

Appendix A

MARKETING YOUTH APPRENTICESHIP PROGRAM

WORK CONTRACTS, EMPLOYMENT OF MINORS, LIABILITY & INSURANCE

WORK CONTRACTS

Education Training Agreement -

Students and employers participating in an approved youth apprenticeship program must have a signed **Education/Training Agreement** (ETA) on file with both the **school** and the **employer**. The local Youth Apprenticeship Coordinator will provide their partner employers with a copy of the YA ETA. This form is also available from the Department of Workforce Development at <http://dwd.wisconsin.gov/dwd/forms/dws/detw-9471-e.htm>.

Work Permits -

Work Permits are not required for 16-year old and 17-year-old minors. The Wisconsin DWD Equal Rights Division has more information on the [Employment of Minors](http://dwd.wisconsin.gov/er/labor_standards/work_permit/law_changes_06232017.htm) (http://dwd.wisconsin.gov/er/labor_standards/work_permit/law_changes_06232017.htm). For more information, contact the [Equal Rights office](http://dwd.wisconsin.gov/er/contacts.htm) (<http://dwd.wisconsin.gov/er/contacts.htm>).

EMPLOYMENT OF MINORS LAWS

Youth apprentices enrolled in approved youth apprenticeship programs and their employers are subject to all state and federal child labor laws regarding the employment of minors. The Department of Workforce Development (DWD) will review all statewide youth apprenticeship curriculum for compliance with the child labor laws and will clarify the laws whenever necessary to allow for program implementation. Youth apprentices are **allowed** to work in **some otherwise prohibited** occupations because they meet the criteria of "**student learner**" AND the work performed is **incidental** to their training and is for intermittent **and for short periods of time** (DWD 270.14(3)(c)1). However, they are **not exempt** from the employment of minors' laws by virtue of being enrolled in a youth apprenticeship program. Students and employers must comply with laws regarding hours of labor (not limited for 16- and 17-year-old minors; restricted for younger minors); employment; minimum wages and overtime and the like.

Liability for on-the-job accidents is established through the DWD Worker's Compensation system, learn more at <https://dwd.wisconsin.gov/wc/>. DWD can assure employers that they will not be cited (by DWD) for illegally employing a minor in a prohibited occupation if the students are enrolled in a DWD-approved Youth Apprenticeship program and a signed Education/Training Agreement is on file with both the student's high school and the employer. This means that employers will not be assessed treble fines should an injury occur which results in the employer being cited.

Readers should refer Wis. Admin. Code [DWD 270.12](#) and [270.14](#) "Child Labor," for descriptions and definitions of the occupations or activities which are normally prohibited to minors.

Youth apprentices who are 16-17 years old may operate the following light power driven machinery **without meeting the student learner criteria**:

Mowers, tractors, snow blowers, electric clippers, sod cutters, non-powered pruning saws, drill presses, grinder wheels, lathes and portable power-driven machinery such as drills, sanders and floor maintenance equipment such as polishers and scrubbers. Powered pruning shears MAY NOT be operated until age 18.

Twin-axle vehicles and motor vehicles -

16-year-old students CANNOT be operated on public roadways at all. 17-year-old students may on an incidental basis operate a motor vehicle under 6,000 pounds gross vehicle weight on a public roadway during daylight hours. It is recommended that the employer consult with their insurance company before allowing any motor vehicle operation by a minor. There are other limitations on this operation. **See Wis. Admin. Code § DWD 270.12(21).**

The **student learner exception** limits the minor to **using hazardous equipment** on an **incidental basis** [less than 5% of their work time] and only occasionally [can't be a regular part of their job]. For example, the student learner exception works better in a job like carpentry where most of the work is acceptable but occasionally the minor might need to use a saw to cut a piece to fit.

Student Learner Criteria -

To be considered a student learner youth apprentices must meet the following criteria:

1. They are enrolled in a youth apprenticeship program approved by DWD;
2. They are enrolled in school and receiving school credit for program participation;
3. They receive appropriate safety instruction at the school and at the workplace;
4. The work performed is under direct and close supervision of a qualified and experienced person;
5. The work performed in any occupation declared hazardous is incidental to their training and is for intermittent and short periods of time (refer to DWD 270.14(3)(c)1; and
6. There is a schedule of organized and progressive work processes to be performed on the job (i.e. the worksite is following the state curriculum).

Hours of Work -

The hours an apprentice spends working in the program *during* the hours that school is in session during the day **DO NOT COUNT** towards the limitation on total hours a minor may work. See the DWD [Equal Rights Division](#) web site (<http://dwd.wisconsin.gov/er/>). for applicable hours and times of the day that minors may work in Wisconsin. These hours of work restrictions apply to youth who are under 16 years old.

LIABILITY AND INSURANCE

As employees of the company, youth apprentices are covered by worker's compensation in the event of injury on the job. Employers should review their specific liability coverage to ensure there are no restrictions on employing minors and/or on coverage of minors operating particular machinery. Schools are not allowed to cover youth apprentices through their own workers' compensation policy while the youth apprentice is an employee of the local business.

As stated previously, neither DWD nor local schools cannot exonerate employers from liability if a youth apprentice is injured on the job. It is important that a signed ETA be on kept on file by both the school and the employer to ensure that employers will not be cited for illegally employing a minor in a prohibited occupation.

General Liability –

An employer is liable for the service provided at their facility. In general, an employer has adequate general liability and Workers' Compensation coverage, no additional liability is required as a result of the Youth Apprenticeship program. However, before participating in the program, an employer may wish to consult with their insurance carrier.

Transportation –

In general, the party responsible for transportation is liable in case of an accident. Youth apprentices responsible for their own transportation to and from the worksite are responsible for their own insurance. In instances where the school provides transportation for the youth apprentices, the school is responsible for insurance coverage. Only if the facility provides transportation to and from work for the youth apprentice is the facility responsible for this insurance coverage.

Workers' Compensation –

Once a youth apprentice becomes a paid employee they must be covered by the Workers' Compensation coverage of their employer.

Unemployment Insurance Benefits –

If a youth apprentice is enrolled full-time in a public educational institution and receives school credit for their participation in the YA program, then they are NOT eligible to file for unemployment insurance benefits from the employer. Youth apprentices who do NOT meet this criterion may be eligible for unemployment insurance benefits.

Worker Displacement –

No employer may hire a youth apprentice who will displace any currently employed worker, including a partial displacement, such as reduction in the hours of non-overtime work, wages, or employment benefits.

Layoffs/Strikes –

A youth apprentice cannot be hired when any other individual is on temporary layoff, with the clear possibility of recall, from the same or equivalent job OR if the employer has terminated the employment of any regular employee, or otherwise reduced the workforce, with the intention of filling the vacancy created with a youth apprentice. Local bargaining units should determine the status of youth apprentices already working in the facility in the event of a layoff. Youth apprentices may be laid off or transferred to work areas to take the place of laid off workers. Child labor laws prohibit youth apprentices from working in a company where a strike or lockout is in active progress.

Collective Bargaining Agreements –

The youth apprenticeship program should not impair existing contracts for services or collective bargaining agreements. Any youth apprenticeship program that would be inconsistent with the terms of a collective bargaining agreement shall be approved only with the written concurrence of the labor organization and employer involved.