



An
Integration
of
North Carolina and Federal
Child Labor Laws



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A **nationwide study** released **March 5, 2007** found that many teenagers use dangerous equipment and work long hours on the job, even though such activity is **prohibited by federal labor laws**. The study was the subject of attention from the Raleigh News & Observer, National Public Radio, and national media outlets as it focused on teenagers nationwide, not just in North Carolina.

On the same day, your association staff was contacted by the U.S. Department of Labor to let us know they will be conducting over the next **eight months undercover compliance checks** of grocery stores who employ minors between the ages of 14 and 18 in **all 100 North Carolina counties**. Our staff has reviewed state and federal laws to determine how the laws apply to North Carolina businesses. In cases where state and federal laws overlap, the law which is **more protective of the minor will apply**.

The federal government sets **wage, hour, and safety requirements for minors** (individuals **under age 18**) under the **Fair Labor Standards Act (FLSA)**. The rules vary depending upon the age of the minor and the particular job involved. As a **general rule**, the FLSA sets the minimum age of employment at 14 years of age, and **limits the number of hours worked** by minors **under the age of 16**.

Youths **under 18** years of age must **obtain a work permit** when employed, even if they are employed by their parents. The certificate and the issuing instructions are obtained from the N.C. Department of Labor Web site http://www.nclabor.com/wh/youth_instructions.htm

Special Alcoholic Beverage Control (ABC) Restrictions:

Any employer that holds an on-premises ABC permit for the sale or consumption of alcoholic beverages shall not employ any **youth under age 16**; except that youths at least 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian. Minors may not prepare, serve, dispense or **sell any alcoholic beverages**.

Minors **age 13 or younger** may **ONLY** work in a **business solely owned or operated by their parents**.

Minors Between Age 16 and 18:

Hours:

North Carolina state law states that **no youth under 18** years of age who is enrolled in school in grade 12 or lower may be employed between **11 p.m. and 5 a.m.** when there is school for the youth the next day.

MAY NOT work in the following hazardous occupation:

- meat packing or processing (including the use of power-driven **meat slicing machines**)
- power-driven bakery machines (including dough or batter mixers, bread dividing, rounding, or molding machines, dough brakes, dough sheeters, cookie and cracker machines, and cake-cutting band saws)
- power-driven paper-product machines (including scrap paper balers and paper box compactors)
- power-driven hoisting apparatus, such as a forklift
- driving a motor vehicle and being an outside helper on a motor vehicle
- power-driven metal-forming, punching, and shearing machines
- roofing operations and all work on or about a roof
- excavation operations

Minors Between Age 14 and 16:

Hours:

- Between September and May, minors age 14 to 16 may work between **7 a.m. and 7 p.m.** From June 1 through Labor Day, minors may work between **7 a.m. and 9 p.m.**
- Youths under the age of 16 must be given at least a **30 minute break** after five consecutive hours of work.
- Minors may work no more than:
 - **3 hours** on a school day, including **Friday**
 - **8 hours** on a non-school day

 - **18 hours** in a school week
 - **40 hours** in non-school week

Can work in the following:

- grocery stores, including: bagging groceries, office work, stocking shelves, cashiering
- restaurants and delis; minors are prohibited from any **baking activities** and **cooking**, unless cooking with a deep fat fryer that has an automatic device that raises and lowers the baskets into and out of the oil or does not entail **cooking over an open flame**
- gas service station

MAY NOT work in the following:

- most power-driven machinery other than typical office machines
- may not operate lawn mowers, lawn trimmers, or weed cutters
- workrooms
- warehousing and storage
- construction or repair jobs
- driving a motor vehicle or helping a driver
- processing occupations
- public messenger jobs
- transporting of persons or property

More Information:

North Carolina child labor laws may be found online at:

http://www.nclabor.com/wh/fact%20sheets/joint_state_fed.htm#overview.

More information on **Federal** child labor laws can be found online at:

<http://www.dol.gov/dol/topic/youthlabor/index.htm>



U.S. Department of Labor Grocery Employer Self Assessment

The U. S. Department of Labor’s Wage and Hour Division produced this self assessment tool to help employers comply with the youth employment provisions of the Fair Labor Standards Act. You can use this tool to help evaluate your company’s level of compliance. *If you answer YES to any question, you are likely out of compliance.*

Do any workers under 18 years of age do the following:

		YES	NO
1.	Operate or clean power-driven meat slicers or other meat processing machines?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Operate or clean any power-driven dough mixer or other bakery machines?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Operate, load, or unload scrap paper balers or paper box compactors?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Drive a motor-vehicle on the job?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Operate a forklift?	<input type="checkbox"/>	<input type="checkbox"/>

Do any workers under 16 years of age do the following:

