DIVISION OF LABOR STANDARDS

Laws Governing the Employment of Minors

PROTECT *all Workers*
ASSIST *the Unemployed*
CONNECT *Employers and Workers*

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Comparison
New York State Child Labor Law vs. Federal Law

AGRICULTURAL EMPLOYMENT

New York State Child Labor Law	Federal Child Labor Law
12- & 13- Year-Olds Hand-Harvest of Fruits, Berries & Vegetables	
• Between June 21st and Labor Day,12 and 13-year-olds with a Farm Work Permit and written consent of parent may be employed up to 4 hours between the hours of 7 AM and 7 PM. Between the day after Labor Day and June 20, 12- and 13-year-olds may be employed between the hours of 9 AM and 4 PM when attendance at school is not required.	• May be employed with written parental consent or on a farm where the minor's parents or person standing in place of a parent is employed, but not during school hours.

GENERAL PROVISIONS OF THE LAW

Revocation of Employment Certificate - Working Papers	
• Employment Certificate (working papers) may be revoked by educational authorities where a student has failed no less than 4 academic courses in one semester.	• No similar requirements

Comparison
New York State Child Labor Law vs. Federal Law

GENERAL INDUSTRY EMPLOYMENT

New York State Child Labor Law	Federal Child Labor Law
16- & 17- Year-Olds School Not in Session	
Permitted to work up to	
• 8 hours per day	• No similar requirements
• 48 hours per week	• No similar requirements
• between 6 AM and 12 midnight	• No similar requirements
Posting	
• Employer must post scheduled hours of work each week for minor.	• No similar requirements
• Changes may be made, by employer.	• No similar requirements
• maximum hours may not be exceeded.	• No similar requirements

INTRODUCTION

This booklet provides general information on the provisions of the Labor Law and other laws governing the employment of minors in New York State. Certain details are omitted and the information in this booklet should not be considered as official statements or interpretations of the law.

For establishments covered by the Federal Fair Labor Standards Act, Federal laws may in some cases set higher standards than state requirements. The requirements of state law do not affect an employer's obligation to comply with any provisions of federal law. You can obtain information on federal laws from the offices listed on page 36.

Department of Labor web site home page
www.labor.ny.gov

SCHOOL ATTENDANCE

Full-time school is compulsory for minors under 16 years old. A community can require minors who are not employed to attend school until they reach age 17 or graduate. High school graduates, regardless of age, are not required to continue attending school. However, they must provide an employer with a Full-Time Employment Certificate until they reach their 18th birthday.

MINIMUM AGE FOR EMPLOYMENT

There are certain exceptions to these rules and they are subject to the employment certificate regulations that follow:

- Minors not yet 14 may not be employed at any time, neither after school nor during vacation.
- Minors 14 and 15 years old may work after school hours and during vacations, but not in factory work. They may do delivery and clerical work in any enclosed office of a factory, and in dry cleaning, tailor, shoe repair, and similar service stores.
- Minors 16 and 17 years of age, if not attending school, may work full time throughout the year. Factory work is permitted for minors l6 years of age or older. (See "Prohibited Occupations," on page 14.)

EXCEPTIONS

1. Minors 12 years of age or older may be employed in the hand harvest of berries, fruits, and vegetables.

2. Minors 11 years of age or older may work outside school hours as newspaper carriers to deliver, or sell and deliver, newspapers, shopping papers, or periodicals to homes or business places. * (Minors 14 years of age and older may be engaged in street trades work, i.e. selling newspapers or periodicals on streets or public places.)

3. Minors 12 years of age or older may work outside school hours for their parents or guardians either on the home farm or at other outdoor work not connected with a business.

4. Minors 12 years of age or older may work as bridge caddies at bridge tournaments when school attendance is not required.

5. There is no minimum age for minor performers at theatrical, radio, or television performances or for child models.

** Under Federal law a 14-year age minimum is required for delivery of periodicals and similar items.*

Comparison
New York State Child Labor Law vs. Federal Law

GENERAL INDUSTRY EMPLOYMENT

New York State Child Labor Law	Federal Child Labor Law
16- & 17-Year-Olds School in Session	
Permitted to work up to	
• 4 hours on a day preceding a school day (M-T-W-Th)	• No similar requirements
• up to 6 hours on a day preceding a school day in an approved cooperative program if these hours are in conjunction with the program	• No similar requirements
• may work up to 8 hours on Friday, Saturday, Sunday or holiday;	• No similar requirements
• may work up to 28 hours per week.	• No similar requirements
• may work between 6:00 AM and 10:00 PM on a day preceding a school day or until midnight with written parental consent and a certificate of satisfactory academic standing from their school;	• No similar requirements
• may work between 6:00 AM and 10:00 PM on a day preceding a non-school day or until midnight with written parental consent.	• No similar requirements

Comparison
New York State Child Labor Law vs. Federal Law

GENERAL INDUSTRY EMPLOYMENT

New York State Child Labor Law	Federal Child Labor Law
14- & 15-Year-Olds School in Session	
Hours permitted to work - outside school hours	
• between 7:00 AM and 7:00 PM;	• Same requirements
• 3 hours on a school day;	• Same requirements
• 8 hours on a non-school day;	• Same requirements
• maximum of 18 hours per week.	• Same requirements
Work Study Programs	
• 3 hours on a school day;	• Same requirements
• 8 hours on a non-school day;	• Same requirements
• maximum of 23 hours per week.	• Same requirements
14- & 15-Year-Olds School Not in Session	
(June 21st to Labor Day) May be employed between-	(June 1st to Labor Day) May be employed between-
• 7:00 AM and 9:00 PM;	• 7:00 AM and 9:00 PM;
• 8 hours per day;	• 8 hours per day;
• 40 hours per week.	• 40 hours per week.

EMPLOYMENT CERTIFICATES AND PERMITS

Generally, an employment certificate or permit is required for employees under 18 years of age. High school graduates, minors who work for their parents, and minors who do industrial homework are included in this group.

EXCEPTIONS

1. An employment certificate or permit is not required for work as a caddie on a golf course. However, the caddie must be at least 14 years old.

2. An employment certificate is not required for a baby sitter. However, the baby sitter must be at least 14 years old.

3. An employment certificate is not required for work as a bridge caddie. However, the caddie must be at least 12 years old.

4. A permit is not required for a minor 16 or 17 years of age who performs work on a farm. However, a farm work permit is required for a minor 14 or 15 years of age who performs such work. A permit also is required for a minor, who also must be at least 12 years of age, employed in the hand harvest of berries, fruits and vegetables.

5. A permit is not required for a minor who assists a parent, aunt, uncle, grandparent, or guardian in the sale of produce of a farm that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian at a farm stand or farmer's market stand that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian. However, the minor must be at least 12 years old.

6. An employment certificate or permit is not required for minors 12 years of age or older working for their parents either on the home farm or at other outdoor work not connected with a business.

