

FEDERAL LABOR LAWS FOR YOUNG WORKERS – SUMMARY

14- and 15-year-olds

- They can work up to:
 - 3 hours on a school day, Monday through Friday.
 - 8 hours on Saturday and Sunday not to exceed 18 hours during a school week.
- They can work up to 8 hours a day on a non-school day, not to exceed 40 hours per week during the non-school week.
- They cannot work during school hours.
- They cannot work before 7 AM or after 7PM except from June 1 through Labor Day when evening hours are extended to 9PM.

16- and 17-year-olds

- They can work for unlimited hours.
- They can work in many occupations, except those that have been declared hazardous by the U.S. Department of Labor:
 - Manufacturing and storing explosives
 - Driving a motor vehicle or outside helper, except under certain conditions
 - Coal mining with certain exceptions
 - Logging and saw milling
 - Power driven woodworking machines including saws
 - Exposure to radioactive substances and to ionizing radiations
 - Power driven metal forming, punching and shearing machines
 - Power driven hoisting apparatus
 - Mining other than coal mining

- They cannot work in any manufacturing processing, mining, construction, warehouse operation, and any job involving power driven machinery. Many restrictions apply in cooking jobs, transportation jobs including messenger service,
- They cannot work in any of the Hazardous Occupations listed below for 16 and 17-year-olds.
- For job shadowing purposes, they can observe restricted activities.

- Slaughtering, meatpacking, processing or rendering
 - Power driven bakery machines
 - Power driven paper products machines
 - Manufacturing brick, tile and kindred products
 - Power driven circular saws, band saws and guillotine sheers
 - Wrecking, demolition and ship-breaking operations
 - Roofing operations
 - Excavating operations
- For job shadowing purposes, they can observe restricted activities.
 - At 16, no work related driving permitted.
 - At 17, restricted driving, refer to box next page.

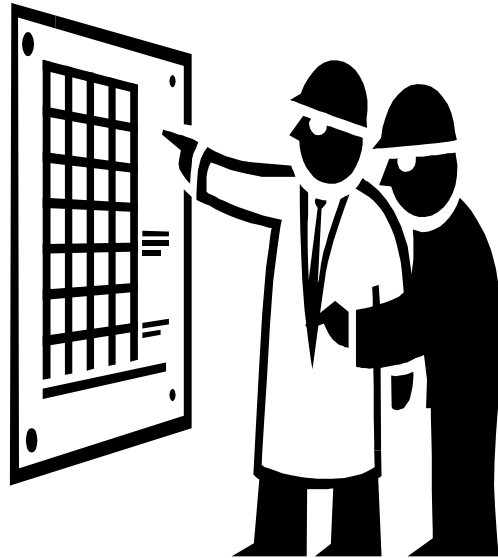
18-year-olds

- They can work in any job for unlimited hours.
- Colorado laws do not require or prohibit:
 - Paid time off or vacations, severance, holiday or sick pay
 - Advance notice for layoff or termination
 - Advance notice to quit or re-sign
 - Advance notice of work schedule changes
 - Premium pay for weekends, holiday or night work
 - Pay rates, bonuses, or other fringe benefits.

Driving restrictions for 17 year-old employees:

- Can only drive during daylight hours
- Cannot make urgent or "Time sensitive" deliveries (i.e. pizza)
- No route deliveries or route sales
- No transportation for hire of property, goods or passengers
- No transporting more than three passengers, including employees of the employer
- No driving beyond a 30-mile radius from the place of employment
- No more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers, other than employees of the employer
- Driving must be occasional and incidental to the 17 yr-olds job

Colorado is an "Employment at Will" state, which means an employer or employee, can terminate an employment relationship at any time with or without cause and with or without notice and with no penalty in most cases. To get a copy of Colorado Child Labor laws, contact your local Job Service Center Office. To request a copy of Federal Labor Laws, contact the U.S. Department of Labor, Wage and Hours Division at (303) 844-4405. Colorado Labor Laws can be obtained from the Colorado Department of Labor and Employment, Labor Standards Office at (303) 872-2241.



LABOR STANDARDS TERMINOLOGY

Apprenticeship (Registered): Apprenticeships are relationships between an employer and an employee during which the worker, or apprentice, learns an occupation in a structured program sponsored jointly by employers and labor unions or employee associations. Registered apprenticeship describes those programs registered with the Bureau of Apprenticeship and Training (BAT), U. S. Department of Labor, or one of 27 State Apprenticeship Agencies or Councils approved by BAT.

