

BRIEF COMPARISON OF FEDERAL & STATE CHILD LABOR LAWS

Following are the primary differences between Iowa and Federal Child Labor Laws:

- 1) Employers covered
 - a) State – covers all employers in state
 - b) Federal – closely based on mandatory minimum wage guidelines:
 - companies with an annual gross volume of sales/business of \$500,000 or more
 - OR
 - operating a hospital, institution to care for physically or mentally ill, disabled or aged; a school, including preschool, secondary, or institution of higher learning;
 - OR
 - public agency
 - OR
 - minor employees engaged in interstate commerce or production of goods for interstate commerce

- 2) Hours for 14-15 year olds:
 - a) State – may work 4 hours per day on school days, up to 28 hours per week when school is in session. Students have been allowed to work during flex school hours (new scheduling), provided scheduled school is not missed. May work 8 hours a day, 40 hours a week when school is not in session; no work before 7am or after 7pm during the school year except June 1-Labor Day can work until 9pm.
 - b) Federal – May not work during set school hours - may work 3 hours per day on school days, up to 18 hours per week when school is in session, up to 40 hours when school is not in session the entire week. May not work before 7AM or after 7PM, except from June 1 through labor day when the evening hour is extended to 9PM.

- 3) Penalties
 - a) State – parent, guardian, or other person having control of minor child, and willfully permitting them to work in violation of the act with a serious misdemeanor, punishable by a fine of \$315-\$ 875 and/or 1 year imprisonment per offense.
 - b) Federal – employers; administrative penalty up to \$11,000 per minor; for a second offense committed after conviction of similar offense, fine of \$11,000 or imprisonment for not more than 6 months, or both. In the case of a serious injury or fatality, the maximum penalty is \$50,000. District Court restraining order can be requested to prevent future child labor violations (civil or criminal).

- 4) Age Certificates/Work Permits
 - a) State – requires work permits for 14-15 year olds, employers may require certificates of age for 16-17year olds.
 - b) Federal – no work permits required. Recommend that employers keep certificates of age to protect themselves.

- 5) 14-15 year olds
 - a) State – frying prohibited

- b) Federal – allows frying if in full view of the public. In addition, there are nine categories of occupations prohibited for 14-15 year olds, in addition to the Hazardous Orders applicable to all covered employees under age 18.

- 6) 16-17 year olds
 - a) State – prohibits occupations involving operation of laundry, dry cleaning, or dyeing machinery, and dangerous or hazardous chemicals.
 - b) Federal – There are 17 categories listed as Hazardous Occupations, All of which are prohibited for covered employees under age 18.

- 7) Child Labor in Agriculture
 - a) State – exempts children 14 years and older and allows them to detassel corn during June-August; also allows part-time work in agriculture (part time is defined as half of the regularly allowed hours)
 - b) Federal – Prohibits work during school hours for 14-15 year olds, prohibits hazardous occupations. 12-13 year olds allowed to work on parent’s farm and on farms where minimum wage is required, with their parent’s permission. Has complete set of regulations: Child Labor Requirements in Agriculture.

- 8) School Training
 - a) State – allows students under an instructor in industrial arts department, or instructor in a school shop, or industrial plant or vocational education course, or with apprentices; no hour limits.
 - b) Federal – allows training without employment relationship, regardless of age; however, 16 or older may also be employed during school hours; hazardous occupations are prohibited for all.

- 9) Exceptions
 - a) State –
 - exempts part-time, occasional or volunteer work for nonprofit organizations that are educational, charitable, religious or community service in nature
 - detasseling, with limits on hours
 - part-time work in agriculture
 - 14-15 year olds may work in agriculture occupations for ½ of regular hours; summer – 20 hours per week, 4 hours per day; school in session – 14 hours per week, 2 hours per day
 - child of any age may work in any occupation or business at any time doing any type of work in a business operated by child’s parents if parent is on premises
 - allows modeling under 16 years of age between 7 a.m. and 10 p.m., for not more than 12 hours per month
 - allows juvenile court to order under age children to complete work assignments when appropriate
 - b) Federal –
 - exempts age and hours of children working in parents’ business when parent is sole proprietor; prohibits hazardous work even in parents’ business
 - allows actors, performers in motion pictures, radio, or television
 - allows homemakers engaged in wreath making

- 10) State – may issue written special orders allowing prohibited work to occur
Federal – No waivers

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