7. An employment certificate is not required for a college student 16 or 17 years of age employed by a nonprofit college or university or fraternity, sorority, student association, or faculty association.

8. An employment certificate is not required for a minor 14 or 15 years of age to engage in casual employment consisting of yard work and household chores in and about a residence or the premises of a nonprofit, noncommercial organization, if it does not involve the use of power-driven machinery. Minors 16 or 17 do not need employment certificates for casual work even if it involves power-driven machinery ordinarily used in connection with yard work or household chores.

For lawn and garden work, therefore, the requirement for an employment certificate depends on a minor's age, whether power-driven machinery is used, and whether the employment is casual (without regularity, occasional, without foresight, plan, or method). The table below clarifies when a certificate is needed:

	Minors 14 and 15 years old	Minors 16 and 17 years old
No power-driven machinery used	No certificate if work is casual. Certificate required if work is regular.	No certificate if work is casual. Certificate required if work is regular.
Power-driven machinery is used	Certificate required whether or not work is casual.*	No certificate if work is casual. Certificate required if work is regular.

** Federal law requires a 16-year age minimum for the operation of power-driven machinery, including power-driven lawn mowers.*

TYPES OF EMPLOYMENT CERTIFICATES AND PERMITS

CERTIFICATES

A Student Non-factory Employment Certificate (AT-1 8, blue paper) is issued to a minor 14 or 15 years old for permitted work in any trade, business, or service, but not for work in a factory workroom or for work involving use of dangerous materials or chemical processes.

A Student General Employment Certificate (AT-19, green paper) is issued to a minor 16 or 17 years old who is attending school. It is valid for work in a factory or any other trade, business, or service, but not valid for hazardous employment such as operating certain power-driven machines, construction work, or for work as a helper on a motor vehicle.

A Full-Time Employment Certificate (AT-20, salmon paper) is issued to a minor 16 or 17 years old who is not attending school, or is leaving school for full-time employment. It is valid for work in a factory or any other trade, business, or service but not valid for hazardous employment such as operating certain power-driven machines, construction work, or for work as a helper on a motor vehicle. (See "Prohibited Occupations" on page 14.)

Comparison

New York State vs. Federal Child Labor Laws

NEW YORK STATE DEPARTMENT OF EDUCATION:
Albany
(518) 474-3852, State Education Bldg., 12224

CITY BOARDS OF EDUCATION:
See the Blue Pages in your local phone book.

NEW YORK STATE DEPARTMENT OF LABOR, APPRENTICE TRAINING SECTION:
Albany
Bldg. 12, State Campus, 12240
(518) 457-4391

New York City
247 W. 54th St. 5th Floor 10019
(212) 621-0844

STATE DIVISION OF HUMAN RIGHTS:
Albany
Alfred E. Smith Bldg., 12225
(518) 474-2705

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION:
Albany
Leo W O'Brien Building, 12207
(518) 431-4278

Buffalo
Federal Bldg., Room 1512,
111 West Huron Street, 14202
1-866-487-9243

Long Island
1400 Old Country Rd., Suite 410, Westbury, 11590-5119

New York City
26 Federal Plz., Rm. 3700,10278

Syracuse
Federal Bldg., Room 1373, 100 S. Clinton St., 13260

PERMITS

Farm Work Permits (AT- 24, yellow paper) are issued to minors 14 and 15 years of age for farm work during vacation, before or after school hours, and on days when attendance at school is not required. Such a permit must be signed by each employer, and is not valid for work in or in connection with a factory or cannery. A minor may change his/her farm job without obtaining a new permit.

Permits (AT-25, white paper) are also issued to minors 12 and 13 years of age employed in the hand harvest of berries, fruits, and vegetables. Such minors must be accompanied by a parent or must provide the employer with the parent's written consent to work.

Newspaper Carrier Permits (AT-23, buff paper) are issued to boys and girls 11 to 18 years of age for work in the delivery, or sale and delivery of newspapers, shopping papers, or periodicals to homes or places of business. The minors must carry the permit while working. (See page 9 under Special Occupations. Also, see footnote on page 2.)

Street Trade Permits (AT-26, ivory paper) are issued to self-employed boys and girls 14 to 18 years old who sell newspapers or periodicals on streets or in public places or who work as shoeshiners. (See page 9 under Special Occupations.)

Child Model Permits (AT-12, green booklet) are issued for the employment of child models under 18 years old. (See page 10 under Special Occupations.)

OTHER TYPES OF CERTIFICATES

Certificates of Age. For his/her protection, an employer may request a person who is over 18 to provide a certificate of age. This document may be obtained from school authorities. The employer may then keep it on file as conclusive proof of the worker's age.

OBTAINING EMPLOYMENT CERTIFICATES AND PERMITS

Minors can obtain employment certificates or permits from the school they attend or from the superintendent of schools in that area. The paperwork required includes:

1. Written permission from a parent to work (there are exceptions for minors considered to be emancipated by school authorities).

2. Proof of age, either a birth certificate or some other document at least two years old that satisfies the officer issuing the certificate.

3. A certificate of physical fitness to assure that the young person is in sound health and that the work will not impair his/her physical condition. School medical doctors or physicians designated by the Department of Health give physical examinations. Otherwise minors may obtain a certificate of physical fitness from their own doctor. Minors from neighboring states who seek work in New York can use a certificate issued by a physician in their home state. Physicians who find that a youth age 14 to 18 is not physically fit for some occupations but may engage safely in other types of work, can issue a certificate of limited physical fitness.

For youths to obtain a full-time employment certificate, their parent or guardian must appear in person before the school authorities to give consent. (High school graduates can use written consent.) In addition, youths must provide proof of age, a certificate of physical fitness, and a schooling record. In New York City and Buffalo, a 16-year-old minor who is leaving school must have a pledge of employment signed by the prospective employer that shows the number of work-hours per day, days per week, and the nature of work to be done.

For a farm work permit, the minor must submit parental permission, proof of age, and a certificate of physical fitness. The hiring party does not have to submit a pledge of employment.

For a newspaper carrier permit or a street trades permit, the minor must present parental permission, proof of age, and a statement of physical fitness from either a school, department of health, or private doctor. The medical statement is not required for the newspaper carrier permit if the applicant participates in the school's physical education programs. Students must fill out Part III of the Application for Employment Permit (AT-22).

For a child model permit, the minor must have parental consent and a health certificate.

VALIDITY OF CERTIFICATES AND PERMITS

Minors may use a newspaper carrier permit to work for any publisher or distributor who supplies papers or periodicals. A minor may use the farm work permit and the child model permit to work for any employer, but each employer must sign the permit.

