



MAJOR CHANGES TO CHILD LABOR LAWS EFFECTIVE JULY 19TH JULY 2010

The U.S. Department of Labor's Final Rule regarding child labor laws goes into effect July 19, 2010. Employers employing anyone under the age of 18 should take note of some major changes to take place this summer which are summarized below:

All Youth Under 18 – New Prohibitions :

- Can NOT:
 - Ride on a forklift as a passenger
 - Operate, ride, work from, repair or service certain power-driven hoists and work assist vehicles (including those less than one ton) such as: manlift (including scissor lifts, cherry pickers, basket hoists, bucket trucks), hoist, high-lift truck (including backhoes, front-end loaders, skid loaders, skid-steer loaders, Bobcat loaders and stacking trucks), elevator, crane or derricks
 - Work at poultry slaughtering and meat/poultry manufacturing/processing/packaging plants
 - Clean power-driven meat processing equipment
 - Work in forest fire fighting, forestry services, or timber tract management
 - Operate, load and unload balers and compactors designed or used for nonpaper products

- Operate power driven chain saws, woods chippers, reciprocating saws, or abrasive cutting discs

16 and 17 Year Olds – New Jobs Allowed:

- May, under certain conditions:
 - Operate power-driven pizza-dough rollers
 - Operate countertop food mixers (such as those used at home; cannot exceed 8 cups and 600 watts)
 - Work inside and outside of wood processor facilities that use power-driven equipment
 - Clarifies they may load certain scrap balers and paper box compactors under certain conditions and in compliance with FLSA § 13(c)(5)

14 and 15 Year Olds – New Prohibitions (or clarification of old prohibitions):

- Can NOT:
 - Engage in “youth peddling” activities or non-charitable door-to-door sales
 - Catch and coop poultry
 - Engage in promotional activity such as sign waving unless directly outside of



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employer's place of business

- May:
 - Load and unload hand tools and personal items the youth will use at the job site onto & from motor vehicles
 - Work in advertising, banking, and information technology
 - Perform work of an "intellectual" or "artistic" nature, (computer programming, drawing, teaching)
 - Work as a lifeguard and swimming instructor at age 15 at swimming pools and water amusement parks
 - Engage in most types of office work
 - Perform most restaurant jobs including delivery by foot, bike or public transit
 - Perform most gas station positions
 - Work in retail and perform many jobs such as cashier, stocking, cleaning
 - Work at wood product processors that use power-driven machinery to process wood products
- Clarifies:
 - They may, occasionally, and momentarily, enter a freezer (but not meat cooler) to retrieve items
 - They may not work more than 3 hours on a Friday, which is a "school day"

- The term "school hours" is determined based on the public school district where they reside
- That employers must use the same "week" (the 168 hour period) used for determining overtime to determine compliance with child labor provisions
- That if a task is not specifically permitted by the Secretary of Labor, it is prohibited
- May not work as dispatcher on elevated water slide or as lifeguard at natural environment swimming places (such as lakes, rivers, ocean beaches)
 - Establishes a work study program allowing work during school hours for certain "academically oriented youth", as long as it doesn't interfere with health, well-being or education

In addition to the above changes, the Rule also changes the assessment of civil monetary penalties for violation of child labor laws to conform with the more onerous penalties pursuant to the Genetic Information Nondiscrimination Act of 2008 (GINA). If you employ child labor and the regulations will affect your business, we encourage you to contact an attorney to confirm the limitations and/or prohibitions to any specific job. The above is merely a general overview of the new Rule.