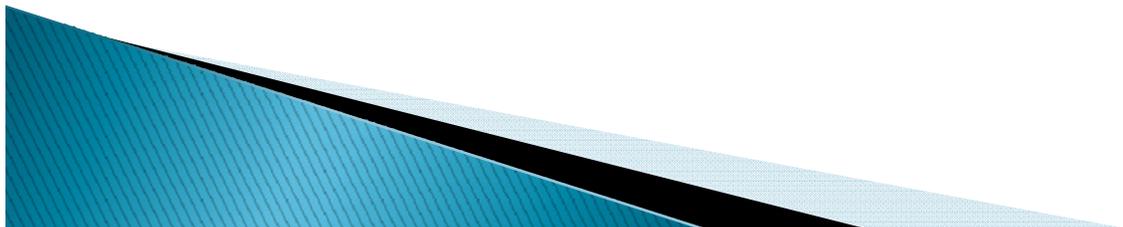


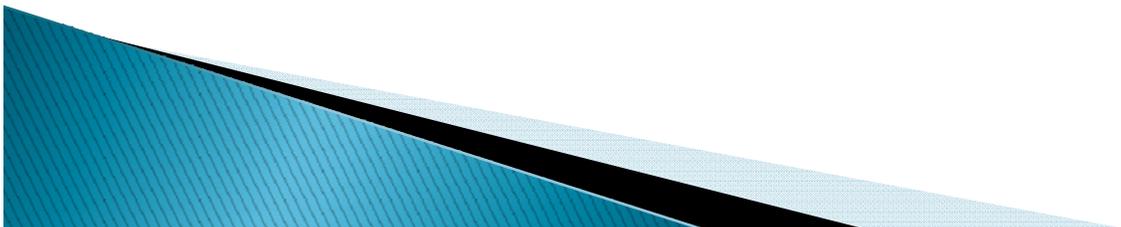
Youth Employment: Laws, Provisions, and Safety

Missouri Division of Workforce Development
April 2009



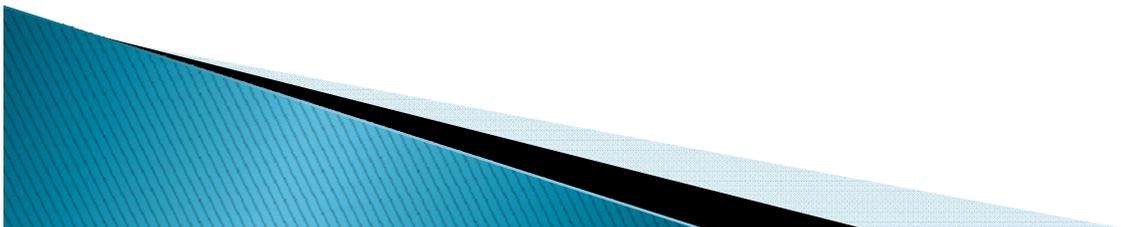
Intent of Presentation

- ▶ Please refer to the U.S. DOL website at: www.dol.gov for complete Federal regulations and statutes.
- ▶ For Missouri statutes, go to: www.dolir.mo.gov/ls



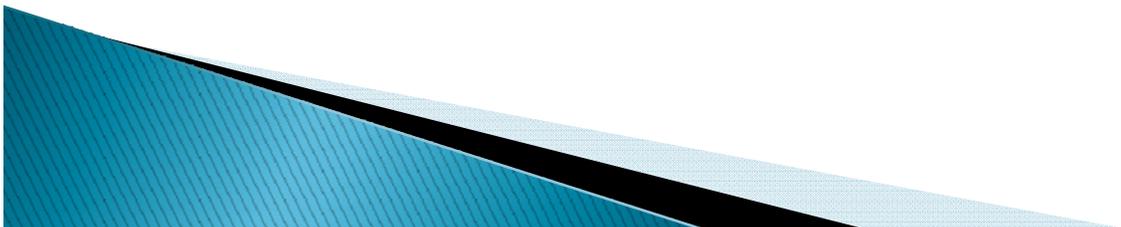
Objectives

- Apply FSLA to youth employment
- Summarize Missouri's Child Labor Law
- State minimum age requirements for working youth
- Identify allowable work hours for youth
- Recognize hazardous orders work for youth to avoid
- Articulate workplace safety guidelines for youth employment
- Locate and utilize Federal and State resources for youth employment law, provisions, and safety



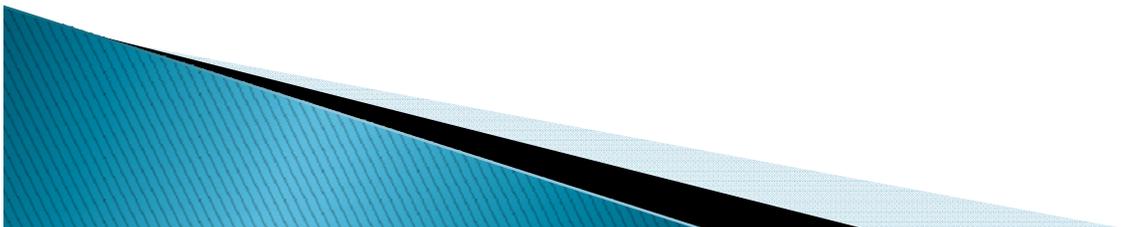
Why Hire Youth?

- Ready to learn
- Anxious to gain work experience
- Learn positive work habits
 - Responsibility
 - Timeliness
 - Honesty
 - Teamwork
 - Resourcefulness
 - Communication
 - Decisiveness
 - Confidence

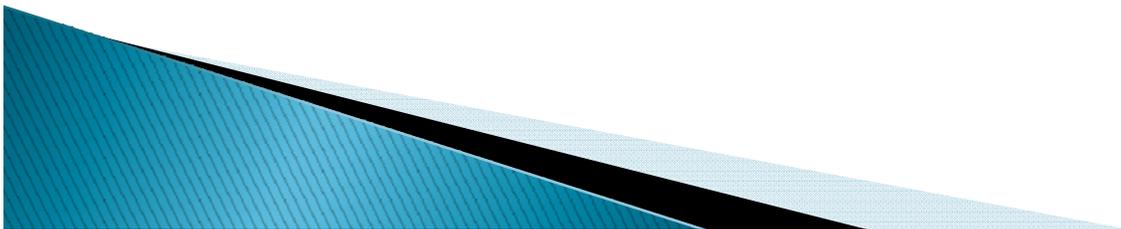


Why Labor Laws?

- Work safety concerns
 - Regulate jobs
 - Designate hazardous jobs
- Protect workers
 - Pay
 - Work hours
 - Occupations
- Quality education
 - Complementary to school
 - Protect educational opportunities



Fair Labor Standards Act (FLSA)



Fair Labor Standards Act (FLSA)

- Establishes labor standards
 - Full-time and part-time workers
 - Private sector, federal, state, and local government
 - Child labor provision
 - Set minimum ages, hours and prohibited jobs for youth
 - Establish hazardous jobs for youth

- FLSA applies if:
 - Company does >\$500,000 in annual business
 - OR**
 - Employees engage in interstate commerce

Refer to U.S. DOL's FLSA website for more information:

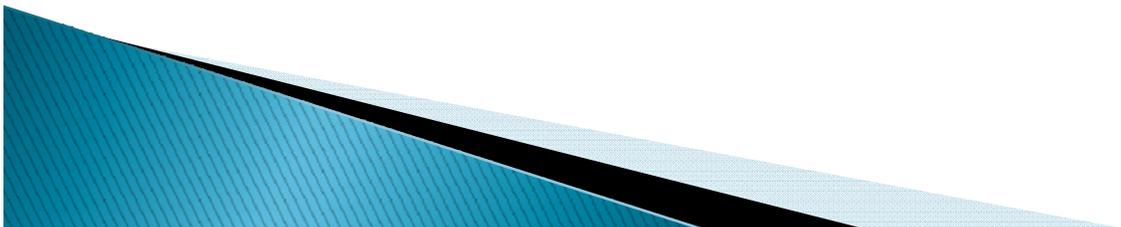
<http://www.dol.gov/esa/whd/flsa/>



FLSA Wage Rights

Federal

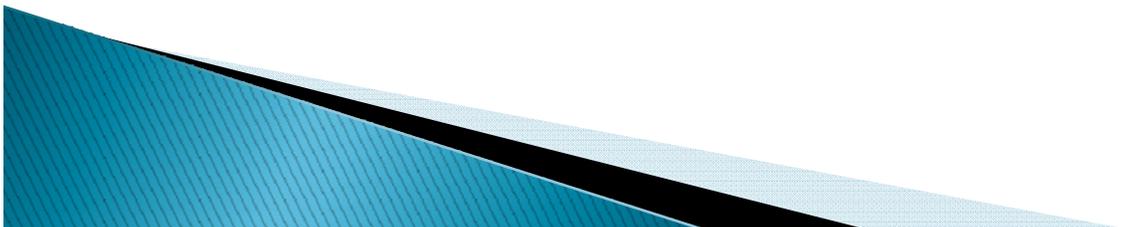
- Current minimum wage = \$6.55 per hour
- Beginning July 24, 2009, minimum wage = \$7.25 per hour
- Youth Minimum Wage = \$4.25 per hour for first calendar
- 90 days of employment
- No illegal deductions to drop wages below minimum wage
 - property damage
 - cash register shortages
 - work tools
- Most training must be paid
- Overtime pay = time and a half the regular rate after 40 hrs worked
- No required breaks or lunch periods



