

Northern New England

MONDAY MORNING MINUTE

May 19, 2014

Do Your Homework Because School's Out for Summer: A Refresher on Employment of Minors

With the coming end of the school year, the workforces of many employers will swell with ranks of workers under the age of 18. Their energy, though sometimes unfocused, can often have a very positive effect on the workplace but employing minors quickly turns into a negative experience if employers fail to educate themselves about and comply with the many Federal and State laws and regulations governing youth employment.

Presented here is only a brief and general overview of Federal and State wage and hours issues for New Hampshire, Massachusetts and Maine. There are exceptions to many of these laws and regulations (e.g. for minors not enrolled in school) as well as additional restrictions or limitations for specific situations (e.g., restrictions under New Hampshire law relating to night work). Employers should check the laws and regulations at both the state and federal level for more detailed information and/or should consult with their Jackson Lewis attorney. If federal and state laws conflict, the more restrictive of the two will govern.

Note: Under Federal and most State laws, children under age 18 are prohibited from working in certain hazardous occupations and performing certain dangerous job duties, such as manufacturing, construction, etc. The specific prohibitions and restrictions vary from state to state and due to space constraints, we have not itemized them here.

FEDERAL LAW

Documentation Required

Work permits or proof-of-age certificates are not required under federal law.

Permissible Work Hours

- Ages 14 and 15:** School Week (attendance required for at least one day or partial day): Between 7:00 a.m. and 7:00 p.m. (outside of school hours)
Summer (July 1 to Labor Day): Between 7:00 a.m. and 9:00 p.m.
- Ages 16 and 17:** No restriction

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Maximum Hours

- Ages 14 and 15:** School Week (attendance required for at least one day or partial day): 3 hours on a school day including Friday; 8 hours on a non-school day; 18 hours per week
Non-School Week: 40 hours per week
- Ages 16 and 17:** No limit

Additional Resources

See the U.S. Department of Labor website for additional information including posting requirements, forms, exceptions, prohibited/permissible occupations, frequently asked questions, and information about other wage and hours issues related to youth employment: www.dol.gov/dol/topic/youthlabor.

NEW HAMPSHIRE STATE LAW**Documentation Required**

Youth Employment Certificate (minors under the age of 16): A completed and signed form, issued by the school/superintendent after a job offer, must be on file within the first three days of employment.

Parental/Legal Guardian Permission Form (all minors): A completed and signed form must on file prior to the commencement of work which includes any training or orientation period.

Permissible Work Hours

- Ages 14 and 15:** Between 7 a.m. and 9 p.m.
Ages 16 and 17: No restrictions

Maximum Hours

- Ages 14 and 15:** School Weeks (school in session for one or more days): 3 hours on a school day/8 hours on a non-school day; 23 hours per week
Vacations: 48 hours per week
- Ages 16 and 17:** School Weeks: 30 hours during a school week; 6 consecutive days
Vacations/Summer Vacation (June 1 through Labor Day): 48 hours per week

Additional Resources

See the New Hampshire Department of Labor website for additional information including posting requirements, forms, exceptions, prohibited/permissible occupations, frequently asked questions, and information about other wage and hours issues related to youth employment: www.nh.gov/labor/faq/youth-employment.htm.

MASSACHUSETTS STATE LAW**Documentation Required**

Employment Permit (all minors under age 18): A completed and signed form, which is issued by the school/superintendent after a job offer, must be on file prior to commencement of employment. The form includes a parental permission section.

Permissible Work Hours

- Ages 14 and 15:** *School Year:* Between 7:00 a.m. and 7:00 p.m., outside of school hours
Summer (July 1 through Labor Day): Between 7:00 a.m. and 9:00 p.m.
- Ages 16 and 17:** *Year-Round:* Between 6:00 a.m. and 10:00 p.m. on school nights (10:15 p.m. if place of work stops serving clients/customers at 10:00 p.m.); Between 6:00 a.m. and 11:30 p.m. on days not preceding a school day (or 12:00 a.m. at restaurants/race tracks)

Maximum Hours

- Ages 14 and 15:** *School Year:* 18 hours per week; 3 hours per day on school days, 8 hours per day on weekends/holidays; 6 days per week
Vacations/Summer (July 1 through Labor Day): 8 hours per day; 6 days per week; 40 hours per week
- Ages 16 and 17:** *Year-Round:* 9 hours per day; 6 days per week; 48 hours per week

Additional Resources

See the Massachusetts Department of Labor website for additional information including posting requirements, forms, exceptions, prohibited/permissible occupations, frequently asked questions, and information about other wage and hours issues related to youth employment: www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/youth-employment.

