



THE KULLMAN FIRM

A PROFESSIONAL LAW CORPORATION

CLIENT E-NEWSLETTER

SPECIAL SUMMER BULLETIN

"CHILD LABOR" LAWS

With summer upon us, the workplace is often open to school-age young adults who may forgo the paper route or summer camp circuit in exchange for a short-term or seasonal position in the workforce. Employers should therefore be mindful of various federal and state requirements and restrictions for "child labor." What follows is a summary of federal child labor laws and examples of child labor laws from the states where The Kullman Firm maintains an office.

Federal Law

The Fair Labor Standards Act (FLSA) governs federal child labor laws and establishes restrictions governing the employment of minors.

Restrictions:

Fourteen and Fifteen Years of Age:

- The minimum age for non-agricultural employment is 14.
- 14- and 15-year-olds are not permitted to work during school hours, for more than three hours in a school day (including Fridays), or 18 hours in a school week. They are also restricted from working more than eight hours in a non-school day or 40 hours in a non-school week.
- 14- and 15-year-olds are also not permitted to work between 7:00 p.m. and 7:00 a.m. (except from June 1 through Labor Day, when permitted evening hours are extended to 9:00 p.m.).

Miscellaneous Provisions:

- Employees 14 to 16 years of age are permitted to work in agricultural, retail, food service, and gasoline service establishments. Effective July 19, 2010, 14- and 15-year-olds may work in other jobs where the tasks are deemed "safe." The new regulatory rule clarifies that 14- and 15-year-olds may only perform work the Secretary of Labor has declared they may perform.
- Effective July 19, 2010, the minimum age for a life guard is 15 years of age.
- An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.

- Employees under 20 years old may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- The FLSA does not limit the number of hours or times of day for workers 16 years and older.

Type of work restricted:Fourteen and Fifteen Years of Age:

- May work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs.

Sixteen and Seventeen Years of Age:

- May perform any non-hazardous jobs.

Documentation Required:

- Federal law does not require employers to obtain a permit to employ minors.

Penalties for violations:

- For violations of the child labor provisions of the FLSA, employers are subject to a civil penalty of up to \$11,000 per worker for each violation of the child labor provisions. In addition, employers are subject to a civil penalty of \$50,000 for each violation that causes the death or serious injury of any minor employee – such penalty may be doubled, up to \$100,000, when the violations are determined to be willful or repeated.

Alabama

Work hours restricted:Fourteen and Fifteen Years of Age:

- No person under the age of 14 may be employed in Alabama.
- During the summer months, 14- and 15-year-olds cannot work more than eight hours a day or more than 40 hours a week. They are also restricted from working more than six days a week. Work hours must not begin before 7:00 a.m. or end after 9:00 p.m. during any day of the week.
- During the school year, 14- and 15-year-olds may not work during school hours, before 7:00 a.m. or after 7:00 p.m. The work week is also limited to 18 hours and six days per week. Work may not exceed three hours after school or more than eight hours on a non-school day.
- 14- and 15-year-olds must receive a documented 30-minute break after five hours of continuous work.

Sixteen and Seventeen Years of Age:

- During the summer months, 16- and 17-year-olds are under no hour restrictions.
- During the school year, 16- to 18-year-olds who are still enrolled in school may not work between the hours of 10:00 p.m. and 5:00 a.m. on any school night.

Type of work restricted:

- 14- and 15-year-olds may not work in any establishment where alcoholic beverages are sold, served, or dispensed for consumption on premises.
- 16-year-olds may be employed in establishments serving alcohol as busboys, janitors, dishwashers, cooks, hostesses or seaters.
- Any establishment that is deemed dangerous to life or limb or injurious to the health or morals of persons under 18 years of age.
- Any employer involved in manufacturing of brick, tile, dangerous or toxic chemicals or explosive components.
- Any employer involved in operating any cranes, circular saws, band saws, paper cutting, stapling, corrugating or punching machines, or any truck or heavy equipment over three tons gross weight.
- Any employer involved in assembling, adjusting, cleaning, oiling, or servicing machinery in motion.
- In addition to the above restrictions, Alabama law also provides an exhaustive list of prohibited tasks for employees under 18 years of age.

