The U.S. Department of Labor requires the re-submission of variances from the Code of Federal Regulations to employ Work Experience and Career Exploration Program (WECEP) students in business related to:

1. **Retail Food Trade** – Cook at the grill, make French fries, unload supplies from delivery trucks, retrieve and/or place food in coolers/freezers.
2. **Outdoor Maintenance Assistant** – Use a power driven lawnmower (not riding) and weed eater.
3. **Bus Garage Assistant** – Wash school buses under limited conditions.

Federal law that regulates permissible occupations for 14- and 15-year-olds is found in the Code of Federal Regulations (CFR) Title 29, Part 570 – Child Labor Regulations, Orders and Statements of Interpretation, Section 29CFR570.34 – Occupations. The section addressing minors 14 and 15 years of age permission to perform in retail, food service and gasoline service establishments recently had a change in language. In Section 29CFR570.34(b)(5) Baking and cooking are prohibited except:

(i) Cooking is permitted with electric or gas grilles which does not involve cooking over an open flame (Note: this provision does not authorize cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as “Neico broilers”); and

(ii) Cooking is permitted with deep fryers that are equipped with and utilize a device which automatically lowers the baskets into the hot oil or grease and automatically raises the baskets from the hot oil or grease;

**Even though these changes are now in the Federal law, continue to request the cooking at the grill and making French fries if these are job duties that your students will perform.**

The re-submission of variances is expected every two years to coincide with the two-year approval process by the U.S. Department of Labor to implement state-approved WECEP.

Variances approved for specific places of employment during 2016/2017 and 2017/2018 school years will be in effect from the beginning of the first day of the 2016/2017 school year to the end of the 2017/2018 school year. **Variances cover only 14- and 15-year old WECEP students during the school year. Variances are not in effect during the summer months when school is out.** A different variance application must be submitted for each place of employment. You may not employ students in a job where a variance is needed without first receiving a variance approval from the U.S. Department of Labor.

There should not be more than one variance form submitted for any one place of business or establishment; therefore, if two or three CBI programs in different school buildings are using the same business, only one variance form should be submitted on behalf of that place of business. **Variance forms MUST BE TYPED** and submitted on the current variance forms in effect for 2016/2017 and 2017/2018 school years. Variance forms may be submitted anytime during the two-year approval cycle.

A system of approval has been worked out with the U.S. Department of Labor, Washington D.C., that enables you to receive a copy of the variance request form with a stamp indicating approval or disapproval. When variance forms are returned from the U.S. Department of Labor to the CBI state office in the Ohio Department of Education, a copy of your approved form will be sent to you. **Be sure to give a copy of the approved variance form to the employer, as well as retaining a copy for your files.**

Every effort will be made for you to receive forms in a timely manner. However, the turn-around process will probably be a minimum of three to four weeks from the time the Ohio Department of Education receives the form, sends it to the U.S. Department of Labor in Washington, D.C., the U.S. Department of Labor returns approved or disapproved forms to the Ohio Department of Education and it is returned to you.

The PDF versions of the current variance forms on the Ohio Department of Education Web are a template that can be completed by typing in requested information on your computer then printing completed documents.
Please submit all variance applications **ONLY ON THE NEW 2014/2015 and 2015/2016 FORMS.** Send to Ohio Department of Education, Office of Career-Technical Education, Career-Based Intervention, 25 South Front Street, 608, Columbus, OH 43215-4183. For questions please telephone at (614) 995-5108 or Fax: (614) 728-6176

**WECEP VARIANCE FORMS**

**Tips and Problems**

**TIP**
1. Only submit variance forms if your students are working in **any one of the tasks listed** on the food service, outdoor maintenance assistant, and school bus garage maintenance variance form. List on each form the specific job tasks that require a variance for the specific establishment location. Do **not** include job duties not requiring a variance (allowable by current federal law 29 CRF 570.34) or that are prohibited and not listed as a task that can gain approval by the variance.

**PROBLEM**
The CBI coordinator who provides an automatic wholesale listing of all the tasks on each of variance form can cause problems (i.e., Pizza Hut does not sell French fries and therefore would not require a variance for French frying). The forms can then be denied. If the “variance requested” item on the form is left blank, it is assumed there is no reason for a variance. A variance could be denied because there is nothing to approve.

**TIP**
2. Only submit variances for establishments you have checked out and will or could possibly be hiring a student. In any case, touch base with the potential employer to be sure of possible job duties.

