



Health Science

Wisconsin Youth Apprenticeship (YA) Information Sheet

The competencies found in the Health Science Skills Checklist are aligned with the National Association of State Directors of Career and Technical Education Consortium standards for Health Science and the Wisconsin Nurse Aide Candidate Handbook. 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)*.

A. Students (including YA students) may work in the following occupations:

ya.wi.gov

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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▶ CBRFs (Community-Based Residential Facilities)

- CBRFs are not required to have licensed practical nurses or registered nurses on the premises at all times. If CNAs under the age of 18 are employed, they must work on site with another qualified caregiver. The youth staff member may not work alone. Additionally, a facility waiver of the 18-year-old age requirement must be requested from the Division of Quality Assurance, Department of Health Services, for YA students who are placed in CBRFs. For more information OR to request a waiver, contact the Assisted Living Regional Director for the county in which your facility is located at:
http://www.dhs.wisconsin.gov/rl_DSL/Contacts/alsreglmap.htm.

▶ Cleaning

- Janitorial, medical, and laboratory cleaning are allowable for YA students.

▶ CNAs (Certified Nursing Assistants)

- There are no restrictions on CNAs under 18 years of age to perform their CNA duties after they have passed the competency test.

▶ Cooking (See Wis. Admin. Code § DWD 270.13(10))

- All students may cook; those under 16 must have direct adult supervision.

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

▶ Hospitals (See Wis. Admin. Code § DWD 270.13(9))-

- Students 16- and 17-years of age may be employed in occupations that involve the personal care of patients in hospitals and nursing homes.
- Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.

▶ Infections Agents (See Wis. Admin. Code § 270.12(13)) –

- All students (including student learners) are prohibited from working with infectious materials introduced purposely to be studied.
 - "Studied" does NOT include testing completed in medical settings using standard precautions where blood, urine, and other bodily fluids are tested diagnostically.
- Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.

C. 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.

▶ Patient Lifts - Hoists and Hoisting Apparatus (See Wis. Admin. Code § 270.12(12)) –

- All students may assist an adult worker in the operation of floor-based vertical powered patient lift devices, and powered sit-to-stand patient lift devices after completing a CNA

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training program. See U.S. Department of Labor- Wage and Hour Division, *Field Assistance Bulletin 2011-3*. (http://www.dol.gov/whd/FieldBulletins/fab2011_3.htm).

- ♦ **X-Rays, Radioactive Substances, and Ionizing Radiation** (See Wis. Admin. Code § DWD 270.12(23))-
 - All students are prohibited from workrooms with exposure to ionizing radiation.
 - The student learner exception does NOT allow YA students to work in such workrooms.
 - YA students may work in places with radioactive substances provided:
 - Radioactive substances present in the air average less than 10% of maximum permissible for occupational exposure.
 - The exposure is less than 0.5 rem per year.
 - The substances are NOT mixtures of phosphorescent material and radium, mesothorium, or other material, OR incandescent mantles made from fabric and thorium salt solutions.

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>

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.

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- 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