more if needed.

*Thank you for your time,*

Rod and Kay Berg  
Owners, Big Bear Mini Golf and Ice Cream Shoppe  
Managers, The Windmill Ice Cream Shoppe  
Tomahawk, WI



**Wisconsin State AFL-CIO**

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To: Members of the Assembly Committee on Labor & Integrated Employment  
Fr: Stephanie Bloomingdale, President  
Date: September 29, 2021

**In opposition of Assembly Bill 324**

Good afternoon Chairman Edming and members of the Committee. I submit this written testimony today on behalf of the hard-working men and women of the Wisconsin State AFL-CIO to urge you to oppose AB 324, a bill that would roll back child labor protections by allowing children to work later into the night and to work longer hours.

It is extremely valuable for many teenagers to work: in the wages they make, the real-world skills they acquire, and in the lessons they learn on-the-job. However, we must remember that 14 and 15 year-olds are children, and are in need of the protection and guidance from their parent(s), community, and State.

For 155 years, Wisconsin has protected children who work through the passage and enforcement of state laws that ensure that children do not work long shifts and do not work through the dark of night. It was 1909 when our state first assigned a range of hours that children under 16 years could work: from 7 a.m. through 6 p.m., combined with a requirement that children 14 and younger attend school and that employment should not be scheduled during school hours.

In 1938, federal law finally caught up with Wisconsin law in its protection of children in terms of how late and how long the law permits children to work with the passage of the Fair Labor Standards Act (FLSA). However, the FLSA does not protect all workers – just those who are employed by businesses that are covered by the FLSA. The FLSA only protects workers (children included) who work for an employer that has at least two employees, has an annual dollar volume of sales or business done of at least \$500,000.

Wisconsin's child labor laws have remained strong until the last ten years, where there has been an intentional effort to roll back our child labor laws. This bill is another in a series that seeks to whittle-back child labor protection and enforcement. Any attempt to reduce our child labor laws places Wisconsin in the wrong direction.

Today, all Wisconsin children under 16 years of age who work are protected under Wisconsin statute and/or the FLSA. By both state and federal law, Wisconsin children under 16 years old do not work outside of 7 a.m. – 7 p.m. during the school year (Labor Day through May 31) and 7 a.m. – 9 p.m. during the summer (June 1 through Labor Day). When the FLSA leaves out some children, Wisconsin law protects every child – which it has done for nearly a century.

The example used by the authors to show why they believe Wisconsin's child labor protections for 14 and 15 year olds should be reduced is to meet the needs of tourist attractions like mini golf. However, this bill will affect children who work in any number of jobs and industries, not just tourist attractions. The full extent of the need to reduce child labor protections at all applicable employers has neither been illustrated nor established.

Under the bill, the proposed work hours for a child at a non-FLSA employer would be from 6 a.m. until 9:30 p.m. on a day "preceding a school day," and from 6 a.m. to 11 p.m. on a day "preceding a non-school day."

If this bill passes, then there will be one set of rules for children who work at employers that fall under the FLSA and another set of rules for children who work at employers that do not fall under the FLSA. All of Wisconsin's 14 and 15 year-old children are owed the same level of protection that our state has provided over the past one hundred years. For this reason, I urge each of you on this committee to oppose AB 324.