

FEDERAL

PURPOSE AND AUTHORITY

To ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities pursuant to the Fair Labor Standards Act of 1938, as amended.

HAZARDOUS OCCUPATIONS

MINORS AGE 14 THROUGH 17

- 1) Manufacturing and storing of explosives or their components.
- 2) Motor vehicle driving and outside helper on a motor vehicle.
- 3) Coal mining.
- 4) Logging and sawmilling operations.
- 5) Power-driven woodworking machines.
- 6) Exposure to radioactive substances or ionizing radiation.
- 7) Power-driven hoisting apparatuses, including forklifts.
- 8) Power-driven metal forming, punching or shearing machines.
- 9) Mining, other than coal mining.
- 10) Power-driven meat processing machines, including meat slicers, and occupations in slaughtering, packing, processing and rendering.
- 11) Power-driven bakery machines.
- 12) Power-driven paper products machines.
- 13) Manufacturing brick, tile and related products.
- 14) Power-driven circular saws, band saws, or guillotine shears.
- 15) Wrecking, demolition or ship-breaking.
- 16) Roofing occupations.
- 17) Trenching and excavation operations.

ALLOWABLE WORK HOURS

MINORS AGE 14 AND 15

- 1) No more than three hours on a school day, and not during school hours.
- 2) No more than 18 hours in a school week.
- 3) No more than eight hours on a non-school day.
- 4) No more than 40 hours in a non-school week.
- 5) No work before 7:00 AM or after 7:00 PM (except from June 1 to Labor day when evening hours are extended to 9:00 PM)

STATE

PURPOSE AND AUTHORITY

To protect the health and well-being of minors and their opportunity for education pursuant to W.S. 27-6-106 through 27-6-116.

HAZARDOUS OCCUPATIONS

MINORS AGE 14 AND 15

- 1) The operation of or working on heavy construction equipment.
- 2) Employment requiring contact with or exposure to explosives or dangerous chemicals.
- 3) As an actor or performer in any concert hall or room where alcoholic liquors and malt beverages are sold or given away.
- 4) For any illegal or immoral purposes.
- 5) For any business or in any place, situation, exhibition, or vocation injurious to morals, health or safety of the child; or in any other occupation declared by the Wyoming Department of Workforce Services as hazardous for the employment of children under 16 years of age.

ALLOWABLE WORK HOURS

MINORS AGE 14 AND 15

- 1) No more than eight hours in any 12-hour period.
- 2) No work before 5:00 AM or after 10:00 PM on nights followed by a school day, or after midnight on days which are not followed by a school day.
- 3) Children not enrolled in school may work for an 8-hour period between 5:00 AM and 12:00 midnight.



FEDERAL

PROOF OF AGE

Federal law requires employers to have on file the birth dates of all employees under 19 years of age.

EXEMPTIONS

Minors under 14 years of age may work at delivery of newspapers, performing on radio, television, motion pictures or theatrical productions. Minors under 16 may be employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the Secretary of Labor. Minors 16 years of age may work at any time in any farm job. Minors of any age may work in any farm job that the parents own or operate.

PENALTIES

A civil money penalty up to \$11,000 for each violation of the child labor provisions; a civil money penalty up to \$50,000 (up to \$100,000 for a repeat or willful violator) for each child labor violation resulting in the death or serious injury to working youth; a civil money penalty of up to \$1,100 for repeat/willful monetary violations; and up to \$10,000 criminal fines and/or six months imprisonment for second conviction.

MINIMUM WAGE AND OVERTIME PAY

Minors on the job covered by the Fair Labor Standards Act minimum wage and/or overtime provisions must be paid the full minimum wage and time and one-half for all hours worked over 40 in a workweek.



STATE

PROOF OF AGE

The acceptable forms of proof of age include:

- 1) A duly attested birth certificate;
- 2) A properly prepared Immigration and Naturalization Form I-9 showing the age of the child;
- 3) Any other document showing the age of the child as approved by the Wyoming Department of Workforce Services.

EXEMPTIONS

Farm and domestic service.

A child under 14 years of age may be employed in a non-hazardous occupation outside of school hours by his parents, grandparents or legal guardian, or by a business owned by his parents, grandparents or legal guardian.

