

FLORIDA CHILD LABOR LAW

Employer Self Assessment Guide

This guide is provided to assist you with managing your Child Labor program to assure you are in compliance with the Florida Child Labor Laws. If an investigator from the Bureau of Child Labor audits you, every violation found could be a fine up to \$2,500. We hope you find this assessment of value.

Attachment A - Employer Self Assessment

Determine if you are in compliance with the law by completing this assessment.

Attachment B - Sample Action Plan

Take action to bring your business into compliance.

Attachment C - Managing the Child Labor Law: Hiring Checklist for Minors and Sample Policies for Managers/Supervisors/ Minors.

Attachment D – Sample Letter to Parents and Information Sheet Pertaining to Education.

If after reviewing the attached materials, you have questions, or would like a presentation on the Florida Child Labor Law call:

1.800.226.2536

Or

Visit our Web Site at:

MyFlorida.com/dbpr/reg/childlabor

EMPLOYER SELF ASSESSMENT

Circle the appropriate answers for each question

Employers must follow whichever law is stricter – the State of Florida Child Labor Law or the Federal Fair Labor Standards Act.

- | | | |
|---|-----|----|
| 1. Is a Florida Child Labor Law Poster on display at the place of business? | Yes | No |
| 2. Copy of acceptable proof of age is on file (Federal Law states that this documentation must be kept until the minors 19 th birthday): | Yes | No |
| • Birth Certificate | | |
| • Driver's License | | |
| • Passport or Visa | | |
| • I.D. from the State of Florida Department of Safety and Motor Vehicles | | |
| • Age Certificate | | |
| 3. Are minors under the age of 14 employed (unless they are exempt under the law)? | Yes | No |
| 4. Copy of acceptable proof of exemption from the Child Labor Law is on file: | Yes | No |
| • High School Diploma or GED | | |
| • Marriage Certificate, Separation Papers or Divorce Papers | | |
| • Court Order removing minor's nonage disability | | |
| • Supporting documentation of minor having served or is serving in the United States Armed Forces | | |
| 5. Even if the minor has an exemption of hours (waiver) from the Child Labor Law, they are not allowed to perform any hazardous tasks until they reach the age of 18. Are any minors that possess a waiver of hours performing hazardous work? | Yes | No |
| 6. Do minors work more than six consecutive days in any one week? | Yes | No |
| 7. Are minors performing hazardous work? | Yes | No |
| 8. If a minor is working during school hours: does the company have a copy of an agreement with the minor's school, a copy of a waiver from the minor's school or a copy of a waiver of the Florida Child Labor Law from the Bureau of Child Labor? Acceptable documentation for working during school hours: | Yes | No |
| • School-to-Work Agreement | | |
| • Waiver from the public school | | |
| • Waiver from the State of Florida | | |
| 9. Are minors working more than four hours without a 30-minute uninterrupted break? | Yes | No |
| 10. If your business sells alcoholic beverages for consumption on the premises, do the minors: | | |
| • Prepare alcoholic beverages for consumption | Yes | No |
| • Serve alcoholic beverages | Yes | No |
| • Sell alcoholic beverages for consumption on the premises | Yes | No |

Laws for 14 & 15 Year Olds when School is in Session

Exceptions may apply if minor is enrolled in a school sponsored work program.

11. Are the 14 or 15 year olds working before 7:00 a.m.? Yes No
12. Are the 14 or 15 year olds working after 7:00 p.m?
(While state law allows this group to work until 9:00 p.m. in some circumstances, the more restrictive Federal Fair Labor Standards Act (FLSA) Child Labor Law states that 14 and 15 year old minors may only work until 7:00 p.m. between Labor Day and June 1st.) Yes No
13. Are the 14 or 15 year olds working more than 3 hours on a school day (M-F) and/or more than 8 hours on Saturday and Sunday, and non-school days, when a school day does not follow?
(Application of both state and federal law allows this age group to work up to 3 hours on a school day (M-F) and no more than 8 hours on Saturday, Sunday, and non-school days, when school days do not follow.) Yes No
14. Are the 14 or 15 year-olds working more than 15 hours a week when school is in session? Yes No

Laws for 14 & 15 Year Olds when School is not in Session

Exceptions may apply if minor is enrolled in a school sponsored work program.

15. Are the 14 or 15 year olds working before 7:00 a.m.? Yes No
16. Are the 14 or 15 year olds working past 9:00 p.m.? Yes No
17. Are the 14 or 15 year-olds working more than 8 hours a day? Yes No
18. Are the 14 or 15 year-olds working more than 40 hours a week? Yes No

Laws for 16 and 17 Year Olds when School is in Session

Exceptions may apply if minor is enrolled in a school sponsored work program.

