Youth Employment Manual

A Guide to Working With 16 & 17 Year Old Youth in the Construction Industry

Sponsored by
North State Building Industry Association
Funded by
California Homebuilding Foundation

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It was a pleasure to work with the focus group in the development of an employer manual for 16 and 17 year old students that will receive work experience in the building industry. This work experience opportunity is important to developing young workers in a safe and healthy environment while maintaining a connection with the education system. It was rewarding to me to witness the commitment of the North State Building Industry Association and the education representatives participating in such a worthwhile program.

On behalf of the division of Occupational Safety and Health, we wish you success

–Larry McCune
Principal Safety Engineer
Cal/OSHA Research and Standards Unit

“On behalf of the California Department of Education, I wish to express my appreciation to the North State Building Industry Association and the California Homebuilding Foundation for developing the “Youth Employment Manual-A Guide to Working With 16 & 17 Year Old Youth in the Construction Industry.” This Guide is a welcomed tool, to help employers understand how best to involve 16 & 17 year-old youth at a construction job site. I look forward for other opportunities where the education community can work with the construction community to better prepare students to meet the needs of the construction workforce and find rewarding careers.”

–Patrick Ainsworth
Assistant Superintendent and Director
Secondary, Postsecondary, and Adult Leadership Division
California Department of Education

The full texts of the letters for the above quotes can be found in Appendix C.

The evaluations and/or recommendations contained in this manual are for general guidance only and should not be relied upon for legal compliance purposes. For validation of safe work practices and appropriate work assignments related to the employment of 16 & 17 year-old youth, contact the relevant agencies and organizations cited in this manual.
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About Us

Planning Communities. Building Dreams.

The North State Building Industry Association is a community-based organization representing more than 1,000 homebuilder and associate members as well as the 66,000 jobs that make the dream of homeownership a reality in the greater Sacramento region.

The BIA has dedicated more than 60 years to advocating on behalf of home builders in the public policy arena, serving our members and the public as an education and information resource on all things related to homebuilding, as well as making a difference in our community.

Scholarship. Research. Education.

The California Homebuilding Foundation (CHF) is the research and education center for California’s homebuilding and construction industries. Founded in 1978 through the California Building Industry Association (CBIA), the Foundation serves the homebuilding industry by providing scholarships, research, educational and professional development programs. It is the presenter of California homebuilding industry’s top award, Hall of Fame.

Now in our 29th year, the Foundation carries out this mission through a variety of venues. We work with a variety of secondary learning institutions, from community colleges to private universities, assisting individuals interested in the homebuilding industry with scholarships. Research remains a top priority. Research funded through the Foundation assists CBIA and the local/regional building industry associations in educating the public and lawmakers about the economic benefits of the homebuilding industry, a crucial step in meeting the state’s need for housing.
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Executive Summary

Bottom Line
In the opinion of the North State BIA, the safest most effective way to provide paid and unpaid employment opportunities to 16 & 17 year-olds, at construction worksites, is through the Regional Occupation Program.

All other methods for working with youth are more appropriate off a construction worksite such as an office or warehouse (assuming the youth are not operating dangerous equipment).

Although this document was written from the perspective of the North State BIA, the information and technical advice applies to all construction employers throughout California. See Appendices A & B for statewide contact information.

Background

► Many young people believe that construction employment provides low, uncompetitive wages and limited career advancement opportunities.

► The average age in starting apprenticeships in the industry is 28.

► Work experience is one solution that will help transform the industry’s poor image, as well as attract the “best and brightest” at an earlier age.

Types of Employment and Internships
In the Sacramento region, there are a variety of employment and work-based learning programs for 16 and 17 year old youth including:

► Employer Based Employment: The student is hired under a variety of restrictions.

► Employment for Credit: Students enroll at school in Work Experience Education (WEE) and/or the Regional Occupational Programs (ROPs). ROP programs enable students to work in situations that are otherwise prohibited. ROP provides for unpaid experiences (Community Classroom) or paid experiences (Cooperative Vocational Education).

► Intermediary Based Employment: The student is directly employed by a third-party organization.

► Other Unpaid Internships: Can be arranged by school districts where the school or employer assumes the liability for the internship.
Regulations Governing Youth Employment & Internships
Child Labor Laws have been created at the Federal and State levels to protect youth workers and avoid interfering with a youth's education.

► Federal Child Labor Laws: Youth employees may work in any occupation, except Federally defined hazardous occupations or situations. However, students enrolled in “bona-fide” educational programs may work in some of the hazardous occupations and situations with direct and close supervision. Appendices D & E.

► State Child Labor Laws: In many instances, California child labor law is more stringent than the federal standards; minimum school attendance, school issued work permits, limited hours of work when in school, and employer information on file with the school. Appendices F & G.

► The California Education Code regulates employment of minors, including: rules of attendance, work permits, hours of work, and employer compliance. The Code also regulates employment for credit programs, including Work Experience Education and Regional Occupational Programs. Appendices H, I & J.

► Occupational Health and Safety Act (OSHA and Cal/OSHA): Although OSHA and Cal/OSHA do not have additional rules governing teen employees, they do have a monitoring responsibility to ensure that the employer is properly complying with Child Labor Law in the context of operating safely in a safe environment Appendices B & M.

► Worker’s Compensation Law: Paid or unpaid employees regardless of age have to be covered by the employer with two exceptions: ROP Community Classroom students and interns employed by an intermediate organization which provides the coverage. Appendix N.

► Insurance: If 90% of the workforce is 18 and over, it is not necessary to change the General Liability Policy.
What is Permissible and what is Not Permissible for each type of employment by laws, regulations, and contractual agreement clauses.

- **Employer Based Employment**: Employees under the age of 18 are prohibited from operating a variety of power tools, driving forklifts or heavy equipment, operating on roofs, etc. Exception: high school graduates between the ages of 16 and 18 may work in the prohibited occupations if he/she has completed a CDE approved training program in the assigned area of employment.

- **Employment for Credit**: 16 & 17 year old students are exempt from many of the restrictions governing construction work if the student is properly enrolled in a state recognized career technical education program like ROP. However, extra supervision is required for the students to be able to operate under these normally prohibited activities.

- **Intermediary Based Employment**: 16 & 17 year old students are not exempt from the Child Labor Law restrictions, unless they are enrolled in a state approved career technical education program at which point the Employment for Credit provisions apply.

- **Internships**: No exemptions of the Child Labor provisions for students under the age of 18 serving as interns. If Schools set up the program, they provide the liability and worker’s comp.

- **Job Shadowing**: By definition, not considered work therefore Worker’s Comp does not apply, but General Liability Insurance provisions govern the activity.

- **Reimbursement of Expenses and Paying Student Stipends**: Not being able to employ a student often presents a financial barrier to a student being able to participate. One option is for employers to reimburse Interns and Community Classroom students for expenses, or pay them a student stipend to help off set the cost for such things as travel and work related clothes and/or tools.

“If I was in business for the short haul I wouldn’t be nearly as dedicated to Workforce Development. The fact is, the construction industry needs more of it’s owners and principals to invest in the future of our industry. The quality of the future of your business and our industry depends on the quality of the people we get involved in our construction careers. There is no better place to start than in our middle and high schools today, exposing the students to the plethora of opportunities the construction industry has to offer. With such exciting, productive, and rewarding jobs in construction we don’t have to hard-sell, we just have to offer a taste of what we have, and they will come!”

—Mark Cooper
H & D Electric
The construction industry is a major economic driver in California, employing thousands of people and adding significant funds to the annual GDP. Even with the current down cycle, the need to attract a skilled and qualified workforce is necessary to improve the long-term productivity and vitality of the industry.

During the early part of the decade, the construction industry experienced expansive and rapid growth. Finding enough qualified applicants with the appropriate skill sets, aptitudes and work ethic was nearly impossible. This inability to find adequate staffing led to lost revenues as contractors were forced to turn down projects.

Today's environment is different. Most economists agree that the housing market is nearing the bottom of a natural building cycle. As the market changes, contractors are uniquely poised to build a competitive position by focusing on the future workforce. Now is the time to prepare for the next upswing.

Unfortunately, a flawed perception of the "construction worker" is still prevalent in today's high schools. According to a local survey, many people believe that construction employment provides low, uncompetitive wages, and limited career advancement opportunities. This negative image of the construction industry is not attracting the right labor pool.

The industry also does not attract young people out of high school. The average age for an apprentice entering the trades is 28 years old. Somehow we need to find a way to close this "ten-year" gap.

Work experience is one solution that will help transform the industry's poor image as well as attract the "best and brightest" at an earlier age. Internships and employment programs allow young people to gain a feel for the nature of the work as well as build relationships that influence and foster long-term career ambitions.

Although added cost and greater risk in working with youth are inherent in workforce development programs, the short and long-term benefits exceed the cost and risk. The largest cost is time; that is the time it takes to train and supervise youth, become familiar with youth labor laws and regulations, and document participation. By referring to the guidelines in this manual, employers can minimize their risk and cost of working with 16 and 17 year old youth while building the workforce of tomorrow.
Type of Employment and Internships

In the Sacramento region, there is a variety of employment and work-based learning programs for 16 and 17 year old youth. From traditional employment to a structured learning environment, all options provide an avenue to expose young people to the residential construction sector. To help determine which program is appropriate for your business, this section provides an overview of youth employment options available in the region, including relevant state and federal regulations. Refer to the following section, Regulations Governing Youth Employment and Internships (page 10) for details pertaining to the employment of minors.

Employer Based Employment
With this traditional employment option, the student is directly employed by the business and may perform a variety of activities, except for those deemed hazardous by the Code of Federal Regulations.


Employment for Credit
Employment for credit programs are administered by a secondary institution with an approved California Department of Education district plan. They provide students with a hands-on learning environment to apply what they’ve learned in the classroom to a work environment. The instructor consults with the employer to develop a learning plan with objectives that align to the course curriculum. During a 16 to 18 week semester, the student participates in hands-on activities that are supervised by the employer and instructor. These programs can be either paid or unpaid, but unpaid students cannot replace a paid worker. As described below, the California Department of Education has approved two “employment for credit” programs: Work Experience Education (WEE) and Regional Occupational Programs (ROPs).


“Internships are a fantastic opportunity for students to work in an industry segment and explore career options”
– Joe Bean
Teichert Construction
Work Experience Education (WEE or WEX)

Work Experience Education is an “employment for credit” program approved by the California Department of Education and administered by a secondary institution, such as a high school or county office of education. Every Work Experience Education course includes two components: classroom instruction and on-the-job training.

Under the California Department of Education, there are three WEE programs

1. Exploratory Work Experience:
   Unpaid – Students participate in a variety of observation activities that show the nature of the work and employment expectations. While these activities vary in length from one day to multiple weeks, the main goal is to provide students with information that will assist in their long-term career planning.

2. General Work Experience Education:
   Paid – Students work in any occupational field that provides a learning environment to apply basic skills of reading, writing and mathematics.

3. Vocational Work Experience Education
   Paid – Students work in positions that align to their chosen career interests and academic curriculum. The on-the-job training experience is designed to reinforce the classroom learning experience.

A secondary institution may offer one, two, or all three of the WEE program options. For each student placed at a worksite, there must be a formal training agreement specifying roles and obligations of all parties involved: the student, parent/guardian, WEE coordinator and employer. Under the agreement, the WEE coordinator/district employee must outline the learning objectives for the student as well as make periodic visits to the worksite, and the employer must provide supervision of the student to ensure a quality educational experience. For additional details, Appendix K provides a sample WEE Agreement.

Regional Occupational Programs (ROPs)
Developed to address an unmet workforce need, Regional Occupational Programs provide students with training to pursue and succeed in a specified occupation or industry. As defined by the California Department of Education: “The purpose of ROP is to prepare students to (1) enter the workforce with the skills and competencies necessary to succeed, (2) pursue advanced training in higher educational institutions, and/or (3) upgrade existing skills and knowledge.” A recent study by UC Riverside revealed that students who participate in Regional Occupational Programs tend to have better attendance, lower dropout rates, and higher entry-level wages.

To ensure that ROPs are industry driven, labor market data illustrating the need for the program is annually submitted to the California Department of Education. Additionally, course outlines are developed in coordination with industry and revised annually with input from an advisory committee. Instructors are also required to have five years of related industry experience, plus a credential in the subject matter prior to teaching a ROP course. There are no other programs that have this requirement.

ROPs utilize two instructional methodologies: Community Classroom and Cooperative Vocational Education (COOP or CVE). The Community Classroom approach requires concurrent enrollment in a vocational program and participation in unpaid, on-the-job training experiences. The COOP approach is similar, but with regularly scheduled, paid employment. Both the Community Classroom and COOP approach reinforce and refine skills and competencies needed for entry-level employment in an occupation.

The California Ed Code also requires that a written agreement is issued for all ROP students that will be concurrently enrolled in classroom instruction and on-the-job training. The agreement - a “Joint Venture Training Agreement” for Community Classroom and a “Training Agreement” for COOP students - describes the responsibilities of the local education agency and employer. Each agreement is signed by the authorized ROP Provider and the Employer.

Both agreements require that an “Individualized Training Plan” be developed for each student, specifying the learning objectives and competencies to be learned at the worksite. The training agreements also require that the employer evaluate the student learner’s performance at least once a month, by submitting a completed evaluation...
The InternSource recruits, screens, and hires interns based on the employer’s specified preference, including age range and desired knowledge and skill sets.

form to the instructor. The instructor utilizes the evaluation to provide customized instruction to the student as well as formulate his/her grade. Samples of these agreements are found in Appendix L.

Relevant Regulations: Unpaid - California Code of Education; Workers’ Compensation; Paid - Fair Labor Standards Act; Code of Federal Regulations; California Child Labor Laws; California Education Code; Workers’ Compensation Policy

Intermediary Based Employment
With intermediary based employment, the student is directly employed by a third-party organization. Some intermediary organizations perform a full array of human resource functions such as recruitment, interviewing, orientation, payroll, etc., while others may provide only payroll services. In the Sacramento region, the Community College Foundation operates a full service intermediary based employment program, called the InternSource, which is described in detail below.


The InternSource (www.theinternsource.org)
As a non-profit with 501(3)(C) status, the Community College Foundation coordinates an internship program independent from the California community college system. The InternSource is an intermediary based employment program that handles all required employment documentation, maintaining workers’ compensation and general liability insurance. Students are added directly to the Foundation’s payroll and insurance policies.

The InternSource recruits, screens, and hires interns based on the employer’s specified preference, including age range and desired knowledge and skill sets. After the intern is hired, the InternSource works with the school district to produce the work permit, monitors the student’s status in reference to the work permit, conducts an HR orientation, manages timesheets, issues payroll, and completes all administrative paper work required to employ a minor. As a non-profit, the cost to employers is reasonable and well below fees charged by local staffing agencies. In addition to the wage and payroll taxes, there are a few additional expenses: approximately a 1.45 percent mark-up for workers’ compensation insurance, and a 12 to 17 percent administration fee.
USA Properties strongly supports construction businesses giving high school students internships in our industry. Most young people and their parents do not understand what opportunities exist in the construction industry. Internships give students the chance to experience first hand what it is like to work in the industry. The Employer Guide shows employers how to offer students work experiences on the job site in a safe and practical way.

–Lucia Munoz
USA Properties

Unpaid Internships

Unpaid internships are designed to provide youth with experiential learning activities that introduce a career pathway and build basic and advanced technical skills. Typically, independent of a coordinated school program, unpaid internships are less structured than “employment for credit” programs. The employer is responsible for developing the learning objectives for the intern, setting hours of employment, and providing close supervision. According to the Fair Labor Standards Act, an internship may be unpaid only if it meets the following criteria:

- The training is similar to a vocational program;
- The training is for the immediate benefit of the student learner, not the employer;
- The student learner is under close supervision and does not displace a regular employee; and
- The student learner is not promised a job at the conclusion of the internship.

Because students in unpaid internships are not considered employees and are not concurrently enrolled in a vocational training program, only Workers’ Compensation Policy applies. The rate is based on the type of work performed by the volunteer. However, in instances when the school district coordinates the internship, it is their responsibility to carry Workers’ Compensation and general liability insurance for each student involved. Unpaid internships are different than unpaid ROP and Work Experience Education programs because they do not provide credit to the student volunteer.

Relevant Regulations: Workers’ Compensation Policy

Type of Employment and Internships

Regulations Governing Youth Employment & Internships

Child labor laws have been enacted to protect the health and welfare of minors as well as ensure that the employment process enhances, not interrupts the educational process. When comparing state and federal standards, a few labor laws conflict, and in such instances the more stringent policy always applies.

Federal Child Labor Laws

Authorized by the Fair Labor Standards Act (FLSA) of 1938, the federal youth employment provisions outline the rules and regulations pertaining to child labor employment. FLSA laws are intended to create safe working conditions for young people that promote positive, developmental experiences.

Employers with gross annual sales of more than $500,000 or that engage in interstate commerce are subject to the FLSA youth employment provisions. Under the provisions, youth employees may work in any occupation, except those deemed hazardous by the Federal Code of Regulations. However, student learners enrolled in “bona fide” educational programs may work in some of the hazardous occupations with direct and close supervision.

Direct and close supervision can be applied with a ratio of one student learner and one experienced employee for the first student learner on site and at least three experienced employees for each additional student learner on site. As the student learner performs a hazardous task, the experienced employee(s) must work alongside the student learner to ensure accordance to safety techniques and procedures. This requirement applies only to hazardous occupations.

Federal law also mandates that youth workers are paid the statutory minimum wage for every hour worked, except for the first consecutive 90 days of employment in which a sub-prime rate of $4.25 may be issued. Under a special certificate issued by the Department of Labor, student learners may be paid less than the minimum wage.

Less stringent than California Labor Law, FLSA does not limit the number of hours a minor over the age of 16 may work. To verify the minor’s age, a certificate of age must be kept on file. In California, the Work Permit qualifies as a certificate of age.

“Working for Sacramento Stairways has been a valuable experience that has led me to pursue a career in drafting and design. My mentor has been dedicated to helping me learn the skills I need in the real world.”

–Tyler Lunsford
19 years old.
Del Oro High School
Loomis, CA
California Child Labor Law
In many instances, California child labor law is more stringent than the federal standards. Below is an overview of the key requirements from California’s Labor Codes and Appendix G provides a comparison of state and federal standards.

School Attendance Requirements: At a minimum, regularly employed minors must attend four hours of continuation school each week and those not employed regularly must attend at least 15 hours per week.

Wages: Minors must be paid at least the statutory minimum and overtime wage set by the California Industrial Welfare Commission, except in special circumstances. Minors employed by their parents and personal attendants (e.g., babysitters) are exempt from the minimum and overtime wage standard.

Work Permits: Minors are required to have a work permit, which is issued by the school district. The permit includes allowable hours of work, occupation limitations, and additional restrictions per the discretion of the school district. Minors with a high school diploma or certificate of proficiency are not required to obtain a work permit and may work the same hours as adults.

Hours of Work: Minors, between the ages of 16 and 18, may work a maximum of 4 hours on any school day and up to 8 hours on a non-school day or the preceding day of a non-school day. When school is not in session, minors may work up to 8 hours a day and 48 hours per week. Minors may work between the hours of 8:00 AM and 10:00 PM and up to 12:30 AM on any evening not proceeding a school day. With expressed permission from the parent or guardian and the school instructor, Work Experience Education and ROP students may work up to 8 hours a day, until 12:30 AM while school is in session.

Record Keeping: (1) A work permit for each minor must be kept on file and renewed at the start of every school year; (2) Information on the minor must be kept for three years, including name, date of birth, address and payroll records; (3) Proof of Workers’ Compensation coverage; (4) And the written agreement for student learners, if applicable.

California Educational Code
Chapter 7 of the California Education Code regulates employment of minors, including rules of attendance, work permits, hours of work, and employer compliance. (Appendix H). Title 5 of the
California Education Code regulates employment for credit programs, including Work Experience Education and Regional Occupational Programs. (Appendix I and J). This section summarizes the employment requirements pertaining to 16 & 17 year olds.

Chapter 7: Employment of Minors

Attendance: No minor may be out of school for longer than 10 consecutive days while employed. If the minor violates this rule, his/her work permit will be withdrawn.

Work Permits: Minors enrolled in regular school and who have completed the 7th grade in a public institution (or equivalent) are eligible for a work permit. The work permit documents the following:

1. Name, age, birth date, address, phone number, and SSN;
2. The place and hours of the minor’s required school attendance, or a statement of exemption there from;
3. The maximum number of hours per day and per week the student may work while school is in session (four hours per day, unless otherwise stipulated by the district);
4. The minor and the issuing authority’s signature; and,
5. The expiration date of the permit.

Students may apply for a full-time work permit by submitting a statement from the employer describing the scope of work waiting for the minor; evidence of age, grade level and attendance; and certificate from a physician stating that the student is in a healthy condition to perform the stated work. The student’s parent or guardian must accompany the minor when applying for the full-time work permit and make an oath that the application terms are correct – i.e. name, age, health, etc.

Only authorized school district representatives or authorized charter school representatives may issue the work permit. Children of business owners are not required to obtain a work permit for employment in the family owned business, except for industries specified by the Code of Federal Regulations as particularly hazardous, which includes a few in the construction sector.

Hours of Work: The student may work 4 hours a day while school is in session, and 8 hours a day while school is not in session or on a school day preceding a weekend or holiday break, which is the

“Granite Bay’s 49er ROP Program provided me an opportunity to learn about a variety of construction related fields. This “hands on” experience has helped me discover my passion working with people.”

– Alex Rappe
17 years old.
Roseville High School
Roseville, CA
same as California’s Child Labor Laws. If the student is enrolled in Work Experience Education or ROP, the student may be eligible to work longer than 4 hours on a school day.

**The Employer’s Responsibilities:** The employer must provide the school district with an “intent to employ” form. The form, which may be obtained at the district, includes:

1. The student’s name, address, phone number, and SSN;
2. The employer’s name, supervisor’s name, address, phone number and place of employment if different from the address;
3. The nature and scope of work the student will be performing;
4. The maximum number of hours the student will work per day and per week; and signatures from the employer and the student’s parent or guardian.

The student’s work permit must be kept on file throughout the term of employment, and renewed within five days of the start of the consecutive school year.

**Title 5: Work Experience Education & Regional Occupational Programs**

The following section summarizes the Ed Code requirements pertaining to Work Experience Education (WEE) and Regional Occupational Programs (ROPs).

**Formal Training Agreements:** Before employing a student learner enrolled in a for credit program, it is necessary to complete and keep on file a written agreement, specifying the nature of the work, learning objectives, duration of training, and occupation exemptions. WEE programs include the objectives in the Formal Written Agreement, while ROPs require the development of an Individualized Training Plan. Both, however, specify the competencies that will be taught in the classroom and the worksite. With ROPs, the learning objectives also include how the student’s skills learned in the program will be evaluated and verified.

If the individual learning plan includes work in hazardous occupations within the limited exemption clause of the Federal Code of Regulations, the agreement must include the following items:

- A statement that the work performed in the hazardous occupation is incidental to the training;
The school coordinator typically works closely with the employer to complete the agreement, which must be signed by both parties. Examples of written agreements are provided in Appendices K and L.

Selection and Approval of Work Stations: The process of approving a work station for WEE is simple. The Classroom instructor approves the work station that will enable the student’s learning objectives. With the ROP Community Classroom and COOP the employer must (1) Have a clear understanding of the methodology; (2) Participate in the development of a formal training agreement and Individual Learning Plan; (3) Consult with the teacher about the student’s progress; (4) Supervise and assist the student with the learning objectives; and (5) Maintain records of the student’s training hours. Additionally, the work station must be in the occupation/industry for which the course is designed, have the appropriate equipment to aid the learning experience, and not endanger the health and safety of the student.

In addition to the above requirements, the COOP option requires the employer to provide a minimum of 8 hours of paid employment per week and carry Workers’ Compensation Insurance for every student in the program.

Related Classroom Instruction: One of the WEE requirements is that the students attend classroom instruction related to developing successful work habits and learning job finding techniques. With Community Classroom and COOP ROPs, the students must attend a minimum of three, 50 minute instructional periods per week that directly relate to the skills, knowledge and competencies of the on-the-job training. Further, the curriculum must demonstrate how the skills taught in the classroom will be expanded through the on-the-job training experiences.

Teacher Responsibilities: With WEE, the teacher is responsible for the coordination of the following:

“The school coordinator typically works closely with the employer to complete the agreement, which must be signed by both parties.”
(1) Approve student enrollment;
(2) Conduct related instruction;
(3) Identify, select and approve the worksites;
(4) Visit the worksite to observe the student; and,
(5) Maintain student records.

For those employers using the Community Classroom option, the teacher provides the following:

(1) Concurrent formal vocational classroom training;
(2) Prepare individual learning plans in coordination with the employer;
(3) Locate and select training stations for the students on-the-job training;
(4) Visit the training site to observe and monitor the student’s performance in accordance to the instructional objectives and Individual Learning Plan; and
(5) Provide ongoing and final evaluation of the student’s performance.

For those employers using the COOP option the teacher, in addition to providing the Community Classroom duties, provides the following:

(6) Assists students with career planning, educational objectives and employer placement;
(7) Plans the on-the-job activities with the employer; and,
(8) Provides a written evaluation of the student’s performance at least once a semester.

Training Site Supervision: The WEE teacher is required to visit the worksite at least twice during the semester and once during the summer term. For those Community Classroom worksites, the teacher must visit the worksite and observe the student engaged in the training experiences at least once every three weeks. For those COOP worksites, the teacher must visit the worksite at least once every four weeks. One out of every two visits to a COOP worksite, the teacher must observe the student engaged in a training experience.

While this section of the Ed Code refers to the level of site supervision required of the teacher, as noted above, the Ed Code also requires that the employer assist the student learner acquire competencies outlined in the training objectives and Individual Learning Plans, which requires some supervision. Direct and close supervision is required when the student is en-
gaged in hazardous operations like operating power equipment or handling hazardous materials.

**Records:** For every WEE student placed at a worksite, the teacher must keep on file the following records: (a) Worksite location, type of job, and dates and hours worked, (b) Work permit, (c) Performance on the job, including course grade, (d) Report of employer consultations and (e) Formal training agreement.

For every Community Classroom student, the teacher must keep on file the following records: (a) Joint Venture Training Agreement, (b) Individual Training Plan, (c) Report of site visits and consultations to the employer, (d) Training hours of the student tracked by the employer, (e) worksite location, and dates and hours worked.

