

# *Child Labor — Age, Hours, & Related Standards — U.S.*

**U.S.**

## **● FAIR LABOR STANDARDS ACT OF 1938**

*STATUTORY CITATION:* 29 USC §§ 201 – 219

*RELATED REGULATIONS:* 29 CFR Parts 570 and 575

*GENERAL SUMMARY:* Apart from its provisions regulating wages and working hours, the Fair Labor Standards Act prohibits employers from employing oppressive child labor in commerce, in the production of goods for commerce, or in any enterprise engaged in commerce or the production of goods for commerce. Likewise, no producer, manufacturer or dealer may handle goods where oppressive child labor has been employed within 30 days prior to the removal of the goods.

The Act defines "oppressive child labor" somewhat generally, but within limits gives the Secretary of Labor authority to restrict the ages, hours and occupations of minors employed in businesses affecting interstate trade.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Fair Labor Standards Act limits the employment of minors in agriculture according to age and occupational activity, as summarized below.

**AGE RESTRICTIONS** — No one under the age of 16 may be employed in agriculture during school hours for the school district where the minor is living at the time, even if state law does not require the individual to attend school. Outside school hours, no one under the age of 14 may be employed in agriculture, except under the following conditions:

**Children Under Age 12** — In general, minors under 12 years of age may be employed only with the written consent of their parent or person standing in the place of the parent, and only on farms where none of the employees are legally entitled to the federal minimum wage.

**Exception** — Children age 10 and 11 may be employed by a farm operator who is subject to the minimum wage if the operator has obtained a special child labor waiver from the U.S. Department of Labor. DOL may grant such a waiver only after determining that (1) the crop involved is characterized by a short harvest season and that exclusion of 10- and 11-year-old workers would cause severe economic disruption in the industry, (2) employment of such children would not be deleterious to their health and well-being, (3) the level and type of pesticides used would not adversely affect child workers' health, (4) workers 12 years of age or over are not available, and (5) the industry has traditionally used 10- and 11-year-olds without curtailing job opportunities for workers age 16 and above. Children age 10 and 11 employed under the special waiver may be employed on the farm involved only between June 1 and October 15 and for no more than 8 weeks in a calendar year, must commute each day between their permanent residence and the farm involved, and may only perform hand-harvest jobs customarily paid on a piece-rate basis in the region of employment.

**Children Age 12 and 13** — Minors 12 and 13 years of age may be employed only with the written consent of their parent or person standing in the place of the parent, or if the job is on the same farm where such parent or person is also employed.

**HOUR RESTRICTIONS** — The limitations on the time of day and total working hours applicable to 14- and 15-year-olds in most non-farm occupations **do not apply** to minors employed in agriculture.

**HAZARDOUS OCCUPATIONS** — Certain types of farm jobs have been found and declared by the Secretary of Labor to be hazardous to minors, and thus closed to workers under the age of 16. These jobs include, among several others, (1) operating high-power tractors, (2) operating or helping to operate power-driven harvesting machines, (3) driving a bus, truck or automobile transporting passengers, (4) working from a ladder at a height over 20 feet, and (5) handling or applying agricultural chemicals.

## *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* The Wage and Hour Division is authorized to investigate possible violations and complaints of violations, and to impose and enforce civil penalties when violations are confirmed. This agency is also responsible for issuing federal certificates of age, in response to valid applications from employers seeking to document their compliance with child labor regulations. Similarly, the Wage and Hour Division reviews waiver applications for agricultural employment of 10- and 11-year-old minors in hand harvesting of short-season crops, and for assuring that jobs offered under the waiver are not harmful to the health and well-being of child workers.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Alabama*

### **Alabama**

#### **○ CHILD LABOR LAW**

*STATUTORY CITATION:* Ala. Code 1975 §§ 25-8-32 – 25-8-61

*RELATED REGULATIONS:* Ala. Admin. Code, Ch. 480-3-1

*GENERAL SUMMARY:* The state child labor law regulates the employment of minors, by setting the general minimum working age at 14, prohibiting employment in certain hazardous occupations and workplaces, restricting the hours of work, requiring the use of child labor certificates under certain circumstances, and imposing related limitations.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Except for the prohibition against employment of workers under 14 in farm-related activities involving power machinery, the state child labor law **does not apply** to work in agricultural services.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Child Labor Division, Alabama Department of Labor, Montgomery, Alabama 36130.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## *Child Labor — Age, Hours, & Related Standards — Alaska*

# Alaska

## ● ALASKA CHILD LABOR LAWS

*STATUTORY CITATION:* Alaska Stat. §§ 23.10.325 – 23.10.370

*GENERAL SUMMARY:* The Alaska child labor laws establish standards for the employment of minors under 18 years of age, with the aim of protecting their health, morals, education and future welfare and to prohibit abuses and unjust exploitation of child labor.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The employment of children in agriculture is generally governed by the same rules applicable to non-agricultural employment.

**CHILDREN UNDER 14** — Persons under 14 years of age may not be employed at any time, other than in (1) domestic employment, baby-sitting and handiwork in and about private homes, and (2) newspaper delivery or sales.

**CHILDREN UNDER 16** — The combined duration of school attendance and employment of a person under 16 years of age may not exceed 9 hours in one day, and, except for domestic work and baby-sitting, employment outside school hours may not exceed 23 hours in one week. Employment of persons under 16 is authorized only between the hours of 5:00 a.m. and 9:00 p.m. and only outside school hours.

**CHILDREN UNDER 17** — In general, persons under the age of 17 may not be employed or allowed to work during local school hours or without a work permit.

**CHILDREN UNDER 18** — Except for minors 16 to 18 years of age granted a written exemption by the state, children under the age of 18 may not be employed or allowed to work more than 6 days a week or in certain hazardous occupations.

**REQUIRED REST PERIODS** — A person under age 18 who is scheduled to work for 6 consecutive hours or more is entitled to a break of at least 30 minutes during the course of the work shift, and the break must occur after the first hour-and-a-half of work and before the beginning of the last hour. Similarly, a person under age 18 who works for 5 consecutive hours without a break is entitled to a break of at least 30 minutes before continuing work. Failure to provide the required break creates a minimum wage liability for the break that the employee failed to receive or received late, and a wage claim for the amount is enforceable.

## *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4842).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Arizona*

### **Arizona**

#### **● ARIZONA CONSTITUTION; YOUTH EMPLOYMENT LAWS**

*STATUTORY CITATION:* Ariz. Const. Art. XVIII, § 2; Ariz. Rev. Stat. §§ 23-230 – 23-242

*GENERAL SUMMARY:* The state constitution contains a strict, virtually exemptionless ban on employment of individuals under the age of 14 during the hours in which the public schools are in session, and prohibits persons under age 14 from working more than 8 hours in any day. Chapter 2, Article 3 of the state labor statutes imposes additional and more complex restrictions on the employment of minors under 18.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Both the constitutional and statutory child labor provisions implicitly apply to farm employment, and limit the use of child labor in agriculture, to the same extent as in other sectors.

**WORKERS UNDER 14 YEARS OF AGE** — Individuals under 14 are subject to the same child labor restrictions as workers age 14 and 15, but may not be employed at all during local school hours.

**WORKERS 14 AND 15 YEARS OF AGE** — Unless a variance is granted by the state, no one 14 or 15 years of age may be employed or allowed to work in any occupation determined hazardous to workers under 16, which among other occupations includes (1) activities involving work from a ladder more than 5 feet in height, (2) operating a tractor of more than 20 horsepower that is not equipped with a rollover protective structure and seatbelts, (3) operating a combine, corn picker, cotton picker or comparable power farm machinery, (4) riding on a tractor as a helper, or driving a bus, truck or automobile, and (5) handling hazardous agricultural chemicals. When school is in session, workers age 14 and 15 may not be employed more than 3 hours on any school day or more than 18 hours a week; during periods when school is not in session, they may not be employed more than 8 hours a day or 40 hours a week. Furthermore, employment of 14- and 15-year-olds is not permitted between 9:30 p.m. and 6:00 a.m. on a night just before a school day, nor between 11:00 p.m. and 6:00 a.m. on any other night.

**WORKERS 16 AND 17 YEARS OF AGE** — Currently, none of the highly hazardous occupations in which employment of 16- and 17-year-old workers is prohibited includes activities generally associated with crop production, and there are no limitations on hours of employment for workers in this age group.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515).* This agency is authorized to conduct inspections and investigations regarding the use or alleged use of illegal child labor. The Department may issue a cease and desist order in case of violation, which may include a civil money penalty of up to \$1,000 per violation. Any such order that becomes final may be enforced in state court.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Arkansas*

### **Arkansas**

#### **● CHILD LABOR LAWS**

*STATUTORY CITATION:* Ark. Code §§ 11-6-101 – 11-6-116

*RELATED REGULATIONS:* Ark. Code R. 010.14-05-001

*GENERAL SUMMARY:* The Arkansas child labor provisions contain limitations on the days, hours and occupations in which persons under the age of 18 may be employed, and prescribe penalties on employers, parents or guardians who permit minors to work in violation of those restrictions. With two notable exceptions, the child labor laws make little distinction between agricultural and non-agricultural employment.

#### *SPECIFIC TERMS AND CONDITIONS*

**CHILDREN UNDER 14** — In general, no one under 14 years of age may be employed or permitted to work in gainful employment at any time.

**CHILDREN AGE 14 and 15** — No child age 14 or 15 may be permitted to work for more than 6 days or 48 hours in any week, nor more than 8 hours in any day. Employment of 14- and 15-year-olds is authorized only between the hours of 6:00 a.m. and 7:00 p.m. on any day preceding a school day, and between 6:00 a.m. and 9:00 p.m. before a non-school day.

**CHILDREN AGE 16 and 17** — Minors 16 and 17 years of age are prohibited from working more than 6 days or 54 hours a week, or for more than 10 hours a day. On any day preceding a school day, such persons may be employed only between the hours of 6:00 a.m. and 11:00 p.m.; on nights preceding non-school days, they may generally work throughout the night, except in certain retail, food, entertainment and gambling establishments and places where alcohol is served.

**EXCEPTIONS** — The provisions of the state child labor laws that (1) require employers to obtain an employment certificate from the state labor department before employing any 14- or 15-year-old child, and (2) bar the employment of such children in certain hazardous occupations, ***do not apply to work in seasonal agricultural labor.***

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500).* This agency is authorized to enter and inspect workplaces where minors may be employed, and to issue complaints against employers who unlawfully utilize child labor and against parents who permit their children to engage in such employment.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — California*

# California

## ● WAGE, HOUR, AND CHILD LABOR LAWS

*STATUTORY CITATION:* Cal. Lab. Code §§ 1171–1206 and §§ 1285–1399

*RELATED REGULATIONS:* Cal. Code Regs. Title 8, §§ 11140 and 11701–11707

*GENERAL SUMMARY:* The state child labor laws seek to protect the well-being of minors by restricting the kinds of occupations and establishments at which they may be employed, and by limiting the hours during which such employment may occur. In general, these provisions make no distinction between agricultural and non-agricultural employment.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

#### **PROHIBITED OCCUPATIONS —**

Minors Under Age 12 — Children under the age of 12 may not be employed or permitted to work, or accompany or be permitted to accompany an employed parent or guardian, in any agricultural danger zone, defined to include areas in or about moving equipment, in or about unprotected chemicals, and in or about any unprotected water hazard.

Minors Under Age 16 — Children under 16 years of age may not be employed or permitted to work in any occupation that could endanger the worker's life, health or morals. Among the farm-related employment activities currently barred by the state enforcement agency for workers under 16 is work in close proximity to moving machinery, operating or servicing tractors and other heavy equipment, working from ladders and other structures from a height over 20 feet, working inside certain fruit and grain storage enclosures, and handling or applying certain pesticides and other agricultural chemicals.

Minors Age 16 and 17 — There are no agriculturally related occupations closed to persons 16 and 17 years of age.

PERMITS AND HOURS — Except for high-school graduates and those with an equivalent certificate, all children under 18 years of age must have a work permit, issued by the local school district, to be lawfully employed. A work permit may be issued to children age 12 and over for agricultural employment under the following conditions:

Minors Age 12 and 13 — Children 12 and 13 years old are permitted to work only on non-school days. At no time may such minors work more than 8 hours a day or 40 hours a week. Work is permitted only between the hours of 7:00 a.m. and 7:00 p.m. (until 9:00 p.m. from June 1 through Labor Day).

Minors Age 14 and 15 — While school is in session, children 14 and 15 years of age who have completed 7th grade may work up to 3 hours on a school day (outside school hours only), and up to 8 hours on a non-school day, for a maximum of 18 hours per week. When school is not in session, 14- and 15-year-olds may work up to 8 hours per day and 40 hours per week. Such children may work only between the hours of 7:00 a.m. and 7:00 p.m. (until 9:00 p.m. from June 1 through Labor Day).

Minors Age 16 and 17 — When school is in session, 16- and 17-year-olds who have completed 7th grade may work up to 4 hours a day before or after school, and up to 8 hours a day on non-school days and days preceding a non-school day, for a maximum of 48 hours per week. When school is not in session, 16- and 17-year-olds may work up to 8 hours a day and 48 hours a week. Work is limited to the hours of 5:00 a.m. to 10:00 p.m. (until 12:30 a.m. on any evening preceding a non-school day).

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY –** *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).* The Division is authorized to investigate alleged or suspected violations of the child labor laws, and may issue a citation to any person determined to have violated any such law or rule related to the employment of minors. A citation can lead to a civil money penalty, and violators are also subject to criminal prosecution. Workers who require information concerning these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, or email DLSE2@dir.ca.gov.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY –** City, county and school district attendance supervisors may enter any workplace within their jurisdiction for the purpose of inspecting work permits of employed minors and to investigate child labor irregularities. Attendance officers are required to report suspected or confirmed violations to the Department of Industrial Relations within 48 hours.

## *Child Labor — Age, Hours, & Related Standards — Colorado*

### **Colorado**

#### **● COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT OF 1971**

*STATUTORY CITATION:* Colo. Rev. Stat. §§ 8-12-101 – 8-12-117

*GENERAL SUMMARY:* The Colorado Youth Employment Opportunity Act regulates the employment of minors in the state by prescribing minimum age requirements and maximum hours of work, limiting the occupations in which youth may be employed, and imposing other limitations and restrictions.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **HOURS LIMITATIONS —**

Children Under Age 12 — With few exceptions, children under the age of 12 years may not be employed in agricultural work.