FLSA Wage Rights

Missouri

- Current minimum wage rate = \$7.05 per hour (effective January 2009)
 - Tip wage rate = \$3.525 /hr (+ tips= \$7.05)
- Youth Minimum Wage = existing minimum wage
 - Beginning March 2009, to pay youth \$0.90 less than minimum wage, employer must write petition to MO DOLIR for consideration hearing (Mo Statute RSMo 295.517; New rule HCSR 30-4.060 subparagraph 6)
- Beginning July 24, 2009, minimum wage = \$7.25 per hour
- No illegal deductions to drop wages below minimum wage
 - property damage
 - cash register shortages
 - work tools



FLSA Wage Rights

Missouri (cont'd)

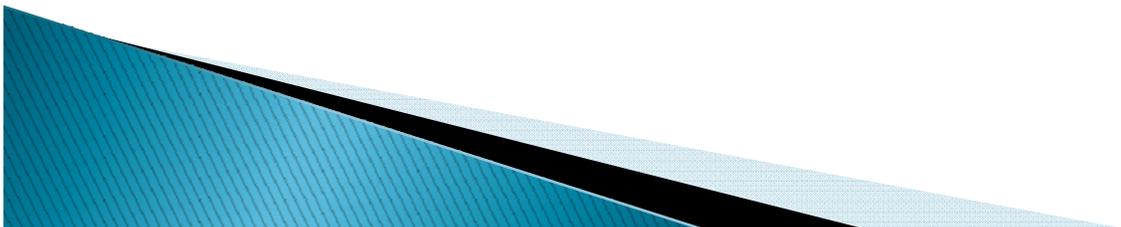
- Most training must be paid
- Overtime pay = time and a half the regular rate after 40 hrs worked
 - Under 16 cannot incur overtime
- No required breaks or lunch periods
 - Exception = entertainment (RSMo 294.022)

Refer to Missouri's Child Labor Law:

<http://www.moga.mo.gov/STATUTES/C294.HTM>

Refer to Missouri's Wage & Hour Statute:

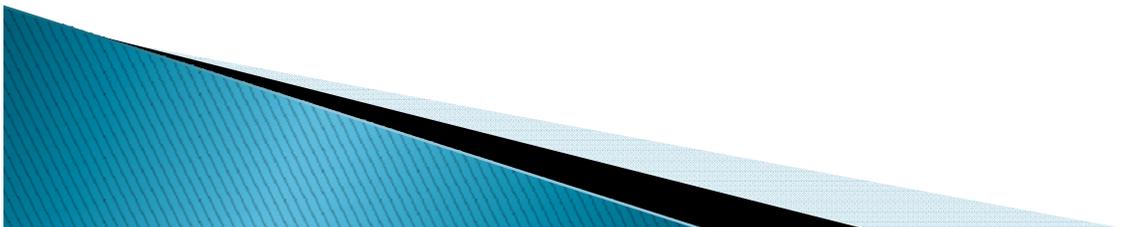
<http://www.moga.mo.gov/STATUTES/C290.HTM>



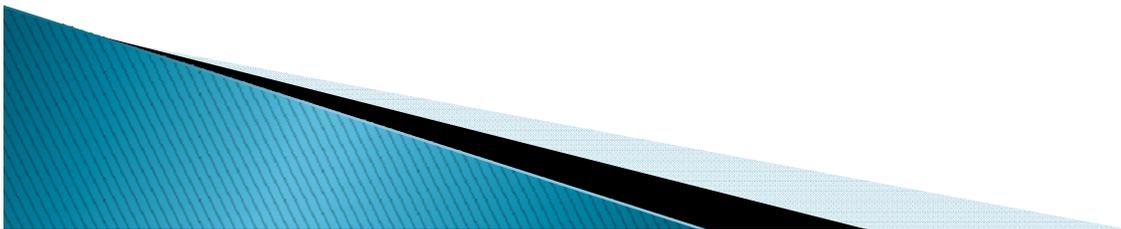
Child Labor Laws

- Federal and State Child Labor Laws
 - Differences
 - Ages
 - Hours
 - Work restrictions
 - Hazardous work

- When federal and state law apply but do not agree on a specific point, the stricter law applies, but both sets of laws must be complied with.

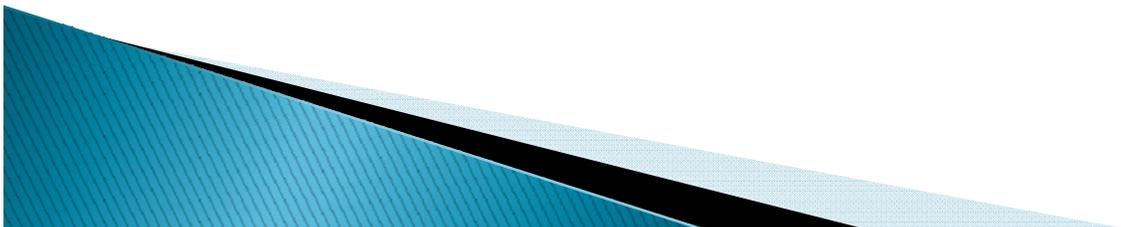


Minor Youth Working Ages



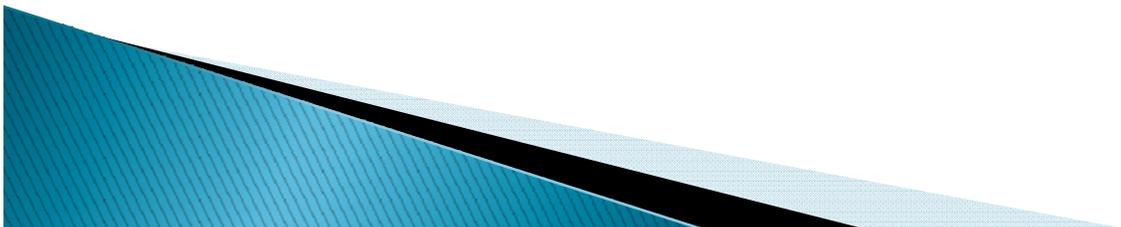
Youth Employment Rules

- Federal and State Youth Employment Provisions were enacted to ensure work for young people is:
 - Safe
 - Positive
 - Complementary of educational process
- Serves as a platform from which young workers can explore the “World of Work”



Federal Youth Provisions

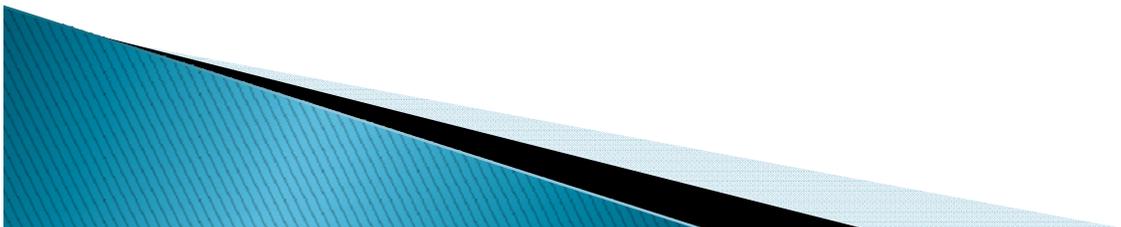
- Federal Provisions Do Not Include:
 - Work permits for minors
 - Hours limited or restricted time worked for minors 16 years of age or older
 - Mandated breaks or meal periods for minors
- Federal law restricts work for youth over age 16



Missouri Youth Provisions

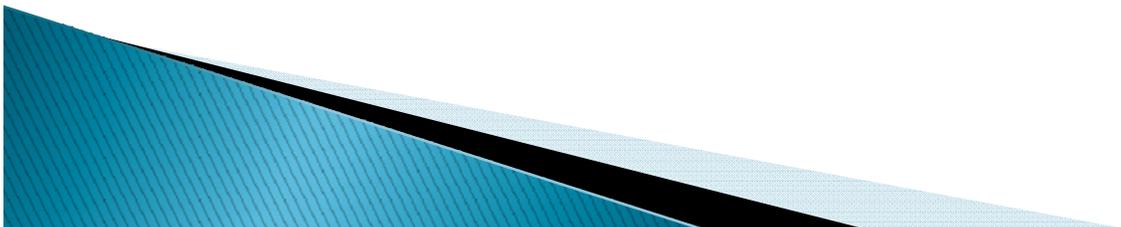
➤ Missouri Provisions Include:

- Minor work certificates/permits
- Limited hours/restricted time worked for minors 14 and 15 years of age
- No required breaks or meal periods for minors
 - Exception if working in entertainment (RSMo 294.022)

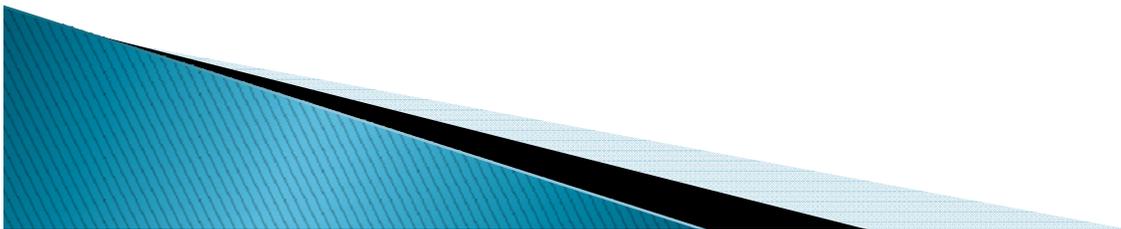


Working Youth Under Age 14

- No child under 14 years of age may be employed or permitted to work at any occupation at any time except as otherwise provided in statutes
 - RSMo 294.021
- Under age 14 allowed to work only in limited areas
 - limited occupations and special conditions (e.g. entertainment)
 - jobs during school term with work certificate



