

## Complying with Child Labor Laws

It's 8:00 a.m. - Do You Know What Your Kids Will Be Doing Today?

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As the end of the school year fast approaches, many of you will consider hiring students for summer jobs. I commend you. Working is a lot better for kids than "hanging out" all summer. However, you must remember the labor laws governing the employment of minors. One small misstep in this area can cost you \$11,000 for a single violation. (The Department of Labor wants to increase this to \$50,000.)

The DOL continues to creatively and aggressively enforce the Child Labor Laws. Often, inspectors contact local schools to identify businesses that hire teens and then closely monitor those employers. In addition, the DOL website ([www.youthrules.dol.gov](http://www.youthrules.dol.gov)) teaches teens and their parents how to report violations.

Here is some general and, I hope, practical advice about the employment of minors.

### Work Hours

The law defines hours of work for specific age groups. Following is a list of permitted work hours:

*Children under age 13* cannot be employed in any capacity in your dealership unless they are the owner's children. Even then, duties are restricted.

*Age 14 and 15* can work outside school hours - 7:00 a.m. to 7:00 p.m. They are restricted to three hours on a school day, 18 hours in a school week, eight hours on a non-school day and 40 hours in a non-school week. When school is not in session (summer vacation), they can work as late as 9:00 p.m., but not over 40 hours per week.

*Age 16 and 17* have no hours restrictions but cannot work in "hazardous" jobs.

*Age 18* can work unlimited hours with no restrictions on the type of work. (Practical tip: If an 18-year old is in high school, pretend they are 15-years old. No sense enabling them to be a dropout!)

### Hazardous Work

The law prohibits certain types of hazardous work for minors. An exhaustive list is available at [www.dol.gov/dol/topic/youthlabor/hazardousjobs](http://www.dol.gov/dol/topic/youthlabor/hazardousjobs). Here's the "Reader's Digest" condensed version.

*Age 14-15:* Allowable activities include clerical work, answering phones, stocking shelves, cashiering, light janitorial work (no chemicals involved), light packing (no heavy lifting). Prohibited duties include exposure to power equipment (including lawn mowers);

things that cut, shear, saw or slice; hoists and cranes; environments that are dusty, smoky, confined or where risk is involved (i.e., grain elevators) and exposure to caustic chemicals. (Practical tip: Make the shop an “off-limits” area. All the neat stuff would be quite tempting to a 15-year old.)

*Age 16-17:* Same as above except a 16-year-old would be allowed to operate a lawn mower.

Most importantly, for anyone *under age 18*, any work involving operating a vehicle – including farm equipment – is prohibited or severely limited. This includes moving vehicles on the dealership lot. (Please refer to the enclosed insert from the Department of Labor’s Youth Rules website.)

### **Exceptions to Child Labor Laws**

There are some limited exceptions to the Child Labor Laws:

If you own the dealership, you can “employ” your child age 13 or under (not an employee’s child, however). While you can ignore most of the hour restrictions, you cannot allow your child to perform “hazardous” work.

A person under age 18 who has a high school diploma, general equivalency diploma (GED), is head of a household or a parent contributing toward the support of children is treated as if age 18.

A person participating in a vocational program approved by the State Department of Education may be exempt from some restrictions. Check with the school to determine which, if any, exceptions may apply.

Your state may have more restrictive laws governing the employment of minors or may require work permits and/or certificates of age. Review state laws by going to [www.dol.gov/esa](http://www.dol.gov/esa) and clicking on “State Labor Laws.” For information about work permits and age certification go to [www.dol.gov/esa/programs/whd/state/certification.htm](http://www.dol.gov/esa/programs/whd/state/certification.htm). Your casualty insurance or workers compensation carrier may also be a good source of advice in this area. Don’t hesitate to call your agent if you have specific questions.

If you have questions about this topic or any employment related subject, call the HR Help Line at 800-683-3440 or e-mail [lesley@taxfavoredbenefits.com](mailto:lesley@taxfavoredbenefits.com).