

STATE OF OKLAHOMA

CHILD LABOR LAW

Section 71 et seq of Title 40 of the Oklahoma Statutes
Applicable to minors UNDER 16 years of age

Minimum Age	14 years of age																																	
Employment Certificate	Employment certificate is issued by the school and is <u>required for all employed minors</u> , including home schooled minors and minors from out-of-state working in Oklahoma. Employers are required to have an employment certificate from the school before a minor is allowed to work. Note to Issuing Officer(s): Minors <u>must comply</u> with compulsory School Laws, Title 70 Section 10																																	
Hours Standard	School in session – minors restricted to: No more than three (3) hours per school day No more than eight (8) hours per non-school day No more than eighteen (18) hours per school week School not in session – minors restricted to: No more than eight (8) hours per non-school day No more than forty (40) hours per non-school week																																	
Break Periods	For every five (5) hours worked – Thirty (30) minute rest period For every eight (8) hours worked – One (1) hour rest period																																	
Times Standard	From Tuesday after Labor Day through May 31 st – minors: Can not work before 7:00 a.m. and not after 7.00 p.m. From June 1 st through Labor Day – minors: Can not work before 7:00 a.m. and not after 9:00 p.m.																																	
Prohibited Occupations	Occupations which threaten health and well-being include, but not limited to: <table><tr><td>Baking</td><td>Communications</td><td>Construction</td></tr><tr><td>Cooking</td><td>Coolers</td><td>Cutters</td></tr><tr><td>Demolition</td><td>Freezers</td><td>Fryers</td></tr><tr><td>Grills</td><td>Hoisting devices</td><td>Ladders</td></tr><tr><td>Loading</td><td>Machinery</td><td>Manufacturing</td></tr><tr><td>Mining</td><td>Motor vehicles</td><td>Mowers</td></tr><tr><td>Power-Driven</td><td>Processing</td><td>Public messenger</td></tr><tr><td>Public Utilities</td><td>Repair</td><td>Slicers</td></tr><tr><td>Storage</td><td>Transportation</td><td>Unloading</td></tr><tr><td>Warehouse</td><td>Weed eaters</td><td>Work rooms</td></tr><tr><td></td><td>Youth peddling</td><td></td></tr></table>	Baking	Communications	Construction	Cooking	Coolers	Cutters	Demolition	Freezers	Fryers	Grills	Hoisting devices	Ladders	Loading	Machinery	Manufacturing	Mining	Motor vehicles	Mowers	Power-Driven	Processing	Public messenger	Public Utilities	Repair	Slicers	Storage	Transportation	Unloading	Warehouse	Weed eaters	Work rooms		Youth peddling	
Baking	Communications	Construction																																
Cooking	Coolers	Cutters																																
Demolition	Freezers	Fryers																																
Grills	Hoisting devices	Ladders																																
Loading	Machinery	Manufacturing																																
Mining	Motor vehicles	Mowers																																
Power-Driven	Processing	Public messenger																																
Public Utilities	Repair	Slicers																																
Storage	Transportation	Unloading																																
Warehouse	Weed eaters	Work rooms																																
	Youth peddling																																	

For information on hazardous occupations for 16 and 17 year olds, contact the United States Department of Labor at 1-866-487-9243

Oklahoma Department of Labor

1-888-269-5353

www.labor.ok.gov

Frequently Asked Questions about Child Labor Law in Oklahoma

What is Oklahoma's minimum age for employment?

The minimum age to be employed in Oklahoma is 14 years. Children working either on farms or for parents or any entity in which a parent owns an equity interest are exempt. Children engaged in the sale or delivery of newspapers to consumers are also exempt. See Fair Labor Standards Act (FLSA) for federal exemptions.

Who issues the work permit?

The Employment Certificate of Age and Schooling (work permit) shall be approved by the principal, headmaster, or equivalent administrative officer of the school which the child attends or should be attending. The child's parents shall approve such certificate if the child is being schooled at home. The school's Issuing Officer is required to verify the minor's age and the compulsory school requirements in accordance with Title 70 Section 10 of the Oklahoma Statutes.

How many hours can a 14 or 15 year old work while attending school?

A minor under the age of 16 years may work up to three (3) hours on school days (Monday to Friday), up to eight (8) hours on non-school days (days in which attendance is not compulsory), and up to 18 hours in a school week. A minor under the age of 16 years may work up to 40 hours in a non-school week if school is out for the entire week and attendance is not compulsory.

How many hours can a 14 or 15 year old work during summer break?

A minor under the age of 16 years may work up to eight (8) hours on non-school days (days in which attendance is not compulsory) and up to 40 hours in a non-school week if school is out for the entire week and attendance is not compulsory. A minor under the age of 16 years may not work overtime.

What times can a minor 14 or 15 years of age work when school is in session?

From the Tuesday after Labor Day to May 31 of the following year, a minor under age 16 years may not work before 7:00 a.m. or after 7:00 p.m. If the employer is not subject to the FLSA, a minor may be allowed to work til 9:00 p.m. throughout the year on days followed by a non-school day. Check with the United States Department of Labor to determine whether the employer is subject to the FLSA.

What times can a minor 14 or 15 years of age work when school is not in session?

From June 1 to Labor Day, a minor under age 16 years may not work before 7:00 a.m. or after 9:00 p.m.

continued on back page

Are there any restrictions on the hours or times a 16 or 17 year old may work during school session or summer break?

There are no longer any restrictions on the hours or times once the minor reaches 16 years.

Nationwide, what is the average number of minors under 18 years of age injured on the job every year?

According to the National Institute for Occupational Safety and Health (NIOSH), there are approximately 200,000 on the job injuries each year of which 70 end up in fatalities and 77,000 require hospital treatment in an emergency department.

