

CHILD LABOR EMPLOYMENT FORM
University of Idaho
Human Resources--Employment Services
Moscow, Idaho 83844-4332 Phone: (208) 885-3737
Fax: (208) 885-3602

Federal Law: The Fair Labor Standards Act (FLSA) regulates the minimum age, the maximum hours worked and the type of employment tasks performed by minors. Minors are those individuals who are below the age of 18 at the time of their employment. The University of Idaho complies with all federal and state regulations addressing employment of minors. The attached information provides the supervisor, the legal guardian and the employee with the general guidelines for employing minors under the child labor provisions of the FLSA.

To employ minors at the University of Idaho:

- ♦ **Thoroughly read attached information pertaining to the employment of minors.**
- ♦ **Verify and photocopy proof of age document (list of approved documents attached).**
- ♦ **Complete Child Labor Form, copy of proof of age document, and officially file both at Human Resources before minor begins working for the UI.**

By signing the following document, I agree that I have read and understand my responsibility as a supervisor of a minor working under my direction.

Supervisor Signature _____ Date _____

Supervisor's Printed Name _____

Supervisor's Title _____

Department _____

Telephone _____ Expected Dates of Minor's Employment _____

Age of Minor: _____

Duties of Position:

(see attached information for age-appropriate duties)

By signing the following document, I agree that I have read and understand my responsibility as a minor and guardian of a minor.

Printed Name _____

Signature of Minor _____ Date _____

Date of Birth _____

☐ Copy of Proof of Age Document Attached

Signature of legal guardian _____

Printed Name _____ Date _____

CHILD LABOR LAW PROVISION SIGN-OFFS

State and local governments may employ minors as part of their regular workforce or in summer jobs for youth programs. In either context, they must be careful to comply with federal law, as well as their own state and local laws regulating child labor.

The Fair Labor Standards Act (FLSA) regulates the minimum age and maximum hours of employment in certain occupations. The act is very clear that nothing in the FLSA authorizes or permits noncompliance with any other federal or state law, regulation or municipal ordinance that establishes a higher standard of regulation of child labor. If standards applicable to the employment of a minor differ between the FLSA and another federal or state statute or regulation, then the higher standard is always applicable. (29 U.S.C. 218; 29 C.F.R. 570.50 a) The FLSA cites different standards for the employment of minors who are 14 and 15 years old and for minors who are 16 to 18 years old.

Violations of the child labor provisions of the FLSA have come under greater scrutiny by the Department of Labor (DOL). In 1990, the DOL conducted two nationwide sweeps to determine the extent of child labor violations. Child Watch, Watch I was conducted in March and identified 15,000 violations of the act's child labor provisions and resulted in almost \$5 million in civil penalties. The Department of Labor (DOL) estimates the second national investigation to have discovered about 5,500 violations and about \$2 million in fines.

PERMITTED EMPLOYMENT FOR MINORS 14 AND 15 YEARS OF AGE

Minors in this age bracket are permitted to work in any non-agricultural occupation not deemed hazardous by the Secretary of Labor as long as the employment does not interfere with their schooling or their health and well being. (29 C.F.R. 570.31)

According to 29 C.F.R. 570.34(a), the following occupations are permitted:

- * office and clerical work, including the operation of office machines;
- * cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping;
- * price marking and tagging by hand or by machine, assembling orders, packing and shelving;
- * bagging and carrying out customers' orders;
- * errand and delivery work by foot, bicycle and public transportation;
- * clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, **but not including the use of power-driven mowers or cutters;**
- * kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;
- * work in connection with cars and trucks is confined to dispensing gasoline and oil; courtesy service; car cleaning, waxing and polishing, but not work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with removable retaining ring; and
- * cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from work in freezers and meat coolers. No other work involving the preparation of meat for sale can be performed except as described in this section.

PERIODS AND CONDITIONS OF EMPLOYMENT

According to 29 C.F.R. 570.35(a) minors 14 and 15 years old are confined to the following periods of employment in any of the qualified occupations:

- * outside school hours
- * not more than 40 hours in any one (1) week when school is NOT in session;
- * not more than 18 hours in any one (1) week when school IS in session;
- * not more than 8 hours in any one (1) day when school is NOT in session;
- * not more than 3 hours in any one (1) day when school IS in session;
- * between 7 AM and 7 PM in any one (1) day, except during the summer (June 1 - Labor Day) when the evening hour will be 9 PM;

There is an exception in the case of enrollees in work training programs conducted under Part B of Title I of the Economic Opportunity Act of 1964. Such minors 14 and 15 years old are allowed to work during school hours if the employer has on file an unrevoked written statement of the regional manpower administrator (or his/her representative) that sets out the periods in which the minor will work and certifies that the employment will not interfere with the minor's health and well being. This statement has to be countersigned by the principle of the school the minor is attending with the principal's certificate that such employment will not interfere with the minor's schooling. 29 C.F.R. 570.35(b).

