Minor Labor Law Guide

(Revised January 2024)

Department of Commerce
Division of Industrial Compliance

Mike Dewine,
Governor

Lqp'J wgf ,
Lt. Governor

Sheryl Maxfield,
Director

STATE OF OHIO
MINOR LABOR LAWS
www.com.ohio.gov

OHIO REVISED CODE CHAPTER 4109*
"MINOR" MEANS ANY PERSON LESS THAN 18 YEARS OF AGE

WORKING PERMITS: Every minor 14 through 17 years of age must have a working permit unless otherwise stated in Chapter 4109.

WAGE AGREEMENT: No employer shall give employment to a minor without agreeing with him/her as to the wages or compensation he/she shall receive for each day, week, month, year or per piece for work performed.

REST PERIOD: No employer shall employ a minor more than 5 consecutive hours without a rest period of at least 30 minutes.

LIST OF MINORS EMPLOYED: Employer shall keep a list of minors employed at each establishment and a list must be posted in a conspicuous place to which all minor employees have access.

TIME RECORDS: Every employer shall keep a time book or other written record showing actual starting and stopping time of each work and rest period. These records must be kept for two (2) years.

RESTRICTIONS ON WORKING HOURS FOR MINORS 14 and 15 YEARS OF AGE

No person under 16 shall be employed:

1. During school hours except where specifically permitted by Chapter 4109
2. Before 7 a.m. or after 9 p.m. from June 1st to September 1st or during any school holiday of 5 school days or more; or after 7 p.m. at any other time
3. For more than 3 hours a day in any school day
4. For more than 18 hours in any school week
5. For more than 8 hours in any day when school is not in session
6. For more than 40 hours in any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.

RESTRICTIONS ON WORKING HOURS FOR MINORS 16 and 17 YEARS OF AGE

No person 16 or 17 who is required to attend school shall be employed:

1. Before 7 a.m. on any day that school is in session or 6 a.m. if the person was not employed after 8 p.m. the previous night
2. After 11 p.m. on any night preceding a day that school is in session.

PROHIBITED OCCUPATIONS FOR MINORS UNDER 16 YEARS OF AGE

1. All manufacturing; mining; processing; public messenger service
2. Work in freezers and meat coolers and all preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking)
3. Transportation; storage; communications; public utilities; construction; repair
4. Work in boiler or engine rooms; maintenance or repair of machinery
5. Outside window washing from window sills or scaffolding and/or ladders
6. Cooking and baking; operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, food choppers, cutters, bakery type mixers
7. Loading or unloading goods to and from trucks
8. All warehouse work except office and clerical
9. Work in connection with cars and trucks 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.

PROHIBITED OCCUPATIONS FOR MINORS 14 through 17 YEARS OF AGE

1. Occupations involving slaughtering, meat-packing, processing or rendering
2. Power-driven bakery machines
3. Occupations involved in the manufacture of brick, tile and kindred products
4. Occupations involved in the manufacture of chemicals
5. Manufacturing or storage occupations involving explosives
6. Occupations involving exposure to radioactive substances and to ionizing radiations
7. Power-driven paper products machines
8. Power-driven metal forming, punching and shearing machines
9. Occupations involved in the operation of power-driven circular saws, band saws and guillotine shears
10. Power-driven woodworking machines
11. Coal mines
12. Occupations in connection with mining, other than coal
13. Logging and sawmilling
14. Motor vehicle occupations
15. Maritime and longshoreman occupations
16. Railroads
17. Excavation operations
18. Power-driven and hoisting apparatus
19. Roofing operations
20. Wrecking, demolition, and shipbreaking.

MINORS UNDER 16 YEARS OF AGE MAY NOT ENGAGE IN DOOR-TO-DOOR EMPLOYMENT UNLESS

The for-profit employer is REGISTERED with the Ohio Department of Commerce. DOOR-TO-DOOR SALES EMPLOYERS SHALL:

1. Be in compliance with all applicable Ohio and Federal laws relating to the employment of minors
2. Provide at least one supervisor who is over the age of eighteen, for each six minor employees
3. Have been and be in compliance with Ohio's Motor Vehicle Financial Responsibility, Workers' Compensation, Unemployment Compensation, and all other applicable laws
4. Require all minors to work at least in pairs
5. Not employ any minor who does not have an appropriate Age and Schooling Certificate
6. Provide each minor employee with a photo identification card
7. Not employ any minor in any door-to-door sales activity during school hours except where specifically permitted
8. Not employ minors under 16 in door-to-door sales activity before 7 a.m. or after 7 p.m.
9. Not employ minors 16 and 17 years of age in door-to-door sales activity before 7 a.m. or after 8 p.m.

