Chapter DWD 270

CHILD LABOR

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Note: Chapter Ind 70 as it existed on February 28, 1974 was repealed and a new chapter Ind 70 was created, Register, February, 1974, effective March 1, 1974. Chapter Ind 70 was renumbered chapter ILHR 270 under s. 13.93 (2m) (b) 1., Stats., Register, February, 1996, No. 482. Chapter ILHR 270 was renumbered chapter DWD 270 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 5., 6. and 7., Stats., Register, May, 1997, No. 497. Chapter DWD 270 as it existed on November 30, 2004, was repealed and a new chapter DWD 270 was created, Register November 2004 No. 587, effective December 1, 2004.

DWD 270.01 Authority and purpose. This chapter is promulgated under the authority of s. 103.66, Stats., to carry out the purposes of ss. 103.64 to 103.82, Stats., by fixing reasonable classifications of employments, places of employment, maximum hours of employment per day and per week, maximum days of employment per week, hours at which employment may begin and end and the duration of lunch and other rest periods, and prohibited hazardous employment as necessary to protect the life, health, safety, and welfare of minors.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.02 Higher standards. Nothing in this chapter may be construed to authorize noncompliance with any federal, state, or municipal statute, regulation, or ordinance establishing a stricter standard. If more than one standard within this chapter applies to a single activity, the standard that provides more protection to a minor applies.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.03 Required poster on hours minors may work. A summary of the provisions in s. DWD 270.11 shall be posted in a conspicuous place in all places of employment where minors are employed or permitted to work, except domestic and farm employments, on a form prescribed by the department.

Note: To obtain the required poster, contact Department of Workforce Development, Equal Rights Division, P.O. Box 8928, Madison, WI 53708−8928; telephone (608) 266−6860; or web site at http://dwd.wi.gov/er.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.04 Definitions. In this chapter, the following words and phrases have the designated meanings unless a different meaning is expressly provided:

(1) "Charter school" has the meaning given in s. 115.001 (1), Stats.

Note: Section 115.001 (1), Stats., provides that "charter school" means "a school under contract with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r)(b), or a school established and operated by one of the entities under s. 118.40 (2r)(b)."

(2) "Day" means a calendar day, except when a work shift commences in one calendar day and ends in the following day, all hours worked in that shift will count in the day the shift commenced.

(3) "Department" means the department of workforce development.

(4) "Employee" has meaning given in s. 103.001 (5), Stats.

Note: Section 103.001 (5), Stats., provides that "employee" means "any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment."

(5) "Employer" has the meaning given in s. 103.001 (6), Stats.

Note: Section 103.001 (6), Stats., provides that "employer" means "any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, family care district and other public or quasi−public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment of any employee."

(6) "Employment" has the meaning given in s. 103.001 (7), Stats.

Note: Section 103.001 (7), Stats., provides that "employment" means "any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged, except in such private domestic service as does not involve the use of mechanical power and in farm labor as used in sub. (12)."

(7) "Farming" has the meaning given in s. 102.04 (3), Stats.

Note: Note: Section 102.04 (3), Stats., provides: "As used in this chapter 'farming' means the operation of farm premises owned or rented by the operator. 'Farm premises' means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. 'Farmer' means any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur–bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above–named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator."

(8) "General educational development test" has the meaning given in s. PI 5.02 (6).

Note: Section PI 5.02 (6) provides that "general educational development test" means "the test developed by the American Council on Education and administered in Wisconsin at testing sites approved by the state superintendent and the American Council on Education."

(9) "Graduated from high school" has the meaning given in s. PI 5.02 (6m).

Note: Section PI 5.02 (6m) provides that "graduated from high school" means "for purposes of compulsory attendance under s. 118.15 (1) (a), Stats., means having received a diploma in satisfaction of school board requirements under s. 118.33, Stats., or a high school equivalency diploma under s. 115.29 (4) (a), Stats."

(10) "High school equivalency diploma" means the diploma granted by the state superintendent under s. 115.29 (4), Stats., and ch. PI 5.

(11) "Home−schooled" means participating in a home−based private educational program as defined in s. 115.001 (3g), Stats.

Note: Section 115.001 (3g), Stats., provides that "home−based private educational program" means "a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. An instructional program provided to more than one family unit does not constitute a home−based private educational program."

(12) "Permit officer" means any person designated by the department to issue child labor permits and certificates of age.

(13) "Place of employment" has the meaning given in s. 103.001 (12), Stats.

Note: Section 103.001 (12), Stats., provides that "place of employment" includes "every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. 'Farming' includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production."

(14) "Public schools" has the meaning given in s. 115.01 (1), Stats.

Note: Section 115.01 (1), Stats., provides that "Public schools are the elementary and high schools supported by public taxation."

(15) "Schooled at home" means enrolled in a public or private school but receiving instruction at home rather than the school by special arrangement.

(16) "Street trade" has the meaning given in s. 103.21 (6), Stats.

Note: Section 103.21 (6), Stats., provides that "street trade" means "the selling, offering for sale, soliciting for, collecting for, displaying or distributing any articles, goods, merchandise, commercial service, posters, circular, newspapers or magazines, or the blacking of boots, on any street or other public place or from house to house."

(17) "Week" means a calendar week, except all hours worked in a shift commenced in a calendar week will count in that calendar week.

(18) "Welfare" has the meaning given in s. 103.001 (16), Stats.

Note: Section 103.001 (16), Stats., provides that "welfare" includes "comfort, decency and moral well−being."

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.05 Child labor permits. (1) PERMITS NECESSARY FOR MINORS. Except as provided in sub. (2), no minor may be employed or permitted to work in any gainful occupation unless the minor first obtains from a permit officer a written permit authorizing the employment of the minor within those periods of time stated in the permit, which shall not exceed the hours prescribed by law.

(2) EXCEPTIONS. Child labor permits are not required in the following circumstances:

(a) The minor will be working in street trades and has obtained a permit or is exempt under ss. 103.21 to 103.31, Stats.

(b) The minor will be working in public exhibitions, radio and television broadcasts, or modeling and meets the requirements of s. 103.78, Stats.

(c) The minor is 12 years or over and engaged in farming.

(d) The minor is an apprentice and meets the requirements of s. 106.01, Stats.

(e) The minor is 14 years or over and enrolled in a youth apprenticeship program under s. 106.13, Stats.

(f) The minor will be working to fulfill the requirements of a deferred prosecution agreement pursuant to s. 938.245 (2) (a) 5. b., Stats.

(g) The minor will be working to fulfill the requirements of a consent decree pursuant to s. 938.32 (1t) (a) 2., Stats.

(h) The minor has been adjudged delinquent and will be working as part of a restitution project ordered pursuant to s. 938.34 (5) (b), Stats., or a supervised work program or other community service work pursuant to s. 938.34 (5g) (c), Stats.

(i) The minor's employment will be limited to work in or around a home in work usual to the home of the employer and the employment is not in connection with or a part of a business, trade, or profession of the employer.

(3) METHOD OF ISSUING. Child labor permits may be obtained from any authorized permit officer throughout the state when all of the following are presented to the permit officer:

(a) Evidence of the child's age as provided in s. DWD 270.07.

(b) Letter from the employer written on the regular letterhead or other business paper stating the intention of the employer to employ the minor; describing the job duties, hours of work, and time of day the minor will be working; and signed by the employer who desires to employ the minor or someone duly authorized by the employer.

(c) Letter from the minor's parent, guardian, or court–ordered foster parent consenting to the employment or a countersignature of the parent, guardian, or foster parent on the employer's letter.

(d) The minor's social security card or proof that the minor has voluntarily opted out of the social security system.

(e) Payment of the permit fee. Payment of the fee is the responsibility of the employer. If the minor advances the fee, the employer shall reimburse the minor no later than the first paycheck.

(4) PERMIT FORM. (a) The permit shall be issued upon a form furnished by the department. The original shall be distributed to the employer and copies shall be distributed to the minor, the department, the permit officer, and the school district that the minor attends.

(b) At the end of each month, the issuing office shall forward a copy of each permit issued in that month to the public school district the minor attends or to the private or parochial school the minor attends. This paragraph does not apply to permits issued for summer employment or for out–of–state students.

