

Indiana University of Pennsylvania Cooperative Education Labor Law Reference Guide

Indiana University of Pennsylvania

Cooperative Education Department Labor Law Reference Guide

Federal & State Guidelines for Coverage of the Child Labor Provision

Introduction

This is a comparison of the child labor laws between the state of Pennsylvania and the United States Government. This comparison is to be used as a guide to aid the cooperative education coordinator determine which laws to follow when placing 16 and 17 year-olds on the job through a work experience program.

For a final determination of rules and regulations as they pertain to students in the above named age group, the placement officer should refer to the actual rules as written by the state of Pennsylvania and the United States Government.

When Pennsylvania Child Labor Laws and the U. S. Fair Labor Standards Act disagree, the more stringent of the two shall prevail. The more stringent of the two laws, as they pertain to 16 and 17 year-olds, whatever differences there are have been included in this comparison. **The federal labor laws are listed in regular type and *the state guidelines are in italics.***

The U. S. Department of Labor has no objections to Pennsylvania Child Labor Laws as they pertain to 16 and 17 year-olds; whatever differences there are have been included in this comparison.

This comparison was developed by the students of Indiana University of Pennsylvania Cooperative Education Certification Program as a service to anyone placing students on the job. The students involved are noted on page 48.

This reference guide **is not a legal document**. It is a collection of Federal and State Labor Laws that have been assembled by the Cooperative Education classes of Mr. Don Gamble at Indiana University of Pennsylvania. The information is for the purpose of helping Cooperative Education Coordinators and employers to comply with the regulations concerning student employment.

Note: If you find any errors or needed corrections, please contact Don Gamble at Indiana University of Pennsylvania. E-mail address gamble@iup.edu

If you would like to have a copy sent to you via e-mail use the address above.

Coverage of the Child Labor Provisions

Who is covered?

All employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling, or otherwise working on goods or materials that have been moved in or produced for such commerce by any person are covered by FLSA.

A covered enterprise is the related activities performed through unified operation or common control by any person or persons for a common business purpose and -

1. Whose annual gross volume of sales made or business done is not less than \$500,000 (exclusive if excise taxes at the retail level that are separately stated):or
2. Is engaged in the operation of a hospital, an institution primarily engaged in the care of those who are physically or mentally ill or disabled or aged, and who reside on the premises, a school for children who are mentally or physically disabled or gifted, a preschool, an elementary or secondary school, or an institution of higher education (whether operated for profit or not for profit):or
3. Is an activity of a public agency.

Construction and laundry/dry cleaning enterprises, which were previously covered regardless of their annual dollar volume of business, are now subject to the \$500,000 test.

Any enterprise that was covered by FLSA on March 31, 1990, and that ceased to be covered because of the increase in the enterprise coverage dollar volume test must continue to pay its employees not less than \$5.15 an hour and continues to be subject to the overtime pay, child labor, and record keeping provisions of FLSA.

Employees of firms which are not covered enterprises under FLSA may still be subject to its minimum wage, overtime pay and child labor provisions if they are individually engaged in interstate commerce or in the production of goods for interstate commerce.

Such employees include those who: work in communications or transportation; regularly use the mails, telephones, or telegraph for interstate communication, or keep records of interstate transactions; handle, ship, or receive goods moving in interstate commerce; regularly cross State lines in the course of employment, or work for independent employers who contract to do clerical, custodial, maintenance, or other work for firms engaged in interstate commerce or in the production of goods for interstate commerce.

Domestic service workers such as day workers, housekeepers, chauffeurs, cooks, or full-time baby-sitters are covered if they (1) receive at least \$50 in cash wages in a calendar quarter from their employers, or (2) work a total of more than 8 hours a week for one or more employers.

In or about an Establishment Producing Goods for Commerce

Producers, manufacturers, or dealers are prohibited from shipping or delivering for shipment in interstate commerce any goods produced in an establishment in or about which oppressive child labor has been employed within 30 days prior to the removal of the goods. It is not necessary for the employees to be working on the goods that are removed for shipment in order to be covered.

Minimum Age Standards for Nonagricultural Employment

Oppressive Child Labor is defined as Employment of Children under the Legal Minimum Ages

14 Minimum ages for employment in specified occupations outside school hours for limited periods of time each day and each week.

16 BASIC MINIMUM AGE FOR EMPLOYMENT. At 16 years of age youths may be employed in any occupation, other than a nonagricultural occupation declared hazardous by the Secretary of Labor.

18 Minimum ages for employment in nonagricultural occupations declared hazardous by the Secretary of Labor.

- No minimum age for employment, which is exempt from the child labor provisions of the Act.
- No minimum age for employment with respect to any employee whose services during the workweek are performed in a workplace within a foreign country or within territory as limited by section 13(f) of the Act.

PA Guidelines for Governing the Employment of Minors in Industry

Definitions

The following words and terms, when used in the subchapter, have the following meanings, unless the context clearly indicates otherwise:

PA 11.21

Apprentice- A minor 16 years of age or over who is employed in a craft recognized as an apprenticeable trade where the work in an occupation or process otherwise prohibited is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman, and who is registered by the Pennsylvania Apprenticeship and Training Council or employed under a written apprenticeship agreement under conditions which conform to the Federal and Stated standards of apprenticeship training.

Laboratory student aide- A student 16 years of age or over who is enrolled for scientific studies in an educational institution, employed in a research or development laboratory under the close supervision of a qualified scientist or development engineer in a program of diversified training activities and working in any occupation otherwise prohibited only intermittently and for short periods of time incidental to his training in diversified laboratory activities.

Student learners- Minors enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school and employed under a written agreement which provides the following:

(i) That the work of the student learner in the occupations declared particularly hazardous shall be incidental to his training.

(ii) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(iii) That safety instructions be given by the school and correlated by the employer with on the job training.

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of the student learner and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer.

PA 11.22. Scope

This subchapter sets out rules to safeguards the lives, limbs and health of minors in industry and places the responsibility of compliance with such rules upon both employer and minor employees.

PA 11.23. Administration

- a. *Every employer or person exercising direction or control over minors in an industry shall be responsible for complying with the provisions of the subchapter.*
- b. *Every minor in an industry shall comply with the provisions of this subchapter which may concern or affect his conduct.*
- c. *The Department of Education is charged by statute with the responsibility for issuing employment certificates.*

PA 11.24. Penalty.

Any person who violates any of the provisions of the subchapter or any regulations of the Department or who interferes with the Department or its duly authorized representative in the enforcement of such provisions and regulations shall be subject to penalty under the provisions of the act.

Federal Exemptions from the Child Labor Provisions of the Act:

The Child Labor Provisions DO NOT APPLY TO:

Children under 16 years of age employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the Secretary of Labor.

PA State

*Prohibited occupations for minors includes:
Manufacturing: Any manufacturing or mechanical process.
Mines: In any capacity*

Children employed as actors or performers in motion pictures, theatrical, radio, or television productions.

Special performance permits are required for minors in theatrical and other performances at ages and hours permitted by Law. Applications may be obtained from:

*Harrisburg 17120-0019, 1301 Labor & Industry Building
Seventh & Forster Streets, Telephone: 717-787- 4671 or 800-932-0665*

*Pittsburgh 15222-1210, 1201 State Office Building
300 Liberty Avenue, Telephone: 412- 565- 5300*

*Philadelphia 19130-4064, 110B State Office Building
1400 Spring Garden Street, Telephone: 215-560-1858*

*Scranton 18503- 1923, 201B State Office Building
100 Lackawanna Avenue, Telephone: 717-963-4577*

1. Children engaged in the delivery of newspapers to the consumer.

Children engaged in the delivery of newspapers to the consumer.

