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## Report From Agency

**DATE:** March 13, 2026

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**FROM:** Amy Pechacek, Secretary-designee  
Department of Workforce Development

**SUBJECT:** **Notice and Report for Final Draft Form of Proposed Rule  
Clearinghouse Rule 26-015: Employment of Minors**

Pursuant to s. 227.19 (2), Stats., the Department of Workforce Development is submitting for legislative review the attached proposed rule in final draft form for Clearinghouse Rule 26-015. The governor approved this proposed rule on March 12, 2026. The analysis required under s. 227.14 (2), Stats., is included in the proposed rule. Also attached are the Fiscal Estimate & Economic Impact Analysis and the Rules Clearinghouse report and comments.

### *Basis and Purpose*

This proposed rule updates ch. DWD 270 and 271 to implement changes made by 2017 Wisconsin Act 11, 2017 Wisconsin Act 152, and 2011 Wisconsin Act 32, and revises language to conform to state statutes. The rule renumbers ch. DWD 271, relating to "street trades," incorporating that chapter's provisions into ch. DWD 270, and repeals certain provisions in ch. DWD 270 that are duplicative of state statutory provisions. The proposed rule also makes certain of the Department's rules consistent with federal regulations.

### *Public Hearings*

On June 7, 2024, the Department held a preliminary public hearing and comment period on the proposed rule's Statement of Scope, SS 042-24. Comments were received from the Wisconsin Restaurant Association (WRA) and the Wisconsin Grocers Association (WGA), both of whom supported the Department's efforts to modernize the minor employment rules and requested consistency with federal regulations. As described in the Department's analysis of the proposed rule, the Department's proposed rule makes the Department's minor employment rules consistent with federal regulations in several ways, including changing hours and time of day rules for minors aged 16 and 17 to match federal requirements, as well as matching federal rules for when 15-year-old employees may work as lifeguards or swimming instructors.

The Department held a public hearing on the proposed rule on February 24, 2026, and received comments from the WGA, WRA, and Casey's General Stores. The three commenters requested the Department adopt the exemptions to work prohibitions for minors to align with federal regulations. Like the federal regulations, Wisconsin's rules prohibit employing minors for certain duties related to the operation of power-driven bakery machines. See s. DWD 270.12 (4). However, the federal regulations have two exemptions from this prohibition that do not currently exist under Wisconsin's rule. The first federal exemption allows minors who are 16 or 17 years old to operate certain lightweight, small capacity, portable counter-top power-driven food mixers. The second exemption allows minors who are 16 or 17 years old to operate pizza rollers that have specified safeguards. The three commenters requested that the Department revise the proposed rule to include these exemptions. The Department has considered this request and accordingly revised the proposed rule to include the two exemptions in s. DWD 270.12 (4) (bm) to be consistent with federal regulations.

### ***Changes to the Analysis or Fiscal Estimate***

The Department revised the analysis to reflect modifications the Department made to the proposed rule in response to the Rules Clearinghouse and public comments. The Department made no other changes to the analysis or fiscal estimate.

### ***Responses to Rules Clearinghouse***

The Rules Clearinghouse made recommendations and comments related to the following:

1. ***Statutory Authority:*** Regarding comment 1. a., the Department originally intended to remove references to permit officers from the Department's rules because permit officers are currently rarely used and additional policy in the rules was not required for permit officers' statutory authority. The Department did not intend to affect the statutory authority of permit officers. In response to the Rules Clearinghouse comment, the Department has revised the proposed rule to retain the references to permit officers and clarify that permits necessary for minors under 16 years of age can be obtained either through the Department or a permit officer. Section DWD 270.05 (3) (bm) is created to outline the process for minors to obtain a work permit from the Department through its online work permit application portal. Section DWD 270.05 (3) (cm) is created to provide the process for minors to obtain a work permit issued by a permit officer by providing the evidence outlined in the rule. Section DWD 270.05 (3) (e) is revised to allow the payment of the fee for the work permit to be collected by the Department on its online work permit application portal or by the permit officer. Section DWD 270.20 (6) and

(7) are created by this rule to outline the requirements for obtaining a street trades permit and provide that the permit is issued by the Department or a permit officer when certain requirements are met.

Regarding comment 1. b., the Department does not intend to issue case-by-case orders that could be general orders as they relate to child labor; the plain language analysis has been corrected.

