

# Federal and Ohio Minor Labor Laws

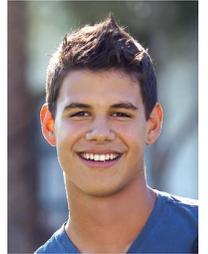
## QUICK REFERENCE GUIDE

The term “minor” refers to individuals under eighteen (18) years of age.

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### Work-Based Learning Policies and Procedures

Several minor labor law exemptions apply to student-learners and employers participating in a work-based learning (WBL) experience related to a bona-fide career-technical education program, approved by the Ohio Department of Education. The summer Work-Based Learning project facilitated by MAGNET and their education partners is a bona-fide educational program. Students will participate during the summer between the 11<sup>th</sup> and 12<sup>th</sup> grade and are likely to be 16 or 17 years old. Participating students will be enrolled in manufacturing related programs such as welding and machining career-technical programs. These programs have WBL procedures, policies and guidelines that should be adhered to.



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### Employment of Student-Learners Is Permitted Under Certain Conditions

Following is a summary of the laws related to this program. Student-learners enrolled in a course of study and training in a career technical training program recognized by the Ohio Department of Education and the student-learner is employed under a written, signed agreement by the employer and school which provides:

- the work of the student-learner in the occupation declared particularly hazardous shall be incidental to the training;
- such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;
- safety instruction shall be given by the school and correlated by the employer with on-the-job training, and
- a schedule of organized and progressive work processes to be performed on the job shall have been prepared.



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### Is There Any Work That Work-Based Learning Students Cannot Perform?

The regulations define several hazardous occupations (HO) that are not permitted for minors. However, bona fide student learners in career-tech welding and machining programs are excluded from a number of them. For example, the following hazardous occupations related to manufacturing (HO 8) are exempt from restrictions if students are participating in bona fide career-technical education: power-driven metal forming, punching, and shearing machine operations; HO 8 also permits the use of a large group of common machine tools used on metal, including lathes, turning machines, milling machines, grinding, boring machines and planning machines.



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### Can Students Be Exempt from State of Ohio “Hour Limitations”

Students who are 16-17 years old in a bona fide career-technical education program *are exempt* from State of Ohio “hour limitations”. For the purposes of this program, students can work between 150 and 300 hours. The wage subsidy provided by the program grant will not cover more than 300 hours although companies may continue to employ students beyond that point.

(SEE OTHER SIDE)

# Federal and Ohio Minor Labor Laws ♦ Quick Reference Guide

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## Unemployment Compensation

For paid work-based learning experiences, employers are not required to pay unemployment premiums for these students; and, student employees do not qualify for unemployment compensation at the conclusion of the work-based learning experience.

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## Liability Insurance

Schools, businesses, agencies and individuals carry liability insurance to protect themselves from damages resulting from their or their employees' acts of negligence. The legal principles that apply to liability are generally true of every citizen. If the student is being paid, he or she is considered an employee and hence is covered by workers' compensation. Business and education learning partnerships should obtain parental consent prior to placement at a work-site.

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## Wage Agreements

Employers must prepare, in duplicate, a written agreement indicating the agreed remuneration for every minor fourteen (14) to eighteen (18) years of age.

1. One copy to remain on file at the establishment where the minor is employed
2. One copy to be given to the minor for his/her retention

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## List of Minors Employed

The employer shall keep a list of minors employed at each establishment, and such list must be posted in a conspicuous place to which all minor employees have access.

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## Time Records

Every employer shall keep a time book or other written record showing actual starting and stopping time for hours worked and each rest period. These records must be kept for two (2) years.

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## Withholding Wages

Wages may NOT be withheld from minors for shortages, presumed negligence, and breakage of machinery, incompetence, or inability to perform work according to any standard of merit.

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## Prohibited Occupations for Minors

Minors are restricted from working in occupations that are considered hazardous or detrimental to their health as outlined in Administrative Rule 4101:9-2, O.R.C. Exemption are allowed as noted above for students enrolled in career- technical programs approved by the Ohio Department of Education.

Quick link reference: [http://www.dol.gov/whd/regs/compliance/childlabor101\\_text.htm#8](http://www.dol.gov/whd/regs/compliance/childlabor101_text.htm#8)

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## Age Certificates

Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each minor employed to show that the minor is the minimum age for the job. Although the Wage and Hour Division no longer issues age certificates, certificates issued under most state laws are acceptable for purposes of the FLSA.



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