Children Age 12 and 13 — Children 12 and 13 years of age may be employed in non-hazardous agricultural occupations, but only outside school hours or on non-school days. After school hours, 12- and 13-year-olds are not permitted to work more than 6 hours, unless the next day is not a school day. Similarly, no such child may work between the hours of 9:30 p.m. and 5:00 a.m., except on nights preceding non-school days. Employment for more than 40 hours a week or more than 8 hours in a 24-hour period is prohibited.

Children Age 14 and 15 — Children 14 and 15 years of age may be employed in non-hazardous agricultural occupations, but only outside school hours or on non-school days. Except before non-school days, 14- and 15-year-olds may not work more than 6 hours in any one day, nor between the hours of 9:30 p.m. and 5:00 a.m. In seasonal employment in the cultivation or harvest of perishable products where wages are paid on a piecework basis, children 14 and 15 years old may work up to 12 hours in a 24-hour period and up to 30 hours in a 72-hour period, but such individuals may not work more than 8 hours a day for more than 10 days within any 30-day period; employment of 14- and 15-year-olds in any other situations is subject to a maximum workday of 8 hours in a 24-hour period and a maximum workweek of 40 hours.

Children Age 16 and 17 — Persons 16 and 17 years of age may work in non-hazardous, piecework-paid seasonal agricultural operations for up to 12 hours in any 24-hour time span, and for up to 30 hours in any 72-hour period. Employment in other non-hazardous occupations is limited to 40 hours a week, and 8 hours in any 24-hour period.

**HAZARDOUS OCCUPATIONS —** Among the agriculturally related activities declared hazardous to minors and for which employment is generally forbidden to workers under the age of 18 is work from a ladder or other raised platform more than 20 feet above the ground.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441).* This agency may receive and investigate complaints regarding the employment of minors, and may investigate employers and inspect records to determine compliance with the Act. Violation of the child labor provisions can lead to criminal penalties against the employer, as well as the parent or guardian of the minor involved.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

# *Child Labor — Age, Hours, & Related Standards — Connecticut*

## **Connecticut**

### **○ STATE LABOR LAWS**

**STATUTORY CITATION:** Conn. Gen. Stat. §§ 31-12 – 31-57w

**GENERAL SUMMARY:** Part I of the state labor laws contains restrictions on the employment of minors in certain specified occupations, and limits permissible hours of work of minors in certain trades and industries.

**PROVISIONS APPLICABLE TO AGRICULTURE:** The general child labor restrictions itemized in the state labor laws **do not apply** to employment in agricultural occupations or workplaces.

#### ***ADMINISTRATION AND ENFORCEMENT***

**PRIMARY ENFORCEMENT AGENCY** – *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109.*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

### **● AGRICULTURAL CHILD LABOR LAW**

**STATUTORY CITATION:** Conn. Gen. Stat. §§ 22-13 – 22-17

**GENERAL SUMMARY:** Chapter 422 of the state statutes, pertaining to the Department of Agriculture, contains provisions regulating the employment of minors in agriculture.

**SPECIFIC TERMS AND CONDITIONS:** The following child labor restrictions apply during any calendar week to any farm operator or other agricultural employer who employs an average of more than 15 workers during that week:

**AGE AND HOURS** — No one under 14 years of age may be employed or permitted to work. Likewise, workers 14 and 15 years old may not be employed for more than 6 days a week, or for more than 8 hours in any day or 48 hours in any week.

**PROOF OF AGE** — No one under 16 may be employed or permitted to work when school is not in session unless the employer has received a birth certificate, an agricultural work permit issued by the Department of Education, or other legal proof of age.

**TRANSPORTATION AND MEAL TIME** — If transportation is furnished to the farm or other workplace, minor employees must have return transportation available to their home or pick-up point at the close of each workday. Minors are entitled to a meal period of not less than 30 minutes' duration.

#### ***SPECIAL NOTES OR ADVISORIES***

**ENFORCEMENT IN DOUBT** — Although this law is still on the books, and the legislature transferred responsibility for enforcement from the state agriculture commissioner to the state labor commissioner effective January 1, 1979, the Connecticut Department of Labor does not currently enforce the Agricultural Child Labor Law.

#### ***ADMINISTRATION AND ENFORCEMENT***

**PRIMARY ENFORCEMENT AGENCY** – *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).* The Department is authorized to make inspections necessary to assure compliance with these provisions. Penalties for violations, against both the employers who use unlawful child labor and the parents or guardians who permit their children to be unlawfully employed, are limited to civil fines.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## *Child Labor — Age, Hours, & Related Standards — Delaware*

### **Delaware**

#### **○ CHILD LABOR LAWS**

**STATUTORY CITATION:** Del. Code Title 6, §§ 501–548

**GENERAL SUMMARY:** The state child labor laws prescribe minimum ages for child labor in specified occupations and industries, restrict the working hours of minors, and require the use of employment and age certificates as a condition for lawful employment of minors under certain circumstances.

**PROVISIONS APPLICABLE TO AGRICULTURE:** Other than (1) barring the employment of children in occupations declared hazardous to minors by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*), and (2) prohibiting children under the age of 14 from working in fruit and vegetable canneries, the state child labor laws **do not apply** to children employed in farmwork.

**ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** – *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200)*.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None*.

## *Child Labor — Age, Hours, & Related Standards — Florida*

# **Florida**

### **● CHILD LABOR LAW**

*STATUTORY CITATION:* Fla. Stat. §§ 450.001–450.165

*RELATED REGULATIONS:* Fla. Admin. Code R. 61L-2

*GENERAL SUMMARY:* The child labor law establishes minimum age standards for the employment of minors in Florida, restricts the hours during which employment of most minors is authorized, requires the provision of meal breaks for most employed minors, and prescribes additional measures for the protection of workers under the age of 18.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — As in most other occupational and industrial categories, generally no one under the age of 14 may be employed or permitted to work in agricultural activities.

**PROOF OF AGE** — Anyone who intends to hire or employ any worker under 18 years of age must first obtain and keep on record during the entire period of employment proof of the worker's age. The range of acceptable documentation is limited to either (1) a photocopy of the worker's birth certificate, (2) a photocopy of the worker's driver's license, (3) an age certificate issued by the school board in the public school district in which the worker is employed, or (4) a photocopy of a passport or visa which shows the worker's date of birth.

**HAZARDOUS OCCUPATIONS** — In general, no one under the age of 16 may be employed in connection with power-driven farm machinery, and no one under the age of 18 may work in fields where pesticides or herbicides have been applied until the applicable re-entry times have expired. Farmworkers 14 and 15 years of age may drive tractors only under close supervision of the farm operator.

#### **HOURS OF WORK** —

Minors age 14 and 15 may not work before 7:00 a.m. or after 7:00 p.m. on days before school days, nor for more than 15 hours in any one week. On school days, they generally may not work more than 3 hours except when there is no school the following day. During holidays and summer vacations, 14- and 15-year-old children may work only between the hours of 7:00 a.m. and 9:00 p.m., for no more than 8 hours in any one day, and for no more than 40 hours in any one week.

Minors age 16 and 17 may not work before 6:30 a.m., after 11:00 p.m., or for more than 8 hours on any day before a school day. When school is in session, 16- and 17-year-olds are limited to working no more than 30 hours in any one week, and they are not permitted to work during school hours without a waiver or other exception. At no time may they work for more than 6 consecutive days in any one week.

**MEAL PERIODS** — No one 17 years old or younger may work or be allowed to work for more than 4 hours straight without a meal break of at least 30 minutes.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Child Labor Program, Division of Regulation, Department of Business and Professional Regulation, Tallahassee, Florida 32399 (850-488-3131)*. This agency is responsible for enforcing the state's child labor statutes and regulations, and for investigating complaints of violations. Persons wishing to report an alleged violation may call 800-226-2536. Employers found to have violated the child labor provisions are subject to administrative fines of up to \$2,500 per offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Georgia*

# **Georgia**

## **● CHILD LABOR LAWS**

*STATUTORY CITATION:* Ga. Code §§ 39-2-1 – 39-2-21

*RELATED REGULATIONS:* Ga. Comp. R. & Regs. § 300-7-2

*GENERAL SUMMARY:* The state child labor laws establish a minimum age for lawful employment in Georgia, prohibit the employment of minors in hazardous occupations, limit the permissible hours of work of minors, and require the use of employment certificates by minors seeking and holding jobs in the state.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — The provision barring employment of children under 12 years of age ***does not apply*** to employment of minors in agriculture. There is no lower age limit on farmwork in Georgia.

**HAZARDOUS OCCUPATIONS** — Individuals under age 16 may not be employed or permitted to work in any occupation declared dangerous to life and limb, or injurious to the health or morals of such minors. The state child labor regulations list 17 occupational fields that the labor commissioner has determined will *not* interfere with the schooling, health and well-being of 14- and 15-year-olds; none of the allowable occupations is agriculturally related, which appears to rule out farm employment for any worker under the age of 16.

**HOURS OF WORK** — Regardless of occupation, no one under the age of 16 may be permitted to work between the hours of 9:00 p.m. and 6:00 a.m., nor may such a person generally be employed during the hours when public or private schools are in session. A child under 16 may not work for more than 4 hours on any day on which the school the child attends is in session, more than 8 hours on non-school days, or more than 40 hours in any one week.

**EMPLOYMENT CERTIFICATES** — No minor between the ages of 12 and 16 may be employed by any person, firm or corporation unless an employment certificate attesting to the minor's age and physical capacity to work has been issued by a local public or private school official where the minor attends, or by the parent in the case of home schooling. An employment certificate is not explicitly required for the employment of a child under the age of 12 in agriculture.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Georgia Department of Labor, Atlanta, Georgia 30303 (404-232-3260)*. The Department has authority to enter and inspect any workplace in the state to assure compliance with the child labor provisions and may take action to prosecute violations.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

# *Child Labor — Age, Hours, & Related Standards — Hawaii*

## **Hawaii**

### **● CHILD LABOR LAW**

*STATUTORY CITATION:* Haw. Rev. Stat. §§ 390-1 – 390-7

*RELATED REGULATIONS:* Hawaii Admin. Rules, §§ 12-25-21 – 12-25-83

*GENERAL SUMMARY:* The state child labor law sets limitations on the occupations and hours in which minors under the age of 18 may be employed in Hawaii, authorizes the use of employment and age certificates by employers who use child labor, and prescribes penalties for violations of the child labor restrictions.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **AGE AND HOUR RESTRICTIONS —**

Minors Under Age 14 — In general, the only agricultural activity for which employment of a child under 14 years of age is authorized is in the harvesting of coffee. Among other restrictions, youth between the ages of 10 and 14 may work in the coffee harvest (1) only when they are not legally required to attend school or have been excused by school authorities from attending school, (2) the state enforcement agency has determined after public hearing that sufficient adult labor to perform the work is unavailable, (3) the employer obtains a valid employment certificate for each such minor employed, and (4) only when they are under the direct supervision of their parent or legal guardian. Children 10 to 14 years of age may work in the coffee harvest only between the hours of 6:00 a.m. and 6:00 p.m., and such minors are not permitted to work for more than 2 hours straight without a rest period of at least 15 minutes, nor for more than 4 hours straight without a meal period of at least one hour. Children under 14 may not work more than 6 hours on any one day or more than 30 hours in any one week, nor for more than 5 consecutive days. Minors under 12 years of age are forbidden to use most harvesting equipment or to carry loads in excess of 15 pounds.

Minors Age 14 and 15 — Children 14 and 15 years of age may be employed only during periods when they are not required by law to attend school or have been officially excused from school, and only when their employer has on file a certificate of employment for each such minor. A 14- or 15-year-old may not work more than 5 continuous hours without a lunch or rest period of at least 30 minutes, nor may such a person be allowed to work for more than 6 consecutive days, more than 40 hours in any one week (18 hours when school is in session), or more than 8 hours in any one day (3 hours on any school day). In general, employment of workers age 14 and 15 is prohibited before 7:00 a.m. and after 7:00 p.m. of any day, except during an authorized school break, when such minors may work between 6:00 a.m. and 9:00 p.m. Under certain conditions, the working hours outlined above may be extended for 15-year-olds, who may be permitted to work in the harvest of pineapples as late as 12:30 a.m. on any day and for up to 48 hours in a single workweek, but only from June 1 through the day before Labor Day.

Minors Age 16 and 17 — Provided the employer records and keeps on file the number of a valid age certificate issued to the minor, a person age 16 or 17 may be employed at any time he or she is not legally required to be in school or has been excused by school authorities from attending.

**HAZARDOUS OCCUPATIONS —** No one under the age of 18 may be employed or permitted to work in any occupation deemed by the state to be hazardous for minors. The following agricultural or agriculturally related occupations, among others, have been declared hazardous:

- (1) Transporting, transferring or applying anhydrous ammonia.
- (2) Any activity involving the use of restricted pesticides.
- (3) Operating a tractor of over 20 horsepower, or connecting or disconnecting equipment to or from such a tractor.
- (4) Operating or assisting in the operation of a corn picker, feed grinder, forklift, or other such power equipment.
- (5) Working from a ladder or scaffold from a height of over 20 feet.

##### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777).* The Department is responsible for issuing employment and age certificates applicable to specific minors and specific employers when the employment is consistent with the age and occupational restrictions in the law and, in the Department's judgment, the nature of the employment will not adversely affect the health, safety or well-being of the minor or contribute to the minor's delinquency. Agents of the Department are authorized to enter any workplace in the state, inspect records and interview employees for the purpose of enforcing these provisions. The penalty for violation includes a fine, imprisonment or both.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Idaho*

# **Idaho**

## **● CHILD LABOR LAW**

*STATUTORY CITATION:* Idaho Code §§ 44-1301 – 44-1308

*GENERAL SUMMARY:* The state child labor law limits both the occupational activities and the working hours of minors under the age of 16, and requires that employers in certain industries maintain records of the names, ages and addresses of all such workers in their employ.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

#### **AGE AND HOUR LIMITATIONS —**

Children Under Age 14 — No child under the age of 14 may be employed in any business or service during the hours in which the public schools in the district in which the child resides are in session, or before the hour of 6:00 a.m. or after 9:00 p.m. Also, children under 14 may not be employed or permitted to work more than 54 hours in any one week, nor more than 9 hours in any one day. The state child labor law does not impose a minimum age for employment in agriculture.