19. Are the 16 or 17 year olds working before 6:30 a.m. when school is scheduled the next day? Yes No
20. Are the 16 or 17 year olds working after 11:00 p.m. when school is scheduled the next day?
21. Are the 16 or 17 year olds working more than 8 hours a day when school is scheduled the next day? Yes No
22. Are the 16 or 17 year-olds working more than 30 hours a week when school is in session? Yes No

Laws for 16 and 17 year olds when School is not in Session

(Spring Break, Summer Time and Christmas Break)

The three items listed below are the only restrictions that relate to 16 and 17 year olds when no school is in session.

23. Are the 16 or 17 year olds working no more than four hours without a 30 minute uninterrupted break? Yes No
24. Are the 16 or 17 year-olds working more than six consecutive days in any one week? Yes No
25. Are the 16 or 17 year olds performing any hazardous occupations? Yes No

Action Plan-Child Labor (Sample)

Person Responsible	Activity	Due date/ Timeliness	Date Accomplished
Owner/Regional Manager/HR Manager	Are managers knowledgeable of the Child Labor Law and the Waiver process? Is there a system in place to ensure the law is met?		
	Ensure managers are trained on Child Labor Law and the waiver process.	Immediately	
	Establish and maintain an awards/incentive program for employees: manager/supervisors/employees who demonstrate success. Team/shift/individual awards.		
	Establish monitoring program: review of records.	Monthly-3rd week	
	Incorporate punitive actions for willful violations by staff.	As needed-progressive discipline	
Managers	Are managers/staff knowledgeable of the law? Are managers taking actions to ensure compliance?		
	Ensure supervisors are trained on Child Labor Law.	Include as Supervisory training	
	Ensure employees are trained on responsibilities of Child Labor Law (sample included).	Include as part of initial training/orientation.	
	Letter to parents requesting their assistance/cooperation in complying with the law (sample included).	Included as part of the hiring process	
	Review schedules to ensure hour limitations are not exceeded.	Weekly	
	Establish monitoring program: review a sample of records/report to owner on findings.	Monthly	
	Establish/implement training aides to ensure compliance, i.e. Pocket Guide to the Child Labor Law; color coded name tags to remind supervisors; timers, computer programs.		
	Establish and maintain an awards program for employees: Manager/Supervisors/Employees who demonstrate success.		
	Incorporate punitive actions for willful violations by staff.	As needed-progressive discipline	
Supervisors	Ensure Employees are trained on Child Labor Law and establish accountability of shared responsibility, i.e. signed letter by employees agreeing to comply with the Child Labor law.	Immediately-As part of the orientation /paper work process.	
	Establish/implement awards programs.		
	Check schedules to ensure hour limitations are not exceeded.	Weekly	
	Monitor employees regarding break limitations.	Daily	
	Establish monitoring program: sample review of records/report and provide results to the manager.	3 rd Week in month (Monthly)	
Employees	Read and understand the law through training.	Orientation	
	Provide feedback to supervisors when schedules exceed hour/day limits of the law.	Weekly/As needed	
	Commitment to adhere to the law and support supervisor'/managers.	Orientation	

MANAGING THE CHILD LABOR LAW

There are several ways an employer can let their employees know they are serious about the Child Labor Law:

1. The most important item is to make sure that all managers and/or supervisors have received training on the Child Labor Law and know the company policies.
2. Develop a hiring package checklist that includes the items concerning the Child Labor Law (sample provided).
3. Develop a policy and have all managers and/or supervisors sign it, to acknowledge that they are aware of the company policy on the Child Labor Law; then hold them responsible for the minors they supervise (sample provided).
4. Develop a policy for minor employees and have their manager or supervisor cover the company policy with each minor, making sure that all minors are aware of the law and the company policy on the Child Labor Law (sample provided).

If your minor employees do a good job and have no infractions of the law you may want to give them a positive reinforcement such as one of the items listed below (which are strictly suggestions):

- meals or merchandise free or if they currently get a certain percent reduction;
- give them a one-time greater percent reduction on the cost;
- give them a bonus of \$5 or \$10 per pay period or quarter; or,
- give them company shirts or hats, etc.

If your associates wear hats, shirts or name badges, have the minors wear a color that is different from the color that the adult associates wear. This reminds your managers/supervisors that they are minors and different laws apply.

SAMPLE

HIRE PACKAGE CHECKLIST – CHILD LABOR LAW CONCERNS

- Minor hired is at least 14 years of age.