(5) REFUSAL, REVOCATION, OR SUSPENSION OF PERMITS. (a) The permit officer may refuse to grant permits in the case of minors who seem physically unable to perform the labor at which they are to be employed. The permit officer may also refuse to grant a permit if in the permit officer's judgment the best interests of the minor would be served by the refusal.

(b) The department may revoke or suspend any permit immediately, without prior notice, whenever any of the following apply:

1. The permit has been improperly or illegally issued.

2. The physical or moral welfare or school attendance of the minor would be best served by the revocation or suspension of the permit.

3. The failing school performance of the minor would be remedied by the revocation of the permit.

(c) The department may revoke or suspend any permit under par. (b) 2. or 3. if requested in writing by the school principal or the minor's parent, legal guardian, or court–ordered foster parent. The requesting party shall demonstrate that there has been some attempt to resolve the issue between the minor, school, parent or guardian, and employer before the request for revocation or suspension is made to the department.

(d) The department shall revoke a permit if ordered to do so under s. 938.342 (1g) (e), Stats.

(e) If the department revokes a permit, the department shall, by registered mail, notify the person employing the minor and the minor holding the permit. Upon receipt of the notice, the employer of the minor shall immediately return the revoked permit to the department and discontinue the employment of the minor.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.06 Certificate of age. (1) OPTIONAL CERTIFICATE OF AGE. Age certificates may be issued to persons 18 years of age and over. The certificate is conclusive evidence of the age of the person to whom issued in any proceeding under any of the state labor laws as to any act or thing occurring subsequent to the date the certificate was issued.

(2) METHOD OF ISSUING. (a) Certificates of age may be obtained from an authorized permit officer throughout the state.

(b) The issuing permit officer shall require the applicant to present evidence of age as provided in s. DWD 270.07.

(c) The certificate of age shall be issued on a form furnished by the department. The form shall be signed by the permit officer and the applicant in the presence of the permit officer.

(d) The original copy shall be delivered to the applicant. The permit officer shall attach a copy of the certificate to the evidence of age under s. DWD 270.07 and maintain a copy in the permit officer's files. In addition, the permit officer shall send a copy of the certificate of age and evidence of age to the department.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.07 Evidence of age for child labor permits and certificates of age. A permit officer shall accept any of the following items as evidence of age for a child labor permit required under s. 103.73 (1) (a), Stats., a certificate of age allowed under s. 103.75, Stats., or a street trade permit required under s. 103.25, Stats.:

(1) WISCONSIN DRIVER'S LICENSE OR STATE ID. A valid Wisconsin operator's license issued under ch. 343, Stats., that contains the photograph of the license holder or an identification card issued under s. 343.50, Stats.

(2) BIRTH CERTIFICATE. A birth certificate issued by a registrar of vital statistics or other officer charged with the duty of recording births or a certified record of birth from the hospital in which the birth occurred.

(3) BAPTISMAL CERTIFICATE. A baptismal certificate including the minor's name, date of birth, date and place of baptism, name of church, and the signature of officiating or issuing clergy.

(4) OTHER EVIDENCE. When the evidence of age in subs. (1) to (3) are not attainable, any of the following may be used as evidence of age:

(a) Government records that show the age of the minor, including a passport or a certificate of arrival in the United States issued by United States immigration officers.

(b) A life insurance policy that is at least one year old and is supported by the age indicated in a school record.

(c) School records, preferably from the first school attended, with a parent's, guardian's, or custodian's statement of age, and physician's statement of physical age.

(d) When none of the above forms of evidence of age are obtainable, proof of age may be established through circuit court as provided in s. 889.28, Stats.

(5) EVIDENCE OF IDENTITY IF NAME CHANGE. A marriage license or other certificate or legal document shall be required in addition to the evidence of age if the minor's current name is different from the name on the evidence of age.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.08 Fees for permit and certificate of age. The fee for issuing each child labor permit or certificate of age shall be $5.00. The permit officer may retain $2.50 of the fee as compensation for services. The permit officer shall forward $2.50 of the fee to the department to cover the cost of administration, materials, and supervision.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.09 Permanent records to be kept by the employer. (1) Every employer shall keep payroll or other records for each of their employees that contain the following information about the employee for at least 3 years:

(a) Name and address.

(b) Date of birth.

(c) Date of entering and leaving employment.

(d) Time of beginning and ending of work each day.

(e) Time of beginning and ending of meal periods**.** When employee's meal periods are required or when the meal periods are to be deducted from work time, this requirement shall not apply when work is of such a nature that production or business activity ceases on a regularly scheduled basis.

(f) Total number of hours worked per day and per week.

(g) Rate of pay and wages paid each payroll period.

(h) The amount of and reason for each deduction from the wages earned.

(i) Output of employee, if paid on other than time basis.

(2) The required records or a duplicate copy shall be kept safe and accessible at the place of employment or business at which the employee is employed or at one or more established central record−keeping offices in the state of Wisconsin.

(3) The required records shall be made available for inspection and transcription by a duly authorized deputy of the department during the business hours generally observed by the office at which they are kept or in the community generally.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.10 Minimum ages in various employments. (1) 14 YEARS OF AGE AND OLDER. A minor who is 14 years of age or older may not be employed during the hours that the minor is required to attend school under s. 118.15, Stats., unless the minor has graduated from high school, passed the general education development test, or is participating in an approved high school or vocational school work training or work experience program for which proper scholastic credit is given, except that any minor may be employed in public exhibitions as provided in s. 103.78, Stats.

(2) UNDER 14 YEARS OF AGE. A minor under 14 years of age may not be employed or permitted to work in any gainful occupation at any time, except that a minor under 14 years of age may be employed or permitted to work as follows to the extent permitted under the federal Fair Labor Standards Act, 29 USC 201 to 219:

(a) *School lunch.* Minors 12 years of age or older may be employed in school lunch programs of the school that they attend.

(b) *Public exhibitions.* Minors under 14 years of age may be employed in public exhibitions as provided in s. 103.78, Stats.

(c) *Street trades and fundraising.* Minors 12 years of age or older may be employed in street trades, and any minor may work in fund–raising sales for nonprofit organizations, public schools, or private schools, as provided in ss. 103.21 to 103.31, Stats.

(d) *Caddies on golf courses.* Minors 12 and 13 years of age may be employed as caddies on golf courses, if they use caddy carts.

(e) *Farming.* Minors 12 years of age or older may be employed in farming.

(f) *Domestic employment.* Minors 12 years of age or older may be employed in and around a home in work usual to the home of the employer, if the work is not in connection with or a part of the business, trade, or profession of the employer and the type of employment is not specifically prohibited by ss. 103.64 to 103.82, Stats., or this chapter.

(g) *Parents or guardians employing their own children.* Minors 12 years of age or older may be employed under the direct supervision of the minor's parent or guardian in connection with the parent's or guardian's business, trade, or profession if the minor would otherwise not be prohibited from being employed in the same job at age 14.

(h) *Football sideline officials.* Minors 12 and 13 years of age may be employed as sideline officials to operate chains and the sideline marker for high school football games.

(i) *Officials for privately−sponsored athletic events.* Minors 12 and 13 years of age may be employed under direct adult supervision as officials for athletic events sponsored by private, nonprofit organizations in which the minor would be eligible to partic-

ipate or in which the participants are the same age as or younger than the minor.

(j) *Football ball monitors.* Minors 11 to 13 years of age may be employed as ball monitors at high school football games and practices.

(k) *Restitution or community service.* Minors under 14 years of age may be employed as participants in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5), or 938.345, Stats., in a supervised work program or other community service work under s. 938.245 (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3), or 938.345, Stats., or in the community service component of a youth report center program under s. 938.245 (2) (a) 9m., 938.32 (1p), 938.34 (7j), 938.342 (1d) (c) or (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5., 938.345, or 938.355 (6) (d) 5. or (6m) (a) 4., Stats.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.11 Hours of labor of minors. The following schedule of hours modifies s. 103.68, Stats., as provided under s. 103.66, Stats., and shall be deemed to be necessary to protect minors from employment dangerous or prejudicial to their life, health, safety, or welfare:

(1) NUMBER OF HOURS RESTRICTIONS. (a) *12 and 13 years of age*. 1. Minors 12 and 13 years of age may not be employed more than 6 days per week, except in street trades and farming.

