



# Youth labor standards in Minnesota

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# Labor and Industry (DLI): Divisions and units

- Apprenticeship Minnesota
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Projects and Planning
- 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, hours.



# Labor Standards, Wage and Hour agencies in Minnesota

**Minnesota Department of Labor and Industry, Labor Standards**  
[dli.mn.gov](http://dli.mn.gov) or 651-284-5075

**U.S. Department of Labor, Wage and Hour Division**  
[dol.gov/whd](http://dol.gov/whd) or 612-370-3341

**Minnesota Attorney General's Office**  
[ag.state.mn.us](http://ag.state.mn.us) or 651-296-3353

**Saint Paul, Labor Standards Enforcement and Education Division**  
[stpaul.gov/departments/human-rights-equal-economic-opportunity](http://stpaul.gov/departments/human-rights-equal-economic-opportunity) or 651-266-8900

**Minneapolis, Labor Standards Enforcement Division**  
[ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement/](http://ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement/) or 612-673-3012

**Duluth, City Clerk's Office**  
[duluthmn.gov/city-clerk/](http://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.

# The “three paths” of Minnesota youth labor standards

Question	Minor <14 years of age	Minor <16 years of age	Minor <18 years of age
<b>Can the minor work?</b>	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.
<b>Are there occupations that the minor may not engage in?</b>	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.
<b>What hours can the minor work?</b>	Between 7 a.m. – 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.	Between 7 a.m. — 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.
<b>Can the minor work during school hours?</b>	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.



# Minnesota's child labor standards: Agriculture



**General rule:** No minors under age 14 can work in Minnesota

- Exception: Minors 12 and above can perform agricultural work with permission of parent or guardian

**General rule:** Minors under age 16 cannot work more than 40 hours a week or more than 8 hours in any 24-hour period

- Exception: Minor agricultural workers ages 12-15 can work more than 40 hours a week and more than eight hours a day with permission of parent or guardian

# 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 or 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.



# 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.



# Hazardous employment activities: Statute and rule-based exemptions

- Minors working for a family farm corporation where the minor's parent is a member of the family farm corporation
- 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: 181A.07
- Tasks outside the area of hazard
- High school graduates who are 17 years of age



# Approved training program exceptions

- State-approved apprenticeship training program or a training program approved by Minnesota Department of Education (MDE), Minnesota Department of Employment and Economic Development, DLI or the Board of Trustees of Minnesota State Colleges and Universities or the Board of Regents of the University of Minnesota.
  - A child labor exception permit is required if employment involves a hazardous occupation.
  - If the issue is school hours restrictions related the district may be able to issue an employment certificate.
  - District's requesting Exception permits will need to have an MDE (or other agency) approved training program already.
- If program has been approved the employer will be required to:
  - Submit proof of worker's compensation and information about specific machines, tools and equipment that may be used.
  - Meet with MNOSHA Workplace Safety Consultation about equipment and related safety measures.

Exemption permit will be approved or denied based on the results of the employer or OSHA safety review. **Note:** If the request is for employment on an active construction site, the exemption will not be provided based on the significant safety risks present for minors and other employees when minors are present.

# DLI 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](https://dli.mn.gov/business/employment-practices/child-labor-exemptions)



# Employment Certificates: 181A.05

- Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, or some other person designated by the Board of Education. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:
  1. if a minor is to be employed in an occupation not prohibited by rules promulgated under section [181A.09](#) and as evidence thereof presents a signed statement from the prospective employer; and
  2. if the parent or guardian of the minor consents to the employment; and
  3. if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

# State law: Minimum wage

Employer or employee type	Minimum-wage rate
<b>Large employer:</b> Any enterprise with annual gross revenues <i>of</i> \$500,000 or more	\$10.59/hour (2023), \$10.85 (2024)
<b>Small employer:</b> Any enterprise with annual gross revenues of less than \$500,000	\$8.63/hour (2023), \$8.85 (2024)
<b>Training wage:</b> May be paid to employees aged 18 and 19 in the first 90 days of employment	
<b>Youth wage:</b> May be paid to employees aged 17 or younger	
<b>J-1 visa:</b> 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/hour (2023), \$8.85 (2024)

\*minimum wage adjusts Jan. 1 of each year.



