

HIRING TEENS THIS SUMMER? A 6-STEP GUIDE TO HELP YOUR BUSINESS COMPLY WITH CHILD LABOR RULES

Insights
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School's almost out for summer, meaning your business may soon be looking for more workers to meet seasonal demand and fielding applications from younger workers looking to make some cash during the break. Both federal Department of Labor (DOL) regulations and state laws place specific restrictions on when and where minors under age 18 can work. Notably, some states have also recently loosened their rules surrounding when minors can work, creating more nuances for multistate compliance. This Insight will cover what you need to know about the rules when hiring minors.

Who Is Allowed to Work?

Federal child labor restrictions apply based on the age of the worker, with more flexibility as they get older. While workers under 16 face the most restrictions, all minors are completely banned from doing certain tasks.

16- and 17-year-olds can work for unlimited hours in any occupation (both agricultural and non-agricultural) other than those banned under the "hazardous occupation orders." We'll cover these in detail below.

14- and 15-year-olds can work outside of school hours in non-manufacturing and non-hazardous jobs. They also have specific work time limits:

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- During the summer: no more than eight hours in a single day, no more than 40 hours a week, and only between 7 am and 9 pm.
- During the school year: no more than three hours on a school day (including Fridays), no more than 18 hours a week, and only between 7 am and 7 pm.

Minors under 14 may not work in non-agricultural jobs covered by the FLSA. Permissible work recognized by the DOL is limited to certain jobs that are not FLSA-covered, such as chores, casual babysitting, delivering newspapers, and acting.

Where Minors Can't Work

The federal Wage and Hour Division has barred most workers under 18 from job duties involving **dangerous machines, heavy vehicles, mining, demolition, roofs, or explosives**, with limited exemptions for 16- and 17-year-old apprentices or student learners. There's also a separate set of restrictions for youth agricultural work that are similar to those for general industry, but are more specific to farming tasks, like working inside a grain silo or around potentially hostile animals.

The types of job duties banned for minors under the Fair Labor Standards Act include:

Heavy equipment and vehicles

- Driving motor vehicles and working as an outside helper on a motor vehicle.
- Operating power-driven hoisting apparatus, like forklifts, cranes, or similar lifting equipment.
- Working with power-driven metal-forming, punching, and shearing machines.

Mining and industrial work

- Mining for coal and other materials.
- Working with radioactive substances or radiation.
- Operating power-driven bakery machines.
- Operating power-driven paper-product machines.



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Manufacturing and processing

- Operating power-driven woodworking machines.
- Meatpacking and meat processing.
- Manufacturing brick, tile, and related products.

Construction and demolition

- Wrecking, demolition, and ship-breaking.
- Roofing.
- Excavation.
- Operating power-driven saws, band saws, guillotine shears, chain saws, wood chippers, and abrasive cutting discs.

Fire, forest, and explosives

- Working with explosives.
- Logging and sawmill work, including work in forests and fire-fighting related tasks.

Additional restrictions apply to minors age 14 and 15, with the DOL limiting the jobs they can perform to specific occupations. [You can find more details on the DOL's website here.](#)

DOL's Strict Enforcement Posture

The DOL's Wage and Hour Division, which enforces limits on how long minors can work and what job duties they can perform, has [increased its focus on child labor cases](#) over the last several years. Following an alarming uptick in cases involving children working late hours in dangerous and banned jobs, [the Biden administration](#) launched a special enforcement initiative in 2023 aimed at cracking down on violations of child labor laws. DOL officials in the current administration have vowed to "double down" on those efforts, **so ensuring your company is in compliance is as important as ever.**

DOL fines for violations of child labor laws are currently set at a maximum penalty of \$16,035 per employee who was the subject of such a violation or \$72,876 for each violation that causes the death or serious injury of any employee under

the age of 18 years. These rates are typically adjusted for inflation each year.

State Rules May Be More Restrictive

The federal Fair Labor Standards Act (FLSA) sets the floor for child labor limits but allows states to enact more restrictive laws. So you must be aware of any local restrictions that also impact your workplace.

For example, while federal law does not restrict the number of hours 16- and 17-year-olds can work in a day or week, many states do. During the school year, **California** generally limits them to four hours a day on a school day and eight hours on any non-school day or on any day preceding a non-school-day. When school's out, older teens in California may work up to eight in a day and 48 in a week. There are also limits on the time of day or night older teens can work in the Golden State.

In addition to hours, many states ban more jobs that they consider hazardous for teens. So, always check the specific rules that apply in your jurisdiction.

While still more restrictive than federal law, however, some states have recently loosened up on rules for older teens. For example, a 2024 **Florida** law aims to give employers and younger workers more flexibility by allowing:

- 16- and 17-year-olds to work more than 30 hours per week when school is in session if a parent, guardian, or school superintendent fills out a waiver and provides it to the employer;
- minors age 16 and up to work more than eight hours a day on holidays and Sundays during the school year; and
- teens who are homeschooled or attend virtual school are permitted to work during school hours.

The 2024 Florida law also established 30-minute break requirements every four hours for teens working more than eight hours per day. [You can read more about it here.](#)

Similarly, **Washington's** [HB 1121](#), which takes effect on July 1, will allow minors who are 16 or 17 years old and enrolled in a bona fide college program or in a qualifying career and technical education program to work more hours during the school year.

Ohio Governor DeWine, however, [nixed legislation last year](#) that would have extended permitted work hours for 14- and 15-year-olds when school is in session.

You should note that if a state's laws are less restrictive than federal law, you will need to follow the most restrictive law that applies.

6 Key Steps for Compliance

1. Determine what rules apply to your business. Is your company operating in a state with stricter child labor rules? Most companies are subject to both federal and state rules, so ensure your policies are applying the more protective standard that applies to your workforce.

2. Consider posting clear signage or labels around and on machinery and in work areas that are banned for certain minors. For example, clear signage will ensure your staff knows that 14- and 15-year-olds may not work in freezers or meat coolers.

3. Train managers and staff on what the law allows and prohibits. Employees should know what tasks they are permitted to complete, and the limits on how long of a shift they can work. Educate managers on the law, so they can identify and correct violations before they happen.

4. Keep detailed records that include minor employees' names, ages, addresses, as well as start and end times for each workday and meal period.

5. Consider a ban on hiring workers under age 18. While narrowing your potential labor pool, such policies eliminate your compliance risk when it comes to child labor laws.

6. Consult with legal counsel to ensure your policies align with both state and federal requirements and to identify any unique risks your business may present for minor workers, like tasks that are considered hazardous occupations. Your attorney can help you build a compliance checklist that accounts for the nuances in your locations.

Conclusion

Fisher Phillips will continue to monitor developments on child labor regulations and enforcement, and will provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date

information. For further information, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Wage and Hour](#), [Hospitality](#), or [Retail](#) Industry teams.