

Understand special restrictions and considerations when hiring teens this summer

Summer is just around the corner and that means thousands of additional teenagers will be hitting the streets -- looking for jobs. Given current economic realities, teen unemployment rates are at an all-time high as they compete with unemployed adults for minimum-wage jobs.

That's why President Barack Obama launched Summer Jobs+, a joint initiative that challenges business leaders and communities to provide hundreds of thousands of summer jobs for America's youth.

If you're one of the thousands of businesses that plan on using teen workers -- either temporarily through the summer or on a more permanent basis -- be aware that the United States Department of Labor is aggressively monitoring child labor and enforcing child labor laws. If you're caught in violation, you may be facing some stiff penalties.

Child labor provisions under the Fair Labor Standards Act (FLSA) are designed to protect the educational opportunities of our youth and prohibit their employment in jobs that are deemed detrimental to their health and safety. On top of FLSA, there are also state mandates that regulate how many hours teens may work, what kind of jobs they can do, how they should be paid for those jobs and how to manage teens on the job.

What hours may minors work?

The answer varies, depending on the age of the employee and whether or not school is in session. For 14- and 15-year-olds, they cannot work:

- before 7 a.m. or after 9 p.m. from June 1 to Sept. 1 or during any school holiday of five school days or more
- after 7 p.m. at any other time

- more than eight hours in any day or 40 hours in any week when school is not in session
- more than three hours on a school day or more than 18 hours during a school week.

In addition, they cannot be employed during school hours, unless the employment relates to an educational training program.

There are no restrictions on the number of working hours for 16- and 17-year-olds. However, they cannot work before 7 a.m. on any day that school is in session or after 11 p.m. on any night preceding a day school is in session.

Must breaks be provided?

Yes, under Okla law, all minors must receive a 30-minute break when they work more than five consecutive hours.

What should minors be paid?

Although there has been much debate as to the pros and cons of enforcing minimum-wage laws for teens (and there are a number of studies demonstrating the negative effect on employment rates when teens are paid the same minimum wage as adults), all employees (including minors) must be paid a minimum wage, with a few exceptions. These include employees who are paid on commission, those working for a family-owned business or nonprofit camp or recreational center for minors, and babysitters.

Are there certain jobs that are off limits for teens?

Yes, both state and federal laws restrict minors from working at jobs considered hazardous or detrimental to their health. Examples include jobs in manufacturing, mining and those that involve the operation of any power-driven machinery other than office machines, vehicles involved in public messenger services and construction-related machinery.

Are teens subject to and protected by the same sexual harassment guidelines?

The reality is that the number of teen workers filing sexual harassment lawsuits and administrative proceedings is on the rise. Whether the cause is a lack of training for temporary teen workers or teenagers not appreciating or understanding that there different standard of conduct at work than what might be acceptable in social situations, the courts expect teen workers to be treated like any other worker and to be properly educated by supervisors and others about discrimination, harassment and retaliation in a way that they can understand. The burden is on the employer to ensure that teens are not harassed on the job.

Beyond these guidelines, it's always best to check with legal counsel on specific restrictions that may apply to your business. Or, for more information, visit www.com.state.oh.us or www.dol.gov.