



Architecture and Construction

Wisconsin Youth Apprenticeship (YA) Information Sheet

The competencies found in the Architecture and Construction Skills Checklist are aligned with the National States' Career Clusters standards for Architecture and Construction. They have also been reviewed by the Department of Workforce Development for WI Child Labor Laws.

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).*
- A. **The student learner exception applies to the following occupations. Except as indicated below, minors (including student learners) may not work in these occupations:**
- ◆ **Power-driven Machinery** (*See Wis. Admin. Code § DWD 270.13(15)*) –

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Developed in conjunction with DWD's Equal Rights Division/Bureau of Labor Standards, Unemployment Insurance Division, and Worker's Compensation Division

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- 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.
 - "Power-driven machinery" means drill presses; grinder wheels; lathes; **portable power-driven machinery, such as drills and sanders**; and floor maintenance equipment, such as polishers and scrubbers. It also includes spot welding in manufacturing operations.
- ♦ **Woodworking Power-driven 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.
- ♦ **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.
- ♦ **Metal forming, punching and shearing power-driven machines** (See Wis. Admin. Code § DWD 270.12(19))
- All students (including student learners) may operate or assist on pressing or punching machines such as punch presses machines **only if** they are equipped with automatic feed and ejection, as well as, 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.
 - 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.

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- However, student learners may perform this work if it is done on an incidental and intermittent basis.

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).

♦ **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.

♦ **Wrecking, Demolition, and Shipbreaking** (*Wis. Admin. Code § DWD 270.12(28)*) -

No minor may be employed in these occupations, defined as meaning "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." There are no exceptions to this prohibition, even for student learners.

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.

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- ▶ 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>

Worker's Compensation:

- ▶ Most Wisconsin employers are subject to the Worker's Compensation Act, including the requirement to obtain worker's compensation insurance. This also pertains to employers of student learners.
- ▶ Under the Worker's Compensation Act, employers must carry worker's compensation insurance if any of the following applies:
 - Three or more full-time or part-time employees are employed. An employer must have insurance immediately upon employing a third person.
 - One or more full-time or part-time employees are employed, whom an employer has paid a combined gross wages of \$500 or more in any calendar quarter for work done at one or more locations in Wisconsin. An employer must have insurance by the 10th day of the first month of the next calendar quarter.
 - If you are a farmer who employs 6 or more workers on the same day for any 20 days during the calendar year. An employer (farmer) in this situation must have insurance by the 10th day after the 20th day of employment. A calendar year is January through December. Some relatives of an employing farmer may not count as employees. (For detail, see 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.)
- ▶ For more information about Wisconsin Worker's Compensation insurance requirements, view the website resources listed below.

Wisconsin Compensation Insurance Requirements

http://dwd.wisconsin.gov/dwd/publications/wc/WKC_13328_P.pdf

Worker's Compensation Requirement Q&A

http://dwd.wisconsin.gov/dwd/publications/wc/WKC_13330_P.pdf