



Hospitality, Lodging and Tourism

Wisconsin Youth Apprenticeship (YA) Information Sheet

The competencies found in the Hospitality, Lodging and Tourism Skills Checklist are aligned with the National States' Career Clusters standards for Hospitality, Lodging, and Tourism. They have also been reviewed by the Department of Workforce Development for Child Labor Law compliance.

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:

- ♦ **Cooking** (See Wis. Admin. Code § DWD 270.13(10))–

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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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- All students may cook; those under 16 must have direct adult supervision.
- ♦ **Power-Driven Machinery** (See Wis. Admin. Code § DWD 270.13(15)).
 - Minors 16- and 17-years of age may be employed in the operation of the following power-driven machinery:
 - ✓ Mowers, tractors, snow-blowers, electric clippers, sod cutters, non-powered pruning saws, drill presses, grinder wheels, lathes, and portable power-driven machinery such as drills, sanders, and floor maintenance equipment, such as polishers and scrubbers. Powered pruning shears **MAY NOT** be operated until age 18.

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

- ♦ **Amusement Parks, Ski Hills, Street Carnivals, and Traveling Shows** (See Wis. Admin. Code § DWD 270.12(2)).
 - No minor may be employed in operating, assisting to operate, erecting, dismantling, setting up, adjusting, repairing, oiling, or cleaning any rides or machinery OR loading/unloading passengers in the operation of amusement park rides, ski hills, or street carnivals. This includes assisting riders to mount and dismount animals as part of rides.
 - ✓ Minors 16-and 17-years of age may be employed in occupations involving the loading and unloading of passengers on water slides.
 - Student learners may perform otherwise prohibited work if it is done on an incidental and intermittent basis.
- ♦ **Meat Processing** (See Wis. Admin. Code § DWD 270.12(18))-
 - Generally, students may not work using power-driven meat slicing and cutting machines.
 - 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.

♦ **Motor Vehicles** (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

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- 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.

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.
 - 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

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Worker's Compensation Requirement Q&A

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