For every COOP student, the teacher must keep on file the following records: (a) Work permit, (b) Formal training agreement, (c) Individual Training Plan, (d) Report of site visits and consultations to the employer, (e) Training hours of the student tracked by the employer, and (f) Worksite location, and dates and hours worked for every location the student was employed during the semester.

**Student Qualifications:** Unless exempt by the school principal, students must be at least 16 years of age or enrolled in 11th grade or higher to participate in a WEE program. The only qualification for Community Classroom students is that they be enrolled in a concurrent vocational course while engaged in on-the-job training. COOP students must also be enrolled in a concurrent course and be at least 16 years of age, as well as a full-time student with parental/guardian approval.

**Occupational Safety and Health Act (OSHA)**
The Occupational Safety and Health Act of 1970 set the minimum occupational health and safety standards for employees and placed administrative control at the state level. In California, the Department of Industrial Relations, Division of Occupational Safety and Health Administration (Cal/OSHA) interprets and enforces the Act to ensure that all of California’s workers are protected from potential safety hazards.

As a regulating agency, Cal/OSHA provides consultative services to employers on how to comply with the safety and health standards set by OSHA and the state and federal Labor Code. In compliance with California Labor Code, Cal/OSHA also administers a compliance unit to monitor highly hazards
industries, which includes the construction sector NAICS 2381: Foundation, Structure, and Building Exterior Contractors. The High Hazards Compliance Unit targets employers for inspection to ensure that the safety and health standards are being met. Employers may receive a visit by chance or referral.

While Cal/OSHA does not have any additional rules or standards governing youth employees, they do have a monitoring role to ensure that the employers are correctly observing the child labor laws. See Appendix M: Facts for Employers; Safer Jobs for Teens.

**Workers’ Compensation Law**

All employers are required under the California Labor Code to provide proof of Workers’ Compensation insurance or self-insurance to the California Department of Industrial Relations. The rate is calculated by assessing the type of work performed and hourly rate of each employee, not age. All people working on the job, including minors, whether paid or unpaid, are considered employees and are assessed at the same insurance rate as a paid staff equivalent. Unpaid interns are assessed at a comparable wage standard (e.g. construction helper, construction laborer, etc.), therefore keeping the overall cost low.

However, there are two exceptions:

1. Because the Ed Code promotes hands-on learning, the school district or secondary institution is required to carry Workers’ Compensation insurance for students in Community Classroom and formal, unpaid Work Experience Education programs. A stipend or small gift of gratuity may be granted to a student if the amount is not equal to that which would constitute as a wage. However, if the amount is similar to a working wage, the employer is responsible for employing the youth and issuing a regular pay check.

2. Also, employers are not required to carry Workers’ Compensation insurance for interns employed by an intermediary organization. An intermediary organization employs the youth internally directly, carrying the appropriate insurance.

**Insurance**

Unless the youth to adult ratio exceeds 10 percent of the workforce, it is not necessary to revise the General Liability policy. The standard General Liability policy and Workers’ Compensation policy are appropriate protection for employing a small group of youth workers, whether paid or unpaid. Appendix O: “A Guide for Working Teens” issued by the State Fund.
What is Permissible & What is Not Permissible

What is permissible and what is not permissible for each type of employment by laws, regulations, and contractual agreement clauses.

Federal and state child labor laws are designed to provide safe working conditions for all youth workers. All youth workers, except those enrolled in a CDE-approved ROP or federal and state approved apprenticeship program, are prohibited from working in occupations deemed hazardous by the U.S. Code of Federal Regulations. The following section reviews the five main employment and internship options, including qualifying measures and required levels of supervision.

Employer Based Employment
Under Federal Labor Law, minors are prohibited from performing certain functions, deemed dangerous to their health and welfare. The state of California has adopted these standards and automatically incorporates any federal changes into state law. This section includes construction related occupations prohibited to minors between the ages 16 and 18 as published in the Code of Federal Regulations and U. S. Department of Labor, Child Labor Bulletin 101.

HO 5* Power-driven woodworking machines. The following occupations involved in the operation of power-driven woodworking machines are prohibited:

1. The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

2. The occupations of setting up, adjusting, repair- ing, oiling, or cleaning power-driven woodworking machines.

3. The operations of off-bearing from circular saws and from guillotine-action veneer clippers.

HO 7 Power-driven hoisting apparatus, including forklifts. The following occupations involved in the opera- tion of power-driven hoisting apparatus are prohibited:

1. Work of operating an elevator, crane, derrick, hoist, or highlift truck (including a forklift),

...Under Federal Labor Law, minors are prohibited from performing certain functions, deemed dangerous to their health and welfare...
except operating an unattended automatic elevator or an electric or air-operated hoist not exceeding one ton capacity.

2. Work which involves riding on a man lift or on a freight elevator, except a freight elevator operated by an assigned operator.

3. Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

HO 8* Power-driven metal-forming, punching, and shearing machines. The following occupations involved in the operation of power-driven wood-working machines are prohibited:

1. The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

2. The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven wood-working machines.

3. The operations of off-bearing from circular saws and from guillotine-action veneer clippers.

HO 14*Power-driven circular saws, bandsaws, and guillotine shears. The following occupations are prohibited in any type of establishment (manufacturing, non-manufacturing, retail, wholesale, service, etc.):

1. The occupations of operator of or helper on the following power-driven fixed or portable machines except for machines equipped with full automatic feed and ejection: circular saws, bandsaws, and guillotine shears.

2. The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, bandsaws, and guillotine shears.

HO 15 Wrecking, demolition, and shipbreaking operations. All occupations in wrecking, demolition, and shipbreaking operations are prohibited. The term wrecking, demolition, and shipbreaking operations shall mean all work, including cleanup and salvage work, performed at the site of the operations...
Students enrolled in “bone fide” educational programs may work in occupations deemed hazardous by the Federal Code of Regulations if the work provides a richer learning experience.

What is Permissible & What is Not Permissible

What is Permissible & What is Not Permissible

...Students enrolled in “bone fide” educational programs may work in occupations deemed hazardous by the Federal Code of Regulations if the work provides a richer learning experience...

total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, or other structure, ship or other vessel.

HO 16* Roofing operations and all work on or about a roof. All occupations in roofing operations and all work on or about a roof are prohibited.

HO 17* Excavation operations. The following occupations in excavation operations are prohibited:

1. Excavating, working in, or backfilling (refilling) trenches, except manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or working in trenches that do not exceed four feet in depth at any point.

2. Excavating for buildings or other structures or working in such excavations, except manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or working in an excavation not exceeding such depth, or working in an excavation where the side walls are shored or sloped to the angle of repose.

3. Working within tunnels prior to the completion of all driving and shoring operations.

4. Working within shafts prior to the completion of all sinking and shoring operations.

High school graduates between the ages of 16 and 18 may work in the prohibited occupations if he/she has completed a CDE approved training program in the assigned area of employment. Also, there are limited exemptions for student learners and apprentices between the ages of 16 and 18 for the occupations marked by an asterisk. The following section, Employment for Credit, explores the limited exemption clause in further detail. Appendix E provides an overview of each prohibited occupation related to construction, including a description, explanation of any exemptions, and definition of key terms.

Level of Supervision: The employer is responsible for ensuring that the youth worker does not participate in hazardous occupations.

Employment for Credit

Students enrolled in “bone fide” educational programs may work in occupations deemed hazardous by the Federal Code of Regulations if the work
provides a richer learning experience. The following hazardous occupations are exempt for 16 and 17 year older workers if they meet the student learner criteria.

- Occupations in the operation of power-driven woodworking machines;
- Occupations in the operations of circular saws, band saws, and guillotine shears;
- Occupations in the operations of power-driven metal forming, punching, and shearing machines;
- Occupations in roofing operations; and,
- Occupations in excavation operations.

Involvement in hazardous occupations must be incidental to the student learner’s training, be intermittent and for short periods of time, and under close and direct supervision. The student learner must also receive safety training prior to the engagement coordinated by both the instructor and employer.

To qualify as a student learner, the following criteria must be met:

1. The student learner is at least 16 years of age, enrolled in a Community Classroom ROP program; and under a formal written training agreement.

2. The work of the student learner shall not provide the employer with any immediate benefit, nor replace a worker or prevent hiring of new positions. The work may only expand the competencies outlined in the student’s Individual Learning Plan.

According to the Federal Code of Regulations, youth apprentice in programs registered by the U.S. Bureau of Apprenticeship and Training and the appropriate State apprenticeship agency, qualify for student learner status.

**Level of Supervision:**
With for credit employment, in which the worker qualifies as a student learner, the employer is responsible for developing an agreement with the instructor that specifies the activities to be conducted at the worksite. The level of supervision is determined by the tasks performed by the student as following:

- **Level 1,** the student is engaged in non-hazardous activities: minimal supervision is required.
Level 2, the student is engaged in hazardous activities not involving tools: clear direction, mentoring and watching from a short distance is required.

Level 3, the student is engaged in hazardous activities involving tools: direct and close supervision is required.

Intermediary Based Employment
No special exemptions exist for intermediary based employment. The employer of record and the worksite supervisor are required to adhere to all state and federal child labor laws. Unlike paid ROP, youth workers employed by an intermediary organization are not exempt from occupations deemed hazardous by the Federal Code of Regulations. It is possible for paid ROP students to be employed by the Intermediary in lieu of the employer. In these cases the Employment for Credit conditions would apply.

Unpaid Internships
Under the Fair Labor Standards Act, an unpaid intern must qualify as a student learner to legally work at the establishment. The tasks assigned to the intern must be for learning purposes only, and the intern must have close supervision at all times. Unlike unpaid Community Classroom ROP, unpaid interns are not exempt from occupations deemed hazardous by the Federal Code of Regulations. If the internship is coordinated by a school district, students on the employer’s site are covered by the district’s general liability and Workers’ Compensation insurance policies. The employer is also responsible for carrying the appropriate insurance coverage.

Job Shadowing
Job shadowing is typically a one day activity or a job rotation over multiple days. The student may engage in a few work activities for demonstration purposes; however, most of the time is spent observing experts in the field. The student is not an employee, nor is the activity considered a “bona fide” vocational education program. Therefore, the state and federal child labor laws do not apply. If the job shadowing activity is coordinated by a school district, students on the employer’s site are covered by the district’s general liability insurance. Additionally, the employer is responsible for carrying general liability insurance.
Reimbursement of Expenses and Paying Student Stipends

Some employers may not be in a position to hire students as employees for a variety of reasons. Not being paid is often a financial barrier to students who would otherwise want to have a community classroom or internship opportunity at a construction worksite. Employers have the option to reimburse students for their expenses (mileage, tools, work clothes, etc.). The reimbursement may be a fixed amount like a per diem or a reimbursement based upon actual costs as long as the reimbursement is not excessive and in line with the established reimbursement policy of the employer.

Some not-for-profit and public organizations actually provide internship stipends to students and the employer can have these organizations provide the stipends to the students. It is best to check with your local school district and/or “One Stop” program operated by a local Workforce Investment Board.

(www.worksmart.ca.gov/find_one-stopCareer_center.html)

“Working at Teichert Construction helped me get my foot in the door. I now have access to experienced, successful individuals that can recommend the necessary training to become an Operating Engineer.”

–Beau Timmons
17 years old.
Woodcreek High School
Roseville, CA
The ROP is the only type of program that we found to allow a youth to be placed at a construction site. The North State BIA highly recommends that employers seek out Regional Occupation Programs in your local area to provide the opportunity to work with educational partners to provide the proper safety training to youth so that they can successfully work and learn at the construction jobsite. Appendix B contains the contact information.

Bottom Line

Most economists agree that the residential construction sector will start adding jobs in the next five years to meet expanding consumer demand. Though it seems like there is a limited need for workers in the current environment, an investment in today’s youth will help to provide the human capital necessary to expand your business tomorrow.

High school students generally believe that the construction sector offers low paying wages with limited advancement options. Even though this is not the case, the stereotype influences career choices, leading many to choose alternative paths. Employment programs alone will not solve the industry’s image problem, but offers the first step in addressing the need to develop a well-qualified workforce for the next building cycle.

Employment and internships provide young people with meaningful learning opportunities to gain new skill sets and make informed career decisions. At the same time, they build the pipeline of new talent entering the field. The aim of this manual has been to promote employment programs by demystifying the hiring process and clarifying seemingly conflicting regulations.

Regional Occupational Programs, Work Experience Education and traditional employment are key to the development of a motivated, skilled and qualified workforce. Because they target students that are beginning to consider their long-term career options, they open the door of possibilities for today’s youth. Most juniors and seniors in high school have been exposed to only a few careers – that is what their parents, friends’ parents and relatives do for a living.

While some students are involved in construction training programs, few have had experience working at a residential construction worksite. By applying the tools learned in the classroom, students gain a broader understanding of the nature of the work and employment expectations. This exposure will influence their long-term career ambitions and create goodwill for the industry.

Most of the methods described in this Guide for working with 16 & 17 year old youth are suitable for a non-construction worksite like an office or warehouse (assuming the youth are not operating dangerous equipment).
Appendix A:
References

- California Department of Education
  www.cde.ca.gov

- California Department of Industrial Relations
  Division of Safety & Health Administration,
  www.dir.ca.gov/dosh/dosh1.html

- The Community College Foundation
  www.internsource.org

- U.S. Department of Labor
  Occupational Safety & Health Administration
  www.osha.gov

- California Labor Code, Section 3700 – 3709.5

- California Labor Code, Section 3710 – 3732

- California Code of Regulations, Title 8, 3203
  Injury and Illness Prevention Program.
  www.dir.ca.gov/Title8/3203.html

- California Child Labor Laws 2000 Pamphlet
  Department of Industrial Relations,
  Division of Labor Standards Enforcement,
  www.dir.ca.gov/dlse/ChildLaborPamphlet2000.html

- California Education Code
  Chapter 7: Employment of Minors,
  www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20

- U. S. Department of Labor
  Employment Standards Administration,
  Wage and Hour Division, Child Labor Bulletin
  101, WH-1330, Revised February 2005

...Most of the methods described in this Guide for working with 16 & 17 year old youth are suitable for a non-construction worksite like an office or warehouse...
Appendix B: Websites and Resources

CDE, Regional Occupational Programs
- Dennis J. Guido, Administrator
- 916-322-5050
- dguido@cde.ca.gov
- www.cde.ca.gov/ci/ct/rp/

CDE, Regional Occupational Program Northern
- Region Directory
- www.cde.ca.gov/ds/si/rp/northern.asp

CDE, Work Experience Education
- Rick Mejia, Consultant
- 916-319-0498
- rmejia@cde.ca.gov
- www.cde.ca.gov/ci/ct/we/

California Occupation Safety & Health Act (Cal/OSHA)
- Larry McCune, P.E.
- 510-286-7013
- lmccune@dir.ca.gov
- www.dir.ca.gov/dosh/dosh1.html

Workers’ Compensation
- Sacramento Office  916-263-2735
- Public Assistance  800-736-7401
- dwc@dir.ca.gov
- www.dir.ca.gov/dwc/dwc_home_page.htm

Federal Child Labor Laws
- Sacramento District Office
  US Dept. of Labor
  ESA Wage & Hour Division
- 916-978-6123
- www.dol.gov/esa/regs/compliance/whd/childlabor101_text.htm

California Child Labor Laws
- Sacramento District Office
  Division of Labor Standards Enforcement
- 916-263-1811
- www.dir.ca.gov/dlse/childlaborpamphlet2000.html
Appendix C: Letters of Support

Rick Larkey, Director
Workforce Development
North State Building Industry Association
1536 Eureka Road
Roseville, CA 95661

Dear Mr. Larkey:

On behalf of the California Department of Education, I wish to express my appreciation to the North State Building Industry Association and the California Home Building Foundation for developing the “Youth Employment Manual-A Guide to Working with 16 & 17 Year-Old Youths in the Construction Industry.” This guide is a valuable tool to help employers understand how best to engage sixteen and seventeen year-old youths at a construction job site.

The construction industry is one of the key economic drivers of our economy. A part of our mission at the California Department of Education is to prepare students for high skilled employment in the fifteen industry sectors of California, including the Building Trades and Construction Industry sector.

One of the key elements to this training is being able to apply skills learned in the classroom to working on a job site. The Youth Employment Manual clearly explains how an interested employer can work with a Regional Occupational Program and school district in their area to provide a safe and appropriate learning situation at the worksite with minimum risk to the employer.

I would like to thank Dennis Guido, Administrator, and Rick Mejia, Consultant, of the Regional Occupational Centers and Programs and Workforce Development Unit for providing the technical assistance in the development of this manual. Their efforts and expertise are much appreciated.

I look forward to other opportunities where the education community can work with the construction community to better prepare students to meet the needs of the construction workforce and discover rewarding careers.

Sincerely,

Patrick Ainsworth,
Assistant Superintendent and Director
Secondary, Postsecondary and Adult Leadership Division

June 30, 2008
July 24, 2008

Mr. Rick Larkey, Director - Workforce Development
North State Building Industry Association
1536 Eureka Road
Roseville, CA 95661

Dear Mr. Larkey:

It was a pleasure to work with the focus group in the development of an employer manual for 16 and 17 year old students that will receive work experience in the building industry. This work experience opportunity is important to developing young workers in a safe and healthy environment while maintaining a connection with the education system.

The employer manual provides detailed information for employers participating in the program. The training and coaching involved by employer representatives will ensure that the students are not exposed to equipment or machinery hazards that are restricted by their age. Work experience training develops safe work habits and allows students to make a meaningful application of their classroom training while participating in construction project.

It was rewarding to me to witness the commitment of the North State Building Industry Association and the education representatives participating in such a worthwhile program. On behalf of the Division of Occupational Safety and Health we wish you success.

Sincerely,

Larry McCune
Principal Safety Engineer
Cal/OSHA Research and Standards Unit
Appendix D:  
Code of Federal Regulations, 
Youth Employment Provisions

CFR:  Code of Federal Regulations Pertaining to ESA 
Title 29:  Labor Chapter V:  Wage and Hour Division, 
Department of Labor Part 570:  Child Labor Regulations, Orders and Statements of Interpretation

29 CFR 570.1 - Definitions. 
Section Number: 570.1 
Section Name: Definitions. 

Authority: Secs. 3, 11, 12, 52 Stat. 1060, as amended, 1066, as amended, 1067, as amended; 29 U.S.C. 203, 211, 212. 

Source: 41 FR 26834, June 29, 1976, unless otherwise noted. 

As used in this part: 


(b) Oppressive child labor means employment of a minor in an occupation for which he does not meet the minimum age standards of the Act, as set forth in Sec. 570.2 of this subpart. 

(c) Oppressive child labor age means an age below the minimum age established under the Act for the occupation in which a minor is employed or in which his employment is contemplated. 

(d) A certificate of age means a certificate as provided in Sec. 570.5(b) (1) or (2) of this part. 

(e) [Reserved] 

(f) Secretary” or Secretary of Labor means the Secretary of Labor, United States Department of Labor, or his authorized representative. 

(g) Wage and Hour Division means the Wage and Hour Division, Employment Standards Administration, United States Department of Labor. 

(h) Administrator means the Administrator of the Wage and Hour Division or his authorized representative. 

(i) State agency means any officer, executive department, board, bureau or commission of a State or any division or unit thereof authorized to take action with respect to the application of laws relating to minors. 

29 CFR 570.2 - Minimum age standards. 
Section Number: 570.2 
Section Name: Minimum age standards. 

(a) All occupations except in agriculture. (1) The Act, in section 3(1), sets a general 16-year minimum age which applies to all employment subject to its child labor provisions in any occupation other than in agriculture, with the following exceptions: 

(i) The Act authorizes the Secretary of Labor to provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being (see subpart C of this part); and 

(ii) The Act sets an 18-year minimum age with respect to employment in any occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of minors of such age or detrimental to their health or well-being (see subpart E of this part). 

(2) The Act exempts from its minimum age requirements the employment by a parent of his own child, or by a person standing in place of a parent of a child in his custody, except in occupations to which the 18-year age minimum applies and in manufacturing and mining occupations. 

(b) Occupations in agriculture. The Act sets a 16-year age minimum for employment in agriculture during school hours for the school district in which the employed minor is living at the time, and also for employment in any occupation in agriculture that the Secretary of Labor finds and declares to be particularly hazardous except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person (see Subpart E-1 of this part). There is a minimum age requirement of 14 years generally for employment in agriculture outside school hours for the school district where such employee is living while so employed. However, (1) a minor 12 or 13 years of age may be so employed with written consent of his parent or person standing in place of his parent, or may work on a farm where such parent or person is also employed, and (2) a minor under 12 years of age may be employed by his parent or by a person standing in place of his parent on a farm owned or operated by such parent or person, or may be employed with consent of such parent or person on a farm where all employees are exempt from the minimum wage provisions by virtue of section 13(a) (6) (A) of the Act. 

29 CFR 570.5 - Certificates of age and their effect. 
Section Number: 570.5 
Section Name: Certificates of age and their effect. 

Source: 41 FR 26835, June 29, 1976, unless otherwise noted. 

(a) To protect an employer from unwitting violation of the minimum age standards under the Act, section 3(1) of the Act provides that "oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child-labor age." The provisions of this subpart provide for age certificates based on the best available
documentary evidence of age. Certificates issued and effective pursuant to this subpart furnish an employer with proof of the age of a minor employee upon which he may rely in determining whether the minor is at least the minimum age for the occupation in which he is to be employed.

(b) The employment of any minor shall not be deemed to constitute oppressive child labor under the Act if his employer shall have on file an unexpired certificate, issued and held in accordance with this subpart, which shall be either:

(1) A Federal certificate of age, issued by a person authorized by the Administrator of the Wage and Hour Division, showing that such minor is above the oppressive child-labor age applicable to the occupation in which he is employed, or

(2) A State certificate, which may be in the form of and known as an age, employment, or working certificate or permit, issued by or under the supervision of a State agency in a State which has been designated for this purpose by the Administrator showing that such minor is above the oppressive child-labor age applicable to the occupation in which the minor is employed. States so designated are listed in Sec. 570.9(a). Any such certificate shall have the force and effect specified in Sec. 570.9.

(c) The prospective employer of a minor, in order to protect himself from unwitting violation of the Act, should obtain a certificate (as specified in paragraphs (b) (1) and (2) of this section) for the minor if there is any reason to believe that the minor's age may be below the applicable minimum for the occupation in which he is to be employed. Such certificate should always be obtained where the minor claims to be only 1 or 2 years above the applicable minimum age for the occupation in which he is to be employed. It should also be obtained for every minor claiming to be older than 2 years above the applicable minimum age if his physical appearance indicates that this may not be true.

29 CFR 570.6 - Contents and disposition of certificate.
Section Number: 570.6
Section Name: Contents and disposition of certificate.

(a) Except as provided in Secs. 570.9 and 570.10, a certificate of age which shall have the effect specified in Sec. 570.5 shall contain the following information:

(1) Name and address of minor.

(2) Place and date of birth of minor, together with a statement indicating the evidence on which this is based. The place of birth need not appear on the certificate if it is obtained and kept on file by the person issuing the certificate.

(3) Sex of minor.

(4) Signature of minor.

(5) Name and address of minor’s parent or person standing in place of parent. This information need not appear on the certificate if it is obtained and kept on file by the person issuing the certificate.

(6) Name and address of employer, if minor is under 18.

(7) Industry of employer, if minor is under 18.

(8) Occupation of minor, if minor is under 18.

(9) Signature of issuing officer.

(10) Date and place of issuance.

(b)(1) We will send a certificate of age for a minor under 18 years of age to the prospective employer of the minor. That employer must keep the certificate on file at the minor’s workplace. When the minor terminates employment, the employer must give the certificate to the minor. The minor may then present the previously issued certificate to future employers as proof of age as described in Sec. 570.5.

(2) Whenever a certificate of age is issued for a minor 18 or 19 years of age it may be given to the minor by the person issuing the certificate. Every minor 18 or 19 years of age shall, upon entering employment, deliver his certificate of age to his employer for filing and upon the termination of the employment, the employer shall return the certificate to the minor.

(The information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 1215-0083.)

[41 FR 26835, June 29, 1976, as amended at 49 FR 18294, Apr. 30, 1984]
office and showing the age of the minor, or a life-insurance policy: Provided, That such other documentary evidence has been in existence at least 1 year prior to the time it is offered as evidence: And provided further, That a school record of age or an affidavit of a parent or a person standing in place of a parent, or other written statement of age shall not be accepted except as specified in paragraph (a) (3) of this section;

(3) The school record or the school-census record of the age of the minor, together with the sworn statement of a parent or person standing in place of a parent as to the age of the minor and also a certificate signed by a physician specifying what in his opinion is the physical age of the minor which shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician as to the physical age of the minor is based. If the school or school-census record of age is not obtainable, the sworn statement of the parent or person standing in place of a parent as to the date of birth of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age.

(b) The officer issuing a certificate of age for a minor shall require the evidence of age specified in paragraph (a)(1) of this section in preference to that specified in paragraphs (a)(2) and (3) of this section, and shall not accept the evidence of age permitted by either subsequent paragraph unless he shall receive and file evidence that reasonable efforts have been made to obtain the preferred evidence required by the preceding paragraph or paragraphs before accepting any subsequently named evidence: Provided, That to avoid undue delay in the issuance of certificates, evidence specified in paragraph (a)(2) of this section may be accepted, or if such evidence is not available, evidence specified in paragraph (a)(3) of this section may be accepted if a verification of birth has been requested but has not been received from the appropriate bureau of vital statistics.

29 CFR 570.8 - Issuance of a Federal certificate of age.
Section Number: 570.8
Section Name: Issuance of a Federal certificate of age.

A Federal certificate of age which shall have the effect specified in Sec. 570.5 shall be issued by a person authorized by the Administrator of the Wage and Hour Division and shall be issued in accordance with the provisions of Secs. 570.6 and 570.7 and which are designated as States in which certificates so issued shall have the force and effect specified in Sec. 570.5, except as individual certificates may be revoked in accordance with Sec. 570.11 of this subpart, are:


(b) State certificates requiring conditions or restrictions additional to those required by this subpart shall not be deemed to be inconsistent herewith.

(c) The designation of a State under this section shall have force and effect indefinitely unless withdrawal of such designation is deemed desirable for the effective administration of the Act. No withdrawal of the designation of a State under this section shall make any certificate invalid if it was issued by or under the supervision of a State agency as herein provided prior to such withdrawal.

