

# **WIOA Young Adult Program**

## **Chapter 05: Child Labor Laws/Proof of Age**

### Summary

Workforce Service Areas (WSAs) and youth service providers must be aware of and comply with Federal and State laws regarding the employment of youth participants, ages 14-17. Service providers must require and keep on file for monitoring purposes proof of age for all youth who are employed under the WIOA Young Adult Program.

### Relevant Laws, Rules, or Policies

Child Labor Bulletin No. 101, WH-1330 (revised February 2013)  
Child Labor Bulletin No. 102, WH-1295 Agriculture Requirements  
Fair Labor Standards Act (FLSA)  
U.S. Dept of Labor Wage and Hour Division  
Minnesota Child Labor Standards Act (M.S. 181A.12)

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### Policy

There are two regulatory bodies controlling the employment of minors: U.S. Department of Labor (Wage and Hour Division), enforcer of the FLSA; and the Minnesota Department of Labor and Industry (Labor Standards Division), and enforcer of the Minnesota Child Labor Standards Act. Note: In general, with regard to possible conflicts among Federal, State law, regulations, or municipal ordinances, the more restrictive standards shall be applicable (20 CFR 570.50 (a)). Employers violating FLSA's child labor provisions may be assessed fines up to \$10,000 for each employee who is the subject of a violation.

WIOA incorporates employment or work experience programs for minors between the ages of 14 and 18. It is extremely important to determine whether minors of these ages are working in occupations and during hours or times prohibited by child labor laws. Section 3(1) of the FLSA allows the Secretary of Labor to issue regulations allowing, under limited conditions, the employment of minors ages 14-15. These regulations are found in Child Labor Regulation Number 3 (29 FSR Part 570, Subpart C). The same section of the FLSA declares that certain "Hazardous Occupations" are prohibited for

employment to minors under 18 years of age because, according to the Secretary of Labor, they are particularly hazardous to minors or detrimental to their health and well-being. The regulations at 29 CFR Part 570 (Subpart E and E-1) describe the restrictions on the employment of minors between the ages of 16 and 18 and those agricultural and non-agricultural that are particularly hazardous.

The child labor provisions of FLSA indicate that 16 is the basic minimum age for employment; however, 14 and 15 year olds may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs under specified conditions that do not interfere with their health, well-being, or opportunity to obtain an education.

Child Labor Regulation Number 3 limits the hours and the time of day that 14 and 15 year olds may work and prohibits employment in certain occupations. In non-agricultural jobs, these minors cannot work:

- During school hours
- More than eight hours in a day and 40 hours in a week when school is not in session
- More than three hours in a day and 18 hours in a week when school is in session
- Before 7 a.m. and after 7 p.m. except during the summer months (i.e. June 1 through Labor Day) when the evening hour is extended to 9 p.m.
- In “hazardous occupations” such as in manufacturing, mining, and other occupations identified in the Regulations

All WIOA participants must be at least 18 years of age to work in any of the non-agricultural hazardous occupations. This minimum age requirement applies when the participant is employed by a parent or person standing in place of the parent. The 17 non-agricultural hazardous occupations in effect apply either on an industry-wide basis or to an occupation regardless of the industry in which the occupation is found.

The Minnesota Child Labor Standards Act requires that the employer of a minor must require and keep on file some proof the minor’s age. Information on acceptable forms of proof can be found in the Youth Administrative Manual Chapter...xxx.

There are five bulletins outlining federal child labor provisions:

- **Child Labor Bulletin Number 101, WH-1330:** The bulletin describes the FLSA child labor provisions that apply to minors under 18 in non-agricultural employment. It describes the employment standards for 14 and 15 year olds. Hazardous occupations are briefly described.
- **Child Labor Bulletin Number 102, WH-1295:** The bulletin provides information on child labor requirements in agriculture.

- **29 CFR Part 570:** This section describes changes to three hazardous occupation that prohibit the employment of minors under 18 years of age related to the operation of motor vehicles, the use of power-driven meat processing equipment and the operation of paper product machines.
- **A Fact Sheet Number 43:** The sheet outlines Federal Child Labor Laws in Non-Farm Jobs
- **A Fact Sheet Number 12:** The sheet outlines Federal Child Labor Laws in Agriculture Jobs

These publications are available from: United States Department of Labor, ESA Wage and Hour Division, 331 Second Avenue South, Suite 920, Minneapolis 55401-1321.

The two bulletins on state child labor provisions have been written by the Minnesota Department of Labor and Industry:

- **Minnesota Department of Labor and Industry Child Labor Laws and Rules**
- **Guide to Minnesota's Child Labor Standards**

Information concerning a specific occupation or concerning a legal interpretation of a statute or regulation can be obtained from: Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul 55155-1354. (651-284-5005 or 1-800-342-5354) (<http://www.dli.mn.gov/LS/FaqChildLabor.asp>)

Related Links

<http://mn.gov/deed/programs-services/office-youth-development/youth-programs/wioa-youth.jsp>