B U R E A U O F L A B O R A N D I N D U S T R I E S
Brad Avakian, Commissioner

Employment *of* MINORS

A guide for 14 through 17 year-olds, their parents and employers

Newspaper carriers/vendors and minors performing domestic work or work in private residences are not subject to the provisions of the child labor laws. However, the provisions of other laws, including minimum wage, over-time, working conditions and wage collection laws, still apply to most of these employees. Contact BOLI for more information.

Going to Work For The First Time

Child labor laws protect young people in the work force. Although minors are no longer required to have permits, they, their parents and employers should be aware of laws and regulations applying to young people, ages 14-17 and the kinds of jobs and working hours that are allowed.

EMPLOYERS WHO HIRE MINORS *MUST:*

➢Comply with all child labor laws.

➢ Verify the age of each minor hired from an appropriate proof of age document such as a passport, driver's license or birth certificate.

➢ Maintain a list of all minors hired.

➢ Post a validated **Employment Certificate** in a conspicuous location where all employees may readily see it. **To obtain an Employment Certificate**, an employer must file an annual *Employment Certificate Application* with the Bureau of Labor and Industries' Wage and Hour Division. Applications are available at all bureau offices or employers can call the Child Labor Unit in Portland, (971) 673-0836, and have an application sent to them. You can also print an application form from our web site: www.oregon.gov/boli.

- ♦ Employers fill out the application and send it to the bureau's Child Labor Unit, 800 NE Oregon St. #1045, Portland, Oregon 97232.
- ♦ When the application is approved, the bureau sends a validated annual **Employment Certificate** to the employer.
- ♦ If the employer changes the work duties of minors at any time, the employer must fill out a **Notice of Change Form** and send it to the bureau for approval.
- ♦ The bureau sends renewal notices to employers approximately six weeks prior to the expiration of an annual certificate.

JOBS THAT 14 AND 15 YEAR-OLD WORKERS MAY DO

TYPES OF BUSINESSES	THESE ARE EXAMPLES OF THE KINDS OF JOBS THAT 14 AND 15 YEAR-OLDS MAY DO:
Offices ➢	Office work of all kinds.
Wholesale/Retail Stores and Services ➢	Price marking or tagging, assembling or packing orders, cashiering, selling or stock work in retail sales or service establishments, bagging orders in grocery stores, clean-up work, including using vacuum cleaners and floor waxers, display or window trimming, work in art or advertising offices.
Restaurants, Hotels ➢	Food service, bussing dishes, cooking at soda fountains, lunch counters or cafeteria serving counters, kitchen work including the use of machines such as dishwashers, blenders, corn-poppers, dumbwaiters.
Car Washes ➢	Car washing, cleaning and polishing.
Service Stations ➢	Service station attendant, but not using pits, racks or lifting apparatus, and not inflating any tire mounted on a rim equipped with removable retaining ring.
Theaters, Amusement Parks ➢	Ushering, sales or services in theaters, recreation areas or establishments, but not operating rides.
Parks, Yards ➢	Outdoor maintenance work, such as brush clearing, removing litter, grounds-keeping, but not using power driven mowers or cutters.
Nursing Homes, Hospitals ➢	Assisting in patient care in hospitals or nursing homes.
Daycare Centers ➢	Child care.
Kennels ➢	Pet grooming, pet care.
Farms ➢	Agricultural work, such as picking or plant propagation, care of livestock, except cattle.
Entertainment Productions ➢	Acting or performing in a film or entertainment production.

JOBS THAT 16 AND 17 YEAR-OLD WORKERS MAY DO

There are many more jobs that 16 and 17 year-olds may do. They are restricted only in the use of some machinery, explosives, radioactive substances, mining and logging operations. (See the list of hazardous, prohibited occupations at the end of this summary.)

Working Hours

FOR 14 AND 15 YEAR-OLDS

When school is in session:

➢ Three hours per day on school days,
➢ Eight hours per day on non-school days,
➢ 18 hours per week maximum,
➢ Only between the hours of 7 a.m. and 7 p.m. Working is not allowed during school hours.

When school is not in session:

➢ Eight hours per day,
➢ 40 hours per week maximum,
➢ From June 1 through Labor day: 7 a.m. to 9 p.m.

FOR 16 AND 17 YEAR-OLDS

Any time of year:

➢ Any hours - no daily restrictions,
➢ 44 hours per week maximum.

Working Conditions

ALL employers operating in Oregon, including those covered under the federal Fair Labor Standards Act, must comply with state laws regulating general working conditions.

Breaks (Rest Periods)

Paid rest periods of at least 15 minutes must be provided during each 4 hours (or major portion) of work time. Certain employers are required to provide additional unpaid rest periods to employees to express milk for a child.

Meal Periods

Meal periods of not less than 30 minutes must be provided to non-exempt employees who work six or more hours in one work period.