A young person may work for an unlimited number of employers using the student non-factory employment certificate, the student general employment certificate, and the full-time employment certificate. When the minor leaves a job, the

ADMINISTRATIVE AGENCIES

The provisions governing the employment of minors in New York State are enforced by the various government agencies authorized to administer the particular laws involved. The addresses of the main offices in New York State follow:

NEW YORK STATE DEPARTMENT OF LABOR, DIVISION OF LABOR STANDARDS:

Albany
Bldg. 12, State Campus, 12240
(518) 457-2730

Binghamton
44 Hawley St., Rm. 909,13901
(607) 721-8014

Buffalo
65 Court St., 14202
(716) 847-7141

Garden City
400 Oak St., Suite 101
(516) 794-8195

New York City
247 W. 54th Street
New York, NY 10019
(212) 621-9334

Rochester
109 So. Union St., Rm. 318, 14607
(585) 258-4550

Syracuse
333 East Washington St., 13202
(315) 428-4057

White Plains
120 Bloomingdale Rd. 10605
(914) 997-9521

Q. *If an employer complies with the State Law does that guarantee compliance with the Federal Law or if the employer complies with Federal Law does that guarantee compliance with State Law?*

A. Not in all cases. The rule to follow is that the law that is most restrictive and protects the employee the most is the one that applies. For more information, see chart on page 38.

Q. *If a 16- or 17-year-old changes jobs, do they need a new Parent/Guardian Consent form and/or a new Certificate of Satisfactory Academic Standing for the new employer?*

A. A new Parent/Guardian form must be obtained for each job, because the forms are only valid for the employer listed. The School Satisfactory Academic Standing Certificate is valid for the entire marking period, regardless of the employer.

Q. *Where are forms available?*

A. Employers can obtain parental consent forms from a Labor Standards Office. Academic Standing certificates are provided by the local school.

employer must return the certificate to the minor. Students with several jobs may request multiple copies of certificates or permits. The total hours worked for multiple employers by a minor may not exceed the daily and weekly hours maximums.

LOCATION OF CERTIFICATE

The employer must keep Student Non-Factory, Student General, and Full-Time Employment Certificates on file, at the location where the minor is employed, as long as the minor remains employed. The minor must keep Farm Work Permits, Model Permits, Newspaper Carrier Permits, and Street Trades Permits in his/her possession at all times.

A temporary placement agency that assigns employees for short-term service at other establishments must keep on file the original copy of the Student Non-Factory, Student General, or Full-Time Employment Certificate in its office and provide copies at the establishment where the minor works.

DUTIES OF EMPLOYMENT AGENCIES

Employment agencies have certain obligations under the law with regard to placement of minors on jobs. They may not refer minors to any job if the employment violates the provisions of the Labor Law or Education Law pertaining to employment of minors. They may not refer minors, or anyone else, to jobs paying less than the prescribed Federal or State minimum wage. They may not recruit out-of-state minors under 18 years of age for placement in domestic employment.

Employment agencies must be licensed. State law fixes the maximum fee that an employment agency may charge a job applicant. The law also prohibits agencies from misrepresenting jobs.

The Employment Agency Law (Article 11, General Business Law), which regulates the activities of employment agencies, is administered by the Department of Labor throughout the state except in New York City, where enforcement is the responsibility of the New York City Department of Consumer Affairs.

The Labor Department is authorized to enforce the law prohibiting an employment agency from illegally referring a minor to a job or referring any person to a job paying less than the applicable state minimum wage.

SPECIAL OCCUPATIONS

DELIVERY AND CLERICAL EMPLOYMENT IN FACTORY OFFICES AND SERVICE STORES

Although no minor under 16 may work in a factory workroom, 14- or 15-year- olds may work in delivery and clerical jobs in a factory office that is enclosed and separate from the place where manufacturing is carried on. The office must have a partition at least seven feet high, and must have an entrance that will permit the minors to enter or leave the office without passing through the factory workroom.

A minor 14 or 15 also may work in a delivery or clerical job in a dry cleaning store, tailor shop, shoe repair shop, laundry store, hat cleaning store, and similar service stores, but he or she is not permitted to work in proximity to dangerous machinery, equipment, or process.*

NEWSPAPER SALES AND DELIVERY

There are two principal occupations related to newspaper sales and delivery:

1. Newspaper Carrier

The Education Law defines a newspaper carrier as one who delivers, or sells and delivers, newspapers, shopping papers, or periodicals to customers at their homes or places of business.

The minimum age for a newspaper carrier is 11. (See footnote on page 2.) All newspaper carriers between ages 11 and 18 must have a permit.

A newspaper carrier may not work before 5 a.m., after 7 p.m. or 30 minutes prior to sunset, whichever is later, nor during the time when minors are required to attend school. (See chart on pages 20 and 21 for daily hours.)

A newspaper carrier permit is not valid for work as a helper on a newspaper delivery truck delivering papers to stores or distributors.

The newspaper publisher or distributor who supplies the papers or periodicals to the carrier must provide workers' compensation insurance for that employee. A newspaper publisher or distributor who knowingly permits a newspaper carrier to work in violation of the provisions of the Education Law is liable for a double

**Federal law requires that any delivery work for retail stores that is performed by 14- and 15- year-olds be made on foot, by bicycle or via bus. It also forbids them from working in a place where processing (such as laundering or dry cleaning) takes place.*

ANSWERS TO SOME COMMON QUESTIONS ABOUT THE EMPLOYMENT OF MINORS

Q. *Can a 16- or 17-year-old minor who has quit school work more than 4 hours per day or 28 hours per week?*

A. Yes. If a minor has left school voluntarily he or she is not required to attend. The minor must have a Full-Time Employment Certificate and may work 8 hours per day, 48 hours per week between the hours of 6 AM and midnight.

Q. *Does a 16- or 17-year-old minor who has graduated from high school or attends college need parental and school consent to work past 10 PM?*

A. No. This law pertains to 16- and 17-year-olds who are attending high school. Minors who are high school graduates must have a Full-Time Employment certificate.

Q. *If a 16- or 17-year-old minor is obtaining a High School Equivalency Diploma, does that restrict their working hours when school is in session?*

A. No. Their attendance Is not mandated by the Education Law. However, they must have a Full-Time Employment Certificate.

Q. *Should all injuries at work be reported?*

A. Yes. All injuries should be reported to the employer and the physician or hospital so they can file a report with the Workers' Compensation Board to protect the young person and cover the medical expenses.

Q. *Do minors who do not yet attend school need a Modeling Permit?*

A. Yes. All minors under 18 years old must have a Model Permit to be employed, used, exhibited, or caused to be exhibited as a model. See Page 10 for Commissioner of Education regulations concerning hours minors may be employed as models, etc.

tion that combines high-level academic achievement with a graduated understanding of the world of work. Students are encouraged to participate in work-based learning activities that may include: internships, job shadowing, mentoring, youth apprenticeship.

SALE OF GOODS PRODUCED WITH EMPLOYMENT OF MINORS

The General Business Law prohibits anyone from knowingly selling goods manufactured or mined by minors less than 16 years of age.

