

*Navigating the Road to Success: Expect, Educate, Empower, Employ*

**2015-16 PA Community of Practice (COP) Series**

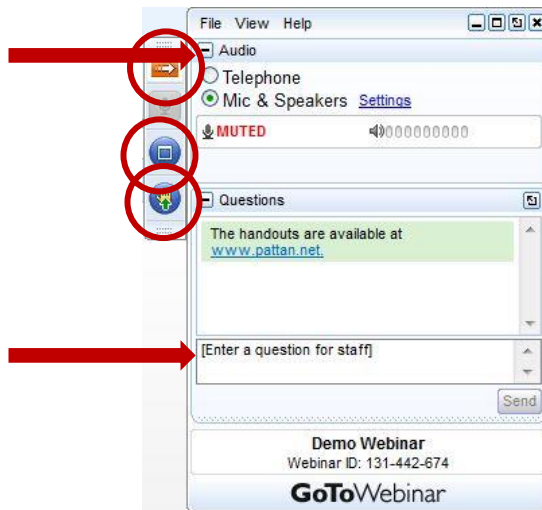
**Overview of Labor Laws and Employment Related Issues**

**March 9, 2016**



The PowerPoint and handouts for today's webinar can be downloaded from the [www.secondarytransition.org](http://www.secondarytransition.org) website: under "Events" at the bottom of the page

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## PA Community of Practice on Transition

The Pennsylvania Community on Transition is a group of various stakeholders from across Pennsylvania who work collaboratively to ensure appropriate transition outcomes for Pennsylvania youth and young adults.

## PaTTAN's Mission

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The mission of the Pennsylvania Training and Technical Assistance Network (PaTTAN) is to support the efforts and initiatives of the Bureau of Special Education, and to build the capacity of local educational agencies to serve students who receive special education services.

## PDE's Commitment to Least Restrictive Environment (LRE)

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Our goal for each child is to ensure Individualized Education Program (IEP) teams begin with the general education setting with the use of Supplementary Aids and Services before considering a more restrictive environment.

## PA's Secondary Transition Website

The screenshot shows the homepage of the Pennsylvania Secondary Transition Guide website. At the top, a yellow banner displays the URL [www.secondarytransition.org](http://www.secondarytransition.org). Below this is a dark blue navigation bar with the text "Pennsylvania Secondary Transition Guide" and a menu including "HOME", "PENNSYLVANIA YOUTH LEADERSHIP NETWORK", and "SEARCH". A secondary menu lists "RESOURCES", "ABOUT", "EVENTS", "WHAT IS TRANSITION", and "INDEX". Social media icons for Facebook, Twitter, and YouTube are visible, along with the text "PA COORDINATING COUNCILS".

The main content area features a "Welcome!" section with the following text: "This website, which is continually updated, provides youth, young adults, parents, and professionals with secondary transition resources to facilitate a young person's progress towards post-secondary goals related to education, employment, and community living. Scroll through this homepage to find topics that are of interest to you." To the right of this text is a video player titled "Introduction to the New Pennsylvania Secondary Transition Guide" with a play button icon.

At the bottom, there are two main sections: "Agencies & Supports" with the subtext "Click the button below to access information and resources that link to Agencies and their supports." and "Financial Supports & Services".

## Bureau of Labor Law Compliance

Out with the old,  
 in with the new:  
 Everything you need to know about the  
New Pennsylvania Child Labor Act  
 (Act 151 of 2012)



## Bureau of Labor Law Compliance

### Date of Enactment

JANUARY 2013						
MON	TUE	WED	THU	FRI	SAT	SUN
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



## Bureau of Labor Law Compliance

### What's different anyway?



- Minor Performances
- Parental Written Consent for Minors under 16
- Discretion to Issue or Revoke Work Permit
- Slight Changes in Hours of Work
- Administrative Penalties and Subpoena Power
- FLSA Prohibited Occupations Incorporated



## Bureau of Labor Law Compliance

### Who is Exempt from the CLA?

- Agricultural employment exempt under FLSA



- Domestic service employment-babysitting and minor chores in or around the home



## Bureau of Labor Law Compliance

### Age Restrictions

Minors under 14 not permitted to work

Exceptions:

Golf caddies okay at 12

News Carriers okay at 11

Minors in Performance are okay at any age



## Bureau of Labor Law Compliance

### What a Minor Needs to Work?

ANY minor under 18 years of age must have a work permit

NO EXCEPTIONS!



