

U.S.

■ FAIR LABOR STANDARDS ACT OF 1938 (*CHILD LABOR*)

TERMS:

Age Restrictions — No one under the age of 16 may be employed in agriculture during local school hours, even if state law does not require the child to attend school. Outside school hours, no one under the age of 14 may be employed in agriculture, except under the following conditions:

Children Under Age 12 — Children younger than 12 years old may be employed in non-hazardous farm activities outside school hours, but only with the written consent of their parents and generally only on farms where none of the workers are legally entitled to the federal minimum wage.

Exception — On farms subject to the minimum wage, children age 10 and 11 who live permanently in the local area may be employed in hand-harvest piecework-paid jobs for up to 8 weeks between June 1 and October 15, provided the farm operator has obtained special authorization from the U.S. Department of Labor. The Department may grant authorization only after determining, among other things, that employment of 10- and 11-year-olds would not threaten their health and well-being, and that the level and type of pesticides used would not have a negative effect on the children's health.

Children Age 12 and 13 — Children 12 and 13 years of age may be employed in non-hazardous agricultural activities outside school hours, but only with the written consent of their parents, or if the job is on the same farm where their parents are also employed.

Hazardous Occupations — No one under the age of 16 may be employed in any agricultural operation declared hazardous by the Secretary of Labor. This would include, among many other prohibited activities, (1) operating high-power tractors, (2) operating or helping to operate power-driven harvesting machines, (3) driving a bus, truck or automobile transporting passengers, (4) working from a ladder at a height of over 20 feet, and (5) handling or applying agricultural chemicals.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072)*. Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

Alaska

■ ALASKA CHILD LABOR LAWS

TERMS: Children under the age of 14 generally may not be employed at any time, and the employment of minors 15 through 17 years of age is restricted as follows:

Children Age 14 and 15 — Persons 14 and 15 years of age may be employed only outside school hours, only in non-hazardous occupations, and only with a work permit. Children under 16 may not work more than 6 days or 23 hours in one week, and the combined time in school and on the job may not exceed 9 hours in one day. Employment of persons under 16 is authorized only between the hours of 5:00 a.m. and 9:00 p.m.

Children Age 16 — In general, 16-year-olds must have a work permit and are not allowed to work during local school hours or for more than 6 days a week. Work in certain hazardous occupations is prohibited.

Children Age 17 — Except when granted a written exemption by the state, 17-year-olds may not be employed or allowed to work more than 6 days a week or in certain hazardous occupations.

Required Rest Periods — A person under age 18 who is scheduled to work for 6 hours straight or more is entitled to a break of at least 30 minutes during each work shift, and the break must occur after the first hour-and-a-half of work and before the beginning of the last hour. Similarly, a person under age 18 who works for 5 consecutive hours without a break is entitled to a break of at least 30 minutes before continuing work.

ENFORCEMENT: *Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4842).*

Arizona

■ ARIZONA CONSTITUTION; YOUTH EMPLOYMENT LAWS

TERMS:

Workers Under 14 Years of Age — Children under 14 are not permitted to work more than 8 hours a day, and may not be employed at all during local school hours. They are also prohibited from working in occupations considered hazardous to workers under 16, which among other activities include (1) working from a ladder more than 5 feet in height, (2) operating a tractor of more than 20 horsepower that is not equipped with a rollover protective structure and seatbelts, (3) operating a combine, corn picker, cotton picker or comparable power farm machinery, (4) riding on a tractor as a helper, or driving a bus, truck or automobile, and (5) handling hazardous agricultural chemicals.

Workers 14 and 15 Years of Age — In general, no one 14 or 15 years of age is allowed to work in any of the hazardous occupations mentioned above. When school is in session, workers age 14 and 15 may not be employed more than 3 hours on any school day or more than 18 hours a week; during periods when school is not in session, they may not be employed more than 8 hours a day or 40 hours a week. Furthermore, employment of 14- and 15-year-olds is not permitted between 9:30 p.m. and 6:00 a.m. on a night just before a school day, nor between 11:00 p.m. and 6:00 a.m. on any other night.

Workers 16 and 17 Years of Age — Currently, none of the highly hazardous occupations in which employment of 16- and 17-year-old workers is prohibited includes activities generally associated with crop production, and there are no limitations on hours of employment for workers in this age group.

ENFORCEMENT: *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515).*

Arkansas

■ CHILD LABOR LAWS

TERMS:

Children Under Age 14 — In general, no one under 14 years of age may be employed or permitted to work in agriculture or any other industry at any time.

Children Age 14 and 15 — No child age 14 or 15 is allowed to work for more than 6 days or 48 hours in any week, or for more than 8 hours in any day. Employment of 14- and 15-year-olds is permitted only between the hours of 6:00 a.m. and 7:00 p.m. on any day preceding a school day, and between 6:00 a.m. and 9:00 p.m. before a non-school day.

Children Age 16 and 17 — Minors 16 and 17 years of age are prohibited from working more than 6 days or 54 hours a week, or for more than 10 hours a day. On any day preceding a school day, 16- and 17-year-olds may be employed only between the hours of 6:00 a.m. and 11:00 p.m.; on nights preceding non-school days, they may generally work throughout the night, except in certain retail, food, entertainment and gambling establishments and places where alcohol is served.

ENFORCEMENT: *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500).*

California

■ WAGE, HOUR, AND CHILD LABOR LAWS

TERMS:

Permits and Hours — Except for high-school graduates and those with a GED, all children under 18 years of age must have a work permit, issued by the local school district, to be lawfully employed. A work permit may be issued to children age 12 and over for agricultural employment under the following conditions:

Children Age 12 and 13 — Children 12 and 13 years old are permitted to work only on non-school days. At no time may such children work more than 8 hours a day or 40 hours a week. Work is permitted only between the hours of 7:00 a.m. and 7:00 p.m. (until 9:00 p.m. from June 1 through Labor Day).

Children Age 14 and 15 — While school is in session, children 14 and 15 years of age who have completed 7th grade may work up to 3 hours on a school day (outside school hours only), and up to 8 hours on a non-school day, for a maximum of 18 hours a week. When school is not in session, 14- and 15-year-olds may work up to 8 hours per day and 40 hours per week. Such children may work only between the hours of 7:00 a.m. and 7:00 p.m. (until 9:00 p.m. from June 1 through Labor Day).

Children Age 16 and 17 — When school is in session, 16- and 17-year-olds who have completed 7th grade may work up to 4 hours a day before or after school, and up to 8 hours a day on non-school days and days before a non-school day, for a maximum of 48 hours a week. When school is not in session, 16- and 17-year-olds may work up to 8 hours a day and 48 hours a week. Work is limited to the hours of 5:00 a.m. to 10:00 p.m. (until 12:30 a.m. on any evening preceding a non-school day).