VIOLATIONS

A violation of any provision of the Labor Law, the Industrial Code, or any rule, regulation, or lawful order of the Department of Labor is a criminal offense punishable by fine, imprisonment, or both. The illegal employment of minors also entails civil penalties of up to $1,000 for the first violation, $2,000 for the second violation, and $3,000 for the third and subsequent violations. However if the violation involves illegal employment during which the minor is seriously injured or dies, the penalty is triple the maximum which would otherwise be allowable under the law for such a violation.

An employer may not penalize or discharge an employee because he or she has complained to the Labor Department that the employer has violated any provision of the Labor Law.

The Federal Fair Labor Standards Act authorizes the Secretary of Labor to assess a civil money penalty of up to $10,000 for each violation of the labor provisions regarding minors or any of its regulations. This penalty is in addition to those provisions for fines, imprisonment, or restraint by injunction.

indemnity compensation award if the minor is injured. The newspaper supplier cannot be insured for the additional award but must pay it out of pocket.

It is unlawful for a person knowingly to deliver newspapers or periodicals to a newspaper carrier who is not in compliance with the regulations. The Commissioner of Labor and the police have concurrent power to enforce the regulations, except with respect to the issuance and revocation of the permit, which is under the jurisdiction of the local educational authorities. (Note: The above newspaper carrier regulations do not apply to a minor employed to sell newspapers at a stand owned either by a candy store proprietor or by a newspaper publisher or distributor. Such a minor is covered by the provisions of the Labor Law applying to minors employed in other industries or occupations.)

The street trades provisions of the Education Law apply to minors who sell newspapers or other periodicals on streets or in other public places. Minors between 14 and 18 who work on the street must have a street trades permit.

The Commissioner of Labor and the police have concurrent power to enforce the street trades regulations, except with respect to the issuance and revocation of the permits, which is under the jurisdiction of educational authorities.

SHOESHINERS

The street trades regulations applying to the selling of newspapers described above also apply to work as a shoeshiner on streets or in other public places.

CHILD ACTORS

The Child Performer Education and Trust Act of 2003 contains new requirements regarding: employer certificates and child performer permits; trust accounts; placing child performer earnings in them; and satisfactory academic performance of child performers. Under the new law parents/ guardians must obtain permits for their child perfomers from the State Labor Department.

In addition, parents/guardian must prove they have established a trust account for their child performers. Part of every child performer's earnings must be withheld by their employers and placed into a trust account. The Child Perfomer Permit, known as LS 555, can be obtained online at www.labor.state.ny.us/child/index.htm or by calling 1-800-HIRE-992.

CHILD MODELS

Minors not yet 18 may not be employed or exhibited as models without a permit from the educational authorities. The permit authorizes work for several employers, but each employer must sign the permit.

COMMISSIONER OF EDUCATION REGULATIONS FOR CHILD MODELS

a) A minor employed, used, exhibited, or caused to be exhibited as a model shall be accompanied by the parent or guardian of such minor or by an adult designated in writing by such parent or guardian provided that in relation to a minor fifteen years of age or under, the employer of the minor may not be so designated by the parent or guardian.

b) No minor shall be employed, used, exhibited, or caused to be exhibited as a model during the hours he/she is required to be in attendance in the school in which he/she is enrolled.

c) 1) No minor under 7 years of age shall be employed, used, exhibited or caused to be exhibited as a model for more than 2 hours in any 1 day and not more than 10 hours in any 1 week nor shall such minor be so employed, used, exhibited, or caused to be exhibited during the hours of 6 p.m. to 9 a.m.

2) i) No minor 7 years of age through 13 years of age, in any week during which the school said minor attends is in session, shall be employed, used, exhibited, or caused to be exhibited as a model more than 3 hours in any one day in which such school is in session or 4 hours in any one day in which such school is not in session but not more than 18 hours in any such week.

ii) No minor 7 years of age through 13 years of age, in any week during which the school said minor attends is not in session, shall be employed, used, exhibited, or caused to be exhibited as a model more than 4 hours in any 1 day but not more than 20 hours in any such week.

iii) No such minor shall be employed, used, exhibited, or caused to be exhibited between the hours of 6 p.m. and 9 a.m.

3) i) No minor 14 or 15 years of age, in any week during which the school said minor attends is in session, shall be employed, used, exhibited, or caused to be exhibited as a model more than 3 hours in any 1 day in which such school is in session or 8 hours in any 1 day in which such school is not in session, but not more than 23 hours in any such week.

ii) No minor 14 or 15 years of age, in any week during which the school said minor attends is not in session, shall be employed, used, exhibited, or caused

ment, academic remediation, GED preparation, counseling and SCANS skills development. The primary focus group for this program is 18- and 19-year-olds, but ages range from 16 to 21 years.

Youth Work Skills (YWS) — This program serves economically disadvantaged out-of-school youth ages 16-21, with reading levels at or below the 5th grade level. Participants include homeless youth, teen parents, youth with legal offenses and those with a history of multiproblem life experiences. The program stabilizes the youths' situation and teaches them to be job ready. The YWS program provides basic academic skills, support services, work experience and placement into unsubsidized employment. This program includes GED preparation as well as SCANS development. Up to 10% may be non-economically disadvantaged but with other barriers to employment.

COOPERATIVE EDUCATIONAL PROGRAMS

Local educational agencies throughout the state are engaged in Cooperative Occupational Education Programs where students at least 14 years of age and older are being trained cooperatively by employers and these agencies. The programs employ various systems of alternating school classroom instruction with appropriate related on-the-job experience to help students realize their occupational goals.

Secondary education programs of this type must be approved by the State Education Department. It is important that each local program include specific health and safety instruction as part of a plan and agreement for each job placement. A trained, certified cooperative coordinator is responsible for the development of this plan as well as for periodic visitations on the job and, in some programs, for school-related instruction.

Participants 16 and 17 years of age may not be placed with any employer more than 6 hours per day or 28 hours per week. Participants 14 and 15 years old may not work more than three hours a day on school days. As in other work-experience programs, cooperative occupational education students under the age of 18 must obtain working permits and be paid according to the appropriate minimum wage orders. Participants 14 and 15 years old may not work during school hours without special permission.

SCHOOL-TO-WORK PROGRAM

School-to-Work is a new approach to learning that links students, schools and workplaces. Locally driven and community based, it is an effort to reform educa-

Empire Development Zone Wage Tax Credits — WOTC eligible employees may also earn additional state wage tax credits for certified businesses that are located in one of the state's 85 Empire Development Zones (EZ). EZ employers can claim up to $3,000 for each WOTC employee hired for a newly created job. that pays 135% or more of NYS minimum wage.

Summer Jobs for Youth — Each year the Employment Services Division promotes the hiring of youths for summer jobs and refers young people to summer job openings.