Adequate Work

Adequate work must be provided if the employer requires the minor to report to work. Adequate work means enough work (or compensation in lieu of work) to earn at least one half of the scheduled day's earnings.

Weight Lifting

An employee may not be required to lift any weight which is too great for the individual.

Paychecks

Minimum Wage

➢ The minimum wage is $9.25/hr. from January 1 - December 31, 2016.
➢ Employees must be paid the minimum wage for all hours worked, including preparation time, opening and closing times and required meetings.
➢ Employers may not use tips as credit toward minimum wages owed to any employees.
➢ Employers covered under the federal Fair Labor Standards Act must comply with state laws regulating payment of minimum wage and overtime.

Overtime

Non-exempt employees must be paid time and one-half the regular rate of pay for any time worked over 40 hours a week.

Paydays

Regular paydays must be established and maintained. A pay period may not exceed 35 days.

Deductions

Employers MAY make deductions for:
➢ The fair market value of meals or lodging provided for the private benefit of the employee.
➢ Those items which are required by law or provided for in a collective bargaining agreement.

Employers MAY NOT make deductions for the cost of:
➢ uniforms or tools or their maintenance.
➢ breakage or losses.

An itemized statement of deductions made from wages must be provided with each paycheck.

Uniforms

An employer may require an employee to purchase a uniform if the employee is paid more than minimum wage and the purchase price is not more than the amount paid above the minimum wage paid for ONE PAY PERIOD.

If an employee is required to wear a uniform and is being paid minimum wage, the employer must reimburse the employee for cleaning the uniform if dry cleaning is required.

Final Paychecks

If an employee is fired, all wages earned are due no later than the end of the first business day after discharge. If an employee quits with 48 hours notice, wages are due the last working day (excluding Saturdays, Sundays and holidays). If an employee quits without 48 hours notice, wages are due in five days (excluding Saturdays, Sundays and holidays) or on the next payday, whichever occurs first.

Agricultural Employment

Who May Work

Minors who are 12 years old may work on a farm. Minors who are 9 years old may work on a small farm which is operated under state regulations. Employers must obtain an employment permit to employ minors under the age of 14.

Power Driven Machinery

➤ A certificate of training for a completed program in tractor and farm machinery operation (4-H or vocational agriculture) is required to operate, to assist in operating, or to ride in or on power driven farm machinery.

➤ All employers, except as noted below, are required to submit an annual employment certificate application to the Wage and Hour Division.

➤ A minor may operate farm machinery at any age without an annual employment certificate if employed by the minor's father, mother, grandmother, grandfather, brother, sister, uncle or aunt, OR if living on a farm during summer vacation and the minor's parent or guardian has made a written agreement covering the operation of machinery and filed a copy of the agreement with the Bureau of Labor and Industries.

Agricultural Minimum Wage

If paid on a piece-rate basis, minors must be paid the same piece rate as adult workers. Piece-rate pay must equal the minimum wage for the hours worked. Work on a small farm, however, may not be subject to the minimum wage law. For detailed information on minimum wage in agriculture, contact the nearest Bureau of Labor and Industries office.

There is no requirement to pay overtime to agricultural employees.

Hours in Agriculture

There are special rules concerning the hours of work that apply to minors working in agriculture. These rules are available from the nearest Bureau of Labor and Industries office.

Entertainment Productions

Employers engaged in entertainment productions involving minors may register with the Bureau of Labor and Industries in lieu of an annual employment certificate.

Minors of any age, except babies under 15 days old, may work in films, television productions, stage entertainment or other kinds of entertainment productions.

An annual employment certificate is not needed for a job of short duration (five days or less), provided the employer has registered with the Bureau of Labor and Industries.

In all entertainment production employment that is for a longer period of time, employers are required to complete an annual employment certificate application for minors 14-17 years of age, and special permits for minors under the age of 14 to the Bureau of Labor and Industries.

Canneries

Minors employed in canneries may not work longer than 10 hours in any one day unless the employer has been issued an emergency overtime permit by the Bureau of Labor and Industries.

Door-to-Door Sales

Minors who are at least 16 years old may work as salespersons selling products in residential areas door-to-door. The employer must be registered with the bureau and give each minor a Bureau of Labor and Industries identification card to carry and show to customers.

Door-to-door sales work is not subject to minimum wage law.

Youth Camps

Non-profit youth camps are not subject to the minimum wage or overtime laws. There are no restrictions on the hours minors 16 and over may work in youth camps. Minors under 16 may not work more than eight (8) hours per day, 40 hours per week, or before 6 a.m. or later than 10 p.m.

BOLI

www.oregon.gov/boli

PROHIBITED HAZARDOUS OCCUPATIONS

1. Occupations Involving Explosives

All occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components. (State law further prohibits the employment of minors in occupations where explosives are used.)

