

Overview of restrictions in the Child Labor laws, State & Federal

Federal Law

The certificate is issued under New Hampshire state law. Federal wage and hour law (the Fair Labor Standards Act, "FLSA") also applies to most employers. For example, employers covered under the FLSA may not employ, in non-agricultural employment any child who is under 14 years old. It is important to know whether the employer is subject to both Federal/State laws, or State laws only. If you are in doubt as to whether an employer is covered by the FLSA, or if you have any other question about federal wage and hour law please contact the U.S. Department of Labor, Wage and Hour Division, 1155 Elm Street, Suite 501, Manchester, NH 03101, TEL. 603-666-7716. A short fact sheet, covering some of these issues, is attached for your convenience.

TIME AND HOUR RESTRICTIONS

If subject to both Federal/State laws, fourteen and fifteen year-old minors may not be employed:

1. **During school hours.** (An exception is provided for minors employed pursuant to work experience and career exploration [WECEP] program pre-approved by the DOL.)
2. **Before 7 AM or after 7 PM**, except from June 1 through Labor Day, when the evening hours are extended to 9 PM.
3. **More than three hours per day**, on school days.
4. **More than eight hours per day**, on non-school days.
5. **More than 18 hours per week**, in school weeks.
6. **More than 40 hours per week**, in non-school weeks.

PERMITTED OCCUPATIONS FOR 14 AND 15 YEAR-OLD MINORS IN RETAIL, FOOD SERVICE AND GASOLINE SERVICE ESTABLISHMENTS

1. **Office and clerical work**, including operation of office machines.
2. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
3. **Price marking and tagging** by hand or by machine, **assembling orders, packing** and shelving
4. **Bagging and carrying out customers' orders.**
5. **Errand and delivery work** by foot, bicycle, and public transport.
6. **Cleanup work**, including the use of vacuum cleaners and non-commercial floor waxers, and **maintenance of grounds**, but not including the use of power-driven mowers or cutters.
7. **Kitchen work** and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performances of such work, such as dishwashers, toasters, dumb waiters, popcorn poppers, and milk shake blenders.
8. **Work in connection with cars and trucks**, if confined to the following:
 - Dispensing gas and oil.
 - Courtesy servicing on the premises of the gasoline service station. Hand car cleaning, washing, and polishing.
 - Other Occupations permitted by this section,

BUT NOT INCLUDING WORK:

- involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring
9. **Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods** when performed in areas physically separate from areas where meat is prepared for sale, and outside freezers or meat coolers.

PROHIBITED OCCUPATIONS FOR 14 AND 15 YEAR-OLD MINORS

1. Any **MANUFACTURING** occupation.
2. Any **MINING** occupation.
3. **PROCESSING** occupations, such as filleting of fish, dressing poultry, cracking nuts or laundering as performed by commercial laundries and dry cleaning.
4. Occupations requiring the performance of any duties in **WORKROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE PROCESSED.**
5. **PUBLIC MESSENGER SERVICE.**
6. **OPERATION OR TENDING OF HOSTING APPARATUS** or of **ANY POWER- DRIVEN MACHINERY** (other than office machines and machines in retail, food service, and gasoline service establishments which are specified in the foregoing list as machines which such minors may operate in such establishments).
7. **ANY OCCUPATIONS FOUND AND DECLARED TO BE HAZARDOUS.**
8. **OCCUPATIONS IN CONNECTION WITH:**
 - a) **TRANSPORTATION** of persons or property by rail, highway, air, on water, pipeline, or other means.
 - b) **WAREHOUSING** and **STORAGE.**
 - c) **COMMUNICATIONS** and **PUBLIC UTILITIES.**
 - d) **CONSTRUCTION** (including repair).

(EXCEPT office and sales work in connection with a, b, c and d, when not performed at the site of the above.)
9. **ANY OF THE FOLLOWING OCCUPATIONS, even in retail, food service, or gasoline service establishments:**
 - a) Work performed **IN** or **ABOUT BOILER** or **ENGINE ROOMS.**
 - b) Work in connection with **MAINTENANCE** or **REPAIR** of the **ESTABLISHMENT, MACHINES** or **EQUIPMENT.**
 - c) **OUTSIDE WINDOW WASHING** that involves working from window sills.
 - d) **ALL WORK** requiring the use of **LADDERS, SCAFFOLDS,** or their substitutes.
 - e) **COOKING** (EXCEPT at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and **BAKING.**
 - f) Occupations which involve **OPERATING, SETTING UP, ADJUSTING, CLEANING, OILING OR REPAIRING** power-driven **FOOD SLICERS** and **GRINDERS, FOOD CHOPPERS** and **CUTTERS,** and **BAKERY- TYPE MIXERS.**
 - g) Work in **FREEZERS** and **MEAT COOLERS** and all work in **PREPARATION OF MEATS** for sale (EXCEPT wrapping, sealing, labeling, weighing, pricing and stocking, when performed in other areas).
 - h) **LOADING** and **UNLOADING GOODS** to and from trucks, railroad cars, or conveyors.
 - i) All occupations in **WAREHOUSES.**
 - j) Occupations involving **INDUSTRIAL HOMEWORK.**
10. Any of the occupations **prohibited for minors under the age of 18.**

PROHIBITED HAZARDOUS OCCUPATIONS FOR ALL MINORS UNDER THE AGE OF 18 YEARS

1. Manufacturing and storing explosives.
2. Motor vehicle driving and outside helper.
3. Coal mining.
4. Logging and sawmilling.
5. Power-driven woodworking machines.
6. Exposure to radioactive substances.
7. Power-driven hoisting apparatus.
8. Power-driven metal-formation, punching, and shearing machines.
9. Mining, other than coal mining.
10. Slaughtering, or meat packing, processing, or rendering.
11. Power-driven bakery machines.
12. Power-driven paper-products machines.
13. Manufacturing brick, tile, and kindred products.
14. Power-driven circular saws, band saws, and guillotine shears.
15. Wrecking, demolition, and shipbreaking operations.
16. Roofing operations.
17. Excavation operations.