Adolescent Vocational Exploration (AVE) — The AVE Program, a career education program for youth, attempts to intervene in the lives of "at-risk" youth before they have to face the consequences of inadequate preparation for the job market. Intervention may begin as early as age 14,while there is still time for youth to identify and shape their own skills and vocational direction. AVE provides an opportunity for minors to learn the skills and attitudes they will need to get a job, to understand the importance of the formal preparation that school provides, and to obtain first-hand experience in jobs and through interaction with role models in their communities. The program targets economically disadvantaged youth, ages 14 through 17, who need extraordinary support due to environmental, economic, or personal circumstances. This may include underachievers, truants, or potential dropouts. Program activities include field and classroom career exploration, group and individual counseling, and educational activities leading to academic credit.

Progressive Adolescent Vocational Exploration (PAVE) — This program is similar to the AVE program in its first year but targets older in-school youth (15- to 18-year-olds) while serving 14- to 21-year-olds. A second year of activities is added to provide the skills necessary to successfully transfer to the workplace or further higher education. The first year of this two-year program focuses on classroom activities and skills development/experiential learning activities. The second year focuses on apprenticeships, entrepreneurship, internships, and preparation for post-secondary education. The program provides academic and SCANS skills development in the functional context of participant career choices. Upon the completion of each year the participants are eligible for academic credit.

Another Chance Initiative for Education, Vocation, or Employment (ACHIEVE) —This youth program focuses on increasing employment readiness and the basic skills of schools dropouts through on-the-job training, work experience, place

to be exhibited as a model more than 8 hours in any 1 day but not more than 40 hours in any such week.

iii) No such minor shall be employed, used, exhibited, or caused to be exhibited between the hours of 6 p.m. and 9 a.m.

4) i) No minor 16 or 17 years of age, in any week during which the school said minor attends is in session, shall be employed, used, exhibited, or caused to be exhibited as a model more than 4 hours in any 1 day in which such school is in session or 8 hours in any 1 day in which such school is not in session but not more than 28 hours in any such week.

ii) No minor 16 or 17 years of age, in any week during which the school said minor attends is not in session, shall be employed, used, exhibited, or caused to be exhibited as a model more than 8 hours in any 1 day but not more than 48 hours in any such week.

iii) No male minor 16 or 17 years of age shall be employed, used, exhibited, or caused to be exhibited as a model between 12 o'clock midnight and 6 a.m. and no such female minor shall be so employed between 10 p.m. and 7 a.m.

d) Child model work permits shall accompany each minor employed, used, exhibited, or caused to be exhibited as a model and each person employing, using, or exhibiting the minor shall at the beginning and at the completion of such employment, use, or exhibition for each day indicate the exact hours of such employment, use, or exhibition and shall in addition indicate the total hours of such employment, use, or exhibition for such day.

e) The certificate of physical fitness issued to each minor employed, used, exhibited, or caused to be exhibited as a child model shall, in the case of each such minor who is in attendance at a school, be made by the medical inspector charged with the duty of making physical examinations of all school children and for each such minor not in attendance at a school shall be made by a physician licensed to practice medicine in the State of New York except that in a city of over 1,000,000 population such certificate shall be issued only by a physician designated by the Department of Health if the minor is of school age.

f) A child model work permit shall be issued by the superintendent of schools in cities and school districts employing a superintendent of schools and elsewhere by the district superintendent of schools. A superintendent of schools or district superintendent of schools may designate in writing one or more public school officials to act as certifying officers in his stead.

g) A child model work permit may be revoked by the certifying officer at any time for any violation of law or of these regulations or for any other good cause.

HOURS OF WORK

The number of hours a minor may work per day and per week depends upon the youth's age, the type of work being performed, and whether school is in session. New York State has one of the most stringent child labor laws in the country, which limits the number of hours that minors under 18 may work when school is in session. It requires that 16- and 17-year-olds may not work past 10 p.m. on the night before a school day without permission from a parent and a certificate of satisfactory academic standing from their school.

Minors may not work during the hours when they are required to attend school.

When school is in session, generally from September to June, minors 14 and 15 years old may not work for:

- more than 3 hours on any school day
- more than 8 hours on a non-school day (Saturday, Sunday, holidays)
- more than 18 hours in any week
- more than 6 days in any week

except baby sitters, bridge caddies at bridge tournaments, farm laborers, newspaper carriers, performers and models.

However, 14- or 15-year-old minors who are employed as part of a supervised work study or work experience program that is approved by the Commissioner of Education may work 3 hours on a school day and 23 hours a week, instead of 3 hours a day and 18 hours a week. (See footnote 1 on the chart on pages 20 and 21.)

When school is in session, minors 16 and 17 years old enrolled in a day school, other than a part-time or continuation school, may not work for:

- more than 4 hours on any day preceding a school day (M, T, W, Th.)
- more than 8 hours on Friday, Saturday, Sunday, or holiday
- more than 28 hours in any week
- more than 6 days in any week

except as baby sitters, bridge caddies at bridge tournaments, farm laborers, newspaper carriers, performers and models.

However, students enrolled in a cooperative work experience program approved by the Department of Education may be employed up to a maximum of 6 hours on a day preceding a school day other than a Sunday or a holiday if these hours are in conjunction with the program. Any hours worked in such program shall be included when calculating the number of hours worked for the 4-hour maximum.

dents who plan to work full-time after graduation to suitable job openings. In other parts of the state, DOL staff undertake cooperative activities based on the needs of the schools in their area and the capacities of the school guidance staff.

Youth Employment — Specially trained interviewers and vocational counselors advise out-of-school youths and refer them to suitable jobs. They make special efforts to place disadvantaged and/or inexperienced minors aged 16 to 22. The program staff often refer unemployed youths who need training to projects sponsored under the Workforce Investment Act (WIA), local school programs, and community-based agency training programs. For example, the Department of Labor can refer minors to programs developed through recent WIA youth legislation to Youth Employment and Training Programs conducted by WIA Service Delivery Areas.

Work Opportunity Tax Credit (WOTC) Program — Special incentives for employers to hire minors are provided under the WOTC Program. The program is aimed at encouraging employers to hire persons with difficulties finding work or who are economically disadvantaged. Businesses may claim a credit for each youth over age 18 that they hire who has been certified by the New York State Department of Labor as being a member of one of the WOTC target groups. The employer can claim one-time Federal tax credit of up to $2,400 (40% of the first $6,000 in wages). The Long-Term Family Assistance Credit provides Federal credits totaling up to $9,000 over a two-year period for businesses that hire "long term public" assistance recipients.

The WOTC Program includes High Risk Youth, over the age of 18 on the day hired, whose principal residence is in a federally designated Empowerment Zone (EZ) or Renewal Community (RC). EZ/RC residents who are employed by a federal EZ/RC business can earn their employer a multi-year federal EZ/RC credit as well. People over the age of 18 whose families receive Food Stamp Assistance for at least the 6 (consecutive) months before date of hire, or for at least three of the five months before date of hire and their food stamp eligibility expired.