2. Minors 12 and 13 years of age may not be employed more than 4 hours per school day, except on the last school day of the week. They may not be employed more than 8 hours per day on the last school day of the week and on non–school days.

3. Minors 12 and 13 years of age may not be employed more than 18 hours per calendar week during weeks in which their school is in session 5 days per week. They may not be employed more than 24 hours per calendar weeks in which their school is in session fewer than 5 days per week.

4. Minors 12 and 13 years of age may not be employed more than 8 hours per day or 40 hours per calendar week during weeks that they are not required to attend school on any day of the calendar week.

(b) *14 and 15 years of age*. 1. Minors 14 and 15 years of age may not be employed more than 6 days per week, except in street trades and farming.

2. Minors 14 and 15 years of age may not be employed more than 4 hours per day on school days, except the last school day of the week. They may not be employed more than 8 hours per day on the last school day of the week and non–school days.

3. Minors 14 and 15 years of age may not be employed more than 18 hours per calendar week during weeks in which their school is in session. They may not be employed more than 24 hours per calendar week during weeks that their school is in session for fewer than 5 days per week.

4. Minors 14 and 15 years of age may not be employed more than 8 hours per day or more than 40 hours per calendar week during the weeks in which they are not required to attend school on any day of the calendar week.

(c) *16 and 17 years of age*. 1. Minors 16 and 17 years of age may not be employed more than 6 days per week, except in street trades, farming, canning and freezing establishments, and as station captains or delivery clerks incidental to street trades.

2. Minors 16 and 17 years of age may not be employed more than 5 hours per day on school days, except the last school day of the calendar week. They may not be employed more than 8 hours per day on the last school day of the calendar week and on non–school days.

3. Minors 16 and 17 years of age may not be employed more than 26 hours per week during calendar weeks that their school is in session. They may not be employed more than 32 hours per week during calendar weeks in which their school is in session less than 5 days per week.

Note: See the definition of "day" in s. DWD 270.04 (2) and "week" in s. DWD 270.04 (17).

4. Minors 16 and 17 may be employed no more than 50 hours per week during the weeks in which they are not required to attend school on any day of the week, if the employer pays whichever is the greater of the following:

a. Time and one–half their regular rate of pay for all overtime hours worked over 10 hours per day or over 40 hours per regularly reoccurring period of 168 hours.

b. Overtime as provided under the employer's pay plan to other workers.

(d) *Exceptions*. 1. Florists may employ minors 16 and 17 years of age in excess of the permitted hours of labor per day and per week on a voluntary basis during the 3–day period prior to Valentine's Day, Easter, Mother's Day, Memorial Day, and Christmas. During these peak periods, time and one–half the regular rate of pay shall be paid for all overtime hours worked per day or per week to minors 16 and 17 years of age working over 8 hours a day, 40 hours a week during the hours they are not required to attend school when their respective school is in session. This paragraph does not exempt florists employing minors from complying with the time–of–day restrictions specified in sub. (2) (d).

2. Minors 14 through 17 years of age may be employed in farming in excess of the permitted hours of labor per week during peak periods, as determined on a case−by−case basis. During these peak periods, time and one–half the regular rate of pay shall be paid for all over–time hours worked over 50 hours per week. Minors 14 through 17 years of age may work over the permitted hours of labor of 50 hours a week during the hours they are not required to attend school when their school is in session.

3. A minor who is 12 or 13 years of age and assigned to a restitution project or community service work as listed in s. 103.67 (2) (j), Stats., may perform any duties under circumstances in which a minor 14 or 15 years of age is permitted as provided under this section and ss. DWD 270.12 and 270.13.

4. Subsection (1) (c) shall not apply to minors 16 and 17 years of age who are employed in first processing of perishable fruits and vegetables under the conditions in s. DWD 270.16.

(e) *Work experience program*. Hours worked as part of a work experience program during school hours shall not count as part of the total permitted hours of work per day or per week.

(2) TIME OF DAY RESTRICTIONS. (a) *School and curfew.* No minors may be employed during the hours they are required to attend school as defined in s. 118.15, Stats., nor contrary to local curfew ordinances establishing an earlier restriction.

(b) *12 and 13 years of age*. Minors 12 and 13 years of age may not be employed before 7:00 a.m. on any day, except they may not be employed before 5:00 a.m. if employed in farming. Minors 12 and 13 years of age may not be employed after 8:00 p.m. on days preceding school days and not later than 9:30 p.m. on days not preceding school days.

(c) *14 and 15 years of age.* Minors 14 and 15 years of age may not be employed before 7:00 a.m. on any day, except they may not be employed before 5:00 a.m. if employed in farming. Minors 14 and 15 years of age may not be employed after 8:00 p.m. on days preceding school days and not later than 11:00 p.m. on days not preceding school days.

(d) *16 and 17 years of age.* 1. During school weeks, minors 16 and 17 years of age may not be employed before 7:00 a.m. on school days or before 5:00 a.m. on non−school days, except the following:

a. Minors 16 and 17 hears of age may not be employed before 5:00 a.m. on all days if employed in farming.

b. Minors 16 and 17 years of age who are employed after 11:00 p.m. shall receive 8 consecutive hours of rest from the end of one shift to the beginning of the next shift.

2. During school weeks, minors 16 and 17 years of age may not be employed after 11:00 p.m. on days preceding school days nor after 12:30 a.m. on days not preceding school days.

3. During weeks in which minors 16 and 17 years of age are not required to attend school, they may be employed at any time of day. Between the hours of 12:30 a.m. and 5:00 a.m., they shall be under direct adult supervision and shall receive at least 8 consecutive hours of rest between the ending of work and the beginning of work the next day, except that adult supervision is not required if the minor is employed in farming.

4. This paragraph shall not apply to minors employed in the following occupations:

a. Street trades or station captains or delivery clerks incidental to street trades.

b. First processing of perishable fruits and vegetables if the minor is employed under the provisions of s. DWD 270.16.

(3) MEAL PERIODS. An employer of a minor shall allow a minor at least 30 minutes for each meal period reasonably close to the usual meal period time, namely 6:00 a.m.; 12:00 noon; 6:00 p.m.; 12:00 midnight or at other times deemed reasonable by the department. No minor may be employed or permitted to work more than 6 consecutive hours without a meal period.

(4) GRADUATES, LIVING INDEPENDENTLY, AND VARIOUS TYPES OF SCHOOLS. (a) Minors 16 and 17 years of age who have graduated from high school or have passed the general education development test are exempt from the limitations in this section and may be employed without restrictions on their hours of labor.

(b) Minors 16 and 17 years of age who are living independently and supporting themselves; married under s. 765.02 (2), Stats., or the laws of another state; head of a household as defined in s. 71.01 (5m), Stats.; or enrolled in an accredited school designed to prepare the minor to pass the general education development test or obtain a high school equivalency diploma may work up to 40 hours per week during the weeks public schools are in session and up to 50 hours per week during non–school weeks. The daily hour limits under sub. (1) (c) and the time of day restrictions under sub. (2) (d) shall not apply.

(c) Minors 16 and 17 years of age who are home−schooled or schooled at home may work up to 26 hours per calendar week during the weeks the public schools are in session or 32 hours per calendar week if the public schools are in session less than 5 days per week and up to 50 hours per calendar week during non–school weeks. The daily hour limits and time of day restrictions of sub. (2) (d) shall not apply to students who are home−schooled. The daily hour limits and time of day restrictions of sub. (2) (d) shall apply to students who are schooled at home.

(d) Minors 12 to 15 years of age who are home−schooled or schooled at home may work they same hours as if they were enrolled in public school as provided in sub. (1) (a) and (b) and sub. (2) (a), (b), and (c).

(e) Minors who are enrolled in a charter school may not work during hours they are scheduled to be in the charter school.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.12 Hazardous occupations prohibited to all minors. The employment of minors in the following occupations or places of employment shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of the minor and other employees or frequenters, except as provided in s. DWD 270.14. No employer may employ or permit any minor to work in the following occupations or places of employment:

(1) ADULT BOOKSTORES. No minor may be employed in an adult bookstore.

(2) AMUSEMENT PARKS, SKI HILLS, STREET CARNIVALS, AND TRAVELING SHOWS. (a) *Prohibition*. No minor may be employed in operating, assisting to operate, erecting, dismantling, setting up, adjusting, repairing, oiling, or cleaning of any rides or machinery, or the loading or unloading of passengers, in the operation of amusement park rides, ski hills, street carnivals, or traveling shows.

