

## Youth Employment & Hazardous Occupations

Summer is here and businesses may be seeing high school students looking for seasonal jobs. As businesses try to navigate this incredibly difficult labor market of limited applicants and increasingly unfilled jobs, it may be tempting to hire any applicants that walk through the door. However, in the manufacturing, logging and wood products industries, child labor laws are extremely strict and greatly limit the types of work employees under the age of 18 are allowed to complete. The hazardous nature of these types of jobs prevent youth from being legally allowed to participate in the majority of wood products

related jobs – especially since minor employees are not allowed to enter sawmill buildings or operate any type of power-driven machinery. Now is the time to refresh supervisors and hiring personnel on the job limitations for youth.

Both Federal and State laws govern the employment of young workers and when both are applicable, the law with the stricter standard must be obeyed. The Federal youth employment provisions do not require minors to obtain “working papers” or “work permits,” though many States do – see chart below.

Table of Employment/Age Certification Issuance Practice Under State Child Labor Laws						
State	Type of Certificate Issued					
	Employment Certificate			Age Certification		
	For minors of age indicated 2	Issued by:		For minors of age indicated 2	Issued by:	
		Labor Dept.	School		Labor Dept.	School
Idaho	Not issued			Not issued		
Michigan	<u>Under 18 (M) 7</u>		X	Under 18 (M)		
Minnesota	Under 16 during school hours (M)		X	<u>Under 18, except not issued to minors under 16 during school hours (R) 8</u>		X
Montana	<u>Not issued 9</u>			16 and over: in hazardous occupations (M); in other occupations (R)	X	
N. Dakota	Under 16 (M)	X		16 and over (P)	X	
Oregon	<u>Not issued 14</u>			No provision		
Washington	Under 18 (M)	X		No provision		
Wyoming	<u>Not issued 18</u>			Not issued		

**Footnotes:**

2Under the columns “For minors of age indicated” an entry of M denotes “Mandated,” i.e., the requirement is mandated under State law; R denotes on “Request,” i.e., the certificate is not required under State law, but the law directs an administrative agency to issue the certificate on request; P denotes “Practice,” i.e., the law makes no requirement, but the State issues the certificate on request.

7Michigan. A work permit is not required for a minor 16 years or older who has completed the requirements for high school graduation or has obtained a high school equivalency certificate and provided copy of certification to the employer. A work permit is not required for a 17 year old minor who has passed the general education development (GED) test and provided copy of certification to the employer. Certification is now issued by MDE (Department of Education).

8Minnesota. Age certificates are not required. However, employers of any minor must obtain and keep on record proof of the child’s age. Age certificates satisfy this requirement as do copies of birth certificates, drivers licenses, and U.S. Department of Justice Immigration and Naturalization Service Employment Eligibility Verification Forms I-9.

9Montana. No certificate is required at any age in nonhazardous employment. Since minors under 16 may not work in hazardous employment, certificates for this age category are not deemed necessary.

14Oregon. Minors age 14–17 are not required to obtain work permits. Instead, employers are required to apply for annual certificates to employ these minors.

18Wyoming. Employers of children under age 16 must maintain a proof of age.

Note: N/A indicates “not applicable.” “No provision” as an entry under either employment or age certificate indicates that the issuance of such a certificate is unnecessary because another type of certificate covers all minors.

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### Minimum Age Standards for Employment

The FLSA and the youth employment regulations issued at 29 CFR, Part 570, establish both hours and occupational standards for youth. Children of any age are generally permitted to work for businesses entirely owned by their parents, except those under age 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous.

- ▲ 18 - Once a youth reaches 18 years of age, he or she is no longer subject to the Federal youth employment provisions.
- ▲ 16 - Basic minimum age for employment. Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.
- ▲ 14 - Young persons 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions.
- ▲ Under 14 - Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA. Permissible employment for such children is limited to work that is exempt from the FLSA (such as delivering newspapers to the consumer and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting.

