

***LABOR STANDARDS
INFORMATION SERIES***

**WISCONSIN
EMPLOYMENT
OF MINORS
GUIDE**

CHECKLIST FOR EMPLOYERS HIRING MINORS

(In order to be in compliance with state law and to avoid penalties, make certain that your answers to all of the following questions are YES).

	YES
Is the individual under age 18? For jobs in agriculture, domestic service, school lunch programs, street trades, or to work as caddies, or for a parent/guardian in a business they own, is the minor at least age 12? Or at least age 14 for all other jobs?	<input type="checkbox"/>
Does the minor have a child labor work permit for your place of employment? Permits not required for agriculture or domestic service.	<input type="checkbox"/>
Have you agreed to reimburse the youth for the \$5.00 work permit fee, by no later than the first pay check?	<input type="checkbox"/>
Have you reviewed by age groups, the current state rules establishing maximum hours of labor and time restrictions for minors?	<input type="checkbox"/>
Have you reviewed the current rules listing occupations prohibited to minors, according to age groups?	<input type="checkbox"/>
Do you provide minors with at least a 30 minute meal period following each 6 hour work period?	<input type="checkbox"/>
Do you pay wages at least equal to the higher of the state or federal minimum wage rates?	<input type="checkbox"/>
Do you pay male and female minors the same pay for the same work?	<input type="checkbox"/>
Have you reviewed the record keeping requirements of the state child labor and minimum wage rules?	<input type="checkbox"/>

CHECKLIST FOR MINORS APPLYING FOR A WORK PERMIT

	YES
Are you at least age 12 for jobs in agriculture, domestic service, school lunch programs, street trades, as a caddy, or for your parent/guardian in a business they own? Or are you at least age 14 for all other jobs?	<input type="checkbox"/>
Do you have a written offer of employment?	<input type="checkbox"/>
Will your work involve duties other than in agriculture, apprenticeship, domestic service, or volunteer work?	<input type="checkbox"/>
Do you have proof of your age such as a birth certificate, baptismal certificate, Wisconsin driver's license or Wisconsin identification card?	<input type="checkbox"/>
Do you have parental/guardian written consent to accept the job or have they countersigned the employer's written job offer?	<input type="checkbox"/>
Do you have your social security card?	<input type="checkbox"/>
Is the job permitted according to regulations: for your age?	<input type="checkbox"/>
covering the particular duties?	<input type="checkbox"/>
Do you have the \$5.00 work permit fee? The employer should either advance or reimburse you for this fee.	<input type="checkbox"/>

SUPERVISOR'S CHECKLIST FOR ORIENTING NEW EMPLOYEES

The earlier new employees learn the workplace rules and practices when on a new job, the sooner they are productive workers. Supervisors may wish to review the following topics with new workers:

Introduction to coworkers

- Company operations and activities
- Building or plan layout, to include cafeteria(s), entrances, fire exits, bulletin boards, rest rooms
- Parking lot locations
- Starting and quitting times, lunch periods, shifts, breaks, pay dates and procedures, overtime, and other forms of compensation
- Policies on reporting and avoiding accidents, how to obtain emergency medical care
- Rules on telephone use, dress and attendance standards
- When and who to call when ill or for unexpected absences
- Public contact guidelines
- Written job description, blank copy of performance evaluation form, unit organization) provide copies of each)
- Performance standards
- First work assignments
- Training to do the job
- Person to whom to go for help
- Procedures for obtaining tools, supplies.

Then:

- Check on work performance periodically
- Counsel employee on regular basis as to how they are doing
- Discuss employee's adjustment to the job and work unit on a regular basis
- Acknowledge good performance

RECORDS WHICH EMPLOYERS MUST KEEP

Employers must keep the following employee records for at least 3 years:

- Name, home address, birthdate
- Dates employment began and ended
- Time of day work began and ended
- Total daily & weekly hours worked
- Rate of pay for each payroll period
- Amount of each deduction and the reason
- Employee output if paid on other than a time basis
- The time each meal period began and ended must be recorded when meal periods are required for employees, or when meal periods are deducted from the work time. This information is not required when the work or the business activity ceases on a regularly scheduled basis.