In addition, the program includes summer hires youth ages 16 or 17 whose principal residence is in a federally designated Empowerment Zone or Renewal Community, employed between May 1 and September 15. Employers can earn a federal credit of $750 (25% of the first $3,000 in wages) paid to each eligible Summer Youth.

Exclusions - Certain workers are excluded from unemployment protection. These include children of sole proprietors who are under the age of 21, students enrolled in study programs and students employed at certain camps if they work for less than 13 weeks in a year. Certain workers are excluded from unemployment protection unless they work for non-profit organizations or governmental entities. These include daytime students in elementary and high schools who work after school, weekends, or during vacation periods, babysitters under the age of 18, all minors under 14 years of age, and golf caddies.

Unemployment benefits depend upon the employee's average weekly wage, with a stipulated maximum. The cost of providing unemployment insurance benefits is met entirely by the employer. Claimants for unemployment benefits should file a claim through the Labor Department's Telephone Claims Centers at 1-888-209-8124.

An unemployment insurance claimant may continue to receive unemployment payments while participating in an approved course of vocational training or basic education.

JOB PLACEMENT SERVICES

The New York State Department of Labor provides free placement service for people who want a job and for employers who need workers. There are special programs for minors and for the economically disadvantaged.

Employment counselors help minors make the transition from school to a job. They help youth to develop job plans that are realistic for the local labor market and to implement these plans. These counselors also provide occupational and educational information and help minors to identify their vocational potential. You can learn more about these services at the nearest New York State Department of Labor local office or Employment Services Center.

OTHER YOUTH SERVICES

The Joint High School Program — In New York City, State DOL staff work with cooperating high schools to register seniors who plan to work after graduation. The seniors discuss their work interests, school performance, and scores on aptitude tests, and participate in other work-related activities that help them to select appropriate jobs. The program also helps drop-outs to find jobs as quickly as possible after leaving school. Staffers help the students who register in the program find part-time jobs. Toward the end of the school year they refer stu-

When school is not in session, and during vacations (school must be closed for the entire calendar week), minors under 18 generally may not work more than 8 hours a day, 6 days a week; minors 14 and 15 may not work more than 40 hours a week and 16- and 17-year-olds may not work more than 48 hours a week. See the chart on pages 20 and 21 for details.

Federal legislation limits the work of 14- and 15-year-olds in firms engaged in interstate commerce to a maximum 3-hour day and 18-hour week when school is in session and to an 8-hour day and 40-hour week when school is not in session. (School must be closed for the entire calendar week.)

In school cafeterias, a minor who has an employment certificate may work during the lunch period at the school he or she attends.

On farms, 12- and 13-year-olds who have farm work permits to pick berries, fruits, or vegetables, may not work more than 4 hours per day, before 9 a.m. or after 4 p.m. when school is in session from the day after Labor Day to June 20th. From June 21st to Labor Day they may work 4 hours per day between the hours of 7 a.m. and 7 p.m. There are no hour regulations for farm work that apply to minors 14 years of age or older.

When a minor is employed in two or more establishments in the same day or week, the total time of employment may not exceed the daily or weekly allowance for a single establishment.

NIGHTWORK RESTRICTIONS

In addition to the limitations on the number of hours minors may work in a day or a week, the law prohibits them from working before or after certain hours, depending on their age and occupation.

Minors under 16 may not work between 7 p.m. and 7 a.m. in most jobs, after Labor Day to June 20th and between 9 p.m. and 7 a.m. from June 21st to Labor Day. Newspaper carriers may not work between 7 p.m. (or 30 minutes prior to sunset, whichever is later) and 5 a.m. Minors engaged in street trades may not work between 7 p.m. and 6 a.m.

During vacation, when school is not in session, minors 16 and 17 years old may not work between midnight and 6 a.m. During the school year, on an evening preceding a school day they may work after 10 p.m. (up to midnight) only with the written consent of a parent and a Certificate of Satisfactory Academic Standing from their school. During the school year on an evening preceding a non-school day, minors 16 and 17 years old may work after 10 p.m. (up to midnight) only with the written consent

of a parent. Parental Consent Forms may be obtained by an employer from the Division of Labor Standards offices listed on page 35. The Certificate of Satisfactory Academic Standing is issued by the school the minor attends.

POSTING PROVISIONS

The employer must make a schedule for all minors and post it in a conspicuous place. The schedule sets forth the hours minors start and end work and time allotted for meals. The hours of work can be changed, as long as the changes are posted on the schedule. Minors may work only on the days and at the times posted on the schedule. If minors are present at other times or if no schedule is posted, it is a violation of the Child Labor Law.

STATE PROHIBITED OCCUPATIONS

UNDER 18 YEARS OF AGE

No one under the age of 18 may be employed in or assist in:

- any occupation at construction work, including wrecking, demolition, roofing, or excavating operations and the painting or exterior cleaning of a building structure from an elevated surface.
- any occupation involved in the operation of circular saws, bandsaws, and guillotine shears.
- any occupation in or about a slaughtering and meat-packing establishment, or rendering plant.
- any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery and paper products machines.
- any occupation involved in the operation of power-driven hoisting apparatus.
- any occupation involved in the manufacture of brick, tile, and kindred products.
- any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust.
- logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

If a minor less than 18 years of age is injured while working in violation of the provisions of the Labor Law or of an Industrial Code Rule prohibiting or regulating the employment of minors under 18, his or her compensation is double the regular award. The employer cannot insure himself for the additional payment but must pay it himself. The double indemnity provision also applies to a newspaper publisher or distributor who knowingly permits a newspaper carrier to work in violation of the provisions of the Education Law.

The cost of providing workers'compensation insurance must be met entirely by the employer. Deductions may not be made from the employee's wages for such costs.

Farm laborers are covered by the Workers'Compensation Law if the employer paid farm workers cash wages of $1,200 or more in the preceding calendar year. An employer that is not covered may provide insurance voluntarily. Domestic workers, other than those employed on farms, employed by the same employer for a minimum of 40 hours per week, are covered by Workers' Compensation.

UNEMPLOYMENT INSURANCE

The Unemployment Insurance Law provides for payment of benefits to qualified workers during periods of unemployment. In general, all employees in firms in which the employer had a payroll including the value of tips, meals, and lodging, commissions, and non-cash compensation of $300 or more during any calendar quarter are covered by unemployment insurance. Domestic workers are covered if their employer paid domestic employees cash wages of $500 or more in a calendar quarter.

Employees of non-profit religious, charitable, scientific, literary, or educational organizations are covered if their employers paid cash wages of $1,000 or more in a calendar quarter, or employed four or more persons on one day in each of 20 different weeks during a calendar year or the preceding calendar year. Farm workers are covered if their employer had a payroll of $20,000 or more in any calendar quarter or employed 10 or more persons on at least one day in each of 20 different weeks during a calendar year or the preceding calendar year, or is liable under the Federal Unemployment Tax Act (FUTA) with respect to agricultural labor. Local government employees are covered without any qualifying conditions.

or where the failure to pay wages is found to be willful or egregious, the civil penalty imposed by an Order issued by the Commissioner is equal to double the total amount found due.