6.	Operate any hoisting equipment such as scissor lifts or motorized hand trucks?	<input type="checkbox"/>	<input type="checkbox"/>
7.	Operate motorized grocery cart retrieval systems and cart caddies?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Load or unload goods from a truck or conveyor?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Work inside a freezer or meat cooler?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Operate power-driven bread slicers or bagel slicers?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Operate any power-driven equipment?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Work from ladders?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Cook?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Bake?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Clean cooking equipment or handle hot oil or grease?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Work during school hours?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Work before 7:00 a.m. on any day?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Work past 7:00 p.m. between Labor Day and June 1?	<input type="checkbox"/>	<input type="checkbox"/>
19.	Work past 9:00 p.m. between June 1 and Labor Day?	<input type="checkbox"/>	<input type="checkbox"/>
20.	Work more than 3 hours on a school day, including Fridays?	<input type="checkbox"/>	<input type="checkbox"/>
21.	Work more than 8 hours on any day?	<input type="checkbox"/>	<input type="checkbox"/>
22.	Work more than 18 hours in any week when school was in session?	<input type="checkbox"/>	<input type="checkbox"/>
23.	Work more than 40 hours in any week when school was not in session?	<input type="checkbox"/>	<input type="checkbox"/>

Do You...?

24.	Employ any workers who are less than 14 years of age?	<input type="checkbox"/>	<input type="checkbox"/>
25.	Fail to maintain in your records a date of birth for every employee under 19 years of age?	<input type="checkbox"/>	<input type="checkbox"/>

Rules Summary

Do any workers under 18 years of age do the following:

1. Operate or clean power-driven meat slicers or other meat processing machines?

Minors under age 18 may not set up, operate or assist to operate, clean, oil, adjust, or repair power driven **meat processing equipment**. This includes meat slicers, meat grinders, patty forming machines, meat and bone cutting saws, and food processors when used to process meats. Such minors may, however, clean the disassembled parts of power-driven meat processing machines.

2. Operate or clean any power-driven dough mixer or other bakery machines?

Minors under 18 may not set up, operate or assist to operate, clean, oil, adjust, or repair **power driven bakery machines**. This includes horizontal and vertical dough mixers (including countertop models), batter mixers, bread dividing, rounding, or molding machines, dough brakes, dough sheeters, cookie and cracker machines, and cake-cutting band saws.

3. Operate, load, or unload scrap paper balers or paper box compactors?

Minors under 18 generally may not operate or unload **scrap paper balers** and **paper box compactors**. Sixteen and 17-year-olds may load some of these machines if the equipment meets certain safety standards, if there is a posting to this effect on the machine, if the on-off switch of the machine has a key-lock or other type of lock-out system, and if the equipment is inoperable while it is being loaded.

4. Drive a motor-vehicle on the job?

Minors under 18 generally may not drive **any type of motor vehicle** or work as an outside helper on public roads or highways. This prohibition extends to the **towing of vehicles** and the **driving of school buses and trucks**. There is a limited exception to this provision that permits 17-year-olds to drive an automobile or truck (gross vehicle weight not exceeding 6,000 pounds) for limited periods of time when certain conditions are met. These conditions include that the minor possess a valid license, the driving is only during daylight hours, the driving does not involve urgent time sensitive deliveries such as delivering a pizza to a residence, and the driving is only occasional and incidental to their employment. There are additional requirements that also must be met. See: http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/29CFR570.52.htm and <http://www.dol.gov/esa/regs/compliance/whd/whdfs34.htm>

5. Operate a forklift?

Minors under age 18 may not operate a **forklift** or other types of power-driven **hoisting equipment** such as a forklift truck, forklift truck, tiering truck, stacking truck, and a bobcat loader. Lowlift trucks or lowlift platform trucks that are designed for transporting, but not the tiering, of material are permitted.

Do any workers under 16 years of age do the following:

6. Operate any hoisting equipment such as scissor lifts or motorized hand trucks?

Minors 14 and 15-years old may not perform work involving the operation or tending of **hoisting equipment** or any power-driven equipment such as **scissor lifts** or **motorized hand trucks**.

7. Operate motorized grocery cart retrieval systems and cart caddies?

Minors 14 and 15-years old may not operate any **power-driven machinery** such as a **Cart Caddy** or a **QuicKart**. These machines are used by employees in retail stores and their parking lots to move large strings of shopping carts back to the front of the store. Minors 16 years of age and older may operate such equipment.

8. Load or unload goods from a truck or conveyor?

Fourteen- and 15-years old may not **load or unload goods** to and from conveyors, trucks, railroad cars or tanks, trucks, boats, planes, or other means of transportation.

9. Work inside a freezer or meat cooler?

Minors 14 and 15-years old are prohibited from working in **freezers** and **meat coolers**. This includes duties – such as taking inventory or performing cleanup work – which would require them to enter and remain in coolers or freezers for prolonged durations. These minors may enter such refrigeration equipment **momentarily** – as when retrieving an item for use outside the equipment – if the equipment is designed to prevent the worker from being locked inside.

