

REVIEW FLSA, SEASONAL/TEMPORARY EMPLOYEES AND CHILD LABOR LAWS BEFORE YOU HIRE



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It is important to regularly review Fair Labor Standards and Child Labor regulations PRIOR to seasonal hiring. Often, we become complacent and continue to do things the way we have always done them. Reminders like this give us an opportunity to verify that we are adhering to the law. In this economy, none of us can afford to make mistakes that cost our communities back wages for overtime.

The Fair Labor Standards Act (FLSA) allows for specific exemptions from minimum wage and overtime including administrative, executive, and professional exemptions. For purposes of this article, we will assume that most employees hired for seasonal and temporary positions are non-exempt from minimum wage and overtime provisions. This means that these employees will be eligible to receive minimum wage at \$10.80 per hour. Seasonal and temporary employees are eligible to receive 1.5 times the hourly wage for all hours worked over 40 in any given workweek as required by FLSA.

FLSA DOES include an exemption from minimum wage and overtime for Seasonal Amusement or Recreational Establishments - Section 13(a)(3). Tests for this exemption include: a) does not operate for more than seven months in any calendar year; OR b) during the preceding calendar year, average receipts for any six months of such year were not more than 33 1/3% of its average receipts for the other six months of such year.

It would seem apparent that a swimming pool or other facility that is open only for the summer months would qualify for this exemption from overtime and minimum wage provisions of the FLSA. But please note, if seasonal employees who qualify for this exemption perform other jobs for the city, this exemption from overtime may not apply.

Also please review the "FLSA Child Labor Regulations Refresher" article on page 7. It is important to consider the duties that employees under age 18 are permitted to perform. With limited resources and limited staff, it becomes essential to understand the law.

The majority of the questions that the Municipal League receives are regarding "children" under eighteen years of age (16-17) and if they are allowed to run lawn mowers. In a later article the actual Prohibited Occupations for 16-17-year-olds (non-adult) are reviewed. Even though lawn mowers are not specifically mentioned, there are enough related references to this type of work that many cities across South Dakota do not use child labor for these duties. The League discourages cities from doing so but we will leave that to you and your city attorney to work out. It would also be prudent to review the Child Labor Violation Penalties which is in a later article as well.

These laws can be complicated and difficult to sort out. If there are questions, employers are required to follow the law that provides the greatest benefit to the employee.

SD Codified law can be found online at sdlegislature.gov/Statutes/Codified_Laws under Title 60 Labor and Employment. The South Dakota Department of Labor staff is also a great resource. You also have access to the knowledgeable SDML staff (800-658-3633) and the SD Governmental Human Resource Association. ■

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FLSA CHILD LABOR REGULATIONS REFRESHER

Reprinted from the United States Department of Labor Wage and Hour Division website. The information in this article is a snapshot of what is provided via the DOL website. For more details follow visit <http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

With summer just around the corner, it may be a good time to have a little refresher course on the Fair Labor Standards Act (FLSA) regarding child labor regulations. Employers may employ youth only under certain conditions and child labor regulations vary significantly depending on the age of the youth.

FEDERAL CHILD LABOR PROVISIONS

The federal child labor provisions, also known as the child labor laws, are authorized by the Fair Labor Standards Act (FLSA) of 1938. These provisions were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being, or educational opportunities. By knowing, understanding, and complying with these provisions, employers, parents, and teachers can help working teens enjoy those safe, positive, early work experiences that can be so important to their development.

OTHER LAWS THAT IMPACT CHILD LABOR

Other federal and state laws may have higher standards. When these apply, the more stringent standard must be observed. All states have child labor provisions, compulsory school attendance laws, and establish the minimum ages and conditions under which youths may operate motor vehicles.

Unless otherwise exempt, a covered minor employee is entitled to receive the same minimum wage, overtime, safety and health, and non-discrimination protections as adult workers.

