



Youth labor standards in Minnesota

Dave Skovholt

Outreach coordinator | Labor Standards

Minnesota Department of Labor and Industry (DLI) divisions, units

- Apprenticeship Minnesota
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Workers' Compensation Division



Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions and hours



Labor Standards, wage and hour agencies

Minnesota Department of Labor and Industry, Labor Standards

dli.mn.gov or 651-284-5075

U.S. Department of Labor's Wage and Hour Division

dol.gov/whd or 612-370-3341

Minnesota Attorney General's Office

ag.state.mn.us or 651-296-3353

St. Paul, Labor Standards Enforcement and Education Division

stpaul.gov/departments/human-rights-equal-economic-opportunity or 651-266-8900

Minneapolis, Labor Standards Enforcement Division

ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement/ or 612-673-3012

Duluth, City Clerk's Office

duluthmn.gov/city-clerk/ or 218-730-5500

Minnesota Child Labor Standards Act

The purpose of sections 181A.01 to 181A.12 is to aid in the economic, social and educational development of young people through employment. Work is an integral factor in providing a sense of purpose, direction, and self-esteem necessary to the overall physical and mental health of an individual. Young people, especially those who have completed high school or occupational training, should not be denied employment opportunities.

Work, however, must be coordinated with schooling and safety considerations in order to serve the best interest of the young.



Knowledge check: Hours restrictions for minors

Can a 15-year-old work until 10 p.m. on a Saturday in July?

- a) Yes
- b) No
- c) Maybe

Answer this question at forms.office.com/g/c7cxieFASW or scan the QR code.



The “three paths” of Minnesota youth labor standards

Question	Minor <14 Years of Age	Minor <16 Years of Age	Minor <18 Years of Age
Can the minor work?	Generally not able to work except by exemption or by permit.	Generally able to work at 14 years of age.	Generally able to work at 14 years of age.
Are there occupations that the minor may not engage in?	Subject to all hazardous occupations restrictions -- unless an exemption is met.	Subject to all hazardous occupations restrictions -- unless an exemption is met.	Subject to hazardous occupations restrictions for minors under the age of 18 unless exemption is met.
What hours can the minor work?	Between 7 a.m. to 9 p.m. only, maximum of eight hours in 24-hour period and 40 hours in a week.	Between 7 a.m. to 9 p.m. only, maximum of eight hours in 24-hour period and 40 hours in a week. Employment during school hours requires employment certificate.	High school students cannot work after 11 p.m. on evening before school day or before 5 a.m. on school day, except can work until 11:30 p.m. and at 4:30 a.m. with written parental permission.
Can the minor work during school hours?	If working during school hours, must obtain employment certificate -- unless an exemption is met.	If working during school hours, must obtain employment certificate -- unless an exemption is met.	No limitation on working during school hours.

Special concern: The presence of liquor

Generally, minors under the age of 18 cannot work in rooms or areas where liquor is consumed or served, or in tasks prohibited by law that involve the sale, service, dispensation, or handling of liquor.

Minors who have reached the age of 16 can be employed:

- as a busser, dishwasher and host in rooms or areas of a restaurant, hotel, motel or resort where the presence of intoxicating liquor or 3.2% malt liquor is incidental to food service or preparation;
- as a busser, dishwasher, host or server in rooms or areas where the presence of 3.2% malt liquor is incidental to food service or preparation;
- to provide musical entertainment in those rooms/areas where the presence of intoxicating liquor and 3.2% malt liquor is incidental to food service or preparation; and
- in occupations not prohibited by law in rooms or areas where no liquor is consumed or served.

Knowledge check: Prohibited work for minors

Which of the following work activities can a 17-year-old perform?

- a) Drive a forklift if they have their driver's license.
- b) Restock the frozen foods in a grocery store cooler.
- c) Deliver a bottle of wine to a table in a restaurant.
- d) Perform as a trapeze artist.

Answer this question at forms.office.com/g/r3LLj31U9j or scan the QR code.