Minor Youth Wages



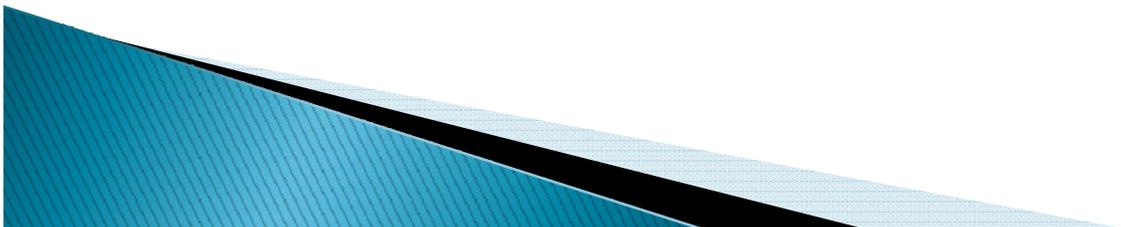
Youth Wage Rights

➤ Federal

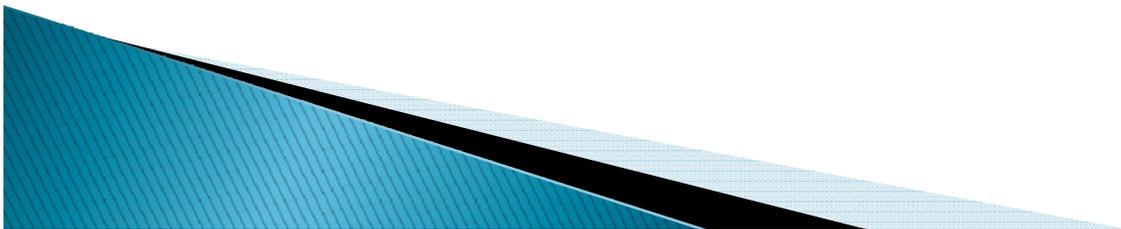
- Current minimum wage = \$6.55 per hour
 - Beginning July 24, 2009 minimum wage = \$7.25 per hour
- Youth Minimum Wage of \$4.25 per hour permitted for the first calendar 90 days of employment

➤ Missouri

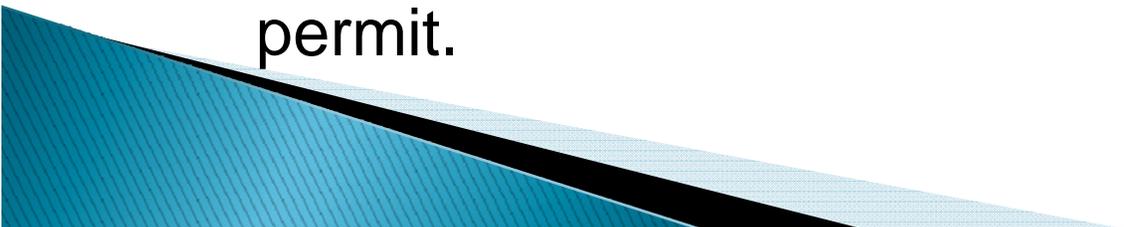
- Working minimum wage is youth wage
- Current minimum wage = \$7.05 per hour (effective January 2009)
 - Beginning July 24, 2009 minimum wage = \$7.25 per hour



Work Certificates for Youth



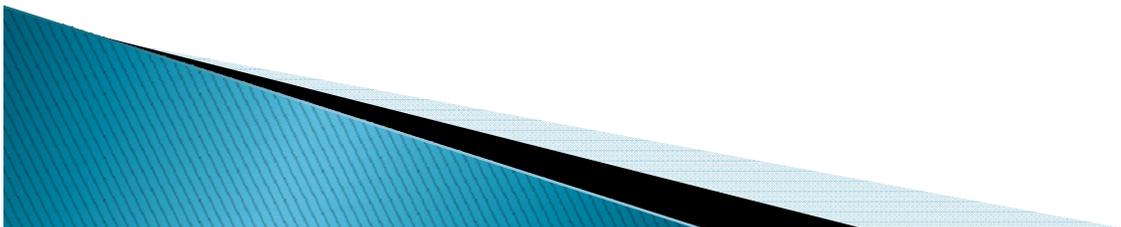
Work Certificates

- Issued by public school superintendent where youth resides
 - Includes home schooled youth
 - Transmitted to employer and MO Division of Labor Standards
 - May accept summer jobs without certificate
 - Exception if business requires certificate
 - Summer work certificate may be issued as needed
 - Youth under 16 years of age may work in the entertainment industry if the director of the Missouri Division of Labor Standards issues the child a work permit.
- 

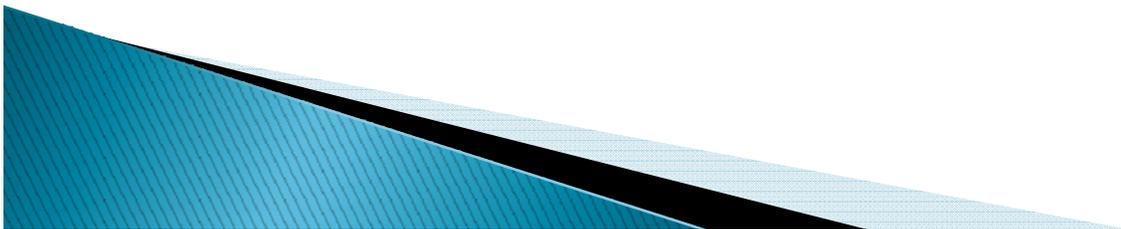
Work Certificates

- Contain student information
 - Name
 - Address
 - Age
 - School
 - Days/ and hours student may work

- Youth provide information (<16 yrs)
 - Written consent of parent/guardian for job
 - Certificate from principal showing grades
 - Proof of age (e.g. birth certificate)

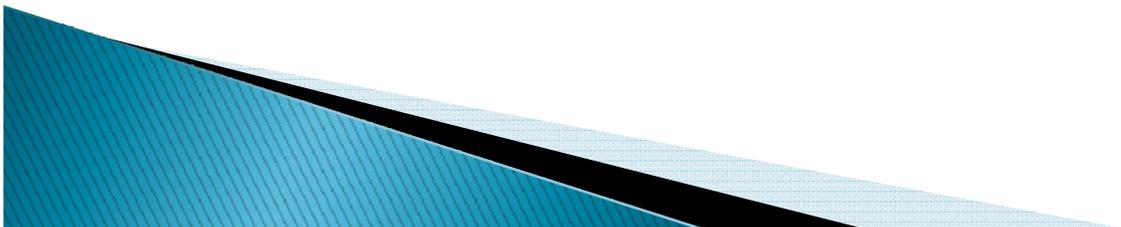


Hours of Employment for Youth



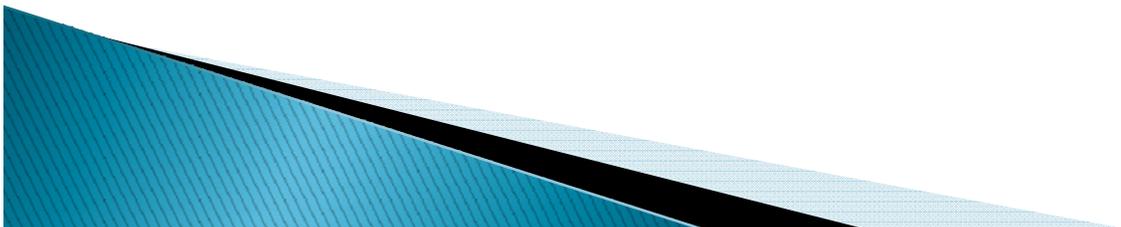
Allowable Work Hours for Missouri Youth

- From Labor Day to June 1 (school year)
 - Up to 3 hours on a school day
 - Up to 8 hours on a non-school day
 - No more than 6 days a week
 - Between 7 a.m. and 7 p.m.

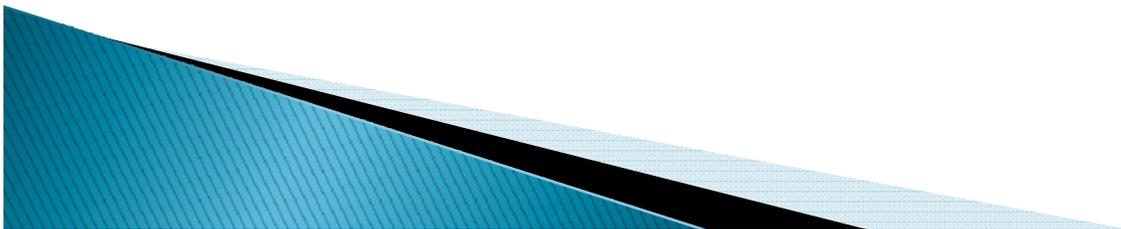


Allowable Work Hours for Missouri Youth

- From June 1 to Labor Day (summer)
 - Up to 8 hours a day
 - Up to 6 days or 40 hours a week
 - Between 7 a.m. and 9 p.m.
- Under federal law, 14 and 15 year olds may only work 18 hours in a school week.



