

# HR COMPLIANCE OVERVIEW



## Federal Youth Employment Laws

The U.S. Department of Labor (DOL) oversees and enforces federal youth employment laws through the Fair Labor Standards Act (FLSA). Under the FLSA, employers are prohibited from employing “any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.” Failing to comply with federal youth employment laws can result in costly investigations and penalties.

Early work experience can be a great opportunity for teenagers to learn important skills. Youth workers can also often be an integral part of an organization’s hiring plan, especially when filling seasonal positions. However, complying with federal youth employment laws can be difficult and isn’t always straightforward. For example, the FLSA’s youth employment protections vary depending on the worker’s age and the task they are performing. Additionally, states may have their own youth employment protections. At times, these state laws can be inconsistent with federal youth employment protections.

This HR Compliance Overview provides employers with a broad overview of FLSA youth employment protections and compliance strategies for employers.

### LINKS AND RESOURCES

- DOL’s [website](#) on child labor
- DOL’s YouthRule’s [website](#)
- DOL’s [Fact Sheet](#) on FLSA child labor provisions

## General Rules

- The FLSA’s youth employment provisions were enacted to ensure that work does not jeopardize minor employees’ health, well-being or educational opportunities.
- The FLSA establishes hour and occupational standards for youth employees.
- Employers that violate the FLSA’s youth employment provisions may be subject to civil monetary penalties.

## Key Compliance Steps

- Establish compliant workplace policies and conduct regular audits.
- Train supervisors on youth employment standards.
- Post warnings and display required workplace posters.
- Create a uniform onboarding process.
- Provide different name tags to youth employees.

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## Overview of the FLSA's Youth Employment Protections

The FLSA establishes federal youth employment regulations and protections. The DOL's Wage and Hour Division (WHD) administers and enforces youth employment regulations under the FLSA. The FLSA protects most minors employed in the United States. These laws help to ensure that minors work in safer occupations that do not endanger their well-being or educational opportunities. The FLSA imposes restrictions on employers employing minors, including the minimum age for employment, permissible work activities and limitations on the work hours for individuals under 18 years old. The FLSA also sets the minimum wage for employment and subminimum wage standards for certain employees who are less than 20 years of age, full-time students, student learners, apprentices and workers with disabilities.

Federal youth employment regulations **do not**:

- Require minors to obtain "working papers" or "work permits";
- Restrict the number of hours or times of day that workers 16 years of age and older may be employed;
- Apply where no FLSA employment relationship exists;
- Regulate or require such things as breaks, meal periods or fringe benefits; and
- Regulate such issues as discrimination, harassment, verbal or physical abuse, or morality.

In addition to the FLSA, states can implement their own laws governing the employment of minors. When both federal and state regulations apply to youth workers, the law with stricter standards must be followed.

### Minimum Age of Employment

One of the fundamental aspects of federal youth employment laws is the establishment of minimum age requirements for employment in various industries. While the FLSA sets the minimum age for most nonagricultural work at 14 years old, there are exceptions and restrictions for certain occupations and industries. For example, hazardous occupations, such as mining or operating heavy machinery, typically require individuals to be at least 18 years old to work in such environments.

### Permissible Work Activities

Furthermore, federal youth employment laws outline specific restrictions on the types of work minors can engage in, particularly to protect them from hazardous or dangerous activities. For nonagricultural jobs, these restrictions are categorized into three main groups:

- Hazardous occupations for individuals under 18 years old;
- Additional prohibited occupations for individuals under 16 years old; and
- Restrictions on the hours and times of day minors 14 and 15 years old can work.

These restrictions aim to prevent exploitation and ensure that young workers are not exposed to conditions that could jeopardize their safety or well-being.

### *Workers Under 14 Years of Age*

In general, youth workers who are under the age of 14 are limited in what type of jobs they can do. Workers who are under 14 years of age are only permitted to do the following jobs:

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- Deliver newspapers to customers;
- Babysit on a casual basis;
- Work as an actor or actress in movies, TV, radio or theater;
- Work as a homemaker gathering evergreens or making evergreen wreaths; and
- Work for a business owned entirely by their parents as long as it is not in mining, manufacturing or any of the [17 hazardous occupations](#).

There are different rules in place for minors in this age group who work in agriculture. States also have specific rules for youth workers under 14 years old, and employers must follow both.

## ***Workers 14 to 15 Years of Age***

Youth workers who are 14 and 15 years old are only permitted to perform certain jobs, including the following:

- Most retail occupations, including cashiering, selling, price marking, packing and shelving;
- Intellectual or creative work, such as computer programming, teaching, tutoring, singing, acting or playing an instrument;
- Errands or delivery work by foot, bicycle and public transportation;
- Clean-up and yard work, which does not include using power-driven mowers, cutters, trimmers, edgers or similar equipment;
- Certain work in connection with cars and trucks, including dispensing gasoline or oil and car washing or hand polishing;
- Some kitchen and food service work, including reheating food, washing dishes, cleaning equipment and limited cooking;
- Cleaning vegetables and fruits;
- Wrapping, sealing, labeling, weighing, pricing and stocking of items, including vegetables, fruits and meats, when performed in areas separate from a freezer or meat cooler; and
- Loading or unloading objects for use at a worksite, including rakes, hand-held clippers and shovels.