2. Motor Vehicle Occupations

All motor vehicle occupations, including driving and outside helper (riding outside the cab for the purpose of assisting in the transportation of goods). Seventeen year-olds may drive under certain circumstances.

3. Coal Mine Occupations

All coal mining occupations performed under ground, in an open pit, or on the surface of a coal mining plant for the purpose of extracting, grading, cleaning or handling coal.

4. Forest Fire Fighting and Fire Prevention, Timber Tract Management, Forestry Services, Logging and Saw Mill Occupations

All occupations in forest firefighting and forest fire prevention occupations; all logging operations or occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill.

5. Power Driven Woodworking Machine Occupations

Woodworking occupations involving the use or maintenance of power driven woodworking machines for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or assembling, pressing or printing of wood or veneer; including battery-powered, hand-held drills and sanders.

6. Occupations Involving Exposure to Radioactive Substances

Occupations involving exposure to radioactive substances and to ionizing radiations.

7. Power Driven Hoisting Apparatus Occupations

Occupations involving the operation of power driven hoisting apparatus or assisting in the operation of hoisting apparatus, such as:

- ➤elevators
- ➤cranes
- ➤derricks
- ➤hoists
- ➤fork-lifts
- ➤high-lift trucks
- ➤man-lifts
- ➤freight elevators

8. Power Driven Metal Working Machine Occupations

The occupations of operator of or helper on power driven metal forming, punching and shearing machines.

This ORDER DOES NOT APPLY TO a very large group of metal working machines known as machine tools, which have one or more tool- or work-holding device, such as:

- ➤milling function machines
- ➤lathes
- ➤drill presses
- ➤planing function machines
- ➤borers
- ➤reamers
- ➤grinding function machines
- ➤drills
- ➤honers

as well as a number of other machine tools that may be used by 16 and 17 year-old minors.

9. Occupations in Mining, Other Than Coal

Occupations in or on the surface of underground mines or quarries.

10. Occupations in Slaughtering or Meat Processing

Occupations involving slaughtering, meat packing or processing, or rendering, including but not limited to, the use, repair or cleaning of the following machines: meat patty forming machines, meat slicing machines, meat and bone cutting saws, knives and grinding, mixing, chopping machines.

11. Power Driven Bakery Machine Occupations

The occupations of operating, assisting to operate, repairing or cleaning of dough mixers, batter mixers, bread dividing, rounding or molding machines, dough brake, dough sheeters, bread slicing and wrapping machines, cake cutting band saws and setting up or adjusting cookie or cracker machines. Other bakery machines may be used by 16 and 17 year-old minors.

12. Power Driven Paper Products Machine Occupations

The occupations of operating or assisting to operate paper products machines including, but not limited to: arm type wire stitchers or staplers, cover cutters, circular or band saws, guillotine paper cutters, platen die cutting presses, platen printing presses and punch presses.

Many paper products machines MAY BE USED by 16 and 17 year-old minors, including but not limited to:

- ➤bag making and box making machines
- ➤gluing, gumming and folding machines
- ➤rotary printing presses

13. Brick and Tile Manufacturing Occupations

All work in or about establishments in which clay construction products or silica brick or silica refractory products are manufactured, except work in offices, storage, shipping and drying departments.

14. Operation of Power Saws and Shears Occupations

All occupations of operator or helper setting up, repairing or cleaning circular saws, band saws or guillotine shears.

15. Occupations in Wrecking, Demolition and Ship Breaking Operations

All occupations in wrecking, demolition and ship breaking.

16. Occupations in roofing Operations

All roofing operations.

17. Occupations in Excavation Operations

Excavating, working in or backfilling trenches exceeding four feet in depth. Excavating for buildings or working in such excavations. Working in tunnels or shafts prior to the completion of all driving, sinking and shoring operations.

18. Messenger Service Occupations

All delivery of messages or goods between the hours of 10:00 p.m. and 5:00 a.m.

For a complete listing of prohibited machines, see "Child Labor Bulletin No. 101" available from the United States Department of Labor, Wage and Hour Division in Portland, (503) 326-3057, or http://www.dol.gov/whd/regs/compliance/childlabor101.pdf.

For additional information:

Contact the nearest office of the Bureau of Labor and Industries Wage and Hour Division:

Portland 800 NE Oregon Suite 1045
Portland, OR 97232-2180
(971) 673-0761
TTY: 711

Salem 3865 Wolverine St NE; E-1
Salem, OR 97305-1268
(503) 378-3292
TTY: 711

Technical Assistance for Employers (971) 673-0824

Eugene 1400 Executive Parkway, Suite 200
Eugene, OR 97401-2158
(541) 686-7623

Or visit the bureau's webpage at www.oregon.gov/boli
9/29/15

Bureau of Labor and Industries
Wage and Hour Division
800 NE Oregon #1045
Portland, OR 97232-2180

BOLI