

SENATE BILL REPORT

ESSB 6442

AS PASSED SENATE, FEBRUARY 17, 1992

Brief Description: Setting restrictions on child labor.

SPONSORS: Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson and Murray)

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Murray, and Skratek.

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 3, 1992; February 6, 1992

BACKGROUND:

Washington's nonagricultural child labor statute authorizes the Department of Labor and Industries to "adopt special rules for the protection of the safety, health and welfare of minor employees." The department is to issue work permits to employers for the employment of minors after being assured the proposed employment meets the standards set forth in these rules.

The department has adopted rules governing the hours of employment, prohibited practices, and record keeping requirements of employers with regard to minor employees. It is suggested, however, that the standards set are inadequate and should be changed.

It is also suggested that the statute provides insufficient guidance and inordinate discretion to the department on this matter, and that it would be more appropriate for the Legislature to set the child labor standards directly.

In 1991, the Legislature authorized the imposition of various civil and criminal penalties for violations of the state's nonagricultural child labor laws, to be effective April 1, 1992.

SUMMARY:

Language authorizing the Department of Labor and Industries to adopt special rules for the protection of minor employees is removed. The department is to issue work permits for the employment of minors after being assured the proposed

employment meets the standards set forth in the bill. The department is authorized to adopt rules to implement the bill.

Some departmental rules governing the hours of employment and record keeping requirements with regard to minor employees are adopted into statute, including the following:

Minors under 16 may not be employed: During school hours; before 7:00 a.m. or after 7:00 p.m. during the school year; after 9:00 p.m. during summer vacation; more than three hours per day on school days; or more than 18 hours per week during school weeks

No minor may be employed more than eight hours per day nor more than five days per week.

Some provisions in the bill reflect a change from the existing departmental rules. These include a provision prohibiting any minor from working more than 28 hours per week during a school week (current rules authorize 16 and 17 year-olds to work year-around up to 40 hours per week); and a provision prohibiting, on any night preceding a school day, any minor from working past 10:00 p.m. or 10 hours prior to his or her first scheduled class, whichever is later (current rules authorize 16 and 17 year-olds to work no later than 9:00 p.m. on two consecutive school nights, providing no specific finish time on alternate nights).

The Industrial Safety and Health Division of the Department of Labor and Industries is authorized to adopt rules, consistent with criteria set forth in the bill, listing the unreasonably hazardous occupations and types of work in which minors may not be employed.

The department is authorized to grant variances from employment standards, including those governing minor employees, on a showing of good cause and if the variance will not place an employer in violation of federal law.

The child labor penalties statutes are modified to reference the substantive statutes in the bill. The effective date of the penalties statutes is changed to July 1, 1992.

A joint select committee on nonagricultural child labor is established to review the law governing the nonagricultural employment of minors. The committee is to consist of two members from the majority caucus of both the House and Senate, and one member from each minority caucus, for a total of six members. It is to establish an advisory committee including business and labor representatives, and at least two minors. It is to report to the Governor and the Legislature prior to the 1993 legislative session, and shall cease to exist on June 1, 1993.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: July 1, 1992, except for sections 7-9, which shall take effect immediately.

TESTIMONY FOR:

Minors gain valuable lessons from working. Reasonable regulation of minor employees is appropriate, but setting standards should be the responsibility of the Legislature. The draft recommendations of the Department of Labor and Industries' Child Labor Advisory Committee are extreme and unreasonable. If adopted by the department as rule, they would in effect prohibit many minors who need to work from working at all.

TESTIMONY AGAINST:

The Child Labor Advisory Committee's recommendations are not final. The bill strips the Department of Labor and Industries of its regulatory authority. Postponing the civil enforcement authority will allow violations. A 10:00 finish time and 28 hour per week limit for 16 and 17 year-olds is inappropriate. Businesses could hire adults to replace minors no longer able to work. Enforcement problems are not caused by current law, but by the department's lack of resources.

TESTIFIED: Gene Vosberg, Restaurant Association of Washington (pro); Greg Stormans, Stormans, Inc. (pro); Kevin Stormans, Stormans, Inc. (pro); Bryson Alden, Cinnabon (pro); Mark Christopher, Dairy Queen (pro); Bill Newman, Washington State Hotel Motel Association (pro); Roberta Lynch, Washington State Hotel Motel Association (pro); Cliff Webster, Pacific Northwest Ski Areas Association (pro); Larry Griffith, Dairy Queen (pro); Ron Meyer, Dairy Queen (pro); Paul Jewell, Dairy Queen (pro); Tara Chappell, Dairy Queen. (pro); Cynde Harris, Keith Uddenberg, Inc. (pro); Margie Milligan, Dairy Queen (pro); Mike McKinnon, Dairy Queen (pro); Jim Linam, Burger King (pro); David Steele, Lacey Chapel (pro); Kerstin Felix, KFC (pro); Debbie May KFC (pro); Alex Quante KFC (pro); David Oum, KFC (pro); Richard Starkweather, Bartell Drug Co. (pro); Gary Sabol, Bartell Drug Company (pro); Patricia Wingate, Burger King (pro); Jennifer Adams, Burger King (pro); Danielle Danioth, Burger King (pro); Angel Grimli, Burger King (pro); Kristi Dudra, Albertsons (pro); Rebecca Muntz, Food Pavilion (pro) Pat Newbury, McDonalds Pasha Enterprises (pro); Mathew Peppard, Hawks Prairie Market (pro); Laure Merrick, Albertsons (pro); Jeff Johnson, Washington State Labor Council (con); Dewey Brignone, UFCW 17 (con); Joe Dear, Department of Labor and Industries.