EMPLOYMENT GENERALLY PERMITTED MINORS

12 years of age and up:

Agriculture (see prohibited occupations for exemptions)

Caddies

Casual employment at private homes (babysitting, lawn mowing, leaf raking, snow shoveling and similar jobs)

Fur Farm

Newspaper carriers

Parents' business (if not prohibited in state rule DWD 270.06)
School lunch programs
Street trades

14 years of age and up:

Airports (see prohibited occupations)
Amusement centers
Arenas
Auditoriums
Bakeries
Ball parks
Billiard halls
Bowling alleys
Caddies
Camps
Car washes
Clubhouses
Coliseums
Cooking
Drive-ins
Feed mills
Garages
Gas stations
Greenhouses
Grocery stores
Gun club
Hospitals (excluding personal patient care)
Hotels
Karting tracks
Laundries
Mercantile establishments
Motels
Nursing homes (no personal patient care)
Offices (administration)
Poolrooms
Private clubs
Resorts
Restaurants
Retail stores (cashiering, selling, marking, etc.)
Roller rinks
Schools
Stadiums
Supermarkets
Tree trimming

16 years of age and up:

Building trades (see prohibited occupations)
Canning factories
Construction
Factories (see prohibited occupations)
Life guards
Swimming instructor and aides
Warehouses

MINIMUM WAGE RATES

The **Wisconsin Minimum Wage** law sets the hourly minimum wage rate that employees who are covered by the law must receive. The overtime law also mandates that the employers pay overtime rates to most employees who are required to work more than 40 hours per week.

The Wisconsin law applies to all public and private employers including non-profit organizations, even if they are subject to the federal minimum wage law.

A **separate minimum wage** exists for employees who receive tips or gratuities. Employers may pay wages under the separate minimum wage schedule if they establish by payroll records that the tips and wages added together at the end of a pay period are equal to the general minimum wage rate.

Deductions may be made for board and lodging within the established limitations, depending on the type of employment and the employee's age.

A **special minimum wage** rate license may be issued by the department to employers who hire persons with disabilities, operate sheltered workshops or participate in recognized student-learner programs. A special minimum wage rate may also be paid to student employees of private colleges and universities for the first 20 hours of work each week. The regular minimum wage rate applies for the remaining week's work.

Wisconsin minimum wage rates and regulations are revised periodically by administrative rule. For information about the current rates and regulations and the optional Minimum Wage poster ERD 9247 contact the Equal Rights Division.

EMPLOYMENT GENERALLY PROHIBITED TO MINORS

Minors are prohibited from doing certain jobs that are detrimental to their health or well-being. The child labor law and administrative rules contain the provisions regulating permitted and prohibited work.

Employers considering hiring minors for any one of the following occupational categories should contact the Equal Rights Division for specific information about duties that are prohibited employment. When contacting the division about these occupations, please mention administrative rule DWD 270.06 and the section number if known, to expedite the handling of your concern

Prohibited to all minors under 18 years of age:

- Adult bookstores (Sec. 1)
- Amusement parks, street carnivals and traveling shows (Sec. 1)
- Asbestos, Actinolite, Amosite, Anthophyllite, Chrysotile, Crocidolite, Tremolite (Sec. 1r)
- Bakery machines (Sec. 2)
- Bingo (Sec. 1)
- Brick, tile and related products (Sec. 3)
- Coal mining (Sec. 4)
- Confined space (Sec. 3m)
- Cooperage stock mills (Sec. 17)
- Excavation operations (Sec. 5)
- Explosives (Sec. 6)
- Hoists and hoisting apparatus (Sec. 7)
- Infectious agents (Sec. 7m)
- Lead (Sec. 10)
- Liquors; whether selling, serving, dispensing or giving away (Sec. 9)
- Logging (Sec. 10)
- Metal forming; punching, and shearing power-driven machinery (Sec. 11)
- Mining (other than coal) (Sec. 12)
- Motor vehicle driver and outside helper (Sec. 13)

Paper products machines (Sec. 14)
Radioactive substances and ionizing radiations; exposure to (Sec. 15)
Race tracks and fairs with para-mutual betting (Sec. 34m)
Roofing (Sec. 16)
Saws: circular, chain and band (Sec. 17)
Sawmill (Sec. 19)
Shears; guillotine (Sec. 17)
Shingle mill (Sec. 19)
Ski hills or ski resorts (Sec. 1)
Strikes, lockouts (any job)(Sec. 19)
Woodworking power-driven machines (Sec. 20)
Wrecking, demolition and shipbreaking (Sec. 21)

Prohibited to all minors under age 16:

Agriculture (certain power-driven equipment and some jobs are prohibited unless employed on own home farm outside school hours for parent/guardian, or on another farm with permission of parent/guardian if primarily for exchange purposes (Sec. 22)
Airports; on or about landing strip, taxi or maintenance apron (Sec. 23)
Communications or public utilities; occupations in connection with (Sec. 34)
Construction, including demolition and repair (Sec. 34)
Gun clubs; skeet and trap loaders (Sec. 24)
Hoisting apparatus; operation or tending of (Sec. 25)
Hospitals, nursing homes; personal patient care (Sec. 26)
Lifeguards, swimming instructors and aides (Sec. 8)
Manufacturing (Sec. 27)
Messenger service; public (Sec. 32)
Mining (Sec. 27)
Power driven machinery (light); in the operation of or assisting in the operation of: (will all fall under Sec. 28).