Homeowners engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens).

Employment Standards for 14 and 15-year olds:

(These standards are published in Subpart C of Part 570 of Title 29 of the code of Federal Regulations, Child Labor Regulation No. 3)

Employment of 14 and 15-year-old minors is limited to certain occupations under conditions, which do not interfere with their schooling, health or well being.

Hours-Time Standards

14 and 15-year-old minors MAY NOT BE EMPLOYED:

1. DURING SCHOOL HOURS, except as provided for in Work Experience and Career Exploration Programs.
2. BEFORE 7 a.m. or AFTER 7 p.m. except 9 p.m. from June 1 through Labor Day (time depends on local standards).
3. MORE THAN 3 HOURS A DAY—on school days.

During school term: 18 hours per School week (Monday through Friday) and only at a time that does not interfere with school attendance.

4. MORE THAN 18 HOURS A WEEK—in school weeks.

8 hours on any other day (Non School Days)

5. MORE THAN 8 HOURS A DAY—on non-school days.
6. MORE THAN 40 HOURS A WEEK—in non-school weeks.

During Summer Vacations: Maximum 8 hours per day, 44 hours per week.

During school term: Maximum 4 hours on school days; 8 hours on any other day, and 18 hours per school week (Monday thru Friday) and only at a time that does not interfere with school attendance. Plus 8 additional hours on Saturday and/ Sunday.

Permitted Occupations for 14 and 15-year-old minors in Retail, Food Service and Gasoline Service Establishments

14 and 15-year-old minors MAY BE EMPLOYED IN:

1. OFFICE and CLERICAL WORK (including operation of office machines).
2. CASHIERING, SELLING, MODELING, ART WORK, WORK IN ADVERTISING DEPARTMENTS, WINDOW TRIMMING and COMPARATIVE SHOPPING.
3. PRICE MARKING and TAGGING by hand or by machine, ASSEMBLING ORDERS, PACKING and SHELVING.
4. BAGGING and CARRYING OUT CUSTOMERS' ORDERS.
5. ERRAND and DELIVERY WORK by foot, bicycle, and public transportation.
6. CLEANUP WORK, including the use of vacuum cleaners and floor waxers, and MAINTENANCE of GROUNDS, but not including the use of power-driven mowers or cutters.
7. KITCHEN WORK and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders.
8. WORK IN CONNECTION WITH CARS and TRUCKS if confined to the following:
 - Dispensing gasoline and oil.
 - Courtesy service on premises of gasoline service station.
 - Car cleaning, washing, and polishing.
 - Other occupations permitted by this section.

BUT NOT INCLUDING WORK:

Involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

9. CLEANING VEGETABLES and FRUITS, and WRAPPING, SEALING, LABELING, WEIGHING, PRICING, and STOCKING GOODS when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

PA. PROHIBITED OCCUPATIONS FOR MINORS UNDER 16:

Working on any BOAT engaged in transportation of passengers or merchandise.

In any capacity of a BOWLING CENTER except snack bar attendants, control desk clerks, and scorer attendants.

Heavy BUILDING trades.

Any work on COAL dredges.

Heating and passing RIVETS, in any capacity.

Sections of the HIGHWAYS that are open to the public for vehicular travel.

May not MANUFACTURE, at home, any materials or articles under a contract from a manufacturer or contractor.

Any manufacturing or MECHANICAL process.

MINES, in any capacity.

POOL and BILLIARD rooms, in any capacity.

RAILROADS, in any capacity.

On SCAFFOLDING and LADDERS.

STRIKES or LOCKOUTS, unless legally certified to work before strike or lockout.

TUNNELS, in any capacity.

WINDOW CLEANERS, above ground level.

PA. HOURS OF EMPLOYMENT—AGES 14 & 15

DURING SCHOOL TERM, maximum 4 hours on school days; 8 hours on any other day, and 18 hours per school week (M-F), and only at a time that does not interfere with school attendance. Plus 8 additional hours on Saturday and/or Sunday.

DURING SUMMER VACATIONS, maximum 8 hours per day, 44 hours per week.

NIGHT WORK, employment prohibited after 7 PM and before 7 AM (exception: summer vacation employment until 10 PM) (exception: minors from age 11 may be employed at distributing or selling newspapers, magazines or other publications between 5 AM and 8

PM) (exception: minors employed on a farm by a person other than the farmer in the hatching, raising, or harvesting of poultry may be employed or permitted to work until 10 PM as long as the minors are not working in an agricultural occupation declared hazardous by the US Secretary of Labor.)

PA. HOURS OF EMPLOYMENT—AGES 16 & 17

DURING SCHOOL TERM, maximum 28 hours per school week (M-F) if enrolled in regular day school. Plus 8 additional hours on Saturday and 8 additional hours on Sunday. However, maximum daily hours cannot exceed 8 hours per day. During summer vacations: and at any time for 16 year olds with general employment certificates, maximum 8 hours per day, 44 hours per week.

NIGHT WORK, Students may not work after midnight (S-Th) or before 6 AM during the entire week (exception: students may work the night preceding a school holiday occurring during the school year until 1 AM the next morning). Students may work on Friday night until 1 AM Saturday morning and on Saturday night until 1 AM Sunday morning. During summer vacations: no night work limit for students. No night work limit at any time for minors legally excused from school attendance.

MINIMUM AGE: Minors under 14 years of age may not be employed or permitted to work in any occupation, except children employed on farms or in domestic service in private homes. No minor under 14 years of age may be employed on a farm by a person other than the farmer. Under certain restrictions, caddies may be employed at the age of 12, news carriers at 11 years of age, and juvenile performers in the entertainment field at the age of 7. Minors and infants may be in the cast of a motion picture if special permit is obtained.

In any other place of employment

14 AND 15-YEAR-OLD MINORS MAY BE EMPLOYED IN any occupation EXCEPT the excluded occupations listed below.

14 AND 15-YEAR OLD MINORS MAY NOT BE EMPLOYED IN:

1. Any MANUFACTURING occupation.
2. Any MINING occupation.
3. PROCESSING occupations such as filleting of fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries and dry cleaning (except in a retail, food service, or gasoline service establishment in those specific occupations expressly permitted there in accordance with the foregoing list.)
4. Occupations requiring the performance of any duties in WORKROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED, OR

OTHERWISE PROCESSED (except to the extent expressly permitted in retail, food service, or gasoline service establishments in accordance with the foregoing list).

5. PUBLIC MESSENGER SERVICE.
6. OPERATION OR TENDING OF HOISTING APPARATUS OR OF ANY POWER-DRIVEN MACHINERY (other than office machines and machines in retail, food service, and gasoline service establishments which are specified in the foregoing list as machines which such minors may operate in such establishments).
7. ANY OCCUPATIONS FOUND AND DECLARED TO BE HAZARDOUS.
8. OCCUPATIONS IN CONNECTION WITH:
 - a. TRANSPORTATION of persons or property by rail, highway, air, on water, pipeline, or other means.
 - b. WAREHOUSING and STORAGE.
 - c. COMMUNICATIONS and PUBLIC UTILITIES.
 - d. CONSTRUCTION (including repair).