(b) *Definitions*. For the purpose of this subsection:

1. "Amusement park ride" means a device or animal that carries, transports, or supports passengers in unusual, entertaining, or thrilling modes of motion and any vehicle providing entertainment or transportation in conjunction with an amusement park ride, including, but not limited to, rider−powered and power−driven thrill rides, mild rides, ride−throughs, walk−throughs, air pillows, giant slides, water slides, and animal rides. Vehicles include parking lot trams, old fire engines, stage coaches, and trains. "Amusement park ride" does not include aircraft under the jurisdiction of the federal aviation administration, railroad trains under the jurisdiction of the federal railroad administration, or boats used on navigable waters.

2. "Water slide" means a slide that incorporates a flow of water intended to carry a rider down a flume and that is required under s. DHS 172.23 (1) (d) to have an attendant stationed at the entrance to enforce slide usage rules. "Water slide" does not include a slide that meets all of the following conditions:

a. The slide is less than or equal to 6 feet high as measured vertically from the slide entrance to the deck.

b. The user has a clear view of the landing area when measured from the slide entrance at a height of 43 inches.

c. The flume carries less than 100 gallons per minute of water.

(c) *Exception*. Minors 16 and 17 years of age may be employed in occupations involving the loading or unloading of passengers on water slides.

(3) ASBESTOS, CHRYSOTILE, CROCIDOLITE, AMOSITE, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE. No minor may be employed in occupations or duties involving exposure to asbestos, chrysotile, crocidolite, amosite, tremolite, anthophyllite, or actinolite.

(4) BAKERY MACHINES. No minor may be employed in the following duties related to the operation of power–driven bakery machines:

(a) Operating, assisting to operate, setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; doughbrake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(b) Setting up or adjusting a cookie or cracker machine.

(5) BINGO. No minor may be employed in conducting or assisting in the operation of a bingo game.

Note: See s. 563.51 (13)(b), Stats.

(6) BRICK, TILE, AND SIMILAR PRODUCTS. (a) *Prohibitions and exceptions*. No minor may be employed in the following occupations involved in the manufacture of clay construction products and of silica refractory products:

1. All work in or about establishments in which clay construction products are manufactured, except work in storage and shipping; work in offices, laboratories, and storerooms; and work in the drying departments of plants manufacturing sewer pipe.

2. All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

(b) *Definitions*. In this subsection:

1. "Clay construction products" means the following clay products: Brick, hollow structural tile, sewer pipe and similar products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile.

2. "Clay construction products" does not include the following:

a. Nonstructural–bearing clay products such as ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile.

b. Non−clay construction products such as sand–lime brick, glass brick, or nonclay refractories.

3. "Silica brick or other silica refractories" means refractory products produced from raw materials containing free silica as their main constituent.

(7) CONFINED SPACE. (a) No minor may be employed in any occupation or have duties in an environment which by design or construction has limited openings for entry and egress, has unfavorable natural ventilation, could reasonably be believed by the employer to have dangerous air contaminants or contain materials that may produce dangerous air contaminants, and is not intended for human occupancy.

(b) Confined spaces include, but are not limited to, storage tanks, compartments of ships, process vessels, pits, silos, vats, degreasers, reaction vessels, boilers, ventilation and exhaust ducts, manholes, sewers, underground utility vaults, and pipelines. Confined spaces do not include heating system tunnels and heating system vaults.

(8) COAL MINE. (a) *Prohibition and exception*. No minor may be employed in any occupation in or about a coal mine, except the occupation of refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located on the surface of a coal mining plant.

(b) *Definitions*. For the purpose of this subsection:

1. "Any occupation in or about a coal mine" means all types of work performed in any underground working, open–pit, or surface part of any coal mining plant that involves the extraction, grading, cleaning, or other handling of coal.

2. "Coal" means any rank of coal, including lignite, bituminous, and anthracite coals.

(9) EXCAVATION OPERATIONS. No minor may be employed in any of the following occupations in excavation operations:

(a) Excavating, working in, or backfilling trenches, except manually excavating or manually backfilling trenches that do not exceed 4 feet in depth at any point, or working in trenches that do not exceed 4 feet in depth at any point.

(b) Excavating for buildings or other structures or working in such excavations, except manually excavating to a depth not exceeding 4 feet below any ground surface adjoining the excavation, or working in an excavation not exceeding such depth, or working in an excavation where the side walls are shored or sloped to the angle of repose.

(c) Working within tunnels prior to the completion of all driving and shoring operations.

(d) Working within shafts prior to the completion of all sinking and shoring operations.

(10) EXOTIC DANCER. No minor may be employed as an exotic dancer.

(11) EXPLOSIVES. (a) *Prohibition*. No minor may be employed in any occupation in or about plants or establishments manufacturing or storing explosives or articles containing explosive components except as provided in par. (b).

(b) *Exceptions*. 1. A minor may be employed in a retail establishment in which explosives are sold.

2. A minor may be employed in the following occupations in or about any plant or establishment manufacturing or storing small arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small arms ammunition:

a. All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

b. All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

c. All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim–fire cartridges are primed.

d. All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

e. All occupations involved in the loading, inspecting, packing, shipping, and storage of blasting caps.

3. A minor may be employed in occupations performed in an area that meets all of the following criteria:

a. None of the work performed in the area involves the handling or use of explosives.

b. The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings.

c. The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area.

d. Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant that does not meet criteria of subd. 3. a. to c.

(c) *Definitions*. For the purpose of this subsection:

1. "Explosives" and "articles containing explosive components" include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the federal Bureau of Alcohol, Tobacco Firearms and Explosives.

2. "Plant or establishment manufacturing or storing explosives or articles containing explosive components" means the land with all the buildings and other structures thereon used in connection with the manufacturing, processing, or storing of explosives or articles containing explosive components.

Note: The Bureau of Alcohol, Tobacco, Firearms and Explosives annually publishes in the *Federal Register* a list of explosives determined to be within the coverage of 18 USC Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials.

(12) HOISTS AND HOISTING APPARATUS. (a) *Prohibitions*. Except as provided in par. (c), no minor may be employed in the following occupations involved in the operation of power–driven hoisting apparatus:

1. Work of operating an elevator, crane, derrick, hoist or high–lift truck, except operating an unattended automatic operation passenger elevator or an electric or air–operated hoist not exceeding one–ton capacity except as specified in par. (c).

2. Work which involves riding on a man lift or on a freight elevator, except a freight elevator operated by an assigned operator.

3. Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers–on, riggers, rigger helpers, and like occupations.

(b) *Definitions*. For the purpose of this subsection:

1. "Crane" means a power–driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot–pouring, jib, locomotive, motortruck, overhead traveling, pillar jib, pintle, portal, semigantry, semiportal, storage bridge, tower, walking jib and wall cranes.

2. "Derrick" means a power–driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A–frame, breast, Chicago boom, gin–pole, guy and stiff–leg derricks.

3. "Elevator" means any power–driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators, including portable elevators or tiering machines, but not including dumb−waiters.

4. "High–lift truck" means a power–driven industrial type of truck used for lateral transportation that is equipped with a power–operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include high–lift trucks known under such names as forklifts, forktrucks, forklift trucks, tiering trucks, or stacking trucks, but shall not mean low–lift trucks or low–lift platform trucks that are designed for the transportation of but not the tiering of material.

5. "Hoist" means a power–driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. "Hoist" includes all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

6. "Manlift" means a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) *Exceptions.* 1. Minors 16 and 17 years of age may operate floor jacks, service jacks, hand jacks, drive−on lifts, and arm lifts used in conjunction with repairing or servicing motor vehicles.

2. Minors may operate an automatic elevator and an automatic signal operation elevator if the elevator meets all of the following criteria:

a. The exposed portion of the car interior, exclusive of vents and other necessary small openings; the car door; and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend.

b. All hoistway openings at floor level have doors that are interlocked with the car door so as to prevent the car from starting until all the doors are closed and locked.

c. The elevator, other than hydraulic elevators, is equipped with a device that will stop and hold the car in case of overspeed or if the cable slackens or breaks.

d. The elevator is equipped with upper and lower travel limit devices that will normally bring the car to rest at either terminal and a final limit switch that will prevent the movement in either direction and will open in case of excessive overtravel by the car.