Exception-Independent news carriers who are 16 and 17 years old

\***NEW**-Written statement required from parent or guardian of minors under 16: granting permission AND acknowledging duties and hours of employment



## Bureau of Labor Law Compliance

### How to Get a Work Permit:



- Fill out an application with the School District-must be signed by parent or legal guardian or must be notarized
- Must present Issuing Officer with proof age, i.e. birth certificate, baptismal certificate, passport, affidavit of age, or doctor statement.
- Must personally appear before Issuing Officer
- Exception for minors who graduated high school-from signature and personal appearance



## Bureau of Labor Law Compliance

### Work Permits for Dummies (not actually)

- Wallet-sized form containing: age, sex, date and place of birth, residential address, color of hair and eyes, and physical work restrictions
- Signed and dated by minor and Issuing Officer certifying that everything required has been met
- NEW-Issuing Officer may refuse to issue or revoke a work permit based on inadequate academic achievement



## Bureau of Labor Law Compliance

### When Can a Minor Work?

Ages 14  
and 15

- During the school term: Between 7 a.m. and 7 p.m.; 3 hours max on school days and 18 hours per school week; 8 additional hours on Saturdays and Sundays
- During school vacation: Between 7 a.m. and 9 p.m.; 8 hours max a day and 40 hours a week

Ages 16  
and 17

- During the school term: Between 6 a.m. and 12 a.m.; 8 hours max a day and 28 hours per school week; 8 additional hours on Saturdays and Sundays until midnight, unless 3 day weekend.
- During school vacation: Between 6 a.m. and 1 a.m.; 10 hours max a day and 48 hours max a week; \*minor may refuse to work greater than 44 hours





## Bureau of Labor Law Compliance

### And the Exceptions.....

#### Summer Resident Camp Counselors (16 and 17 years old)

- Generally exempt from hours and time requirement, but must receive 24 consecutive hours of rest during a 7-day cycle. \*Must be a religious or scout camp.

#### High School Graduates and minors exempt from compulsory attendance under Public School Code

- Not subject to Act's hours and time restrictions
- Different from the current law

#### Sports attendants

- Not subject to Act's hours and time restrictions

#### Newspaper Delivery and at least 11 years old

- May be employed from 5 a.m. to 8 p.m., and until 9 p.m. during school vacation

#### Students in a school work program

- 14 and 15 year olds permitted to work longer than 3 hours on a school day as long as total school and work time does not exceed 8 hours



## Bureau of Labor Law Compliance

### Four Things that Apply to All Minors' Work Time

- 1) Minor may not work more than 5 hours without a 30 minute break
- 2) Minor may not work more than 6 consecutive days...except for newspaper delivery
- 3) Summer school is treated as the school term for time restrictions
- 4) School vacation only includes Saturdays and Sundays when a vacation day precedes a Saturday or follows a Sunday.