29 CFR 570.11 - Continued acceptability of certificates of age.
Section Number: 570.11
Section Name: Continued acceptability of certificates of age.

(a) Whenever a person duly authorized to make investigations under this Act shall determine that the age of the minor as given on a certificate held by an employer subject to this Act is incorrect, he shall inform the employer and the minor of such evidence and of his intention to request through the appropriate channels that action be taken to establish the correct age of the minor and to determine the continued acceptability of the certificate as proof of age under the Act. The said authorized person shall request in writing through the appropriate channels that action be taken on the acceptability of the certificate as proof of age under the Fair Labor Standards Act and shall state the evidence of age of the minor which he has obtained and the reasons for such request. A copy of this request shall be sent to the Administrator of the Wage and Hour Division for further handling through the State agency responsible for the issuance of certificates, except that in those States where Federal certificates of age are issued, action necessary to establish the correct age of the minor and to revoke the certificate if it is found that the minor is under age shall be taken by the Administrator of the Wage and Hour Division or his designated representative.

(b) The Administrator shall have final authority in those States in which State certificates are accepted as proof of age under the Act for determining the continued acceptability of the certificate, and shall have final authority for such determination in those States in which Federal certificates of age are issued. When such determination has been made in any case, notice thereof shall be given to the employer and the minor. In those cases involving the continued acceptability of State certificates, the appropriate State agency and the official who issued the certificate shall also be notified.
Appendix D:  
Code of Federal Regulations,  
Youth Employment Provisions

9 CFR 570.12 - Revoked certificates of age.  
Section Number: 570.12  
Section Name: Revoked certificates of age.  

A certificate which has been revoked as proof of age under the Act shall be of no force and effect under the Act after notice of such revocation.

29 CFR 570.25 - Effect on laws other than the Federal child labor standards.  
Section Number: 570.25  
Section Name: Effect on laws other than the Federal child labor standards.  

No provision of this subpart shall under any circumstances justify or be construed to permit noncompliance with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this subpart.

29 CFR 570.27 - Revision of subpart B.  
Section Number: 570.27  
Section Name: Revision of subpart B.  

Any person wishing a revision of any of the provisions of this subpart may submit in writing to the Secretary of Labor a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of the petition, the Secretary believes that reasonable cause for amendment of the regulation is set forth, he shall make other provision for affording interested parties an opportunity to present their views, both in support of and in opposition to the proposed changes.

29 CFR 570.101 - Introductory statement.  
Section Number: 570.101  
Section Name: Introductory statement.  

General  

(a) This subpart discusses the meaning and scope of the child labor provisions contained in the Fair Labor Standards Act, as amended (hereinafter referred to as the Act). These provisions seek to protect the safety, health, well-being, and opportunities for schooling of youthful workers and authorize the Secretary of Labor to issue legally binding orders or regulations in certain instances and under certain conditions. The child labor provisions are found in sections 3(1), 11(b), 12, 13 (c) and (d), 15(a)(4), 16(a), and 18 of the Act. They are administered and enforced by the Secretary of Labor who has delegated to the Wage and Hour Division the duty of making investigations to obtain compliance, and of developing standards for the issuance of regulations and orders relating to: (1) Hazardous occupations, (2) employment of 14- and 15-year-old children, and (3) age certificates.  

(b) The interpretations of the Secretary contained in this subpart indicate the construction of the law which will guide him in performing his duties until he is directed otherwise by authoritative rulings of the courts or until he shall subsequently decide that his prior interpretation is incorrect.


29 CFR 570.102 - General scope of statutory provisions.  
Section Number: 570.102  
Section Name: General scope of statutory provisions.  

The most important of the child labor provisions are contained in sections 12(a), 12(c), and 3(l) of the Act. Section 12(a) provides that no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any goods produced in an establishment in or about which oppressive child labor was employed within 30 days before removal of the goods. The full text of this subsection is set forth in Sec. 570.104 and its terms are discussed in Secs. 570.105 to 570.111, inclusive. Section 12(c) prohibits any employer from employing oppressive child labor in interstate or foreign commerce or in the production of goods for such commerce. The text and discussion of this provision appear in Secs. 570.112 and 570.113. Section 3(l) of the Act, which defines the term “oppressive child labor,” is set forth in Sec. 570.117 and its provisions are discussed in Secs. 570.118 to 570.121, inclusive. It will further be noted that the Act provides various specific exemptions from the foregoing provisions which are set forth and discussed in Secs. 570.122 to 570.126, inclusive.

29 CFR 570.103 - Comparison with wage and hour provisions.  
Section Number: 570.103  
Section Name: Comparison with wage and hour provisions.  

A comparison of the child labor provisions with the so-called wage and hours provisions contained in the Act discloses some important distinctions which should be mentioned.

(a) The child labor provisions contain no requirements in regard to wages. The wage and hours provisions, on the other hand, provide for minimum rates of pay for straight time and overtime pay at a rate not less than one and one-half times the regular rate of pay for overtime hours worked. Except as provided in certain exemptions contained in the Act, these rates are required to be paid all employees subject to the wage and hours provisions, regardless of their age or sex. The fact therefore, that the employment of a particular child is prohibited by the child labor provisions or that certain shipments or deliveries may be proscribed on account of such employment, does not relieve the employer of the duties imposed by the wage and hours provisions to compensate the child in accordance with those requirements.

(b) There are important differences between the child labor provisions and the wage and hours provisions with respect to their general coverage. As pointed out in Sec. 570.114, two separate and basically different coverage provisions are contained in section 12 relating to child labor. One of these provisions (section 12(c)), which applies to the employment by an employer of oppressive
child labor in commerce or in the production of goods for commerce, is similar to the wage and hours coverage provisions, which include employees engaged in commerce or in the production of goods for commerce or employed in enterprises having employees so engaged. The other provision (section 12(a)), however, differs fundamentally in its basic concepts of coverage from the wage and hours provisions, as will be explained in Secs. 570.104 to 570.111.

(c) Another distinction is that the exemptions provided by the Act from the minimum wage and/or overtime provisions are more numerous and differ from the exemptions granted from the child labor provisions. There are only four specific child labor exemptions of which only one applies to the minimum wage and overtime pay requirements as well. This is the exemption for employees engaged in the delivery of newspapers to the consumer. 3 With this exception, none of the specific exemptions from the minimum wage and/or overtime pay requirements applies to the child labor provisions. However, it should be noted that the exclusion of certain employers by section 3(d) 4 of the Act applies to the child labor provisions as well as the wage and hours provisions.

3 Section 13(d) of the Act.

4 Section 13(d) defines “employer” to include “any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization”.


29 CFR 570.118 - Sixteen-year minimum.  
Section Number: 570.118  
Section Name: Sixteen-year minimum.

The Act sets a 16-year-age minimum for employment in manufacturing or mining occupations. Furthermore, this age minimum is applicable to employment in all other occupations unless otherwise provided by regulation or order issued by the Secretary.

29 CFR 570.126 - Parental exemption.  
Section Number: 570.126  
Section Name: Parental exemption.

By the parenthetical phrase included in section 3(l)(1) of the Act, a parent or a person standing in place of a parent may employ his own child or a child in his custody under the age of 16 years in any occupation other than the following: (a) Manufacturing; (b) mining; (c) an occupation found by the Secretary to be particularly hazardous or detrimental to health or well-being for children between the ages of 16 and 18 years. This exemption may apply only in those cases where the child is exclusively employed by his parent or a person standing in his parents’ place. Thus, where a child assists his father in performing work for the latter’s employer and the child is considered to be employed both by his father and his father’s employer, the parental exemption would not be applicable. The words “parent” or a “person standing in place of a parent” include natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent. It should further be noted that occupations found by the Secretary to be hazardous or detrimental to health or well-being for children between 16 and 18 years of age, as well as manufacturing and mining occupations, are specifically excluded from the scope of the exemption.

29 CFR 570.127 - General.  
Section Number: 570.127  
Section Name: General.

Section 15(a)(4) of the Act makes any violation of the provisions of sections 12(a) or 12(c) unlawful. Any such unlawful act or practice may be enjoined by the United States District Courts under section 17 upon court action, filed by the Secretary pursuant to section 12(b) and, if willful will subject the offender to the criminal penalties provided in section 16(a) of the Act. 35

35 Section 16(a) provides:

Any person who willfully violates any of the provisions of section 15 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

29 CFR 570.128 - Good faith defense.  
Section Number: 570.128  
Section Name: Good faith defense.

A provision is contained in section 12(a) of the Act relieving any purchaser from liability thereunder who ships or delivers for shipment in commerce goods which he acquired in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with section 12, and which he acquired for value without notice of any violation. 36

36 For a complete discussion of this subject see part 789 of this title, General Statement on the Provisions of section 12(a) and section 15(a)(1) of the Fair Labor Standards Act, as amended, relating to Written Assurances.

Website:  
http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/toc.htm
Appendix E:  
Code of Federal Regulations,  
Hazardous Occupations for Minors

Title 29:  Labor  
Chapter V: Wage and Hour Division, Department of Labor  
Part 570: Child Labor Regulations, Orders and Statements of Interpretation  
Subpart E: Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

29 CFR 570.50 - General.  
* Section Number: 570.50  
* Section Name: General.


Note: The provisions of this subpart declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture.

(a) Higher standards. Nothing in this subpart shall authorize non-compliance with any Federal or State law, regulation, or municipal ordinance establishing a higher standard. If more than one standard within this subpart applies to a single activity the higher standard shall be applicable.

(b) Apprentices. Some sections in this subpart contain an exemption for the employment of apprentices. Such an exemption shall apply only when: (1) The apprentice is employed in a craft recognized as an apprenticeable trade; (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training; (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of labor to conform substantially with such Federal or State standards.

(c) Student-learners. Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when: (1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school and; (2) Such student-learner is employed under a written agreement which provides: (i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training; (ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person; (iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and (iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

29 CFR 570.55 - Occupations involved in the operation of power-driven woodworking machines (Order 5).  
* Section Number: 570.55  
* Section Name: Occupations involved in the operation of power-driven woodworking machines (Order 5).

(a) Finding and declaration of fact. The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) Definitions. As used in this section:

(1) The term power-driven woodworking machines shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term off-bearing shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include: (i) The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (ii) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: The carrying, moving, or transporting of
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Hazardous Occupations for Minors

materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Sec. 570.50 (b) and (c).


29 CFR 570.58 - Occupations involved in the operation of power-driven hoisting apparatus (Order 7).
* Section Number: 570.58
* Section Name: Occupations involved in the operation of power-driven hoisting apparatus (Order 7).

(a) Finding and declaration of fact. The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

(1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one ton capacity.

(2) Work, which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.

(3) Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

(b) Definitions. As used in this section:

(1) The term elevator shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.

(2) The term crane shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

(3) The term derrick shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with an hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy and stiff-leg derrick.

(4) The term hoist shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum and trolley suspension hoists.

(5) The term high-lift truck shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include highlift trucks known under such names as fork lifts, fork trucks, fork-lift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of material.

(6) The term manlift shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) Exception.

(1) This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

(2) For the purpose of this exception the term automatic elevator shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

(3) For the purpose of this exception, the term automatic signal operation elevator shall mean an elevator which is
started in response to the operation of a switch (such as a lever or pushbutton) in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors—from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.


29 CFR 570.59 - Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8).
Section Number: 570.59
Section Name: Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8).

(a) Finding and declaration of fact. The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:

(i) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(ii) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(iii) All bending machines, such as apron brakes and press brakes.

(iv) All hammering machines, such as drop hammers and power hammers.

(v) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

(b) Definitions.

(1) The term operator shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term helper shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

(3) The term forming, punching, and shearing machines shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Sec. 570.50 (b) and (c).


29 CFR 570.65 - Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14).
* Section Number: 570.65
* Section Name: Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14).

(a) Findings and declaration of fact. The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(i) Circular saws.

(ii) Band saws.

(iii) Guillotine shears.

(2) The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.

(b) Definitions.

(1) The term operator shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term helper shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

(3) The term machines equipped with full automatic feed and ejection shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.
(4) The term circular saw shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

(5) The term band saw shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

(6) The term guillotine shear shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall form of shearing action, such as alligator shears or circular shears.

(c) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Sec. 570.50 (b) and (c).


29 CFR 570.66 - Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).
* Section Number: 570.66
* Section Name: Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).

(a) Finding and declaration of fact. All occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors between 16 and 18 years of age and detrimental to their health and well-being.

(b) Definition. The term wrecking, demolition, and shipbreaking operations shall mean all work, including clean-up and salvage work, performed at the site of the total or partial razing, dismantling, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.


29 CFR 570.67 - Occupations in roofing operations (Order 16).
* Section Number: 570.67
* Section Name: Occupations in roofing operations (Order 16).

(a) Finding and declaration of fact. All occupations in roofing operations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

(b) Definition of roofing operations. The term roofing operations shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) The installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

(c) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Sec. 570.50 (b) and (c). [27 FR 102, Jan. 5, 1962. Redesignated at 28 FR 1634, Feb. 21, 1963, and amended at 28 FR 3450, Apr. 9, 1963. Redesignated and amended at 36 FR 25156, Dec. 29, 1971]

29 CFR 570.68 - Occupations in excavation operations (Order 17).
* Section Number: 570.68
* Section Name: Occupations in excavation operations (Order 17).

(a) Finding and declaration of fact. The following occupations in excavation operations are particularly hazardous for the employment of persons between 16 and 18 years of age:

(1) Excavating, working in, or backfilling (refilling) trenches, except (i) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or (ii) working in trenches that do not exceed four feet in depth at any point.

(2) Excavating for buildings or other structures or working in such excavations, except: (i) Manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or (ii) working in an excavation not exceeding such depth, or (iii) working in an excavation where the side walls are shored or sloped to the angle of repose.

(3) Working within tunnels prior to the completion of all driving and shoring operations.

(4) Working within shafts prior to the completion of all sinking and shoring operations.

(b) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Sec. 570.50 (b) and (c).


Website:
Labor Code, Section 1285-1312

1285. It is the intent of the Legislature in enacting Sections 1285 to 1289, inclusive, to establish a citation system for the imposition of prompt and effective civil sanctions against violators of the laws and regulations of this state relating to the employment of minors. The civil penalties provided for in this article are in addition to any other penalty provided by law.

1286. As used in this article:
(a) “Director” means the Director of Industrial Relations or his or her designee.

(b) “Department” means the Department of Industrial Relations.

(c) “Minor” means any person under the age of 18 years who is required to attend school under Chapter 2 (commencing with Section 48200) and Chapter 3 (commencing with Section 48400) of Part 27 of the Education Code and any person under the age of six years. A person under the age of 18 years who is not required to attend school under Chapter 2 (commencing with Section 48200) and Chapter 3 (commencing with Section 48400) of Part 27 of the Education Code solely because that person is a non-resident of California shall still be considered a minor.

(d) “Labor Commissioner” means the Chief of the Division of Labor Law Enforcement, his or her deputies or agents, who shall have the authority to conduct informal hearings and determine the amount of civil penalties in accordance with this article.

(e) “Door-to-door sales” has the same meaning as “home solicitation contract or offer,” as defined in subdivision (a) of Section 1689.5 of the Civil Code, except that “door-to-door sales” is not subject to the minimum monetary limitation set forth in that subdivision.

1287. If upon inspection or investigation the director determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he may issue a citation to the person in violation. The citation may be served personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provisions, rule, or regulation alleged to have been violated.

1288. Citations issued pursuant to this article shall be classified according to the nature of the violation, and shall indicate the classification on the face thereof, as follows:

(a) Class “A” violations are violations of Section 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1308, 1308.1, or 1392, and any other violations that the director determines have a direct or immediate relationship to the health, safety, or security of minor employees, other than class “A” violations. A class “B” violation is subject to a civil penalty in an amount not less than five hundred dollars ($500) and not to exceed one thousand dollars ($1,000) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations. A second violation of Section 1391 shall be subject to a civil penalty of one thousand dollars ($1,000).

(b) Class “B” violations are violations of Section 1299 or 1308.5, or a violation of Section 1391 for the first and second time, and those other violations that the director determines have a direct or immediate relationship to the health, safety, or security of minor employees, other than class “A” violations. A class “B” violation is subject to a civil penalty in an amount not less than five hundred dollars ($500) and not to exceed one thousand dollars ($1,000) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations. A second violation of Section 1391 shall be subject to a civil penalty of one thousand dollars ($1,000).

(c) Nothing in this section shall preclude the imposition of criminal penalties provided for in this chapter.

1289. (a) If a person desires to contest a citation or the proposed assessment of a civil penalty therefor, he or she shall within 15 business days after service of the citation notify the office of the Labor Commissioner that appears on the citation of his or her request for an informal hearing. The Labor Commissioner or the commissioner’s deputy or agent shall, within 30 days, hold a hearing at which the citation or proposed assessment of a civil penalty shall be affirmed, modified, or dismissed. The decision of the Labor Commissioner shall consist of a statement of findings, findings, and order that shall be served on all parties to the hearing within 15 days after the hearing. A writ of mandate may be taken from that finding to the appropriate superior court, as long as the party agrees to pay any judgment and costs ultimately rendered by the court against the party for the assessment. The writ shall be taken within 45 days of service of the notice of findings, findings, and order thereon.

(b) A person to whom a citation has been issued, shall, in lieu of contesting a citation pursuant to this section, transmit to the office of the Labor Commissioner designated on the citation the amount specified for the violation within 15 business days after issuance of the citation.
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(c) When no petition objecting to a citation or the proposed assessment of a civil penalty is filed, a certified copy of the citation or proposed civil penalty may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the person assessed has property or in which the person assessed has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the state against the person assessed in the amount shown on the citation or proposed assessment of a civil penalty.

(d) When findings and the order thereon are made affirming or modifying a citation or proposed assessment of a civil penalty after hearing, a certified copy of the findings and the order entered thereon may be entered by the Labor Commissioner in the office of the clerk of the superior court in any county in which the person assessed has property or in which the person assessed has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the state against the person assessed in the amount shown on the certified order.

(e) A judgment entered pursuant to this section shall bear the same rate of interest and shall have the same effect as other judgments and be given the same preference allowed by law on other judgments rendered for claims for taxes. The clerk shall make no charge for the service provided by this section to be performed by him or her.

1290. No minor under the age of 16 years shall be employed, permitted, or suffered to work in any manufacturing establishment or other place of labor or employment at any time except as may be provided in this article or by the provisions of Part 27 (commencing with Section 48000) of the Education Code.

1291. Work is done for a manufacturing establishment within the meaning of this article whenever it is done at any place upon the work of a manufacturing establishment, or upon any of the materials entering into the products of a manufacturing establishment, whether under contract or arrangement with any person in charge of or connected with a manufacturing establishment directly or indirectly through contractors or third persons.

1292. No minor under the age of sixteen years shall be employed or permitted to work in any capacity in:

(a) Adjusting any belt to any machinery.
(b) Sewing or lacing machine belts in any workshop or factory.
(c) Oiling, wiping, or cleaning machinery, or assisting therein.

1293. No minor under the age of sixteen years shall be employed, or permitted, to work in any capacity in operating or assisting in operating any of the following machines:

(a) Circular or band saws; wood shapers; wood-jointers; planers; sandpaper or wood-polishing machinery; wood turning or boring machinery.
(b) Picker machines or machines used in picking wool, cotton, hair, or other material; carding machines; leather-burnishing machines; laundry machinery.
(c) Printing-presses of all kinds; boring or drill presses; stamping machines used in sheet-metal and tinware, in paper and leather manufacturing, or in washer and nut factories; metal or paper-cutting machines; paper-lace machines.
(d) Corner-staying machines in paper-box factories; corrugating rolls, such as are used in corrugated paper, roofing or washboard factories.
(e) Dough brakes or cracker machinery of any description.
(f) Wire or iron straightening or drawing machinery; rolling-mill machinery; power punches or shears; washing, grinding or mixing machinery; calendar rolls in paper and rubber manufacturing; steam-boilers; in proximity to any hazardous or unguarded belts, machinery or gearing.

1293.1. (a) Except as provided in subdivision (c) of Section 1394, no minor under the age of 12 years may be employed or permitted to work, or accompany or be permitted to accompany an employed parent or guardian, in an agricultural zone of danger. As used in this section, “agricultural zone of danger” means any or all of the following:

(1) On or about moving equipment.
(2) In or about unprotected chemicals.
(3) In or about any unprotected water hazard.

The Department of Industrial Relations may, after hearing, determine other hazards that constitute an agricultural zone of danger.

(b) Except for employment described in subdivision (a) of Section 1394, no minor under the age of 12 years may be employed or permitted to work, or accompany an employed parent or guardian, in any of the occupations declared hazardous for employment of minors below 16 years of age in Section 570.71 of Title 29 of the Code of Federal Regulations, as that regulation may be amended from time to time.
1294. No minor under the age of 16 years shall be employed or permitted to work in any capacity:

(a) Upon any railroad, whether steam, electric, or hydraulic.

(b) Upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

(c) In, about, or in connection with any processes in which dangerous or poisonous acids are used, in the manufacture or packing of paints, colors, white or red lead, or in soldering.

(d) In occupations causing dust in injurious quantities, in the manufacture or use of dangerous or poisonous dyes, in the manufacture or preparation of compositions with dangerous or poisonous gases, or in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health.

(e) On scaffolding, in heavy work in the building trades, in any tunnel or excavation, or in, about or in connection with any mine, coal breaker, coke oven or quarry.

(f) In assorting, manufacturing or packing tobacco.

(g) Operating any automobile, motorcar, or truck.

(h) In any occupation dangerous to the life or limb, or injurious to the health or morals of the minor.

1294.1. (a) No minor under the age of 16 years shall be employed or permitted to work in either of the following:

(1) Any occupation declared particularly hazardous for the employment of minors below the age of 16 years in Section 570.71 of Subpart E-1 of Part 570 of Title 29 of the Code of Federal Regulations, as that regulation may be revised from time to time.

(2) Any occupation excluded from the application of Subpart C of Part 570 of Title 29 of the Code of Federal Regulations, as set forth in Section 570.33 and paragraph (b) of Section 570.34 thereof, as those regulations may be revised from time to time.

(b) No minor shall be employed or permitted to work in any occupation declared particularly hazardous for the employment of minors between 16 and 18 years of age, or declared detrimental to their health or well-being, in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations, as those regulations may be revised from time to time.

(c) Nothing in this section shall prohibit a minor engaged in the processing and delivery of newspapers from entering areas of a newspaper plant, other than areas where printing presses are located, for purposes related to the processing or delivery of newspapers.

1294.3. Minors 14 and 15 years of age may be employed in occupations not otherwise prohibited by this chapter, including, but not limited to, the following:

(a) Office and clerical work, including the operation of office machines.

(b) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.

(c) Price marking and tagging by hand or by machine, assembling orders, packing and shelving.

(d) Bagging and carrying out customers’ orders.

(e) Errand and delivery work by foot, bicycle, and public transportation.

(f) Cleanup work, including the use of vacuum cleaners and floor waxes, and maintenance of grounds, but not including the use of power-driven mowers or cutters.

(g) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of this work, including, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milkshake blenders, and coffee grinders.

(h) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

1294.4. Nothing in this chapter shall be construed to prohibit a minor engaged in the delivery of newspapers to consumers from making deliveries by foot, bicycle, public transportation, or by an automobile driven by a person 16 years of age or older.

1294.5. (a) Minors 16 and 17 years of age may work in gas service stations in the following activities:

(1) Dispensing gas or oil.

(2) Courtesy service.

(3) Car cleaning, washing, and polishing.

(4) Activities specified in Section 1294.3.

(b) No minor 16 or 17 years of age may perform work
in gas service stations that involves the use of pits, racks, or lifting apparatus, or that involves the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(c) Minors under the age of 16 years may be employed in gas service stations to perform only those activities specified in Section 1294.3.

1295. (a) Sections 1292, 1293, 1294, and 1294.5 shall not apply to any of the following:

(1) Courses of training in vocational or manual training schools or in state institutions.

(2) Apprenticeship training provided in an apprenticeship training program established pursuant to Chapter 4 (commencing with Section 3070) of Division 3.

(3) Work experience education programs conducted pursuant to either or both Section 29007.5 and Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 of the Education Code, provided that the work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited by these sections, if parental approval is obtained, and the principal or the counselor of the student has determined that the progress of the student toward graduation will not be impaired.

(b) Section 1294.1 shall not apply to the following persons as provided by Section 570.72 of Title 29 of the Code of Federal Regulations:

(1) Student-learners in a bona fide vocational agriculture program working in the occupations specified in paragraph (1) of subdivision (a) of Section 1294.1 under a written agreement that provides that the student-learner’s work is incidental to training, intermittent, for short periods of time, and under close supervision of a qualified person, and includes all of the following:

(A) Safety instructions given by the school and correlated with the student-learner’s on-the-job training.

(B) A schedule of organized and progressive work processes for the student-learner.

(C) The name of the student-learner.

(D) The signature of the employer and a school authority, each of whom must keep copies of the agreement.

(2) Minors 14 or 15 years of age who hold certificates of completion of either a tractor operation or a machine operation program and who are working in the occupations for which they have been trained. These certificates are valid only for the occupations specified in paragraph (1) of subdivision (a) of Section 1294.1. Farmers employing minors who have completed this program shall keep a copy of the certificates of completion on file with the minor’s records.

(3) Minors 14 and 15 years old who hold certificates of completion of either a tractor operation or a machine operation program of the United States Office of Education Vocational Agriculture Training Program and are working in the occupations for which they have been trained. These certificates are valid only for the occupations specified in paragraph (1) of subdivision (a) of Section 1294.1. Farmers employing minors who have completed this program shall keep a copy of the certificate of completion on file with the minor’s records.

1295.5. (a) Notwithstanding Section 1391 of this code or Section 49116 of the Education Code, minors 14 years of age and older may be employed during the hours permitted by subdivision (b) to perform sports-attending services in professional baseball as enumerated in subsection (b) of Section 570.35 of Title 29 of the Code of Federal Regulations. No employer may employ a minor 14 or 15 years of age to perform sports-attending services in professional baseball without the prior written approval of either the school district of the school in which the minor is enrolled or the county board of education of the county in which that school district is located.

