

# EMPLOYMENT LAW SUMMARY

## Arizona: Child Labor Law



*Because You're Different*

The federal Fair Labor Standards Act (FLSA) sets the minimum age for employment at 14. It also limits the number of hours worked by minors under the age of 16, and prohibits any minor under the age of 18 from working in hazardous occupations, as determined by the Department of Labor (DOL). In addition to the federal standards, employers in Arizona that employ minors must comply with Arizona's Youth Employment Law. Arizona law regulates the employment of workers under 18 years of age. When both Arizona's Youth Employment Law and the FLSA child labor provisions overlap, the law providing the broadest protection to minors will prevail.

### ARIZONA STATE LAW

#### **WORK HOUR RESTRICTIONS**

When school is IN session, Arizona law allows minors under the age of 16 to work:

- Up to 18 hours in any one week;
- Up to three hours per day on a school day; or
- Between the hours of 6 a.m. and 9:30 p.m. on a day preceding a school day.

When school is NOT in session, Arizona law allows minors under the age of 16 to work:

- Up to 40 hours in any one week;
- Up to eight hours per day; or
- Between the hours of 6 a.m. and 11 p.m.

These restrictions do not apply to minors who deliver newspapers.

#### **OCCUPATIONAL RESTRICTIONS**

According to Arizona state law, minors under the age of 18 may not work in or about the following hazardous occupations:

- An establishment manufacturing or storing explosives;
- As a motor vehicle driver or outside helper, except for driving incidental to employment if the minor has a valid license for operation of the vehicle and either:
  - The total driving time does not exceed two hours per day or 25 percent of the work period per day; and
  - The total mileage driven is fewer than 50 miles per day.
- Mine or quarry occupations;
- Logging occupations;
- Occupations involving the operation, setup, repair, adjustment, oiling or cleaning of a power-driven woodworking machine;
- Occupations involving exposure to radioactive substances and to radiation in excess of 0.5 rem per year;

- Occupations involving the operation (or assistance in the operation) of a power-driven hoist with a capacity exceeding one ton or an elevator, except operation of an automatic elevator incidental to employment;
- Occupations involving the operation of a power-driven metal working, forming, punching or shearing machine;
- Occupations involving slaughtering, meat packing, processing or rendering of meat or the operation, setup, repair, adjustment, oiling or cleaning of a power-driven meat processing machine;
- Occupations involving the operation of a power-driven bakery machine;
- Occupations involving the operation of a power-driven paper products machine;
- Occupations involving the manufacture of clay construction products or silica refractory products;
- Occupations involving the operation of a power-driven saw;
- Occupations involving wrecking, demolition and ship-breaking operations;
- Occupations involving roofing operations or equipment attached to or placed on roofs; or
- Occupations in excavation or tunnel operations, except manual excavation, backfilling or working in trenches or other penetrations of the ground surface that do not exceed two feet in depth at any point.

Minors under the age of 16 may not work in the following occupations:

- Manufacturing;
- Processing;
- Laundering or dry cleaning in a commercial laundry;
- Warehousing;
- Construction;
- Boiler, furnace or engine rooms;
- Occupations, including window washing, involving work from a ladder, scaffold, window sill or similar structure or place more than five feet in height;
- Any of the following activities in a retail food or gasoline service establishment:
  - Maintenance or repair of machines or equipment, except work in connection with cars and trucks if confined to dispensing gasoline and oil, courtesy service, car cleaning, washing and polishing, but not including work involving the inflation of any tire mounted on a rim equipped with a removable retaining ring;
  - Cooking and baking, except at soda fountains, lunch counters, snack bars or cafeteria serving counters;
  - Setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, choppers and cutters; and
  - All work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing and stocking;
- Any of the following activities in agriculture:
  - Operating a tractor over 20 power take off horsepower that is not equipped with a rollover protective structure and seatbelts;
  - Connecting or disconnecting an implement or any of its parts to or from a tractor over twenty power take off horsepower;
  - Operating a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato harvester, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor or self-unloading wagon, power post hole digger, power-driven non-walking rotary type tiller, trencher or earthmoving equipment or potato combine;
  - Working in a pen occupied by a bull, boar or stud horse maintained for breeding purposes, a sow with young pigs or a cow with a newborn calf;
  - Felling, bucking, skidding or unloading timber with butt more than six inches in diameter;
  - Picking or pruning from a ladder over eight feet in height;
  - Riding on a tractor as a helper or driving a bus, truck or automobile;
  - Working inside a fruit storage area or grain storage area designed to retain an oxygen deficient or toxic atmosphere, an upright silo within two weeks after silage has been added or a manure pit, or operating a tractor for packing purposes in a horizontal silo;
  - Handling hazardous agricultural chemicals;
  - Handling explosives; or
  - Transporting, transferring or applying anhydrous ammonia.