**PROBLEM**
When CBI coordinators submit “stacks” of variances that include every job location in town without knowing if they will ever hire a student, the volume of variances is so large that the turn-around time is slower in the state office as well as at the federal level. Also, you could get into a situation described in tip number 1 and have a variance denied. The variance reviewers then begin to wonder about the truthfulness of information on the form.

**TIP**
3. Be accurate and specific in the information submitted on the variance form because variance reviewers sometimes call the place of employment for a clarification.

**PROBLEM**
A Subway Restaurant clarified they did not sell French fries and did not cook at a grill. A variance could be denied then if all job tasks are listed on the variance form for food service occupations. “General cooking” is too vague to list. The variance is for cooking at a grill. The variance could be denied.

**TIP**
4. Safety descriptions are the key item of interest to the U.S. Department of Labor reviewers of these variances. **Fill out in detail specific safety training on-site and in class for these varied job duties.**

**PROBLEM**
Teachers are too vague when writing about safety. USDOL is interested in such issues as how the training will prevent specific injuries that occur in the establishment for which the variance is requested. For example, in a retail eating establishment, USDOL would be interested in how the training will help to prevent burns, point out electrical hazards, or provide other practical training both in the classroom and on-the-job. The CBI coordinators do not need to list “compliance with OSHA or other safety standards” as a “safety factor.” USDOL assumes that such compliance is assured before any teen is placed in the establishment. Such compliance, by and of itself, is not sufficient to meet the requirements for granting a variance.
5. You may need to submit a request for a variance that does not fall under the typical job duties for which we have provided forms. If you are unsure, call the CBI state consultant and discuss the situation and course of action.

PROBLEM

From time to time, USDOL has received requests from coordinators for variances in occupations that are specifically prohibited in Section 570.33 of the regulations, including manufacturing, processing, work in a work room or work places (including garages, paint shops, refuse collection sites, body shops and other places where goods are manufactured or processed). USDOL also receives requests for occupations in transportation, warehousing and storage, communication and construction. Such work is too hazardous or can adversely affect the health and welfare of a 14- and 15-year-olds. No variances will be granted for such occupations.

At times, approval has been given for a variance for allowing a student to perform non-hazardous job duties in an unallowable job location under special circumstances. Example: A dry cleaning establishment is a prohibited job location unless it is front counter work and there is a wall between the student and the hazardous dry cleaning equipment. A special variance request would be needed, describing the circumstances in detail. Example: Working in a manufacturing setting is prohibited; however, it may be approved if the student is cleaning in the business office away from hazardous equipment. A special variance request would be needed describing the circumstances in detail.

TIP

6. Check and recheck prohibited jobs and amounts of time a 14- to 15-year old student may work. Minor Labor Law information is available on the Career-Based Intervention web site at www.education.ohio.gov using keyword search: Minor Labor Laws. If you are unsure of the law, call the federal U.S Department of Labor office near you and/or the state wage and hour people. They are the experts. Be sure to tell them you coordinate a WECEP program. Contacts are:

George Victory
U.S. Department of Labor
Wage and Hour Division
(614) 469-5677

Bob Kennedy
Ohio Department of Commerce
Division of Labor and Worker Safety
Bureau of Wage and Hour
(614) 644-2239
U.S. Department of Labor Variance Application – Retail Food Trade Occupation
Career-Based Intervention, State of Ohio
Work Experience and Career Exploration Program (WECEP) Students
Submitted to the U.S. Department of Labor, Washington D.C. for State Approved WECEP Programs,
School Year 2016/2017 and 2017/2018

FORM MUST BE TYPED
CBI Teacher/Coordinator: ___________________________ Date: ________________________
School District: ___________________________ School Building: ___________________________
School Building Address: ___________________________ City: ___________________________ State: ______ ZIP: ___________
School Building Telephone No: (______) ____________________

(Leave blank if employed in same school)
Business Establishments Name: ____________________________________________________________________
Address: ___________________________ City: ___________________________ State: ______ ZIP: ___________
Telephone No.: (______) ____________________

Variance Requested: (Describe job duties of variance requested. List only the specific variance(s) from the list above
that apply to this job location.)

Variance Conditions: (Write narrative explanation in addition to any specifics that apply below.)

What is the temperature of the grill? (Limit 350°) ____________
What is the temperature of the French fry grease? (Limit 350°) ____________
What is the frequency of unloading trucks? (%) ____________ (Limited to 30% or less)
If items are unloaded from trucks, what is the highest weight of an item unloaded? ____________ (Weight limited to 30 lbs. per item)
Incidental retrieving/or placing food in coolers/freezers does not include taking inventory or unloading food and
stocking of food and cleaning in a cooler or freezer. Cooking is permitted with electric or gas grilles which does not involve cooking over an open flame.

