



Minnesota Child Labor Program Exemption: *Health Care* (Form 1)

Federal Child Labor Provisions

The federal child labor provisions, also known as the child labor laws, are authorized by the Fair Labor Standards Act (FLSA) of 1938. These provisions were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. By knowing, understanding, and complying with these provisions, employers, parents, and teachers can help working teens enjoy those safe, positive, early work experiences that can be so important to their development.

Age and hours of work:

By state law, 16- and 17-year old high school students may not work after 11 p.m. on evenings before school days or before 5 a.m. on school days.

Hazardous Order No. 7 of the Federal child law laws:

Prohibits minors under 18 from operating or assisting in the operation of power-driven hoists, including those designed to lift and move patients. The Wage and Hour Division of the U.S. Department of Labor has, however, adopted an enforcement position effective July 13, 2011, that allows certain properly trained 16- and 17-year-old nursing aides or nursing assistants, to assist trained adults in the operation of certain power-driven patient/resident hoists/lifts under certain conditions. The enforcement position is explained in the Wage and Hour Division Field Assistance Bulletin 2011-3: http://www.dol.gov/whd/FieldBulletins/fab2011_3.htm.

Before having any minor under 18 operate or assist in the operation of power-driven hoists/lifts, you must review this Bulletin carefully and make sure you are in compliance with all 6 conditions listed in the bulletin.

Minnesota Administrative Rule 5200.0910, subpart J:

Prohibits minors under the age of 18 from operating any non-automatic elevator, lift, or hoisting machine. The Minnesota Department of Labor & Industry, however, can approve Youth Skills training programs that allow minors to work with this type of equipment. In order to have the training program approved, DLI must have confirmation that the 6 conditions required under federal law have been met. By signing this document you attest that the following conditions have been met:

- (1) The child (16- or 17-year-old) has successfully completed the 75 clock hours of nurse's aide training required by the Federal Nursing Home Reform Act from the Omnibus Budget Reconciliation Act of 1987, as outlined in 42 CFR § 483.152, or a higher state standard where applicable, and has successfully completed the nurse's aide competency evaluation detailed in 42 CFR § 483.154, or a higher state standard where applicable.
- (2) The child is not operating by himself or herself floor-based vertical powered patient/resident lift devices, ceiling-mounted vertical powered patient/resident lift devices, and powered sit-to-stand patient/resident lift devices (lifting devices) and the child is assisting in the use of lifting devices as a junior member of at least a two-person team that is headed by an employee who is at least 18 years of age. All members of the team must be trained in the safe operation of the lifting devices being used.



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- (3) As a junior member of the team, the child may set up, move, position, and secure unoccupied lifting devices. The child may assist trained adult employees in attaching slings to and un-attaching slings from lifting devices prior to and after the lift/transfer of the patient/resident is completed. The child may also assist trained adult employees in operating the controls that activate the power to lift/transfer the patient/resident. The child may act as a spotter/observer and may position items such as a chair, wheelchair, bed, and commode under the patient/resident who is being lifted/transferred.
- (4) As a junior member of the team, the child may not independently engage in "hands on" physical contact with the patient/resident during the lifting/transferring process (such as placing or removing the sling, including pushing or pulling the sling under/around the patient/resident; adjusting the sling under/around the patient/resident; and manipulating the patient/resident when placing, adjusting or removing a sling under/around the patient/resident), and may only assist in these "hands on" activities when assisting a trained adult employee while the adult employee is simultaneously engaged in such activities. The child may similarly assist a trained adult employee who is manipulating, guiding, rotating, or otherwise maneuvering the patient while the patient is being lifted/transferred. In addition, the child may similarly assist a trained adult employee who is pushing, pulling or rotating lifting devices when the device is engaged in the process of lifting/transferring a patient/resident.
- (5) Employer understands that the minor child is not to be injured while operating or assisting in the operation of a lifting device. Employer also understands that if a child is injured, both the USDOL and MNDLI reserve the right to assess penalties for violation of applicable child labor laws.
- (6) The employer has provided to each child (16- and 17-year-old) employee who will assist in the operation of lifting devices a copy of the document that is attached to the USDOL's Field Assistance Bulletin as [Attachment A](#).

Qualified supervision:

Must be provided under the direct and close supervision of a qualified and experienced person.

For more information about the employment of Youth in the Health Care Industry, please review Fact Sheet # 52 from the U.S. Department of Labor at: <https://www.dol.gov/whd/regs/compliance/whdfs52.pdf>

1. Safety Requirements

- Physical Environment (e.g. accessible to students, noise, lighting, aisles open, ventilation, cleanliness, protective safety gear)
- Equipment/machines (e.g. machine guarding, hazardous occupation orders prohibiting use of specific equipment/machines, safe operating conditions)
- Training (e.g. identify who provides orientation safety training, safety training for operation of specific equipment, the person who is responsible for day-to-day supervision while operating equipment)
- Meet all MN OSHA requirements: www.dli.mn.gov/mnosha.asp

2. Rules and regulations

- Employer must comply with Federal FLSA and State Child Labor Laws
- Employer must comply with OSHA
- Employer must provide documentation for workers' compensation and liability insurance
- Rate of pay and scheduling of work hours must be identified

Youth Skills Training Program approval

By signing below, the employer and school district are attesting that all of the above requirements will be met for any student-learner participating in this work-based learning experience.

Employer:

Signature of employer

Please print name

Title

Date

Education:

Signature of education supervisor

Please print name

Title

Date

Approved:

John Aiken, Director Labor Standards and Apprenticeship
Minnesota Department of Labor and Industry

Date