Hazardous Occupations —

Children Under 12 — Children under the age of 12 are not allowed to work, or go with their parent or guardian to work, in areas where there is moving equipment, unprotected chemicals, or any unprotected water hazard.

Children Under 16 — Children under 16 years of age are not permitted to work in any occupation that could endanger their life, health or morals. Among the farm-related job activities closed to workers under 16 is work around moving machinery, operating or servicing tractors and other heavy equipment, working from ladders at a height over 20 feet, working inside certain fruit and grain storage facilities, and handling or applying certain pesticides and other agricultural chemicals.

Children Age 16 and 17 — There are almost no agriculturally related occupations closed to persons 16 and 17 years of age.

ENFORCEMENT: *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).* Workers who need information concerning these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, or email DLSE2@dir.ca.gov. The child labor laws may also be enforced by city, county and school district attendance supervisors.

Colorado

■ COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT OF 1971

TERMS:

Minimum Age — With few exceptions, children under the age of 12 years may not be employed in agricultural work.

Hour Restrictions —

Children Age 12 and 13 — Children 12 and 13 years of age may be employed in non-hazardous agricultural occupations, but only outside school hours or on non-school days. After school hours, 12- and 13-year-olds are not permitted to work more than 6 hours, unless the next day is not a school day. Similarly, no such child may work between the hours of 9:30 p.m. and 5:00 a.m., except on nights preceding non-school days. Employment for more than 40 hours a week or more than 8 hours in a 24-hour period is prohibited.

Children Age 14 and 15 — Children 14 and 15 years of age may be employed in non-hazardous agricultural occupations, but only outside school hours or on non-school days. Except before non-school days, 14- and 15-year-olds may not work more than 6 hours in any one day, nor between the hours of 9:30 p.m. and 5:00 a.m. In seasonal employment in the cultivation or harvest of perishable products where wages are paid on a piecework basis, children 14 and 15 years old may work up to 12 hours in a 24-hour period and up to 30 hours in a 72-hour period, but such individuals may not work more than 8 hours a day for more than 10 days within any 30-day period; employment of 14- and 15-year-olds in any other situations is subject to a maximum workday of 8 hours in a 24-hour period and a maximum workweek of 40 hours.

Children Age 16 and 17 — Persons 16 and 17 years of age may work in non-hazardous, piecework-paid seasonal agricultural operations for up to 12 hours in any 24-hour time span, and for up to 30 hours in any 72-hour period. Employment in other non-hazardous occupations is limited to 40 hours a week, and 8 hours in any 24-hour period.

Hazardous Occupations — Among the only agriculturally related occupations determined hazardous to minors, and therefore closed to workers under the age of 18, is work from a ladder or other raised platform more than 20 feet above the ground.

ENFORCEMENT: *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441).*

Connecticut

■ **AGRICULTURAL CHILD LABOR LAW**

TERMS: During any calendar week in which a farm operator or other agricultural employer averages more than 15 workers, the following rules apply to the employment of children on that farm:

Age and Hours — Employment of anyone under 14 years of age on the farm is prohibited. A minor 14 or 15 years old may not work on the farm for more than 6 days or 48 hours that week, or for more than 8 hours in any one day.

Proof of Age — The employer must have a birth certificate or other proof of age on file for every worker under 16 who is employed.

Transportation — If the employer provides transportation to the farm or workplace that week, he or she must provide workers under 18 with return transportation to their home or pick-up point at the close of each workday.

Meal Periods — Minors are entitled to a meal period of no less than 30 minutes each day that week.

ENFORCEMENT: *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).*

Florida

■ CHILD LABOR LAW

TERMS:

Minimum Age — As in most other occupational and industrial categories, generally no one under the age of 14 may be employed or permitted to work in agricultural activities.

Proof of Age — Anyone who intends to hire or employ any worker under 18 years of age must first obtain and keep on record during the entire period of employment proof of the worker's age. The range of acceptable documentation is limited to either (1) a photocopy of the worker's birth certificate, (2) a photocopy of the worker's driver's license, (3) an age certificate issued by the school board in the public school district in which the worker is employed, or (4) a photocopy of a passport or visa which shows the worker's date of birth.

Hazardous Occupations — In general, no one under the age of 16 may be employed in connection with power-driven farm machinery, and no one under the age of 18 may work in fields where pesticides or herbicides have been applied until the applicable re-entry times have expired. Farmworkers 14 and 15 years of age may drive tractors only under close supervision of the farm operator.

Hours of Work —

Children Age 14 and 15 — Workers 14 and 15 years of age may not work before 7:00 a.m. or after 7:00 p.m. on days before school days, nor for more than 15 hours in any one week. On school days, they generally may not work more than 3 hours except when there is no school the following day. During holidays and summer vacations, 14- and 15-year-old children may work only between the hours of 7:00 a.m. and 9:00 p.m., for no more than 8 hours in any one day, and for no more than 40 hours in any one week.

Children Age 16 and 17 — Workers 16 and 17 years of age may not work before 6:30 a.m., after 11:00 p.m., or for more than 8 hours on any day before a school day. When school is in session, 16- and 17-year-olds are limited to working no more than 30 hours in any one week, and they are not permitted to work during school hours without a waiver or other exception. At no time may they work for more than 6 consecutive days in any one week.

Meal Periods — No one 17 years old or younger may work or be allowed to work for more than 4 hours straight without a meal break of at least 30 minutes.

ENFORCEMENT: *Child Labor Program, Division of Regulation, Department of Business and Professional Regulation, Tallahassee, Florida 32399 (850-488-3131).*

Georgia

■ CHILD LABOR LAWS

TERMS:

Hours of Work — Children under the age of 16 are not allowed to work during school hours. A child under 16 may be employed for no more than 4 hours a day on school days, no more than 8 hours on non-school days, and no more than 40 hours in any one week. Employment of children under 16 is generally forbidden between the hours of 9:00 p.m. and 6:00 a.m.

Employment Certificates — No minor between the ages of 12 and 16 may be employed without obtaining an employment certificate from a local school official where the child attends. An employment certificate is not required for the employment of a child under the age of 12 in agriculture.

ENFORCEMENT: *Georgia Department of Labor, Atlanta, Georgia 30303 (404-232-3260).*

Hawaii

■ CHILD LABOR LAW

TERMS: The state child labor law limits the ages, hours and occupations of workers under the age of 18, as summarized below.

Age and Hour Restrictions —

Children Under Age 14 — In general, the only agricultural activity open to children under 14 years of age is in the harvesting of coffee. Among other restrictions, youth between the ages of 10 and 14 may work in the coffee harvest (1) only when they are not legally required to attend school, (2) the state labor department has determined that there are not enough adult workers available to perform the work, (3) the employer obtains an employment certificate for each such child employed, and (4) only when they are under the direct supervision of their parent or legal guardian. Children 10 to 14 years old may work in the coffee harvest only from 6:00 a.m. and 6:00 p.m., and they are not allowed to work for more than 2 hours straight without a rest period of at least 15 minutes, or for more than 4 hours straight without a meal period of at least one hour. Children under 14 may not work more than 6 hours on any one day or more than 30 hours in any one week, or for more than 5 consecutive days. Children under 12 are forbidden to use most harvesting equipment or to carry loads weighing more than 15 pounds.