Children Age 14 and 15 — Individuals 14 and 15 years of age are not permitted to work more than 54 hours a week or more than 9 hours a day, nor before 6:00 a.m. or after 9:00 p.m. Except for the school-related hours limitation below, there are no other restrictions on the employment of 14- and 15-year-olds in agricultural activities.

**EDUCATIONAL REQUIREMENTS —** No one under age 16 may be employed or allowed to work during school hours for the district where the minor resides, unless the minor (1) can read and write simple sentences in the English language, (2) has received instruction in spelling, English grammar and geography, and (3) is familiar with fundamental arithmetic operations up to and including fractions. Similar competencies in a language other than English will satisfy this requirement.

**RECORDKEEPING —** The recordkeeping duties with respect to the employment of minors ***do not apply*** to agricultural and other industries not explicitly covered by this provision.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY –** The state child labor law is enforced by county probation officers and local school board trustees, who are authorized to visit places of employment to ascertain if any minors are being employed contrary to these provisions. Any such official, as well as any other reputable citizen, may bring a complaint regarding a child labor offense to the attention of the respective prosecuting attorney.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.***

## *Child Labor — Age, Hours, & Related Standards — Illinois*

### **Illinois**

#### **● CHILD LABOR LAW**

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 205/1 – 205/22

*RELATED REGULATIONS:* Ill. Admin. Code Title 56, Part 250

*GENERAL SUMMARY:* The Child Labor Law establishes minimum age restrictions, limitations on hours of work, meal period requirements, and certain occupational restrictions for the lawful employment of most minors in Illinois under the age of 16. The law also prescribes the use of employment and age certificates as a means of facilitating compliance.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **MINIMUM AGE —**

Children Under Age 12 — With few exceptions, minors under the age of 12 years may not be legally employed in any agricultural occupation.

Children Age 12-15 — Minors 12 through 15 years of age (inclusive) may generally be employed in agriculture only outside school hours or during school vacation periods.

Children Age 16 and Over — There are no state restrictions on agricultural employment for workers 16 years of age and older.

**HOURS OF WORK —** Individuals 12 to 15 years of age, whose farm employment is limited to times when school is not in session as outlined above, are prohibited during such times from working for more than 6 consecutive days in any one week, more than 48 hours in any one week, or more than 8 hours in any one day. Such workers may not be employed between the hours of 7:00 p.m. and 7:00 a.m. from Labor Day until June 1, or between 9:00 p.m. and 7:00 a.m. from June 1 to Labor Day. On days when school is in session, work outside school hours is generally limited to no more than 3 hours, and the combined time in school and on the job may not exceed 8 hours.

**MEAL PERIODS —** No minor under 16 who is allowed to work in agriculture when school is not in session may be employed or permitted to work continuously for more than 5 hours without a meal period of at least 30 minutes, and no break of less than 30 minutes is regarded as interrupting a continuous period of work.

**EMPLOYMENT CERTIFICATES —** The provision generally barring the employment of a minor unless the employer obtains an employment certificate from the superintendent of schools, ***does not apply*** to agricultural employment.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY —** *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2804).* The Department has authority to conduct investigations to enforce the Child Labor Law and is empowered to visit and inspect any workplace covered by the law at any reasonable time. The Department may file complaints against employers found to have violated any of these provisions and may assess civil money penalties of up to \$5,000 per violation, enforceable in state circuit court. Employers in violation are also subject to criminal prosecution. Questions and complaints may be directed to the Department's child labor toll-free hotline, 800-645-5784.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY —** Truant officers and other authorized school officials may enter any place where children are or are believed to be employed and may file a complaint against any employer unlawfully employing minors.

## *Child Labor — Age, Hours, & Related Standards — Indiana*

# **Indiana**

## **● CHILD LABOR LAWS**

**STATUTORY CITATION:** Ind. Code §§ 20-33-3-1 – 20-33-3-43

**GENERAL SUMMARY:** Indiana's child labor laws limit the employment of minors under the age of 18, by (1) generally establishing a minimum age of 14 for lawful employment in the state, (2) restricting the working hours of minors in covered occupations, (3) requiring the issuance of an employment certificate as a prerequisite for hiring a minor in most occupational categories, and (4) prohibiting child labor in hazardous occupations.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — In contrast to the 14-year age threshold applicable to most other industries, children as young as 12 are permitted to engage in agricultural employment.

**WORKING HOURS** — As long as work is confined to non-school hours, the restrictions on the time of day and maximum hours during which youth under 17 may be employed **do not apply** to children employed in farm labor.

**REST BREAKS** — The provision requiring employers to provide workers under 18 with one or two rest breaks totaling at least 30 minutes during work periods of 6 hours or more **does not apply** to children engaged in farm labor.

**EMPLOYMENT CERTIFICATES** — Provided employment occurs only during the hours when the child is not required by law to be in school, the requirement for an employment certificate authorizing a minor to work **does not apply** to employment in farm labor.

**HAZARDOUS OCCUPATIONS** — No child under the age of 18 may be employed in an occupation deemed hazardous to minors by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Child Labor, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-232-2655)*. Authorized inspectors and agents of the Department may visit and inspect all establishments affected by these provisions. In any case where a child is found to be unlawfully employed, the Department may request the state attorney general to assist the local prosecuting attorney in the prosecution of the offending employer.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — The local school corporations, through guidance counselors, school social workers or attendance officers designated in writing by the respective school superintendents are responsible for issuing employment certificates for youth in the regulated age range seeking employment in an occupation for which such a certificate is required.

## *Child Labor — Age, Hours, & Related Standards — Iowa*

# Iowa

## ● CHILD LABOR LAW

*STATUTORY CITATION:* Iowa Code §§ 92.1 – 92.23

*GENERAL SUMMARY:* The state child labor law limits the occupations, time of day, and maximum hours in which the employment of minors is legally allowed, and generally prohibits employers in Iowa from hiring any minor without receiving and keeping on file a valid work permit authorizing the child's employment.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MIGRATORY LABOR** — Minors who customarily and repeatedly travel from state to state in connection with seasonal employment in agriculture are subject to the following employment restrictions:

**Minimum Age** — In general, no one under the age of 12 may be employed or permitted to work in migratory agricultural labor at any time, with or without pay.

**Work Permits** — No child between 12 and 16 years of age may be employed in migratory agricultural labor without obtaining a special work permit from the state enforcement agency. An application for a permit must be filed by the child's parent or head of the family. Every person or firm intending to hire migrant child labor must obtain the work permit of any such child prior to employment. A work permit will not be issued for a child under the age of 14 without proof of age.

**Time-of-Day Limitations** — A valid work permit authorizes employment only between the hours of 5:00 a.m. and 7:30 p.m. (5:00 a.m. through 9:00 p.m. from June 1 through Labor Day), with these additional restrictions:

**Children Age 12 and 13** — May not work prior to or during regular school hours on any day when a public or private school is in session and available to the child.

**Children Age 14 and 15** — May be employed at any time during the summer school session.

**Maximum Hours** — No one under the age of 16 may be employed for more than 8 hours in any one day or more than 40 hours in any one week. When school is in session, such minors may not work more than 4 hours a day or 28 hours a week.

**Rest Periods** — Persons under 16 who are employed for 5 hours or more on any day are entitled to a rest period of not less than 30 minutes at some point during the workday.

**OTHER AGRICULTURAL LABOR** — Except for migratory work as defined above, the child labor law **does not apply** to minors performing part-time work in agriculture, nor to minors roguing, detasseling or hand-pollinating seed or grain crops during the summer months.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-281-3606; toll free 800-562-4692).* This agency is responsible for statewide issuance of work permits under the child labor law, and for enforcement of the restrictions against the employment of minors. Representatives of the Division are empowered to enter any establishment, question employers and employees, and inspect records for the purpose of fact-finding. The Division must report suspected infractions to local county attorneys, who are responsible for investigation and prosecution of confirmed violations. Liability for the unlawful employment of a minor extends to the parent, guardian or other person having control of the child, as well as to the employer involved.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Kansas*

### **Kansas**

#### **○ CHILD LABOR LAWS**

**STATUTORY CITATION:** Kan. Stat. §§ 38-601 – 38-622

**GENERAL SUMMARY:** The state child labor laws generally forbid the employment of anyone under 14 years of age, prohibit persons under the age of 18 from working in hazardous occupations, restrict the time of day and maximum hours during which minors under 16 may be lawfully employed, and require employers to obtain a work permit authorizing the employment of anyone under 16 who is not enrolled in or attending secondary school.

**PROVISIONS APPLICABLE TO AGRICULTURE:** As long as employment of a child attending school does not occur during the hours in which the public schools are in session in the district where the child resides, the child labor laws in Kansas **do not apply** to agricultural employment.

**ADMINISTRATION AND ENFORCEMENT**

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

#### **○ GENERAL LABOR LAWS (WAGES, HOURS AND CONDITIONS FOR MINORS)**

**STATUTORY CITATION:** Kan. Stat. §§ 44-639 – 44-650

**RELATED REGULATIONS:** Kan. Admin. Regs. §§ 50-1-1 – 50-4-2

**GENERAL SUMMARY:** The provisions of the state labor laws addressing the wages, hours and working conditions of learners, apprentices and minors authorize the secretary of labor to investigate wages, hours and other working conditions in any occupation, and to establish wage and hour standards applicable to the employment of minors in any such occupation where existing conditions are inadequate to supply the necessary cost of living and to maintain the health of such workers.

**PROVISIONS APPLICABLE TO AGRICULTURE:** Despite statutory authority to do so, the state labor secretary has adopted **no standards** explicitly applicable to minors employed in agriculture.

**ADMINISTRATION AND ENFORCEMENT**

PRIMARY ENFORCEMENT AGENCY – *Kansas Department of Labor, Topeka, Kansas 66603.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## *Child Labor — Age, Hours, & Related Standards — Kentucky*

### **Kentucky**

#### **○ CHILD LABOR LAWS**

**STATUTORY CITATION:** Ky. Rev. Stat. §§ 339.205 – 339.990

**GENERAL SUMMARY:** Kentucky's child labor laws regulate the employment of minors under the age of 18, by generally forbidding the use of workers under 14 years of age in most occupations in the state, restricting the time of day and maximum hours during which minors age 14 and over may work, prohibiting employment of minors in certain hazardous occupations, and requiring employers to provide minors with a lunch period under certain circumstances.

**PROVISIONS APPLICABLE TO AGRICULTURE:** The state child labor laws ***do not apply*** to employment in farmwork.

**ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** – *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601.*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## *Child Labor — Age, Hours, & Related Standards — Louisiana*

### Louisiana

#### CHILD LABOR LAW

*STATUTORY CITATION:* La. Rev. Stat. §§ 23:151 – 23:251

*GENERAL SUMMARY:* With some exceptions, Louisiana's child labor law prohibits the employment of children under the age of 14, prescribes various age thresholds below which employment in the associated trades or occupations is prohibited, requires minors to obtain an employment certificate prior to hiring, and restricts the hours during which minors may lawfully be employed. Likewise, no minor covered by the statute may be employed or permitted to work for more than 5 continuous hours without a meal period of at least 30 minutes' duration.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Louisiana child labor law **does not apply** to minors employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY* – *Office of Workforce Development, Louisiana Workforce Commission, Baton Rouge, Louisiana 70804.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY* – *None.*

## *Child Labor — Age, Hours, & Related Standards — Maine*

### **Maine**

#### **○ CHILD LABOR LAWS**

*STATUTORY CITATION:* Me. Rev. Stat. Title 26, §§ 771 – 786

*GENERAL SUMMARY:* Maine's child labor laws contain age and hour criteria restricting the employment of minors under age 18 in most occupations, and prohibit most employers from hiring minors under 16 without first obtaining from each such minor a work permit authorizing employment.

*PROVISIONS APPLICABLE TO AGRICULTURE*

The minimum age limitations, working-hour restrictions, and work permit requirements ***do not apply*** to work performed in the planting, cultivation or harvesting of field crops or other farm employment that does not involve direct contact with hazardous machinery or hazardous substances.

*ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## *Child Labor — Age, Hours, & Related Standards — Maryland*

### **Maryland**

#### **○ CHILD LABOR LAWS**

**STATUTORY CITATION:** Md. Code, Lab. & Empl. §§ 3-201 – 3-216

**GENERAL SUMMARY:** With some exceptions, the state child labor laws (1) forbid the employment of any minor under the age of 14, (2) restrict the occupations, maximum hours and time of day in which persons under 18 may be employed, (3) define certain hazardous occupations closed to minors under the age of 18, and (4) prohibit the employment of anyone under 18 years of age unless the employer has obtained a valid work permit for the minor.

**PROVISIONS APPLICABLE TO AGRICULTURE:** Except for the general condition that individuals under 18 not be employed during prescribed local school hours or in hazardous occupations, the restrictions and requirements of Maryland's child labor laws **do not apply** to farmwork.

#### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** – *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## *Child Labor — Age, Hours, & Related Standards — Massachusetts*

# **Massachusetts**

## **● CHILD LABOR LAWS**

**STATUTORY CITATION:** Mass. Gen. Laws Ch. 149, §§ 56 – 105

**GENERAL SUMMARY:** The child labor laws contain limitations on the hours during which employment of minors under 18 years of age is authorized and the industries and occupations in which minors under 21 may be employed. The child labor laws also bar the employment of minors without an employment permit under certain circumstances.

### ***PROVISIONS APPLICABLE TO AGRICULTURE***

#### **GENERAL FARM OPERATIONS —**

Minors Under Age 14 — Children under 14 may not work in agriculture during the hours when the public schools are in session, nor before 6:30 a.m. or after 6:00 p.m. No one under the age of 14 may be employed in farmwork for more than 4 hours in any one day, or more than 24 hours in any one week, unless related by blood or marriage to the farm owner or operator.

Minors Age 14 and 15 — As in most other industries, 14- and 15-year-olds are not permitted to work in agriculture during school hours, or between the hours of 7:00 p.m. and 6:30 a.m. (between 9:00 p.m. and 6:30 a.m. from July 1 through Labor Day). Persons 14 and 15 years of age may not work more than 6 days in any one week, 48 hours in any one week, or 8 hours in any one day. Furthermore, if the work performed by any such child in a day is not continuous, but is divided into two or more periods, the employer must arrange the child's work so that all such periods of work fall within a span of 9 consecutive hours, including time spent in school. Such minors must generally obtain an employment permit from the local school superintendent, authorizing them to work for the particular employer specified in the permit.

