

# Risk Management Bulletin

A Bulletin for Members of the SDML Workers' Compensation Fund

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## Link to Web Pages

SD Department of Labor  
<http://www.dol.sd.gov>

U.S. Department of Labor  
<http://www.dol.gov>

## Contact Us

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<http://www.sdmlwcfund.com>

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## Hiring Seasonal Help

While many of you are dealing with melting snow and flooding it does not seem possible that it that time of year to once again consider hiring summer help. As your entity prepares to hire seasonal help, the SDML Workers' Compensation Fund's Board of Trustees has adopted the following recommendations to consider when hiring minors for those positions. It does not guarantee, assure or warrant in any way that the Member is in compliance with any Federal, State or local laws, statutes or regulations and does not carry the force of legal opinion.

## Recommendations for Hiring Seasonal Help

### Prohibited occupations for minors under the age of 18:

- Most motor vehicle driving on any public road or highway.
  - The minimum age to drive on public roadways as part of employment is 17. Seventeen-year-olds can only drive occasionally and it must be incidental to the employment. They may do so only during daylight hours if they hold a state license valid for the type of driving involved in the job performed; they must have successfully completed a State approved driver's education course, and have no record of any moving violations at the time of hire. The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle; and the automobile or truck must not exceed 6,000 pounds gross vehicle weight, and they must wear seat belts.
- The driving **MAY NOT** involve:
  - Towing vehicles;
  - Route deliveries or route sales
  - Transportation for hire of property, goods or passengers;
  - Urgent time-sensitive deliveries;

- Transporting more than 3 passengers, including employees of the employer;
- Driving beyond a 30 mile radius from the youth's place of employment;
- More than 2 trips away from the primary place of employment in any single day;
- Such driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than 1/3 of the work time in any workday and no more than 20% of the work time in any workweek driving.
- Driving or operating emergency vehicles.
- Work involving any power-driven saw. This includes, but is not limited to: power saws, lathes, drill presses, planers, routers, chippers, band saws and chain saws.
- Operating or riding on power driven hoisting apparatus including non-automatic elevators, forklifts and cranes, and work that involves riding on a man lift or unattended freight elevator.
- Any building maintenance or repair higher than 12 feet above ground or floor level.
- Any oxy-acetylene or oxy-hydrogen welding.
- Operating power-driven paper product machines, including paper balers.
- Working on excavation operations, including excavating, working in or backfilling trenches, excavating for buildings or other structures, or working in such excavations, working within tunnels, etc. This also includes sand or gravel pits.
- Operating road maintenance or construction equipment including, but not limited to: road graders, tractors, highway machinery, rollers, loaders, skid loaders, pay loaders, etc.
- As a lifeguard, except for a minor with a Red Cross life-saving certificate (or equivalent) who works under uninterrupted adult supervision. Minors should not work directly with any pool chemicals.

**In addition to the prohibitions listed above, minors under the age of 16 may not be employed in these areas:**

- Power-driven machinery such as snow blowers, lawn mowers, golf carts and garden equipment. This includes riding, self-propelled and push lawnmowers and gas powered trimmers. Riding lawnmowers cannot be operated on a public road.
- Welding of any kind.
- Maintenance or repair of machinery.
- Operation of or services as helpers on any motor vehicles.
- Use of ladders or scaffolds.
- Loading or unloading goods to and from trucks or conveyors.

- Construction sites.
- Lifting, carrying or personally caring for patients in nursing homes.

### **Minors under 16 may not work:**

- During the school year:
  - Before 7 a.m. or after 7 p.m.;
  - More than 3 hours a day (including Fridays);
  - More than 18 hours a week.
- Outside of school year:
  - During the summer months the evening hour is extended to 9 p.m. (June 1<sup>st</sup> through Labor Day);
  - More than 8 hours a day;
  - More than 40 hours a week.

### **Under Age 14:**

Fourteen is the minimum age for employment outside of school hours.

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## **U.S. Department of Labor**

There is an excellent tool available to assist entities with questions concerning hiring youth for seasonal employment. To access this web tool go to the U.S. Department of Labor's website at [www.dol.gov](http://www.dol.gov). Under the A to Z Index highlight YouthRules! Next click on YouthRules! Self Assessment Tools Web page. Next click on the Non-Agriculture Employer Self Assessment Tool. At the end of the checklists is a Rules Summary Section that not only answers frequently asked questions but also includes links to Fact Sheets.

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## **Employment of Lifeguards**

We are frequently asked questions about the employment of lifeguards and how the Federal Youth Employment provisions of the Fair Labor Standards Act (FLSA) applies. Attached to this Bulletin is a copy of Fact Sheet #60 from the U.S. Department of Labor Wage and Hour Division that addresses many of these questions.

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## **Summary**

This bulletin is intended to serve as recommendations to consider when hiring seasonal help under the age of eighteen. It does not guarantee, assure, or warrant, in any way that the



Member is in compliance with any Federal, State, or local laws, statutes, or regulations. There are many regulations affecting the employment of children, and there are also a number of exceptions. Anyone who has a question about whether a particular job can be performed by someone under 18 should contact the South Dakota Division of Labor and Management at (605) 773-3682.

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