



WISCONSIN CHILD LABOR LAWS – YOUTH VOLUNTEER COMMUNITY SERVICE

Reference Guide

Revised August 2004

1. How does present child labor law define volunteer service?

Volunteer services are services, not prohibited by statute or regulation, performed by minors on a part time, occasional, and volunteer (not for pay) basis for non profit organizations, recognized also as educational, charitable, religious or community service in nature. Community service benefits a community and has no private gain.

2. Is there anything that a child can do as a volunteer for a non-profit that they can't do as an employee?

Youth volunteers may not do community service in any area or use designated equipment that is prohibited by the child labor laws. Youth volunteers are not to be used to replace a paid employee. This applies to all parts of this document, including the categories in question 11.

3. How is nonprofit defined?

Nonprofit organizations are those not operating for a profit and no part of the net earnings can be used to profit any individual or shareholder.

4. Are the laws for the hours of volunteer community service work the same as for child employment? Yes.

5. What must an organization provide youth doing volunteer community service?

Organizations with youth involved in volunteer community service must provide the supervision of a responsible adult and orientation training. Organizations should also provide accident and liability insurance coverage.

6. Is there a parent role in youth volunteer community service?

Each organization utilizing the service of a minor volunteer must obtain the written consent of the minor's parent.

7. Are there any differences between youth volunteer community service and judicially mandated youth volunteer community service?

The rules and restrictions of child labor and street labor laws cover youth volunteer community service. Court ordered restitution or community service programs may assign minors of only age to perform any duties under circumstances in which a minor 14 or 15 years of age is permitted to do provided under ss. DWD 270.05 and 270.06.

8. What restrictions and guidelines exist involving youth serving in governance roles such as making decisions about policy and budget, managing money, and ability to sign contracts for either public or non profit organizations under Wisconsin law?

According to an analyst at the Wisconsin Legislative Reference Bureau, the right of minors to sign contracts is unclear in the existing statutes. Their advice is that organizational constitutions should include how contracts will be signed. Sound practice is to require two signatures on contracts and checks. Thus, a minor could co-sign with an adult. The constitution or by-laws can empower minors with the right to act on behalf of an organization.

At this time, there is nothing in the statutes that would prohibit youth from being appointed to governmental committees that have citizen representatives. Most elected officials need to be

electors: people gain the right to be an elector at age 18. Specific questions can be researched at the Legislative Reference Bureau website at <http://folio.legis.state.wi.us/> or by calling 608-266-0341.

9. How does the law relate to youth doing unpaid work experience as part of a school program?

School programs that have a service component must have the community service performed by students during regular school hours while enrolled in an approved high school or vocational school work training or work experience program.

10. Are there any restrictions on youth using a ladder for community service projects?

Height restrictions for ladders or scaffold are 6’ as outlined by child labor laws. However, consider youth safety needs as the first priority when ladders or scaffolding are to be used in a community service project.

11. What youth volunteer community service activities are covered by child labor laws?

Type of Work	The Law
Trash/Litter Pick-up (non-motorized manual work)	Minors of any age may participate when done for private residence. Minors must be 14 years of age when done in association with a business or government entity. Supervision by someone 16 years of age or older is recommended
Painting/ Hand raking/ Gardening	Minors of any age may participate when done for private residence. Minors must be 14 years of age when done in association with a business or government entity
Lawn mowing	Minors of any age may participate in assisting parents or neighbors in this type of work. Youth must be 14 years of age to use a non-motorized mower. Youth must be 16 years of age to use a motorized lawn mower. Safety training is recommended.
Non-profit Door to Door Fund Raising or Door to Door Food and Toy Drives	Youth of any age may participate. Minors under 10 years of age must be accompanied by someone 16 years of age or older
Peer Mentoring (1 to 1 youth teaching and counseling)	Youth of any age can serve as a peer mentor.
Referee for Youth Sports	Youth of any age may participate, provided none of the referees in the league are paid. Youth age 12 and over may serve as paid referees for younger youth in organizations not covered by Fair Labor Standards Act. This covers non-profit organizations, not government or educational organizations.
Recycling including sorting of materials	Youth of any age may participate provided no hazardous materials are involved (i.e. solvents, paints, medical wastes, etc.) and not in association with a business.
Newspaper and Magazine Collections	Youth of any age may participate. Minors under 10 years of age must be accompanied by someone 16 years of age or older.
Taking Pets to a Nursing Home	Youth of any age may participate.
Teaching in a school with an animal.	For once a year show and tell involving a minimal amount of time, any age youth may participate. Any other situation, a youth must be 14 years of age.
Card Playing for fund raising	Youth of any age may participate.
Staffing a community festival booth (non-gambling games)	Youth of any age may participate. Minors under 10 years of age must be supervised by someone 16 years of age or older.
Staffing a water dunk booth including being dunked.	Youth of any age may participate.

12. What guidelines are required by the Wisconsin Department of Transportation for youth participating in “adopt-a-highway” projects?

Youth volunteers with the “adopt-a-highway” projects must be 11 years old or in 6th grade for non-interstate and non-freeway roads. It is recommended that there be one adult with every five youth for supervision and support. The Department of Transportation (DOT) provides a safety video and handout for all groups interested in being a part of the “adopt-a-highway” program. For additional information and applications, contact the “Adopt-A-Highway” Program at 1-800-242-2518. Always check with the DOT before taking on an “adopt-a-highway” project. Keep in contact with the DOT as to any changes in the rules and regulations. <http://www.dot.wisconsin.gov/localgov/aid/adopt-a-highway.htm>

13. Could parental permission for volunteer community service be handled with a statement on our annual enrollment form that asks: “ Does your child have your permission to perform 4-H sponsored community service?”

Yes, however it is best to have a permission form completed for each event.

14. How should youth volunteer community service permissions notes from parent or guardian be worded?

Either of the following examples could be used.

A. My child _____ has my permission to do volunteer community service in 4-H during this enrollment year. _____
(Signed and dated by parent/guardian).

B. My child has my permission to do volunteer community service on _____ for the _____ as participation in the _____ 4-H Clubs.

15. Where can I find additional information about youth volunteer community service and child labor laws?

The administrative code DWD 270 covers Wisconsin child labor laws. To get a copy of the administrative code and other helpful information, contact the Department of Workforce Development; Equal Rights Division, 201 E. Washington Ave., P.O. Box 8928, Madison, WI 53708. Phone (608) 266-6860. Seek child labor information at <http://www.dwd.state.wi.us/er/>

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