10. Operate power-driven bread slicers or bagel slicers?

Minors 14 and 15-years old may not operate, setup, adjust, repair, oil or clean **power-driven food slicers**, including bread slicers and bagel slicers.

11. Operate any power-driven equipment?

Minors 14 and 15-years old may not operate most power-driven machinery, including **lawnmowers**, **trimmers**, and **“weed-whackers”**. These minors may operate office machinery, **vacuum cleaners**, **floor waxers**, and machines and devices used in connection with preparing and serving food and beverages, such as **dishwashers**, **toasters**, **popcorn poppers**, **milk shake blenders**, and **coffee grinders**. See: http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/29CFR570.33.htm
http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/29CFR570.34.htm

12. Work from ladders?

Minors 14 and 15-years old may not perform work requiring the use of **ladders**, **scaffolds**, or their substitutes. This includes outside window washing that involves working from windowsills.

13. Cook?

In February 2005, new regulations regarding the types of cooking that 14 and 15-years may perform became effective. Now, 14- and 15-year-olds may only perform cooking that (1) involves the use of electric and gas grilles that **do not entail cooking over an open flame** and (2) involves the use of **deep fat fryers** which are equipped with devices which **automatically** raise and lower the “baskets,” but not pressurized fryers.

14. Bake?

Minors under 16 years of age are prohibited from performing any **baking duties**. Prohibited baking duties include the **weighing**, **mixing** and **assembling of ingredients** and the operation of **pizza ovens** and **convection ovens**. The use of warming devices to maintain the heat of cooked food is permitted.

15. Clean cooking equipment or handle hot oil or grease?

In February 2005, new regulations addressing the cleaning of cooking equipment, the filtering of grease and oil, and the transporting of grease and oil by 14- and 15-year-old employees became effective. Now 14- and 15-year-olds may clean, maintain (including the changing, cleaning, and disposing of oil or grease and oil or grease filters), and repair cooking devices (other than power-driven equipment) when the surfaces of the equipment or liquids do not exceed a temperature of **100° F**. All minors under 18 years of age are prohibited from operating and cleaning power-driven meat slicers and bakery equipment.

16. Work during school hours?

Minors 14 and 15-years old may not work during **school hours**. School hours are **determined by the local public school** in the area where the minor is residing while so employed, even if the minor does not attend the public school (i.e., attends a private school or is home schooled). Such minors may be employed outside of school hours with certain limitations. The term outside school hours means such periods as before and after school hours, holidays, summer vacations, Sundays, or any other day or part of a day when the school normally attended by the minor is not in session.

17. Work before 7:00 a.m. on any day?

Minors 14 and 15-years old may not be employed **before 7:00 a.m. on any day**.

18. Work past 7:00 p.m. between Labor Day and June 1?

Minors 14 and 15-years old may not be employed **past 7:00 p.m.** from the day after **Labor Day** through **May 31**. This applies even if there is no school the next day, such as a Friday or Saturday night, as well as in weeks when school is not in session such as during spring break. These same minors may not work **past 9:00 p.m.** between **June 1** and **Labor Day**.

19. Work past 9:00 p.m. between June 1 and Labor Day?

Minors 14 and 15-years old may not be employed **past 9:00 p.m.** between **June 1** and **Labor Day**. They may not work past 7:00 p.m. between the day after Labor Day through May 31.

20. Work more than 3 hours on a school day, including Fridays?

Minors 14 and 15-years old may not work more than **3 hours** on a school day, including Fridays. This prohibition applies even if there is no school the next day.

21. Work more than 8 hours on any day?

Minors 14 and 15-years old may work up to 8 hours a day on **Saturdays** and **Sundays** and on other days when school is not in session, as long as they do not exceed the maximum permissible hours in any workweek. They may work up to **18 hours** in any school week and up to **40 hours** in any non-school week.

22. Work more than 18 hours in any week when school was in session?

Minors 14 and 15-years old may not work more than **18 hours** a week when school is in session. For these purposes, school is in session in any week in which school meets, even if it meets for a part of a day or a portion of the week. School hours and school weeks are determined by the local public school the minor would attend if he or she attended public school.

23. Work more than 40 hours in any week when school was not in session?

Minors 14 and 15-years old may not work more than **40 hours** in a week when school is not in session. They may not work more than **18 hours** in a school week. For these purposes, school is in session in any week in which school meets, even if it meets for a part of a day or a portion of the week. School hours and school weeks are determined by the local public school the minor would attend if he or she attended public school.

24. Do you employ any workers who are less than 14 years of age?

Minors 13 years of age and younger are generally not allowed to work under the Federal youth employment provisions. Permissible employment for such minors is limited to exempt work such as **delivering newspapers, performing casual babysitting, acting, performing minor chores around private homes, and working for a parent who is the sole owner of a business.**

25. Do you fail to maintain in your records a date of birth for every employee under 19 years of age?

Employers are required to maintain and preserve certain records, including the **date of birth** for all employees who are **less than 19 years** of age.