

YOUTH REFEREES

House Bill 4815 as enrolled
Public Act 132 of 1997
Sponsor: Rep. Paul Tesanovich

House Committee: Labor and
Occupational Safety
Senate Committee: Human Resources,
Labor and Veterans Affairs

Second Analysis (1-9-97)

THE APPARENT PROBLEM:

Recent years have seen a boom statewide in the number of children participating in youth sports programs, especially hockey and soccer programs. With increased interest in ice hockey, USA Hockey's Michigan affiliate has grown to 4,000 youth teams. Thousands more children participate in soccer, baseball, basketball, and tennis programs offered through schools, sports leagues, and city parks and recreation departments. Where some sports organizations, such as Little League, rely on volunteers to officiate at games, most programs hire people to act as referees and umpires. Payment can range from \$5 - \$6 per game for games involving elementary school-age players to \$35 or more per game at the high school level.

Reportedly, the explosion of interest in youth sports programs have taxed some programs' abilities to recruit a sufficient pool of people to officiate at events. Many programs report difficulties in staffing games for the youngest players, since the pay for those games is typically about minimum wage. Programs in rural communities appear to be the hardest hit. Some programs have sought to solve the staffing shortages by hiring pre-teenagers and young teens to officiate at games involving young children, usually those teams with players between the ages of five and ten years. Often, the older children have five or more year's experience playing the sport and so are considered to possess both the skills and knowledge about the game's rules to successfully officiate. However, the Youth Employment Standards Act prohibits the employment of a minor younger than 14 years of age. An exemption is made for minors 11 years of age and older to work as golf caddies and for minors 13 years of age or older who work in certain farming operations. Legislation has been proposed to amend the law to allow additional exemptions for youth employment.

THE CONTENT OF THE BILL:

The bill would amend the Youth Employment Standards Act to allow minors between 11 and 14 years of age to be employed as referees or umpires for youth athletic programs as long as 1) the minor officiated for an age bracket younger than his or her own; 2) an adult representing the athletic program was on the premises of the event; and 3) a person responsible for the athletic program possessed the written permission of the minor's parent or guardian for the minor to be employed as a referee or umpire.

Further, the bill would also allow a minor 11 years and older to be employed as a bridge caddy at events sanctioned by the American Contract Bridge League or other national bridge league association and for a minor 13 years or older to be employed to perform services which would entail setting traps for formal or informal trap, skeet, and sporting clays shooting events.

MCL 409.103

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (1-7-97)

ARGUMENTS:

For:

The explosion in participation of youth sports, especially hockey and soccer, has resulted in a shortage of referees and umpires. The staffing difficulties are particularly acute in recruiting people to officiate at games involving players at the early elementary ages. The bill would allow sports programs to recruit minors at least eleven

years old to officiate at these games. Oftentimes a youth has been playing a sport since an early age, and by eleven years of age, may have five or six years experience in that sport. It is argued that officiating is a great activity to learn responsibility and develop leadership and communication skills. USA Hockey, a national governing body for players and referees, reports that several states do employ children under 14 years of age as hockey officials for the lower level games, and that many very successful officials are 15 to 16 years old who have three or four years of officiating experience and who display much enthusiasm and dedication in officiating the lower level games. With the proper guidance, there is no reason that a mature eleven-, twelve-, or thirteen-year-old could not successfully act as a referee or umpire. Where not all children possess the necessary maturity or understanding of a game to officiate at such a young age, many do. For those minors, the bill's provisions would enable the youth to give something back to the program, help fill staffing shortages, and enable the youth to earn money.

eleven-year-olds, they could not work if alcohol were served at a

For:

Many times a person may have the ability to understand the rules of a game, but not have the athletic ability to successfully participate on a team. Many see the bill's provision to allow children eleven years and older to officiate at games as an opportunity for those children possessing the necessary maturity and knowledge of the game to still participate in the sport in a positive way. Further, several directors of city parks and recreation departments reported that the bill would allow the development of programs to recruit and train children to be officials for city-run youth sports program. This is seen as an important opportunity to reach children in at-risk populations, both in developing leadership skills in the children and providing them with an opportunity to earn much needed money in a positive setting.

For:

To allow children at least eleven years old to be bridge caddies adds another opportunity for younger children to learn responsibility and earn a little money at the same time. Reportedly, bridge caddies act as runners between tables at bridge tournaments by supplying players with cards, pencils, score sheets, refreshments, and so on. In addition, minors aged thirteen and up could also be employed to set traps for trapshooting. According to a representative of the Michigan Trapshooters Association, there hasn't been a fatality or serious accident involving a trap setter in Michigan, and so with proper training, it should be safe for a thirteen-year-old to operate the traps.

