

***Special rules or provisions, which may be important to you, may not be included in these summaries. Where doubt remains, you should consult the Division of Labor Standards Enforcement for details on California laws or the Wage and Hour Division of the U.S. Department of Labor for details on federal laws***

## SUMMARY CHART

	<b>Ages 16 and 17</b> Must have completed 7th grade to work while school in session. (EC 49112)	<b>Ages 14 and 15</b> Must have completed 7 <sup>th</sup> grade to work while school in session (EC49112)	<b>Ages 12 and 13</b>
<b>SCHOOL IN SESSION*</b>	4 hours per day on any schoolday** [EC 49112, 49116, LC 1391(a)(4)]  8 hours on any non-schoolday or on any day preceding a non-schoolday. [EC 49112, LC 1391(a)(3)]  48 hours per week [LC 1391(a)(3)]  WEE students and personal attendants*** may work more than 4 hours on a schoolday, but never more than 8. [EC 49116, LC 1391(a)(4)(A)]	3 hours per schoolday outside of school hours [EC 49112, 49116; LC 1391(a)(2)]  8 hours on any non-schoolday [LC 1391(a)(1)]  18 hours per week [EC 49116, LC 1391(a)(2)]  WEE students may work during school hours and up to 23 hours per week. [EC 49116, LC 1391(a)(2)]	May be employed only during school holidays and vacations (usually construed to include weekends). May never be employed on any schoolday, either before, during, or after school. [EC 49111]  Daily and weekly work hour maximums while school is in session are not specified in statute, but may not exceed the maximum allowed when school is not in session or the maximum stated on permit. [LC 1391]  Not eligible for WEE programs. [EC 49113]
<b>SCHOOL NOT IN SESSION</b>	8 hours per day [LC 1391(a)(3)]  48 hours per week [LC 1391(a)(3)]	8 hours per day [LC 1391(a)(1)]  40 hours per week [LC 1391(a)(1)]	8 hours per day [LC 1391(a)(1)]  40 hours per week [LC 1391(a)(1)]
<b>SPREAD OF HOURS</b>	5 a.m. – 10 p.m. However, until 12:30 a.m. on any evening preceding a nonschoolday [LC 1391(a)(3)]  WEE students, with permission, until 12:30 a.m. on any day [LC 1391.1]  Messengers: 6 a.m. – 9 p.m. [LC 1297]	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391(a)(1)]	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391(a)(1)]

### STATUTE

### PENALTY

EC 49111, 49112, 49116  
LC 1297  
LC 1391

Misdemeanor. Fine, imprisonment, or both. EC 49182]  
Misdemeanor. Fine, imprisonment, or both [LC 1303]  
Fine, imprisonment, or both. [LC 1391(c)]  
Third and subsequent violations, Class A, violation, fine \$5,000 - \$10,000 [LC 1288] Misdemeanor [LC1303]  
\$5,000 - \$10,000. [LC 1288] Misdemeanor.[1303]

LC 1392

Class A violation \$5,000 - \$10,000. [LC1288] (Minor must be a ward or apprentice.) Misdemeanor [LC 1392]

Permits shall be subject to cancellation by school officials or the Labor Commissioner if the conditions for the legal issuance of the permit or certificate of age do not exist or did not exist at the time the permit or certificate was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated, or that the minor is performing work in violation of any provision of law. [LC 1300; EC 49164]

With few exceptions, all employees are entitled to one day's rest in seven. [LC 551, 552] Days of rest may be accumulated, provided, that in each calendar month the employee receives the equivalent of one day's rest in seven. [LC 554] A violation of Sections 551, 55 and/or 554 is a misdemeanor. [LC 553] School attendance is not considered work time.

