

Summer is Here: Tricky Rules to Follow for Employment of Minors

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Working a summer job during high school is a time-honored tradition, and with this tradition come several state and federal laws employers of minors must follow. Navigating state and federal laws for employment of minors can be tricky, and there are different requirements by industry. This article highlights rules for non-agricultural and non-entertainment jobs.



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All Minors

First, employers must verify the age of each minor hired using an appropriate proof of age document, and must maintain a list of all minors hired. Once properly hired, employers must post a validated Employment Certificate in a location where all employees may readily see it. All minors must receive a 30-minute meal period for any work period of six or more hours worked, and a 15-minute rest period for every major portion of four hours worked.

Minors may not perform hazardous work, which precludes them from operating most power-driven machinery, including hoisting, woodworking and cutting/slicing equipment. Minors also may not be exposed to dangerous worksites, including work in mines, on roofs and in areas containing radioactive substances. Consequently, employers should make note that hazardous job classifications are not identical between the U.S. Department of Labor (DOL) and Oregon's Bureau of Labor and Industries (BOLI). Both agencies provide worksheets on their websites to help employers identify hazardous work.

Under 14

The federal Fair Labor Standards Act (FLSA) covers most employers and limits employment of minors under 14 to the following jobs:

- Delivering newspapers to customers;
- Babysitting on a casual basis;
- Working as an actor or performer in movies, TV, radio or theater;
- Working as a homemaker gathering evergreens and making evergreen wreaths; and
- Working for a business owned entirely by the minor's parents as long as it is not mining, manufacturing or any of the 17 hazardous occupations identified by the Department of Labor.

In Oregon, to employ someone under the age of 14, employers are required to obtain an Employment Permit Application from the parents of the minor and submit it to the Bureau of Labor and Industries (BOLI).

When school is not in session, minors under 14 may not work more than:

- 8 hours in any one day;
- 40 hours in one week; and
- 5 days in one week.

When school is in session, minors under 14 may not work more than:

- 2 hours after school hours on school days;
- 6 hours on Saturdays and Sundays;
- 18 hours per week; and
- 5 days in one week.

Unless employed by their parents under a special permit, minors under 14 may not work before 8am or after 6pm.

14-15 Year-Olds

There are also several restrictions for employment of minors age 14-15, including a prohibition on work around most kinds of power-driven machinery or on construction sites, in warehouses, or at other locations where power-driven machinery is used.

When school is not in session, 14-15 year-olds may not work more than:

- 8 hours in any one day;
- 40 hours in one week; and
- The hours between 7am-9pm during the summer from June 1-Labor Day.

During the school year, 14-15 year-olds may not work more than:

- 3 hours after school hours on school days;
- 8 hours on non-school days;
- 18 hours per week;
- The hours between 7am-7pm; and
- No working allowed during school hours.

16 - 17 Year-Olds

Minors age 16-17 years-old may work in most industries so long as they are not hazardous. However, federal and state law allows 16-17 year-olds to work in certain hazardous jobs if they are "bona-fide student learners and apprentices." A "bona fide apprentice" is someone who is:

1. Enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school; AND
2. Employed under a written agreement which provides:
 - That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to their training;

- That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;
- That safety instructions shall be given by the school and correlated by the employer with on-the-job training; AND
- That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Minors age 16-17 years-old may not work more than 44 hours per week.

Employers must complete an annual Employment Certificate Application through BOLI for all minors age 14-17.

Avoid Violations!

Violating these laws has expensive consequences. Penalties can be monetary (fines from \$1,000-\$10,000 per violation), civil or criminal depending on the severity and frequency of the violations. For example, in 2020, a Tigard company was fined \$27,451 for several violations, including minors driving vehicles on public roadways and operating trash compactors. Also in 2020, Chipotle was fined \$1.4 million for over 13,000 violations of Massachusetts labor laws, including for having minor employees work too many hours and too late on school nights.

When it comes to employment of minors, remember the federal rules differ in many ways from the Oregon rules. In those cases, the employer must comply with the rule most favorable to the employee.

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