Except office of Sales Work in connection with a., b., c., and d. when not performed on transportation media or at the actual construction site.

9. ANY OF THE FOLLOWING OCCUPATIONS IN A RETAIL, FOOD SERVICE, OR GASOLINE SERVICE ESTABLISHMENT:
 - a. WORK performed in or ABOUT BOILER or ENGINE ROOMS.
 - b. Work in connection with MAINTENANCE or REPAIR OF THE ESTABLISHMENT, MACHINES or EQUIPMENT.
 - c. OUTSIDE WINDOW WASHING that involves working from windowsills, and all work requiring the use of LADDERS, SCAFFOLDS, or their substitutes.
 - d. COOKING (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and BAKING.
 - e. Occupations which involve OPERATING, SETTING UP, ADJUSTING, CLEANING, OILING, or REPAIRING, power-driven FOOD SLICERS and GRINDERS, FOOD CHOPPERS and CUTTERS, and BAKERY-TYPE MIXERS.

f. Work in FREEZERS and MEAT COOLERS and all work in PREPARATION OF MEATS for sale (except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas).

g. LOADING and UNLOADING GOODS to and from trucks, railroad cars, or conveyors.

h. All occupations in WAREHOUSES except office and clerical work.

Exceptions

WORK EXPERIENCE AND CAREER EXPLORATION PROGRAMS (WECEP)

Some of the provisions of Child Labor Regulation No.3 are varied for 14 and 15-year-olds in approved school-supervised and school-administered Work Experience and Career Exploration Programs (WECEP). Enrollees in WECEP may be employed:

- During school hours.
- For as many as 3 hours on a school day.
- For as many as 23 hours in a school week.
- In occupations otherwise prohibited for which a variation has been granted by the Administrator of the Wage and Hour Division.

The State Educational Agency must obtain approval from the Administrator of the Wage and Hour Division before operating a WECEP program.

Hazardous Occupations Orders in Nonagricultural Occupations

(These Orders are published in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations.)

Hazardous Occupations Orders

The Fair Labor Standards Act provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor “shall find and by order declare” to be particularly hazardous for 16 and 17-year-old persons, or detrimental to their health and well being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent.

The 17 hazardous occupations orders now in effect apply either on an industry basis, specifying the occupations in the industry that are not covered, or on an occupational basis irrespective of the industry in which found.

The Orders in Effect Deal With:

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21	Exposure to radioactive substances
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26	Mining, other than coal mining
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30	Power-driven bakery machines
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33	Manufacturing brick, tiles, and kindred products
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36	Wrecking, demolition, and shipbreaking operations
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39	Exemptions from Hazardous Occupations Orders

Manufacturing or Storage Occupations Involving Explosives (Order No. 1)

The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are prohibited:

1. All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in subparagraph 2 of this paragraph) manufacturing or storing explosives or articles containing explosive components *except* where the occupation is performed in a “non-explosives area” as defined in subparagraph 3. Of this section.
2. The following occupations in or about any plant or establishment manufacturing or storing small arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:
 - a. All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.
 - b. All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

- c. All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.
- d. All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.
- e. All occupations involved in the loading, inspecting, packing, shipping, and storage of blasting caps.

Definitions

1. The term “plant or establishment manufacturing or storing explosives or articles containing explosive components” means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.
2. The terms “explosives” and “articles containing explosive components” mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR Parts 17-78) issued pursuant to the Act of June 25, 1948 (62 State. 739; 18 U.S.C. 835)
3. An area meeting all of the following criteria shall be deemed a “nonexplosives area”:
 - a. None of the work performed in the area involves the handling or use of explosives;
 - b. The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;
 - c. The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and
 - d. Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant which does not meet criteria a. through c.

Motor Vehicle Occupations (Order No. 2)

The occupations of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in 29 CFR 570.68 (a) are prohibited for minors between 16 and 18 years of age except as provided in the following exemptions:

Exemptions...new law as of November 1998

No employee under 17 years of age may drive on public roadways as part of his or her job if that employment is subject to the FLSA.

Seventeen-year-olds may drive on public roadways as part of their employment, but only if all of the following requirements are met:

1. The driving is limited to daylight hours;
2. The 17-year-old holds a State license valid for the type of driving involved in the job performed;
3. The 17-year-old has successfully completed a State approved driver education course and has no record of any moving violation at the time of hire;
4. The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
5. The automobile or truck does not exceed 6,000 pounds gross vehicle weight;

The driving may not involve:

1. Towing vehicles;
2. Route deliveries or route sales;
3. Transportation for hire of property, goods, or passengers;
4. Urgent, time-sensitive deliveries;
5. Transporting more than three passengers, including employees of the employer;
6. Driving beyond a 30-mile radius from the youth's place of employment;
7. More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries, which are prohibited);

8. More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.
9. Such driving is only occasional and incidental to the 17-year-old's employment.
This means that the youth may spend no more than one-third of the worktime in any workday and no more than 20 percent of the worktime in any workweek driving.

Incidental and occasional driving.

The finding and declaration in this Order shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours; provided, such operation is only occasional and incidental to the child's employment; that the child holds a State license valid for the type of driving involved in the job performed and has completed a State approved driver education course; and provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used. This exemption shall not be applicable to any occupation of motor-vehicle driver, which involves the towing of vehicles.

School bus driving.

The finding and declaration in this Order shall not apply to driving a school bus during the period of any exemption which has been granted in the discretion of the Secretary of Labor on the basis of an application filed and approved by the governor of the state in which the vehicle is registered. The Secretary will notify any State, which inquires of the information to be furnished in the application. Neither shall the finding and declaration in this order apply in a particular State during a period not to exceed 40 days while application for such exemption is being formulated by such State seeking merely to continue in effect unchanged its current program using such drivers, nor while such application is pending action by the Secretary.

Definitions

1. The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.
2. The term "driver" shall mean any individual who, in the course of employment, drives a motor vehicle at any time.
3. The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

4. The term “gross vehicle weight” includes the truck chassis with lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or drivers compartment, body, and special chassis and body equipment, and payload.

PA State 11.41a Highways

Minors under 16 years of age are permitted to work on sections of the highways that are not open to the public for vehicular travel.

PA State 11.74 Use of automobiles in the delivery of merchandise

(a) Minors 16 years of age and under may ride on automobiles while engaged in such occupations as delivery of merchandise, but shall not assist in the operation of such automobile.

(b) Minors 17 years of age after July 1, 1977 are permitted to operate a single vehicle not in excess of 30,000 pounds registered gross weight or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight.

Coal Mine Occupations (Order No. 3)

All occupations in or about any coal mine are prohibited except the occupations of state or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant.

Definitions

1. The term coal shall mean any rank of coal, including lignite, bituminous, and anthracite coals.
2. The term all occupations in or about any coal mine shall mean all types of work performed in any underground working, open pit, or surface part of any coal-mining plant that contributes to the extraction, grading, cleaning, or other handling of coal.

PA State 11.50 Coal dredges

Employment of minors under 16 years of age on coal dredges is prohibited.

PA State 11.59 Coal mining industry

Employment of minors under 18 years of age is prohibited in all occupations which necessitate their presence in any underground work, open pit, or surface part of any coal mining plant that contributes to the extraction, grading, cleaning, or other handling

of coal, except the occupation of slate or other refuse picking at a picking table or picking chute in a tippie or breaker and the occupation requiring the performance of duties solely in offices, or in repair or maintenance shops, located in the surface part of any coal mining plant.

