

# SENATE BILL REPORT

## ESHB 1911

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As Reported By Senate Committee On:  
Commerce & Labor, April 4, 1997

**Title:** An act relating to the employment of minors.

**Brief Description:** Revising restrictions on the employment of minors.

**Sponsors:** House Committee on Commerce & Labor (originally sponsored by Representatives Benson, Mastin, McMorris, Mulliken, Boldt, Sterk, Lambert, Honeyford, Smith, Mielke, Buck, Thompson, Clements, Sherstad, O'Brien, Zellinsky, Sump, Hickel, Schoesler, Koster, Delvin, Wensman, Chandler, L. Thomas, Quall, Crouse, Pennington, Huff, Grant, Talcott, D. Schmidt, D. Sommers, Sheldon and Cooke).

**Brief History:**

**Committee Activity:** Commerce & Labor: 4/3/97, 4/4/97 [DP, DNP].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

**Minority Report:** Do not pass.

Signed by Senators Franklin, Fraser and Heavey.

**Staff:** Traci Ratzliff (786-7452)

**Background:** The Department of Labor and Industries is authorized to adopt rules establishing employment standards, including working conditions and hours of labor, for the protection of the safety, health, and welfare of employees. In addition, the department may adopt special rules for the protection of minor employees. The provisions granting this authority do not apply to agricultural labor, newspaper vending, or domestic or casual labor at private residences. Employment of minors in house-to-house sales is restricted by statute.

On July 1, 1993, revised rules providing for the employment of minors became effective. These rules include the following:

Minors Under Age 16: A maximum of three hours per day on a school day preceding a school day, eight hours per day on other days, 16 hours during a school week, and six days per week. No work is permitted before 7:00 a.m. or after 7:00 p.m. on a day preceding a school day. On Friday, Saturday, or a day preceding a school holiday, work must end by 9:00 p.m. An ending time of 9:00 p.m. is permitted during school vacations.

During school vacations, a maximum of eight hours per day and 40 hours per week is permitted, up to six days per week.

Minors 16 or 17 Years of Age: A maximum of four hours per day on a school day preceding a school day, eight hours per day on other days, 20 hours during a school week and six days per week. With a variance, these limits may be extended to a maximum of six hours per day on a school day preceding a school day and 28 hours per week. No work is permitted before 7:00 a.m. or after 10:00 p.m. on a day preceding a school day, or after midnight on Friday, Saturday, or the day before a holiday.

During school vacations, a maximum of eight hours per day and 48 hours per week is permitted, for up to six days per week. Work may not start before 5:00 a.m. or end after midnight.

The revised rules also changed the regulation of employment of minors in hazardous occupations.

The U.S. Department of Labor has established child labor standards under the federal Fair Labor Standards Act. These standards restrict the employment of minors in certain hazardous occupations. In addition, the federal standards limit the employment of minors under age 16 to three hours on school days, eight hours on non-school days, 18 hours per week during school weeks, and 40 hours per week during school vacations.

**Summary of Bill:** Authority of the Department of Labor and Industries to Adopt Special Rules: Provisions are deleted that give the Department of Labor and Industries authority to adopt special rules for the protection of the safety, health, and welfare of minors employed in nonagricultural and other covered employments. However, the department is authorized to adopt rules determining the unreasonably hazardous occupations in which minors may not be employed (see hazardous occupations below).

Parental/School Approval and Recordkeeping: If the minor will be employed 20 hours or less during the school year, the approval of the minor's parent, but not the school, is required. The parent's authorization must indicate approval of the minor's work hours and job duties. The employer must send a copy of the parent's authorization to the minor's school. This authorization may not be required more than once during the school year.

If the minor will be employed more than 20 hours per week during the school year under a variance granted by the minor's school, the employer must keep a copy of the completed approved variance.

Employers may keep these records in a central location, but must make them available within a reasonable time after a department request. Except for these recordkeeping requirements, the requirements for employers to keep minor employee personnel records must be the same as for all other employers.

Hours of Work Rules for Minors Under Age 16: The federal standards for hours of employment of minors under the age of 16 are statutorily established.

Hours of Work Rules for Minors Age 16 and 17: For unemancipated minors age 16 or 17, the hours of employment are restricted as follows:

- (1) During a school week, total hours of work may not exceed six hours on school days, eight hours on other days, or 20 hours per week. The minor's school may grant a variance permitting up to eight hours on school days and up to 36 hours per week. Variance authorization is required in September, or when the variance request is made, and in January of the school year. *In reviewing a variance request, the school official must consult with each of the minor's teachers. Work during school hours is not permitted unless the minor has been excused from school attendance.*
- (2) *During school weeks, work is prohibited before 7:00 a.m. on a school day, before 5:00 a.m. on other days, after 10:00 p.m. on school nights, or after midnight on other nights. The minor's school may grant a variance permitting work until 11:00 p.m. on school nights, but working past 10:00 p.m. on two consecutive school nights is not permitted.*
- (3) *During a nonschool week, total hours of work may not exceed 10 hours per day or 48 hours per week.*
- (4) *Minors who have a certificate of educational competence, who are enrolled in a college program, or who are married or a parent, may work as permitted during nonschool weeks.*

**Provisions That Apply to All Minor Employment:** *If working after 8:00 p.m in service occupations, the minor must be supervised by an adult on the premises.*

*Minors must be given meal and rest breaks to the same extent as is required by rule for other employees.*

*The department may grant a variance to any of the hours of work standards for minors if good cause is shown for lack of compliance.*

**Hazardous Occupations:** *All covered minors may be employed in any occupation except those that are prohibited by law or by department rules. The department rules must be adopted under the Washington Industrial Safety and Health Act. In adopting rules after the bill's effective date, the department may not restrict employment beyond the restrictions established in federal law, unless the department can show by substantial evidence that the restriction is necessary to protect the health and safety of minors.*

**Exemptions:** *The requirement for parental authorization and the hours of work restrictions do not apply to emancipated minors or minors employed by their own parents or grandparents.*

**Penalties:** *The provision is repealed that created a gross misdemeanor penalty for employers who knowingly or recklessly violated the statute or rules relating to minor employment. The penalty of a class C felony for employers whose practices resulted in the death or permanent disability of a minor employee is changed to make the employer subject to prosecution under the applicable criminal code.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The state Department of Labor and Industries has adopted teen work rules that have precluded teens from easily accessing the work place. This bill would remove those rules that have been most problematic and allow teens who desire to work to do so.

**Testimony Against:** There is agreement among a lot of different parties, including the WEA, police, teachers, doctors, labor, etc. that the current teen work rules work well. These rules are flexible enough to accommodate the individual needs of teens and employers. Therefore, there is no need to change the current rules.

**Testified:** PRO: Representative Bob Benson, Prime sponsor; Shirley Doty; John Puchinelli, mayor, pro tem, Yakima; Cliff Finch, AWB; Kit Hawkins, Restaurant Association; Didi Hitchins, National Federation of Independent Business; CON: Abe Bergman, M.D.; Tim Clark, teacher; Dr. Susan Quartrociochi, Northeast Tech Prep Consortium; Rick Bender, Jeff Johnson, Robbie Stern, Washington State Labor Council; Owen Lynch, Teamsters Local; Jennifer Lynch; Liyga Domingo, intern Washington State Labor Council; Jerry Wood and Tom Buffington, parents; Paula Maranan, Children's Alliance.