Allowable Youth Jobs (Non-Hazardous Work)

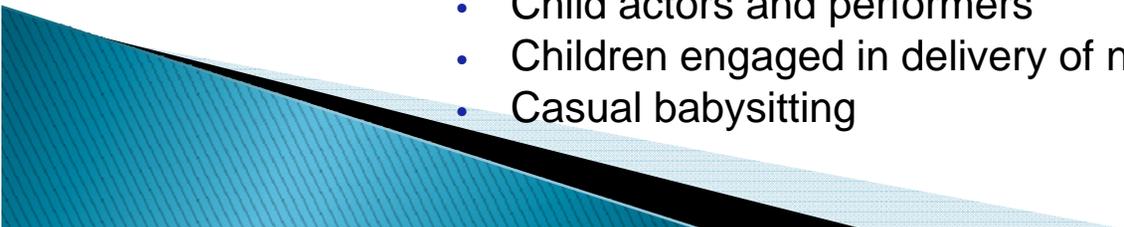


Minimum Age for Work

➤ Federal

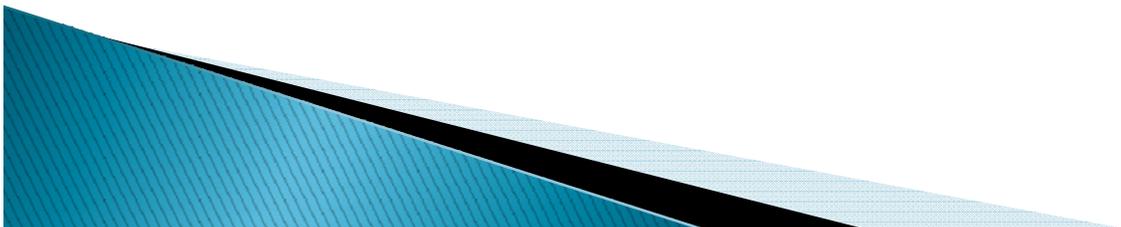
- In jobs not considered hazardous, FLSA sets normal minimum age at 16 years old.
- Exceptions to the normal age 16 minimum age
 - 14 or 15 year old may work if Secretary of Labor determines work would not interfere with school, health, or well-being
 - Child actors and performers
 - Children engaged in delivery of newspapers
 - Children working at home

➤ Missouri

- No child under 14 years of age shall be employed or permitted to work at any occupation at any time
 - Exceptions to the normal age 14 minimum age
 - Child actors and performers
 - Children engaged in delivery of newspapers
 - Casual babysitting
- 

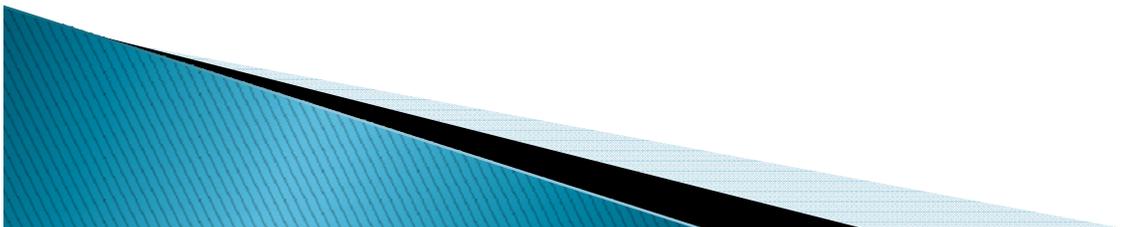
Allowable Work for 14 and 15 Year-Olds

- Kitchen and other work involved in preparing and serving food and beverages.
- Work in connection with cars and trucks if cleaning, washing, polishing.
- Cleaning vegetables and fruits.
- Wrapping, sealing, labeling, weighing, pricing, and stocking goods when separate from meat preparation, freezers, or coolers.

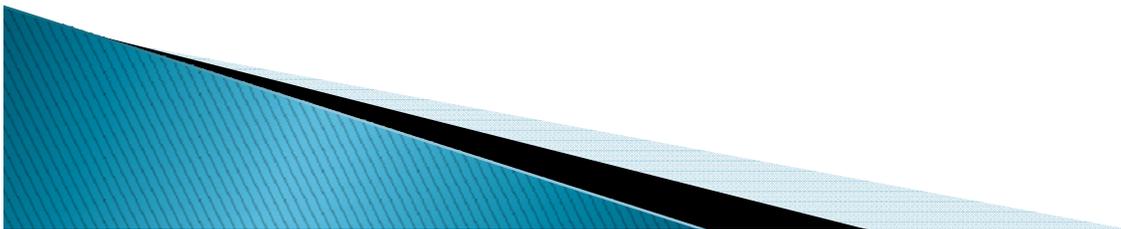


Allowable Work for 14 and 15 Year-Olds

- Office and clerical work.
- Cashiering, selling, modeling, window trimming, comparative shopping.
- Price marking/tagging by hand or machine, assembling orders, packing and shelving.
- Bagging and carrying out customer's orders.
- Clean-up work and maintenance of grounds.

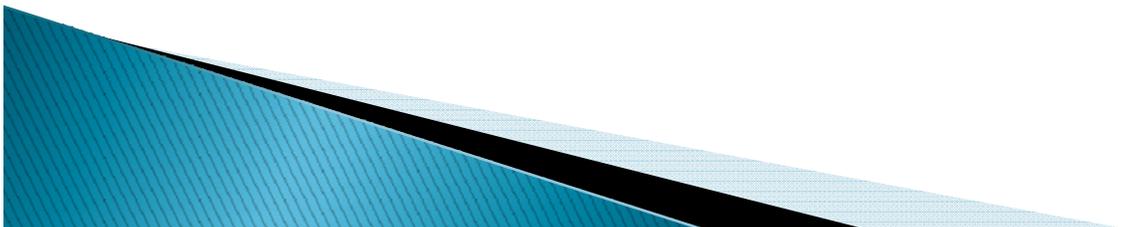


Non-Allowable Youth Jobs



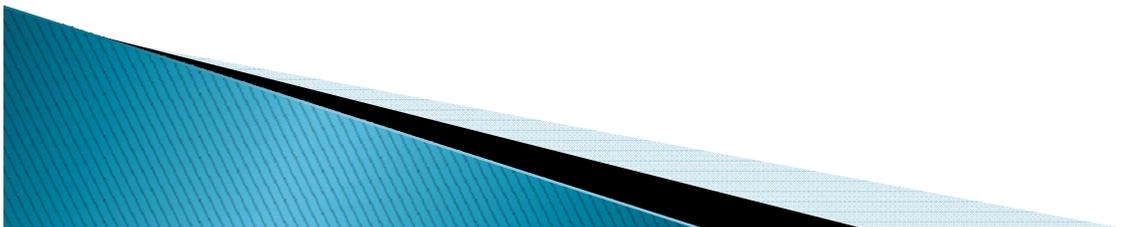
Non-Allowable Work for 14 and 15 Year-Olds

- Occupations considered door-to-door sales or “street occupation”.
- Working with hazardous equipment
- Work using power driven machinery
 - except lawn/garden machine in domestic service



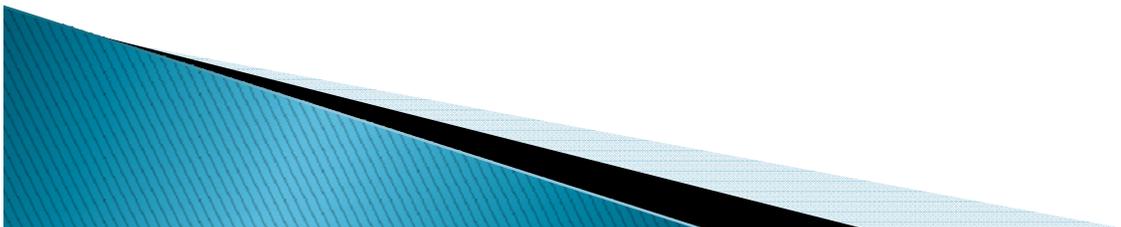
Non-Allowable Work for 14 and 15 Year-Olds

- Any place sleeping accommodations are furnished
 - except where physically separated from sleeping areas
- Any place where alcoholic liquors are sold and served for consumption on premises
 - except where at least 50% of gross sales are other than alcoholic beverages
- Any occupation prohibited by RSMo 294.040 and 294.043



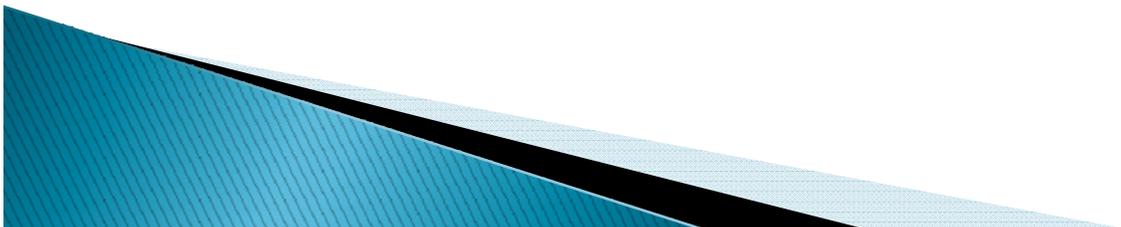
Non-Allowable Work for 14 and 15 Year-Olds

- Work in or about boiler or engine room.
- Maintenance or repair of a building or equipment.
- Outside window washing that involves working from windowsills.
- Work requiring the use of ladders, scaffolds or their substitutes.
- Work as a lifeguard at a beach.



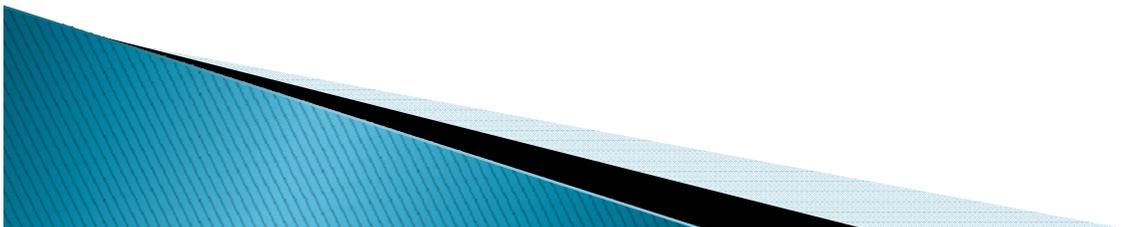
Non-Allowable Work for 14 and 15 Year-Olds

- Any part of the baking process
 - no mixing
 - no weighing
 - no placing items on trays
 - no operating ovens including pizza ovens
 - no removing items from ovens
 - no finishing
- Operate a deep fat fryer requiring users hands to raise/lower a basket into/out of oil or grease.
- Work in freezers and meat coolers.