Career Development: Career Development is the process through which an individual comes to understand his or her place in the world of work. Students develop and identify their careers through a continuum of career awareness, career exploration, and work exposure activities that help them to discern their own career path.

Career Awareness: Career awareness activities typically begin at the elementary level and are designed to make students aware of the broad range of careers and/or occupations in the world of work, including options that may not be traditional for their gender, race or ethnicity. Career awareness activities range from limited exposure to the world of work through occasional field trips and classroom speakers, to comprehensive exposure involving curriculum redesign and integration of career concepts with academic content at the middle school level.

Career Exploration: Career exploration is designed to provide some in-depth exposure to career options for students. Activities may include the study of career opportunities in particular fields to identify potential careers, job shadows, interviews with persons currently working in the field, or review of local labor market information. Classroom learning could be connected to exploration and community activities.

Cooperative Education: Cooperative education is a structured method of instruction whereby students alternate or coordinate their high school or postsecondary studies with a job in a field related to their academic or occupational objectives. Students and participating businesses develop written training and evaluation plans to guide instruction, and students receive course credit for both their classroom and work experiences.

Dual Enrollment: Dual enrollment is a program of study allowing high school students to simultaneously earn credits toward a high school diploma and a postsecondary degree or certificate. Written agreements formalize programs of study, the transfer of academic and vocational credits among institutions, and the role of secondary and postsecondary instructors.

Internships: Internships are situations where students work for an employer for a specified period of time to learn about a particular industry or occupation. Workplace activities may include special projects, a sample of tasks from different jobs, or tasks from a single occupation. These may or may not include financial compensation.

Job Shadowing: Job shadowing is a typical part of career exploration activities in late, middle and early high school. A student follows an employee at a firm for one or more days to learn about a particular occupation or industry.

Learning Objectives, Performance Measures & Performance Standards: These components make up the three-part process of establishing a performance measurement system that should be defined when students participate in a community activity or work-based learning experience. The three terms are defined as follows:

1. Learning Objectives – Summarize the knowledge, skills, and abilities that students will be expected to achieve. A learning objective answers the question, “What do we want students to know, understand, or be able to do?”
2. Performance Measures – Describe how attainment of the learning objectives will be measured or assessed.
3. Performance Standards – Set the level of knowledge or skill mastery that students will be expected to attain.

Occupational Cluster: An occupational cluster is a grouping of occupations from one or more industries that share common skill requirements. Occupational clusters form the basis for developing national skill standards.

On-the-Job Training (OJT): On-the-job training is hands-on training in specific occupational skills that students receive as part of their work-place experiences.

Portfolio: A portfolio is a collection of work that documents a student’s educational performance over time. While there is no standard format that a portfolio must take, it typically includes a range of materials intended to: organize and manage a variety of pertinent information about the student; demonstrate the student’s achievement; assist the student in recognizing academic growth; provide students with a mechanism to take greater responsibility for their own learning and development.

Work-Based Learning: Work-based learning experiences are activities at the high school level that involve actual work experience or connect classroom learning to work. Levels of intensity range from exposure to work-based learning that occurs in traditional vocational programs to full integration of academic and vocational-occupational curriculum with work site experience.

Youth Apprenticeship: Youth apprenticeship is typically a multi-year program that combines school and work-based learning in a specific occupational area and is designed to lead directly into either a related postsecondary program, entry-level job, or registered apprenticeship program. Youth apprenticeships may or may not include financial compensation.

Authorization for Un-paid Community Work Experiences

Unpaid community-based work experiences can be very beneficial to persons vocational development and are allowed for vocational exploration, assessment, and training. The following guidelines are intended to prevent students and vocational rehabilitation customers from being used as "free labor" and/or displacing other workers.

Complete this form for any student who will be receiving vocational instruction through a non-paid work experience.