Minors under the age of 10 years may not sell, expose for sale or otherwise offer for sale newspapers, magazines or periodicals in any street or public place.

## **EXEMPTIONS FROM OCCUPATIONAL RESTRICTIONS**

The occupational restrictions do not apply to minors that are/have:

- Employed by a grandparent, brother, sister, aunt, uncle, first cousin, stepparent or parent, including a relative of the same degree through marriage or adoption, or person in loco parentis in occupations in which the relative owns at least 10 percent of the employing organization and the owner is actively engaged in the daily operation of the organization, if either:
  - The person is under the age of 18 years and not engaged in manufacturing or mining occupations; or
  - The person is between the ages of 16 and 18 years and is engaged in manufacturing or mining occupations;
- Employed as performers in motion picture, theatrical, radio or television productions, with restrictions;
- Involved in career education programs;
- Involved in vocational or technical training school programs;
- Employed as apprentices and registered by the Bureau of Apprenticeship and Training of the DOL (conditions apply);
- Trained under either the 4-H federal extension service or the U.S. Office of Education Vocational Agriculture Training Programs, if employed outside school hours on the equipment for which they have been trained;
- Completed vocational or career education programs approved by the Department of Education, if the programs are directly related to the prohibited occupation or employment or if working in the prohibited occupation is part of the vocational or career education program;
- Married; or
- A high school diploma or its equivalent.

Further, the occupational restrictions do not apply to:

- The operation of power-driven equipment used in the care and maintenance of lawns and shrubbery not connected to retail, food service and gasoline service establishments; or
- Clerical employment in an office in which duties are performed without exposure to the hazards described above.

## **FEDERAL FLSA**

### **WORK HOUR RESTRICTIONS**

The FLSA provides that 14- and 15-year-olds may work outside school hours in various non-manufacturing, non-mining and non-hazardous jobs no more than:

- Three hours on a school day or 18 hours in a school week; and
- Eight hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment. More information and resources on the federal child labor rules can be found on the DOL website.

### **EXCEPTIONS TO FEDERAL WORK HOUR RESTRICTIONS**

The federal FLSA child labor laws do not apply to any youth 14 or 15 years of age who is or has:

- Graduated from high school;
- Been excused from school attendance by the state or other jurisdiction once he or she had completed the eighth grade, and his or her employment complies with all school attendance laws;
- A child to support and school attendance has been waived;
- Subject to a court order prohibiting him or her from attending school; or
- Been permanently expelled from the local public school and is not required to attend another school.

### **OCCUPATIONAL RESTRICTIONS**

Federal law also limits the occupations and workplaces of minors under age 18, pursuant to the DOL's list of hazardous occupations. According to the FLSA, minors under the age of 18 may not work in any of the following occupations:

- Any position around explosives or radioactive materials, except retail explosives establishments;

- In the operation of motor vehicles on any public road or highway, inside any establishment conducting logging or sawmill operations, and for excavation;
- Mining, including coal mining;
- Logging and sawmill occupations;
- In the operation or assistance of power-driven woodworking machines;
- In the operation or assistance of power-driven hoisting apparatuses;
- In the operation or assistance of power-driven metal forming, punching or shearing machines;
- In the operation or assistance of meat packing machines;
- Slaughtering, meat packing, processing or rendering, except in the killing and processing of poultry, rabbits and small game;
- In the operation or assistance of power-driven bakery machines;
- In the operation of power-driven paper products and printing machines;
- Manufacturing brick, tile and similar products;
- In the operation or assistance of power-driven circular saws, band saws and guillotine shears;
- In wrecking, demolition and ship-breaking;
- Roofing or any occupation on a roof; and
- Any occupation in excavation.

## **ENFORCEMENT AND PENALTIES**

When the Industrial Commission of Arizona has reasonable cause to believe that any person is violating any provision of Arizona's Youth Employment Law it may serve a cease and desist order on the employer. The order must state the violation, the rule or regulation being violated, and that the employer is entitled to a hearing if requested in writing within 20 days after the date of issuance of the order. The cease and desist order will include a civil penalty of up to \$1,000 against the employer.

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