Minors Age 16 and Over — There are generally no restrictions or limitations on the employment in agriculture of any worker 16 years of age or older.

**HAZARDOUS OPERATIONS —** In general, no one under 16 may be employed in ensilage cutting, on or around hazardous machinery or gearing when it is in motion, on moving motor vehicles, or in stripping, sorting or packing tobacco.

**MEAL TIME —** No minor (or anyone else) may be required to work for more than 6 hours during a calendar day without a break of at least 30 minutes for a meal.

### ***ADMINISTRATION AND ENFORCEMENT***

**PRIMARY ENFORCEMENT AGENCY –** *Fair Labor Division, Office of the Massachusetts Attorney General, Boston, Massachusetts 02108 (617-727-2200; Fair Labor Hotline 617-727-3465).* Representatives of the Attorney General's office are authorized to enter most workplaces in the state to investigate the employment of minors, and such officials are accorded access rights to all records pertaining to wages, hours and other conditions of employment which are deemed essential to such investigations. Both the employer of any child found to have been employed in violation of the child labor laws, and any parent or guardian who permits a child under his or her control to be so employed, are subject to a criminal fine.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY –** Public school superintendents, or officers authorized by local school committees, are responsible for issuing employment permits to eligible minors within their jurisdiction. Likewise, attendance supervisors employed by local school committees are authorized to visit places where minors may be employed and must report to the Attorney General's office any case of illegal child labor that they encounter in the performance of their duties.

# *Child Labor — Age, Hours, & Related Standards — Michigan*

## **Michigan**

### **● YOUTH EMPLOYMENT STANDARDS ACT**

*STATUTORY CITATION:* Mich. Comp. Laws §§ 409.101 – 409.124

*RELATED REGULATIONS:* Mich. Admin. Code R. 408.6199 – 408.6309

*GENERAL SUMMARY:* The Youth Employment Standards Act regulates the employment of workers under the age of 18 in Michigan, by establishing minimum age, maximum hours, and other criteria applicable to most industries and occupations in the state.

**MINIMUM AGE** — Subject to certain exceptions, the minimum age for employment of minors is 14 years.

#### **HOURS LIMITATIONS —**

**Minors Under Age 16** — A minor under 16 years of age may not be employed in an occupation subject to the Act for more than 6 days in one week, for a period longer than a weekly average of 8 hours per day or 48 hours in one week, or for more than 10 hours in one day. Youth under 16 are not permitted to be employed between the hours of 9:00 p.m. and 7:00 a.m. During the period when school is in session, a minor who is a student in school may not be employed for more than a combined school and work week of 48 hours.

**Minors 16 and Over** — No one may employ a minor 16 years of age or older in an occupation subject to the Act for more than 6 days in one week, for more than an average of 8 hours per day in one week, for more than 10 hours in one day, or for more than 48 hours in one week; when school is in session, a minor who is a student in school may not be employed for more than 24 hours in one week. Employment of minors 16 years of age or older is generally prohibited between the hours of 10:30 p.m. and 6:00 a.m., but 16- and 17-year-old students may work until 11:30 p.m. on Fridays and Saturdays, during school vacation periods, and during periods when they are not regularly enrolled in school.

**WORK PERMITS** — A minor may not be employed in an occupation regulated by the Act unless the minor (1) has obtained a permit from the school district in which the minor's place of employment is located, or from the public school academy or non-public school nearest the place of employment, and (2) provides a copy of the permit to the prospective employer, who must keep it on file at the place of employment throughout the duration of employment.

**MEAL AND REST PERIODS** — A minor may not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes is not considered to interrupt a continuous period of work.

#### **PROVISIONS APPLICABLE TO AGRICULTURE**

**AGRICULTURAL EXEMPTION** — As long as employment takes place outside school hours and is not in violation of regulatory standards adopted by the superintendent of public instruction, the Youth Employment Standards Act **does not apply** to farmwork. Currently, the only agriculturally related activities identified in the superintendent's administrative rules as hazardous, and thus generally closed to minors under the age of 18, are work involving hazardous substances (which may include pesticides), operation of high-power tractors, and work requiring the use of ladders.

**EXCEPTIONS TO THE AGRICULTURAL EXEMPTION** — The Act imposes restrictions on the employment of minors in detasseling, roguing, hoeing, and any similar farming operations involved in the production of seed.

**Days and Hours of Employment** — With parental consent and only outside school hours (or when not enrolled in school), minors 16 years of age or older may be employed in these operations for up to 11 hours in one day and up to 62 hours in any one week. An employer may not require work in excess of 48 hours a week without the minor's consent. Work cannot take place between 2:00 a.m. and 5:30 a.m.

*Without* parental consent, 16- and 17-year-olds may work in these operations only outside school hours (or when not enrolled in school), for up to 6 days in one week, no more than an average of 8 hours per day in one week, no more than 10 hours in one day per week, and no more than 48 hours per week when school is out for 7 consecutive days or more. Work cannot take place between 11:30 p.m. and 6:00 a.m.

**Work Permits** — As long as the employment occurs during school vacation periods, or when the worker is not regularly enrolled in school, minors 13 years of age and older may work in such operations without first obtaining a work permit.

#### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Office of Career and Technical Education, Michigan Department of Education, Lansing, Michigan 48909 (517-335-6041).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

## *Child Labor — Age, Hours, & Related Standards — Minnesota*

# Minnesota

## ● CHILD LABOR STANDARDS ACT

*STATUTORY CITATION:* Minn. Stat. §§ 181A.01 – 181A.12

*RELATED REGULATIONS:* Minn. Admin. R. 5200.0900 – 5200.0970

*GENERAL SUMMARY:* With few exceptions, the Child Labor Standards Act establishes a minimum lawful employment age of 14, prescribes maximum hours and time-of-day restrictions for the employment of minors, and bans the employment of anyone under the age of 18 in certain hazardous occupations.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — In contrast to the minimum age limit in other occupations, children as young as 12 years of age may be employed in agricultural operations, with the permission of their parents or guardian and subject to the limitations outlined below.

#### **HOURS AND TIME-OF-DAY** —

**School Days** — In general, no minor under the age of 16 may be employed in any occupation on school days during school hours.

**Time-of-Day** — Regardless of occupation, persons under 16 are not permitted to work before 7:00 a.m. or after 9:00 p.m.

**Maximum Hours** — The general rule against employing children under 16 for more than 40 hours a week, or more than 8 hours in any 24-hour period, **does not apply** to minors employed in agricultural activities with the permission of their parents or guardian.

**HAZARDOUS OCCUPATIONS** — No one under the age of 18 is allowed to work in any occupation determined by the state labor commissioner to be hazardous to minors. Among other prohibited activities often associated with farmwork which are closed to persons under 18 are work where chemicals are present in harmful or toxic quantities and operating power-driven machinery. The child labor regulations also forbid the employment of anyone under 16 in the operation of a farm tractor, as a motor vehicle driver, or in an agricultural operation declared hazardous by the U.S. Secretary of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070)*. Authorized representatives of the Division may enter and inspect any place of employment in the state, interview employees, and inspect age and employment certificates, for the purpose of checking compliance with the state child labor laws. To correct a violation, the Division may issue an order requiring compliance, enforceable in the state courts, and may also impose administrative fines ranging from \$250 to \$5,000 for each violation.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — To the same extent as representatives of the Department of Labor and Industry and for the same purposes, attendance officers or comparable local school district officials are authorized by the Act to visit workplaces, talk with employees, and inspect age and employment certificates.

## *Child Labor — Age, Hours, & Related Standards — Mississippi*

# **Mississippi**

## **○ CHILD LABOR LAWS**

*STATUTORY CITATION:* Miss. Code §§ 71-1-17 – 71-1-31

*GENERAL SUMMARY:* With respect to any mill, cannery, workshop, factory or manufacturing establishment, the state child labor laws generally prohibit the employment of any child under 14 years of age at any time, and forbid the employment of any 14- or 15-year-old for more than 8 hours a day, more than 44 hours a week, or between the hours of 7:00 p.m. and 6:00 a.m.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The child labor laws ***do not apply*** to employment on a farm or to any other workplace not explicitly cited above.

### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by county sheriffs.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## *Child Labor — Age, Hours, & Related Standards — Missouri*

# **Missouri**

### **● CHILD LABOR LAW**

**STATUTORY CITATION:** Mo. Rev. Stat. §§ 294.005 – 294.150

**GENERAL SUMMARY:** The child labor law sets age standards for the lawful employment of minors, restricts the time of day and maximum hours in which employment of minors is permitted, prohibits child labor in occupations regarded as hazardous, and requires issuance of a work certificate as a precondition to a child's employment under certain circumstances. These provisions make no substantive distinction between agricultural and non-agricultural occupations.

#### **SPECIFIC TERMS AND CONDITIONS**

**MINIMUM AGE** — With few exceptions, no child under 14 years of age may be employed or permitted to work at any time.

**HOURS OF WORK** — A child under the age of 16 may not be employed in any gainful occupation for more than 3 hours on a school day, 8 hours on a non-school day, or more than 6 days or 40 hours in any week. The employment of minors under 16 is forbidden before 7:00 a.m. and after 7:00 p.m. (or after 9:00 p.m. from June 1 through Labor Day).

**HAZARDOUS OCCUPATIONS** — No child under age 16 may be employed in an occupation regarded as hazardous, including, among others, work in connection with power-driven machinery and in the operation of a truck or motor vehicle.

**WORK CERTIFICATES** — With few exceptions, employers are prohibited from employing any person under 16 years of age during the regular school term, unless the child has been issued a work certificate by the school superintendent of the district in which the child resides. Work by such minors is permitted only during non-school hours.

#### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-3403)*. Representatives of the Department are authorized to enter any place where children are employed and inspect work certificates and employment conditions in order to determine compliance with these provisions. A violation of the child labor law is classed as a misdemeanor.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Montana*

# **Montana**

### **● CHILD LABOR STANDARDS ACT**

*STATUTORY CITATION:* Mont. Code §§ 41-2-102 – 41-2-120

*GENERAL SUMMARY:* The Child Labor Standards Act generally prohibits the employment of minors under 14 years of age, limits the days and hours during which 14- and 15-year-old workers may be employed, and bans the employment of certain minors in occupations deemed hazardous.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — In contrast to work in most other occupations, children under the age of 14 may be employed in non-hazardous agricultural jobs if they have the written consent of their parent or guardian and the parent or guardian is working on the same farm or ranch.

**WORKING HOURS** — Unless they have written consent from their parent or guardian, children under the age of 16 are prohibited from working:

- (1) During school hours.
- (2) Before 7:00 a.m. or after 7:00 p.m. (after 9:00 p.m. from June 1 through Labor Day).
- (3) More than 3 hours on a school day or 18 hours in a school week.
- (4) More than 8 hours on a non-school day or 40 hours in a non-school week.

**HAZARDOUS AGRICULTURAL OCCUPATIONS** — Among other ag-related jobs declared off-limits, with few exceptions children under the age of 16 are prohibited from:

- (1) Working inside certain silos and fruit or grain storage structures.
- (2) Handling or using poisonous agricultural chemicals.
- (3) Transporting, transferring or applying anhydrous ammonia.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Unit, Labor Standards Bureau, Employment Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-5600)*. Representatives of the Department are authorized to enter and inspect any establishment subject to the Child Labor Standards Act, and to access employment records related to enforcement. The Department may file a complaint against an employer for a confirmed violation, which can be prosecuted as a misdemeanor criminal offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Nebraska*

# **Nebraska**

## **● CHILD LABOR LAW**

**STATUTORY CITATION:** Neb. Rev. Stat. §§ 48-301 – 48-313

**GENERAL SUMMARY:** The state child labor law requires most employers in Nebraska to obtain an employment certificate as a prerequisite to hiring any minor under 16 years of age, limits the working hours of persons under 16, and forbids the employment of anyone under 16 in any job that is dangerous to the child's life, health or morals.

### **SPECIFIC TERMS AND CONDITIONS**

**EMPLOYMENT CERTIFICATES** — In general, no minor under the age of 16 may be employed or permitted to work unless the employer first obtains from the minor and keeps on file an employment certificate issued by the local school district. Except in connection with a state-approved vocational education program, an employment certificate may not be issued to anyone under 14.

**WORKING HOURS** — Minors under 16 years of age are not permitted to work for more than 8 hours in any one day or more than 48 hours in any one week, nor generally before the hour of 6:00 a.m. or after 10:00 p.m.

**HAZARDOUS OCCUPATIONS** — Minors under 16 may not be employed in work that is dangerous to life, safety or health. Whether or not a particular activity is hazardous is judged by the enforcement agency case-by-case.

**EXCEPTIONS FOR WEEDING, ROGUING OR DETASSELING CORN OR OTHER SEED PRODUCTS** — Minors under 16 and as young as 12 years old may be employed in these crop operations without the need of an employment certificate, provided (1) the employment occurs outside school hours during June, July or August, (2) the child's legal residence is within 75 miles of the workplace, and (3) the employer obtains written consent from the child's parent or guardian.

Children 12 through 15 years of age may be employed in this type of work only up to 48 hours in any one week, only up to 9 hours in any one day, and only between the hours of 6:00 a.m. and 8:00 p.m. (10:00 p.m. in the case of 14- and 15-year-olds).

Any employer who employs a child under 16 years of age in weeding, roguing or detasseling corn or other seed products is required to provide at least 2 supervisors who are 18 years of age or older at each such work location. The supervisors must be capable of assisting with issues of health, safety and wages. Likewise, the employer must provide the parents of each such child worker with an information sheet defining the terms of employment, including the availability of water and sanitation facilities on the job and the wages to be paid. The sheet must also include contact information for the state labor department for wage-complaint purposes.

### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239)*. Representatives of the Department are authorized to inspect documentary evidence of the age and employability of any minor employed at any workplace in the state, in order to ascertain compliance with the child labor laws. Violations are treated as a misdemeanor.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Nevada*

# Nevada

## ● CHILD LABOR LAWS

*STATUTORY CITATION:* Nev. Rev. Stat. §§ 609.185 – 609.652

*RELATED REGULATIONS:* Nev. Admin. Code § 609.150

*GENERAL SUMMARY:* The Nevada child labor laws (1) forbid the employment of most children under the age of 14 without the written permission of a district judge, (2) prescribe maximum hours of employment for workers under the age of 16, (3) limit the employment of most workers under 14 to non-school hours, and (4) prohibit employment of minors under 16 in hazardous occupations, industries and establishments.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — The general ban on employment of children under 14 years of age without the written consent of a district court judge **does not apply** to employment connected with farmwork.