MINIMUM AGE STANDARDS FOR NONAGRICULTURAL EMPLOYMENT

- 14 - Minimum age for employment in specified occupations outside of school hours for limited periods of time each day and each week.
- 16 - **BASIC MINIMUM AGE FOR EMPLOYMENT.** At 16 years of age, youth may be employed for unlimited hours in any occupation other than one declared to be hazardous by the Secretary of Labor.
- 18 - Minimum age for employment in nonagricultural occupations declared hazardous by the Secretary of Labor.

OCCUPATION STANDARDS FOR 14- AND 15-YEAR-OLDS

The following list, which is not exhaustive, are jobs that 14- and 15-year-olds may not be employed in:

1. Any manufacturing occupation.¹
2. Any mining occupation.
3. Most processing occupations such as filleting of fish, dressing poultry, cracking nuts, developing of photographs, laundering, bulk or mass mailings (except certain occupations expressly permitted as discussed below).
4. Occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed (except to the extent expressly permitted as discussed below; and as discussed in footnote 1).
5. Any occupation found and declared to be hazardous by the Secretary of Labor.
6. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling, or repairing of hoisting apparatus.
7. Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
8. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling, or repairing of any power-driven machinery, including, but not limited to, lawnmowers, golf carts, all-terrain vehicles, trimmers, cutters, weed eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and 15-year-olds may operate most office machinery and those machines that are expressly permitted.
9. The operation of motor vehicles or service as helpers on such vehicles.
10. The riding on a motor vehicle inside or outside of an enclosed passenger compartment except as permitted in #16 in the next list.

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11. Outside window washing that involves working from windowsills.
12. All work requiring the use of ladders, scaffolds, or their substitutes.
13. All baking and most cooking activities except as discussed in the following #3.
14. Work in freezers and meat coolers and all work in the processing of meat for sale; however, youth are permitted to occasionally enter freezers only momentarily to retrieve items.
15. Youth peddling, including not only the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler, such as the loading and unloading of motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer, and the transportation of the minors to where the sales will be made.
16. Loading and unloading of goods or property onto or from motor vehicles, railroad cars, and conveyors, except as discussed in the following #12.
17. Catching and cooping of poultry in preparation for transport or for market.
18. Public messenger service.
19. Occupations in connection with:
 - a. Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.
 - b. Warehousing and storage.
 - c. Communications and public utilities.
 - d. Construction (including repair). Except 14- and 15-year-olds may perform office or sales work in connection with a, b, c, and d above when not performed on transportation media, on an actual means of transportation, or at the actual construction site.

The following is the list of jobs the Secretary of Labor has determined will not interfere with the schooling, health, and well-being of 14- and 15-year-olds and therefore MAY BE performed by such youth. Any job not specifically permitted, is prohibited.

1. Office and clerical work, including operation of office machines.
2. Work of an intellectual or artistically creative nature such as but not limited to computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, the playing of a musical instrument, and drawing, as long as such employment complies with



