



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Child Labor Provisions

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Child Labor Provisions

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The FLSA was amended on July 19, 2010, making changes to the provisions of the Child Labor Law. The new provisions included lifting restrictions limiting the industries 14- and 15-year-olds were permitted to work; establishing new prohibition on youth peddling and setting higher penalties for violations resulting in serious injury or death. The full text of the legislation can be found here [1].

The regulations previously limited the occupations local governments could employ minors as a part of their regular workforce or in a summer jobs for youth program. The FLSA provides that 14- and 15-year-olds may work not only in state and local governments, retail, food service and gasoline service establishments, but also in other environments such as banks, insurance companies, advertising agencies and information technology firms <https://www.dol.gov/whd/regs/compliance/childlabor101.pdf> [2].

Fourteen- and 15-year-olds may now perform “work of an intellectual or artistically creative nature such as computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher’s assistant, singing, playing a musical instrument and drawing. Fifteen-year-olds may now work as lifeguards at traditional swimming pools and certain water amusement park attractions such as wave pools, lazy rivers and baby pools and elevated water slides. Fourteen- and 15-year-olds may load and unload onto and off of motor vehicles “light, non-power driven, hand tools” (such as rakes or shovels) and “personal protective equipment” used as part of their own work, as well as personal items like backpacks or lunch boxes. Fourteen- and 15-year-olds may perform work requiring them “to occasionally enter freezers only momentarily to retrieve items.”

“Minors between 14- and 16-years-old may work outside school hours. Fourteen- and 15-year-olds who are excused from compulsory school attendance may now work at businesses that use machinery to process wood products. They may not work more than eight hours in any one day when school is not in session. They may not work more than three hours in any one day when school is in session. They may not work more than 40 hours in any one week when school is not in session. They may not work more than 18 hours in any week when school is in session. Finally, minors may work only between 7 a.m. and 7 p.m. in any one day, except during the summer (June 1 through Labor Day) when the evening hour is 9 p.m.” 29 C.F.R. § 570.35(a). 29 C.F.R. § 570.35(b) provides an exception to the above restrictions for minors 14 and 15 years of age for “minors who are employed to perform sports concession services at professional sporting events.” 29 C.F.R. § 570.35(b).

The revisions prohibit 14- and 15-year-olds from riding on a motor vehicle “outside of an enclosed passenger compartment” such as a bed of a pickup truck, the running board of a van or the bumper of a garbage truck. These workers may ride inside passenger compartments, but only under specific conditions. The changes also expand the list of prohibited “power-driven machinery” 14- and 15-year-olds are not allowed to operate to include lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and 15-year olds are specifically prohibited from “catching and cooping” all kinds of poultry in preparation for transport to market.

“Minors between 16 and 18 years of age are also prohibited from working in certain hazardous occupations.” 29 C.F.R. § 570.2(a)(ii). “Minors under 17 years of age are prohibited from driving on public roads as part of employment.” 29 U.S.C. § 213(c)(6). Sixteen- and 17-year-olds may now operate power-driven pizza dough rollers and portable, counter-top food mixers.

There were also changes to the hazardous occupations for 16- and 17-year-olds, most of which are new prohibitions. First, the prohibition against working in logging and in the operation of saw mills is expanded to include working in forest firefighting and other forestry service. While the current regulations prohibit them from operating power-driven hoisting devices, the new regulations expand this to include most work with elevators, cranes, derricks and man-lifts. The meat-processing prohibition was expanded to include working in slaughtering, meat-processing and rendering occupations including poultry slaughtering establishment.

The regulations expand the old prohibition against the operating and unloading of certain paper balers and paper box compactors to “all balers and compactors. The saw and shears prohibition now includes chain saws and other power-driven saws and wood chippers, and abrasive cutting discs. Counter-top

Mixers and Pizza Dough Roller are the only areas where DOL relaxed the regulations now allowing 16- and 17-year-olds to operate portable counter-top mixers, such as those used in private homes, and allowing minors to operate certain pizza dough rollers.

The Act, however, continues to provide that 17-year-old workers may drive cars and trucks at work during **daylight** hours only. They must have a valid driver's license with no record of moving violations at the time of hire and have completed a state-approved driving school. The vehicle must have a seat belt and the employer must instruct the employee to use it. The vehicle must not weigh more than 6,000 pounds and the driving must not involve towing of vehicles, urgent deliveries, route deliveries or sales. The 17-year-old must not travel more than 30 miles from the place of employment. Finally, the driving must be occasional and incidental to the teen's employment. The act also restricts the transportation of goods and passengers by 17-year-old drivers.

Minors 16 and 17 years of age may not be employed during those hours when the minor is required to attend class nor between the hours of 10:00 pm and 6:00 am, Sunday through Thursday, preceding a school day. However, if there is a Parental/Consent Form signed, then the minor may work until midnight, but no more than three (3) nights per week Sunday through Thursday.

If a minor is being homeschooled, the same rules apply, unless there is a letter of consent from the parent/guardian conducting the homeschooling. Tenn. Code. Ann. § 50-5-105 (c). Here is a link to parental/consent form: https://www.tn.gov/content/dam/tn/workforce/documents/Forms/CHILDLABORPARENTALCONSENTFORM_Revised10.04.2018.pdf [3]

Links:

[1] [http://www.ecfr.gov/cgi-bin/](http://www.ecfr.gov/cgi-bin/text-idx?SID=c4387a34fcaa0b36d657d3574da730e4&node=pt29.3.570&rgn=div5)

[text-idx?SID=c4387a34fcaa0b36d657d3574da730e4&node=pt29.3.570&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=c4387a34fcaa0b36d657d3574da730e4&node=pt29.3.570&rgn=div5)

[2] <https://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

[3] https://www.tn.gov/content/dam/tn/workforce/documents/Forms/CHILDLABORPARENTALCONSENTFORM_Revised10.04.2018.pdf

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