\*Statutes governing work hours for 14- and 15-year-olds use the phrase, "while school is in session", for the three-hour day, 18-hour week. California provides no precise definition of this phrase. However, the phrase is also used in federal regulations from which California's standard is derived. [29 CFR 570.35(a)] The U.S. Department of Labor considers the phrase "when school is in session" to mean the scheduled schooldays of the public school system in the county where the minor resides. A school week under federal standards is any week during which school is in session for at least one day. Thus, school is considered in session during any week that has at least one scheduled schoolday. Since the school session is derived from the schedule for the county's public schools, school may be considered in session for a minor who attends a private school that is closed during the summer if the public schools are in session at that same time.

\*\*A "schoolday" is any day that the minor is required to attend school for 240 minutes or more. [ LC 1391(b)]

\*\*\*"Personal attendant" is defined in IWC Order 15-2001, Section 2(J). Also see "Household Occupations" in Chapter 7 of this booklet.

# MINORS UNDER AGE 12

***Applicable to All Minors: Wherever state and federal standards overlap or appear to contradict, the more protective standard always applies !!***

<i>California Law</i>	<i>Federal Law</i>
<b>School Attendance</b>	
Must attend school full-time	State law applies.
<b>Permit to Work and to Employ</b>	
Not Permitted to Work except in the entertainment industry on permits issued by the Labor Commissioner.	Certificate of age required. (State permit suffices.)
<b>Hours of Work</b>	
<b>Maximum Hours</b> Daily: 8 hours. Weekly: 40 hours. <b>Spread of Hours</b> 7am - 7pm (- 9pm June 1 through Labor Day).  See separate table for entertainment industry employment.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
<b>Wages</b>	
Must be paid at least wage rates required by the Industrial Welfare Commission. <b>Exceptions:</b> Parents and personal attendants (which includes babysitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. <b>Exceptions:</b> Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
<b>Exemptions</b>	
<b>NO PERMITS REQUIRED FOR:</b>  Any self-employed minor; newscarrriers self-employed on a regular route to deliver newspapers to consumers (newscarrriers must be at least 12 years of age); casual work in private homes such as babysitting, lawnmowing, leaf raking, etc.; Employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls.  <b>NOTE:</b> Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions.	FLSA's child labor provisions do not apply to 1) child actors or performers in motion pictures, theatrical, radio or television productions; 2) newscarrriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service.  <b>NOTE:</b> Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)
<b>Agriculture</b>	
May only work for parent/guardian on or in connection with premises the parent owns, operates, or controls. No permit is required and no occupational restrictions apply except that the minor may not work during schoolhours, even if under school age.  May not be employed in or accompany parent/guardian or guardian into an "agricultural zone of danger," which includes water hazards, chemicals, moving equipment or any agricultural occupation prohibited to minors under 16 unless activities are on or in connection with premises the parent/guardian owns, operates, or controls.	May be employed on farms owned or operated by the parent or person standing in place of the parent. Must be employed outside the school district's regular school hours.  May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (See chart for 14- and 15-year-olds).