Logging and Sawmilling Occupations, (Order No. 4)

All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited except the following:

1. Exceptions applying to logging:

- a. Work in offices or in repair of maintenance shops.
- b. Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.
- c. Work in timber cruising, surveying, or logging-engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire-fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations; Provided, that the provisions of this paragraph shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles.
- d. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.
- e. Work in the feeding or care of animals.

2. Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage-stock mill; Provided, that these exceptions do not apply to a portable sawmill the lumber yard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained: and Further provided, that these exceptions do not apply to work which entails entering the sawmill building:

- a. Work in offices or in repair or maintenance shops.
- b. Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.
- c. Pulling lumber from the dry chain.
- d. Cleanup in the lumberyard.

- e. Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power-driven equipment.
- f. Clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks.
- g. Cleanup work outside shake and shingle mills, except when the mill is in operation.
- h. Splitting shakes manually from pre-cut and split blocks with a froe and mallet, except inside the mill building or cover.
- i. Packing shakes into bundles when done in conjunction with splitting shakes manually with a fore and mallet, except inside the mill building or cover
- j. Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself.

Definitions

The term “all occupations in logging” shall mean all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting, and unloading of such products in connection with logging; the constructing, repairing, and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term shall not apply to work performed in timber culture, timber-stand improvement, or in emergency fire fighting.

The term “all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill” shall mean all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts in sawn lumber, laths, shingles, or cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill, or in any planing-mill or remanufacturing plant not a part of a sawmill.

POWER DRIVEN WOODWORKING MACHINE OCCUPATIONS (Order No. 5)

Federal The following occupations involved in the operation of power-driven woodworking machines are prohibited:

- 1 The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.
- 2 The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.
- 3 The operations of off bearing from circular saws and from guillotine-action veneer clippers.

Definitions

- 1 The term “power-driven woodworking machines” shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.
- 2 The term “off bearing” shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off bearing within the intent of this section include:
 - a. the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and
 - b. the following operations when they do not involve the removal of material or refuse directly from a saw table or from a point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

Exemptions

The exemption for apprentices and student-learners apply to this Order, see page 39.

PA State - 11.46., 11.62.

WOODWORKING MACHINERY.

a. Employment of minors under 18 years of age on power-driven woodworking machines is prohibited except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

Employment on power-driven woodworking machinery includes the following:

- 1. The occupation of operating power-driven wood working machines, including supervising or controlling the operation of such machines, feeding material into such machines and helping the operator to feed material into such machines but no including the placing of material on a moving chain or in a hopper or slide for automatic feeding.*
- 2. The occupations of setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines.*
- 3. The operations of off bearing from circular saws and from guillotine-action veneer clippers.*

Definitions

- 1. The term “power-driven woodworking machines” shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood or veneer.*
- 2. The term “off bearing” shall mean the removal of material for refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include the following:*
 - a. The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller.*
 - b. The following operations when they do not involve the removal of material or refuse directly from a saw table or from a point of operation: The carrying, moving or transporting of materials from one machine to another or from one part of a plant to another. The piling, stacking or arranging of materials for feeding into a machine by another person. The sorting, tying, bundling or loading of materials.*

Exceptions

The exemptions for apprentices and student

OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES AND TO IONIZING RADIATIONS (Order No. 6)

Federal The following occupations are prohibited:

- 1 Any work in any workroom in which
 - a. radium is stored or used in the manufacture of self-luminous compound;
 - b. self-luminous compound is made, processed, or packaged;
 - c. self-luminous compound is stored, used, or worked upon;
 - d. incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged;
 - e. other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in the 40-hour week column of Table One of the National Bureau of Standard Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.
2. Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

Definition

As used in this section:

1. The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.
2. The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling.
3. The term "ionizing radiations" shall mean alpha and beta particles, electrons, protons, neutrons, gamma, and x-ray and all other radiations, which produce ionizations directly or indirectly, but do not include electromagnetic radiations other than gamma and x-ray.

PA 11.62. RADIOACTIVE SUBSTANCES AND IONIZING RADIATION

(a) Employment of minors under 18 years of age in any occupation involving exposure to radioactive substances and to ionizing radiation is prohibited, except for laboratory student aides and graduates of an approved vocational, technical or industrial education curriculum which prepare them for employment in the specific occupations. Such minors may not engage in work in any workroom in which any of the following conditions exist:

(1) Radium is stored or used in the manufacture of a self-luminous compound.

(2) A self-luminous compound is made, processed or packaged.

(3) A self-luminous compound is stored, used or worked upon.

Incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.

Other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as specified in the 40 hour week column of Table 1 of the National Bureau of Standard Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

(b) Exposure of minors under 18 years of age in any occupation which involves exposure to ionizing radiations in excess of 0.5 rem per year is prohibited.

Power-Driven Hoisting Apparatus Occupations (Order No.7)

The following occupations involved in the operation of power-driven hoisting apparatus are prohibited:

1. Work of operating an elevator, crane, derrick, hoist, or high-lift truck, *except* operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one (1) ton capacity.
2. Work which involves riding on a manlift or on a freight elevator, *except* a freight elevator operated by an assigned operator.
3. Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

Definitions

1. The term “elevator” shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform, which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines) but shall not include dumbwaiters.
2. The term “crane” shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an Integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot pouring, jib, and wall cranes.
3. The term “derrick” shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff-leg derricks.
4. The term “hoist” shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base-mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.
5. The term “high-lift truck” shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork, or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include high-lift trucks known under such names as forklifts, fork trucks, forklift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of, but not the tiering of, material.
6. The term “manlift” shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain, or similar method of suspension; such belt, cable, or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

Exception

This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the

body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

Definitions as Used in This Exception

1. For the purpose of this exception the term “automatic elevator” shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by push buttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.
2. For the purpose of this exception, the term “automatic signal operation elevator” shall mean an elevator which is started in response to the operation of a switch (such as a lever or push button) in the car which when operated by the operator actuates a startling device that automatically closes the car and hoistway doors from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

Power Driven Hoisting Devices

PA 11.32 Operation of Elevators

Employment of minors under 18 years of age as operators or managers of passenger or freight elevators, or other hoisting or lifting machinery is prohibited.

Power-Driven Metal Forming, Punching, and Shearing Machine Occupations (Order No. 8)

The following occupations are prohibited:

1. The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:
 - a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.
 - b. All pressing or punching machines, such as punch presses *except* those provided with full automatic feed and ejection and with a fixed barrier guard to

prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

- c. All bending machines, such as apron brakes and press brakes.
 - d. All hammering machines such as drop hammers and power hammers.
 - e. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.
2. The occupations of setting up, adjusting, repairing oiling, or cleaning these machines including those with automatic feed and ejection.

Definitions

1. The term “operator” shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.
2. The term “helper” shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or removing them from the machine.
3. The term “forming, punching, and shearing machines” shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

NOTE: This Order does not apply to a very large group of metalworking machines known as machine tools. Machine tools are defined as “power-driven complete metal-working machines having one or more tool-or work-holding devices, and used for progressively removing metal in the form of chips.” Since the Order does not apply to machine tools, the 18-year age minimum does not apply. Such machine tools are classified below so that they can be readily identified.