How many occupations are considered hazardous for minors under the age of 18?

According to the FLSA, there are 17 Hazardous Occupations Orders in which the minor must be at least 18 years to be employed. See FLSA for a listing.

Minors under the age of 16 years are prohibited from performing occupations related to: construction; cooking or baking; fryers or grills; hoisting devices; ladders or scaffolds; lawn mowers and weed eaters other than working for self; loading and unloading; manufacturing, mining, or processing; motor vehicles or service as helpers on vehicles; power-driven machines or equipment; public messenger service; public utilities and communications; slicers; transportation of persons or property by rail, highway, air, water, pipeline or other means; warehousing or storage; youth peddling.

What are the break requirements for 16 or 17 year olds?

There are break laws for minors under age 16 years. A minor under 16 years must be permitted a one (1) hour cumulative rest period for eight (8) consecutive hours worked or a 30 minute rest period for five (5) consecutive hours worked. Once the minor reaches 16 years, there are no longer any requirements for breaks or lunches.

More questions?

For information about the **state child labor laws** as it relates to the Oklahoma Statutes, please contact the Oklahoma Department of Labor at statewide toll-free 1-888-269-5353 or check their website at www.labor.ok.gov

For information about the **federal child labor laws** as it relates to the Fair Labor Standards Act (FLSA), please contact the United States Department of Labor at 1-866-487-9243 or check their website at www.youthrules.dol.gov

Frequently Asked Questions about Oklahoma Work Permit

What is a work permit?

A work permit is a document which shows the employer that a minor is the legal age to be employed and that she/he is meeting the compulsory school requirements. Before employment begins, a work permit must be issued by the school's Issuing Officer for minors under the age of 16 years.

Can school records or a driver's license be used as evidence of age?

School records or a driver's license **cannot** be accepted as evidence of age. Legal proof of age must be one of the following in the order listed: birth certificate; certificate of baptism showing date of birth and place of baptism; passport showing age of child; certificate of arrival in the United States issued by the United States Immigration Officer and showing age of child; life insurance policy at least one year old showing age of child; Certificate of Degree of Indian Blood (CDIB) showing date of birth.

Who issues the work permit (also known as Employment Certificate of Age and Schooling)?

The work permit shall be approved by the principal, headmaster, or equivalent administrative officer of the school which the child attends or should be attending. This person serves as the school's Issuing Officer. **Employers are not allowed to issue work permits.**

What if the minor is homeschooled?

The child's parent or guardian shall approve such certificate if the child is being schooled at home. To secure the work permit, the parent or guardian will need to contact the Oklahoma State Department of Education at (405) 521- 3369.

What are the age requirements?

The minimum age to be employed in Oklahoma is 14 years. A work permit is required for minors under 16 years employed in Oklahoma. Children working either on farms or for parents or any entity in which a parent owns an equity interest are exempt. Children engaged in the sale or delivery of newspapers to consumers are also exempt. Review the federal guidelines at www.youthrules.dol.gov for more information on the Fair Labor Standards Act.

Is a work permit required for minors 16 years of age or over?

State law does not require that a work permit be issued for minors 16 years of age or over. However, if the employer has a policy requiring that a work permit be issued for all minors under 18 years, the process to obtain the work permit is issued by the school.

What if the school is closed?

If the school is closed during the summer months, the minor may secure the work permit from the Superintendent's Office.

Continued on back page

Is a work permit required for out-of-state minors wishing to work in Oklahoma?

Yes, a work permit is still required for out-of-state minors under 16 years who plan to work in Oklahoma. Out-of-state minors under 16 years will need to bring evidence of age (i.e. copy of birth certificate) and a recent transcript to the school district where she/he will be residing over the summer.

What is the process of completing Form 600 - Application to Secure Certificate of Age & Schooling for Employment?

A student who is at least 14 years of age and in good standing at school may complete the work permit application (Form 600). The student section, parent/guardian section, and employer section of the work permit application (Form 600) is to be completed in its entirety. Once the Form 600 is completed, it is returned to the school where the Issuing Officer verifies that the minor is the legal age for employment and is meeting the compulsory School Laws, Title 70, Section 10.

On Form 601 - Employment Certificate of Age and Schooling, what happens next?

The school gives a copy of the work permit (Form 601) to the student to take to the employer. The school sends a copy of the work permit (Form 601) to the Oklahoma Department of Labor (fax number and mailing address on the top of the form). The school keeps a copy of the work permit (Form 601) with the work permit application (Form 600) in school records for five years. Form 601 is not released until Form 600 has been completed and returned to the school's Issuing Officer.

What is the employer's obligation once a work permit is issued and on file at the workplace?

The employer is required to comply with all federal and state child labor laws related to hours and times standards, breaks, and jobs which are prohibited. Those in violation may be cited with a fine.

Is a work permit required during the summer months?

The employer has to have the work permit on file at the workplace, even during the summer months, for teen workers under 16 years. Those in violation may be cited with a fine.

Is a work permit transferable from one employer to the next or is a work permit to be issued for each employer?

The work permit is specific and tailored to each employer. Therefore, if a minor under 16 years leaves one job to go to another, she/he will need to get a work permit for the new employer through the school.

What do employers do with the work permit when the minor is no longer employed?

The employer mails the original work permit to the Oklahoma Department of Labor with a note that the minor is no longer employed.

Who can I contact to get more information about work permits?

For more information, please contact the Oklahoma Department of Labor (Child Labor Unit) at statewide toll-free 1-888-269-5353 or 405-521-6591 or the Oklahoma State Department of Education (School Personnel Records) at 405-521-3369.