



## Guidelines for Employment of Minors

As the summer months are closely upon us, dealers must be aware of limitations and requirements when hiring minor employees. Both the state of Ohio and the Federal government regulate the employment of minors. The Fair Labor Standards Act (FLSA) and its Ohio equivalent extend protection to children by prohibiting the employment of “oppressive child labor” in commerce. The following guidelines must be considered when employing a minor at your dealership.

A “child” is anyone under the age of 18. With rare exceptions, the employment of any person under the age of 14 is prohibited. In general, the law regulates the hours of work and tasks performed. In each case, the law applies a different standard depending upon the child’s age.

### Hours of Work (Federal and State of Ohio)

There is no limit on hours worked by persons over 16 years of age, however, employment of persons between 14 and 16 years of age is confined to:

- Outside school hours;
- Not more than 40 hours in any week when school is not in session or more than 18 hours in any week when school is in session;
- Not more than 8 hours on any day when school is not in session or more than 3 hours in any day when school is in session;
- Not between 7PM and 7AM in any one day, except during the summer (June 1 through Labor Day) when the evening hour will be 9PM.

Employment of persons 16 or 17 years of age is prohibited under Ohio law if applicable:

- Before 7AM on any day that school is in session, except such person may be employed after 6AM if the person was not employed after 8 PM the previous night; and
- After 11PM on any night preceding a day that school is in session.

### Rest Period

Employees under the age of 18 must be given a rest period of at least 30 minutes for every five consecutive hours of work. The rest period need not be included in the computation of the number of hours worked by the minor.

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## Type of Work Permitted

### Federal and State of Ohio

The FLSA and its companion Ohio regulations specifically contain strict prohibitions against the employment of any individual under the age of 18 in “hazardous occupations.” The following activities, though not an exclusive list, are deemed to be hazardous within the meaning of this prohibition:

- Motor vehicle drivers and helpers;
- Occupations in the operation of power driven metal forming, punching and shearing machines;
- Occupation in the operation of circular saws, band saws and guillotine shears; and
- Wrecking, demolition, ship-breaking operations.

Ultimately, dealers and owners considering the employment of a minor want to know what kind of work a minor can perform. **Minors between the ages of 14 and 16** can perform non-hazardous work in retail and gasoline service establishments that involve:

- Office and clerical work including selling and cashiering;
- Working a counter and picking and packing order (as long as it does not involve the use of a power driven machinery);
- Performing clean up and maintenance work both inside and outside the store (as long as it does not involve the use of power driven mowers and cutters. The use of vacuum cleaners and floor polisher is allowed);
- Car washing, cleaning, and polishing; and
- Dispensing gasoline and oil (as long as it does not involve the use of lift, pits, racks, or other similar apparatus).

For **minors between the ages of 16 and 17**, the Fair Labor Standards Act (“FLSA”) issued by the Department of Labor recently incorporated new regulations restricting the use of child labor. The regulations incorporate the requirements of the **Drive for Teen Employment Act of 1998**, which delineated what limited on-the-job driving may be performed by 16 olds and qualified 17 year olds. It is important to note that the new regulations do not change the restrictions on the hiring of minors. Please [click here](#) for the guidelines for hiring minors. The regulations establish the following criteria for both 16 and 17 year olds:

- The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is equipped with a seat belt or similar restraining device for the driver and for any passengers and the employer has instructed the employee that such belts or other devices must be used.
- The driving is restricted to daylight hours.

- The minor holds a State license valid for the type of driving involved in the job performed and has no record of any moving violations at the time of hire.
- The minor has successfully completed a State-approved driver education course.
- The driving does not involve: the towing of vehicles.

### **16-Year Old Federal Driving Rules**

Licensed 16 year olds may be hired for jobs involving vehicle operation on private property, but not on public roadways. Therefore, they may move vehicles on dealership premises provided the above-mentioned criteria are met.

### **17-Year Old Federal Driving Rules**

17 year olds may drive on public roads while on the job so long as these provisions, along with those mentioned above, are adhered to:

- The driving does not involve route deliveries or route sales; the transportation for hire of property, goods, or passengers' urgent, time-sensitive deliveries or the transporting at any one time of more than three passengers, including the employees of the employer.
- The driving performed by the minor does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the minor's employer to a customer (except urgent, time-sensitive deliveries which are completely banned).
- The driving performed by the minor does not involve more than two trips away from the primary place of employment in any single day for the purpose of transporting no more than three passengers (other than the employees of the employer).
- The driving takes place within a thirty-mile radius of the minor's place of employment.
- The driving is only occasional and incidental to the employee's employment.

The term "occasional and incidental" is defined by the regulations as no more than one-third of an employee's work time in any workday and no more than twenty percent of an employee's work time in any workweek.

**Remember, there is no exemption within the teen driving rules for family members who are employed by the dealership.**

At the time of application, require prospective teen employee/drivers to sign waivers authorizing driving record and education background checks. Let prospective employee drivers know when they apply for employment that they must sign a written certification indicating compliance with the criteria listed above, if hired. Include in the certification a statement that any falsification or omission of information may result in termination. Keep a completed certification in employee personnel files. For Teenage

employee/drivers, certifications also should state they have been instructed to wear safety belts. Click [here](#) for a sample waiver form.

### **Proof of Age & Wage Agreement**

An employer cannot provide employment to a minor without agreeing with the minor as to the wages or compensation the minor shall receive for each day, week, month or year for work performed. If a minor, is employed or trained during the summer months when school is not in session, the minor must provide the dealership with evidence of proof of age and a statement signed by the minor's parent or guardian consenting to the proposed employment. We recommend that the dealerships have written agreement with the individual. It is important that all parties involved are clear as to the guidelines and compensation details. The original agreement should be retained at the dealerships and a copy given to the students and their parents/guardians.

### **Posting Requirements**

The dealership must maintain a list of all minors employed or being trained. This list must be posted on the dealership premises along with the Ohio Employment of Minors Law poster. These postings should be placed in plain view in a conspicuous area which is frequented by the largest number of minors and to which all minors have access. Please contact G.C.A.D.A. for any federal and or state employment posters required.

If you have any questions regarding the changes, please contact Pat Harrington or Nick Hanna at [pharrington@gcada.org](mailto:pharrington@gcada.org) or [nhanna@gcada.org](mailto:nhanna@gcada.org). **This notification and its contents should not be construed as legal advice.**