*For Exceptions to Coverage See Chapter 4109.06

This is a summary of ORC 4109. This summary does not include all of the requirements for minor labor laws. Persons should refer to 4109 for specific requirements applicable to them. This information can be accessed through the Ohio Department of Commerce website at www.com.ohio.gov.

POST IN A CONSPICUOUS PLACE

Quick Reference Guidelines for Employment of Minors

The following is provided as a quick reference summary guide only and should not be construed as anything else. It does not include all requirements of the minor labor laws. The Ohio Revised Code, Chapter 4109 takes precedence and should be referred to for all minor employment. To obtain a copy of 4109 and the Ohio Minor Labor Laws poster, please contact Division of Industrial Compliance & Labor, Wage and Hour Division at 6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009, (614) 644- 2239.

The term "minor" refers to individuals under eighteen (18) years of age.

WORK PERMITS: (Age and Schooling Certificate, O.R.C. Title 3331)
1. Every minor fourteen (14) to seventeen (17) years of age must have a work permit, unless otherwise stated in Chapter 4109.
    a. The application for minor work permit form is a prerequisite for the minor work permit. It contains employer and job information, employer pledge and parental consent.
    b. The physician certificate or evidence of a physical exam on file with the school.
    c. The minor, parent, or even employer may print the form(s) from the web site.
    d. The forms should be completed in their entirety by each party and signed. **The employers tax ID number is mandatory.** Unsigned forms should not be accepted by the school. The physician certificate may or may not be needed depending on the minor's health or athletic physical exam history.
    e. The minor should return the completed form to the designated school personnel who will then issue the minor work permit based in part on the information contained on the pre-application.
2. The employer must return the working permit to the Superintendent of Schools within three (3) days after the termination of the minor.

WAGE AGREEMENTS: Employer must prepare, in duplicate, a written agreement indicating the agreed remuneration for every minor fourteen (14) to seventeen (17) years of age.
1. One copy to remain on file at the establishment where the minor is employed.
2. One copy to be given to the minor for his/her retention.

REST PERIOD: Minors must receive a thirty-minute break when working more than five (5) consecutive hours.

LIST OF MINORS EMPLOYED: The employer shall keep a list of minors employed at each establishment, and such list must be posted in a conspicuous place to which all minor employees have access.

TIME RECORDS: Every employer shall keep a time book or other written records showing actual starting and stopping time for hours worked and each rest period. These records must be kept for two (2) years.

RESTRICTIONS FOR HOURS WORKED:
1. Minors under 16 years of age are prohibited from working:
   a. Before 7:00 a.m. or after 7:00 p.m. when school is in session
   b. Before 7:00 a.m. or after 9.00 p.m. when school is NOT in session or during a school holiday of five (5) or more days (USDOL does not allow for the school holiday of 5 or more days exemption)
   c. More than 3 hours in a school day
   d. More than 18 hours in a school week
   e. More than 8 hours a day when school is NOT in session
   f. More than 40 hours per week when school is NOT in session
2. Minors 16 and 17 years of age are prohibited from working, when school is in session:
   a. Before 7:00 a.m. on a day when school is in session (such as Monday thru Friday)
   b. Before 6:00 a.m. when school is in session if they did not work after 8:00 p.m. the previous night.
   c. After 11:00 p.m. on any night preceding a day that school is in session (such as, Sunday thru Thursday)
   d.

WITHHOLDING WAGES: Wages may NOT be withheld from minors for shortages, presumed negligence, breakage of machinery, incompetence, or inability to perform work according to any standard of merit.

PROHIBITED OCCUPATIONS FOR MINORS: Minors are restricted from working in occupations that are considered hazardous or detrimental to their health as outlined in Administrative Rule 4101:9-2,O.R.C.

DOOR TO DOOR SALES: Minors under 16 years of age may NOT engage in door to door employment unless the for profit employer is registered with the Ohio Department of Commerce, Division of Industrial Compliance & Labor, Bureau of Wage and Hour.

EXCEPTIONS: Refer to Chapter 4109.06 O.R.C. for exceptions to coverage.

