



## YOUR GUIDE TO HIRING MINORS

Labor shortage is an employer issue that spans across industries, but the lack of qualified workers is especially critical for senior living and social service facilities. Many providers have avoided hiring minors in the past due to strict regulations that placed limitations on the tasks they are legally able to perform. These same facilities are now turning to a minor workforce to fill the staffing gaps they are experiencing. If your facility employs minors, make sure you – and your staff – are aware of the added legal obligations and are prepared to remain compliant.



This document provides a high-level guide of federal and state regulations that specifically pertain to minors who are employed by senior living and social service facilities. It is not all-inclusive of the general employment guidelines all minor employees and their employers must follow.

### Strict Penalties for Non-Compliance:

Where primary workers' compensation is due, AND the minor is **employed in a prohibited (hazardous) occupation**, the employer may be required to double the primary compensation, and pay this amount to the Work Injury Supplemental Benefit Fund (WISBF). This is referred to as **treble compensation**. There are some exceptions for approved apprenticeship programs.

### MINOR EMPLOYMENT/EQUIPMENT TASKS AND RESTRICTED TASKS:

#### Personal Care:

-  Minors 16 years old and over **MAY** provide personal care to residents except in a CBRF (Community-Based Residential Facility). This includes assisting the resident in dressing, bathing, eating, ambulation (walking from place to place), etc. **However, in a CBRF "resident care staff shall be at least 18 years old."**
-  Minors 14 years and over **MAY** push residents in wheelchairs, but cannot load or unload chairs.

#### ICON KEY




Federal Law






Wisconsin State Law/Guidance

### Resident Handling Devices (Hoists and Hoisting Apparatus)




-  **16-17 year olds MAY** assist an adult worker in the operation of floor-based vertical powered resident lift devices, ceiling-mounted vertical powered lift devices, and sit-to-stand devices **provided the following conditions are met:**
  - Minor employee has completed the 75 clock hours of nurse's aide training
  - Minor employee is not operating by him or herself AND is assisting in the use of the devices as a junior member of at least a two-person team headed by an employee who is at least 18 years of age. All staff members must be trained in the safe operations of the devices being used.
  - Minor **MAY** set up, move, position, and secure unoccupied lifting devices. They **MAY** assist trained adult employees in operating the controls that activate the power of the device. They **MAY** act as a spotter/observer and **MAY** position items under the resident who is being transferred or lifted.
  - Minor **MAY NOT** independently engage in "hands on" contact with the resident during a transfer/lift process
  - Minor is not injured while operating or assisting in the operation of the lifting device
  - The employer has provided minor employee who will assist in the operation a copy of [Attachment A from the Wage and Hour Division Field Assistance Bulletin No. 2011-3](#)

## MINOR EMPLOYMENT/EQUIPMENT TASKS AND RESTRICTED TASKS (CONTINUED):





### Kitchen and Power-Driven Bakery Equipment:

-  Employees **must be 16 years old or over** and have direct adult supervision to work in cooking positions.
-  **Minors 14 years and over MAY** use the following equipment **IF** preparing and serving food and beverages with adult supervision:
  - Dishwashers, toasters, dumbwaiters, microwaves, popcorn poppers, blenders, automatic coffee machines, and devices used to maintain the temperature of prepared foods such as warmers, steam tables, and heat lamps
-  Minors **MAY NOT**:
  - Operate, disassemble, reassemble, clean, or handle disassembled parts of a meat slicer or other meat processing equipment
  - Set-up, operate, clean, repair/oil, or adjust or disassemble power-driven bakery machines including mixers, sheeters, band saws, or other related equipment
  - Operate power-driven dough mixers (e.g. those used in making bread and rolls)


### Operating Power-Driven Machinery (lawn and garden tasks):

-  Minors **age 16 and over MAY** operate lawn and garden equipment including sidewalk type snow blowers and weed string (not-bladed) trimmers.
-  Minors **14 & 15 years old MAY NOT** employ any power-driven machinery including:
  - The operating, tending, setting up, adjusting, cleaning, oiling or repairing of **ANY POWER-DRIVEN MACHINERY**, including, but not limited to: Lawnmowers, golf carts, all-terrain vehicles, weed-eaters, trimmers, cutters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers
-  Minors **MAY NOT** handle or apply chemicals




### Housekeeping Tasks:

-  Minors **MAY** use light power-driven machinery (i.e. vacuums).
-  Janitorial cleaning is **permitted**.
-  An employee **must be 16 years old or over** to operate floor polishers and scrubbers.
-  **Minors under 18 are prohibited** from loading, operating, and unloading balers, and compactors used in waste disposal and recycling tasks.