Children Age 14 and 15 — Children 14 and 15 years of age may be employed only during periods when they are not required by law to attend school, and only when their employer has on file an employment certificate for each such worker. A 14- or 15-year-old may not work more than 5 continuous hours without a lunch or rest period of at least 30 minutes, nor may such a person be allowed to work for more than 6 consecutive days, more than 40 hours in any one week (18 hours when school is in session), or more than 8 hours in any one day (3 hours on any school day). In general, employment of workers age 14 and 15 is prohibited before 7:00 a.m. and after 7:00 p.m. of any day, except during an authorized school break, when they may work between 6:00 a.m. and 9:00 p.m. Under certain conditions, the working hours outlined above may be extended for 15-year-olds, who may be permitted to work in the harvest of pineapples as late as 12:30 a.m. on any day and for up to 48 hours in a single workweek, but only from June 1 through the day before Labor Day.

Children Age 16 and 17 — Provided the employer records and keeps on file the number of a valid age certificate issued to the minor, a person age 16 or 17 may be employed at any time he or she is not legally required to be in school or has been excused by school authorities from attending.

Hazardous Occupations — No one under the age of 18 may be employed or allowed to work in any occupation declared hazardous for minors, including the following agricultural or agriculturally related occupations, among others:

- (1) Transporting, transferring or applying anhydrous ammonia.
- (2) Any activity involving the use of restricted pesticides.
- (3) Operating a tractor of over 20 horsepower, or connecting or disconnecting equipment to or from such a tractor.
- (4) Operating or assisting in the operation of a corn picker, feed grinder, forklift, or other such power equipment.
- (5) Working from a ladder or scaffold from a height of over 20 feet.

ENFORCEMENT: *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777).*

Idaho

■ CHILD LABOR LAW

TERMS:

School Requirements — Children under 16 are not permitted to work during local school hours unless they (1) can read and write simple sentences in English, (2) have received instruction in spelling, English grammar and geography, and (3) are familiar with certain basic arithmetic operations, including fractions. Similar competencies in a language other than English may meet this requirement.

Age and Hour Limitations —

Children Under Age 14 — No child under the age of 14 may be employed on any farm or at any other workplace during the hours in which the local public schools where the child is living are in session. Children under 14 may not be employed or permitted to work more than 54 hours in any one week, more than 9 hours in any one day, or between the hours of 9:00 p.m. and 6:00 a.m. The state child labor law does not impose a minimum age for employment in agriculture.

Children Age 14 and 15 — Individuals 14 and 15 years of age are not permitted to work more than 54 hours a week or more than 9 hours a day, nor before 6:00 a.m. or after 9:00 p.m. Except for the school-related hours limitation above, there are no other state restrictions on the employment of 14- and 15-year-olds in agricultural activities.

ENFORCEMENT: The state child labor law is enforced by county probation officers and local school board trustees.

Illinois

■ CHILD LABOR LAW

TERMS:

Age Restrictions —

Children Under Age 12 — With few exceptions, minors under the age of 12 years may not be legally employed in any agricultural occupation.

Children Age 12-15 — Children 12 through 15 years of age (inclusive) may generally be employed in agriculture only outside school hours and during school vacation periods.

Children Age 16 and Over — There are no state restrictions on agricultural employment for workers 16 years of age and older.

Hours of Work — Children 12 to 15 years of age may be employed only outside school hours and during school vacation periods. During those times, they may work for up to 6 days or 48 hours in any one week, and up to 8 hours in any one day. They may not be employed between the hours of 7:00 p.m. and 7:00 a.m. from Labor Day until June 1, or between 9:00 p.m. and 7:00 a.m. from June 1 to Labor Day.

On days when school is in session, work outside school hours is generally limited to no more than 3 hours, and the combined time in school and on the job may not exceed 8 hours.

Meal Periods — No child under 16 is allowed to work for more than 5 hours straight without a meal period of at least 30 minutes. Any break of less than 30 minutes counts as part of the continuous 5-hour work period.

ENFORCEMENT: *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2804).*

The Child Labor Law may also be enforced by truant officers and other school district officials.

Indiana

■ CHILD LABOR LAWS

TERMS: In general, no child under the age of 12 may be employed in agricultural activities. As long as work does not occur during school hours and is not in an occupation deemed hazardous by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*), there are no other state restrictions on the employment of minors in agriculture.

ENFORCEMENT: *Bureau of Child Labor, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-232-2655).*

Iowa

■ CHILD LABOR LAW

TERMS:

Migratory Labor — Child workers who regularly travel from state to state in connection with seasonal employment in agriculture are subject to the following employment restrictions:

Minimum Age — In general, no one under the age of 12 is allowed to work in migratory agricultural labor at any time, with or without pay.

Work Permits — No child between 12 and 16 years of age may be employed in migratory agricultural labor without obtaining a special work permit from the state, and employers are prohibited from hiring a migrant child for agricultural work without receiving the permit. A work permit will not be issued for a child under the age of 14 without proof of age.

Time-of-Day Limitations — A valid work permit allows employment only between the hours of 5:00 a.m. and 7:30 p.m. (5:00 a.m. through 9:00 p.m. from June 1 through Labor Day), with these additional restrictions:

Children Age 12 and 13 — May not work prior to or during regular school hours on any day when a public or private school is in session and available to the child.

Children Age 14 and 15 — May be employed at any time during the summer school session.

Maximum Hours — No one under the age of 16 may be employed for more than 8 hours in any one day or more than 40 hours in any one week. When school is in session, such minors may not work more than 4 hours a day or 28 hours a week.

Rest Periods — Children under 16 who are employed for 5 hours or more on any day are entitled to a rest period of not less than 30 minutes at some point during the workday.

Other Agricultural Labor — Except for migratory work as defined above, the child labor law does not apply to minors performing part-time work in agriculture, nor to minors roguing, detasseling or hand-pollinating seed or grain crops during the summer months.

ENFORCEMENT: *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-281-3606; toll free 800-562-4692).*

Massachusetts

■ CHILD LABOR LAWS

TERMS:

Age Restrictions —

Children Under Age 14 — Children under 14 may not work in agriculture during the hours when the public schools are in session. Outside school hours and on non-school days, children under 14 may work only between 6:30 a.m. and 6:00 p.m. No one under the age of 14 may be employed in farmwork for more than 4 hours in any one day, or more than 24 hours in any one week, unless related by blood or marriage to the farm owner or operator.