Ohio Department of Commerce Division of Industrial Compliance Bureau of Wage and Hour Administration Chief, Stephen Clegg	6606 Tussing Road, P.O. Box 4009 Reynoldsburg, OH 43068-9009 P: 614-644-2239 F:614-728-8639

INVESTIGATOR CONTACT INFORMATION

Sean Seibert Investigator Supervisor Headquarter County: Lake	Voice: (614) 557-8662 Email: Sean.Seibert@com.ohio.gov
Dave Horvath Investigator Headquarter County: Allen	Voice: (419) 302-1200 Email: David.Horvath@com.ohio.gov
William McCoy Investigator Headquarter County: Franklin	Voice: (614) 633-9356 Email: William.McCoy@com.ohio.gov
Shawn Miles Investigator Headquarter County: Stark	Voice: (614) 496-9076 Email: Shawn.Miles@com.ohio.gov
David Rice Investigator Headquarter County: Montgomery	Voice: (740) 502-0883 Email: Dave.Rice@com.ohio.gov
Kela Thompson Investigator Headquarter County: Franklin	Voice: (614) 633-6818 Email: Kela.Thompson@com.ohio.gov

Stephen Clegg Bureau Chief	Voice: (614) 728-8686 Email: Stephen.Clegg@com.ohio.gov

AN OHIO EMPLOYER'S GUIDE TO COMPLIANCE WITH CHILD LABOR LAWS IN NON-AGRICULTURAL EMPLOYMENT

The purpose of this guide is to help employers and educators understand the CHILD LABOR requirements of both the Federal law (Fair Labor Standards Act or FLSA) and Ohio state law (Chapter 4109). All employers doing business in Ohio are subject to the state law. **Most employers** must also comply with the Federal child labor laws which apply to individuals engaged in interstate commerce or who produce goods for interstate commerce, and/or are employed in certain enterprises with gross revenues exceeding $500,000 per year. Some smaller businesses that began operating prior to 1990 may also be subject to the federal law.

This document is intended for use by employers that are covered by both the Federal and State laws. Listed below is a comparison of the two laws. The most restrictive standard is to be used in each category (per 29 CFR, Part 570, Sections 570.25 & 570.129). **While this is intended as a general description of the requirements and does not carry the force of legal opinion, the cited references (Federal -Sections in 29 CFR; and State -ORC Chapters 4109, 3331, & 4301) are legally enforceable.**   Revised 2010

CATEGORY	FEDERAL	REFERENCE	STATE	REFERENCE	STANDARD TO BE USED
Minimum Age	14 years old	570.2(a)(1)	14 years old	3331.01	Both
Minor	Any person less than eighteen years of age	570.2(a)(ii)	Any person less than eighteen years of age	4109.01(D)	Both
Proof of Age	Documentation of date of birth for any employee under the age of **19 years**	516.2(a)(3)	Documentation of date of birth for any employee under the age of 18 years	4109.02	Federal
Age Documentation	Any documentation showing date of birth	516.1(a)	Work permit, Birth Certificate, or Baptismal Record	4109.02(1)	State
Age and Schooling Certificate (Work Permit)	Not required	N/A	Required for all persons under the age of 18 years of age Issued by the superintendent of schools in the district where the minor resides (Summer exemption applies to 16 & 17 yrs. old only)	3331.01 4109.02 4109.03	State
Wage Agreement	Not required	N/A	Employer must furnish minor with a written statement of wages	4109.10(A)	State
Withholding Wages	Cannot reduce below the applicable minimum wage (Same for employees age 18 years and older)	531.36	No employer shall retain or withhold wages from a minor due to negligence, breakage of machinery, incompetence, Or failure to comply with rules.	4109.10(B)	State
Parental Consent	Not required	N/A	16 & 17 years old summer exemption of a work permit: Parent's written consent plus minor's proof of age on file	4109.02(B)	State
List of Minors	Not required	N/A	Employer must keep and post in plain view on the premises a complete list of all minors	4109.08(A)	State
Record Keeping	Name, address, occupation, number of hours worked each day, beginning and ending hours, amount of wages paid	516.2	Name, address, occupation, number of hours worked each day, beginning and ending hours, **beginning and ending rest/meal period**, amount of wages paid	4109.11	State
Rest/meal Period (Breaks)	Not required	N/A	Minor must receive at least a thirty minute rest period **after five (5) consecutive hours of employment**	4109.07(C)	State