MAINE STATE LAW

Documentation Required

Work Permit (minors under age 16): A stamped work permit issued by the school/ superintendent after a job offer and approved by the Department of Labor, must be on file before the commencement of any work. The form includes a parental permission section.

Permissible Work Hours

- Under Age 16:** *School Days:* Between 7 a.m. and 7 p.m., outside of school hours
Summer Vacation: Between 7 a.m. and 9 p.m.
- Ages 16 and 17:** *School Days:* Between 7:00 a.m. and 10:15 p.m. on a day before a school day; minors under age 17 – outside school hours only
Non-School Days: Between 5:00 a.m. and 12:00 a.m., if no school the next day

Maximum Hours:

- Under Age 16:** *School Days:* 3 hours per day including Fridays; 18 hours per week; 6 consecutive days in a week
Non-School Days (e.g. weekends, holidays, vacations, storm days): 8 hours per day; 40 hours per week; 6 consecutive days in a week
- Ages 16 and 17:** *School Days:* 6 hours per day (8 hours per day on last school day of the week); 24 hours per week in any week with 3 or more school days; 50 hours per week if fewer than 3 scheduled school days or during first/last week of school year); 6 consecutive days in a week
Non-School Days (e.g. weekends, holidays, vacations, storm days): 10 hours per day; 6 consecutive days in a week

Additional Resources

See the Maine Department of Labor website for additional information including posting requirements, forms, exceptions, prohibited/permissible occupations, frequently asked questions, and information about other wage and hours issues related to youth employment: www.maine.gov/labor/labor_laws/publications/minorsguide.html

PENALTIES

Penalties for failing to comply with these laws, both at the federal and state level, are significant. Under federal law, employers are subject to civil money penalties of up to \$10,000 per worker for each violation of the child labor laws as well as potential criminal sanctions. New Hampshire and Massachusetts laws provide for civil penalties of up to \$2,500 per violation and penalties under Maine law range from \$250 to \$50,000 per violation.

PRACTICAL TIPS

The employer, not the employee, must make sure that minors are neither scheduled nor actually work during restricted hours, and that they do not perform prohibited jobs or job duties. Some helpful suggestions:

- Adopt and maintain in each youth's file a Youth Employment Checklist which identifies required documentation, restrictions on work hours, duties, etc.
- Adopt a color-coded schedule or some other method for making sure that the schedule easily demonstrates that young people are not working excess hours.
- Put warning stickers on machinery that minors cannot use or clean. The U.S. Department of Labor website has downloadable stickers.
- Regularly check time cards to make sure they are consistent with the schedule.
- Ensure managers and supervisors are properly trained.

Your Jackson Lewis Attorney can answer questions regarding this and other employment law issues.

TOMORROW!

ON MAY 20TH, Portsmouth Managing Shareholder **Debra Weiss Ford** will be presenting at the
“Employment Policies and Handbooks: What You Need...and What You Don’t”
seminar at **Brightview North Andover Independent & Assisted Living**.

An educational opportunity for Human Resource & Management Professionals

This interactive seminar will address not only the policies employers must have, but also identify employment policies that actually create unnecessary liability. Learn what policies you need and what policies create ticking time bombs and may violate the NLRA. This seminar will help insulate your company against ex-pensive and time-consuming litigation.

Date/Time:

Tuesday, May 20th, 2014
8:00 a.m. – 10:30 a.m.

Location:

Brightview North Andover Independent & Assisted Living
1275 Turnpike Street | North Andover, MA 01845

Cost:

\$35.00/person (on or before 05/15/14)
\$45.00/person (on or after 05/16/14)

Need more info?

Email: LDoiron@familyservicesEAP.org

Hosted by **Family Services EAP**

Please see attached flyer to register.