**MAXIMUM HOURS OF LABOR** — The provision generally limiting employment of workers under 16 to 48 hours in any one week and 8 hours in any one day **does not apply** to work on a farm.

**EMPLOYMENT DURING SCHOOL HOURS** — In general, it is illegal for any person, firm or corporation to employ a child under 14 in any occupation other than as a motion picture performer during the hours in which the public schools of the school district where the child resides are in session.

**HAZARDOUS EMPLOYMENT** — Children under the age of 16 are barred from working in jobs identified in the statute or declared by the state labor commissioner to be hazardous. The only activity currently classified as hazardous that is commonly performed in agricultural establishments is the operation of certain mechanical equipment.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890)*. The Commissioner is charged with the enforcement of all labor laws in the state, including the child labor provisions. Representatives of the Commissioner may enter any place of employment in Nevada to inspect age documentation and question employees reported to be or suspected of being employed in violation of the child labor laws. Employers who employ children contrary to these provisions, and parents or guardians who permit children in their custody to be unlawfully employed, are guilty of a misdemeanor.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – Local school attendance officers, as well as representatives of the state superintendent of public instruction, are authorized to demand proof of age of any worker apparently under the age of 14 who is employed or permitted to work during local school hours. After formal notification of a violation, for each day in which school-hour employment of a child under 14 continues, the employer is subject to a fine of from \$5 to \$20.

## *Child Labor — Age, Hours, & Related Standards — New Hampshire*

# New Hampshire

## ● YOUTH EMPLOYMENT LAW

*STATUTORY CITATION:* N.H. Rev. Stat. §§ 276-A:1 – 276-A:26

*RELATED REGULATIONS:* N.H. Code Admin. R. Lab. 1000

*GENERAL SUMMARY:* The Youth Employment Law establishes a minimum lawful employment age of 12 in New Hampshire, restricts the total hours and time of day during which minors may be employed, limits employment in certain hazardous occupations, and requires issuance of a youth employment certificate as a precondition on hiring minors in most industries.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — Except in employment that is brief or intermittent, or that produces little or sporadic income, generally no one under 12 years of age may be employed or permitted to work in any occupation, including agriculture.

**HOUR RESTRICTIONS** — As a rule, no one under the age of 16 may work earlier than 7:00 a.m. or later than 9:00 p.m., or for more than 3 hours a day on a school day, 8 hours on a non-school day, 23 hours a week during school weeks, and 48 hours a week during vacations. Likewise, 16- and 17-year-olds who are enrolled in school may not work for more than 6 consecutive days or more than 30 hours during a school week, nor for more than 6 consecutive days or 48 hours in any one week during school vacation periods.

*Agriculture Exception* — In response to a written application from an agricultural employer seeking a variance for a particular youth working in a specified agricultural operation, the hour restrictions may be suspended by the state enforcement agency.

**HAZARDOUS OCCUPATIONS** — With few exceptions, it is unlawful to employ a person under 16 in logging operations, or to employ anyone under 18 in an occupation determined by the state agency to be hazardous. The agency has adopted the hazardous occupation standards established by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

**EMPLOYMENT CERTIFICATES** — The general ban on employment of minors under 18 without a youth employment certificate issued by the local school district **does not apply** to farm labor.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176)*. Investigators from the Department are directed to visit and inspect all workplaces in the state to assure compliance with the youth employment statute, and are authorized to serve warrants. Anyone who employs a minor in violation of these provisions, and any parent, grandparent or guardian who allows a child in his or her custody to work unlawfully, is guilty of a criminal offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — Truant officers employed by the local school districts exercise the same authority to enter and inspect places of employment as does the Department of Labor in enforcing the Youth Employment Law.

## *Child Labor — Age, Hours, & Related Standards — New Jersey*

# New Jersey

## ● CHILD LABOR LAWS

*STATUTORY CITATION:* N.J. Rev. Stat. §§ 34:2-21.1 – 34:2-21.64

*RELATED REGULATIONS:* N.J. Admin. Code 12:58

*GENERAL SUMMARY:* With some exceptions, the New Jersey child labor laws (1) set a minimum age of 14 for lawful employment in the state, (2) restrict the working hours of minors under 18, (3) prohibit child labor in specified hazardous occupations, (4) prescribe the issuance of an employment certificate as a precondition on youth employment, (5) impose recordkeeping duties on employers of children, and (6) provide certain other employment protections to minors in the state.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — In contrast to the 14-year age threshold for employment in most other industries, children as young as 12 may be employed in agricultural pursuits, subject to the limitations described below.

**WORKING HOURS** — No one under the age of 18 years may be employed or permitted to work in agriculture for more than 10 hours in any one day, or for more than 6 days or 60 hours in any one week. On any school day, the combined time in school and on the job may not exceed 8 hours. There are no time-of-day restrictions on minors employed in agriculture.

**HAZARDOUS OCCUPATIONS** — In both agricultural and non-agricultural sectors, minors under 16 are forbidden to work in, about or in connection with power-driven machinery, or injurious quantities of toxic or noxious dusts or fumes (which may include certain agricultural chemicals). In addition, the use of power field choppers, power hay balers or mechanical corn pickers has been declared hazardous to minors under the age of 18 by the state labor commissioner.

**LUNCH PERIODS** — No minor under 18 may be employed or allowed to work in any occupation for more than 5 continuous hours without an interval of at least 30 minutes for lunch. No break of less than 30 minutes is deemed to interrupt a continuous period of work.

**EMPLOYMENT PERMITS** — While employers in most other industries are barred from hiring anyone under the age of 18 without an employment certificate, a special agricultural employment permit is a prerequisite for farmwork only by workers under 16. A special permit authorizing agricultural employment by such a child may be issued by the local school district upon application by the child's parent or other custodian, and a finding by school officials that the work will not interfere with the child's health or standing in school. The application must show the exact character of the work and the hours, wages and special conditions under which the work will be performed.

**EMPLOYER RECORDKEEPING** — The requirement that most employers keep a record of the name, address, birth date, hours worked, wages paid and other information on each employed minor under the age of 19 **does not apply** to the employment of minors in agriculture.

**POSTING** — The statutory provision that generally obligates employers of minors to conspicuously post a summary of the child labor laws, a list of occupations prohibited to minors, a schedule of working hours and meal periods, and a list of each minor employed at the establishment, **does not apply** to agricultural workplaces.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2305).* Inspectors and other authorized representatives of the Department may enter any workplace at any time to examine employment and age certificates, question workers, and conduct other enforcement-related activities under the state child labor laws. The Department is empowered to file and prosecute criminal complaints against any employer who employs a minor in violation of the child labor laws, and against any person who permits a minor in his or her control or custody to work in violation of those provisions.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — School attendance officers and comparably authorized local officials may exercise the same inspection authority as agents of the Department of Labor in carrying out the child labor laws.

## *Child Labor — Age, Hours, & Related Standards — New Mexico*

### **New Mexico**

#### **● CHILD LABOR ACT**

**STATUTORY CITATION:** N.M. Stat. §§ 50-6-1 – 50-6-19

**GENERAL SUMMARY:** New Mexico's Child Labor Act generally prohibits the employment of children under the age of 14, requires a work permit for the lawful employment of 14- and 15-year-olds, limits the working hours and occupations of such minors, and enumerates certain injurious employment activities closed to minors under 18. These provisions generally make no distinction between agricultural and non-agricultural employment.

#### **SPECIFIC TERMS AND CONDITIONS**

**CHILDREN UNDER 14** — With few exceptions, no child under the age of 14 may be employed or permitted to work in any gainful occupation.

**CHILDREN AGE 14 and 15** —

**Work Permit** — No employer may hire a 14- or 15-year-old unless the child presents a valid work permit issued by the state labor department. The employer is required to keep the permit on file and post conspicuously a list of all children employed at that location.

**Hours and Time Restrictions** — Except for participants in work experience and career exploration programs, 14- and 15-year-olds are prohibited from working during school hours and may not work for more than 3 hours per day on a school day, nor for more than 18 hours during a school week. When school is not in session, work is limited to 8 hours in any one day and 40 hours during any one week. Employment is permitted only between the hours of 7:00 a.m. and 7:00 p.m. during the school year, and between 7:00 a.m. and 9:00 p.m. outside the school year.

**PROHIBITED OCCUPATIONS** — Minors may not be employed in certain occupations listed in the statute and regarded as hazardous or injurious to the health or morals of children. The only prohibited activities generally identifiable with agriculture are operations involving belted moving machinery, employment in which is not authorized for anyone under 16.

#### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Labor Relations Division, New Mexico Department of Workforce Solutions, Santa Fe, New Mexico 87505 (505-827-6817)*. Representatives of the Division are authorized to inspect work permits and other personnel records on any premises where minors are employed. The presence of a child at a workplace where there is no permit authorizing the child's employment is deemed *prima facie* evidence that the child is unlawfully employed. Anyone who employs a minor in violation of the Child Labor Act, and anyone who has control of a minor and permits the child to be so employed, may be reported by the Division to the local district attorney for prosecution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — New York*

# New York

### ● CHILD LABOR LAW

*STATUTORY CITATION:* N.Y. Labor Law §§ 130 – 145

*RELATED REGULATIONS:* N.Y. Comp. Codes R. & Regs. Title 12, § 190-9.2

*GENERAL SUMMARY:* The New York child labor law establishes a minimum age of 14 for most employment in the state, limits the types of work and the working hours of minors in discrete age groups below 18, and specifies certain trades and occupations that are deemed especially hazardous and therefore prohibited for most minors.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — An exception to the general ban on employment of children under 14 is made for the hand harvest of berries, fruits and vegetables, work in which 12- and 13-year-old youth may engage for up to 4 hours a day, between the hours of 9:00 a.m. and 4:00 p.m. (between 7:00 a.m. and 7:00 p.m. between June 21 and Labor Day), and at times when school is not in session. To be lawfully employed, however, each such minor (1) must have a farm work permit issued by the local school district, and (2) must be accompanied on the job by a parent, or present the employer with the written consent of the parent or guardian.

**CHILDREN AGE 14 and 15** — On those days and during those hours when school attendance is not required, a minor 14 or 15 years of age may be employed in an agricultural job only if the child has a farm work permit issued by the school district and signed by the employer. The maximum hours and time-of-day restrictions generally applicable to this age category *do not apply* to farm labor.

**CHILDREN AGE 16 and 17** — As long as school attendance is not required, minors 16 and 17 years of age may be employed without a work permit in agricultural occupations on a farm. The hours limitations otherwise applicable to 16-year-olds during school sessions *do not apply* to farm labor.

**HAZARDOUS OCCUPATIONS** — Among the farm-related occupations identified in the statute as hazardous and thus prohibited to minors of any age are (1) adjusting belt-driven machinery, and (2) work as a helper on a motor vehicle. Although the state labor commissioner is authorized to investigate particular agricultural activities that may be dangerous to minors or injurious to their health, no regulations prohibiting or limiting employment of minors in any such occupations have been adopted.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Through the agency's district offices, compliance officers of the Department may examine employment certificates and work permits of minors found employed in any workplace or on any job in the state. If anyone apparently under 18 years old is employed without authorization or otherwise contrary to the child labor laws, the Department may require the employer to cease employing the minor or file evidence within 10 days that the minor is employable. An employer who violates any of these provisions may be assessed a civil penalty of up to \$1,000 for a first violation, up to \$2,000 for a second violation, and up to \$3,000 for a third or subsequent violation. For violations that involve a minor who is seriously injured or dies, the penalty is *triple* the maximum otherwise allowable under these provisions.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

*Child Labor — Age, Hours, & Related Standards — North Carolina*

**North Carolina**

**○ WAGE AND HOUR ACT (*YOUTH EMPLOYMENT*)**

*STATUTORY CITATION:* N.C. Gen. Stat. §§ 95-25.1 – 95-25.25

*GENERAL SUMMARY:* The youth employment provisions of the Wage and Hour Act establish 14 as the minimum lawful age of employment in most trades and occupations in North Carolina, restrict the working hours of 14- and 15-year-olds in the state, require that rest breaks be provided at least every 5 hours for workers under 16, bar employment of most minors under 18 without a youth employment certificate, and forbid the employment of minors in occupations deemed hazardous or detrimental to the health and well-being of youth.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The youth employment provisions ***do not apply*** to persons employed in agriculture.

*ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Bureau, Standards and Inspections Division, North Carolina Department of Labor, Raleigh, North Carolina 27699.**

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.**

## *Child Labor — Age, Hours, & Related Standards — North Dakota*

### **North Dakota**

#### **○ CHILD LABOR LAWS**

*STATUTORY CITATION:* N.D. Cent. Code §§ 34-07-01 – 34-07-21

*GENERAL SUMMARY:* The child labor laws of North Dakota generally prohibit the employment of anyone under the age of 14, restrict the occupations open to minors under the age of 16, limit the working hours of such minors in most occupations, and require most employers to keep on file an employment certificate for every such minor in their employ.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**CHILDREN UNDER AGE 14** — No person, firm or corporation may employ a child under 14 years of age in any occupation during the hours when the public schools of the district in which the child resides are in session.

Outside local school hours, children under 14 may work in agricultural operations **exempt** from the maximum hours and time-of-day restrictions applicable to minors under 16 in most other occupations.

**CHILDREN AGE 14 AND 15** — The need for an employment certificate and the maximum hour and time-of-day limitations applicable to most other 14- and 15-year-olds **do not apply** to 14- and 15-year-olds employed in agriculture.

**HAZARDOUS OCCUPATIONS** — The broad prohibition against the employment of minors under 16 in any activity statutorily declared or administratively determined to be hazardous or otherwise detrimental to the life, health or morals of such individuals, generally **does not apply** to children doing ordinary farmwork or operating farm machinery.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505.*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — Local law enforcement officers may enter any workplace in their jurisdiction, inspect employment certificates, and otherwise investigate compliance with these provisions.