(b) Any minor 14 or 15 years of age who performs sports-attending services in professional baseball pursuant to subdivision (a) may be employed outside of school hours until 12:30 a.m. during any evening preceding a non-schoolday and until 10 p.m. during any evening preceding a schoolday. No employer may employ a minor 14 or 15 years of age to perform sports-attending services in professional baseball pursuant to subdivision (a) for more than five hours in any schoolday, for more than 18 hours in any week while school is in session, for more than eight hours in any nonschoolday, or for more than 40 hours in any week that school is not in session. An employer may employ a minor 16 or 17 years of age outside of school hours to perform sports-attending services in professional baseball pursuant to subdivision (a) for up to five hours in any schoolday.

(c) The school authority issuing the permit to the minor to perform sports-attending services in professional baseball shall both

(1) provide the local office of the Division of Labor Standards Enforcement with a copy of the permit within five business days after the date the permit is issued and (2) monitor the academic achievement of the minor to ensure that the educational progress of the minor is being maintained or improves during the period of employment.

1296. The Division of Labor Standards Enforcement may, after a hearing, determine whether any particular trade, process of manufacture, or occupation, in which the employment of minors is not already forbidden by law, or whether any particular method of carrying on the trade, process of manufacture, or occupation is sufficiently dangerous to the lives or limbs or injurious to the health or
morals of minors to justify their exclusion therefrom. No minor shall be employed or permitted to work in any occupation thus determined to be dangerous or injurious to minors. Any determination hereunder may be reviewed by the superior court.

1297. No minor under the age of 16 years shall be employed or permitted to work as a messenger for any telegraph, telephone, or messenger company, or for the United States government or any of its departments while operating a telegraph, telephone, or messenger service, in the distribution, transmission, or delivery of goods or messages, in cities of more than 15,000 inhabitants; nor shall any minor under the age of 18 years be employed, permitted, or suffered to engage in such work before 6 o'clock in the morning or after 9 o'clock in the evening. Nothing in this section shall apply to any minor employed to deliver newspapers to consumers.

1298. (a) Notwithstanding Section 1308.1, no minor under 12 years of age shall be employed or permitted to work at any time in or in connection with the occupation of selling or distributing newspapers, magazines, periodicals, or circulars.

(b) This section shall not apply to a minor who is at least 10 years of age and is engaged as a newspaper carrier on the effective date of the act adding this subdivision.

1299. Every person, or agent or officer thereof, employing minors, either directly or indirectly through third persons, shall keep on file all permits and certificates, either to work or to employ, issued under this article or Part 27 (commencing with Section 48000) of the Education Code. The files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Standards Enforcement.

1300. All certificates and permits to work or to employ shall be subject to cancellation at any time by the Labor Commissioner or by the issuing authority, whenever the commissioner or the issuing authority finds that the conditions for the legal issuance of such certificate or permit no longer exist or have never existed.

1301. (a) The provisions of this article concerning the employment of minors, and the civil penalties for violations of those provisions, shall be fully applicable to every person who owns or controls the real property upon which a minor is employed, whether or not that person is the minor’s employer, if the minor’s employment is for the benefit of the person, and the person has knowingly permitted the violation or continuation of violations.

(b) The posting of a notice pursuant to Section 49140 of the Education Code shall not operate to exempt any person from this article.

1302. The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time, enter the place of employment for the purpose of examining permits to work or to employ of all minors employed in the place of employment, or for the purpose of investigating violations of this article or of Chapter 2 (commencing with Section 48200), 3 (commencing with Section 48400), or 7 (commencing with Section 49100) of Part 27 of the Education Code. If an attendance supervisor or probation officer is denied entrance to the place of employment, or if any violations of laws relating to the employment of minors are found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. The report shall be made within 48 hours and shall be in writing, setting forth the fact that he or she has good cause to believe that these laws are being violated in the place of employment, and describing the nature of the violation.

1303. Any person, or agent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor affected by this article who violates any provision hereof, or who employs, or permits any minor to be employed in violation hereof, is guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) or imprisonment in the county jail for not more than six months, or both. Any person who willfully violates this article shall, upon conviction, be subject to a fine of not more than ten thousand dollars ($10,000) or imprisonment in the county jail for not more than six months, or both. No person shall be imprisoned under this section, except for an offense committed after the conviction of that person for a prior offense under this article.

1304. Failure to produce any permit or certificate either to work or to employ is prima facie evidence of the illegal employment of any minor whose permit or certificate is not so produced. Proof that any person was the manager or superintendent of any place of employment subject to the provisions of this article at the time any minor is alleged to have been employed therein in violation thereof, is prima facie evidence that the person employed, or permitted the minor so to work. The sworn statement of the Labor Commissioner or his deputy or agents as to the age of any child affected by this article is prima facie evidence of the age of such child.

1305. (a) All fines and penalties collected under this article, other than as the result of a judicial proceeding to enforce collection, shall be paid to the department in the form of remittances payable to the Department of Industrial Relations. The department shall transmit the payments to the State Treasurer and the payments shall be credited to the General Fund.

(b) Notwithstanding Section 1463 of the Penal Code, all fines and penalties collected in judicial proceedings to enforce their collection, except for the civil penalties that
are assessed and collected pursuant to Sections 1287, 1288, and 1289, shall be allocated pursuant to court order. The court shall direct that 50 percent of the fines and penalties assessed shall be transmitted to the county treasury, if prosecuted by the district attorney or the county counsel, or to the city treasury, if prosecuted by the city attorney, 25 percent of the fines and penalties assessed shall be transmitted to the Department of Industrial Relations to be available, upon appropriation by the Legislature, for the purpose of recovering costs incurred by the department pursuant to this chapter, and 25 percent of the fines and penalties assessed be transmitted to the Treasurer for deposit in the State Treasury to the credit of the General Fund.

1307. All minors coming within the provisions of Division 9 (commencing with Section 10501) of the Education Code shall be placed or delivered into the custody of the school district authorities of the county or city in which they are found illegally at work.

1308. (a) Any person who causes, procures, or encourages the minor to engage in any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor shall be punished by a fine not less than one thousand dollars ($1,000) and not more than five thousand dollars ($5,000), imprisonment for not exceeding six months, or both, who, as parent, relative, guardian, employer, or otherwise having the care, custody, or control of any minor under the age of 16 years, exhibits, uses, or employs, or in any manner or under any pretense, sells, apprentices, gives away, lets out, or disposes of the minor to any person, under any name, title, or pretense for, or who causes, procures, or encourages the minor to engage in any of the following:

(1) Any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor.

(2) The vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever.

(3) Any obscene, indecent, or immoral purposes, exhibition, or practice whatsoever. Notwithstanding any other provision of law, this paragraph shall apply to a person with respect to any minor under the age of 18 years.

(4) Any mendicant or wandering business.

Any person who willfully violates this section shall, upon conviction, be subject to a fine not more than ten thousand dollars ($10,000), or to imprisonment in the county jail for not more than six months, or both. No person shall be imprisoned under this section, except for an offense committed after the conviction of that person for a prior offense under this article.

(b) Nothing in this section applies to or affects any of the following:

(1) The employment or use of any minor as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music.

(2) The employment of any minor as a musician at any concert or other musical entertainment, or as a performer in any form of entertainment, on the written consent of the Labor Commissioner pursuant to Section 1308.5.

(3) The participation by any minor of any age, whether or not the minor receives payment for his or her services or receives money prizes, in any horseback riding exhibition, contest, or event other than a rough stock rodeo event, circus, or race. As used in this paragraph, “rough stock rodeo event” means any rodeo event operated for profit or operated by other than a nonprofit organization in which unbroken, little-trained, or imperfectly trained animals are ridden or handled by the participant, and shall include, but not be limited to, saddle bronc riding, bareback riding, and bull riding. As used in this paragraph, “race” means any speed contest between two or more animals that are on a course at the same time and that is operated for profit or operated other than by a nonprofit organization.

(4) The leading of livestock by a minor in nonprofit fairs, stock parades, livestock shows and exhibitions.

1308.1. (a) No minor under the age of 6 years shall be permitted to engage in the door-to-door sales or street sales of candy, cookies, flowers, or any other merchandise or commodities.

(b) No minor under 16 years of age, permitted by law to engage in door-to-door sales of newspaper or magazine subscriptions, or of candy, cookies, flowers, or other merchandise or commodities, shall be employed in those activities more than 50 miles from his or her place of residence.

1308.2. (a) Except as provided in subdivision (f), any person 18 years of age or older who transports, or provides direction or supervision during transportation of, a minor under 16 years of age to any location more than 10 miles from the minor’s residence, or directs or supervises a minor, for the purpose of facilitating the minor’s participation in door-to-door sales of any merchandise or commodity, shall register with the Labor Commissioner pursuant to this section. Registration may be renewed on an annual basis.

(b) The Labor Commissioner shall not register or renew registration of any person pursuant to this section unless all of the following conditions are satisfied:

(1) The person has executed a written application on a form prescribed by the Labor Commissioner, including all of the following:

(A) The name, address, social security number, and California driver’s license number of the applicant and the name, address, and employer identification number of
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the organization from which the merchandise to be sold is purchased. The information provided pursuant to this subparagraph shall be set forth in a declaration of the individual applicant under penalty of perjury.

(B) A statement by the applicant containing all facts required by the Labor Commissioner concerning the applicant’s character, competency, responsibility, and the manner and method by which the applicant proposes to transport the minor or minors, the number of minors to be transported, methods and levels of adult supervision to be provided, the nature of the merchandise to be sold, the content of any promotional statement to be delivered by any minor, and a description of how the merchandise or commodity to be sold would be represented to the public.

(2) The Labor Commissioner, following an investigation thereof, is satisfied as to the character, competency, and responsibility of the applicant.

(3) Each application for initial registration shall be accompanied by a fee determined by the Labor Commissioner in an amount sufficient in the aggregate to defray the division’s costs of administering the registration program, but which shall not exceed one hundred dollars ($100) for initial registration or fifty dollars ($50) for registration renewal.

(c) Any registrant under this section shall have proof of registration with the Labor Commissioner in his or her immediate possession at all times when engaged in any activity described in subdivision (a).

(d) Whenever an application for a registration or renewal is made, and application processing pursuant to this section has not been completed, the Labor Commissioner may, at his or her discretion, issue a temporary or provisional registration valid for a period not exceeding 90 days, and subject, where appropriate, to summary revocation by the Labor Commissioner. Otherwise, the conditions for issuance or renewal of registration shall meet the requirements of subdivision (b).

(e) Any person who violates subdivision (a) or (c) is guilty of a misdemeanor, punishable by a fine of one thousand dollars ($1,000) per affected minor upon the first conviction for a violation, two thousand five hundred dollars ($2,500) per affected minor for the second conviction for a violation, and ten thousand dollars ($10,000) per affected minor for a third or subsequent conviction for a violation.

(f) The following persons are not required to register under this section:

(1) A parent or the guardian of the minor.

(2) A person solely providing transportation for hire, who is not otherwise subject to the registration requirements of subdivision (a).

(3) A person acting on behalf of a trustee or charitable corporation, as defined in Sections 12582 and 12582.1, respectively, of the Government Code, or of any entity described in Section 12583 of the Government Code.

1308.3. (a) Except as provided in subdivision (g), any individual, association, corporation, or other entity that employs or uses, either directly or indirectly through third persons, minors under 16 years of age in door-to-door sales at any location more than 10 miles from the minor’s residence shall register with the Labor Commissioner pursuant to this section. Registration may be renewed on an annual basis.

(b) The Labor Commissioner shall not register or renew registration of any applicant pursuant to this section unless all of the following conditions are satisfied:

(1) The organization has executed a written application therefore on a form prescribed by the Labor Commissioner, including all of the following:

(A) The company’s name, address, and employer identification number, and the names, addresses, and social security numbers of all adults employed to supervise, accompany, or transport minors who would be engaged in door-to-door sales. The information provided pursuant to this subparagraph shall be set forth in a declaration under penalty of perjury by the applicant if an individual, or an officer of an applicant that is an association, corporation, or other entity.

(B) A statement of all the facts required by the Labor Commissioner concerning the nature of the merchandise to be offered by the applicant to minors employed or an officer of an applicant that is an association, corporation, or other entity.

(C) A copy of any written contract or other written agreement to be offered by the applicant to minors employed or used by the applicant in door-to-door sales.

(2) The Labor Commissioner, following an investigation thereof, is satisfied that the employer has not previously violated this article and does not propose to expose minors in its employ to hazardous or unsafe working conditions.

(3) Each application for initial registration shall be accompanied by a fee determined by the Labor Commissioner in an amount sufficient in the aggregate to defray the division’s costs of administering the registration program, but which shall not exceed three hundred fifty dollars ($350) for initial registration or two hundred dollars ($200) for registration renewal.

(c) Any registrant under this section shall, upon request, make available for inspection by the Labor Commissioner all of its payroll records for any period.
(d) Any registrant under this section, or person acting on behalf of a registrant, shall have proof of registration with the Labor Commissioner in his or her immediate possession at all times when engaged in any activity described in subdivision (a).

(e) Whenever an application for a registration or renewal is made, and application processing pursuant to this section has not been completed, the Labor Commissioner may, at his or her discretion, issue a temporary or provisional registration valid for a period not exceeding 90 days, and subject, where appropriate, to summary revocation by the Labor Commissioner. Otherwise, the conditions for issuance or renewal of registration shall meet the requirements of subdivision (a).

(f) Any person or entity, or any agent or officer thereof, who violates subdivision (a) or (d), and any parent or guardian who knowingly permits a minor in his or her custody to be employed in door-to-door sales specified in subdivision (a) by an unregistered person or entity, or permits any minor to be employed in violation hereof, is guilty of a misdemeanor, punishable by a fine of one thousand dollars ($1,000) per affected minor for the first conviction for a violation, two thousand five hundred dollars ($2,500) per affected minor for the second conviction for a violation, and ten thousand dollars ($10,000) per affected minor for a third or subsequent conviction for a violation.

(g) This section does not apply to any trustee or charitable corporation, as defined in Sections 12582 and 12582.1, respectively, of the Government Code, or to any entity described in Section 12583 of the Government Code.

1308.4. The Labor Commissioner may revoke, suspend, or refuse to renew any registration under Section 1308.2 or 1308.3 when any of the following have occurred:

(a) The registrant or any agent of the registrant has violated or failed to comply with Section 1308.2 or 1308.3.

(b) The registrant has made any misrepresentation or false statement in his or her application for registration under Section 1308.2 or 1308.3.

(c) The registrant has operated in a manner substantially different from the conditions of operation stated in the application for registration.

(d) The registrant, or any agent of the registrant, has been found by a court of law or the Labor Commissioner to have violated, or willfully aided or abetted any person in the violation of, any law of this state regulating the employment of minors, the payment of wages to minors, or the conditions, terms, or places of employment affecting the health and safety of minors.

(e) The registrant has been found, by a court of law or the Secretary of Labor, to have violated any provision of the child labor provisions set forth in Section 12 of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. Sec. 212).

1308.5. (a) This section, with the exception of paragraph (4) of this subdivision, shall apply to all minors under the age of 16 years. The written consent of the Labor Commissioner is required for any minor, not otherwise exempted by this chapter, for any of the following:

(1) The employment of any minor, in the presentation of any drama, legitimate play, or in any radio broadcasting or television studio.

(2) The employment of any minor 12 years of age or over in any other performance, concert, or entertainment.

(3) The appearance of any minor over the age of eight years in any performance, concert, or entertainment during the public school vacation.

(4) Allowing any minor between the ages of 8 and 18 years, who is by any law of this state permitted to be employed as an actor, actress, or performer in a theater, motion picture studio, radio broadcasting studio, or television studio, before 10 o’clock p.m., in the presentation of a performance, play, or drama continuing from an earlier hour until after 10 o’clock, to continue his part in such presentation between the hours of 10 and 12 p.m.

(5) The appearance of any minor in any entertainment which is noncommercial in nature.

(6) The employment of any minor artist in the making of phonograph recordings.

(7) The employment of any minor as an advertising or photographic model.

(8) The employment or appearance of any minor pursuant to a contract approved by the superior court under Chapter 3 (commencing with Section 6750) of Part 3 of Division 11 of the Family Code.

(b) Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the provisions of this section is guilty of a misdemeanor. Failure to produce the written consent from the Labor Commissioner is prima facie evidence of the illegal employment of any minor whose written consent is not produced.

1308.6. No consent shall be given at any time unless the officer giving it is satisfied that all of the following conditions are met:

(a) The environment in which the performance, concert,
Appendix F: California Child Labor Law

or entertainment is to be produced is proper for the minor.

(b) The conditions of employment are not detrimental to the health of the minor.

(c) The minor’s education will not be neglected or hampered by his or her participation in the performance, concert, or entertainment.

The Labor Commissioner may require the authority charged with the issuance of age and schooling certificates to make the necessary investigation into the conditions covered by this section.

1308.7. (a) No minor shall be employed in the entertainment industry more than eight hours in one day of 24 hours, or more than 48 hours in one week, or before 5 a.m., or after 10 p.m. on any day preceding a schoolday. However, a minor may work the hours authorized by this section during any evening preceding a nonschoolday until 12:30 a.m. of the nonschoolday.

(b) For purposes of this section, “schoolday” means any day in which a minor is required to attend school for 240 minutes or more.

(c) Any person or the agent or officer thereof, or any parent or guardian, who directly or indirectly violates or causes or suffers the violation of this section, is guilty of a misdemeanor punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or imprisonment in the county jail for not more than 60 days, or both.

1308.8. (a) No infant under the age of one month may be employed on any motion picture set or location unless a licensed physician and surgeon who is board-certified in pediatrics provides written certification that the infant is at least 15 days old and, in his or her medical opinion, the infant was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant’s lungs, eyes, heart, and immune system are sufficiently developed to withstand the potential risks.

(b) Any parent, guardian, or employer of a minor, and any officer or agent of an employer of a minor, who directly or indirectly violates subdivision (a), or who causes or suffers a violation of subdivision (a), with respect to that minor, is guilty of a misdemeanor punishable by a fine of not less than two thousand five hundred dollars ($2,500) nor more than five thousand dollars ($5,000), by imprisonment in the county jail for not more than 60 days, or by both that fine and imprisonment.

1308.9. (a) If the Labor Commissioner provides written consent pursuant to Section 1308.5 for the employment of a minor under a contract described in Section 6750 of the Family Code, that consent shall be void after the expiration of 10 business days from the date written consent was granted, unless it is attached to a true and correct copy of the trustee’s statement evidencing the establishment on behalf of the minor of a “Coogan Trust Account” pursuant to Chapter 3 (commencing with Section 6750) of Part 3 of Division 11 of the Family Code. If the written consent is attached to a true and correct copy of that trustee’s statement, the written consent shall be valid for a six-month period.

(b) A person may not apply for the written consent of the Labor Commissioner to employ the same minor under a contract described in Section 6750 of the Family Code more than once in any six-month period. If written consent is issued by the Labor Commissioner for the employment of the same minor more than once within any six-month period, the earliest dated written consent shall be valid and any other written consent issued during that six-month period shall be void.

1309. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody, for any of the purposes mentioned in Section 1308, any minor under the age of 16, or under the age of 18, as specified in paragraph (3) of subdivision (a) of Section 1308, is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or imprisonment for not more than six months, or both. Any person who willfully violates this section shall, upon conviction, be subject to a fine of not more than ten thousand dollars ($10,000), or to imprisonment in the county jail for not more than six months, or both. No person shall be imprisoned under this section, except for an offense committed after the conviction of that person for a prior offense under this article.

1309.5. (a) Every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of these facts that he or she should reasonably know that the person is a minor under 18 years of age, knowingly sells or distributes for resale films, photographs, slides, or magazines which depict a minor under 18 years of age engaged in sexual conduct as defined in Section 311.4 of the Penal Code, shall determine the names and addresses of persons from whom this material is obtained, and shall keep a record of these names and addresses. These records shall be kept for a period of three years after the material is obtained, and shall be kept confidential except that they shall be available to law enforcement officers as described in Section 830.1 and subdivision (h) of Section 830.3 of the Penal Code upon request.

(b) Every retailer who knows or reasonably should know that films, photographs, slides, or magazines depict a minor under the age of 18 years engaged in sexual conduct as defined in Section 311.4 of the Penal Code, shall keep a record of the names and addresses of persons from whom this material is acquired. These records shall be kept for a period of three years after the material is acquired, and shall be kept confidential except that they shall be available to law enforcement officers as described in Section 830.1 and subdivision (h) of Section 830.3 of the Penal Code upon request.
(c) The failure to keep and maintain the records described in subdivisions (a) and (b) for a period of three years after the obtaining or acquisition of this material is a misdemeanor. Disclosure of these records by law enforcement officers, except in the performance of their duties, is a misdemeanor.

1309.6. (a) Any person who violates any provision of Section 1309.5 shall be liable for a civil penalty not to exceed seven thousand five hundred dollars ($7,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

1310. Nothing in this article or Article 2 (commencing with Section 1390) of Chapter 3 shall prohibit or prevent:

(a) The appearance of any minor in any church, public or religious school, or community entertainment.

(b) The appearance of any minor in any school entertainment or in any entertainment for charity or for children, for which no admission fee is charged.

(c) The appearance of any minor in any radio or television broadcasting exhibition, where the minor receives no compensation directly or indirectly therefor, and where the engagement of the minor is limited to a single appearance lasting not more than one hour, and where no admission fee is charged for the radio broadcasting or television exhibition.

(d) The appearance of any minor at any one event during a calendar year, occurring on a day on which school attendance is not required or on the day preceding such a day, lasting four hours or less, where a parent or guardian of the minor is present, for which the minor does not directly or indirectly receive any compensation.

1311. The Division of Labor Standards Enforcement shall enforce this article.

1312. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the director.

Labor Code, Section 1390-1399

1390. As used in this article, unless the context otherwise indicates:

(a) “Horticultural” includes the curing and drying but not the canning of all varieties of fruit.

(b) “Drama” or “play” includes the production of motion picture plays.

1391. (a) Except as provided in Sections 1297, 1298, and 1308.7:

(1) No employer shall employ a minor 15 years of age or younger for more than eight hours in one day of 24 hours, or more than 40 hours in one week, or before 7 a.m. or after 7 p.m., except that from June 1 through Labor Day, a minor 15 years of age or younger may be employed for the hours authorized by this section until 9 p.m. in the evening.

(2) Notwithstanding paragraph (1), while school is in session, no employer shall employ a minor 14 or 15 years of age for more than three hours in any schoolday, nor more than 18 hours in any week, or during school hours, except that a minor enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program may be employed for no more than 23 hours, any portion of which may be during school hours.

(3) No employer shall employ a minor 16 or 17 years of age for more than eight hours in one day of 24 hours or more than 48 hours in one week, or before 7 a.m., or after 10 p.m. on any day preceding a schoolday. However, a minor 16 or 17 years of age may be employed for the hours authorized by this section during any evening preceding a nonschoolday until 12:30 a.m. of the nonschoolday.

(4) Notwithstanding paragraph (3), while school is in session, no employer shall employ a minor 16 or 17 years of age for more than four hours in any schoolday, except as follows:

(A) The minor is employed in personal attendant occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 15 (8 Cal. Code Regs. Sec. 11150), school-approved work experience, or cooperative vocational education programs.

(B) The minor has been issued a permit to work pursuant to subdivision (c) of Section 49112 and is employed in accordance with the provisions of that permit.

(b) For purposes of this section, “schoolday” means any
day in which a minor is required to attend school for 240 minutes or more.

(c) Any person or the agent or officer thereof, or any parent or guardian, who directly or indirectly violates or causes or suffers the violation of this section is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or imprisonment in the county jail for not more than 60 days, or both. Any person who willfully violates this section shall, upon conviction, be subject to a fine of not more than ten thousand dollars ($10,000) or to imprisonment in the county jail for not more than six months, or both. No person shall be imprisoned under this section, except for an offense committed after the conviction of that person for a prior offense under this article.

(d) Nothing in this section shall apply to any minor employed to deliver newspapers to consumers.

1391. Minors 16 years of age or older and under the age of 18 years enrolled in work experience or cooperative vocational education programs approved by the State Department of Education or in work experience education programs conducted by private schools may work after 10 p.m. but not later than 12:30 a.m., providing such employment is not detrimental to the health, education, or welfare of the minor and the approval of the parent and the work experience coordinator has been obtained. However, if any such minor works any time during the hours from 10 p.m. to 12:30 a.m., he or she shall be paid for work during that time at a rate which is not less than the minimum wage paid to adults.

1391.2. (a) Notwithstanding Sections 1391 and 1391.1, any minor under 18 years of age who has been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who has had an equal amount of education in a private school or by private tuition, or who has been awarded a certificate of proficiency pursuant to Section 48412 of the Education Code, may be employed for the same hours as an adult may be employed in performing the same work.

(b) Notwithstanding the provisions of the orders of the Industrial Welfare Commission, no employer shall pay any minor described in this section in his employ at wage rates less than the rates paid to adult employees in the same establishment for the same quantity and quality of the same classification of work; provided, however, that nothing herein shall prohibit a variation of rates of pay for such minors and adult employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or other reasonable differentiation, when exercised in good faith.

1392. Every person who has a minor under his or her control, as a ward or an apprentice, and who, except in household occupations, requires the minor to work more than eight hours in any one day, is guilty of a misdemeanor.

1393. (a) Notwithstanding any other provision of this article and Article 2 (commencing with Section 49110) of Chapter 7 of Part 27 of Division 4 of Title 2 of the Education Code, the Labor Commissioner may issue an exemption from laws regulating the employment of minors to employers operating agricultural packing plants that employ minors 16 and 17 years of age during any day during which school is not in session, for up to 10 hours per day during the peak harvest season. These exemptions shall only be granted if they do not materially affect the safety and welfare of minor employees and will prevent undue hardship on the employer. The Labor Commissioner may require an inspection of an agricultural packing plant prior to issuing an exemption.

(b) Any exemption granted pursuant to subdivision (a) shall be in writing to be effective, and may be revoked after reasonable notice is given, in writing, by the Labor Commissioner. Any notice of revocation shall include the reason for the revocation.

(c) An application for an exemption under subdivision (a) shall be made by an employer on a form provided by the Labor Commissioner, and a copy of the application shall be posted at the employer’s place of employment at the time the application is filed with the division.

