

Student name: \_\_\_\_\_ Date: \_\_\_\_\_

## MODULE 30

### Describe labor regulations that affect wages, hours, and conditions of employment.

#### Objectives:

- A. Identify hazardous occupations.
- B. List minimum age standards.
- C. Define wages.

<b>MODULE 30: INFORMATION SHEET</b>
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*TO THE STUDENT:* Read and study this information sheet and then complete the student activities at the end of this module.

#### **What is the Federal Fair Labor Standards Act?**

The Federal Fair Labor Standards Act provides standards for the employment of minors. These provisions are designed to confine the employment of minors to periods which will not interfere with their schooling and to conditions which will not jeopardize their health and well-being.

All states have child labor laws and all but one have compulsory school attendance laws. These state laws or other federal laws may have higher standards than those established under the Fair Labor Standards Act. When these other laws are applicable, **THE MORE STRINGENT STANDARDS MUST BE OBSERVED.**

#### **Who is exempt from the requirements?**

Some working minors are exempt from the Child Labor Requirements in Nonagricultural Occupations. They are:

1. Children under 16 years old employed by their parents in occupations other than manufacturing or mining or occupations declared hazardous by the Secretary of Labor.
2. Children engaged in the delivery of newspapers to the consumer.

3. Children employed as actors or performers in motion pictures, theatrical, radio or television productions.
4. Homeworkers engaged in making wreaths composed principally of natural holly, pine, cedar or other evergreens.
5. Domestic service employees working in or about the household of the employer.

### **Employment Relationships**

An employment relationship requires an "employer" and an "employee," and the act or condition of employment. Mere knowledge by an employer of work done for him or her by another is sufficient to create an employment relationship under the Fair Labor Standard Act.

### **Wages**

#### Minimum Wage

Under the Fair Labor Standards Act, all covered, non-exempt workers are entitled to the established, minimum hourly wage rate of \$5.15 per hour (as of September 1, 1997) and should receive overtime pay at a rate of at least one and one-half times their regular rates of pay after 40 hours of work in a work week. However, no provision or order of the FLSA excuses noncompliance with any federal or state law that establishes higher standards.

#### Tipped Employees

Employers who elect to use the tip credit provision must inform their employees in advance and must be able to show that the employees receive at least the minimum wage when direct wages and the tip credit allowance are combined. Also, employees must retain all of their tips, except to the extent that they participate in a valid tip pooling or sharing arrangement.

A "tipped employee" under FLSA is any employee engaged in an occupation in which he/she customarily and regularly receives more than \$30 a month in tips. If an employee's, regardless of whether they are full-time or part-time, tips do not total more than \$30 a month, he/she must receive the full minimum wage without any deduction for the tips received.

### Workweek

A workweek is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods. The workweek need not be the same as the calendar week and may begin on any day of the week, at any hour of the day.

### Sub Minimum Wages

The Fair Labor Standards Act provides for the employment of certain individuals at sub minimum wages to prevent the curtailment of their employment opportunities. Before such individuals may be employed at sub minimum wages, a certificate must be obtained from the Wage and Hour Division of the United States Department of Labor.

Regulations governing the conditions under which sub minimum wage certificates may be issued are prescribed by the Secretary of Labor.

The following conditions must be satisfied before a special certificate may be issued authorizing the employment of a student-learner at sub minimum wages:

1. The occupation must not be one for which a student-learner application was previously submitted by the employer and a special certificate was denied.
2. The student-learner's employment must be directly related to his/her course of study and cooperative education training program.
3. The training program under which the student-learner will be employed must be a bona fide cooperative education training program.
4. The employment of the student-learner at a sub minimum wage must be necessary to prevent curtailment of opportunities for employment.
5. The student-learner must be at least 16 years of age unless he/she is to be employed in an occupation that has been declared hazardous, in which case the student-learner must be 18 years old.
6. The occupation for which the student-learner is receiving preparatory training must require a sufficient degree of skill to necessitate a substantial learning period.

7. The training must not be for the purpose of acquiring manual dexterity and high production speed in repetitive operations.
8. The employment of a student-learner must not displace a company's regular worker.

### **Hazardous Occupations Orders**

The Fair Labor Standards Act provides a minimum age of 18 years for any nonagricultural occupation which the Secretary of Labor "shall find and by order declare" to be particularly hazardous or detrimental to the health and well-being of minors under that age. There are seventeen hazardous occupations orders now in effect, they are:

1. Manufacturing and storing explosives
2. Motor-vehicle driving and outside helper
3. Coal mining
4. Logging and saw-milling
5. Power-driven woodworking machines
6. Exposure to radioactive substances
7. Power-driven hoisting apparatus
8. Power-driven metal-forming, punching, and shearing machines
9. Mining, other than coal mining
10. Slaughtering, or meat-packing, processing or rendering
11. Power-driven bakery machines
12. Power-driven paper-products machines
13. Manufacturing brick, tile, and kindred products
14. Power-driven circular saws, band saws, and guillotine shears
15. Wrecking, demolition, and shipbreaking operations

16. Roofing operations

17. Excavation operations

### **Exemptions to hazardous occupations**

There are some exemptions to this minimum age standard. Apprentices and Cooperative Education **student-learners\*** who are at least 16-year-olds may be granted exemptions from the following hazardous occupations orders:

- 5. Power-driven woodworking machines
- 8. Power-driven metal-forming, punching, and shearing machines
- 10. Slaughtering, or meat-packing, processing or rendering
- 12. Power-driven paper-products machines
- 14. Power-driven circular saws, band saws, and guillotine shears
- 16. Roofing operations
- 17. Excavations operations

**\*Student-learner** -- is a student who is at least 16 years of age, is receiving instruction in an accredited school, and is employed on a part-time basis under a bona fide cooperative education training program administered by the school.