## 12 and 13-Year Olds

<i>California Law</i>	<i>Federal Law</i>
<b>School Attendance</b>	
Must attend school full-time unless a high school graduate or equivalent.	State law applies.
<b>Permits to Work and to Employ</b>	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
<b>Hours of Work</b>	
May be employed only on nonschooldays.  <b>Maximum Hours</b> Daily: 8 hours. Weekly: 40 hours. Maximum daily and weekly workhours during schoolyear are not expressed in statute. See text.  <b>Spread of Hours</b> 7am - 7pm (- 9pm June 1 through Labor Day).  High school graduates may work the same hours as adults.  See separate table for entertainment industry employment.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
<b>Wages</b>	
Must be paid at least wage rates required by the Industrial Welfare Commission. <b>Exceptions:</b> Parents and personal attendants (which includes baby-sitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. <b>Exceptions:</b> Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
<b>Occupational Restrictions</b>	
<b>MAY BE EMPLOYED:</b>  As personal attendants, in household occupations, or as newscarriers. In the entertainment industry on permits issued by the Labor Commissioner.  <b>MAY NOT BE EMPLOYED OR PERMITTED TO WORK:</b>  In occupations permitted only to minors who are at least 14 years old. (See chart for 14- and 15-year-olds.) In any hazardous occupation prohibited to minors under 16. (See chart for 14- and 15-year-olds.) In any hazardous occupation prohibited to 16- and 17-year-olds. (See chart for 16- and 17-year-olds.) Or enrolled in a Work Experience Education program.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
<b>Exemptions</b>	
<b>NO PERMITS REQUIRED FOR:</b>  Any self-employed minor; newscarriers self-employed on a regular route to deliver newspapers to consumers (newscarriers must be at least 12 years of age); irregular odd jobs in private homes such as babysitting or yardwork; employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls.  <b>NOTE:</b> Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions.	FLSA's child labor provisions do not apply to 1) child actors or performers in motion pictures, theatrical, radio or television productions; 2) newscarriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service.  <b>NOTE:</b> Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)
<b>Agriculture</b>	
May not be employed in any occupation declared hazardous in federal regulation to minors under 16 in agriculture or in any occupation determined by state law or regulation to be hazardous .  Minors' work performed on premises the parent/guardian owns, operates, or controls, requires no permit and has no occupational or workhour limitations, except that work may not be performed during school hours.  Must be paid the wage rates provided in the applicable IWC Order. Parents exempt from wage payment requirements. May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (listed in the chart for 14 and 15-year-olds).	May be employed on farms owned or operated by the parent or person standing in place of the parent. Must be employed outside the school district's regular school hours.  May be employed outside school hours with parent/guardian's written consent or on the same farm employing the parent/guardian.  May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (listed in the chart for 14- and 15-year-olds).

## 14 and 15-Year Olds

California Law	Federal Law
<b>School Attendance</b>	
Must attend school full-time unless a high school graduate or equivalent.	State law applies.
<b>Permits to Work and to Employ</b>	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
<b>Hours of Work</b>	
<p><b>Maximum Work Hours</b>            School NOT in Session: Daily: 8 hours. Weekly : 40 hours.            School IN Session: Daily: 3 hours on a schoolday, 8 hours on a nonschoolday ; Weekly : 18 hours, but all hours must be outside schoolhours.            5 hours per day as sports attendant</p> <p>Work Experience Education enrollees may work up to 23 hours per week, any portion of which may be during school hours.</p> <p><b>Spread of Hours</b> 7 a.m. – 7 p.m. (- 9 p.m. June 1 through Labor Day).            High school graduates may be employed for same hours as adults.            See text for entertainment industry employment.</p>	
<b>Wages</b>	
Must be paid at least wage rates required by the Industrial Welfare Commission. <b>Exceptions:</b> Parents and personal attendants (which includes baby-sitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. <b>Exceptions:</b> Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
<b>Occupational Restrictions</b>	
<p><b>MAY BE EMPLOYED:</b>            In occupations expressly permitted in retail, food service, and gasoline service establishments: Office and clerical work; cashiering, selling, modeling, art work, advertising, window dressing, comparative shopping; price marking and tagging, assembling orders, packing and shelving; bagging and carry-out; errands and deliveries by foot, bike, or public transportation; clean-up work (may use vacuums and floor waxers, but not power mowers or cutters); kitchen work for the preparation and serving of food and beverages (may use machines such as dishwashers, toasters, dumbwaiters, popcorn poppers, coffee grinders, milkshake blenders); cleaning, packing, wrapping, labeling, weighing, pricing, and stocking vegetables and fruits. Cooking is prohibited unless performed in plain view of customers and if it is not the sole duty. In office or clerical work in transportation, warehousing and storage, communications and public utilities, and construction if such work is not performed on trains, motor vehicles, aircraft, vessels, or any other form of transportation or at a construction site.            In any other occupation not prohibited to this age group by state or federal law or regulation.</p> <p><b>MAY NOT BE EMPLOYED OR PERMITTED TO WORK:</b>            In any occupation declared hazardous in federal regulation for 16- and 17-year-olds (See chart for that age group); or            In occupations in mining, manufacturing, or processing including any duties in related workrooms; or            In occupations involving hoisting apparatuses, power-driven machinery, operation of motor vehicles or as helpers on vehicles, public messenger service; or            In any occupation, except clerical as described above, involving the transportation of persons or property by any means, warehousing and storage, communications, public utilities, construction (including demolition and repair); or            In occupations in the gasoline, retail, or food service industries involving maintenance or repair of the establishment, machines, or equipment; work in or about boiler or engine rooms; operating or maintaining food slicers grinders, choppers, or bakery mixers; outside window washing from window sills or any work on scaffolds, ladders, etc.; cooking except at lunch counters, snack bars etc.; any work in freezers or meat coolers; or loading or unloading from trucks, railcars, or conveyors.</p>	

