



Agriculture, Food, & Natural Resources

Wisconsin Youth Apprenticeship (YA) Information Sheet

The competencies found in the Agriculture, Food and Natural Resources Skills Checklist are aligned with the National States' career cluster standards for Agriculture, Food, and Natural Resources. They have also been reviewed by the Department of Workforce Development for Child Labor Laws. Students must comply with all employer proprietary and confidential information expectations and policies.

Child Labor Laws:

The Student Learner Exception -

1. 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. Youth Apprenticeship students are "student learners."
 - ◆ A student learner is permitted to do **certain work** that is otherwise prohibited if the student learner is performing service within a bona fide school-work training program.
 - ◆ A school-work training program must be:
 - sponsored by an accredited school
 - authorized and approved by the following:
 - ✓ state department of public instruction,
 - ✓ technical college system board, or
 - ✓ DWD's youth apprenticeship program.
2. The work of a student learner in an occupation otherwise prohibited must be **incidental** to the student learner's training (5% or less of the total work hours) and must be **intermittent** and only for short periods of time (not a regular part of the job).
3. Moreover, when undertaking otherwise prohibited work allowed under this exception, the student learner must be under **direct and close supervision** of a qualified and experienced person. See *Wis. Admin. Code § DWD 270.14(3)*.

I. Agriculture Product Processing -

A. **The student learner exception applies to the following occupations. Except as indicated below, minors (including student learners) may not work in these occupations:**

♦ **Meat Processing** (See Wis. Admin. Code § DWD 270.12(18)) –

- Students may not perform any of the following tasks:
 - ✓ Tasks 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.
 - ✓ Tasks involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines.
 - ✓ Tasks 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.
 - ✓ Tasks involved in setting-up, adjusting, operating, repairing, oiling, feeding, or cleaning power-driven meat-processing machines, regardless of the product being processed:
 - ✓ Boning Occupations.
 - ✓ Tasks that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.
 - ✓ Tasks involving hand-lifting or hand-carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.
 - ✓ "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.
 - ✓ "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.
- Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.

♦ **Tractors-** (See Wis. Admin. Code § DWD 270.13(6)) –

- No minor under the age of 16 years may operate a farm tractor or self-propelled vehicle for their employer unless the minor has been certified as successfully completing a tractor and machinery operation safety training course.

B. **The student learner exception does not apply to the following occupations. It is important to note that while the broad categories of occupations are prohibited, there are some exceptions to those prohibitions, indicated below. Minors, including student learners, may perform work that is within the exception indicated.**

- ♦ **Animal Diagnostic Testing-** (Wis. Admin. Code § DWD 270.12(23)) –
No minor may take an X-Ray.

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- ▶ **Motor Vehicle Driver and Outside Helper** (*Wis. Admin. Code § DWD 270.12(21)*) -
 - A minor, **age 17 or older**, may operate a motor vehicle as a part of employment **only if**:
 - ✓ the vehicle does not exceed 6,000 pounds gross weight;
 - ✓ driving is done during daylight hours only;
 - ✓ the driving amounts to no more than 20% of the work week or 1/3 of the work day;
 - ✓ the student has attended drivers' education training and holds a valid driver's license;
 - ✓ the driving takes place within a 30-mile radius of the minor's place of employment;
 - ✓ the minor has no record of any moving violations at the time of hire; and
 - ✓ the driving does not involve: towing of vehicles, route deliveries or sales, transportation for hire, urgent time-sensitive deliveries, transporting more than 3 passengers who are employees of employer at one time.

C. Other Issues:

- ▶ **Dehorning-**
 - Dehorning is not currently prohibited by Child Labor Laws.
- ▶ **Family Farms-** (*See Wis. Admin. Code § DWD 270.15*)
 - Normally, Child Labor Laws do not apply to farm work performed at the minor's own home farm; however, if the student is participating in a YA program on their family farm, child labor laws and wages do apply.
- ▶ **Pesticides-**
 - Pesticides can only be prepared, handled and applied by licensed professionals.

II. **Veterinary Services -**

- ▶ In Veterinarian settings, observations, measurements, sample collections, and evaluations must be completed under the direct supervision of a licensed veterinarian or designated licensed veterinarian technician.

III. **Secondary Food/Fiber Processing -**

- ▶ The skills and competencies related to further processing food and fiber raw materials into products would be found under the Manufacturing Youth Apprenticeship program.

IV. **Other Possible Water Treatment Plant, Farm, Greenhouse, and Landscaping Tasks -**

A. **The student learner exception applies to the following occupations. Except as indicated below, minors (including student learners) may not work in these occupations:**

- ▶ **Confined Space** (*See Wis. Admin. Code § DWD 270.12(7)*) –
 - Minors **may not** work in spaces that have limited openings for entry and egress, have unfavorable natural ventilation, or have dangerous air contaminants or produce dangerous air contaminants.