Yes	No	Description
		The student has been identified under IDEA as having a disability.
		Competitive employment is not immediately attainable by the student due to the severity of his/her disability.
		The work experience is for vocational exploration, assessment or training.
		Community-based placement is documented and clearly identified on the individual's IEP, vocational rehabilitation assessment, and / or IPE. Documentation must include: <ul style="list-style-type: none"> ▪ The need and student benefit to the student. ▪ A clear relationship to the student's transition employment outcome and annual goal(s).
		The individual does not displace or reduce the hours of an existing employee.
		The individual will be under direct supervision by a school representative, a vocational rehabilitation service provider, or an employee of the business.
		The student needs intensive ongoing support to perform in the work setting.
		The activities of the individual do not result in immediate advantage to the business, or the advantages are clearly offset by the burden of training and supervision.
		The total hours of the experience will not exceed; <ul style="list-style-type: none"> ▪ 5 hours for vocational exploration per job experience; (career awareness, job shadowing, job site evaluation) ▪ 90 hours for vocational assessment per job experience; (situational assessments) ▪ 120 hours for vocational training per job experience (work adjustment training, job skills training, job coaching).
		The individual is working for training purposes and does not expect, or is not entitled to, a position after completion of the experience.
		Parent(s) and student are informed and have agreed to participation and understand that no wages will be available for this educational experience.
		The training position is a clearly distinguishable occupation or job classification (the skills on this training experience can be transferred to paid employment).

If "no" has been checked on any of the above, this constitutes an employer - employee relationship. If the student is placed in the position and wages should be paid. If during the work training experience, the conditions change, and an employer - employee relationship is established, wages must be paid or the student should be removed from the site.

Signatures:

Student

School

Parent

Business Sponsor

FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) regulates employment relationships in four areas: minimum wages, overtime, child labor and equal pay. The Act applies only where certain commerce tests are met, because Congress' authority to create labor standards is based upon its power to regulate commerce.

Applicability of the FLSA

Two questions must be answered in order to determine whether FLSA applies:

1) Does an employment relationship exist?

When a person who was not an independent contractor performs work for an employer with the employer's knowledge, an employment relationship exists and the employer must comply with FLSA. The FLSA does not apply, however, if work is performed in the course of training rather than employment.

2) Is the enterprise or the employee involved in interstate commerce?

The commerce test may be satisfied based on: 1) the size or nature of the enterprise; or 2) the nature of the employee's duties. The FLSA applies to all employees of an enterprise that either: a) has annual gross sales or business of \$500,000 or more; b) is engaged in the operation of a hospital, a residential facility for the care of the physically or mentally disabled or the aged, a school for physically or mentally disabled children or gifted children, a preschool, an elementary school, a secondary school, or an institution of higher education; or c) is a public agency. Although an enterprise may not meet the commerce test, the FLSA still applies to those employees of any business who themselves engage in interstate commerce in the course of their work. Activities that could bring individual employees under the Act included interstate communication by mail or telephone, and interstate shipping or receiving of products. In effect, the FLSA reaches into almost all workplaces.

Wages

In employment situations, there is an FLSA minimum wage requirement for administrative, professional, and executive employees, as well as persons of any age employed in certain occupations. However, section 14 of the Act creates exceptions that apply specifically to students.

FLSA STANDARDS RELATING TO EMPLOYEES AGE 16 AND 17

WAGES

The minimum wage must be paid to employees aged 16 and 17 unless an exception exists.

Exception: Employers may obtain a certificate from the Wage-Hour Division of the U.S. Department of Labor Employment Standards Administration authorizing the payment of a sub-minimum wage to persons aged 16 or older that are:

- Student-learners in a vocational training program;
- Full time students working in retail establishments, in-service establishments, and in institutions of higher learning where they are enrolled; or
- Students with disabilities participating in cooperative vocational education.

The permissible sub-minimum wage is 75 percent of the minimum wage for student-learners and 85 percent of the minimum for full-time students in retail, service establishments, and institutions of higher learning. These sub-minimum wage rates would apply as well to any disabled students employed as student-learners or as full-time students. Certificates authorizing employers of disabled workers to pay commensurate wage rates based on productivity may apply in cooperative education.

Hours

There are no restrictions on the number of hours that an employee aged 16 or above may work. Minors who work more than 40 hours a week must be paid 1 1/2 times their hourly wage.

Types of Work

Employers may not allow minors to perform work that has been determined to be hazardous by the Secretary of Labor. The Secretary's Hazardous Occupation Orders (HOs) are published in 29 CFR 570. There are some exemptions on the list for student-learners aged 16 or 17 in vocational education programs if they are employed under a written agreement that meets the conditions listed in 29 CFR 570.50(c).

These same exemptions apply for apprentices registered with the U.S. Department of Labor's Bureau of Apprenticeship and Training with the state apprenticeship council.

FLSA STANDARDS RELATING TO EMPLOYEES AGE 14 AND 15

Wages

The minimum wage must be paid to an employee age 14 and 15 unless an exception exists.

