



# The Summer Jobs+ Initiative vs. Child Labor Laws

Insights

6.01.12

*"America's young people face record unemployment, and we need to do everything we can to make sure they've got the opportunity to earn the skills and a work ethic that come with a job. It's important for their future, and for America's.... This is an all-hands-on-deck moment. That's why today, we're launching Summer Jobs+, a joint initiative that challenges business leaders and communities to join my Administration in providing hundreds of thousands of summer jobs for America's youth"* — President Barack Obama

With unemployment at an all time high, the U.S. Labor Department (DOL) will be launching new tools to implement President Obama's Summer Jobs+ initiative in the coming months. While two of the three components are designed to build life and work skills, the third component is aimed at providing on-the-job training and summer jobs. The program is targeted to serve low-income and "disconnected" youth (those not in school or working).

Although the Summer Jobs+ program targets one segment of the minor workforce, the goal is for these kids to take their tools and experiences into the job market. Over the years hospitality employers, such as restaurants, have been particularly good about hiring younger workers.

With this renewed focus on employing youth, employers in general should refresh themselves with the labor laws surrounding the employment of minors, regardless of whether your business is associated with the Summer Jobs+ initiative. An employer unfamiliar with the child labor laws may unwittingly find their summer spoiled.

While the DOL is the sole federal agency charged with enforcement of child labor laws, most states have enacted similar legislation and enforcement mechanisms. In some instances, the state law is much more restrictive than the federal regulations. This may present particular challenges for employers that operate in multiple states, as a one-size-fits-all approach to child labor won't work.

## Limits Apply Even On Non-School Nights

Federal law currently prohibits 14- and 15-year olds from working during school hours.

Additionally, they may only work up to three hours a day and 18 hours per week when school is *in session*, or up to eight hours a day and 40 hours per week when school is not *in session*. This is not the same thing as working on a *school night*.

This age group is also limited to working between 7 a.m. and 7 p.m.; except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Employers sometimes mistakenly allow minors to work for more than three hours on a non-school nights, particularly Friday or Saturday nights.

Those 16 and older are not subject to work-hour restrictions under federal law. But 22 states do limit the number of hours and times of day those ages 16 and 17 may work. At least two states (Connecticut and Vermont) place limitations on work hours based upon certain industries.

### **Permitted And Prohibited Jobs For Minors**

The child labor rules also determine what types of jobs a youth may or may not perform.

A 14- or 15-year-old may not work in jobs identified by the Secretary of Labor as "hazardous." The regulations further provide a list of jobs that are expressly restricted, which includes the following:

- manufacturing, processing, and mining occupations;
- communications or public utilities jobs;
- construction or repair jobs;
- operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines;
- work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides;
- driving motor vehicles or helping a driver;
- youth peddling, sign waving, or door-to-door sales;
- poultry catching or cooping;
- lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond;
- public messenger jobs;
- transporting persons or property;
- workrooms where products are manufactured, mined or processed;
- warehousing and storage;
- boiler or engine room work;
- cooking, except with gas or electric grills that do not involve cooking over an open flame, and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets in and out of the hot grease or oil;
- baking;
- operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers, grinders, choppers or cutters and bakery mixers;

- freezers or meat coolers work, except minors may occasionally enter a freezer for a short period of time to retrieve items;
- loading or unloading goods on or off trucks, railcars or conveyors except in very limited circumstances;
- meat processing and work in areas where meat is processed;
- maintenance or repair of a building or its equipment;
- outside window washing that involves working from window sills;
- all work involving the use of ladders, scaffolds, or similar equipment; and
- warehouse work, except office and clerical work.

Jobs that 14- and 15 year-old workers may legally perform are limited to:

- office and clerical work;
- work of an intellectual or artistically creative nature;
- bagging and carrying out customers' orders;
- cashiering, selling, modeling, art work, advertising, window trimming, or comparative shopping;
- pricing and tagging goods, assembling orders, packing, or shelving;
- clean-up work and grounds maintenance—(minors may use vacuums and floor waxers, but not power-driven mowers, cutters, and trimmers);
- work as a lifeguard at a traditional swimming pool or water amusement park if at least 15 years of age and properly certified;
- kitchen and other work in preparing and serving food and drinks, but only limited cooking duties and no baking;
- cleaning fruits and vegetables;
- cooking with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets in and out of the hot grease or oil;
- cleaning cooking equipment, including the filtering, transporting and dispensing of oil and grease, but only when the surfaces of the equipment and liquids do not exceed 100° F;
- pumping gas, cleaning and hand washing and polishing of cars and trucks (but the young worker may not repair cars, use garage lifting racks, or work in pits);
- wrapping, weighing, pricing, stocking any goods as long as he or she doesn't work where meat is being prepared and doesn't work in freezers or meat coolers;
- delivery work by foot, bicycle, or public transportation;
- riding in the passenger compartment of a motor vehicle (with exceptions); and

- loading and unloading onto and from motor vehicles, the hand tools and personal equipment the youth will use on the job site.

The Secretary of Labor has also deemed certain occupations to be hazardous for those ages 16-17. The rules prohibiting working in hazardous occupations apply either on an industry basis, or on an occupational basis regardless of the industry. Even parents employing their own children are subject to these rules. The following is prohibited:

- manufacturing and storing of explosives;
- driving a motor vehicle and being an outside helper on a motor vehicle;
- coal mining;
- forest fire fighting and fire prevention, timber tract management, forestry services, logging, and saw mill occupations;
- using power-driven woodworking machines;
- exposure to radioactive substances;
- operating power-driven hoisting apparatus;
- using power-driven metal-forming, punching, and shearing machines;
- mining, other than coal mining;
- meat and poultry packing or processing;
- operating power-driven bakery machines,
- using balers, compactors, and paper-products machines;
- manufacturing brick, tile, and related products;
- using power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs;
- any work involving wrecking, demolition, and shipbreaking operations;
- roofing operations and all work on or about a roof; and
- excavation operations.

Many states have further restricted the types of jobs or industries for young workers. Employers must follow the more restrictive statute.

### **Keeping Pace With Change**

Federal and state child labor laws are complex and continue to evolve. Whether a job is permitted or prohibited often requires a case-by-case analysis. To keep minor employees safe and your company in full compliance with the law, you must become familiar with the relevant regulations.

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## ***Related People***

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