Non-Allowable Work for 14 and 15 Year-Olds

- Work requiring the use of power-driven food slicers and grinders, choppers or cutters and bakery mixers.
- Performing most work in areas where meats are prepared for sale.
- Cooking with rotisseries.

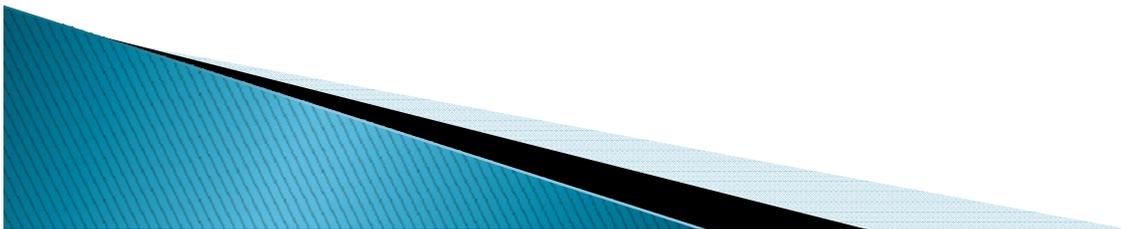


Non-Allowable Work for 14 and 15 Year-Olds

- Work in any occupations declared to be hazardous for 16- and 17-year-olds
- Load and unload goods to and from trucks, railcars, or conveyors.
- Handle/apply pesticides
- Drive, ride, or assist in operating a tractor
- Drive any vehicle for transporting passengers
- Use power-driven equipment
 - e.g. chainsaw, hay mower, hay baler, or cotton picker

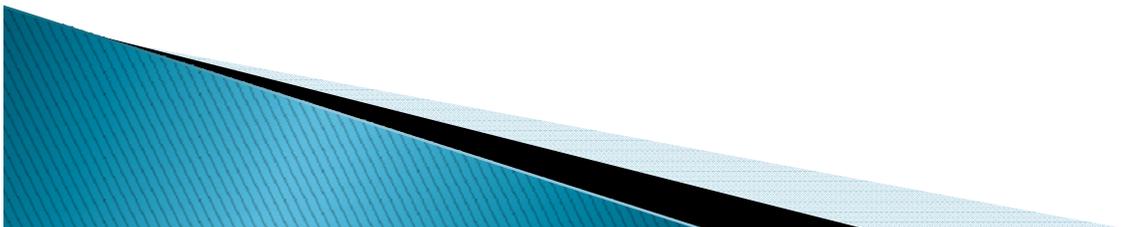


Youth Working for Parents



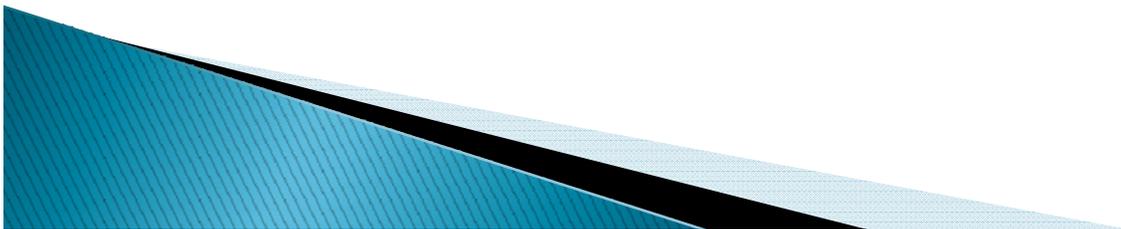
Youth Working for Parents:

- Allowable exemption from the law if:
 - Youth working at a business owned by the parent or legal guardian
 - Youth remains under direct control of parent or legal guardian

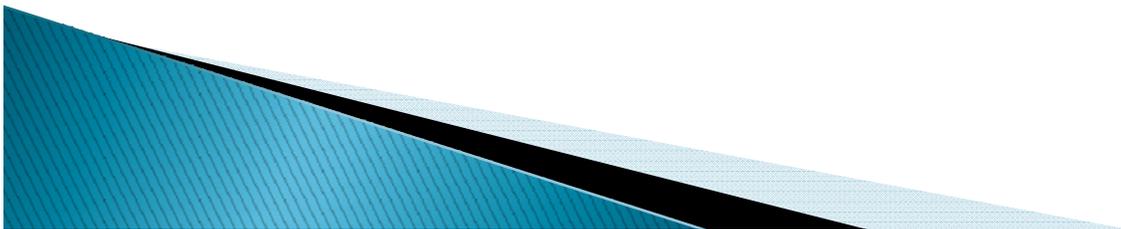


Youth as Independent Contractors:

- Missouri law prohibits any individual under the age of 18 from working as an independent contractor.

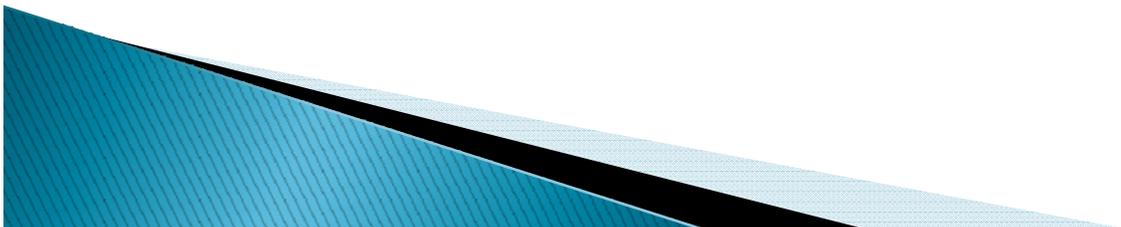


Non-Allowable Work (Hazardous Work)



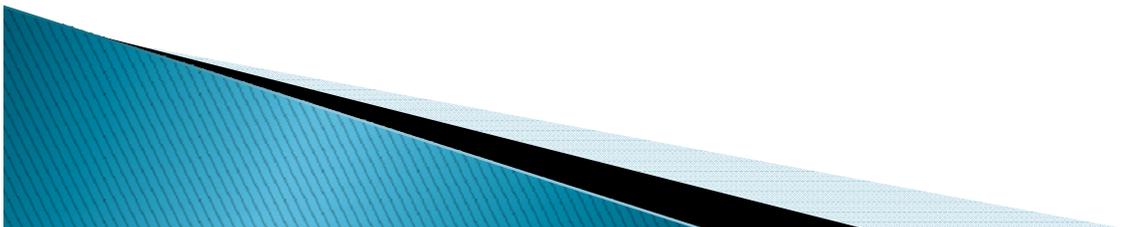
Hazardous Work

- FLSA gives Secretary of Labor discretion to issue regulations for hazardous occupations for youth.
 - Hazardous Occupation Orders (HOs)
 - 17 HOs pertaining to all industries except agriculture
- FLSA prohibits youth under age 18 to work in occupations deemed hazardous.
 - In agriculture, the minimum age for hazardous work is age 16.



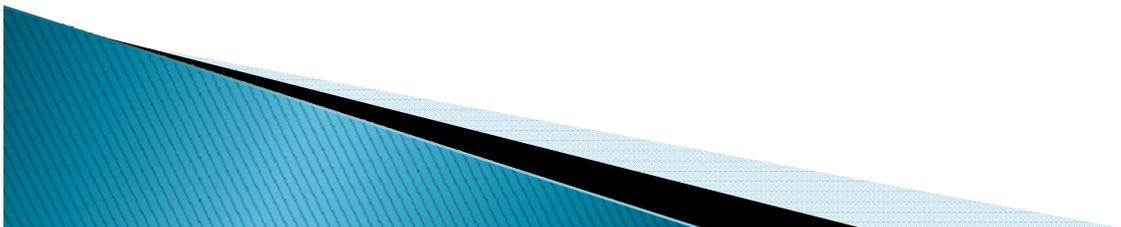
Defining “Operation”

The term “*operation*” as used in Hazardous Orders (HOs) generally includes the tasks of setting up, adjusting, repairing, oiling, and cleaning the equipment.