## Minimum age standards

### Pennsylvania

#### Age 12 & 13

Only permitted employment is golf caddie. May carry one golf bag for a maximum of 18 holes a day, maximum of 6 consecutive days. May not work during school hours when school is in session.

#### Age 14 & 15

Maximum of 3 hours during a school day; maximum of 8 hours on days when there is no school, maximum of 15 hours for school week (Monday through Friday). May not be employed before 7 a.m., after 7 p.m. or when school is in session. Maximum of 6 consecutive days and 18 hours within the 6 days.

#### Age 16

Maximum of 28 hours during the school week, which is Monday through Friday. May work an additional 8 hours on Saturday and/or Sunday. If working both Saturday and Sunday, may not work one of the week days. Maximum of 6 consecutive days. May not be employed before 6 a.m. or after 12 midnight if there is school the next day. If there is no school the next day, the student may work until 1 a.m. During summer vacation the student may work 8 hours a day, 44 hours a week, 6 consecutive days and anytime of the day or night.

#### Age 18

Do not need a Work Permit any longer.

*Students enrolled in a Cooperative work experience program would be allowed to work during the school day and would be allowed more than the 28 hours during the week.*

### Fair Labor Standards Act

#### Age 14 & 15

Minimum age for employment in specified occupations outside school hours. Can not legally work: during school hours, before 7 a.m. or after 7 p.m. (from June 1 through Labor Day this is extended to 9 p.m.), more than 3 hours a day on school days, more than 18 hours a week in school weeks, more than 8 hours a day on non-school days, and more than 40 hours a week in non-school weeks.

#### Age 16

Basic minimum age for employment. At 16 years of age youths may be employed in any occupation that has not been declared hazardous by the Secretary of Labor.

#### Age 18

Minimum age for employment in those occupations declared hazardous by the Secretary of Labor. This minimum age applies even when a minor is employed by a parent.

**MODULE 30: STUDENT ACTIVITIES**

*TO THE STUDENT:* After reading and studying the above Information Sheet, complete these activities to demonstrate your understanding.

**Activity 1: Answer the following questions:**

1. There are both federal and state employment regulations. If they differ in any way, which one would be enforced?
2. What is the prevailing minimum wage? Under what conditions could an employer pay sub minimum wages?
3. According to your age, how many and what hours are you allowed to work during the school year?

**Activity 2:**

1. In small groups, discuss the hazardous occupations that are listed by the Secretary of Labor and which ones would you be exempt from due to the educational background you have. Each group will then share with the class.
2. Write a three paragraph essay describing any regulations at your worksite that affect you because of your age. Evaluate and discuss how carefully your employer enforces these regulations.

**MODULE 30: STANDARDS ADDRESSED IN THIS MODULE****Pennsylvania's Academic Standards for Career Education and Work****13.2.11. Career Acquisition (Getting a Job)**

- D. Identify sources of health, safety and regulatory practices and their effect on the work environment.
- Child Labor Laws
  - Employee Right to Know
  - Fair Labor Standards Act
  - Hazardous occupations
  - Material Safety Data Sheets (MSDS) information
  - Occupational Safety and Health Administration (OSHA) regulations
  - Student work permits

**Pennsylvania's Academic Standards for Reading, Writing, Speaking and Listening (RWSL)****1.1.11. Learning to Read Independently**

- E. Establish a reading vocabulary by identifying and correctly using new words acquired through the study of their relationships to other words. Use a dictionary or related reference.

**1.5.11. Quality of Writing**

- A. Write with a sharp, distinct focus.
- Identify topic, task and audience.
  - Establish and maintain a single point of view.
- B. Write using well-developed content appropriate for the topic.
- Gather, determine validity and reliability of, analyze and organize information.
  - Employ the most effective format for purpose and audience.
  - Write fully developed paragraphs that have details and information specific to the topic and relevant to the focus.
- F. Edit writing using the conventions of language.
- Spell all words correctly.
  - Use capital letters correctly.
  - Punctuate correctly (periods, exclamation points, question marks, commas, quotation marks, apostrophes, colons, semicolons, parentheses, hyphens, brackets, ellipses).
  - Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions, prepositions and interjections properly.

- Use complete sentences (simple, compound, complex, declarative, interrogative, exclamatory and imperative).

### 1.6.11 Speaking and Listening

#### D. Contribute to discussions.

- Ask relevant, clarifying questions.
- Respond with relevant information or opinions to questions asked.
- Listen to and acknowledge the contributions of others.
- Adjust tone and involvement to encourage equitable participation.
- Facilitate total group participation.
- Introduce relevant, facilitating information, ideas and opinions to enrich the discussion.
- Paraphrase and summarize as needed.

#### E. Participate in small and large group discussions and presentations.

- Initiate everyday conversation.
- Participate in a formal interview (e.g., for a job, college)

## **Secretary's Commission on Achieving Necessary Skills (SCANS)**

### **COMPETENCIES**

**Interpersonal:** Works well with others, including being skilled team members and negotiating with others to solve problems or reach decisions.