## Bureau of Labor Law Compliance

### DON'T DO THAT!!!!

- Prohibited Occupations come from the Act, the Act's Regulations, and the Federal Fair Labor Standards Act
- Under 18 v. under 16 difference
- Further guidance on Bureau's Website



## Bureau of Labor Law Compliance

### Prohibited Occupations Under 18

#### Regulations have the same prohibitions

- New law alleviated outdated prohibitions
- Department can add additional prohibited occupations through regulations

#### Adopted FLSA Prohibitions

- Driving or being an outside helper of a motor vehicle
- Forest firefighting and fire prevention, timber tract management, forestry services, logging, and saw mill operations
- Operating balers, compactors, and paper-product machines
- Manufacturing of tile



## Bureau of Labor Law Compliance

### Prohibited Occupations Under 16 from FLSA

Lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 and certified to be a lifeguard at a traditional swimming pool or water amusement park)

Any communication or public utilities jobs

Public Messenger jobs

Work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides

Transporting persons or property

Warehousing and storage

Any construction or repair jobs

Boiler or engine room work

Cooking, except with gas and electric grills that do not involve cooking over an open flame, and with deep fat fryers that automatically lower and raise the baskets, and baking

Maintenance or repair of a building or its equipment

Freezers or meat cooler work

Loading or unloading goods on or off trucks, railcars, or conveyors, except in limited circumstances



## Bureau of Labor Law Compliance

### What are the Duties of an Employer?

- Before hiring, verify the work permit and receive the verified statement
- 5-day school district written notification of minor's hours and duties also notification after employment ceases
- Posting abstract
- Records-list of minors, schedule of hours, copy of permit, verification, and school district letter
- Record compliance with Minimum Wage Act
- Records access to enforcement officers



## Bureau of Labor Law Compliance

### Government Duties

- Department MUST:
  - Create forms for the Act
  - Promulgate Regulations
  - Provide copies of the Act and forms to employers and place them on its website
  - Enforce the Act!!!
- Department has subpoena authority
- Department can demand proof age or demand an employer to cease employment of minor
- Department of Education-distributes forms to school districts
- School Districts-provides work permit applications, issues work permits, and must notify the Bureau of any violations under the Act



## Bureau of Labor Law Compliance

### Violations

1. Violate the Act
2. Interfere with the Bureau's duties as an enforcement officer
3. Compel or allow a minor to violate the Act
4. Fail to provide records when the Bureau demands
5. Falsify records
6. Violate permit terms




### Penalties

1. Summary Criminal
  - a) 1<sup>st</sup> Offense-\$500
  - b) After 1<sup>st</sup> offense-\$1,500 and/or imprisonment up to 10 days
2. Administrative-NEW\*
  - a) Penalty up to \$5,000
  - b) And/or corrective action



**Bureau of Labor Law Compliance**


Questions



**Bureau of Labor Law Compliance**

**DISTRICT OFFICE CONTACTS**

<p><b>Altoona District Office</b>                      1130 12th Ave.                      Suite 200                      Altoona, PA 16601                      814-940-6224 or 1-877-792-8198</p>	<p><b>Pittsburgh District Office</b>                      301 5th Ave.                      Suite 330                      Pittsburgh, PA 15222                      412-565-5300 or 1-877-504-8354</p>
<p><b>Harrisburg District Office</b>                      1301 Labor &amp; Industry Building                      651 Boas St.                      Harrisburg, PA 17121                      717-787-4671 or 1-800-932-0665</p>	<p><b>Scranton District Office</b>                      201 B State Office Building                      100 Lackawanna Ave.                      Scranton, PA 18503                      570-963-4577 or 1-877-214-3962</p>
<p><b>Philadelphia District Office</b>                      110 North 8th St.                      Suite 203                      Philadelphia, PA 19107                      215-560-1858 or 1-877-817-9497</p>	



## 2015-16 – COP Webinar Series

- March 23, 2016 – (9:00 am – 11:00 am) Making the Connections with Local Transition Coordinating Councils
- April 13, 2016 – (9:00 am – 11:00 am) Integrated Youth Development and Youth Leadership
- April 27, 2016 – (9:00 am – 11:00 am) Assistive Technology for Youth with Complex Needs

Thank you for joining us on today's  
webinar.

Please join us for the remaining webinar  
sessions in this series

## Contact Information

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Commonwealth of Pennsylvania

Tom Wolf, Governor