



WISCONSIN
DWD
Department of Workforce Development

Child Labor Overview 2020




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Employment of Minors - Generally



Work Permit Required (Child Labor/Street Trades)

- Required only under the age of 16.
- Not required in agricultural employment or in domestic service
- To obtain a permit, the minor must bring:
 - letter of intent to hire, explaining hours/duties
 - birth certificate / Wis. driver's license
 - social security card
 - parental consent
 - \$10.00 fee (paid by employer or reimbursed)



STATE OF WISCONSIN
DWD
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Employment of Minors - Generally

Work Permit Emergency Exception, DWD 270.05 (2m)

Work Permit requirements suspended through September 1, 2020, due to COVID-19. During this period, the new exception allows employers to employ minors who are 14 and 15 years old who have not obtained child labor permits.

- Employer or authorized individual must sign a written intent to hire.
- Employer must obtain the minor's proof of age, parent or guardian consent, and a copy of the minor's social security card (Not required in agricultural employment or in domestic service)
- Employer must notify the Department about the minor and file an application for a child labor permit on behalf of the minor and pay the permit fee no later than **October 1, 2020**.



Employment of Minors

At what age may minors work?

- Generally, must be 14. May work as young as 12 in the following areas:
 - Agriculture
 - Domestic Service
 - School lunch programs
 - Caddies on golf courses
 - Street Trades
 - Working in a business owned by a parent



Employment of Minors

Hours and time of day restrictions ([Wis. Stat. § 103.68](#))

- ▶ May not work while required to be in school.
- ▶ Otherwise, 16- and 17-year-olds are not restricted.
- ▶ Under 16 years of age, 3 hours per day on school days; 8 hours per day on non-school days. 18 hours per week in school year (Labor Day through May 31); 40 hours per week in summer (June 1 through the Labor Day). Not past 7 pm in school year; not past 9 pm in summer.
- ▶ Minors may not work more than 6 consecutive hours without at least a 30-minute meal period.



Employment of Minors

Prohibited Employment

- ▶ Generally, type of occupation or piece of machinery is prohibited -- not an establishment
- ▶ Depends upon the age of the minor
- ▶ There is a "student learner" exemption that allows some otherwise prohibited work in certain circumstances. ([DWD 270.14\(3\)](#))



Prohibited / Hazardous Employment

- Work prohibited to ALL minors is listed, alphabetically in the Administrative Code ([Wis. Admin. Code § DWD 270.12](#)). It includes such items as:
 - Coal mines
 - Hoists & hoisting apparatuses
 - Lifeguards
 - Meat processing equipment
- It is important to read each section; there are always exceptions.



Prohibited / Hazardous Employment

- Work prohibited to minors under the age of 16 only is listed, alphabetically at [Wis. Admin. Code § DWD 270.13](#). It includes such items as:
 - Construction
 - Hospitals and nursing homes (personal care of patients)
 - Loading and unloading goods from trucks
 - Manufacturing, mining, & processing occupations
- Certain sections have exceptions and clarifications.



Prohibited / Hazardous Employment

Resources:

Guide to Wisconsin's Child Labor Laws:

<https://dwd.wisconsin.gov/er/laborstandards/workpermit/lawguide.htm>

Manufacturing & Construction Equipment & Wisconsin's Child Labor Laws:

<https://dwd.wisconsin.gov/er/laborstandards/workpermit/prohibitedwork.htm>



Student Learner Exemption

- See [Wis. Admin. Code § DWD 270.14\(3\)](#).
- A "student learner" is a
 - student of an accredited school who is
 - employed on a part-time basis to obtain both scholastic credit and
 - employment training
 - under a bona fide written school-work training program agreement.



Student Learner Exemption

A student learner is permitted to do some work that is otherwise prohibited if the student learner is performing service within a bona fide school-work training program

- sponsored by an accredited school
- authorized and approved by
 - the state department of public instruction,
 - the technical college system board, or
 - the department's youth apprenticeship program.



Student Learner Agreement Must Include:

- A statement that any work prohibited under §§ DWD 270.12-270.13 is incidental to student learner's training, and shall be intermittent and for short periods of time.
- That the student learner shall be under the direct and close supervision of a qualified and experienced person.
- That safety instructions will be given by the school and correlated by the employer with on-time job training.
- A schedule of organized and progressive work processes to be completed on the job.



Types of Work That Are Prohibited Under Student Learner Agreements

Includes:

- Coal mining
- Explosives
- Hoists and hoisting apparatuses (except those that are allowed to all minors)
- Logging, saw mill, lath mill, shingle mill, or cooperage stock mill
- Motor vehicle driver or outside helper
- Radioactive and ionizing radiations substances
- Wrecking, demolition and ship breaking
- Manufacturing , mining, or processing occupations



Construction

Prohibitions against:

- ✓ Operation of cranes, elevators, hoists, high lift trucks, man lifts, or freight elevators;
- ✓ Metal-forming, punching, and shearing power driven machinery;
- ✓ Operating or helping with power saws and guillotine shears (except machines with full automatic feed and ejection):
 - ✓ Band saws, chainsaws, circular saws, guillotine shears, etc...



Construction

Woodworking :

Cannot operate power driven machines (including supervising or controlling the operation of), feeding or helping to feed materials

Power-driven woodworking tools = all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing , stapling, wire stitching, fastening, or otherwise assembling, pressing or printing or wood veneer.

Roofing- all work performed on or about a roof.

School shop classes v. employment

Child labor laws only regulate employment, not classroom instruction.



Hoists and Hoisting Apparatuses

- 16/17 year old may operate floor jacks , service jacks, hand jacks drive on lifts, arm lifts, (and some automation and signal elevators see DWD 270.12(12)) used in conjunction with repairing or servicing motor vehicles.



Manufacturing

- Generally, we are looking at the machine involved to determine if the work is prohibited:
 - Metal forming and woodworking machinery prohibitions.
 - The machine must be equipped with automatic feed and ejection, and with fixed barrier guard to prevent hands and fingers from entering the dangerous part of the machine operations.



17 Year Olds May Operate an Automobile If:

- The driving is only occasional and incidental to the minor's employment,
- The driving is restricted to daylight hours,
- The driving takes place within a 30-mile radius of the minor's place of employment,
- The motor vehicle does not exceed 6,000 pounds gross vehicle weight,
- The minor has completed driver's education and has a valid license



17 Year Olds May Operate an Automobile If:

- ▶ The minor has no records of any moving violations at the time of hire,
- ▶ The vehicle has seatbelts for all occupants, and the employer has instructed the minor that the belts must be used when driving and riding,
- ▶ The driving does not involve towing of vehicles; route delivery or sales; transportation for hire of property, goods, or passengers; urgent time sensitive deliveries, transporting more than 3 passengers who are employees of the employer.



Minimum Wage

- ▶ \$7.25 per hour -- General rate (including minors and agriculture)
- ▶ \$5.90 per hour -- Opportunity rate
 - “Opportunity employee”
 - ▶ Under 20 years of age
 - ▶ In employment status for 90 or fewer consecutive days with a particular employer



Breaks

Meal Periods / Coffee Breaks

- Generally, not required (BUT – the employer can require them)
- Recommended that meal breaks be given at times reasonably close to normal meal times
- Less than 30 minutes, break must be paid
- 30 minutes or more, break may be unpaid if
 - Completely relieved of duty
 - Free to leave the premises
- Required for minors – must not work longer than 6 consecutive hours without a break.



Questions?

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