Children Age 14 and 15 — As in most other industries, 14- and 15-year-olds are not allowed to work in agriculture during school hours, or between the hours of 7:00 p.m. and 6:30 a.m. (between 9:00 p.m. and 6:30 a.m. from July 1 through Labor Day). Persons 14 and 15 years of age may not work more than 6 days or 48 hours in any one week, or more than 8 hours in any one day. Furthermore, if the work performed by any such child in a day is not continuous, but is divided into two or more periods, the employer must arrange the child's work so that all such periods of work fall within a span of 9 consecutive hours, including time spent in school. Such minors must generally obtain an employment permit from the local school superintendent, authorizing them to work for the particular employer specified in the permit.

Children Age 16 and Over — There are generally no restrictions or limitations on the employment in agriculture of any worker 16 years of age or older.

Hazardous Occupations — In general, no one under 16 may be employed in ensilage cutting, on or around hazardous machinery or gearing when it is in motion, on moving motor vehicles, or in stripping, sorting or packing tobacco.

Meal Time — No minor (or anyone else) may be required to work for more than 6 hours during a calendar day without a break of at least 30 minutes for a meal.

ENFORCEMENT: *Fair Labor Division, Office of the Massachusetts Attorney General, Boston, Massachusetts 02108 (617-727-2200; Fair Labor Hotline 617-727-3465)*. Local school attendance officers may also assist in enforcing the child labor laws.

Michigan

■ YOUTH EMPLOYMENT STANDARDS ACT

TERMS:

Hazardous Occupations — The Youth Employment Standards Act, which regulates the employment of workers under the age of 18 in Michigan, generally *does not apply* to farmwork, as long as employment takes place outside school hours and does not violate regulations adopted by the state school superintendent. The only agriculturally related activities currently identified in the superintendent's administrative rules as hazardous, and thus generally closed to minors under the age of 18, are work involving hazardous substances (which may include pesticides), operation of high-power tractors, and work requiring the use of ladders.

Employment in the Production of Seed — The Act does include restrictions on the employment of minors in detasseling, roguing, hoeing, and similar farming operations involved in the production of seed:

Days and Hours of Employment — With parental consent, and only outside school hours or when not enrolled in school, minors 16 years of age or older may be employed in these operations for up to 11 hours in one day and up to 62 hours in any one week. An employer may not require work in excess of 48 hours a week without the minor's consent. Work cannot take place between 2:00 a.m. and 5:30 a.m.

Without parental consent, 16- and 17-year-olds may work in these operations only outside school hours, or when not enrolled in school, for up to 6 days in one week, no more than an average of 8 hours per day in one week, no more than 10 hours in any one day per week, and no more than 48 hours per week when school is out for 7 consecutive days or more. Work cannot take place between 11:30 p.m. and 6:00 a.m.

Work Permits — As long as the employment occurs during school vacation periods, or when the worker is not regularly enrolled in school, minors 13 years of age and older may work in such operations without first obtaining a work permit.

ENFORCEMENT: *Office of Career and Technical Education, Michigan Department of Education, Lansing, Michigan 48909 (517-335-6041).*

Minnesota

■ CHILD LABOR STANDARDS ACT

TERMS:

Minimum Age — Children as young as 12 years of age may be employed in agricultural operations, with the permission of their parents or guardian and subject to the limitations outlined below.

Hour Restrictions —

School Days — In general, no child under the age of 16 may be employed on school days during school hours.

Time-of-Day — Regardless of occupation, children under 16 are not permitted to work before 7:00 a.m. or after 9:00 p.m.

Hazardous Occupations — No one under the age of 18 is allowed to work in any occupation declared by the state labor commissioner to be hazardous to minors. Among other prohibited activities often associated with farmwork which are closed to persons under 18 are work where chemicals are present in harmful or toxic quantities, and operating power-driven machinery.

No one under the age of 16 may be employed in the operation of a farm tractor, as a motor vehicle driver, or in an agricultural operation declared hazardous by the U.S. Secretary of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

ENFORCEMENT: *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070).*

The child labor laws may also be enforced by school attendance officers.

Missouri

■ CHILD LABOR LAW

TERMS:

Minimum Age — With few exceptions, no child under 14 years of age in Missouri may be employed or permitted to work at any time.

Hours of Work — Children under the age of 16 may be employed only during non-school hours. A child under 16 may work for no more than 3 hours on a school day, no more than 8 hours on a non-school day, and no more than 6 days or 40 hours in any week. The employment of minors under 16 is forbidden before 7:00 a.m. and after 7:00 p.m. (or after 9:00 p.m. from June 1 through Labor Day).

Hazardous Occupations — No child under 16 may be employed in an occupation regarded as hazardous, including, among others, work in connection with power-driven machinery and in the operation of a truck or motor vehicle.

Work Certificates — With few exceptions, employers are prohibited from employing anyone under 16 years of age during the regular school year, unless the child has received a work certificate from the local school district.

ENFORCEMENT: *Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-3403).*

Montana

■ CHILD LABOR STANDARDS ACT

TERMS:

Minimum Age — With written consent from their parent or guardian and the parent or guardian is working on the same farm or ranch, children under the age of 14 may be employed in non-hazardous agricultural jobs.

Working Hours — Unless they have written consent from their parent or guardian, children under the age of 16 are prohibited from working:

- (1) During school hours.
- (2) Before 7:00 a.m. or after 7:00 p.m. (after 9:00 p.m. from June 1 through Labor Day).
- (3) More than 3 hours on a school day or 18 hours in a school week.
- (4) More than 8 hours on a non-school day or 40 hours in a non-school week.

Hazardous Agricultural Occupations — Among other ag-related jobs declared off-limits, with few exceptions children under the age of 16 are prohibited from:

- (1) Working inside certain silos and fruit or grain storage structures.
- (2) Handling or using poisonous agricultural chemicals.
- (3) Transporting, transferring or applying anhydrous ammonia.

ENFORCEMENT: *Wage and Hour Unit, Labor Standards Bureau, Employment Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-5600).*

Nebraska

■ CHILD LABOR LAW

TERMS:

Employment Certificates — In general, no one under the age of 16 is permitted to work unless the employer first obtains from the child an employment certificate issued by the local school district, and an employment certificate generally may not be issued to anyone younger than 14.

Working Hours — Children 14 and 15 years of age are not allowed to work for more than 8 hours in any one day or more than 48 hours in any one week, nor before the hour of 6:00 a.m. or after 10:00 p.m.

Hazardous Occupations — Minors under 16 may not be employed in work that is dangerous to life, safety or health. Whether or not a particular activity is hazardous is judged by the enforcement agency case-by-case.