# Earned sick and safe time

The screenshot shows a web browser window displaying the Minnesota Department of Labor and Industry website. The page is titled "EARNED SICK AND SAFE TIME" and is part of a breadcrumb trail: "For business > Employment practices > Earned sick and safe time". The page features a navigation menu on the left with categories like "APPRENTICESHIP AND DUAL TRAINING", "CODES AND LAWS", "CONSTRUCTION CONTRACTOR REGISTRATION", "ELECTRICAL CONTRACTORS", "ELEVATOR CONTRACTORS", and "EMPLOYMENT PRACTICES". The main content area includes a header image with three photos: a family, a woman wearing a face mask, and a doctor examining a child. Below the image, the text states: "Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. Minnesota's current sick and safe leave law remains in effect until Dec. 31, 2023 and will be replaced by the new earned sick and safe time law on Jan. 1, 2024." There is a link to "View FAQs about earned sick and safe time." Below this, the section "What is sick and safe time?" explains that it is paid leave for employees in Minnesota used for various reasons. At the bottom, there is a section "Who is eligible for sick and safe time?" and a red button labeled "MINNESOTA PAID FAMILY AND MEDICAL LEAVE".

**m** DEPARTMENT OF LABOR AND INDUSTRY

DIRECTIONS CONTACT US CHECK A LICENSE GET A PERMIT RENEW A LICENSE MAKE A PAYMENT

ABOUT THE DEPARTMENT FOR BUSINESS FOR WORKERS

Select Language Powered by Google Translate

For business > Employment practices > Earned sick and safe time

## EARNED SICK AND SAFE TIME

Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. [Minnesota's current sick and safe leave law](#) remains in effect until Dec. 31, 2023 and will be replaced by the new earned sick and safe time law on Jan. 1, 2024.

- [View FAQs about earned sick and safe time.](#)

### What is sick and safe time?

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.

[EMAIL US ▶](#) [CALL US ▶](#)

### Who is eligible for sick and safe time?

[MINNESOTA PAID FAMILY AND MEDICAL LEAVE ▶](#)



# Final wages upon separation of employment

- Employees **terminated, discharged or fired** are due all wages and commissions within 24 hours of a written demand for payment.
- For employees who **voluntarily leave employment**, wages and commissions are due on the next regularly scheduled payday. If the payday is within five days of the last day of work, the employer has up to 20 days to make final payment.
- **Penalties:** The employer may be liable to pay their former employee's average daily earnings for up to 15 days the employer is late paying wages.
- **Exception:** If an employee collected, disbursed or handled money or property, the employer has 10 days after termination to audit and adjust the accounts before paying all final wages.

# Tipping

- Tips are the property of the employee directly serving the customer. Employers cannot require employees to share or pool their tips with other employees, except under certain limited-service situations.
- Gratuities presented to a direct service employee by credit card shall be credited to that pay period in which they are received.
- For tips received through credit card, the full amount of tip must go to the employee minus only the percentage deducted from the tip in the same percentage the credit card company charges on the total bill (example, usually no more than 3%).\*\*

\*\*Effective Aug. 1, 2024, the full amount of the gratuity must be paid to the employee



# Employee notice

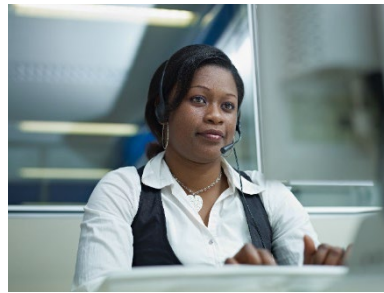


## Employee notice

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"/>			

# Employee notice, continued

- Employers are required to keep a copy of the notice signed by each employee.
- Employers are also required to provide employees in writing any changes to the information in the notice before the date the changes take effect.



# Resources

- Labor Standards: [dli.mn.gov/laborlaw](https://dli.mn.gov/laborlaw).
- Child and youth labor landing page: [dli.mn.gov/business/employment-practices/child-labor-laws](https://dli.mn.gov/business/employment-practices/child-labor-laws).
  - Age restrictions, exemption permits, FAQs, hours of work, penalties, prohibited work, proof of age and teen worker fact sheet
- Informational videos in four languages: [dli.mn.gov/labor-standards-videos](https://dli.mn.gov/labor-standards-videos).
- Sign up for our Wage and Hour Bulletin: [dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin](https://dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin).
- Contact DLI's Labor Standards at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).

# Thank you

Let us know how we did. Take the survey at [forms.office.com/g/DxWtfA8ZKb](https://forms.office.com/g/DxWtfA8ZKb) or scan the QR code.