3. For the purpose of subd. 2.:

a. "Automatic elevator" means a passenger elevator, a freight elevator, or a combination passenger–freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

b. "Automatic signal operation elevator" means an elevator that is started in response to the operation of a switch, such as a lever or pushbutton, in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors so that from that point on, the movement of the car to the landing selected, the leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

(13) INFECTIOUS AGENT. No minor may be employed in any occupations or duties involving exposure to infectious agents as defined in s. 101.58 (2) (f), Stats., and specified in ch. SPS 335.

(14) LIFEGUARDS, SWIMMING INSTRUCTORS AND AIDES. Minors 16 and 17 years of age may not be employed as lifeguards and swimming instructors and aides unless they have successfully completed a bona fide life saving course. Minors 14 and 15 years of age may not be employed as lifeguards and swimming instructors and aides.

(15) LIQUOR. No minor may be employed in establishments where liquor is present, except minors 14 to 17 years old may be employed in occupations that do not involve serving, selling, dispensing, or giving away the liquor or acting as bouncers, crowd controllers, or identification checkers.

(16) LEAD. No minor may be employed in any occupation involving exposure to lead, including radiator manufacture and repair, battery manufacture and recycling, removal of lead−based paint, soldering, and welding.

(17) LOGGING, SAWMILL, LATH MILL, SHINGLE MILL, OR COOPERAGE STOCK MILL. (a) *Logging prohibitions and exceptions.* No minor may be employed in any occupation in logging, including the felling or bucking of timber, the collecting or transporting of logs, the operation of chain saws and other power–driven machinery, the handling or use of explosives, and work on trestles. This prohibition does not apply to any of the following:

1. Work in offices or in repair or maintenance shops related to logging.

2. Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.

3. Work in timber cruising, surveying, or logging–engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire–fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations.

4. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this subsection.

5. Work in the feeding or care of animals related to logging.

(b) *Sawmill, lath mill, shingle mill, and cooperage–stock mill prohibitions and exceptions.* 1. No minor may be employed in any occupation in the operation of any sawmill, lath mill, shingle mill, or cooperage–stock mill.

2. Except as provided in subd. 3., subd. 1. does not apply to any of the following work related to any permanent sawmill or the operation of any lath mill, shingle mill, or cooper−age–stock mill:

a. Work in offices or in repair or maintenance shops.

b. Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.

c. Pulling lumber from the dry chain.

d. Clean–up in the lumberyard.

e. Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power–driven equipment.

f. Clerical work in yards or shipping sheds, such as done by orderpersons, tallypersons, and shipping clerks.

3. Subdivision 2. does not apply to work that involves entering the sawmill building or to a combined portable sawmill and lumberyard, the lumberyard of which is used only for the temporary storage of green lumber.

(c) *Definitions.* For the purpose of this subsection:

1. "All occupations in logging" means all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting and unloading of these products in connection with logging; the constructing, repairing and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term does not include work performed in timber culture, timber stand improvement, or in emergency fire–fighting.

2. "All occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage–stock mill" means all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock; storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage–stock mill. The term shall not include work performed in the planing–mill department or other remanufacturing departments of any sawmill, or in any planing mill or remanufacturing plant not a part of a saw−mill.

(18) MEAT PROCESSING. (a) *Prohibitions*. No minor may be employed in any of the following occupations in or about slaughtering and meat packing establishments; rendering plants; or wholesale, retail, or service establishments:

1. All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, runners, hand−truckers, and similar occupations that require entering such workrooms or workplaces infrequently and for short periods of time.

2. All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard–roll machines.

3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

4. All occupations involved in setting–up, adjusting, operating, repairing, oiling, feeding, or cleaning any of the following power–driven meat–processing machines, regardless of the product being processed:

a. Meat patty forming machines.

b. Meat and bone cutting saws.

c. Power knives, except bacon–slicing machines.

d. Head–splitters and guillotine cutters.

e. Snout–pullers and jaw–pullers.

f. Skinning machines.

g. Horizontal rotary washing machines.

h. Casing–cleaning machines such as crushing, stripping, and finishing machines.

i. Grinding, mixing, chopping, and hashing machines.

j. Presses, except belly–rolling machines.

5. All boning occupations.

6. All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.

7. All occupations involving hand–lifting or hand–carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

(b) *Definitions.* For the purpose of this subsection:

1. "Boning occupations" means the removal of bones from meat cuts. "Boning" does not include work that involves cutting, scrapping, or trimming meat from cuts containing bones.

2. "Curing cellar" includes a workroom or workplace that is primarily devoted to the preservation and flavoring of meat by curing materials. "Curing cellar" does not include a workroom or workplace where meats are smoked.

3. "Hide cellar" includes a workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.

4. "Killing floor" includes a workroom or workplace where cattle, calves, hogs, sheep, lambs, goats, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.

5. "Rendering plants" means establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

6. "Slaughtering and meat packing establishments" means places in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. "Slaughtering and meat packing establishments" also includes establishments that manufacture or process meat products or sausage casings from such animals.

(19) METAL–FORMING, PUNCHING, AND SHEARING POWER–DRIVEN MACHINES. (a) *Prohibitions.* No minor may be employed in any of the following occupations:

1. The occupations of operator of or helper on the following power–driven metal−forming, punching, and shearing machines:

a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

b. All pressing or punching machines, such as punch presses, except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

c. All bending machines, such as apron brakes and press brakes.

d. All hammering machines, such as drop hammers and power hammers.

e. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

2. The occupations of setting–up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

(b) *Definitions.* For the purpose of this subsection:

1. "Forming, punching, and shearing machines" means power–driven metal–working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this subsection are the machines to which the designation is by custom applied.

2. "Helper" means a person who assists in the operation of a machine covered by this subsection by helping to place materials into the machine or helping to remove them from the machine.

3. "Operator" means a person who operates a machine covered by this subsection by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(20) MINING, OTHER THAN COAL. (a) *Prohibition and exceptions*. No minor may be employed in any occupation in connection with mining, other than coal, except the following:

1. Work in offices, the warehouse or supply house, the change house, the laboratory, or in repair or maintenance shops not located underground.

2. Work in the operation and maintenance of living quarters.

3. Work outside the mine in surveying, the repair and maintenance of roads, or general clean–up about the mine property, such as clearing brush and digging drainage ditches.

4. Work of track crews in the building and maintaining of sections of railroad track located in those areas of open–cut metal mines where mining and hauling activities are not being conducted at the time and place that the building and maintenance work is being done.

5. Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

6. The following work in metal mills other than in mercury–recovery mills or mills using the cyanide process:

a. Work involving the operation of jigs, sludge tables, flotation cells, or drier–filters.

b. Work of hand sorting at picking table or picking belt.

c. General clean–up work.

(b) *Definitions.* For the purpose of this subsection:

1. "All occupations in connection with mining, other than coal" means all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open–cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore–hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where these operations are performed as a part of a manufacturing process.

2. "All occupations in connection with mining, other than coal" does not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro–metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. The term does not include work performed in connection with coal mining, in petroleum production, in natural gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

Note: For restrictions on minors working in any occupation in or about a coal mine, see sub. (8).

(21) MOTOR VEHICLE DRIVER AND OUTSIDE HELPER. (a) *Prohibition*. Except as provided in par. (b), no minor may be employed as a motor vehicle driver or outside helper on any public road; highway; in or about a mine, including an open pit mine or quarry; in a place where logging or sawmill operations are in progress; or in any excavation of the type identified in sub. (9).

(b) *Exception−incidental and occasional driving by 17−year−olds.* Minors who are at least 17 years of age may drive motor vehicles on public roadways when all of the following conditions are met:

1. The driving is only occasional and incidental to the minor's employment.

2. The driving is restricted to daylight hours.

3. 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.

5. The minor has completed a state−approved driver education course and holds a state license valid for the type of driving involved in the job that the minor performs.

6. The minor has no record of any moving violation at the time of hire.

7. The motor vehicle is equipped with a seat belt for the driver and for each passenger, and the minor's employer has instructed each minor that the seat belts must be used when driving or riding in the motor vehicle.