Exceptions for Weeding, Roguing or Detasseling Corn or Other Seed Products — Children under 16 and as young as 12 years old may be employed in these crop operations without the need of an employment certificate, under these three conditions:

- (1) The employment occurs outside school hours during June, July or August.
- (2) The child's legal residence is within 75 miles of the workplace.
- (3) The employer obtains written consent from the child's parent or guardian.

Children 12 through 15 years of age may be employed in this type of work only up to 48 hours in any one week, only up to 9 hours in any one day, and only between the hours of 6:00 a.m. and 8:00 p.m. (10:00 p.m. in the case of 14- and 15-year-olds).

An employer who employs a child under 16 years of age in weeding, roguing or detasseling corn or other seed products is required to provide at least 2 supervisors who are 18 years of age or older at each work location. The supervisors must be capable of assisting with issues of health, safety and wages. Likewise, the employer must provide the parents of each such child worker with an information sheet defining the terms of employment, including the availability of water and sanitation facilities on the job and the wages to be paid. The sheet must also include contact information for the state labor department for wage-complaint purposes.

ENFORCEMENT: *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239).*

School attendance officers also have authority to enforce the child labor law.

Nevada

■ CHILD LABOR LAWS

TERMS: In general, it is illegal for any person, firm or corporation to employ a child under 14 in agriculture during the hours in which the public schools where the child resides are in session. Furthermore, no one under the age of 16 is permitted to work at any time in any farm job that involves the operation of machinery. There are generally no other state restrictions on the use of child labor in agriculture.

ENFORCEMENT: *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).*

The provision prohibiting employment of children during school hours is also enforced by the local school districts.

New Hampshire

■ YOUTH EMPLOYMENT LAW

TERMS:

Minimum Age — Generally, no one under 12 years of age may be employed or permitted to work in agriculture or any other industry, except in short-term or low-paying jobs.

Hazardous Occupations — No one under 18 may be employed in any activity classified as hazardous by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

Hours Restrictions —

Minors Under Age 16 — In general, it is illegal for a farm operator or any other employer to employ a child under 16 before 7:00 a.m. or after 9:00 p.m. Employment of minors under 16 is limited to 3 hours on any school day, 8 hours on a non-school day, 23 hours during any week when school is in session, and 48 hours a week during school vacation periods.

Minors Age 16 and 17 — Children 16 and 17 years of age who are enrolled in school generally may not work for more than 6 consecutive days or more than 30 hours during a school week, or for more than 6 consecutive days or 48 hours in any one week during school vacation periods.

ENFORCEMENT: *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).*

These provisions are also enforced by truant officers employed by the local school districts.

New Jersey

■ CHILD LABOR LAWS

TERMS:

Minimum Age — Children as young as 12 may be employed in agriculture, but with the limitations described below.

Hazardous Occupations — Children under 16 are forbidden to work around power-driven machinery or toxic dusts or fumes, which may include certain agricultural chemicals. No worker under 18 is allowed to operate power field choppers, power hay balers or mechanical corn pickers.

Employment Permits — Children under the age of 16 must have a special agricultural employment permit before being allowed to work on a farm. A permit may be issued by a local school district only upon application by the child's parent or guardian, and only if school officials determine that the work will not interfere with the child's health or schooling. The application must show the exact nature of the work, as well as the hours, wages and other conditions of the job.

Working Hours — No one under the age of 18 years may work in agriculture for more than 10 hours in any one day, or for more than 6 days or 60 hours in any one week. On any school day, the combined time in school and on the job may not exceed 8 hours. There are no time-of-day restrictions on minors employed in agriculture.

Lunch Periods — No one under 18 may be allowed to work for more than 5 hours straight without a lunch period of at least 30 minutes. Any break of less than 30 minutes counts as part of the 5-hour work period.

ENFORCEMENT: *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2305).*

The child labor laws may also be enforced by school attendance officers.

New Mexico

■ CHILD LABOR ACT

TERMS:

Minimum Age — With few exceptions, no child under the age of 14 in New Mexico may be employed or permitted to work in any occupation.

Work Permits — Children 14 and 15 years of age may generally not be employed unless they obtain a work permit from the state labor department and present it to the prospective employer. The employer is required to keep the permit on file and post conspicuously a list of all children employed at that location.

Hour Limitations — Except for participants in work experience and career exploration programs, 14- and 15-year-olds are prohibited from working during school hours and may not work for more than 3 hours a day on a school day, or for more than 18 hours during a school week. When school is not in session, work is limited to 8 hours in any one day and 40 hours during any one week. Employment is permitted only between the hours of 7:00 a.m. and 7:00 p.m. during the school year, and between 7:00 a.m. and 9:00 p.m. outside the school year.

Hazardous Occupations — Minors may not be employed in certain occupations considered hazardous. In agriculture, this would include work involving belted moving machinery, which is not authorized for anyone under 16.

ENFORCEMENT: *Labor Relations Division, New Mexico Department of Workforce Solutions, Santa Fe, New Mexico 87505 (505-827-6817).*

New York

■ CHILD LABOR LAW

TERMS:

Minimum Age — In general, no one under the age of 14 may be employed in agriculture or any other industry in New York.

Exception — Children 12 and 13 years of age may be employed in the hand harvest of berries, fruits and vegetables, provided (1) they obtain a farm work permit from the local school district, and (2) they are accompanied on the job by a parent, or present the employer with written permission from their parent or guardian. Under these conditions, 12- and 13-year-old youth are allowed to work for up to 4 hours a day, between the hours of 9:00 a.m. and 4:00 p.m. (between 7:00 a.m. and 7:00 p.m. from June 21 to Labor Day), and at times when school is not in session.

Children Age 14 and 15 — On days and during hours when not required to be in school, a child 14 or 15 years of age may be employed in an agricultural job only if the child has a farm work permit issued by the school district and signed by the employer. There are no restrictions on the maximum hours and time of day when 14- and 15-year-olds may work at farm labor.

Children Age 16 and 17 — As long as school attendance is not required, children 16 and 17 years of age may be employed in agricultural occupations on a farm without a work permit and with no limitations on hours.

Hazardous Occupations — Among the farm-related occupations the law deems hazardous and thus prohibited to minors of any age are (1) adjusting belt-driven machinery, and (2) work as a helper on a motor vehicle.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).*

Ohio

■ CHILD LABOR LAWS

TERMS:

Age and Schooling Certificates — A child under the age of 18 who lives in an agricultural labor camp is generally not permitted to work on a farm or any other agricultural establishment without first obtaining a valid age and schooling certificate from the local school district and presenting it to the employer. No such certificate may be issued to a child under the age of 14.

An age and schooling certificate is *not required* for agricultural employment by minors who do not reside in an agricultural labor camp.

