

When and how long can minors work?

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The U.S. Department of Labor (DOL) and the Industrial Commission of Arizona (ICA) are charged with the enforcement and administration of youth employment laws. There are some specific exemptions, but youth employment laws generally place three kinds of restrictions on child labor. First, they regulate the types of jobs that minors can perform. Second, they regulate the number of hours that some minors can work. Third, they restrict minors from working "unsuitable" times of day. If there is a difference between federal and state law, the more restrictive provision applies and should be followed by employers.

Because youth employment laws are so comprehensive, we must divide the topic into two columns to fully explore it. This month's column focuses on who qualifies as a minor, how many hours a minor can work and when, and the potential penalties for violating the law. Stay tuned for my column in the July issue, which will explore hazardous occupations from which underage workers are prohibited based on their age as well as permissible occupations for minors.

Just who is a minor?

There are different permissions or restrictions depending on whether minors are 16 or 17 years old, 14 or 15 years old, or under the age of 14. The DOL's regulations state, "The employment of minors under 14 years of age is not permissible under any circumstances if the employment is covered by the child labor provisions and not specifically exempt." Parental permission doesn't render employment outside those restrictions lawful.

Although 18 and 19-year-olds aren't considered minors, certain occupations have age restrictions

that apply to them. For example, a worker must be at least 19 to sell or serve alcoholic beverages. While retailers that sell alcoholic beverages may employ individuals younger than 19, those workers may only perform jobs that don't require them to sell or serve alcoholic beverages (e.g., clearing tables, stocking supplies, and cleaning the premises).

How many hours can minors work?

There is no restriction on the number of hours that 16 or 17-year-olds can work (except, like all nonexempt workers, they must be paid time and a half their regular rate for any overtime hours). However, individuals who are 14 or 15 years old may only work up to three hours on a school day and up to 18 hours per week when school is in session. That limitation increases to eight hours on a nonschool day and 40 hours in a nonschool week.

Are there any unsuitable times of day to schedule minors?

Under federal law, minors' work must be performed between 7:00 a.m. and 7:00 p.m., except from June 1 through Labor Day, when evening hours are extended to 9:00 p.m. Federal law is more restrictive than state law with regard to the time of day 14 and 15-year-olds may work. Employers who permit minors to work within the extended parameters of Arizona's permissible hours (6:00 a.m. to 9:30 p.m. when there is school the next day, or between 6:00 a.m. and 11:00 p.m. when there is no school the next day, when school is not in session, or if the worker is not enrolled in school), will be noncompliant under federal law. The restrictions on hours do not apply to minors who deliver newspapers to consumers. There is no federal age restriction on newspaper carriers who deliver to subscribers. Arizona law requires minors to be at least 10 years old to work in this occupation.

How severe are the penalties?

Child labor laws are strictly enforced and, depending on the violation, can result in large fines or penalties. Employers can be fined \$11,000 for every non-injury-related violation and up to \$40,000 if a violation results in injury or death. A second violation could result in imprisonment.

Bottom line

Employers of minors must take care to fully understand which youth laws are more restrictive in setting parameters on the number of hours and when the minors are permitted to work. Just as important is understanding which occupations are considered hazardous and which are permissible, which will be outlined in my July column.

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