1393.5. (a) Notwithstanding any other provision of this article or Article 2 (commencing with Section 49110) of Chapter 7 of Part 27 of the Education Code, an exemption issued pursuant to Section 1393 may authorize the employment during the peak harvest season of a minor, 16 or 17 years of age who resides in Lake County, during any day in which school is not in session for up to 10 hours per day and more than 48 hours but not more than 60 hours in any one week, only upon the prior written approval of the Lake County Office of Education.

(b) Each year, the Labor Commissioner, prior to issuing or renewing an exemption under this section, shall inspect the affected agricultural packing plant.

(c) As a condition of receiving an exemption or a renewal of an exemption under this section, an affected employer shall, on or before March 1 of each year, file a written report to the Labor Commissioner that contains the following employment information regarding the employer’s prior year’s payroll:

(1) The number of minors employed by that employer.

(2) A list of the age and hours worked on a weekly basis of each minor employed.

(d) Notwithstanding Chapter 24 (commencing with Section 7550) of Division 7 of Title 1 of the Government Code, the Labor Commissioner shall submit a written report to the Legislature, on or before March 1 of each year, that
describes the general working conditions of minors employed in the agricultural packing industry during the past year, and that includes all of the following information:

(1) The number of minors employed in the agricultural packing industry.

(2) The number of exemptions issued, renewed, or denied pursuant to this section.

(3) A summary of the inspections conducted by the Labor Commissioner pursuant to this section.

(4) The number of workplace injuries that occurred to minors at agricultural packing plants.

(5) The number of violations of labor laws and regulations that occurred at agricultural packing plants.

(e) This section shall remain in effect only until January 1, 2012, and as of that date is repealed.

1394. Nothing in this article or Article 2 (commencing with Section 1285) of Chapter 2 shall prohibit or prevent either of the following:

(a) The employment of any minor at agricultural, horticultural, viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours, when the work performed is for or under the control of his parent or guardian and is performed upon or in connection with premises owned, operated or controlled by the parent or guardian. However, nothing herein shall permit children under schoolage to work at these occupations, while the public schools are in session.

(b) The full-time employment of minors who meet all other legal employment requirements, if they are exempt from compulsory school attendance under Section 48231 of the Education Code.

1398. The Division of Labor Standards Enforcement shall enforce the provisions of this article.

1399. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the director.

Labor Code, Section 1285-1312
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=l ab&group=01001-02000&file=1285-1312

Labor Code, Section 1390-1399
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=l ab&group=01001-02000&file=1390-1399
# Appendix G: Child Labor Law State – Federal Comparison

**Source:** Child Labor Laws 2000 Pamphlet
State of California, Department of Industrial Relations, Division of Labor Standards Enforcement

## 16 and 17-Year Olds

<table>
<thead>
<tr>
<th>California Law</th>
<th>Federal Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>School Attendance</strong></td>
<td>Not required if a high school graduate or has a certificate of proficiency. If regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school at least 4 hours per week. When not regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school 15 hours per week.</td>
</tr>
<tr>
<td><strong>Permits to Work and to Employ</strong></td>
<td>Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.</td>
</tr>
</tbody>
</table>
| **Hours of Work** | Maximum Work Hours Daily: 8 hours on nonschooldays; 4 hours on a schoolday. “Schoolday” means equal to or greater than 4 hours required attendance. 5 hours per day as sports attendant Weekly: 48 hours.  
NOTE: Part-time students may work during the regular school hours of the school district, but such work may not interfere with their part-time schooling requirements. No exceptions to minimum work hour standards may be granted for these minors.  
Spread of Hours 5 a.m. – 10 p.m. (- 12:30 a.m. on days preceding a nonschoolday).  
Exceptions: Work Experience Education enrollees may work until 12:30 a.m. on any day with approval. Messengers: 6 a.m. – 9 p.m. only. High school graduates may be employed for the same hours as an adult. See text for entertainment industry employment. | “ |
| **Wages** | Must be paid at least the minimum wage established by the Industrial Welfare Commission. Must receive any applicable overtime pay. Exceptions: Parents and personal attendants (which includes babysitting and companionship services) are exempt from minimum wage and overtime requirements.  
Work Experience Education enrollees must be paid at least the adult minimum wage for any work performed between 10 p.m. & 12:30 a.m.  
High school graduates must be paid commensurate with adults. | Must be paid at least the federal minimum wage. Must be paid overtime after 40 hours in a week. Exceptions: Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards. |
### California Law

**May not be employed or permitted to work in any occupation declared hazardous in federal regulation for persons under 18:** Manufacturing and storing explosives (including small arms ammunition); motor vehicle driving and outside helper; logging and sawmilling; power-driven woodworking machines; power-driven circular saws, band saws, and guillotine shears; power-driven hoisting apparatuses (including forklifts); roofing, excavation; wrecking, demolition, and shipbreaking operations; power-driven metal-forming, punching, and shearing machines; slaughtering, or meat-packing, processing or rendering; power-driven bakery machines; power-driven paper-products machines; manufacturing brick, tile, and kindred products; coal mining; mining other than coal mining; and exposure to radioactive substances.

**Solely under state law, MAY NOT BE EMPLOYED:** In gas stations, in any work using pits, racks, lifting apparatuses, or inflating any tire mounted on a rim with a removable retaining ring. In or on that portion of an establishment primarily designed for on site consumption of alcohol. To sell alcoholic beverages for off-site consumption unless constantly supervised by a person 21 or older. To sell lottery tickets unless constantly supervised by a person 21 or older.

**NO PERMITS REQUIRED FOR:** Any self-employed minor; news carriers; and irregular odd jobs in private homes such as baby-sitting, yardwork, etc. Employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. NOTE: Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Parent employers subject to all occupational restrictions.

**LIMITED EXEMPTIONS:** Training in bona fide Work Experience Education and apprenticeship training programs. Student learners and apprentices (who must be at least 16 years of age) may be trained within specified limits in otherwise prohibited occupations involving: Power-driven woodworking machines; power-driven metal-forming, punching, and shearing machines; slaughtering or meat-packing and processing; power-driven paper-products machines; power-driven circular saws, band saws, and guillotine shears; roofing; and excavation. Training not available in any other occupations prohibited to minors under 18.

**Work hours same as all other minors except that minors employed in an agricultural packing plant may work up to 10 hours on any nonschoolday during the peak harvest season under a special extension granted to the employer by the Labor Commissioner. Minors' work performed on premises the parent/guardian owns, operates, or controls, requires no permit and has no occupational or workhour limitations, except that work may not be performed during school hours. Must be paid the wage rates provided in the applicable IWC Order. Parents exempt from wage payment requirements.**

**May be employed in "sports-attending services" at professional baseball games until 10:00 p.m. on any night preceding a schoolday, or until 12:30 a.m. on any night preceding a non-schoolday. May work up to 5 hours a day, up to 18 hours per week as a sports attendant when school is in session. May work up to 8 hours a day or a maximum of 48 hours per week when school is not in session.**

### Federal Law

**Persons under 18 who are high school graduates and who have completed a bona fide training program in a hazardous occupation may be employed in that occupation.**

**NOTE:** Parent/guardians may not employ their children in occupations declared hazardous in federal regulation for minors under 18.

**No work hour or occupational limitations.**

**Wherever state and federal standards overlap or appear to contradict, the more protective standard always applies.**

**Website:** http://www.dir.ca.gov/dlse/CLLPamphlet2000.pdf
Chapter 7: Employment of Minors

SECTION 49100-49101, Employment and Attendance

49100. No minor having a permit to work and no minor under 18 years of age, who is otherwise required by law to attend school, shall be out of school and unemployed for a period longer than 10 consecutive days while the public schools are in session, but shall enroll and attend school.

49101. The provisions of this chapter shall not apply to any minor who has been graduated from a high school maintaining a four-year course above the eighth grade of elementary schools, or who has had an equal amount of education in a private school or by private tuition, or who has been awarded a certificate of proficiency pursuant to Section 48412 of the Education Code.

SECTION 49110-49119, Permits to Work

49110. (a) It is the intent of the Legislature that school district and charter school personnel responsible for issuing work permits to pupils have a working knowledge of California labor laws as they relate to minors and be trained to provide the pupils practical personal guidance in career education.

(b) The superintendent of any school district in which any minor resides, the chief executive officer, or the equivalent position, of a charter school that a minor attends, a person holding a services credential with a specialization in pupil personnel services authorized by the superintendent or chief executive officer in writing, or a certificated work experience education teacher or coordinator authorized by the superintendent or chief executive officer in writing, may issue work permits to certain minors.

(c) A work permit shall not be issued until the written request therefore from the parent, guardian, foster parent, caregiver with whom the minor resides, or residential shelter services provider, has been filed with the issuing authority. “Residential shelter services” refers to residential and other support services provided to minors by a governmental agency, a person or agency who provides these services, an agency receiving funding from community funds, or a licensed community care facility or crisis resolution center.

(d) If the certificated person designated to issue work permits by the superintendent of a school district or the chief executive officer, or the equivalent position, of a charter school is not available, and delay in issuing a permit would jeopardize the ability of a pupil to secure work, another person authorized by the school district superintendent or the chief executive officer, or the equivalent position, of a charter school may issue the work permit.

(e) If a school district or charter school does not employ or contract with a person holding a services credential with a specialization in pupil personnel services or with a certificated work experience education teacher or coordinator, the school district superintendent or the chief executive officer, or the equivalent position, of a charter school may authorize, in writing, a person who does not hold that credential to issue work permits during periods of time in which the superintendent is absent from the district or the chief executive officer is absent from the charter school.

49110.1. The superintendent of any school district may designate the principal or other person having charge of a private school within the district, in which pupils are enrolled pursuant to Section 48222, as a person authorized to issue work permits to pupils of the school, in accordance with this chapter. Where the pupil resides in a portion of the county not under the jurisdiction of the superintendent of any school district, the county superintendent of schools may designate the principal or other person having charge of a private school as the person authorized to issue such work permits. The superintendent of the school district, or the county superintendent of schools as the case may be, shall periodically ascertain that the designated person has complied with the requirements of this chapter pertaining to issuing authorities.

49111. A permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a regular school holiday, during the regular vacation of the public school, during such time as the minor is exempt from compulsory school attendance pursuant to Section 48231, and during the period of a specified occasional public school vacation in any of the establishments or occupations not otherwise prohibited by law.

49112. (a) Except as provided in subdivisions (b) and (c), a permit to work may be issued to a minor who has completed the equivalent of the 7th grade in a public school course to work outside of school hours for a period of time not to exceed three hours in any day while school is in session if the minor is 14 or 15 years of age, or four hours in any day in which he or she is required by law to attend school if the minor is 16 or 17 years of age.

(b) Notwithstanding subdivision (a), a permit to work may be issued, at the school district’s discretion, to a minor 13 years of age if he or she has completed grade 6, has been identified by the school district in which he or she is enrolled as exhibiting the potential to drop out of school, and is a participant in an employment program that is conducted on school premises and sponsored by one or more school districts, provided the program serves to foster the development of an appreciation by the pupil of the importance of education in preparing a pupil for future education and employment. The permit shall limit...
the period any minor age 13 may work pursuant to this subdivision to two hours on any given day, up to a maximum of four hours each week.

(c) A permit to work may also be issued to a minor age 16 or older to work outside of school hours for a period of time not to exceed eight hours in any day in which the minor is required by law to attend school and which is immediately prior to a nonschool day.

(d) Nothing in this section shall apply to any minor employed to deliver newspapers to consumers.

49113. A permit to work may be issued to a minor who is under the age of 18 years and over the age of 14 years who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in Sections 51760 to 51769, inclusive.

49114. The person authorized to issue permits to work or to employ may issue to any minor a certificate of age when the minor accompanied by his parent, guardian, or other person in control or charge of the minor, presents to the authority, the evidence of age specified in this chapter. The certificate of age shall serve as a permit to employ a minor who is not by law required to attend school, and who is otherwise required to hold a permit to work.

49115. The permit to employ shall contain:
(a) The name, age, birth date, address and phone number of the minor.
(b) The place and hours of compulsory part-time school attendance for the minor or statement of exemption there from, and the hours of compulsory full-time school attendance for the minor, if the permit is issued for outside of school hours.
(c) The maximum number of hours per day and per week the student may work while school is in session.
(d) The minor’s social security number.
(e) The signature of the minor and the issuing authority.
(f) The date on which the permit expires.

49116. (a) While school is in session, an employer shall not employ a minor 14 or 15 years of age for more than three hours in any day, nor more than 18 hours in any week, nor during school hours, except that a minor enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program may be employed for no more than 23 hours, any portion of which may be during school hours.

(b) An employer shall not employ a minor 16 or 17 years of age for more than four hours in any day in which that minor is required by law to attend school for 240 minutes or more, except as follows:

(1) The minor is employed in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 15, school-approved work experience, or cooperative vocational education programs.

(2) The minor has been issued a permit to work pursuant to subdivision (c) of Section 49112 and is employed in accordance with the provisions of that permit.

(c) If evidence is shown, to the satisfaction of the authority issuing the permit to work, that the schoolwork or the health of the minor is being impaired by the employment, that authority may revoke the permit.

(d) Nothing in this section shall apply to any minor employed to deliver newspapers to consumers.

49117. All permits to work or to employ, all certificates of age, and certificates of health pursuant to this chapter, shall be issued on forms prepared and provided by the Superintendent of Public Instruction. Local school districts authorized to issue permits to work may be authorized by the Superintendent of Public Instruction to produce permits to work.

49118. Permits to work issued during the school year shall expire five days after the opening of the next succeeding school year.

49119. Nothing in this article shall require a minor to obtain a permit to work in order for such minor to participate in horseback riding exhibitions, contests or events specified in paragraph (3) of subdivision (b) of Section 1308 of the Labor Code.

SECTION 49130-49135, Permits to Work Full Time

49130. A permit to work full time may be issued to a minor under the age of 16 years and over the age of 14 years who holds a diploma of graduation from the prescribed elementary school course under both of the following circumstances:

(a) The permit expires not later than the end of the current school year.

(b) Any of the following conditions:

(1) The parent or guardian of the minor child presents a sworn statement that the parent or guardian of the minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother of the minor, the family is in need of the earnings of the minor and that sufficient aid cannot be secured in any other manner.
(2) The minor is unable to reside with his or her family and the earnings of the minor are necessary for the support of the minor.

(3) The minor is residing with a foster care provider, or guardian receiving foster care funds for the minor, if the provider or guardian obtains written authorization from the minor’s social worker, probation officer, or child protective services worker acting as an officer of the court. A permit may be issued to a minor who is subject to this paragraph only if the child’s case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to Part 6 (commencing with Section 7000) of Division 11 of the Family Code, or to enable the minor to gain knowledge of necessary work skills and work habits, and of the responsibilities related to maintaining employment. The person issuing the permit shall sign a statement that he or she, or a competent person designated by him or her, has investigated the conditions under which the application for the permit has been made and has found that, in his or her judgment, the earnings of the minor are necessary for the family to support the minor or that the earnings of the minor are necessary to support the minor and that sufficient aid cannot be secured in any other manner. Before issuing a work permit to a minor who is subject to paragraph (3) of subdivision (b), the person issuing the permit shall sign a statement that he or she has received authorization from the minor’s social worker, probation officer, or child protective services worker. A minor who applies for a work permit pursuant to this section shall be duly enrolled in a work experience education program.

49131. Notwithstanding Section 49130, 49132, or 49134 or subdivision (d) of Section 49133, a permit to work full time may be issued to a minor over the age of 16 and under the age of 18.

49132. No permit shall be issued until the minor accompanied by his parent or guardian, appears before the person authorized to issue the permit and makes application therefor.

This section shall be applicable only to minors subject to Section 49130.

49133. No permit shall be issued until the issuing authority has received, examined, approved, and filed, the following papers duly executed:

(a) The school record of the minor giving age, grade, and attendance for the current term signed by the principal or teacher.

(b) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of the minor, such as shall convince the officer that the minor is of the age required by law.

(c) The written statement from a prospective employer that work is waiting for the minor and describing the nature of the work.

(d) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that the minor has been thoroughly examined by him, and, in his opinion, is physically fit to pursue the work specified. No fee shall be charged the minor for the physical certificate.

This section shall be applicable only to minors subject to Section 49130.

49134. The parent, guardian, or custodian accompanying the minor shall make oath that his statement of the name, address, birthplace, and age of the minor as entered upon the application for the permit to work are true and correct to the best of his knowledge and belief.

This section shall be applicable only to minors subject to Section 49130.

49135. The authority issuing any permit to work full time shall immediately notify, in writing, the person in charge of the organization and maintenance of part-time continuation classes of the place of the minor’s prospective employment, and the parent or guardian of the minor shall send the minor to the classes designated.

Exceptions

49140. Every owner, tenant, or operator of a farm employing thereon as agricultural labor any parent or guardian having minor children in his immediate care and custody shall post at a conspicuous place on the property or place of employment where it may be easily read by those employed, a notice stating that minor children are not allowed to work upon the premises unless legally permitted to do so by law and unless permits to work have been secured by the minor children from duly constituted authorities. All such notices shall be printed in both the English and Spanish languages.

49141. In order that children may be disciplined and trained in habits of work and industry by their parents, guardians, or other persons standing in the place of parents, nothing in this chapter shall require a permit to work to be issued to any minor or require a permit to employ to be issued to the parent or guardian when the work or intended work to be performed by the minor is for or under the control of his parent or guardian and is performed upon or in connection with the premises owned, operated, or controlled by the parent or guardian. Nothing in this section shall be held to affect existing provisions of law which require permits to work to be issued to minors employed in manufacturing, mercantile, or similar commercial enterprises by their parents or guardians, or to do work which is otherwise forbidden by Section 1294, 1296, or 1308.5 of the Labor Code. All other provisions of law relating to compulsory education shall be effective as to the minor.

SECTION 49151, Compliance

49151. Nothing in this chapter shall be construed to repeal or in any way modify the provisions of Sections 1298, 1390, 1394, 1396, and 1397 of the Labor Code.
SECTION 49160-49165, Duties of Employer

49160. No person, firm or corporation shall employ, suffer, or permit any minor under the age of 18 years to work in or in connection with any establishment or occupation except as provided in Section 49151 without a permit to employ, issued by the proper educational officers in accordance with law.

49161. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 18 years shall keep on file all permits to employ minors under the age of 18 years during the term of the employment.

49162. The employer of any minor subject to this chapter shall send to the officer authorized to issue the permit to work a written notification of intent to employ a minor. The form of the intent to employ a minor shall be prescribed by the Department of Education and shall be furnished to the employer by the officer.

49163. The notification of intent to employ a minor shall contain:

(a) The name, address, phone number, and social security number of the minor.

(b) The name, address, phone number, and supervisor at the minor’s place of employment.

(c) The kind of work the minor will perform.

(d) The maximum number of hours per day and per week the student will be expected to work for the employer.

(e) The signatures of the parent or guardian, of the minor, and of the employer.

49164. Permits to work and to employ and certificates of age shall always be open to inspection by supervisors of attendance, probation officers, designees of the Labor Commissioner, and by officers of the Superintendent of Public Instruction. Every permit to work or to employ and every certificate of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, the Labor Commissioner, or by the person issuing the permit or certificate whenever any person authorized to inspect such permits and certificates finds that the conditions for the legal issuance of the permit or certificate of age do not exist or did not exist at the time the permit or certificate was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated, or that the minor is performing work in violation of any provision of law.

49165. Nothing in this article shall require a person to obtain a permit to employ in order for a minor to participate in horseback riding exhibitions, contests or events specified in paragraph (3) of subdivision (b) of Section 1308 of the Labor Code.

SECTION 49180-49183, Violations

49180. If upon inspection or investigation a supervisor of attendance, probation officer, or officer of the Superintendent of Public Instruction determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he shall report the violation to the Labor Commissioner. Such report shall be made within 48 hours, and shall be in writing, setting forth the fact that he has good cause to believe that such statutory provision or rule or regulation is being violated by the person. Upon receipt of the report of violation, the Labor Commissioner shall make an inspection or investigation of the violation and shall take such action as is provided in Section 1287 of the Labor Code.

49181. Failure to produce a permit to work is prima facie evidence of the illegal employment of any minor whose permit to work is not produced.

49182. Any person, firm, corporation, or agent or officer of a firm or corporation, that violates or omits to comply with any of the provisions of this chapter, or that employs or suffers any minor under 18 years of age who is too old to be subject to compulsory full-time school attendance to be employed in violation thereof, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100), nor more than four hundred dollars ($400), or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment for each and every offense.

49183. Every person authorized to sign any certificate of age or any permit to work or to employ which allows employment of any minor during or outside school hours, during a vacation of the public schools, or upon the regular school holiday who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and is punishable by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100), or imprisonment for not more than 30 days, or by both such fine and imprisonment.

CHAPTER 7. EMPLOYMENT OF MINORS

Article 1. Employment and Attendance

Article 2. Permits to Work

Article 3. Permits to Work Full Time

Article 4. Exceptions

Article 5. Compliance

Article 6. Duties of Employer

Article 7. Violations
Appendix I: California Education Code, Work Experience Education

Education Code, Section 51760-51769.5

51760. The governing board of any district maintaining a high school may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article.

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, coordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel.

(d) Provide for the district to purchase liability insurance for students enrolled in programs of study involving work experience or vocational education at locations off school grounds approved by the governing board, or require students to purchase insurance and to pass on all or a portion of the costs, at the discretion of the governing board, to the district.

51760.3. The governing board of any school district offering work experience education pursuant to the authority of Section 51760 shall grant credit to pupils satisfactorily completing a work experience education program, in an amount not to exceed a total of 40 semester credits, of which no more than 10 credits may be conferred in any one semester, provided the pupil meets all of the following requirements:

(a) At the time of enrollment, the pupil is at least 16 years of age. Pupils under the age of 16 years may receive credit for work experience education under the following conditions:

(1) The pupil is enrolled in grade 11 or a higher grade.

(2) The principal of the school in which the pupil is enrolled certifies that the pupil is in need of immediate work experience education in order to pursue employment opportunities.

(3) The principal of the school in which the pupil is enrolled certifies that there is a probability that the pupil will no longer be enrolled as a full-time pupil without being provided the opportunity to enroll in a work experience education program.

(4) The pupil’s individualized education program adopted pursuant to the requirements of Part 30 (commencing with Section 56000), prescribed by the Superintendent of Public Instruction, in order to implement the standards set forth in Section 51762.5, describes the type of training for which participation in a work experience program is deemed appropriate.

(b) During the course of the pupil’s enrollment in the program, the pupil receives as a minimum the equivalent of one instructional period per week of classroom instruction or counseling by a certificated employee. The instruction or counseling shall be offered in sessions scheduled intermittently throughout the semester.

(c) The work experience education program meets all of the requirements of law governing these programs.

51760.5. Notwithstanding Section 51760, attendance in work experience classes or programs maintained by a regional occupational center or regional occupational program shall not receive apportionments from state funds based on average daily attendance unless such classes or programs are in conformance with standards adopted pursuant to Section 52372.

A student enrolled in a vocational education class using the cooperative vocational education methodology conducted by a regional occupational center or program shall not be credited with more than 15 hours of attendance in any calendar week for purposes of the methodology.

51762. The Department of Education shall adopt any rules and regulations necessary to implement the standards set by the Superintendent of Public Instruction, in order to maintain the educational purpose and character of work experience education.

51762.5. The Superintendent of Public Instruction shall adopt standards for district plans required by subdivision (b) of Section 46300. The adopted standards shall include, but shall not necessarily be limited to, all of the following:

(a) Selection and approval of work stations.

(b) Classroom instruction.

(c) Supervision of pupils.

(d) Formal training agreements.

(e) Paid and unpaid on-the-job work experience programs.

(f) Academic credit for participation in work experience education programs.

51763. All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work experience education courses.

51764. Work experience education as authorized by this article includes the employment of pupils in part-time jobs selected or approved as having educational value for the students employed therein and coordinated by school employees.
Appendix I: California Education Code, Work Experience Education

51765. The governing board of any school district which establishes and supervises a work experience education program in which mentally retarded pupils are employed in part-time jobs may use funds derived from any source, to the extent permissible by appropriate law or regulation, to pay the wages of pupils so employed.

The Legislature hereby finds and declares that the authority granted by the provisions of this section is necessary to ensure that the work experience education program will continue to provide maximum educational benefit to students, particularly mentally retarded pupils, and that such program is deemed to serve a public purpose.

51766. Work experience education involving apprentice able occupations shall be consistent with the purposes of Chapter 4 (commencing with Section 3070), Division 3 of the Labor Code and with standards established by the California Apprenticeship Council.

51767. The governing board of any school district which maintains one or more high schools may provide for the establishment and supervision of work experience education programs in areas outside the district, either within this state or in a contiguous state.

51768. The governing board of any school district providing work experience and work study education may provide for employment under the program of pupils in part-time jobs located in areas outside the district, either within this state or in a contiguous state, and the employment may be by any public or private employer. The districts may pay wages to persons receiving the training whether assigned within or without the district and may provide workers' compensation insurance as may be necessary, but no payments may be made to or for private employers. However, wages to individuals with exceptional needs, as defined in Section 56026, may be paid to or for private employers as part of work experience programs funded through the annual Budget Act for these individuals.

51769. (a) Notwithstanding any provision of this code or the Labor Code to the contrary, the school district, county superintendent of schools, or any school administered by the State Department of Education, under whose supervision work experience education, cooperative vocational education, or community classrooms, as defined by regulations adopted by the Superintendent of Public Instruction, or a job shadowing experience, as defined in subdivision (b), or student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations for registered student apprentices, are provided, shall be considered the employer under Division 4 (commencing with Section 3200) of the Labor Code of persons receiving this training unless the persons during the training are being paid a cash wage or salary by a private employer, except in the case of registered student apprentices, when the school district, county superintendent of schools, or any school administered by the State Department of Education elects to provide workers’ compensation insurance, or unless the person or firm under whom the persons are receiving work experience or occupational training elects to provide workers’ compensation insurance. A registered student apprentice is a registered apprentice who is (1) at least 16 years of age,

(2) a full-time high school student in the 10th, 11th, or 12th grade, and (3) in an apprenticeship program for registered student apprentices registered with the Division of Apprenticeship Standards. An apprentice, while attending related and supplemental instruction classes, shall be considered to be in the employ of the apprentice's employer and not subject to this section, unless the apprentice is unemployed. Whenever this work experience education, cooperative vocational education, community classroom education, or job shadowing, or student apprenticeship program registered by the Division of Apprenticeship Standards for registered student apprentices, is under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 52301, the district of residence of the persons receiving the training shall be deemed the employer for the purposes of this section.