CATEGORY	FEDERAL	REFERENCE	STATE	REFERENCE	STANDARD TO BE USED
14 & 15 years old Hours	May not be employed during school hours*, and not before 7:00 am or after 7:00 pm from Labor Day through June 1 (*unless in OWA program)	570.35(a), (a)(1) & (a)(6)	May not be employed during school hours before 7:00 am or after 7:00 pm (except during a school holiday of five or more days)	4109.07(A)	Federal
⌉	May not be employed before 7:00 am or after 9:00 pm from June 1 through Labor Day	570.35(a)(6)	May not be employed before 7:00 am or after 9:00 pm from June 1 through **September 1**	4109.07(A)	State
⌉	Not more than 3 hrs on a school day **including Friday**	570.35(a)(5)	Not more than 3 hrs on a school day **including Friday**	4109.07(A)	Both
⌉	Not more than eighteen hours in any school week (23 hrs in a school week if in OWA program)	570.35(a)(3)	Not more than eighteen hours in any school week	4109.07(A)	Both
⌉	Not more than eight hours in a non school day	570.35(a)(4)	Not more than eight hours in a non school day	4109.07(A)	Both
⌉	Not more than 40 hrs in a non school week	570.35(a)(2)	Not more than 40 hrs in a non school week	4109.07(A)	Both
16 & 17 years old Hours	No restrictions	N/A	May not be employed before 7:00 am on a day when school is in session; except if they didn't work after 8:00 pm the previous night, they may be employed after 6:00am; After 11:00 pm on any night preceding a day that school is in session	4109.07(D)	State
Home Schooling	Must comply with Child Labor Regulations	570.35(a)	Must comply with Minor Labor Laws	4109.03	Both
Exemptions	Minors employed by their parents in <u>non</u> hazardous occupation, delivery of newspaper, actors, making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens).	570.122 thru 570.126	Minors employed by their parents in a non hazardous occupation, delivery of newspapers, actors, minors with a high school degree or GED, heads of household, parent contributing to the support of their child, participating in a vocational program, snow shoveling or related employment, students working under personal supervision of an instructor on properly guarded machines in training department of any school	4109.06	Federal
Lawn Mowing	14 & 15 years old: no power mowers, no weed trimmers, and no riding mowers 16 & 17 years old: no restrictions except: no metal blade weed trimmer, and no riding mower on public roads for human transportation	570.34(a)(6) & 570.52	No restrictions	4109.06	Federal
Liquor Sales	No restrictions	N/A	Minors may handle beer or liquor in sealed containers <u>in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading</u>. Minors may handle beer or liquor in open containers <u>only in connection with cleaning tables or handling empty bottles or glasses</u>. Minors **cannot** handle beer or liquor in open or sealed containers in connection with wholesale, retail, or sales across a bar. Minors **cannot** handle beer or liquor in open containers when acting as a waiter or waitress. (For addition information contact the Department of Liquor Control at 614 - 644 - 2360)	R.C.Section 4301.22; O.A.C. 4301:1-1-56	State

2010

U.S. DEPARTMENT OF LABOR	OHIO DEPARTMENT OF COMMERCE
WAGE and HOUR DIVISION	**DIVISION of INDUSTRIAL COMPLIANCE**
200 North High Street	**BUREAU of WAGE AND HOUR**
Room 646	**6606 Tussing Rd. - PO Box 4009**
Columbus, Ohio 453215	**Reynoldsburg, Ohio 43068-9009**
614-469-5678	**614-644-2239**
http://www.dol.gov	http://www.com.ohio.gov

AN OHIO EMPLOYER'S GUIDE TO COMPLIANCE WITH CHILD LABOR LAWS IN NON-AGRICULTURAL EMPLOYMENT

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To prevent the employment of minors, "individuals under the age of 18 years" in any occupation found hazardous or detrimental to the health and well-being of minors, the State of Ohio Prohibited Occupations ORC Chapter 4109 (Section 4109.5; 4101:9-2-01 through 4101:9-2-25) and the Federal Hazardous Orders (per 29 CFR, part 570, Sections 570.33 through 570.68) are listed below. **Any differences between Federal and State of Ohio laws have been noted below.**

The following is a summary only and should not be construed as a complete listing of prohibited occupations for minors.

OHIO's "PROHIBITED OCCUPATIONS" and FEDERAL's "HAZARDOUS ORDERS"

