HIRING IOWA TEENS: Federal and State Child Labor Laws

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Child Labor Laws

- Minimum age for employment
- Total hours youth may work
- Time they may work (hours, times of year)
- Types of jobs they may have, cannot do
- Work permit requirements
Work Permits/Certificates of Age

- Iowa law requires work permits for 14 and 15 year olds.
- Iowa law permits employers to require certificates of age for 16 and 17 year olds (state recommends).
- Federal law – no work permits required; recommend that employers keep work permits and certificates of age to protect themselves.
Work Permits

- Iowa Law
- (Form 62-2203, updated 2-12)
- Youths obtain form from issuing officer to give to employer
- Minor and Parent signs (if child under 16)
- **Employer** fills out employer portion of form
- Return to issuing officer, checks it, forwards copies to employer, Iowa Division of Labor, parent
Work Permits

- Applies to minors ages 14 or 15
- Youth ages 10 through 15 need street trade work permit to deliver newspapers or shoppers or perform any other “street occupation” including door-to-door selling.
- Ages 12 through 16 doing migrant labor must also get work permit
Certificate of Age

- Recommended for youth ages 16-17.
- Same form used as work permits for 14 and 15 year olds.
- Parent does not need to sign but is recommended.
- Like work permits, are issued by local school officials or IWD offices.
- Certificate of age does not need to specify hours of work, unless work involves delivering goods or transmitting messages.
Certificate of Age

- Young worker must provide identification to prove his/her age before form is valid.
- Acceptable proof includes certified copy of birth certificate, certified copy of baptism certificate, passport, and certain federal government issued identification. Obtain birth certificates from county of birth, or health dept. Can’t obtain these, see physician to certify child is age 14 or older. (Division of Labor has form.)
Work Permits, Certificates of Age

- Frequent Problems
- (1) No signatures
- (2) Employer doesn’t fill out completely
- (3) Need job duties, hours, what equipment the teen will be using, name and description of equipment – **be specific**!
- (4) Issuing officer checks it – kick back if incomplete
Child Labor Laws: Who Must Comply?

- **Iowa law** – covers ALL employers
- **Federal law** – tracks federal minimum wage law applicability: (i) companies with gross sales volume, business of $500,000; or (ii) hospital, institution; or (iii) school (pre-school through college); or (iv) public agency; or (v) minor engaged in interstate commerce or production of goods for interstate commerce
PENALTIES

- **Iowa**
  - Employer and parent/guardian can be found guilty of serious misdemeanor, punishable by fine up to $1,875 per offense and/or 1 year in jail
  - Employer may be charged civil penalties up to $10,000 per child per violation

- **Federal**
  - Employers may be penalized up to $11,000 per offense. Penalties can be $50,000 for offenses that cause death or serious injury to a minor, $100,000 when violations are repeated or willful. Willful offenses can also carry criminal sanctions: fines up to $10,000 and up to 6 months imprisonment. Restraining orders may also be sought to prevent future violations
18 Years or Older

- Iowa
  - Work at any job without restriction
- Federal
  - Work at any job without restriction
State and Federal Law Differences: What Trumps?

Simple Answer: Law that is the most protective of the child.
Hours Teens May Work

- Iowa law for 14 and 15 year olds
- Outside school hours
- Between 7 a.m. and 7 p.m. the day after Labor Day through May 31
- Between 7 a.m. and 9 p.m. from June 1 through Labor Day
- Home-school children subject to same hours

- Federal law for 14 and 15 year olds
- Outside school hours
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- Between 7 a.m. and 9 p.m. June 1 through Labor Day
Hours: 14, 15 Year Olds

- **Iowa**
  - Not work more than 4 hours daily on school days
  - No more than 28 hours during a school week
  - No more than 8 hours a day during vacation, weekends, holidays
  - No more than 40 hours a week during June 1 through Labor Day, or when school is not in session

- **Federal**
  - Not work more than 3 hours daily on school days
  - No more than 18 hours during school week
  - No more than 8 hours a day during vacation, weekends, holidays
  - No more than 40 hours a week in non-school weeks
Definitions - Both