(b) For purposes of this section, “job shadowing experience” means a visit to a workplace for the purpose of career exploration for no less than three hours and no more than 25 hours in one semester, intersession, or summer school session.

51769.5. Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this article if all of the following occur:

(a) The work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited.

(b) Parental approval is obtained.

(c) The principal or the counselor of the student has determined that the progress of the student toward graduation will not be impaired.

Education Code, Section 51760-51769.5
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=51001-52000&file=51760-51769.5
Appendix J: California Education Code, Regional Occupation Programs

Education Code, Section 52300-52334.5

52300. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school or enroll in a career technical or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the state and national interests in providing career technical and technical education to prepare students for an increasingly technological society in which generalized training and skills are insufficient to prepare high school students and graduates, and out-of-school youth and adults for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting changing training needs as they arise.

It is recognized by the Legislature that career technical programs may achieve great flexibility of planning, scope and operation by the conduct of these programs in a variety of physical facilities at various training locations.

It is the further intent of the Legislature that regional occupational centers and programs provide career technical and occupational instruction related to the attainment of skills so that trainees are prepared for gainful employment in the area for which training was provided, or are upgraded so they have the higher level skills required because of new and changing technologies or so that they are prepared for enrollment in more advanced training programs.

52301. (a) (1) The county superintendent of schools of each county, with the consent of the state board, may establish and maintain, or with one or more counties may establish and maintain, a regional occupational center, or regional occupational program, in the county to provide education and training in career technical courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the state board and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center or program, except that if a school district also maintains 500 or more schools, its governing board may establish and maintain one or more regional occupational centers or programs, without those restrictions. A regional occupational center or program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the state board and the county superintendent of schools.

(2) The establishment and maintenance of a regional occupational center or program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. In a regional occupational center or program, the functions of the county auditor undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of the Government Code shall be performed by the county superintendent of schools in a county in which the board of supervisors has transferred educational functions from the county auditor to the county superintendent of schools pursuant to Sections 42649, as added by Chapter 533 of the Statutes of 1977, and 85265.5. If a school district or school districts establish and maintain a regional occupational center or program, pursuant to this chapter, the county superintendent of schools may, with the consent of the state board, establish and maintain a separate regional occupational center or centers or program or programs.

(b) Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 1205, and having an average daily attendance of 50,000 or more, or a single school district located in a class 2 county, as defined in Section 1205, and having an average daily attendance of 100,000 or more, may apply to the state board through the county superintendent of schools for permission to establish a regional occupational center or program. Except as provided in subdivision (c), the state board shall, within 90 days of receipt of an application, prescribe a procedure whereby the school district may establish a center or program in accordance with its application and in compliance with the provisions of the State Plan for Career Technical Education. The county superintendent of schools may supervise establishment of the center or program.

(c) (1) The state board may disapprove a waiver application submitted by a single school district pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 for permission to establish a regional occupational center or program which does not meet the requirements of this section if the state board determines that the establishment of the center or program would have an adverse effect upon existing regional occupational centers or programs located in school districts which are contiguous to the applicant school district.

(2) The state board shall establish criteria to measure adverse effect. The criteria shall include, but not be limited to, hardship on (A) school districts operating regional occupational centers or programs which are contiguous to the applicant school district and (B) students of school districts operating regional occupational centers or programs that are contiguous to the applicant school district.

(d) Notwithstanding any other provision of law, any regional occupational center or program operated by a single school district under Section 33050 shall be granted permanent status if the single school district has previously been granted two waivers from the state board to operate a single school district regional occupational center or program and the single school district maintains at least three but not more than five comprehensive high schools within the school district. The revenue limit for a regional occupational center or program established
under this subdivision shall be the lower of either: (1) the revenue limit under which the center or program operates as of January 1, 1985, or (2) the revenue limit of the school district as of January 1, 1985, except that this revenue limit shall be subject to annual percentage cost-of-living adjustments provided for regional occupational centers and programs. The governing board of the school district shall retain authority to decide whether or not to operate the regional occupational center or program under this subdivision.

52301.3. Notwithstanding subdivision (d) of Section 52301, the State Board of Education may grant permanent status to the Kern Union High School District to operate a single district regional occupational center or program, if that status is requested in writing by the county superintendent of schools of Kern County and the governing board of the Kern Union High School District.

52301.5. For the purposes of this chapter:
   (a) “California Occupational Information System” means the statewide comprehensive labor market and occupational supply and demand information system described by Section 10530 of the Unemployment Insurance Code.
   (b) “State-Local Cooperative Labor Market Information program” means that labor market information system established in Section 10533 of the Unemployment Insurance Code.
   (c) “Job market study” means a review of the existing educational programs in light of available labor market information, including occupational supply and demand, for a labor market area.
   (d) “Labor market area” means a county or aggregation of counties designated by the Employment Development Department that has one or more central core cities and that meets criteria of population, population density, commute patterns, and social and economic integration specified by the Employment Development Department.

52302. (a) On or before July 1, 2010, the governing board of each regional occupational center or program shall ensure that at least 90 percent of all state-funded courses offered by the center or program, in occupational areas in which both the program or center and the community college offer instruction, are part of occupational course sequences that target comprehensive skills. Each occupational sequence shall do all of the following:
   (1) Result in an occupational skill certificate developed in cooperation with the appropriate employer advisory board created under Section 52302.2.
   (2) Provide prerequisite courses that are needed to enter apprenticeship, or postsecondary vocational certificate or degree programs. Where possible, sequenced courses shall be linked to certificate and degree programs in the region.
   (3) Focus on occupations requiring comprehensive skills leading to high entry-level wages or the possibility of significant wage increases after a few years on the job, or both.
   (4) Offer as many courses as possible that have been approved by the University of California as courses meeting the “A-G” admissions requirements.
   (b) (1) On or before July 1, 2008, the governing board of each regional occupational center or program shall develop a plan for establishing sequences of courses, and certify to the department, that those sequences have been developed, as described in subdivision (a). The board shall consult with the superintendents of the school districts served by the center or program and presidents of community colleges in the area during the development of the plan.
   (2) The plan shall be presented at a public hearing by the governing board of each school district served by the regional occupational center or program and by the county board of education.
   (3) Community college boards with identified articulated programs shall also review the plans in a public session.
   (4) In developing the plan, each regional occupational program or center shall consult with school districts and community college districts located within the region served by the program or center and with the relevant occupational advisers and local workforce investment board to ensure the plan meets the vocational education needs of high school pupils in the region by providing sequences of courses that begin with middle or high school introductory courses, including, but not limited to, occupational skill courses provided by high schools or regional occupational programs or centers.
   (5) The plan shall maximize the use of both local, state, and federal resources in helping high school pupils enter comprehensive skill occupations, or apprenticeship programs, or continue education in college, or all of these, after graduating from high school.
   (6) The plan shall include strategies for filling gaps in courses or other services needed to make the sequences effective in meeting the needs of pupils in developing skills and attending community college upon graduation from high school.
   (7) Each center or program shall submit a copy of the approved plan to the appropriate community college or colleges in the region and the Superintendent on or before July 1, 2008. Every four years after this date, each center and program shall submit an update to the plan to the local community college or colleges and the Superintendent.
   (c) As a condition of receiving federal funds provided under the Carl D. Perkins Vocational and Applied Technology Education Act of 1998 (20 U.S.C. Sec. 2301 et seq.),
Appendix J:
California Education Code, Regional Occupation Programs

or any successor thereof, and to the extent permitted by federal law, school districts, regional occupational centers or programs, and community college districts shall do all of the following:

(1) Develop course sequences that meet the requirements of this section according to the schedule set forth in this paragraph.

(A) On or before July 1, 2008, school districts, regional occupational centers or programs, and community college districts shall have adopted an approved plan as required under this section.

(B) On or before July 1, 2009, school districts, regional occupational centers or programs, and community college districts shall have established course sequences as required under this section that include at least one-third of the courses offered by the regional occupational center or program in occupational areas in which both the program or center and the community college offer instruction.

(C) On or before July 1, 2010, school districts, regional occupational centers or programs, and community college districts shall have established course sequences as required under this section that include at least two-thirds of the courses offered by the regional occupational center or program in occupational areas in which both the program or center and the community college offer instruction.

(2) Provide pupils who are participating in vocational sequences with information and experiences designed to increase their postgraduation work and school options, including, but not limited to, all of the following:

(A) Information about the admissions requirements of the University of California and California State University.

(B) Information about the placement requirements of the local community college or colleges.

(C) Information about higher education options related to the interests of the pupil.

(D) Encourage visits to local colleges and universities offering programs that allow pupils to gain additional skills and degrees in related occupations.

(E) Information and referrals to employers for internships, summer employment opportunities, and employment after graduation from high school.

(3) School districts, regional occupational centers or programs, and community college districts that do not develop course sequences on or before the dates established under this subdivision, and have not received a waiver under subdivision (d), shall enter into a corrective action plan with the department and shall meet any timelines established by the Superintendent.

(d) (1) The department, with the assistance of the Office of the Chancellor of the California Community Colleges, shall meet with each program or center and the community college or colleges in the region no later than the 2009-10 fiscal year to validate that course sequences meeting the requirements of this section have been developed. These meetings shall be conducted using the existing resources of the department and shall be consistent with the standards developed pursuant to Section 51226.

(2) The department and the office of the chancellor shall provide technical assistance to programs or centers and community colleges that have developed articulated sequences for less than half of the courses offered by the program or center.

(3) The Superintendent may waive the requirements of subdivision (a) for programs or centers and community colleges located in rural areas of the state if the Superintendent finds that development of sequences is infeasible because of the distance, travel time, or safety between the center or program and the community college.

52302. (a) The governing board of each regional occupational center or program shall establish and maintain an employer advisory board or boards pursuant to guidelines developed by the department. The advisory board shall do all of the following:

(1) Assist in the development of skill certificates that identify the skills and knowledge that pupils completing an occupational course sequence are expected to acquire upon completing the sequence. The advisory board also shall approve the measures and criteria, and methods to evaluate whether pupils actually acquired the identified skills and knowledge.

(2) Review at least once a year whether pupils who are assessed as having met the requirements for a skill certificate possess the skills needed for success in employment in that occupation.

(3) Review the specific occupational sequences offered by the regional occupational center or program to train pupils for jobs that are in demand and offer high beginning salaries or the potential for significant wage increase after several years on the job.

(4) Assist the regional occupational center or program in developing internships, paid summer employment, and postgraduation employment opportunities for pupils participating in the course sequences.

(5) Assist the regional occupational center or program in creating college scholarships for pupils participating in the course sequences.

(b) Employer advisory boards shall be composed of representatives of trade organizations and businesses or government agencies that hire a significant number of employees each year and require the skills and knowl-
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Regional Occupation Programs

development instruction for adult students enrolled in a career technical education course conducted by the regional occupational center when it is determined that it is essential for this instruction to be given to ensure the employability of the adult student.

(b) This section shall become inoperative on June 30, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

52302.8. (a) The Legislature hereby finds and declares that vocational training resources that are provided through regional occupational centers and programs are an essential component of the state’s secondary school system and the local system of providing occupational skills training to high school pupils. For this reason, the Legislature finds and declares that these resources should be focused primarily on the needs of pupils enrolled in high school.

(b) On or before July 1, 2008, a regional occupational center or program may claim no more than 50 percent of the state-funded average daily attendance for which the center or program is eligible, for services provided to students who are not enrolled in grades 9 to 12, inclusive.

(c) On or before July 1, 2009, a regional occupational center or program may claim no more than 30 percent of the state-funded average daily attendance for which the center or program is eligible, for services provided to students who are not enrolled in grades 9 to 12, inclusive.

(d) On or before July 1, 2011, a regional occupational center or program may claim no more than 10 percent of the state-funded average daily attendance for which the center or program is eligible, for services provided to students who are not enrolled in grades 9 to 12, inclusive, and up to an additional 5 percent for CalWORKs, Temporary Assistance Program, or Job Corps participants under the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2810 et seq.) who are enrolled in Intensive Training services.

(e) Pupils who are CalWORKs, Temporary Assistance Program, or Job Corps participants shall have priority for service within the percentage limits established under subdivision (d).

(f) Notwithstanding subdivision (d), a regional occupational center or program may claim more than 15 percent of its average daily attendance for students who are not enrolled in grades 9 to 12, inclusive, if all of the students who are not enrolled in grades 9 to 12, inclusive, are CalWORKs, Temporary Assistance Program, or Job Corps participants, and if the governing board of the regional occupational center or program does all of the following:

(1) Meets with local human services directors, and representatives of adult education programs, community colleges and other institutions of higher education, to

(c) Regional occupational centers or programs operated in a rural county of the sixth, seventh, or eighth class may designate a local business or industry organization as the advisory board and consult with the leadership of the local business or industry organization to determine skill needs in the region and emerging job market needs. For purposes of this section, the local business organization may be designated as the advisory board for the regional occupational center or program.

52302.3. (a) Every career technical course or program offered by a school district or districts or county superintendent or superintendents sponsoring a regional occupational center or program shall be reviewed every two years by the appropriate governing body to assure that each course or program does all of the following:

(1) Meets a documented labor market demand.

(2) Does not represent unnecessary duplication of other job skills training programs in the area.

(3) Is of demonstrated effectiveness as measured by the employment and completion success of its pupils.

(b) Any course or program that does not meet the requirements of subdivision (a) and the standards promulgated by the governing body shall be terminated within one year.

52302.5. A regional occupational center or regional occupational program shall do all of the following:

(a) Provide individual counseling and guidance in career technical matters.

(b) Provide a curriculum that includes a sequence of academic and skill instruction in specific occupational fields leading to an approved skill certificate and vocational degree, apprenticeship, or postsecondary certificate program pursuant to paragraph (2) of subdivision (b) of Section 52302, or provide an opportunity for pupils to acquire entry-level career technical skills.

(c) Maintain a pupil-teacher ratio which will enable pupils to achieve optimum benefits from the instructional program.

(d) Assign the highest priority in services to youth from the age of 16 to 18 years, inclusive.

52302.7. (a) A regional occupational center may provide, on an individual referral basis, academic and personal
assess the needs of CalWORKs, Temporary Assistance Program, or Job Corps and federal Workforce Investment Act participants to identify alternative ways to meet the needs of these adult students.

(2) Enters into a transition plan, approved by the Superintendent, to become in compliance with subdivision (d) in accordance with benchmarks and timelines established in the transition plan. Transition plans shall be established pursuant to guidelines issued by the department, in consultation with the State Department of Social Services, and shall be resubmitted and reviewed annually.

(g) Notwithstanding subdivisions (b), (c), and (d), a regional occupational center or program that claims more than 40 percent of its students are not enrolled in grades 9 to 12, inclusive, on January 1, 2007, shall submit a letter to the Superintendent by July 1 of each year until it complies with this subdivision, outlining the goals of the regional occupational center or program to reduce the number of adult students in order to comply with subdivision (d) on or before July 1, 2013.

(h) Regional occupational centers and programs operated in a rural county of the sixth, seventh, or eighth class may exceed the number of adults by an additional 10 percent of the limits established in subdivisions (b), (c), and (d).

(i) For purposes of this calculation, adult average daily attendance attributable to continuously enrolled grade 12 pupils who have not passed the high school exit examination pursuant to Section 60851 is excluded from the calculation under this section. Any and all amounts that may become available from any reductions resulting from the enactment of this section shall be redirected to other regional occupational centers or programs to serve additional secondary pupils.

(j) The governing boards of a community college district and a regional occupational center or program may enter into contractual agreements under which the center or program provides services to adult students of the community college district affected by this section if both of the following are satisfied:

(1) The agreements conform to state regulations and audit requirements jointly developed by the Chancellor of the Office of the California Community Colleges and the State Department of Education, in consultation with, and subject to approval by, the Department of Finance.

(2) Any course offered for adults pursuant to an agreement entered into pursuant to this subdivision is limited to the same cost per student to the state as if the course were offered at the regional occupational center or program. This subdivision does not authorize the apportionment of funds for community colleges for adult students in excess of the revenue limit for regional occupational centers or programs if a course is deemed eligible for college credit.

(k) A regional occupational center or program that fails to meet a timeline established under subdivision (d) or (g) shall meet with the community college, adult education program, or other adult service to identify alternative means of meeting the needs of adult students and shall enter into a corrective action plan administered by the department. The corrective action plan shall be submitted to guidelines issued by the department and shall be submitted to the department annually for review.

52302.9. Regional occupational centers and programs may jointly establish, operate, and share the enrollments and costs of career technical education instruction with adult education programs offered by school districts serving the same geographic area. These programs shall be approved by the State Board of Education and the county superintendent of schools and shall be subject to guidelines established by the Superintendent of Public Instruction. These programs shall also be funded at the adult revenue limit amount provided pursuant to Section 42238.

52303. "Regional occupational program,” as used in this chapter, means a sequence of career technical or technical training programs that meet the criteria and standards of instructional programs in regional occupational centers and are conducted in a variety of physical facilities that are not necessarily situated in one single plant or site.

52304. Subsequent to completing the survey required by Section 52302 and prior to establishing a regional occupational center or program authorized by Section 52301, the appropriate governing board, boards, or county superintendent of schools, as the case may be, shall determine whether or not the survey and analysis made pursuant to Section 52302 justifies the proposed skill training, and shall further determine whether the skill training will be offered through a regional occupational center or program, or through a contract with an approved private postsecondary school pursuant to the provisions of Section 8092.

52304.1. The governing board of each school district maintaining a high school shall annually review and assess the participation of pupils in grades 11 and 12 in regional occupational centers and programs. The governing board shall prepare an annual plan to increase the participation of these pupils unless it determines that there are no additional pupils enrolled in the district who would benefit from this participation.

The governing board shall conduct public hearings for purposes of reviewing the participation of these pupils and for the adoption of the plan required under this section.

52305. A regional occupational center or regional occupational program may:

(a) Be established pursuant to Section 52301 to provide day, including Saturday and Sunday, and evening full-
time and part-time career technical education programs for minors and adults, the year around.

(b) Include within its career technical training programs, the establishment and operation of a sheltered workshop.

(c) Permit the establishment and operation of business, commercial, trade, manufacturing, or construction activities as will best serve the aims and purposes of career technical education. These activities shall also permit the sale of products or services to private or public corporations or companies, or to the general public.

52306. (a) Any business, commercial, trade, manufacturing, or construction activity referred to in subdivision (c) of Section 52305 may be undertaken as part of a regional occupational center or program provided all the following conditions have been complied with:

(1) Any facility or program operated pursuant to this section shall be only for the education or training of students enrolled in a regional occupational center or program.

(2) The facility or program shall be operated on a non-profit basis, with all revenues restricted in their use to cover instructional and operating costs.

(3) Notwithstanding any other provision of law, the facility or program initially shall obtain the approval of the appropriate trade associations concerned with the activity proposed and the approval of the county labor council in the county in which the facility or program is located.

(b) An activity conducted by a regional occupational center or program, as described in subdivision (a), may be conducted without the need to apply for or obtain local business licenses or permits, nor shall the activity be subject to payment of local business taxes.

Notwithstanding any other provision of law, proceeds from business activities authorized in this section may, subject to the approval of the governing board, be deposited in a checking account or accounts by each regional occupational center or program and disbursed for the necessary expenses of those business activities. The account shall be established by the regional occupational center or program and be in the custody of the principal or other administrative official designated by the governing board or the county superintendent of schools, as the case may be. The principal or administrative official shall be responsible for all expenditures therefrom, subject to regulations prescribed for this purpose by the governing board or the county superintendent of schools, as the case may be. An exact accounting of receipts and disbursements shall be made to the district or county accounting office within a reasonable period of time. The governing board or the county superintendent of schools, as the case may be, shall provide for an audit of these accounts on a regular basis.

(c) Attendance of students in any business, commercial, trade, manufacturing, or construction activity referred to in subdivision (c) of Section 52305, at any regional occupational center or regional occupational program, shall be credited to that facility or program for the purposes of apportionment from the State School Fund.

52307. To the extent feasible, in establishing programs pursuant to subdivision (c) of Section 52305, efforts shall be made to work cooperatively with sheltered workshops which are located in the area of such programs.

52308. A regional occupational center or program may lease buildings of not more than one story or equipment for a term not to exceed 10 years, subject to an extension for a period not to exceed 10 years, without complying with any other provision of this code relating to the lease of school buildings or equipment.

52309. (a) The curriculum initially provided by a regional occupational center or regional occupational program upon commencing operation shall be subject to the approval of the department and shall comply with all requirements and standards set forth in the State Plan for Career Technical Education. The department shall approve regional occupational centers only after giving due consideration to career technical education opportunities offered by community colleges serving the same geographical area. The State Board of Education shall adopt rules and regulations establishing guidelines and criteria for differentiating between courses appropriate for regional occupational centers or regional occupational programs and those appropriate for high schools.

(b) The Superintendent of Public Instruction shall prepare and distribute by April 1, 1977, and thereafter maintain, a detailed handbook for use by the local educational agencies and regional councils established pursuant to Section 8020. The handbook shall contain course approval criteria, job market study criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals.

(c) Notwithstanding subdivision (a), the curriculum provided by a regional occupational center or program shall not be subject to the approval of the department as to any curriculum that is certified, by resolution of the governing body of the regional occupational center or program, to comply with the course approval criteria set forth in the handbook described in subdivision (b).

52310. Credits earned from courses completed in a regional occupational center or regional occupational program may be applied toward fulfillment of requirements for a high school diploma. A governing board of a district maintaining a regional occupational center may confer a high school diploma upon any pupil who attends a regional occupational center maintained by the district full time and has satisfactorily completed the prescribed course of study of the school district of residence or the
course of study prescribed by the county superintendent of schools, school district, or school districts, as the case may be, maintaining such center.

52310.5. (a) Each regional occupational program or center shall be maintained by, and subject to the authority and control of, its governing board.

(b) The governing board of a regional occupational program or center maintained by a single school district is the governing board of the school district.

(c) The governing board of a regional occupational program or center maintained by a county superintendent of schools is the county board of education.

(d) The governing board of a regional occupational program or center established by two or more school districts pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, shall consist of at least one member of the governing board of each of the school districts cooperating in the regional occupational program or center, the member to be selected by the governing board of the district represented by that member.

(e) Any other cooperative agreement established after 1965 to establish a regional occupational program or center pursuant to

Section 52301 shall have a governing board which shall consist of at least one member of the governing board of each of the school districts cooperating in the regional occupational program or center. Each member is to be selected by the governing board of the district represented by that member.

(f) The governing board of a regional occupational center maintained by either a single school district or a county is not entitled to an additional stipend merely to carry out governance of the operations of the regional occupational center or program.

52311. Each regional occupational center shall be established at a readily accessible place selected to serve the pupils who will attend the center. The county superintendent of schools or district or districts, as the case may be, maintaining, or participating in the operation of, the center may provide necessary transportation to the pupils attending such center.

52312. For the purposes of this chapter the county superintendent of schools, the governing board of the school district, or the governing boards of school districts establishing a regional occupational center, or regional occupational program, may acquire a site for each regional occupational center or regional occupational program maintained by him or the district, or districts, as the case may be, and may plan, construct, purchase, or lease buildings therefor, and may purchase or lease furniture, equipment, fixtures, and other personal property therefor.

52313. The county superintendent of schools or governing board of a school district or districts, as the case may be, maintaining a regional occupational center, or regional occupational program, may and expend grants from the federal government or from other public or private sources for the purposes of this chapter.

52314. (a) (1) Except as provided in subdivision (b), any pupil eligible to attend a high school or adult school in a school district subject to the jurisdiction of a county superintendent of schools operating a regional occupational center or regional occupational program, and who resides in a school district which by itself or in cooperation with other school districts, has not established a regional occupational center, or regional occupational program, is eligible to attend a regional occupational center or regional occupational program maintained by the county superintendent of schools. Any school district which in cooperation with other school districts maintains a regional occupational center, or regional occupational program, or any cooperating school districts may admit to the center, or program, any pupil, otherwise eligible, who resides in the district or in any of the cooperating districts. Any school district which by itself maintains a regional occupational center, or regional occupational program, may admit to the center, or program, any pupil, otherwise eligible, who resides in the district. No pupil, including adults under Section 52610 shall be admitted to a regional occupational center, or regional occupational program, unless the county superintendent of schools or governing board of the district or districts maintaining the center, or program, as the case may be, determines that the pupil will benefit therefrom and approves of his or her admission to the regional occupational center or regional occupational program.

(2) Adult students shall not be enrolled in regional occupational center or program courses during the school day on a high school campus unless specifically authorized by the policy of the governing board of the school district.

(3) A pupil may be admitted on a full-time or part-time basis, as determined by the county superintendent of schools or governing board of the school district or districts maintaining the center, or program, as the case may be.

(b) A pupil is not eligible to be admitted to a regional occupational center or program, and his or her attendance shall not be credited to a regional occupational center or program, until he or she has attained the age of 16 years, unless the pupil meets one or more of the following conditions:

(1) The pupil is enrolled in grade 11 or a higher grade.

(2) The pupil received a referral and all of the following conditions are met:
(A) The pupil is referred to a regional occupational center or program as part of a comprehensive high school plan that has been approved by a school counselor or school administrator. The approval of the pupil's parents or guardian may be sought but is not required.

(B) The pupil's comprehensive high school plan requires referral to a regional occupational center or program as part of a sequence of vocational courses that allows the pupil to learn a comprehensive skill occupation that culminates in earning a postsecondary vocational certificate or diploma or its equivalent.

(C) The pupil is enrolled in a school that maintains any of grades 9 to 12, inclusive.

(3) The individualized education program of a pupil adopted pursuant to the requirements of Chapter 4 (commencing with Section 56300) of Part 30 prescribes occupational training for which his or her enrollment in a regional occupational center or program is deemed appropriate.

(4) The pupil is enrolled in grade 10 and has a comprehensive high school plan that has been approved by a school counselor, and the admission of that pupil will not result in the denial of admission or displacement of pupils in grades 11 and 12 that would otherwise participate in the regional occupational center or program.

(c) (1) Each school district, county superintendent of schools, or joint powers agency that maintains a regional occupational center or regional occupational program shall submit to the department, at the time and in the manner prescribed by the Superintendent, the enrollment and average daily attendance for each grade level and the enrollment and average daily attendance for each exemption set forth in subdivision (b).