Hazardous Employment — Among other hazardous farm-related activities, generally no one under 16 may be employed (1) in connection with the operation of a tractor of more than 20 horsepower, (2) in connection with the operation of a corn picker, cotton harvester, combine or any similar equipment, (3) in any job requiring work from a ladder or scaffold at a height of more than 20 feet, (4) as a driver of a truck, bus or car carrying passengers, or (5) in a job requiring the handling or application of certain toxic pesticides or the application or transfer of ammonia.

Working Hours — With few exceptions, it is illegal to employ a child under 16 during school hours. Such minors are generally authorized to work only between the hours of 7:00 a.m. and 7:00 p.m. (between 7:00 a.m. and 9:00 p.m. from June 1 to September 1, and during school holidays lasting 5 days or more). No one under 16 may be employed for more than 3 hours a day on a school day, for more than 18 hours a week in any week in which school is in session, for more than 8 hours on a non-school day, or for more than 40 hours in any week in which school is not in session.

Rest Periods — Employers may not employ a worker under 18 for more than 5 hours straight without allowing the worker a paid or unpaid rest period of at least 30 minutes.

Work Agreements — Before hiring anyone under 18, an employer must reach agreement with the worker concerning the wages to be paid, whether on a time or piecework basis. The employer must give the worker a written statement of the agreement, and on or before each payday must provide a statement of earnings due and the amount to be paid. No reduction in the agreed-upon wage rate is permitted without at least 24 hours' advance notice and completion of a new written agreement.

Withholding of Wages — Employers may not withhold any part of a minor's earnings because of any supposed carelessness on the worker's part, failure to comply with rules, breakage of equipment, or inability to perform the job.

Recordkeeping — For each worker under 18 who lives in an agricultural labor camp, a farm operator or other agricultural employer is required to keep a written record showing the worker's name, address and occupation, the number of hours worked on each day of the week, the start and end time of each work interval and rest period, and the amount of wages paid each pay period.

The recordkeeping requirements *do not apply* to the employment of minors who do not reside in an agricultural labor camp.

ENFORCEMENT: *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223).*

The state superintendent of public instruction, the state director of health, the local school districts and local health departments all have the same authority to enforce the state child labor laws as the Department of Commerce.

Oregon

■ CHILD LABOR LAWS

TERMS:

Age Restrictions —

Children Age 9 to 11 — In general, a child who is under 12 years of age but no younger than 9 may be employed in agriculture only to pick berries or beans, only outside school hours, and only if (1) the child is employed with permission from his or her parent or guardian, (2) the child is paid at the same rate as workers age 12 and over performing the same work for the same employer, (3) the crop involved is sold only within Oregon and not transported out of the state in any form, and (4) the state enforcement agency has certified that there are not sufficient workers in the immediate area to harvest the crop without using 9- to 11-year-old pickers.

Children Age 12 and 13 — Most forms of agricultural employment are open to minors 12 and 13 years of age, but only outside the local school year.

Children Age 14 and Over — As long as work occurs only outside local school hours and complies with the work time limits noted below, children 14 years of age and older may work in non-hazardous agricultural activities with no other state restrictions.

Maximum Hours —

During the School Year — No child under the age of 16 may be employed in agriculture for longer than 3 hours a day on school days, 10 hours a day on non-school days, or 25 hours a week during school weeks.

Outside the School Year — From the last day of the most recently completed local school year until the first day of the next local school year, no one under the age of 16 may work more than 10 hours a day, or more than 60 hours or 6 days in any week.

Exceptions for Work with Power-Driven Machinery — When a worker under age 16 is employed to operate or assist in operation of power-driven farm machinery, or to ride in or on such machinery, maximum hours during the school year are 3 hours a day on school days, 8 hours a day on non-school days, and 18 hours a week during school weeks; between school years (during "summer vacation" periods), employment time generally may not exceed 10 hours a day and 60 hours a week during the harvest season, and 10 hours a day and 44 hours a week outside the harvest season. Minors 16 and 17 years old working in or on power-driven farm machinery are generally limited to working 25 hours a week during school weeks, and 60 hours a week between school years ("summer vacation" periods).

Hazardous Occupations — In general, no minor may operate or assist in the operation of power-driven farm machinery, or ride in or on any such machinery, unless (1) the employer obtains an employment certificate from the state labor department, and (2) the minor has obtained a certificate of training on tractor or related machinery operation issued by an approved training provider.

Employment Permits — Employment of a minor under the age of 14 requires an employment permit, issued by the state labor department. Likewise, farm operators who wish to employ minors as young as 14 to operate or to ride in or on power-driven farm machinery, or to ride in or on trailers or similar equipment connected to power-driven farm machinery, are required to obtain a special certificate from the department as well; a certificate authorizing such work may be issued only with proof that the minor has completed some form of pre-employment training approved by the department.

Meal Periods — Without exception, every employee under 18 years of age is entitled to a meal period of no less than 30 minutes. The meal period is not included as part of the day's work time.

Rest Periods — Each minor must have a paid 15-minute break every 4 hours, to be given as close to the middle of the 4-hour period as possible.

ENFORCEMENT: *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).*

Pennsylvania

■ CHILD LABOR ACT

TERMS:

Minimum Age — With almost no exceptions, employment of children under 14 years of age is prohibited.

Hours Limitations —

Children Age 14 and 15 — No child 14 or 15 years of age may be employed before 7:00 a.m. or after 7:00 p.m. (except during summer vacation periods, when work is allowed between 7:00 a.m. and 10:00 p.m.). Furthermore, 14- and 15-year-olds generally may work no more than 3 hours on a school day or 8 hours on a non-school day, no more than 18 hours during a school week or 40 hours in a non-school week, and no more than 6 days in a row.

Children Age 16 and 17 — When school is in session, 16- and 17-year-olds are not permitted to work before 6:00 a.m. or after 12:00 midnight (except on nights before non-school days, when they may work until 1:00 a.m.), and they are not allowed to work for more than 28 hours during a school week or for more than 8 hours in a single day. During school vacation periods, 16- and 17-year-olds may be employed for no more than 6 consecutive days, no more than 44 hours in a single week (or 48 hours, if the child agrees to it voluntarily), and no more than 10 hours in a single day.

Work Permits — Before anyone under 18 may be employed, the employer must obtain and keep on file a work permit, issued by the local school district on application by the minor's parent or guardian.

Rest Breaks — No one under the age of 18 may work for more than 5 hours straight without a rest break of at least 30 minutes. Any break time of less than a half-hour counts as part of the 5-hour work period.

Prohibited Occupations — The only farm-related occupations identified in the law as harmful to minors are stripping and sorting of tobacco, which are closed to workers under 16 years of age.

Recordkeeping — Employers must keep a list of all workers under the age of 18 who are employed in their establishments. The list must include a record of the hours worked by each child on each day and in each week, as well as their start- and end-times and the times allowed for breaks.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

The child labor provisions may also be enforced by the local school districts.