- Business has a copy of the minor's acceptable proof of age:
 - Birth Certificate
 - Driver's License
 - Passport or Visa
 - I.D. from the State of Florida Department of Highway Safety and Motor Vehicles Age Certificate

- If minor is exempt from the Law, company has acceptable proof of exemption:
 - Marriage Certificate, Separation Papers or Divorce Papers
 - Supporting documentation of minor having served or is serving in the United States Armed Forces
 - High School Diploma or GED
 - Court Order removing minor's' nonage disability

- If minor is to work during school hours, the company has an agreement with the minor's school, has a waiver from the minor's school or a waiver of the Child Labor Law from the Bureau of Child Labor.

- Minor/Manager and/or Supervisor has been trained on the Florida Child Labor Law and has signed a copy the policy.

Hiring Authority Signature

Date

SAMPLE

MANAGER AND/OR SUPERVISOR POLICY – FLORIDA CHILD LABOR LAW

As a **manager or supervisor** you will be held responsible for making sure that the minors you supervise follow the Florida Child Labor Laws.

14 or 15 Year Old Minors when School is in Session

1. 14 or 15 year old minors are not to work before 7:00 a.m.
2. 14 or 15 year old minors are not to work past 7:00 p.m.
(While state law allows this group to work until 9:00 p.m. in some circumstances, the more restrictive Federal Fair Labor Standards Act (FLSA) states that 14 and 15 year old minors may only work until 7:00 p.m. between Labor Day and June 1st.)
3. Application of both state and federal law allows this age group to work up to 3 hours on school days (M-F), and 8 hours on Saturday, Sunday, and non-school days, when school days do not follow.
4. 14 or 15 year old minors are not to work more fifteen hours a week.
5. 14 or 15 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
6. 14 or 15 year old minors are not to perform hazardous occupations.
7. 14 or 15 year old minors are not to work more than six consecutive days in any one week.

14 or 15 Year Old Minors when School is not in Session

1. 14 or 15 year old minors are not to work before 7:00 a.m.
2. 14 or 15 year old minors are not to work past 9:00 p.m.
(While state law allows this group to work until 9:00 p.m. in some circumstances, the more restrictive Federal Fair Labor Standards Act (FLSA) states that 14 and 15 year old minors may only work until 7:00 p.m. between Labor Day and June 1 and until 9:00 p.m. from June 1 to Labor Day.)
3. 14 or 15 year old minors are not to work more than eight hours a day.
4. 14 or 15 year old minors are not to work more forty hours a week.
5. 14 or 15 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
6. 14 or 15 year old minors are not to perform hazardous occupations.
7. 14 or 15 year old minors are not to work more than six consecutive days in any one week.

Manager/Supervisor Signature

Date

16 or 17 Year Old Minors when School is in Session

1. 16 or 17 year old minors are not to work before 6:30 a.m. when school is scheduled the next day.
2. 16 or 17 year old minors are not to work past 11:00 p.m. when school is scheduled the next day.
3. 16 or 17 year old minors are not to work more than eight hours a day when school is scheduled the next day.
4. 16 or 17 year old minors are not to work more thirty hours a week when school is in session.
5. 16 or 17 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
6. 16 or 17 year old minors are not to perform hazardous occupations.
7. 16 or 17 year old minors are not to work more than six consecutive days in any one week.

16 or 17 Year Old Minors when School is not in Session

During the Summer, Christmas and Spring Breaks, the items listed below are the only hour limitations that apply. Hazardous occupations are still prohibited.

1. 16 or 17 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
2. 16 or 17 year old minors are not to perform hazardous occupations.
3. 16 or 17 year old minors are not to work more than six consecutive days in any one week.

Manager/Supervisor Signature

Date

EXCEPTIONS MAY APPLY IF MINOR IS ENROLLED IN A SCHOOL SPONSORED WORK PROGRAM.

SAMPLE

RECORD OF INFRACTION OF THE CHILD LABOR LAW

As your employer it is our policy to abide by the Florida Child Labor Law. As a minor associate you are expected to be responsible and do your part to make sure that we **do not** violate the Florida Child Labor Law. If you violate any of the Florida Child Labor Laws listed below, the following actions will be taken:

First Infraction – a written counseling

Second Infraction – a written reprimand

Third Infraction – you will be fired

Policy for 14 or 15 Year Old Minors when School is In Session

1. 14 or 15 year old minors are not to work before 7:00 a.m.
2. 14 or 15 year old minors are not to work past 7:00 p.m. (While state law allows this group to work until 9:00 p.m. in some circumstances, the more restrictive Federal Fair Labor Standards Act (FLSA) states that 14 and 15 year old minors may only work until 7:00 p.m. between Labor Day and June 1st.)
3. Application of both state and federal law allows this age group to work up to three hours on a school day (M-F), and 8 hours on Saturday, Sunday, and non-school days, when school days do not follow.
4. 14 or 15 year old minors are not to work more fifteen hours a week.
5. 14 or 15 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
6. 14 or 15 year old minors are not to perform hazardous occupations.
7. 14 or 15 year old minors are not to work more than six consecutive days in any one week.