(2) The department shall submit this information to the education and budget committees of the Legislature, the Legislative Analyst’s Office, and the Director of Finance by April 1 of each year for the preceding school year.

52315. (a) Any visually impaired, orthopedically impaired, or deaf person who is not enrolled in a regular high school or community college program may attend a regional occupational center or regional occupational program pursuant to the requirements described in Section 52314.5. Additional special instruction and support services shall be provided to these persons.

(b) If the Superintendent determines that there would be a duplication of effort to these impaired persons if a regional occupational center or regional occupational program provided services to them, in that other programs exist that are available to them, the Superintendent may disapprove of the curriculum to provide programs to these impaired persons pursuant to Section 52309 and of any state funding made available pursuant to Section 41897 for these purposes.

52316. Any pupil enrolled in grade 10, 11, or 12, and who is also attending a regional occupational center or regional occupational program may be excused from attending courses in physical education by the governing board of the school district maintaining grade 10, 11, or 12, and in which the pupil is enrolled, if attendance upon such classes results in hardship because of travel time involved. If a pupil is excused from physical education classes pursuant to this section, the minimum school day for him in his regular high school is 180 minutes.

52317. The governing board of any regional occupational center or program operated by a joint powers agency, a single district, or a county superintendent of schools maintaining a county regional occupational center or program, may admit to its programs or classes, on a full-time or part-time basis, any person who can benefit from the program or class, including a person who does not reside in the attendance area of the center or program, if there are openings in the program or class. For purposes of this section, an interdistrict attendance agreement shall not be required for out-of-district enrollments.

Under no circumstances shall any person be enrolled in a regional occupational center or program pursuant to this section in a manner which contradicts delineation of function agreements.

Notwithstanding Section 51769 of the Education Code and Section 3368 of the Labor Code, regional occupational centers or programs or school districts within the area controlled by regional occupational centers or programs offering training to pupils residing outside its attendance area, shall provide for workers’ compensation for pupils enrolled in a community classroom program.
52319. Whenever the establishment and maintenance of a regional occupational center by two or more school districts has been undertaken pursuant to an agreement entered into in accordance with the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, and the terms of the agreement so authorize, provision may be made for the issuance of bonds for construction and other capital expenditure for the regional occupational center. An election shall be called, held, and conducted in the manner provided in Chapter 3 (commencing with Section 5330) of Part 4 of Division 1 of Title 1 on the question of the approval of the issuance of such bonds. If, at the election, the requisite number of voters cast their ballots in favor of the issuance of bonds, the bonds shall be issued and sold in the manner provided by law for the issuance and sale of bonds of a high school district. The issuance and sale of such bonds shall be deemed to be an act of the governing board of a high school district.

The total amount of bonds issued shall not exceed one-half of 1 percent of the taxable property of the area served by the regional occupational center as shown by the last equalized assessment roll of the county or counties which the center serves, and as modified pursuant to Section 41201.

Bonds issued and sold pursuant to this section shall be retired from proceeds of the tax under the provisions of Section 52317.

52320. For the purposes of receiving advances of funds from the county treasury only, a regional occupational center shall be deemed to be a school district.

52321. (a) (1) A regional occupational center or program established and maintained by school districts or joint powers agencies pursuant to Section 52301 shall receive in annual operating funds from each of the participating school districts an amount per unit of average daily attendance equal to the revenue limit received by those districts for each unit of average daily attendance generated in the regional occupational center or program.

(2) A regional occupational center or program established and maintained by a county superintendent of schools pursuant to Section 52301 shall receive funding pursuant to Section 2550. A county superintendent of schools shall report average daily attendance to the Superintendent for that funding.

(b) A regional occupational center or program is authorized to budget and accumulate an amount necessary to meet the cashflow needs of the regional occupational center or program known as a general reserve, and is authorized also to budget and accumulate amounts known as the designated fund balance and as the unappropriated fund balance. Alternatively, a center or program may budget and accumulate amounts necessary to meet its long-term program needs in a separate account known as the capital outlay and equipment replacement reserve account, and this account shall be part of the designated fund balance. At the end of each school year, the ending balance in the regional occupational center or program account may be distributed to any of the general reserve, designated fund balance, and unappropriated fund balance accounts, provided that the combined total distributed does not exceed 15 percent of the expenditures for the current school year.

1. The general reserve, the designated fund balance, including the capital outlay and equipment replacement reserve account, and the unappropriated fund balance shall be available for appropriation only after approval by a majority vote of the governing body of the regional occupational center or program.

2. Funds of a regional occupational center or program shall be distributed to the capital outlay and equipment replacement reserve account only upon adoption by the governing board of a resolution specifying the general use to which each appropriation from the account would be put.

(c) (1) At the end of each school year, the combined ending balances of the general reserve, the designated fund balance, except the capital outlay and equipment replacement reserve account, and the unappropriated fund balance shall not exceed 15 percent of the expenditures for the current fiscal year.

(2) A regional occupational center or program may accumulate, over a period of two or more school years, an ending balance in the capital outlay and equipment replacement reserve account of more than 15 percent of the expenditures for the current fiscal year, under provisions of a resolution of the governing board pursuant to paragraph (2) of subdivision (b).

(d) Funds placed in either the general reserve, the designated fund balance, including the capital outlay and equipment replacement reserve account, or the unappropriated fund balance shall be expended only for regional occupational center or program educational purposes.

(e) The Superintendent shall require an annual certification by school districts, county superintendents of schools, and joint powers agencies commencing in the 2007-08 fiscal year that the regional occupational center or program funds have been expended as provided in this section. The Superintendent shall withhold from the apportionment of a subsequent fiscal year, any ending fund balance in excess of 15 percent of the expenditures for the year, except those funds specifically set aside by the governing board in the capital outlay and equipment replacement reserve account.

52322. The State Board of Education shall make provision in allocating any funds received from the federal government pursuant to Public Law 576 of the 90th Congress to include regional occupational centers and programs that comply with the requirements of this chapter.
52323. No instruction shall be given in a regional occupational center except by a qualified teacher holding a certificate issued pursuant to Chapter 2 (commencing with Section 44200) of Part 25 of Division 3 of this title.

52324. Units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in the centers, or programs, during the fiscal year by 175. Attendance in regional occupational centers, or regional occupational programs, operated under subdivision (a) of Section 52305 shall be considered pupil's attendance under this section, but attendance in regional occupational centers, or regional occupational programs, under subdivision (b) of Section 52305 shall not be so considered.

As used in this section, “school district” includes each of those districts which are cooperating in the maintenance of the center or program, with the approval of the county superintendent of schools, pursuant to Section 52307, and units of average daily attendance of pupils residing in the school district shall be credited to the school district.

52324.5. For the purpose of crediting attendance for apportionments from Section A of the State School Fund during the fiscal year, any person who is concurrently enrolled in a nonpublic high school and in a regional occupational center or program operated under subdivision (a) of Section 52305 and maintained by a district or districts shall be classified as a regular student enrolled in a regular high school program, notwithstanding Section 52610.

For the purposes of this section, a nonpublic high school is a school which satisfies the requirements of Section 48222 if such school is exempt from taxation under Section 214 of the Revenue and Taxation Code, and if instruction in such school is given through grade 12.

52324.6. (a) Any regional occupational program shall be eligible to apply for apportionments as a necessary small regional occupational program under this section if it is a regional occupational program with an annual total average daily attendance of 350 or less in the prior fiscal year, and the regional occupational program provides instructional service to a comprehensive high school or schools that have an average daily attendance in grades 9 to 12, inclusive, during the fiscal year of 350 or less.

A necessary small regional occupational program may apply for a small school regional occupational program service allocation pursuant to this section for any or all of the comprehensive high schools within its boundaries that have an average daily attendance of 350 or less during the fiscal year, and at which instruction is provided by the regional occupational program.

The county superintendents of schools shall annually certify the eligibility of a regional occupational program as a necessary small regional occupational program and annually certify the eligibility of all comprehensive high schools within the boundaries that have been selected by the necessary small regional occupational program to receive small school regional occupational program service allocations.

(b) The Superintendent of Public Instruction shall annually allocate small school regional occupational program service funding, in accordance with the schedule prescribed in this subdivision, for any and all comprehensive high schools that are certified as eligible and are selected in accordance with subdivision (a). Regional occupational programs that do not certify the employment of the minimum number of full-time equivalent certificated employees at each school shall have the total small school regional occupational program service allocation for that school reduced by a pro rata amount, based on the percentage of employee service provided in comparison to the total number of regional occupational program employees required for full funding. Full-time equivalency for purposes of this subdivision shall be equal to six teaching periods of comprehensive high school.

The small school regional occupational program service allocation shall be adjusted annually by the same percentage cost-of-living adjustment applied to other regional occupational center and program revenue limits.

(c) (1) If a regional occupational program applies for funding under this section, the regional occupational program shall certify to the Superintendent of Public Instruction all concurrently enrolled average daily attendance generated during the previous year in each school to which small school regional occupational program service funds were allocated under subdivision (b). The average daily attendance certified under this subdivision shall be subtracted from the regional occupational program’s prior year total allowable average daily attendance, and the remainder shall become the current year allowable regional occupational program average daily attendance for all concurrently enrolled students and concurrently enrolled students from schools not funded under subdivision (b). This calculation shall be completed the year a regional occupational program applies to become a necessary small regional occupational program or the year that the eligible regional occupational program selects any comprehensive high school defined in subdivision (a) to receive a small school regional occupational program service allocation.

(2) In the fiscal year that an eligible regional occupational program selects to remove a certified comprehensive high school from the small school regional occupational program service allocation funding or when the comprehensive high school no longer qualifies under the provisions of subdivision (a), the superintendent shall allocate a sum equal to the average of the prior two years’ annual regional occupational program average daily attendance for the comprehensive high school multiplied by either the statewide average revenue limit per average daily attendance or the revenue limit per average daily attendance of the regional occupational program, whichever is greater, to the revenue limit of the eligible regional occupational program.
In addition, the superintendent shall raise the prior year’s annual concurrently enrolled average daily attendance for all schools not funded under subdivision (b) of the eligible small school regional occupational program an amount equal to the average of the prior two years’ annual regional occupational program average daily attendance for the comprehensive high school. This adjusted allowable average daily attendance shall be the new base upon which growth is calculated for nonconcurrently enrolled students and concurrently enrolled students from high schools not funded under subdivision (b), within an eligible regional occupational program.

Total annual apportionments for regional occupational programs that qualify for funding under this section as necessary small regional occupational programs shall be calculated in accordance with the following formula:

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\text{Total annual apportionment for a necessary small ROP} = \frac{\text{Total small school ROP service allocations to selected comprehensive high schools of 350 or less average daily attendance pursuant to subdivision (b)} + \text{Reported allowable average daily attendance pursuant to subdivision (c) multiplied by either the statewide average ROP revenue limit or the ROP revenue limit, whichever is greater}}{\text{One day of attendance}}
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Nothing in this section shall be construed to require eligible regional occupational programs to apply for funding under this section.

In fiscal years subsequent to the 1989-90 fiscal year, the prior year’s apportionment under this section shall be annually adjusted by the same cost-of-living increase provided to regional occupational programs through the standard apportionment system.

A day of attendance for pupils enrolled in a regional occupational center or program is 180 minutes of attendance.

The governing board of any district maintaining a regional occupational center may establish a bookstore on district property for the purpose of offering for sale textbooks, workbooks, supplementary textbooks and workbooks, school supplies, stationery supplies, confectionary items, and related auxiliary school supplies and services.

The governing board may establish a bookstore fund into which the proceeds derived from the operation of a regional occupational center bookstore may be transferred. Moneys in a bookstore fund shall be deposited or invested in one or more of the following ways:

- Deposits in a bank or banks, or other institution, whose accounts are federally insured.
- Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, provided the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation.
- Purchase of United States securities pursuant to subdivision (a) of Section 16430 of the Government Code.
- Proceeds from the operation of a regional occupational center bookstore and to receive those funds in accordance with procedures established by the board.

All necessary expenses, including salaries, wages and costs of capital improvements may be deducted from the revenue of a regional occupational center bookstore. Net proceeds from the operation of a regional occupational center bookstore shall be used for the general benefit of the student body as determined by the governing board. Income from a regional occupational center bookstore shall not be included in the district revenue limit. Funds derived from the operation of a regional occupational center bookstore shall be subject to audit pursuant to Section 41020.

52327.5. Each governing board establishing or maintaining a regional occupational center or program pursuant to Section 52310.5 shall meet the requirements set forth in Sections 35145, 41010, 41011, 41015, 41020, 42103, 51040, 51041, 51050, and 51056.

52328. (a) Any school district, located in whole or in part in a county contiguous with the Republic of Mexico, or any county superintendent of schools of a county contiguous with the Republic of Mexico, which maintains a regional occupational center may enter into a student exchange agreement with a trade and technical training school located in the Republic of Mexico. Such student exchange agreement shall permit Mexican students to take all or part of their occupational training in the Mexican trade and technical school.

(b) In computing the average daily attendance of the regional occupational center, the Superintendent of Public Instruction shall include any Mexican students in attendance if all of the following conditions are met:

- The student exchange agreement provides as nearly as practicable for the exchange of students on a one-for-one basis between the regional occupational center and the trade and technical school.
- The educational services provided the United States students in Mexico are at least equivalent in quality to the services provided in the regional occupational center.
- The student exchange agreement has been approved.
52329. The governing board of a school district located in a county, or the county superintendent of schools maintaining a regional occupational program in a county, any of the boundaries of which are contiguous to the State of Arizona, may enter into an agreement with a public or private educational agency located in that state to provide to students living in the district and enrolled in a regional occupational program, career technical or technical training which, due to geographical isolation, is not otherwise available to these students.

The program of training at the public or private educational agency shall be approved by the Superintendent of Public Instruction of California and shall conform to the California State Plan for Career Technical Education.

The attendance of pupils receiving career technical or technical training at a public or private educational agency as authorized by this section shall be included in the computation of average daily attendance as prescribed by Sections 52324 and 52325, and shall be credited to the county school service fund of the county of residence. In no event, however, shall the county school service fund be credited with more than one unit of average daily attendance per calendar year on account of a pupil participating in a program authorized by this section.

52330. The governing board of any school district or the county superintendent of schools that is operating or jointly operating a regional occupational center or program may establish and maintain regional occupational center or regional occupational program classes in industrial or school facilities located outside of the school district or the jurisdiction of the county superintendent of schools, respectively, for the purpose of providing training for students enrolled in such a center or program.

The governing board of a school district or the county superintendent of schools shall notify the Superintendent of Public Instruction, prior to the establishment of classes pursuant to this section, of the proposed establishment.

52331. A regional occupational program or center, established pursuant to Section 52301, may contract with a community college district to provide career technical education instruction and services for students enrolled, or seeking to enroll, in a regional occupational center or program. The instruction and services shall comply with the requirements and standards for regional occupational programs and centers as set forth in the State Plan for Career Technical Education.

52334. Indirect costs charged to regional occupational centers and programs may not exceed that of the school district or county office of education, as appropriate, prior year indirect cost rate as approved by the State Department of Education.

The indirect costs charged by county offices of education and school districts that provide regional occupational centers and programs services on behalf of the county office of education or joint powers authority, when added together, may not exceed the indirect cost rate approved by the State Department of Education for the county office of education or the school district, whichever is higher.

Revenue limit funds apportioned to a county office of education or school district for regional occupational centers and programs must be expended on programs and services offered by the regional occupational centers and programs.

52334.5. (a) Within existing resources, the department shall conduct monitoring reviews of each regional occupational center or program at least once every four years for compliance with applicable state laws and regulations, to provide focused and targeted technical assistance and support, and to assist with the remediation of identified deficiencies.

(b) The department, in consultation with local regional occupational centers or programs, shall develop a monitoring instrument focused on all of the following:

(1) The regional occupational center or program administration and instructional programs.

(2) The alignment of curriculum with standards.

(3) The sequencing of courses in a pathway articulated with middle schools, campus-based secondary school courses, and postsecondary educational institutions.

(4) Teacher credentials.

(5) Counseling and guidance.

(6) Business and industry involvement.

(7) Local labor market review.

(8) Required actions of local governing boards.

(9) Other components determined by the Superintendent.

Education Code, Section 52335-52335.6

52335. Commencing with the 1988-89 fiscal year, funds for regional occupational centers and programs shall be apportioned in accordance with this article.
For purposes of this article, “ROC/P” means regional occupational center or program.

52335.1. From funds appropriated in the annual Budget Act for that purpose, the Superintendent of Public Instruction shall apportion funds for ROC/Ps according to the following priorities:

(a) Apportionments for necessary small ROC/Ps pursuant to Section 52324.6.

(b) Apportionments for ROC/P revenue limits pursuant to Section 52335.2.

52335.12. (a) As a condition of receiving additional funding based on average daily attendance, the regional occupational center or program shall report annually to the department the academic and workforce preparation progress of the secondary pupils enrolled in the center or program. Indicators to measure that progress shall include, but are not limited to, the Standardized Testing and Reporting (STAR) Program, pursuant to Article 4 (commencing with Section 60640) of Part 3; the high school exit examination, pursuant to Chapter 5 of Part 3; and other indicators of academic and workforce preparation success, such as reduced dropout rates, workforce preparation, increased matriculation into postsecondary educational institutions, and other measures as determined by the department.

(b) This section shall become effective only when the longitudinal data on pupils enrolled in regional occupational centers and programs can be disaggregated from the California longitudinal pupil achievement data system (CALPADs) database, established pursuant to Chapter 10 (commencing with Section 60900) of Part 3.

(c) On or before October 1, 2007, the department shall submit to the Department of Finance a detailed proposal for the implementation of the outcome reports required in subdivision (a). The proposal shall identify the specific data elements to be collected and the costs associated with the data collection and preparation of the report. The department shall consult with the Department of Finance and the office of the Legislative Analyst during the development of this proposal.

52335.2. The Superintendent of Public Instruction shall calculate a revenue limit for each ROC/P in the following manner:

(a) Calculate a base revenue limit per unit of average attendance for the current fiscal year as follows:

(1) Divide the revenue limit for the prior year computed pursuant to this section by the annual units of average daily attendance funded in the prior year pursuant to subdivisions (c) and (d).

(2) Increase the amount computed in paragraph (1) by the percentage inflation adjustment specified in the Budget Act for the current fiscal year multiplied by the statewide average ROC/P revenue limit per unit of average daily attendance for the prior fiscal year.

(b) Calculate a revenue limit per unit of average daily attendance for program growth by increasing the revenue limit per unit of average daily attendance for program growth computed pursuant to this subdivision for the prior fiscal year by the percentage inflation adjustment specified in the Budget Act for the current fiscal year.

(c) Multiply the amount computed pursuant to subdivision (a) by the lesser of the ROC/P’s annual units of average daily attendance for the current fiscal year or the ROC/P’s annual units of funded average daily attendance for the prior fiscal year.

(d) Subtract the ROC/P’s annual units of funded average daily attendance for the prior fiscal year from the ROC/P’s annual units of average daily attendance for the current fiscal year and multiply the difference by the amount computed pursuant to subdivision (b).

If the product computed pursuant to this subdivision is negative, it shall be deemed to be zero.

(e) Except as provided in Section 52335.3, the Superintendent of Public Instruction shall apportion to the ROC/P the sum of the amounts computed pursuant to subdivisions (c) and (d).

(f) The average daily attendance used for purposes of this section shall not include the average daily attendance in schools receiving funding pursuant to Section 52324.6.

(g) Any state funds made available as a result of local property tax revenues deducted pursuant to Section 52335.3 shall be allocated to each ROC/P in an equal amount per unit of funded average daily attendance and shall not be included in the calculation of the base revenue limit made pursuant to subdivision (a) for the subsequent fiscal year.

(h) Before making the calculations described in subdivisions (c) and (d) to determine the amount to be apportioned to each ROC/P pursuant to subdivision (e) for the 1998-99 fiscal year, average daily attendance for the 1997-98 fiscal year shall be adjusted by a factor equal to the number one minus the quotient of the number of units of that ROC/P’s 1996-97 average daily attendance for absences excused pursuant to subdivision (b) of Section 46010, as that subdivision read on July 1, 1996, divided by that ROC/P’s total 1996-97 average daily attendance.

52335.3. The Superintendent of Public Instruction shall deduct from the amount computed pursuant to subdivision (e) of Section 52335.2 for each ROC/P operated by a county office of education any local revenue that would
otherwise be deemed restricted and not available for expenditure in the current fiscal year pursuant to subdivision (e) of Section 2558. Any local revenue so deducted shall be used by the county office for support of the ROC/P.

52335.4. The Superintendent of Public Instruction shall determine each ROC/P's share of funded growth average daily attendance by computing the sum of subdivisions (a), (b), and (c):

(a) Subtract the ROC/P's annual units of funded average daily attendance for the prior year from the ROC/P's annual units of funded average daily attendance for the second prior year. If the amount computed pursuant to this subdivision is negative, it shall be deemed to be zero.

(b) Allocate 25 percent of the allowable growth average daily attendance funded in the Budget Act to low participation ROC/Ps, pursuant to criteria established by the Superintendent of Public Instruction.

(c) (1) Subtract the statewide sum of the growth average daily attendance computed pursuant to subdivisions (a) and (b) from the allowable growth in average daily attendance funded in the Budget Act. If the amount computed is negative, it shall be deemed to be zero.

(2) (A) Calculate the ROC/P's pro rata share of the funded growth average daily attendance calculated pursuant to paragraph (1), based on the prior year average daily attendance in grades 9 to 12, inclusive, for the school districts served by the ROC/P in relation to the total statewide prior year average daily attendance in grades 9 to 12, inclusive. For purposes of the calculation required by this paragraph, the Superintendent of Public Instruction shall use the average daily attendance reported for the second principal apportionment of the prior year.

(B) In calculating the pro rata share of funded growth average daily attendance, the Superintendent of Public Instruction shall ensure that each ROC/P is provided at least 10 units of allowed growth average daily attendance pursuant to subdivisions (b) and (c).

(d) (1) It is the intent of the Legislature that each ROC/P use its share of funded growth average daily attendance provided pursuant to this section to serve pupils in grades 9 to 12, inclusive, unless the governing board or governing boards of the school district or districts overseeing the ROC/P determine that the needs of pupils in grades 9 to 12, inclusive, have been met.

(2) It is the intent of the Legislature that, if a determination is made pursuant to paragraph (1) that the needs of pupils in grades 9 to 12, inclusive, have been met, then the governing board or governing boards of the school district or districts overseeing the ROC/P may authorize the ROC/P to use its share of funded growth average daily attendance provided pursuant to this section to serve adults.

52335.5. In the event that the funds appropriated for purposes of this article are insufficient to fully fund the apportionments herein authorized, the Superintendent of Public Instruction shall reduce the amounts computed pursuant to Section 52335.2 for each ROC/P based on equal amounts per unit of average daily attendance, consistent with the following priorities:

(a) First priority shall be given to fully funding average daily attendance that is less than or equal to the average daily attendance funded in the prior fiscal year.

(b) Second priority shall be given to fully funding each ROC/P's share of funded growth average daily attendance determined pursuant to Section 52335.4.

(c) Third priority shall be given to funding current year annual average daily attendance that exceeds the sum of the average daily attendance specified in subdivisions (a) and (b).

52335.6. For purposes of allocating allowable growth average daily attendance to low participation ROC/Ps, the Superintendent of Public Instruction shall:

(a) Calculate for each ROC/P the prior year average daily attendance in grades 9 to 12, inclusive, for the school districts served by the ROC/P.

(b) Divide the funded average daily attendance of the ROC/P for the prior year by the amount calculated in subdivision (a).

(c) Divide the statewide funded ROC/P average daily attendance for the prior year by the prior year statewide average daily attendance in grades 9 to 12, inclusive.

(d) For each ROC/P where the amount calculated in subdivision (b) is less than the amount calculated in subdivision (c), calculate the ROC/P's pro rata share of allowable growth daily attendance for low participation ROC/Ps, based on the average daily attendance needed by the ROC/P to be at the percentage of participation calculated in subdivision (c) in relation to the total of average daily attendance needed by low participation ROC/Ps for each ROC/P to be at the percentage of participation calculated in subdivision (c).

EDUCATION CODE, SECTION 52300-52343.5
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=52001-53000&file=52300-52343.5

EDUCATION CODE, SECTION 52335-52335.6
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=52001-53000&file=52335-52335.6
Appendix K:  
Work Experience Education 
Sample Training Agreement

General and Vocational Training Plan and Agreement
Work Experience Education Program

NAME OF HIGH SCHOOL ___________________________ NAME OF STUDENT ___________________________ SOCIAL SECURITY NUMBER ___________________________

STUDENT WILL:
1. Enter the program to learn as much as possible about job information, skills, and attitude.
2. Keep regular required attendance.
3. Complete and return all forms and reports when due. (Time cards and employer evaluations are due towards the end of each school marking period.)
4. Consult the Work Experience Coordinator before quitting or changing jobs.
5. Attend the related instruction classes and complete all assignments.

PARENT OR GUARDIAN WILL:
1. Authorize student’s enrollment.
2. Assist the student in complying with the above statements for which he/she is responsible.
3. Give permission for students age 16 and 17 to work between 10:00 p.m. and 12:30 a.m. when necessary.

WORK EXPERIENCE COORDINATOR WILL:
1. Make periodic visits to place of employment.
2. Provide work experience class instruction.
3. Assist student to improve his/her job performance and to help him/her solve job related problems.
4. Assign a grade and grant credit based upon: a) successful job performance; b) completion of all related instruction assignments; and c) prompt submittal of all forms and reports.

EMPLOYER WILL:
1. Provide a continuing job, reserving the right to terminate employment for just case.
2. Pay at least the minimum wage with proper deductions.
3. Retain a copy of a valid work permit (necessary for all students under 18 years of age).
4. Ensure responsible supervision of the working student in order that he/she may obtain maximum educational and occupational experience from the job.
5. Adhere to all federal and state regulations regarding employment child labor laws, and other applicable regulations.
6. Provide, as required by law, workers compensation for all students receiving pay for work. California State Education Code No. 5995.
Name of insurance: _____________________________ (Workers Compensation carrier)
7. Periodically evaluate student’s progress.
8. Describe student’s five most important job duties:
   i. __________________________________________
   ii. _________________________________________
   iii. _________________________________________
   iv. _________________________________________
   v. _________________________________________
9. Put an “X” in the boxes next to the two job duties listed above where improvement is needed (if applicable).
10. Describe two new job duties that should be learned for a raise or a promotion (if applicable):
    i. __________________________________________
    ii. _________________________________________

NON-DISCRIMINATION POLICY: (a) No person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of age, sex, sexual orientation, gender ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an “educational institution” or any other “local agency,” defined in Article 2 of this chapter, which is funded directly by, or that receives or benefits from any state financial assistance.