Additionally, 14- and 15-year-olds who meet certain requirements can perform limited tasks in [sawmills and woodshops](#), and 15-year-olds who meet certain requirements can perform [lifeguard duties](#) at traditional swimming pools and [water amusement parks](#). If an occupation is not specifically permitted, it is prohibited for youth between the ages of 14 and 15.

## ***Workers 16 to 17 Years of Age***

Workers who are 16 to 17 years old may work any job that has not been declared hazardous by the secretary of labor. The list of hazardous jobs that 16- and 17-year-old workers are not permitted to do includes the following types of work:

- Manufacturing or storing explosives;
- Operating motor vehicles on public roads and working as outside helpers on motor vehicles; 17-year-olds may drive cars or small trucks during daylight hours for limited times and under strictly limited circumstances;
- Performing most jobs in coal mining;
- Working most occupations in forest firefighting, forest fire prevention, timber tract, forestry service, and occupations in logging and sawmilling operations;
- Operating power-driven woodworking machines;

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- Engaging in occupations exposing minors to radioactive substances and ionizing radiation;
- Operating, riding on and assisting in the operation of most power-driven hoisting apparatus such as forklifts, nonautomatic elevators, skid-steers, skid-steer loaders, backhoes, man lifts, scissor lifts, cherry pickers, work-assist platforms, boom trucks and cranes;
- Running power-driven metal-forming, punching and shearing machines;
- Working most jobs in mining at metal mines, quarries, aggregate mines and other mining sites, including underground work in mines, work in or about open-cut mines, open quarries and sand and gravel operations;
- Operating power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including using machinery on items other than meat, such as cheese and vegetables) or cleaning such equipment;
- Using power-driven bakery machines such as vertical dough and batter mixers, dough rollers, rounders, dividers, sheeters, and cookie or cracker machines;
- Operating compactors and balers and certain power-driven paper products machines such as platen-type printing presses and envelope die cutting presses (16- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under very specific guidelines);
- Manufacturing of brick, tile and related products;
- Operating or working as a helper on power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, woodchippers and abrasive cutting discs, no matter what kind of items are being cut by the equipment;
- Working in wrecking, demolition and ship-breaking operations;
- Performing most jobs in roofing operations, including work performed on the ground and removal of the old roof and all work on or about a roof; and
- Working jobs in trenching and excavation operations, including working in a trench more than 4 feet deep.

The regulations provide a limited exemption from some of these hazardous occupations for apprentices and student-learners who are at least 16 years of age and enrolled in approved programs. Additionally, there are different rules that employers must follow for 16- and 17-year-olds working in agricultural jobs.

## ***Workers 18 Years of Age and Older***

Once a youth worker turns 18, most youth work rules no longer apply. There are no limits on the types of jobs an 18-year-old can work.

## **Hour and Time of Day Limitations**

In addition to regulating the types of work minors can perform, federal youth employment laws also impose limitations on the hours and times of day that individuals under 16 years old can work. These restrictions vary depending on the age of the minor, whether school is in session and whether the minor is enrolled in school. For example, during the school year, individuals aged 14 and 15 are typically limited to working outside of school hours, with restrictions on the total number of hours they can work per day and week. These limitations are intended to strike a balance between allowing young workers to gain valuable employment experience while ensuring that their education remains a priority.

## ***Workers 14 to 15 Years of Age***

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Youth workers who are 14 or 15 years of age can only work outside of school hours. Federal youth employment requirements limit the times of day and the number of hours that 14- and 15-year-olds can work. These workers cannot work:

- More than three hours on a school day, including Friday;
- More than 18 hours per week when school is in session;
- More than eight hours per day when school is not in session;
- More than 40 hours per week when school is not in session; and
- Before 7:00 a.m. or after 7:00 p.m. on any day, except from June 1 through Labor Day, when nighttime work hours are extended to 9:00 p.m.

If a 14- or 15-year-old is homeschooled or attends private school or no school, a “school day” or “school week” is any day or week when the public school where the youth worker lives while employed is in session. There are some exceptions to the hour standards for 14- and 15-year-olds if they have graduated from high school, are excused from compulsory school attendance, or are enrolled in an approved work experience, career exploration program or work-study program. Employers can visit the WHD’s [website](#) for more information on hour restrictions for youth workers in this age group.

## ***Workers 16 to 17 Years of Age***

While there are restrictions on the type of jobs 16- and 17-year-olds can perform, no federal rules limit the hours they may work.

## ***Workers 18 Years of Age and Older***

There are no federal rules limiting the hours 18-year-olds can work.