## 14 and 15-Year Olds (Continued)

<p>Solely under state law, <b>MAY NOT BE EMPLOYED OR PERMITTED TO WORK:</b></p> <p>In <b>door-to-door sales</b> of newspapers or magazine subscriptions, candy, cookies, flowers or other merchandise door-to-door unless:</p> <ul style="list-style-type: none"> <li>• Minors work in pairs as a team;</li> <li>• One adult supervisor for 10 or fewer minors;</li> <li>• Within sight or sound of the supervisor once every 15 minutes;</li> <li>• Returned to home or rendezvous point daily;</li> <li>• Work performed within 50 miles of minor's residence;</li> <li>• Employer, transporter, supervisor registered with DLSE if work over 10 miles from minors' home.</li> </ul> <p><b>In any occupation determined to be hazardous in state law or regulation, including for example:</b> Any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor. [LC 1308(a)(1)]</p> <p><b>Construction</b> work of any kind including work on any scaffolding.</p> <p><b>Delivering goods</b>, packages, papers (except newspapers), etc. from motor vehicles.</p> <p><b>Gas station</b> work except duties listed above. See federal list this chart opposite.</p> <p><b>Machine-related duties</b> including any occupation in close proximity to moving machinery or hazardous or unguarded belts or gearing or in proximity to functioning parts of unguarded or dangerous moving equipment. Minors may not adjust or repair belts or oil, wipe, or clean machinery or assist in these activities.</p> <p><b>Machines-operation or assistance</b> involving, for example, machines for laundry or washing; mixing or grinding; paper cutting, power punching or shearing, wire or iron straightening; corrugating rolls; calendar rolls in paper and rubber manufacture; paper cutting; leather burnishing; stamping leather, paper, and washer and nut manufacture; steamboilers, metal and woodworking; and drill presses or printing presses of any kind.</p> <p><b>Manufacturing</b> of any kind, including industrial homework. SEE TEXT.</p> <p><b>Manufacture or use</b> of dangerous dyes, gases, or use of dangerous acids, or manufacture or packing of paints, colors, tobacco, or lead.</p> <p>On any <b>vessel or boat</b> engaged in navigation or commerce within state's jurisdiction.</p> <p>In close proximity to vessels or <b>aircraft</b> or functioning blades or propellers.</p> <p>Any wandering, mendicant, or begging business.</p> <p>In any activity in or on that portion of an establishment primarily designed for on-site consumption of <b>alcohol</b>.</p> <p>To sell alcoholic beverages for off-site consumption unless constantly supervised by a person 21 or older.</p> <p>To sell <b>lottery tickets</b> unless constantly supervised by a person 21 or older.</p> <p>PARTIAL LIST. See text. Compliance with these standards does not justify noncompliance with any occupational prohibition for 16- and 17-year-olds.</p>	<p>Under federal regulation, <b>MAY BE EMPLOYED:</b></p> <p>In any <b>gas station</b> to dispense gas and oil, perform courtesy service, or clean, wash, or polish cars. <b>NOTE:</b> Under state law, minors must be at least 16 to perform these activities.</p> <p><b>MAY NOT BE EMPLOYED:</b></p> <p>In any <b>gas station</b> in work that involves the use of pits, racks, or lifting apparatuses, or the inflation of any tire mounted on a rim equipped with a removable retainer ring. <b>NOTE:</b> Under state law, minors must be at least 18 to perform these activities. (Under both state and federal law, minors must be at least 16 to perform maintenance or repair on machines of any kind, such as automobiles, but does not include any work on with machines prohibited to 16- and 17-year-olds)</p>
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### Exemptions

