

Barbara Barnes

From: FYSA <director@fairbanksyouthsoccer.com>
Sent: Monday, October 15, 2018 6:38 PM
To: Rep. Tammie Wilson
Subject: Fwd: Child Labor Law Summer Employment Question

----- Forwarded message -----

From: FYSA <director@fairbanksyouthsoccer.com>
Date: Mon, Jun 19, 2017, 12:57 PM
Subject: Child Labor Law Summer Employment Question
To: <joseph.dunham@alaska.gov>
Cc: David Tise <refnnuke@gmail.com>

Hello Mr. Dunham

I am writing you today in the hopes of receiving some direction for a unique situation up here in Fairbanks for some younger employees in our youth soccer organization. I'll try and provide as much detail as I can and appreciate you taking the time to consider our request.

For decades, Fairbanks Youth Soccer Association has help summer soccer programs at our field complex in central Fairbanks. The participation numbers have been as large as 3-4 thousand in the past. Youth sports obviously require officials and for many years those needs were met by referees who were independent contractors, through a local 'referee association'. I came on board as the Executive Director for FYSA in the fall of 2014 and spent my first several months identifying things that needed attention and this contractor arrangement was one that found itself near the top of the list.

We understood that in many parts of the country, sports officials likely do meet the definition of independent contractors but the way things were evolving with FYSA, I, with the consensus of our board of directors at the time, felt as though the relationship was moving much more towards that of an employer/employee. As such, we made a large change to this aspect of our programs and since January 2015 have been operating with our youth soccer referees as employees. I'm sure from the viewpoint of the DOLWD Wage & Hour Administration this was a good move, right? ;)

We knew that there would be some changes going forward with this new approach to our needs and, I believe, have done well over the last couple years. However, there was one significant change that we had to employ in order to be compliant with regulations and now we're at a point where a specific exemption is desired for us to meet our program needs which still operating lawfully according to the state.

Specifically, I am talking about the 9pm restriction for 14-15 year old employees. For many years, FYSA summer leagues would have games beginning at 6pm with some matches going as late as 10pm. Being aware of the 9pm cutoff, we DID adjust our entire program structure to ensure that games would be finished by 9pm and thus no young employees would be scheduled beyond that time. It was difficult, but manageable.

However, after continued growth, we are finding ourselves very challenged in a variety of areas such as parking, field scheduling and staffing. Being able to return to a weeknight program structure of (some) games going until 10pm (actually would be and always was closer to 9:30pm if/when things run on time) would be huge for us. Here in Fairbanks where the sun is up all night and with our leagues all taking place in one central location, we feel that this isn't too unreasonable of a request. Additionally, we are specifically only looking for a season exemption, to take place during our summer soccer season, which typically runs from Memorial Day until the start of August, so about 9-10 weeks max and obviously all during school vacation months.

I have looked at the various information available from the US DOL site, specifically the chart found here: <https://www.dol.gov/whd/state/nonfarm.htm> which shows non-farming Child Labor Standards from all states and any specific state-level adjustments from the federal parameters. From my study of this chart, it looks like the following states have certain allowances beyond the 9pm cutoff for employees ages 14-15, although I'm not sure if they're industry specific or just modifications due to cultural differences in those regions of the country:

Illinois: 10pm cutoff during summer vacation

Kansas: 10pm

Missouri: 10:30pm but only for special events

Nebraska: 10pm as well as "beyond 10 p.m. before non-school day with special permit"

Pennsylvania: 10pm during vacation June to Labor Day

Texas: 10pm or "midnight before non-school day or in summer if not enrolled in summer school"

Utah: 9:30pm

Wyoming: 10pm or "midnight before non-school day and for minors not enrolled in school"

So just to be clear, Fairbanks Youth Soccer Association isn't looking to see about getting the entire Alaska Child Labor Law regulations changed. Rather, I am hoping that you might consider our situation and grant a waiver/exemption for a 10pm or even 9:30pm cutoff for our 14-15 year old youth soccer referee employees during our summer soccer season.

I'm sure getting requests for special treatment is about as thrilling for you as it is for me in my job. Part of me hopes that my efforts to make some changes a couple years back in regards to convert the tradition of contractors into the new relationship of employees and sticking with those decisions despite the challenges would earn us some positive points on your end of things :) Additionally, as an employer, our practices are much more 'parent-friendly-and-involved' for our younger referees than they otherwise might experience working in retail or food-service establishments. In fact, when referees are 'scheduled' they always have the ability to accept or decline any assigned games. They already submit specific availability and we don't schedule them outside of those parameters, so 'opting out' would already be an option for games past 9pm. So if part of receiving this exemption would also include a provision that any employees (parents) who would prefer to not be assigned the latest games, we can easily make that part of our scheduling practices.

If you have specific questions for me or would like to discuss things over the phone, my info is below. I appreciate you taking the time to read through this and look forward to hearing from you.

Thank you

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Colt Chase

Executive Director

Fairbanks Youth Soccer Association

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