MILLING FUNCTION MACHINES

Horizontal Milling Machines
Universal Milling Machines
Gear Hobbing Machines
Routers

Vertical Milling Machines
Planer-type Milling Machines
Profilers

TURNING FUNCTION MACHINES

Engine Lathes
Hollow Spindle Lathes
Automatic Screw Machines

Turret Lathes
Automatic Lathes

PLANING FUNCTION MACHINES

Planers
Slotters
Keycasters

Shapers
Broaches
Hack Saws

GRINDING FUNCTION MACHINES

Grinders
Abrasive Belts
Abrasive Points
Buffing Wheels
Lapping Machines

Abrasive Wheels
Abrasive Disks
Polishing Wheels
Stroppers

BORING FUNCTION MACHINES

Vertical Boring Mills
Jig Borers
Radial Drills
Upright Drills
Centering Machines
Honers

Horizontal Boring Mills
Pedestal Drills
Gang Drills
Drill Press, etc.
Reamers

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 12.

Occupations in Connection With Mining, Other Than Coal (Order No. 9)

All occupations in connection with mining, other than coal, are prohibited *except* the following:

1. Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.
2. Work in the operation and maintenance of living quarters.

3. Work outside the mine in surveying, in the repair and maintenance of roads, and in general cleanup about the mine property such as clearing brush and digging drainage ditches.
4. Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.
5. Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.
6. The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:
 - a. Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters.
 - b. Work of hand sorting at picking table or picking belt.
 - c. General cleanup work.

Provided, however, that nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

Definitions

As used in this section: The term "All occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand, or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing, or cleaning operations performed upon the extracted minerals *except* where such operations are performed as a part of a manufacturing process.

The term shall not include work performed in subsequent manufacturing or processing operation, such as work performed in smelter, electrometallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded, and further processed, or plants manufacturing clay, glass, or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are

not a part of mining operations, such as dredging for construction or navigation purposes.

Occupations Involving Slaughtering, Meat-Packing or processing, or Rendering (Order No. 10)

The following occupations in or about slaughtering and meatpacking establishments, rendering plants, or wholesale, retail or services establishments are prohibited:

1. All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.
2. All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operations of lard-roll machines.
3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.
4. All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including the occupations of setting-up, adjusting, repairing, oiling, or cleaning such machines: meat patty forming machines, meat and bone cutting saws, knives (*except bacon-slicing machines), head splitter, and guillotine cutters; snout pullers and jaw pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines).
5. All boning occupations.
6. All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.
7. All occupations involving hand lifting or hand-carrying and carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

Definitions

1. The term "slaughtering and meat-packing establishments" shall mean places in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

2. The term “rendering plants” shall mean establishments engaged in the conversion of dead scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.
3. The term “killing floor” shall include that workroom or workplace where cattle, calves, hogs, sheep, lambs, goats, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.
4. The term “curing cellar” shall include that workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include that workroom or workplace where meats are smoked.
5. The term “hide cellar” shall include that workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.
6. The term “boning occupations” shall mean the removal of bones from meat cuts. It shall not include work that involves cutting, scraping, or trimming meat from cuts containing bones.

Note: This order shall not apply to the killing and processing of poultry, rabbits, or small game in areas physically separated from the “killing floor”.

PA. State 11.57 Food chopping and meat-grinding machines.

Employment of minors under 18 years of age on power-driving food-chopping, meat-grinding, slicing or processing machines is prohibited, except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupations.

PA. State 11.65 Meat packing industry

Employment in any of the following occupations of minors under 18 years of age in or about slaughtering or meat packing establishments and rendering plants, except those engaged solely in the killing or processing of poultry, rabbits or small game and except for apprentices and student learners and graduates of an approved vocational, technical, or industrial education curriculum which prepared them for employment in the specific occupation, is prohibited:

- 1 *All occupations on the killing floor, in curing cellars and in hide cellars, except the work of messengers, runners, hand truckers and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.*
- 2 *All occupations involved in the recovering of lard and oils, except for operation of lard-roll machine and occupations in the packaging and shipment of such product.*

- 3 *All occupations involved in tankage or inedible rendering of dead animals, animal offal, animal fats, scrap meats, blood and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and the like.*
- 4 *All occupations involved in the operation of feeding of the following power-driven meat processing machines, including the occupations of setting up, adjusting, repairing, oiling or cleaning such machines; meat and bone cutting saws, knives, headsplitters and guillotine cutters snout pullers and jaw-pullers; skinning machines, horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chipping and hashing machines; and presses, except belly-rolling machines.*
- 5 *All boning occupations, except cutting, scraping and trimming meat from cuts containing bones.*
- 6 *All occupations that involve the pushing or dropping of any suspended carcass, half carcass or quarter carcass.*
- 7 *All occupation that involve the handlifting or handcarrying of any beef, pork or horse carcass, half carcass of the same, or any beef or horse quarter carcass.*

Power-Driven Bakery Machine Occupations (Order No. 11)

The following occupations involved in the operation of power-driven bakery machines are prohibited:

1. The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer, batter mixer, bread dividing, rounding, or molding machine; dough brake; dough sheeter, combination bread slicing and wrapping machine; or cake cutting band saw.
2. The occupation of setting up or adjusting a cookie or cracker machine.

Note: This Order does not apply to the following list of bakery machines, which may be operated by 16 and 17-year-old minors:

INGREDIENT PREPARATION AND MIXING

Flour-sifting Machine Operator
Sack-cleaning Machine Operator

Flour –blending Machine Operator

PRODUCT FORMING AND SHAPING

Roll-dividing Machine Operator
Batter-sealing Machine Operator
Cookie or Cracker Machine Operator
Pretzel-stick Machine Operator
Pie-dough Sealing Machine Operator
Pie-crimping Machine Operator

Roll-making Machine Operator
Deposition Machine Operator
Wafer Machine Operator
Pie-dough Sealing Machine Operator
Pie-dough Rolling Machine Operator

FINISHING AND ICING

Depositing Machine Operator
Spray Machine Operator

Enrobing Machine Operator
Icing Mixing Machine Operator

SLICING AND WRAPPING

Roll Slicing and Wrapping Machine Operator
Cake Wrapping Machine Operator
Carton Packing and Sealing Machine Operator

PAN WASHING

Spray-type Pan Washing Machine Operator
Tumbler-type Pan Washing Machine Operator

PA. State 11:47 Mixing machines in bakeries.

Employment of minors under 18 years of age at operating mixing machines in bakeries is prohibited except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

Power-Driven Paper-Products Machine Occupations (Order No. 12)

The following occupations are prohibited:

1. The occupations of opening or assisting to operate any of the following power-driven paper-products machines:
 - a. Arm-type wirestitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugation and single- or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, lamination or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

- b. Platen die cutting press, platen printing presses, or punch press which involves hand feeding of the machine.
2. The occupations of setting up, adjusting, repairing, oiling or cleaning these machines including those which do not involve hand feeding.

Definitions

- 1 The term “operating or assisting to operate” shall mean all work which involves starting or stopping a machine covered by this Order, placing materials into or removing them from the machine, or any other work directly involved in operating the machine.
- 2 The term “paper-products machine” shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper pulp products, or in any other type of manufacturing or non-manufacturing establishment.

