

SENATE BILL REPORT

SB 5810

As Reported By Senate Committee On:
Commerce & Labor, February 28, 1997

Title: An act relating to the employment of minors.

Brief Description: Regulating employment of minors.

Sponsors: Senators Deccio, Schow, Swecker, McCaslin, Wood, Rossi, Horn, Hochstatter and Oke.

Brief History:

Committee Activity: Commerce & Labor: 2/25/97, 2/28/97 [DP, DNP].

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: Employment conditions, including permissible work hours and prohibited occupations, for minors are statutorily established. They include the following:

Work Rules for Minors Under Age 16. The federal standards for hours of employment of unemancipated minors under the age of 16 are established in statute.

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

- During a school week, hours of work may not exceed six hours per day on school days, eight hours per day on non-school days or a total of 24 hours per week. A variance may permit a minor to work up to 36 hours per week. No more than six days per week may be worked.
- During a non-school week, hours of work may not exceed 10 hours per day or 48 hours per week.
- Employment may not begin before 7:00 a.m. on school days or 5:00 a.m. on Saturdays and Sundays. Employment must end no later than 11:00 p.m. on days before a school day or midnight on days before a non-school day. Working past 10:00 p.m. on two consecutive days preceding school days is prohibited.

Provisions that Apply to All Minor Employment. Minors may not be employed more than five hours without a meal period of at least 30 minutes. Rest periods of at least 10 minutes are required in every four-hour work period.

Work is prohibited during school hours unless special permission has been granted by school officials.

Hazardous Occupations. All covered minors are prohibited from employment in occupations determined by the Department of Labor and Industries, by rule, to be unreasonably hazardous. In adopting rules, the department may not restrict employment beyond the

restrictions established in federal law as of January 1, 1994, except the following employments are prohibited:

- Occupations where there is a risk of exposure to bodily fluids or transmission of infectious agents, unless the minor is in health care training or is a state-certified life guard with first aid training.
- Occupations involving potential exposure to hazardous substances considered to be carcinogenic, corrosive, highly toxic, or determined to cause reproductive health effects or irreversible end organ damage, unless exposure is not greater than exposure during normal consumer use of the product.
- Employment in sauna or massage parlors, body painting or tattoo studios, or adult entertainment establishments.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is a compromise to a five-year battle over teen work hours. The current rules make it difficult and risky for employers to hire teens. The paperwork and hour restrictions make it problematic for employers to hire or to desire to hire teen as employees. The new bill addresses many of the problems caused by the current L & I rules.

Testimony Against: The current rules for hours of work for teens are flexible enough to accommodate the needs of employers while also providing appropriate levels of protection for teen workers. Therefore, this bill is unnecessary.

Testified: PRO: Kit Hawkins, Restaurant Association; Clif Finch, AWB; Trevor Irish, student; Bob Gee, Washington Retail Association and Washington Food Industry; Susan Hawn, Vice President, Cascade Diesel & Truck Repair; CON: Walter Ball, Association of Washington School Principals; Owen Lynch, Teamsters Union; John Widdell, Washington Citizen Action; Paula Merriman, Children's Alliance; Barbara Casey, Washington State PTA; Jeff Johnson, Robbie Stern, Ligaya Domingo, Washington State Labor Council; Frank Lueck, Department of Labor & Industries (concerns).