<p><b>NO PERMITS REQUIRED FOR:</b></p> <p>Any self-employed minor; newscarriers self-employed on a regular route to deliver newspapers to consumers (newscarriers must be at least 12 years of age); irregular odd jobs in private homes such as babysitting, lawnmowing, leaf raking, etc.; employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls.</p> <p><b>NOTE:</b> Parent/guardians may not employ their minor children in manufacturing, mercantile or any other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions that affect other employers.</p> <p><b>LIMITED EXEMPTION:</b> Training in some otherwise restricted occupations (but not in any occupation declared hazardous in federal regulation for minors under 18) permitted in bona fide Work Experience Education programs with a valid permit. Also see Hours of Work for these training programs.</p>	<p>FLSA's child labor provisions do not apply to 1) child actors or performers in motion pictures, theatrical, radio or television productions; 2) newscarriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service.</p> <p><b>NOTE:</b> Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)</p>
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## 14 and 15-Year Olds (Continued)

### Agriculture

May be employed with a permit on non-school days and on school days during non-school hours. Under state law, work hours that apply to 14- and 15-year-olds generally also apply when they are employed in agriculture.

Must be paid at least the minimum wage rates provided in the applicable IWC Order. Parent/guardians exempt from wage payment requirements.

When work is performed on premises owned, operated, or controlled by the parents or guardian, no permit is required and there are no hour limitations during the time public schools are not in session. Minors may not work at such occupations while the public schools are in session.

May not be employed or permitted to work in the occupations declared hazardous for all other minors under 16.

May be employed outside school hours only. Parent permission not required.

#### **MAY NOT BE EMPLOYED OR PERMITTED TO WORK IN AGRICULTURAL OCCUPATIONS DECLARED HAZARDOUS IN FEDERAL REGULATION FOR MINORS UNDER 16:**

Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operations) any of the following machines:

- Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
- Power post-hole digger, power post driver, or nonwalking type rotary tiller.

Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines:

- Trencher or earthmoving equipment;
- Forklift;
- Potato combine; or
- Power-driven circular, band or chain saw.

Working on a farm in a yard, pen, or stall occupied by a:

- Bull, boar, or stud horse maintained for breeding purposes; or
- Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) from a height of over 20 feet.

Driving a bus, truck or automobile when transporting passengers or riding on a tractor as a passenger or helper.

Working inside:

- A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
- An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
- A manure pit; or
- A horizontal silo while operating a tractor for packing purposes.

Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying agricultural chemicals classified under Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 135 et seq.) as Category I of toxicity, identified by the word, "poison," and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word, "warning," on the label;

Handling or using a blasting agent including but not limited to dynamite black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

Transporting, transferring, or applying anhydrous ammonia.

LIMITED EXEMPTIONS: Training in some occupations permitted in bona fide training programs. See text.

### Sports Attendants

May be employed in sports-attending services at professional baseball games until 10:00 p.m. on any night preceding a schoolday, or until 12:30 a.m. on any night preceding a non-schoolday.

May work up to 5 hours a day, up to 18 hours per week as a sports attendant when school is in session. May work up to 8 hours a day or a maximum of 40 hours per week when school is not in session.