### Confined Space: (prohibited for ALL MINORS)

-  Minors **MAY NOT** be assigned tasks in a work environment which has limited openings for entry and exits or escape areas. Examples include tunnels, boilers, ventilation and exhaust ducts.

### Other:

-  **Ladders:** Minors **under age 16 years of age are prohibited** from working on a ladder, scaffold, or similar device more than 6 feet high.
-  **Driving:**
  - Minors are **restricted** from driving a bus, truck or automobile, or transporting passengers.
  - Minors are **prohibited** from being a delivery driver.
    - Incidental and occasional driving by minors who are at least 17 years of age is permitted. For example: Minors are allowed to make two or less trips from the primary place of employment in any single day for the purpose of delivering goods to a customer.
-  Minors are **restricted** to driving during daylight hours, within a 30 mile radius of the place of employment. The vehicle may not exceed 6,000 pounds gross vehicle weight. The minor must have completed a state approved course and hold a state license in the job that he or she performs. They must have no record of any moving violation at the time of hire and have a seat belt for each passenger.

## SUPERVISORS AND STAFF LEADS

### STRESS AND PRACTICE SAFETY – Knowing the Law is Not Enough

- As a front line supervisor who gives teens their job assignments, it is your responsibility to know the laws.
- You are in the best position to influence teens' work behaviors and attitudes. Reinforce proper procedures and set a positive example.

#### Train Teens to Put Safety First:

- Provide teens with clear instructions for each task, especially unfamiliar ones. Provide hands-on training on the correct use of equipment. Show and demonstrate what safety precautions to take. **Allow time to ask questions.**
- **Observe and retrain** regularly.
- **Encourage communication** about potential issues or unclear directions. Make sure they are aware to speak up.
- **Supply** personal protective equipment when needed – safety glasses/goggles, gloves, safety shoes. Be sure teens know how to properly use, obtain and discard equipment.
- **Reinforce the importance of reporting** all work-related incidents immediately.
- **Prepare** teens for emergencies (accidents, fire, workplace violence, etc.). Show them escape routes and explain where to go and your preparedness plan.



#### Meal Periods:



- A minor is allowed **at least 30 minutes** for each meal period.
- Designated meal period must be **reasonably close to the usual meal period** time (6:00 am, 12:00 noon, 6:00 pm and 12:00 midnight)
- Minors **MAY NOT** work more than **six (6) consecutive hours** without a meal period.

For additional information or guidance, contact your M3 Account Executive at 800.272.2443.

#### Content Sources:

- US Dept. of Labor Bulletin (released on July 13, 2011)
- WI Dept. of Workforce Development, Guide to Wisconsin's Child Labor Laws. ERD-a7231-P (N.7/2012)
- Wis. Stats., DHS 83.16
- Wis. Stats., DWD 102.60
- Wis. Stats., Chapter DWD 270 Child Labor
- US Dept. of Labor, Field Assistance Bulletin No. 2011-3. Subject: Assisting in the Operation of Resident/Resident Hoists/Lifts.
- US Dept. of Labor - Wage and Hour Division, Child Labor Bulletin 101, WH-1330, Revised February 2013
- WI Act 11 Law Change - Employment of Minors 2017, Effective June 23, 2017.  
[https://dwd.wisconsin.gov/er/labor\\_standards/work\\_permit/law\\_changes\\_06232017.htm](https://dwd.wisconsin.gov/er/labor_standards/work_permit/law_changes_06232017.htm)