

## A COMPARISON OF WASHINGTON STATE AND FEDERAL CHILD LABOR REQUIREMENTS

### WASHINGTON STATE REQUIREMENTS:

#### **Posting:**

An employer must post a Master Business License with a Minor Work Permit endorsement. The permit must be renewed annually. Information on how to obtain this can be found at the web site below. All employers must also post the Employment Standards' poster, "Your Rights As a Worker".

#### **Employment description:**

Start and Stop times; number of hours per day, per week; number of days per week, and a complete description of duties.

#### **Information that must be kept on file:**

- Proof of age – one of the following:  
Birth Certificate, Drivers License, Baptismal Record, or witnessed statement from parent or guardian; and
- Parent/School Authorization form.

#### **Personal information:**

Name, address, and social security number

#### **Parent/School authorization (PSA) form:**

This form is provided to the employer by Labor and Industries or can be found at the web site listed below. The PSA form must be signed by a student's parent or legal guardian and school if the student is working during the school year. It expires every September and must be renewed by the employer.

### FEDERAL REQUIREMENTS:

#### **Posting:**

Wage and Hour Poster  
Employee Polygraph Protection Act Poster

#### **Information that must be kept on file:**

Date of Birth (if under 19 years old).

#### **Personal information:**

Name, address, social security number  
(also see Code of Federal Regulations Part 516)

#### **Employment description:**

Occupation in which employed.

#### **Parent/school authorization or work permit:**

No requirement.

## WAGES, HOURS AND CONDITIONS OF EMPLOYMENT FOR MINORS

### WASHINGTON:

#### VARIANCES:

##### Special Variances:

For 16- and 17-year-old students who want or need to work more than four hours per day and 20 hours per week, there is a special variance. The variance requires approval by the student's employer, parent and school. The maximum is 28 hours a week, no more than 6 hours per day during the school year in non-agriculture employment. The employer must complete the employer portion of the form before authorization from the parent/guardian or school. The special variance form is now included on the Parent/School Authorization form available from any Labor and Industries service location or participating school. It is also available at the L&I web site below. It does not require approval from Labor and Industries.

##### Standard Variance:

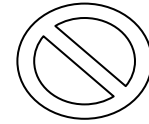
Additional variances may be granted by Labor and Industries when the employer shows good cause. The employer originates the request for a standard variance. The variances can be granted up to and beyond 40 hours a week, 8 hours shift lengths and start and finish times during school and non-school weeks. No variances are granted for prohibited duties.

All forms are available at your local Labor and Industries office, or by calling the Department of Labor and Industries in Olympia at (360) 902-5316 or on the web page, <http://www.TeenWorkers.Lni.wa.gov>

### FEDERAL:

#### VARIANCES:

**NO VARIANCES ARE AVAILABLE OR GRANTED FROM FEDERAL REQUIREMENTS IF AN EMPLOYER IS COVERED UNDER FEDERAL LAW.**



All information is available at your local U.S. Department of Labor, Wage and Hour Division office. See blue Government pages in the phone book or call 206 398- 8039 in Seattle, 509-353-2793 in Spokane, or 253-428-3770 in Tacoma WA. Website: [www.youthrules.dol.gov](http://www.youthrules.dol.gov)

## WAGES, HOURS AND CONDITIONS OF EMPLOYMENT FOR MINORS

### WASHINGTON:

#### Meal and Rest Breaks:

14- and 15-year-old workers may not work more than four hours without a 30-minute uninterrupted meal period. 16- and 17-year-old workers must have a 30-minute meal period if working 5 hours or more. All minors must have a scheduled 10-minute rest period every two hours if scheduled for four hours of work.



#### Minimum wage:

The state minimum wage for 16- and 17-year-old minors is the same as for adults.

Minors under the age of 16 may be paid 85% of the adult minimum wage.

### FEDERAL:

#### Meal and Rest Breaks:

There is no federal requirement that an employer schedule or allow a meal break or rest break for youths or adults.

#### Minimum wage:

Federal minimum wage for minors is the same as for adults. A youth opportunity wage of \$4.25 per hour for the first 90 days of employment is allowed for employees under the age of 20 if state law does not prohibit such a lower wage. For more information call U.S. Department of Labor, Wage and Hour Division at 206-398-8039 or toll-free, 1-866-487-9243 or web page at <http://www.dol.gov>.

