

(2) **TIME OF DAY RESTRICTIONS.** (a) Minors 12 and 13 years of age may be employed in agricultural pursuits, domestic employment, school lunch programs, caddies on a golf course and for parents or guardians employing their own children not before 7:00 a.m. on any day, nor after 8:00 p.m. on days preceding school days and not later than 9:30 p.m. on days not preceding school days. Except in agriculture, they may start at 5:00 a.m.

(b) Minors 14 through 15 years of age may not be employed before 7:00 a.m. on any day, nor after 8:00 p.m. on days preceding school days and not later than 11:00 p.m. on days not preceding school days, except in agriculture they may start at 5:00 a.m.

(c) Minors 16 and 17 years of age may not be employed before 7:00 a.m. on school days nor before 5:00 a.m. on non-school days, nor after 11:00 p.m. on days preceding school days, nor after 12:30 a.m. on days not preceding a school day. During non-school weeks, the time of day is not regulated except between the hours of 12:30 a.m. and 5:00 a.m. they shall be under direct adult supervision and they shall receive at least 8 consecutive hours of rest between the ending of work and the beginning of work the next day, except in agriculture adult supervision is not required. This paragraph shall not apply to minors employed in street trades nor as station captains or delivery clerks incidental to street trades.

(d) Minors may not 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.

(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 at such other times as deemed reasonable by the department. In no case shall a minor be employed or permitted to work more than 6 consecutive hours without a meal period.

(4) **HIGH SCHOOL GRADUATES OR OTHER MINORS WHO ARE EXEMPT FROM SCHOOL ATTENDANCE.** Minors 16 and 17 years of age, who are high school graduates or exempt from school attendance as defined in s. 118.15, Stats., may be employed the same daily and weekly hours and time of day as adults.

(5) "Day" means a calendar day.

(6) "Week" means a calendar week or a regular reoccurring period of 168 hours in the form of 7 consecutive calendar days.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; am. (1) (c) and (2) (a) and (b), r. (1) (e) 3. a. to e., renum. (1) (c) 3. f. to j. to be 3. a. to e., Register, September, 1980, No. 297, eff. 10-1-80; am. (1) (a) and (b), cr. (5) and (6), Register, April, 1983, No. 328, eff. 5-1-83; am. (1) (e), Register, April, 1985, No. 352, eff. 5-1-85; r. (1) (a) and (b), renum. (1) (c) to (e), (2) (a) to (e) to be (1) (d) to (f), (2) (b) to (d) and am. (1) (d), (f) and (2) (b) and (e), cr. (1) (a) to (e), (g) and (h), (2) (a), am. (5) and (6), Register, December, 1991, No. 432, eff. 1-1-92.

Ind 70.06 Minimum age for hazardous employment. The employments and places of employment designated herein shall be deemed to be dangerous or prejudicial to the life, health, safety, and or welfare of minors under the ages specified, and their employment may be dangerous or prejudicial to the life, health, safety and/or welfare of other employes or frequenters and no employer shall employ or permit such minors to work in such employments.

Occupations Prohibited to All Minors

(1) ADULT BOOKSTORES. (a) *Finding and declaration of fact.* All occupations in an adult bookstore are hazardous for employment or detrimental to their health or well-being.

(1g) AMUSEMENT PARKS, SKI HILLS, STREET CARNIVALS AND TRAVELING SHOWS. (a) *Finding and declaration of fact.* The following occupations involved in the operation of amusement parks, ski hills, street carnivals and traveling shows are particularly hazardous.

1. The occupations involving the operating, assisting to operate, erection or dismantling, setting up, adjusting, repairing, oiling or cleaning of any rides or machinery, and the loading or unloading of passengers.

(1r) ASBESTOS, CHRYSOTILE, CROCIDOLITE, AMOSITE, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE. (a) *Finding and declaration of fact.* All occupations or duties relating to exposure to asbestos, chrysotile, crocidolite, amosite, tremolite, anthophyllite and actinolite.

Note: See chs. ILHR 32, HSS 155 and 159.

(2) BAKERY MACHINES. (Also see Federal Hazardous Occupations Order No. 11 Section 1500.62.) (a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven bakery machines are particularly hazardous:

1. The occupations of operating, assisting to operate, or 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.

2. The occupation of setting up or adjusting a cookie or cracker machine.

(2m) BINGO. (a) *Finding and declaration of fact.* All occupations involving conducting or assisting in the operation of the bingo game.

Note: See s. 163.5 I (13) (B) ss.

(3) BRICK, TILE AND KINDRED PRODUCTS (Also see Federal Hazardous Occupations Order No. 13 Section 1500.64). (a) *Finding and declaration of fact.* The following occupations involved in the manufacture of clay construction products and of silica refractory products are particularly hazardous.

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.

3. Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations section.

(b) *Definitions.* 1. The term "clay construction products" shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney Register, February, 1992, No. 434

1. The term "power-driven woodworking machines" shall mean 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.

2. The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include (i) 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, and (ii) 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.

(21) WRECKING, DEMOLITION AND SHIPBREAKING (Also see Federal Hazardous Occupations Order No. 15 Section 1500.66). (a) *Finding and declaration of fact*. All occupations in wrecking, demolition, and ship-breaking operations are particularly hazardous.

(b) *Definitions*. The term "wrecking, demolition, and shipbreaking operations" shall mean 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, motor vehicle.

Occupations Prohibited to Minors Under 16 Years

(22) AGRICULTURE (Also see Federal Hazardous Occupations Involved in Agriculture Section 570.71). (a) *Finding and declaration of fact as to specific occupations*. The following occupations in agriculture are particularly hazardous for the employment of minors 12 through 15 years of age.

1. Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

2. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

a. Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;

b. Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-loading wagon or trailer; or

c. Power post-hole digger, power post driver, or nonwalking type rotary tiller.

3. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

a. Trencher or earthmoving equipment;

b. Forklift;

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- c. Potato combine; or
- d. Power-driven circular, band, or chain saw.
4. Working on a farm in a yard, pen, or stall occupied by a:
 - a. Bull, boar, or stud horse maintained for breeding purposes, or
 - b. Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).
5. Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.
6. Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
7. Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.
8. Working inside:
 - a. A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
 - b. An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
 - c. A manure pit; or
 - d. A horizontal silo while operating a tractor for packing purposes.
9. Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as Category I of toxicity, identified by the word "poison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "warning" on the label;
10. Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or
11. Transporting, transferring, or applying anhydrous ammonia.

(b) *Occupational definitions.* In applying machinery, equipment, or facility terms used in par. (a), the department will be guided by the definitions contained in the current edition of "Agricultural Engineering," a dictionary and handbook, Interstate Printers and Publishers, Danville, Illinois.

(c) *Exemption—Agriculture, student-learners.* The findings and declaration of fact in par. (a) shall not apply to the employment of any minor as vocational agriculture student-learner in any of the occupations described in par. (a) 1. to 6. when each of the following requirements are met:

1. The student-learner is enrolled in a vocational education training program in agriculture under a recognized state or local educational authority, or in a substantially similar program conducted by a private school;

Permitted and Prohibited Occupations in Retail, Food Service and Gasoline Service Establishments (See Child Labor Regulation 8 Section 1500.34)

(35) This section shall apply to the following permitted occupations for minors 14 years of age and over employed by retail, food service and gasoline service establishments.

Note: Also see Child Labor Regulation 8 Section 1500.34.

- (a) Office and clerical work, including the operation of office machines;
- (b) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
- (c) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;
- (d) Bagging and carrying out customers' orders;
- (e) Errand and delivery work by foot, bicycle, and public transportation;
- (f) Clean-up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters;
- (g) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;
- (h) Work in connection with cars and trucks if confined to the following: dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not 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;
- (i) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separated from those where the work described in sub. (36) (g) is performed.

(36) Paragraph (a) shall not be construed to permit the application of this subpart to any of the following occupations in retail, food service, and gasoline service establishments for minors under 16 years of age:

- (a) All occupations listed in subs. (22) through (34) except occupations involving processing, operation of machines and work in rooms where processing and manufacturing take place which are permitted by sub. (35);
- (b) Work performed in or about boiler or engine rooms;
- (c) Work in connection with maintenance or repair of the establishment, machines or equipment;
- (d) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;
- (e) Cooking except with adult supervision.

(f) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery type mixers; persons must be 18 years of age. See sub. (18).

(g) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in sub. (35) (i);

(h) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(i) All occupations in warehouses except office and clerical work.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; emerg. am. eff. 7-7-80; am. (1) (a), (7) (a) 1., (8) (b), (19) (a), r. (9) (b) 1., renum. (9) (b) 2., r. (23), (29) and (30), renum. (21) to (28) and (31) to (36) to be (23) to (33), as renum. am. (28), Register, September, 1980, No. 297, eff. 10-1-80; am. (1) (a) (intro.), (2) (a) (intro.), (3) (a) (intro.), (4) (a), (5) (a) (intro.), (6) (a) (intro.), (7) (a) (intro.), (8) (a), (9) (a), (10) (a) (intro.), (11) (a) (intro.), (12) (a) (intro.), (13) (a), (14) (a) (intro.), (15) (a) (intro.), (16) (a), (17) (a) (intro.), (18) (a) (intro.), (19), (20) (a) (intro.), (21) (a), (36) (intro.) and (1); Register, April, 1983, No. 328, eff. 5-1-83; am. (10) (a) 1. d., (17) (b) 2. to 6., cr. (17) (a) 1. d. and 7., Register, April, 1985, No. 352, eff. 5-1-85; renum. (1) and (10) to be (1g) and (19m), cr. (1), (1r), (2m), (3m), (7m), (10), (31m), am. (36) (e), Register, December, 1991, No. 432, eff. 1-1-92.

Ind 70.07 Caddies on golf courses. The labor permit issued by the department of industry, labor and human relations or by a person designated by it to issue labor permits for a minor to be employed as a caddy by the golf club named in the permit, shall be deemed to permit the employment of the minor named in the permit as a caddy by such golf club on whose course inter-club matches, inter-service club matches or special events for nonmembers are being held during the duration of such matches or events; provided that 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 prior to the employment of such caddies by the club to which transferred. 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 above list. The golf club to which the caddy or caddies are transferred shall add to the list the dates of employment by it of each minor named in the list and shall keep such list on file at the club.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

Ind 70.08 Volunteer services. (1) Services, not prohibited by statute or regulation, performed by minors on a part-time, occasional, and volunteer basis for nonprofit organizations generally recognized not only as nonprofit, but also of an educational, charitable, religious, or community service nature, are not regarded as gainful occupations or employments, where no employer-employee relationship, in fact, exists.

(a) A nonprofit organization is one which is not operating for a profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) Minors may engage in part-time occasional services on a volunteer basis for nonprofit organizations of a charitable, educational and religious nature or a community service under the following conditions:

1. Volunteers may not serve at any job or in any area that is prohibited by the child labor law or orders of the department.

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