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1. 14 or 15 year old minors are not to work before 7:00 a.m.
2. 14 or 15 year old minors are not to work past 9:00 p.m. (While state law allows this group to work until 9:00 p.m. in some circumstances, the more restrictive Federal Fair Labor Standards Act (FLSA) states that 14 and 15 year old minors may only work until 7:00 p.m. between Labor Day and June 1 and until 9:00 p.m. from June 1 to Labor Day.)
3. 14 or 15 year old minors are not to work more than eight hours a day.
4. 14 or 15 year old minors are not to work more forty hours a week.
5. 14 or 15 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
6. 14 or 15 year old minors are not to perform hazardous occupations.
7. 14 or 15 year old minors are not to work more than six consecutive days in any one week.

Minor Signature

Date

Time

Parent Signature

Date

Time

Manager/Supervisor Signature

Date

Time

EXCEPTIONS MAY APPLY IF MINOR IS ENROLLED IN A SCHOOL SPONSORED WORK PROGRAM.

SAMPLE

RECORD OF INFRACTION OF THE CHILD LABOR LAW

As your employer it is our policy to abide by the Florida Child Labor Laws. As a minor associate you are expected to be responsible and do your part to make sure that we **do not** violate the Child Labor Law listed below. If you violate any of the laws listed below, the following actions will be taken:

- First Infraction – a written counseling will be given to you
- Second Infraction – a written reprimand will be given to you
- Third Infraction – you will be fired

Policy for 16 or 17 Year Old Minors When School is in Session

1. 16 or 17 year old minors are not to work before 6:30 a.m. when school is scheduled the next day.
2. 16 or 17 year old minors are not to work past 11:00 p.m. when school is scheduled the next day.
3. 16 or 17 year old minors are not to work more than eight hours a day when school is scheduled the next day.
4. 16 or 17 year old minors are not to work more thirty hours a week when school is in session.
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Policy for 16 or 17 Year Old Minors when School is not in Session

During the Summer, Christmas and Spring Breaks, the items listed below are the only laws that apply.

1. 16 or 17 year old minors are not to work more than four hours without a 30-minute uninterrupted break.
2. 16 or 17 year old minors are not to perform hazardous occupations.
3. 16 or 17 year old minors are not to work more than six consecutive days in any one week.

Minor Signature

Date

Time

Parent Signature

Date

Time

Manager/Supervisor Signature

Date

Time

EXCEPTIONS MAY APPLY IF MINOR IS ENROLLED IN A SCHOOL SPONSORED WORK PROGRAM.

Sample Letter to Parents

Company letterhead

Date (Type current date here)

Mr. & Mrs. John J. Parent (Insert parent's name here)
1234 Any Street (Insert street address here)
Anytown, Florida 56789 (Insert city, state and ZIP code here)

Dear Mr. and Mrs. Parent: (Insert parent's name here)

We are pleased to have (insert minor's name here) working with us at our business. I am (insert letter signer's name here), the (insert letter signer's job title here), and I wanted you to know that I will do everything I possibly can so your child may have a rewarding employment experience with our business.

As you know, to be successful businesses must provide a valuable product and/or exceptional service to customers. Your child will be asked to learn those things necessary to perform the specific tasks that help this business so that it will remain competitive, thrive and be successful. We challenge every employee to be a contributing member; to follow our proven procedures; to follow our established operating systems; to maintain established standards; and foster positive customer relations. In doing so, your child will be afforded opportunities to learn a variety of this businesses' systems and procedures and how certain events lend to the overall operation of this company's business. It will be a learning process that may at times seem overwhelming. Please encourage your child to come to me or to any of my managers with any questions or concerns.

I would like to remind you that your child is a minor and is protected by both federal and state child labor laws. This business believes in and adheres to these laws. A copy of Florida's Child Labor poster is attached for your information and review. If your child informs you that anyone in this company may have failed to enforce a law, I ask you to alert me immediately.