NOTE: There are many machines not covered by this Order. The most important of these machines are the following:

Bag Machine, Bag-Making Machine	Bottoming Machine (Bags)
Box-Making Machine (Collapsible Boxes)	Bundling Machine
Calendar Roll and Plating Machines	Clasp Machine
Counting, Stacking, and Ejecting Machine	Corner Stayer
Creping Machine	Dornbusch Machine (Wall Paper)
Ending Machine (Set-up Boxes)	Envelope Machine
Folding Machine	Gluing, Scaling, or Gumming Machine
Interfolding Machine	Jogging Machine
Lacer Machine	Partition Assembling Machine
Paper Cut Machine	Quadruple Stayer
Rewinder	Rotary Printing Press
Ruling Machine	Slitting Machine
Straw Winder	Stripping Machine
Taping Machine	Tube Cutting Machine
Tube Winder	Tube Machine (Paper Bags)
Window Patch Machine	Wire or Tag Stringing Machine
Parchmentizing, Waxing, or Coating Machines	
Covering, Lining, or Wrapping Machines (Set-up Boxes)	
Cigarette Carton Opener and Tax Stamping Machine	

Exemptions: The exemptions for apprentices and student-learners apply to this Order See page 39

PA. 11.34 Wire stitching machines.

Employment of minors under 18 years of age on wire-stitching machines is prohibited, except for apprentices, student learners, and graduates of an approved vocational, technical, or industrial education curriculum which prepared them for employment in the specific occupation.

PA. 11.46 Woodworking Machinery.

This law could also be used as a source of reference for information regarding particular pieces of equipment or machines. [ex] circular saws

PA. 11.49 Punch presses.

(a) Prohibition. Employment of minors under 18 years of age on punch presses is prohibited except for apprentices, student learners, laboratory student aides, and graduates of an approved vocational, technical, or industrial education curriculum which prepared them for employment in the specific occupation.

(b) Manufacture of artificial foliage. Machines which are used in the manufacture of artificial foliage and are of such a character that the action of the machine would be stopped by contact of the hand are not considered to be within the application of subsection (a) of this section.

Print Machines.

Employment of minors over 16 year of age on blue print machines is permissible.

Occupations involved in the Manufacture of Brick, Tile, and Kindred Products (Order No. 13)

The following occupations involved in the manufacture of clay construction products and of silica refractory products are prohibited:

1. All work in or about establishments in which clay construction products are manufactured. *Except* (a) work in storage and shipping, (b) work in offices, laboratories, and storerooms: and (c) work in the drying departments of plants manufacturing sewer pipe.
2. All work in or about establishments in which silica brick or other silica refractories are manufactured *except* work in offices.

3. Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

Definitions

1. The term “clay construction products” shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following non-structural-bearing clay products: Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories.
2. The term “silica brick or other silica refractories” shall mean refractory products produced from raw materials containing free silica as their main constituent!

PA. 11.54 Pugging machines.

Employment of minors under 18 years of age in the brick-making industry on horizontal or vertical pug mills is prohibited.

Preparing composition of leads, acids, or dangerous or poisonous dyes.

The prohibited occupations specified in section 5 of the act (43 P. S. 44) by the clause In preparing compositions in which dangerous leads or acids are used “and “ in the manufacture of poisonous dyes” is interpreted to include all of the following materials:

Lead salts. lead acetate, lead carbonate, lead chromate, sugar of lead, lead sulphate and lead oxide.

Poisonous or injurious acids. Acetic acids, arsenic acids, arsenious acid, benzoic acid, carbolic acid, chromic acid, formic acid, Hydrochloric acid, nitric acid, oxalic acid, picric acid, pyrogallic acid, salicylic acid, sulfuric acid and tartaric acid.

(3) Dyes. Any dyes which contain aniline, nitrobenzene or phenol.

Occupations involved in the Operation of Power-Driven Circular Saws, Band Saws, and Guillotine Shears (Order No. 14)

The following occupations are prohibited:

1. The occupation of operator of or helper on the following power-driven fixed or portable machines except for machines equipped with full automatic feed and ejection:

- a. Circular saws. b. Band saws. c. Guillotine shears.
2. The occupations of setting up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.

Definitions

1. The term “operator” shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.
2. The term “helper” shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or removing them from the machine.
3. The term “machine equipped with full automatic feed and ejection” shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point -of-operation area.
4. The term “circular saw” shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery mounted on shafting, and used for sawing materials.
5. The term “band saw” shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.
6. The term “guillotine shear” shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

Exemptions

The exemptions for apprentices and student-learners apply to this Order.

PA. 11.46 Woodworking machinery.

(a) Employment of minors under 18 years of age on power-driven woodworking machinery is prohibited except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

Employment on power-driven woodworking machinery includes the following:

- 1. The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.*
- 2. The occupations of setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines.*
- 3. The operations of off bearing from circular saws and from guillotine-action veneer clippers.*

(b) The term “power driven woodworking machines” shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood or veneer.

(c) The term “off bearing” shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off bearing within the intent of this section include the following:

(1) The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operations by a gravity chute or by some mechanical means such as a moving felt or expulsion roller.

(2) The following operations when they do not involve the removal of material or refuse directly from a saw table or from a point of operation:

(i) The carrying, moving or transporting of materials from one machine to another or from one part of a plant to another.

(ii) The piling, stacking or arranging of materials for feeding into a machine by another person.

(iii) The sorting, tying, bundling or loading of materials.

Occupations involved in Wrecking, Demolition, and Shipbreaking Operations (Order No. 15)

All occupations in wrecking, demolition, and shipbreaking operations are prohibited.

Definitions

The term “wrecking, demolition, and shipbreaking operations” shall mean all work, including cleanup and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

PA. 11.64. Wrecking and Demolition.

Employment of minors under 18 years of age in all occupations in wrecking and demolition is prohibited.

Occupations in Roofing Operations (Order No. 16)

All occupations in roofing operations are prohibited.

Definitions

The term “roofing operations” shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of building or other structures. The term shall also include all work performed in connection with:

1. The installations of roofs, including related metal work such as flashing, and
2. Alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work: the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

Exemptions

The exemptions of apprentices and student-learners apply to this Order on page 39.

PA. 11.63. Roofing Operations.

Employment of minors under 18 years of age in all occupations in roofing operations is prohibited, except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

Occupations in Excavation Operations (Order No. 17)

The following occupations in excavation operations are prohibited:

1. Excavating, working in, or backfilling (refilling) trenches, except manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or working in trenches that do not exceed four feet in depth at any point.
2. Excavating for building or other structures or working in such excavations, except manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or working in an excavation not exceeding such depth, or working in an excavation where the side walls are shored or sloped to the angle of repose.
3. Working within tunnels prior to the completion of all driving and shoring operations.
4. Working within shafts prior to the completion of all sinking and shoring operations.

Exemptions

The exemptions for apprentices and student-learners apply to this Order.

11.66. *Excavating operations.*

Employment of minors under 18 years of age in any of the following occupations involving excavating operations is prohibited except for apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation:

- (1) Excavating, working in or backfilling trenches except for manually excavating or manually backfilling trenches that do not exceed 4 feet in depth at any point or working in trenches that do not exceed 4 feet in depth at any point.*
- (2) Excavating for buildings or other structures or working in such excavations, except for manually excavating to a depth not exceeding 4 feet below any ground surface adjoining the excavation, working in an excavation not exceeding such depth, or working in an excavation where the side walls are shored or sloped to the angle of repose.*
- (3) Working within tunnels prior to the completion of all driving and shoring operations.*
- (4) Working within shafts prior to the completion of all sinking and shoring operations.*

Exemptions from Hazardous Occupations Orders

Hazardous Occupations Orders Nos.: 5, 8, 10, 12, 14, 16, and 17 contain exemptions or 16 and 17 year old apprentices and student learners provided they are employed under the following conditions:

Apprentices:

1. The apprentice is employed in a craft recognized as a apprenticeable trade;
2. The work of the apprentice in the occupations declared particularly hazardous is incidental to his training;
3. Such work is intermittent and for short periods of time and is under direct and close supervision of a journeyman as a necessary part of such apprentice training; and
4. the apprentice is registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by the State apprentice agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal or state standards.