■ SEASONAL FARM LABOR ACT (EMPLOYMENT OF MINORS)

TERMS:

Forced Labor — No child under the age of 14 may be required to work as a seasonal farmworker, or penalized for failure to work as a seasonal farmworker.

Hours Restriction — On any regular school day in the district where the child is residing, no child from age 14 through age 17 may be employed in seasonal farmwork between 7:00 a.m. and one hour after the end of the school day of the local district where the child lives. This restriction applies whether or not the child is registered as a student in that district.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

Under the state child labor laws, the local school districts have the same enforcement authority as the Department of Labor and Industry.

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

■ ACT OF JUNE 23, 1931

TERMS:

School Attendance in the Home State — A child who is under 16 years old and not a permanent resident of Pennsylvania may not be employed in any cannery, or in the cultivation or harvesting of berries, fruits or vegetables, during the time the child is required to attend school in his or her home state.

Exception — If a child is working legally in Pennsylvania at a time when school is out for the summer in the home state, the employer has 15 days to terminate the child's employment starting on the date the child is required to return to school after the summer vacation period at home ends.

Age Certificate from the Home State — Cannery operators and farm employers in Pennsylvania are generally forbidden from employing non-resident workers under 16 unless the employer has on file a certificate issued by the local school district in the child's home state, certifying the child's age and the exact periods during which the child is required to attend school there.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

Under the state child labor laws, the local school districts have the same enforcement authority as the Department of Labor and Industry.

Puerto Rico

■ CHILD LABOR LAWS

TERMS:

Age and Hour Limitations —

Children Under Age 14 — With few exceptions, children under the age of 14 may not be employed in agriculture or any other industry at any time.

Children Age 14 and 15 — Children 14 and 15 years of age are forbidden to work during the hours in which the public schools are in session. Outside school hours and during school vacations, 14- and 15-year-olds may be employed in agriculture and most other industries for up to 6 consecutive days and up to 40 hours in any one week, and for up to 8 hours in any one day. Employment is not authorized before 8:00 a.m. or after 6:00 p.m. On any school day, the combined hours of class time and employment, if any, may not exceed 8 hours.

Children Age 16 and 17 — In agriculture as in most other sectors, no child 16 or 17 years of age may work before 6:00 a.m. or after 10:00 p.m., and those attending school and working after class on school days are limited to a combined total of 8 hours of school and work time.

Injurious Occupations — Among other agriculturally related activities, no one under the age of 18 may be employed to cut sugarcane, to operate power-driven mowers, to drive or assist in driving a tractor or other vehicle, or to perform work at a height of more than 5 feet, or in a job requiring the use or handling of pesticides and similar agricultural chemicals. Similarly, minors under 16 years of age may not be employed in the cutting, lashing or binding of tobacco, in irrigating with chemicals, in spraying chemical fertilizers, or in weeding operations.

Employment Certificates — Except in the harvest of coffee, children 14 through 17 years of age generally are not permitted to work in agricultural and most other gainful occupations unless the employer obtains and keeps on file an employment certificate from the enforcement agency, and conspicuously posts at the workplace a list of all minors employed at his or her establishment. Minors hired to pick coffee must carry and present to the employer a card, issued by the department in lieu of an employment certificate, indicating that the child is at least 14 years old and in sound physical condition.

Lunch Periods — No minor may be employed for more than 4 consecutive hours without being allowed at least one hour for lunch.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).*

South Carolina

■ CHILD LABOR LAW

TERMS:

Age Restrictions — Children as young as 12 years of age are permitted to work in agriculture, as long as the employment occurs outside local school hours and with the consent of the child's parent or legal guardian. Children 14 years old and over may work in non-hazardous agricultural occupations outside school hours with no further restrictions.

Hazardous Farm Occupations — State child labor regulations generally prohibit the employment of anyone under the age of 16 in the following agricultural activities, among others:

- (1) Operating a tractor of over 20 horsepower.
- (2) Operating or helping to operate power harvesting equipment such as corn pickers, cotton pickers, grain combines, hay mowers, hay balers or potato diggers.
- (3) Working from a ladder or scaffold at a height over 20 feet.
- (4) Driving a vehicle transporting passengers, or riding on a tractor as a passenger or helper.
- (5) Handling or applying certain agricultural chemicals identified by the word "Poison" or "Warning" on the label.
- (6) Transporting, transferring or applying anhydrous ammonia.

ENFORCEMENT: *Office of Investigations and Enforcement, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-4470).*

South Dakota

■ CHILD LABOR LAWS

TERMS: Children under the age of 16 are generally prohibited from working (1) for more than 4 hours on any school day or more than 8 hours on any non-school day, (2) for more than 20 hours in any school week or more than 40 hours in any non-school week, and (3) after 10:00 p.m. on any night before a school day.

Exception — There are no hours or time-of-day restrictions on minors roguing or detasseling hybrid seed corn on a non-school day or during a non-school week.

ENFORCEMENT: *Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681).*

Utah

■ CHILD LABOR LAWS

TERMS: Children under the age of 16 generally are not allowed to work in any occupation during school hours. Furthermore, no child under 16 may work before or after school for more than 4 hours a day, nor before 5:00 a.m. or after 9:30 p.m., except on days before non-school days. At no time may a person under 16 work more than 8 hours in any 24-hour period, or more than 40 hours in any week.

In general, no one under 18 years of age may work in an occupation declared hazardous by the U.S. Department of Labor (*see entry, U.S. — Child Labor — Age, Hours, and Related Standards*).

ENFORCEMENT: *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238)*.

Vermont

■ CHILD LABOR LAWS

TERMS:

Age Restrictions —

Children Under Age 12 — With parental permission, minors under 12 may work in non-hazardous jobs during non-school hours on any farm where none of the workers are covered by the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*).

Children Age 12 and 13 — During vacation periods and before and after school, children 12 and 13 years of age may work in non-hazardous agricultural activities provided they have written permission from their parent or guardian, or are working on the same farm as their parent or guardian.

Children Age 14 and Over — Except for the hours limitation discussed below, there are generally no restrictions on the employment of workers 14 years old and older in non-hazardous agricultural activities.

Working Hours — No child under 14 may be employed in any occupation during school hours. No child under 16 years of age may be employed for more than 8 hours in any one day or more than 40 hours in any one week.

Employment Certificates — Employers are forbidden from hiring anyone under the age of 16 during school hours, unless the child has a certificate issued by the state authorizing such employment. Issuance of a certificate depends on the child's good standing in school, proof of age, and a doctor's statement of the child's physical fitness.

Hazardous Occupations — Among the activities considered hazardous, and thus closed to children under 16, are (1) driving a tractor of over 20 horsepower, (2) operating or helping to operate power harvesting equipment, (3) working from a ladder at a height of over 20 feet, and (4) driving a vehicle transporting passengers.