	OCCUPATIONS PROHIBITED for **ALL** MINORS			OCCUPATIONS PROHIBITED for **14 & 15 YEARS OLD**
1	Manufacturing and storing explosives **State includes chemicals**		1	Any manufacturing (except office & clerical work)
2	Motor-vehicle driving (daylight driving by 17 yr. old is exempt if all conditions are met.*see reverse side) and outside helper, **State includes railroad, maritime/longshore work**		2	Any mining
3	Coal mining		3	Processing or Commercial laundering & dry cleaning
4	Logging and saw milling		4	Any duties in WORKROOMS or WORKPLACES where goods are MANUFACTURED, MINED, or PROCESSED
5	Power-driven woodworking machines (***see reverse side)		5	Public messenger service
6	Exposure to radioactive substances		6	Operation or tending of hoisting apparatus or any power-driven machinery
7	Power-driven hoisting apparatus includes forklifts		7	Any occupation found and declared to be hazardous
8	Power-driven metal-forming, punching, and shearing machines (***see reverse side) does not include machine tools		8	Transportation; warehousing & storage; communication & public utilities; construction and repair
9	Mining, other than coal mining		9	Work in boiler or engine rooms; maintenance or repair of the establishment, machinery, or equipment
10	Slaughtering or meat-packing, processing or rendering (***see reverse side) includes meat slicers in retail establishments		10	Outside window washing that involves working from window sills, and **all work requiring the use of LADDERS, SCAFFOLDS, or their substitutes**
11	Power-driven bakery machines includes dough mixers		11	Cooking, baking, operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers, grinders, food choppers, cutters, baker-type mixers...except: cooking in view of customers
12	Power-driven paper products machines (16 yr. old and older may load but not operate a paper baler or box compactor if all conditions are met....** & ***see reverse side) - history 1996		12	Work in freezers; meat coolers and all preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing, and stocking)
13	Manufacturing brick, tile, and kindred products		13	Loading or unloading goods to and from trucks, railroad cars, or conveyors
14	Power-driven circular saws, band saws, and guillotine shears (***see reverse side)		14	Work with cars and trucks involving pits, racks, or lifting apparatus
15	Wrecking, demolition, and ship-breaking operations		15	Inflation of tires mounted on rims equipped with a removable retaining ring
16	Roofing operations (***see reverse side)		16	All occupations in WAREHOUSE except office and clerical work
17	Excavation operations (***see reverse side)		17	**State Regulation:** For-profit door-to-door employment <u>unless registered</u> with the Ohio Department of Commerce, Division of Industrial Compliance & Labor, Bureau of Labor & Worker Safety.

2010

* Public Law 105-334, which became effective on October 31, 1998, amends the FLSA to modify **Hazardous Orders 2**. One major change implemented by the amendment sets a minimum age of 17 for any on-the-job driving on public roadways.

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;

6. The driving may not involve:

    a. Towing vehicles;
    b. Route deliveries or route sales;
    c. Transportation for hire of property, goods, or passengers;
    d. Urgent, time-sensitive deliveries;
    e. Transporting more than three passengers, including employees of the employer;
    f. Driving beyond a 30 mile radius from the youth's place of employment;
    g. 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);
    h. More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer; and,

7. 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 work time in any workday and no more than 20 percent of the work time in any workweek driving.

** Effective 8/6/96, Public Law 104-174 amends section 13(c) of the FLSA to modify **Hazardous Orders 12** permitting minors 16 years of age or older to load - - but not operate or unload - - certain scrap paper balers and paper box compactors **ONLY IF** all of the following requirements are met:

1. The employer must ensure that the equipment meets, and continues to meet, the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers or Standard ANSI Z245.2-1992 for paper box compactor (ANSI).

2. Prior to permitting minors under age 18 to load materials into balers and compactors, the employer must **provide a notice and post a notice on each piece of equipment that**:

    a. The equipment meets the appropriate ANSI standard named above, and

    b. 16- and 17-year-olds may only load the equipment, and

    c. Any employee under age 18 may **not** operate or unload such equipment

3. The equipment must include an on-off switch incorporating a key-lock or other system, and the control of the system must be maintained in the custody of employees who are 18 years of age or older.

4. The on-off switch of the equipment must be maintained in an off position when the equipment is not in operation.

5. The equipment cannot be operated while it is being loaded.

*** 16 and 17-year-old apprentices and student-learners may be exempt from Hazardous Orders 5, 8, 10, 12, 14, 16, and 17 if certain conditions are met....see Wage/Hour Publication 1330.