- Lawn and garden equipment including sidewalk type snow blowers, unless in or near home of employer and not in connection with his trade or business
- Machines; drill presses, grinder wheels, lathes and portable power-driven machinery
- Welding, light (including spot welding in manufacturing operations)

Power-driven machinery; operation or tending of, other than office machines (Sec. 25)
Processing (Sec. 27)
Storage (Sec. 34)
Street carnivals and traveling shows (Sec. 34)
Warehousing (Sec. 34)

WORK PERMITS

Most Wisconsin employers hiring or permitting minors ages 12-17 years to work in a gainful occupation must possess a valid work permit for each minor before work may be performed. The work permit establishes a minor's proof of age and insures that the employer, parent/guardian and minor are aware of the state child labor laws and regulations.

Married minors or high school graduates are not exempt from the child labor work permit requirement.

Parent/guardian, except for farm parent/guardian, who employ family members 12 years and older in a family owned business, must secure work permits and comply with the Wisconsin Child Labor and Street Trades law.

Minors hired by a farm parent/guardian and working on the home farm, or exchanging labor on another farm with the parent/guardian approval, are exempt from the state child labor regulations.

Other minors working in agriculture do not need work permits, however these minors are covered by the regulations governing the hours and time of day they may work, and by other prohibited child labor employment regulations.

Other occupational exceptions to the work permit requirements are as follows:

- Agriculture (see the following section for hours and time of day regulations)
- Domestic service (work performed in or around the home and not in connection with the employer's business)
- Volunteer work (for a nonprofit organization but not as an employee)
- Public entertainment or exhibition
- Street trades (for fund raising nonprofit organizations)
- Apprentices (those indentured under the Wisconsin Apprenticeship law, Chapter 106, WI. Stat.)

Work permits may be obtained from one of the state child labor permit officers, most of whom are located in school offices.

The permit officer may refuse to issue a permit if the minor seems physically unable to do the work or if such refusal would seem to be in the best interest of the minor. A permit officer can not issue a work permit for employment prohibited by the state child labor regulations.

The following information must be provided to the permit officer before a work permit can be issued:

- Proof of age (example: birth record, baptismal certificate, Wisconsin driver's license or ID card),
- Employer's written intent to hire, including job duties to be performed, and the hours and time of day,
- Parent/guardian written consent (the employer's written statement may be countersigned),
- Social security card,
- \$5.00 permit fee, paid by the employer (if the minor pays for the permit, the employer must reimburse the minor not later than the first paycheck).

Street Trade Permits

Street trade permits are required for minors engaging in selling or offering for sale, soliciting or collecting, displaying or distributing; newspapers or magazines or any article, goods, merchandise, circulars or posters, commercial service or shoe shining; on any street, or in any public place, or from house to house.

Street trade permits can be obtained from the work permit officers.

Minors engaged in fund raising for nonprofit organizations are exempt from the required street trade permits if an employer-employee relationship does not exist.

Posting Requirement

All employers of minors except those hiring minors for domestic or agricultural work, are required by law to display the Child Labor and Street Trades Information poster, ERD 9212-P, in places where minors are employed or are permitted to work.

HOURS AND TIME OF DAY MINORS MAY WORK

Maximum Hours of Work	12 - 13 ¹ year olds	14 - 15 year olds	16-17 year olds
Daily:			
School Days: Except Last School Day of the Week	4 hours	4 hours	5 hours
Last School Day of the Week and Non-School Day	8 hours	8 hours	8 hours
Day During Non-School Week	8 hours	8 hours	Unlimited ²
Weekly:			
School Week	18 hours	18 hours	26 hours
School Week less than 5 Days	24 hours	24 hours	32 hours
Non-School Week	40 hours	40 hours	50 hours
Permitted Time of Day			
School Day	7am - 8 pm	7am - 8pm	7am - 11 pm
Last School Day of the School Week	7am - 9:30pm	7am - 11pm	7am - 12:30pm
Non-School Day Preceding School Day	7am - 8pm	7am - 8pm	5am - 11pm
Non-School Day Preceding Non-School Day	7am - 9:30pm	7am - 11pm	5am - 12:30am
Day During Non-School Week	7am - 9:30pm	7am - 11pm	Unlimited ³
Newspaper Delivery:			
Day Preceding School Day	5am - 8pm	5am - 8pm	5am - 9pm
Day not Preceding School Day	5am - 9pm	5am - 9pm	5am - 11pm
Street Trades:			
Day Preceding School Day	7am - 8pm	7am - 8pm	6am - 9pm
Day not Preceding School Day	7am - 9pm	7am - 9pm	6am - 11pm
Maximum Days per Week			
Newspaper Delivery	7 days	7 days	7 days
Other Work	6 days	6 days	6 days

