

FLSA's child labor regulations amended

The Department of Labor (DOL) originally enacted the Fair Labor Standards Act's (FLSA) child labor standards to protect the health, well-being, or educational opportunities of minors. The DOL recently amended the FLSA's child law standards to keep up with the many changes to the workplace over the past few decades, such as the introduction of new technologies. The new standards (29 CFR Parts 570, 579, and 580) went into effect on February 14, 2005 and are summarized below:

Drive for Teen Employment Act

The amended Act prohibits minors 16-years old and younger from driving cars or trucks on public roadways on the job. Employees who are 17 years old can drive cars and small trucks as part of their jobs only in limited circumstances, such as only during daytime hours, for no more than one third of any workday, and for up to 20% of any work week. They are prohibited from making urgent, time sensitive deliveries, such as delivering pizzas.

Compactor and Baler Act

The amended Compactor and Baler Act sets conditions which permit 16- and 17-year old workers to load, but not unload or operate, certain scrap paper balers and paper box compactors. The new rules permit 16- and 17-year olds to load a scrap paper baler or paper box compacting machine if the machine:

- Cannot be operated while it is being loaded
- Meets standards set by the American National Standards Institute
- Has an on/off switch with a key-lock that is kept in the custody of an adult worker
- Has a permanent and easily visible notice posted on it that spells out who may operate the machine.

Civil penalties can now be assessed for violating this Act.

Cooking

Fourteen and 15-year old employees can now perform limited cooking duties, such as operating microwaves to warm prepared foods; and using, dispensing, and serving food from warmers, steam tables, and other warming devices. These minors are prohibited from performing any baking activities.

Working in Roofing Operations

The new youth employment rules expand the previous prohibition against youth under 18 working in roofing occupations to encompass all work on or about a roof, including work performed in close proximity to a roof.

Working with Explosives

Employees who are 17 or younger are prohibited from working in any establishment that manufactures or stores explosives, such as gun powder, fireworks or dynamite. The DOL has also expanded the definition of "explosives."

Certificates of Age

The new regulations require employers to return the federal or state government-issued Certificates of Age to the employees when their employment ends. Previously, employers had to return certificates to the issuing agencies.

Remember, working youth are entitled to the same minimum wage and overtime protections as adults. Also, when federal, state, county or city child labor laws differ, the more strict regulations apply.

For more information, contact CTSI at 303-861-0507 or visit the Department of Labor's child labor website at www.youthrules.dol.gov.

County Technical Services, Inc.

800 Grant St., Suite 400
Denver CO 80203

303.861.0507
FAX: 303.861.2832

Technical Updates are available online at: www.ctsi.org