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- all the other provisions contained in §§ 570.33, .34, and .35.
3. Cooking with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease. NOTE: this section does not permit cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as "Neico broilers."
 4. Cashiering, selling, modeling, artwork, work in advertising departments, window trimming and comparative shopping.
 5. Price marking and tagging by hand or by machine. Assembling orders, packing, and shelving.
 6. Bagging and carrying out customer orders.
 7. Errand and delivery work by foot, bicycle, and public transportation. Except such youth may not be employed by a public messenger service.
 8. Cleanup work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
 9. Kitchen work and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. Examples of permitted machines and devices include, but are not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm prepared food and do not have the capacity to warm above 140°F.
 10. Cleaning kitchen equipment. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters, and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers and liquids do not exceed a temperature of 100°F.
 11. Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items, including vegetables, fruits, and meats, when performed in areas physically separate from a freezer or meat cooler.
 12. Loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a backpack, a lunch box, or a coat that the minor is permitted to take to the work site. Such light tools would include, but not be limited to, rakes, hand-held clippers, shovels, and brooms. Such light tools would not include items like trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment. Such minors would not be permitted to load or unload safety equipment such as barriers, cones, or signage.
 13. The occupation of lifeguard (15-year-olds but not 14-year-olds) at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas, and baby pools, but not including the elevated areas of water slides) when properly trained and certified in aquatics and water safety by the American Red Cross or a similar certifying organization. No youth under 16 years of age may be employed as a lifeguard at a natural environment such as an ocean side beach, lake, pond, river, quarry, or pier.
 14. Employment of certain youth under specified conditions inside and outside of establishments where machinery is used to process wood products. See the DOL link at the beginning of this article for information on this exemption.
 15. Work in connection with cars and trucks if confined to the following:
 - Dispensing gasoline and oil.
 - Courtesy service on premises of gasoline service station.
 - Car cleaning, washing, and polishing by hand.
 - Other occupations permitted by Child Labor Regulation No. 3, but not including work involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
 16. Work in connection with riding inside passenger compartments of motor vehicles except as prohibited in #10 in the previous list or when a significant reason for the minor being a passenger in the vehicle is for the purpose of performing work in connection with the transporting—or assisting in the transporting of—other persons or property. Each minor riding as a passenger in a motor vehicle must have his or her own seat in the passenger compartment; each seat must be equipped with a seat belt or similar restraining device; and the employer must instruct the minors that such belts or other devices must be used. In addition, each driver transporting the young workers must hold a valid state driver's license for the type of vehicle being driven



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and, if the driver is under the age of 18, his or her employment must comply with the provisions of HO 2 (see chart).

EMPLOYMENT STANDARDS FOR 16- AND 17-YEAR-OLDS IN NONAGRICULTURAL EMPLOYMENT

The Hazardous Occupations Orders (HOs) for Nonagricultural Employment

These Orders are published in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations.

The FLSA provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor “shall find and by order declare” to be particularly hazardous for 16- and 17-year-old persons, or detrimental to their health and well-being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent.

The seventeen HOs apply either on an industry basis, ► specifying the occupations in the industry that are not permitted, or an occupational basis irrespective of the industry in which found. Some of the HOs contain limited exemptions.

ENFORCEMENT OF THE FEDERAL CHILD LABOR PROVISIONS

The Wage and Hour Division, which is part of the Department of Labor, administers and enforces the child labor, minimum wage, overtime, and recordkeeping provisions of the Fair Labor Standards Act. The Wage and Hour Division also has enforcement responsibility for programs covering such things as prevailing wages for government contracts, the payment of special minimum wages, farm labor, family and medical leave, immigration, and polygraph testing. Wage and Hour Division Investigators, who are stationed across the United States, are authorized to conduct investigations, and gather data on wages, hours of work, and compliance with all the provisions of the FLSA, including the child labor provisions.

PENALTIES FOR VIOLATION

Civil Money Penalties

Employers may be subject to a civil money penalty of up to \$14,050 for each employee who is the subject of a child labor violation. The penalty may be increased to \$63,855 for each violation that causes the death or serious injury of a minor, and that penalty may be doubled when the violations are determined to be repeated or willful. When a civil money

THE HAZARDOUS OCCUPATIONS ORDERS (HOs) FOR NONAGRICULTURAL EMPLOYMENT

Employment Standards for 16- and 17-Year-Olds in Nonagricultural Employment

HO 1	Manufacturing and storing of Explosives.
HO 2	Motor-vehicle driving and outside helper on a motor vehicle.
HO 3	Coal mining.
HO 4	Occupations in forest fire fighting, forest fire preventions, timber tract operations, forestry service, logging, and sawmilling.
HO 5*	Power-driven woodworking machines.
HO 6	Exposure to radioactive substances.
HO 7	Power-driven hoisting apparatus, including forklifts.
HO 8*	Power-driven metal-forming, punching, and shearing machines.
HO 9	Mining, other than coal mining.
HO 10*	Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurants, kitchens, and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering.
HO 11	Power-driven bakery machines including vertical dough or batter mixers.
HO 12*	Power-driven balers, compactors, and paper processing machines.
HO 13	Manufacturing bricks, tile, and kindred products.
HO 14*	Power-driven circular saws, bandsaws, chain saw, guillotine shears, wood chippers, and abrasive cutting discs.
HO 15	Wrecking, demolition, and shipbreaking operations.
HO 16*	Roofing operations and all work on or about a roof.
HO 17*	Excavation operations.