Hazardous employment activities

Examples (subject to limitation in the rule or exemption)

- Under 18 (Minnesota Rules 5200.0910):
 - In or about construction or building projects, logging or lumbering operations, paper mills, sawmills; to operate or assist in the operation of power-driven machinery; to drive certain motor vehicles; or to work in rooms or areas where certain alcohol is served or consumed, or in any tasks involving the serving, dispensing, or handling of alcohol that are consumed on premises.
- Under 16 (Minn. R. 5200.0920):
 - To lift, carry, or personally care for patients in hospitals or nursing homes; to operate or assist in the operation of machinery including farm type tractors and other self-propelled vehicles, snow blowers and other power-driven lawn and garden equipment; in walk-in meat freezers or meat coolers; or in any occupation in agriculture that the U.S. secretary of labor finds to be hazardous for minors under the age of 16.

Knowledge check: Child labor exception permit

A child labor exception permit should be submitted when ...

- a) An employer would like to hire a 14-year-old.
- b) A worker has a special one-day work assignment during the school day.
- c) An employer is short staffed and needs a 16-year-old to work past 11 pm on school nights.
- d) A 17-year-old who lives in Minnesota wants to work in North Dakota.

Answer this question at forms.office.com/g/d4AzuNDtrk or scan the QR code.



Statute and rule-based exemptions

- Approved training programs through DLI, Minnesota Department of Education, Minnesota Department of Employment and Economic Development and other agencies.
- Minors working for corporations owned by one or both parents, where the daily corporate business is supervised by the parent(s).
- Performer, newspaper carriers, youth athletic referees, home chores and babysitting.
- Tasks outside the area of hazard.
- High school graduates who are 17 years of age.



Child labor exemption permits

- DLI receives applications for child labor exemption permits
 - Must be filed by the minor's parent, guardian, school official, or youth employment specialist.
 - Assessed on a case-by-case basis, granted if the permit would be in the best interest of the minor.
 - Permits can be sought and may be granted for any of the child labor laws and rules.
- Turnaround time varies by season.
- Permits are available as fillable PDFs at dli.mn.gov/business/employment-practices/child-labor-exemptions

Knowledge check: Minimum wage

What is the current minimum wage in Minnesota?

- a) \$7.25 per hour
- b) \$15.19 per hour
- c) \$13.50 per hour
- d) \$10.59 per hour

Answer this question at forms.office.com/g/X3UbwATY31 or scan the QR code.



State law: Minimum wage

Employer/employee type	Minimum wage rate
Large employer – Any enterprise with annual gross revenues <i>of</i> \$500,000 or more	\$10.59 (2023)
Small employer – Any enterprise with annual gross revenues of less than \$500,000	\$8.63 (2023)
Training wage – May be paid to employees aged 18 and 19 in the first 90 days of employment	
Youth wage – May be paid to employees aged 17 or younger	
J-1 Visa – May be paid to employees of hotels, motels, lodging establishments and resorts working under the authority of a summer work, travel exchange (J) visa	\$8.63 (2023)

*minimum wage adjusts Jan. 1 of each year.

Employee notice



Employee notice

1. Employee:		Address:	
Phone number:		Email address:	
Date employment began:			
2. Legal name of employer:		Main office/principal place of business address:	
Phone number:		Email address:	
Operating name of employer (if different):			
Mailing address (if different):			
3. Employment status (exempt or non-exempt):			
<input type="checkbox"/> Employee is exempt from: <input type="checkbox"/> minimum wage <input type="checkbox"/> overtime <input type="checkbox"/> other provisions of Minnesota Statutes 177			
Legal basis for exemption:			
<input type="checkbox"/> Employee is non-exempt (entitled to overtime, minimum wage, other protections under Minn. Stat. 177)			
4. Rate or rates of pay			
Paid by: Hour <input type="checkbox"/> Shift <input type="checkbox"/> Day <input type="checkbox"/> Week <input type="checkbox"/> Salary <input type="checkbox"/> Piece <input type="checkbox"/> Commission <input type="checkbox"/> Other method <input type="checkbox"/>			

Case example one

- Cashiers and cooks at fast food chicken restaurant. Located in northwest Minnesota.
- When complaint was filed:
 - Minors aged 16 and 17 working past 11 p.m. on school nights, sometimes until 1 a.m.
 - Had cut back some on later scheduling after a parent intervened.
- After intervention:
 - Scheduling within legally allowable times.
 - Fined \$21,000.