8. The driving does not involve any of the following:

a. Towing of vehicles.

b. Route deliveries or route sales.

c. Transportation for hire of property, goods, or passengers.

d. Urgent, time−sensitive deliveries.

e. Transporting more than 3 passengers who are employees of the employer at any one time.

f. More than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the minor's employer to a customer.

(c) *Definitions.* For the purpose of this subsection:

1. "Driver" means any individual who, in the course of their employment, drives a motor vehicle at any time.

2. "Gross vehicle weight" includes the truck chassis with lubricants, water and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, and special chassis and body equipment, and payload.

3. "Motor vehicle" means any automobile, truck, truck–tractor, trailer, semi−trailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but does not include any vehicle operated exclusively on rails.

4. "Occasional and incidental" means no more than one−third of an employee's work time in any workday and no more than 20 percent of an employee's work time in any work week.

5. "Outside helper" means any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

(22) PAPER–PRODUCTS MACHINES. (a) *Prohibition.* No minor may be employed in any occupations involved in the operating, assisting to operate, setting up, adjusting, repairing, oiling, or cleaning any of the following power−driven paper−products machines:

1. Arm−type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single−or−double−facing machine, envelope die−cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combing machine, sheeting machine, scrap paper baler, paper box compactor, or vertical slotter.

2. Platen die–cutting press, platen printing press, or punch press that involves hand feeding of the machine.

(b) *Definitions.* For the purpose of this subsection:

1. "Applicable ANSI Standard" means the American National Standard Institute's Standard ANSI Z245.5−1990 for scrap paper balers or the American National Standard Institute's Standard ANSI Z245.2−1992 for paper box compactors or any replacement standard adopted by the American National Standard Institute that the federal Secretary of Labor has certified to be at least as protective of the safety of minors as Standard ANSI Z245.5−1990 for scrap paper balers or ANSI Z245.2−1992 for paper box compactors.

Note: The ANSI standards for scrap paper balers and paper box compactors govern the manufacture and modification of the equipment, the operation and maintenance of the equipment, and employee training. Copies of these standards are available for purchase from the American National Standards Institute (ANSI), 11 West 42nd St., New York, NY 10036.

2. "Operating or assisting to operate" means all work which involves starting or stopping a machine covered by this subsection, placing materials into or removing materials from a machine, including clearing a machine of jammed paper or cardboard, or any other work directly involved in operating the machine. The term does not include the stacking of materials by an employee in an area nearby or adjacent to the machine where the employee does not place the materials into the machine.

3. "Paper box compactor" means a powered machine that remains stationary during operation, used to compact refuse, including paper boxes, into a detachable or integral container or into a transfer vehicle.

4. "Paper products machine" means all power−driven machines used in all of the following:

a. Remanufacturing or converting paper or pulp into a finished product, including preparing these materials for recycling.

b. Preparing paper or pulp materials for disposal. The term applies to these machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment. The term applies to those machines which, in addition to paper products, also process other material for disposal.

5. "Scrap−paper baler" means a powered machine used to compress paper and possibly other solid waste, with or without binding, to a density of form that will support handling and transportation as a material unit without requiring a disposable or reusable container.

(c) *Exemption.* Sixteen− and 17−year−old minors may load materials into, but not operate or unload, a scrap paper baler or a paper box compactor only if all of the following conditions are met:

1. The scrap paper baler or paper box compactor meets the applicable ANSI standard.

2. The scrap paper baler or paper box compactor includes an on−off switch incorporating a key−lock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older.

3. The on−off switch of the scrap paper baler or paper box compactor is maintained in an off position when the machine is not in operation.

4. The employer posts a notice on the scrap paper baler or paper box compactor in a prominent position and easily visible to any person loading, operating, or unloading the machine stating that: "The scrap paper baler or compactor meets the industry safety standard applicable to the machine, Standard ANSI Z245.5−1990 for scrap paper balers and Standard ANSI Z245.2−1992 for paper box compactors. Sixteen− and 17−year−old employees may only load the scrap paper baler or paper box compactor. No employee under the age of 18 may operate or unload the scrap paper baler or paper box compactor."

(23) RADIOACTIVE SUBSTANCES AND IONIZING RADIATIONS. (a) *Prohibition*. No minor may be employed in occupations involving exposure to radioactive substances and to ionizing radiations in any workroom in which any of the following occurs:

1. Radium is stored or used in the manufacture of a self–luminous compound.

2. A self–luminous compound is made, processed, or packaged.

3. A self–luminous compound is stored, used, or worked upon.

4. Incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.

5. Other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for the occupational exposure by the National Council on Radiation Protection and Measurements.

Note: For further information, contact the National Council on Radiation Protection and Measurements at telephone (301) 657−2652 or 7910 Woodmont Avenue, Suite 800, Bethesda, MD 20814−3095.

6. Any other work that involves exposure to ionizing radiations in excess of 0.5 rem per year.

(b) *Definitions*. For the purpose of this subsection:

1. "Ionizing radiations" means alpha and beta particles, electrons, protons, neutrons, gamma and X–ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X–ray.

2. "Rem" means the dosage of an ionizing radiation that will cause the same biological effect as one roentgen of x−ray or gamma−ray exposure.

3. "Self–luminous compound" means any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

4. "Workroom" includes the entire area bounded by walls of solid material and extending from floor to ceiling in which the work involving exposure to radioactive substances and to ionizing radiations listed in par. (a) is performed.

(24) ROOFING OR ON OR ABOUT A ROOF. (a) *Prohibition*. No minor may be employed in roofing operations or on or about a roof.

(b) *Definitions.* For the purpose of this subsection:

1. "On or about a roof" includes all work performed upon a roof, including carpentry and metal work, alterations, additions, maintenance and repair, including painting and coating of existing roofs; the construction of the sheathing or base of roofs; gutter and downspout work; the installation and servicing of television and communication equipment such as cable and satellite dishes; the installation and servicing of heating, ventilation and air conditioning equipment or similar appliances attached to roofs; and any similar work that is required to be performed upon or about roofs.

2. "Roofing operations" means all work performed in connection with the installation of roofs, including related metal work such as flashing, and applying weatherproofing materials and substances, such as waterproof membranes, tar, slag or pitch, asphalt prepared paper, tile, composite roofing materials, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood or other materials, to roofs of buildings or other structures. The term also includes all jobs on the ground related to roofing operations, such as roofing laborer, roofing helper, materials handler, and tending a jar heater.

(25) SAWS AND GUILLOTINE SHEARS. (a) *Prohibition*. No minor may be employed in any of the following occupations:

1. The occupations of operator of or helper on the following power–driven fixed or portable machines, except machines equipped with full automatic feed and ejection.

a. Circular saws.

b. Band saws.

c. Guillotine shears.

d. Chain saws.

2. The occupations of setting up, adjusting, repairing, oiling, or cleaning the machines listed in subd. 1. a. to d.

(b) *Definitions.* For the purpose of this subsection:

1. "Band saw" means a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

2. "Chain saw" means a machine equipped with an endless steel chain having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

3. "Circular saw" means a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

4. "Guillotine shear" means a machine equipped with a movable blade operated vertically and used to shear materials. "Guillotine shear" does not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

5. "Helper" means a person who assists in the operation of a machine covered by this subsection by helping to place materials into or helping to remove them from the machine.

6. "Machines equipped with full automatic feed and ejection" means machines covered by this subsection that are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point–of–operation area.

7. "Operator" means a person who operates a machine covered by this subsection by performing such functions as starting

or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in the operation of the machine.

(26) STRIKES AND LOCKOUTS. No minor may be employed in any occupations or activities, including picketing, performed in or on the premises of any establishment where a strike or lockout is in active progress.

(27) WOODWORKING POWER–DRIVEN MACHINES. (a) *Prohibition*. No minor may be employed in any of the following occupations involved in the operation of power–driven woodworking machines:

1. The occupation of operating power–driven woodworking machines, including supervising or controlling the operation of these machines, feeding material into these machines, and helping the operator to feed material into these machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

2. The occupations of setting up, adjusting, repairing, oiling, or cleaning power–driven woodworking machines.

3. The occupations of off–bearing from circular saws and from guillotine–action veneer clippers.

(b) *Definitions*. For the purpose of this subsection:

1. "Off–bearing" means the removal of material or refuse directly from a saw table or from the point of operation. "Off−bearing" does not include any of the following:

a. The removal of material or refuse from a circular saw or guillotine–action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller.

b. The following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

2. "Power–driven woodworking machines" means 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 wood or veneer.

