

Youth Employment Requirements in Non-Agricultural Occupations Under the Fair Labor Standards Act

Presented by the :

**U.S. Department of Labor
Employment Standards Administration
Wage & Hour Division**

U.S. DOL Wage and Hour Division www.dol.gov 1-866-487-9243

Youth Employment Requirements in Non-Agricultural Occupations Under the Fair Labor Standards Act

The youth employment or youth employment provisions of the Fair Labor Standards Act (FLSA) are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

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Coverage

Two types of coverage:

- **Enterprise coverage:** If an enterprise is covered, all employees of the enterprise are entitled to FLSA protections.
- **Individual coverage:** Even if the enterprise is not covered, individual employees may be covered and entitled to FLSA protections.

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Enterprise Coverage

- Enterprises with:
 - At least two (2) employees engaged in commerce
 - At least \$500,000 a year in business
- Hospitals, businesses providing medical or nursing care for residents, schools, preschools and government agencies with at least two (2) employees are covered on an enterprise basis regardless of their annual dollar volume of business.

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Individual Coverage

- Workers who are engaged in:
 - Interstate commerce
 - Production of goods for commerce
 - Closely related process or occupation directly essential (GRADE) to such production, or
 - Domestic service
- Engaging in "interstate commerce" includes:
 - Making telephone calls to other states
 - Typing letters to send to other states
 - Processing credit card transactions
 - Traveling to other states

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Youth Employment Coverage

- Minors employed at establishments where goods are produced for interstate commerce.
- Minors employed by a covered enterprise or who themselves engage in the production of goods for interstate commerce.

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The Bottom Line

Approximately 90% of all employees in the United States are covered by the FLSA.

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Federal Youth Employment Provisions Do Not:

- Require minors to obtain work permits;
- Limit hours or restrict time worked for minors 16 years of age or older;
- Require breaks or meal periods for minors.

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What if Federal and State Laws Are Different?

Where Federal and State laws differ, the more protective standard applies.

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Hours that 14 and 15 Year-Olds May Work

- Up to 3 hours on a school day, including Fridays;
- Up to 18 hours during a week when school is in session;
- Up to 8 hours on a non-school day;
- Up to 40 hours during a week when school is not in session.

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Times When 14- and 15-Year-Olds May Work

- Between 7 AM and 7 PM; or
- Between 7 AM and 9 PM from June 1 through Labor Day; and
- Outside school hours

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Retail & Service Jobs 14- and 15-Year-Olds May Do

- Office and clerical work
- Cashiering and selling
- Price marking, assembling orders, packing
- Bagging and carrying out customers' orders

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Retail & Service Jobs 14- and 15-Year-Olds May Do

- Errands and deliveries by foot, bike, bus or train
- Certain clean-up work and yard work
- Pumping gas and hand cleaning cars
- Kitchen work, preparing and serving food (but very limited cooking)

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Retail & Service Jobs 14- and 15-Year-Olds May Do

Most cooking is prohibited, but 14- and 15-year-olds may:

- Cook with electric or gas grills that do not entail cooking over an open flame, and
- Cook with deep fryers that are equipped with and utilize automatic devices that raise and lower the baskets in and out of the hot oil or grease.

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Retail & Service Jobs 14- and 15-Year-Olds May Do

14- and 15-year-olds may:

- Clean kitchen surfaces and non-powered equipment, and
- filter, transport, and dispose of oil and grease

But only when the temperature of the surfaces, equipment and liquids do not exceed 100°F.

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Work 14- and 15-Year-Olds May Not Do

- Manufacturing and Mining
- Most processing occupations
- Operating power-driven equipment
- Transportation and Communications
- Warehousing and storage
- Construction

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Work 14- and 15-Year-Olds May Not Do

- Work in or about boiler or engine rooms
- Maintenance or repair of a building or equipment
- Work in freezers and meat coolers
- Outside window washing
- Baking

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Work 14- and 15-Year-Olds May Not Do

- Work involving power-driven food slicers and grinders, choppers or cutters and bakery mixers
- Loading and unloading goods to and from trucks, railcars or conveyors
- Work in areas where meats are prepared for sale
- All occupations declared to be hazardous for 16- and 17-year-olds

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Hazardous Occupations

The FLSA prohibits minors under age 18 from performing occupations that the Secretary of Labor declares to be particularly hazardous or detrimental to their health and well-being.

Currently there are 17 Hazardous Occupations Orders (HOs).

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Hazardous Occupations Orders 1 through 5

- HO 1. Manufacturing or storing explosives
- HO 2. Driving a motor vehicle or work as an outside helper on motor vehicles
- HO 3. Coal mining
- HO 4. Logging and sawmilling
- HO 5. Power-driven woodworking machines

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Hazardous Occupations Orders 6 through 9

- HO 6. Exposure to radioactive substances and ionizing radiation
- HO 7. Power-driven hoisting apparatus
- HO 8. Power-driven metal-forming, punching and shearing machines
- HO 9. Mining, other than coal

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Hazardous Occupations Orders 10 through 13

- HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants
- HO 11. Power-driven bakery machines
- HO 12. Power-driven paper-products machines, scrap paper balers, and paper box compactors
- HO 13. Manufacturing of brick, tile and related products

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Hazardous Occupations Orders 14 through 17

- HO 14. Power-driven circular saws, band saws and guillotine shears
- HO 15. Wrecking, demolition, and shipbreaking operations
- HO 16. Roofing occupations and work on or about a roof
- HO 17. Trenching and excavation operations

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"Operation" Means

The term "*operation*" as used in HO's 5, 8, 10, 11, 12 and 14 generally includes the tasks of setting up, adjusting, repairing, oiling, and cleaning the equipment.