Student learners:

1. The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: and
2. such student-learners is employed under a written agreement which provides:
3. That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to the training:
4. That such work shall be intermittent and for short periods of time. And under the direct and close supervision of a qualified and experienced person;
5. That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and
6. That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of the student-learners

may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed there under. A high school graduate may be employed in a occupation in which training has been completed as provided in this paragraph as the student-learner, even though he is not yet 18 years of age.

Penalties for Violation

For violation of the child labor provisions or any regulation issued thereunder, employers may be subject to a civil money penalty up to \$11,000.

The Act was amended, effective June 15, 1994, authorizing (in section 16 (e) the Secretary of Labor to assess a civil money penalty of not to exceed \$11,000 for each violation of the child labor provisions of the Act or any regulation issued thereunder. When a child labor civil money penalty is assessed against an employer, the employer has the right, within 15 days after receipt of the notice of such penalty, to file an exception to the determination that the violation or violations of the child labor provisions occurred. When such an exception is filed with the Administrator of the Wage and Hour Division, the matter is referred to the Chief Administrative Law Judge, and a formal hearing is scheduled. At such a hearing the employer may, or an attorney retained by the employer may, present such witnesses, introduce such evidence and establish such facts as the employer believes will support the exception. The determination of the amount of any civil money penalty becomes final if no exception is taken to the administrative assessment thereof, or if an exception is filed pursuant to the decision and order of the administrative law judge.

The Act also provides, in the case of willful violation, for a fine up to \$11,000; or, for a second offense committed after the conviction of such person of a similar offense, for a fine of not more than \$11,000; or imprisonment for not more than 6 months, or both. The Secretary of Labor may also ask a Federal district court to restrain future violations of the child labor provision of the Act by injunction.

Age Certificates

Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each minor employed to show that the minor is the minimum age for the job. Certificates issued under most State laws are acceptable for purposes of the Act.

Additional Information

Inquiries about the Fair Labor Standards Act will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U. S. Department of Labor. Offices are listed in the telephone directory under U. S. Department of Labor in the U. S. Government Listing. These offices also supply publications free of charge.

CHILD LABOR BULLETIN NO. 102

(Child Labor Bulletin No. 101 deals with the employment of minors in non-agricultural occupations.)

This booklet is a guide to the provisions of the Fair Labor Standards Act (also known as the Wage-Hour Law) which apply to minors employed in agriculture. In addition to child labor provisions, the Act also contains provisions on minimum wage, overtime, equal pay, and record keeping.

It is important to note that the child labor provisions of the Act apply to the agricultural employment of all children, migrant as well as local resident children.

OTHER CHILD LABOR LAWS

Other Federal and State laws may have higher standards. When these apply, the more stringent standard must be observed. All states have child labor laws and compulsory school attendance laws.

COVERAGE OF THE CHILD LABOR PROVISIONS

The Fair Labor Standards Act of 1938 (FLSA) establishes minimum ages for covered employment in agriculture unless a specific exemption applies. Covered employment in agriculture includes employees whose occupations involve growing crops or raising livestock which will leave the State directly or indirectly through a buyer who will either ship them across State lines or process them as ingredients of other goods which will leave the State.

Employees covered include workers whom:

- Raise livestock, bees, fur-bearing animals, or poultry;
- Cultivate the soil, grow, or harvest crops;
- Grow or harvest crops as employees of a contractor;
- As employees of either the farmer or an independent contractor, do work on the farm which is incidental to the farming operations of that farm (such as threshing grain grown on that farm);
- As employees of the farmer, do work off the farm which is incidental to the farming operations of the farm.

The child labor provisions may apply to employment in any of the above regardless of farm size or the number of man-days of farm labor used on that farm.

MINIMUM AGE STANDARDS FOR EMPLOYMENT IN AGRICULTURE

16 – Minimum age for employment

- In any agricultural occupation declared hazardous by the Secretary of Labor;
- During school hours;

14 – Minimum age for employment outside school hours

- In any agricultural occupation not declared hazardous by the Secretary of Labor:

EXCEPT:

- 12 and 13-year-old may be employed with written parental consent or on a farm where the minor's parent or person standing in place of the parent is also employed;
- Minors under 12 may be employed with written parental consent on farms where employees are exempt from the Federal minimum wage provisions

Local minors (permanent residents) 10 and 11 years old may be employed outside school hours under prescribed conditions to hand harvest short season crops for no more than 8 weeks between June 1 and October 15 in any calendar year, upon approval by the Secretary of Labor of an employer's application for a waiver from the child labor provisions for such employment. A "permanent residence" means the place where the minor normally resides with his or her parent(s) year-round.

Note: Minors of any age may be employed by their parent or person standing in place of their parent at any time in any occupation on a farm owned or operated by their parent or person standing in place of their parent.

SCHOOL HOURS AND EMPLOYMENT IN AGRICULTURE

Minors under 16 years of age may not be employed during school hours unless employed by their parent or person standing in place of their parent. School hours are those set for the school district in which a minor is living while employed in agriculture.

For example:

- If the school is in session from 9 a.m. to 3 p.m. in the school district where the minor is living while working, the minor may work only before 9 a.m. or after 3 p.m. on school days
- Work before or after school hours, during weekends, or on other days on which the school for the school district does not assemble is considered work outside school hours.
- School hour's provisions apply to private as well as public schools.

- A crew leader who takes workers to an area where schools are open may not allow minors under 16 to work during the hours school is in session in the school district where the farm work is being done.
- Work during school hours refers to those hours determined on the basis of the official school calendar for the school district where the minors are living while so employed. No provision is made for the release of individual children or any class or grade to work in agriculture.

HAZARDOUS OCCUPATIONS IN AGRICULTURE

The Secretary of Labor has found and declared that the following occupations in agriculture are hazardous for minors under 16 years of age. No minor under 16 may be employed at any time in these occupations except as exempt:

- 1) Operating a tractor over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
- 2) Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines:
 - a) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
 - b) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or
 - c) Power post-hole digger, power post driver, or nonwalking-type rotary tiller.
- 3) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:
 - a) Trencher or earthmoving equipment;
 - b) Fork lift;
 - c) Potato combine; or
 - d) Power-driven circular, band, or chain saw.
- 4) Working on a farm in a yard, pen, or stall occupied by a:
 - a) Bull, boar, or stud horse maintained for breeding purposes; or

- b) Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).
 - 5) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.
 - 6) Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
 - 7) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.
 - 8) Working inside:
 - a) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
 - b) An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
 - c) A manure pit;
 - d) A horizontal silo while operating a tractor for packing purposes.
 - 9) Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty contaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by Federal Environmental Pesticide Control Act of 1972, 7 U.S.C. 136 et seq.) as Toxicity Category I, identified by the word "Danger" and/or "Poison" with skull and crossbones; or Toxicity Category II, identified by the word "Warning" on the label;
 - 10) Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or
 - 11) Transporting, transferring, or applying anhydrous ammonia.
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EXEMPTIONS FROM HAZARDOUS OCCUPATIONS ORDER IN AGRICULTURE

These prohibitions do not apply to the employment of minors under 16 years of age by their parents or by persons standing in the place of their parents on farms owned or operated by such parents or persons.