## 16 and 17-Year Olds

<i>California Law</i>	<i>Federal Law</i>
<b>School Attendance</b>	
Not required if a high school graduate or has a certificate of proficiency. If regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school at least 4 hours per week.  When not regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school 15 hours per week.	State law applies.
<b>Permits to Work and to Employ</b>	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
<b>Hours of Work</b>	
<b>Maximum Work Hours</b> Daily: 8 hours on nonschooldays; 4 hours on a schoolday. "Schoolday" means equal to or greater than 4 hours required attendance. 5 hours per day as sports attendant Weekly: 48 hours. <b>NOTE:</b> Part-time students may work during the regular school hours of the school district, but such work may not interfere with their part-time schooling requirements. No exceptions to minimum work hour standards may be granted for these minors.  <b>Spread of Hours</b> 5 a.m. – 10 p.m. (- 12:30 a.m. on days preceding a nonschoolday). <b>Exceptions:</b> Work Experience Education enrollees may work until 12:30 a.m. on any day with approval. Messengers: 6 a.m. – 9 p.m. only. High school graduates may be employed for the same hours as an adult. See separate table for entertainment industry employment.	
<b>Wages</b>	
Must be paid at least the minimum wage established by the Industrial Welfare Commission. Must receive any applicable overtime pay. <b>Exceptions:</b> Parents and personal attendants (which includes babysitting and companionship services) are exempt from minimum wage and overtime requirements. Work Experience Education enrollees must be paid at least the adult minimum wage for any work performed between 10 p.m. and 12:30 a.m. High school graduates must be paid commensurate with adults.	Must be paid at least the federal minimum wage. Must be paid overtime after 40 hours in a week. <b>Exceptions:</b> Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
<b>Occupational Restrictions</b>	
<b>MAY NOT BE EMPLOYED OR PERMITTED TO WORK IN ANY OCCUPATION DECLARED HAZARDOUS IN FEDERAL REGULATION FOR PERSONS UNDER 18:</b>  Manufacturing and storing <b>explosives</b> (including small arms ammunition); <b>motor vehicle</b> driving and outside helper; logging and sawmilling; power-driven <b>woodworking machines</b> ; power-driven circular saws, band saws, and guillotine shears; <b>power-driven hoisting apparatuses (including forklifts)</b> ; <b>roofing, excavation</b> ; wrecking, demolition, and shipbreaking operations; power-driven <b>metal-forming, punching, and shearing machines</b> ; slaughtering, or <b>meat-packing, processing</b> or rendering; power-driven <b>bakery machines</b> ; power-driven <b>paper-products machines</b> ; <b>manufacturing brick, tile</b> , and kindred products; coal mining; <b>mining</b> other than coal mining; and exposure to <b>radioactive substances</b> .	
Solely under state law, <b>MAY NOT BE EMPLOYED:</b> In <b>gas stations</b> , in any work using pits, racks, lifting apparatuses, or inflating any tire mounted on a rim with a removable retaining ring. In or on that portion of an establishment primarily designed for on site consumption of alcohol. To sell <b>alcoholic beverages</b> for off-site consumption unless constantly supervised by a person 21 or older. To sell lottery tickets unless constantly supervised by a person 21 or older.	

## Exemptions

### NO PERMITS REQUIRED FOR:

Any self-employed minor; newscarrriers; and irregular odd jobs in private homes such as baby-sitting, yardwork, etc.  
Employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. **NOTE:** Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Parent employers subject to all occupational restrictions..

Persons under 18 who are high school graduates and who have completed a bona fide training program in a hazardous occupation may be employed in that occupation.

**NOTE:** Parent/guardians may not employ their children in occupations declared hazardous in federal regulation for minors under 18.

**LIMITED EXEMPTIONS:** Training in bona fide Work Experience Education and apprenticeship training programs. Student learners and apprentices (who must be at least 16 years of age) may be trained within specified limits in otherwise prohibited occupations involving: Power-driven woodworking machines; power-driven metal-forming, punching, and shearing machines; slaughtering or meat-packing and processing; power-driven paper-products machines; power-driven circular saws, band saws, and guillotine shears; roofing; and excavation. Training not available in any other occupations prohibited to minors under 18.

