

Special hiring applies to minors (Eugene Register-Guard 6/6/10)

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Summer is upon us, and as many employers hire young people to make up their seasonal work forces, it is a good time to survey the rules regarding employment of minors in Oregon.

The failure to do so can be costly. Violations are subject to fines of up to \$1,000 each and can also result in an employer being barred from hiring minors in the future.

In general, state and federal laws prohibit the employment of children under the age of 14. Exceptions include employment by the child's parents, employment in agriculture, and employment by special permit from the Bureau of Labor and Industries Wage and Hour Division.

Before employers can put children between the ages of 14 and 17 to work, they must first obtain an annual employment certificate from the bureau, available on the BOLI Web site. The validated certificate must be posted where all employees can easily see it.

Employers also must maintain a list of minors employed, verify the ages of minor employees by requiring them to produce acceptable documentation, and keep a record of that verification.

Minors employed as carriers or vendors of newspapers and as domestic workers in private residences are exempted from child labor laws, but other general wage and hour laws and working conditions rules do apply to them. Recreational soccer referees are considered independent contractors, so they are not subject to either the child labor laws or the wage and hour laws, even if they are younger than 18.

Unless otherwise exempt, minors must be paid at least the state minimum wage of \$8.40 per hour. But, unlike adult workers, minors must be given either adequate work or reasonable compensation if they are required to report to work but are not needed.

Adequate work is defined as sufficient work to earn one-half the amount the minor would have earned at his or her regular rate had the minor worked the hours to which the parties previously agreed.

Reasonable compensation means one hour's wages or one-half the wages the minor was previously scheduled to earn, whichever is greater. For example, if the minor was scheduled to work four hours but was sent home because of lack of work, the employee must be paid for two hours.

There are exceptions to the adequate work rules if the employer follows certain notification policies or if circumstances beyond the employer's control prevent the performance of the work.

Minors are subject to stricter limitations than adult workers on overtime, hours of work, and rest and meal periods.

Minors 16 and 17 years of age may not be employed to work more than 44 hours per week (except in agriculture or organized youth camps) and may not work more than 10 hours per day in canneries. Employers may apply for a special permit to exceed the limits in emergency situations.

Minors 14 and 15 years of age may only work between the hours of 7 a.m. and 7 p.m., for not more than 18 hours a week during the school year, and not more than 3 hours a day on school days. Between June 1 and Labor Day, minors 14 and 15 years old can work until 9 p.m., up to 8 hours per day, and up to 40 hours per week.

Both state and federal law prohibit the employment of minors in occupations deemed to be hazardous, including certain manufacturing, construction, mining, power-driven machinery, logging and sawmill occupations.

For a complete list of prohibited occupations, for a full set of rules regarding the employment of minors in Oregon, or for additional information on this and other topics of interest to Oregon employers, go to www.oregon.gov/boli/ta or call 971-673-0824.

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