

OHIO GOVERNOR VETOES BILL THAT WOULD PERMIT LATER SCHOOL NIGHT WORK FOR TEENS: A REVIEW OF CURRENT CHILD LABOR LAWS

Insights
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Younger teens won't be able to work later hours during the school year in Ohio after all. Governor DeWine recently nixed legislation that would have extended permitted work hours when school is in session. Following this development, now is a good time for employers to make sure they are complying with existing child labor laws. Keep in mind that Ohio employers who hire minors must comply with both state and federal law, paying close attention to how the requirements vary based on the minor's age and whether school is in session. Here's a refresher of what employers need to know about the current law and five key takeaways for employing minors.

The Latest Development

The vetoed Senate Bill 50 would have allowed 14- and 15-year-olds to work until 9 p.m. instead of 7 p.m. on school nights. The measure was intended to help address Ohio's workforce shortage and provide minors with additional work opportunities.

In explaining his decision to veto the bill, Governor DeWine expressed that there was "no compelling reason to deviate from current law." He acknowledged the importance of learning to work and the value of carrying those skills into adulthood, but concluded that the existing law already serves this purpose while maintaining a healthy balance between work and study time for students.

Overview of Minor Labor Laws

Related People



Olivia Bindas

Associate

440.740.2151



Melissa A. Dials

Partner

440.740.2108

Child labor laws restrict the hours minors can work and the types of tasks they can perform. They also impose requirements on employers for breaks, hiring, and disclosure. A “minor” is any individual under the age of 18. Generally, employment of any person under the age of 14 is prohibited.

Minors 14 and 15 years of age cannot be employed:

- During school hours;
- Before 7 a.m. or after 7 p.m. during the regular school year;
- After 9 p.m. during summer break (from June 1st to September 1st) or during any school holiday of five school days or more;
- For more than eight hours in any day when school is not in session, or more than three hours on any school day; or
- For more than 40 hours in any week that school is not in session, or for more than 18 hours during any school week.

Minors 16 and 17 years of age cannot be employed:

- Before 7 a.m. on any day that school is in session, if they were employed after 8 p.m. the previous night, or otherwise before 6 a.m.; or
- After 11 p.m. on any night preceding a day that school is in session.

Banned Occupations for Minors:

Minors are prohibited from working in occupations that are hazardous or detrimental to their health and well-being. A list of prohibited occupations for minors 14 through 17 years of age and a list of prohibited occupations specifically for minors under 16 are available [here](#).

Additionally, restrictions regarding driving vary with the age of the minor. Licensed 16-year-olds may be hired for jobs involving vehicle operation on private property, but not on public roadways. Licensed 17-year-olds may drive on public roads so long as certain requirements are met.

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Other Employment Requirements When Hiring Youth:

- Every minor who is in paid employment must have a work permit. 14- and 15-year-olds must have a work permit at all times during the school year. 16- and 17-year-olds are not required to provide a work permit during summer vacation months, but are required to provide proof of age and a statement by the minor's parent or guardian consenting to the employment.
- Before employment, an employer and a minor must agree on the wages or compensation the minor will receive for each day, week, month, year, or per piece, for work performed.
- Employers must give minors a rest period of at least 30 minutes for every five consecutive hours of work. The rest period does not need to be included in the computation of hours worked by the minor.
- Employers must keep a time book or other written record showing actual starting and stopping time of each work period for each youth employee.
- Employers must keep a list of minors employed at each establishment. The list and the [Ohio Employment of Minors poster](#) must be posted in a conspicuous place to which all underage employees have access.

5 Takeaways for Employers:

- 1. Age is important.** The law varies based on the age of the person, with younger minors having stricter guidelines to follow.
- 2. Pay attention to the time of year.** Permitted work hours change for minors during the school year.
- 3. Not all jobs are allowed.** Certain jobs are considered too hazardous for youth workers; make sure to consult the list of prohibited occupations to ensure adherence.
- 4. Breaks are mandatory.** After five consecutive hours of work, minors must have a 30-minute break.
- 5. Maintain time records.** Keep clear records of each youth's schedules, breaks, and job duties.

Conclusion

If your business is considering hiring or currently employs minors, you should contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Wage and Hour Practice Group](#) for assistance. Fisher Phillips will continue to monitor this area and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.