## Agriculture

Work hours same as all other minors except that minors employed in an agricultural packing plant may work up to 10 hours on any nonschoolday during the peak harvest season under a special extension granted to the employer by the Labor Commissioner. Minors' work performed on premises the parent/guardian owns, operates, or controls, requires no permit and has no occupational or workhour limitations, except that work may not be performed during school hours.  
Must be paid the wage rates provided in the applicable IWC Order.  
Parents exempt from wage payment requirements.

No work hour or occupational limitations.

## Sports Attendants

May be employed in "sports-attending services" at professional baseball games until 10:00 p.m. on any night preceding a schoolday, or until 12:30 a.m. on any night preceding a non-schoolday.

May work up to 5 hours a day, up to 18 hours per week as a sports attendant when school is in session. May work up to 8 hours a day or a maximum of 48 hours per week when school is not in session.

# ENTERTAINMENT INDUSTRY—SUMMARY CHART

AGE	WORK TIME <u>SCHOOL IN</u> <u>SESSION</u>	WORK TIME <u>SCHOOL NOT</u> <u>IN SESSION</u>	CONCURRENT REQUIREMENTS
15 days to 6 months		20 minutes work activity  2 hrs. max at employment site	Permits to work and employ required. [8 CCR 11751]  Parent or guardian must be present. [8 CCR 11757]  1 studio teacher and 1 nurse must be present for each 3 or fewer infants 15 days to 6 weeks old. [8 CCR 11760, 11755.2]  1 studio teacher and 1 nurse must be present for each 10 or fewer infants 6 weeks to 6 months old. [8 CCR 11760, 11755.2]  May not be exposed to light exceeding 100 footcandles for more than 30 seconds. [8 CCR 11760]
6 months to 2 years		2 hours work activity 4 hours max at employment site Balance for rest and recreation	Permits to work and employ required unless the minor is a high school graduate or equivalent. [8 CCR 11751] High School graduates may be employed as adults.  Parent or guardian must be present. [8 CCR 11757] Studio teacher must be present. [8 CCR 11751.1]
2 years to 6 years		3 hours work activity 6 hours max at employment site Balance for rest and recreation	1 studio teacher required per 10 minors. [8 CCR 11755.1]
	May only be employed between 5 a.m. and 12:30 a.m. [LC 1308.7]		1 studio teacher per 20 minors on weekends, holidays, and school breaks and vacations. [8 CCR 11755.1]
6 years to 9 years	4 hours work activity 3 hours school 1 hour rest and recreation 8 hrs. max at employment site	6 hours work activity 1 hour rest and recreation	Studio teachers are responsible for the health, safety, and morals of the minor. [8CCR 11755.2]  Minors in grades one through six must be tutored between the hours of 7 a.m. and 4 p.m. Minors in grades seven through twelve must be tutored between the hours of 7 a.m. and 7 p.m. [EC 48225.5]
9 years to 16 years	5 hours work activity 3 hours school 1 hour rest and recreation 9 hrs. max at employment site	7 hours work activity 1 hour rest and recreation	Permits to work and employ required unless a high school graduate or equivalent. High school graduates may be employed as adults.
	May only be employed between 5 a.m. and 12:30 a.m. (to 10 p.m. preceding schooldays $\geq$ 4 hours).[LC 1308.7]		
16 years to 18 years	6 hours work activity 3 hours school 1 hour rest and recreation 10 hrs. max at employment site	8 hours work activity 1 hour rest and recreation	Studio teacher need only be present for minors' schooling if minor still required to attend school.
	May only be employed between 5 a.m. and 12:30 a.m. (to 10 p.m. preceding schooldays $\geq$ 4 hours).[LC 1308.7]		
<b>Regular School Attendance and Work Hours</b>	Compute work hours for each age group by subtracting 6 hours from the max time at employment site for tutored minors when school in session. The difference is the maximum work hours for these minors. Thus, 9 to 16 year-olds who attend regular school may only work up to 3 hours on a schoolday. The 1-hour of rest and recreation is not required, but the workday may be extended one-half hour by a meal period. No work permitted during regular school hours. <b>Exception:</b> Minors 14 and over may work up to 8 hours during regular school hours for each of 2 consecutive days if excused with the school's written permission. [8 CCR 11760]		
<b>Max Day/Week</b>	No minor may be employed over 8 hours in a day. [LC 1308.7, 1392] or over 48 hours in a week. [LC 1308.7] <b>No exceptions.</b>		
<b>Meal Periods</b>	Meal periods are not work time. Workdays extended up to one-half hour for a meal period. [8 CCR 11761] Meals must be within 6 hours of call time and/or previous meal period. Teachers may require an earlier meal period.		
<b>Travel Time</b>	Travel between studio and location is work time. Up to 45 minutes travel from on-location, overnight lodging to work site is not generally considered work time. Travel between school or home and studio is not work time. [8 CCR 11759]		
<b>Day's End</b>	12 hours must elapse between dismissal and next day's call time. <b>No exceptions.</b> [8 CCR 11760]		
<b>Make-up Off Set</b>	Make-up in minor's home by persons employed on the same project is work time, and may not begin before 8:30 a.m. 12 hours must elapse between dismissal and the beginning of the next day's make-up/hairdressing. [8 CCR 11763]		
<b>Out of State</b>	California employers who employ resident minors outside of California under contractual arrangements made within California, must comply with all California child labor laws and regulations. [8 CCR 11756]		