CHILD LABOR FINAL RULE, NONAGRICULTURAL EMPLOYMENT 14- AND 15-YEAR-OLDS – MAJOR CHANGES

CURRENT RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Prior to July 19, 2010	FINAL RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Effective on July 19, 2010
Reg. 3 at §§ 570.33 and 570.34—Statute is clear that 14- and 15-year-olds may do only those tasks the Secretary of Labor declares they may do, but the regulation is not as clear.	Reg. 3 at §§ 570.33 and 570.34—Regulation revised so that it is clear that 14- and 15-year-olds may do only what the Secretary of Labor has declared they may do. "If a task is not specifically permitted, it is prohibited."
Reg. 3 at §§ 570.33 and 570.34—Currently, employment of 14- and 15-year-olds is generally restricted to only food service, retail, and gasoline service establishments. This precludes employment in several industries in which youth can be safely employed, such as state and local governments, banks, advertising agencies, etc. Current rule also has several "prohibitions" that apply only to the three industries named above, causing some employers to mistakenly believe such tasks may be performed in other industries.	Reg. 3 at §§ 570.33 and 570.34—The final rule reorganizes these sections so as to remove the distinction between retail, food service, and gasoline service establishments and other industries and permits the employment of 14- and 15-year-olds to perform safe tasks in other establishments. It also "consolidates" into a single section the permitted occupations and in a separate section identifies common prohibited occupations, whereas both were previously commingled in §§ 570.33 and 570.34.
Reg. 3 at §§ 570.33(c) and (f) and 570.34(a)—Rule does not specifically address when 14- and 15-year-olds may be employed to ride inside and outside of motor vehicles. Rule also prevents such youth from loading any items onto (or from) a motor vehicle—including personal hand tools and personal items.	Reg. 3 at §§ 570.33(f) and (k) and 570.34(k)—Clarifies when youth can ride inside and outside of passenger compartments of motor vehicles and coordinates rules with HO 2 (§ 570.52). Also allows youth to load and unload hand tools and personal items that he or she will use at the job site onto and from motor vehicles.
Reg. 3 § 570.34(b)(7)—Prohibits 14- and 15-year-olds from working inside meat coolers and freezers.	Reg. 3 § 570.33(i)—Clarifies the provisions regarding youth working inside meat coolers and freezers and allows youth, on an occasional basis, to momentarily enter a freezer (but not a meat cooler) to retrieve items.

CURRENT RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Prior to July 12, 2010	FINAL RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Effective on July 12, 2010
Youth Peddling—Current rule has no provisions regarding door-to-door sales or youth peddling. Many injuries and even deaths have occurred to youth working as youth peddlers.	Reg. 3 § 570.33(j)—Bans youth peddling and door-to-door sales by youth under 16 years of age. Also prohibits such youth from promotional employment as "sign wavers" unless performed directly in front of the employer's establishment.
Poultry Catching—Current rule has no language specifically prohibiting the employment of 14- and 15-year-olds in the catching and cooping of poultry for market or slaughter; but such work is prohibited because it is a "processing occupation."	Reg. 3 § 570.33(l)—Adds poultry catching and cooping as a named prohibited Reg. 3 occupation in order to clarify and facilitate compliance.
Intellectual or artistically creative occupations—Reg. 3 currently does not contain provisions permitting 14- and 15-year-olds to perform certain tasks involving intellectual or artistic talents that involve industries and tasks that do not jeopardize the minor's health, well-being, or education.	Reg. 3 § 570.34(b)—Creates a new "permitted" occupation for work of an intellectual or artistically creative nature. Includes sufficient safeguards to ensure these young workers do not perform otherwise prohibited tasks or work during prohibited time periods.
Lifeguards—Regulations do not currently permit minors under 16 to work as lifeguards. The Department has developed an enforcement position over the last 7 years that permits properly certified 15-year-olds, but not 14-year-olds, to perform most duties of a life guard at traditional swimming pools and water amusement parks—but not at natural environments.	Reg. 3 § 570.34(l)—Creates a new "permitted" occupation allowing 15-year-olds to work as lifeguards and swimming instructors at swimming pools and water amusement parks if properly trained and certified. Places in the regulations the Department's long standing position that prohibits anyone under 16 from working as a dispatcher on elevated water slides or as a lifeguard at natural environment swimming facilities (lakes, rivers, ocean beaches, quarries, piers).
FLSA Section 13(c)(7)—This statutory child labor exemption, which is not yet incorporated into the regulations, allows certain youth to work inside and outside of businesses that use power-driven equipment to process wood products.	Reg. 3 § 570.34(m)—Incorporates the provisions of FLSA Section 13(c)(7), enacted in 2004, which allows 14- and 15-year-olds to be employed inside and outside places of business that use power-driven machinery to process wood products under specific conditions. The final rule also changes HO 4 (§ 570.54) to accommodate the amendment.