Response:

Where the job responsibilities of a bridge caddy certainly sound to be within the capabilities of most

tournament. Under provisions of the Michigan Liquor Control Act (MCL 436.1009) a liquor licensee is prohibited from allowing a person under eighteen years of age to sell or serve alcoholic beverages, or to work or entertain on a paid or voluntary basis on the licensed premises. Therefore, sponsors of bridge tournaments need to be aware of and to comply with other existing law.

As for the safety aspects of loading traps for trap, skeet, and sporting clays shooting events, where it is true that until now there have been no fatalities or serious injuries among trap loaders, the job is not without potential danger. For example, where some facilities protect trap loaders with thick cement bunkers, provide adequate safety training, and have effective policies regarding how a trap loader signals for assistance (typically a trap loader would raise a flag and wait for someone to come to him or her), this is not always the case. According to a representative of the Wage and Hour Division within the Department of Consumer and Industry Services, recent investigations uncovered that some trap loaders are protected only by a sheet of one-quarter inch plywood that they are instructed to squat behind. Another case involved a machine that "slapped" the loader's hand with each revolution with sufficient force to cause bruising. Further, in order to load that particular machine, the loader had to stand in a puddle of water. (Reportedly, in this particular case, the loader did not recognize the danger and had to be told that he was in danger of being electrocuted.) The point is, that at some events, trap loaders have been in the line of fire, been inadequately protected from gunfire, and have been expected to work in potentially dangerous settings. The question must be raised as to whether lowering the age to work as a trap loader may be placing children too young to recognize dangers or to advocate for safe conditions in harm's way?

Against:

It is important to remember that the Youth Employment Standards Act was enacted to protect children from being exploited or made to work under unsafe working conditions. Though some see the bill as solving staffing problems and providing increased opportunities for children eleven and older to earn a few dollars, others see the bill as creating potentially hazardous situations for young children who lack the maturity and experience to advocate on their own behalf. Besides the concerns raised above for bridge caddies and trap loaders, opponents of the bill question the advisability of placing children eleven to thirteen years of age in work situations that are by nature stressful.

For example, hockey is a very stressful and emotional sport full of judgment calls. A hockey referee is responsible for deciding if a puck really has crossed the

goal line, deciding if all players have adequate safety equipment, calling infractions properly and assigning penalties, and suspending play if there are unsafe ice conditions. In short, the hockey referee (as well as any sports official) has the final say on interpreting the activities of the game -- which has a direct bearing on the game's outcome. Many question, therefore, whether eleven-year-olds (and indeed those under 14 in general) possess the maturity necessary to make the sheer number of decisions called for in a typical game, and to withstand the animosity and vociferousness of irate parents and coaches over a controversial call. Reportedly, umpires and referees in several sports have been assaulted in recent years by fans and parents over unpopular calls. In other cases, parents have reported seeing young referees verbally assaulted by coaches to the point of one coach threatening to forfeit a game unless the referee, who was an eighth-grader, changed her call. Can a child so young stick to his or her guns in the face of such adult challenges, and still make accurate calls on the next controversial play? Some are concerned that lowering the minimum age for youth sports officials is just another example of children being placed in situations where they have to grow up too fast. Children 14 and older are much more capable of dealing with the pressure of outside forces than a child of eleven to thirteen.

According to USA Hockey, a national governing body for players and referees, though there have been many successful referees under the age of 14, the success stories have apparently come out of programs that have a strong mentoring environment where the younger referees are assigned and scheduled to work with older, experienced officials. If the impetus behind the bill is to qualify more individuals to work the lower level games because of staff shortages, the bill simply would not successfully meet the need, as there probably would not be enough older, experienced referees to be paired with the younger children. Employing children in an emotionally stressful position such as a sports official (and exposing them to possible physical assaults from overzealous coaches and parents) can hardly be called a positive way in which to increase leadership skills while earning a little money as the bill's proponents maintain. In fact, children who have negative experiences officiating often leave the sport altogether. The consensus appears to be that the success comes not from the young child being on his or her own to call the shots, but to be working side by side with an experienced referee from whom the younger child can learn.

Response:

The responsibility for providing a safe working environment for younger sports officials rests with a program's governing body, and would not be appropriately addressed by an overly-detailed law. However, in an attempt to address, at least in part, the

concerns raised above, the bill was amended to require that an adult representing the athletic program be on the premises of each sports event. In this way, an adult would be present to assist the young official in cases involving disputed calls, or to be available if fans or parents became abusive, whether verbally or physically. Also, it should be pointed out that the bill would not require sports programs to hire eleven-year-olds, it merely would allow a sports program to employ children at least eleven years old if they wished to do so. Further, many programs require a certain amount of training and testing before a person of any age is hired to officiate at a game. Other programs, such as hockey, require testing and registration through a national governing body.

Rebuttal:

Though the bill would now require an adult representing the sports program to be on the premises of an event where a minor between 11 and 14 years of age is officiating, some believe that a program could circumvent the intention of the provision by saying that either of the coaches could be counted as a qualifying representative. In such a case, the young sports official would still be left without a neutral adult to provide oversight.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.