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**SCHOOL'S OUT FOR THE SUMMER...
WHAT YOU NEED TO KNOW WHEN HIRING MINORS
BY: CHRISTINA HARRIS SCHWINN, ESQ.**

School is out for the summer and high school students (many of whom are under the age of 18) are “pounding the pavement” and looking for the perfect summer job. For the purposes of the Fair Labor Standards Act (“Act”), the federal law that governs minimum wage and overtime requirements, an individual who is under the age of 18 is covered by the child labor provisions of the Act.

Understanding that the child labor rules affect certain age groups and occupations is an important first step to understanding whether, e.g. a 17 year old employee who wants to work as a roofing apprentice is permitted to do so under the Act.

Occupational Restrictions

- 1) An individual who is 18 years or older may perform any job regardless of whether the job is hazardous.
- 2) An individual who is between the ages of 16 and 17 years old may only work in a non-hazardous job.
- 3) An individual who is between the ages of 14 and 15 years old is prohibited from working in any hazardous, manufacturing, mining or in any job in the following categories^{1/}:
 - Construction or repair jobs;
 - Driving a motor vehicle or helping a driver;
 - Workrooms where products are manufactured, mined or processed;
 - Warehousing and storage;
 - Loading or unloading goods off trucks;
 - Maintenance or repair work in a building; and
 - Outside window washing or work standing on a window sill, ladder or scaffolding.

^{1/}This list is intended to be representative only and not exhaustive.

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Hazardous occupations include all of the following:

- Manufacturing and storing of explosives;
- Driving a motor vehicle and being an outside helper on a motor vehicle;
- Coal mining;
- Logging and sawmilling;
- Power-driven woodworking machines;
- Exposure to radioactive substances;
- Power-driven hoisting apparatus;
- Power-driven metal-forming, punching and shearing machines;
- Mining, other than coal mining;
- Meat packing or processing (including the use of power-driven meat slicing machines).
- Power-driven bakery machines;
- Power-driven paper product machines, including scrap paper balers and paper box compactors;
- Manufacturing brick, tile and related products;
- Power-driven circular saws, band saws and guillotine shears;
- Wrecking, demolition and shipbreaking operations;
- Roofing operations and all work on or about a roof;
- Excavation operations

Pursuant to Florida Statute 450.045, anyone who hires an individual under the age of 18 must verify the individual's age by obtaining any one of the following:

- A copy of the individual's birth certificate;
- A copy of the individual's driver's license;
- A copy of the individual's age certificate issued by a district school board; or
- A copy of the individual's passport or visa.

Additionally, an employer who hires individuals under the age of 18 must post, in a conspicuous place, a poster notifying minors of the Child Labor Law.

Hour Restrictions

During summer vacations and/or holidays, the following restrictions apply:

- 15 years old and younger may not begin work before 7:00 a.m. and not work past 9:00 p.m. in the evening and may not work more than 8 hours in a day nor more than 40 hours per week.
- 16 to 17 years old may not begin work before 6:30 a.m. nor work past 11:00 p.m.

Mandatory Meal Breaks/Consecutive Days

Employers are required to provide employees who are 17 years old or younger with a mandatory 30 minute meal break if the individual works for 4 consecutive hours. The maximum number of days in a row which this age group may work is 6.

Exemptions

Certain exemptions do exist when the individual being employed is employed in a family business or by a parent.

Penalties

The penalties for violating Florida's child labor laws can be up to a \$2,500 fine and up to \$11,000 under the Fair Labor Standards Act ("FLSA") per offense and anyone who permits a minor to work in violation of the law is guilty of a second degree misdemeanor. For the purpose of what constitutes an offense, each day the violation continues constitutes a separate offense.

Employing high school students during the summer break can be a win-win situation if you know the rules.

A note to the reader: This article is intended to provide general information and is not intended to be a substitute for competent legal advice. The reader is advised to consult with competent counsel when questions arise as to whether a prospective employee under the age of 18 may work in certain occupations.

Questions regarding this article or past articles may be e-mailed to Christina Harris Schwinn at christinaschwinn@paveselaw.com. To view past articles written by Ms. Schwinn please visit the firm's website at www.paveselaw.com. Ms. Schwinn is a partner and an experienced employment and real estate attorney with the Pavese Law Firm, 1833 Hendry Street, Fort Myers, FL 33901; Telephone: (239) 336-6228; Telecopier: (239) 332-2243.

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