Students are not permitted to use the NIECO Broiler/Steamer Equipment - 14 and 15 year old WECEP students
may not bake under any circumstances, including the preparation of items for baking such as pizzas. Students
may not use or clean meat slicers for any purpose, including slicing cheese and vegetables. Making French
fries with an automatic basket lowering and raising device still requires a variance.

What specific safety training is provided on-site and in class related to the variance request in this place of
employment? (Write a detailed narrative explanation)

Return form to: Ohio Department of Education, Office of Career-Technical Education, Career-Based Intervention,
25 South Front Street, 609, Columbus, OH 43215-4183.

For U.S. Department of Labor use. Do not write in this space.
U.S. Department of Labor Variance Application – Outdoor Maintenance
Career-Based Intervention, State of Ohio
Work Experience and Career Exploration Program (WECEP) Students
Submitted to the U.S. Department of Labor, Washington D.C. for State Approved WECEP Programs,
School Year 2016/2017 and 2017/2018

FORM MUST BE TYPED
CBI Teacher/Coordinator: ________________________________ Date: ________________
School District: ______________________________ School Building: ______________________________
School Building Address: ___________________________ City: ____________ State: ____ ZIP: ____________
School Building Telephone No: (_______) ___________________
(Leave blank if employed in same school)
Business Establishments Name: __________________________________________________________
Address: _____________________________ City: __________________ State: ______ ZIP: ____________
Telephone No.: (_______) ____________________

Variance Requested: (Describe job duties of variance requested. List only the specific variance(s) from the
list above that applies to this job location.)

Variance Conditions: (Write narrative explanation in addition to any specifics that apply below.)

What is the frequency of using a weed eater (%)? ____________ (Needs to be 40% or less)
What is the frequency of using a power driven lawn mower (%)? ____________ (Needs to be 40% or less)

STUDENTS USE ONLY WEED EATERS OF THE NYLON CORD DESIGN AND ARE NOT PERMITTED TO
USE ANY THAT HAVE A METAL BLADE. USE OF SAFETY SHOES AND HEARING PROTECTION IS
NECESSARY IF STUDENTS ARE OPERATING LAWN MAINTENANCE EQUIPMENT.

What specific safety training is provided on-site and in class related to the variance request in this place of
employment? (Write a detailed narrative explanation)

Return form to: Ohio Department of Education, Office of Career-Technical Education, Career-Based Intervention,
25 South Front Street, 609, Columbus, OH 43215-4183.

For U.S. Department of Labor use. Do not write in this space.
U.S. Department of Labor Variance Application – School Bus Garage Assistant
Career-Based Intervention, State of Ohio
Work Experience and Career Exploration Program (WECEP) Students
Submitted to the U.S. Department of Labor, Washington D.C. for State Approved WECEP Programs,
School Year 2016/2017 and 2017/2018

FORM MUST BE TYPED
CBI Teacher/Coordinator: ____________________________________________ Date: ________________
School District: ______________________________ School Building: _____________________________
School Building Address: _________________________ City: ____________ State: ____  ZIP: ____________
School Building Telephone No: (_______) ___________________
(Leave blank if employed in same school)
Business Establishments Name:  ____________________________________________________________
Address: _____________________________ City: __________________ State: ______  ZIP: ____________
Telephone No.: (_______) ____________________

SCHOOL BUS GARAGE ASSISTANT – WASHING SCHOOL BUSES UNDER LIMITED CONDITIONS

Variance Requested: (Describe job duties of variance requested. List only the specific variance(s) from the list above that applies to this job location.)

Variance Conditions: (Write narrative explanation in addition to any specifics that apply below.)

Equipment Safety Features: (Describe detailed specifications safety features for equipment used.)

Student Protective Clothing: (Describe protective clothing worn while carrying out this job duty, i.e., non-slip boots.)

What specific safety training is provided on-site and in class related to the variance request in this place of employment? (Write a detailed narrative explanation)

Students may not work on a ladder, around operating machinery in a garage such as hoists, tire changing equipment or while school bus engine is running. Variances will not be approved to use power-driven spray or steam cleaners for use in bus garages, to clean docks or at car washes. Approval is only granted for a water-powered type sprayer which rotates or moves a brush.

Return form to:  Ohio Department of Education, Office of Career-Technical Education, Career-Based Intervention, 25 South Front Street, 609, Columbus, OH  43215-4183.

For U.S. Department of Labor use. Do not write in this space.