## *Child Labor — Age, Hours, & Related Standards — Ohio*

# **Ohio**

## **● CHILD LABOR LAWS**

**STATUTORY CITATION:** Ohio Rev. Code §§ 4109.01 – 4109.99

**RELATED REGULATIONS:** Ohio Admin. Code 4101:9-2-03

**GENERAL SUMMARY:** Ohio's child labor laws require minors to present an age and schooling certificate to employers as a prerequisite to employment under certain circumstances, prohibit employers from hiring anyone under the age of 18 in occupations which are deemed hazardous or detrimental to their health and well-being, limit the working hours of children under 16 years of age, and impose certain administrative duties and restrictions on employers of child labor.

### **PROVISIONS APPLICABLE TO AGRICULTURE**

**AGE AND SCHOOLING CERTIFICATES** — Farm operators and other agricultural establishments are generally prohibited from hiring anyone under the age of 18 who resides in an agricultural labor camp, as defined in the agricultural labor camp law (*see entry, Ohio — Housing — Farm Labor Housing Standards*), unless the child presents to the employer a valid age and schooling certificate obtained from the superintendent of the local school district. Such a certificate may not be issued to a child under the age of 14.

An age and schooling certificate is *not required* for agricultural employment by minors who do not reside in an agricultural labor camp.

**HAZARDOUS EMPLOYMENT** — Among other agriculturally related activities determined by the state industrial relations director to be a threat to the health and well-being of such minors, generally no one under 16 may be employed (1) in connection with the operation of a tractor of more than 20 horsepower, (2) in connection with the operation of a corn picker, cotton harvester, combine or any similar equipment, (3) in any job requiring work from a ladder or scaffold at a height of more than 20 feet, (4) as a driver of a truck, bus or car carrying passengers, or (5) in a job requiring the handling or application of certain agricultural chemicals or the application or transfer of anhydrous ammonia.

**WORKING HOURS** — With only narrow exceptions, it is illegal to employ a child under 16 during school hours. Such minors are generally authorized to work only between the hours of 7:00 a.m. and 7:00 p.m. (between 7:00 a.m. and 9:00 p.m. from June 1 to September 1, and during school holidays lasting 5 days or more). No one under 16 may be employed for more than 3 hours a day on any school day, for more than 18 hours a week in any week in which school is in session, for more than 8 hours on any non-school day, or for more than 40 hours in any week in which school is not in session.

**REST PERIODS** — Employers may not employ any worker under 18 for more than 5 consecutive hours without allowing the worker a paid or unpaid rest period of at least 30 minutes.

**CONDITIONS OF COMPENSATION** — Prior to hiring a minor in any occupation, the employer must reach agreement with the worker concerning the wages to be paid, whether on a time or piecework basis. The employer must furnish the worker with written evidence of the agreement, and on or before each payday must provide a statement of earnings due and the amount to be paid. No reduction in the agreed-upon wage rate is permitted without at least 24 hours' advance notice and completion of a new written agreement.

**WITHHOLDING OF WAGES** — No employer may retain or withhold any part of a minor's earnings because of presumed negligence on the worker's part, failure to comply with rules, breakage of equipment, or alleged inability to perform the job.

**RECORDKEEPING** — With respect to each agricultural employee under 18 who resides in an agricultural labor camp, a farm operator or other agricultural establishment is required to keep a time book or other written record showing the worker's name, address and occupation, the number of hours worked on each day of the week, the start and end time of each work interval and rest period, and the amount of wages paid each pay period.

The recordkeeping requirements *do not apply* to the employment of minors who do not reside in an agricultural labor camp.

### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223)*. Representatives of the Department are authorized to enter places of employment where minors are at work, to examine age and schooling certificates, question workers and perform other investigative functions related to enforcement of the child labor laws. Upon discovery of a violation and after notice to the employer, the Department is obligated to file a complaint in the appropriate court. Whoever violates the child labor laws is guilty of a misdemeanor.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — The state superintendent of public instruction, the state director of health, the local school districts and local health departments all have inspection and complaint-filing authority comparable to that exercised by the Department of Commerce.

## *Child Labor — Age, Hours, & Related Standards — Oklahoma*

### Oklahoma

#### CHILD LABOR LAWS

*STATUTORY CITATION:* Okla. Stat. Title 40, §§ 71 – 88

*GENERAL SUMMARY:* Oklahoma's child labor provisions regulate the employment of minors under the age of 16, by restricting the occupations open to such workers, limiting their working hours, imposing certain educational qualifications as a condition on employment, and requiring the use of age and schooling certificates under certain circumstances.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Other than a prohibition against employment in occupations declared hazardous by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*), Oklahoma's child labor laws **do not apply** to minors performing work in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Child Labor Unit, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

# *Child Labor — Age, Hours, & Related Standards — Oregon*

## Oregon

### ● CHILD LABOR LAWS

*STATUTORY CITATION:* Or. Rev. Stat. §§ 653.305 – 653.545

*RELATED REGULATIONS:* Or. Admin. R. 839-021-006 – 839-021-0500

*GENERAL SUMMARY:* The Oregon child labor laws (1) generally prohibit the employment of children under the age of 14 when school is in session and under the age of 12 during vacation periods, (2) limit the working hours of minors under 16 years of age, (3) prohibit employment of minors in certain hazardous occupations, (4) require issuance of an employment certificate as a prerequisite to hiring minors under 18 in certain establishments, and (5) entitle young workers to meal and rest periods.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **AGE RESTRICTIONS —**

Children Age 9 to 11 — In general, a child who is under 12 years of age but no younger than 9 may be employed in agriculture only to pick berries or beans, only outside school hours, and only if (1) the child is employed with the consent of his or her parent or guardian, (2) the child is paid at the same rate as workers age 12 and over performing the same work for the same employer, (3) the crop involved is sold only within Oregon and not transported out of the state in any form, and (4) the state enforcement agency has certified that there are not sufficient workers in the immediate area to harvest the crop without using 9- to 11-year-old pickers.

Children Age 12 and 13 — Most forms of agricultural employment are open to minors 12 and 13 years of age, but only outside the term during which the public schools where the child resides are in session.

Children Age 14 and Over — Subject to the maximum hours and hazardous work limitations cited below, and as long as work occurs only outside local school hours, children 14 years of age and older may work in agriculture with no other state restrictions.

##### **MAXIMUM HOURS —**

During the School Year — No child under the age of 16 may be employed in agriculture for longer than 3 hours a day on school days, 10 hours a day on non-school days, or 25 hours a week during school weeks.

Outside the School Year — From the last day of the most recently completed local school year until the first day of the next local school year, no one under the age of 16 may work more than 10 hours a day, or more than 60 hours or 6 days in any week.

*Exceptions for Work with Power-Driven Machinery —* When a worker under age 16 is employed to operate or assist in operation of power-driven farm machinery, or to ride in or on such machinery, maximum hours during the school year are 3 hours a day on school days, 8 hours a day on non-school days, and 18 hours a week during school weeks; between school years (during "summer vacation" periods), employment time generally may not exceed 10 hours a day and 60 hours a week during the harvest season, and 10 hours a day and 44 hours a week outside the harvest season. Minors 16 and 17 years old working in or on power-driven farm machinery are generally limited to working 25 hours a week during school weeks, and 60 hours a week between school years ("summer vacation" periods).

**TIME-OF-DAY LIMITATION —** The provision restricting most minors under age 16 from working outside the hours of 7:00 a.m. to 7:00 p.m. (to 9:00 p.m. from June 1 to Labor Day) **does not apply** to agricultural employment.

**HAZARDOUS OCCUPATIONS —** In general, no minor may operate or assist in the operation of power-driven farm machinery, or ride in or on any such machinery, unless (1) the employer obtains an employment certificate from the state labor department, and (2) the minor has obtained a certificate of training on tractor or related machinery operation issued by an approved training provider.

**EMPLOYMENT PERMITS —** Employment of a minor under the age of 14 requires an employment permit, issued by the state labor department. Likewise, farm operators who wish to employ minors as young as 14 to operate or to ride in or on power-driven farm machinery, or to ride in or on trailers or similar equipment connected to power-driven farm machinery, are required to obtain a special certificate from the department as well; a certificate authorizing such work may be issued only with proof that the minor has completed some form of pre-employment training approved by the department.

**MEAL PERIODS —** Without exception, every employee under 18 years of age is entitled to a meal period of no less than 30 minutes. The meal period is not included as part of the day's work time.

**REST PERIODS —** Each minor must have a paid 15-minute break every 4 hours (or major portion thereof), to be given as close to the middle of the 4-hour period as possible.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY —** *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).* Representatives of the Bureau have authority to visit workplaces where minors may be employed, for the purpose of investigating compliance with the child labor laws. They may inspect evidence of age, payroll records and other documentation relevant to determining violations. The Bureau is authorized to impose a civil money penalty of up to \$1,000 on any employer not subject to the federal child labor laws for each violation of the state provisions. Non-compliance is also punishable as a misdemeanor criminal offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY —** *None.*

## *Child Labor — Age, Hours, & Related Standards — Pennsylvania*

# Pennsylvania

## ● CHILD LABOR ACT

**STATUTORY CITATION:** 43 Pa. Stat. §§ 40.1 – 40.14

**GENERAL SUMMARY:** With some exceptions, Pennsylvania's Child Labor Act (1) forbids the employment of children under 14 years of age, (2) restricts the hours during which youth under the age of 18 may be employed, (3) requires minors to obtain a work permit as a prerequisite for employment, (4) gives minors the right to rest breaks during work, (5) prohibits employment of minors in establishments regarded as hazardous to health, safety or morals, and (6) imposes recordkeeping and other duties on employers using child labor.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — With only narrow exceptions, children under 14 may not be employed.

#### **HOURS LIMITATIONS** —

**Children Age 14 and 15** — No child 14 or 15 years of age may be employed before 7:00 a.m. or after 7:00 p.m. (except during summer vacation periods, when work is allowed between 7:00 a.m. and 10:00 p.m.). Furthermore, 14- and 15-year-olds generally may not work more than 3 hours on a school day or 8 hours on a non-school day, more than 18 hours during a school week or 40 hours in a non-school week, or more than 6 consecutive days.

**Children Age 16 and 17** — When school is in session, 16- and 17-year-olds are not permitted to work before 6:00 a.m. or after 12:00 midnight (except on nights preceding non-school days, when such minors may work until 1:00 a.m.), nor for more than 28 hours during a school week or for more than 8 hours in a single day. During school vacation periods, 16- and 17-year-olds may not be employed or permitted to work for more than 6 consecutive days, for more than 44 hours in a single week (or 48 hours, if agreed to voluntarily by the minor), or for more than 10 hours in a single day.

**WORK PERMITS** — Before anyone under 18 may be employed, the employer must obtain and keep on file a work permit, issued by the school district where the minor resides, upon application by the minor's parent or guardian.

**REST BREAKS** — No one under the age of 18 may work for more than 5 continuous hours (including any break time of less than a half-hour) without a rest break of at least 30 minutes.

**PROHIBITED EMPLOYMENT** — The only agriculturally related occupations statutorily closed to minors as detrimental to their well-being are stripping and sorting of tobacco. This restriction applies to workers under 16 years of age.

**RECORDKEEPING** — Employers must keep a list of all workers under the age of 18 who are employed in their establishments. The list must include a record of the hours worked by each minor each day and week, as well as their start- and end-times and the times allowed for breaks.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. Representatives of the Department may enter any workplace where minors are or may be employed, to ascertain compliance with the child labor provisions. The Department is authorized to prosecute employers found in violation, in criminal proceedings before a magisterial district judge within the district where the offense was committed.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — Apart from their role in the issuance of work permits, the local school districts are vested with the same inspection and prosecutorial powers as those exercised by the Department of Labor and Industry.

## ● SEASONAL FARM LABOR ACT (*EMPLOYMENT OF MINORS*)

**STATUTORY CITATION:** 43 Pa. Stat. § 1301.203

**GENERAL SUMMARY:** Among many other worker protections afforded by the Seasonal Farm Labor Act, the law includes provisions protecting children under the age of 14 from forced farm labor, and augments the hours restrictions imposed by the state child labor law, outlined in the previous entry.

### *SPECIFIC TERMS AND CONDITIONS*

**FORCED LABOR PROHIBITED** — No child under the age of 14 (other than a member of the employer's immediate family) may be required to work as a seasonal farmworker, or penalized for failure to work as a seasonal farmworker.

**HOURS RESTRICTION** — On any regular school day in the district where the child is residing, no child between the ages of 14 and 17 (inclusive) may be employed in seasonal farmwork between 7:00 a.m. and one hour following the end of the school day of the local district where the child resides. This restriction applies whether or not the child is registered as a student in that district.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. Representatives of the Department may enter any

## *Child Labor — Age, Hours, & Related Standards — Pennsylvania*

workplace where minors are or may be employed, to ascertain compliance with these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – In enforcing the state child labor laws, the local school districts are vested with the same inspection and prosecutorial powers as those exercised by the Department of Labor and Industry.

### ● ACT OF JUNE 23, 1931

*STATUTORY CITATION:* 43 Pa. Stat. §§ 67 – 71

*GENERAL SUMMARY:* Chapter 2A of the state labor statutes imposes conditions on the employment of non-resident minors in food crops and canneries.

#### *SPECIFIC TERMS AND CONDITIONS*

A child who is under 16 years old and not a permanent resident of Pennsylvania may not be employed in any cannery, or in the cultivation or harvesting of berries, fruits or vegetables, during the time the child is required to attend school in his or her home state. If, however, the child is otherwise lawfully employed in Pennsylvania during a home-state summer vacation period, the employer may have 15 days in which to discontinue a child's employment after the date of his or her required return to school after the summer vacation period ends.

Likewise, cannery operators and farm employers in Pennsylvania are generally forbidden from employing non-resident workers under 16 unless the employer has on file a certificate issued by the local school district in the child's home state, certifying the child's age and the exact periods during which the child is required to attend school there.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – In enforcing the state child labor laws, the local school districts are vested with the same inspection and prosecutorial powers as those exercised by the Department of Labor and Industry.

## *Child Labor — Age, Hours, & Related Standards — Puerto Rico*

### **Puerto Rico**

#### **● CHILD LABOR LAWS**

*STATUTORY CITATION:* 29 Laws P.R. Ann. §§ 431 – 456

*RELATED REGULATIONS:* Regulation 230

*GENERAL SUMMARY:* Puerto Rico's child labor laws limit the working hours and occupations of persons under 18 years of age, prohibit the employment of minors in certain injurious occupations, prescribe the use of employment certificates as a means of regulating the use of child labor in most trades and industries, and grant minors the right to on-the-job lunch periods.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **AGE AND HOUR LIMITATIONS —**

Children Under Age 14 — With few exceptions, minors under the age of 14 may not be employed in agriculture or any other industry at any time.