* These HOs provide limited exemptions for 16- and 17-year-olds who are bona-fide student-learners and apprentices.

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penalty is assessed against an employer for a child labor violation, the employer has the right, within 15 days after receipt of the notice of such penalty, to file an exception to the determination that the violation or violations occurred.

When such an exception is filed with the office making the assessment, the matter is referred to the Chief Administrative Law Judge, and a formal hearing is scheduled. At such a hearing, the employer may, or an attorney retained by the employer may, present such witnesses, introduce such evidence, and establish such facts as the employer believes will support the exception. The determination of the amount of any civil money penalty becomes final if no exception is taken to the administrative assessment thereof, or if no exception is filed pursuant to the decision and order of the administrative law judge.

Injunction to Compel Compliance

The FLSA authorizes the Department of Labor to seek injunctions against violators of the child labor provisions to compel their compliance with the law. Further violations could result in sanctions against such persons for contempt of court.

Criminal Sanctions

The FLSA also provides, in the case of a willful violation, for a fine up to \$10,000; or, for a second offense committed after the conviction of such person for a similar offense, for a fine of not more than \$10,000 or imprisonment for not more than 6 months, or both.

ADDITIONAL INFORMATION

For information about the federal child labor requirements, visit the YouthRules! at <http://www.youthrules.dol.gov>.

Inquiries about the Fair Labor Standards Act or any other law administered by the Wage and Hour Division may be addressed to any local office of the Wage and Hour Division. Additional information is available at <http://www.dol.gov/whd/index.htm>.

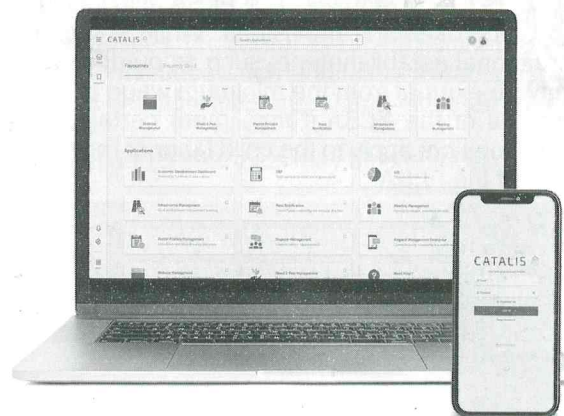
Locate the Wage and Hour Division office nearest to you, telephone the toll-free information and helpline at 1-866-4US-WAGE (1-866-487-9243): a customer service representative is available to assist you with referral information from 8am to 5pm in your own time zone; or log onto the nationwide listing of Wage-Hour District Offices located at: <http://www.dol.gov/whd/america2.htm>. ■

Notes

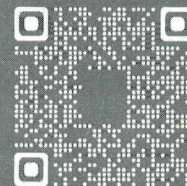
1. Section 13(c)(7) of the FLSA, enacted in 2004, permits the employment of certain minors between the ages of 14 and 18, who have been excused from compulsory school attendance, inside and outside of places of business where machinery is used to process wood products. This provision, however, does not permit such minors to operate, or assist in the operation of power-driven woodworking machines.

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APPLICATION OF THE FEDERAL CHILD LABOR PROVISIONS TO THE EMPLOYMENT OF LIFEGUARDS

Fact Sheet #60: Application of the Federal Child Labor Provisions of the Fair Labor Standards Act (FLSA) to the Employment of Lifeguards

Reprinted from <http://www.dol.gov/whd/regs/compliance/whdfs60.pdf>

The Fair Labor Standards Act (FLSA), administered by the U.S. Department of Labor's Wage and Hour Division (WHD), requires that most employees be paid at least the applicable federal minimum wage and overtime pay for all hours worked at time and one-half the regular rate of pay after 40 hours in a workweek. The FLSA also includes child labor and recordkeeping provisions. While some seasonal and recreational establishments such as outdoor swimming pools may be exempt from the minimum wage and overtime requirements of the FLSA if they meet certain tests, this exemption does not apply to the child labor or record keeping provisions of the FLSA.