- **School Day**: any day school is in session. (Ex. Friday night is a school day if school was in session during that day.)
- **Nonschool Day**: any day school not in session
- **School Week**: any week school is in session, even if it was in session for only one school day.
What 14-15 Years Olds Can Do

Both Iowa and federal law limit employment of 14 and 15 year old minors to certain occupations which do not interfere with their education, health and well-being.
Iowa: If 14 Years or Older, Teens May:

- Pack fresh fruits, vegetables in retail, or ag setting, but not in processing setting
- Answer phones, take messages in telephone answering service
- Caddy on a golf course (no operating the cart)
- Sell gas, oil or wash, polish cars at service station (must be 16 or over to run power washers)
- Do office, clerical work
- **Manual** maintenance of grounds (must be 16 or over to use power lawn mower, weedeater, leaf blower)
Iowa: If 14 Years or Older, Teens in Retail Stores/Businesses May:

- Run errands or make deliveries by foot, bicycle, or on public transportation
- Sell, price, pack and shelve store goods (no ladders or step stools until 16 years old)
- Bag purchases and carry out for customers
- Clean vegetables and fruits with appropriate chemicals
- Do cleanup work (not use chemicals that require or recommend use of personal protective equipment)
- Trim windows and make displays (no ladder use)
Iowa: If 14 Years or Older, Teens In Food Service May:

- Serve food at lunch counters or sit-down restaurants (may use toasters, popcorn poppers, blenders, coffee grinders, other devices used in such work, but no cooking/baking/frying!)
- Wash dishes (may use dishwasher)
- Do cleanup work (not using chemicals that require or recommend use of personal protective equipment) (Note: 16, 17 year olds may use certain chemicals, rated “two or less by National Fire Protection Association.”)
MSDS and Chemicals

- Child Labor overlaps with OSHA
- Osha.gov 1900.1210
- Labor Commissioner’s ruling - Health Rating (NFPA or HMIS found on MSDS)
  - Rating of 0-1 for 14 and 15 year olds
  - Rating of 0-2 for 16 and 17 year olds
  - Rating of 3-4 no one under 18 years old can handle
  - Or diluted at least 10:1 ratio by adult over 18
What 14 and 15-Year-Olds Can’t Do

- Iowa and Federal
- May not work in hazardous occupations
- May not work in manufacturing, construction and mining
- May not work in most processing operations
- May not work as public messengers
- May not clean or repair power-driven machinery
- No operation or tending of hoisting apparatus
- **No operation, tending of any power-driven machinery**, including lawn mowers, weed-eaters
- No work in transportation, warehousing, storage, communication, public utilities and construction, unless office or sales work
What 14 and 15-Year-Olds Can’t Do

- Iowa and Federal (Cont.)
- No loading, unloading goods from trucks, railroad cars, conveyors
- No work around boilers, engine rooms, outside window washing, all work requiring ladders or scaffolds
- No cooking, baking and/or setting up, operating, adjusting, cleaning of power-driven food slicers, grinders, choppers, cutters, bakery mixers; state says no frying; federals allows some frying

- No work in walk-in freezers or coolers, no work in meat preparation
- No occupations declared hazardous or prohibited
If at Least 16 Years Old, Teens May Work in the Following:

- Some Restrictions
- Manufacturing and construction (no hazardous equipment, no roof work)
- Insurance, real estate
- Retail stores
- Hotels, motels
- Restaurants
- Local government
- Retail lumberyards
- Garages, auto repair shops
- Service stations
- Hospitals, nursing homes
- Greenhouses, nurseries
- Dairies
- Public utilities
- Printing, publishing firms
- But no hazardous chemicals, except if ranked 2 or less on National Fire Protection Association’s health scale
Hazardous Occupations: Jobs Too Dangerous for Any Teens Under 18

- See list in Hiring Iowa Teens booklet
- See Iowa Code Chapter 92
Hazardous Occupations: Too Dangerous for Any Teens Under 18

- No working around places that make or store explosives (State Law, Federal Occupational Order No. 1)
- No logging, operation of any sawmill, lath mill, shingle mill, cooperage-stock mill (State Law, Federal Order No. 4)
- No operating power-driven woodworking machines (State Law, Federal Order No. 5)
- No work where exposed to radioactive substances, or to ionizing radiations (State Law, Federal Order No. 6)
- No operating elevators or other power-driven hoisting apparatus (State Law, Federal Order No. 7)
Hazardous Occupations, Jobs Too Dangerous for Under 18 (cont.)

