

Question Number 13 – Continued

- Bagging and carrying out customers' orders;
- Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods;
- Price marking and tagging, assembling orders, packing and shelving.

State Law Additions:

- Occasional yard or farm work, including the use of lawn and garden machinery in domestic service or around a private residence;
- Kitchen work and other work involved in preparing and serving food and beverages. This does not include cooking or the use of hazardous equipment in cooking and baking such as power slicers, grinders or dumbwaiters;
- Work in connection with cars and trucks if confined to courtesy service, car cleaning, washing and polishing. Not included is operation of any motor vehicle or use of pits, racks or lifting apparatus involving inflation of any tire mounted on a rim equipped with a removable retaining ring or involving the lifting of the vehicle hood.

14) What is the employer's responsibility for hiring a youth worker, including job shadowing or internships?

State Law:

An employer's responsibility is the same for a youth worker as it is for an adult. Additionally, liability insurance through some schools covers internships and job shadowing experiences. There are no mandated insurance programs for work-based learning. As a rule, it never hurts for employers to review their current policies and make sure everything is in place for their needs.

Federal Law:

The Fair Labor Standards Act requires certain internships to be paid depending on whether there is an employment relationship.

15) Is it true that a youth worker is ineligible for workers' compensation?

State Law:

Absolutely not. A youth worker is as eligible for workers' compensation as an adult worker. Also, workers' compensation becomes effective when an employment

relationship is established. This occurs whenever the employee performs a duty or task that is of benefit to the employer.

Federal Law:

Not applicable

16) Can a youth employee be paid less than minimum wage?

State Law:

As defined in RSMo Section 290.500(5), Learners and apprentices shall be paid not less than 90 cents less than the established minimum wage (Section 290.517). An individual shall not be deemed a learner or apprentice after three consecutive months.

Federal Law:

The federal law has a youth opportunities wage, which is \$4.25/hr. and can be paid for the first 90 consecutive days of employment. This applies to youth up to the age of 20. Full-time student and student learner certifications issued by USDOL authorize payment of special minimum wages to student workers. See your area Wage and Hour office for further information.

17) Can the employer deduct money from an employee's wages for cash register shortages, damage to equipment or uniforms?

State Law:

Missouri's law is the same as federal law.

Federal Law:

Deductions made must not cut into the current minimum wage for the first 40 hours worked. Overtime must be paid at time and a half the regular wage for all hours worked over 40 and no deductions may be made from the overtime wages. Prior agreements are required for deductions in weeks where overtime is worked. See your area Wage and Hour office for further information.

18) What advice can adults give youth for staying safe and healthy on the job?

State Law and Federal Law:

Encourage youth to know and understand the child labor laws, to know and understand the company's emergency and safety rules and procedures and to refrain from succumbing to peer pressure that leads to improper or unsafe acts.

References

Please refer to the Missouri Child Labor Laws (Chapter 294, RSMo) and the federal guide to Child Labor Provisions, No. 101.

This pamphlet is based on the Missouri child labor law and federal laws.

For more complete information, please refer to the following sources of information:

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WAGE AND HOUR DIVISION**

www.dol.gov

**1222 Spruce St., Room 9,102B
St. Louis, MO 63103
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DIVISION OF LABOR STANDARDS INFORMATION SERIES

Frequently Asked Questions About State and Federal Child Labor Laws Non-Agriculture Employment

**Missouri Department of Labor
and Industrial Relations
DIVISION OF LABOR STANDARDS**



1) My child is big for his/her age and really wants to work. Is this O.K.?

State Law:
Legal working age in the State of Missouri is 14 years old.

Federal Law:
The federal law is the same as state law.

2) Are there restrictions on the times and number of hours a student may work during weeks that school is in session?

State and Federal Law:
Yes, 14- and 15-year-olds may not work:

- During the hours school is in session;
- Before 7:00 a.m.;
- After 7:00 p.m. (except between June 1 and Labor Day when the work day may be extended to 9:00 p.m.);
- More than 3 hours on a school day (including Fridays);
- More than 8 hours on a non-school day.

State Law Additions:
• More than 6 days a week.

Federal Law Additions:
• *More than 18 hours in a school week.*

3) Do these hours change during the weeks school is not in session (as in the summer)?

State and Federal Law:
Yes, 14- and 15-year-olds may not work:

- Before 7:00 a.m.;
- Not after 9:00 p.m.;
- More than 8 hours a day;
- More than 40 hours per week.

State Law Addition:
• Not more than 6 days a week.