Your child's education is very important to all of us. I will make every effort possible to establish work schedules with that in mind. It is expected that your child will continue to attend school, to study and earn excellent grades in school as they help demonstrate your child's abilities and potential. Should your child fall behind with schoolwork, please do not hesitate to inform me. This company and I are strong advocates of education and encourage you and your child to read the attached information sheet that pertains to opportunities for continued learning to meet the challenges of tomorrow. We believe success of our younger generation is greatly enhanced by continued education and work experience.

It would be my pleasure to meet you and introduce myself personally. If you're ever in my business please let me know. I would love to have you as a customer if you're not one already!

Sincerely,

Signature (personally sign each letter even if the letter is in printed format)
Title (Insert same title as stated in paragraph 1 above)

Enclosures Copy of Florida's Child Labor Law Poster
Information sheet pertaining to education

INFORMATION SHEET PERTAINING TO EDUCATION

Some experts say that the chief sources of value in our society are knowledge and the ability to apply that knowledge in a timely manner. Assuming for a moment this is true, knowledge is one of the most important things that a parent can help their child attain. It follows that those individuals who develop the ability to acquire new knowledge and skills are programming themselves to be the leaders in our society. In today's fast paced, ever changing work environment, the message is clear that learning has become a lifelong process. Many parents realize that if they and their children are not continuously upgrading their knowledge and skills then they will not remain competitive in today's job market.

Studies have shown that most successful individuals in our society are those individuals who have learned to establish goals and work towards meeting those goals through planning. Today our youth need to plan for their future early as planning and goal setting are essential ingredients to success. It's difficult to reach any destination without establishing a plan.

The importance parents place on the education of their children takes on an increasingly important role in our society. Most parents want their children to **complete high school** by finishing the requisite course work to receive a regular high school diploma. Through the school processes, students need information, direction and advice so that **their choices for the future** may be realized. It's during the high school years that children need to visualize and plan for their future. It's also during this time that the child needs parental and adult guidance in helping the child to understand the many options available to youth today. An excellent tool, other than parental guidance, is the school Guidance Counselor.

It has been reported that there are over 17,000 institutions in the United States that have **MONEY** to award to students for their college education. This money is available as **SCHOLARSHIPS** and does require that a student **APPLY** to receive the money. The first step in understanding the great potential in obtaining this scholarship money is to obtain information concerning who will qualify for a scholarship and how, when and to whom does a student apply. The below Internet sites are just a few available to assist you with locating lists, tips and resources:

Chinook College Funding Service	www.chinook.com
College Board Online	www.collegeboard.org
CollegeNET	www.collegenet.com
Direct Loans	www.ed.gov/directloan/studnets.html
Embark	www.embark.com
FastWEB	www.fastweb.com
FinAid	www.finaid.com
FreSch!	www.freschinfo.com
Federal (Funding your Education)	www.ed.gov/prog_info/SFA/FYE
GoCollege	www.gocollege.com
Scholarship Resource Network Express	www.srnexpress.com

PLEASE NOTE: Most public libraries have computers where FREE Internet access may be obtained to search the above Internet sites.

Cooperative Education Methodologies

There are a variety of cooperative education methodologies that can provide work site learning experiences for students. These may include either salary, or non-salary experiences. Some experiences have to be registered nationally and some guarantee articulation to higher-level post secondary training. Check with the School Guidance Counselor to determine availability of these programs and see if they are right for you.

- On-the-Job Training
- Internships
- Externships
- Executive Internships
- Fellowships
- Job Shadowing
- Job Mentoring
- Cooperative Education
- Work-based Learning
- Work Experience
- Apprenticeships
- Youth Apprenticeships
- Pre-Apprenticeships
- Etc.

Other Training Options

Vocational and Technical Education includes courses and programs of study which are designed to prepare people for occupations that require skills and credentials other than those generally taught at four year colleges and universities. Vocational education courses are offered in high schools, community colleges, career colleges, and technical institutes, and include general job market preparation and specific occupational skills for a number of occupations in demand in your local area. Inquire at your local community college or your local vocational-technical education institute.

GED (General Educational Development) is for the individual who has left the high school program before acquiring their High School diploma. Earning a GED diploma will greatly improve his or her job prospects and educational opportunities. Millions of people have completed the GED to get a better job, continue their education, or feel better about themselves. Contact your local school district to inquire about completing your GED.

Job Corps provides training for youth in centers located in 44 states emphasizing education, skills training and employment after completion. Available training includes, but is not limited to carpentry, business occupations, welding, forestry, health occupations, heavy equipment operation and repair, cooking, construction trades and many more. The youth will earn money while in the program and will earn more based upon good performance. The Job Corps is a federal program operating under the authority of Title IV B of the Job Training Partnership Act of 1982. Additional information may be obtained by calling 1.800.779.1767.