- No operating power-driven metal forming, punching, shearing machines (State law, Federal Order No. 8)

- No work in slaughtering, meatpacking establishments, rendering plants (State Law, Federal Order No. 10); includes no meat slicers in deli/restaurant

- No operating certain power-driven bakery or dough machines, conveyors, or paper product machines including compactors and paper balers (State Law, Federal Order Nos. 11, 12)
Hazardous Occupations: Jobs Too Dangerous for Under 18 (cont.)

- Operating circular saws, band saws, or guillotine shears (State Law, Federal Order No. 14)
- Wrecking, demolition, or ship breaking operations (State Law, Federal Order No. 15)
- Operating laundry, dry cleaning, or dyeing machinery (State Law)
- No hazardous chemicals for 16 and 17 year olds unless rated 2 or less on National Fire Protection Association’s health scale
Hazardous Occupations: Too Dangerous for Under 18

- No transmitting, distributing, or delivering goods or messages between 10 p.m. and 5 a.m. (includes telemarketing) (State Law)

- No operating or assisting in operation of arm-type wire stitcher or stapler; circular or band saw; corner cutter or mitering machine; corrugating and single- or double-facing machine; envelope die-cutting press; guillotine paper cutter or shear; horizontal bar scorer; laminating or combining machine; sheeting machine; scrap-paper baler; vertical slotter; platen die-cutting process; platen printing press or punch press, which involves hand feeding machine (Federal Order No. 14)
Hazardous Occupations: Too Dangerous for Under 18

- Operating or assisting to operate power machines or driving heavy equipment (State Law)
- No working as motor vehicle driver and helper (State Law and Federal Order No. 2)
- No coal mining (State Law, Federal Order No. 3)
- No mining other than coal mining (State Law, Federal Order No. 9)
- No manufacturing brick, tile and related products (State Law, Federal Order No. 13)
- No roofing operations, or any work on or about a roof (State Law, Federal Order No. 16)
- No excavating operations (State Law, Federal Order No. 17)
- No foundry work, unless office, shipping, assembly (State Law)
Prohibits the operating or assisting to operate power-driven hoisting apparatus. Includes, but not limited to, the following:

- hoists,
- cranes,
- manlifts,
- elevators,
- forklifts, and
- stacking trucks
Prohibits work involving slaughtering or meat packing, processing, or rendering in establishments where meat or meat products are processed. Including butcher shops, grocery stores, restaurant/fast foods, hotels, and delis.

- Minors may not operate a power-driven meat slicer to slice meat or non-meat products, including vegetables, cheeses and bread.
- Minors may not disassemble; assemble; or clean, including dismantled parts, of a power-driven meat slicer.
- HO#10 applies to the use of power-knives and food processors used to process meat.
State Law: no balers, compactors

Federal law: prohibits loading, operating, and unloading power-driven paper processing machines, including scrap paper balers and paper box compactors.

Federal Public Law 104-174 modified HO #12. The amendment allows 16 and 17 year-olds, under restricted circumstances, to LOAD - not operate or unload, certain scrap balers and paper box compactors.
Exceptions

- Volunteer work – depends on regularity
  - Educational, charitable, religious, or community service
- In or around the child’s home
- Detasseling and hand-pollinating
  - Must be at least 14 years old and work between June and August
  - Part-time work in agriculture
- Parents
  - Child’s parents must own and/or be the day-to-day operator, and be on the premises at all times while the child is present
- Modeling – needs a Special Order
For More Information

- Iowa Child Labor – (515) 725-2168
- Iowa Division of Labor Services at http://www.iowadivisionoflabor.gov/childlabor.htm
- US Dep’t of Labor Wage and Hour Division (515) 284-4625; www.dol.gov/whd
Thank You!