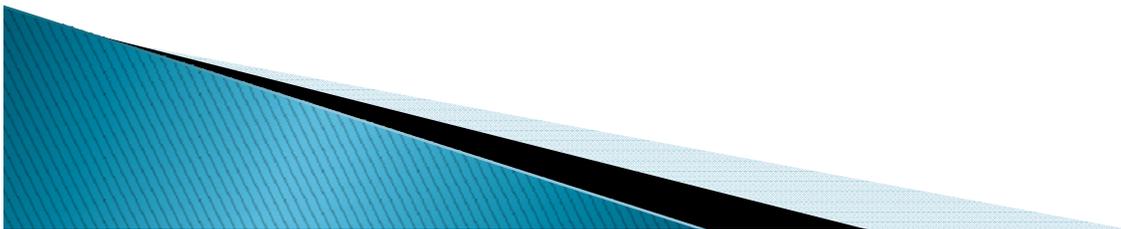
Hazardous Orders

1. Manufacturing or storing explosives
2. Driving a motor vehicle and being an outside helper on a motor vehicle
3. Coal mining
4. Logging and sawmilling
5. Operating power-driven wood working machines
6. Exposure to radioactive substances and to ionizing radiation



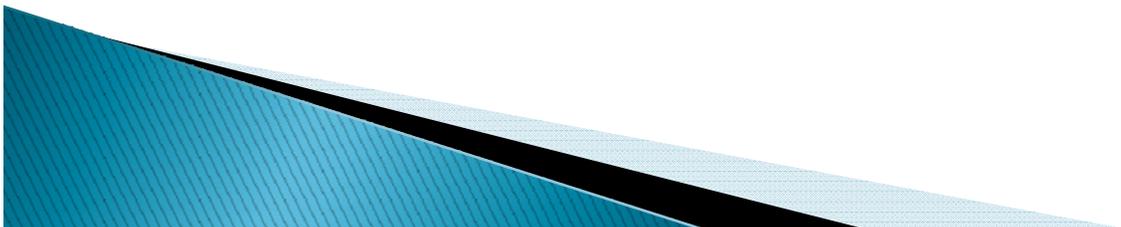
Hazardous Orders

7. Operating power-driven hoisting equipment
8. Operating power-driven metal-forming, punching, and shearing machines
9. Mining, other than coal mining
10. Operating power-driven meat-processing machines, slaughtering, meat packing or processing, and rendering
11. Operating power-driven bakery machines



Hazardous Orders

12. Operating power-driven paper-products machines, scrap paper balers, and paper box compactors
 - except 16 & 17 year olds can load scrap paper balers/paper box compactors that meet safety specifications
13. Manufacturing brick, tile, and related products
14. Operating power-driven circular saws, band saws, and guillotine shears
15. Wrecking, demolition, and ship breaking operations
16. Working in roofing operations
 - includes work on roofs
17. Working in certain excavation operations



HO 2: Driving or Outside Helper on Motor Vehicles

- No employee under 17 may drive motor vehicles on public roads
- 17 year olds may drive under limited circumstances
 - daylight hours
 - less than 20% of job hrs
 - seat belts
 - drivers education class
- Bans driving cars and trucks for delivery work
- Bans driving cars for route sales
- Bans driving that involves towing



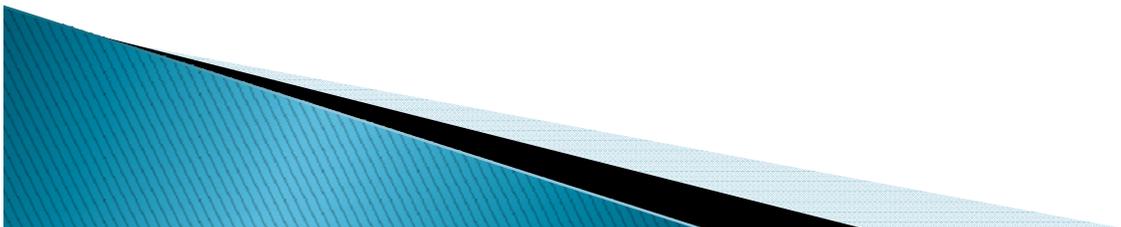
HO 2: Driving or Outside Helper on Motor Vehicles

- Bans driving golf carts, ATVs, and motorcycles on public roads
- Prohibits the transportation of people
 - e.g. cannot work as a bus driver
- Bans working as an outside helper on motor vehicles
 - An outside helper is anyone, other than the driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods



HO 5: Power-Driven Woodworking Machines

- Bans operation of most power-driven woodworking machines
 - saws
 - stapling machines
 - nailing machines
 - sanders



HO 7: Power-Driven Hoisting Apparatus

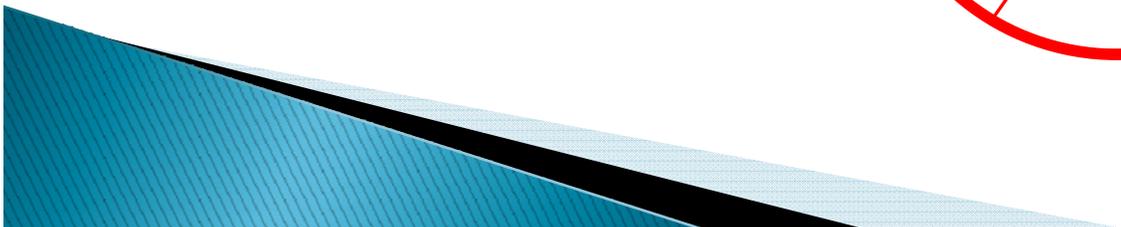
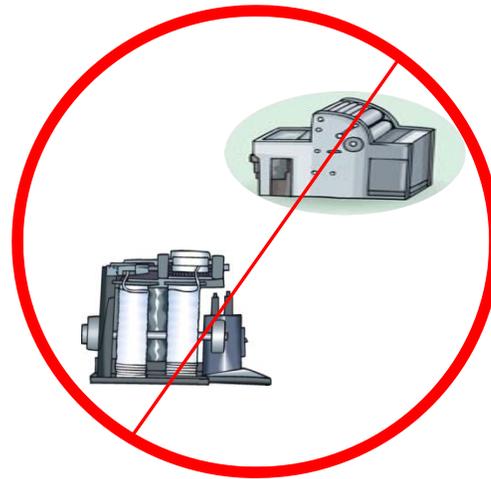
➤ Bans operation of most power-driven hoisting apparatus

- freight elevators
- Bobcat loaders
- cranes
- high lift trucks
- forklifts



HO 8: Power-Driven Metal-Forming, Punching, and Shearing Machines

- Bans the operation of certain power-driven metal-working machines



HO 10: Power-Driven Meat Processing Machines

- Bans the operation of power-driven meat processing machines (including restaurants and delicatessens)
 - meat slicers
 - saws
 - meat choppers
- Minors may not use a meat slicing machine even on items other than meat, such as cheese and vegetables
- Bans most all occupations in meat slaughtering, processing, and packing



HO 11: Power-Driven Bakery Machines

- Bans the operation of power-driven bakery machines
 - vertical dough mixers
 - batter mixers (including most countertop models)
 - dough rollers
 - dough sheeters



HO 12: Power-Driven Paper-Products Machines, Scrap Paper Balers and Paper Box Compactors

- Bans the operation of power driven paper-products machines
 - scrap paper balers
 - paper box compactors
 - trash compactors



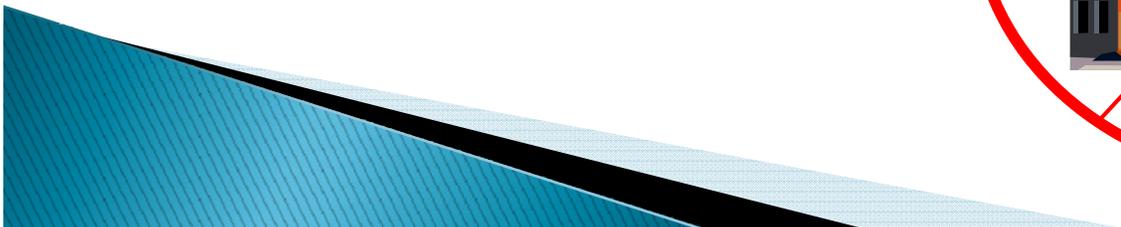
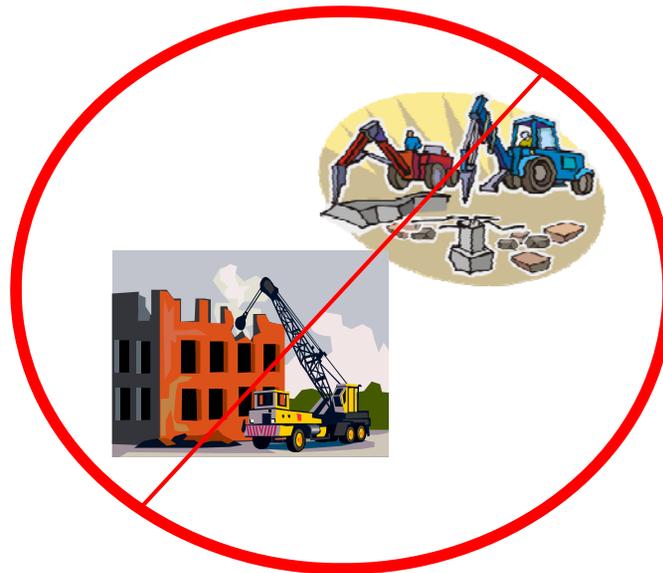
HO 14: Power-Driven Band Saws, Circular Saws, and Guillotine Shears

- Bans the operation of various types of power-driven band saws, circular saws and guillotine shears, regardless of the items being cut



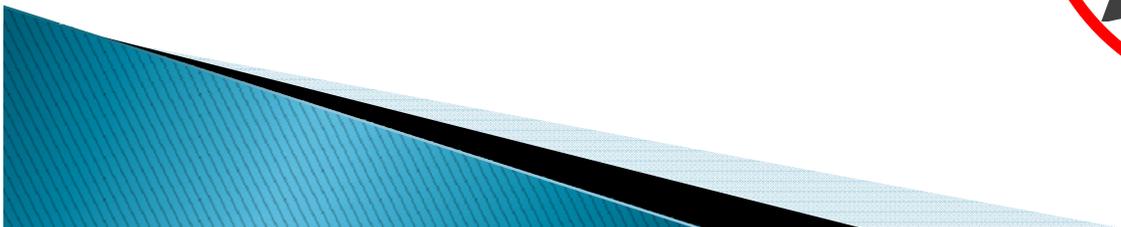
HO 15: Wrecking, Demolition, and Ship Breaking Operations

