EMERGENCY ORDER #13

ORDER TO THE DEPARTMENT OF WORKFORCE DEVELOPMENT REGARDING MINOR WORK PERMITS

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency in Executive Order #72 in response to the spread of COVID-19;

WHEREAS, the public health emergency has required some businesses to significantly expand or alter their operations and hire new employees to meet critical needs, such as producing critical supplies for health care workers;

WHEREAS, minors serve a valuable function in Wisconsin's workforce and could help assist with any worker shortages or staffing instabilities during this public health emergency; and

WHEREAS, many authorized labor permit offices are closed to the public.

NOWTHEREFORE, under the authority of Wis. Stat. § 323.12(4) and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, order the following:

1. Under Wis. Admin. Code § DWD 270.05(2), child labor permits for minors who are 14 and 15 years old (referred to herein as "minors") are not required during the public health emergency declared by Executive Order #72 if the following requirements are met:
    a. The employer of a minor shall obtain the following information from the minor before hiring or permitting minors to work:
        i. Proof of age (Birth certificate, baptismal certificate, Wisconsin ID card or Wisconsin driver's license, or other evidence allowed by Wis. Admin. Code § DWD 270.07(4));
        ii. Employer's written intent to hire, including job duties to be performed and the hours and time of day to be worked, signed by the employer or someone duly authorized by the employer;
        iii. Written consent from the minor's parent, guardian or court-ordered foster parent consenting to the employment or a countersignature of the parent, guardian, or foster parent on the employer's letter; and
        iv. A copy of the minor's social security card.
    b. Upon receipt of all of the information required in Section 1.a., the employer shall notify the Department that such a minor has commenced employment by email to workpermits@dwd.wisconsin.gov. Such notification shall include the following:
        i. Attestation that the employer has reviewed the minor's proof of age and social security information;

ii. The employer's written evidence of the intent to hire described in Section 1.a.ii.; and
iii. The written consent from the parent or guardian described in Section 1.a.iv.

2. Within 30 days of the conclusion of the public health emergency described in Executive Order #72, employers shall file a permit application on behalf of each minor employee it hired and permitted to work under Section 1, and make payment for the permit fee under Wis. Admin. Code § DWD 270.08 for each minor it employed to a work permit office designated by the Department.

3. Pursuant to its discretionary authority under Wis. Stat. § 103.66, the Department will decline to take enforcement action against an employer for hiring and permitting a minor to work without a permit if the requirements under Section 1. for that minor employee have been met for work performed through the thirtieth day after the end of the public health emergency described in Executive Order #72.

4. An employer who fails to timely obtain work permits for minors employed during the public health emergency and make payment for the permit fees under Section 2 will be subject to enforcement action.

This order shall go into effect immediately and remain in effect for the duration of the public health emergency declared in Executive Order #72, or until a superseding order is issued.

Violation or obstruction of this order is punishable by imprisonment, fines, or both. Wis. Stat. § 252.25.

The provisions contained in this order are subject to further guidance and recommendations from the Wisconsin Department of Workforce Development.

This order shall remain in effect for the duration of the public health emergency declared in Executive Order #72, or until subsequent superseding emergency orders are issued, or until it becomes supplanted by rule promulgation.

Tony Evers

3/26/2020

Tony Evers
Governor
State of Wisconsin

Date