

## **Federal Child Labor Provisions of the Fair Labor Standards Act (FLSA) to Grocery Stores**

### **Coverage**

Employees of a grocery store may be covered by the FLSA in either of two ways. Any establishment which is part of an enterprise with an annual dollar volume of sales of at least \$500,000 (exclusive of excise taxes at the retail level that are separately stated) must abide by the Act's requirements. Any employee of a grocery store, regardless of its sales volume, who is engaged in interstate commerce activities, or any closely related occupation directly essential to such activities is "covered" on an individual basis in any week in which they are so engaged. Most grocery stores are subject to, and must comply with, the federal child labor provisions.

### **Child Labor Provisions of the FLSA**

The federal child labor provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well being. Once youths reach **18 years of age**, the federal child labor provisions no longer apply to their employment. Under federal law, youths **16 and 17 years of age** may perform any **non-hazardous** job, for unlimited hours. (State laws may otherwise restrict employment for youths of this age.) The Secretary of Labor has declared 17 Hazardous Occupation orders (HOs) which restrict the types of jobs and/or industries in which youths **less than 18 years of age** may be employed.

*Although not exhaustive, the following list includes the most common tasks that occur in grocery stores that are prohibited by one or more HOs. Under the child labor provisions, workers **under 18 years of age** generally may not...*

- Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven **meat processing equipment**, including meat sliders, meat grinders, meat saws, and patty-forming machines, even when used to process materials other than meats such as vegetables or cheese.
- Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven **bakery machines** such as horizontal or vertical dough mixers, dough sheeters/rollers, and combination bread slicing and wrapping machines.
- Drive or serve as an outside helper on a motor vehicle on a public road; however, 17 year-olds that meet certain specific requirements may drive for limited amounts of time as part of their job.
- Operate or unload scrap paper balers and paper box compactors. Sixteen and 17 year-olds may only load such machines that meet specific ANSI standards and under certain specific circumstances.
- Operate certain power-driven hoists, including forklifts.

**Fourteen and 15 year-old** youths may be employed by grocery stores, but only for certain periods of time and only in certain types of jobs.

### **Hours of Limitation**

The employment of 14 and 15 year-olds is limited to:

- Outside school hours.
- Three hours on a school day; 8 hours on a non-school day.
- Eighteen hours in a school week; 40 hours in a non-school week.

Also, 14 and 15 year-olds may not work before 7 a.m. or after 7 p.m. (except from June 1<sup>st</sup> through Labor Day, when the evening limit is extended to 9 p.m.) The most frequent child labor violations occurring in grocery stores involve minors working too late at night or too many hours on a school day.

### **Occupation Limitations**

Fourteen and 15 year-olds may generally be employed by grocery stores to perform the following jobs: cashiering, bagging, carrying out grocery orders; clean-up work including the use of vacuum cleaners and floor waxers, and shelf stocking.

Fourteen and 15 year-olds **may not** be employed in the following occupations often found in grocery stores:

- All baking and cooking. These minors may not operate NEICO broilers, pressure cookers, ovens or large rotisseries; however, they may cook using grills, griddles, deep fat fryers, toasters, popcorn poppers, and hot dog rotisseries, if the work is in full sight of customers.
- All work involving the loading and unloading of goods to and from trucks.
- All work in a warehouse and all work involving the use of ladders or scaffolding.
- All work in freezers and meat coolers, and most in the preparation of meats for sale.

**Minors, 13 years of age and younger**, are generally not permitted to work, even with parental permission. The FLSA does, however, allow a parent who is the sole owner of a business to employ his/her child in any occupation other than mining, manufacturing or those declared hazardous by the Secretary of Labor.

## **SPECIAL NOTICE**

State law may have higher standards, such as mandatory age certificates or work permits for young workers and work hour limitations for 16 and 17 year-olds. When these apply, employers must comply with the higher standard. For information about state child labor provisions, contact your state's Department of Labor.