- All work performed at the site of a total or partial building demolition
 - including clean-up and salvage work
- Dismantling of a building, bridge, steeple, tower chimney, or other structure
- Dismantling of a ship



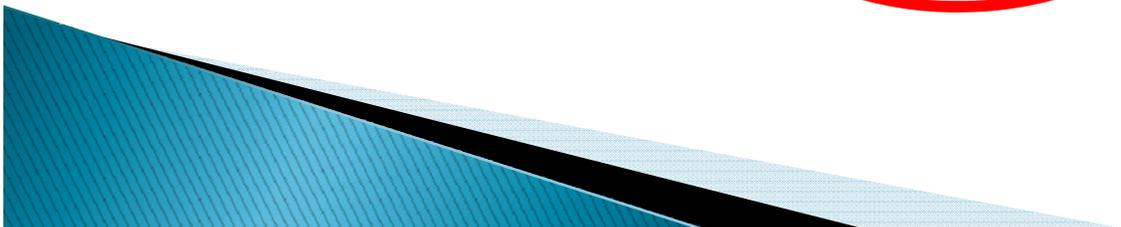
HO 16: Roofing Occupations and All Work On or About a Roof

- ▶ Bans all jobs in roofing operations including work performed on the ground
and
- ▶ All work performed on or about a roof

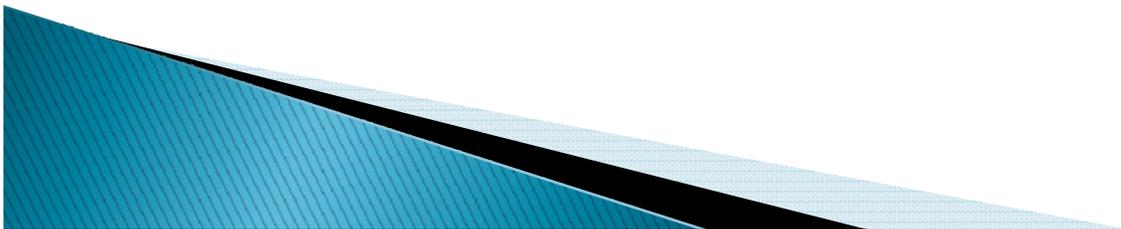


HO 17: Occupations in Excavation

- Bans most jobs in trenching and excavation work
 - includes working in a trench more than four feet deep

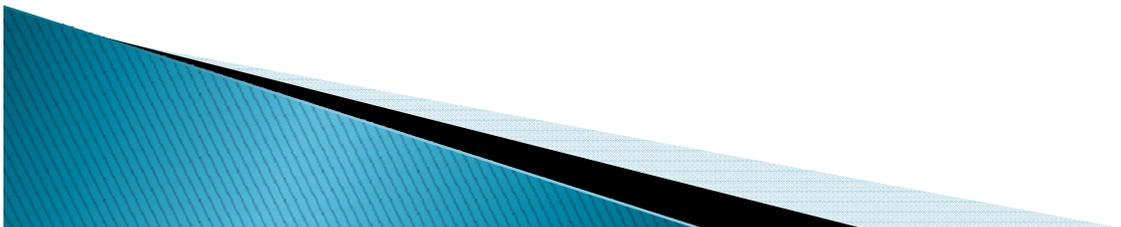


Safety on the Job



Youth Work Safety Stats

- 60,000 youth under age 18 injured on the job in America each year
- About 1/3 of those, or 55,000, suffer injuries serious enough to require emergency room treatment
- Sadly, in 2006, 30 young workers died because of occupational injuries



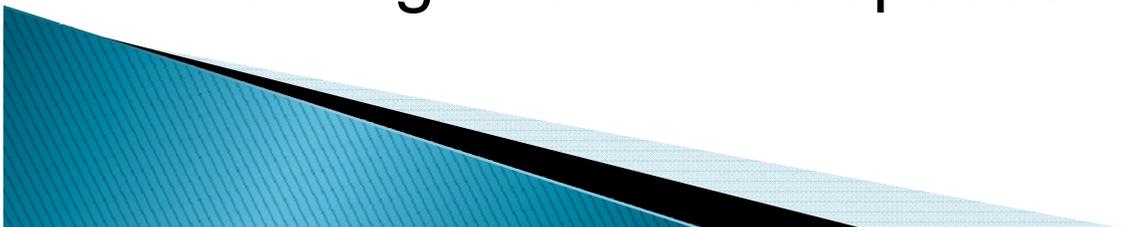
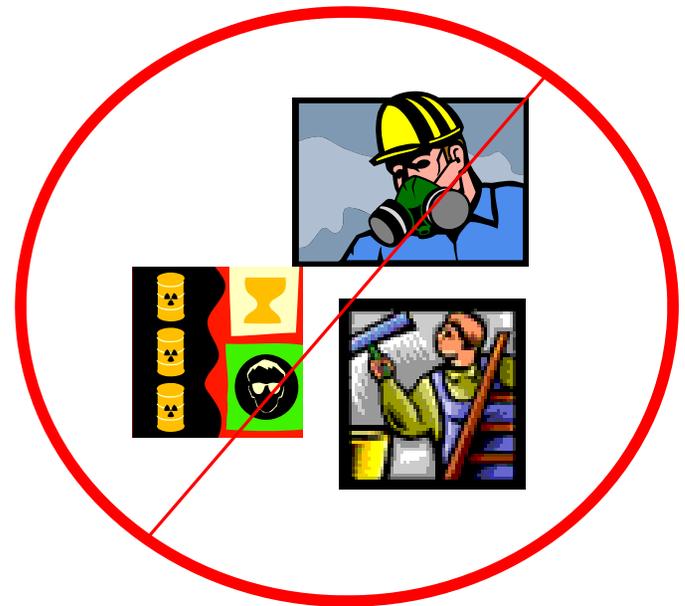
Occupational Health and Safety Administration (OSHA)

- Employers are responsible for providing a safe and healthy workplace for their employees.
 - Promote safety and health
 - Safety training for hazards
 - Safety equipment
- By law, employers are not allowed to fire or punish workers for reporting a safety problem.



Prohibited Work for Youth under 16 years of age

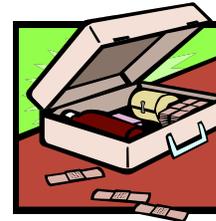
- Cooking
- Work requiring Personal Protective Equipment (PPE)
- Working with toxic chemicals
- Using ladders or scaffolding
- Using power driven machinery
- Working in confined spaces



Safety for Young Workers

➤ First Aid/Emergencies

- First aid kits
- Know emergency responder
- Report injuries
- Know emergency exits



➤ Burns/Fires

- Fire extinguishers
- Hot surfaces
- Burn first aid



➤ Cuts

- Properly clean surfaces of blood
- Protect from blood-borne diseases



➤ Eye/Ear Protection

- Safety glasses for eyes
- Hearing protection for ears



Safety for Young Workers

➤ Clothing

- No loose clothing
- No dangling jewelry
- Keep long hair up
- Wear enclosed shoes



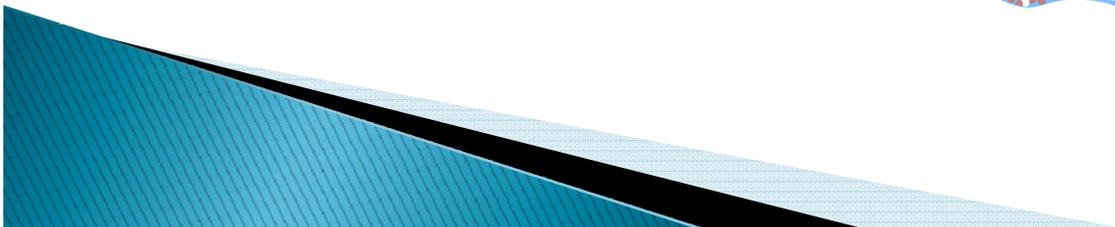
➤ Chemicals

- Precautions in case of spills
- Safety Data Sheets for cleaners



➤ Slips, trips, falls

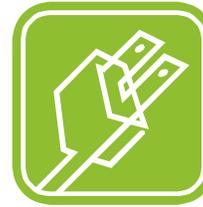
- Keep floors clean
- Cords and objects on floor
- Signage for wet surfaces



Safety for Young Workers

➤ Electrical Shock Hazards

- Devices and water
- Standing in water



➤ Machine Operations

- Use of proper guards



➤ Manual Lifting

- Proper techniques
 - Legs do the work
 - Close to the load with hands under
 - Bend with knees
 - Head, shoulder, hips straight
 - No twisting; turn body
 - Stand before lifting
 - Push rather than pull
 - Get help if heavy