PROHIBITED EMPLOYMENT FOR MINORS 14 AND 15 YEARS OF AGE

Minors 14 and 15 years old are not permitted to work in occupations that involve: 29 C.F.R. 570.33 (a-e)

- * manufacturing, mining, or processing occupations, including occupations requiring the performance of duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;
- * **the operation or tending of** hoisting apparatus or of **any power-driven machinery other than office machines;**
- * **the operation of motor vehicles or service as helpers on such vehicles;**
- * public messenger service;
- * occupations which the FLSA find and declare to be hazardous for employment of minors between the ages of 16 and 17 years of age such as occupations in connection with (except for office work or sales work, no employment is permitted for minors 14 and 15 years old involving the performance of any duties on trains, motor vehicles, aircraft, vessels or other media of transportation):
- * transportation of persons or property by rail, highway, air, water, pipeline, or other means;
- * warehousing and storage;
- * communications and public utilities;
- * construction (including demolition and repair)

PROHIBITED EMPLOYMENT FOR MINORS 16 AND 17 YEARS OF AGE

A minor must be at least 18 years of age to work in any non-agricultural occupation that the Secretary of Labor had declared to be hazardous to the health or well-being of minors. Minors 16 and 17 cannot work in the following occupations:

- * motor vehicle driver or outside helper on any public road or highway, except if the vehicle does not exceed 6,000 pounds **and** if the driving is **incidental and occasional** to the minor's employment **and** restricted to daylight hours **and** the minor must hold a state license that is valid for the type of driving being performed **and** have completed a state-approved driver education course. **In addition**, the vehicle must have a seat belt or similar device for both the driver **and** any helper **and** the minor(s) must have been instructed in the use of these devices. These exemptions **DO NOT** apply to any occupation of motor vehicle driver that involves: the towing of vehicles;

- driving in or around any mine (including open pit mine or quarry); driving in place where logging or sawmill operations are in progress; driving in any excavation areas of any type;
- * work that involves the operation of power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machine, and helping the operator to feed material into such machines, but not including the placing of material on a moving chair or in a hopper or slide for automatic feeding;
- * operator of an elevator, crane, derrick, hoist or high lift truck, except for the operation of an unattended automatic operation passenger elevator or an electric or air operated hoist not exceeding one ton capacity;
- * assisting in the operation of a crane, derrick or hoist performed by crane hooker, crane chasers, hookers-on, riggers, rigger helpers and like occupations;
- * riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator. Operating automatic elevators and automatic signal elevators is allowed provided they meet all the safety requirements of 29 C.F.R. 570.58 (c);
- * operating, assisting to operate, or setting up, adjusting, repairing, oiling or cleaning any horizontal or vertical dough mixer, batter mixer, bread-dividing, rounding or molding machine, dough brake, dough sheeter, combination bread slicing and wrapping machine, cake cutting band saw, and the setting up or adjusting of a cookie or cracker machine;
- * operating or assisting to operate any of the following power-driven paper-products machines (and setting up, adjusting, repairing, oiling or cleaning these machines, including those that do not involve hand feeding): arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler or vertical slotter, platen die-cutting press, platen printing press or punch press that involves hand feeding of the machine;
- * operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection (including setting-up, adjusting, repairing, oiling or cleaning these machines: circular saws, band saws, and guillotine shears;
- * all work involved in wrecking, demolition and shipwrecking operations;
- * all work involved in roofing operation;
- * excavation operation, including:
- * excavating, working in or backfilling (refilling trenches, **except manually excavating**, manually backfilling trenches or working in trenches **that do not exceed four feet in depth at any point**
- * excavating for buildings or other structures for working in such excavations, except; manually excavating or working to a depth not to exceed four feet below any ground surface adjoining the excavation or working in any excavation where the side walls are shored or sloped to the angle of repose;
- * working within tunnels prior to the completion of all driving and shoring operations, and working within shafts prior to the completion of all sinking and shoring operations;

The following prohibited occupations include the setting up, adjusting, repairing, oiling or cleaning of the named machines, including those with automatic feed and ejection:

- * work as an operator of or helper on all rolling machines, such as beading, straightening, corrugating, flanging or bending rolls; and hot or cold rolling mills;
- * work as an operator of or a helper on: all pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches; and
- * work as an operator of or helper on: all bending machines, such as apron brakes and press brakes; all hammering machines, such as drop hammers and power hammers; all shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

CERTIFICATES OF AGE

To comply with the FLSA, employers must obtain proof of age for all employees under the age of 18. Certificates of age issued under the regulations can be used by an employer as a defense in a suit alleging violation concerned with whether the minor is old enough for a particular job or trade.

A certificate is issued only after acceptable documentary evidence of age has been received, examined, and approved. Such evidence shall consist of one of the following to be required in the order of preference:

- 1) a birth certificate or a signed statement of the recorded date and place of birth, issued by a registrar of vital statistics or other officer charged with the duty of recording births;
- 2) a record of baptism or attested transcript showing the date and place of birth and the date and place of the baptism.
- 3) a passport showing the age of minor, or a certificate of arrival in the United States issued by the United States immigration office and showing the age of the minor;
- 4) a school record or the school census record of the age of the minor, together with the sworn statement of a parent or person standing in place of the parent AND a certificate signed by a physician specifying what, in his opinion, is the physical age of the minor, and showing the height, weight and other facts concerning his/her physical development which support the physicians statement of age.

The employer must provide documentary evidence of proof of birth for any minors they employ to the U.S. Dept. of Labor or to an appropriate state agency to secure certificates.