

Chapter DWD 271

STREET TRADES

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History: Chapter Ind 71 as it existed on February 28, 1974 was repealed and a new chapter Ind 71 was created, Register, February, 1974, effective March 1, 1974. Chapter Ind 71 was renumbered chapter ILHR 271 under s. 13.93 (2m) (b) 1., Stats., Register, February, 1996, No. 482. Chapter ILHR 271 was renumbered chapter DWD 271 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, May, 1997, No. 497.

DWD 271.01 Identification. The identification card as provided in s. 103.25, Stats., shall be required for minors employed in street trades. No charge shall be made for the identification cards.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

DWD 271.02 Fees. The department fixes a fee of \$5 for the issuing of each Street Trades Permit and authorizes the retention of \$2.50 of the fee by the permit officer as compensation for services. The permit officer shall forward \$2.50 of the fee to the department to cover the cost of administration materials and supervision.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; am. Register, December, 1991, No. 432, eff. 1-1-92.

DWD 271.03 Meal periods. At least 30 minutes shall be allowed for each meal period reasonably close to the usual meal period time. In no case shall a minor under 18 years of age be employed or permitted to work more than 6 consecutive hours without a meal period.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74.

DWD 271.04 Hours of work and time of day of work.

(1) Minors under 12 years of age may work in a fundraising sale for a non-profit organization, a public or private school. Minors under 12 years of age must submit written approval from their parent or guardian to the non-profit organization, public or private school. Each minor or group of minors under 9 years of age must be physically accompanied by a parent or person at least 16 years of age.

(2) No minor under 16 years of age shall be employed or permitted to work at any street trade more than 6 days per week except for the delivery of newspapers; 4 hours per day, except 8 hours per day on Fridays, Saturdays, Sundays and other non-school days, 18 hours per calendar week while their respective school is in session, or 24 hours per calendar week while their respective school is in session less than 5 days per week or 40 hours per week during non-school weeks, nor before 7:00 a.m. except for the delivery of newspapers 5:00 a.m., nor after 8:00 p.m. on days preceding school days and not later than 9:00 p.m. on days not preceding school days.

(3) No minors 16 or 17 years of age shall be employed or permitted to work at any street trade more than 6 days per week except for the delivery of newspapers; 4 hours per day, except 8 hours per day on Fridays, Saturdays, Sundays and other non-school days, 26 hours per calendar week while their respective school is in session, or 32 hours per calendar week while their respective school is in session less than 5 days per week, nor before 6:00 a.m., except for the delivery of newspapers 5:00 a.m., nor after 9:00 p.m. on days preceding school days and not later than 11:00 p.m. on days not preceding school days.

(4) Hours worked as part of a work experience program during school hours will not count as part of the total permitted hours of work per day or per week.

(5) Minors 16 and 17 may be employed in excess of the permitted hours of labor per day and per week in weeks when they are not required to attend school provided the employer pays overtime as provided under the employer's pay plan to other workers, but in no case shall the payment be less than time and one-half their regular rate of pay for all overtime hours worked over 10 hours per day or over 40 hours per week whichever is greater, but in no case may minors 16 and 17 years of age be employed more than 50 hours per week. This exception shall not be interpreted to permit a minor to work more than 8 hours per day on Saturday, Sunday or other days during the week when the minor is required to attend school on any day of that week.

(6) Minors may not be employed during the hours they are required to attend school as defined in s. 118.15, Stats., nor contrary to local curfew ordinances establishing an earlier restriction.

(7) Minors 16 and 17 years of age, who are high school graduates or exempt from school attendance as defined in s. 118.15, Stats., may be employed the same daily and weekly hours and time of day as adults.

(8) "Day" means a calendar day.

(9) "Week" means a calendar week or a regular reoccurring period of 168 hours in the form of 7 consecutive calendar days.

(10) In court ordered restitution or community services programs, minors 12 or 13 years of age may be employed or perform any duties under circumstances in which a minor 14 or 15 years of age is permitted to be employed or permitted to work as provided under ss. DWD 270.05 and 270.06.

Note: See s. 103.67 (2) (j), Stats.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; r. and recr. Register, December, 1991, No. 432, eff. 1-1-92; correction in (10) made under s. 13.93 (2m) (b) 7., Stats. Register, February, 1996, No. 482.

DWD 271.05 Higher standards. Nothing in ss. DWD 271.01 to 271.05 shall authorize noncompliance with any federal or state law, regulation or municipal ordinance establishing a higher standard. If more than one standard within the Administrative Code applies to a single activity, the higher standard shall be applicable.

History: Cr. Register, February, 1974, No. 218, eff. 3-1-74; correction made under s. 13.93 (2m) (b) 7., Stats. Register, February, 1996, No. 482.

DWD 271.06 Requirements to obtain a street trades permit. (1) Street trades permits may be obtained from any authorized permit officer throughout the state when the following is presented to the permit officer:

(a) Proof of age as provided in s. DWD 270.02.

(b) Letter from the employer stating the intent to employ the minor along with the job duties, hours of work and time of day the minor will be working.

(c) Letter from the minor's parent, guardian or court-ordered foster parent while the minor is under their care and supervision consenting to the employment. As an alternative, the parent, guardian or foster parent may countersign the employer's letter.

(d) The minor's social security card.

(e) Payment from the employer of the permit fee. If the minor advances the fee, the employer must reimburse the minor not later than the first pay check.

(2) At the end of each month, the issuing office shall forward a copy of each permit issued to the public school district the minor attends or to the private or parochial school the minor attends. This requirement shall not apply for summer employment or for out-of-state students.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

DWD 271.07 Street trades form and identification card. The permit and identification card shall be issued upon blanks furnished by the department and copies shall be distributed as follows:

- (1) Original to the employer.
- (2) Copy 2 to the minor.
- (3) Copy 3 to the department.

(4) Copy 4 retained by the permit officer.

(5) Copy 5 to the school district the minor attends.

(6) Identification card to the minor.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92.

DWD 271.08 Revocation or suspension of permits.

(1) The department may revoke or suspend any permit whenever the permit has been improperly or illegally issued, or the physical, moral welfare or the best interest of the minor would be served by revocation or suspension.

(2) The department may revoke or suspend any permit if requested in writing by the school principal or the minors parent or guardian who has legal custody of the minor or the court-ordered foster parent while the minor is under their care and supervision. The requesting party shall demonstrate some attempt has taken place to resolve the work problem between the minor, school, parent or guardian and employer before the request for revocation or suspension is made to the department.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (1) and (2), Register, April, 1995, No. 472, eff. 5-1-95.