

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1070

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1070

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1070

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 8, 2007

Recorder Job Number: 700

Committee Clerk Signature

Stephan N Thomas

Minutes:

Chair Keiser opened the hearing on HB 1070, relating to maximum hours of labor of minors fourteen or fifteen years of age.

Lisa Fair McEvers, Commissioner of Labors: In support of HB 1070. See written testimony #1.

Rep. Dosch: By extending the work week, to match the federal guidelines, are the hours also the same?

Lisa: Correct. State and federal number of hours that can be worked while school is in session would be the same, this just changes what day that the work week starts counting.

Rep. Keiser: How many hours per week?

Lisa: 18 hours per week. The provisions for working during the week vary. A child who is age 14 for 15 will work different hours when school is in session from Labor Day to May 31, which is also in the session. They can only work 7 am to 7 pm when school is generally not in session, June 1 to Labor Day they can work till 9 pm. On school days they can only work 3 hours per day. On non school days they can work up to 8 hours per day. They can never work more than 40 hours per week, but it is 18 hours maximum while school is in session.

Rep. Ruby: Will this reduce the number of hours worked on the weekend, or spread it out through the week?

Lisa: No. What it does is just changes the day of the week that you start counting. They can still work the exact same number of hours.

Rep. Amerman: As far as ND workforce the 14 and 15 years old of age, how big of our entire workforce do they make up?

Lisa: I don't know the percentage. Every worker ages 14 or 15 is required to file a work permit. It's approximately 2700 and some per biennium.

Rep. Vigesaa: I move a do pass.

Rep. Rep. Boe: Second.

Roll Call vote was taken. 14 Yeas, 0 Nays, 0 Absent, Carrier Rep. Thorpe

Hearing closed.

Date: 1-8-07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1070

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Vigesaa Seconded By Rep Boe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman	X	
Vice Chairman Johnson	X		Rep. Boe	X	
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch	X		Rep. Zaiser	X	
Rep. Kasper	X				
Rep. Nottestad	X				
Rep. Ruby	X				
Rep. Vigesaa	X				

Total Yes 14 No 0

Absent 0

Floor Assignment Rep. Thorpe

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 8, 2007 1:02 p.m.

Module No: HR-04-0304
Carrier: Thorpe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1070: Industry, Business and Labor Committee (Rep. Kelsner, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1070 was placed on the Eleventh order on the calendar.

2007 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1070

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1070**

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: **February 27, 2007**

Recorder Job Number: **3939**

Committee Clerk Signature



Maximum hours for minors 14, 15 years age:

Lisa Fair McEvers – ND DOL - In Favor

TESTIMONY # 1 *Goes over testimony*

S Heitkamp: So this is to "clean up the bill?"

Lisa M: Yes

S Behm: What is the fine?

Lisa M: There is no fine, we are asking for compliance. Could ask for the work permit to be revoked. We've had no complaints. Those who work on the farm are exempt, only 14 or 15 and if you look at the statute, there are exemptions for people who work in the family business and domestic service and work on the farm, they don't need permits.

S Wanzek: I had a father who worked us pretty hard, do you ever get complaints, do you have to follow-up on this law?

Lisa M: Some times we get calls from parents if they believe their children who are working at a place are not following the hours worked, but generally, no. This is not an area we get a lot of complaints. If we get a call, we generally call the employer on an informal basis. They're usually unaware of what the provisions are, we tell them, and they comply.

S Wanzek: Monday – Sunday – what was it?

Lisa M: The intent is to have the school week period and the work week that they're counting be the same, so Sunday through Saturday is what the proposal is. It used to be Monday through Sunday in the state provision. So we're changing a shift of one day to match the Federal provision which is Sunday through Saturday.

S Wanzek: Why did we leave Saturday out before?

S Andrist: All the days are in there, we're just complying with the Federal.

Monday – Sunday includes Saturday. I'm curious, how many hours can a 14 or 15 year old work and are there restrictions during the summer months?

Lisa M: It is all in the statutes. *Got summaries* The amount of time they can work during the summer, 14 & 15 age can work 40 hours per week, that's from June 1 to Labor Day and they're not restricted, but can't work more than 40 hours per week.

During the school year, they can only work during certain hours, they can only work on school days that school days are in session they can only work 3 hours per day, and on non-school days, as Saturdays or Sundays, or holidays, they can work up to 8 hours, but during a school week, they can only work 18 hours during that school week. The maximum hours is 40 hours. We don't want the young people working overtime, we also restrict the hours they can work. From 7 am – 7 pm during school time; or 7 am – 9 pm on 8 hours days. Not the late shift.

S Andrist: So there are no restrictions on 16 years and older?

Lisa M: That's correct. Restrictions on the types of duties they can do but not restricted to the hours.

S Potter: Correct something, "June 1 to Labor Day." We only wish that school didn't start before Labor Day.

CLOSED

Motion for a DO PASS by S. Wanzek

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Senate Industry, Business and Labor Committee

Bill/Resolution No. **HB 1070**

Hearing Date: **February 27, 2007**

Second by S Heitkamp

Vote for a DO PASS ON HB 1070 – 7-0-0 Passed

Carrier: S Behm

REPORT OF STANDING COMMITTEE

HB 1070: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1070

#1

John Hoeven
Governor

Lisa K. Fair McEvers
Commissioner



State Capitol - 13th Floor
600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

nd.gov/labor
nd.gov/humanrights

Testimony on HB 1070
Prepared for the
Industry, Business and Labor Committee

January 8, 2007

Good morning, Chairman Keiser and members of the Industry, Business and Labor Committee. For the record, I am Lisa Fair McEvers, Commissioner of Labor.

North Dakota Youth Employment laws, found in N.D.C.C. ch. 34-07, were established to prevent the employment of minors at an unsuitable age, for excessive hours, and/or in unsafe or undesirable working conditions. HB 1070 proposes a simple change to N.D.C.C. § 34-07-15. This is the provision within the Child Labor chapter which limits the hours which minors, age fourteen or age fifteen, may work. This bill proposes to define the term "schoolweek" as a period of seven days beginning on Sunday and ending on Saturday. This is the same period of time as is used by the federal Department of Labor when interpreting its regulations pertaining to minors age fourteen and age fifteen working while school is in session.

Under the current state provision, when determining the maximum number of hours that a minor age fourteen or fifteen may work per week while school is in session, the week runs from Monday through Sunday, making the period one day different than the federal provision. While the department has not received formal complaints filed pertaining to this issue, it is a matter that makes compliance unnecessarily complicated and causes confusion for employers. In proposing this change, the department seeks to make compliance with both state and federal provisions easier for employers, while providing the same protection for youth employees.

While I cannot tell you how many employers this change could affect, the department does track the number of Employment and Age Certificates (also know as work permits) required by employees age fourteen and age fifteen. In the 2003-05 biennium, 2,744 Employment and Age Certificates were filed with the department. During the first 18 months of the current biennium, 1,391 Employment and Age Certificates were filed with the department.

I ask you for support of this bill. Thank you for your time. I would be happy to answer any questions you may have.

John Hoeven
Governor

Lisa K. Fair McEvers
Commissioner



State Capitol - 13th Floor
600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

nd.gov/labor
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February 27, 2007

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#1
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