## **Wage Restrictions**

An employer must pay youth employees at least the federal minimum wage of \$7.25 per hour for all the hours that they work, except under certain circumstances. Employers can pay youth workers a wage based on an hourly rate, a piece rate, a day rate, a salary or any combination as long as their average hourly earnings are equal to at least the applicable minimum wage. However, state laws may require a higher wage rate for youth workers. Employers can contact their local [state labor office](#) for more information.

Youth workers under 20 years of age can be paid \$4.25 per hour during their first consecutive 90 calendar days of working for an employer. Additionally, certain full-time students, student learners, apprentices and workers with disabilities can be paid less than the minimum wage under special certificates issued by the DOL.

In nonagricultural work, exempt youth employees must also receive time and one-half at their regular rate of pay after 40 hours of work in a seven-day workweek. The regular rate includes all compensation, such as certain bonuses and shift differentials. Employers can reference the DOL’s [fact sheet](#) on overtime requirements for more information.

## **Enforcement and Penalties**

Employers that violate the FLSA’s youth employment provisions may be subject to civil money penalties (CMPs). The amount of the CMP assessment depends upon the application of statutory and regulatory factors to the specific circumstances of the case. However, the CMP assessment amount may not exceed a cap set by statute.

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Generally, CMP assessments will be higher if the violation contributed to the injury or death of the youth involved in the violation. The severity of any such injury is considered in determining the amount of a CMP. Additionally, assessments may be decreased based on the size of the business and will reflect the gravity of the violation. If a violation is determined to be willful or repeated, a CMP assessment may be doubled.

A CMP assessment for a violation that causes the death or serious injury of a minor is subject to a higher statutory cap. An injury qualifies as a “**serious injury**” for this purpose if it involves permanent or substantial harm. Both the significance of the injury and the duration of recovery are relevant in determining whether an injury is serious. If more than one violation caused a single death or serious injury, more than one CMP may be assessed. CMP assessments based on the death or serious injury of a minor may be doubled up to a higher statutory cap if the violation is determined to be willful or repeated.

The WHD enforces the FLSA’s youth employment provisions. This agency has the authority to conduct investigations and gather data on wages, hours, and other employment conditions or practices to assess compliance with all the FLSA’s provisions. Employers can review the WHD’s [website](#) for the current maximum CMP assessment amounts.

## Best Practices for Employing Minor Workers

While best practices will vary for each organization, taking the following actions can help employers mitigate the risk of violating federal child labor laws:

### Establish Workplace Policies

Hiring minor employees requires well-defined processes and policies to ensure legal compliance. Establishing strong workplace policies can help employers verify the age of minor workers and ensure work activity and hour and time restrictions are followed. Failing to implement such policies can often be the first in a series of missteps that lead to costly investigations and penalties. However, by implementing and enforcing legally compliant workplace policies, employers can promote a strong culture of compliance within their organizations, which can help reduce potential child labor violations and injuries.

### Implement Mandatory Training

Ensuring managers and supervisors are trained on child labor requirements can help organizations to remain compliant. Well-trained managers and supervisors will be better able to identify potential child labor violations and know how to enforce company policies to comply with the law.

### Build Trust

Establishing an internal phone number that allows workers to report child labor violations anonymously can help reduce potential violations and keep young workers safe. Letting employees know that reporting violations will not lead to retaliation can help increase the likelihood that the internal hotline will be used.

### Create a Uniform Onboarding Process for Minor Employees

Establishing a standardized onboarding process is crucial for employers hiring minor employees, as it provides a structured and efficient way to integrate these workers into an organization’s workforce. A well-defined onboarding process helps to ensure that minors are employed in appropriate positions and that their schedules comply with day and time restrictions.

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Additionally, a uniform onboarding process helps ensure that all required employment documents and forms are completed in a timely and accurate manner.

## Display Required Posters

Under the FLSA, employers hiring minor employees are required to meet [posting requirements](#). These posters should be displayed in a conspicuous place in each establishment to allow employees to readily read them. While not required, if employers have a large population of non-English-speaking workers, they can also display posters in workers' primary language. Additionally, many states have their own posting requirements related to child labor laws that employers may need to follow.

## Post Warnings

Employers hiring employees under the age of 18 can place signs or stickers on equipment that the DOL deems hazardous for minors. This can help reduce instances of minors using dangerous equipment as well as the risk of injuries. In addition to highlighting dangerous equipment, employers can post warnings throughout the workplace to identify dangerous equipment, areas that are off-limits to minors and any hour limitations for minor employees.

## Provide Different Name Tags

Since federal youth employment laws place limits on the hours and jobs minor employees can work, employers can provide minor employees with different-color (or some other distinguishing characteristic) name tags. Distinct name tags can help organizations quickly identify youth employees and better ensure they are only performing permitted job duties and working appropriate hours.

## Perform Regular Audits

Regular and comprehensive audits reviewing youth employment practices can help employers identify and remedy potential child labor violations. These audits can review organization policies as well as employees' ages along with their job duties and hours. If internal audits reveal potential issues, employers can take prompt action to remedy these issues before they turn into costly violations.