

Heed These Work Rules for Young Workers



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The green industry is full of small businesses and family-owned businesses. We often rely on family members and their friends to help out during the busy times of the year. With much of the busy season coinciding with summer break from school, high school students can be a useful addition to a business.

However, there are many restrictions on the hours minors can work and what duties they can perform. Here is what federal law says about what workers under the age of 18 can do for a business. Keep in mind that most states have additional child worker protections. To see the specific rules for your state, go to [DOL Youth Rules](#). If there is a conflict in how your state law compares to federal law, you should follow whichever law has the higher standard and is more protective of the worker.

The Fair Labor Standards Act (FLSA) is the federal law that controls overtime, minimum wage and child labor standards. Under the FLSA, 14 is the minimum age for a worker. But there are many restrictions and exceptions. Children under 14 can work as performers in radio, TV, movie or theater productions as well as deliver newspapers. Additionally, children under 14 may work in any business that is owned by their parents, providing it is not in mining, manufacturing or another hazardous job.

Agricultural work

There are different rules that apply to children working in agriculture. Remember that agricultural work has a very narrow scope and is limited to work that furthers the production and propagation of agricultural crops or

commodities. In the green industry, the only jobs that qualify for agricultural exemptions are those jobs, which further production and propagation of plant materials for wholesale use. Under federal law:

- Children of any age may perform any job at any time on a farm owned by their parents.
- Children under 12 can perform agricultural work outside of school hours in any non-hazardous job on small farms as long as there is parental supervision.
- 12 or 13 year olds can work the same jobs as children under 12, but may work without parental supervision as long as they have written parental consent.
- 14 and 15 year olds can work outside of school hours in any non-hazardous agricultural job.
- Children 16 years old and older can work in any farm job at any time.

Hours of work

Going back to non-agricultural jobs, there are limits on how many hours children can work and the times they can work. Under the FLSA, hours worked by 14 and 15 year olds are limited to:

- Non school hours
- Three hours per school day
- 18 hours total per school week
- Eight hours maximum for non-school days
- 40 hours on non-school weeks

Work must be performed between 7 a.m. and 7 p.m., with the exception of June 1 through Labor Day, when evening hours may be extended to 9 p.m.

Under the FLSA, once a child reaches the age of 16, there are no limits on the number of hours or times of day when work can be performed. Again, keep in mind that many states have more protective hours of work limitations for 16 to 18 year olds.

Types of work

In addition to the hours that can be worked, the FLSA also places restrictions on the type of jobs that children can hold. The list is lengthy, so the following list has been edited to include the allowable jobs that relate to the green industry. Keep in mind that 14 and 15 year olds can only perform specified jobs during the permitted hours:

- Retail work (such as in a garden center)
- Delivery work done by foot, bicycle or public transportation
- Clean-up and yard work which does not include using power-driven mowers, cutters, trimmers, edgers and similar equipment
- Work relating to cars and trucks that is non-hazardous, such as dispensing gasoline, washing vehicles or hand polishing
- Cleaning vegetables and fruits, wrapping, sealing, labeling and pricing of items

- Loading or unloading objects for use at a worksite, including rakes, hand-held clippers and shovels

Workers 16 and 17 years old can perform any job that is not hazardous. Hazardous jobs are those that have been declared hazardous by the Secretary of Labor. Again, keep in mind that state laws and regulations may be even more restrictive. There is an long list of banned jobs for workers under 18, but the following list has been edited to include only jobs related to the green industry, which may not be performed by anyone under 18 years old:

- Driving a motor vehicle
- Forestry and tree service occupations
- Using power-driven hosting apparatus
- Using circular saws, band saws, chain saws, power shears, reciprocating saws, wood chippers and most power tools in general
- Working in demolition or wrecking operations
- Trenching or excavating
- Roofing work or worked performed on a roof or at great heights

Once a worker reaches 18 years of age, they can perform any job, hazardous or not, during any hours.

Paying youth workers

The federal minimum wage must be paid to all workers that are paid on an hourly basis. However, employees under 20 years old may be paid \$4.25 per hour during the first 90 consecutive days of employment. After 90 days, the worker must be paid at least the regular minimum wage. Keep in mind that it is 90 consecutive days, not 90 days of work. Also important to note is that FLSA overtime rules apply to any worker that works more than 40 hours in a workweek.

How about permits?

The FLSA does not require any form of permit for youth to work. However, parental consent is sometimes required as noted above. Additionally, some states have work permit requirements in order for youth to obtain employment.

Additional resources

Thanks to the Internet, it is easier than ever to access information that you need. However, sometimes it can be overwhelming to figure out the best source of information. So, are a few good links to check out if you'd like more information on employing minors:

- [U.S. Department of Labor](#)
- [Youth Rules!](#)
- [FLSA](#)

If you hire minors, or are thinking of hiring minors, you must look closely at the hours you will have them work and the job duties they will perform. Due to the nature of jobs in our industry, many positions are completely off

limits to minors. Despite increased enforcement, unintentional and intentional violations will continue to take place. Protect your business by taking a careful look at the job duties of the positions you are considering hiring minors for.