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1. Ages 12 - 13 years may be employed only: as caddies, in agriculture, domestic service, street trades, school lunch programs, or for a parent/guardian who owns the business.
2. Ages 16-17 must be paid time and one-half for work in excess of 10 hours per day or 40 hours per week, whichever is greater. Minors 14 - 17 working in agriculture, must be paid time and one-half for work over 50 hours per week during peak periods.
3. Following the end of work, 8 hours of rest is required before the start of work the next day. Work must be directly supervised by an adult between the hours of 12:30am - 5am.

Additional Information

- Minors are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day and/or week.
- Generally, employment is considered too hazardous for minors because of particular equipment or the occupation is prohibited, not the establishment.
- See DWD 270.12 for the modified times of day and hours for work in canning and freezing establishment.
- See Minors Exempt from School Attendance on back page.

OTHER PROVISIONS

- **Meal Periods**

Minors may not be employed for more than 6 consecutive hours without a 30 minute meal period. Meal periods should be near the usual times of 6 a.m., 12 noon, 6 p.m. and 12 midnight.

- **Minors Exempt from School Attendance**

Minors age 16 and 17 who are high school graduates must have child labor work permits. However they may be employed at the same daily and weekly hours and times of day as adults. Minors who are high school graduates are exempt from Wisconsin employment prohibited to minors, but not from the federal employment prohibitions.

Minors age 16 and 17 who are not required to attend school may work up to 50 hours per week provided they receive time and one half their regular rate of pay, at least after 10 hours per day or 40 hours per week whichever is greater.

Minors age 16 and 17 who are Emancipated, Living Independently, Head of Household, Enrolled in a GED Program at a Vocational or Technical College, may work 40 hours per week when public schools are in session and up to 50 hours per week during non school weeks. The daily hours and time of day restrictions do not apply.

Minors age 16 and 17 who are enrolled in Home School may only work 26 hours per week when public schools are in session and 32 hours if less than 5 days of school and up to 50 hours per week during non school weeks. The daily hours and time of day restrictions do not apply.

- **Employment-Related Injury**

Under Wisconsin Worker's Compensation law, when a minor without a work permit is injured the employer may be assessed double compensation. When a minor has been employed in a job prohibited by statute and is injured, regardless of whether a work permit was issued, treble compensation may be assessed.

- **Age Certificates**

Adults over age 17 are not required to have age identification certificates, however age certificates can be obtained from the Wisconsin permit officers. Such identification serves as conclusive proof of age in any proceeding under Wisconsin labor laws.

- **Penalties**

An employer who employs or permits a minor to work in a job in violation of a department order, or who hinders or delays the department or school attendance officers in the performance of their duties, or who refuses to admit or locks out the officer from any place required to be inspected may be penalized. The employer may be required to forfeit not less than \$25 nor more than \$1,000 for each day of the first offense. For the second or subsequent violation within 5 years the employer may be fined not less than \$250 nor more than \$5,000 for each day of the 2nd or subsequent offense, or imprisoned not more than 30 days, or both.

An employer who employs a minor in violation of the department rules shall be liable for the wages paid and for an amount equal to twice the regular rate of pay for all hours worked in violation per day or per week, whichever is greater.

A parent/guardian permitting a minor under their responsibility to be employed or to work in violation of any order of the department may be required to forfeit not less than \$10 nor more than \$250 for each day of the first offense. For a second or subsequent violation within 5 years the offender may be required to forfeit not less than \$25 nor more than \$1,000 for each day.

- **Federal Law Application**

A work permit does not authorize employment contrary to the child labor provisions of the federal Fair Labor Standards Act, nor the federal Walsh-Healey Public Contracts Act.

Employers subject to coverage by both state and federal laws regulating the employment of minors must comply with the more stringent provisions of the two laws. For example, if state and federal minimum wage rates are different, an employer must pay the higher of the two rates. **The federal child labor regulations do not automatically supersede state provisions.**

Further information about federal laws can be obtained from the U.S. Department of Labor, Wage and Hour Division, 740 Regent Street, Suite 102, Madison, WI 53715, 608-264-5221.

This pamphlet highlights portions of the Wisconsin's child labor laws and regulations in effect on the publication date. The complete child labor regulations-Wisconsin Administrative Rules Chapter DWD 270, may be purchased from Document Sales, P.O. Box 7840, Madison, WI 53707. Additional information on the employment of workers, including minors is contained in "A Summary of Wisconsin's Labor Standards," available free from the Equal Rights Division.

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