ENFORCEMENT: *Wage and Hour Program, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-4204).*

Virginia

■ CHILD LABOR LAW

TERMS:

Minimum Age — Children as young as 12 years old may be employed in non-hazardous operations on farms and in orchards with no other restrictions, provided the employment takes place outside school hours and they have the consent of their parent or guardian.

Meal Periods — No child may be employed or permitted to work for more than 5 hours straight without a meal break of at least 30 minutes.

Hazardous Occupations — No child under 16 years old may be employed in an occupation declared hazardous by the state labor commissioner. Among the prohibited agricultural occupations are (1) operating a tractor of over 20 horsepower, (2) operating or helping to operate power-driven harvesting machines, (3) working from a ladder at a height of over 20 feet, (4) working inside a grain elevator or silo, (5) driving a motor vehicle transporting passengers, and (6) handling or applying pesticides, anhydrous ammonia or other agricultural chemicals.

ENFORCEMENT: *Labor and Employment Law Division, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-371-3104).*

Washington

■ INDUSTRIAL WELFARE LAWS (*WAGES AND WORKING CONDITIONS OF MINORS*)

TERMS:

Minimum Age — While children under the age of 14 generally may not be employed, 12- and 13-year-olds may work in the hand harvest of berries, bulbs and cucumbers, and in the hand cultivation of spinach, during weeks when school is not in session.

Maximum Hours — Children required by law to attend school generally may not work during school hours. These additional restrictions apply:

Children Under Age 16 — When school is in session, children under the age of 16 may work in agricultural jobs up to 3 hours a day on school days, up to 8 hours a day on non-school days, and up to 21 hours a week. When school is not in session, children under 16 may work up to 8 hours a day and 40 hours a week.

Minors Age 16 and 17 — When school is in session, 16- and 17-year-olds may work up to 28 hours a week, 4 hours a day on school days, and 8 hours a day on non-school days. When school is not in session, they may be employed for up to 10 hours a day and 50 hours a week (or up to 60 hours a week in the mechanical harvest of peas, wheat and hay).

In general, no one under the age of 18 may be employed for more than 6 days in any one week.

Time-of-Day Restrictions — On days when school is in session, children under 16 generally may not be employed before 7:00 a.m. or after 8:00 p.m. When school is not in session, employment of workers under 16 is generally prohibited before 5:00 a.m. and after 9:00 p.m.

In most cases, 16- and 17-year-olds may not be employed before 5:00 a.m. or after 9:00 p.m., but may work until 10:00 p.m. on up to two consecutive nights before a school day.

Meal and Rest Periods — Children and adults employed in agriculture for more than 5 hours on a given day are entitled to a meal period of at least 30 minutes. Employees working 11 or more hours a day must be allowed at least one additional 30-minute meal period. Likewise, employees must be allowed a paid rest break of at least 10 minutes in each 4-hour period of employment.

Employment Permits — Within 3 days after hiring anyone under 18 years of age for agricultural work, the employer must apply to the state labor department for a permit to employ minors. If approved, the permit will authorize the employer to employ any number of minors at the same workplace, for up to one year.

Prohibited Work — Among many other hazardous occupations listed in the agricultural regulations, children under the age of 16 are prohibited from:

- (1) Operating a tractor of over 20 horsepower.
- (2) Operating or assisting in the operation of power-driven harvesting machines.
- (3) Working from a ladder at a height of more than 20 feet.
- (4) Driving a motor vehicle carrying passengers.
- (5) Working inside a silo or grain storage facility.

No one under 18 may be employed to mix, handle, load or apply pesticides, anhydrous ammonia or other hazardous agricultural chemicals.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).*

■ MISCELLANEOUS AGRICULTURAL LAWS (*BERRY HARVESTING BY MINORS*)

TERMS: Farm operators and other agricultural employers who are not required to pay the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*) are allowed to employ children younger than 12 years of age in the harvesting of berries, under the following conditions:

- (1) Employment takes place only outside local school hours.
- (2) Employment is with the consent of the child's parent or guardian.
- (3) The berries involved are for sale within the state only and not for out-of-state shipment in any form.
- (4) There are not sufficient workers available in the immediate area to harvest the crop without the labor of workers under 12.
- (5) The employer pays all of the workers engaged in the berry harvest at the same wage rate.

Each basket, package or other container holding berries or berry products picked by an employee under 12 years of age must be distinctively marked to ensure that the berries are not sold or shipped out of state.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).*

West Virginia

■ CHILD LABOR LAW

TERMS: Under rules adopted by the state labor commissioner, the occupations declared by the U.S. Department of Labor to be hazardous to minors also apply to employment in West Virginia. Among other agriculturally-related activities prohibited for workers under 16 years of age are these:

- (1) Operation of a tractor of over 20 horsepower.
- (2) Operation or assisting in the operation of power-driven harvesting equipment.
- (3) Working from a ladder at a height of over 20 feet.
- (4) Driving a motor vehicle transporting passengers.
- (5) Working inside a fruit or grain storage facility or silo.
- (6) Handling or applying pesticides, anhydrous ammonia and other agricultural chemicals.

ENFORCEMENT: *Wage and Hour Section, Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305 (304-558-7890).*

School truancy officers and other school officials may assist the Division of Labor in enforcing the child labor provisions.

Wisconsin

■ CHILD LABOR LAWS

TERMS:

Minimum Age — Children as young as 12 may be employed in agricultural activities.

School Attendance — With some exceptions, minors under 18 years of age are forbidden to work in any gainful employment during the hours they are required to attend school.

Prohibited Occupations — Among numerous other agriculturally related activities declared hazardous by the state labor department, children under 16 years of age are generally prohibited from:

- (1) Operating or assisting in the operation of mechanical harvesting equipment, mowers, balers, grinders and similar farm machinery.
- (2) Working from a ladder or scaffold at a height of more than 20 feet.
- (3) Handling or applying any toxic agricultural chemical whose container is branded with the word "Poison" or "Warning," or displays the skull-and-crossbones symbol.
- (4) Transporting, transferring or applying anhydrous ammonia.

Meal Periods — No one under 18 may be employed or allowed to work for more than 6 hours straight without a meal period of at least 30 minutes' duration.

ENFORCEMENT: *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703 (608-266-6860).*

School attendance officers are also authorized to visit and inspect workplaces for the purpose of monitoring compliance with the child labor laws.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Wyoming

■ CHILD LABOR LAWS

TERMS:

Minimum Age — Under the state child labor laws, children of any age may be employed in agriculture.

Employment During School Hours — No one under the age of 16 who is enrolled in a public or private school in Wyoming may be employed or allowed to work in agriculture or any other industry during the time that the child's school is in session.

Hazardous Occupations — The child labor laws prohibit the employment of anyone under 16 years of age in any work that requires contact with or exposure to dangerous chemicals, which may rule out certain agricultural field operations on crops treated with pesticides.

ENFORCEMENT: *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261).*