4) What businesses are covered by Child Labor Laws?

State Law:
Missouri's Child Labor Law covers **ALL** employers.

Federal Law:
*The Fair Labor Standards Act (FLSA) applies to all employees of certain enterprises.**

**All employees of 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 the FLSA.*

- *Employees engaged in interstate commerce (including use of credit cards), or otherwise working on goods or materials*

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that have been moved in or produced for commerce by any person are covered, if the employees are engaged in interstate commerce;

- *Employer has an annual dollar volume of business in excess of \$500,000; or*
- *Any federal, state or local government agency; hospital; institution primarily engaged in the care of individuals residing on the premises who are sick, aged, mentally ill or disabled; preschool, elementary or secondary schools, and institutions of higher education are covered under the FLSA, regardless of their annual dollar volume of business.*

5) Is a work certificate or permit required for youth to work?

State Law:
Yes. Work permits are required for entertainment industry work only. Work certificates are required for all other kinds of work.

Federal Law:
No, there is no work certificate or permit requirement in federal law. The USDOL accepts Missouri's work certificates as legal proof of age.

6) What is considered entertainment industry work?

State Law:
Work such as plays, modeling, musicals, commercials and any other place where a child under 16 provides services as a performer. A work permit is required.

Federal Law:
The federal law does not define entertainment industry. The federal child labor provisions do not apply to children employed as actors or performers in motion pictures, theatrical, radio, or television productions.

7) Who is responsible for issuing work certificates?

State Law:
The superintendent of public schools or their designee in the school district where the student lives is responsible for issuing work certificates. In some school districts, students may be referred to their district's central office. Ask your teacher, counselor, or principal who you need to see.

Federal Law:
Not applicable.

8) Does the school also issue work permits?

State Law:
No, entertainment industry work permits are issued directly by the Missouri Division of Labor Standards Office.

Federal Law:
Not applicable

9) Are work certificates required during the summer months?

State Law:
No, state law does not require them during the summer. However, some employers may request them as an extra precaution. This is a good idea, particularly for those students who attend summer school.

Federal Law:
Not applicable.

10) Does a superintendent/school district have to issue a work certificate simply because the student requests one?

State Law:
NO. An issuing officer should issue a work certificate only if they feel employment is in the child's best interest. Some reasons for not issuing that are "not in the best interest" are:

- Job duties are considered to be of a prohibited nature;
 - Times or hours are out of compliance with requirements;
 - Youth does not have proper documents;
 - Youth provides incomplete work certificate information;
 - Poor academic standing.
- We recommend the issuing officer review all aspects involved prior to signing the work certificate. The Missouri Department of Elementary and Secondary Education supports this philosophy.

Federal Law:
Not applicable.

11) Can youth perform any kind of work available?

State Law:
No, there are very strict regulations about the kinds of work 14 and 15 year old youth can do. These are called prohibited occupations. They apply either on an industry basis, specifying the occupations in the industry that are not allowed, or on an occupational basis, regardless of the industry in which the occupation is found. Examples of work youth under 16 may not perform are below. For a complete list, see Chapter 294, Section 040 and 043 RSMo.

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- Any hazardous employment;
- Any power-driven machinery with the exception of lawn and garden machinery in domestic service or around a private residence;
- Any place where sleeping accommodations are furnished, except where physically separated from sleeping areas;
- Any place where alcoholic liquors are sold and served for consumption on the premises, except where at least 50 percent of gross sales are from other than alcoholic beverages.

Federal Law:
Restrictions apply either on an industry basis, specifying the occupations in the industry that are not allowed, or on an occupational basis, regardless of the industry in which the occupation is found. There are differences for 16 and 17 year olds, and youth under 16. For a complete list, see 29 CFR Part 570.

12) When there are differences between the state and federal laws, how do I know which to follow?

The more stringent law always applies.

State Law:
Missouri's Child Labor Law covers any youth employed under the age of 16. Missouri's law differs from federal laws with regard to how many hours 14 and 15 year olds may work.

Federal Law:
Federal Child Labor Law prohibits all covered youth under 18 years of age from performing work that has been determined to be particularly hazardous for that age group. There are additional occupations and hours limitations on minors aged 14 and 15. Federal penalties are higher for persons who violate the child labor rules. Fines up to \$11,000 per violation may be assessed under federal Law.

13) What is some permitted work youth can do?

State and Federal Law:
Youths 14 and 15 years old may be employed in:

- Office and clerical work;
- Cashiering, selling, modeling, art work, work in advertising departments, and comparative shopping;