

STATEMENT OF SCOPE
Department of Workforce Development

Rule No.

DWD 270

Relating to

Child labor permit exception during public health emergency

Rule Type

Emergency

Finding of Emergency

The Department of Workforce Development seeks to promulgate new rules in Chapter DWD 270 to create an exception to child labor permits during the public health emergency declared in the Governor's Executive Order # 72 to protect the state's residents from the SARS-CoV-2 virus which causes the coronavirus disease. In response to the public health emergency, public schools and other child labor permit locations throughout the state were closed to the public and no on-line system for child labor permits is in place. To address worker shortages and staffing instabilities experienced by businesses while authorized labor permit offices are closed to the public during the public health emergency, the Governor issued Emergency Order #13, which created a temporary exception to DWD rules that require child labor permits for certain minors. Emergency Order #13 specifies requirements that employers must satisfy to hire minors who are 14 and 15 years and who have not obtained child labor permits because of the public health emergency. The emergency rule will supplant Emergency Order #13.

Detailed Description of the Objective of the Proposed Rule

Currently, with specified exceptions, ch. DWD 270 prohibits employing or permitting a minor to work unless the minor first obtains a child labor permit. The emergency rule will create a new exception that allows employers, up to 60 days after the termination of Executive Order # 72, to employ minors who are 14 and 15 years old and who have not obtained child labor permits. For the exception to apply, employers must satisfy requirements that are based on those specified in Emergency Order #13.

Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The new policies which will be proposed in the rule will establish requirements that employers must satisfy to employ minors who are 14 and 15 years old and who have not obtained child labor permits due to permit offices being closed because of the public health emergency. The emergency rule will require an employer to have a signed written intent to hire, obtain specified information about minors who are hired, notify the Department about the minors, and, within 90 days of the termination of Executive Order #72, file permit applications and pay permit fees for minors who are hired under the exception.

Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

103.66 Powers and duties of the department relating to employment of minors.

(2) The department may investigate and fix reasonable classifications of employments and hours of employment for minors under 16 years of age and may issue general or special orders fixing for those minors maximum hours of employment per day and per week, maximum days of employment per week, hours at which employment may begin and end, and the duration of lunch and other rest periods as are necessary to protect the life, health, safety, and welfare of those minors. For minors under 16 years of age, the department may not fix hours of employment that exceed the maximum hours per day and per week specified in s. 103.68 (2) (a) and (b), that exceed the maximum days per week specified in s. 103.68 (2) (c), or that begin earlier or end later than the hours specified in s. 103.68 (2) (d) and (e). For minors 16 years of age or over, the department may fix the duration of lunch and other rest periods, but may not limit hours of employment or issue general or special orders fixing maximum hours of employment per day or per week, maximum days of employment per week, or hours at which employment may begin and end.

Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The estimated time is 20 hours.

List with Description of All Entities that May Be Affected by the Proposed Rule

The emergency rule will affect employers who seek to employ minors who are 14 and 15 years old during the public health emergency. The emergency rule will also affect minors who are employed under the rule, their families, and authorized labor permit offices.

Summary and Preliminary Comparison with Any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

None. Federal law does not require work permits or age certificates for minors to be employed.

Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

The emergency rule is anticipated to have a positive effect on businesses, including small businesses, as it will allow employers to employ minors during the public health emergency and while permit offices are closed.

Contact Person: Pamela McGillivray, Chief Legal Counsel, (608) 261-6705, pamelar.mcgillivray@dwd.wisconsin.gov