CURRENT RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Prior to July 12, 2010	FINAL RULE CHILD LABOR REG. NO 3 Title 29 CFR 570, Subpart C Effective on July 12, 2010
Reg. 3 § 570.35(a)(5)—Current rule limits the number of hours 14- and 15-year-olds may work to 3 hours on a school day; but the rule does not specifically state "including Fridays." This has caused some confusion among employers.	Reg. 3 § 570.35(a)(5)—Clarifies that the 3-hour limit on employment on a school day includes Fridays. As amended, § 570.35 also clarifies that the prohibition on working during "school hours" refers to the hours that the local public school where the minor resides while employed is in session.
Reg. 3 § 570.35(b)—Current regulations limit the number of hours 14- and 15-year-olds may work in a week, but do not define the term *week*. The Department has traditionally defined *week* to mean the 168 hour period beginning at 12:01 a.m. Sunday morning and ending at midnight of the next Saturday.	Reg. 3 § 570.35(b)—Requires employers to use the same "week" (168 hour period) for determining compliance with the child labor provisions as it establishes for determining if employees are due overtime.
Work Study Program—Regulations do not currently accommodate work study programs already in existence that help inner-city high school students obtain quality college preparatory educations from prestigious educational organizations.	Reg. 3 § 570.37—Creates a work-study program (WSP) for academically oriented youth, similar to the existing Work Experience and Career Exploration Program (WECEP) contained in § 570.36, that would allow such youth to work during school hours, with sufficient safeguards to ensure that their employment does not interfere with their health, well-being or education.

APPLICATION FOR MINOR WORK PERMIT

STUDENT / APPLICANT INFORMATION

Name of Student / Applicant in full:

Sex:
☐ Male ☐ Female

Grade Level:

Proof of Age (Type of document):

Age:

Date of Birth:

Physician's certificate:
☐ Submitted with this application
☐ Valid physician's certificate on file

Address of Student /Applicant:

School District:

Building:

Parent or Guardian:

Parent or Guardian Telephone Number:

Address of Parent or Guardian:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE STATEMENTS ARE TRUE AND THAT THE MINOR NAMED ABOVE WILL WORK WITH MY APPROVAL.

X

Signature of Parent or Guardian

Date Signed

THE NUMBER OF HOURS OR DAYS AND THE TIMES DISPLAYED BELOW OR ON THE FINAL PERMIT ARE FOR REGULATORY PURPOSES ONLY AND ARE NOT TO BE CONSTRUED IN ANY WAY OR MANNER TO BE INDICATIVE OF A CONTRACT BETWEEN AN EMPLOYER AND THE EMPLOYEE.

I HEREBY CERTIFY THAT I HAVE EXAMINED AND APPROVED THE ABOVE NOTED DOCUMENTARY PROOF OF AGE.

X

Superintendent / Chief Adminstrative Officer / Designated Issuing Officer

Name of Office

Address of Office

PLEDGE OF EMPLOYER

Name of Firm:

Telephone Number at Minor's Work Location:

Address of Student /Applicant's Place of Employment, Job Site, or Work Location:

Specific Nature of Employment:

Employer's Tax ID Number (9 digits). THIS FIELD IS MANDATORY

No. of Days Per Week: ① Hours Per Day: ② Starting Time: ③ Quitting Time: ④

IF MINOR WORKS A VARIED OR IRREGULAR SCHEDULE, ENTER "REPRESENTATIVE" TIMES IN ITEMS 1 THRU 4. ARE HOURS TO BE WORKED WITHIN THE LIMITS OF THE LAW?
☐ YES
☐ NO

THE UNDERSIGNED HEREBY AGREES TO EMPLOY THE ABOVE NAMED CHILD IN ACCORDANCE WITH LAWS REGULATING THE EMPLOYMENT OF MINORS. THE EMPLOYER FURTHER AGREES TO GIVE MINOR A COPY OF THE WAGE AGREEMENT IN ACCORDANCE WITH SEC. 4109.42 ORC. THE EMPLOYMENT WILL BECOME EFFECTIVE AS SOON AS THE NECESSARY AGE AND SCHOOLING CERTIFICATE IS VERIFIED BY THE EMPLOYER. THE EMPLOYER AGREES TO PERMIT THE CHILD TO ATTEND PART TIME SCHOOL WHEN SUCH IS AVAILABLE AND TO NOTIFY THE SCHOOL WITHIN FIVE DAYS AFTER THE EMPLOYMENT OF THE CHILD TERMINATES

X

Signature of person authorized to sign for employer

Date signed

Telephone number

Address of employer if different from minor's place of employment

E-Mail address
(Optional- if employer wants notification in case of revocation)

LAWS COM 0000 (Replaces Ohio Form II & III)

Parent or Guardian Consent Form

Full Name of Minor		
First	**Last**	**Middle Initial**

Proof of Age (Minor must present a copy of proof of age that can be kept with personnel records).