(28) WRECKING, DEMOLITION, AND SHIPBREAKING. (a) *Prohibition*. No minor may be employed in any occupation in wrecking, demolition, and ship−breaking operations.

(b) *Definition*. For the purpose of this subsection, the term "wrecking, demolition, and ship−breaking operations" means all work, including clean–up and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel, or motor vehicle.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04; correction in (2) (b) 2. (intro.) made under s. 13.92 (4) (b) 7., Stats; **correction in (13) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674.**

DWD 270.13 Hazardous employment prohibited to minors under 16 years of age. The employment of minors under 16 years of age in the following occupations or places of employment shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of the minor and other employees or frequenters, except as provided in s. DWD 270.14. No employer may employ or permit a minor under 16 years of age to work in the following occupations or places of employment:

(1) AIRPORTS. No minor under 16 years of age may be employed in or about a landing strip or taxi or maintenance apron at an airport.

(2) BOILER AND ENGINE ROOMS. No minor under 16 years of age may be employed in a boiler or engine room.

(3) CARS AND TRUCKS. No minor under 16 years of age may be employed in connection with cars and trucks, including work involving the use of pits, racks or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring, and excluding work by a minor 14 years of age or over in dispensing gasoline and oil, courtesy service, car cleaning, and washing and polishing.

(4) COMMUNICATIONS AND PUBLIC UTILITIES. No minor under 16 years of age may be employed in an occupation in connection with communications and public utilities, except for office or sales work.

(5) CONSTRUCTION. No minor under 16 years of age may be employed in an occupation in connection with construction, including demolition and repair, except for office or sales work not at the actual construction site.

(6) FARMING. No minor under 16 years of age may be employed in any of the following occupations in farming:

(a) Operating or assisting in the operation of machinery, including, but not limited to, farm type tractors and other self−propelled vehicles, except those minors trained under either the 4−H federal extension service or the U.S. office of education vocational agriculture training programs may work on equipment permitted by their certificate of training.

(b) Any occupation in farming that the U.S. secretary of labor finds and declares to be particularly hazardous for the employment of minors below the age of 16.

Note: See 29 CFR 570.71.

(7) FREEZERS AND MEAT COOLERS. No minor under 16 years of age may be employed in a freezer or meat cooler or any work in the preparation of meats for sale, except minors 14 years of age and over may be employed in wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas separate from a freezer or meat cooler or other work preparing meats for sale.

(8) GUN CLUBS. No minor under 16 years of age may be employed as a skeet and trap loader at a gun club.

(9) HOSPITALS AND NURSING HOMES. No minor under 16 years of age may be employed in occupations that involve the personal care of patients in hospitals or nursing homes.

(10) KITCHEN WORK. No minor under 16 years of age may be employed in an occupation involving cooking unless with direct adult supervision, except a minor 14 years of age and over may be employed in kitchen work involved in preparing and serving food and beverages without adult supervision, including the use of dishwashers, toasters, dumbwaiters, microwaves, popcorn poppers, blenders, automatic coffee machines, and devices used to maintain the temperature of prepared foods such as warmers, steam tables, and heat lamps.

(11) LADDERS. No minor under 16 years of age may work on a ladder, scaffold, or similar device more than 6 feet high.

(12) LOADING AND UNLOADING. No minor under 16 years of age may be employed in loading and unloading goods to and from trucks, railroad cars, or conveyors.

(13) MANUFACTURING, MINING, OR PROCESSING OCCUPATIONS. No minor under 16 years of age may be employed in manufacturing, mining, or processing occupations, including occupations that require the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed.

(14) MOTOR VEHICLE LIFT. No minor under 16 years of age may operate a motor vehicle lift of any type or work in a pit underneath a motor vehicle.

(15) POWER–DRIVEN MACHINERY. (a) No minor under 16 years of age may be employed in occupations that involve operating or assisting in the operation of any light power–driven machinery, except as provided in par. (c).

(b) For purposes of this subsection, the term "power−driven machinery" includes all of the following:

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

2. Welding, including spot welding in manufacturing operations.

3. Tending of hoisting apparatus.

4. Lawn and garden equipment, including power–driven mowers or cutters and sidewalk−type snow blowers.

(c) This subsection does not apply to any of the following:

1. Lawn and garden equipment used in and around the private home of the employer that is not in connection with the employer's trade or business.

2. Lawn and garden equipment used by students in a bona fide student learner program.

3. Office machines.

4. Operating, but not cleaning or repairing, a photo−processing machine with an automatic feed.

5. For minors 14 years of age and over, vacuum cleaners and floor waxers.

6. For minors 14 years of age and over, machines and devices used in the performance of kitchen work as provided in sub. (10).

(16) PUBLIC MESSENGER SERVICE. No minor under 16 years of age may be employed in delivery work for a public messenger service.

(17) RACETRACKS AND FAIRS WITH PARI–MUTUEL BETTING. No minor under 16 years of age may be employed in any of the following:

(a) Any occupation or duties at a racetrack where pari–mutuel betting is permitted.

(b) Any occupation or duties in pari–mutuel wagering activities at a fair.

Note: See s. 562.06 (2), Stats.

(18) STREET CARNIVALS AND TRAVELING SHOWS. No minor under 16 years of age may be employed in an occupation in connection with street carnivals and traveling shows.

(19) TRANSPORTATION. No minor under 16 years of age may be employed in an occupation in connection with the transportation of persons or property by rail, highway, air, water, pipeline, or other means, except for office or sales work that does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other forms of transportation.

(20) WAREHOUSING AND STORAGE. No minor under 16 years of age may be employed in an occupation in connection with warehousing and storage, except for office or sales work.

(21) WINDOW WASHING. No minor under 16 years of age be employed to perform outside window washing working from window sills or requiring the use of a ladder more than 6 feet high, any scaffold, or their substitutes.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.14 Exemptions to hazardous employment prohibitions. Sections DWD 270.12 or 270.13 shall not apply to a minor 14 through 17 years of age when employed under the following conditions:

(1) APPRENTICE. A minor indentured under the provisions of s. 106.01, Stats., shall be exempt from the prohibitions in ss. DWD 270.12 or 270.13 if the minor is performing service within the provisions of a contract of apprentice indenture approved by the department.

(2) HIGH SCHOOL GRADUATE. A minor who has graduated from high school or passed the general education development test may be employed in the occupations otherwise prohibited under s. DWD 270.12 except the following:

(a) Section DWD 270.12 (4), Bakery machines.

(b) Section DWD 270.12 (6), Brick, tile, and similar products.

(c) Section DWD 270.12 (8), Coal mine.

(d) Section DWD 270.12 (11), Explosives.

(e) Section DWD 270.12 (12), Hoists and hoisting apparatus.

(f) Section DWD 270.12 (17), Logging, sawmill, lath mill, shingle mill, or cooperage.

(g) Section DWD 270.12 (18), Meat processing.

(h) Section DWD 270.12 (19), Metal forming, punching and shearing power−driven machines.

(i) Section DWD 270.12 (20), Mining, other than coal.

(j) Section DWD 270.12 (21), Motor vehicle driver and helper.

(k) Section DWD 270.12 (22), Paper−products machines.

(L) Section DWD 270.12 (23), Radioactive substances and ionizing radiations.

(m) Section DWD 270.12 (25), Saws and guillotine shears.

(n) Section DWD 270.12 (27), Woodworking power−driven machines.

(o) Section DWD 270.12 (28), Wrecking, demolition, and shipbreaking.

Note: This subsection does not exempt high school graduates or minors who have passed the GED test from the permit requirement in s. DWD 270.05.

(3) STUDENT LEARNER. (a) Except as provided in par. (f), a student learner shall be exempt from the prohibitions in ss. DWD 270.12 and 270.13 if the student learner is performing service within a bona fide school–work training program sponsored by an accredited school and authorized and approved by the state department of public instruction, the technical college system board, or the department's youth apprenticeship program.

(b) For the purpose of this subsection, 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.