Safety for Young Workers

➤ Violence on the job

- Keep doors locked
- Work with others



➤ Unsafe Conditions

- Report to supervisor
- Call OSHA

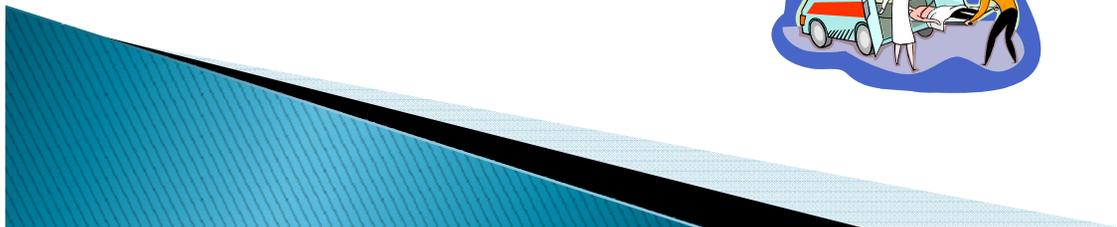
➤ Emergency Evacuation

- Know emergency exits/routes
- Learn spill procedures

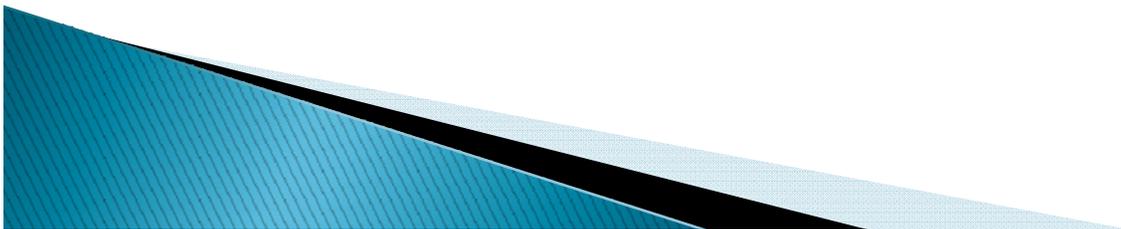


➤ Confined Spaces

- Hazardous gases
- Limited oxygen



Resources



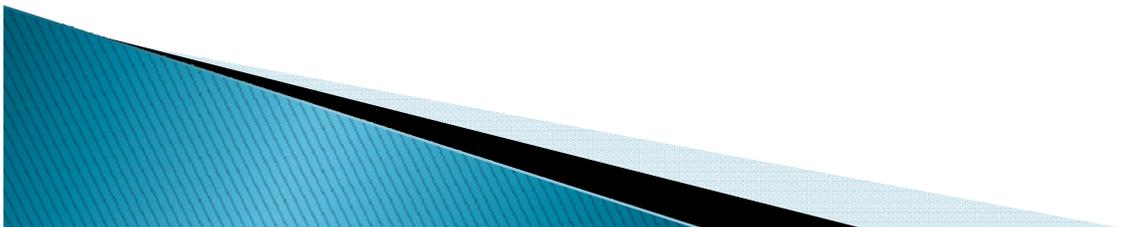
Federal and State Resources

U.S. Department of Labor (USDOL), Wage and Hour Division, FLSA website:

<http://www.dol.gov/esa/whd/flsa/>

Missouri Department of Labor and Industrial Relations (DOLIR), Division of Labor Standards

<http://www.dolir.mo.gov/lr/>



Missouri State Resources

Missouri's Statutes:

Chapter 290

Wages, Hours and Dismissal Rights

<http://www.moga.mo.gov/STATUTES/C290.HTM>

Chapter 292

Health and Safety of Employees

<http://www.moga.mo.gov/STATUTES/C292.HTM>

Chapter 294

Child Labor

<http://www.moga.mo.gov/STATUTES/C294.HTM>



Federal and State Resources

USDOL: Child Labor

www.youthrules.dol.gov

Federal Child Labor Laws

http://www.dolir.mo.gov/ls/childlabor/federal_child_labor_law.htm

Missouri DOLIR Online Brochures

<http://www.dolir.mo.gov/ls/brochures/brochures.html>

Missouri DOLIR, Division of Worker's Compensation

http://www.dolir.mo.gov/wc/faq_employers.htm



Missouri DOLIR FAQs

Youth Employment

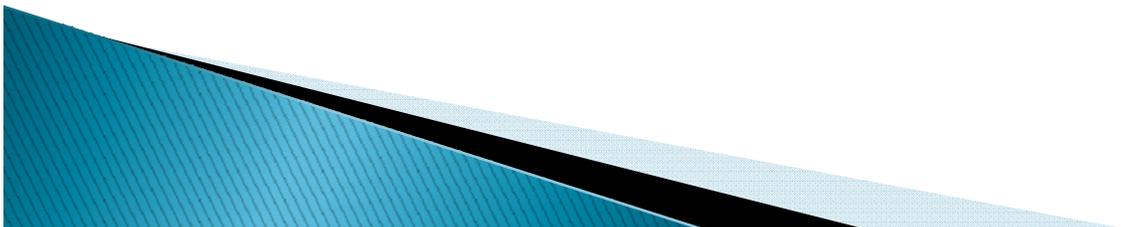
http://www.dolir.mo.gov/ls/faq/faq_ChildLabor.htm

Wage, Hours, Rights

http://www.dolir.mo.gov/ls/faq/faq_general.htm

Labor Laws

<http://www.dolir.mo.gov/laborlaws.htm>



Missouri Division of Labor Standards

Phone: 573-751-3403

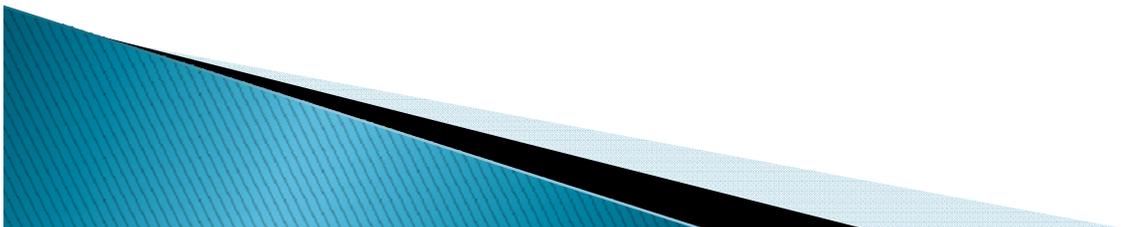
Fax: 573-751-3721

Email: laborstandards@dolir.mo.gov

Email: childlabor@dolir.mo.gov

Website: www.dolir.mo.gov/lr

Contact the Missouri Division of Labor Standards to get employee/employer information and answers to questions regarding Child Labor Law.

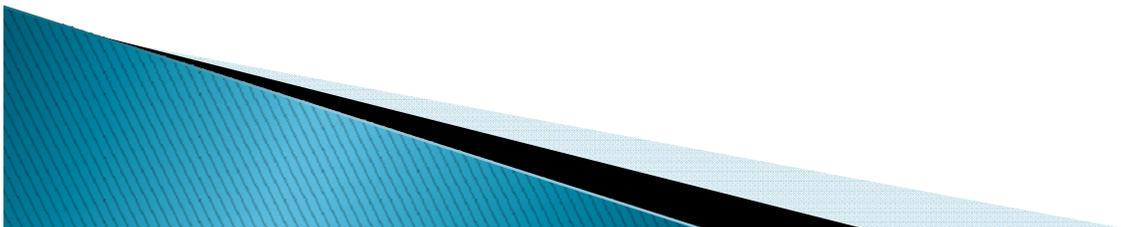


Missouri Commission on Human Rights

Phone: 573-751-3325

www.dolir.mo.gov/hr

Contact the Missouri Commission on Human rights to get information or to make a complaint about sexual harassment or discrimination.



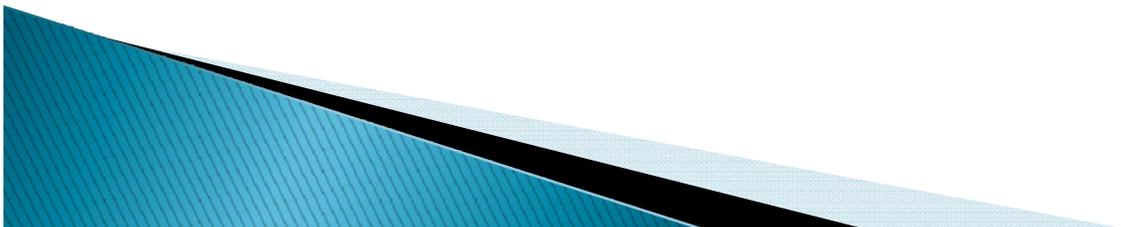
Occupational Health and Safety Administration (OSHA)

Phone: 800-392-7743 (St. Louis)
800-892-2674 (Kansas City)

www.osha.gov

www.osha.gov/SLTC/teenworkers

Contact OSHA for information and questions regarding work-place safety, work-related injuries, illnesses, and deaths.



U.S. Department of Labor- Wage and Hour

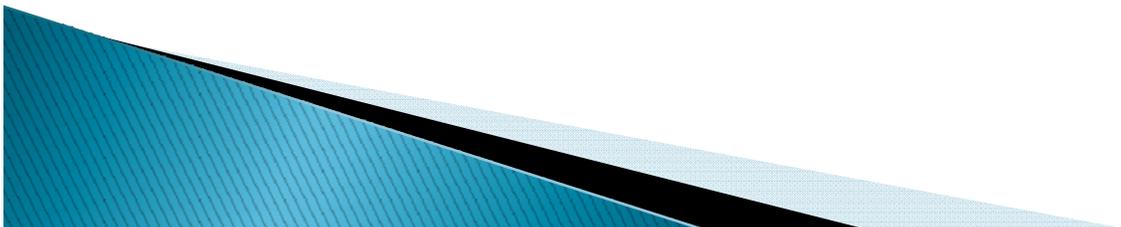
Phone: 314-539-2706 (St. Louis)

913-551-5721 (Kansas City)

866-487-9243

www.dol.gov

Contact USDOL Wage and Hour for information and questions regarding federal minimum wage and hour restrictions.



Other Resources

National Institute for Occupational
Safety and Health

Phone: 800-232-4636

www.cdc.gov/niosh

National Young Worker Resource Center Offices

Phone: 510-642-5507

www.youngworkers.org



Other Resources

U.S. DOL Interactive Advisor System: ELAWS
(Employment Laws Assistance for Workers and Small
Businesses)

www.dol.gov/elaws

