

- HO 14* power-driven circular saws, band saws, and guillotine shears
- HO 15 wrecking, demolition & ship-breaking operations
- HO 16* roofing operations
- HO 17* excavation operations

**Hazardous Occupations Order (AHHO)
Exemption Qualifications (29 CFR 570.50)**

An AHHO Exemption allows industry and schools working in partnership to be protected under the child labor law and employ students in some hazardous agricultural occupations. Child labor regulations allow limited involvement in the six hazardous occupations starred (*) above if the individual is at least 14 years old, a cooperative education student-learner or apprentice, and *all* of the following requirements are properly met:

- ✓ Individual must be 16-17 years old
- ✓ Student Learner must be:
 - enrolled in a *state-recognized course*, e.g. COOP program.
 - employed under a *written* Training Agreement signed by the employer, school, parent, and student.
 - employed under a *written* Training Plan that clearly identifies the competencies the student is expected to attain in the related high school course and as a result of the on-the job training.
 - employed with the understanding that the hazardous portion of the work:
 - is *incidental* to training.
 - is *intermittent* and for *short* periods of time.
 - is under direct and close supervision of a qualified person.
 - follows safety instructions given by the school and/or the employer on the job.

APPRENTICES must be:

- employed in an apprenticeship program *registered* by the Bureau of Apprenticeship and Training (BAT).
- employed with the understanding that the hazardous portion of the work:
 - is *incidental* to training.
 - is *intermittent* and for *short* periods of time.
 - is under *direct* and *close* supervision of a qualified person.

(The following are not required by FLSA, but are recommended to insure the safety and well being of the student apprentices.)

- provided with safety instructions given by the school and/or the employer on the job.
- employed under a *written* Training Agreement signed by the employer, school, parent, and student.
- employed under a *written* Training Plan that clearly identifies the competencies the student is expected to attain in the related high school course and as a result of the on-the job training.

Resources:

The following publications are available from US Dept. of Labor:

Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standards Act. Child Labor Bulletin No. 101.

Child Labor Requirements in Agricultural Under the Fair Labor Standards Act. Child Labor Bulletin No. 102.

Handy Reference Guide to the Fair Labor Standards Act, WH Publication 1282.

Employment Relationship Under the Fair Labor Standards Act, WH Pub. 1297

U.S. Department of Labor
Employment Standards Administration, Wage/Hour Division
200 Constitution Avenue, NW
Washington, D.C. 20210
202-219-4907
www.youthrules.gov.

Nebraska Work Based Learning Manual
Nebraska Department of Education
301 Centennial Mall South
Lincoln, NE 68509-4987

www.education.ne.gov/wbl
For More Information Contact:

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This brochure is intended as a reference only, not as a legal interpretation, and is not a substitute for legal advice. It is in no way a complete statement of the child labor laws, but a simplified interpretation intended for use by educators, employers, policy makers, and parents as they plan and implement work-based learning opportunities. For more complete information regarding state and federal law, consult the resources listed below. Those needing legal advice should consult an attorney.



**Legal Conditions
for
Employment of Youth
Under 18 Years of Age
in
Non-Agricultural
Occupations**



**Work-Based Learning
Nebraska Department of Education**

Employment of Youth Under 18 Years of Age in Agricultural Occupations

Employers, schools and students are impacted by a number of labor laws as they participate in work-based learning activities. The degree to which coverage is mandated is dependent on the individual situation. Coverage is principally affected by the determination of whether or not an employer-employee relationship exists between the employer and student.

Child labor laws were enacted to protect minors from injury in the workplace and to prevent work from interfering with education. Students in work-based learning opportunities may engage in a range of types and intensities of activities in the workplace from gaining career awareness through job shadowing, to learning occupational and employability skills by working in internships or youth apprenticeships.

Why Employ Youth Under Age 18?

It has become increasingly apparent that structured work-based learning enhances rather than detracts from education by reinforcing academic learning and highlighting the relevance of education to goals in later life. The employment of youth under age 18 is desirable in many instances because of the need:

- To create early opportunities for youth to develop an awareness of new and emerging careers so they can more effectively plan postsecondary education pursuits.
- To introduce youth to the modern workplace, equipment and actual workplace problems.
- To give youth access to jobs that require more knowledge and skills than ordinary youth jobs.
- To allow youth to experience a career field before the 12th grade so they can adjust their academic and career program of study before graduation.
- To demonstrate to youth that high performance in high school "counts" in students' plans for the future.
- To enable students to observe the interaction of all aspects of a company's operations.