Case example two

- Two employees under the age of 16 working in a grocery store.
- When complaint was filed:
 - No employment certificate or exemption.
 - Working during the school day.
- After intervention:
 - Only scheduled outside of school hours.
 - \$1,000 fine.



Labor Standards services and process

- Investigations
 - Wage claim
 - Inform and educate
 - Investigation
- Education and outreach
 - Technical assistance
 - Training
 - Videos
 - Website and materials



Thank you

- Sign up for our *Wage and Hour Bulletin*: dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin
- Contact Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.
- Visit our child labor laws page: dli.mn.gov/business/employment-practices/child-labor-laws.
 - Find information about age restrictions, exemption permits, FAQs, hours of work and more.
- View informational videos in four languages: dli.mn.gov/labor-standards-videos.



CHILD LABOR REQUIREMENTS IN NON-AGRICULTURAL OCCUPATIONS FAIR LABOR STANDARDS ACT

Corey Walton
USDOL-WHD

Community Outreach & Resource Planning



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dol.gov/agencies/whd
1-866-487-9283

COVERAGE



Two types of coverage:



- **Enterprise coverage:** If an enterprise is covered, all employees of the enterprise are entitled to FLSA protections



- **Individual coverage:** Even if the enterprise is not covered, individual employees may be covered and entitled to FLSA protections



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ENTERPRISE COVERAGE

- Enterprises with:
 - At least two (2) employees engaged in commerce
 - At least \$500,000 a year in business
- Hospitals, businesses providing medical or nursing care for residents, schools, preschools and government agencies with at least two (2) employees are covered on an enterprise basis regardless of their annual dollar volume of business



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INDIVIDUAL COVERAGE

- Workers who are engaged in:
 - Interstate commerce
 - Production of goods for commerce
 - Closely related process or occupation directly essential (CRADE) to such production, or
 - Domestic service
- Engaging in **“interstate commerce”** includes:
 - Making telephone calls to other states
 - Typing letters to send to other states
 - Processing credit card transactions
 - Traveling to other states



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CHILD LABOR COVERAGE

- Minors employed by a covered enterprise or who themselves engage in the production of goods for interstate commerce
- Minors employed at establishments where goods are produced for interstate commerce
- Approximately 90% of all employees in the United States are covered by the FLSA



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THE BOTTOM LINE

Approximately 90% of all employees in the United States are covered by the FLSA



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FEDERAL YOUTH EMPLOYMENT PROVISIONS DO NOT:

- Require minors to obtain work permits;
- Limit hours or restrict time worked for minors 16 years of age or older;
- Require breaks or meal periods for minors



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KNOWLEDGE CHECK: FAIR LABOR STANDARDS ACT

About half of all employees in the U.S. are covered by the federal Fair Labor Standards Act.

- a) True
- b) False

Answer this question at forms.office.com/g/YMkSkvBwHk or scan the QR code.



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CHILD LABOR

Under 14 - Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA. Permissible employment for such children is limited to work that is exempt from the FLSA (such as delivering newspapers to the consumer and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting.

14 - Young persons 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions.

16 - Basic minimum age for employment. Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.

18 - Once a youth reaches 18 years of age, he or she is no longer subject to the Federal youth employment provisions.



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KNOWLEDGE CHECK: MINIMUM AGE FOR EMPLOYMENT

Generally speaking, under federal law, the minimum age for employment in non-agricultural occupations is 12 years-old.

- a) True
- b) False

Answer this question at forms.office.com/g/dALvvPjnW4 or scan the QR code.



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HOURS THAT 14 AND 15 YEAR-OLDS MAY WORK



Federal regulations limit the hours and the times of day that 14 and 15 year-olds may work to:

- Outside school hours;
- No more than 3 hours on a school day , including Fridays;
- No more than 8 hours on a nonschool day;
- No more than 18 hours during a week when school is in session;
- No more than 40 hours during a week when school is not in session;
- Between 7 a.m. and 7 p.m.—except between June 1 and Labor day when the evening hour is extended to 9 p.m.



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KNOWLEDGE CHECK: HOURS RESTRICTIONS FOR MINORS (FEDERAL)

15 year-old, but not 14 year-old employees can work unlimited hours under the child labor provisions of the Fair Labor Standards Act.