Note: Daily work and school hour schedules for tutored minors of all age groups are provided in 8 CCR 11760.

## **PENALTIES FOR VIOLATING CHILD LABOR LAWS**

### ***Civil Penalties***

The state of California provides two types of civil penalties for violations of child labor laws, Class A and Class B. [LC 1288]

Class A violations are the more severe, generally involving underage employment in hazardous occupations. Class A violations include violations of Labor Code Sections 1290 (manufacturing and underage employment); 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1308 (hazardous occupations); 1308.1 (door-to-door sales); 1392 (eight-hour day); Title 8 California Code of Regulations Sections 11701, 11703, 11707 (hazardous activities); 11706 (door-to-door sales); and any other violations that the Director of Industrial Relations determines present an imminent danger to minors employed or a substantial probability that death or serious physical harm would result therefrom. [LC 1288; 8 CCR 11780] The violation of Labor Code Section 1391 (work hours) for the third or subsequent occasions also constitutes a Class A violation. [LC 1288]

Class A violations incur penalties of not less than five thousand dollars (\$5,000) and up to ten thousand dollars (\$10,000) per minor employed for each and every violation. [LC 1288; 8 CCR 11779 and 11779.1]

Class B violations include violations of Labor Code Sections 1299 (work permits), 1308.5 (entertainment industry), and such other violations that the Director of Industrial Relations determines have a direct or immediate relationship to the health, safety, or security of minor employees other than Class A violations. [LC 1288, 8 CCR 11782] The violation of Labor Code Section 1391 (work hours) is a \$500 Class B violation per minor employed upon the first violation and a \$1,000 Class B violation per minor employed on the second violation. [LC 1288]

Class B violations carry civil penalties of not less than five hundred dollars (\$500) and up to one thousand dollars (\$1,000) per minor employed for each and every violation. [LC 1288 (b), 8 CCR 11781 and 11781.1]

In addition, any employer may be liable for civil penalties for:

- Failure to pay the applicable minimum wage. [LC 1197.1]
- Failure to carry workers' compensation insurance. [LC 3722]
- Failure to provide a written deduction statement. [LC 226]

### ***Criminal Penalties***

Criminal violations of child labor laws are misdemeanors punishable by fines ranging up to \$10,000 or by confinement in the county jail for periods up to 6 months, or by both fine and imprisonment. [LC 1175, 1199, 1303, 1308, 1308.2, 1308.3, 1308.5, 1391, 1392, 1308.7, 1309 and 1309.5, EC 48454, 49182, and 49183]

In essence, almost all the child labor laws (as well as the compulsory education laws) have some misdemeanor penalty attached to them.