### Hazardous Occupations Orders (HOs)

The Fair Labor Standards Act (FLSA) establishes an 18-year minimum age for those nonagricultural occupations that the Secretary of Labor finds and declares to be particularly hazardous for 16- and 17-year-old minors, or detrimental to their health or well-being. In addition, Child Labor Regulation No. 3 also bans 14- and 15-year-olds from performing any work proscribed by the HOs. Below are the HOs that are most relevant to timber and wood products companies:

**HO 4 – Includes logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).** Bans most jobs in: forest fire fighting; forest fire prevention that entails extinguishing an actual fire; timber tract management; forestry services; logging; and sawmills.

All occupations in logging and the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill are particularly hazardous for the employment of minors between 16 and 18 years of age, **except** the following when not prohibited by any other section of Subpart E of 29 CFR 570:



(Allowable positions for youth between 16 and 18 years of age)

1. Work in offices or in repair or maintenance shops.
2. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this HO.
3. The following additional exceptions apply to the operation of a permanent sawmill or the operation of any lath mill, shingle mill, or cooperage stock mill, but not to a portable sawmill. In addition, the following exceptions do not apply to work which entails entering the sawmill building, except for those minors whose employment meets the requirements of the limited exemptions discussed in Regulations 29 CFR Part 570, sections 570.34(m) and 570.54(c):
  - a. Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.
  - b. Pulling lumber from the dry chain, except minors under 16 years of age may not pull lumber from the dry chain as such youth are prohibited from operating or tending power-driven machinery by the occupations standards contained in Child Labor Regulation No. 3.
  - c. Clean-up in the lumberyard.
  - d. Piling, handling, or shipping of cooperage stock in yards or storage sheds other than operating or assisting in the operation of power-driven equipment; except minors under 16 years of age may not perform shipping duties as they are prohibited from employment in occupations in connection with the transportation of property by rail, highway, air, water, pipeline, or other means by the occupations standards contained in Child Labor Regulation No. 3.
  - e. Clerical work in yards or shipping sheds, such as done by ordermen, tally-men, and shipping clerks.
  - f. Clean-up work outside shake and shingle mills, except when the mill is in operation.

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g. Splitting shakes manually from precut and split blocks with a froe and mallet, except inside the mill building or cover.

h. Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

i. Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself, except minors under 16 years of age may not load bundles of shingles or shakes into trucks or railroad cars as they are prohibited from loading and unloading goods or property onto or from motor vehicles, railroad cars, or conveyors by the occupations standards contained in Child Labor Regulation No. 3.



**HO 14 - Occupations Involving the Operation of Circular Saws, Band Saws, Guillotine Shears, Chain Saws, Reciprocating Saws, Wood Chippers, and Abrasive Cutting Discs.** Bans the operation of, and working as a helper on, the named types of power-driven equipment, no matter what kind of items are being cut by the equipment.

The following occupations are prohibited in any type of establishment (manufacturing, non-manufacturing, retail, wholesale, service, etc.):

1. The occupations of operator of or helper on the following power-driven fixed or portable machines except for machines equipped with full automatic feed and ejection: circular saws, band saws, and guillotine shears.
2. The occupations of operator of or helper on the following power-driven fixed or portable machines: chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.
3. The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.

#### **HO 5 - Power-Driven Woodworking Machine**

**Occupations.** Bans the operation of most power-driven woodworking machines, including chain saws, nailing machines, and sanders.

The following occupations involved in the operation of power-driven woodworking machines are prohibited:

1. The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.
2. The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.
3. The operations of off-bearing from circular saws and from guillotine-action veneer clippers.

*Exemption* – The exemption for student-learners and apprentices applies to HO 5.

*Exemption* – The exemption for student-learners and apprentices applies to HO 14.

The FLSA is a very complex set of laws and regulations. The various areas regarding child labor laws tend to overlap and require careful attention when hiring youth to work in hazardous occupations. An in-depth source of the laws that includes the above mentioned HOs in greater detail as well as additional child labor laws can be found at: <http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>.

This link also provides detailed definitions of the language used in each of the Hazardous Occupations to better determine what jobs are appropriate for minors.

Supervisors should also review any state laws regarding child labor as they may require additional precautions and work bans. The TPM staff is available to discuss any child labor laws as issues or questions arise.