Under carefully regulated conditions, employment of 14 and 15-year-old minors in certain types of the agricultural occupations found and declared to be hazardous is exempt. They are:

STUDENT-LEARNERS

Student-learners in a bona fide vocational agriculture program may work in the occupations listed in items 1 through 6 of the hazardous occupations order under a written agreement which provides that the student-learner's work is incidental to training, intermittent, for short periods of time, and under close supervision of a qualified person; that safety instructions are given by the school and correlated with on-the-job training; and that a schedule of organized and progressive work processes has been prepared. The written agreement must contain the name of the student-learner, and be signed by the employer and a school authority, each of whom must keep copies of the agreement.

4-H FEDERAL EXTENSION SERVICE TRAINING PROGRAM

Minors 14 and 15 years old who hold certificates of completion of either the tractor operation or machine operation program may work in the occupations for which they have been trained. Occupations for which these certificates are valid are covered by items 1 and 2 of the hazardous occupations order. Farmers employing minors who have completed this program must keep a copy of the certificates of completion on file with the minor's records.

Enrollment in this program is open to minors who are not members of 4-H as well as 4-H members. Information on this program is available from an Extension Agent of the Cooperative Service of a land grant university.

VOCATIONAL AGRICULTURE TRAINING PROGRAM

Minors 14 and 15 years old who hold certificates of completion of either the tractor operation or machine operation program of the U.S. Office of Education Vocational Agriculture Training Program may work in the occupations for which these certificates are valid are covered by items 1 and 2 of the hazardous occupations order. Farmers employing minors who have completed this program must keep a copy of the certificate of completion on file with the minor's records.

Information on the Vocational Agriculture Training Program is available from vocational agriculture teachers.

PENALTIES FOR VIOLATIONS

For each violation of the child labor provisions or any regulation issued thereunder, employers may be subject to a civil money penalty of up to \$11,000.

The Act was amended, effective June 15, 1994, authorizing (in section 16(e) the Secretary of Labor to assess a civil money penalty not to exceed \$11,000 for each violation of the child labor provisions of the Act or any regulation issued thereunder.

When a child labor civil money penalty is assessed against an employer, the employer has the right, within 15 days after receipt of the notice of such penalty, to file an exception to the determination that the violation or violations of the child labor provisions occurred. When such an exception is filed with the Administrator of the Wage and Hour Division, the matter is referred to the Chief Administrative Law Judge, and a formal hearing is scheduled. At such hearing the employer may, or an attorney retained by the employer may, present such witnesses, introduce such evidence and establish such facts as the employer believes will support the exception. The determination of the amount of any civil money penalty becomes final if no exception is taken to the administrative assessment thereof, or if an exception is filed, pursuant to the decision and order of the administrative law judge.

The Act also provides, in the case of willful violations, for a fine up to \$11,000; or, for a second offense committed after the conviction of such person or similar offense, for a fine of not more than \$11,000 or imprisonment for not more than 6 months, or both. The secretary of Labor may also ask a Federal district court to restrain future violations of the child labor provisions of the Act by injunction.

CERTIFICATE OF AGE

Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each minor employed to show that the minor is the minimum age for the job. Certificates issued under most State laws are acceptable for purposes of the Act.

RECORD KEEPING FOR EMPLOYMENT OF MINORS

Every employer (except a parent or person standing in the place of a parent employing one's own child on a farm owned or operated by such parent or person) who employs any minor under 16 years of age in agriculture must maintain and preserve records containing the following data about each minor employed:

1. Name in full.
2. Place where the minor lives while employed. If the minor's permanent address is elsewhere, both addresses should be given.
3. Date of birth.
4. Evidence in writing of any consent of the parent or person standing in place of the parent of the minor, if consent is required.

MINIMUM WAGE FOR AGRICULTURAL EMPLOYMENT

The Fair Labor Standards Act extends minimum wage provisions to farm employees, including minors, whose employer used more than 500 man-days of farm labor during

any calendar quarter of the previous calendar year. Unless otherwise exempt, employees covered by the minimum wage provisions must be paid at least \$5.15.

Farm workers are not subject to the overtime pay provisions of the Act.

No minimum wage and overtime pay is required for the following:

- 1) Members of the employer's immediate family.
- 2) Hand harvest laborers paid piece rates in an operation generally recognized as piecework in the region, under both of the following conditions: (1) they go each day to the farm from their permanent residence; and (2) they have been employed in agriculture less than 13 weeks in the previous calendar year.
- 3) Migrant hand harvest laborers 16 years of age or under who are employed on the same farm as their parents and under both of the following conditions: (1) they are paid piece rate in an operation generally recognized as piecework in the region; and (2) the piece rate is the same as that paid workers over the age of 16.
- 4) Employees principally engaged in the range production of livestock.

ADDITIONAL INFORMATION

Inquiries about the Fair Labor Standards Act will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor in the U.S. Government listing. These offices also supply publications free of charge.

THERE IS NO PA. STATE CHILD LABOR REQUIREMENTS IN AGRICULTURAL

Coop classes at Central Westmoreland

Susan E. Bender, Trinity High School, 321 Park Avenue, Washington, PA 15301
Shirley Bevan, McKeesport Area Technology Center, McKeesport, PA 15132
Joseph R. Biondo, CWCTC, 240 Arona Road, New Stanton, PA 15672
Lynn Birnie, West Allegheny High School, Imperial, PA 15126
Marie Brancho, Ambridge Area High School, Ambridge, PA 15003
Debbie L. Grindle, CWCTC, 240 Arona Road, New Stanton, PA 15672
Earl R. Moss, McKeesport Area Technology Center, McKeesport, PA 15132
James N. Nesser, Yough High School, 99 Lowber Road, Hermine, PA 15637
Ronald C. Obremski, McKeesport Schools, 2225 Fifth Ave., McKeesport, PA 15132
Cary Phillippi, Somerset County Area Tech Center, 281 Tech Rd, Somerset, PA 15501
Ray Tristano, Ridge Avenue Vo-Tech Center, Pgh., PA 15212
Jay Trower, Langley High School, 2940 Sheraden Blvd., Pgh., PA 15204
Bob Washabaugh, Fayette Area Vo-Tech School, Uniontown, PA 15401

Coop classes at Mercer AVTS:

Beth Arnold, Freedom Area School District, 1190 Bulldog Drive, Freedom, PA 15042
Marilyn Brown, Wattsburg Area Middle School, 10774 Wattsburg Road, Erie, PA 16509
Stacey Burk, Butler County AVTS, 210 Campus Lane, Butler, PA 16001
Perry Dawson, Knoch High School, PO Box 628, Saxonburg, PA 16056
Barbara Fields, Butler County AVTS, 210 Campus Lane, Butler, PA 16001
Joyce Holzhauser, Butler County AVTS, 210 Campus Lane, Butler, PA 16001
Juliann Galmarini Mangino, Director
Lawrence County School-To-Work, 750 Phelps Way, New Castle, PA 16101
Tinamarie Trucco, School-To-Work
Specialist/Program Coordinator, Crawford County Local Partnership