In response to the Rules Clearinghouse's question in comment 1. c., it is the Department's intent to match the standard set under s. 103.66 (1) (b). The Department revised the rule such that an adult employee is required to be present when a 15-year-old, but not an older minor, is employed as a lifeguard. In addition, all minors 15 and older must complete a bona fide life saving course to be employed as a lifeguard, consistent with the statute.

**2. Form, Style and Placement in the Administrative Code:** The Department revised the proposed rule as recommended by the Rules Clearinghouse in comments 2. b. and 2. d. Regarding comment 2. a., the Department revised the proposed rule as noted above to clarify that minor labor permits may be obtained from either the Department or a permit officer. As a result, permit fees may be paid to either the Department or a permit officer. Regarding comment 2. c., the Department revised the proposed rule to eliminate the requirement that a life-saving course be "recognized" by an entity and added a Note stating that an example of a life-saving course is one certified by the American Red Cross or similar certifying organization, as provided for under federal regulations

**3. Conflict With or Duplication of Existing Rules:** The Rules Clearinghouse noted that text in the proposed rule resulted in the Department having two copies of each street trades permit. That result was not intended. The Department resolved this issue by repealing s. DWD 271.07 and creating new permit retention requirements in s. DWD 270.20 (7).

**4. Adequacy of References to Related Statutes, Rules and Forms:** The Department revised the proposed rule by repealing this provision as recommended by the Rules Clearinghouse.

**5. Clarity, Grammar, Punctuation and Use of Plain Language:** The Department revised the proposed rule as recommended by the Rules Clearinghouse for comments 5.b., 5.c., and 5.f., and to the remaining comments with the following exceptions:

Comment 5. a.: The Clearinghouse Report suggested that the Department consider reviewing the plain language analysis to ensure every treatment is addressed. However, the Administrative Rules Procedure Manual (Nov. 2020) at s. 1.01 (2) (b) states that the purpose of the plain language analysis is "not intended to be an exhaustive discussion of the rule," but is "to provide an understandable and objective description of the effect of the rule." The Department believes that the plain language analysis accomplishes that purpose without modification.

Comment 5. d.: The Rules Clearinghouse noted that one of the requirements for a minor labor permit is that the minor must be "legally authorized to work" and the Rules Clearinghouse

questioned the meaning of that phrase. In response, the Department has determined that this requirement is not necessary and removed it from the proposed rule.

Comment 5. e.: In response to the Rules Clearinghouse question whether it was the Department's intention in repealing s. DWD 270.06 for the Department to have no rules on certificates of age, the Department confirms that is its intent. Under the proposed rules, if the permit is applied for online through the department, there is no required showing proof of age, but an attestation from the minor's parent, guardian, or court-ordered foster parent that the minor is of appropriate age. For applications processed by a permit officer, evidence must be presented to the permit officer showing proof of age set forth in s. DWD 270.07, which is not repealed. There is no longer a need for issuing certificates of age.

### ***Final Regulatory Flexibility Analysis***

***Small business impact reduction methods.*** Section 227.114 (3), Stats., requires an agency to incorporate into a proposed rule small business impact reduction methods that the agency finds feasible, unless doing so would be contrary to the statutory objectives that are the basis for the rule. This rule updates chs. DWD 270 and 271 to implement the 2011 and 2017 statutory changes. The acts making those changes contain no provisions allowing the Department to treat small businesses differently than other businesses. In addition, s. 103.65 (1), Stats., prohibits the employment of minors in any employment or any place of employment that is "dangerous or prejudicial to the life, health, safety, or welfare" of minors or other employees. This prohibition makes no distinction based on an employer's size. Therefore, the Department has determined that incorporating the small business impact reduction methods would be contrary to statutory objectives. In addition, the Department has determined that the proposed rule will have no economic or fiscal impact on small businesses because they are already subject to the statutory changes made by the 2011 and 2017 acts.

***Issues raised by small businesses.*** As noted above, the Department revised the proposed rule as requested at the public hearing by the WRA and WGA, which include small businesses.

***Reports.*** The proposed rule does not impose any reporting requirements on small businesses.

***Small business compliance costs.*** As noted above, the Department has determined that the proposed rule will have no economic or fiscal impact on small businesses. Therefore, the Department does not expect that small businesses will be required to incur costs to comply with the proposed rule.

### ***Response to SBRRB***

On January 23, 2026, the Department submitted the proposed rule to the Small Business Regulatory Review Board (SBRRB). Because the Department did not receive a report back from the SBRRB under s. 227.14 (2g), Stats., no response is necessary.