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- However, student learners may perform this work if it is done on an incidental and intermittent basis.
- ▶ **Excavation Operation** (See Wis. Admin. Code § DWD 270.12(9)) –
 - All students (including student learners) may manually excavate or manually backfill trenches **only if** they do not exceed 4 feet in depth at any point, or are working in trenches that do not exceed 4 feet in depth at any point.
 - All students (including student learners) may manually excavate **only if** the depth does not exceed 4 feet below any ground surface adjoining the excavation, or the excavation does not exceed such depth, or the side walls are shored or sloped to the angle of repose.
 - All students (including student learners) may work within tunnels **only if** all driving and shoring operations are complete.
 - All students (including student learners) may work within shafts **only if** all sinking and shoring operations are complete.
 - Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.
- ▶ **Roofing or on or about a Roof** (See Wis. Admin. Code § DWD 270.12(24)) -
 - Students are generally prohibited from working on or about a roof. "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 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.
 - However, student learners may perform this work if it is done on an incidental and intermittent basis.
- ▶ **Saws and Guillotine Shears** (See Wis. Admin. Code § DWD 270.12(25))-
 - All students (including student learners) may operate or assist on these types of machines **only if** they are equipped with automatic feed and ejection.
 - Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.
- ▶ **Woodworking Power-drive Machine Use** (See Wis. Admin. Code § DWD 270.12(27))-
 - All students (including student learners) may operate power-driven woodworking machines **only if** placing of material on a moving chain or in a hopper or slide for automatic feeding.
 - "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.
 - Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.

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- B. The student learner exception does not apply to the following occupations. It is important to note that while the broad categories of occupations are prohibited, there are some exceptions to those prohibitions, indicated below. Minors, including student learners, may perform work that is within the exception indicated.
- ▶ **Hoists and Hoisting Apparatus** (See Wis. Admin. Code § 270.12(12)) –
 - All students (including student learners) who are 16 and 17 years old are allowed to operate an elevator, crane, derrick, hoist or high-lift truck (including hoists commonly used on tow trucks and other hoists), **only if** the device is an air operated hoist not exceeding one-ton capacity. *All other types are considered hazardous, even to student learners.*
 - All students (including student learners) may perform work that involves riding on a man lift or on a freight elevator **only if** the freight elevator operated by an assigned operator.
 - All students (including student learners) under age 18 may operate an "automatic elevator" and an "automatic signal operation elevator" under certain conditions. (See to Wis. Admin. Code § DWD 270.12(12)(c) 2. & 3.).
 - Forklift Operation- **Prohibited** for student learners to use for lifting. Permitted for moving materials if raised less than 4 inches off the floor (essentially, not used as a lift).

Unemployment Compensation (UC):

- ▶ If a youth apprentice is enrolled full-time in a public educational institution and receives school credit for their participation in the Youth Apprenticeship Program, they are not eligible to file for unemployment compensation from the youth apprenticeship employer. Youth Apprenticeship students who do not meet these criteria may be eligible for unemployment compensation benefits.
- ▶ For additional information on Unemployment eligibility, please view the web sites listed below.
 - WI Unemployment Insurance Handbook for employers at:
<http://dwd.wisconsin.gov/ui201/>
 - Employer Assistance at:
<http://dwd.wisconsin.gov/ui201/phone201.htm>

Workers Compensation:

1. Employers in farming need Worker's Compensation insurance if they have 6 or more employees (at one or more locations), working on the same day for 20 days (consecutive or non-consecutive) during a calendar year. After the 20th day, farmers have 10 days to obtain insurance.
2. There is **no wage minimum** for employers in farming. **The sole determinant of coverage under the Worker's Compensation law is the number of employees** (after excluding certain employees who are family members, relatives or "exchanged workers" as described in more detail below).

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- ▶ Agricultural employers should note:
 - A calendar year starts on January 1st and ends on December 31st.
 - The 20 days do not have to be consecutive.
 - On each of the 20 days, it can be the same 6 employees or 6 different people.
 - The 6 employees may be full-time or part-time.
 - The 6 employees may be at more than one location within the state.
 - Certain relatives are not counted in determining whether there are 6 employees.

- ▶ For additional information on farming exceptions to the Worker's Compensation Act, see the DWD Worker's Compensation Division's publication on Farming & Worker's Compensation in Wisconsin at http://www.dwd.wisconsin.gov/dwd/publications/wc/WKC_10447_P.pdf. Page three of the publication provides information on Worker's Compensation eligibility and coverage for relatives of a farmer.