X ______________________________ ____________ ______________ X ______________________________
Employer’s Signature Phone Date Student’s Signature

___________________________________________ X ________________________________________________
Name of Employer’s Place of Business Parent/Guardian’s Signature

___________________________________________ X ________________________________________________
Address of Employer’s Business Coordinator

IMPORTANT: All copies must be returned to the coordinator before being distributed!
PINK COPY: EMPLOYER YELLOW COPY: STUDENT WHITE COPY COORDINATOR
Appendix L:  
ROP Community Classroom and Cooperative  
Vocational Education Sample Training Agreements  

49er REGIONAL OCCUPATIONAL PROGRAM  
COOPERATIVE VOCATIONAL EDUCATION  
TRAINING AGREEMENT  

This agreement is being initiated by Steve Dotan, Instructor for the 49er R.O.P. Construction Technology course.  

This agreement is entered into this _____ day of ______, 2008, by and between the 49er Regional Occupational Program, hereinafter referred to as “County” and the following business partner, hereinafter referred to as “Company.”

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Work Site Supervisor Name</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>City, State, Zip</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

In an effort to provide a quality job training experience for the student, the County and Company, agree to the following:

1. Company agrees to provide practical instruction and paid training for students who are enrolled in the County training program and who are qualified and acceptable to the Company.

2. Company reserves the right to terminate the student if the student does not perform satisfactorily under the same terms and conditions as applied to all of the Company’s employees or if the Company determines at any time that no suitable training for the student is available. The Company will notify the County, through the instructor, prior to or immediately upon any decision to terminate the student.

3. The Company agrees to the following conditions prior to training/employing the student:
   a. Provide Workers’ Compensation Insurance.
   b. Pay student at minimum wage or greater.
   c. Have on file a Work Permit for any student under the age of 18.
   d. Employ students a minimum of 8 hours per week on a regularly scheduled basis between the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday. Any exception to this schedule must be approved by the R.O.P. Instructor.
   e. Provide supervision by a designated employee who must be physically present while the student is in attendance.
   f. Consult the instructor assigned to each student by County regarding problems that may arise pertaining to student’s training performance and behavior.

4. The Company and County shall work jointly in performing the following:
   a. Provide supervision and a written plan of training activities that insure that assigned students will receive educational benefits from the work experience that are consistent with the course curriculum.
   b. Maintain accurate records of the student’s attendance and wages paid while training. Student work hours should be regularly scheduled and must not exceed 15 hours per week for R.O.P. attendance reporting purposes.
   c. Provide quarterly written performance ratings on each student performing training activities. The County shall provide the Company with the performance rating forms.
   d. Instruct students as to Company’s rules and regulations to be adhered to while performing training activities.
   e. Counsel each student regarding problems that may arise pertaining to the student’s training performance or behavior.
   f. Provide desirable training conditions that will not endanger the health, safety or welfare of students, including protection from discrimination and sexual harassment.

5. No student shall be denied participation in the 49er Regional Occupational Program by either County or Company because of race, color, religion, sex, national origin, age, disability or political affiliation.

Either party may terminate this agreement at any time upon written notice to the other party.

This agreement shall be in effect for the 2007/2008 school year. All above provisions are agreed to by:

Randi Scott, Executive Director  
49er Regional Occupational Program

Company Representative Signature/Title

Date

White: ROP Administration  
Canary: Jobsite  
Pink: Instructor

Revised 07/06  
49er Regional Occupational Program  
240 Nevada Street, Auburn, CA 95603  
(530) 888-6240

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Appendix L:
ROP Community Classroom and Cooperative Vocational Education Sample Training Agreements

49er REGIONAL OCCUPATIONAL PROGRAM
JOINT VENTURE AGREEMENT

This agreement is being initiated by Steve Dolan, Instructor for the 49er R.O.P. Construction Technology course.

This agreement is entered into this ___ day of ___, 2008, by and between the 49er Regional Occupational Program, hereinafter referred to as “County” and the following business partner, hereinafter referred to as “Company.”

Company Name | Phone
---|---
Address, City, State, Zip | Work Site Supervisor Name
Mailing address if different from above | Title

In an effort to provide a quality job training experience for the student, the County and Company, agree to the following:

1. Company agrees to provide training stations and practical instruction for County sponsored students who are enrolled in the program and therefore considered “special employees” of the County and who are qualified and acceptable to Company. Company may reject students who are not qualified or are otherwise not acceptable.

2. Company may terminate the training of any student if the student does not perform satisfactorily, or if Company determines at any time that no suitable training is available. Company will advise County prior to taking such action.

3. Company shall not compensate students for any training activities.

4. The Company shall provide a thorough orientation about the work site and direct supervision by a designated employee who must be physically present at the training site while the student is in attendance.

5. County, pursuant to the provision of Education Code Section 51769, shall be considered the employer under Division 4, commencing with Section 3200 of the Labor Code, and therefore agrees to secure Worker’s Compensation Insurance for students during their training activities. The County agrees to accept all financial responsibility for Worker’s Compensation Insurance claims under the terms of this policy.

6. The County shall provide direct supervision for students in the classroom and general supervision while they are under the direct supervision of a designated Company employee at the training site.

7. The County and the Company shall separately assume the responsibility for any property damage or loss caused by the student’s actions whenever the student is under their direct supervision.

8. The Company and County shall work jointly in performing the following:

   a. Assign students to training stations that provide experiences consistent with the course curriculum.
   b. Provide supervision and a written plan of training activities that ensure that assigned students may receive maximum education benefits.
   c. Maintain accurate records of the student’s attendance and job skills performed while at their training site.
   d. Instruct students as to Company’s rules and regulations to be adhered to while performing training activities.
   e. Counsel each student regarding problems that may arise pertaining to the student’s training performance or behavior.
   f. Provide desirable training conditions that will not endanger the health, safety or welfare of students, including protection from discrimination and sexual harassment.
   g. Provide quarterly written performance ratings on each student performing training activities. The County shall provide the Company with the performance rating forms.

9. The Company shall:

   a. Consult the instructor assigned to each student by County regarding problems that may arise pertaining to student’s training performance and behavior.
   b. Permit the instructor of each student to observe the student while performing training activities hereunder.
   c. Not utilize the services of any students pursuant to this agreement to displace or replace any Company employee or impair existing contracts for services.

10. No student shall be denied participation in the 49er Regional Occupational Program by either County or Company because of race, color, religion, sex, national origin, age, disability or political affiliation.

11. Either party may terminate this agreement at any time upon written notice to the other party.

This agreement shall be in effect for the 20___/20___ school year. All above provisions are agreed to by:

Randi Scott, Executive Director
49er Regional Occupational Program

Company Representative Signature/Title

Date

White: ROP Administration Canaan: Instructor Pink: Jobsite
Appendix M:

Facts for Employers

Safer Jobs for Teens

“Most teens are enthusiastic and eager to learn. They make my work a lot of fun. But teens can be injured on the job when they don’t receive adequate safety training and supervision.”

—Scott Silver
Operations Manager, Oakland Zoo

“Having young people at work gives us a chance to remind everybody that safety is important. We have really focused on our safety program. We haven’t had any serious injuries this year, and we’re saving over 25% in workers’ comp costs!”

—Michele Clark-Clough
The Youth Employment Partnership

Labor Occupational Health Program
University of California, Berkeley

2008

Provided to you by Cal-OSHA Reporter - www.ca-osh.com

Six Steps to Safer Teen Jobs

Each year 70 teens under 18 die from work injuries in the U.S. About 77,000 are injured seriously enough to require emergency room treatment. Keep safety in mind! There’s a lot that employers can do to prevent injuries to their teen workers. The measures you take to keep teens safe will help protect all employees. Begin by following these steps:

1. Know the Law

- Understand the California child labor laws. These prohibit teens from working late and/or long hours, and doing especially dangerous work.

- Understand Cal/OSHA’s workplace safety and health regulations. These are designed to protect all employees, including teens, from injury.

2. Check Your Compliance

- Make sure teen employees are not assigned work schedules that violate the law, or given prohibited job tasks like operating heavy equipment or using power tools.

- See later sections of this factsheet for more information.

3. Make Sure Teens Have Work Permits

- Workers under 18 must apply for work permits at their school or school district office before beginning a new job. Work permits are not required for those who have graduated from high school or passed the high school equivalency exam.

4. Stress Safety to Supervisors

- Make sure frontline supervisors who give teens their job assignments know the law.

- Encourage supervisors to set a good example. They are in the best position to influence teens’ attitudes and work habits.

5. Set Up a Safety and Health Program

- Make sure all jobs and work areas are free of hazards. The law requires you to provide a safe and healthy workplace.

- Under Cal/OSHA regulations, every workplace must have an Injury and Illness Prevention Program. Involve every worker in the program, including teens.

- Find out if there are simple low-cost safety measures that can prevent injuries.

6. Train Teens To Put Safety First

- Give teens clear instructions for each task, especially unfamiliar ones. Provide hands-on training on the correct use of equipment. Show them what safety precautions to take. Point out possible hazards. Give them a chance to ask questions.

- Observe teens while they work, and correct any mistakes. Retrain them regularly.

- Encourage teens to let you know if there’s a problem or directions are unclear. Make sure teens feel free to speak up.

- Prepare teens for emergencies—accidents, fires, violent situations, etc. Show them escape routes and explain where to go if they need emergency medical treatment.

- Supply personal protective equipment when needed—goggles, safety shoes, masks, hard hats, gloves, etc. Be sure that teens know how to use it.

Labor Occupational Health Program, UC Berkeley, 2008

Provided to you by Cal-OSHA Reporter - www.cal-osha.com
What Work Does the Law Prohibit Teens From Doing?

The lists below give the major restrictions. There are other restrictions depending on the industry and the worker’s age. Also, there are limited exemptions for youth under 18 who are in apprenticeship and student-learner programs. Go to www.dir.ca.gov/DLSE and click on “child labor” for more information.

In California, workers under 18 MAY NOT:

- Drive a motor vehicle on public streets as a main part of the job, or work as an outside helper on a motor vehicle
- Operate power-driven machinery:
  - meat slicers
  - bakery machines (including dough mixers)
  - box crushers/compactors
  - woodworking machines
  - metalworking machines
  - punches
  - hoists
  - forklifts
  - circular saws
  - band saws
  - guillotine shears
- Handle, serve, or sell alcoholic beverages
- Be exposed to radioactive substances or ionizing radiation
- Work in:
  - wrecking or demolition
  - excavation
  - logging or sawmills
  - roofing, or work that involves going on or near the roof
  - manufacturing brick or tile
  - manufacturing or storage of explosives
  - mining
  - meat packing or processing
- Mix, load, or apply Category I pesticides

Also, workers under 16 MAY NOT:

- Work in building or construction
- Work in manufacturing or food processing
- Do any baking activities
- Cook (except with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that automatically lower and raise the baskets).
- Do dry cleaning or work in a commercial laundry
- Work on a ladder or scaffold
- Work in a freezer or meat cooler
- Load or unload trucks, railroad cars, or conveyors
- Work in a warehouse (except as a clerical)
- Dispense gas or oil
- Clean, wash, or polish cars
- Use power-driven lawn mowers

What Hours May Teens Work in California?

This table shows the hours teens may work in California. (Some school districts may have more restrictive regulations. Also, there are some exceptions for teens in Work Experience Education programs.)

<table>
<thead>
<tr>
<th>Ages 14 and 15</th>
<th>Ages 16 and 17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Hours</td>
<td>Work Hours</td>
</tr>
<tr>
<td>7 am–7 pm, from Labor Day–June 1</td>
<td>5 am–10 pm when there is school the next day</td>
</tr>
<tr>
<td>Not during school hours</td>
<td>5 am–12:30 am when there is no school the next day</td>
</tr>
<tr>
<td>7 am–9 pm, from June 1–Labor Day</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Hours</th>
<th>Maximum Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 hours a week, but not over:</td>
<td>48 hours a week, but not over:</td>
</tr>
<tr>
<td>3 hours a day on school days</td>
<td>4 hours a day Monday–Thursday</td>
</tr>
<tr>
<td>8 hours a day Saturday–Sunday and holidays</td>
<td>8 hours a day Friday–Sunday and holidays</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Hours</th>
<th>Maximum Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 hours a week</td>
<td>48 hours a week</td>
</tr>
<tr>
<td>8 hours a day</td>
<td>8 hours a day</td>
</tr>
</tbody>
</table>

Ideas From Employers

- A California zoo assigns each new teen worker a “buddy” or mentor. Sometimes this is a more experienced teen worker. This mentor answers questions, helps give hands-on training, and offers safety tips.

- A retail clothing chain with many young employees uses role playing regularly at monthly safety meetings. Workers enact specific health and safety problems that have come up, and develop solutions.

- At one chain of convenience stores, young employees are issued different colored smocks, based on age. This lets the supervisors know at a glance who is not allowed to operate the electric meat slicer.

- An employer in the fast-food industry, with 8,000 young workers in five states, developed a computerized tracking system to ensure that teens aren't scheduled for too many hours during school weeks.

- One major grocery store chain includes teen workers on the safety committee, which conducts safety inspections, reviews employee injuries, and make suggestions for prevention.

Labor Occupational Health Program, UC Berkeley, 2008

Provided to you by Cal-OSHA Reporter - www.cal-osh.com

Compliance Checklist for Employers

This checklist can help you determine whether you are in compliance with the most important California child labor laws and Cal/OSHA regulations. The list is not complete, and is not intended as legal advice. Other sections of this factsheet give more information on the issues covered here.

**Labor Laws**

- Employees under 18 do not work too many hours, too late, or too early.
- Employees under 18 do not do any hazardous work prohibited by child labor laws.
- Employees under 16 do not do any of the tasks prohibited for their age group.
- All employees under 18 have valid work permits which were issued by their school district office (or other agencies designated by the district). (Not required for those who have graduated from high school or passed the equivalency exam.)
- All employees (including teens) are covered by workers’ compensation.
- Employees (including teens) receive at least the California minimum wage—$8.00 an hour. (City minimum wages may be higher.) In some cases, employers can pay less than minimum wage during the first 160 hours of work, if the worker has no previous similar experience. For more information, (888) ASK-WAGE (275-9243).

**Cal/OSHA Regulations**

- There is an Injury and Illness Prevention Program (IIPP) for your workplace.
  - The program includes:
    - Information and training for all workers about possible hazards, given in a language they understand.
    - A system for workers to report hazards without fear of being fired or punished.
    - A system for inspecting the workplace and correcting hazards promptly.
    - Training for supervisors.
  - You meet the key requirements of the Hazard Communication standard:
    - All containers of toxic materials are labeled with the chemical name, hazard warnings, and name and address of the manufacturer.
    - Employees are trained about chemicals they work with, potential hazards, and protective measures.
    - Material Safety Data Sheets (MSDSs) for all chemicals in your worksite are easily accessible to workers.
- You provide all safety and protective equipment that employees need.

**Note:** Cal/OSHA also has many specific regulations covering electrical hazards, fire safety, fall protection, machinery, etc. See Resources for Information and Help in this factsheet.

Labor Occupational Health Program, UC Berkeley, 2008

Provided to you by Cal-OSHA Reporter - www.cal-osha.com
Resources for Information and Help

About health and safety:

- Cal/OSHA Consultation Service, California Dept. of Industrial Relations. Provides free, confidential advice and assistance to employers.
  (800) 963-9424

- Cal/OSHA Web Site (Division of Occupational Safety and Health, California Dept. of Industrial Relations). Has publications and searchable Cal/OSHA standards.
  www.dir.ca.gov

- California Chamber of Commerce. Has publications to assist with compliance.
  (800) 331-8877
  www.calchamber.com/store

- Labor Occupational Health Program (LOHP), U.C. Berkeley. Has a Young Workers Project and a library open to the public.
  (510) 642-5507
  www.lohp.org

- Labor Occupational Safety and Health Program (LOSHE), UCLA. Has a Young Workers Project.
  (310) 794-5964
  www.loshe.ucla.edu

About wages or child labor laws:

- Division of Labor Standards Enforcement, California Dept. of Industrial Relations. Enforces state labor laws.
  (415) 703-5300
  www.dir.ca.gov/labor_law.html

- Wage and Hour Division, U.S. Dept. of Labor. Enforces federal labor laws.
  (866) 4-USWAGE (487-9243)
  www.dol.gov

About workers’ compensation:

- Division of Workers’ Compensation, California Dept. of Industrial Relations. Has Information and Assistance offices statewide.
  (800) 736-7401
  www.dir.ca.gov

How Can I Hire Teens From a Training Program?

- Work Experience Education, School-to-Career, or Academy Programs. Call your high school or school district office. Ask for the Work Experience Educator or school-to-career coordinator.

- Regional Occupational Programs or Centers (ROP/C). Call your high school or school district office and ask about trade-specific programs in your area.

- Apprenticeship Programs. Call the Division of Apprenticeship Standards Headquarters at (415) 703-4920 to find out about apprenticeship programs for specific trades in your area.

- Local job training and placement programs. Call your local Workforce Investment Board (WIB). Ask about community training programs.
Appendix N:  
Workers’ Compensation  
Law

Labor Code Section 3700-3709.5
3700. Every employer except the state shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this state.

(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

(c) For any county, city, city and county, municipal corporation, public district, public agency, or any political subdivision of the state, including each member of a pooling arrangement under a joint exercise of powers agreement (but not the state itself), by securing from the Director of Industrial Relations a certificate of consent to self-insure against workers’ compensation claims, which certificate may be given upon furnishing proof satisfactory to the director of ability to administer workers’ compensation claims properly, and to pay workers’ compensation claims that may become due to its employees. On or before March 31, 1979, a political subdivision of the state which, on December 31, 1978, was uninsured for its liability to pay compensation, shall file a properly completed and executed application for a certificate of consent to self-insure against workers’ compensation claims. The certificate shall be issued and be subject to the provisions of Section 3702. For purposes of this section, “state” shall include the superior courts of California.

Website
Section 3700-3709.5
http://www.leginfo.ca.gov/cgi-bin/d\displaycode?secti\on=lab&group=03001-04000&file=3700-3709.5

Section 3710-3732
(not included above, but describes additional aspects of workers’ compensation)
http://www.leginfo.ca.gov/cgi-bin/d\displaycode?secti\on=lab&group=03001-04000&file=3710-3732
Appendix O:  

Guide for Working teens

STATE COMPENSATION INSURANCE FUND
LOSS CONTROL SERVICES

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Are you working now or looking for a job?

Most teens start work without knowing about the laws that protect them or how to stay safe on the job. And most injuries happen in the first few weeks on the job. You owe it to yourself to know your rights and responsibilities. Read on to find out what you need to know.

Labor laws **PROTECT** you from doing dangerous work. Generally if you are 18 or older, you may be employed in any occupation, except the sale and service of alcohol or transportation of hazardous materials. Generally, if you are 16 & 17 years old, you may not do work that involves:

- Driving a motor vehicle on public streets as part of the job or working as an outside helper on a motor vehicle.
- Operating power-driven machinery:
  - Meat slicers
  - Bakery machines (including dough mixers)
  - Box crushers/compactors
  - Woodworking machines
  - Metalworking machines
  - Punches
  - Hoists
  - Forklifts
  - Circular saws
  - Band saws
  - Guillotine shears
- Handling, serving, or selling alcoholic beverages
- Being exposed to radioactive substances or ionizing radiation
- Work in:
  - Wrecking or demolition
  - Excavation
  - Logging or sawmills
  - Roofing
  - Manufacturing brick or tile
  - Manufacturing or storage of explosives
  - Mining
  - Meat packing or processing
- Mixing, loading, or applying Category 1 pesticides
- Work in an immoral vocation or place

**NOTE:** This is not a complete list, and there are some exceptions. Rules differ for farm work. Other restrictions may apply depending upon the worker's age and the industry. There are limited exemptions for workers under 18 who are in apprenticeship and student-learner programs. Contact the California Division of Labor Standards for additional information at 415.557.7878 or [www.dir.ca.gov](http://www.dir.ca.gov).
Appendix O:

Generally, if you are 14 or 15 years old, you may not do work that involves:

- Driving a motor vehicle
- Operating power-driven machinery:
  - Meat slicers
  - Bakery machines (including dough mixers)
  - Box crushers/compactors
  - Woodworking machines
  - Metalworking machines
  - Punches
  - Hoists
  - Forklifts
  - Circular saws
  - Band saws
  - Guillotine shears
- Handling, serving, or selling alcoholic beverages
- Being exposed to radioactive substances or ionizing radiation
- Work in:
  - Wrecking or demolition
  - Excavation
  - Logging or sawmills
  - Roofing
  - Manufacturing brick or tile
  - Manufacturing or storage of explosives
  - Mining
  - Meat packing or processing
- Mixing, loading, or applying Category 1 pesticides
- Work in an immoral vocation or place
- Work in building or construction
- Work in manufacturing or food processing
- Baking or cooking on the job (except cooking at a serving counter)
- Dry cleaning or work in a commercial laundry
- Work on a ladder or scaffold
- Work in a freezer or meat cooler
- Loading or unloading trucks, railroad cars, or conveyors
- Working in a warehouse (except as a clerical)
- Dispensing gas or oil
- Cleaning, washing, or polishing cars

“Generally, persons under 14 may not work in most businesses.”

There are a few exceptions to this, for example:

- News Carriers
- On Farms
- Domestic work in a private residence
- Employment by parents
- Entertainment.

NOTE: This is not a complete list, and there are some exceptions. Rules differ for farm work. Other restrictions may apply depending upon the worker’s age and the industry. There are limited exemptions for workers under 18 who are in apprenticeship and student-learner programs.

Contact the California Division of Labor Standards for additional information at 415.557.7878 or www.dir.ca.gov.
Appendix O:  

Work Hours for Teens

How many HOURS can I work? How LATE can I work?
Labor laws protect teens from working too long, too late, or too early.

If You are 18 Years Old
Generally, persons who are at least 18 may be employed in any occupation without work hour restrictions.

If You are 16 or 17 Years Old
Generally, if you are 16 or 17, you may work the following hours:

- 5 am – 10 pm when there is school the next day
- 5 am – 12:30 am when there is no school the next day
- Maximum Hours per Week:
  - When School is in Session:
    - 48 hours a week but not over:
    - 4 hours a day Monday – Thursday
    - 8 hours a day Friday – Sunday and holidays.
  - When School is not in Session:
    - 48 hours a week but not over
    - 8 hours a day

Note: Some school districts may have more restrictive rules, and there are some exceptions, such as for teens in Work Experience Education programs. High school graduates or those awarded a certificate of proficiency may be employed for the same hours as adults and do not require permits.

Contact the California Division of Labor Standards for additional information (415 557 7878 or www.dir.ca.gov)

How many HOURS can I work? How LATE can I work?
Labor laws protect teens from working too long, too late, or too early.

If You are 14 or 15 Years Old
Generally, if you are 14 or 15, you may not work during school hours. You may work the following hours outside of school hours:

- 7 am – 7 pm from Labor Day – June 1st
- 7 am – 9 pm from June 1st – Labor Day*
- Not during school hours
- Maximum Hours per Week:
  - When School is in Session:
    - 18 hours a week but not over
      3 hours a day on school days
    - 8 hours a day Saturday – Sunday and holidays
  - When School is not in Session:
    - 40 hours a week but not over
      8 hours a day

Note: Some school districts may have more restrictive rules, and there are some exceptions, such as for teens in Work Experience Education programs. High school graduates or those awarded a certificate of proficiency may be employed for the same hours as adults and do not require permits.

*Work hours maybe interpreted differently for year round schools.

Contact the California Division of Labor Standards for additional information (415 557 7878 or www.dir.ca.gov)

Do I need a WORK PERMIT?

YES! - If you are under 18, you must get a work permit before you begin a new job. You must get a new permit every time you begin a new job until you become 18 years old. Check with the school department in your town to find out where to get a work permit. Your high school guidance counselor or job placement coordinator may also be of help.

Steps for Getting a Work Permit
1. You need an employer to offer you a job first.
2. To apply for the permit, go to the Superintendent’s Office with proof of your age. Ask your parent or guardian to come with you to sign the permit. If your parent or guardian cannot come with you, ask them for a signed note that says it’s okay with them for you to get the permit. Bring the note with you to the Superintendent’s Office.
Appendix O:  

RIGHTS and RESPONSIBILITIES

You have a right to:
- A safe and healthful workplace.
- Information and training about hazards at work, including any chemicals you might use.
- At least the minimum wage. As of January 1, 2002, the minimum wage is $6.75 per hour. Call the California Division of Labor Standards Enforcement for the current minimum wage.
- Payment for all hours worked. You are entitled to 1.5 times your pay for each hour over 40 that you work in a week in most businesses.
- Payment for medical care if you get hurt or sick because of your job. You may also be entitled to lost wages.

You also have a right to:
- Express your concerns about health and safety.
- File a complaint with Cal/OSHA about health and safety problems.
- Work without racial or sexual harassment.
- Join or organize a union.
- Refuse to work if the job is immediately dangerous to your life or health.
- Not be fired for speaking up about health and safety concerns.
- Health & Safety equipment if it is required to do the job

You have a RESPONSIBILITY to:
- Know your rights.
- Comply with workplace safety rules and instructions.
- Use safety equipment and protective clothing (when required).
- Keep work areas clean and neat. This promotes safety.
- Know what to do in an emergency.
- Report any injury or hazard to your supervisor.
- Speak up if you see something that is unsafe.
Appendix O:

Questions for Young Workers to Ask

Every worker needs to know about the safety and health program where she or he works. Here are some things you need to know. You may learn them during your interview or during orientation. If not, ask your supervisor.

- What are the hazards of my job?
- What are my health and safety responsibilities?
- Are there any chemicals in the workplace?
- When will I receive training on any safety gear I’ll need to use?
- When will I receive training on any chemicals I’ll need to use?
- Who do I ask if I have a health or safety question?
- What should I do if I see something I think is dangerous?
- What should I do if I get hurt at work?