



Child Labor Laws and Youth Apprenticeship

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 prohibited occupations because they meet the criteria of "student learner" as defined in the law, but they are not exempt from the child labor laws by virtue of being enrolled in a youth apprenticeship program. Students and employers must comply with child labor laws with regard to daily/weekly hours, time of day, employment, etc.

While DWD can interpret the law, DWD cannot exonerate employers from liability should an accident occur on the job which results in injury to an employee and a subsequent lawsuit. Determining liability for an accident can only be settled in a court of law. DWD can assure employers that they will not be cited (by DWD) for illegally employing a minor in a prohibited occupation as long as 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 to DWD 270.12 and 270.13 for descriptions and definitions of the occupations or activities which are normally prohibited to minors. Youth apprentices who are 16 or 17 years old may be employed in the following hazardous occupations listed in the code:

- Infectious Agents
- Metal forming, punching, and shearing power-driven machines
- Paper-products machines
- Circular saws, bandsaws and guillotine shears
- Woodworking power-driven machines
- Airports
- Hospitals and nursing homes
- Manufacturing, mining or processing occupations
- Power-driven machinery
- Construction
- Agriculture

Youth apprentices are limited to working on restricted machinery on an "occasional and incidental basis", so it is important that they rotate through all the tasks in the curriculum and not be assigned to one task or job during their employment. "Occasional and incidental" means no more than five percent of an employee's work time in any workday. Refer to the code for description of specific restricted machinery. Close supervision is also required.

Youth apprentices under age eighteen may not work in companies during a strike or a lockout, regardless of their student learner status. Refer to the child labor code for specific restrictions.

Students under age 16: Youth apprentices under age 16 may not perform any duties in workrooms or workplaces where goods are manufactured or processed. Any youth apprentices who are under age 16 when they begin a program in this area must be assigned to other duties until their 16th birthday. Employers and local coordinators should review other prohibited activities and hours and time of day restrictions for any youth apprentices who begin the program when they are age fifteen.

Student Learner Criteria

In order 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);

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. Employers without a valid ETA may be assessed (a) double compensation in the event of injury on the job, and/or (b) fines ranging from \$25 to \$1,000 for every day without a permit for a first offense to \$250 to \$5,000 for every day without a permit for a second offense within a five year period.

Work Permits

Students and employers participating in an approved youth apprenticeship program do not need to obtain a separate work permit for the work to be performed as a part of the youth apprenticeship program, although it is highly recommended. If employers hire the youth apprentices to perform other work duties outside of their youth apprenticeship duties, a work permit will be required. Employers without a valid work permit (if applicable) may be assessed (a) double compensation in the event of injury on the job, and/or (b) fines ranging from \$25 to \$1,000 for every day without a permit for a first offense to \$250 to \$5,000 for every day without a permit for a second offense within a five year period.

Work Hours

Hours worked by youth apprentices during a school day while school is in session do not count toward the five hours a day or twenty-six hours a week limit for minors. Any hours worked outside of school hours are subject to the five hours a day or twenty-six hours a week limit. (DWD 270.11(1)(e))

Any questions about allowable activities for youth apprentices may be directed to Cathy Crary, Youth Apprenticeship Supervisor of the Department of Workforce Development, P.O. Box 7972, Madison, WI 53707-7972, (608) 267-7944 or the Labor Standards Bureau at (608) 266-6860. For a copy of the administrative code for the employment of minors, contact the Equal Rights Division in DWD at (608) 266-6860.

Child Labor Laws and Youth Apprenticeship Program Areas

Automotive

DWD 270.12(12) Hoists and hoisting apparatus. Students age 16 and 17 years old are not allowed to:

- 1) operate an elevator, crane, derrick, hoist or high-lift truck (including hoists commonly used on tow trucks and other hoists), **except** operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one-ton capacity;
- 2) perform work that involves riding on a man lift or on a freight elevator, **except** a freight elevator operated by an assigned operator;
- 3) assist in the operation of a crane, derrick or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers and like occupations.

Students under age 18 may operate an automatic elevator and an automatic signal operation elevator under certain conditions. Refer to DWD 270.12(12)(b) for exceptions and definitions of the terms used in this section.

Minors 16 and 17 years of age may operate floor jacks, hand jacks, drive-on lifts, and arm lifts used in conjunction with repairing or servicing motor vehicles. They may also use air compressors, tire changers, truck tire changers and wheel balancers as long as there are automatic safety features which lock vehicles to the lifts.