Exception: Employers may obtain a certificate that allows them to paid 85 percent of the minimum wage to full-time students employed in retail or service establishments. Such certificates are issued by the Dallas Regional Office of the U.S. Department of Labor and Wage and Hour Division.

Hours

The hours of non-agricultural employment for minors aged 14 and 15 are restricted to:

- Outside school hours;
- Not more than three hours in a school day;
- Not more than 18 hours in a school week;
- Not more than 8 hours in non-school day;
- Not more than 40 hours in non-school week; and
- Between 7 AM and 7 PM (9 PM from June 1 through Labor Day).

Exception: Employees aged 14 and 15 who are participating in a Work Experience and Career Exploration Program may work during school hours and up to 23 hours in a school week.

Types of Work

The hazardous occupations cited in 29 CFR 570 are applicable also to persons aged 14 and 15. In addition, Child Labor Regulations 3 prohibits the employment of persons aged 14 and 15 in occupations and activities listed in the following table.

Activities Prohibited Under Child Labor Regulations 3	
<ul style="list-style-type: none">▪ Manufacturing, mining, and processing▪ Most transportation jobs▪ Cooking other than with in view of the public at lunch counters and snack bar's▪ Working in warehouses and workrooms	<ul style="list-style-type: none">▪ Work on construction sites other than in the office▪ Any job involving power-driven machinery including hoist, conveyor belts and lawnmowers.▪ A Public messenger service

Exception: Variances may be granted by the Administrator of the U.S. Department of Labor Wage and Hour Division under limited conditions to permit students aged 14 and 15 employed under a Work Experience and Career Exploration Program to engage in some activities otherwise prohibited by Regulations 3.

Standards Relating to Minors in Agricultural Work

Agricultural work includes farming in all of its branches. A detailed explanation of agricultural work activities and exemptions is given in 29 CFR 780. The nearest U.S. Department of Labor Wage-Hour Division Office can assist schools and employers in determining whether proposed jobs for students in an agricultural career pathway will constitute agricultural work for purposes of the FLSA.

Wages

Students engaged in agricultural work must be paid the minimum wage unless an exemption applies.

Exemptions: Full-time students engaged in agricultural work may be paid a sub-minimum wage of 85 percent of the minimum wage. In addition, under the exemptions listed in section 13 of the FLSA, small farmers (those who employed fewer than 500 person days the previous quarter) may be exempt from paying their employees the minimum wage.

Hours

Persons aged 16 and above may work any hours in agriculture. Under most circumstances the FLSA does not require overtime pay for agricultural work. The hours in agricultural employment for persons aged 14 and 15 are restricted to outside school hours unless the minor is employed by a parent or person standing in the place of a parent.

Types of Work

The Secretary has designated Hazardous Occupations that apply to 14 and 15-year-olds engaged in agricultural work, and to those younger children permitted to work on farms under limited circumstances. Agricultural hazardous occupations cover activities listed in the table.

Activities Prohibited as Hazardous Occupations in Agriculture

- Operating a tractor or connecting or disconnecting tractor parts or implements
- Operating or assisting in the operation unspecified machinery and equipment
- Working in a yard, pen, or stall occupied by specified animals
- Felling, loading, bucking, or skidding timber more than six inches in diameter
- Working from a ladder or scaffold at the height of over 20 feet
- Driving a vehicle transporting passengers or riding on a tractor
- Working in certain silos, storage areas, and manure pits
- Handling toxic chemicals, blasting agents, and anhydrous ammonia

Exemptions: Minors aged 14 and 15 who have a 4-H or agricultural education training certificate and student-learners enrolled in vocational agriculture programs may engage in some farm work activities otherwise prohibited. Student-learners must be employed under a written agreement that provides: 1) any work in the hazardous occupation is incidental to training; 2) working in the hazardous activity is intermittent and for short periods only, and is under the direct and close supervision of a qualified person; 3) safety instruction; and 4) a schedule of progressive work processes.