- a) True
- b) False

Answer this question at forms.office.com/g/pk6WurX38x or scan the QR code.



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JOBS 14 AND 15 YEAR-OLDS MAY/MAY NOT DO

Retail & Service Jobs that 14 and 15 year-olds may do:

- Errands and deliveries by foot, bike, bus or train
- Certain clean-up work and yard work
- Pumping gas and hand cleaning cars
- Kitchen work, preparing and serving food (but very limited cooking)
- Office and clerical work
- Cashiering and selling
- Price marking, assembling orders, packing
- Bagging and carrying out customers' orders

Prohibited Work For 14 and 15 year-olds:

- Manufacturing and mining
- Most processing occupations
- **Operating power-driven equipment**
- Transportation of persons or property
- Communications
- Warehousing and storage
- **Construction**
- Work in or about boiler or engine rooms
- **Maintenance or repair of a building or equipment**
- **Work in freezers and meat coolers**
- Outside window washing that requires working from window sills
- **Baking**
- **All occupations declared to be hazardous for 16 and 17 year-olds**

****These lists are not exhaustive****



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HAZARDOUS OCCUPATIONS ORDERS

- *A youth 16 or 17 years old may perform any non-hazardous job.*
- *A youth 14 and 15 years old may not work in the manufacturing or mining industries, or in any hazardous job.*

- **HO 1.** Manufacturing or storing explosives
- **HO 2.** Driving a motor vehicle or work as an outside helper on motor vehicles
- **HO 3.** Coal mining
- **HO 4.** Forest fire fighting, forest fire prevention, timber tract, forestry service, and logging and sawmilling
- **HO 5.** Power-driven woodworking machines
- **HO 6.** Exposure to radioactive substances and ionizing radiation
- **HO 7.** Power-driven hoisting apparatus
- **HO 8.** Power-driven metal-forming, punching and shearing machines
- **HO 9.** Mining, other than coal
- **HO 10.** Power-driven meat-processing machines, slaughtering, rendering and meat packing plants
- **HO 11.** Power-driven bakery machines
- **HO 12.** Power-driven paper-products machines, scrap paper balers, and paper box compactors
- **HO 13.** Manufacturing of brick, tile and related products
- **HO 14.** Power-driven circular saws, band saws and guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.
- **HO 15.** Wrecking, demolition, and shipbreaking operations
- **HO 16.** Roofing occupations and work on or about a roof
- **HO 17.** Trenching and excavation operations



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EXCEPTIONS AND EXEMPTIONS

- Apprentices and Student Learners enrolled in an approved program can be exempt from HO 5, 8, 10, 12, 14, 16 and 17 under certain conditions
- There are some exceptions for 14- and 15-year-old students enrolled in Work Experience and Career Exploratory Programs (WECEP) and Work Study Programs;
- The federal child labor provisions do not apply to:
 - Children 16 and 17 years of age employed by their parents in occupations other than those declared hazardous by the Secretary of Labor.
 - 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.
- Other exemptions



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KNOWLEDGE CHECK: HAZARDOUS ORDER RESTRICTIONS

Under federal law, the 17 Hazardous Order restrictions apply to all employees 16 years-old or younger.

- a) True
- b) False

Answer this question at forms.office.com/g/mHycyS50PP or scan the QR code.



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ADDITIONAL COMPLIANCE ASSISTANCE MATERIALS

Youth Rules

<https://www.dol.gov/agencies/whd/youthrules>

Child Labor Rules Advisor

https://webapps.dol.gov/elaws/whd/flsa/cl/default.htm?_ga=2.168930918.61858325.1614197541-301270231.1606851725

Child Labor Bulletin 101 (CL Requirements in Non-Agriculture Occupations Under the FLSA)

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf>

Fact Sheet #43 (Child Labor)

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs43.pdf>

Child Labor Bulletin 102 (CL Requirements in Agriculture Occupations Under the FLSA)

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf>

USDOL-WHD Field Operations Handbook (Chapter 33 – Child Labor)

<https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-33#B33c22>

USDOL-WHD Child Labor FAQs

<https://www.dol.gov/agencies/whd/child-labor/faq#1>

****1-866-4US-WAGE (1-866-487-9243)****



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