COST OF MEDICAL EXAMINATIONS

If an employee is required by his or her employer to undergo a medical examination to obtain or retain a job, the cost must be met by the employer. However, a collective bargaining agreement may require the job applicant to pay for the medical examination, provided he or she is reimbursed by the employer after a reasonable period of employment.

WORKERS' COMPENSATION

Workers' Compensation is payable when a minor is injured in an on-the-job accident. If he or she is injured in any way in the course of his or her employment, injuries are covered by Workers' Compensation. The fund also covers occupational diseases.

Minors 14 years of age and older who are engaged as baby sitters or in casual employment consisting of yard work and household chores in and about a one-family owner-occupied residence or the premises of a nonprofit, non-commercial organization, not involving the use of power-driven machinery, are not covered by the Workers' Compensation law. The term "casual" in this reference means occasional, without regularity, without foresight, plan, or method.

An injured youngster should report the accident immediately and in writing to his or her employer or foreman. The youth has the right to be treated by his or her own doctor, if the doctor is authorized by the Workers' Compensation Board to treat such injuries. The employer must report the accident to the Workers' Compensation Board.

Benefits include weekly cash benefits for time lost from the job and necessary medical care. The injured youth is entitled to compensation if the injury prevents him or her from working more than one week, compels him or her to work at lower wages, or leaves him or her with any permanent injury. Compensation generally is limited to two-thirds of the minor's weekly wage, but not exceeding a stipulated maximum. Medical benefits are payable regardless of whether the employee has lost time from the job.

- any occupation in or in connection with a mine or quarry.
- as a helper on a motor vehicle.
- the care or operation of a freight or passenger elevator, except that minors over 16 may operate automatic, push-button control elevators.
- work in manufacturing, packing, or storing of explosives, or in the use or delivery of explosives.
- operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured.
- adjusting belts to machinery or cleaning, oiling, or wiping machinery.
- packing paints, dry colors, or red or white leads.
- preparing any composition in which dangerous or poisonous acids are used.
- operating steam boilers subject to Section 204 of the Labor Law.
- in penal or correctional institutions, if such employment relates to the custody or care of prisoners or inmates.

(These prohibitions do not apply to minors younger than 18 who are apprentices individually registered in apprenticeship programs duly registered with the Commissioner of Labor or to student-learners enrolled in recognized cooperative vocational training programs, or to trainees in approved on-the-job training programs. They do not apply to minors 16 to 18 years old who have completed training as a student learner or trainee in an on-the-job training program, or has completed a training program given by a public school or a non-profit institution, which includes safety instruction approved by the Commissioner of Labor. There are regulations governing the approval of these safety instructions.)

UNDER 16 YEARS OF AGE

State regulations forbid minors under 16 being employed in or assisting in:

- any occupation in or in connection with a factory, except in delivery and clerical employments in an enclosed office of a factory or in dry cleaning stores, shoe repair shops, and similar service stores. (See footnote on page 8.)
- painting or exterior cleaning in connection with the maintenance of a building or structure.
- the operation of washing, grinding, cutting, slicing, pressing, or mixing machinery.
- any employment in institutions in the Department of Mental Health. (However, participation in recreation and leisure activities, social skills development, companionship and/or entertainment as part of an organized volunteer program approved by the Commissioner of Mental Health does not constitute employment or assistance in employment and may be performed by youthful volunteers at least 14 years of age.)
- industrial homework.
- places of entertainment as a rope or wirewalker or gymnast unless the minor is protected by the use of safety devices or protective equipment, which comply with the provisions of the Federal Occupational Safety and Health Act.

In 1992, New York State adopted regulations which prohibit the employment of minors under the age of 16 in various hazardous occupations in agriculture. Contact the Division of Labor Standards for further information. (See page 35.)

A FEMALE OF ANY AGE MAY NOT BE EMPLOYED:

In factory or mercantile establishments within four weeks after childbirth unless she presents to her employer a written statement expressing her desire for earlier employment and a written opinion by a qualified physician that she is physically and mentally capable of discharging the duties of her employment.

The wage order permits specified allowances to be deducted from the minimum wage for meals and lodging supplied by an employer. However, an allowance for lodging is not permitted in the case of seasonal migrant workers. Payments in kind may be permitted at not more than the farm market value.

Employers must post a summary of the wage order in a conspicuous place in their establishment. A copy of the general work agreement must also be posted.

ENFORCEMENT OF MINIMUM WAGE LAWS

The Department of Labor helps collect underpayments for workers who have not received the minimum wage. A violator of the Minimum Wage Law is subject to criminal prosecution and penalties or to civil court action and damages. However the Department generally recovers the funds without resorting to court action. Through an Order to Comply, the Commissioner of Labor may require an employer to pay interest and civil penalties in addition to the minimum wage underpayments. Where the employer has previously been found in violation, or where the failure to pay the minimum wage is found to be willful or egregious, the civil penalty imposed by an Order issued by the Commissioner is equal to double the total amount found due.

MINIMUM WAGE FOR EMPLOYEES COVERED BY FEDERAL LAW

Employees covered by the Federal Fair Labor Standards Act are also under the full protection of all provisions of the applicable New York State minimum wage orders including their supplemental wage provisions. The requirements of the State law do not affect an employer's obligation to comply with any provision of the Federal law which may result in a higher minimum wage. In any event, the higher standards apply, whether it be federal or state law.

COLLECTION OF WAGES

The Department of Labor assists minors and others in the collection of their unpaid wages. The Department's Division of Labor Standards investigates claims for unpaid wages and attempts to adjust equitably the differences between the employer and employee.

The Commissioner of Labor may authorize criminal prosecution or institute a civil suit for failure to pay wages. However the Department generally recovers the funds without resorting to court action. Through an Order to Comply, the Commissioner may require an employer to pay interest and civil penalties in addition to the wages owed. Where the employer has previously been found in violation,

MINIMUM WAGE

NEW YORK STATE MINIMUM WAGE LAWS

There are two state minimum wage laws.

- Minimum Wage Act - applies to all occupations except farm work.
- Minimum Wage Standards for Farm Workers - applies to farm workers only

MINIMUM WAGE ACT (APPLICABLE TO EMPLOYMENT GENERALLY)

The General Industry Minimum Wage Act provides that all employees in the state, including domestic workers with certain specified exceptions, must be paid at least $8.00 per hour as of December 31, 2013.

Certain jobs in the restaurant, hotel, and building service industry, and miscellaneous industries and occupations are covered by provisions calling for the payment of the hourly rate plus overtime and allowances contained in four General Industry Wage Orders.

The wage orders permit specified allowances from the minimum wage for meals and lodging supplied by an employer. In certain industries, allowances for tips are permitted. If uniforms are required, certain allowances apply.

