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Know the Rules When Employing Minors on Your Farm

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Young people often have a desire to work on farms and many are excellent employees. However, as an employer, there are certain rules and regulations you need to be aware of before you decide to hire a young person. Understanding and following these regulations will protect you and keep your business in compliance with the law.

Who is Covered?

The employment of minors under age 16 is subject to federal requirements set by the Fair Labor Standards Act, and the agriculture requirements are less stringent than those for other industries. In 1967, the U.S. Secretary of Labor determined that certain jobs in agriculture are hazardous to children less than 16 years of age. However, there are some exemptions. These exemptions include the employment of children less than 16 years of age when employed on farms owned or operated by their parents or guardians and those who have completed an approved tractor and machinery certification course. Completion of a Tractor and Machinery Certification course will legally allow a youth who is 14 or 15 years old to operate tractors over 20 horsepower for hire to someone other than their parents.

In addition to federal hazardous occupation regulations, there can be state regulations which may be more restrictive. For most Ohio laws, a person under the age of 18 is considered a minor and the Ohio Revised Code prohibits minors from working in certain hazardous jobs related to

agriculture. The Ohio list of hazardous occupations is the same as the federal list, but the Ohio code sections and related regulations say the Ohio hazardous occupation list applies to those under 16 years of age. There are many sections of the Ohio Revised Code pertaining to the employment of minors that do not apply to minors employed on farms. These include obtaining an age and schooling certificate (unless you employ children of migrant workers); keeping a list of minor employees; and paying the minimum wage.

Hazardous Occupations in Agriculture:

Anyone involved in agriculture knows it can be a dangerous occupation. The US Department of Labor's Fair Labor Standards Act has declared certain agricultural tasks to be hazardous to youth working for hire under the age of 16. These tasks are listed in the Hazardous Occupations Order in Agriculture (AgHO). After a youth turns 16 years of age, then the AgHO laws no longer apply. These tasks include the following:

- Operating a tractor of more than 20 PTO horsepower, or connecting or disconnecting implements from such a tractor.
- Operating a corn picker, combine, hay mower, forage harvester, hay baler or potato digger.
- Operating a feed grinder, grain dryer, forage blower, auger conveyor or the unloading mechanism of a non-gravity type self-unloading wagon or trailer.

- Operating a trencher, earth moving equipment, fork lift, or power-driven circular, band or chain saw.
- Working in a yard, stall or pen occupied by a bull, boar or stud horse; or sow with suckling pigs or cow with newborn calf.
- Felling, bucking, skidding, loading or unloading timber with butt diameter of greater than six inches.
- Working on a ladder at a height of more than 20 feet.
- Driving a bus, truck or automobile or riding on a tractor as a passenger.
- Working in a forage, fruit or grain storage facility; an upright silo within two weeks after silage has been added or when a top unloading device is operating; a manure pit; or a horizontal silo when operating a tractor for packing purposes.
- Handling or applying pesticides with the words or symbols “Danger”, “Poison”, “Skull and Crossbones” or “Warning” on the label.
- Handling or using blasting agents.
- Transporting, transferring or applying anhydrous ammonia.

A complete listing of these tasks can be viewed at: <http://www.dol.gov/whd/regs/compliance/childlabor102.pdf>

When Can Minors Work?

The answer depends upon the age of the employee and whether school is in session. When school is in session minors who are 14 or 15 cannot be employed before 7:00am or after 7:00pm; work more than three hours in a school day; work more than 18 hours in any school week; work during school hours, unless employed in a bona fide vocational training program. When school is not in session, 14 and 15 year old minors cannot be employed before 7:00am or after 9:00pm; work more than eight hours per day; work more than 40 hours per week.

Those who are 16 and 17 years of age, when school is in session, cannot be employed before 7:00am or 6:00am if not employed after 8:00pm the previous night; or after

11:00pm Sunday through Thursday. There is no limitation in hours per day or week. When school is not in session minors 16 and 17 years of age have no limitation on the starting and ending time and no limitation in hours per day or week.

All minors are required to have a thirty minute uninterrupted break when working more than five consecutive hours. Please see the table below for a summary of the hours minors may work based on their age and whether school is in or out of session.

What Records Should I Keep?

Federal regulations require employers of minors under 16 years of age to maintain and preserve records about each minor employee. This information includes the persons full name, address of the minor while employed, and date of birth. Minors employed by a parent or guardian are exempt from these record keeping requirements.

The Ohio Revised Code exempts agricultural employers from record keeping provisions related to minors. However, the Ohio Revised Code requires an agreement as to wages for work to be performed be made between the employer and a minor before employment begins. For the protection of the employer, this agreement should be in writing and signed by both parties.

The state agency responsible for enforcement of the Ohio Code as it relates to prohibited jobs for minors is the Division of Minimum Wage, Prevailing Wage and Minors, Department of Industrial Relations. You may contact them at www.com.state.oh.us or by telephone at 614-644-2239.

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Summary of hours minors may work based on age and time of year.

| | 14 -15 year - olds | 16 – 17 year - olds |
|------------------------------|--|--|
| School in Session | Cannot work before 7 am or after 7pm Cannot work more than 3 hrs. in a school day Cannot work more than 18 hrs/ school week Cannot work during school hours, unless employed in a certified vocational training program | Cannot work before 7 am or 6 am if not employed after 8 pm the previous night Cannot work after 11 pm Sunday through Thursday No limitations in hours per day or per week. |
| School not in Session | Cannot be employed before 7 am or after 9 pm Cannot work more than 8 hours/ day Work more than 40 hours/week | No limitation on starting and ending time No limitation in hours per day or per week |

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