CHILD LABOR PROVISIONS OF THE FLSA

The federal child labor provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

18 years of age

Once a minor reaches 18 years of age, the federal child labor provisions no longer apply to their employment.

16 and 17 years of age

Sixteen and 17-year-olds employed as lifeguards may perform any nonhazardous job, for unlimited hours. The Secretary of Labor has declared 17 Hazardous Occupations Orders (HOs) which restrict the types of jobs and/or industries in which youth under 18 years of age may be employed. Not exhaustive, the following list represents some common tasks which occur at establishments that employ lifeguards. Under the federal child labor provisions, workers under 18 years of age generally may not:

- Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven woodworking, metalworking, bakery, meat processing, and paper products machinery - including meat slicers, compactors, balers, mixers, and saws.
- Drive or serve as an outside-helper on a motor vehicle on a public road; but 17-year-olds who meet certain specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time during daylight hours as part of their job (see Fact Sheet #34).



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- Operate power-driven hoists such as elevators, cranes, derricks, and high-lift trucks. However, 16- and 17-year-olds may operate and assist in the operation of most water amusement park and recreation establishment rides.
- Load, operate, or unload power-driven balers and compactors used in the disposal of waste. A limited exemption exists that permits the loading, but not the operating or unloading, of certain scrap paper balers and paper box compactors under certain specific conditions (see Fact Sheet #57).

14 and 15 years of age

Fifteen-year-olds, but not youth less than 15 years of age, may be employed as lifeguards at traditional swimming pools and most facilities of water amusement parks. Such employment must meet the following conditions:

- The 15-year-old must be trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety; and
- The 15-year-old must be employed in compliance with all the other applicable provisions of the federal child labor

rules contained in Child Labor Regulations No. 3 (see Subpart C of 29 CFR Part 570), including the restrictions on the hours and times of day that 15-year-olds may be employed as discussed below; and

- The federal child labor rules require that 15-year-olds who are employed to teach or assist in teaching others how to swim must also be certified as swimming instructors by the American Red Cross or some other similar certifying agency.

The occupation of lifeguard, as per 29 C.F.R. § 570.34(l), encompasses the duties of rescuing swimmers in danger of drowning, the monitoring of activities at a swimming pool to prevent accidents, the teaching of water safety, and providing assistance to patrons. Lifeguards may also help to maintain order and cleanliness in the pool and pool areas, conduct or officiate at swimming meets, and administer first aid. Additional ancillary lifeguard duties may include checking in and out such items as towels, rings, watches and apparel. Properly certified 15-year-old lifeguards are also permitted to use a ladder to access and descend from the lifeguard chair; use hand tools to clean the pool and pool area; and test and record water quality for temperature and/or pH levels, using all of the tools of the testing process including adding chemicals to the test water sample. Such youth would, however, be prohibited from entering or working in any chemical storage

areas, including any areas where the filtration and chlorinating systems are housed.

As mentioned, a core and defining duty of a lifeguard is the rescuing of swimmers in danger of drowning, often by entering the water and physically bringing the swimmer to safety. Under 29 C.F.R. § 570.34(l), any employee under the age of 16 whose duties include this core duty—such as a “junior lifeguard” or a “swim-teacher aide”—or whose employment could place him or her in a situation where the employer would reasonably expect him or her to perform such rescue duties, would be performing the duties of a lifeguard while working in such a position. For such employment to comply with these child labor provisions, the employee would have to be at least 15 years of age and possess the proper certification.

A traditional swimming pool means a watertight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith. A water amusement park means a facility that not only encompasses the features of a traditional swimming pool, but also includes such additional attractions as wave pools, lazy rivers, activities areas, and elevated water slides.