Employers must post a Minimum Wage Information poster in their establishment.

MINIMUM WAGE STANDARDS FOR FARM WORKERS

These standards apply only to farm workers employed on farms where the total cash remuneration paid all persons employed on the farm exceeded $3,000 in the previous calendar year.

The Minimum Wage Order for Farm Workers provides that all workers, with certain exceptions, must be paid at least $8.00 per hour. This wage becomes effective on December 31, 2013. This does not include members of the employer's immediate family and minors under 17 years of age employed as hand harvest workers on the same farm as their parents or guardians and who are paid on a piece-rate basis at the same rate as employees over 17.

Further, minors under 18 years of age may be paid a prescribed rate that is less than the minimum wage if the employer has obtained a Youth Rate Certificate issued by the Commissioner of Labor

FEDERAL PROHIBITED OCCUPATIONS

UNDER 18 YEARS OF AGE

In addition to the State regulations concerning prohibited occupations, there are 17 Federal Hazardous Orders in Non-Agricultural Occupations that prohibit the employment of minors under 18 engaged in interstate commerce.

These orders apply to occupations:

1. in or about plants manufacturing or storing explosives or articles containing explosive components.

2. motor vehicle driver and outside helper.

3. coal-mining occupations.

4. logging and/or in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

5. involved in the operation of power-driven wood-working machines.

6. involving exposure to radioactive substances and to ionizing radiation.

7. involved in the operation of elevators and other power-driven hoisting apparatus. (However, minors 16 and 17 years old are permitted to operate and ride on automatic enclosed elevators.)

8. involved in the operation of power-driven metal-forming, punching and shearing machines.

9. in connection with mining, other than coal.

10. in or about slaughtering, meatpacking, rendering or involving the operation, setting up, adjusting, cleaning, oiling, wiping, or repairing of a meat slicer.

11. involved in the operation of certain power-driven bakery machines.

12. involved in the operation of certain power-driven paper products machines.

13. involved in the manufacture of brick, tile, and kindred products.

14. involving the operation of power-driven circular saws, band saws, and guillotine shears.

15. involving wrecking, demolition, and shipbreaking operations.

16. involving roofing operations.

17. involving excavation operations.

(NOTE: Orders 5,8,10,12,14,16, and 17 contain exemptions for 16- and 17- year-old apprentices and student learners, and high school graduates who have completed training as student learners, when employed under prescribed conditions.)

- work in freezers, meat coolers, and in preparation of meats for sale, except wrapping, pricing, sealing, labeling, weighing, and stocking, when performed in other areas.
- loading and unloading goods to and from trucks, railroad cars, and conveyors.
- maintenance or repair of establishment or machines, except cleanup work in connection with cars or trucks involving use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a movable retaining ring.

FARM LABOR (UNDER 16)

In addition, there is a Federal Hazardous Occupations Order covering minors under 16 years of age engaged in farm work. The federal order sets certain occupational restrictions for agricultural workers under 16 years of age employed in the production of goods for interstate commerce. The order is applicable regardless of whether or not the minors are covered by federal minimum wage provisions. The order lists 16 prohibited occupations for minors under 16 years of age, including working with certain power-driven farm machinery, operating a tractor with over 20 PTO horsepower, and working with explosives or certain chemicals.

The prohibitions on child labor on farms do not apply, however, to minors employed on a farm owned or operated by their parents, or to students enrolled in a recognized vocational education training program. In addition, exemptions are provided for 4-H members who have completed designated training programs and participants in other approved farm training and education programs. Details of these exemptions may be obtained from the nearest office of the U.S. Department of Labor, Wage and Hour Division.

FEDERAL CONTRACTS

In addition to the above, youth under 16 may not be employed in the manufacture or furnishing of any article included in the U.S. Government contract in excess of $10,000 (Federal Public Contracts Act).

SAFETY AND HEALTH

Labor law provisions for the protection of the lives, safety, and health of employees apply to places not covered by a federal occupational safety and health standard (OSHA). Regulations implementing provisions in the Labor Law are covered in the New York State Industrial Code Rules.

Federal Prohibited Occupations

UNDER 16 YEARS OF AGE

In addition, Federal regulations issued under the federal Fair Labor Standards Act prohibit employment of minors under 16 in the following occupations in firms covered under the Fair Labor Standards Act:

- operating or tending hoisting apparatus or power-driven machinery other than office machines.
- public messenger service.
- occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction, except office and sales work not involving duties on a means of transportation or at a construction site.
- any form of mining.
- processing food such as filleting fish,dressing poultry, or cracking nuts.
- that require performance of any duties in work areas or work places where goods are manufactured, mined, or otherwise processed.
- any manufacturing occupation
- any prohibited occupation for minors under 18 years of age
- the use of power-driven mowers or cutters used in the maintenance of grounds
- in the following occupations in a retail, food service, or gasoline service establishment covered by the federal wage and hour laws:
  - work in boiler or engine rooms.
  - outside window washing involving work from window sills, ladders, or scaffolds.
  - cooking, except at soda fountains and lunch bars.
  - baking.
  - work with power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

Hour Regulations

PERMITTED WORKING HOURS FOR MINORS UNDER 18 YEARS OF AGE

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors under 18 years of age:

AGE OF MINOR (GIRLS AND BOYS)	INDUSTRY OR OCCUPATION	MAXIMUM DAILY HOURS	MAXIMUM WEEKLY HOURS	MAXIMUM DAYS PER WEEK	PERMITTED HOURS
MINORS ATTENDING SCHOOL When school is in session 14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours on school days 8 hours on other days	18[1]	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days (i.e., Mon., Tues., Weds., Thurs.)[2] 8 hours on Fri., Sat., Sun. and Holidays.[4]	28[4]	6[4]	6 AM to 10 PM[3]
When school is not in session (Vacation) 14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours[4]	48[4]	6[4]	6 AM to Midnight[4]
MINORS NOT IN SCHOOL 16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours[4]	48[4]	6[4]	6 AM to Midnight[4]
FARM WORK 12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours			7 AM to 7 PM June 21 to Labor Day 9AM to 4PM day after Labor Day to June 20
14 and 15	Any farm work not prohibited by regulation				
NEWSPAPER CARRIERS 11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days 5 hours on other days			5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later.
STREET TRADES 14 to 18	Self-employed work in public places selling newspapers or work as a shoeshiner.	4 hours on school days 5 hours on other days			6 AM to 7 PM

[1]Students 14 and 15 enrolled in an approved work-study program may work 3 hours on a school day; 23 hours in any one week when school is in session.

[2]Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session as long as the hours are in conjunction with the program.

[3]6 AM to 10 PM or until midnight with written parental and educational authorities' consent on a day preceding a school day and until midnight on day preceding a non-school day with written parental consent.

[4]This provision does not apply to minors employed in resort hotels or restaurants in resort areas.