

WIOA Young Adult Program

Chapter 05: Child Labor Laws

Summary

Workforce Development Areas (WDAs) 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

[Workforce Innovation and Opportunity Act \(Public Law 113-128\)](#)

[WIOA Final Rule \(Dated 08-19-2016\)](#)

[WIOA Final Rule: Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions \(Dated 08-19-2016\)](#)

[Child Labor Bulletin No. 101, WH-1330 \(revised November 2016\)](#)

[Child Labor Bulletin No. 102, WH-1295 Agriculture Requirements \(revised November 2016\)](#)

[Fair Labor Standards Act \(FLSA\)](#)

[U.S. Dept of Labor Wage and Hour Division](#)

[Minnesota Statutes Chapter 181A. Child Labor](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-14 \(Dated 3-26-15\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 19-14 \(Dated 2-19-15\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 08-15 \(Dated 11-17-15\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 21-16 \(Dated 3-2-17\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 14-18 \(Dated 3-25-19\)](#)

[U.S. Dept. of Labor Training and Employment Notice No. 22-19 \(Dated 4-3-20\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 21-16, Change 1 \(Dated 7-30-21\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 10-16, Change 3 \(Dated 6-11-24\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 07-18, Change 1 \(Dated 7-10-25\)](#)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-19, Change 3 \(Dated 12-1-25\)](#)

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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 Fair Labor Standards Act (FLSA); and the Minnesota Department of Labor and Industry (Labor Standards Division), enforcer of the Minnesota Child Labor Standards Act. Note: in general, with regard to possible conflicts among Federal law, 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 17. It is extremely important to determine whether minors of these ages are working in potentially dangerous occupations, using tools and equipment prohibited under Federal and/or State law and/or working during hours or times prohibited by applicable 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 \(29 CFR Part 570, Subpart C\)](#). 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 \(29 CFR Part 570, Subpart C\)](#) 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 except if they have secured an employment certificate that has been issued only by the district superintendent, the superintendent's agent, or some other person designated by the Board of Education and shall be issued only in the following circumstances:
 - (1) if a minor is to be employed in an occupation not prohibited by rules promulgated under section 181A.09 and as evidence thereof presents a signed statement from the prospective employer; and
 - (2) if the parent or guardian of the minor consents to the employment; and
 - (3) if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

The employment certificate shall show the name, address, date of birth and description of the minor, the name and address of the employer, the kind of work to be performed, the hours of exemption, and shall also require the signature of the parent or guardian and the minor in the presence of the issuing officer. (Minnesota Child Labor Standards Act 181A.05)

- 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.

Resources

Listed below are five resources 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.
- [What jobs are off-limits for kids](#): This page describes hazardous occupations that prohibit the employment of minors under 18 years of age.

- [**Fact Sheet Number 43**](#): The sheet outlines Federal Child Labor Laws in Non- Farm Jobs
- [**Fact Sheet Number 40**](#): The sheet outlines Federal Child Labor Laws in Agriculture Jobs

[YouthRules](#) is a U.S. Department of Labor website that contains a variety of resources on Young Workers' Rights.

The following resources may be helpful in understanding Minnesota's Child Labor Standards Act:

- [**Youth Rules for Kids at Work**](#)
- [**A Guide to Minnesota's Child Labor Standards Act**](#)

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, phone: 651- 284-5075 or 1-800-342-5354; email: qli.laborstandards@state.mn.us.

Related Links

[DEED WIOA Young Adult Program](#)

[YouthRules](#)

[MN Department of Labor and Industry Child Labor Laws resource page](#)