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		The work experience is for vocational exploration, assessment or training.
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		The individual does not displace or reduce the hours of an existing employee.
		The individual will be under direct supervision by a school representative, a vocational rehabilitation service provider, or an employee of the business.
		The student needs intensive ongoing support to perform in the work setting.
		The activities of the individual do not result in immediate advantage to the business, or the advantages are clearly offset by the burden of training and supervision.
		The total hours of the experience will not exceed; <ul style="list-style-type: none"> ▪ 5 hours for vocational exploration per job experience; (career awareness, job shadowing, job site evaluation) ▪ 90 hours for vocational assessment per job experience; (situational assessments) ▪ 120 hours for vocational training per job experience (work adjustment training, job skills training, job coaching).
		The individual is working for training purposes and does not expect, or is not entitled to, a position after completion of the experience.
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Signatures:

Student

School

Parent

Business Sponsor

Community-Based Vocational Training Sample Labor Law Regulations Contract

According to this agreement, _____ agrees to permit
(BUSINESS SPONSOR)
_____ age _____ to enter its work site for the purpose of
(STUDENT)
receiving community-based vocational training for _____
(JOB TASKS)

This training agreement will serve as a guide to ensure that the student receives opportunities for training in the specific skills for the job activities selected, as well as, the vocational and social skills related to the job. Instructional programs have been developed and will be used by _____. The use of these programs has been agreed upon by: _____ and _____
(BUSINESS SPONSOR) (SCHOOL REPRESENTATIVE) (STUDENT)

(PARENT)

The training period begins the _____ day of _____, 20____, and will end the _____ day of _____, 20____. The student will be on site from _____ to _____ on _____
(STARTING TIME) (ENDING TIME) (DAYS)

The trainer will be responsible for ensuring that the student follows company policies and regulations that apply to all employees. The student agrees to attend vocational training according to the schedule and participate in the instructional program. He/she will be covered by accidental/health insurance provided through the school system during training hours. It is understood that the employer ***will not pay*** the student for the job duties completed while on this community-based training site. It is also understood that ***the activities of the student will not result in any immediate advantage to the business.***

All instructional program procedures for this experience are part of the student's IEP or ITP goals and objectives. The teacher/trainer will be responsible for the direct supervision of the student and will collect data on all skills that are being trained. The business sponsor reserves the right to discontinue the training placement at any time. However, if a problem arises, the employer agrees to discuss the situation with the teacher/trainer immediately to identify solutions prior to discontinuing the training experience.

All parties agree to abide by the guidelines developed by the U.S. Department of Labor and the U.S. Department of Education for non-paid vocational training sites to include the following:

- The student participating in this training experience is an individual for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of his/her disability, will need intensive on-going support to perform in a work setting.
- The student will participate under the general supervision of public school personnel.
- Community-based training will be clearly defined in the student's I.E.P. and will be designed specifically to benefit the student.

Community-Based Vocational Training Labor Law Regulations Contract (continued)

- Documentation of student enrollment in the community-based placement program will be made available to the Departments of Labor and Education.
- All parties entering into this agreement realize that participation in this training does not entitle the student participant to wages.
- The activities of the student at this job site will not result in an immediate advantage to the business. This will include the following:
 1. There has been no displacement of employees, vacant positions have not been filled [by students]; employees have not been relieved of assigned duties; and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.
 2. The students are under continued and direct supervision by either representatives of the school or by employees of the business.
 3. Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
 4. The periods of time spent *by the* students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP. Each component will not exceed the following limitation during any one school year:

Vocational exploration	<u>5</u> hours per job experienced
Vocational assessment	<u>90</u> hours per job experienced
Vocational training	<u>120</u> hours per job experienced

- Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community based placement unless in a clearly distinguishable occupation.

If any of the above criteria fail to be met during the student's placement, he/she will be withdrawn from the training site. It is also agreed that all students 16 and 17 years old will not be participating in any training activities that have been declared hazardous by the Secretary of Labor. According to Wage Hour Publication 1330, these hazardous occupations include:

1. Manufacturing and storing explosives.
2. Motor vehicle driving and outside helper.
3. Coal mining.
4. Logging and sawmilling.
5. Power driven woodworking machines.
6. Exposure to radioactive substances.
7. Power-driven hoisting apparatus.
8. Power-driven metal-forming, punching, and shearing machines.
9. Mining, other than coal mining.
10. Slaughtering or meat packing, processing or rendering.

11. Power-driven bakery machines.
12. Power-driven paper-products machines.
13. Manufacturing brick, tile, and kindred products.
14. Power-driven circular saws, band saws, and guillotine shears.
15. Wreaking, demolition, and ship breaking operations.
16. Roofing operations.
17. Excavation operations.

Approvals

Business Sponsor

Date

Trainer

Date

Student

Date

Parent or Guardian

Date

Administrator

Date