Children Age 14 and 15 — Minors 14 and 15 years of age are forbidden to work in any gainful occupation during the hours in which the public schools are in session. Outside school hours and during school vacations, 14- and 15-year-olds may be employed in agriculture and most other industries for up to 6 consecutive days and up to 40 hours in any one week, and for up to 8 hours in any one day. Employment is not authorized before 8:00 a.m. or after 6:00 p.m. On any school day, the combined hours of class time and employment, if any, may not exceed 8 hours.

Children Age 16 and 17 — In agriculture as in most other sectors, no minor 16 or 17 years of age may work before 6:00 a.m. or after 10:00 p.m., and those attending school and working after class on school days are limited to a combined total of 8 hours of school and work time.

**INJURIOUS OCCUPATIONS —** It is generally unlawful to employ minors, or allow minors to work, in an occupation deemed by the enforcement agency to be dangerous or injurious to their life, health, education, safety or welfare. Among other agriculturally related activities, no one under the age of 18 may be employed to cut sugarcane, to operate power-driven mowers, to drive or assist in driving a tractor or other vehicle, or to perform work at a height of more than 5 feet, or in a job requiring the use or handling of pesticides and similar agricultural chemicals. Similarly, minors under 16 years of age may not be employed in the cutting, lashing or binding of tobacco, in irrigating with chemicals, in spraying chemical fertilizers, or in weeding operations.

**EMPLOYMENT CERTIFICATES —** Except in the harvest of coffee, minors 14 through 17 years of age (inclusive) generally may not be employed or permitted to work in agricultural and most other gainful occupations unless the employer obtains and keeps on file an employment certificate from the enforcement agency, and conspicuously posts at the workplace a list of all minors employed at his or her establishment. Minors hired to pick coffee must carry and present to the employer a card, issued by the department in lieu of an employment certificate, indicating that the child is at least 14 years old and in sound physical condition.

**LUNCH PERIODS —** No minor may be employed for more than 4 consecutive hours without being allowed at least one hour for lunch.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY —** *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* It is the duty of this agency to determine the eligibility of minors for employment and to issue certificates to those applicants who meet the minimum age and other requirements for the prospective job. To determine employer compliance with the child labor laws, agents of the Department may enter any workplace in Puerto Rico for the purpose of examining employment and age certificates and inspecting other personnel records. Violation of these provisions is classified as a misdemeanor, punishable by fine or imprisonment.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY —** *None.*

## *Child Labor — Age, Hours, & Related Standards — Rhode Island*

### **Rhode Island**

#### **○ CHILD LABOR LAWS**

*STATUTORY CITATION:* 28 R.I. Gen. Laws §§ 28-3-1 – 28-3-20

*GENERAL SUMMARY:* Chapter 3 of the Rhode Island labor statutes regulates, among other matters, the employment of children in the state, by restricting the age at which work is authorized in specified trades and establishments, limiting the working hours of minors, requiring the issuance of a work permit as a precondition on hiring youth, and prohibiting the employment of minors in hazardous occupations and workplaces. These provisions generally apply to individuals and firms employing 5 or more workers or employing any child under the age of 16.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The child labor laws **do not apply** to minors employed in agricultural pursuits.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – *Labor Standards Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.**

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.**

## *Child Labor — Age, Hours, & Related Standards — South Carolina*

# **South Carolina**

## **● CHILD LABOR LAW**

**STATUTORY CITATION:** S.C. Code §§ 41-13-5 – 41-13-60

**RELATED REGULATIONS:** S.C. Code Regs. 71-3100 – 71-3111

**GENERAL SUMMARY:** Chapter 13 of the South Carolina labor statutes makes it unlawful for any employer to engage in oppressive child labor practices, and confers broad authority on the state labor director to adopt specific rules that effectuate that general statement of policy, and that are not more restrictive than the applicable federal child labor regulations.

### ***PROVISIONS APPLICABLE TO AGRICULTURE***

**AGE RESTRICTIONS** — In contrast with the 14-year minimum age standard prescribed by the labor commissioner for most non-agricultural employment, children as young as 12 years of age are permitted to work in agriculture, provided employment occurs outside local school hours and with the consent of the child's parent or person standing in the place of the parent. Minors 14 years old and over may work in non-hazardous agricultural occupations outside school hours with no further restrictions.

**HOUR LIMITATIONS** — The regulatory provisions curbing the daily and weekly working hours of minors under 16 in most non-agricultural pursuits and limiting the time of day during which such employment is authorized ***do not apply*** to employment in agriculture.

**HAZARDOUS AGRICULTURAL OCCUPATIONS** — The administrative regulations generally prohibit the employment of anyone under the age of 16 in the following agricultural activities, among others:

- (1) Operating a tractor of over 20 horsepower.
- (2) Operating or helping to operate power harvesting equipment such as corn pickers, cotton pickers, grain combines, hay mowers, hay balers or potato diggers.
- (3) Working from a ladder or scaffold at a height over 20 feet.
- (4) Driving a vehicle transporting passengers, or riding on a tractor as a passenger or helper.
- (5) Handling or applying certain agricultural chemicals identified by the word "Poison" or "Warning" on the label.
- (6) Transporting, transferring or applying anhydrous ammonia.

### ***ADMINISTRATION AND ENFORCEMENT***

**PRIMARY ENFORCEMENT AGENCY** — *Office of Investigations and Enforcement, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-4470)*. Agents of the Department may enter any establishment in the state where minors are employed and may have access to all records relevant to the enforcement of the child labor law. The Department is authorized to prosecute any employer found to be employing a minor in violation of the law or the associated regulations. Administrative fines for violations may range from \$300 to \$5,000.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — South Dakota*

# South Dakota

## ● CHILD LABOR LAWS

*STATUTORY CITATION:* S.D. Codified Laws §§ 60-12-1 – 60-12-14

*GENERAL SUMMARY:* The child labor laws of South Dakota prescribe minimum ages for employment in certain trades and industries, limit the working hours of minors under 16, authorize issuance of work permits allowing minors to engage in otherwise prohibited employment, and impose sanitary standards on certain establishments where children are employed.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — The provision in the child labor laws which sets a minimum age of 14 for lawful employment in factories, workshops and mines, and in mercantile establishments during school hours, ***does not apply*** to employment in agriculture or to any other form of employment not explicitly covered.

**WORKING HOURS** — In general, unemancipated minors under the age of 16 are prohibited from working (1) for more than 4 hours on any school day or more than 8 hours on any non-school day, (2) for more than 20 hours in any school week or more than 40 hours in any non-school week, and (3) after 10:00 p.m. on any night before a school day.

*Exception* — There are no hours or time-of-day restrictions on minors roguing or detasseling hybrid seed corn on a non-school day or during a non-school week.

**WORK PERMITS** — In agriculture and any other industrial or occupational area, if employment of a minor who would otherwise be barred from working is necessary for his or her support, or for the support of the minor's family, the enforcement agency may issue a permit authorizing employment during the hours specified on the permit.

**SANITATION** — The provision obligating the operator of any factory, mill or workshop where minors are employed to keep the workplace sanitary, properly ventilated, and equipped with separate restrooms for male and female employees, ***does not apply*** to agricultural workplaces or any other class of establishment not explicitly described.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. The Department is responsible for investigating complaints or reports of child labor violations, and for prosecuting persons found to have committed any act prohibited by these provisions. For that purpose, the agency has authority to visit any workplace where minors are employed and to inspect related employment records.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — The superintendent of the school district in which a child at work resides, or in which an establishment where a minor at work is located, is authorized to inspect the child's place of work.

## *Child Labor — Age, Hours, & Related Standards — Tennessee*

### **Tennessee**

#### **○ CHILD LABOR ACT OF 1976**

*STATUTORY CITATION:* Tenn. Code §§ 50-5-101 – 50-5-115

*GENERAL SUMMARY:* The Child Labor Act establishes a minimum age of 14 for lawful employment in most trades and industries in Tennessee, limits working hours and sets other employment conditions for 14- and 15-year-olds, prescribes slightly more flexible standards for minors 16 and 17 years of age, prohibits the employment of minors of any age in certain hazardous occupations, requires that minors be provided with an unpaid 30-minute break or meal period if scheduled to work 6 consecutive hours or more, and imposes recordkeeping and posting duties on those who employ child labor.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Child Labor Act **does not apply** to minors employed in agricultural work.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – *Labor Standards Unit, Regulations and Compliance Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243.**

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.**

## *Child Labor — Age, Hours, & Related Standards — Texas*

### **Texas**

#### **○ CHILD LABOR LAW**

*STATUTORY CITATION:* Tex. Labor Code §§ 51.001 – 51.046

*RELATED REGULATIONS:* 40 Tex. Admin. Code §§ 817.1 – 817.33

*GENERAL SUMMARY:* With the legislative aim of ensuring that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health or well-being, Chapter 51 of the Texas labor statutes establishes a minimum age of 14 for lawful employment in most trades and industries in the state, limits the number of hours and the time of day during which minors may be employed, and prohibits child labor in occupations declared hazardous by the state workforce commission.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Provided employment occurs only outside the hours during which the child is legally required to attend school, the child labor law ***does not apply*** to any minor employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – *Labor Law Section, Texas Workforce Commission, Austin, Texas 78778.**

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.**

## *Child Labor — Age, Hours, & Related Standards — Utah*

### **Utah**

#### **● CHILD LABOR LAWS**

*STATUTORY CITATION:* Utah Code §§ 34-23-101 – 34-23-402

*RELATED REGULATIONS:* Utah Admin. Code R. 610-2

*GENERAL SUMMARY:* Utah's child labor laws generally forbid the employment of youth under 18 years of age in certain hazardous occupations, restrict the non-hazardous occupations open to minors below the age of 16, and limit the working hours of children under 16.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**HAZARDOUS OCCUPATIONS** — As a general rule, no one under 18 years of age may be employed or permitted to work in an occupation determined to be hazardous under federal law by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

**AGE RESTRICTIONS IN NON-HAZARDOUS OCCUPATIONS** — Unlike most non-agricultural employing sectors, which have age thresholds ranging from 10 to 14, there is ***no minimum age*** for agricultural work.

**LIMITATIONS ON HOURS** — Unless authorized by school authorities, minors under the age of 16 generally may not be employed or allowed to work in any occupation during school hours. Furthermore, in agriculture and in all other pursuits, no child under 16 may work before or after school in excess of 4 hours a day, nor before 5:00 a.m. or after 9:30 p.m., except on days preceding non-school days. At no time may a person under 16 work more than 8 hours in any 24-hour period, or more than 40 hours in any week.

#### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — It is illegal for an employer to discharge an employee, retaliate against an employee, or threaten such action because the employee has testified or may testify in any investigation or proceeding relevant to enforcement of these provisions.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238)*. Representatives of the Commission are authorized to enter and inspect any place of employment, examine age certificates and related personnel records, and take other action to determine compliance with the child labor laws. Anyone found to have violated the child labor laws is subject to an administrative fine of up to \$500, and willful violation is a Class B criminal offense.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Vermont*

### **Vermont**

#### **● CHILD LABOR LAWS**

*STATUTORY CITATION:* Vt. Stat. Title 21, §§ 430 – 453

*RELATED REGULATIONS:* Vt. Code R. 24-010-009

*GENERAL SUMMARY:* Vermont's child labor laws regulate the employment of minors under 16 years of age, by requiring such individuals to have a state-issued certificate as a prerequisite to employment during school hours, limiting the working hours of minors under 16 in most trades and industries, and generally prohibiting employment of minors under 16 in certain occupations regarded as hazardous to a child's health or well-being.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

##### **MINIMUM AGE —**

Children Under Age 12 — With parental permission, minors under 12 may work in non-hazardous jobs during non-school hours on any farm where none of the workers are covered by the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*).

Children Age 12 and 13 — During vacation periods and before and after school, children 12 and 13 years of age may work in non-hazardous agricultural activities provided they have written permission from their parent or guardian, or are working on the same farm as their parent or guardian.

Children Age 14 and Over — Except for the hours limitation discussed below, there are generally no restrictions on the employment of workers 14 years old and older in non-hazardous agricultural activities.

WORKING HOURS — No child under 14 may be employed in any occupation during school hours. No child under 16 years of age may be employed for more than 8 hours in any one day or more than 40 hours in any one week.

The statutory limitations on the time of day during which minors may be employed **do not apply** to work connected with agriculture.

EMPLOYMENT CERTIFICATES — Agricultural and non-agricultural employers are forbidden from hiring any person under the age of 16 during school hours, unless the child has a certificate issued by the state authorizing such employment. Issuance of a certificate is dependent on the child's good standing in school, proof of age, and a physician's statement of the child's physical fitness.

HAZARDOUS OCCUPATIONS — Among the activities regarded as hazardous, and thus closed to children under 16, are (1) driving a tractor of over 20 PTO horsepower, (2) operating or helping to operate power harvesting equipment, (3) working from a ladder at a height of over 20 feet, and (4) driving a vehicle transporting passengers.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Program, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-4204)*. Agents of the Department are authorized to inspect workplaces where minors are employed, examine employment certificates, and take related action to determine compliance with the child labor laws. An employer who employs a child in violation of these provisions, and any person who has control of the child and permits the child's unlawful employment, are subject to a fine of up to \$5,000, a jail term of up to 6 months, or both such penalties. Likewise, it is a criminal offense, punishable by a maximum fine of \$10,000, for an employer to sell or offer for sale any commodity or product produced by illegal child labor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

## *Child Labor — Age, Hours, & Related Standards — Virginia*

# **Virginia**

## **● CHILD LABOR LAW**

**STATUTORY CITATION:** Va. Code §§ 40.1-78 – 40.1-116

**RELATED REGULATIONS:** 16 Va. Admin. Code §§ 15-40-10 – 15-50-50

**GENERAL SUMMARY:** With limited exceptions, the state child labor law establishes a minimum age of 14 for lawful employment in Virginia, limits the working days and hours of minors under 16, forbids the employment of a person under 16 unless the employer has on file an employment certificate issued to the child by the local school district, prohibits child labor in certain hazardous or harmful occupations, and requires employers to keep a record of the work time of each minor in their employ.

### **PROVISIONS APPLICABLE TO AGRICULTURE**

**MINIMUM AGE** — In contrast with the minimum age of 14 applicable to most other occupational categories, children as young as 12 years old may be employed in non-hazardous operations on farms and in orchards with no other restrictions, provided the employment takes place outside school hours and they have the consent of their parent or guardian.