PENALTIES

A fine of not more than \$750 or imprisonment in the county jail for not more than 100 days, or both.

WORK PERMITS

The Wyoming Legislature amended the state child labor laws and repealed the requirement of work permits for children under the age of 16.



FEDERAL vs. STATE LAWS

Where federal and state child labor laws differ, the law providing greater protection applies.

It is recommended that before a minor under the age of 18 is hired, the employer should contact the U.S. Department of Labor to make sure they are in compliance with federal law as well as state law.

AGRICULTURE

STATE LAW

Farm service is exempt from the state child labor laws.

FEDERAL LAW

All questions concerning agricultural employment should be directed to a U.S. Department of Labor office.

In farm work, permissible jobs and hours of work, by age, are as follows:

- 1) Youths 16 years and older may perform any job, whether hazardous or not, for unlimited hours;
- 2) Youths 14 and 15 years of age may perform any nonhazardous farm job outside of school hours;
- 3) Youths 12 and 13 years of age may work outside of school hours in nonhazardous jobs, either with a parent's written consent or on the same farm as the parent(s);
- 4) Youths under 12 years of age may be employed outside of school hours, with written parental consent, in nonhazardous jobs on farms where employees are exempt from the minimum wage requirements under the Fair Labor Standards Act.
- 5) Minors of any age may be employed by their parents at any time in any occupation on a farm owned or operated by their parents.

FEDERAL CONTACT INFO

U.S. Department of Labor

Eagle Gate Plaza & Tower
60 East South Temple Street, #575
Salt Lake City, UT 84111-1016
(801) 257-6560
(801) 257-6561 (Fax)

Toll-Free Help Line

(866) 487-9243
TTY: (877) 889-5627

www.youthrules.dol.gov

STATE CONTACT INFO

Department of Workforce Services

Labor Standards

1510 E. Pershing Boulevard,
West Wing, #150
Cheyenne, WY 82002
(307) 777-7261
(307) 777-5633 FAX

851 Werner Court, #121
Casper, WY 82601
(307) 235-3679
(307) 235-3688 FAX

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New Child Labor Regulations at a Glance

Newly Permitted Work

- 14 and 15 year olds may now work not only in retail, food service and gasoline service establishments, but also in other environments such as state and local governments, banks, insurance companies, advertising agencies and information technology firms.
- 14 and 15 year olds may now perform "work of an intellectual or artistically creative nature" such as computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, playing a musical instrument and drawing.
- 15 year olds may now work as lifeguards at traditional swimming pools and certain water amusement park attractions such as wave pools, lazy rivers, baby pools and elevated water slides.
- 14 and 15 years olds may load and unload onto and off of motor vehicles "light, non-power driven, hand tools" (such as rakes or shovels) and "personal protective equipment" used as part of their own work, as well as personal items like backpacks or lunchboxes.
- 14 and 15 year olds who are excused from compulsory school attendance may now work at businesses that use machinery to process wood products.
- 14 and 15 year olds may perform work requiring them "to occasionally enter freezers only momentarily to retrieve items."
- 16 and 17 year olds may now operate power driven pizza-dough rollers and portable, countertop food mixers.

Newly Prohibited Work

- Youth peddling, involving the selling of goods or services to customers at locations other than the employer's place of business, such as customer's homes or businesses. Street corners or subway stations, is specifically banned.
- The new regulations prohibit 14 and 15 year olds from riding on a motor vehicle "outside of an enclosed passenger compartment" such as the bed of a pickup truck, the running board of a van or the bumper of a garbage truck. These workers may ride inside passenger compartments, but only under specific conditions.
- The new regulations expand the list of examples of power-driven machinery with which 14 and 15 year olds are not allowed to work to include lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters and food mixers.
- 14 and 15 year olds are now specifically prohibited from "catching and cooping" all kinds of poultry in preparation for transport or for market.

Other Changes

- The new regulations incorporate increased penalties for child labor violations that result in a serious injury or death that were added to the Fair Labor Standards Act in 2008.
- Restrictions on work hours are now relaxed for a new work-study program tailored to "academically oriented" 14 and 15 year olds.

A GUIDE TO CHILD LABOR REQUIREMENT OF THE FAIR LABOR STANDARDS ACT AND WYOMING LABOR LAWS

