

Do you comply with youth employment laws?

by **Jodi R. Bohr**
Tiffany & Bosco, P.A.

The "Work on It" column in the June 2017 issue of *Arizona Employment Law Letter* addressed two of the three kinds of restrictions on child labor: (1) the number of hours that some minors can work and (2) suitable times of day. Now that you are in the know regarding when and how long a minor can work, it's important to delve into the permissible and prohibited jobs for minors.

Any jobs permissible for minors under 14? 14 and over?

Parents may employ their children if they own at least 10 percent of the business, with the exception of manufacturing or mining. Actors and performers, with proper notice to the Industrial Commission of Arizona (ICA), are exempt from these laws. And as discussed in last month's column, newspaper carriers who deliver to subscribers, not newsstands, may be as young as 10 years old.

The U.S. Department of Labor's (DOL) regulations generally state that minors who are at least 14 years old can work in jobs that don't constitute "oppressive child labor." These jobs include office and clerical work, including running office machines; bagging and carrying out customer orders; cleanup work; and creative work such as computer programming, tutoring, or playing an instrument. This list isn't exhaustive, so carefully consider both federal and Arizona law before employing individuals who are 14 or 15 years old.

What jobs are prohibited for all minors?

Minors who are 16 or 17 years old can generally work in any job unless it's specifically prohibited as a "hazardous" occupation by either Arizona or federal law. The DOL's regulations are quite comprehensive and generally prohibit workers under 18 from the following "hazardous" positions: manufacturing;

mining, logging, excavation, roofing, wrecking, or demolition; or meat packing or processing. The federal regulations likewise prohibit minors from operating hoisting equipment, bakery machines, or saws. Arizona law adds prohibitions on minors working in commercial laundry, tunnel operations, or warehousing. Again, this list of prohibited positions is representative, not exhaustive.

Although federal law would permit minors to load (as opposed to operate) balers, Arizona's law is more restrictive, specifically providing that minors may not "work in, about or in connection with" restricted occupations. The ICA interprets this language broadly and would likely prohibit minors from loading a baler because they would be working "around" restricted equipment.

Are minors allowed to drive on the job?

Workers must be at least 17 years old to drive any motor vehicle on a public road for work. Federal law requires that the minor worker drive during daylight hours, complete a state-approved driver's education course, and make no more than two trips per day from his or her place of employment. The vehicle must weigh less than 6,000 pounds and be equipped with seat belts or similar restraining equipment. The worker's trips must be within a 30-mile radius of the employer's business, must not consist of "urgent, time-sensitive deliveries" (such as pizza delivery), or constitute more than one-third of work time in any workday or 20 percent of work time in any workweek. Employers that follow these federal regulations governing youth driving will also be in compliance with the less restrictive Arizona youth employment laws.

How can companies be proactive?

If you anticipate employing minors, you should familiarize yourself with the federal and Arizona youth employment laws before hiring workers under 18. Employers found to be in violation of these laws

will be subject to appropriate penalties. When in doubt, consult with experienced legal counsel. Keep in mind that due to the comprehensive nature of and the differences between Arizona and federal law, even a two-part column can't cover all the restrictions and exemptions of applicable youth employment laws.

Jodi R. Bohr is an attorney with Tiffany & Bosco, P.A. and a contributor to Arizona Employment Law Letter. She practices employment and labor law, with an emphasis on litigation, class actions, and HR matters, and is a frequent speaker on a wide range of employment law topics. She may be reached at jrb@tblaw.com or 602-255-6082.