**HOURS LIMITATIONS** — The restrictions on the days and hours of employment applicable to most other occupational categories **do not apply** to minors working on farms and in orchards.

**MEAL PERIODS** — No child may be employed or permitted to work for more than 5 continuous hours without a meal break of at least 30 minutes.

**EMPLOYMENT CERTIFICATES** — The requirement that employers of minors under the age of 16 obtain and keep on file an employment certificate authorizing such employment **does not apply** to minors working on farms and in orchards.

**HAZARDOUS OCCUPATIONS** — No child under 16 years old may be employed in an occupation declared hazardous by the state labor commissioner. Among the prohibited agricultural occupations are (1) operating a tractor of over 20 PTO horsepower, (2) operating or helping to operate power-driven harvesting machines, (3) working from a ladder at a height of over 20 feet, (4) working inside a grain elevator or silo, (5) driving a motor vehicle transporting passengers, and (6) handling or applying pesticides, anhydrous ammonia or other agricultural chemicals.

**RECORDKEEPING** — Every farm operator or other agricultural establishment that employs anyone under 16 years of age on days when school is in session, or on any day if the minor is working in a hazardous occupation, must keep a record of the child's full name, current and permanent address, and date of birth.

### **ADMINISTRATION AND ENFORCEMENT**

**PRIMARY ENFORCEMENT AGENCY** — *Labor and Employment Law Division, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-371-3104)*. This agency is responsible for enforcing the child labor provisions, and as such has authority to receive and investigate related complaints. The Department may impose a civil penalty of up to \$1,000 for each violation, and up to \$10,000 for a violation that results in a child's serious injury or death.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

## *Child Labor — Age, Hours, & Related Standards — Washington*

# Washington

### ● INDUSTRIAL WELFARE LAWS (*WAGES AND WORKING CONDITIONS OF MINORS*)

**STATUTORY CITATION:** Wash. Rev. Code § 49.12.121

**RELATED REGULATIONS:** Wash. Admin. Code §§ 296-131-001 – 296-131-140

**GENERAL SUMMARY:** The state labor department is authorized to investigate the wages, hours and working conditions of minors employed in any trade, business or occupation in Washington, and to adopt related rules for the protection of the safety, health and welfare of workers under 18 years of age.

**PROVISIONS APPLICABLE TO AGRICULTURE:** The state labor department has adopted administrative rules regulating the employment of minors in agriculture, key provisions of which are summarized here:

**MINIMUM AGE** — While minors under the age of 14 are generally barred from employment in agricultural and non-agricultural occupations, 12- and 13-year-old children may be employed in the hand harvest of berries, bulbs and cucumbers, and in the hand cultivation of spinach, during weeks when school is not in session.

**MAXIMUM HOURS** — Minors legally required to attend school generally may not work during school hours.

**Minors Under Age 16** — With slightly more flexibility than their counterparts working in non-agricultural pursuits, when school is in session minors under the age of 16 may work in agricultural jobs up to 3 hours a day on school days, up to 8 hours a day on non-school days, and up to 21 hours a week. When school is not in session, minors under 16 may work up to 8 hours a day and 40 hours a week.

**Minors Age 16 and 17** — When school is in session, 16- and 17-year-olds may work up to 28 hours a week, 4 hours a day on school days, and 8 hours a day on non-school days. When school is not in session, they may be employed for up to 10 hours a day and 50 hours a week (or up to 60 hours a week in the mechanical harvest of peas, wheat and hay).

In general, no minor may be employed for more than 6 days in any one week.

**TIME-OF-DAY RESTRICTIONS** — On days when school is in session, minors under the age of 16 generally may not be employed before 7:00 a.m. or after 8:00 p.m. When school is not in session, employment of workers under 16 is generally prohibited before 5:00 a.m. and after 9:00 p.m.

In most cases, 16- and 17-year-olds may not be employed before 5:00 a.m. or after 9:00 p.m., but may work until 10:00 p.m. on up to two consecutive nights preceding a school day.

**MEAL AND REST PERIODS** — On slightly less favorable terms than their counterparts in non-agricultural workplaces, minors and other workers employed in agriculture for more than 5 hours on a given day are entitled to a meal period of at least 30 minutes; employees working 11 or more hours a day must be allowed at least one additional 30-minute meal period. Likewise, every employee must be allowed a paid rest break of at least 10 minutes in each 4-hour period of employment.

**EMPLOYMENT PERMITS** — Within 3 days after employing anyone under 18 years of age for agricultural work, the employer must apply to the state labor department for a permit to employ minors. If approved, the permit will authorize the employer to employ any number of minors at the same workplace, for up to one year.

**PROHIBITED WORK** — Among many other hazardous occupations listed in the agricultural regulations, children under the age of 16 are prohibited from (1) operating a tractor of over 20 PTO horsepower, (2) operating or assisting in the operation of power-driven harvesting machines, (3) working from a ladder at a height of more than 20 feet, (4) driving a motor vehicle carrying passengers, and (5) working inside a silo or grain storage facility. No minor may be employed in mixing, handling, loading or applying pesticides, anhydrous ammonia or other hazardous agricultural chemicals.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321)*. This agency is authorized to receive and investigate complaints of alleged violations of the state labor laws, including the child labor provisions summarized here.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

### ● MISCELLANEOUS AGRICULTURAL LAWS (*BERRY HARVESTING BY MINORS*)

**STATUTORY CITATION:** Wash. Rev. Code §§ 15.04.150 – 15.04.160

**GENERAL SUMMARY:** Chapter 15.04 of the state statutes contains an exception to the child labor regulations, permitting the use of children younger than 12 years of age in the harvesting of berries under certain conditions. These restrictions *do not apply* to any employer who is not subject to the federal Fair Labor Standards Act (*see entry, U.S. — Wages & Hours — Minimum Wage*).

**SPECIFIC TERMS AND CONDITIONS:** A child under the age of 12 may be employed to pick berries in Washington outside local school hours, provided that all of these conditions are met:

- (1) Employment is with the consent of the child's parent or person standing in the place of the parent.
- (2) The berries involved are for sale within the state only and not for out-of-state shipment in any form.
- (3) There are not sufficient workers available in the immediate area to harvest the crop without the labor of workers under 12.
- (4) The employer pays all of the workers engaged in the berry harvest at the same wage rate.

Each basket, package or other container holding berries or berry products picked by an employee under 12 years of age must be distinctively marked to ensure that the berries do not enter interstate commerce.

## *Child Labor — Age, Hours, & Related Standards — Washington*

### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321). The Department has both the power and the duty to enforce all state laws relating to employment, including the special child labor provisions for the harvest of berries. Representatives of the Department may enter any place of employment for the purpose of inspecting working conditions and investigating reported or suspected violations of the labor laws.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

### **○ DOMESTIC RELATIONS LAWS (*CHILD LABOR PENALTY*)**

*STATUTORY CITATION:* Wash. Rev. Code § 26.28.060

*GENERAL SUMMARY:* With few exceptions, it is a misdemeanor for anyone to employ a child under the age of 14 in the state of Washington without the written consent of a superior court judge. The parent, guardian or other person having custody or control of a child under 14 who allows the child to be employed without such consent is subject to criminal prosecution to the same extent as the employer.

*PROVISIONS APPLICABLE TO AGRICULTURE:* This provision **does not apply** to farmwork.

### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – This law is enforced by local prosecuting attorneys in criminal court.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## *Child Labor — Age, Hours, & Related Standards — West Virginia*

# **West Virginia**

## **● CHILD LABOR LAW**

*STATUTORY CITATION:* W. Va. Code §§ 21-6-1 – 21-6-11

*RELATED REGULATIONS:* W. Va. Code R. §§ 42.9.1 – 42.9.12

*GENERAL SUMMARY:* With certain exceptions, West Virginia's child labor law forbids the employment of children under 14 years of age, prohibits the employment of anyone under 18 years of age in certain occupations statutorily or administratively deemed dangerous or injurious to such individuals, bars the employment of minors under the age of 16 in most gainful occupations unless the employer has on file a work permit for each such child employed, and limits the working hours of children under 16 in most trades and industries.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — There is ***no minimum age limit*** on employment of children in agriculture, as long as the job is not on the list of occupations declared hazardous by the U.S. Department of Labor.

**PROHIBITED OCCUPATIONS** — Under rules adopted by the state labor commissioner, the occupations declared by the U.S. Department of Labor to be hazardous to minors also apply to employment in West Virginia. Among other agriculturally-related activities prohibited for workers under 16 years of age are these: (1) operation of a tractor of over 20 PTO horsepower, (2) operation or assisting in the operation of power-driven harvesting equipment, (3) working from a ladder at a height of over 20 feet, (4) driving a motor vehicle transporting passengers, (5) working inside a fruit or grain storage facility or silo, and (6) handling or applying pesticides, anhydrous ammonia and other agricultural chemicals.

**WORK PERMITS** — The requirements for obtaining a work permit allowing employment of youth under the age of 16 ***do not apply*** to agricultural employment.

**WORKING HOURS** — The restrictions on the maximum hours and time of day during which children under 16 may be lawfully employed ***do not apply*** to agriculture.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Section, Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305 (304-558-7890)*. This agency is responsible for enforcing the state child labor law, and representatives of the Division of Labor have authority to enter and inspect any workplace and records pertinent to compliance. An employer who violates any of these provisions, and any parent or guardian who allows a child to work in violation of these provisions, is guilty of a misdemeanor.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — School truancy officers and other school officials may assist the Division of Labor in enforcing the child labor provisions.

## *Child Labor — Age, Hours, & Related Standards — Wisconsin*

# Wisconsin

## ● CHILD LABOR LAWS

*STATUTORY CITATION:* Wis. Stat. §§ 103.64 – 103.82

*RELATED REGULATIONS:* Wis. Admin. Code Ch. DWD 270

**GENERAL SUMMARY:** The Wisconsin child labor laws establish a minimum age of 14 for lawful employment in most gainful occupations in the state, limit the working hours of minors under 18 in various categories of employment, require issuance of a child labor permit as a precondition for hiring most minors, and authorize the state labor department to adopt additional standards necessary to protect the life, health, safety and welfare of the state's youth.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — In contrast with the 14-year age threshold in most other trades and occupations, children as young as 12 may be employed in agricultural pursuits.

**SCHOOL ATTENDANCE** — Minors under 18 years of age are generally forbidden to work in any gainful employment during the hours they are required to attend school.

**PROHIBITED OCCUPATIONS** — Among numerous other agriculturally related activities deemed hazardous by the state labor department, minors under 16 years of age are forbidden to operate or assist in the operation of mechanical harvesting equipment, mowers, balers, grinders and similar farm machinery. Such individuals are not permitted to work from any ladder or scaffold at a height more than 20 feet. Children under 16 are also prohibited from handling or applying any toxic agricultural chemical whose container is branded with the word "Poison" or "Warning" or displays the skull-and-crossbones symbol, and from transporting, transferring or applying anhydrous ammonia. The state child labor regulations do provide for exceptions to these restrictions, but only under relatively narrow circumstances.

**MEAL PERIODS** — No one under 18 may be employed or permitted to work more than 6 consecutive hours without a meal period of at least 30 minutes' duration.

**WORKING HOURS** — The restrictions on the maximum hours and times of day during which minors may be lawfully employed **do not apply** to farm labor.

**CHILD LABOR PERMITS** — The provisions generally barring the employment of minors who do not possess a child labor permit issued by the state **do not apply** to children age 12 and over engaged in farming.

**SOLICITATION OF CHILD LABOR** — The prohibitions against advertising for the services of minors during school hours, and soliciting minors in schools and homes for purposes of employment, **do not apply** to agriculture or any other line of work which does not require a child labor permit.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703 (608-266-6860).* To enforce compliance with the child labor laws, representatives of this agency are authorized to visit and inspect all places of employment subject to these provisions. Any employer who employs or permits a minor to work unlawfully is subject to a fine of between \$25 and \$1,000 for a first offense, and a fine of up to \$5,000 and imprisonment for up to 30 days for subsequent violations. Parents or guardians may also be fined for allowing a child in their custody or under their control to be unlawfully employed.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — School attendance officers have authority comparable to that exercised by the Department to visit and inspect workplaces for the purpose of monitoring compliance with the child labor laws.

## *Child Labor — Age, Hours, & Related Standards — Wyoming*

# Wyoming

## ● CHILD LABOR LAWS

*STATUTORY CITATION:* Wyo. Stat. §§ 27-6-107 – 27-6-116

*GENERAL SUMMARY:* Wyoming's child labor laws generally forbid employment of most minors under 14 years of age, bar employment of minors under 16 during school hours, limit the working hours of children under 16, prohibit the employment of minors under 16 in certain trades and occupations deemed hazardous, and require anyone who employs a minor under the age of 16 to obtain proof of the child's age.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**MINIMUM AGE** — The provision making 14 the minimum age for lawful employment of children in Wyoming **does not apply** to services on a farm. Children of any age may be employed in agriculture.

**PROOF OF AGE** — For the explicit purpose of assuring compliance with the minimum age requirement noted above, employers must document the age of each employee under the age of 16. Since there is no minimum age threshold applicable to farmwork, the requirement for proof of age in effect **does not apply** to agricultural employment.

**EMPLOYMENT DURING SCHOOL HOURS** — No one under the age of 16 who is enrolled in any public or private school in Wyoming may be employed or permitted to work in agriculture or any other industry during the time that the child's school is in session.

**WORKING HOURS** — The provision generally limiting the working hours of minors below the age of 16 to 8 hours in any 12-hour period from 5:00 a.m. to 10:00 p.m. (or to 12:00 midnight on evenings before non-school days) **does not apply** to farm employment.

**HAZARDOUS OCCUPATIONS** — The child labor laws prohibit the employment of anyone under 16 years of age in any work that requires contact with or exposure to dangerous chemicals, which may preclude certain agricultural field operations on crops treated with pesticides. Currently, there are no agricultural or agriculturally related activities administratively closed to minors under 16 as hazardous occupations.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. Representatives of the Department are authorized to enter any place where minors are employed, to inspect personnel records, question employees, and take other steps to determine compliance with the child labor laws. Violation of these provisions is a misdemeanor, punishable by a fine of from \$25 to \$100, a jail term of from 30 to 90 days, or both such penalties.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.