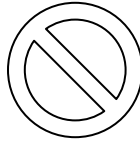


## HOURS COMPARISON CHART

<b>HOURS OF WORK NON-AGRICULTURE</b>							
<b>STATE OF WASHINGTON</b>					<b>FEDERAL</b>		
14- and 15-year-olds			16- and 17-year-olds		14- and 15-year-olds		
	School	Non-School*	School	Non-School*		School	Non-School
Hours a	3 (weekdays)	8	4	8	Hours a	3 (school days)	8
Day	8 (Sat & Sun)		8 (Fri-Sun)		Day	8 (non-school days)	
Hours a	16	40	20/28 **	48	Hours a	18	40
week					Week		
Days a	6 days	6 days	6 days	6 days	Days a	No Restriction	No Restriction
week					Week		
Start	7 a.m.	7 a.m.	7 a.m.	7 a.m.	Start	7 a.m.	7 a.m.
Time					Time		
Quit	7 p.m.	7 p.m.	10 p.m.	Midnight	Quit	7 p.m.	7 p.m.
Time		(9 p.m.) June 1 <sup>st</sup> – Labor Day)	Midnight (Fri & Sat)		Time		(9 p.m.) June 1 <sup>st</sup> – Labor Day

*\*\* Non-school time is during all school vacations.*

*\*\* For 16- and 17-year-old workers only, six-hour shifts and up to 28 hours per week are available through a special variance (page 2 of Parent/School Form).*



## ***PROHIBITED DUTIES AND OCCUPATIONS FOR MINORS UNDER 16***

### **WASHINGTON:**

- House-to-house sales
- Manufacturing
- Processing
- Public Messenger
- Amusement parks
- Loading or unloading trucks
- Any power-driven machinery
- Transportation, warehouse, storage and construction

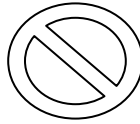
In the following areas of retail, food or gasoline services:

- Maintenance
- Window washing
- Cooking and baking



### **FEDERAL:**

- Manufacturing
- Mining
- Processing
- Working in a workroom where goods are manufactured, mined or processed.
- Public messenger service
- Operating or tending of hoisting apparatus or of any power driven machinery
- Transportation, warehousing and storage, communications and public utilities and construction (including repair)
- Boiler or engine rooms
- Maintenance or repair of the establishment, machines or equipment
- Outside window washing and all work requiring ladders, scaffolds or their substitutes
- Most cooking and all baking
- Cleaning cooking equipment and handling, filtering, or moving of hot oil or grease when the surfaces, containers, oil or grease exceed a temperature of 100°F.
- Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers, grinders, food choppers, and cutters and bakery-type mixers.
- Work in freezers and meat coolers and all preparation of meats
- Loading and unloading goods to and from trucks, railroad cars or conveyors
- Warehousing occupations (except office and clerical)



## PROHIBITED DUTIES FOR ALL MINORS

### WASHINGTON

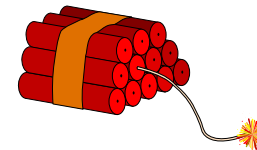
#### Prohibited Duties

- Explosives (See Fed HO#1)
- Boilers or engine rooms
- Mining (See Fed HO# 3, 9)
- Elevators (See Fed HO# 7)
- Earth moving machines (See Fed HO# 17)
- Flagging
- Logging (See Fed HO# 4)
- Roofing (See Fed HO# 16)
- Power driven machines (See Fed HO# 2,4,5,7,8,10,11,12,14)
- Fire Fighting
- Nurses aid or assistant, (unless in a bona fide training program)
- Work in freezers, meat coolers and in preparing meats for sale (See Fed HO# 10)
- Selling candy, flowers, etc. to passing motorists on the public right of way.
- Work performed more than ten feet above ground or floor level
- Manufacturing of brick, tile and kindred products (See HO# 13)
- Wrecking, demolition and ship-breaking operations (See HO# 15)
- Slaughtering, meat packing or processing (See Fed HO# 10)
- Work in saunas, tattoo or massage parlors, or adult entertainment establishments
- Jobs requiring protective equipment, except gloves, shoes and eye protection
- Jobs with possible exposure to bodily fluids, radioactive and hazardous chemical substances.
  - Work in retail settings after 8 p.m. without an adult present.

