

Legal and Liability Considerations for Employers Hiring Students Through a Work-Based Learning Program

In today's labor market, employers are considering ever younger candidates to fill workforce gaps. Did you know that while employers cannot hire students under 18 for jobs during school hours, students under 18 can work during school hours if they are participating in structured work-based learning (WBL) for credit (*Wis. Admin. Code sec. [DWD 270.10\(1\)](#)*)?

Many employers avoid hiring youth because they do not know what is involved. This brochure addresses topics such as the one above that are related to the legal and liability issues employers face when hiring a student learner through a school-sponsored program.



What is Work-Based Learning (WBL)?

WBL experiences are hands-on opportunities for students to learn technical and employability skills such as positive relationships with adults, soft skills, and the formation of networks within a career pathway. To be considered a student learner in a WBL program, minors must be enrolled in a school-supervised WBL experience sponsored by an accredited high school, the technical college system board, or the Wisconsin Department of Workforce Development (DWD)'s Youth Apprenticeship Program, receive school credit for participation, and meet the following criteria:

- Involves sustained interactions, either paid or unpaid, with industry or community professionals, i.e., a min. of 90 hours that can be rotated among employers or positions.
- Takes place in real workplace settings as practicable or simulated environments at an education institution.
- Fosters in-depth, firsthand engagement with the tasks required in a given career.

- Aligns with a course (min. one semester).
- A training agreement between the student, employer/business, and school defines the roles and responsibilities of the student, the employer, and the school.
- There are regular, periodic oversight and interactions with employers or community members from the industry related to the assigned work.
- The work performed is under direct or close supervision of a qualified and experienced person. There is a schedule of organized and progressive work processes to be performed on the job (*Wis. Admin. Code sec. [DWD 270.14\(3\)](#)*).

There are many types of school-supervised work-based learning programs. Some WBL types involve employers directly hiring student learners. Others do not. The majority of topics covered in this guide pertain only to programs in which employers are directly hiring student learners.

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WBL types in which employers directly hire student learners

- [Internship or local co-op](#)
- [State-certified occupational program co-op](#)
- [State-certified employability skills co-op](#)
- [State-certified Youth Apprenticeship](#)
- [Supervised Agricultural Experience](#) (all types except Placement/internship type)

WBL types in which employers typically do not directly hire student learners:

- [Simulated worksite](#)
- [School-based enterprise](#)
- [Student entrepreneurial experience](#)
- [Supervised Agricultural Experience](#) (Placement/internship type only)

The following topics are those employers have expressed the most interest in and are linked to detailed information in the [Wisconsin Guide to Implementing Career-Based Learning Experiences](#):

- [Exceptions for exceptional, alternative, and special education students](#) – For more information, contact your [local DVR office](#).
- [Hours of work](#) – See also [Wis. Stat. § 103.68](#) for a complete listing of child labor laws related to hours of work.
- [Restricted work tasks](#) – See also DWD’s “[Manufacturing & Construction Equipment & Wisconsin’s Employment of Minors Laws](#)” for a partial list of tasks and equipment allowances and restrictions. For a complete list, consult the [Index to Prohibited or Restricted Employment](#).
- [Liability and insurance](#) – In general, if an employer has adequate general liability and workers’ compensation coverage, no

additional liability is required as a result of hiring youth. [Click into the link for liability related to transportation.](#)

- [Wages](#) – In general, if a student learner is part of a school-supervised WBL experience, whereby a student trains and an employer gains advantage from the work a student completes, then an employer-employee relationship exists and that student is owed wage compensation. In addition, the on-the-job training period is regarded as employment time for minors no matter the length of training time. [Click the link for exceptions.](#)

Getting Started

If you would like to find out how to partner with your local school to build the next generation workforce, talk with your [Regional Career Pathways contact](#). Identify the region nearest you and click on the corresponding tab to find your regional contact.

Please Note

This guidance is not intended to address a regular youth-employer relationship that exists between a minor and employer for compensation for productive work for an employer. For questions about employing minors, please consult the [Guide to Wisconsin’s Employment of Minors Laws](#).

Note that this guidance is meant to be used along with the [Wisconsin Guide to Implementing Career-Based Learning Experiences](#) and the [Guide to Wisconsin’s Employment of Minors Laws](#) as interpretive aides and is not meant to replace [Wisconsin Administrative Code Chapter DWD 270](#) or cover all possible scenarios or exceptions. Furthermore, this guide does not constitute a legal document that can be asserted as evidence in a court of law.

