

Child Labor Overview 2016

WISCONSIN



DWD

Department of Workforce Development



Equal Rights Division

(608) 266-6860 – Madison

(414) 227-4384 – Milwaukee

<http://dwd.wisconsin.gov/er>

Jim Chiolino

Assistant Administrator

Director, Labor Standards Bureau

jim.chiolino@dwd.wisconsin.gov

Child Labor

Work Permit Required (Child Labor/Street Trades)

- ▶ Issued to employer -- not to minor
- ▶ 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)

Child Labor

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

Child Labor

Hours and time of day restrictions

- ▶ 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.

Child Labor

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.

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
 - Strikes and Lockouts
- 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
 - Loading and unloading
 - Manufacturing, mining, & processing occupations
- Certain sections have exceptions and clarifications.

Prohibited / Hazardous Employment

Resources:

Guide to Wisconsin's Child Labor Laws:

http://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd_17231_p.pdf

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

http://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd_17607_p.pdf

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:

- ▶ 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.
- ▶ 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

- Manufacturing of brick, tile and similar products
- 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 applications

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.
 - If in doubt, contact the Equal Rights Division regarding specific machines.

17 Year Olds May Operate an Automobile If:

- ④ The driving is only occasional and incidental to the minor's employment,
- ④ The driving is restricted to daylight hours,
- ④ The driving takes place within a 30-mile radius of the minor's place of employment,
- ④ The motor vehicle does not exceed 6,000 pounds gross vehicle weight,
- ④ 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

- ▶ 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

Thank You!

Jim Chiolino

Assistant Division Administrator
Labor Standards Bureau

608.266.3345

jim.chiolino@dwd.wisconsin.gov

www.dwd.wisconsin.gov

WISCONSIN



DWD

Department of Workforce Development