### FEDERAL

#### Hazardous Occupations Orders #

1. Manufacturing or storing explosives
2. Driving a motor vehicle and/or being an outside helper
3. Coal mining
4. Logging and saw-milling
5. Power-driven work working machines
6. Exposure to radioactive substances and ionizing radiation
7. Power-driven hoisting apparatus
8. Power-driven metal forming, punching and shearing machines
9. Mining other than coal mining
10. Meat packing or processing (incl. Power-driven meat slicing machines)
11. Power-driven bakery machines
12. Power driven paper products machines, scrap paper balers, paper box compactors
13. Manufacturing brick, tile and related products
14. Power-driven circular saws, band saws, and guillotine shears
15. Wrecking, demolition, and ship-breaking operations
16. Roofing operations and all work on or about a roof
17. Excavating operations



## **ENFORCEMENT PENALTIES**

### **WASHINGTON**

Labor and Industries can assess civil penalties up to \$1000 and criminal penalties on employers in violation of child labor laws. The size of the civil penalty depends on the severity of the violations.

### **FEDERAL**

Employers who violate federal child labor regulations can be assessed civil money penalties of up to \$11,000 for each minor employed in violation. The amount of the civil money penalty depends on the severity of the violation, whether or not a minor was injured or death occurred, and if it was a recurring violation. If it can be determined that the employer deliberately violated the law or if the employer had prior knowledge of the law, the penalty can be more severe.

The Fair Labor Standards Act (FLSA) prohibits the shipment in interstate commerce of goods that were produced in violation of the Act's minimum wage, overtime, or child labor provisions. The FLSA authorizes the US Department of Labor to obtain injunctions to prohibit the movement of such 'Hot Goods', and to obtain injunctions against violators of the child labor provisions to compel their compliance with the law. Further violations could result in sanctions against such persons for contempt of court.

Willful child labor violators may face criminal prosecution and be fined up to \$10,000. Under current law, a second conviction may result in imprisonment.

## EXEMPTIONS

### WASHINGTON

The child labor rules apply to minors employed by their parents except in agricultural jobs.

The child labor rules allow for exemptions from hours of work for 16- and 17-year-old minors.

#### **EXEMPTIONS FROM PROHIBITED DUTIES:**

Under certain restricted conditions, if specific criteria are met, registered apprentices and bona fide student-learners may be exempted from the prohibited duties under WAC 296-125-030:

- Power-driven woodworking machines (5);
- Power-driven metal-forming, punching and shearing machines (8);
- Meat packing or processing (9);
- Power-driven paper-product machines (11);
- Power-driven circular saws, band saws, and guillotine shears (13);
- Roofing (15); and
- Excavation (16).

For additional information contact your local Washington State Labor & Industries service location nearest you. Phone numbers are listed in the blue Government pages of your telephone book under "Washington State". Service locations are also listed at <http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations>. Or you can call Labor & Industries in Olympia at (360)902-5316, email us at [teensafety@Lni.wa.gov](mailto:teensafety@Lni.wa.gov), or go to <http://www.TeenWorkers.Lni.wa.gov>.

### FEDERAL

The federal child labor provisions do not apply to:

- Children under 18 years of age employed by their parents in occupations other than those declared to be hazardous; except no youth under 16 years of age may be employed in mining or manufacturing occupations.
- Children employed as actors or performers in motion pictures theatrical, radio, or television production.
- Children engaged in the delivery of newspapers to the consumer.
- Home-workers engaged in the making of wreaths composed of holly, pine, cedar or other evergreens (including the harvesting of evergreens).

#### **EXEMPTIONS FROM HAZARDOUS OCCUPATIONS ORDERS:**

Under certain restricted conditions, if specific criteria are met, registered apprentices and bona fide student-learners may be exempted from Hazardous Order Number 5, 8, 10, 12, 14, 16, & 17.

For additional information contact the U.S. Department of Labor, Wage and Hour Division Seattle District Office (206) 398-8039, Spokane (509) 353-2793, Tacoma (253) 428-3770 or toll-free at 1-866-4US-WAGE (1-866-487-9243) or go to <http://www.youthrules.dol.gov>.