Properly certified 15-year-olds may be employed as lifeguards



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at water amusement park wave pools, lazy rivers, and activities areas, but not at the top of elevated water slides. Generally, all youth under 16 years of age are prohibited from operating or tending power-driven equipment and may not assist the public as they enter, "ride," and leave waterpark or amusement-park-type rides. Thus, minors under 16, even if properly certified as lifeguards, may not be employed as dispatchers, attendants, or slide monitors at the top of elevated water slides. Fifteen-year-olds who are properly certified may be employed as lifeguards stationed at the splashdown pools located at the bottom of elevated water slides.

Youth under 16 years of age may not be employed as lifeguards at natural environment facilities such as rivers, streams, lakes, ponds, quarries, reservoirs, wharfs, piers, or ocean-side beaches.

HOURS LIMITATIONS

The employment of 14- and 15-year-olds, including those 15-year-olds employed as lifeguards, is generally limited to:

- Outside of school hours;
- 3 hours on a school day, including Fridays;
- 8 hours on a non-school day;
- 18 hours in a week that school is in session;
- 40 hours in a week that school is not in session.

Also, such youth may not work before 7 a.m. or after 7 p.m. (except from June 1 through Labor Day when the evening limit is extended to 9 p.m.).

OCCUPATIONS LIMITATIONS

Fourteen- and 15-year-olds, including properly certified 15-year-olds who are employed as lifeguards, may not be employed in the following occupations that are often found at establishments that have traditional swimming pools:

- Work involving the operation or tending of any power-driven machinery and hoists (except office machinery). This prohibition includes work involving most amusement park and recreation establishment rides – including dispatchers on elevated water slides – and power-driven lawn mowers and trimmers.
- All baking and most cooking. These minors may perform cooking with electric and gas grilles that does not involve cooking with open flames. They may also cook with deep fryers that are equipped with and utilize devices that automatically lower and raise the fryer baskets into and out of the hot oil or grease. They may not operate NEICO broilers, pressure cookers, ovens or rotisseries.
- The cleaning of cooking equipment and the filtering, transporting, and disposing of hot oil and grease when the surfaces or hot oil or grease exceed 100° F.
- All work in construction, including demolition and repair.
- All work involving the use of ladders or scaffolding, except properly certified 15-year-old lifeguards may use a ladder to access and descend from the lifeguard chair.
- All work in freezers, but they may enter freezers equipped with safety latches, for brief periods of time, to retrieve items.

FUNDING AVAILABLE FOR OUTDOOR RECREATION

PIERRE, S.D. – The South Dakota Game, Fish and Parks (GFP) are currently taking applications for the 2023 Land and Water Conservation Fund (LWCF) grant.

Public outdoor recreation projects sponsored by city, county, township, and tribal governments are eligible to receive the grant money.

The Land and Water Conservation Fund provides up to 50 percent reimbursement for approved outdoor recreation projects that seek at least \$10,000 in grant assistance. Grants will be awarded for development or renovation of public outdoor recreation facilities or the acquisition of park land.

The application deadline is April 28, 2023.

LWCF funds are federal dollars that are apportioned to states by Congress to fund public outdoor recreation projects.

Application packets are available on the Game, Fish, and Parks website. For more information contact Grants Coordinator Randy Kittle at 605.773.5490 or by email at randy.kittle@state.sd.us. ■

13 years of age and younger

Youth under 14 years of age are generally not allowed to work in nonagricultural occupations. However, the FLSA does allow a parent who is the sole-owner of a business to employ his or her child in any occupations other than mining, manufacturing or those declared to be hazardous by the Secretary of Labor.

WHERE TO OBTAIN ADDITIONAL INFORMATION

For more information on the FLSA child labor provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! website at www.youthrules.gov.

For additional information on the Fair Labor Standards Act, visit the Wage and Hour Division Web site: <http://www.dol.gov/whd/> or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

When state child labor laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at http://www.dol.gov/whd/contacts/state_of.htm.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations. ■