(c) Each school–work training agreement shall contain the name of the student learner; shall be signed by the parent, employer, and school principal; shall be kept on file by both the school and the employer; and shall provide all of the following:

1. That the work of the student learner in the occupation declared hazardous under ss. DWD 270.12 and 270.13 is incidental to the student learner's training, and shall be intermittent and only for short periods of time.

2. That the work shall be under the direct and close supervision of a qualified and experienced person.

3. That safety instructions will be given by the school and correlated by the employer with on–the–job training.

4. A schedule of organized and progressive work processes to be performed on the job.

(d) A child labor permit under s. DWD 270.05 shall be obtained for each student learner.

(e) The department may revoke the exemption under this subsection in a particular place of employment if the department finds that reasonable precautions have not been observed for the safety of a minor employed under a school–work training program agreement.

(f) A student learner may be employed in the occupations otherwise prohibited under ss. DWD 270.12 and 270.13 except the following:

1. DWD 270.12 (4) Bakery machines.

2. DWD 270.12 (6) Brick, tile, and similar products.

3. DWD 270.12 (8) Coal mine.

4. DWD 270.12 (11) Explosives.

5. DWD 270.12 (12) Hoists and hoisting apparatus.

6. DWD 270.12 (17) Logging, sawmill, lath mill, shingle mill, or cooperage stock mill.

7. DWD 270.12 (20) Mining, other than coal.

8. DWD 270.12 (21) Motor vehicle driver and outside helper.

9. DWD 270.12 (23) Radioactive substances and ionizing radiations.

10. DWD 270.12 (26) Strikes and lockouts.

11. DWD 270.12 (28) Wrecking, demolition, and shipbreaking.

12. DWD 270.13 (8) Gun clubs.

13. DWD 270.13 (13) Manufacturing, mining, or processing occupations.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.15 Employment of minors in farming. (1) No minor under 12 years of age may be employed or permitted to work in farming.

(2) The presence of a minor under 12 at the place where a parent or guardian is employed in farming, if merely for the purpose of supervision by the parent or guardian, is not prohibited by this section.

(3) Sections 103.64 to 103.82, Stats., and this chapter do not apply to the employment of a minor engaged in farm work performed outside school hours in connection with the minor's own home farm and directly for his or her parent or guardian, or on another farm, with the consent of minor's parent or guardian where the farm work is primarily an exchange of labor with another farmer.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.16 First processing of perishable fruits and vegetables. Section 103.68, Stats., and s. DWD 270.11 are modified as provided under s. 103.66, Stats., regulating the hours of employment of minors 16 and 17 years of age, including minors covered by s. DWD 270.11 (4), in canning and freezing establishments during first processing of perishable fruits and vegetables as follows:

(1) HOURS OF LABOR. Minors 16 and 17 years of age may not be required nor permitted to work more than 9 hours in any day nor more than 54 hours in any week, except:

(a) During not more than 18 weeks per year, canning and freezing establishments may employ a minor 16 or 17 years of age more than 9 hours per day, more than 6 days per week, and more than 54 hours per week, but not more than 60 hours per week for 14 weeks and not more than 70 hours per week for 4 weeks if the employment does not result in any undue hazard to the minor's health and the minor is paid not less than 1 1/2 times the minor's regular rate of pay for hours worked over 40 hours per week.

(b) The time−of−day restrictions in s. DWD 270.11 (2) (d) shall not apply to minors 16 and 17 years of age employed under the provisions of par. (a).

(2) REST PERIODS. Each 16− and 17−year−old minor shall be given a period of rest of at least 7 consecutive hours from the ending of work on any day to the beginning of work or the beginning of school the next day.

(3) MEAL PERIODS. At least 30 minutes shall be allowed for each meal period reasonably close to the usual meal period time; namely, 6:00 a.m., 12:00 noon, 6:00 p.m., 12:00 midnight or near the middle of a shift. In no case may a minor be employed or permitted to work more than 6 consecutive hours without a meal period.

(4) DEFINITIONS. For the purpose of this section:

(a) "Day" means the 24 hours beginning at 6:00 a.m. of each calendar day.

(b) "First processing" means processing the perishable fruit or vegetable until it can be safely stored for a reasonable amount of time, as determined on a case−by−case basis.

(c) "Week" means a calendar week or a regular recurring period of 168 hours in the form of 7 consecutive 24–hour periods.

(5) HOURS, BEFORE AND AFTER SEASON. The hours of work for minors 16 and 17 years of age employed in canning and freezing establishments before and after the season of first processing of perishable fruits and vegetables shall be as provided in s. DWD 270.11.

(6) WAIVER OR MODIFICATION. (a) The department may grant a waiver or modification of this section if the department determines that practical difficulties or unnecessary hardships may result from compliance with this section based on existing circumstances, and a waiver will not be dangerous or prejudicial to the life, health, safety, or welfare of the employees.

(b) If a collective bargaining agreement exists, the department will consider a waiver or modification of this section only if the request is agreed to by management and labor.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.17 Caddies on golf courses. (1) Any minor on a golf course for the purpose of caddying for or while caddying for a person permitted to play golf on the course shall be deemed an employee of the golf club or other person, partnership, association, or corporation, including the state and any municipal corporation or other political subdivision thereof, operating the golf course.

(2) The labor permit issued by the department or a permit officer allowing a minor to be employed as a caddy by the golf club named in the permit shall be deemed to allow the employment of the minor named in the permit as a caddy by the golf club on whose course inter–club matches, inter–service club matches, or special events for non−members are being held during the duration of the matches or events if the club on whose course the matches or events are being held secures from the club to whom the permit or permits were issued a list of the caddies transferred before the club employs the caddies. This list shall contain the name, address, and date of birth of each minor transferred, together with the date of issuance of the permit, the name of the golf club to which it was issued, and the name of the golf club to which the minor was transferred. The golf club to which the permit or permits were issued shall keep on file at the club a duplicate of the list. The golf club to which the caddy or caddies are transferred shall add to the list the dates the club employed each minor named in the list and shall keep the list on file at the club.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.18 Volunteer service. (1) A minor may volunteer services for a nonprofit organization with the written consent of the minor's parent and under the supervision of a responsible adult.

(2) No minor may volunteer in an occupation or place of employment deemed dangerous or prejudicial to the life, health, safety or welfare of the minor or other employees or frequenters as specified in ss. DWD 270.12 and 270.13.

(3) The organization for which the volunteer is serving shall provide insurance for on−duty injuries that may occur to the volunteer. The department recommends that organizations obtain liability coverage to protect the volunteer in the event that the volunteer causes an injury to a third party.

(4) Minor volunteers may not be used to replace a paid employee.

(5) In this section, "volunteer service" includes service to a nonprofit organization under the graduation requirements of a school or school district.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.

DWD 270.19 Student worklike activities. (1) SPECIFIC ALLOWABLE ACTIVITIES. A student may perform worklike activities in his or her own elementary or secondary school, with or without compensation, which shall not constitute employment if all of the following conditions are met:

(a) The student helps in the school lunchroom or cafeteria, cleans a classroom, acts as a hall monitor, or performs minor clerical work in the school office or library.

(b) The student may perform the activities listed in par. (a) for periods of one hour or less on days that school is in session. The student may perform the activities listed in par. (a) for longer periods on days that school is not in session but may not perform the activities for longer hours on more than a four consecutive days. The annual total time that the student performs the activities listed in par. (a) shall not exceed the equivalent of one hour per school day in any school year as defined in s. 115.001 (13), Stats.

(c) The student is supervised by an adult.

(d) The student does not displace a regular employee or reduce previously existing employment opportunities by performing work that would otherwise be performed by regular employees.

(2) CONDITIONS FOR OTHER STUDENT WORKLIKE ACTIVITIES. A student may perform worklike activities, other than those listed in sub. (1) (a), in his or her own elementary or secondary school, with or without compensation, which shall not constitute employment if all of the following conditions are met:

(a) The primary purpose is educational and the activity is conducted primarily for the benefit of the student.

(b) The time in attendance at school plus the time spent at the activity does not exceed the time that the student would be required to attend school under a normal academic schedule by more than one hour per day.

(c) The student is supervised by an adult.

(d) The student does not displace a regular employee or reduce previously existing employment opportunities by performing work that would otherwise be performed by regular employees.

History: CR 04−010: cr. Register November 2004 No. 587, eff. 12−1−04.