Documentation required:

- Work permits are not required. However, employers must obtain a Child Labor Certificate in order to employ minors. Class I certificates are required for 14- and 15-year-olds, and Class II certificates are required for age 16 and older. Certificates are \$15 and must be renewed annually.
- An Eligibility to Work form is required for each 14- or 15-year-old minor employed. These forms can be obtained by the minor from their school. The Eligibility to Work form must be maintained in the employee's file.
- Employers must keep a separate file containing the employee's name, home address, date of birth, date of hire, proof of age, school of attendance, time records showing clock in and out times, number of hours worked each day, and break times for each employee under 19 years of age. These files must be kept for three years.
- A current Alabama Child Labor Law Poster is required to be posted in a conspicuous location accessible to employees.

Penalties for violations:

- Violations of Alabama child labor laws are Class B or C misdemeanors.
- A first conviction is punishable by a fine of not less than \$100 nor more than \$500.
- A second or subsequent conviction is punishable by a fine of not less than \$500 nor more than \$1,000.

Louisiana

Work hours restricted:

Under Sixteen Years of Age:

- Those minors under the age of 16 may not work more than eight hours a day, or more than 40 hours in any one week. They are also restricted from working more than six consecutive days in any one week.
- The law concerning employment of minors is different when school is in session. Specifically, employees who have not graduated from high school and are under the age of 16 cannot work between the hours of 7:00 p.m. and 7:00 a.m. prior to the start of any school day, or between the hours of 9:00 p.m. and 7:00 a.m. on any day.
- Regardless of an employee's high school status, those under the age of 16 may not work more than three hours each day on any day when school is in session, and may not work more than 18 hours in any one week.

Under Eighteen Years of Age:

- Although 16- and 17-year-olds are not restricted in the number of hours they may work per day, employers are required to give them an eight-hour rest break at the end of each work day, before the start of the next day of work.
- All employees under 18 years of age must receive one 30-minute break for every five-hour period worked.
- During the school year, 16-year-olds may not work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day, and 17-year-olds may not work between the hours of midnight and 5:00 a.m. prior to the start of any school day.

Type of work restricted:

Under Seventeen Years of Age:

- Employees under 17 years of age are not permitted to work as a driver of a motor vehicle.

Under Eighteen Years of Age:

- In any establishment in which the sale of alcoholic beverages constitutes its main business. However, persons under the age of 18 may work in an establishment that sells alcoholic beverages so long as the employee does not sell, serve, mix or dispense alcoholic beverages for consumption on the premises.
- In any mine, quarry, sawmill or in any plant manufacturing iron, steel or explosives.
- In the operation of any power-driven woodworking or hoisting machines.
- In any place of employment that has been determined to be hazardous or injurious to the life, health, safety or welfare of minors.

- In addition to the above restrictions, Louisiana law also provides an exhaustive list of prohibited tasks for employees under 18 years of age.

Documentation required:

- A current Louisiana Child Labor Law Poster is required to be posted in a conspicuous location accessible to employees.
- Louisiana law requires employers to obtain an employment certificate for all employees under the age of 18.

Penalties for violations:

- Violators shall be fined not less than \$100 or more than \$500, or imprisoned for not less than 30 days or more than six months, or both.
- In addition to the criminal penalty employers can also be liable for a civil penalty not to exceed \$500 for each violation.

Mississippi

Mississippi follows federal law with respect to most child labor laws. However, Mississippi does address certain aspects of child labor.

Work hours restricted:Fourteen to Sixteen Years of Age:

- Employees 14 to 16 years of age who are employed in any mill, cannery, workshop, factory, or manufacturing establishment must not work more than eight hours in one day, or more than 44 hours in any one week, or be employed or detained in any such establishment between the hours of 7:00 p.m. and 6:00 a.m.

Type of work restricted:Under Fourteen Years of Age:

- No person under 14 years of age can be employed in any mill, cannery, workshop, factory, or manufacturing establishment.

Fourteen to Sixteen Years of Age:

- Employees 14 to 16 years of age who are employed in any mill, cannery, workshop, factory, or manufacturing establishment must be in compliance with the compulsory school attendance law.

Documentation required:

- Employers who employ individuals 14 to 16 years of age in any mill, cannery, workshop, factory, or manufacturing establishment are required to present an affidavit of the parent or guardian and the certificate

of the superintendent or principal of the school in the district in which such child resides, stating the place, date of birth, last school attendance, grade or study pursued, name of school, and name of teacher in charge. Employers are required to preserve the affidavits and keep a complete register of all such affidavits.

Penalties for violations:

- Violations of Mississippi labor laws are misdemeanors, and violators shall be fined not less than \$50 nor more than \$100, or may be sentenced to the county jail for not less than 10 days nor more than 60 days, or both.

If you have any questions with respect to the employment of minors, please contact The Kullman Firm attorney with whom you regularly consult.



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