Federal Fair Labor Standards Acts (FLSA) Child Labor Provisions

The FLSA was passed in 1938 and is a federal law enforced by the U.S. Department of Labor's Wage and Hour Division. The law applies to all fifty states and ninety percent of nonagricultural businesses. All states also have child labor laws. If the FLSA and the state's child labor laws regulate the same activity, the stricter labor standard is the one that applies, e.g., Nebraska Child Labor Law requires that all workers under age 16 obtain an Employment Certificate from the school district in which the child resides.

- The FLSA applies **only** when an (employer/employee) relationship exists. When a child reaches the age of eighteen, the child labor law does not apply.
- Child labor law for **non-agricultural** occupations stipulates conditions of employment in three major areas: Age and Hour Limitations, Occupational Limitations, and Hazardous Occupations Order Exemption Qualifications.

Age and Hour Limitations

Under 14 Years of Age

Youths under 14 may work **only** if their jobs are exempt from child labor standards or not covered by the Fair Labor Standards Act. Exempt work includes: delivery of newspapers to consumers; performing in theatrical, motion picture, or broadcast productions; and work in a business owned by the parents of the minor, except in mining, manufacturing or hazardous occupations. In general, minors under the age of 14 may not be employed in nonagricultural occupations. Their activities in work-based learning programs must be limited to activities such as career awareness and exploration activities, classroom presentations, field trips to worksites, and job shadowing.

14 and 15 Year Olds

Students who are 14 and 15 years of age may work at jobs such as office work; various food service jobs; sales work and some other jobs in retail stores; errand and delivery work by foot, bicycle and public transportation; dispensing gasoline and oil and performing courtesy services in gas stations. The hours of work cannot be during school hours; cannot exceed three hours on a school day with a limit of 18 hours in a school week; cannot exceed eight hours on a nonschool day with a limit of 40 hours in a nonschool week; and cannot be before 7:00 a.m. or after 7:00 p.m., except from June 1 through Labor Day, when the evening hour is extended to 9:00 p.m.

14 and 15 Year Olds - WECEP Exception

There are exceptions to these restricted hours and occupations under the Work Experience and Career Exploration Program (WECEP) (29 CFR 570.35(a)). Under WECEP, at risk students who are 14 or 15 years of age and enrolled in an approved program can be employed during school hours, for up to three hours on a school day, up to 23 hours in a school week, and in occupations otherwise prohibited. School districts that would like to implement a WECEP Program must apply for approval. WECEP applications may be obtained from the Work-Based Learning Director listed on the back of this brochure

16 and 17 Year Olds

Sixteen and seventeen year old youth can work at any time for unlimited hours educators, employers, and parents should, however, control the hours to ensure that education remains the student's top priority. Unless they meet the criteria of a *student learner* or *apprentice*, they cannot be employed in the hazardous occupations listed below.

Occupational Limitations

There are seventeen Hazardous Occupations Orders (HOO) described in detail in the law. Minors under age 18 may **not** be employed to work in these occupations unless they qualify for an exemption as a *student learner* or *apprentice* enrolled in a state-recognized training program. Industry can hire 16 and 17 year old students to work in HOO # 5, 8, 10, 12, 14, 16, and 17 if they work in partnership with an approved educational facility and an agreement has been signed by the employer, the school, a parent, and the student (see Exemption Qualifications). There are no exemptions for HOO # 1, 2, 3, 4, 6, 7, 9, 11, 13, and 15.

HO 1	manufacturing and storing explosive
HO 2	motor vehicle driving and outside helper
HO 3	coal mining
HO 4	logging and sawmilling
HO 5*	power-driven woodworking machines
HO 6	exposure to radioactive substances
HO 7	use of power-driven hoisting apparatus
HO 8*	power-driven metal-forming, punching and shearing machines
HO 9	mining, other than coal
HO 10*	slaughtering, or meat packing, processing, or rendering
HO 11	power-driven bakery machines
HO 12*	power-driven paper-products machines
HO 13	manufacturing brick, tile & kindred products