

Attachment 1.

GUIDE ON CHILD LABOR LAWS AND WORKERS' COMPENSATION FOR APPRENTICE MINORS

Federal and State Child Labor Laws:

- The USDOL Wage and Hour Division enforces Federal child labor laws, as authorized under the **Fair Labor Standards Act (FLSA) of 1938**.
- While Federal law addresses child labor, many states have enacted more stringent laws that further define how RA programs can operate. The FLSA does not preempt state laws that impose stricter standards. Please consult State Child Labor Laws: <http://www.dol.gov/whd/state/state.htm>. Note, in some states, minor workers may be required to obtain a work permit.

Minimum Age for Employment under FLSA:

- **Minors must be age 16** to work in nonagricultural employment for unlimited hours in occupations **not declared hazardous by law**.³
- **Minors must be age 18** to work in nonagricultural employment in occupations declared as **hazardous**. However, there are certain exceptions from the hazardous occupation orders for individuals employed as apprentices.

Hazardous Occupation Exemptions for Apprentices Age 18 and under:

- Only nonagricultural Hazardous Occupations Orders (HO) Nos. 5, 8, 10, 12, 14, 16, and 17⁴ contain exemptions for 16- and 17-year-old apprentices.
- These exemptions apply when: 1) apprentices are employed in an apprenticable trade; 2) the hazardous work is incidental to his or her training; 3) such work is intermittent and for short periods of time under direct and close supervision of a journeyman as a necessary part of the apprenticeship training; and 4) the apprentice is registered with DOL (or state agency) or is employed under a written apprenticeship agreement which is found by the Secretary of Labor to conform substantially with such federal or state standards (see 29 C.F.R. 570.50(b)).
- For minors engaged in agricultural occupations, no specific exemptions are listed for apprentices' involvement in hazardous activities. Exceptions from the agricultural hazardous occupation orders are provided for various student learners. See 29 C.F.R. 570.72.

³ Under the FLSA, 14 is the minimum age for nonagricultural employment in specified occupations outside of school hours for limited periods of time each day and each week.

⁴HO 5.* Occupations involved in the operation of power-driven woodworking machines.

HO 8.* Occupations involved in the operation of power-driven metal-forming, punching, and shearing machines.

HO 10. Occupations involved in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing or processing (including the use of power-driven meat slicing machines) or rendering.

HO 12.* Occupations involved in the operation of balers, compactors, and paper-products machines.

HO 14.* Occupations involved in the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.

HO 16.* Occupations in roofing operations and all work on or about a roof.

HO 17.* Occupations in excavation operations.

Child Labor Law Resources:

- Federal Child Labor Law Guidance from USDOL's Wage and Hour Division: <http://www.dol.gov/whd/childlabor.htm>.
- Child Labor Bulletin 101: <http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>. Booklet on FLSA which contains certain exemptions on hazardous activities and wages for minor apprentices working in nonagricultural occupations.
- Child Labor Bulletin 102: <http://www.dol.gov/whd/regs/compliance/childlabor102.pdf>. Booklet on FLSA which contains regulations for minors engaged in agricultural occupations.
- Youth Rules! Website: <http://www.youthrules.gov>.
- Resources on States' Child Labor Laws: <http://www.dol.gov/whd/state/state.htm>.
- Youth Apprenticeship Program Requirements in Wisconsin: <http://dwd.wisconsin.gov/youthapprenticeship/legal.htm>. Information for employers, parents, and students on child labor laws, insurance, and liability.
- Tech Ready Apprentices for Careers in Kentucky (TRACK): Working with Students under 18: http://education.ky.gov/CTE/cter/Pages/Students_U18.aspx. Resources on child labor laws and insurance for the TRACK program in Kentucky.