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HO 1. Manufacturing or Storing Explosives

Bans youth working where explosives are manufactured or stored.

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HO 2. Driving or Outside Helper on Motor Vehicles

- Generally prohibits youth from driving motor vehicles on public roads, but certain 17-year-olds may perform driving that is *occasional and incidental* under certain circumstances.
- Bans working as an outside helper on motor vehicles. An outside helper is anyone, other than the driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

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HO 2. Driving or Outside Helper on Motor Vehicles

Minors under age 17 may not drive on public roads as part of their job.

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HO 3. Coal Mining

Bans most jobs in coal mining.

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HO 4. Logging and Sawmilling

Bans most jobs in logging and timbering (including cutting firewood) and in sawmills.

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HO 5. Power-Driven Woodworking Machines

Bans the operation of most power-driven woodworking machines, including saws, stapling machines, nailing machines, and sanders.

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HO 6. Exposure to Radioactive Substances and Ionizing Radiation

Bans exposure to radioactive materials.

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HO 7. Power-Driven Hoisting Apparatus

Bans the operation of most power-driven hoisting apparatus such as elevators, bobcats, cranes, and most high lift trucks, including forklifts.

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HO 8. Power-Driven Metal-Forming, Punching and Shearing Machines

Bans the operation of certain power-driven metal-working machines.

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HO 9. Mining, Other Than Coal

Bans most jobs in mining at metal mines, quarries, aggregate mines, and other mining sites including underground work in mines, work in or about open cut mines, open quarries, clay pits, and sand and gravel operations.

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HO 10. Power-Driven Meat Processing Machines

Bans the operation of power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including restaurants and delicatessens).

Also bans all most occupations in meat slaughtering, processing, and packing.

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HO 10. Power-Driven Meat Processing Machines

Minors may not use a meat slicing machine even on items other than meat, such as cheese and vegetables.

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HO 11. Power-Driven Bakery Machines

Bans the operation of power-driven bakery machines such as vertical doughmixers, battermixers (including most countertop models), dough rollers and doughsheeters.

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H 12. Power-Driven Paper-Products Machines, Scrap Paper Balers and Paper Box Compactors

Bans the operation of power-driven paper-products machines, including scrap paper balers and paper box compactors.

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HO 12. Power-Driven Paper-Products Machines, Scrap Paper Balers and Paper Box Compactors

Scrap Paper Balers and Box Compactors:

16 and 17 year-olds may load, but not operate or unload, **certain** scrap paper balers and paper box compactors under very specific guidelines.

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HO 13. Manufacturing of Brick, Tile and Related Products

Bans most jobs in the manufacture of brick, tile and similar products.

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HO 14. Power-Driven Band Saws, Circular Saws, and Guillotine Shears

Bans the operation of various types of power-driven band saws, circular saws and guillotine shears, regardless of the items being cut.

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HO 15. Wrecking and Demolition

Bans most jobs in wrecking, demolition, and ship-breaking operations.

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HO 16. Roofing Occupations and All Work On or About a Roof

Bans all jobs in roofing operations including work performed on the ground

and

All work performed on or about a roof (in close proximity).

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HO 17. Trenching and Excavation Operations

Bans most jobs in trenching and excavation work, including working in a trench more than four feet deep.

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Exceptions and Exemptions

- Casual babysitting, newspaper delivery, modeling and acting
- Parental exception
- Apprentices
- Student Learners


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Lifeguards

- 16 and 17 year olds may work in any non-hazardous occupations
- Fifteen-year-olds, *but not youth less than 15 years of age*, may be employed as lifeguards at traditional swimming pools and most facilities of water amusement parks based on an enforcement position adopted by the WHD

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Compliance Assistance



www.youthrules.dol.gov

Preparing the 21st Century Workforce

The Department of Labor launched **YouthRules!** to help employers, parents, teachers, and working teens understand and comply with federal and state youth employment provisions.

Visit the **YouthRules!** Website for important information that will help young workers find and maintain positive and safe employment.

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Compliance Assistance Materials

- Fair Labor Standards Act
- Regulations, 29 CFR 570
- Handy Reference Guide
- Child Labor Advisor
- Child Labor Bulletin 101
- Fact Sheet #43
- FLSA Poster

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Tips for Employers

- Verify ages of young employees
- Know the youth employment provisions
- Train managers about the youth employment provisions
- Give minor employees information on the youth employment provisions

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More Employer Tips

- Review time records for minors
- Post warning labels on prohibited equipment
- Make compliance important
- Encourage minors to say "no" if asked to do something that is prohibited or they do not feel they can do safely

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Tips for Young Workers

- Know what you legally may and may not do
- Know when you legally may and may not work
- Be aware of your surroundings
- Politely say "no" when asked to something that is not allowed or something you do not feel you can safely do

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Enforcement

- Enforcement is conducted by Wage and Hour staff throughout the U.S.
- Employers who violate the youth employment provisions are subject to a civil money penalty of up to \$11,000 for each violation.
- Federal law prohibits the interstate movement of goods produced where youth employment violations are found.

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Additional Information

- Visit the WHD homepage at: www.wagehour.dol.gov
- Call the WHD toll-free information and helpline at 1-866-487-9243
- Use the DOL interactive advisor system - *ELAWS* (Employment Laws Assistance for Workers and Small Businesses) at: www.dol.gov/elaws
- Contact the nearest Wage and Hour Division Office

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