Type of Document:

Address of Minor		
Street	**City, State**	**ZIP**
Date of Birth	**Age**	**School District in Which Minor Lives**

School Minor Attends

Parent of Guardian Information	
Name of Parent or Guardian	**Relationship to Minor**
Address of Parent of Guardian	**Telephone Number**
Street	**City, State** **ZIP**

I hereby certify that to the best of my knowledge and belief, the above statements are true and that the minor named above may work with my approval.

Signature of Parent or Guardian	**Date Signed**

Minors aged sixteen or seventeen who are to be employed during summer vacation months after the last day of the school term in the spring and before the first day of the school term in the fall, in nonagricultural and nonhazardous employment as defined by the "Fair Labor Standards Act of 1938", 52 Stat. 1060.29 U.S.C.A. 201, and similar state statutes, or in other employment not prohibited to minors age sixteen or seventeen by law, shall not be required to provide an age and schooling certificate as a condition of employment. In order to be hired for employment during summer vacation months, such minors shall provide the employer with the following:

(1) Evidence of proof of age in the same manner as proof of age is provided the superintendent of schools under division C of section 3331.02 of the Revised Code.

(2) A statement signed by the minor's parent or guardian consenting to the proposed employment during the summer vacation months. For the purpose of this section, in the absence of a parent or guardian a person over eighteen years of age with whom the minor resides may sign such statement.

The employer shall retain a copy of the proof of age and the statement of consent with the minor's employment records.

PHYSICIAN'S CERTIFICATE FOR MINOR WORK PERMIT

APPLICANT INFORMATION

Name of Student / Applicant in full:

Sex:

☐ Male   ☐ Female

Date of Birth:

Height:

ft.   in.

Weight:

lbs.

Color of Hair:

Color of Eyes:

Distinguishing Characteristics, if any:

School District:

Building:

Parent or Guardian:

Parent or Guardian Telephone Number:

PHYSICIAN'S APPROVAL

THE UNDERSIGNED HEREBY CERTIFIES THAT THEY HAVE THOROUGHLY EXAMINED THE ABOVE NAMED APPLICANT WHO WAS BORN ON THE DATE STATED ABOVE, AND WHO MEETS THE DESCRIPTION GIVEN HEREON, AND THAT SAID PERSON;

☐ IS   ☐ IS NOT

IN THEIR OPINION PHYSICALLY FIT TO PERFORM THE WORK OF ANY EMPLOYMENT NOT FORBIDDEN BY LAW TO A PERSON OF THIS AGE AND SEX.

X

Physician's Signature

Date Signed

NOTE: IF WORK SHOULD BE LIMITED TO A CERTAIN TYPE OF EMPLOYMENT, THE PHYSICIAN MUST MARK THIS FORM ACCORDINGLY IN THE AREA BELOW.

Limited Certificate: ☐ YES   ☐ NO

If Marked YES;
Employment should be Limited to Work Specified Below:

To: All Employers in the State of Ohio
From: Ohio Department of Commerce, Bureau of Wage and Hour Administration
Subject: Minor Wage Agreement

Section 4109.10 of the Ohio Revised Code reads as follows:

"No employer shall give employment to a minor without agreeing with him as to the wages or compensation he shall receive for each day, week, month, or year; or per piece, for work performed. The employer shall furnish the minor with written evidence of the agreement and on or before each payday, with a statement of the earnings due and the amount to be paid to him. **No employer shall reduce the wages or compensation of any minor without giving him notice at least twenty-four hours previous to the reduction, at which time a written agreement shall be entered into with the minor as in the case of original employment.**" The following form is furnished as a guide or sample and may be reproduced by any employer. This form should be prepared in duplicate and signed by both the employer and the minor. One copy to be given to the minor and the other copy to be retained by the employer in the personnel file of the minor.

MINOR WAGE AGREEMENT

Employer _____

Date _____/_____/_____ has employed

_____,

a minor who is under 18 years of age and agree that minor shall be paid at the rate of $ _____ per hour. We also have on file a working certificate for said minor, unless otherwise exempt under Chapter 4109.

Date of Birth _____/_____/_____

Minor's Signature _____

Owner or Official Signature _____

LIST OF MINOR EMPLOYEES

No minor (under the age of 18 years) shall be employed unless the employer keeps on the premises a complete list of all minors employed by the employer at a particular establishment.....The list and abstract shall be posted in plain view in a conspicuous place.......O.R.C. Section 4109.08

Minor Names	Date of Birth	Work Permit (On file)	Wage Agreement (On file)	Parental Consent with Proof of Age (16 & 17 only) (summer employment) (On file)
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No
		☐Yes ☐No	☐Yes ☐No	☐Yes ☐No