DWD 270.12(21) Motor vehicle driver and outside helper. *Minors under age 17 cannot drive as part of their job. A minor, age 17, may operate a motor vehicle as a part of employment if:

- 1) the vehicle does not exceed 6,000 pounds gross weight;
- 2) driving is done during daylight hours only;
- 3) the driving amounts to no more than 20% of the work week or 1/3 of the work day;
- 4) the student has attended drivers' education training and holds a valid driver's license;
- 5) the driving takes place within a 30-mile radius of the minor's place of employment;
- 6) the minor has no record of any moving violations at the time of hire; and
- 7) the driving does not involve: towing of vehicles, route deliveries or sales, transportation for hire, urgent time-sensitive deliveries, transporting more than 3 passengers who are employees of employer at one time.

*Also based on October 1998 U.S. Dept. of Labor revision (98-464).

Manufacturing – Machining, Plastics and Production

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

- Drill presses, grinder wheels, lathes and portable power-driven machinery such as drills, sanders and floor maintenance equipment such as polishers and scrubbers.

Youth apprentices who are 16-17 years old must meet student learner criteria in order to operate the following machinery:

- Metal forming, punching and shearing power-driven machines (270.12(19))
- Saws and guillotine shears (270.12(25))

DWD 270.12(12) Hoists and hoisting apparatus. Students age 16 and 17 years old are not allowed to:

1. operate an elevator, crane, derrick, hoist or high-lift truck (including hoists commonly used on tow trucks and other hoists), except an air operated hoist not exceeding one-ton capacity;
2. perform work that involves riding on a man lift or on a freight elevator, except a freight elevator operated by an assigned operator;
3. assist in the operation of a crane, derrick or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers and like occupations.

Students under age 18 may operate an automatic elevator and an automatic signal operation elevator under certain conditions. Refer to DWD 270.12(b) and (c) for exceptions and definitions of the terms used in this section.

Federal child labor laws prohibit students under age 16 from performing any duties in workrooms or workplaces where goods are manufactured or processed. Any youth apprentices who are under age 16 when they begin a program in this area must be assigned to other duties until they reach their 16th birthday.

Graphic Arts/Printing

DWD 270.12(22) Paper-products machines. Youth apprentices who are 16 and 17 years old must meet the student learner criteria in order to operate machines included under 270.12(22) Paper-products machines. Use of some machinery is restricted to occasional and incidental use (see definition on page one). Students who are under age 16 when they begin the program may not perform work in workrooms or workplaces where goods are manufactured or processed. These students must be restricted to pre-press areas or other areas of the business until they reach their 16th birthday.

Health Services

DWD 270.12(23) Radioactive substances and ionizing radiations. Students are prohibited from the actual taking of radiographs, but may perform other functions such as assisting the patient, taking orders, helping the technician, etc. They may work in the area where X-rays are being taken providing they have certified supervision and all normal precautionary measures are taken for protection from the effects of the radiation.

DWD 270.12(13) Infectious agent. Youth apprentices must meet the student learner criteria if they will be involved in duties relating to exposure to bacterial, mycoplasma, fungal, parasitic or viral agents identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied, or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

Biotechnology

DWD 270.12(13) Infectious agent. Youth apprentices must meet the student learner criteria if they will be involved in duties relating to exposure to bacterial, mycoplasma, fungal, parasitic or viral agents identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied, or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

Financial Services, Insurance, Information Technology, Drafting & Design, Hotel/Motel, Logistics, Tourism and Welding

These occupations are not restricted for minors; however, some power driven machinery and maintenance activities may be prohibited. Youth apprentices under age 18 may not drive fork-lift trucks or operate hoists and hoisting apparatus as listed under Automotive and Manufacturing. Hours and time of day restrictions apply. If questions arise about particular activities at a specific worksite, contact Cathy Crary at DWD at (608) 267-7944 or the Equal Rights Division, Labor Standards Bureau in DWD at (608) 266-6860.

Production Agriculture

A prerequisite for youth apprentices enrolled in the Production Agriculture Youth Apprenticeship program is the successful completion of the Wisconsin Safe Operation of Tractor and Machinery certification program.

Youth apprentices age 16 and over are not restricted from operating any machinery in agriculture.

Youth apprentices who are under 16 years old must meet the student learner criteria DWD 270.14(3) in order to operate machinery included under DWD 270.13(6) Farming. These students may only perform the restricted activities on an intermittent and occasional basis.

Minors ages 14 through 17 working in agriculture, must be paid time and one-half for work over 50 hours per week during peak periods.